

# Business Paper

Ordinary Council Meeting

Camden Council  
Administration Centre  
70 Central Avenue  
Oran Park

12 December 2023

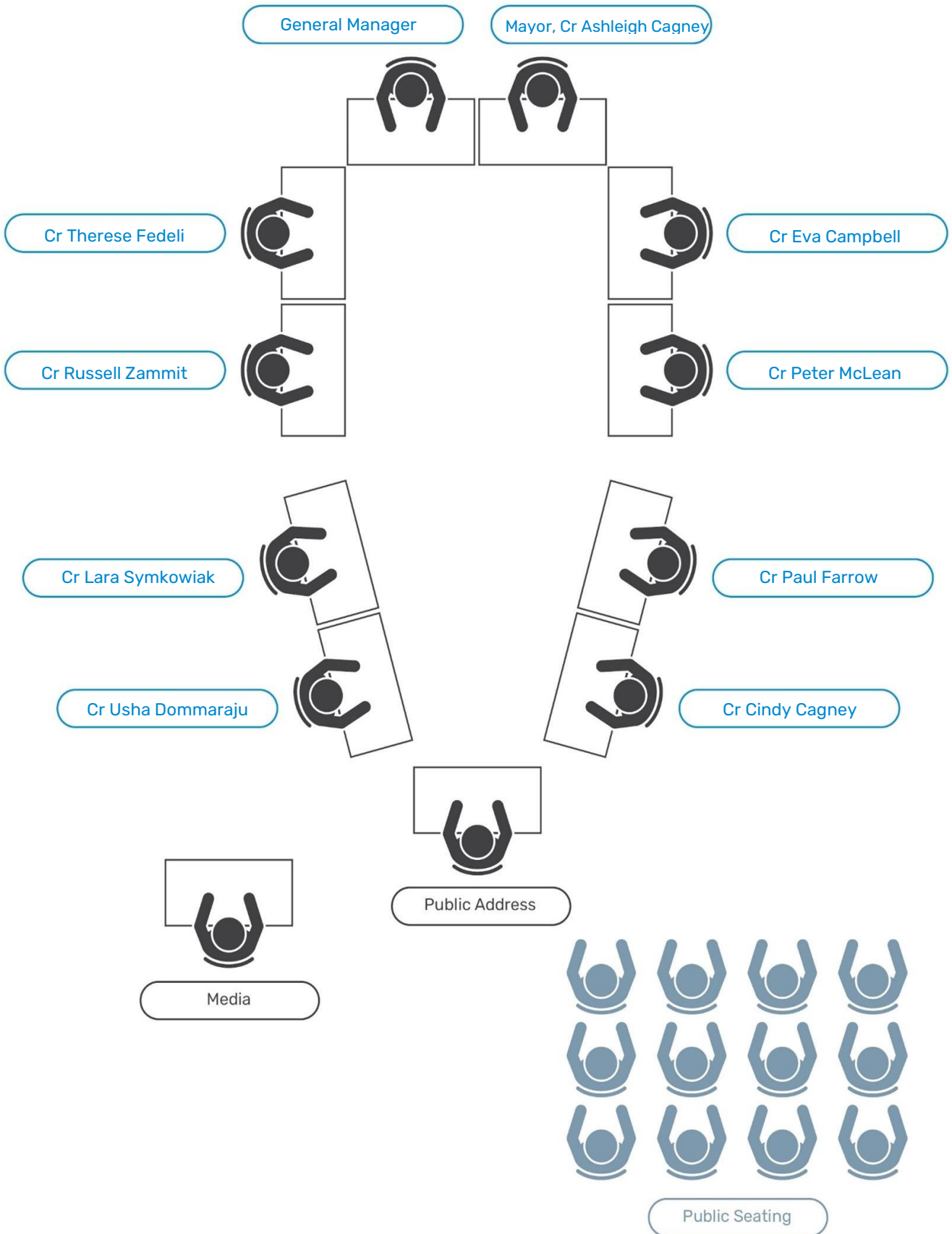


The public can also view the meeting via Council's webcast. A link to this webcast can be found on Council's webpage – <http://webcast.camden.nsw.gov.au/video.php>

camden  
council

## COMMON ABBREVIATIONS

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



## OATH AND AFFIRMATION FOR COUNCILLORS

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

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

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

### OATH

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

### AFFIRMATION

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

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**SUBJECT: PRAYER**

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## PRAYER

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

Amen

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

Amen

\*\*\*\*\*

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

Amen

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## AFFIRMATION

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

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

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

\*\*\*\*\*

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

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

\*\*\*\*\*

**SUBJECT:       ACKNOWLEDGEMENT OF COUNTRY**

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



**SUBJECT: WEBCASTING OF COUNCIL MEETINGS**

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In accordance with Camden Council's Code of Meeting Practice and as permitted under the *Local Government Act 1993*, this meeting is being live streamed and recorded by Council staff for minute taking and webcasting purposes. The recording will also be made publicly available on Council's website.

No other webcasting or recording by a video camera, still camera or any other electronic device capable of webcasting or recording speech, moving images or still images is permitted without the prior approval of Council. Council has not authorised any other webcasting or recording of this meeting.

I remind those that are participating in this meeting that your image and what you say will be broadcast live to the public and will also be recorded so please be mindful of your actions and comments. You should avoid making statements that might defame or offend, or that release any personal information about another individual without their consent. Council accepts no liability for any damage that may result from your actions and comments.

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



**SUBJECT: LEAVES OF ABSENCE**

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

**RECOMMENDED**

**That leaves of absence be granted.**

**SUBJECT: APPROVAL TO ATTEND BY AUDIO-VISUAL LINK**

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

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

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

**RECOMMENDED**

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

**SUBJECT:       DECLARATION OF INTEREST**

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Council's Code of Conduct also deals with pecuniary and non-pecuniary conflict of interest and Political Donations and how to manage these issues (Clauses 4.28-5.19).

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

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

**RECOMMENDED**

**That the declarations be noted.**

**SUBJECT: PUBLIC ADDRESSES**

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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.

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

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

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

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

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

**RECOMMENDED**

**That the public addresses be noted.**

**SUBJECT: CONFIRMATION OF MINUTES**

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Confirm and adopt Minutes of the Extraordinary Council Meeting held 7 November 2023 and the Ordinary Council Meeting held 14 November 2023.

**RECOMMENDED**

**That the Minutes of the Extraordinary Council Meeting held 7 November 2023 and the Ordinary Council Meeting held 14 November 2023, copies of which have been circulated, be confirmed and adopted.**

## Mayoral Minute

**SUBJECT: MAYORAL MINUTE - INTERNATIONAL WOMEN'S DAY GALA CHARITY SELECTION**

**FROM:** The Mayor

**EDMS #:** 23/638705

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As we're fast approaching the end of the year, it comes time to start planning our exciting events and initiatives for 2024 – and one of my favourites in the first quarter of every year is Council's International Women's Day Gala.

As we all know, International Women's Day is a global day celebrating the social, economic, cultural and political achievements of women. Celebrated annually on 8 March, the day also marks a call to action for accelerating gender parity.

The 2024 theme is Inspire Inclusion. It aims to inspire others to understand and value women's inclusion in order to forge a better world. It emphasises the notion that, when women themselves are inspired to be included, there's a sense of belonging, relevance and empowerment.

As always, Council will be holding its annual International Women's Day Gala to acknowledge the global day and promote gender equality. All proceeds from ticket sales to the event have always gone to a local charity or not-for-profit organisation, and it will be the same this year.

After receiving many incredible applications in response to Council's expression of interest process, I am pleased to announce Mother Hubbard's Cupboard as our chosen charity.

They do incredible work for our community, including providing furniture and household goods to survivors of domestic violence; working to assist people experiencing homelessness; and putting money raised from their op shop back into the Camden community.

Mother Hubbard's Cupboard is made up of 94 incredible volunteers, 90 per cent of whom are women. Together, they form a team that works tirelessly to help other women in the community who are in need.

They have indicated the funds received from Council's 2024 International Women's Day Gala will go towards the provision of beds and linen for the women they help. The need is endless, and the organisation is committed to providing women and children facing difficult circumstances with basic necessities such as beds and bedding, towels and pillows.

I am asking you, my fellow Councillors, to endorse this choice for our event to be held on Thursday, 7 March 2024.

### **RECOMMENDED**

**That Council endorse Mother Hubbard's Cupboard as the recipient of the funds raised through the 2024 International Women's Day Gala.**

ORD01

ORD01

**SUBJECT: ADOPTION OF THE ANNUAL FINANCIAL STATEMENTS - FINANCIAL YEAR ENDING 30 JUNE 2023**

**FROM:** Director Growth and Finance

**EDMS #:** 23/613141

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### PURPOSE OF REPORT

The purpose of this report is to recommend that Council adopt the 2022/23 Annual Financial Statements, invite the Audit Office of NSW to address Council on the Annual Financial Statements for the year ending 30 June 2023, and thank the Audit Office of NSW for its services.

### BACKGROUND

In accordance with section 418 of the *Local Government Act 1993* (the Act), a copy of Council's Annual Financial Statements has been made available to the public for inspection since 5 December 2023 at the Oran Park Customer Service Centre and on Council's website.

Under section 420 of the Act, "Any person may make submissions in writing to the Council with respect to the Council's audited Financial Statements or with respect to the auditor's report".

Submissions must be in writing and received by Council before close of business on 19 December 2023 (the Act allows seven days for submissions after Council has considered the Financial Statements and auditor's report).

Any submissions received are not considered by Council; they are forwarded to Council's external auditor for comment.

A Councillor briefing was held on 21 November 2023 to provide information on this report and the process.

### MAIN REPORT

Council signed the Draft Annual Financial Statements on the 10 October 2023. A copy of the Draft Annual Financial Statements was provided to Councillors on 5 October 2023 as a supporting document to the report.

The audit of Council's Annual Financial Statements has been completed by the Audit Office of NSW. A copy of the audited Annual Financial Statements is provided as an **attachment** to this report.

The Audit Office of NSW will attend tonight's Council meeting to present the audit report and address Council on its financial performance for the 2022/23 Financial Year.

It should be noted that the original date set by Council for the Audit Office of NSW to present the Independent Auditors Report was 14 November 2023. The commencement of the audit was subsequently delayed due to resourcing issues at the Audit Office of NSW.



This resulted in the date for the presentation being moved to tonight’s Council meeting (12 December 2023). Council sought and received a formal extension for the lodgement of its Annual Financial Statements up to the 22 December 2023.

As required under the Act, public notice of the new Council meeting date was provided seven (7) days before the meeting.

Changes to the Draft Annual Financial Statements

There have been no material changes to the draft Annual Financial Statements which were provided to Council on the 5 October 2023. The only changes were minor disclosure improvements, which have been made based on recommendations from the Audit Office of NSW and the Audit, Risk and Improvement Committee (ARIC).

The table below provides a summary of the disclosure changes which have been made since the draft Annual Financial Statements were circulated to Council:

Disclosure (Note)	Change
<b>Statement of Cash Flows</b>	Reclassification of balances between a number of line items (no overall impact on cash position).
<b>Note F4-1 Correction of Errors</b>	Additional disclosures provided to explain corrections to prior year periods and minor formatting improvements.
<b>Note F6-1 Statement of Performance Measures</b>	Correction to cash expense ratio due to reclassification of balances in Statement of Cash Flows. Cash expense ratio revised to 25.91 months (draft ratio was 28.19 months)
<b>Various</b>	Minor disclosure amendments identified by the audit team and ARIC.

There were no uncorrected monetary misstatements identified during the audit process.

Audit Risk and Improvement Committee

Council’s Audit, Risk and Improvement Committee met on 27 November 2023 to review and provide an independent assessment of the 2022/23 Annual Financial Statements.

The meeting included a presentation to the Committee by Council’s external auditors (Audit Office of NSW) on the conduct of the 2022/23 Audit. The Committee resolved the following, noting that the Special Schedules are not audited:

- i. noted the Engagement Closing Report;*
- ii. noted the Draft Management Representation Letter, including the certification on the effectiveness of internal controls;*
- iii. endorsed the General Purpose Financial Statements for the year ended 30 June 2023 for submission to Council for adoption;*
- iv. endorsed the Special Purpose Financial Statements for the year ended 30 June 2023 for submission to Council for adoption;*
- v. endorsed Special Schedules for the year ended 30 June 2023 for submission to Council for adoption; and*

*vi. commend management on the quality of the Financial Statements and thank the Audit Office and Council's finance team for completion of the external audit and a clean set of accounts.*

All minor corrections or disclosure improvements recommended by the Audit, Risk and Improvement Committee have been made to the Financial Statements.

### **CONCLUSION**

The audit of the 2022/23 Annual Financial Statements has been completed and Council has received an unqualified audit report.

Council's independent Audit, Risk and Improvement Committee has endorsed the Statements, which provides Council with confidence as to their completeness, accuracy and compliance with the Act, and Code of Accounting Practice and Financial Reporting.

Subject to Council considering the presentation by the Audit Office of NSW at tonight's meeting, Council's Financial Statements can be considered for adoption.

### **RECOMMENDED**

#### **That Council:**

- i. endorse the change to the Council meeting date from 14 November 2023 to 12 December 2023 for the presentation of Council's audit report for 30 June 2023;**
- ii. resolve that a representative/s from Council's external auditor, Audit Office of NSW, address Council on the Annual Financial Statements and Financial Performance for the year ending 30 June 2023;**
- iii. adopt the Annual Financial Statements for the Financial Year ending 30 June 2023; and**
- iv. write to the Audit Office of NSW, thanking them for their services this year.**

### **ATTACHMENTS**

1. Camden Council Annual Financial Statements 2023

ORD02

ORD02

**SUBJECT: ACCEPTANCE OF GRANT FUNDING - SAVING OUR SPECIES PROGRAM - CAMDEN WHITE GUM**

**FROM:** Director Community Assets

**EDMS #:** 23/620646

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### PURPOSE OF REPORT

The purpose of this report is to advise Council of the offer of additional grant funding of \$15,000 (excl. GST) from the NSW Department of Planning and Environment's Saving our Species Program to support the conservation of the Camden White Gum, and to seek Council endorsement to accept the funding.

### BACKGROUND

Saving our Species (SoS) is a NSW Government conservation program that aims to maximise the number of threatened species that can survive securely in the wild in NSW. The program is designed to develop partnerships with organisations and researchers to align conservation work.

SoS is a targeted conservation program and funds are not provided through a competitive application process. Instead, offers of funding are provided directly to landholders to conserve threatened species and communities in NSW.

The Camden White Gum (*Eucalyptus benthamii*) is endemic to NSW and is known to occur on riverbanks from south-western Sydney to the Blue Mountains. However, the current distribution of the species has been highly restricted as land has been cleared for agriculture and urban development.

The species is currently listed as critically endangered in NSW under the *Biodiversity Conservation Act 2016*, and as vulnerable by the Australian Government under the *Environmental Protection and Biodiversity Conservation Act 1999*.

Previously, through the SoS program, Council received \$15,000 (excl. GST) in March 2023 from the NSW Department of Planning and Environment (DPE) to undertake weed control on Council-owned land and monitor recent plantings of Camden White Gum at Elizabeth Macarthur Reserve and Camden Town Farm.

### MAIN REPORT

The DPE has advised Council of the offer of additional grant funding of \$15,000 (excl. GST) under the SoS program to continue the conservation of the Camden White Gum at Council-owned reserves across the Camden Local Government Area through delivery of Stage 2 works.

The offer of funding from the DPE encourages and supports Council to undertake weed control on Council-owned land at eight sites along the Nepean River in the current financial year, including Camden Town Farm, Ferguson's Land, Sava Street Spring Farm, and Belgenny, Elizabeth Macarthur, Hayter, Ron Dine and Rotary Cowpasture Reserves.

The funding also requires Council to monitor plantings of Camden White Gum at the same reserves.

### **FINANCIAL IMPLICATIONS**

Through the NSW Government's SoS program, Council has been offered additional grant funding in the sum of \$15,000 (excl. GST) to continue weed control and monitoring of the Camden White Gum at Council-owned reserves.

Council will provide project management and reporting as well as ongoing management of the project sites as an in-kind contribution from existing budgets. The funding is proposed to be allocated in the 2023/24 Budget.

### **CONCLUSION**

Council has been offered additional funding in the sum of \$15,000 (excl. GST) through the NSW Government's SoS program to support the conservation of the Camden White Gum.

### **RECOMMENDED**

#### **That Council:**

- i. accept the grant funding of \$15,000 (excl. GST) from the NSW Government's Saving our Species program to undertake conservation works for Camden White Gum at Council reserves, and allocate the funding in the 2023/24 budget;**
- ii. write to the Hon. Penny Sharpe MLC, Minister for Climate Change, Energy, Environment and Heritage, thanking her for the grant funding; and**
- iii. write to Sally Quinnell, MP, Member for Camden, thanking her for her support.**

ORD03

ORD03

**SUBJECT: POST PUBLIC EXHIBITION - COBBITTY ROAD DCP AMENDMENT****FROM:** Director Planning and Environment**EDMS #:**23/531824**PREVIOUS ITEMS:** ORD01 - Cobbitty Road, Cobbitty - Oran Park DCP Amendment  
(Pre Public Exhibition) - Ordinary Council - 11 Jul 2023 6.30pm**PROPERTY ADDRESS** Lots 1 to 6 DP 1276275, 499, 501, 585,  
589, 591 & 593 Cobbitty Road, Cobbitty**PROPONENT** Urbis Pty Ltd**OWNER** Mirvac Homes Pty Ltd

### PURPOSE OF REPORT

The purpose of this report is to inform Council of the outcome of the public exhibition of the draft amendment to the Oran Park Development Control Plan (draft DCP) for land at 499, 501, 585, 589, 591 and 593 Cobbitty Road, Cobbitty.

The report considers the submissions received during the exhibition and recommends that Council endorse the draft DCP, subject to post-exhibition amendments as discussed within this report.

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

### BACKGROUND

The site is located within the South West Growth Area (SWGA) and was rezoned for urban development in 2007, under the State Environmental Planning Policy (Precincts – Western Parkland City) 2021. No change to the zoning is proposed.

The site has been subdivided (DA/2021/300/1) into six super lots to facilitate its staged development. The site is currently being developed, with several Development Applications approved and other Development Applications under assessment.

In August 2022, a request to amend the Oran Park DCP was submitted to Council by the proponent, Urbis Pty Ltd, on behalf of the landowner, Mirvac Homes Pty Ltd.

On 11 July 2023, Council considered a report on the draft DCP and resolved to:

- i. *endorse the draft amendments to the Oran Park Development Control Plan;*
- ii. *exhibit the draft amendments to the Oran Park Development Control Plan;*
- iii. *notify the Department of Planning and Environment of the exhibition of the Oran Park Development Control Plan in accordance with the amended delegations issued by the Secretary of the Department of Planning and Environment on 19 January 2015;*



- iv. at the conclusion of the public exhibition period, receive a briefing on the outcomes of the public exhibition period and consider a further report;
- v. write to The Hon. Chris Minns, Premier, and The Hon. Prue Car MP, Minister for Education and Early Learning, to raise Council's concerns regarding the planning for schools in Camden, including the capacity and size of new school sites, and the timing of the delivery of new schools; and
- vi. write to the Mrs Sally Quinnell MP, Member for Camden, Mr Nathan Hagarty MP, Member for Leppington, and Mrs Tanya Davies MP, Member for Badgerys Creek, to raise Council's concerns regarding the planning for schools in Camden, including the capacity and size of new school sites, and the timing of the delivery of new schools.

The draft DCP was placed on public exhibition from 7 August until 18 September 2023. Nine submissions were received, including four agency submissions and five community submissions.

Councillors were briefed on the outcome of the public exhibition on 14 and 28 November 2023.

**MAIN REPORT**

The draft DCP, as exhibited, applies to the land shown as the subject site in **Figure 1**. It is noted that land at 581 Cobbitty Road, Cobbitty is under separate ownership but forms part of the amendment to the draft DCP.

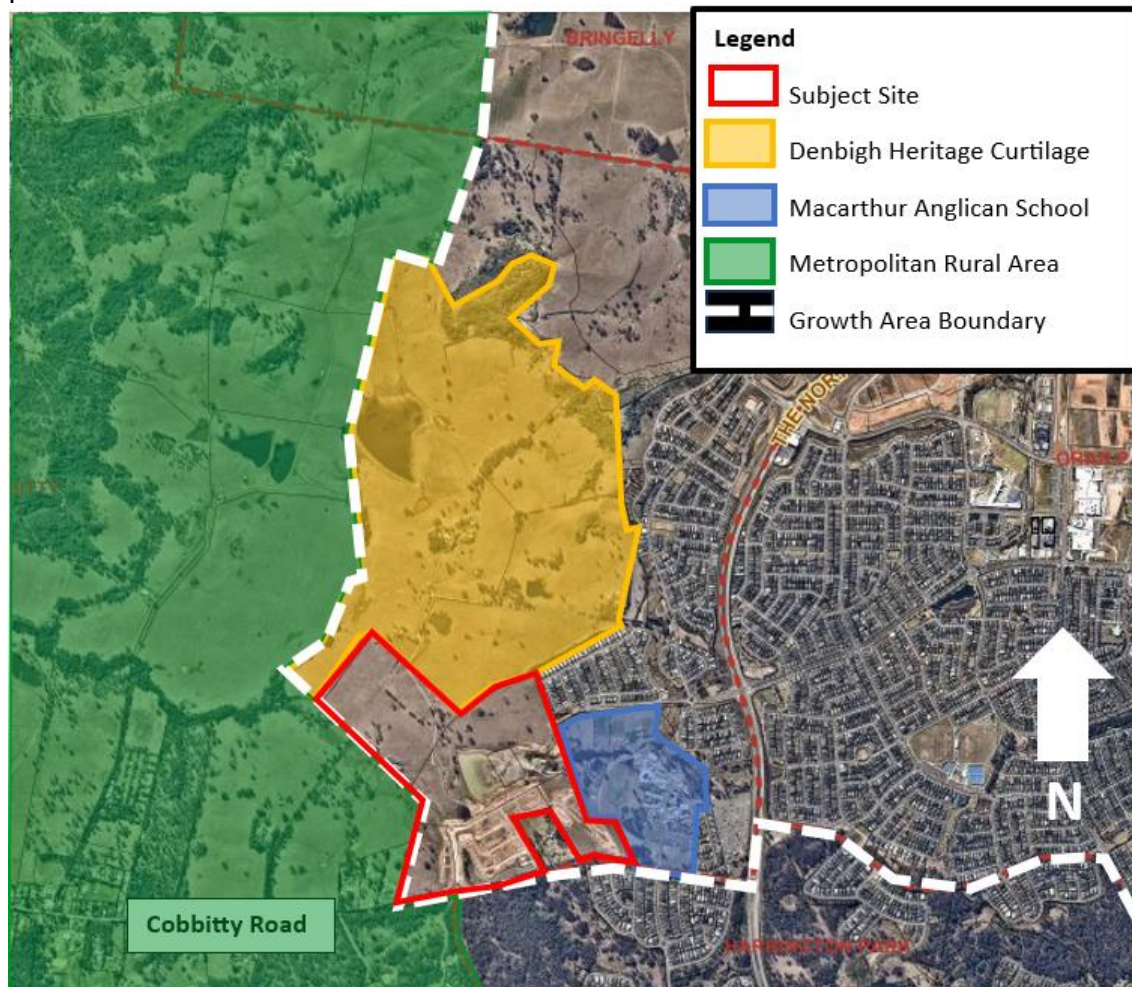


Figure 1: Locality map (source: NearMap)

## ORD03

The draft DCP includes an amended Indicative Layout Plan (ILP) that facilitates residential development (approximately 903 lots), local neighbourhood centre, primary school, riparian and open space areas.

The draft DCP seeks to amend the existing ILP by:

- Introducing the Hassall Driveway heritage boulevard;
- Removing the linear open space park in the north-west part of the site and redistributing the open space into two parks in the north-west and south-east of the site;
- Refining the riparian corridor and passive open space network;
- Designating land originally identified for the expansion of Macarthur Anglican School for urban development; and
- Amending the location and size of the proposed primary school.

The draft DCP also seeks to:

- Incorporate controls to address the transition between the development, Cobbitty Road and the Metropolitan Rural Area (MRA);
- Remove the maximum height control for the earth mound in the Denbigh transition area; and
- Introduce a number of changes to the water cycle management and functioning of the site.

### **Public Exhibition**

In accordance with the Camden Community Participation Plan 2021, the draft DCP and supporting studies were publicly exhibited for a minimum 28 days. Adjoining landowners and the following State agencies were notified of the public exhibition:

- Schools Infrastructure NSW;
- Heritage NSW;
- NSW Rural Fire Service; and
- Sydney Water.

In response to the public exhibition, four agency submissions and five community submissions were received. The submissions are provided as **supporting documents** and a submissions response table is provided as an **attachment** to this report.

A summary of the key issues raised and the Council officer's response is provided below.

### **Agency Submissions**

#### **School Infrastructure NSW (SINSW)**

The amended ILP includes a reduced size and modified location of the primary school within the precinct. Under the existing ILP, the future primary school is 3.5 hectares and located on northern boundary of the site.



In accordance with a new policy by SINSW, the amended ILP seeks to reduce the size of the primary school site to 2 hectares. SINSW support the reduced size, as it is consistent with the Department of Education's *Design Framework: Site Selection and Development*, January 2023. The Framework is provided as an **attachment** to this report.

The previous SINSW policy required primary school sites to be 3.6 hectares. The current policy requires 2 hectares of developable land for primary schools in regional/rural areas and 1.5 hectares in urban areas.

SINSW note that sites, such as the proposed primary school, are difficult to acquire given the prohibitive cost of purchasing large land holdings.

#### *Officer Comment*

It is acknowledged that the reduced primary school size satisfies the NSW Department of Education's, *Design Framework: Site Selection and Development*, June 2023. Notwithstanding this, Council officers have been liaising with SINSW officers to raise Council's concerns with the reduced school size. It is noted that the new policy requirements apply to all future primary schools across the Local Government Area, not only Cobbitty.

In accordance with its resolution in July 2023, Council has written to the NSW Premier, NSW Minister for Education and Early Learning, and local State Members to raise Council's concerns with the planning for schools in Camden, including the capacity and size of new school sites, and the timing of the delivery of new schools.

Council will continue to pursue an opportunity for the Mayor to meet with relevant government officials to present Council's concerns with the planning and delivery of schools. In addition, Council officers will continue to liaise with SINSW officers to discuss Council's concerns with the new policy.

To enable discussions with the State Government to continue, it is recommended that Council 'defer' in part the draft ILP, being the part that refers to the school site. Deferring this part of the amendment will allow the remainder of the development to progress (subject to Council's endorsement).

#### Heritage NSW

The draft DCP proposes to remove the maximum height limit for the earth mound required in the Denbigh transition area. The Heritage Impact Study, lodged in conjunction with the amendment, found that it may be necessary to increase the height of the earth mound to achieve the heritage objectives.

Heritage NSW's submission states that it is not clear whether the amended height of the earth mound will impact the setting, amenities and views to and from the heritage item. It is also unclear whether the proposed change will impact any aspects of the site boundary line such as driveways, boundary markings, boundary ingress and egress points or other historic site elements.

## ORD03

*Officer Comment*

The objective of the earth mound is to screen the views of residential development from the Denbigh Homestead. The Heritage Impact Study concluded that the maximum height requirement should be removed to protect the rural setting of the Denbigh Homestead. The Study found that the earth mound will need to be higher than the maximum height limit in order to eliminate views to and from the Denbigh Homestead.

The Study also notes that further detailed assessment will be undertaken at the Development Application stage. The controls in the draft DCP also require the earth mound to be vegetated and landscaped, to provide a natural landform and protect the rural character and heritage outcomes.

NSW Rural Fire Service

The NSW Rural Fire Service (NSW RFS) raised no objection to the draft DCP. The comments in the NSW RFS submission mostly require development to be consistent with *Planning for Bushfire Protection 2019* (PfbP), which are matters for consideration in future DAs.

*Officer Comment*

The NSW RFS will be further consulted during the DA stage to ensure compliance with PfbP requirements.

Sydney Water

Sydney Water advised that the development will be serviced by the Oran Park pressure reduced Water Supply Zone via an extension of the existing water main along Charles McIntosh Parkway. This will be delivered by the developer/landowner.

Furthermore, the development is located within the Oran Park Precinct and wastewater servicing should be available to service the development. Amplifications, adjustments and/or minor extensions might be required.

*Officer Comment*

It is noted that Sydney Water has advised that it can service the development. Sydney Water will be consulted as part of the assessment of future Development Applications.

**Community Submissions**

In addition to the agency submissions, five community submissions were received. The key matters raised in the community submissions are outlined below and a detailed submissions response table is provided as an **attachment** to this report.

Community Submission 1

1. *Council should investigate options to address the concerns that Arcadian Grove residents cannot turn right onto Cobbitty Road. This should include consultation with the relevant State Government agencies and consideration of Council acquiring the private road from the retirement village.*

2. Council should investigate options to amend the DCP to improve pedestrian and cycle connectivity so that Arcadian Grove residents can efficiently and safely access future open space, community facilities and local shops. An additional walking path from Cobbitty Road (next to Macarthur Anglican School) should be considered as an option.

*Officer Comment*

Cobbitty Road is identified as a rural road and there is no current plan to provide a footpath or cycleway in this area. If this were to occur, it would result in a reduced vegetated buffer, which provides a landscaped interface between Cobbitty Road and the development.

Whilst the concern raised in relation to vehicle egress turning right from an adjoining development (Arcadian Grove estate) onto Cobbitty Road is noted, it is outside the scope of the draft DCP amendment.

In relation to broader pedestrian connectivity, the draft DCP provides pedestrian and cycle connections to the open space, community facilities and local shops located within and beyond the site. This includes the introduction of a shared path along the site's eastern boundary that it shares with Macarthur Anglican School. There is also the future provision for a shared path within the riparian corridor to the east of the site, noting that this has not yet been constructed.



**Figure 2: Pedestrian and Cycle Network**

Community Submission 2

3. The exhibited ILP and Street Network Plan do not align with each other or recent DA approvals over the subject site. To ensure clarity and certainty for future subdivision proposals it is requested these inconsistencies be rectified.

*Officer Comment*

This comment is acknowledged and the Street Network Plan in the DCP and ILP have been amended to reflect recent development approvals.

### Community Submission 3

4. *Changes proposed to the Denbigh Transition area are generally supported, including removal of the maximum height for the proposed earth mound. The driveway interpretation is accepted. It should be noted however that it remains critically important that a suitable entry is accommodated for Denbigh and Bangor from Cobbitty Road.*
5. *Changes to the Cobbitty Road interface are not supported. There is substantial inconsistency in the proposed controls along Cobbitty Road. The submitter is supportive of extending the transition area to the east but objects to the reduction in the width of the existing native vegetation within the subject site along Cobbitty Road.*

*Council should resolve that a 15m wide planting buffer inside the property boundary be retained to reinforce the character of Cobbitty Road and to provide a suitable transition from Urban to Rural Land.*

#### *Officer Comment*

The draft DCP and ILP provide an opportunity for direct access to the Denbigh Homestead landholding via the collector road running east to west from Charles McIntosh Parkway. The detail of this access can be considered as a part of a future DA.

In relation to Cobbitty Road, the existing DCP requires a vegetated interface to protect the visual character of Cobbitty Road, however does not include a minimum landscaped width. The draft DCP strengthens the existing DCP controls.

The Visual Impact Assessment concluded that a 7 metre vegetated buffer is satisfactory to achieve the objective of providing a planted buffer along Cobbitty Road.

**Figure 3** below illustrates a cross section of the perimeter road and landscaped buffer. The section provides 24 metres between the property boundary and the front building line of the future larger lots. This diagram will be included in the DCP to ensure future DAs comply with this vegetated setback to Cobbitty Road.

#### Recommended Post-Exhibition Amendment

It is proposed to insert the cross section diagram into the DCP to illustrate the separation between the development and Cobbitty Road. To further strengthen these controls, it is also proposed to include controls to minimise the clearing of vegetation within this area (where possible), require replacement planting, and require trees to be planted within the front setback of the residential lots fronting the perimeter road running parallel to Cobbitty Road.

### Community Submission 4

6. *The submitter requests a secondary access location for vehicles and pedestrians from the future subdivision roads within the Mirvac site to the adjoining school, adjacent to the eastern boundary. The submitter states a secondary access location will assist in separating bus operations, controlling car drop off and assisting with pedestrian access.*

Officer Comment

A secondary access point to the adjoining school site has not been considered in the draft DCP. This request can be considered, including circulation impacts, at a future DA stage.

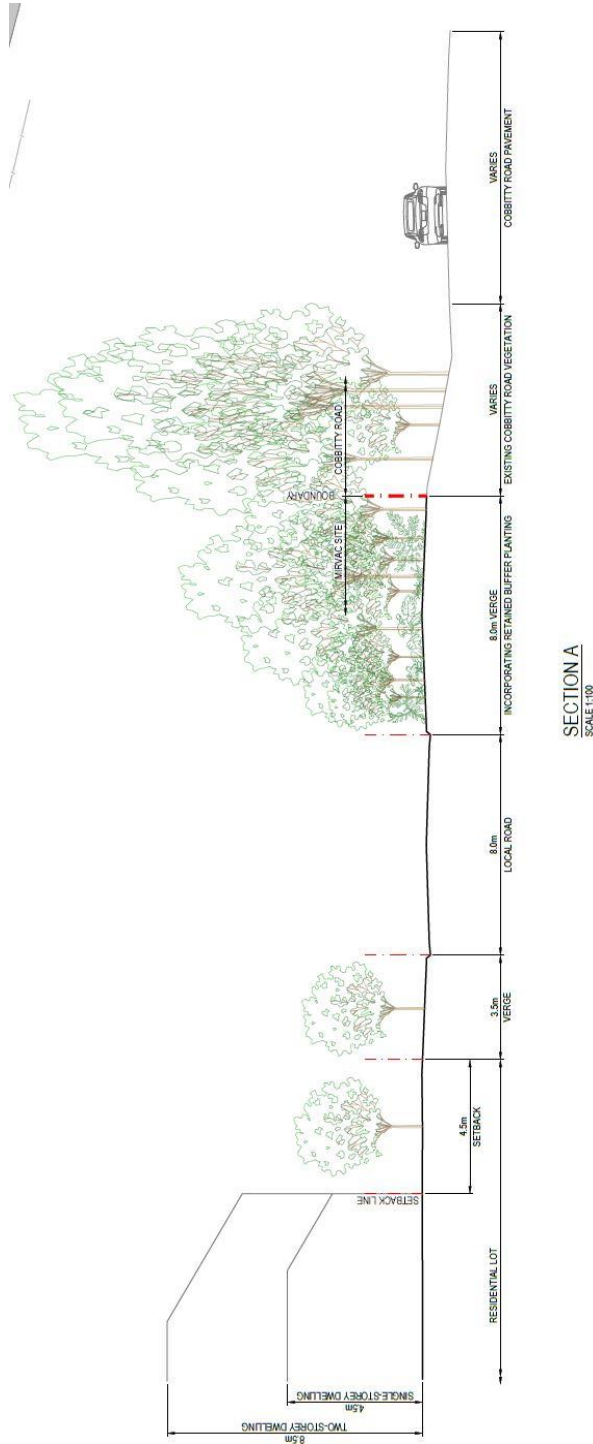


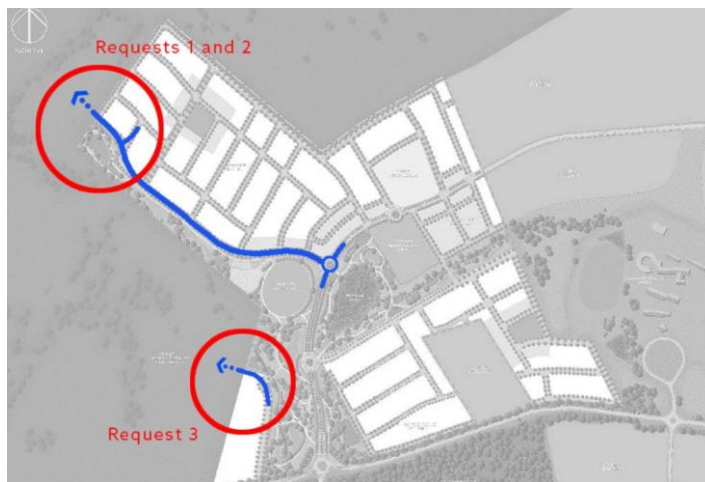
Figure 3: Proposed cross section for perimeter road parallel to Cobbitty Road

Community Submission 5

7. *The draft DCP should recognise possible extensions of the road network that can cater for public transport to the west to provide access to the adjoining rural lands.*

*Officer Comment*

Land west of the site is located outside the SWGA, within the Metropolitan Rural Area (MRA), and has not been released or rezoned for urban development. It is considered premature and outside the scope of the draft DCP to plan for future connections on land within the MRA.



**Figure 4: Identified future road connections to the west of the subject site**

Community Submission 5

8. *The submitter requests that further investigation is required downstream of the Plan area, encompassing the submitters land. This investigation should also assess water management against a range of land uses that includes future development scenarios for the submitters land.*
9. *There appear to be differences between the pre-development and post-development peak flows.*
10. *The IWMP poses a risk to the future management of stormwater in the Cobbitty Creek catchment.*

Officer Comment

It is noted that the Nepean River Floodplain Risk Management Study and Plan (FRMSP) 2022, which was endorsed by Council in February 2023, includes flood related information for the Nepean River and associated tributaries (inclusive of Cobbitty Creek).

The Integrated Water Cycle Management Plan (IWMP) has been peer reviewed and the peak flow rate data from both the hydrological model and hydraulic model shows a reduction in the post-development flow from the pre-development flow.



The exception is one reference point immediately west of the subject site bordering the neighbouring property. The difference with this reference location has been accepted by Council officers and the peer review, as it is deemed a minor increase that does not preclude current, proposed or future development downstream of the site boundary. Further assessment of this increase in the flood level will occur at Development Application stage.

The original stormwater report from the Oran Park rezoning in 2007 required further detailed modelling work to be undertaken in the western portion of the Precinct which is identified as the subject site. The IWMP is therefore required to ensure there are no adverse flood impacts on the future development. It is also noted that the IWMP only enables future development of the subject site. The Nepean River FRMSP 2022 includes updated information for the rural lands of the Cobbitty Creek catchment.

There have been several other concerns raised in a community submission regarding the Integrated Water Cycle Management Plan which supports the draft DCP amendment. These concerns have been considered and assessed in a **supporting document**.

### Summary of Proposed Post-Exhibition Amendments

A number of post-exhibition amendments are recommended to the draft DCP (as exhibited) as a result of submissions received during the public exhibition, including:

- 'Defer' part of the draft DCP that proposes to reduce the size of the future primary school site to enable further discussions with the State Government and SINSW;
- Amend the ILP and Street Network Plan to make minor changes to the road network to align with recent development approvals;
- Introduce a cross section into Section 5.5 (Cobbitty and The Northern Road Interface) of the draft DCP to illustrate the perimeter road and required treatment to the vegetated buffer between the property boundary and Cobbitty Road; and
- Introduce controls into Section 5.5 of the draft DCP that requires road construction of the future perimeter road to avoid clearing of vegetation (where possible).

### Draft Planning Agreement (PA)

The amended ILP includes community infrastructure such as open space, drainage, traffic and transport facilities to be delivered as part of the development. The developer will deliver these items via a Planning Agreement (PA) with Council.

Should the proposal be supported, negotiations on any future PA will progress and will need to demonstrate consistency with the draft DCP.

### Next Steps

Subject to the draft DCP (including post-exhibition amendments) being endorsed by Council, the draft DCP will be adopted under the delegations (as amended) issued to Council by the Secretary of the Department of Planning and Environment, dated 19 January 2015.

In relation to the school site, Council will continue to pursue a meeting with the NSW Premier, Minister and State Members to discuss Council's concerns with the planning and delivery of schools. In addition, Council officers will continue to liaise with SINSW officers. Councillors will be updated as these discussions progress.



### FINANCIAL IMPLICATIONS

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

### CONCLUSION

The proposal seeks to amend the Oran Park DCP for land that was rezoned in 2007 to allow for urban development. Council officers have assessed the submissions received in response to the public exhibition of the draft DCP and consider that (inclusive of the post-exhibition amendments outlined in this report), it demonstrates sufficient planning merit to proceed to adoption.

### RECOMMENDED

**That Council:**

- i. defer part of the draft amendment to the Oran Park Development Control Plan (DCP), where it relates to the reduction in the size of the primary school site and support further changes to DCP figures to reflect this deferral;**
- ii. endorse the remainder of the draft amendment to the Oran Park DCP, including the post-exhibition amendments made in response to community and State agency submissions;**
- iii. grant delegation to the General Manager to adopt the DCP amendment, in accordance with the Instrument of Delegation (as amended) issued to Council on 19 January 2015 from the Secretary of the Department of Planning and Environment;**
- iv. forward a copy of the DCP amendment to the Department of Planning and Environment in accordance with the Instrument of Delegation (as amended) issued to Council on 19 January 2015 from the Secretary of the Department of Planning and Environment;**
- v. publicly notify the adoption of the DCP in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Regulations*; and**
- vi. notify submitters and public agencies of Council's decision.**

### ATTACHMENTS

1. Post Exhibition Oran Park DCP - Part B Amendment - Cobbitty Road DCP - Post Exhibition - Track Changes - under separate cover
2. Post Exhibition Summary of Amendments - Cobbitty Road DCP Amendment
3. Cobbitty Road DCP Amendment Submissions - *Supporting Document*
4. Cobbitty Road DCP Amendment Submissions response table
5. Cobbitty Road DCP Amendment - Post Exhibition Response to Supplementary IWMP Concerns - *Supporting Document*
6. NSW DoE - Design Framework - Site selection and development
7. Mirvac Cobbitty DCP Amendment - Visual Assessment Report
8. Integrated Water Management Plan - 531 Cobbitty Road - Independent Peer Review - Stantec (Cardno)

9. 531 Cobbitty Road DCP Amendment - Integrated Water Management Plan Flood Velocity Maps
10. Mirvac Cobbitty DCP Amendment - Appendix D - Heritage Impact Study
11. 531 Cobbitty Road Masterplan Integrated Water Management Plan REV B April 2023 - under separate cover

**ORD03**

**SUBJECT: POST PUBLIC EXHIBITION – THE CREST PUBLIC OPEN SPACE - STAGE 1 CONCEPT PLAN**

**FROM:** Director Sport, Community and Activation

**EDMS #:** 23/560735

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### PURPOSE OF REPORT

The purpose of this report is to advise Council of the outcome of the public exhibition of The Crest Gledswood Hills draft Stage 1 concept masterplan, and to seek Council's endorsement of the draft concept masterplan.

### BACKGROUND

In June 2021, Council adopted a concept masterplan for 41 hectares of open space at The Crest, Gledswood Hills. In August 2023, Council endorsed the proposed Stage 1 draft concept masterplan for exhibition as **Attachment 1** to this report.

The Stage 1 draft concept plan has been staged to include elements funded for delivery in 2023-24 and 2024-25 (Stage 1A). These include:

- Natural Play Area;
- Bicycle adventure course incorporating learn to ride components;
- Amenities and shelter;
- Carparking;
- BBQ and shelter areas;
- Kickabout areas; and
- Shared pathways.

Councillors were briefed on the outcome of the public exhibition period and the feedback from the community on 21 November 2023.

### MAIN REPORT

#### **Public Exhibition**

The draft concept masterplan was placed on public exhibition from 15 September 2023 until 2 October 2023, and was available at Council's libraries, the Oran Park Administration Centre and the Your Voice Camden website.

Targeted consultation notifications were sent to 1,461 residents and an onsite meeting was held on 27 September 2023. Additionally, the Your Voice Camden website received 1,112 visits for this project.

As part of the consultation process, six submissions providing feedback on the proposal were received and eight people attended the on-site meeting.

### Summary of Submissions by Subject

The feedback and submissions received through the public exhibition period have been summarised by subject and are outlined in the table below:

Submission Subject	Feedback received
<u>Learn to Ride Facility</u>	<ul style="list-style-type: none"> <li>• General support</li> <li>• Request for additional bins, seating, tables and BBQs</li> <li>• Provide flat open grassed areas for temporary shelters i.e., gazebo</li> <li>• Provide power points and solar charge stations</li> <li>• Provide opening and closing hours</li> </ul>
<u>Amenity Building</u>	<ul style="list-style-type: none"> <li>• Provide more toilets</li> </ul>
<u>Road and Transport Network</u>	<ul style="list-style-type: none"> <li>• Permanent No Parking signs on Serenity Circuit</li> <li>• Consider pedestrian crossing on Gledswood Hills Drive</li> <li>• Recommend assessment of pedestrian usage of surrounding pathway network</li> <li>• Reduce speed limit of Raby Road to 60km/h</li> </ul>
<u>General Comments</u>	<ul style="list-style-type: none"> <li>• Provide fruit trees</li> <li>• Include an off-leash dog area in Stage 1 or future stages</li> <li>• Consider Splash/Water Park</li> <li>• Provide additional mountain bike trails</li> <li>• Provide youth-centric features</li> <li>• Convert dam to swim lake</li> <li>• Provide cricket nets</li> <li>• Provide fitness nodes along shared pathway network</li> </ul>
<u>Risk and Safety</u>	<ul style="list-style-type: none"> <li>• Address anti-social behaviour.</li> </ul>
<u>Objections</u>	<ul style="list-style-type: none"> <li>• Remove hardcourts due to anti-social behaviour i.e., loitering and graffiti</li> </ul>

### Response to Submissions

Council officer responses to the submission are provided as **Attachment 3** to this report. Recommended amendments and actions are detailed below.

## ORD04

Feedback obtained during the consultation that is addressed by the current plan includes:

- Additional bins, seating, tables, and BBQs;
- Flat open grassed areas for temporary shelters;
- Youth-centric features such as the mountain bike trail;
- Off leash dog area in future stages;
- Community Safety - Crime Prevention Through Environmental Design report; and
- Support the exclusion of the Animal Care Facility from the original Masterplan.

The following feedback was received during the public exhibition but is not able to be accommodated:

- Splash/Water park;
- Additional mountain bike trails (will be considered in future stages);
- Convert dam to swim lake;
- Consider the provision of cricket nets (will be considered in future stages);
- Provision of fitness nodes along the shared pathway (will be considered in future stages);
- Provision of pedestrian crossing over the water canal;
- Reduce speed limit of Raby Road to 60km/h;
- Additional works as proposed in the southern portion of the Crest Master Plan (will be considered in future stages); and
- Provision of power points and solar power charging stations.

### Next Steps

Subject to Council endorsement of the draft concept masterplan, detailed design works will continue, with construction of The Crest Gledswood Hills Stage 1A (**Attachment 2**) expected to commence in 2024.

### FINANCIAL IMPLICATIONS

The Stage 1A works are valued at \$2.7 million, with funding included in Council's 2023/24 budget.

The Stage 1A works are to be delivered from within the current budget allocation of \$2.7 million.

### CONCLUSION

The Crest Gledswood Hill Stage 1 project will assist to build a sustainable, inclusive, and connected community by delivering on the high activation zone of the public open space and unlocking public land for a range of leisure and recreational uses.

Valuable feedback was received through the public exhibition process, with this feedback further informing the development of the Stage 1A Concept Masterplan.

It is recommended that the Stage 1 Draft Concept Masterplan as **attached** to this report, be adopted.

### RECOMMENDED

**That Council:**

- i. endorse the draft Concept Masterplan for Stage 1 of The Crest Gledswood Hills, included as an attachment to this report; and**
- ii. advise submitters of the outcome of this report.**

### ATTACHMENTS

1. The Crest Draft Masterplan - Stage 1
2. The Crest Draft Masterplan - Stage 1A
3. The Crest - Summary of Submissions

**ORD04**

ORD05

ORD05

**SUBJECT: POST PUBLIC EXHIBITION - JACK NASH COURT IMPROVEMENTS**  
**FROM:** Director Sport, Community and Activation  
**EDMS #:** 23/594653

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### PURPOSE OF REPORT

The purpose of this report is to advise Council of the outcome of the public exhibition of the draft concept plan for the Jack Nash court improvements and to seek Council's endorsement of the concept plan.

### BACKGROUND

At the Ordinary Council Meeting of 11 October 2022, a Notice of Motion to investigate the repurposing of the tennis courts at Jack Nash Reserve was endorsed.

Council officers investigated options for the site and developed a concept plan that accommodates a range of activities and sporting options for the whole community.

In September 2023, Council endorsed the proposed draft concept plan to go on public exhibition. A copy of the draft concept plan is provided as **Attachment 1** to this report.

Councillors were briefed on the outcome of the public exhibition and the feedback from the community on 21 November 2023.

### MAIN REPORT

#### **Public Exhibition**

The Draft Concept Plan was placed on public exhibition from 13 October to 30 October 2023, and was available at Council's libraries, Administration Building in Oran Park and on the Your Voice Camden website. Targeted consultation notification letters were also sent to 400 residents, with an onsite pop-up session held on 25 October 2023.

As part of the consultation process, 13 written submissions were received, and 12 people attended the onsite pop-up consultation. A summary of the submissions received is identified in the table below and officer responses are provided as **Attachment 2** to this report.

#### **Summary of Submissions by Subject**

The feedback and submissions received through the public exhibition period have been summarised by subject and are outlined in the table below:



Submission Subject	Feedback received
<u>Support of Pickleball Conversion</u>	<ul style="list-style-type: none"> <li>Provision of changes to the courts to accommodate Pickleball is supported as Pickleball is a growth sport and there are no Pickleball-specific facilities currently available.</li> </ul>
<u>Support of Multi-Sport Court Conversion</u>	<ul style="list-style-type: none"> <li>Provision of a basketball option is supported.</li> <li>The provisions of the interactive sports wall is exciting as a change of use.</li> </ul>
<u>Not Supporting Pickleball Conversion</u>	<ul style="list-style-type: none"> <li>Some of the onsite users of the facility did not support the conversion of the courts and requested tennis to remain.</li> </ul>

**Response to Submissions**

Council officer responses to the submissions are provided as **Attachment 2** to this report.

Valuable feedback was received through the public exhibition process, with no modifications recommended to the draft concept plan, with the plan to include:

- Eight Pickleball courts;
- The provision of a single tennis court; and
- A multi-use court with basketball and an interactive sports wall.

**Next Steps**

Subject to Council endorsement of the draft concept plan, detailed designs and redevelopment of the site will be undertaken, with the Jack Nash court improvement project proposed to be completed by mid-2024.

**FINANCIAL IMPLICATIONS**

The Jack Nash court improvement works will be funded as part of Council’s Asset Renewal Program, with \$350,000 already included in Council’s 2023/24 budget.

**CONCLUSION**

Valuable feedback was received through the public exhibition process and, while there was a view from some that the tennis courts should remain, there are tennis courts available for use within close proximity at Liquidamber Reserve, Narellan Vale, and it is recommended that the draft concept plan be endorsed as attached to this report without change.

The Jack Nash court improvement project will enhance Jack Nash Reserve and will be supported by the Macarthur Pickleball Association as a key user at the site. Pickleball is one of the fastest growing sports in Australia and there are currently no dedicated Pickleball facilities in Camden.

The improvement works will also provide the community with the opportunity to participate in tennis and basketball as well as benefitting from the cutting-edge technology of the interactive kicking wall to be installed on the multi-purpose court.

ORD05

**RECOMMENDED****That Council:**

- i. endorse the draft Concept Plan for the Jack Nash court improvements, as attached to this report; and**
- ii. notify the submitters of the outcome of this report.**

**ATTACHMENTS**

1. Jack Nash Redevelopment Draft Plan
2. Jack Nash Summary of Submissions

**ORD06****ORD06**

**SUBJECT: TENDER T001/2023 - DEVELOPMENT CONTRIBUTIONS  
MANAGEMENT SYSTEM**  
**FROM:** Director Growth and Finance  
**EDMS #:** 23/630277

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### PURPOSE OF REPORT

The purpose of this report is to advise Council of the tenders received for T001/2023 Development Contributions Management System, and to recommend that Council decline all tenders and instead enter into direct negotiations with a suitable vendor.

### BACKGROUND

Council's Digital Innovation Strategy has identified the need for a contributions planning solution which would improve the management, monitoring and reporting of funds collected under Contributions Plans.

The system is also aimed at reducing manual processing and improve forward planning in relation to the negotiation and delivery of infrastructure agreements such as Works-In-Kind Agreements and Voluntary Planning Agreements.

Given the future growth within the Camden Local Government Area (LGA) over the next 20-30 years, the introduction of a technology solution to centralise and coordinate data in relation to infrastructure contributions will significantly reduce the level of risk associated with the ongoing management of Contributions Plans and Infrastructure Agreements both in the short and long term.

It is expected that the introduction of a contributions planning solution will also better inform future decisions in relation to the development of future Contributions Plan within the Camden Growth area and also improve Council's long term financial planning.

Council sought responses from suitable vendors with demonstrated experience in delivering a contributions planning solution via formal Tender T001/2023, which was released on 7 February 2023.

### MAIN REPORT

#### Legislation

This tender process was conducted in accordance with the *Local Government Act 1993*, *the Local Government (General) Regulation 2021* and Council's Procurement Policy and Guidelines.

#### Advertising of Tenders

A tender for T001/2023 Development Contributions Management System was released on 7 February 2023, and publicly advertised on Council's website.

The tender was open for a period of 22 days until the closing date of 1 March 2023 and was available through the e-tendering website: [www.tenders.nsw.gov.au](http://www.tenders.nsw.gov.au)

Tenders Received

Council received three on-time tender responses from the following organisations.

Tender	Suburb
Mentum Pty Ltd Trading as Atturra MCS	Sydney
Novoplan Trading Pty Ltd	South Brisbane (QLD)
Urpla Pty Ltd	Southport (QLD)

Tender Evaluation Process

Tenders were assessed by the Tender Evaluation Panel, in accordance with Council’s Procurement Procedures and Guidelines. The evaluation criteria was prepared and weighted on 22 February 2023. Following the close of the tender period, each tender was evaluated by the members of the Tender Evaluation Panel using the following criteria:

- Price;
- Compliance with specifications (functional and non-functional criteria);
- Customer focus, project team and methodology;
- Respondent performance and relevant experience;
- Demonstrated capacity and technical ability;
- Work Health Safety; and
- Local Supplier Preference.

A summary of the tender assessment is provided as a **supporting document**. Please note this information is commercial in confidence.

Tender Assessment Comments

Tenders were assessed by the Tender Evaluation Panel in accordance with Council’s Procurement Procedures and Guidelines.

Extensive legal reviews of the ICT Agreement were completed from tender close until 30 October 2023. This has resulted in the expiry of the Tender price validity period.

As a result of the expiry of the Tender price validity period, Council cannot consider any Tender which has been substantially altered from its original submission. Revised pricing submitted by the tender respondents would be considered a substantial change.

At the same time as undertaking the legal review associated with this tender, a full and comprehensive review of the tender responses was completed by the Tender Evaluation Panel.

The Tender Evaluation Panel has recommended that it would be of no benefit to invite fresh tenders due to the nature of the services and the niche market that has already been tested.

As such, in accordance with clause 178(1)(b) of the *Local Government (General) Regulation 2021*, it is recommended that Council decline to accept any of the tenders and enter into negotiations with any person (whether or not the person was a tenderer)

with a view to entering into a contract in relation to the delivery of a contributions planning solution.

#### Tender Compliance Panel

Tender submissions and evaluations were reviewed by the Tender Compliance Panel and all recommendations have been addressed.

#### CONCLUSION

##### Recommendation of the Tender Evaluation Panel

Following the tender evaluation process, it is recommended that Council decline all tenders submitted as the price validity period has now expired.

In accordance with Clause 178(3)(e) of the Regulation it is recommended that Council enter into negotiations with a view to entering into a contract in relation to the delivery of a contributions planning solution which meets Council's requirements and demonstrates best value for money.

#### RECOMMENDATION

##### **That Council:**

- i. **decline all tenders submitted for T001/2023 Tender for Developer Contributions Management System, in accordance with clause 178(1)(b) of the *Local Government (General) Regulation 2021*;**
- ii. **decline to invite fresh submissions under sections 178(3)(b)-(d) of the *Local Government (General) Regulation 2021* because it would be of no benefit due to the specialised nature of the services and the corresponding niche market that has already been tested;**
- iii. **enter into negotiations with any person (whether or not the person was a tenderer), because of the specialised nature of the services and the corresponding niche market that has already been tested, with a view to entering into a contract in relation to the delivery of a contributions planning solution, if they can provide a solution which meets Council's requirements and demonstrates best value for money, in accordance with clause 178(3)(e) of the *Local Government (General) Regulation 2021*.**

#### ATTACHMENTS

1. T001/2023 - Tender Evaluation Report - *Supporting Document*

ORD07

ORD07

**SUBJECT: DRAFT FINANCIAL RESERVES POLICY - NEW**  
**FROM:** Director Growth and Finance  
**EDMS #:** 23/613252

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### PURPOSE OF REPORT

The purpose of this report is for Council to consider a new draft Financial Reserves Policy.

### BACKGROUND

Council has in place a range of externally and internally restricted financial reserves, which are either required by legislation or to set aside funds for the strategic priorities of Council.

Financial reserves are an important financial resource of Council and there should be transparency in the use of funds held in financial reserves, the decisions made to allocate funding from reserves and the reporting which is required in Council's Annual Financial Statements.

Historically, Council has ensured strong internal controls have been in place with respect to the creation and allocation of funding to/from financial reserves. This draft Policy will further support Council's decision making during the development of its Annual Budget and review of the Long Term Financial Plan.

A Councillor briefing was held on 28 November 2023 to provide information on this report.

### MAIN REPORT

#### Draft Financial Reserves Policy

The draft Financial Reserves Policy outlines the mechanisms in place to establish, maintain and report on funds held in external and internal reserves. Importantly, all decisions in relation to Council's financial reserves are to be made via a formal resolution of Council.

The objectives of the draft Policy are as follows:

- To provide a framework for the preservation and use of Council's financial resources (reserves) to support Council's financial strategy and ensure long term financial sustainability;
- To ensure all financial reserves have a clear and specific purpose which align with Council's Integrated Planning & Reporting (IPR) framework – there is a need for a clear link between this Policy and Council's Delivery Program, Operational Plan, and the broader Resourcing Strategy (Long Term Financial Plan, Asset Management Plan and Workforce Management Plan);

- To provide clear guidance on the allocation of funds from annual operations (General Fund) to provide funding (transfer to reserves) for specific projects, programs or provisions and also to provide clear guidance on the use of funds held in financial reserves (transfer from reserves) for specific projects and/or programs.

A copy of the draft Policy is provided as an **attachment** to this report. It is proposed that the policy be a Category 2 policy to be reviewed by Council every three years or as required.

#### External and Internally Restricted Reserves

External reserves are created as a result of a legislative requirement. They can only be used for the specific purpose for which the reserve was created and cannot be used for general operations. Internal reserves are established at the discretion of Council and can be used for specific projects, programs, or financial provisions.

Importantly, this Policy clearly states that Council cannot borrow from externally restricted reserves to fund general operations or shortfalls in other internal reserves. Council has robust internal controls in place to ensure that only legitimate expenditure can be claimed through externally restricted reserves.

#### Reporting on Financial Reserves

In line with the Office of Local Government's (OLG) Code of Accounting Practice and Financial Reporting and the OLG's Quarterly Budget Review Guidelines, Council is required to disclose the balance of funds held in external and internal reserves at each quarterly review and as part of its Annual Financial Statements.

The draft Financial Reserves Policy was endorsed by the Audit, Risk and Improvement Committee on 27 November 2023.

### FINANCIAL IMPLICATIONS

There are no direct financial implications in relation to the draft Financial Reserves Policy. The allocation, and utilisation of funding from financial reserves is considered as part of the annual budget process and quarterly budget reviews.

### CONCLUSION

The draft Financial Reserves Policy has been prepared to support Council's decision making during the development of the Annual Budget and review of the Long Term Financial Plan.

### RECOMMENDED

**That Council endorse the draft Financial Reserves Policy.**

### ATTACHMENTS

1. Draft - Financial Reserve Policy

**SUBJECT: INVESTMENT MONIES - OCTOBER 2023**  
**FROM:** Director Growth and Finance  
**EDMS #:** 23/612012

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### PURPOSE OF REPORT

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

### MAIN REPORT

The weighted average return on all investments was 4.97% p.a. for the month of October 2023. The industry benchmark for this period was 4.01% (Ausbond Bank Bill Index) and the official cash rate as determined by the Reserve Bank of Australia (RBA) as at 31 October 2023 was 4.10%.

On 8 November 2023, the Board of the Reserve Bank of Australia increased the official cash rate to 4.35%.

The Responsible Accounting Officer (the Chief Financial Officer) has certified that all investments have been made in accordance with Section 625 of the *Local Government Act 1993*, the relevant regulations and Council's Investment Policy.

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

### RECOMMENDED

#### **That Council:**

- i. **note that the Responsible Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act 1993*, Regulations, and Council's Investment Policy;**
- ii. **note the list of investments for October 2023; and**
- iii. **note the weighted average interest rate return of 4.97% p.a. for the month of October 2023.**

### ATTACHMENTS

1. Monthly Investment Summary Report - October 2023



ORD09

ORD09

**SUBJECT: MINUTES TO THE 6 SEPTEMBER 2023 AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING**

**FROM:** General Manager

**EDMS #:** 23/621087

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### PURPOSE OF REPORT

The purpose of this report is to provide Council with the minutes of the 6 September 2023 Audit, Risk and Improvement Committee meeting.

### BACKGROUND

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

Council resolved to adopt the Committee's revised Audit, Risk and Improvement Committee Terms of Reference (ARIC ToR) on 12 September 2023. The ARIC ToR includes a requirement to report draft minutes to Councillors via the Councillor Update, and to subsequently report the final minutes to Council for noting after they have been approved at the next Audit, Risk and Improvement Committee meeting.

### MAIN REPORT

The Audit, Risk and Improvement Committee met on 6 September 2023. The agenda discussed at the meeting included:

- Payroll Internal Audit Report;
- DRIVES24 Annual Audit;
- Fleet Management Internal Audit Report;
- Enterprise Risk Management;
- External Audit Update;
- Quarterly Legislative Compliance Declarations;
- Update on the Application of the *Public Interest Disclosures Act 2022*;
- Governance Information Report;
- Work Health and Safety Update;
- Review of Internal Audit Manual and Quality Assurance and Improvement Program;
- Audit Recommendations Implementation Status Update;
- Internal Audit Plan Status Update; and
- Update on Reports from Authoritative Bodies.

The draft minutes of the 6 September 2023 Audit, Risk and Improvement Committee meeting were circulated to Councillors as part of the Weekly Councillor Update on 6 October 2023 and subsequently approved at the 27 November 2023 Committee meeting. The approved minutes are provided as an **attachment** to this report.

### FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

ORD09

### CONCLUSION

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

### RECOMMENDED

**That Council note the minutes of the 6 September 2023 Audit, Risk and Improvement Committee meeting.**

### ATTACHMENTS

1. Minutes to the 6 September 2023 Audit, Risk and Improvement Committee Meeting

**ORD10****ORD10**

**SUBJECT: DELEGATIONS TO THE MAYOR - CHRISTMAS/NEW YEAR RECESS PERIOD**  
**FROM:** Director Customer and Corporate Strategy  
**EDMS #:** 23/603364

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**PURPOSE OF REPORT**

The purpose of this report is to request that Council delegate authority to the Mayor (and the Deputy Mayor, in the absence of the Mayor) during the Christmas/New Year recess period.

**BACKGROUND**

In line with past practice, it is proposed to grant a delegation to the Mayor (and the Deputy Mayor, in the absence of the Mayor) to make urgent decisions during the Christmas/New Year recess period.

**MAIN REPORT**

Council will be in recess from 13 December 2023 until 13 February 2024 (the recess period). During the recess period, it may be necessary to make decisions on urgent matters that may not fall within the delegations of staff.

The *Local Government Act 1993* (the Act) allows Council to delegate functions under section 377 of the Act and authority is also provided to the Mayor under section 226 of the Act to exercise functions between meetings. It is Council's normal practice to delegate authority to the Mayor (and the Deputy Mayor, in the absence of the Mayor) during the recess period to make decisions on urgent matters.

This delegation would only be exercised in matters of urgency. In the event of an issue of significant magnitude and impact arising, a special Council meeting will be convened.

Should the need arise to exercise this delegation, a report will be provided to the Ordinary Council Meeting of 13 February 2024.

**FINANCIAL IMPLICATIONS**

There are no financial implications.

**CONCLUSION**

Council is requested to delegate authority to the Mayor (and Deputy Mayor, in the absence of the Mayor) to make decisions on urgent matters during the recess period from 13 December 2023 until 13 February 2024, as provided for under sections 226 and 377 of the Act.

ORD10

**RECOMMENDED**

That Council:

- i. delegate authority to the Mayor (and Deputy Mayor, in the absence of the Mayor) to make decisions on urgent matters during the recess period from 13 December 2023 until 13 February 2024, as provided for under sections 226 and 377 of the *Local Government Act 1993*; and
- ii. receive a report to the Ordinary Council Meeting of 13 February 2024, if this delegated authority is exercised.

ORD11

ORD11

## **NOTICE OF MOTION**

**SUBJECT: NOTICE OF MOTION - MACARTHUR FOOTBALL ASSOCIATION'S 40TH ANNIVERSARY**  
**FROM: Cr C Cagney**  
**EDMS #: 23/631642**

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"I, Councillor Cindy Cagney, hereby give notice of my intention to move the following at the Council Meeting of 12 December 2023:

That Council write to Darcy Lound, Chairman of the Macarthur Football Association (MFA), to congratulate him, and the staff and members of the MFA, on their 40th anniversary.

### **BACKGROUND**

MFA is preparing to celebrate a remarkable milestone – its 40<sup>th</sup> anniversary.

The MFA has a long, rich history in and around the Camden area. First formed as Macarthur District Soccer Football Association (MDSFA) in 1979, the club became an incorporated body, dedicated to fostering, developing and promoting junior soccer in the Campbelltown, Camden and Wollondilly municipalities.

In this inaugural year, there were 20 clubs registered with the Association, providing soccer from some 8,000 players and officials.

Over the years, the Association has gone through a number of changes. In 1992, for example, it was decided the Federation team representing the Association would be the Macarthur Rams. In 1998, the Women's Program was introduced and has continued to flourish from those humble beginnings.

In more recent years, a record 10,300 registered players have been taking to the field during the MFA's regular seasons, with a further 3,200 participating in summer competitions. The Association reports overall satisfaction with the experience in football reached 79 per cent, which is a testament to the hard-working volunteers that power the game at the grassroots.

The MFA plans to spend the next few years building on this positive momentum and keeping focused on delivering what's important to all those who consider the Association to be an integral part of their lives.

I ask all Councillors to support our congratulations to the MFA."

### **RECOMMENDED**

**That Council write to Darcy Lound, Chairman of the Macarthur Football Association, to congratulate him, and the staff and members of the Macarthur Football Association, on their 40th anniversary.**

## NOTICE OF MOTION

**SUBJECT: NOTICE OF MOTION - STRATEGIC ASSETS**  
**FROM: Cr McLean**  
**EDMS #: 23/648368**

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"I, Councillor Peter McLean, hereby give notice of my intention to move the following at the Council Meeting of 12 December 2023:

That Council:

- Investigate options to invest in long-term strategic assets, which are less impacted by inflation and can help to fund future asset renewal and operational costs, which Council will require for future generations;
- Report back to a Councillor briefing in February 2024 on the options, funding opportunities and strategies going forward in order for Council to formulate future policies and directions.

### BACKGROUND

Looking at addressing longer-term financial needs is a crucial need to ensure Council can fund increasing asset renewal and operational costs for future generations. As Camden Council moves from a growth phase council to a maintenance phase council, these costs will need to be met and Council will require a diversified revenue base to meet these needs in decades to come.

These assets might include purchasing of property assets, which has been a common practice by other councils to meet future strategic and financial needs."

### RECOMMENDED

That Council:

- i. **investigate options to invest in long-term strategic assets, which are less impacted by inflation and can help to fund future asset renewal and operational costs, which Council will require for future generations;**
- ii. **report back to a Councillor briefing in February 2024 on the options, funding opportunities and strategies going forward in order for Council to formulate future policies and directions.**

**ORD13****ORD13**

**SUBJECT: CLOSURE OF THE MEETING TO THE PUBLIC**  
**FROM: Director Customer and Corporate Strategy**  
**EDMS #: 23/631353**

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

- Acquisition of Land – Leppington

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

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

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

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

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


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

**RECOMMENDED****That Council:**

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

 70 Central Ave,  
Oran Park NSW 2570

 [mail@camden.nsw.gov.au](mailto:mail@camden.nsw.gov.au)

 PO Box 183, Camden 2570

 [camden.nsw.gov.au](http://camden.nsw.gov.au)

 13 CAMDEN (13 226336)

 [www.facebook.com/camden council](http://www.facebook.com/camden council)

 ABN: 31 117 341 764



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