



# Camden Council

## Business Paper

**Ordinary Council Meeting**  
**13 February 2018**

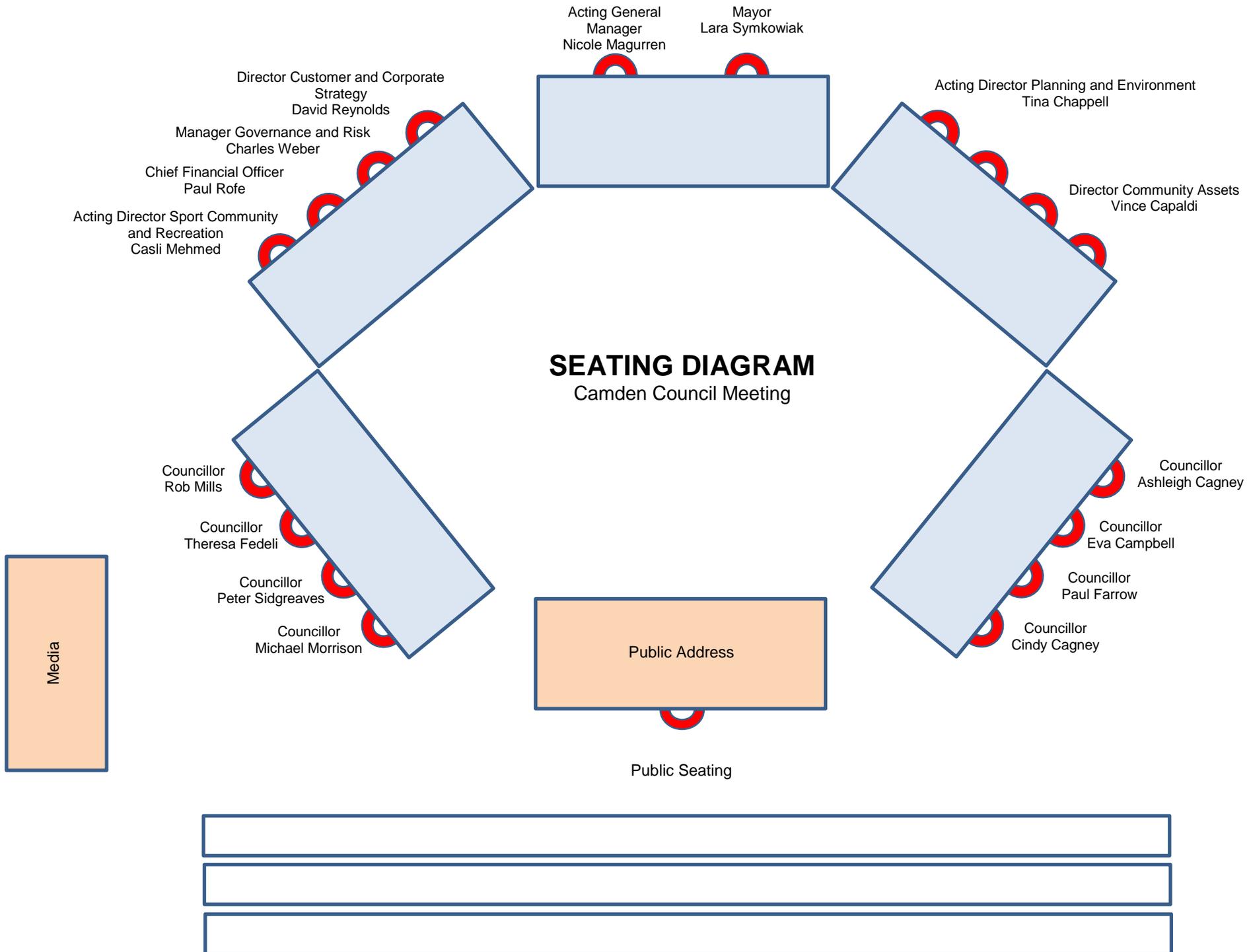
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**Camden Council**  
**Administration Centre**  
**70 Central Avenue**  
**Oran Park**



## COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BCA	Building Code of Australia
CLEP	Camden Local Environmental Plan
CP	Contributions Plan
DA	Development Application
DCP	Development Control Plan
DDCP	Draft Development Control Plan
DoPE	Department of Planning & Environment
DoT	NSW Department of Transport
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning & Assessment Act
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FPL	Flood Planning Level
GSC	Greater Sydney Commission
LAP	Local Approvals Policy
LEP	Local Environmental Plan
LGA	Local Government Area
MACROC	Macarthur Regional Organisation of Councils
NSWH	NSW Housing
OEH	Office of Environment & Heritage
OLG	Office of Local Government, Department of Premier & Cabinet
OSD	Onsite Detention
REP	Regional Environmental Plan
PoM	Plan of Management
RL	Reduced Levels
RMS	Roads & Maritime Services (incorporating previous Roads & Traffic Authority)
SECTION 149 CERTIFICATE	Certificate as to zoning and planning restrictions on properties
SECTION 603 CERTIFICATE	Certificate as to Rates and Charges outstanding on a property
SECTION 73 CERTIFICATE	Certificate from Sydney Water regarding Subdivision
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
STP	Sewerage Treatment Plant
VMP	Vegetation Management Plan
WSROC	Western Sydney Regional Organisation of Councils





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# ORDINARY COUNCIL

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## ORDINARY COUNCIL

SUBJECT: PRAYER

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### PRAYER

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

Amen

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

Amen

\*\*\*\*\*

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

Amen

\*\*\*\*\*

### AFFIRMATION

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

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

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

\*\*\*\*\*

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

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

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## **ORDINARY COUNCIL**

**SUBJECT:       ACKNOWLEDGEMENT OF COUNTRY**

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



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## ORDINARY COUNCIL

**SUBJECT: RECORDING OF COUNCIL MEETINGS**

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

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



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## **ORDINARY COUNCIL**

**SUBJECT: APOLOGIES**

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

### **RECOMMENDED**

**That leave of absence be granted.**



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## ORDINARY COUNCIL

**SUBJECT:       DECLARATION OF INTEREST**

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NSW legislation provides strict guidelines for the disclosure of pecuniary and non-pecuniary Conflicts of Interest and Political Donations.

Council's Code of Conduct also deals with pecuniary and non-pecuniary conflict of interest and Political Donations and how to manage these issues (Clauses 7.5-7.27).

Councillors should be familiar with the disclosure provisions contained in the *Local Government Act 1993*, *Environmental Planning and Assessment Act, 1979* and the Council's Code of Conduct.

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

### **RECOMMENDED**

**That the declarations be noted.**



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## ORDINARY COUNCIL

**SUBJECT: PUBLIC ADDRESSES**

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

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

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

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

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

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

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

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

### **RECOMMENDED**

**That the public addresses be noted.**



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## **ORDINARY COUNCIL**

**SUBJECT: CONFIRMATION OF MINUTES**

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Confirm and adopt Minutes of the Ordinary Council Meeting held 12 December 2017 and Minutes of the Local Traffic Committee Meeting held 19 December 2017.

### **RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting held 12 December 2017, and Minutes of the Local Traffic Committee Meeting held 19 December 2017, copies of which have been circulated, be confirmed and adopted.**



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## ORDINARY COUNCIL

### Mayoral Minute

**SUBJECT: MAYORAL MINUTE - AUSTRALIA DAY AND CIVIC AWARDS 2018**

**FROM:** The Mayor

**TRIM #:** 18/31040

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On the 26th of January, the Camden community once again came together with pride to celebrate Australia Day. It was fantastic to see so many people enjoying the Macarthur Lions parade on Argyle Street and celebrating the 'lucky country' that we get to call home.

Australia Day provides an opportunity for our community to come together to celebrate our diverse nation, to recognise the traditional owners of our land and to show pride and passion for our great country.

Australia Day also presents an opportunity to recognise local citizens who have contributed to making Camden a fantastic place to live, work and play, and to welcome new citizens to our country at our citizenship and Australia Day Awards ceremony.

The awards ceremony recognised 19 individuals and organisations that have made outstanding contributions to our community through areas such as education, health, fundraising, voluntary services, business, sport, arts, the environment and community events.

After the awards, we welcomed 37 valued members of our growing community from 12 different countries of origin including Canada, Egypt, Fiji, India, Ireland, Nepal, Pakistan, Scotland, South Korea, UK, USA and Zimbabwe to Australian citizenship.

The following were the nominees and recipients of the awards in each category:

#### **Young Sportsperson of the Year**

- Amy Sligar – Joint Winner
- Natalie Sligar – Joint Winner
- Chantelle Barnard
- Jaide Gayle-Weiling

#### **Sportsperson of the Year**

- Maddison Lewis - Winner

#### **Community Group of the Year**

- Camden Lioness Club – Joint Winner
- Everyone Can Dance Charity – Joint Winner
- Camden Rugby Union Club – The Chain Gang
- Camden Men's Shed
- Currans Hill Rainbow Babies & Kids Playgroup
- 1st Narellan Scouts
- Paws Pet Therapy

#### **Community Event of the Year**

- Macarthur Lions Australia Day Parade - Winner
- Camden Show



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**Young Citizen of the Year**

- Lubna Sherieff - Winner
- Emelia Gelardi-Bunyi

**Citizen of the Year**

- David Funnell – Winner
- Aneek Mollah
- Jennifer Murphy

I thank all nominees and acknowledge their significant contributions to our community.

Finally, as they hand over the reins to the incoming Australia Day Citizen of the Year and Young Citizen of the Year for 2018, I thank our outgoing Citizen of the Year, Mrs Robyne Meek and Young Citizen of the Year, Johann Marais.

Robyne has attended many civic receptions with me throughout 2017 including our citizenship ceremonies and has become a great friend of mine. Robyne is actively involved in the Quota International Club of Macarthur, the View Club and the Country Women's Association. Robyne volunteers her time to a variety of worthy causes. She honestly has been an outstanding Camden Citizen of the Year.

Johann attended civic receptions and was a fantastic MC at the 2017 Victor Chang Science Awards. He contributes to the community through his work with the Camden Youth Council and Airforce Cadets. I look forward to seeing what Johann will accomplish in the future.

I thank Robyne and Johann for their contribution and support over the past 12 months, in addition to their dedication to our community.

**RECOMMENDED**

**That Council note the information.**



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## ORDINARY COUNCIL

### Mayoral Minute

**SUBJECT: MAYORAL MINUTE - MEDAL OF THE ORDER OF AUSTRALIA**

**FROM:** The Mayor

**TRIM #:** 18/31059

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On behalf of Camden Council and the Camden community, I would like to acknowledge and congratulate Mr John Ryan for receiving a Member of the Order of Australia (AM) and Mr John Murray for receiving a Medal of the Order of Australia (OAM) on Friday 26 January 2018, Australia Day.

Mr Ryan was made a Member of the Order of Australia for “significant service in the Parliament of New South Wales, and to public administration, particularly the development of accommodation policy for people with a disability”.

He was Deputy Leader of the Liberal Party in the Legislative Council, Shadow Minister for Community Services and Shadow Minister for Disability from 2003 to 2007. As the Shadow Minister for Disability he advocated to have young people with disabilities removed from aged care nursing homes which came to fruition in 2006.

In 2013, Mr Ryan coordinated a program aimed at closing large residential institutions for people with disability, advocating people with disability should be living in more home-like accommodation with more opportunities to access their local community.

Mr Ryan is an active member of St John’s Anglican Church in Camden. He dedicates much of his spare time to leading services and serving on the Parish Council.

Mr Ryan worked as a high school teacher and as a senior research officer for former Liberal minister Ted Pickering prior to his election to parliament where he was in office from 1991 to 2007.

I would like to publically congratulate Mr Ryan on this fantastic achievement. I have had the pleasure of knowing John for some time and it is fantastic to see such a genuine, kind, hardworking and humble man recognised in this very special way.

I would like to also acknowledge Mr John Murray, a Cobbitty resident for more than 50 years who received his Order of Australia Medal “for service to the community of Bankstown”. He has been president of Bankstown Sports Club since 2006, director since 1981 and a volunteer there since 1958.

Mr Murray’s list of community work also shows dedication to the Macarthur area. He served on Camden Council for two terms between 1989 and 1997, and is a Cobbitty Bush Fire Brigade life member, serving as a volunteer and former president for 20 years from 1988 to 2008. Mr Murray has devoted 15 years to fundraising for research into Rett Syndrome for the Children’s Hospital at Westmead and has organised fundraising events for Leukaemia research at Royal Prince Alfred Hospital from 1991 to 2003.

Mr Murray has been volunteering since the age of 7 when he started raising funds for the Red Cross during World War II.

I congratulate Mr John Murray on this fantastic achievement.



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We are so lucky to have these two great men living in our LGA and I couldn't be happier for them in receiving these wonderful accolades.

**RECOMMENDED**

**That Council note the information.**



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## ORDINARY COUNCIL

### ORD01

**SUBJECT: CONSTRUCTION OF A TWO STOREY DWELLING AND ATTACHED SECONDARY DWELLING - 29 NICHOLSON PARADE, SPRING FARM**

**FROM:** Acting Director Planning & Environment

**TRIM #:** 17/367096

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**APPLICATION NO:** DA 1062/2017

**PROPERTY ADDRESS:** 29 Nicholson Parade, Spring Farm

**APPLICANT:** Lily Homes Pty Ltd

**OWNER:** Buckley Building Company Pty Ltd

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### UPDATE

The DA is reported to Council for determination following the deferral of this item at the 12 December 2017 meeting for a Councillor site inspection.

The 12 December 2017 Council report is provided below. No changes have been made to this report since it was reported on 12 December 2017, however some additional explanatory notes have been added to the shadow diagrams provided as an attachment to this report.

### BACKGROUND

Council at its meeting of 12 December 2017 resolved to defer consideration of the subject DA to undertake an inspection of the site. The DA is now referred back to Council for determination following the Councillor site inspection.

### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a two storey dwelling and attached secondary dwelling at 29 Nicholson Parade, Spring Farm.

The DA is referred to Council for determination as there is one unresolved submission objecting to the proposed development.

### SUMMARY OF RECOMMENDATION

That Council determine DA 1062/2017 for the construction of a two storey dwelling and attached secondary dwelling at 29 Nicholson Parade, Spring Farm pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

### THE PROPOSAL

DA1062/2017 seeks approval for the construction of a two storey dwelling and attached secondary dwelling.

Specifically, the proposed development involves:



- Construction of a two storey dwelling containing ground floor living room, family/meals area, kitchen, laundry and double garage;
- At first floor level, the dwelling contains four bedrooms (ensuite and walk-in robe to the master bedroom) and bathroom;
- An attached secondary dwelling (59 m<sup>2</sup> in area) containing one bedroom, combined living/dining room, kitchen, laundry and bathroom;
- Separate private open space for both the principal dwelling and secondary dwelling;
- Stormwater connection to the existing street drainage and site works.

The total cost of works is \$315,780.

**A copy of the proposed plan is provided as an attachment to this report. Further information on the DA is publicly available on Council's website under the Development Applications, by clicking on 'Find A DA'.**

### THE SITE

The site is known as 29 Nicholson Parade, Spring Farm and is legally described as Lot 4163 DP 1194060. The site is located on the southeast corner of Nicholson Parade and Blain Road at Spring Farm.

The site has an irregular splayed boundary as a result of a roundabout provided at this street intersection. The site has a depth in excess of 29m, a width of 18.67m at the rear and a site area of 495.1. There is an 800mm (approximate) fall across the site.

Development in the immediate locality is characterised by predominantly single storey detached housing.





**KEY DEVELOPMENT STATISTICS**

The DA has been assessed against the relevant planning controls and is compliant. Below is a summary of the key development statistics associated with the DA.

<b>Camden LEP 2010</b>			
	<b>Standard</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Height (cl.43)</b>	Max. 9.5m.	7.275m.	Yes
<b>Secondary Dwelling (cl.5.4(9))</b>	Must not exceed 60m <sup>2</sup> or 25% of the total floor area of the principal dwelling, whichever is the greater.	59.04m <sup>2</sup> .	Yes
<b>Camden DCP Controls</b>			
	<b>Control</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Cut &amp; fill (B1.2)</b>	Max 1m	200mm	Yes
<b>Fill distance from boundary (B1.2)</b>	No fill within 2m of boundary (unless drop edge beam).	No fill proposed within 2m of the boundary.	Yes
<b>Height (D2.1.3)</b>	Max. two storey.	Two storey.	Yes
<b>Visual &amp; Acoustic privacy (D2.1.4)</b>	No direct overlooking of main living areas or POS.	Only bedrooms are proposed on the first floor.	Yes
<b>Site Cover (D2.1.5)</b>	Max. 50% – Ground Floor.	Ground – 120.4/495.2 x 100 = 24%	Yes
	Max. 30% – Upper Floor.	Upper 94.4 / 495.2 x 100 = 19%.	Yes
<b>Private open space (D2.1.5)</b>	Min. private open space area of 20% of the site area, or 99m <sup>2</sup> .	107m <sup>2</sup> .	Yes
	The private open space is to contain an area of principal private open space (PPOS) with a minimum area of 24m <sup>2</sup> and minimum dimension of 4m which is accessible from a living area of the dwelling.	Both the principal dwelling and secondary dwelling contain an area of PPOS meeting the requirements of the DCP.	Yes
<b>(D2.1.5) Private open space solar access</b>	50% of PPOS (subject site and adjoining properties) is to receive three hours of sunlight between 9.00am and	Solar access to 50% of PPOS for the subject lot and adjoining properties provided.	Yes



	<p>3.00pm on 21 June. North facing windows of living areas shall receive at least three hours solar access between 9.00am and 3.00pm on June 21 over a portion of their surface.</p> <p>North facing windows to living areas of neighbouring properties shall not have sunlight reduced to less than three hours between 9.00am and 3.00pm on 21 June.</p>	<p>Principal and secondary dwellings have north facing windows which will receive the required solar access.</p> <p>Neighbouring properties will continue to receive not less than three hours between 9.00am and 3.00pm on 21 June.</p>	Yes
<b>Landscape Area (D2.1.5)</b>	Minimum 30%, or 148.56m <sup>2</sup> .	207m <sup>2</sup> .	Yes
<b>Garages (D2.1.6)</b>	On lots greater than 15m in width, front loaded double garages are permitted.	A double garage is provided.	Yes
<b>Garage door width</b>	On lots greater than 15m in width, width of garage shall no greater than 50% of the dwelling's front elevation.	The garage door occupies 23% of the front elevation of the building and does not dominate the street frontage.	Yes
<b>Spring Farm Release Area DCP Controls</b>			
	<b>Control</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Front setback – Collector Road (Blain Road)</b>	Min. 4.5m.	4.5m.	Yes
<b>Architectural Element</b>	1.5m (max) encroachment.	Porch – 1.2m encroachment.	Yes
<b>Secondary Street Setback – Nicholson Parade</b>	Min. 2m.	4.5m.	Yes
<b>Garage Setback (min)</b>	Min. 1m behind building line.	1.0m behind building line (excluding patio).	Yes
	Min. 5.5m front boundary.	5.53m from boundary.	Yes



<b>Side Setback (min)</b>	Min. 0.9m.	0.9m.	Yes
<b>Rear Setback Ground Floor</b>	Min. 4m.	4m.	Yes
<b>Rear Setback First Floor</b>	Min. 6m.	6m.	Yes
<b>Garage setback behind building line</b>	Min. 0.9m.	1.5m.	Yes
<b>Part D2.2.1 - Secondary Dwelling DCP Controls</b>			
<b>Floor Area</b>	A secondary dwelling must not exceed 60m <sup>2</sup> or 25% of the total floor area of the principal dwelling, whichever is the greater.	59.04m <sup>2</sup> .	Yes
<b>Car Parking</b>	No additional car parking required for secondary dwellings.	No car parking proposed for the secondary dwelling.	Yes
<b>Private Open Space</b>	No additional private open space area required but clothes drying facility to be provided with adequate solar access.	The principal and secondary dwellings have their own private open space areas.	Yes
<b>Strata or Torrens title subdivision</b>	No subdivision of secondary dwellings permitted.	No subdivision proposed.	Yes

**ASSESSMENT**

***Zoning and Permissibility***

Zoning:	R1 General Residential
Permissibility:	The proposed development is defined as a 'dwelling house' and an attached 'secondary dwelling' by the LEP which are permissible land uses in this zone.

***Environmental Planning and Assessment Act 1979 – Section 79(C) Matters for Consideration***

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<u>Deemed SEPP No. 20 – Hawkesbury-Nepean River</u> - Compliant with conditions recommended.  <u>SEPP (BASIX) 2004</u> – BASIX Certificate No. 847809M accompanies the application.
Local Environmental Plan – S79C(1)(a)(i)	Camden LEP 2010 – Compliant with conditions recommended



Draft Environmental Planning Instrument(s) – S79C(1)(a)(ii)	None applicable
Development Control Plan(s) - S79C(1)(a)(iii)	Camden DCP 2011 – Compliant with conditions recommended.
Planning Agreement(s) – S79C(1)(a)(iiiia)	None
The Regulations – S79C(1)(a)(iv)	Impose prescribed conditions.
Likely Impacts – S79C(1)(b)	The likely impacts are discussed in the Key Issues section of this report.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	One submission was received which is discussed in the Submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

### **Key Issues**

The key issues associated with the DA are limited to the submission issues discussed in this report.

### **Submissions**

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 25 August to 7 September 2017. One submission objecting to the proposed development was received.

Council staff contacted the submission writer to discuss their concerns however were unsuccessful in resolving the issues raised in the submission.

The following discussion addresses the issues and concerns raised in the submissions.

#### *1. Overshadowing of living spaces and alfresco*

#### Officer Comment:

Concerns have been raised that the proposed dwelling will cast a shadow on the adjoining property from before 9.00am until 3.00pm during winter.

The DCP states that 'sunlight must reach at least 50% of the principal private open space (PPOS) of both the subject dwelling and of any adjoining dwelling for not less than three hours between 9.00am and 3.00pm on 21 June.'

Shadow diagrams submitted with the DA indicate the adjoining property to south-west will have some overshadowing as the result of the development. However, the private open space area will continue to receive sunlight for three hours to 50% of the private open space area during winter.

The DCP also requires that solar access to north facing windows in the adjoining dwellings is maintained. The shadow diagrams submitted indicate that at 12.00 noon and 1.00pm on 21 June, the two storey component of the development does not cast shadow over the lounge room window of the adjoining property. At 2.00pm and 3.00pm, the north facing lounge room window will not be overshadowed by the proposed development.



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The adjoining dwelling will therefore receive the required three hours of sunlight between 12.00 noon and 3.00pm required by the DCP.

A copy of the shadow diagrams is provided as an **attachment** to this report.

### 2. *Reduced ability to generate solar power*

#### Officer Comment:

Concerns have been raised that the shadows cast by the proposed dwelling will have a significant impact on the ability to generate solar energy from solar panels at the objector's property.

There are no solar panels currently installed on the neighbouring dwelling however the submission suggests that the owners of the property are considering purchasing solar panels for their property in the future.

There are no controls in the DCP for overshadowing of solar panels on adjoining properties, or the roof of adjoining properties in the case where solar panels do not exist. Notwithstanding, the shadow diagrams (including elevations) indicate there will be minimal overshadowing of the adjoining roof.

### 3. *Privacy impact from first floor windows*

#### Officer Comment:

Concerns have been raised that the proposed development provides 3 first floor windows on the southwestern elevation of the dwelling that impact on the privacy of the adjoining property by overlooking the main living room, kitchen and alfresco dining area.

The first floor windows are set back 6m from the adjoining boundary and service bedrooms and bathrooms. In addition, the first floor bedroom windows in the south west elevation have high sill heights. Given these windows service low use rooms, it is considered that the proposed development will not adversely impact on the privacy of adjoining dwellings.

## **FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

## **CONCLUSION**

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 1062/2017 is recommended for approval subject to the conditions attached to this report.

## **RECOMMENDED**

**That Council approve DA 1062/2017 for the construction of a two storey dwelling and attached secondary dwelling at 29 Nicholson Parade, Spring Farm subject to the conditions attached to this report.**



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## ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Shadow Diagrams
4. Floor Plans - *Supporting Document*
5. Public Exhibition & Submitters Map - *Supporting Document*
6. Plans of Submitters Dwelling - *Supporting Document*
7. Submission - *Supporting Document*



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## ORDINARY COUNCIL

### ORD02

**SUBJECT: SUBDIVISION TO CREATE TWO TORRENS TITLE LOTS AND CONSTRUCTION OF TWO X TWO STOREY DWELLINGS, AND ASSOCIATED SITE WORKS AT 42 BOURNE RIDGE, ORAN PARK**

**FROM:** Acting Director Planning & Environment

**TRIM #:** 18/13757

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**APPLICATION NO:** DA 1328/2017  
**PROPERTY ADDRESS:** 42 Bourne Ridge Oran Park  
**APPLICANT:** Jasdeep Brar  
**OWNER:** Jasdeep Brar

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for subdivision to create two Torrens title lots and construction of two x two storey dwellings, and associated site works at 42 Bourne Ridge, Oran Park.

The DA is referred to Council for determination as there remains one unresolved submission objecting to the proposed development.

### SUMMARY OF RECOMMENDATION

That Council determine DA 1328/2017 for subdivision to create two Torrens title lots and construction of two x two storey dwellings and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

### THE PROPOSAL

DA 1328/2017 seeks approval for subdivision to create two torrens title lots, construction of two x two storey dwellings, and associated site works.

Specifically the proposed development involves:

- Torrens title subdivision to create two lots with areas of
  - Lot 1 – 315m<sup>2</sup>; and
  - Lot 2 – 285m<sup>2</sup>;
- Construction of a two storey dwelling on each new lot, each containing four bedrooms and a single garage; and
- Associated site works including earthworks, drainage and landscaping.

The estimated cost of the development is \$402,280.

**A copy of the proposed plans is provided as an attachment to this report. Further information on the DA is publicly available on Council's website under the Development Applications, by clicking on 'Find a DA'.**



## THE SITE

The site is known as 42 Bourne Ridge, Oran Park and is legally described as Lot 2508 DP 1195722. The site is located on the eastern side of Bourne Ridge, Oran Park opposite Lawrence Street. The allotment is 20m wide and 30m in depth, with a site area of 600m<sup>2</sup>. The site is currently vacant and has a fall of approximately 1.0m from the southeast to the northwest.

The surrounding area contains a mix of single and two storey dwelling houses and dual occupancy developments. Immediately adjoining the site to the north is a vacant lot of land, however Council is currently considering an application for a two lot subdivision and construction of two x two storey dwellings. To the south is a constructed single storey dwelling.

To the east (rear) of the site, there is a mix of single and two storey dwellings along Evans Street. Similarly, to the west (opposite) is a mix of single and two storey dwellings along Bourne Ridge and along Lawrence Street Oran Park.





**KEY DEVELOPMENT STATISTICS**

The DA has been assessed against the relevant planning controls and is compliant. Below is a summary of the key development statistics associated with the DA.

<b>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</b>			
<b>Clause</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Appendix 1, 2.6 Subdivision</b>	Development consent required for the subdivision of land.	The DA seeks consent for the subdivision of land.	Yes.
<b>Appendix 1, 4.1AC Exceptions to minimum lot sizes for dwelling houses</b>	Minimum lot size for dwelling houses is 300m <sup>2</sup> .  However, consent may be granted between 250-300m <sup>2</sup> , where the DA consists of both a subdivision of land into two or more lots and the erection of a dwelling house.	Lot 1 – 315m <sup>2</sup> . Lot 2 – 285m <sup>2</sup> .  This application seeks subdivision and the construction of a dwelling on each of the lots created therefore satisfying clause 4.1AC.	Yes.
<b>Appendix 1, 4.3 Height of Buildings</b>	Maximum building height of 9.5m.	Lot 1 – dwelling 8.4m. Lot 2 – dwelling 7.4m.	Yes.
<b>Oran Park Development Control Plan (DCP) 2011</b>			
<b>7.5.2 Cut and Fill</b>	Maximum 1m.	Cut – 177mm. Fill – 450mm.	Yes.
<b>7.6.2 Streetscape and Architectural Design</b>	Primary street and secondary street façades to address the street and to incorporate two design features.	Both proposed dwellings include two design features positively addressing the street being an entry porch and projecting architectural elements.	Yes.
<b>7.6.2 Front façade</b>	Include one habitable room with a window fronting the street.	Both proposed dwellings have a lounge room which contains a window within the street elevation.	Yes.
<b>7.6.8 Car parking requirements</b>	Greater than two bedrooms – two car spaces required with at least one space located behind the building line.	Both lots are four bedroom dwellings and each provides one car space in a single garage the other within the front setback.	Yes.



<p><b>7.6.9 Visual and acoustic privacy</b></p>	<p>Direct overlooking of main habitable areas and Private Open Space (POS) of adjacent dwellings to be minimised.</p>	<p>Both proposed dwellings have been designed to minimize overlooking of adjoining properties. All upper floor rooms are bedrooms and bathrooms which are not main habitable areas. Proposed balconies face the street, and will not cause adverse privacy issues for adjoining properties.</p> <p>The proposed dwelling on Lot 1 has no direct sightlines to the habitable areas and private open space of the proposed development on 44 Bourne Ridge.</p> <p>Proposed dwelling on Lot 2 has no direct sightlines to the habitable areas and POS of the adjacent single storey dwelling to the south 40 Bourne Ridge.</p>	<p>Yes.</p>
<p><b>8.2 Stormwater &amp; construction management</b></p>	<p>Stormwater concept plan provided.</p>	<p>Stormwater concept plan provided shows both dwellings draining to the street in Bourne Ridge via a rainwater tank.</p>	<p>Yes.</p>
<p><b>7.2 Residential density</b></p>	<p>Subdivision to meet density target of relevant Precinct. The proposal is located in Precinct I which has a target of 543 dwellings.</p>	<p>The proposal falls into density band 15-20 dwellings/ha. The proposal will contribute to the overall density targets. Specifically, being located in Precinct I, the proposed two lot subdivision will contribute to the overall target of 543 dwellings for this precinct.</p>	<p>Yes.</p>
<p><b>7.3 Subdivision approval process</b></p>	<p>For lots equal to or greater than 300m<sup>2</sup> full dwelling plans are to be submitted as part of the development application and subdivision is to occur at pre-construction stage.</p>	<p>Lot 1 – 315m<sup>2</sup>. Full dwelling design plans provided and a condition of consent is recommended to ensure that subdivision occurs prior to an occupation certificate being issued.</p>	<p>Yes.</p>



	For lots less than 300m <sup>2</sup> and equal to or greater than 225m <sup>2</sup> in area, and with a width equal to or greater than 9m, full dwelling plans are to be submitted as part of the development application, subdivision is to occur at the pre-construction stage and a section 88B restriction regarding dwelling design is required.	Lot 2 – 285m <sup>2</sup> Full design dwelling plans provided, and a condition of consent is recommended to ensure that subdivision occurs prior to the issue of an Occupation Certificate and a dwelling design restriction is included in the section 88B instrument.	
<b>Front accessed dwellings with frontage width ≥ 9m and ≤ 15m (Lot 1- 10.5m Frontage)</b>			
<b>7.6.3 Front setback</b>	Minimum 4.5m to building façade line.	4.52m to building façade.	Yes.
<b>7.6.3 Front articulation</b>	Minimum 3m to articulation zone.	3.010m to articulation zone.	Yes.
<b>7.6.3 Garage line</b>	Minimum 5.5m to garage line and minimum 1m behind the building facade.	5.52m to garage and 1m behind the building façade.	Yes.
<b>7.6.4 Side setback</b>	Minimum 900mm for ground floor and upper floor where the proposed lots have a detached boundary.	Northern – 980mm. Southern – 1390mm. To both lower and upper floors.	Yes.
<b>7.6.4 Rear setback</b>	Minimum 4m ground and 6m upper.	Ground – 10.72m. Upper – 10.72m.	Yes.
<b>7.6.5 Height</b>	Maximum 2 storeys.	Two storey dwelling proposed.	Yes.
<b>7.6.5 Site Coverage</b>	For lots less than or equal to 375m <sup>2</sup> , the maximum site coverage for the upper level is 40%.	Lot size – 315m <sup>2</sup> Upper – 37%.	Yes.
<b>7.6.5 Height of ground floor level</b>	Maximum 1m above finished ground level.	Max 700mm above existing ground level.	Yes.
<b>7.6.5 Landscaped area</b>	Minimum 25% of lot area is to be provided as landscaped area.	45% provided.	Yes.



<b>7.6.7 Principal private open space</b>	Minimum area of 20m <sup>2</sup> with minimum dimensions of 4m with a gradient not exceeding 1:10.	81.9m <sup>2</sup> with minimum dimensions of 4m & gradient not exceeding 1:10 proposed.	Yes.
<b>7.6.7 Principal private open space (PPOS) solar access</b>	Minimum three hours solar access between 9.00am to 3.00pm on 21 June to a minimum 50% of PPOS and adjoining dwelling PPOS.	The lot is oriented east west with solar access greater than three hours provided during the morning period to both the subject and adjoining lots including the proposed two storey dwelling to the south.	Yes.
<b>Front accessed dwellings with frontage width ≥ 9m and ≤ 15m (Lot 2- 9.5m Frontage)</b>			
<b>7.6.3 Front setback</b>	Minimum 4.5m to building façade line.	4.58m to building façade.	Yes.
<b>7.6.3 Front articulation</b>	Minimum 3m to articulation zone.	3.06m to articulation zone.	Yes.
<b>7.6.3 Garage line</b>	Minimum 5.5m to garage line and a minimum of 1m behind building.	5.58m to garage and 1m behind building facade line.	Yes.
<b>7.6.4 Side setback</b>	Minimum 900mm for ground floor and upper floor.	North – 1390mm. South – 920mm.	Yes.
<b>7.6.4 Rear setback</b>	Minimum 4m ground and 6m upper.	Ground - 8.96m. Upper - 8.96m.	Yes.
<b>7.6.5 Height</b>	Maximum two storeys.	Two storey dwelling proposed.	Yes.
<b>7.6.5 Height of ground floor level</b>	Maximum 1m above finished ground level.	600mm above existing ground level.	Yes.
<b>7.6.5 Landscaped area</b>	Minimum 25% of lot area is to be provided as landscaped area.	42% landscaping provided.	Yes.
<b>7.6.7 Principal private open space</b>	Minimum area of 20m <sup>2</sup> with minimum dimensions of 4m with a gradient not exceeding 1:10.	56.6m <sup>2</sup> PPOS minimum dimensions of 4m & gradient not exceeding 1:10 proposed.	Yes.



<b>7.6.7 Principal private open space solar access</b>	Minimum three hours solar access between 9.00am to 3.00pm on 21 June to a minimum 50% of PPOS and adjoining dwelling PPOS.	The lot is oriented east west with solar access greater than three hours provided during the morning period to both the subject and adjoining lots including the single storey dwelling to the south.	Yes.
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**ASSESSMENT**

***Zoning and Permissibility***

Zoning:	R1 General Residential
Permissibility:	The site is zoned R1 General Residential Environmental under the provisions of the Growth Centres SEPP. The proposed development is defined as a 'subdivision' and a 'Dwelling House' by the SEPP which are both permissible land uses in this zone.

***Environmental Planning and Assessment Act 1979 – Section 79(C) Matters for Consideration***

State Environmental Planning Policy(s) - S79C(1)(a)(i)	State Environmental Planning Policy (Sydney Region Growth Centres) – Compliant with conditions recommended where necessary. Deemed SEPP No. 20 – Hawkesbury-Nepean River – Compliant with conditions recommended where necessary SEPP (BASIX) 2004 – BASIX Certificate provided for each dwelling.
Local Environmental Plan - S79C(1)(a)(i)	Camden LEP 2010 – Obstacle Limitation considered acceptable.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None Applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	Oran Park DCP – Compliant with conditions recommended where necessary. Camden DCP – compliant with the notification criteria.
Planning Agreement(s) - S79C(1)(a)(iiiia)	None applicable.
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions.
Likely Impacts - S79C(1)(b)	No significant impacts.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	Two submissions from two property addresses were received, one was later withdrawn. The submission is discussed in the 'submissions' section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.



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### **Key Issues**

The key issues associated with the DA are limited to the submission issues discussed in this report.

### **Submissions**

The DA was publicly exhibited for 14 days in accordance with the Camden DCP. The exhibition period was from 17 October 2017 to 30 October 2017. Two submissions were received objecting to the proposed development, one submission was withdrawn. The other submission remains unresolved and is discussed below.

1. *The proposal would undermine the Oran Park Town Sales Plan which indicates which lots are suitable for further subdivision and dual occupancy developments. The Sales Plan has not identified the subject lot as being suitable for such development.*

#### Officer comment:

The concerns raised by this submission are not matters that are considered under S79C of the EPA Act.

The Section 88B instrument which applies to the land does not contain any restrictions with regard to further subdivision of the site.

The allotment is of a width, depth and lot area that enables a compliant 2 lot subdivision to be proposed. The development is not inconsistent with the density band of 15-20 dwellings/ha where the minimum lot frontage is 9m for a front loaded lot.

The proposed lot frontages are 10.5m and 9.5m for Lots 1 and 2 respectively which are consistent with existing development approved within the locality, including the subdivision approved at 38A and 38B Bourne Ridge, Oran Park.

The development proposed is compliant with the assessment criteria for lots of this size and width, as a result the development is not considered to be inconsistent with the provisions of State Environmental Planning Policy (Sydney Region Growth Centres) and the Oran Park Development Control Plan.

2. *The proposal would contravene the Deed of Covenant which Oran Park enters into with purchasers of the land. Purchasers exchanged a Deed of Covenant that contains severe penalties to deter purchasers from undertaking further subdivision and dual occupancy developments contrary to the Sales Plan.*

#### Officer comment:

As stated above, this is a matter between the developer and the purchaser of the subject lot and is not a matter which is considered under S79C of the EPA Act.

Appendix 1 clause 1.9A of the State Environmental Planning Policy (Sydney Region Growth Centres), details any agreement, covenant or other similar instrument restricting the carrying out of the proposed development, does not apply to the extent necessary to serve that purpose.



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The development before Council has been assessed having regard to the relevant assessment criteria and is compliant with State Environmental Planning Policy (Sydney Region Growth Centres) and the Oran Park Development Control Plan.

3. *The proposal would undermine the planning process and affect adjoining landowners.*

Officer comment:

The application is not considered to undermine the planning process as the development complies with the applicable provisions of State Environmental Planning Policy (Sydney Region Growth Centres) and the Oran Park Development Control Plan.

The development will not have any unacceptable impacts on adjoining landowners with respect to solar access and visual and acoustic privacy as the lot size and development form meets the assessment criteria.

**FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

**CONCLUSION**

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 1328/2017 for subdivision into two lots and construction of a two storey dwelling on each created lot and associated site works at 42 Bourne Ridge, Oran Park is recommended for approval subject to the conditions attached to this report.

**RECOMMENDED**

**That Council approve DA 1328/2017 for a subdivision to create two Torrens title lots, construction of two x two storey dwellings and associated site works at 42 Bourne Ridge, Oran Park subject to the conditions attached to this report.**

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Floor Plans - *Supporting Document*
4. Public Exhibition & Submissions Map - *Supporting Document*
5. Submissions - *Supporting Document*



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## ORDINARY COUNCIL

### ORD03

**SUBJECT: FIRE SAFETY STATUTORY REPORTING - SHOP 79, 326 CAMDEN VALLEY WAY NARELLAN**

**FROM:** Acting Director Planning & Environment

**TRIM #:** 17/402276

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#### PURPOSE OF REPORT

Council has received a Fire Safety Inspection report from Fire & Rescue NSW (FRNSW) in respect of premises known as Shop 79, 326 Camden Valley Way, Narellan (a variety discount store within the Narellan Town Centre).

In accordance with Section 121ZD of the *Environmental Planning & Assessment Act 1979 (EP&A Act)*:

- i) The inspection report must be tabled with Council; and
- ii) Council must determine whether to exercise its powers to serve an Order pursuant to Section 121B of the EP&A Act; and
- iii) Council must notify FRNSW of its resolution.

The purpose of the report is to table the inspection report for Council's consideration, and seek Council's determination on whether to exercise its powers pursuant to Section 121B of the EP&A Act.

#### BACKGROUND

On 1 September 2017, FRNSW received correspondence from an adjoining business, concerned that stock associated with the subject premises was obstructing fire exits and therefore causing a safety concern.

#### MAIN REPORT

Pursuant to Section 119T(1) of the EP&A Act, an inspection of 'the premises' was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW on 27 September 2017. The inspection report was sent to Council on 11 December 2017 and is provided as an attachment to this report.

The report raises concerns about the storage of materials obstructing egress and fire safety equipment, and exit door configuration. These matters are addressed in more detail in the report.

After receiving the report from FRNSW, Council officers inspected the premises on 13 December 2017. Representatives from shopping centre management and the subject premises were in attendance.



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Council officers reinspected the premises on the 24 January 2018, and provide the following comments with regard to the issues raised by FRNSW. It is noted that no additional issues or deficiencies were identified by Council officers.

### Essential Fire Safety Measures

*1A. Fire Hose Reel – Access to a fire hose reel was obstructed by stored items, contrary to the requirements of Clause 10.1 of Australian Standard (AS)2441–2005.*

#### Officer Comment:

Stored items were observed to have been removed. No further action is required at this time.

### Egress

*2A. Path of Travel – There were boxes of stock items stored in the back of house area between the JB Hi-Fi store and Ronis store. Although the items were stored in this area, observations at the time revealed that the stored items were not obstructing the path of travel to the exit.*

#### Officer Comment:

Stored items were not found to be obstructing paths of travel during inspections by Council officers. The travel paths through the back of house area are delineated by floor surface marking to control the appropriate storage of items in these areas. No further action is required at this time.

*2B. Exit Signage – Clause E4.5 and E4.6 of the National Construction Code (NCC) typically require an exit sign or directional exit sign to be clearly visible from all areas. At first glance it was not readily apparent where the required exits were located.*

#### Officer Comment:

During the initial inspection by Council officers a large amount of Christmas lights and decorations were displayed from the shop ceiling, which contributed to this issue. Following the FRNSW inspection, the store manager advised Council officers that additional exit signage was installed to address this issue. During inspections by Council officers the identification of exit locations within the shop was found to be satisfactory. No further action is required at this time.

*2C. Door swing – A door forming part of the required exit, located within the back of house deliveries/pick-up area, swings against the direction of egress, contrary to the requirements of Clause D2.20 of the NCC.*

#### Officer Comment:

Doors forming part of paths of travel from the shop comply with the relevant requirements of the NCC. No further action is required at this time.

### Generally

*3A. Considerations – Additional directional signs within the Ronis store may be required, to ensure that an exit or exit sign indicating the direction to a required exit is*



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clearly visible to persons approaching the exit, in accordance with *Performance Requirement EP4.2 of the NCC*.

Officer Comment:

This item has been addressed at point 2B above.

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

**CONCLUSION**

Council has been provided with a report from FRNSW outlining a number of fire safety issues in respect of the subject premises.

The premises have been inspected by Council officers, who are satisfied that the issues raised by FRNSW have been appropriately addressed or require no further action.

Council officers consider there is no need to serve Orders pursuant to Section 121B of the EP&A Act at this time. It is noted that Council officers can serve Fire Safety Orders under delegation at any time in the future if required.

The premises will be reinspected by Council officers within 6 months of this report to ensure compliance is maintained.

**RECOMMENDED**

**That Council:**

- i. note the inspection report from Fire & Rescue NSW;**
- ii. resolve to not serve an Order pursuant to Section 121B of the EP&A Act; and**
- iii. notify Fire & Rescue NSW of Council's resolution as required by Section 121ZD(4) of the *Environmental Planning & Assessment Act 1979*.**

**ATTACHMENTS**

1. Inspection Report



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## ORDINARY COUNCIL

### ORD04

**SUBJECT: INDEPENDENT HEARING AND ASSESSMENT PANEL (IHAP).  
SELECTION OF PANEL MEMBERS**

**FROM:** Acting Director Planning & Environment

**TRIM #:** 18/25890

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### PURPOSE OF REPORT

The purpose of this report is to inform Council on the outcome of the expression of interest (EOI) process for community representatives to the Independent Hearing and Assessment Panel (IHAP) and to seek Council's endorsement for the selection of experts and community representatives to the IHAP and their respective fees.

### BACKGROUND

In August 2017, the Minister for Planning, the Hon. Anthony Roberts MP announced that IHAPs would become mandatory from 1 March 2018 for all councils in Sydney and Wollongong.

IHAPs will be responsible for determining the following development applications:

- **Value** - Development applications with a value of between more than \$5 million but less than \$30 million.
- **Conflict of Interest** – Development applications for which the applicant or owner is the Council, a Councillor, a member of a Councillor's family, a member of Council staff, or a state or federal Member of Parliament.
- **Contentiousness** – Development applications that receive 10 or more objections from different households.
- **Strategic Importance** – Development applications accompanied by a proposed voluntary planning agreement.
- **Departure from development standards** – Development applications seeking to depart by more than 10% from a development standard.
- **High-risk development types** – Development applications associated with a higher risk of corruption:
  - residential flat buildings assessed under SEPP 65
  - demolition of heritage items
  - licensed places of public entertainment and sex industry premises
  - designated development, as set out in the Environmental Planning and Assessment Regulation 2000.
- **Modifications** – Modification applications that meet the above criteria

Developments above the \$30 million threshold will continue to be considered by the Sydney City West Planning Panel. Development applications below the \$5 million threshold and not meeting the above criteria will be determined under delegation by Council officers.

It is anticipated based on forecasting from 2017 that the IHAP will consider on average 30 reports per annum.



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Council has until 14 February 2018 to advise the Department of Planning and Environment (DPE) of the membership of the Camden IHAP.

## **MAIN REPORT**

### **The Panel**

As mandated by the state government, IHAPs will consist of an Independent Chair appointed by the Minister (and two alternate Chairs appointed by the Minister), two experts appointed by Council from an approved pool of experts provided by the DPE, and a community representative recruited and appointed by Council.

It is recommended that Council appoint a number of alternate panel members for situations where there is a conflict of interest or unavailability amongst primary members. With regards to the community representatives it is required that a representative per ward is appointed.

### **The Chairperson**

The Minister has appointed the following Chair and alternates chairs to the Camden IHAP:

- **Mr Stuart McDonald (Chair)**
  - Stuart has over 30 years experience in the planning profession in both government and private practice. Stuart has previously held senior positions in planning at Leichhardt, South Sydney and City of Sydney Councils, and is currently a sitting member on IHAP's at Cumberland, Strathfield and Waverley LGA's. In addition Stuart is an alternate member on Camden's regional panel (Sydney City West).
- **Ms Penny Holloway (Alternate Chair)**
  - Penny has over 25 years experience in high level government administration. Penny was formally the General Manager of North Sydney Council, and is currently the Chief Executive Officer of the Lord Howe Island Board.
- **Mr Michael Mantei (Alternate Chair)**
  - Michael Mantei has extensive experience in Planning Law and as a town planning professional in NSW. Michael is the current chair of the Liverpool IHAP and has over seven years experience sitting on independent planning panels.

All three chairs are experienced planning and local government professionals, with IHAP and/or regional panel experience. A copy of the CVs of all three chairs are included as **supporting documents to this report**.

### **The Expert Panel Members**

In addition to the community representative, each IHAP is required to have two experts selected by Council from a pool of approved experts provided by the DPE. The expert members are required to have qualifications in one or more of the following fields: planning, architecture, heritage, the environment, urban design, economics, traffic and transport, law, engineering, tourism, or government and public administration.

In August 2017, the DPE released an expression of interest for experts to participate on IHAPs. Council officers have reviewed the available candidates and have made recommendations to appoint 5 persons (2 primary and 3 alternate) to the Camden



IHAP. Having considered the qualifications and experience of each approved expert, the following are recommended as Camden's primary experts.

- **Ms Mary-Lynne Taylor**
  - Ms Taylor is a practicing solicitor specialising in environmental planning law. Ms Taylor has extensive experience on regional planning panels and was the chair of Camden's South West Joint Regional Planning Panel (JRPP) from 2010-2016. Ms Taylor has an extensive understanding of the Camden LGA and the key planning issues facing Camden.
- **Mr Grant Christmas**
  - Mr Christmas has over 27 years experience in local government administration, town planning, environmental assessment and planning and environmental law. Mr Christmas has extensive regional panel and IHAP experience, including as an alternate chair on the Sutherland IHAP.

In addition to Ms. Taylor and Mr. Christmas, Council also needs to appoint alternate experts to the IHAP. Where there are conflicts of interest or a primary expert is unavailable, the chair will appoint an alternate to sit on the IHAP. The following experts are recommended to be appointed as alternate experts to the Camden IHAP.

- **Ms. Sue Francis**
  - Ms. Francis is a qualified town planner, with extensive experience in the public and private sectors. Ms. Francis has held senior planning positions at Warringah and North Sydney Councils, and is a current state appointed member to the North and Central Sydney Planning Panels.
- **Ms Rachel Harrison**
  - Ms. Harrison is a qualified Town Planner with 18 years experience in both local government and the private sector. Ms. Harrison has extensive understanding of greenfield planning having held positions at Blacktown and Liverpool Councils.
- **Mr Michael File**
  - Mr File has extensive planning experience in both the public and private sector, and was previously involved in land release in the North West Growth Area with the Department of Planning. Mr File is also a current member of the Canterbury/Bankstown IHAP.

A copy of the CV's for all the recommended expert members are provided within **the supporting documents to this report.**

### **Community Representatives**

In November 2017, Council commenced recruitment for community representatives to the IHAP. The recruitment period concluded on 7 December 2017 with 12 nominations received. Since the initial EOI process, one nominee has withdrawn from consideration.

The IHAP guidelines require that Council appoint 1 community representative for each ward. The role of the community representative is primarily to represent the views of the Camden community. It is not expected or necessary that the community representatives have a technical qualification or experience considering development applications.




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## Key Criteria

The selection criteria for community representation to the IHAP were advertised as follows:

- being a current resident in the local government area;
- having knowledge and awareness of the local government area and of the issues of concern to the local community;
- being able to demonstrate understanding of the planning process and assessment issues;
- being able to represent and communicate the interests of the local community;
- being able to attend IHAP meetings and contribute constructively to the determination of applications; and
- being willing to adhere to the IHAP's code of conduct and operational procedures.

In addition to the selection criteria the legislation mandates that a person is not eligible to be a member on the panel if that person is:

- a) *A Councillor of that or any other council;*
- b) *A property developer within the meaning of section 96GB of the Election Funding, Expenditure and Disclosure Act 1981; or*
- c) *a real estate agent within the meaning of the Property, Stock and Business Agents Act 2002.*

Following receipt of applications, Council officers considered the nominations and conducted short telephone interviews with all applicants. Applicants were asked to demonstrate their understanding of the role and function of the IHAP, outline their understanding of the NSW planning system and any specific legislation affecting the Camden LGA, and outline their understanding of the key issues facing the Camden LGA with regards to development matters. A summary of the assessment is provided as a **supporting document to this report**.

## **Recommended Community Members**

In discussions with officers from the DPE it was confirmed that the ward representative does not need to be a resident in that ward, however they must have an understanding of any specific issues affecting that ward.

Due to the strong field of applicants it is recommended Council appoint both a primary and alternate representative for each ward.

In addition it is noted that only one community representative would be required per IHAP meeting and would need to consider all development applications on that day, regardless of the ward the development application came from.

## Central Ward

- Primary – Bill Rooney
  - Bill is currently on a number of committees and community groups, and has previously sat on financial boards. Bill demonstrated a good understanding of the IHAP through the assessment.
- Alternate - Keith Hart



- Keith has previously been a Camden Councillor and participant on a number of local community groups and committees. Keith has a thorough understanding of the NSW planning system.

#### North Ward

- Primary – Dean Boone
  - Dean is a qualified landscape architect and has contributed to a number of community projects volunteering his technical skills and knowledge. Dean has extensive experience and understanding of the NSW planning system and is a current member of the design review panel for Bayside Council.
- Alternate – Steve Lyons
  - Steve has extensive experience working with the community through his previous work for Fire and Rescue NSW. Steve demonstrated a good understanding of the IHAP process and understanding of the NSW planning framework.

#### South Ward

- Primary - Debby Dewbery
  - Debby has extensive recent experience representing the community of Camden and is a current member of a number committees and groups. Debby also has an excellent understanding of the Camden LGA and key issues facing residents into the future.
- Alternate – Mary-Anne Strickling
  - Mary-Anne is currently involved in a number of community groups focused around the Camden township. In addition to her community work Mary-Anne is a qualified Urban Designer and Landscape Architect.

#### **Term of the Panel**

The maximum term of appointment to the IHAP is up to three years. It is therefore recommended that the recommended IHAP members be appointed for a period of three years commencing from 1 March 2018.

#### **Payment of Panel Members**

The Minister for Planning has determined the fees to be paid by Council to the Chair and independent experts, and a fee range to be paid to community members. They are:

- Chair - \$2,000 (plus GST) per meeting
- Independent Experts - \$1,500 (plus GST) per meeting
- Community Representatives – a minimum of \$500 up to a maximum of \$1,500 (plus GST).

This assumes a full day (seven hours) and includes time for meeting preparation, site visits and participation in the meeting.

It is recommended that Council endorse a payment of \$1,000 (plus GST) for community representatives.

#### **FINANCIAL IMPLICATIONS**

Based on the above mandated and recommended payments to IHAPs members, an IHAP meeting will cost a minimum of \$6,000 (plus GST). Council will also incur in-kind costs associated with management of the IHAP.



At its meeting of 28 November 2017, Council considered a report on the quarterly review (September) of the budget.

At this meeting Council resolved to include \$50,000 for the operation of the IHAP in the 2017/18 Budget, and recurrent funding in the 2018/19 budget of \$100,000 for costs associated with supporting the IHAP, and that the budget allocation to be reviewed annually as part of the budget process.

### **CONCLUSION**

Following the announcement by the Minister for Planning, Hon. Anthony Roberts MP regarding the implementation of mandatory IHAP's across Sydney and Wollongong, Council officers have assessed applications from a range of approved experts and undertaken an Expression of Interest (EOI) for community representatives to participate on the Camden IHAP.

As detailed in this report it is recommended that Council appoint five experts to participate as primary and alternate experts and six community representatives to participate as primary and alternate experts for each ward.

### **RECOMMENDED**

**That Council:**

- i. appoint the following as expert members to the Camden IHAP for a three year period:**
  - a. Mary-Lynne Taylor - Primary**
  - b. Grant Christmas – Primary**
  - c. Sue Francis - Alternate**
  - d. Rachel Harrison - Alternate**
  - e. Michael File – Alternate.**
- ii. appoint the following as community representatives to the Camden IHAP for a three year period:**
  - a. Bill Rooney – Primary Central Ward**
  - b. Keith Hart – Alternate Central Ward**
  - c. Dean Boone – Primary North Ward**
  - d. Steve Lyons – Alternate North Ward**
  - e. Debby Dewbery –Primary South Ward**
  - f. Mary-Anne Strickling – Alternate South Ward**
- iii. all applicants for the Community Representative position be advised in writing of the outcomes of their application;**
- iv. experts members be confirmed in writing;**
- v. notify the Minister for Planning of the Recommended IHAP for Camden;**
- vi. publish the IHAP Members to the Council Website; and**
- vii. resolve to pay \$1000 per meeting to the community representative in attendance at that meeting.**

**ATTACHMENTS**

- 1. IHAP Panel Resumes - *Supporting Document***
- 2. IHAP Community Members Summary Sheet - *Supporting Document***



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## ORDINARY COUNCIL

### ORD05

**SUBJECT: DELEGATIONS TO THE MAYOR - CHRISTMAS/NEW YEAR PERIOD**  
**FROM:** Director Customer & Corporate Strategy  
**TRIM #:** 17/363402

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#### PURPOSE OF REPORT

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

#### BACKGROUND

So that urgent matters could be attended to during the Council recess over the Christmas/New Year period, the Council, at its meeting of 12 December 2017, delegated to the Mayor and Deputy Mayor (in the absence of the Mayor) the ability to approve development applications and other urgent matters during that recess period as provided under sections 226 and 377 of the *Local Government Act 1993*.

A condition of the delegation was that Council be informed of any use of the delegation in a report to the 13 February 2018 Council meeting.

#### MAIN REPORT

The delegation was not exercised by the Mayor or the Deputy Mayor (in the absence of the Mayor) over the recess period.

#### FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

#### CONCLUSION

There were no uses of the delegation.

#### RECOMMENDED

**That Council note the information in this report.**



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## ORDINARY COUNCIL

ORD06

**SUBJECT: INVESTMENT MONIES - NOVEMBER 2017 AND DECEMBER 2017**  
**FROM:** Director Customer & Corporate Strategy  
**TRIM #:** 18/10455

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### PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the *Local Government (General) Regulation 2005*, a list of investments held by Council as at 30 November 2017 and 31 December 2017 are provided.

### MAIN REPORT

The weighted average return on all investments was 3.07% and 3.02% p.a. for the months of November 2017 and December 2017 respectively. The industry benchmark for these periods was 1.63% and 1.70% (Ausbond Bank Bill Index) respectively.

It is certified that all investments have been made in accordance with Section 625 of the *Local Government Act 1993*, the relevant regulations and Council's Investment Policy.

The Responsible Accounting Officer is the Chief Financial Officer.

Council's Investment Reports are provided as an **attachment** to this report.

### RECOMMENDED

**That Council:**

- i. **note that the Responsible Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act 1993*, Regulations, and Council's Investment Policy;**
- ii. **note the list of investments for November 2017 and December 2017; and**
- iii. **note the weighted average interest rate returns of 3.07% and 3.02% p.a. for the months of November 2017 and December 2017 respectively.**

### ATTACHMENTS

1. Investment Report - November 2017
2. Investment Report - December 2017



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## ORDINARY COUNCIL

### ORD07

**SUBJECT: 20 MILLION TREES PROGRAM ROUND THREE - 2016-2017 GRANT FUNDING**

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

**TRIM #:** 18/6919

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#### PURPOSE OF REPORT

To advise Council of the successful grant funding application for \$91,600 (excluding GST) through the Australian Government's 20 Million Trees Program Round Three administered by the Department of Environment and Energy, and to seek Council's endorsement to accept the funding.

#### BACKGROUND

The Australian Government through the 20 Million Trees Program provides grant funding to groups and individuals to carry out tree planting projects that improve the extent, condition and connectivity of native vegetation through community participation.

Through Round Three of the Program, up to \$6 million is available from December 2017 to 30 June 2020.

Projects in Round Three may request funding of between \$20,000 and \$100,000 (excluding GST) with the following conditions:

- Projects requesting grant funding of \$20,000 to \$60,000 (excluding GST) must be planned to be completed by 30 June 2019;
- Projects requesting grant funding of \$60,001 to \$100,000 (excluding GST) must be planned to be completed by 30 June 2020; and
- All projects must be prepared to commence by 1 December 2017.

Eligible projects must include native trees that will reach a height of two metres and may include additional activities that directly support eligible revegetation activities. This may include plant propagation, weed treatment, site preparation and site maintenance in the short-term.

#### MAIN REPORT

In August 2017, Council submitted an application for funding of \$91,600 (excluding GST) under the Australian Government's 20 Million Trees Program Round Three: 2016-17 to implement the *Creating Habitat for Camden White Gum* project, which includes weed removal and revegetation works along the Nepean River at Camden Town Farm. The aim of the project is to reinstate the Nationally Threatened Camden White Gum (*Eucalyptus benthamii*) to this section of the Nepean River and promote gene flow with wild stands to ensure long-term survival of the species.

The proposed site is located along the Nepean River on the northern boundary of Camden Town Farm provided as an **attachment** to this report. It is four hectares in area and includes remnant River-flat Eucalypt Forest which is listed as an Endangered Ecological Community under the NSW *Biodiversity Conservation Act 2016*.



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The Minister for the Environment and Energy, The Hon. Josh Frydenberg MP, has advised Council was successful in its application for \$91,600 (excluding GST) to implement the *Creating Habitat for Camden White Gum* project.

The works will be undertaken from March 2018 to June 2020 and include:

- Destroying and chipping the woody weeds on-site (this is principally Privet and African Olive);
- Supplementary mulching of the site where required;
- Planting 22,000 native trees and shrubs;
- Planting 200 Camden White Gum (*Eucalyptus benthamii*); and
- Restoration of one hectare of remnant River-flat Eucalypt Forest.

The planting of the native trees and shrubs which are common to River-flat Eucalypt Forest and Camden White Gum (Nationally and State listed as Vulnerable), is proposed to occur during community planting events on environmental days such as World Environment Day, National Tree Day and Threatened Species Day. It is anticipated that volunteers will contribute over 2,000 hours to this project.

Council will also form a partnership with the Australian Botanic Garden Mount Annan and CSIRO to collect seeds and grow Camden White Gum for future plantings.

### **FINANCIAL IMPLICATIONS**

Council has been successful in its application for funding (\$91,600 excluding GST) from the Australian Government through the 20 Million Trees Program Round Three: 2016-17. Council will provide in-kind support for this program which is allowed for in existing budgets.

### **CONCLUSION**

Council has been successful in its funding application for \$91,600 (excluding GST) through the 20 Million Trees Program administered by the Department of Environment and Energy for the *Creating Habitat for Camden White Gum* project.

This project will result in the removal of approximately four hectares of woody weeds and the revegetation of the site with River-flat Eucalypt Forest which is listed as an Endangered Ecological Community under the NSW *Biodiversity Conservation Act 2016*. As part of planting activities, it is anticipated that volunteers will contribute over 2000 hours towards this project.

It is therefore requested that Council accept the grant funding of \$91,600 (excluding GST) administered by the Department of Environment and Energy. It is also proposed that Council write to both The Hon. Josh Frydenberg MP, Federal Minister for Environment and Energy, thanking him for the grant, and The Hon. Angus Taylor MP, Federal Member for Hume, thanking him for his support.



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**RECOMMENDED**

**That Council:**

- i. endorse participation in the 20 Million Trees Program and accept the grant funding of \$91,600 (excluding GST) for inclusion in the 2017/18 budget;**
- ii. write to The Hon. Josh Frydenberg MP, Federal Minister for Environment and Energy, thanking him for the grant; and**
- iii. write to The Hon. Angus Taylor MP, Federal Member for Hume, thanking him for his support.**

**ATTACHMENTS**

- 1. Creating Habitat for Camden White Gum Project Site - Camden Town Farm**



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## ORDINARY COUNCIL

**ORD08**

**SUBJECT: DEFIBRILLATOR UNITS AT SPORTING FIELDS AND COMPLEXES**  
**FROM:** Acting Director Sport, Community and Recreation  
**TRIM #:** 18/17032

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### PURPOSE OF REPORT

To respond to Council's resolution to investigate possible external funding opportunities for the installation of defibrillator units at Council's sporting fields and complexes.

### BACKGROUND

At the Council meeting on 12 December 2017, Council resolved that:

*Council staff:*

- i. investigate possible external funding opportunities that would enable Council to ensure that defibrillator units were fitted on site at each of Council's sporting fields/complexes and that a report be brought back to Council in February 2018.*
- ii. source information on community or city based programs that have reduced fatality numbers due to sudden heart failure through the use of defibrillator units, and that the information be made available in a Councillor workshop for discussion, during March/April 2018*

This report provides information related to the first point of the resolution.

Information on community or city based programs is currently being investigated and will be presented to Council at a Councillor workshop during March – April 2018.

Defibrillator units are currently provided at the following Council facilities:

- Oran Park Administration Centre
- Camden Library
- Narellan Library
- Civic Centre
- Depot
- Camden Bicentennial Equestrian Park
- Mount Annan Leisure Centre
- Camden Pool.

### MAIN REPORT

The Australian Heart Foundation estimates that 15,000 people die each year from sudden cardiac arrest. Survival rates from sudden cardiac arrest are improved with early access to CPR and defibrillation. An Automated External Defibrillator (AED) is a small portable device designed to deliver a controlled electrical shock to a person experiencing a cardiac arrest.



In late 2017, applications were sought from community-based sports clubs by the NSW Office of Sports Local Sport Defibrillator Grant Program towards the purchase and maintenance of AEDs (refer to Attachment 1 – Local Sport Defibrillator Grant Program - Guidelines).

This program provides \$4 million over four years to assist sporting clubs across NSW to purchase AEDs. Grant funding is for the allocation of 50% of the AED costs up to a maximum of \$1,250 (which includes an AED familiarisation instructions and a minimum of six years of essential defibrillator maintenance) from an approved AED Panel Service Provider. There are 18 approved providers for the Sydney region and prices of a basic level package range from \$1,736.50 - \$2,934.50.

At the Camden Council Sports Forum held on 1 November 2017, a representative from the NSW Office of Sport provided a presentation on the program to Camden LGA sporting groups.

In November 2017, information on the grant program was forwarded to all sporting clubs in the Camden LGA along with a follow up email in December 2017 prior to applications closing. A letter of support from Council was also offered to the clubs for submission with their application.

Information received from local clubs indicates that:

- Some clubs, including Harrington United Football Club, Narellan Rangers Football Club and Camden Falcons Football Club already have an AED;
- Camden District Netball Association has been borrowing one for competition, however have applied for a permanent one under the grant program;
- Narellan Jets Rugby League Football Club and Metropolitan South West Hockey Association have also submitted an application;
- Camden Junior OzTag have advised Council that they are investigating purchasing two units for Jack Nash and Brabham Reserves and are seeking Council's assistance for their installation; and
- Camden Cricket Club is reviewing options as they use multiple grounds each weekend and have no central location to house the unit.

It is anticipated that the clubs that submitted an application under the NSW Office of Sports Local Sport Defibrillator Grant Program will be advised if their application is successful in March 2018.

### **FINANCIAL IMPLICATIONS**

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

### **CONCLUSION**

Council resolved to investigate possible external funding opportunities that would enable Council to ensure that defibrillator units were fitted on site at each of Council's sporting fields/complexes.

In late 2017, the NSW Office of Sports Local Sport Defibrillator Grant Program sought applications from community-based sport clubs to enable access to AEDs and first aid training at local sporting facilities and events.



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Information regarding the program was provided to all local sporting clubs, with Council providing a letter of support for local clubs submitting an application.

**RECOMMENDED**

**That Council note the information contained in the report.**

ATTACHMENTS

1. Local Sport Defibrillator Grant Program - Guidelines



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## ORDINARY COUNCIL

### ORD09

**SUBJECT: ANNUAL SUBSIDY - ANZAC DAY**  
**FROM:** Acting Director Sport, Community and Recreation  
**TRIM #:** 18/26314

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#### PURPOSE OF REPORT

The purpose of this report is for Council to consider the annual subsidy towards ANZAC Day and costs associated with increased security for the 2018 ANZAC Day event and future ANZAC Day events.

#### BACKGROUND

At its meeting of 29 January 2013, Council resolved to:

- i. waive fees associated with ANZAC Day 2013;
- ii. give delegated authority to the General Manager to waive Council fees associated with future ANZAC Day events; and
- iii. in the event of any significant cost implications in future years, the General Manager is to bring a report back to Council.

In accordance with the resolution above (**attachment**), the 2018 ANZAC Day event will incur a significant increase in costs associated with the event due to the additional security measures that have been introduced across the state.

#### MAIN REPORT

Council currently provides sponsorship to the Camden RSL sub-branch in the amount of \$10,000 each year, through the Community Sponsorship Program. In addition Council waives fees associated with the Special Event and Temporary Road Closure permits equating to approximately \$1,600 per annum, as resolved in January 2013. Requests for temporary road closures are submitted to Council annually by the Camden RSL sub-branch.

The Australian and New Zealand Counter-Terrorism Committee (ANZCTC) have recently developed the *Australian Strategy for Protecting Crowded Places from Terrorism* (attachment 2). This Strategy identifies Local Government as a key partner in ensuring the safety of the community through protecting our public spaces. The Australian Local Government Association acts as a key conduit between ANZCTC and local government across Australia, in support of the new security guidelines for events in public places. The current National Terrorism Threat Level is identified as PROBABLE as outlined on [www.nationalsecurity.gov.au](http://www.nationalsecurity.gov.au). Increased security at our events is key to ensuring the safety of our community from acts of terrorism.

The ANZAC Day event is a high profile event for the Camden community. The increased security required will mean additional costs associated with running the event. It is proposed that Council organise and fund the additional security measures required for this event, which are estimated to cost approximately \$35,000. These figures are based on the costs incurred for the additional security measures at the recent Australia Day event.



The ANZAC Day event is a community event commemorating a significant day in Australian history. In recognition of the significance of ANZAC Day, it is considered appropriate that costs associated with increased security be considered by Council.

To remove the need for this matter to be reported to Council in future years, Council is requested to consider the approval of an annual subsidy of \$10,000, the continued waiver of Council fees associated with road closures and event permits and the additional costs associated with increased security for 2018 and future years, with a provision that the General Manager report this matter back to Council in the event of any further significant cost increases for Council.

### **FINANCIAL IMPLICATIONS**

The financial implications associated with this request would equate to an annual ongoing contribution of up to \$46,600 to the ANZAC day event as follows:

<b>Subsidy reason</b>	<b>Current Approval Process</b>	<b>Ongoing approval process</b>	<b>Amount</b>
Event sponsorship	Annual Sponsorship application approved by Council	Ongoing subsidy – submitted as part of the annual budget review process	\$10,000
Fee Waiver – special event permit and temporary road closures	Approved by Council resolution 29 January 2013	To continue	\$1,600
Increased event security measures	New Cost	Ongoing subsidy – submitted as part of the annual budget process	approximately \$35,000
<b>Total – up to</b>			<b>\$46,600</b>

It is proposed that the costs associated with ANZAC Day 2018 are considered as part of the December quarterly review and for future years as part of the annual budget process.

### **CONCLUSION**

ANZAC Day is a community event that commemorates a significant day in Australian history. It is therefore considered appropriate that approval be considered for the provision of an annual subsidy of \$10,000, continued waiver of Council fees associated with this event and the additional costs for increased security for ANZAC day 2018 and future years.

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**RECOMMENDED**

**That Council:**

- i. approve the funding required as identified in the table to this report for the 2018 ANZAC Day event, to be funded at the 2017/18 December Quarterly Budget Review; and**
- ii. approve the costs associated with the subsidy and increased security for future ANZAC Day events to be included as a recurrent item within Council's budget.**

**ATTACHMENTS**

1. Attachments - Request to Waive Fees - Anzac Day 2013 - Ordinary Council - 29 January 2013
2. Australia's Strategy Protecting Crowded Places Terrorism



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## ORDINARY COUNCIL

**ORD10**

**SUBJECT: GAMING APPLICATION - MACARTHUR COMMUNITY AND SPORTING CLUB**

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

**TRIM #:** 18/27617

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### PURPOSE OF REPORT

The purpose of this report is to advise Council of an application made by Club Marconi to the Department of Industry – Liquor and Gaming NSW for 150 gaming machines at the Macarthur Community and Sporting Club (2A Porrende Street, Narellan).

### BACKGROUND

On 10 August 2010, Council approved a DA for a registered club at 2A Porrende Street, Narellan. The DA included the construction of a single storey club building, and nominated 150 gaming machines and 350m<sup>2</sup> of gaming floor area. A copy of the Council report is provided as an Attachment to this report.

In order to operate gaming machines a licence must be obtained from the Department of Industry – Liquor and Gaming NSW, which is responsible for the regulation of liquor, gaming and registered clubs in NSW. The agency's responsibilities include compliance, enforcement and licensing functions.

When an applicant submits an application to increase gaming machines, the agency requires the applicant to provide a Local Impact Assessment evidencing how they intend to implement responsible gaming and how their application will benefit the community. When approved, gaming licences are issued subject to conditions, including conditions requiring the club/hotel to make financial donations to local community and sporting groups.

### MAIN REPORT

In November 2017, Club Marconi submitted an application to the Department of Industry – Liquor and Gaming NSW requesting approval for an increase in gaming machines from nil to 150 for the Macarthur Community and Sporting Club proposed for Narellan.

In support of their application Club Marconi provided a Local Impact Assessment of the additional gaming machines. A copy of the application and Local Impact Assessment is provided as an Attachment to this report. The Local Impact Assessment (section 3) includes details on the community benefits arising from the facility and the Club's responsible gambling program (section 4).

Submissions towards this application closed on 31 January 2018. A request has been forwarded to the Department of Industry – Liquor and Gaming NSW prior to the closing of submissions, requesting an extension to the submission period to allow Council to consider any submission they may wish to make concerning this application.



The Department of Industry – Liquor and Gaming NSW website identifies the following Clubs/Hotels within the Camden LGA have applied for and received approval recently to increase their gaming machines:

<b>Name of Club</b>	<b>Number of initial gaming machines</b>	<b>Increase applied for</b>	<b>Total machines approved</b>
Lakeside Golf Club, Catherine Field	57	20	77
Western Suburbs Leagues Club, Catherine Fields	184	20	204
Gregory Hills Hotel, Gregory Hills	8	12	20
<b>Total additional gaming machines approved in 2016 within the Camden LGA by Liquor &amp; Gaming NSW</b>		<b>52</b>	

Council did not make a submission to the Department of Liquor & Gaming NSW in relation to any of the above applications.

### FINANCIAL IMPLICATIONS

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

### CONCLUSION

Club Marconi has made application to the Department of Industry – Liquor and Gaming NSW for 150 gaming machines at the Macarthur Community and Sporting Club (2A Porrende Street, Narellan).

The Department of Industry – Liquor and Gaming NSW is responsible for the regulation of liquor, gaming and registered clubs in NSW. The agency's responsibilities include compliance, enforcement and licensing functions.

On 10 August 2010, Council approved a DA for a registered club at 2A Porrende Street, Narellan. The DA nominated 150 gaming machines and 350m<sup>2</sup> of gaming floor area. In respect to the number of gaming machines, the application to the Department of Industry – Liquor and Gaming NSW is consistent with the approved DA.

### RECOMMENDED

**That Council: :**

- i. note the information contained in the report; and**
- ii. consider whether to make a submission to the Department of Industry – Liquor and Gaming NSW in respect to the application, and if a submission is made the basis for the submission.**

### ATTACHMENTS

1. Attachment - Construction of Single Storey Building to be used as a Registered Club and Associated Works - Council Report 2010
2. Attachment - Club Marconi - Macarthur Community and Sporting Club



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## ORDINARY COUNCIL

### ORD11

**SUBJECT: MINUTES OF THE 22 NOVEMBER 2017 BUSINESS ASSURANCE AND RISK COMMITTEE MEETING**

**FROM:** General Manager

**TRIM #:** 17/396941

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#### PURPOSE OF REPORT

The purpose of this report is to provide Council with the minutes of the 22 November 2017 Business Assurance and Risk Committee meeting.

#### BACKGROUND

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

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

The Business Assurance and Risk Committee membership includes both independent external members and Councillors. The Committee is required to meet a minimum of four times per year.

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

#### MAIN REPORT

The Business Assurance and Risk Committee met on 22 November 2017. The agenda discussed at the meeting included consideration of the following:

- Enterprise Risk Management Update
- Internal Audit Plan Status Update
- External Audit Update
- Audit Report Recommendations – Implementation Status Update – October 2017
- Work Health and Safety Statistics
- Business Assurance And Risk Committee And Internal Audit Annual Report
- Business Assurance And Risk Committee Self-Assessment Results
- 2018 Business Assurance And Risk Committee Calendar.

The minutes of the 22 November 2017 Committee meeting were approved by the Committee post meeting and are attached.



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## **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

## **CONCLUSION**

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

## **RECOMMENDED**

**That Council note the Minutes of the Business Assurance and Risk Committee meeting of 22 November 2017.**

## **ATTACHMENTS**

1. Minutes of the 22 November 2017 Business Assurance and Risk Committee Meeting



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## ORDINARY COUNCIL

## ORD12

**SUBJECT: CLOSURE OF THE MEETING TO THE PUBLIC**  
**FROM:** Acting General Manager  
**TRIM #:** 18/25886

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

- Acquisition of Land for Road Purposes

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));
- 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 a report dealing with commercial information, in accordance with the provisions of Sections 10A(2)(c) and 10A(2)(d)(i) of the *Local Government Act, 1993*.**