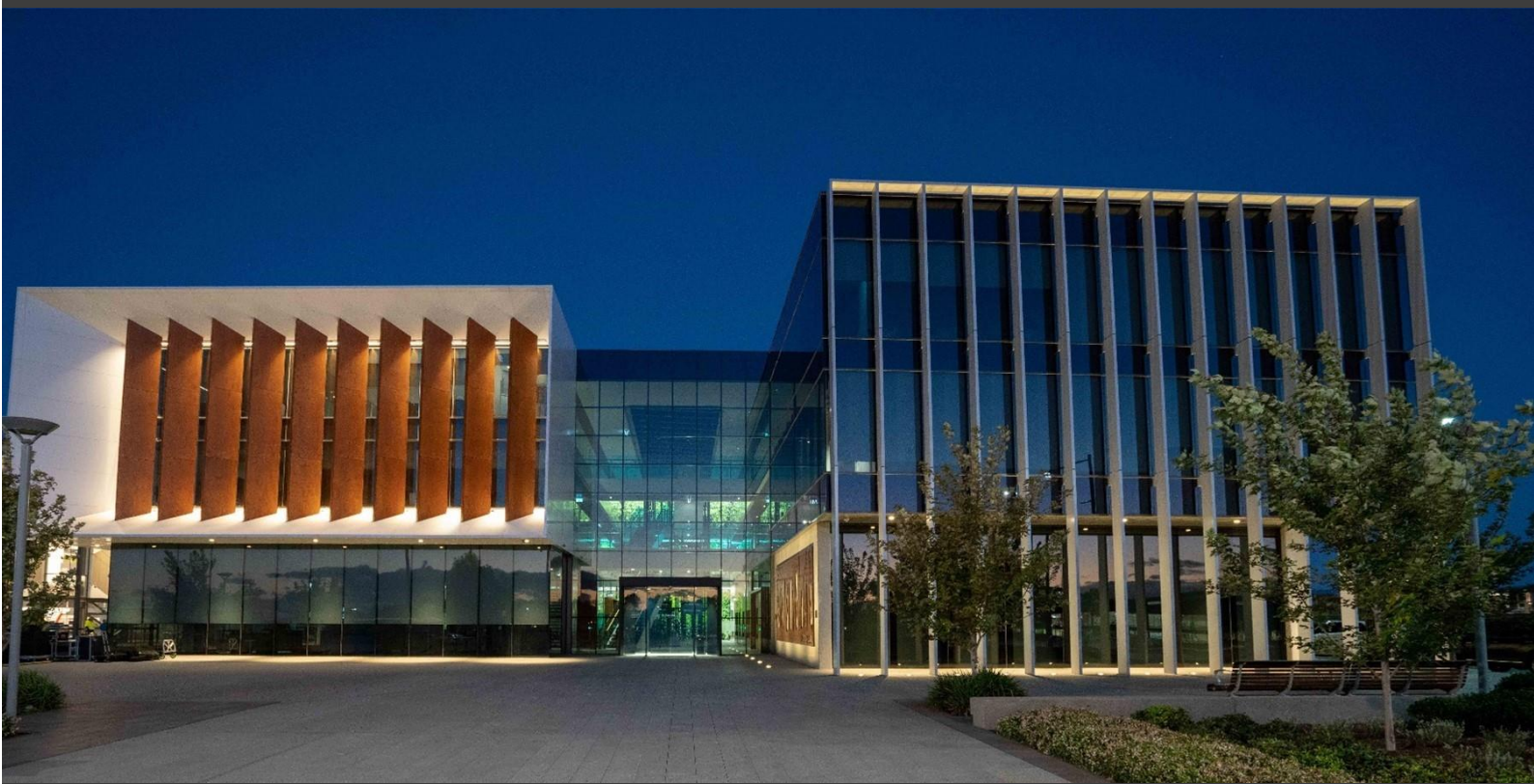


Business Paper

Ordinary Council Meeting

Camden Council
Administration Centre
70 Central Avenue
Oran Park

10 October 2023

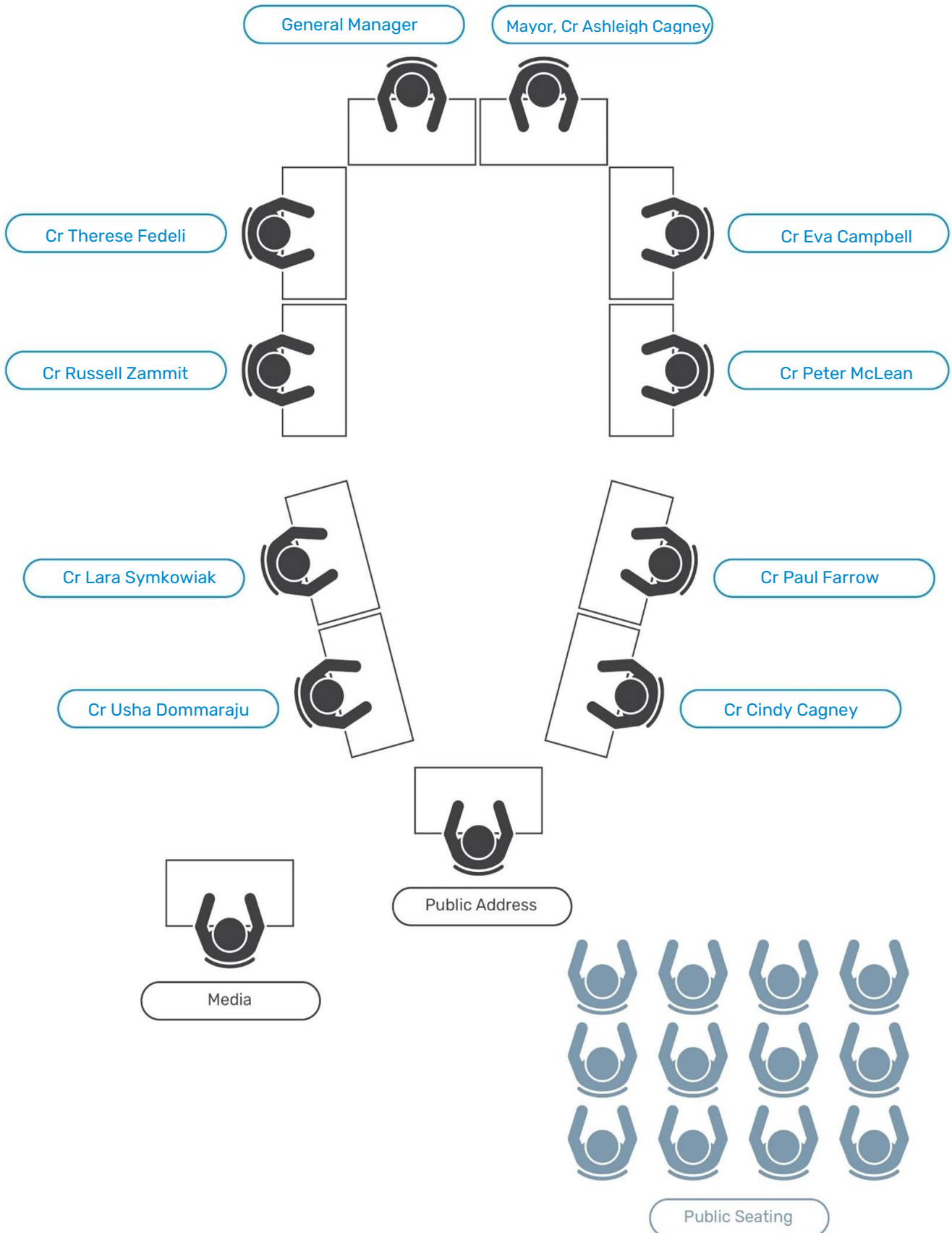


The public can also view the meeting via Council's webcast. A link to this webcast can be found on Council's webpage - <http://webcast.camden.nsw.gov.au/video.php>

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COMMON ABBREVIATIONS

AEP	Annual Exceedance Probability
AHD	Australian Height Datum
CLEP	Camden Local Environmental Plan
CP	Contributions Plan
DA	Development Application
DCP	Development Control Plan
DPE	Department of Planning & 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
GCC	Greater Cities Commission
LAP	Local Approvals Policy
LEP	Local Environmental Plan
LGA	Local Government Area
LSPS	Local Strategic Planning Statement
NCC	National Construction Code
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



OATH AND AFFIRMATION FOR COUNCILLORS

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

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

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

OATH

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

AFFIRMATION

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

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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)

SUBJECT: ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge that this meeting is being held on the Traditional Lands and Waterways of the Dharawal people and also recognise surrounding Dharug, and Gundungurra people and pay our respect to Elders past, present, and those emerging.

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. The recording will also be made publicly available on Council's website.

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.

I remind those that are participating in this meeting 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, or that release any personal information about another individual without their consent. Council accepts no liability for any damage that may result from your actions and comments.

Under Council's Code of Meeting Practice, individuals acting in a disorderly manner can be asked by the Chairperson to leave the meeting.

SUBJECT: LEAVES OF ABSENCE

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

RECOMMENDED

That leaves of absence be granted.

SUBJECT: APPROVAL TO ATTEND BY AUDIO-VISUAL LINK

Requests by Councillors to attend and participate in Council meetings by audio-visual link.

A decision whether to approve a request must be made by a resolution of Council. A resolution must state:

- The meetings the resolution applies to, and
- The reason why the Councillor is being permitted to attend the meetings by audio-visual link (unless the ground is illness, disability, or caring responsibilities).

RECOMMENDED

That the requests to attend and participate by audio-visual link be granted for the meetings as determined by Council and for the reasons noted.

SUBJECT: DECLARATION OF INTEREST

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, and where applicable, all other persons, must be familiar with the conflicts of interest provisions contained in the Code of Conduct.

This item of business provides an opportunity for Councillors to declare and manage any conflicts of interest that they may have in matters being considered at this meeting of Council.

RECOMMENDED

That the declarations be noted.

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.

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.

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.

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.

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 12 September 2023.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 12 September 2023, copies of which have been circulated, be confirmed and adopted.

SUBJECT: MAYORAL MINUTE

Consideration of Mayoral Minute (if any).

ORD01**ORD01****SUBJECT: DRAFT PLANNING PROPOSAL - 955, 965 AND 975 THE NORTHERN ROAD, BRINGELLY (BIRLING)****FROM:** Director Planning and Environment**EDMS #:** 23/369160**PROPERTY ADDRESS**955 The Northern Road, Bringelly
Lot: 4 DP: 1218798965 The Northern Road, Bringelly
Lot: 121 DP: 1284706975 The Northern Road, Bringelly
Lot: 120 DP: 1284706**PROPONENT**

Cameron Brae Properties Pty Ltd

OWNER

Cameron Brae Properties Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to advise Council of a draft Planning Proposal for land at 955, 965 and 975 The Northern Road, Bringelly (Lot: 4 DP: 1218798, Lot: 121 DP: 1284706 and Lot: 120 DP: 1284706).

The draft Planning Proposal seeks to amend *Schedule 5 – Camden Growth Centre Precincts of State Environmental Planning Policy (Precincts – Western Parkland City) 2021* (Precincts SEPP), which applies to the portion of the Lowes Creek Maryland Indicative Layout Plan (ILP) for the site. The draft Planning Proposal is accompanied by a draft amendment to Schedule 6 – Lowes Creek Maryland Precinct of the Growth Centres Development Control Plan (DCP).

The draft Planning Proposal and draft DCP amendment are provided as **attachments** to this report. The report recommends that Council endorse the draft Planning Proposal for referral to the Department of Planning and Environment for Gateway Determination and public exhibition (subject to Gateway Determination being provided).

BACKGROUND

The draft Planning Proposal was lodged in January 2022 by Cameron Brae Properties (the proponent) and seeks to amend the northern portion of the Lowes Creek Maryland ILP applying to the site.

The proposed amendments include a redistribution of residential densities across the site (but no increase in total dwelling yield) and changes to the road and open space network to better reflect the topography of the site. The proposal also includes amendments to the heritage curtilage, height of buildings mapping, and permitted uses for the Birling 1937 heritage item.

The draft Planning Proposal is accompanied by an amendment to Schedule 6 – Lowes Creek Maryland Precinct of the Camden Growth Centre Precincts Development Control Plan (Growth Centres DCP) to update the ILP and relevant figures. The DCP amendment includes controls relating to the Birling 1812 heritage item and design elements within the related local park.

The draft Planning Proposal was considered by the Camden Local Planning Panel on 18 July 2023. The minutes from the Local Planning Panel meeting are provided as an **attachment** to this report.

Councillors were briefed on the draft Planning Proposal on 19 September 2023.

Locality

The site is located within the northern portion of the Lowes Creek Maryland Precinct which was rezoned by the Department of Planning and Environment (DPE) in July 2021. The Lowes Creek Maryland Precinct forms part of the South West Growth Area (SWGA) as shown in **Figure 1**.

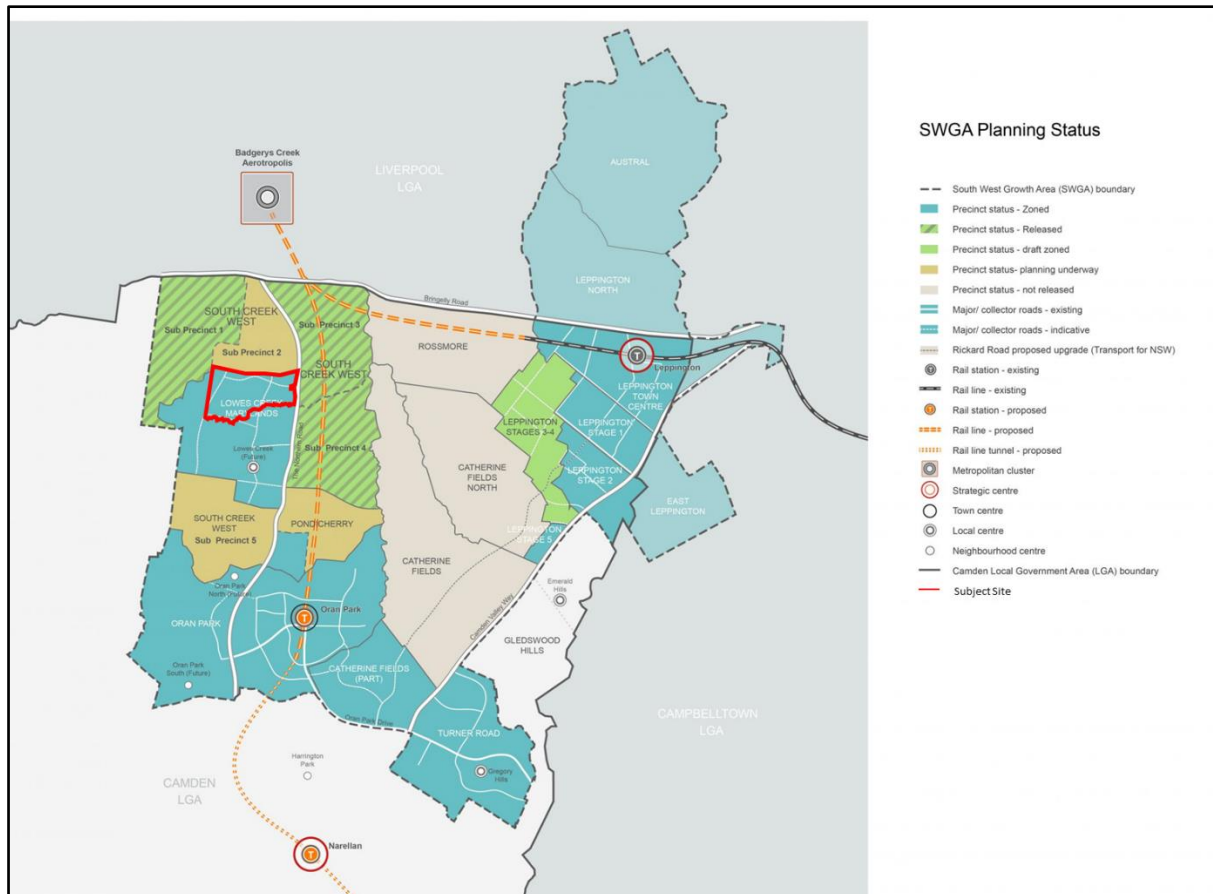


Figure 1: Locality Context

Site Context

The site (outlined in red in **Figures 1 and 2**) forms part of the Lowes Creek Maryland Precinct and will provide approximately 2,103 dwellings of the total 7,000 dwellings throughout the broader Lowes Creek Maryland Precinct. No change is proposed to the total dwelling yield.

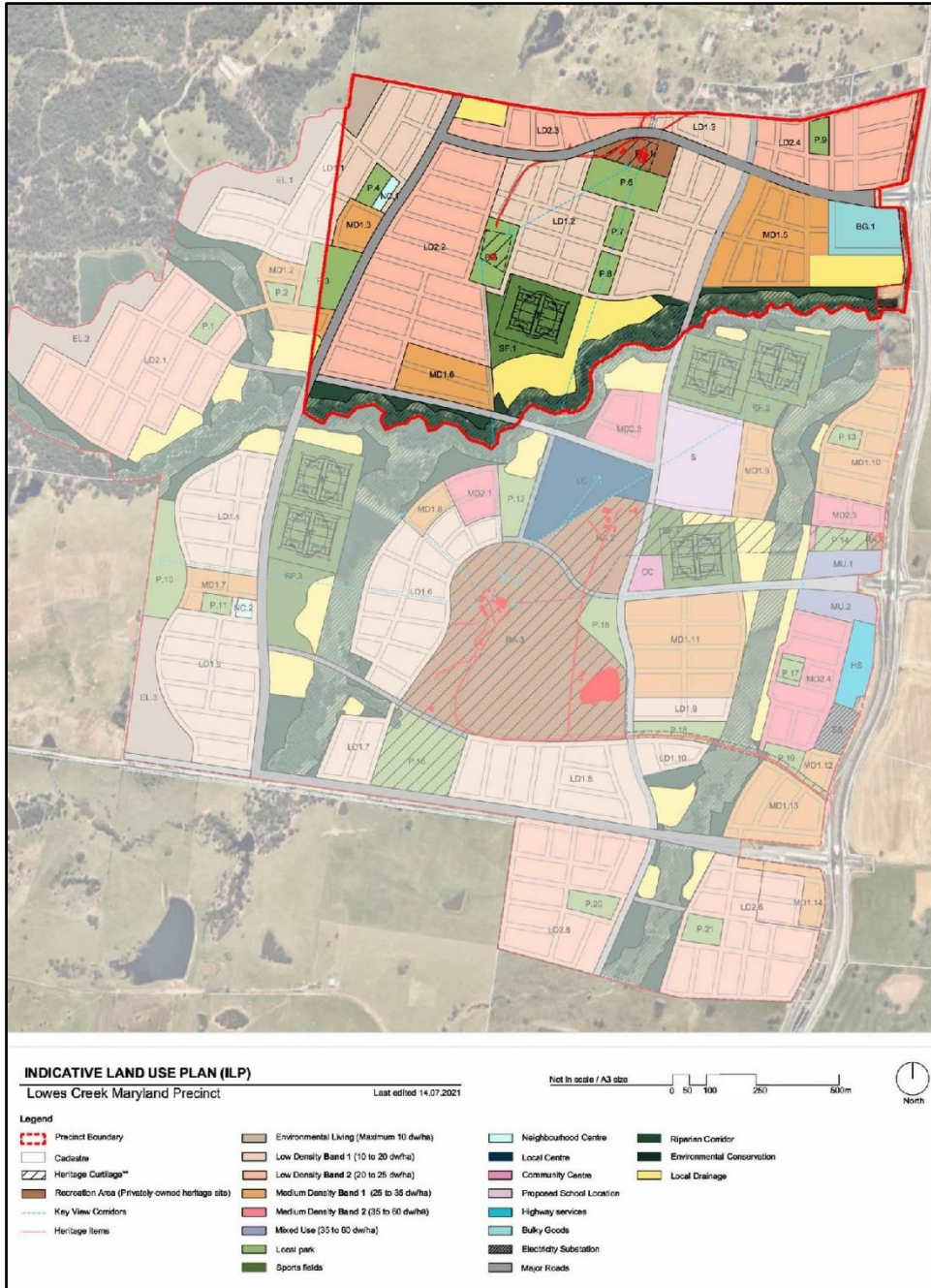


Figure 2: Current Lowes Creek Maryland ILP (Birling Outlined in Red)

The site is approximately 137.19 hectares in size with direct access to The Northern Road. The site is zoned a mix of B1 Neighbourhood Centre, B5 Business Development, C2 Environmental Conservation, C4 Environmental Living, R2 Low Density Residential, R3 Medium Density Residential, RE1 Public Recreation, RE2 Private Recreation and SP2 Infrastructure, under the Precincts SEPP (refer to Figure 3).

ORD01

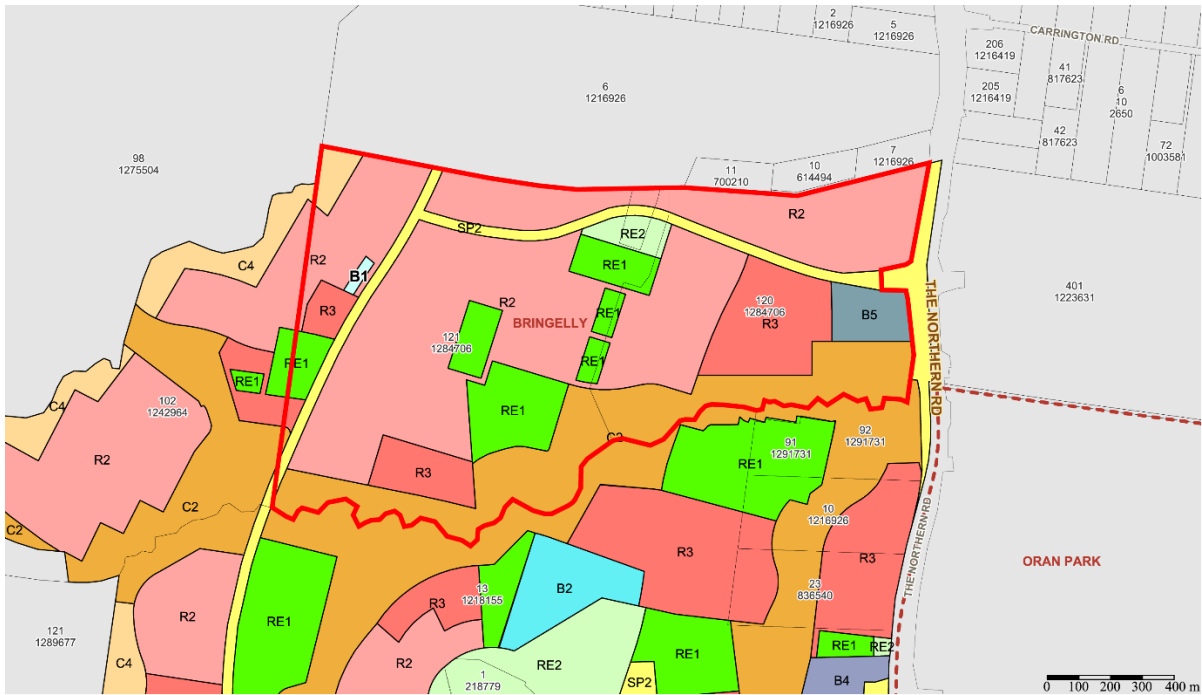


Figure 3: Current Site Zoning, SEPP (Precincts Western Parkland City) 2021

The site contains two local heritage items (refer **Figure 4**), the “Birling 1812” archaeological site and the “Birling 1937” homestead. These items are known as Local Items 23 and 24 within Schedule 5 Environmental Heritage of Appendix 5 of the Precincts SEPP.

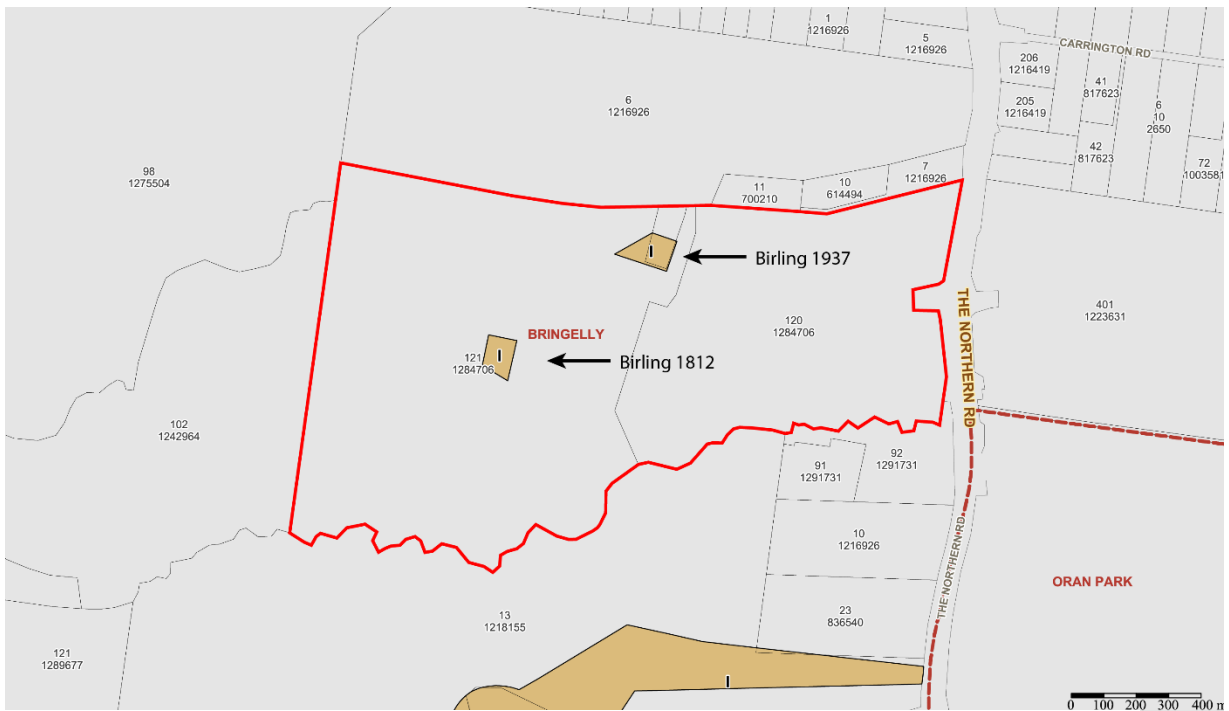


Figure 1: Heritage Mapping, SEPP (Precincts Western Parkland City) 2021

Initial Notification

The proposal was placed on Initial Notification from 8 - 21 July 2022. Two submissions were received during this period from Heritage NSW and Transport for NSW. A summary of these submissions with officer responses is provided as an **attachment** to this report. The submissions received from both agencies noted the intent of the proposal and did not raise any concerns.

No public submissions were received during the initial notification period.

MAIN REPORT

The draft Planning Proposal seeks to:

- Amend the Lowes Creek Maryland ILP applying to the site and related mapping within the Precincts SEPP by:
 - Amending the layout of the road and open space networks;
 - Redistributing residential densities across the site; and
 - Amending the heritage curtilage applying to Birling 1937;
- Amend Schedule 1 Additional Permitted Uses of Appendix 5 of the Precincts SEPP to permit Medical Centres, Commercial Premises and Centre Based Child Care Facilities as land uses applying to the Birling 1937 heritage item;
- Amend Height of Buildings mapping within the Precincts SEPP to reflect the current built form of the Birling 1937 Homestead;
- Increase the heritage curtilage applying to the Birling 1937 heritage item to align with the revised road network.

To facilitate these outcomes, the proponent is seeking to amend the portion of the Lowes Creek Maryland ILP applying to the site and make subsequent amendments to relevant mapping within the Precincts SEPP. A summary of the amendments is contained within the Planning Proposal Report, which is provided as an **attachment** to this report.

The draft Planning Proposal is accompanied by a draft amendment to Schedule 6 – Lowes Creek Maryland Precinct of the Growth Centres DCP to update the ILP and relevant figures.

Key Issues

Council officers have assessed the draft Planning Proposal and the key issues arising from the officers' assessment are discussed below.

a) Amendments to Road Networks

The proposal aims to improve the road network within the ILP and better respond to the site topography. The current road layout dissects Parks 6, 7 and 8 (refer **Figure 5**), which form the central open space spine and view corridor between Birling 1937 and the Maryland Homestead. The current ILP also does not accommodate the view corridor identified between Birling 1812 and Birling 1937.

In addition, the east-west sub-arterial road running north of the Birling 1937 heritage item is currently the main road through the site. The absence of another east-west collector road limits the ability for road, pedestrian and cycle connections.

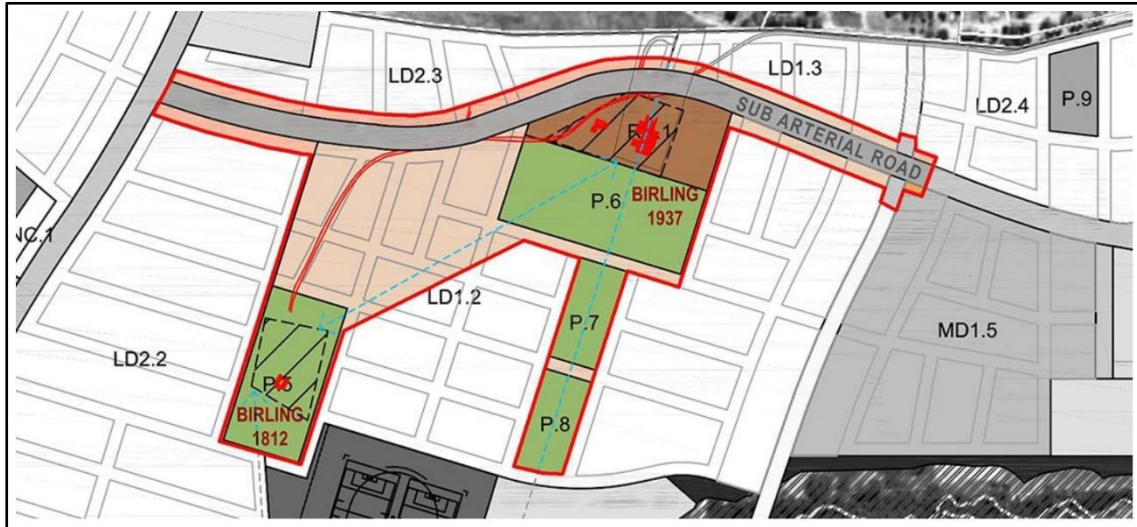


Figure 2: Existing ILP excerpt showing Birling 1812, Birling 1937 and the Sub-Arterial Road

The proposal includes an additional east-west collector road through the site and amendments to the local road network as shown in **Figure 6**. The amended road layout will:

- Improve heritage view corridor linkages and objectives through the open space and road network;
- Improve access and visibility for the Birling 1812 and 1937 heritage items and within the broader Lowes Creek Maryland Precinct;
- Merge the multiple vehicular crossing points in Parks 6, 7 and 8 (central green spine) into one new east-west collector road to improve access and function of the central open space corridor; and
- Improve the pattern of the local road network to address the issues of inefficient super-lot design and orientation (and impacts on landscape, landform and heritage).

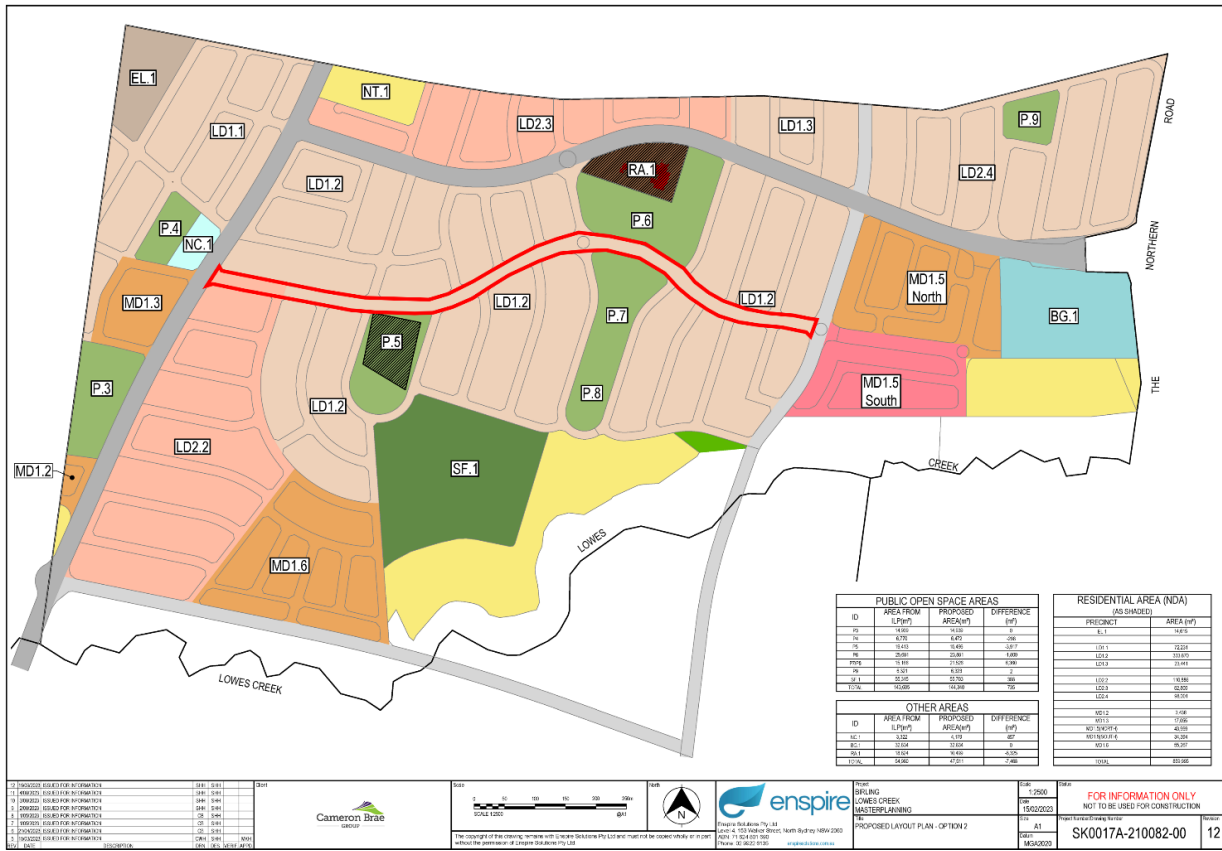


Figure 6: Revised ILP and Road Network (new east-west collector road highlighted in red)

Officer Comment

The proposed amendments to the road network will facilitate positive heritage, place making and open space outcomes throughout the site.

As part of the draft Planning Proposal, the proponent submitted a Traffic Assessment Report. The report concludes that the proposed amendments to the local road network are acceptable. A copy of the Traffic Assessment Report is provided as an **attachment** to this report. Council's traffic engineers have reviewed the revised road layout and raise no objection to the amendments.

Consolidation of the east-west road network across the Maryland to Birling view corridor will enhance the view corridor, assisting in achieving the overall objectives of the Lowes Creek Maryland Precinct. The consolidation of the previous fragmented central open space corridor will enhance the open space connectivity and accessibility through the precinct.

The draft DCP amendment includes provisions to ensure the existing carriageway between the two heritage items on the site is acknowledged by including interpretive displays within open space and the Birling 1812 heritage curtilage.

The draft DCP amendment includes an additional street cross section for the new east-west road through the site (refer to **Figure 7**). This cross section includes provision for a shared path to provide pedestrian and cycle connections between the Birling 1812 and 1937 heritage items.

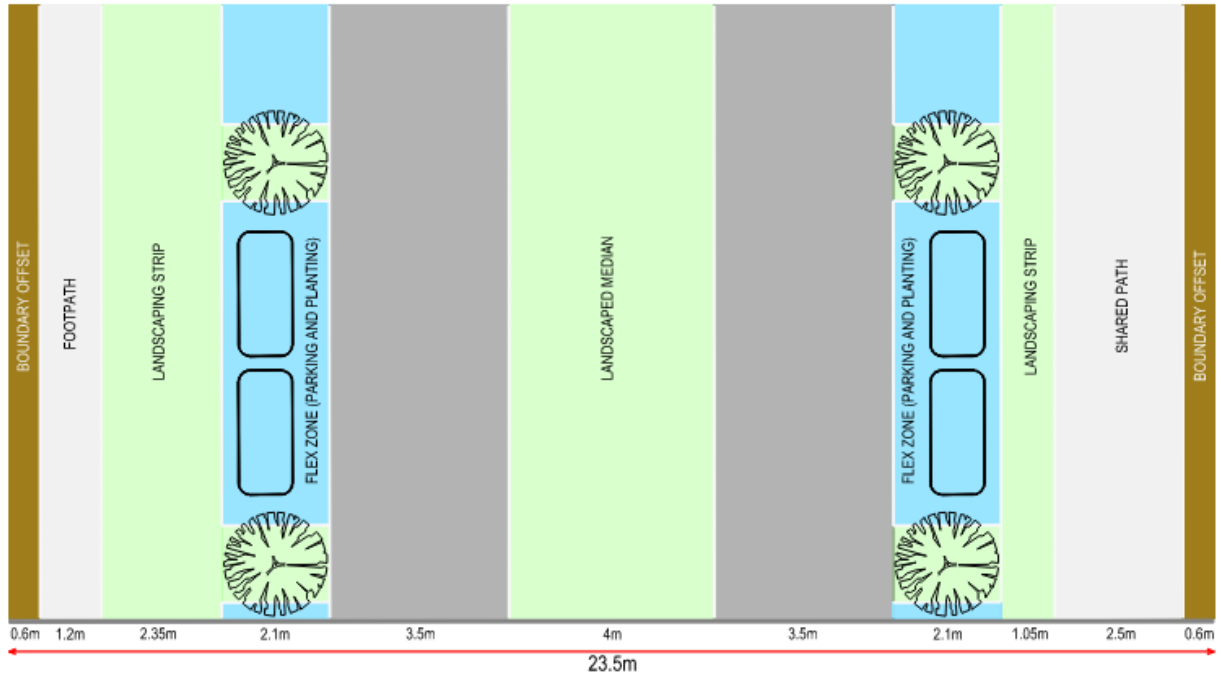


Figure 7: Proposed Cross Section - New East-West Collector Road

b) Amendments to Open Space Network

The proposal notes that the current open space network does not allow for the retention of existing trees in the north-east portion of the site. In addition, the central open space spine is bisected by roads and fails to utilise the benefits of the Birling 1937 curtilage. To address these issues the proposal includes the following (refer **Figures 8 and 9**):

- Reposition open space in proposed precinct LD2.4 (Park 9);
- Rezone existing RE2 Private Recreation land adjacent to the Birling 1937 Heritage Curtilage to RE1 Public Recreation, allowing protection of the heritage curtilage through provision of a local park in this location; and
- Remove roads traversing the central park to improve functionality and safety, with improved aesthetics and view lines between Maryland and Birling 1937.

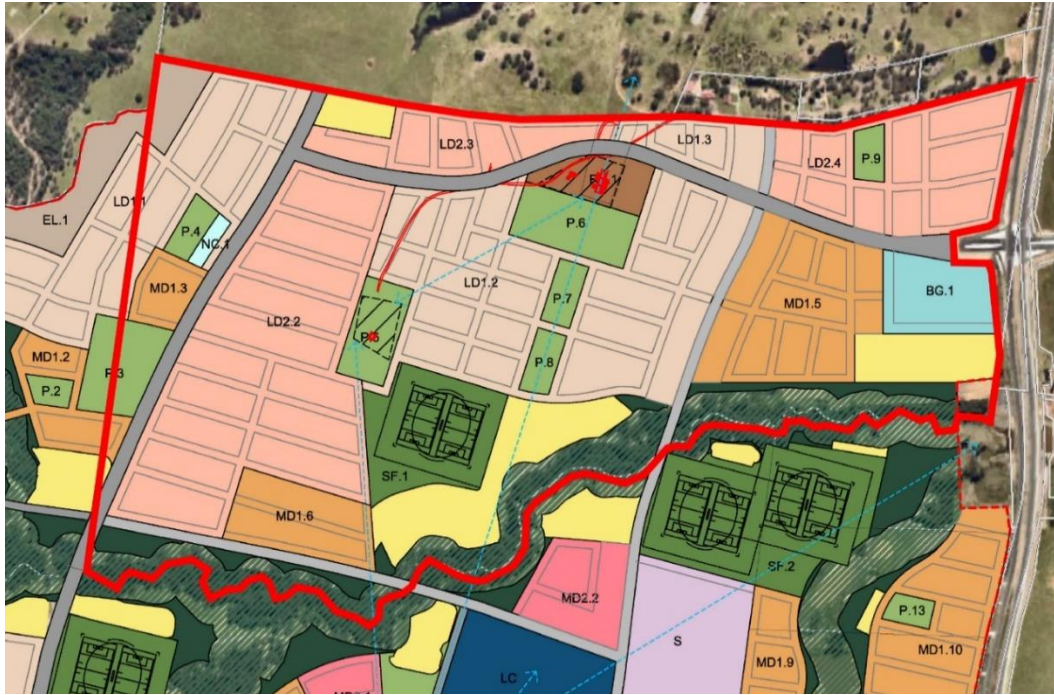
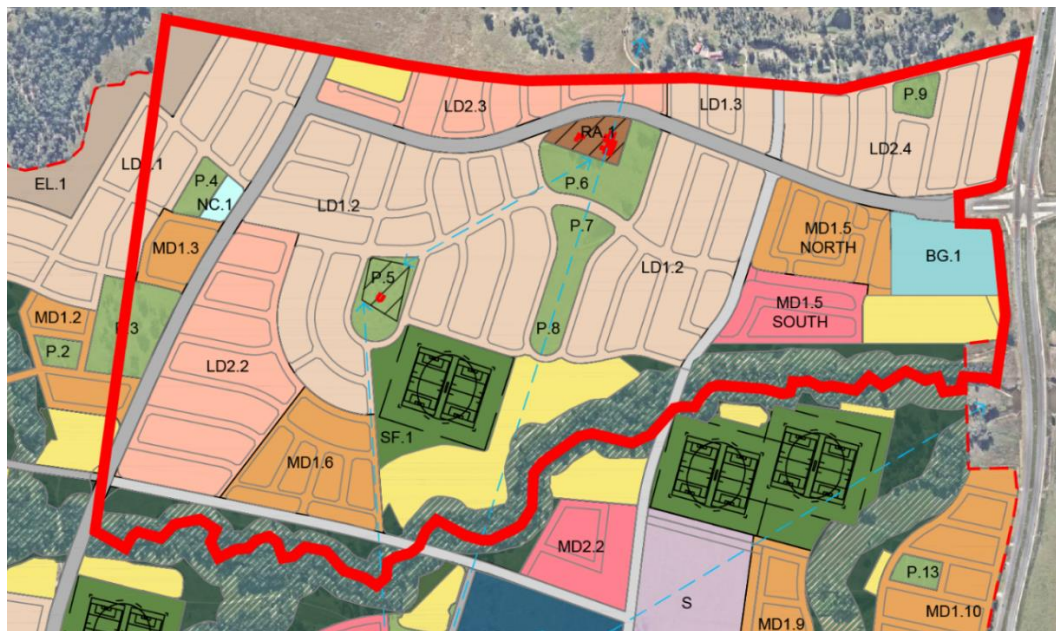


Figure 8: Current ILP and Open Space Network



LEGEND:

Precinct Boundary	Environmental Living (Maximum 10 dw/ha)	Neighbourhood Centre	Riparian Corridor
Cadastre	Low Density Band 1 (10 to 20 dw/ha)	Local Centre	Environmental Conservation
Heritage Curtilage	Low Density Band 2 (20 to 25 dw/ha)	Community Centre	Local Drainage
Recreational Area (Privately owned heritage site)	Medium Density Band 1 (25 to 35 dw/ha)	Proposed School Location	
Key View Corridors	Medium Density Band 2 (35 to 60 dw/ha)	Highway Services	
Heritage Items	Mixed Use (35 to 60 dw/ha)	Bulky Goods	
	Local Park	Electricity Substation	
	Sports Fields	Major Roads	

Figure 9: Proposed ILP and Open Space Network

ORD01

Officer Comment

The proposed amendments are considered appropriate in facilitating better open space outcomes across the site through the protection of additional vegetation, increasing the appreciation of heritage buildings and view lines, and improving functionality.

The proposed amendments to the open space network will not result in a loss of open space across the site. A minor increase in total open space will be facilitated by the amendment. It is noted that the proposal will not result in increased dwelling yield, meaning that open space provision remains suitable for the proposed population.

Independent heritage advice received by Council officers has identified that rezoning the land adjoining to the east of Birling 1937 heritage curtilage from RE2 Private Recreation to RE1 Public Recreation is appropriate for the protection of its heritage values and setting.

c) Redistribution of Residential Densities

The proposal notes that the current pattern of residential densities across the site will result in a large area of Low Density Band 2 (20-25 dw/ha) extending through the western portion of the site (refer to **Figure 10** – outlined in blue).

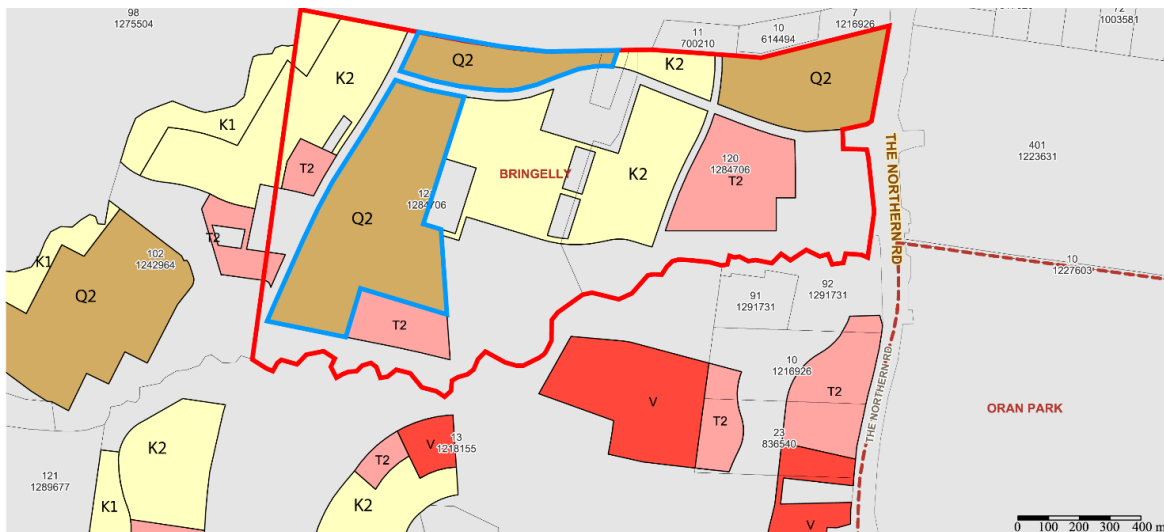


Figure 10: Current Residential Density Mapping, SEPP (Precincts – Western Parkland City) 2021

Dwelling Density Range (per hectare)	
K2	10 (Minimum) - 20 (Maximum)
Q2	12.5 (Minimum) - 16.5 (Maximum)
Q2	20 (Minimum) - 25 (Maximum)
T2	25 (Minimum) - 35 (Maximum)
V	35 (Minimum) - 60 (Maximum)

The current location of Low-Density Band 2 on the site is not conveniently located in terms of access to public transport, education services in the eastern part of the site, and facilities within the future local centre in Maryland.

The proposal includes the following (refer to **Figure 11**):

- To reduce density in the western portion of the site by introducing additional Low Density Band 1 (10-20 dw/ha, annotated as “K2” on the SEPP Map) to enhance diversity of housing types/choice; and
- To increase density in the south-eastern portion of the site by introducing an area of Medium Density Band 2 (35-60 dw/ha, annotated as “V” on the SEPP Map) adjoining the existing zoned bulky goods centre (that includes a small, capped amount of convenience retail floor space that can have a low scale neighbourhood retail role).

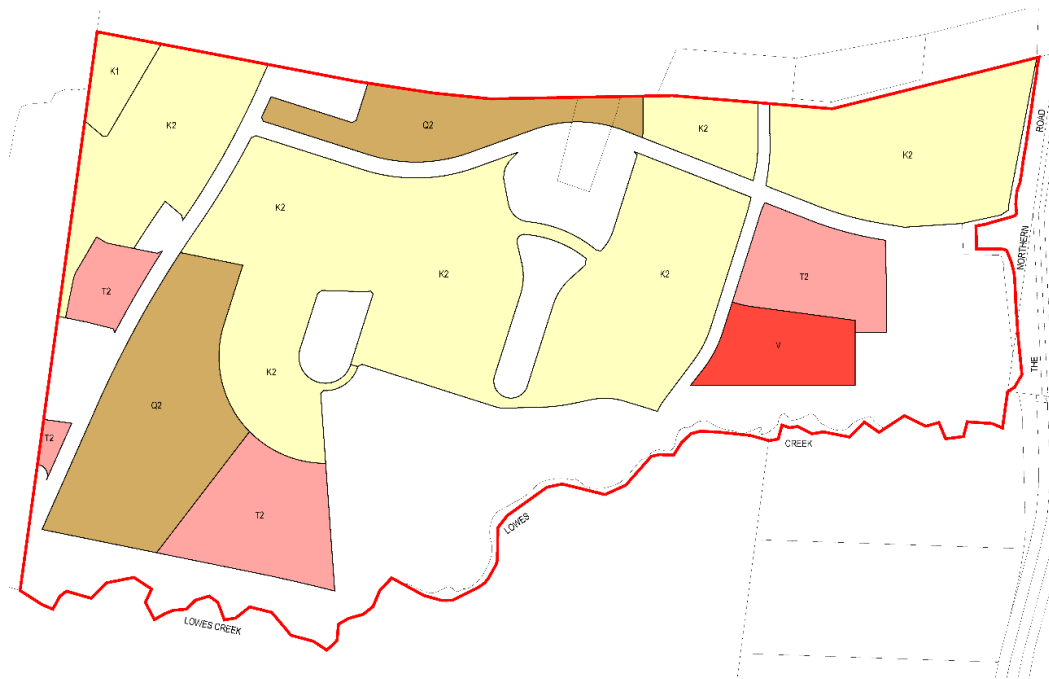


Figure 11: Proposed Amendments to Residential Density

Dwelling Density Range (per hectare)

K2	10 (Minimum) - 20 (Maximum)
O2	12.5 (Minimum) - 16.5 (Maximum)
Q2	20 (Minimum) - 25 (Maximum)
T2	25 (Minimum) - 35 (Maximum)
V	35 (Minimum) - 60 (Maximum)

Officer Comment

The proposed redistribution of residential densities will not result in an increase to the maximum dwelling yield across the site (refer to **Table 2**), with areas of increased density in the eastern portion of the site being offset by reduced densities in the western portion.

ORD01

Density Band	Current ILP		Proposed ILP	
	Max Yield	% yield	Max Yield	% yield
Environmental Living (max 10 dw/ha)	14	0.7%	14	0.7%
Low Density Band 1 (10 to 20 dw/ha)	633	30%	859	40.8%
Low Density Band 2 (20 to 25 dw/ha)	939	44.7%	605	28.8%
Medium Density Band 1 (25 to 35 dw/ha)	517	24.6%	419	19.9%
Medium Density Band 2 (35 to 60 dw/ha)	0	0%	206	9.8%
TOTAL	2,103	100%	2,103	100%

Table 2: Yield Assessment - current against proposed

The proposal has demonstrated that densities of 35-60dw/ha (Medium Density Band 2), which could consist of apartments of up to 12 metres in height, are accessible to services in the eastern portion of the site. The area is close to public transport facilitated by the ILP collector and sub-arterial roads, as well as The Northern Road.

This area is also close to future convenience retail facilities within the adjoining zoned bulky goods area, traditional retail (600 metres walking distance to the future Maryland Local Centre), future public K-12 school in Maryland (400 metres walking distance), and the Lowes Creek riparian corridor and recreation fields (380 metres walking distance). An analysis of potential density outcomes facilitated by the proposed 35-60 dw/ha density band (Medium Density Band 2) is provided as an **attachment** to this report.

The proposed increase in density in the eastern portion of the site does not require a change to the current height of buildings provisions in this area (12 metres). Furthermore, the redistribution of density will result in larger lot sizes, which can accommodate detached dwellings, around the periphery of the Birling 1812 heritage item.

d) Amendments to Heritage Controls and Curtilages

The proposal has identified that the Birling 1937 heritage curtilage and RE2 Private Recreation zoning do not align, creating potential permissibility issues. It has also been identified that maximum permissible height controls require minor adjustment to align with existing building heights and to ensure that practical and useable built form can be established for new uses.

The Planning Proposal seeks to:

- Increase the Birling 1937 Heritage Curtilage (**Figure 12 and 13**) to the north west so that the curtilage adjoins the sub-arterial road. This aligns the heritage curtilage to the boundaries of the RE2 Private Recreation zone and provides better certainty for future uses within this precinct. The adjustments to the curtilage align with the historical southern fence line for the Birling 1937 House Yard and result in a minor increase to the area of the curtilage from approx. 0.98 hectare to 1.05 hectare.

- Increase the Maximum Height of Buildings Map from 5m to 6m where it applies to the Birling 1937 Heritage Item. This increase is to reflect the current ridge heights of the cottage building, and the ridge of the western wings of the main building for Birling 1937, which are 6m above current ground levels.
- Amend the Minimum Lot Size Map as it applies to the Birling 1937 site (within the RE2 Private Recreation zoned area) from 2 hectares to 1 hectare to ensure that the heritage curtilage (1.05 hectares) can be contained within its own lot in the future subdivision pattern.
- Amend Schedule 1 Additional Permitted Uses of the Precincts SEPP to allow opportunities for adaptive reuse of the Birling 1937 Heritage Item, including possible use for 'commercial premises', 'centre-based child care facility' and 'medical centre'.

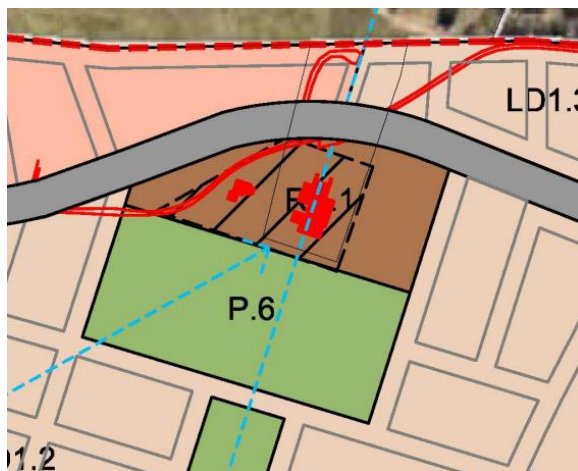


Figure 12: Birling 1937 - current heritage curtilage and RE2 zone and proposed heritage curtilage

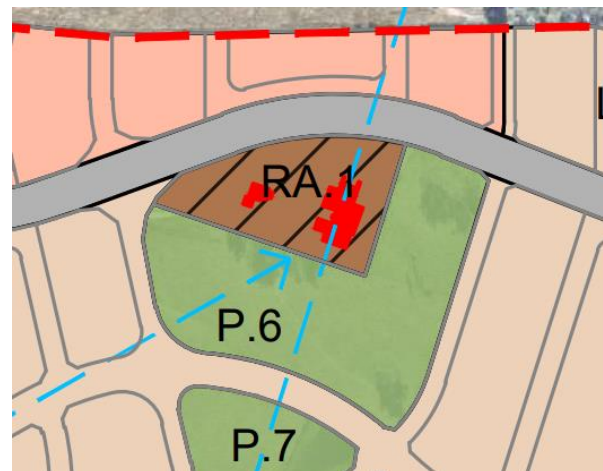


Figure 13: Birling 1937 - proposed heritage curtilage and RE2 zone and proposed heritage curtilage

Officer Comment

The proposed amendments and increase to the Birling 1937 Heritage Curtilage have been reviewed by Council’s Heritage Officer and an external heritage consultant, are considered appropriate and are supported by Council officers. Rezoning existing RE2 Private Recreation land (directly adjoining the Birling 1937 Heritage Curtilage to the east) to RE1 Public Recreation, provides for a park and is considered suitable for the protection and appreciation of Birling 1937’s heritage values and setting.

Proposed minor amendments to the Height of Buildings Map is considered appropriate, as this reflects the current built form of Birling 1937.

Assessment Against Key Strategic Documents

The proposal has been assessed against key strategic plans and strategies, including the Greater Sydney Region Plan, Western City District Plan, South West Growth Area Structure Plan, Local Strategic Planning Statement, Community Strategic Plan, Local Housing Strategy and the Centres and Employment Land Strategy. The proposal is generally consistent with the objectives of these key strategic documents. A detailed assessment is provided as an **attachment** to this report.

Camden Local Planning Panel

On 18 July 2023, the Camden Local Planning Panel considered the draft Planning Proposal. The Panel was supportive of the proposal and concluded that it demonstrates strategic and site-specific merit to proceed to Gateway Determination. The Panel also recommended that Council consider whether the proposed curtilage for the Birling 1937 heritage item was capable of accommodating car parking and servicing associated with the proposed additional uses without resulting in unacceptable heritage impacts.

Additional information submitted by the proponent has demonstrated that the area of the heritage curtilage could provide for 56 potential car parking spaces. Council officers consider that the heritage curtilage of Birling 1937 can provide sufficient area for car parking to meet the demand generated by the proposed additional permitted uses.

Any future application for development within the heritage curtilage will be required to comply with the specific land use related car parking rates and heritage development controls established by the Camden Growth Centre Precincts DCP, and the existing heritage provisions of the Precincts SEPP.

A copy of the Panel's meeting minutes is provided as an **attachment** to this report.

Assessment of Planning Merit

Council officers consider that the proposal demonstrates sufficient planning merit to proceed to Gateway Determination as:

- The proposal will result in benefits in relation to protection of heritage items and view lines throughout the Lowes Creek Maryland Precinct;
- The proposal will provide for greater opportunities for housing diversity and typologies through the redistribution of density bands across the site; and,
- The proposal will improve the open space network and pedestrian/cycle connections throughout the precinct and will allow for greater connectivity and access.
- The proposal will improve the road layout through the precinct by responding to the topography of the site.

Next Steps

Subject to Council endorsement, the draft Planning Proposal will be submitted to the DPE for a Gateway Determination.

Subject to a favourable Gateway Determination, the draft Planning Proposal and draft DCP will be placed on public exhibition. If unresolved submissions are received, a further report to Council will be prepared. If no unresolved submissions are received, the draft Planning Proposal will be submitted to DPE for finalisation.

Recommended Community Participation Methods

On 14 September 2021, Council endorsed the Camden Community Participation Plan 2021 (CPP). The CPP identifies that, where a draft Planning Proposal demonstrates strategic merit, the Gateway report to Council will recommend the community participation methods for the public exhibition period.

Subject to Council endorsement and a favourable Gateway Determination, it is recommended that the following engagement methods be undertaken at public exhibition of the draft Planning Proposal:

- Notification letters to surrounding properties;
- Site signage, including at the Northern Road entrance to the site; and
- Social media posts directing the community to Council's YourVoice Camden website for further information on the proposal.

FINANCIAL IMPLICATIONS

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

CONCLUSION

The draft Planning Proposal seeks to:

- Amend the Lowes Creek Maryland ILP applying to the site and mapping within the Precincts SEPP by:
 - Amending the layout of the local road network;
 - Amending the open space network to enhance amenity, and heritage viewlines and outcomes;
 - Redistributing residential densities across the site; and
 - Amending the heritage curtilage applying to Birling 1937;
- Amend Schedule 1 Additional Permitted Uses of Appendix 5 of the Precincts SEPP to permit Medical Centres, Commercial Premises and Centre Based Childcare Facilities as land uses applying to the Birling 1937 heritage item;
- Amend Height of Buildings mapping within the Precincts SEPP to reflect the current built form of the Birling 1937 Homestead;
- Increase the heritage curtilage applying to the Birling 1937 Heritage Item to align with the revised road network.

Council officers consider that the proposal demonstrates strategic and site-specific merit to proceed to Council for endorsement to submit the draft Planning Proposal for Gateway Determination and future public exhibition.

RECOMMENDED

That Council:

- i. endorse the draft Planning Proposal to be forwarded to the Department of Planning and Environment for Gateway Determination;
- ii. endorse the draft amendment to the Camden Growth Centre Precincts Development Control Plan - Schedule 6 Lowes Creek Maryland;
- iii. subject to receiving a favourable response from the Department of Planning and Environment, proceed to public exhibition of the draft Planning Proposal and the draft Development Control Plan amendment in accordance with the requirements of the Gateway Determination and the *Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021*; and
 - a. notify the Department of Planning and Environment of the exhibition of the draft Development Control Plan amendment, in accordance with the amended delegations issued by the Secretary of the Department of Planning and Environment on 19 January 2015;
- iv. subject to no unresolved submissions being received, forward the draft Planning Proposal to the Department of Planning and Environment for finalisation;
- v. upon notification of the State Environmental Planning Policy amendment being made;
 - a. grant delegation to the General Manager to adopt the amendment to Camden Growth Centre Precincts Development Control Plan - Schedule 6 Lowes Creek Maryland;
 - b. publicly notify the adoption of the Development Control Plan in accordance with the provisions of the *Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021*; or
- vi. if unresolved submissions are received, consider a further report outlining the results of the public exhibition period; or
- vii. should the draft Planning Proposal not receive Gateway Approval, notify the proponent that the draft Planning Proposal will not proceed.

ATTACHMENTS

1. Birling Planning Proposal - Draft Planning Proposal Report
2. Birling Planning Proposal - Appendix 6 - Draft DCP Amendment - Schedule 6 Lowes Creek Maryland DCP
3. Birling Planning Proposal - Minutes of Camden Local Planning Panel Meeting - 18 July 2023
4. Birling Planning Proposal - Proposed Indicative Layout Plan
5. Birling Planning Proposal - Draft DCP Amendment - Summary of Amendments
6. Birling Planning Proposal - Summary and Officer Response to Agency

- Submissions - Initial Notification
7. Birling Planning Proposal - Traffic Assessment
 8. Birling Planning Proposal - Draft Planning Proposal Report Addendum - Analysis of Density Outcomes
 9. Birling Planning Proposal - Draft SEPP Mapping Amendments
 10. Birling Planning Proposal - Assessment Against Key Strategic Documents
 11. Birling Planning Proposal - Extent of Notification Area for Public Exhibition

ORD01

SUBJECT: DRAFT CHILDREN AND FAMILIES STRATEGY 2023-2027
FROM: Director Sport, Community and Activation
EDMS #: 23/505771

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement to place the draft Children and Families Strategy 2023-2027 (draft Strategy) on public exhibition for a period of 28 days commencing from October 2023.

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

BACKGROUND

Over the last year, Council has undertaken an extensive consultation process to inform the draft Children and Families Strategy 2023-2027. The consultation saw almost 700 parents, carers, children and sector professionals participate and provide input on what issues matter to them, and what support they saw as important.

The consultation identified five strategic priorities that form the basis of the draft Strategy, these include:

- Safety;
- Education;
- Informed;
- Health and Wellbeing; and
- Recreation and Leisure.

The draft Strategy demonstrates Council's commitment to supporting parents and families throughout key childhood developmental milestones and evolving needs and outlines a range of strategic actions to address and implement their priorities.

Councillors were briefed on the draft Strategy on 26 September 2023.

MAIN REPORT

Strategic Context

The draft Strategy has been developed in consideration of broader federal, state and local government strategies and frameworks specific to children and their families. This includes but not limited to:

- United Nation Convention on the Rights of the Children;
- Camden Council Disability Action Plan;
- NSW Health First 2000 Days Framework;
- ACYP Strategic Plan for Children and Young People 2022-2024.

Furthermore, extensive community consultation has been undertaken to best capture the needs and values of families and children in the Camden LGA, informing the draft Strategy. The draft Strategy also aligns with Council's Community Strategic Plan (CSP) in supporting the wellbeing and lives of local children and families.

Community Consultation and Engagement

As part of the development of the draft Strategy, parents, carers, children and sector professionals were consulted, and had the opportunity to be heard and shape the strategic actions.

Below is a summary of the consultation and engagement undertaken:

Parents and Carers		
Surveys	<ul style="list-style-type: none"> Your Voice Camden platform Social media campaign Distributed via Camden Kids eNewsletter Flyers distributed in the community Shared with playgroups, childcare centres, family day care educators and local primary schools Surveys specific to program delivery 	156 responses
Community Conversation Consultation Series	<ul style="list-style-type: none"> Hosted at local community events and programs Community Project Officer: Children & Families engaged with parents/carers at local playgroup settings Simple engagement activities to capture values, challenges, needs and perspectives of parents/carers 	365 responses
Sector Professionals		
Surveys	<ul style="list-style-type: none"> Your Voice Camden platform Distributed via Camden Kids eNewsletter and industry contacts Distributed to local playgroup facilitators, childcare centres, family day care educators and local primary schools Shared at local Children and Family interagency meetings 	40 Responses
Forum	<ul style="list-style-type: none"> Hosted a forum, inviting local sector professionals working with children and families in the Camden LGA Facilitated by Council's Community & Stakeholder Engagement 	47 attendees
Children		
In person consultation activities	<ul style="list-style-type: none"> Facilitated within regular program delivery or community events/activities Capturing what is important to children, what children envisage for their future and their needs in the Camden area 	65 responses
Online creative competition activity	<ul style="list-style-type: none"> Incentivised online creative competition Children encouraged to provide response to three categories: <ul style="list-style-type: none"> ❖ <i>What does it mean to be a Camden Kid?</i> ❖ <i>What should Camden look like in the year 2043?</i> ❖ <i>What do you love to do with your family in the Camden area?</i> 	27 responses
Total Responses: 700		

Children and Families 2023-2027 Key Priorities

An analysis of 700 responses received during consultation identified five key themes. Each theme is a direct outcome of the identified needs of Camden’s children and families. The five key strategic priorities include:

- Safety;
- Education;
- Informed;
- Health and Wellbeing; and
- Recreation and Leisure.

Below is a summary of each key strategic priority:

Strategic Priority 1: Safety
Aims to address key safety concerns for children in the community as identified by parents and carers, such as road and cyber safety.
Objectives
1.1 Child Protection and Child Safety.
1.2 Improving child safety education for parents and carers (cyber and physical safety).
1.3 Increasing disaster and accidental preparedness for parents and carers.
1.4 Supporting to address Children’s safety in the home including impacts of domestic violence and family circumstances.
Strategic Priority 2: Education
Children have adequate and high-quality education facilities available to them, from early childhood education care centres, preschool, transition to school programs and primary schools. Ensuring children of Camden are given the best chance to thrive by the time they enter full time schooling.
2.1 Support and connect sector initiatives addressing the needs of developmentally vulnerable children.
2.2 Adequate supply of high-quality education and care services.
2.3 Supporting sector to be informed on making reasonable adjustments for children with additional needs in learning settings.
2.4 Children and families have opportunities to learn about sustainability and recycling practices.
Strategic Priority 3: Informed
Parents and carers are informed on the resources, supports and programs available to children and families in the Camden area. Sector professionals are informed and aware of opportunities and resources available to them for professional development and capacity building of the sector.
3.1 Support to build capacity and connection for the Camden Children and Families Sector.
3.2 Increasing community awareness of available services, supports and activities specific to families and children.
3.3 Children’s voices are heard to inform decisions affecting them. Capturing their insights and expertise on ‘childhood’.
3.4 Parenting programs offered to parents in the Camden area.
Strategic Priority 4: Health and Wellbeing
Families are provided opportunities to participate in activities and programs that benefit their physical, mental health and general wellbeing.

Supporting new and expectant parents to have the resources and tools to ensure the best physical and mental health outcomes for them and their baby.
4.1 Improve physical health outcomes for children and families.
4.2 Support mental health of new and expectant parents.
4.3 Supporting families needing mental health and allied health services through soft entry programming.
4.4 Improve access to children and family health, social and mental health services.
Strategic Priority 5: Recreation and Leisure
Children and families have opportunities and access to free and low-cost recreational activities, supporting their mental and physical health, and general wellbeing.
5.1 Provide accessible activities for primary school aged children and ensure they are promoted to the community.
5.2 Promote and provide accessible casual sporting opportunities.
5.3 Calendar of family friendly events and activities.
5.4 Inclusive play spaces and activities available for children with additional needs.

Next Steps

It is proposed to place the draft Strategy on public exhibition, starting in mid-October 2023, for a period of 28 days.

During the exhibition period, hard copies of the draft Strategy will be available for viewing at our Libraries, Oran Park Administration building and the Julia Reserve Youth and Community Centre.

The document will also be available for comment through Council’s online engagement platform *Your Voice Camden*.

FINANCIAL IMPLICATIONS

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

CONCLUSION

Council has prepared a 2023-2027 draft Children and Families Strategy. The draft Strategy seeks to improve the outcomes for Children and Families within the Camden LGA, through the implementation of relevant objectives and outcomes associated with each key strategic priority.

It is recommended that Council endorse the draft Children and Families Strategy to be placed on public exhibition for a period of 28 days commencing in mid-October 2023.

ORD02

RECOMMENDED

That Council:

- i. endorse the 2023 – 2027 draft Children and Families Strategy to be placed on public exhibition for a period of 28 days commencing in mid-October 2023;
- ii. if no unresolved submissions are received during the public exhibition period, adopt the 2023 – 2027 draft Children and Families Strategy effective from the day after the close of the exhibition period; and
- iii. if any unresolved submissions are received during the public exhibition, receive a further report to consider the submissions.

ATTACHMENTS

1. Draft Children and Families Strategy 2023-2027

ORD03

ORD03

SUBJECT: POST EXHIBITION - URBAN FOREST STRATEGY 2023
FROM: Director Community Assets
EDMS #: 23/507770

PURPOSE OF REPORT

The purpose of this report is for Council to consider the outcome of the public exhibition for the draft Urban Forest Strategy 2023.

It is recommended that Council adopt the draft Urban Forest Strategy 2023 as amended, which is provided as **Attachment 1** to this report.

BACKGROUND

The draft Urban Forest Strategy 2023 (Strategy) provides a strategic framework including a long-term vision to 2050 in the knowledge that it will take time to achieve the outcomes desired. The desired six outcomes will mean Camden has achieved its vision for a thriving urban forest and five strategic objectives guide activity by Council and their partners around urban forest management, its protection, enhancement and growth.

Each strategic objective includes a range of actions. The actions are identified for delivery as either short (0-2 years), medium (3-5 years) or ongoing.

At its meeting on 11 July 2023, Council endorsed the Strategy for public exhibition. Subsequently, the Strategy was placed on exhibition for a period of 28 days from 18 July 2023 until 16 August 2023.

Councillors were briefed on the outcome of the public exhibition on 19 September 2023.

MAIN REPORT

The Strategy was on public exhibition from 18 July 2023 until 16 August 2023, which included:

- Display of copies of the Strategy at Council's Oran Park Administration building and Camden, Narellan and Oran Park Libraries;
- Development of a Strategy-specific webpage on the Your Voice Camden community consultation platform; and
- Promotion via Council's communication channels including social media.

Outcomes of the Public Exhibition

The public exhibition period resulting in three contributions to the ideas wall and five submissions from the community. A copy of the submissions is provided as a **supporting document** to this report. A detailed consideration of the submissions is provided as **Attachment 2** of this report.

Summary of the Post Exhibition Changes

Following the exhibition period, changes have been made to the document to provide further clarity. The key changes have been included in the detailed consideration of the submissions. The changes are consistent with the intent of the exhibited draft Strategy and do not warrant re-exhibition.

FINANCIAL IMPLICATIONS

The funding for the implementation of the actions within the Strategy will be sourced from current and future budgets as well as from suitable grant funding and partnerships.

CONCLUSION

Council has prepared the Urban Forest Strategy 2023 to provide a strategic framework including a long-term vision to 2050 for a thriving urban forest. In response to the submissions received, the Strategy has been amended. The proposed amendments do not change the intent of the Strategy, rather they provide additional clarity.

It is recommended that Council adopt the amended Urban Forest Strategy 2023, as attached.

RECOMMENDED

That Council:

- i. adopt the draft Urban Forest Strategy 2023 included as an attachment to this report; and**
- ii. write to the submitters thanking them for their submission and to advise the outcome of this report.**

ATTACHMENTS

1. Camden Council Urban Forest Strategy
2. Post Exhibition - Draft Urban Forest Strategy 2023
3. Submissions - Draft Urban Forest Strategy - *Supporting Document*

ORD04**ORD04**

SUBJECT: POST EXHIBITION - NEW AND AMENDED CONTRIBUTION PLANS
FROM: Acting Director Growth and Finance
EDMS #: 23/489673

PURPOSE OF REPORT

The purpose of this report is to seek approval from Council to adopt the following new and amended Contribution Plans:

- Camden Contributions Plan 2011;
- Heavy Haulage Contributions Plan; and
- Camden Section 7.12 Contributions Plan.

BACKGROUND

The Camden Contributions Plan collects development levies from residential development in the Spring Farm and Elderslie precincts to deliver local infrastructure identified in the land and work schedules in the Contributions Plan.

The Heavy Haulage Contributions Plan replaces the Extractive Industry Contributions Plan, which collected from mining operations to fund damage to roads caused by truck movements associated with mining. The Heavy Haulage Contributions Plan will still levy contributions from mining activities but will also include any industry that relies on truck movements on Council's roads. Contributions from the Heavy Haulage Contributions Plan will fund maintenance to the roads identified in the works schedule in the Contributions Plan.

The Camden Section 7.12 Contributions Plan collects development levies from residential and commercial development that exceed \$100,000 in development value that is not already covered by the Oran Park Contributions Plan, Camden 2011 Contributions Plan or Growth Areas Contributions Plan. These development contributions will fund local infrastructure within the Camden local government area with a focus on established areas.

At its 8 August 2023 meeting, Council approved the public exhibition of its new and amended contribution plans for a period of 28 days in accordance with the *Environmental Planning and Assessment Regulation 2021*. The public exhibition occurred between 17 August and 14 September 2023.

Council also approved public notification of the retirement of the following Contribution Plans in accordance with the *Environmental Planning and Assessment Regulation 2021*:

- Catherine Field (Part) Precinct Contribution Plan;
- Contribution Plan No. 3 Upper Narellan Creek Trunk Drainage;
- Contribution Plan No. 5 Catherine Field Precinct Trunk Drainage;
- Contribution Plan No. 11 Smeaton Grange Roadworks;
- Contribution Plan No. 16 Ellis Lane and Grasmere;
- Contribution Plan No. 17 Narellan Town Centre; and
- Contribution Plan No. 18 Harrington Park.

The notification occurred between 31 August and 14 September 2023.

MAIN REPORT

During the public exhibition, one submission was received associated with the Heavy Haulage Contributions Plan, which is provided as a **supporting document**.

The main points raised in the submission are shown in *Table 1* along with Council’s response and recommended changes (if any) to the final Heavy Haulage Contributions Plan.

Table 1 Points from the submission received during public exhibition and Council officer’s response.

Submission – Heavy Haulage Contributions Plan	Council feedback
<p>It is suggested the word ‘agriculture’ be removed from Section 2.1 of the Draft Contributions Plan. Section 2.1 provides a general description of the types of uses to which contributions could be applied and specifically calls out extractive industry, mines and agriculture. The explicit inclusion of agriculture in this section seems counter to the intent of the document, that being to assist Council in funding the road maintenance burden that comes through heavy haulage resulting from extractive industries. The document doesn’t give a definition for agriculture and agricultural uses are not mentioned anywhere else in the document. There is a risk that future administrators of this plan will seek to apply contributions that were outside the intent of this document.</p>	<p>Extractive industry, mines and agriculture are examples of development that could be subject to a contribution. However, contributions will only apply where development will have heavy vehicle impacts. The levying of these contributions will be determined through the development assessment process where a Traffic Study will be required to identify proposed truck movements. Council’s Traffic Engineers will make a determination of the potential impact on Camden Council roads as a result of the truck movements associated with the development.</p>
<p>It is suggested that the Draft Plan explicitly states that bulk earthworks associated with development cannot have contributions applied under the Draft Plan.</p>	<p>Section 2.1 has been updated to reflect that contributions do not apply to bulk earthworks for subdivision and development as these do not create ongoing heavy vehicle impacts.</p>
<p>It is suggested to include in Section 5.4 a savings arrangement that protects current businesses operating under existing consents, and this should extend to modifications to existing consents.</p>	<p>Council agrees that existing consents will not be affected but a modification is essentially a new development. In cases where a modification proposes intensification, this may be subject to a contribution. No changes are proposed in response to this point.</p>

No formal submissions were received for the amended Camden Contributions Plan 2011, the Camden Section 7.12 Contributions Plan or the public retirement notification for the contribution plans to be retired.

The final Contribution Plans for adoption are provided as **Attachments 1, 2 and 3** of this report. In addition to changes effected by the submission received, one other minor change has been made:

- In the Camden Section 7.12 Contribution Plan, section 3.3 “Calculating the proposed cost of development” has been expanded to clarify the cost estimate requirements. These requirements are now in line with those used by Council’s Statutory Planning Team to calculate development application fees.

Following consideration of the submission received, and in compliance with the *Environmental Planning and Assessment Regulation 2021*, Council can now adopt the new portfolio of Contribution Plans.

The Contribution Plans will come into force and be uploaded onto Council’s website on **20 October 2023**. This means that any development application lodged, and not yet determined, which has been submitted prior to the adoption of the new portfolio of Contribution Plans shall be determined in accordance with the provisions of the new portfolio of Contributions Plans. Further, as per the transitional arrangements identified in the Camden Section 7.12 Contributions Plan, development including alterations and additions to dwellings, and knockdown and rebuild of dwellings, will not come into effect until 24 months after Council’s adoption of the plan.

FINANCIAL IMPLICATIONS

Retirement of the identified Contribution Plans will result in approximately \$16 million plus interest being transferred to the new Section 7.12 Contributions Plan.

CONCLUSION

In compliance with Schedule 1 Division 7.1 of the *Environmental Planning and Assessment Act 1979* and clause 216 of the *Environmental Planning and Assessment Regulation 2021*, the following contribution plans have been publicly exhibited for 28 days and can now be adopted by Council:

- Camden Section 7.12 Contributions Plan;
- Camden Contributions Plan (amended); and
- Heavy Haulage Contributions Plan.

In compliance with clause 215(3) of the *Environmental Planning and Assessment Regulation 2021*, the retirement of the following Contribution Plans can be approved as they have been publicly notified for 14 days:

- Catherine Field (Part) Precinct Contribution Plan;
- Contribution Plan No. 3 Upper Narellan Creek Trunk Drainage;
- Contribution Plan No. 5 Catherine Field Precinct Trunk Drainage;
- Contribution Plan No. 11 Smeaton Grange Roadworks;
- Contribution Plan No. 16 Ellis Lane and Grasmere;
- Contribution Plan No. 17 Narellan Town Centre; and
- Contribution Plan No. 18 Harrington Park.

RECOMMENDED

That Council:

- i. adopt the amended Camden Contributions Plan 2011, Heavy Haulage Contributions Plan and Camden Section 7.12 Contributions Plan;
- ii. approve the retirement of Contribution Plans: Catherine Field (Part) Precinct Contribution Plan, Contribution Plan No. 3 Upper Narellan Creek Trunk Drainage, Contribution Plan No. 5 Catherine Field Precinct Trunk Drainage, Contribution Plan No. 11 Smeaton Grange Roadworks, Contribution Plan No. 16 Ellis Lane and Grasmere, Contribution Plan No. 17 Narellan Town Centre and Contribution Plan No. 18 Harrington Park; and
- iii. approve the transfer of the surplus funds in the Contribution Plans to be retired, approximately \$16 million plus interest, into the new Camden Section 7.12 Contributions Plan.

ATTACHMENTS

1. Final Draft - Camden S7.12 Contributions Plan
2. Final Draft - Camden Contributions Plan 2011 (Amendment 1)
3. Final Draft - Heavy Haulage Contributions Plan
4. Submission - Heavy Haulage Contributions Plan - *Supporting Document*

ORD05

ORD05

SUBJECT: POST EXHIBITION - CONTRIBUTION PLANNING POLICIES
FROM: Manager Assets and Design Services
EDMS #: 23/489689

PURPOSE OF REPORT

The purpose of this report is to seek approval from Council to adopt the following revised policies:

- Contributions Planning Policy;
- Planning Agreement Policy; and
- Works-In-Kind Policy.

BACKGROUND

The review of these policies was undertaken as part of the Contributions Plan Restructure Project (CP Restructure), which reviewed Council's suite of contribution plans and supporting policies. The policies reviewed were:

- Contributions Planning Policy – first adopted 24 September 2020;
- Planning Agreement Policy – first adopted 15 October 2020; and
- Works-In-Kind Policy – first adopted 24 November 2009.

A Councillor briefing on these policies was held on 25 July 2023.

MAIN REPORT

The **Contributions Planning Policy** directs and guides Council in the creation, administration and retirement of contribution plans. The key amendments to this Policy included:

- Changing it from a Category 3 – Operational Policy to a Category 2 – Strategic Policy;
- Expanding the variety of constraints on land to include:
 - Engineering constraints (for example, land that may require additional engineering solutions due to geotechnical risks);
 - The presence of endangered species on environmentally sensitive land; and
 - Land required for the delivery of public infrastructure; and
- Adding a definition for ILP (Indicative Layout Plan).

A copy of the final Contributions Planning Policy is provided as **Attachment 1** to this report.

The **Planning Agreement Policy** directs and guides Council in the negotiation, execution, administration and retirement of Planning Agreements, also referred to as Voluntary Planning Agreements (VPAs). The key amendments to this Policy included:

- Changing it from a Category 3 – Operational Policy to a Category 2 – Strategic Policy; and
- Removing references to the reforms to developer contributions proposed in 2020 by the Department of Planning and Environment, which have not proceeded.

A copy of the final Planning Agreement Policy is provided as **Attachment 2** to this report.

The **Works-In-Kind Policy** directs and guides Council, developers and landowners in the negotiation and administration of Works-In-Kind Agreements (WIKAs) associated with development on land covered by a contributions plan. The key amendments to this policy include:

- Changing how Council administers surplus credits generated through a WIKA or land dedication from repayment at the end of the life of the Contributions Plan to when land has been dedicated or works have been awarded practical completion; and
- Following public exhibition, removing the requirement that a WIKA is entered into prior to works commencing or issue of construction certificate.

A copy of the final Works-In-Kind Policy is provided as **Attachment 3** to this report.

All three policies were placed on public exhibition from 17 August to 14 September 2023 following Council's resolution at its 8 August 2023 meeting. No formal submissions were received during the public exhibition period.

FINANCIAL IMPLICATIONS

Adoption of the revised Works-In-Kind Policy will mean that developer credits, referred to in the policy as surplus credits, will now be repaid at completion of works or the land dedication process subject to available funds.

The policy position to refund surplus credits upon land being transferred or upon completion of works will also allow Council to delay the repayment for up to 24 months.

This would apply if funds were currently not available within Section 7.11 contributions cash reserves or the repayment would impact Council's ability to complete its Section 7.11 Capital Works Program.

The current balance of surplus credits is \$12.7 million. There is currently sufficient funding within the Section 7.11 contributions cash reserves to refund these credits. The refund of these credits will be consistent with the new policy position.

It should be noted that the payment of surplus credits upon completion of works or the transfer of land is consistent with most NSW councils.

CONCLUSION

It is proposed that Council approve the revised Contributions Planning Policy, Planning Agreement Policy and Works-In-Kind Policy to come into force. The adopted policies will be publicly available on Council's website.

RECOMMENDED

That Council adopt the revised Contributions Planning Policy, Planning Agreement Policy and Works-In-Kind Policy, included as Attachments 1, 2 and 3 to this report.

ATTACHMENTS

1. Contributions Planning Policy
2. Planning Agreements Policy
3. Works-In-Kind Policy

ORD05

ORD06

SUBJECT: ACCEPTANCE OF GRANT FUNDING - NSW FLOOD RECOVERY AND RESILIENCE GRANT PROGRAM
FROM: Acting Director Growth and Finance
EDMS #: 23/455715

PURPOSE OF REPORT

The purpose of this report is to seek Council’s acceptance of grant funding to complete a Scoping Study for the Nepean River Catchment Voluntary House Raising Scheme (VHRS). This funding offer is from the Department of Planning & Environment under the NSW Flood Recovery and Resilience Grant program (Grant Number: 2023/FRR/0018).

BACKGROUND

The Department of Planning are offering councils an opportunity to participate in a Voluntary House Raising Scheme. To be eligible a council must have an adopted Floodplain Risk Management Plan (FRMP) and a Scoping Study of the proposed VHRS application.

Council submitted an application under the NSW Flood Recovery and Resilience Grant Program to complete a VHRS scoping study for the Nepean River Catchment.

A Councillor briefing on this matter was held on 19 September 2023.

MAIN REPORT

The Camden community showed their interest in a potential Voluntary House Raising (VHR) Scheme following the floods of 2022. The adopted Floodplain Risk Management Study and Plan (FRMSP) for Nepean River including Narellan Creek identified properties which may be eligible for a VHR Scheme following a scoping study.

Following this, Council submitted a grant fund application under the NSW Flood Recovery and Resilience Grant Program. The funding on offer is to develop a scoping study to inform, and accompany a VHR Scheme application, should council elect to submit and participate in a future scheme. The objective of this scoping study is to review and further assess the Voluntary House Raising (VHR) flood mitigation option recommended in the adopted Nepean FRMSP. The study is a key requirement for an application to participate in a VHR Scheme. This work does not commit Council to any costs other than those detailed in this report, nor does it commit Council to a future application.

This funding is offered with a 3:1 ratio match funding requirement for Council. The funding is detailed below.

Grant Funding Amount	\$ 138,750 (excl. GST)	Ratio 75%
Council Match Funding	\$ 46,250 (excl. GST)	Ratio 25%
TOTAL	\$ 185,000 (excl. GST)	

The final project output is the Scoping Study Report for a new VHRS application. This report would include total number of houses to be raised, feasibility assessments, associated costs, prioritised list, implementation planning etc.

Note: This work does not commit Council to any costs other than those detailed in this report, nor does it commit Council to a future application.

The project is required to be completed by 16 July 2024.

FINANCIAL IMPLICATIONS

It is recommended that the matched funding of \$46,250 (excl. GST) be allocated from the Capital Works Reserve. The uncommitted balance of the Capital Works Reserve is \$656,300.

CONCLUSION

Camden Council has been offered funding to complete a scoping study for a voluntary house raising scheme application. This study will not commit Council to any future capital costs but will help inform the Council regarding any future decisions to participate in a VHRS. It is recommended that Council accept the grant funding in the sum of **\$138,750**.

RECOMMENDED

That Council:

- i. **accept the grant funding of \$138,750 from NSW Flood Recovery and Resilience Grant Program and allocate the funds at the next quarterly review, including match funding of \$46,250 (excl. GST) to be allocated from the Capital Works Reserve;**
- ii. **write to The Hon. Penny Sharpe MP, Minister for Environment and Heritage, thanking her for the grant; and**
- iii. **write to Mrs Sally Quinnell MP, Member for Camden, Mr Nathan Hagarty MP, Member for Leppington and Mrs Tanya Davies MP, Member for Badgerys Creek, thanking them for their support.**

SUBJECT: ANNUAL FINANCIAL STATEMENTS - YEAR ENDING 30 JUNE 2023
FROM: Director Growth and Finance
EDMS #: 23/482604

PURPOSE OF REPORT

The purpose of this report is to advise Council of the following:

- The draft Annual Financial Statements for the year ending 30 June 2023 have been completed;
- The Statements by Councillors and Management to Council's auditor, the Audit Office of NSW, in accordance with section 413(2)(c) of the *Local Government Act 1993*, has been prepared; and
- Dates are proposed for the presentation of the Audit Report to Council and giving public notice of the date in accordance with sections 418(1)(a)-(1)(b) of the *Local Government Act 1993*.

BACKGROUND

The draft Annual Financial Statements have been completed and the external audit conducted by the Audit Office of NSW has commenced.

A copy of the Draft Annual Financial Statements is provided as a **supporting document** to the report. The Statements by Councillors and Management made to Council's auditor, the Audit Office of NSW, is provided as **Attachment 1** and **Attachment 2** to this report.

Upon signing, this representation acknowledges Council's responsibility for ensuring that the Annual Financial Statements have been prepared in accordance with the relevant Australian Accounting Standards and the Local Government Code of Accounting Practice and Financial Reporting.

As part of the review process Council's Audit, Risk and Improvement Committee (ARIC) will provide endorsement of the Draft Annual Financial Statements before the Council report is prepared for 14 November 2023 Council meeting.

A Councillor briefing was held on 3 October 2023 to discuss this report.

MAIN REPORT

Council's auditors will present a summary of their findings to Council at the meeting of 14 November 2023. Public notice of this meeting will appear on Council's website from 7 November 2023.

FINANCIAL IMPLICATIONS

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

CONCLUSION

This report is a statutory report which is required to complete the 2022/23 Annual Financial Statements. The Draft Annual Financial Statements comply with the Australian Accounting Standards and the Local Government Code of Accounting Practice and Financial Reporting. Therefore, it is recommended that Council and management sign the Statements by Councillors and Management as attached to this report.

It is also recommended that Council notify the public that the Audit Office of NSW will present their audit findings to Council on 14 November 2023.

RECOMMENDED

That Council:

- i. endorse the Statements by Councillors and Management, which are to be signed by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer (Chief Financial Officer); and**
- ii. notify the public that the Annual Financial Statements and Audit Report will be presented to Council on 14 November 2023.**

ATTACHMENTS

1. General Purpose Financial Statements - 2023
2. Special Purpose Financial Statements - 2023
3. Draft Annual Financial Statements 2022-23 - *Supporting Document*

SUBJECT: INVESTMENT MONIES - AUGUST 2023
FROM: Director Growth and Finance
EDMS #: 23/497230

PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the *Local Government (General) Regulation 2021*, a list of investments held by Council as at 31 August 2023 is provided.

MAIN REPORT

The weighted average return on all investments was 4.82% p.a. for the month of August 2023. The industry benchmark for this period was 4.39% (Ausbond Bank Bill Index) and the current official cash rate as determined by the Reserve Bank of Australia (RBA) has remained at 4.10%.

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 August 2023; and**
- iii. **note the weighted average interest rate return of 4.82% p.a. for the month of August 2023.**

ATTACHMENTS

1. Investment Summary Report - August 2023

ORD09

ORD09

SUBJECT: SOUTH WEST SYDNEY ACADEMY OF SPORT - ANNUAL CONTRIBUTION
FROM: Director Sport, Community and Activation
EDMS #: 23/509418

PURPOSE OF REPORT

The purpose of this report is to advise Council of a request from the South West Sydney Academy of Sport (SWSAS) to review Council’s current annual contribution towards the academy, and to recommend an increase to future contributions.

BACKGROUND

Council has received a request from the CEO on behalf of the SWSAS Board to review our annual financial contribution towards the academy.

Camden Council is one of four foundation member Councils of SWSAS along with Campbelltown, Liverpool and Wollondilly. The academy was established in 1997 and has long been recognised for its contribution towards the development of talented junior athletes across a range of sports in the Macarthur and South West Region.

Councillors were briefed on this matter on 26 September 2023.

MAIN REPORT

Council currently contributes \$16,000 (excl. GST) annually to the SWSAS. This figure was last reviewed in 2020 when Council increased the annual contribution by \$3,000 (excl. GST).

Ninety full scholarships for athletes, coaches and support staff members are from Camden LGA. This represents over 30% of all Academy athletes and staff members. This number continues to grow as Camden’s population and high-quality sports facilities also increase.

Figure 1 below shows a current analysis of the contribution rates based on population.

Council	Current Contribution	\$ per 1000 people
Liverpool	\$30,600	\$122/1000
Campbelltown	\$26,000	\$142/1000
Camden	\$16,000	\$125/1000
Wollondilly	\$15,300	\$282/1000

Figure 1

An increase of \$3,500 (excl. GST), in line with the previous increase in 2020 would increase Camden's contribution to \$19,500 (excl. GST). This increase equates to \$152 per 1000 people. It is therefore recommended that Council consider an increase of \$3,500 (excl. GST) to the annual financial contribution.

In addition, to assist in keeping pace with Camden's growth and the value of money over time, it is also recommended that Council consider implementing an annual increase in accordance with Council's budgeted Consumer Price Index (CPI) except that, in the event the CPI is negative for the period, the contribution will remain the same.

Summary

As outlined in the report, it is recommended that Council consider a \$3,500 (excl. GST) increase to bring the annual contribution to \$19,500 (excl. GST). In addition, it is also recommended that Council consider implementing an annual increase in accordance with Council's budgeted Consumer Price Index (CPI) except that, in the event the CPI is negative for the period, the contribution will remain the same.

FINANCIAL IMPLICATIONS

Council currently contributes \$16,000 (excl. GST) annually to the SWSAS.

It is recommended that this annual subsidy be increased to \$19,500 (excl. GST) per annum, including Council's budgeted CPI indexation in future years, except in the event that CPI is negative for the period, the contribution will remain the same.

It is proposed to allocate \$3,500 (excl. GST) from existing budgets to fund the additional contribution.

CONCLUSION

Council has received a letter from the SWSAS requesting a review of our annual contribution. Having considered the request, analysed the contributions from other member Councils, and considered the participation of Camden residents, it is recommended that Council increase the annual contribution by \$3,500 (excl. GST).

It is also recommended that future payments be increased in line with Council's budgeted CPI except that, in the event the CPI is negative for the period, the contribution will remain the same.

RECOMMENDED

That Council:

- i. increase the annual contribution to the South West Sydney Academy of Sport (SWSAS) by \$3,500 (excl. GST) totalling \$19,500 (excl. GST);**
- ii. implement an annual increase on the contribution in accordance with Council's budgeted Consumer Price Index (CPI) except that, in the event the CPI is negative for the period, the contribution will remain the same; and**
- iii. write to SWSAS to advise of the outcome of this report.**

ORD10**ORD10****SUBJECT: COMMUNITY REPRESENTATION ON THE HERITAGE ADVISORY COMMITTEE****FROM:** Director Customer and Corporate Strategy**EDMS #:** 23/511786**PURPOSE OF REPORT**

The purpose of this report is to recommend the appointment of Joanne O'Brien as an additional community representative member of the Heritage Advisory Committee (the Committee).

BACKGROUND

The primary objectives of the Committee are to:

- Support Council by providing informed recommendations on heritage matters;
- Promote heritage and community information;
- Provide general advice and assistance by sourcing heritage information and historic photos to aid in replacing materials and carrying out work; and
- Provide policy input.

In accordance with its Terms of Reference (TOR), the membership of the Committee includes two Councillors, up to three community representatives, one representative of the Camden Historical Society and up to two representatives from Camden's Aboriginal and Torres Strait Islander community.

The TOR provides that the three community representatives should comprise one resident in each of the North, Central and South Wards of the Camden Local Government Area (LGA). However, if there are no suitable nominees available from a ward, more than one community representative may be appointed to the Committee from a ward and these additional representatives can remain on the Committee even if suitable nominees from other wards are subsequently appointed.

A Councillor briefing on this matter was held on 26 September 2023.

MAIN REPORT

The composition of the Committee is currently as follows:

- Councillors – Two members;
- Camden Historical Society – One member;
- North Ward – One member;
- Central Ward – No members;
- South Ward – Two members;
- Aboriginal and Torres Strait Islander Community – One member.

Recently, one additional member of the North Ward resigned from the Committee, being Brad Stewart. The TOR provides that a casual vacancy for a community representative caused by the resignation of a Committee member will be filled through a review by Council staff of nominations received through the previous Expressions of Interest (EOI) process with the details of any recommended nominees being reported to Council for endorsement and appointment. If there are no suitable nominees who are available or if Council so resolves, a new EOI process will be undertaken.

An EOI to join the Committee was previously received from Joanne O'Brien (South Ward) and, after being contacted by Council staff, she has submitted a new EOI which is provided as a **supporting document**. It is recommended that Joanne be appointed as a community representative on the Heritage Advisory Committee until the end of the Council term, being September 2024, which is consistent with existing Committee members.

The TOR provides that the Heritage Advisory Committee will maintain a caretaker role until the new Advisory Committees are formally appointed by Council. This permits the outgoing Heritage Advisory Committee to continue with routine business as set out within the TOR.

A resignation was also recently received from one additional member of the Aboriginal and Torres Strait Islander community, being Rebecka Stapleton. The TOR provides that, for Aboriginal and Torres Strait Islander community representatives on the Committee, a written nomination should be received by an organisation representing that community.

The TOR provides that if a casual vacancy is for a position that represented an organisation, the organisation will be invited to nominate a replacement representative (if no alternate member has previously been nominated). Council staff continue to liaise with the Aboriginal and Torres Strait Islander community to encourage nominations for membership of the Committee.

The TOR further provides the opportunity for individuals with the relevant experience and skills to attend the meeting by invitation of the Chairperson to provide assistance and advice, where necessary. These invitees have no voting rights.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

CONCLUSION

It is recommended that Joanne O'Brien be appointed as a community representative on the Heritage Advisory Committee.

RECOMMENDED

That Council appoint Joanne O'Brien as a community representative on the Heritage Advisory Committee.

ATTACHMENTS

1. Expression Of Interest Form - Joanne O'Brien - Heritage Advisory Committee - *Supporting Document*

ORD11**ORD11**

SUBJECT: POWER OF ATTORNEY
FROM: Director Customer and Corporate Strategy
EDMS #: 23/487711

PURPOSE OF REPORT

The purpose of this report is to recommend that Council endorse attorney appointments, revoke the existing power of attorney and authorise a revised power of attorney.

BACKGROUND

It is proposed to update Council's power of attorney to reflect the current organisational structure and to make an adequate number of attorneys available.

A Councillor Update was provided to Councillors on this matter on 29 September 2023.

MAIN REPORT**Legal considerations**

The *Powers of Attorney Act 2003* allows a person to give powers to act on their behalf to their attorney.

Council is able to do so as it is a 'person' under Schedule 4 to the *Interpretation Act 1987*, which is defined to include 'an individual, a corporation and a body corporate or politic'. Under section 220(1) of the *Local Government Act 1993* (LG Act), a Council is a body politic of the State.

Section 377(1) of the LG Act states that a Council may, by resolution, delegate to the General Manager, or any other person or body, any functions of the Council other than the functions listed in that section.

Where a matter relates to a function that cannot be delegated under section 377(1), such as the sale and purchase of land or the borrowing of money, Council is able to enter into a contract or agreement by affixing its seal, which requires a specific process to be followed. As an alternative, Council can appoint attorneys to sign such documents on behalf of Council.

Council may also decide that documents concerning delegated functions can be signed by its attorneys.

A power of attorney is considered a more convenient and efficient means of executing documents than the affixing of the seal. The power of attorney itself will require execution under seal. A power of attorney must be registered at Land Registry Services to enable execution of property related documents for registration.

This power of attorney can be terminated, revoked or suspended by Council at any time.

Amendments to attorney appointments

From time to time, amendments are recommended to be made to Council's attorney appointments so that they remain current with Council's structure. For example, events that would result in a change of circumstances that may require Council's attorneys to be reviewed are:

- Election resulting in a change of Mayor;
- Appointment of new General Manager or Directors; or
- A review of Council's Organisational Framework.

To reflect the current organisational structure, it is proposed that Council revoke the existing Power of Attorney and enter into a revised Power of Attorney.

Appointment of attorneys

As Council's attorneys, it is proposed that the following individuals are reappointed:

- Nicole Magurren (Director Planning and Environment);
- Sandra Kubecka (Director Community Assets);
- Samantha Sharkey (Director Customer and Corporate Strategy)
- Paul Rofe (Chief Financial Officer); and
- Charles Weber (Manager Legal and Governance);

and that the following individuals are appointed:

- Ashleigh Cagney (Mayor);
- Andrew Carfield (General Manager);
- Casli Mehmed (Director Sport, Community and Activation); and
- Milan Marecic (Director Growth and Finance).

The appointments are to be formalised in the proposed Power of Attorney instrument, which is provided as an **attachment** to this report.

The proposed instrument is otherwise the same as the current instrument and subject to the same restrictions and conditions, including that its powers may only be exercised to give effect to a resolution of Council or in the course of performing delegated functions.

FINANCIAL IMPLICATIONS

This report has no financial implications for Council apart from registration fees at Land Registry Services.

CONCLUSION

To reflect Council's current organisational structure, it is proposed to update attorney appointments as outlined in the report and register the power of attorney with Land Registry Services.

RECOMMENDED

That Council:

- i. appoint Ashleigh Maree Cagney, Andrew David Carfield, Casli Mehmed, Milan Joza Marecic, Nicole Maree Magurren, Sandra Anne Kubecka, Samantha Eva Jane Sharkey, Paul Andrew Rofe and Charles William John Weber as attorneys of Council in accordance with the proposed Power of Attorney attached to the report;
- ii. authorise the execution of the proposed Power of Attorney under the Seal of Council;
- iii. revoke the existing Power of Attorney as from the date of execution of the proposed Power of Attorney; and
- iv. register the proposed Power of Attorney with Land Registry Services.

ATTACHMENTS

1. Draft General Power of Attorney Instrument - 2023

ORD11

SUBJECT: POST EXHIBITION - REVIEW OF WARD BOUNDARIES 2023
FROM: Director Customer and Corporate Strategy
EDMS #: 23/497302
PREVIOUS ITEMS: ORD10 - Review of Ward Boundaries 2023 - Ordinary Council
- 08 Aug 2023 6.30pm

PURPOSE OF REPORT

The purpose of this report is to advise Council of the outcome of the public exhibition of the ward boundary amendment proposal and to recommend to Council the adoption of the revised ward boundaries.

BACKGROUND

Under section 211 of the *Local Government Act 1993* (the Act), Council is required to keep its ward boundaries under review and ensure that, prior to an election, the number of electors (being persons entitled to vote for Councillors in the Camden Local Government Area (LGA)) does not differ by more than 10% between wards. The alteration of boundaries is managed by the NSW Electoral Commission (NSWEC).

On 8 August 2023, a report was submitted to the Ordinary Meeting of Council to advise of Camden Council's current ward variance and to consider a ward boundary amendment proposal. The report also advised that the NSWEC has confirmed that Council's ward boundary amendment proposal is satisfactory as the variance remains under 10% and the boundaries largely correspond with the boundaries of appropriate districts and census districts.

Councillors were briefed on the ward boundary amendment proposal on 27 June 2023, 11 July 2023 and 26 September 2023.

MAIN REPORT

Public Exhibition

Following the Ordinary Council meeting of 8 August 2023, the ward boundary amendment proposal was placed on public exhibition from 16 August 2023 to 13 September 2023, with submissions accepted until 27 September 2023. A copy of the ward boundary amendment proposal is provided at **Attachment 1**.

The public exhibition included the publication of a 'Ward Boundary Review 2023' webpage on the Your Voice Camden community consultation platform and the display of hard copies of the current ward boundary map, proposed ward boundary map and relevant Council report at Council's Oran Park Administration Building and Camden, Narellan and Oran Park Libraries.

One submission was received from a member of the public who lives outside the Camden LGA. A copy of the submission is provided as a **Supporting Document**.

The submission:

- States that:
 - The ward boundary amendment should account for projected population growth in the North and Central Wards by ensuring that the South Ward has the highest population.
 - The amendment should also take into account which suburbs are the fastest growing.
- Provides an analysis of the ward boundary amendment placed on public exhibition.
- Proposes that Leppington (excluding one statistical area west of Eastwood Road) moves from North Ward to Central Ward, and that Narellan Vale moves from Central Ward to South Ward.
- Does not provide the maximum variance for the suggested ward boundary amendment.
- Submits that the wards should be renamed regardless of which ward boundary amendment is adopted by Council.

In response to the submission, the following are noted:

- There are several potential ward boundary amendments that would meet statutory requirements – the one proposed in the submission is likely compliant as the estimated maximum variance is 5.5%.
- Previous advice from the NSWEC is that Council does not need to undertake another public exhibition if it adopts a ward boundary amendment different from what is exhibited, so long as the maximum variance still complies with statutory requirements.
- While the point about projected population growth in the North and Central Wards is noted, the NSWEC has endorsed Council's proposal, as exhibited, because Council has ensured a maximum variance of 10% or less using data as of April 2023.
- Based on population projections, it is highly probable that another ward boundary amendment will be required for the 2028 Council election regardless of what amendment is made now.
- Council can rename wards under section 210(4) of the Act and notify this to the NSWEC together with the ward boundary adjustment however current ward names are considered appropriate and, although there is no prescribed process for renaming wards, best practice would involve community consultation beforehand and this is not feasible in the time available.

On balance, given that the ward boundary amendment publicly exhibited by Council complies with the statutory requirements and that a further ward boundary amendment will be required for the 2028 Council election regardless of which amendment is adopted now, it is recommended that Council adopt the ward boundary amendment proposal it endorsed at its Ordinary Meeting of 8 August 2023.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

CONCLUSION

Council must adjust its ward boundaries in order to comply with section 211 of the Act. On 8 August 2023, Council resolved to place the ward boundary amendment proposal on public exhibition. Submissions were invited from members of the public during the period from 16 August 2023 to 27 September 2023. One submission was received and is addressed in this report.

It is recommended that Council adopt the ward boundary amendment proposal as publicly exhibited and provided at **Attachment 1**.

RECOMMENDED

That Council:

- i. **adopt the ward boundary amendment proposal as publicly exhibited and provided as Attachment 1 to this report;**
- ii. **forward a completed Ward Boundary Report to the NSW Electoral Commission to advise of the outcome of the ward boundary review process; and**
- iii. **write to the submitter thanking them for their submission and to advise the outcome of this report.**

ATTACHMENTS

1. Proposed Ward Boundary Map
2. Camden Ward Boundaries 2023 - Submission - *Supporting Document*

ORD13**ORD13**

SUBJECT: COUNCILLOR NUMBERS
FROM: General Manager
EDMS #: 23/499013

PURPOSE OF REPORT

The purpose of this report is to outline the process to change the number of Councillors for the 2028-2032 term of Council onwards.

BACKGROUND

Under section 224 of the *Local Government Act 1993* (the Act), a council must have at least five and not more than fifteen councillors (one of whom is the mayor). A Council divided into wards must have the same number of councillors per ward and a minimum of three councillors per ward.

If a council proposes to change the number of councillors it must, before determining the number, obtain approval for the change at a constitutional referendum. Under section 17 of the Act, the decision made at a referendum is binding.

Councillors received a briefing on this matter on 26 September 2023.

MAIN REPORT

At its Ordinary meeting of 14 February 2023, Council resolved to enter into an arrangement with the NSW Electoral Commission (NSWEC) to conduct the 2024 local government election and associated activities, including the administration of any poll or constitutional referendum of Council that might be required.

At its Ordinary meeting of 8 August 2023, Council determined the number of its Councillors for the following term of office as nine, as required under section 224 of the Act.

If Council proposed to change the number of its Councillors, approval for that change would be required at a constitutional referendum, which could be held in conjunction with the 2024 local government election. The change would take effect from the 2028 local government election for the 2028-2032 Council term.

Impact of Population Growth

One objective criterion that can be considered is the ratio of population per Councillor. In this respect, it is notable that the Camden Local Government Area (LGA) has one of the fastest growing populations amongst LGAs across Australia.

In 2021, the population of the Camden LGA was 119,322, which equates to an average population of 13,258 per Councillor. It is projected that in 2028, the population of the Camden LGA will be 165,330. This would result in an average population of 18,204 per Councillor, which is an increase of 37.3% from the 2021 figures.

The strong population growth is having a significant impact on the nature and volume of business that Council deals with and the services it provides, and places substantial pressure on Council's finances and resources. The workload and obligations on Council's Mayor and Councillors have increased accordingly and will continue to do so rapidly for the foreseeable future.

Options

It is open to Council to propose an increase in the number of its Councillors provided the required numbers are met, namely between 5 and 15 councillors with a minimum of 3 per ward. Council may also decide not to make any change. The options are described below with some comments for consideration:

Option 1 – Status Quo (9 Councillors):

Positive	Negative
<ul style="list-style-type: none"> • Maintains ongoing costs for Council for Councillor fees, expenses and facilities • Maintains existing diversity of opinion and cohesion in decision making 	<ul style="list-style-type: none"> • Increases the ratio of electors to Councillors over time due to strong population increases, which may lead to less adequate representation of electors • May lose opportunities for greater diversity of opinion from a larger number of Councillors

Option 2 – Increase numbers (12 or 15 Councillors):

Positive	Negative
<ul style="list-style-type: none"> • Maintains or improves the ratio of electors to Councillors despite population increases, which may lead to more adequate representation of electors • May increase diversity of opinion 	<ul style="list-style-type: none"> • Increases ongoing costs for Council for Councillor fees, expenses and facilities • May lead to less cohesion in decision making

If Council resolves to conduct a constitutional referendum to obtain approval to increase the number of its Councillors for the 2028-2032 term of Council onwards, it is recommended that the referendum is held in conjunction with the 2024 Council election, as the NSWEC has advised that the cost of doing this would be substantially less than if the referendum were held separately from the Council election. This is further detailed in the financial implications section of this report.

Past and Proposed Referenda

There were several referenda conducted at the 2021 Local Government election that impacted the number of councillors. Of these:

- Two referenda (Armidale, Griffith) passed a reduction in the number of councillors;
- One referendum (Dubbo) passed an increase by one councillor but also abolished all wards;
- One referendum (Griffith) did not pass reverting from a popularly elected mayor to a mayor elected by councillors.

The following councils (with population noted) have proposed to hold referenda at the 2024 Local Government election:

	Proposal	Population*
Central Coast	“Do you favour a reduction in the number of Central Coast Councillors from 15 to 9? This will result in 3 Wards with each Ward electing 3 Councillors.”	346,596
Lismore	Reduce councillors from 11 to 9	44,334
Kiama	Change to popularly elected mayor (thereby increasing councillors from 9 to 10)	23,074
Willoughby	Reduce councillors from 13 to 12 and revert to Mayor elected by councillors	75,613

*Australian Bureau of Statistics Census Data

Impact on Wards

An increase in the number of Councillors does not automatically lead to an increase in the number of wards.

Considering that there must still be the same number of Councillors per ward and a minimum of three Councillors per ward, an increase in the number of wards would only be possible if Council increased the number of Councillors as follows:

- Twelve, which would accommodate four wards having three Councillors each. Otherwise, Council could retain three wards having four Councillors each.
- Fifteen, which could accommodate five wards having three Councillors each. Otherwise, Council could retain three wards having five Councillors each.

However, a decision to change the number of wards does not require a constitutional referendum and would be a matter for Council to decide in the 2024-2028 term, as part of the consideration of ward boundaries, if an increase in the number of Councillors were approved at the referendum.

Notwithstanding this, it may be helpful to include information about the proposed number of wards in conjunction with any referendum question concerning Councillor numbers to provide clarity and certainty for electors.

Next steps

If Council resolves to hold a constitutional referendum, the NSWEC must be notified within 21 days of the resolution. Council staff would then liaise with the NSWEC regarding the optimal wording of the referendum question to be asked, and subsequently report separately to Council to resolve the question to be asked. Following this, Council would implement a communication plan to inform the public about the referendum, including the presentation of arguments in support of both the 'Yes' vote and the 'No' vote.

FINANCIAL IMPLICATIONS

The NSWEC has advised that when held in conjunction with a Council election, the estimated cost of a constitutional referendum is an additional 10% of the full election costs. For comparative purposes, when held separately from a Council election, the estimated cost of a referendum is more than 80% of the full election costs. If a referendum were to be held in conjunction with the 2024 Council election, the additional cost would be considered as part of the draft 2024/25 Budget.

In the event that the outcome of the referendum was the approval of an increase in the number of Councillors from the 2028 Council election onwards, the additional cost associated with this increase would be factored into Council's Long Term Financial Plan.

CONCLUSION

If Council proposes increasing the number of its Councillors for the 2028-32 term onwards, Council is required to resolve to conduct a constitutional referendum to obtain approval accordingly. If so, it is recommended that this referendum be held in conjunction with the 2024 Council election.

RECOMMENDED

That Council:

- i. **determine whether or not to propose changing the number of Councillors for the 2028-2032 term onwards and, if so, to what number; and**
- ii. **if Council determines to propose changing the number of Councillors:**
 - a. **resolve to conduct a constitutional referendum to propose changing the number of Councillors for the 2028-2032 term onwards to the number it has determined;**
 - b. **notify the NSW Electoral Commission that it resolves to conduct a constitutional referendum in conjunction with its ordinary election in 2024, to increase the number of Councillors to the number it has determined; and**
 - c. **receive a further report to resolve the question to be asked at the constitutional referendum.**

ORD14**ORD14**

SUBJECT: MINUTES TO THE 5 JULY 2023 AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING
FROM: General Manager
EDMS #: 23/490088

PURPOSE OF REPORT

The purpose of this report is to provide Council with the minutes of the 5 July 2023 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 Audit, Risk and Improvement Committee).

Council resolved to adopt the Committee's revised Audit, Risk and Improvement Committee Terms of Reference (ARIC ToR) on 12 September 2023. The ARIC ToR 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 5 July 2023. The agenda discussed at the meeting included:

- Verification of Contributions Plans Transfers Internal Audit;
- Enterprise Risk Management;
- External Audit and Accounting Standards Update;
- Fraud and Corruption Control;
- Quarterly Legislative Compliance Declarations;
- Integrated Planning and Reporting Framework;
- 4-Year Strategic Internal Audit Plan – July 2023 to June 2027;
- Balanced scorecard/KPI report;
- Internal Audit Plan Status Update; and
- Update on Reports from Authoritative Bodies.

The draft minutes of the 5 July 2023 Audit, Risk and Improvement Committee meeting were circulated to Councillors as part of the Weekly Councillor Update on 4 August 2023 and subsequently approved at the 6 September 2023 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 they are submitted for information.

RECOMMENDED

That Council note the minutes of the 5 July 2023 Audit, Risk and Improvement Committee meeting.

ATTACHMENTS

1. Minutes of the 5 July 2023 Audit, Risk and Improvement Committee meeting

ORD15**ORD15**

SUBJECT: DISCLOSURES OF INTERESTS RETURNS 2022/2023
FROM: Director Customer and Corporate Strategy
EDMS #: 23/487725

PURPOSE OF REPORT

The purpose of this report is to recommend that Council note the tabling of Disclosures by Councillors and Designated Persons Returns for the 2022/2023 financial year.

BACKGROUND

Under section 4.21 of Council's Code of Conduct, a Councillor or designated person, holding that position on 30 June in any year, must complete and lodge with the General Manager a Disclosures by Councillors and Designated Persons Return within three months after that date.

MAIN REPORT

Designated persons have been identified in accordance clause 4.8 of Council's Code of Conduct and clause 8.1 of Council's Pecuniary Interest Returns and Designated Persons Policy.

Under section 4.25 of Council's Code of Conduct, returns of Councillors and designated persons required to be lodged with the General Manager must be tabled at the first meeting of the Council after the last day the return is required to be lodged (being 30 September 2023).

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

The completed Disclosures by Councillors and Designated Persons Returns for the 2022/2023 financial year are tabled.

RECOMMENDED

That Council note the tabling of the Disclosures by Councillors and Designated Persons Returns for the 2022/2023 financial year.

NOTICE OF MOTION

SUBJECT: NOTICE OF MOTION - COMMUNITY NOTICEBOARDS
FROM: Cr McLean
EDMS #: 23/528695

"I, Councillor Peter McLean, hereby give notice of my intention to move the following at the Council Meeting of 10 October 2023:

To request a briefing in November 2023 on options to:

- re-establish the community noticeboards across the Camden LGA; and
- re-establish regular notices in the local community newspaper.

BACKGROUND

There have long been community notice boards across the Camden LGA. Some of these notice boards have been removed while others still exist but are no longer operational as they have fallen into disrepair.

Community notice boards are a valuable opportunity for Council to communicate key information and equally for the community to advertise key information, events and opportunities.

To further enhance the communications of local events, developments and announcements to the community, it is requested to examine how we can reinstate these notice boards and recommence advertising in the local newspaper."

RECOMMENDED

That Council receive a Councillor Briefing in November 2023 on options to:

- i. **re-establish the community noticeboards across the Camden LGA; and**
- ii. **re-establish regular notices in the local community newspaper.**

ORD17

ORD17

SUBJECT: CLOSURE OF THE MEETING TO THE PUBLIC
FROM: Director Customer and Corporate Strategy
EDMS #: 23/516537

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*, the following business:

- Acquisition of Land – Cawdor

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

- Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c)); and
- Commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i));

and should be dealt with in a part of the meeting closed to the media and public.

Before a part of the meeting is closed, members of the public may make representations as to whether that part of the meeting should be closed. Representations can only be made in writing to the General Manager prior to the commencement of the meeting or a fixed period immediately after the motion is moved and seconded. That period is limited to four minutes under Council's Code of Meeting Practice.

The meeting will only be closed during discussion of the matters directly the subject of the report and no other matters will be discussed in the closed part.

Members of the public will be readmitted to the meeting immediately after the closed part has ended and, if Council passes a resolution during the closed part, the Chairperson will make the resolution public as soon as practicable after the closed part has ended.


RECOMMENDED

That Council:

- hear any objection or submission by a member of the public, limited to a period of four minutes, concerning the closure of the meeting; and**
- close the meeting to the media and public to discuss reports dealing with commercial matters in accordance with the provisions of Sections 10A(2)(c) and 10A(2)(d)(i) of the *Local Government Act 1993*.**

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