



Camden Council

Business Paper

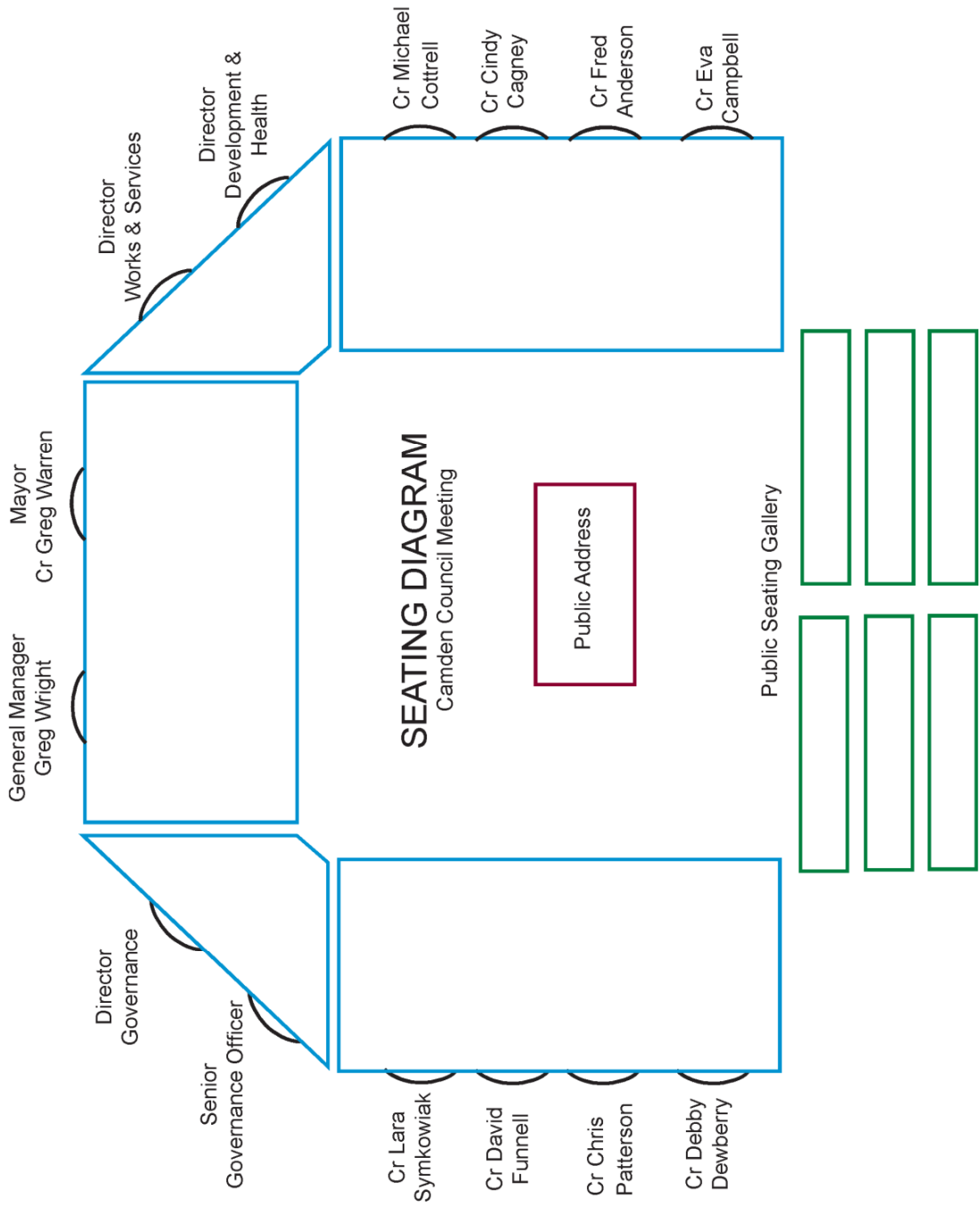
Ordinary Council Meeting
11 October 2011

Camden Civic Centre
Oxley Street
Camden



COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BCA	Building Code of Australia
CLEP	Camden Local Environmental Plan
CP	Contributions Plan
DA	Development Application
DECCW	Department of Environment, Climate Change & Water
DCP	Development Control Plan
DDCP	Draft Development Control Plan
DPI	Department of Planning & Infrastructure
DLG	Division of Local Government, Department of Premier & Cabinet
DWE	Department of Water and Energy
DoH	Department of Housing
DoT	NSW Department of Transport
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning & Assessment Act
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FPL	Flood Planning Level
GCC	Growth Centres Commission
LAP	Local Approvals Policy
LEP	Local Environmental Plan
LGA	Local Government Area
MACROC	Macarthur Regional Organisation of Councils
OSD	Onsite Detention
REP	Regional Environmental Plan
PoM	Plan of Management
RL	Reduced Levels
RTA	Roads & Traffic Authority
SECTION 149 CERTIFICATE	Certificate as to zoning and planning restrictions on properties
SECTION 603 CERTIFICATE	Certificate as to Rates and Charges outstanding on a property
SECTION 73 CERTIFICATE	Certificate from Sydney Water regarding Subdivision
SEPP	State Environmental Planning Policy
SRA	State Rail Authority
SREP	Sydney Regional Environmental Plan
STP	Sewerage Treatment Plant
VMP	Vegetation Management Plan
WSROC	Western Sydney Regional Organisation of Councils



Media



ORDINARY COUNCIL

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ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.



ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

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

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

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

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

RECOMMENDED

That the declarations be noted.

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

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

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

Where a member of the public raises a question during the Public Address segment, a response will be provided where Councillors or staff have the necessary information at hand; if not a reply will be provided at a later time. There is a limit of one (1) question per speaker per meeting.

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

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

The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker continues to make inappropriate or offensive comments about another person.

RECOMMENDED

That the public addresses be noted.



ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 27 September 2011, and the Local Traffic Committee Meeting held 20 September 2011.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 27 September 2011, and the Local Traffic Committee Meeting held 20 September 2011, copies of which have been circulated, be confirmed and adopted.

ORDINARY COUNCIL

ORD01

SUBJECT: ERECTION OF TWO INDUSTRIAL BUILDINGS AND THEIR USE FOR STEEL FABRICATION AND TESTING OF MINING INDUSTRY COMPONENTS, ANCILLIARY OFFICES AND ASSOCIATED SITE WORKS AT 21-33 (LOT 5, DP 1121978) DUNN ROAD, SMEATON GRANGE

FROM: Director Development and Health
BINDER: DA 598/2011

PURPOSE OF REPORT

The purpose of this report is to seek from Council a determination of a Development Application (DA) for the erection of two industrial buildings and their use for steel fabrication, testing and design of mining industry components, ancillary offices and associated site works. The application is referred to Council in accordance with its delegations as there are proposed variations to a development standard contained within Camden Local Environmental Plan 2010 (LEP).

SUMMARY OF RECOMMENDATION

It is recommended that Council approve this DA subject to:

1. the draft development consent conditions provided at the end of this report; and
2. receiving the concurrence of the Director General of the Department of Planning and Infrastructure (DPI) to the proposed LEP height development standard variations.

BACKGROUND

Council staff held a pre-development application meeting with the applicant on 8 March 2011. The proposed development was outlined and Council provided information to assist in the formulation of a complete development application. The issues raised in that meeting included the proposed development's status as Nominated Integrated Development, its height and vehicular traffic entry/exit requirements. Further, Council's ability to gain maintenance access to an existing drainage easement on the site was also discussed.

The development application was lodged on 26 May 2011. The application was publicly notified for 30 days with no submissions being received. Additional information was requested from the applicant to clarify issues that arose during the assessment process. Council has now assessed this information and recommends that the DA be approved subject to the development consent conditions provided at the end of this report.

THE SITE

This site is located on the south-eastern side of Dunn Road in Smeaton Grange. The site has an area of 3.47ha, is generally flat, rectangular in shape and is currently vacant. The immediate surrounding area contains part of the Smeaton Grange

drainage channel at the rear of the site, the existing Tri-City Trucks development further to the north-west and vacant industrial lots abutting the remaining boundaries.

The surrounding Smeaton Grange industrial estate contains a wide range of factories, warehouses and other commercial/industrial uses. The north east of the estate is bounded by the Turner Road precinct of the South West Growth Centre. To the south-east exists the Currans Hill residential suburb, whilst Narellan Vale and the Narellan Town Centre lie to the south-west. The north-west is bound by Camden Valley Way with the Harrington Park residential suburb located on the opposite side.

A site location map is provided at the end of this report.

THE PROPOSAL

Development consent is sought for the erection of two industrial buildings (with a total combined floor area of approximately 12,500m²) and their use for steel fabrication and testing of mining industry components, each with ancillary offices. Also proposed are associated site works including car parking spaces, driveways, landscaping and fencing.

The application was referred to the NSW Office of Water (NOW) as it is classed as Nominated Integrated Development due to its proximity to the Smeaton Grange drainage channel to the south. NOW has provided General Terms of Approval to this development, compliance with which is recommended as a development consent condition.

A copy of the proposed plans are provided at the end of this report.

NOTIFICATION

As this application is Nominated Integrated Development, it was publicly notified for 30 days. An advertisement was also placed in the local press. No submissions have been received.

PLANNING CONTROLS

The following are relevant planning controls that have been considered in the assessment of this application:

1. State Environmental Planning Policy (Infrastructure) 2007
2. State Environmental Planning Policy No 33 – Hazardous and Offensive Development
3. Deemed State Environmental Planning Policy No 20 – Hawkesbury/Nepean River
4. Camden Local Environmental 2010
5. Camden Development Control Plan 2011

ASSESSMENT

The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979. The following comments are made with respect of the application:

(1)(a)(i) The provisions of any Environmental Planning Instrument

State Environmental Planning Policy (Infrastructure) 2007 (SEPP)

The application was referred to the Roads and Traffic Authority (RTA) as the proposed development is classed as traffic generating development pursuant to Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007. This is because it proposes more than 200 car parking spaces. The RTA raised concerns with regard to the following:

1. the proposed location of the light vehicle driveway on the western side of Dunn Road is located in close proximity to the existing roundabout at the intersection of Dunn Road, which is undesirable. Consideration should be given to relocating this driveway further east as far away from the roundabout as is possible; and
2. the heavy vehicle exit driveway should be splayed wider to allow the longest vehicle to exit the site without entering onto the wrong side of Dunn Road.

The above concerns have been considered and discussed in detail with the applicant. The applicant has submitted an amended site plan which provides adequate distance (30.5m) from the light vehicle western driveway to the roundabout at the intersection of Dunn Road. The heavy vehicle exit driveway has also been amended to allow the longest vehicle to exist the site without encroaching onto the wrong side of Dunn Road. All other RTA advisory comments have been recommended as development consent conditions.

State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP)

The applicant has advised that the thresholds for the storage of LPG and Argon will be less than the SEPP's screening threshold. However it is noted that the thresholds for the storage of paints and thinners will be exceeded. Provided that these substances are stored more than 7m from the site boundaries, the development will not be classed as a hazardous or offensive industry. It is recommended that all paints and thinners are stored in suitable receptacles and housed in a bunded area within the paint storage room as located on Site Plan No A01 Revision B dated 22 August 2011 (which is located more than 7m from any site boundary).

It is also a recommended development consent condition that the transport quantities and frequencies of dangerous goods transported to and from the site are kept below the SEPP's screening threshold. On this basis, the development is not considered to be hazardous or offensive as defined by the SEPP.

Deemed State Environmental Planning Policy No 20 – Hawkesbury/Nepean River (SEPP)

It is considered that the aims and objectives of this policy will not be prejudiced by this development and there will be no detrimental impacts upon the Hawkesbury/Nepean River system as a result of it. It is a recommended development consent condition that water pollution control devices are provided as part of the development.

Camden Local Environmental 2010 (LEP)

The proposed development is defined as a "light industry" by the LEP. Light industries are permissible with development consent in the applicable IN1 General Industrial zone.

The proposed development must also be consistent with the IN1 zone objectives. The relevant zone objectives seek to:

- provide a wide range of industrial and warehouse land uses;
- encourage employment opportunities; and
- Minimise any adverse effect of industry on other land uses.

It is considered that the proposal is generally compliant with these objectives. The development is for a light industry which will provide employment opportunities. The development has been assessed and it is not considered that it will have any unacceptable environmental impacts upon any land uses in other zones.

Pursuant to Clause 4.3 of the LEP, the proposed development does not comply with the 11m maximum building height for buildings in Smeaton Grange. An exhaust stack in building 1 will bring the height of this building to a maximum of 14m high. Building 2 is proposed to be 17m high.

Pursuant to Clause 4.6 of the LEP, the applicant has requested an exception to this height development standard on the basis that the exhaust stack in building 1 is essential for the operations of a spray booth and that it is a relatively minor component of a building that otherwise complies with the 11m height standard.

The applicant also submits that the operations of building 2 are dependent on the requirements of a crane assembly to load and unload materials. This assembly has a floor to ridge height of 17m. The applicant also argues that the location of building 2 at the rear of the site, its design (including its colour finishes), the surrounding buildings and topography will help to minimise its visual impact.

It is considered that the proposed heights of buildings 1 and 2 are acceptable on their merits as assessed below.

Building 1

The proposed exhaust stack in building 1 is only a very minor component of the building and it is a recommended development consent condition that it is finished in white to help it blend into the background when viewed over long distances. It is not considered that this 3m deviation in height will have any negative visual impacts upon the surrounding area.

Building 2

Building 2 will be located approximately 360m from the nearest major road (Camden Valley Way) and will be largely screened from this and other public areas by surrounding buildings (the height of a previously approved building directly adjacent to this site is 15.75m), landscape features and topography. It is also noted that the proposed buildings are sufficiently articulated to create visual interest and break up large expanses of blank wall area.

The site topography is relatively flat and proposed building 1, together with the neighbouring buildings, will partially screen building 2 and help to minimise its bulk and scale by creating the appearance of a step up in height towards the rear of the site.

It is noted that the operational needs of the business require a building of this height and that the most appropriate place for such a building is within an industrial area such as Smeaton Grange. It is also recognised that there are other high buildings within Smeaton Grange including the aforementioned 15.75m high building adjacent to this site and three separate concrete batching plants located throughout the area.

Given the above, it is considered that the departure from the requirements of the LEP will not have any negative impacts upon the surrounding area and the exception request should be supported.

Pursuant to the LEP's Clause 4.4, the development will have a floor space ratio of approximately 0.36:1 which is far less than the LEP's maximum of 1:1.

(1)(a)(ii) The provisions of any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority

There are no relevant draft environmental planning instruments that are applicable to this site or development.

(1)(a)(iii) The provisions of any Development Control Plan

The following parts of Camden Development Control Plan 2011 (DCP) are relevant and the proposal has been assessed against:

Part B1.3 – Salinity Management

A salinity management plan has been provided that identifies the site to be slightly to moderately saline and makes several recommendations as to how buildings should be constructed to be saline resistant. Council staff have reviewed this management plan, agree with the recommendations therein and recommend compliance with it as a development consent condition.

Part B5.1 – Car Parking Rates/Requirements

Industries require 1 off-street car parking space for every 70m² of gross floor area (GFA), offices that exceed 20% of the total floor space require 1 space per 40m² of GFA and storage uses require 1 space per 200m² of GFA.

The DCP provides that car parking calculations that result in a fraction of a space must be rounded up to the next whole number.

The car parking calculations for this development are:

Building 1

Industrial floor space = $4,645.2\text{m}^2 / 70 = 66.3$ (64)

Office Space = $1,816.3\text{m}^2 / 40 = 45.4$ (46)

Storage floor space = $784\text{m}^2 / 200 = 3.9$ (4)

Therefore building 1 requires 114 spaces.

Building 2

Industrial floor space (including an ancillary office) = $5,253.9\text{m}^2 / 70 = 75$.

Therefore building 2 requires 75 spaces.

The overall development therefore requires 189 car parking spaces. 230 spaces have been provided which more than complies with the DCP's off-street car parking requirements.

In addition, it is considered that sufficient service vehicle facilities have been incorporated into this development.

Part D4.2.1 – Lot Sizes and Proportions

The subject lot has an area of 34,790m² and a building line width of approximately 235m. This is well in excess of the DCP minimum requirements of 2,000m² and 32m respectively. The building set back is 12m which is also greater than the 7.5m minimum requirement.

Part D4.2.2 – Building Materials and Appearance

The proposed buildings will be constructed of a mix of painted concrete panels, colour bond metal and glazing. A mix of colours and glazing will be used to break up the building elevations and provide some visual interest to the surrounding streetscapes. The materials and finishes are considered to be acceptable in that they will complement the built form of the surrounding industrial estate, will provide visual interest and articulation to the site's Dunn Road frontage and help minimise any adverse visual effects of building 2.

Part D4.2.5 – Fencing

A metal palisade front fence and a cyclone wire fence to the side and rear of the site, both with a maximum height of 2.1m, are proposed. The front fence is proposed to be set back 0.5m from the front boundary, however this does not comply with the DCP minimum setback requirement of 1m. It is a recommended development consent condition that the front fence is setback at least 1m from the front boundary to comply with the DCP.

Part D4.2.10 – Noise and Vibration

The applicant has submitted an environmental noise impact assessment in support of the proposed development. Council staff have assessed the proposed development in terms of potential noise and vibration impacts and recommend approval subject to development consent conditions. This includes compliance with the environmental noise impact assessment submitted by the applicant.

Part D4.2.12 – Hazardous Goods and Materials

As assessed in the "State Environmental Planning Policy No 33 – Hazardous and Offensive Development", full details of all hazardous good and materials have been provided with the DA which complies with the DCP's requirements.

Part D4.3.1 – Landscaping and Public Domain

Appropriate landscaping is proposed to be provided adjacent to the site's road frontages which will fully comply with the DCP's requirements. This landscaping is suitable to adequately soften the visual impacts of this development.

Part D4.4 – Parking and Access

As per the DCP requirements all car parking spaces have been provided to service the development in accordance with Part B5 of the DCP. Appropriate access and manoeuvring areas have also been provided for cars and industrial trucks to satisfactorily enter, manoeuvre throughout and exit the site.

Part D4.5.2 – Smeaton Grange

The proposed development is proposed to be set back a minimum of 20m from Dunn Road and provides 5m of landscaping. These setbacks and landscaped areas are consistent with the DCP controls. The development will also achieve the minimum 10m building setback and 5m of landscaping required at the rear of the site.

Overall it is considered that the proposed development is generally compliant with the objectives and controls of the relevant parts of the DCP.

(1)(a)(iii) The provisions of any Planning Agreement

There are no relevant planning agreements applicable to this site or development.

(1)(a)(iv) The provisions of the Regulations

The Regulations prescribe several development consent conditions that will be included in any development consent issued for this development.

The public notification required by the Regulations for Nominated Integrated Development has been carried out.

(1)(b) The likely impacts of the development

The likely impacts of this development include:

1. Safer by Design considerations/security issues.

Safer by Design principles have been considered during the assessment of this development. The proposed first floor office area will provide passive surveillance of the front of the site and all visitors entering and leaving. The proposed boundary fencing, car parking/manoeuvring areas and single entry/exit driveway will provide sufficient territorial re-enforcement and space management. Electric security gates are also to be located on all entry and exit points of the development which will aid in maintaining access control to the site.

2. Council maintenance access to an existing drainage easement on the site

Following discussion with the applicant, it has been agreed that Council will be provided with a right of carriageway easement which will allow access for Council's maintenance vehicles to and round the site. Additionally, the applicant will provide Council with indemnity against any damage caused by Council carrying out maintenance to the drainage easement or manoeuvring around the site.

All other likely impacts of the proposed development have been assessed elsewhere in this report.

(1)(c) The suitability of the site for the development

This site is considered to be suitable for this development. The proposal will not result in any unacceptable environmental impacts and is generally compliant with the applicable LEP and DCP. Sites such as this one within Smeaton Grange are considered to be appropriate for such uses as they are often capable of providing adequate car parking and protecting residents of the Camden LGA from potential noise, nuisance and traffic impacts.

(1)(d) Any submissions

As this application is Nominated Integrated Development, it was publicly notified for 30 days. An advertisement was also placed in the local press. No public submissions have been received.

(1)(e) The public interest

The development is considered to be within the public interest in that it represents the further development of Smeaton Grange on an appropriate site and in an area specifically set aside for these types of uses. It will have no unreasonable environmental impacts upon adjacent properties or the surrounding area and is generally compliant with the applicable LEP and DCP.

CONCLUSION

Council has received a DA for the erection of two industrial buildings and their use for steel fabrication, testing and design of mining components, ancillary offices and associated site works. The application has been publicly notified and no submissions were received. The application has also been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

It is considered that the proposal represents an appropriate form of development for the Smeaton Grange area that will have minimal environmental impacts upon surrounding properties. The proposed LEP height variations are supported in that the development will be designed to ensure high quality visual articulation and be adequately screened by adjoining development and landscaping.

Consequently the development is recommended to Council for approval, subject to the draft development consent conditions provided below and subject to obtaining concurrence from the Director General of the DPI to the LEP height development standard variations.

DRAFT CONDITIONS OF CONSENT

1.0 - General Requirements

The following conditions of consent are general conditions applying to the development.

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan / Development No.	Description	Prepared by	Dated
A01 B	Site Plan	HP	22 August 2011

A02 B	Building 1 Floor Plan	HP	22 August 2011
A03 A	Building 2 Floor Plan	HP	2 May 2011
A04 B	Elevation Sheet 1	HP	22 August 2011
A04a B	Elevation Sheet 2	HP	23 August 2011
A04b A	Street Elevation	HP	2 May 2011
A05 B	Cross Section	HP	22 August 2011
A06 A	Compartmentation Plan	HP	2 May 2011
A07 B	Roof Plan	HP	22 August 2011
A08 A	Office Ground Floor Building 1	HP	2 May 2011
A08a A	Office First Floor Bld 1	HP	2 May 2011
A08b A	Office Second Floor Bld 1	HP	2 May 2011
A08c A	Office & Amenities Bld 1 & 2	HP	2 May 2011
A09 A	Cut & Fill	HP	2 May 2011
A10 A	B-Double Turning Circles	HP	2 May 2011
A11 A	Fire Access Rd	HP	2 May 2011
A12 A	Hydrant Layout	HP	2 May 2011
A13 A	Exit & Hose Reel Layout	HP	2 May 2011
A15	Street Elevation Opt 1	HP	22 August 2011
A16	Council Access Vehicles	HP	22 August 2011
11018DS	Plan of Detail & Contours over Site	JMD Development Consultants	16 February 2011
49-11.00	Coversheet– Landscape Development	JK	11 April 2011
49-11.03	Detail 5 & 6	JK	11 April 2011
49-11.04	Detail 7 & 8	JK	11 April 2011
49-11.01	Detail 1 & 2	JK	11 April 2011
49-11.02	Detail 3 & 4	JK	11 April 2011
11156	General Notes	AMR	28 April 2011
11156	Footing Layout & Details	AMR	28 April 2011
11156	Slab Layout & Details	AMR	28 April 2011
11156	Structural Steel layout	AMR	28 April 2011
11156	Structural Steel Details & Connections	AMR	28 April 2011
610.07938.05466	Environmental Noise Impact Assessment	SLR Global Environmental	15 May 2011

		Solutions	
10.11.060	Traffic and Parking Assessment	Traffic Solutions Pty Ltd	May 2011
Letter from Molino Steward	SEPP 33 Preliminary Assessment or Dunn Rd, Smeaton Grange	Molina Steward – Steven Molino	4 May 2011
JC11108A	Contamination, Salinity and Geotechnical Assessment	GeoEnviro Consultancy Pty Ltd	May 2011
-	Statement of Environmental Effects	R & J Consultancy	-
-	Colour Chart	Gary Davies – Nepean Group	27 September 2011

ORD01

- (2) **Landscaping Maintenance and Establishment Period** - For a period of 12 months, commencing from the Date of Practical Completion (DPC), the Applicant will have the maintenance responsibility for all landscaping works associated with this Consent. The Applicant will also be responsible to ensure the landscaping works are successfully established during this 12 month period.

The Date of Practical Completion (DPC) is taken to mean completion of all civil works, soil preparation and treatment, initial weed control and completion of all planting, turf installation and mulching.

The DPC will be that date when the Applicant and the Principal Certifying Authority (PCA) agree that the landscaping works have been satisfactorily completed.

It is the applicant's responsibility to arrange a site inspection with the PCA, upon initial completion of the landscaping works, to determine and agree upon an appropriate DPC.

At the completion of the landscaping maintenance and establishment period, all areas of lawn and plantings, including any street trees, nature strip/road verge areas and garden bed areas, must have signs of healthy and vigorous growth

At the completion of the maintenance and establishment period, the landscaping works must comply with the approved Landscaping Plans (Project No 49_11, Drawn 11/4/2011, Plan Nos 1 of 5 to 5 of 5, Drawn by Distinctive Landscape Architects, File No 49-11.00).

- (3) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (4) **Dismantling** - All dismantling shall be limited to the approved dismantling area as shown in red on the approved plans. This area shall be sealed, contained and covered at all times.
- (5) **Disability Discrimination Act** - This approval does not necessarily guarantee compliance with the *Disability Discrimination Act 1992*, and the applicant/owner is therefore advised to investigate their liability under the Act.

Your attention is drawn to AS1428 parts 2, 3 and 4 inclusive. This may be used as a comprehensive guide for disability access.

- (6) **Office of Water General Terms of Approval** – The General terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2011/598 and provided by Council:

(i) Site plan, maps and/or surveys.

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

- (7) **Erosion and Sediment Control Plan** – The consent holder must prepare or commission the preparation of:

(i) Erosion and Sediment Control Plan.

The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

- (8) **Car Parking Areas** – The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with AS2890.1 – 2004, AS2890.2 – 2002 and AS2890.6 – 2009.

- (9) **Internal Aisle Ways** – The internal aisle ways must be marked with pavement arrows to direct traffic movements in/out of the site and guide traffic circulation through the car park.

- (10) **Associated Works** – Any works associated with the proposed development will be at no cost to the Roads and Traffic Authority (RTA).

- (11) **Design and Construction Standards** - All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with: -

- (a) Camden Council's current Engineering Specifications, and
(b) Camden Council's Development Control Plan 2011.

It should be noted that designs for line marking and regulatory signage associated with any proposed public road within this subdivision **MUST** be submitted to and approved by the Roads Authority, Camden Council, **prior to the issue of any Construction Certificate.**

- (12) **Building and Infrastructure** – All buildings and associated infrastructure must be built in accordance with the Section 8.2-8.3.4 of the Contamination, Salinity and Geotechnical Assessment proposed industrial development Lot 5 1121978 Dunn Road, Smeaton Grange, prepared by GeoEnviron Consultancy Pty Ltd ref: JC 11108A dated May 2011.

- (13) **Use of Rainwater** – Rainwater is only permitted to be used for the wash down bay within the premises and toilet flushing only.
- (14) **Rainwater Reuse** - With regard to the collection of rainwater and its reuse the following points must be complied with:
- (a) Rain water to be collected and re-used on-site shall be collected from the roof only.
 - (b) All plumbing and drainage work is to be undertaken by a licensed plumber in accordance with the requirements of the water supply and drainage authority.
 - (c) Where reticulated water supply is available, cross connection control and backflow prevention shall be in accordance with the requirements of the water supply and drainage authority.
 - (d) Overflow from the rainwater tank is to be directed to the stormwater drainage system in accordance with Council's requirements.
 - (e) Rainwater tank inlets should be screened and tanks provided with tight fitting access covers to prevent ingress of foreign matter.
 - (f) Rainwater tanks are to be child proofed.
 - (g) Rainwater tanks are to be mosquito proofed.
 - (h) Ongoing maintenance and occupational health and safety aspects should be considered in the design and placement of tanks.
 - (i) Signage for rainwater tank outlets and pipes shall be in accordance with the requirements of the water supply and drainage authority.
 - (j) The use and maintenance of the rainwater collection system is to be in accordance with NSW Health Department Guideline GL 2007_009 Titled 'Use of Rainwater Tanks Where a public Supply is Available'
 - (k) Operation and maintenance requirements of the water supply and drainage authority and rainwater tank manufacturer are also to be followed.
- (15) **General Requirement** - The wash bay shall be bunded on all sides so as to prevent the discharge of any pollutant.
- (16) **Sydney Water Sewer** - All water in the wash bay must drain to Sydney Water sewer following treatment in an oil plate separator or other system approved by Sydney water. Full details and Sydney waters approval must be submitted to the Principal Certifying Authority prior to the Construction certificate being issued.
- (17) **Spill Prevention And Control** - In order to ensure spill prevention and control, a ready supply of spill control and clean-up absorbent materials is to be maintained at all times.
- To ensure compliance with the *Protection of the Environment Operations Act, 1997* the Environment Protection Authority or Council must be notified immediately, should a pollution incident occur.
- (18) **Hazardous Materials, Oils and Chemical Management** - To ensure correct handling of hazardous materials, Material Safety Data Sheets (MSDS) are required to be held at the premises for all hazardous materials. These can be obtained free of charge from the supplier. MSDS information is to be provided upon request by an authorised Council officer.

- (19) **Exhaust Stack** - The proposed exhaust stack must be painted/finished with a white colour finish. This white colour finish must be permanently maintained in a clean and complete condition at all times.

Note: The exhaust stack is only approved to be located in the position shown on the sections and elevation drawing no. A04 Revision B by Cuong Phung Architectural Consultants.

- (20) **State Environmental Planning Policy 33** – This development is prohibited from transporting to and from this site any dangerous goods which exceed the quantities listed in “Table 2. Transportation screening thresholds” on page 21 of the Applying SEPP 33 (Hazardous and Offensive Development Application Guidelines – Second edition 1997).
- (21) **Fencing Requirements** – All proposed fencing must have a minimum of a 1 metre (1m) setback from the front boundary of the site.
- (22) **Colour Finishes of Buildings** – The northern elevation of Building 1 must incorporate the following colour finishes;
- (i) the upper panels must be finished in ‘Surfmist’;
 - (ii) the proposed horizontal stripe must be finished in ‘Nepean Blue PMS Process Blue’;
 - (iii) the bottom panels must be finished in ‘Woodland Grey’; and
 - (iv) all proposed vertical stripes must be finished in ‘Nepean Mid Blue PMS 300’.

The southern elevation of Building 1 must incorporate the following colour finishes;

- (i) the upper panels must be finished in ‘Surfmist’; and
- (ii) the proposed horizontal stripe must be finished in ‘Nepean Blue PMS Process Blue; and
- (iii) the bottom panels must be finished in ‘Woodland Grey’.

The eastern elevations of Building 1 & Building 2 must incorporate the following colour finishes;

- (i) the upper panels of Building 1 must be finished in ‘Surfmist’ and the panel of the main office must be finished in aluminium panels in ‘White’;
- (ii) the upper panel of Building 2 must be finished in ‘Surfmist’;
- (iii) the bottom panel of Building 1 must be finished in ‘Woodland grey’;
- (iv) the proposed horizontal stripe in Building 2 must be finished in ‘Nepean Blue PMS Process Blue.
- (ii) the bottom panel of Building 2 must be finished in ‘Woodland Grey’; and
- (iv) the proposed vertical stripes on Building 1 and Building 2 must be finished in ‘Nepean Mid Blue PMS 300’.

The northern elevation of Building 2 must incorporate the following colour finishes;

- (i) the upper panels must be finished in ‘Surfmist’;
- (ii) the proposed horizontal stripe must be finished in ‘Nepean Blue PMS Process Blue’; and
- (iii) the lower panels must be finished in ‘Woodland Grey’;

The southern elevation of Building 2 must incorporate the following colour finishes;

- (i) the upper panels must be finished in 'Surfmist';
- (ii) the proposed horizontal stripe must be finished in 'Nepean Blue PMS Process Blue; and
- (iii) the bottom panels must be finished in 'Woodland Grey'.

The western elevations of Building 1 and Building 2 must incorporate the following colour finishes;

- (i) the upper panels of Building 1 must be finished in aluminium panels in 'white';
- (ii) the upper panels of Building 2 must be finished in 'Surfmist';
- (iii) the bottom panel of Building 2 must be finished in 'Woodland Grey'
- (iv) the proposed horizontal stripe must be finished in 'Nepean Blue PMS Process Blue'; and
- (v) the proposed vertical stripes must be finished in 'Nepean Mid Blue PMS 300'.

2.0 - Construction Certificate Requirements

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

- (1) **Civil Engineering Plans** - Indicating drainage, roads, access ways, earthworks, pavement design, details of line marking and traffic management details must be prepared strictly in accordance with Camden Council's Development Control Plan 2011 and Engineering Specifications and are to be submitted For Approval To The Principal Certifying Authority Prior To The Engineering Construction Certificate Being Issued.
 - (a) under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve.
 - (b) under section 109E of the Environmental Planning and Assessment Act 1997, Council must be nominated as the Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works.
- (2) **Dilapidation Survey** - A photographic dilapidation survey of existing public roads, kerbs, foot paths,, drainage structures and any other existing public infrastructure within the immediate area of the development site must be submitted to the Council prior to the issuing of the Construction Certificate.

The survey must include descriptions of each photo and the date when each individual photo was taken.

- (3) **Environmental Site Management Plan** - An Environmental Site Management Plan must be submitted to the Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 – 2005 and must address, but not be limited to, the following:

- (a) all matters associated with Council's Erosion and Sediment Control Policy;
 - (b) all matters associated with Occupational Health and Safety;
 - (c) all matters associated with Traffic Management/Control; and
 - (d) all other environmental matters associated with the site works such as noise control, dust suppression and the like.
- (4) **Performance Bond** - Prior to the issue of the Construction Certificate a performance bond of \$25,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (5) **Civil Engineering Details** - The developer must submit details of all engineering works on engineering plans to the Certifying Authority for approval prior to a Construction Certificate being issued.
- (6) **Public Risk Insurance Policy** - Prior to the issue of the Construction Certificate, the owner or contractor is to take out Public Risk Insurance Policy in accordance with Camden Council's current Engineering Design Specifications.
- (7) **Drainage Design** - Detail drainage design shall be provided at the Construction Certificate Stage in accordance with the Council's Design Specifications by an engineer or qualified and experienced person on hydraulics and hydrology. The drainage system and overland flow path shall be connected to Council's system.
- (8) **Car Parking Design** - The design, construction details of the parking spaces, access thereto and all other external hard paved areas must conform to the Consent Authority's (i.e. Camden Council) standard, and documentary evidence of compliance of above condition must be submitted by a Accredited Certifier/suitably qualified person/Council or the Principal Certifying Authority prior or the Construction Certificate being issued.

A work-as-executed plan and/or documentary evidence of compliance with the above conditions must be provided by an Accredited Certifier or Council prior to the Occupation Certificate being issued.

For the purpose of this condition a parking space must only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.

All disabled parking must be designed and constructed to comply with AS2980.6

- (9) **Pre-Treatment of Surface Water** - Pre-treatment devices/strategies shall be provided that prohibit the discharge of hydrocarbon and heavy metals to Council's storm water system at all discharge points and also they shall be kept in good order with regular removal of pollutants and maintenance.
- (10) **Drainage System** - The proposed drainage system shall be connected to the connection points provided in the rear of allotment. The proposed line 24-32 shall be redirected to the internal system including the overland flow path and amended plans shall be submitted prior to the issue of the Construction Certificate.

- (11) **Deed of Indemnity** - A Deed of Indemnity shall be executed in order to indemnify the Council from any claims arising out of the use of the existing drainage easement for access and parking by the development and also work associated with the maintenance, repair and replace of the drainage system by Council.
- Council's restoration work during such work shall be limited only to the final pavement construction of the car park and the associated access road.
 - This Indemnity shall also be extended to the Right-of-Way ways created in favour of Council for one-way Traffic and any additional area required in the proposed car park to carryout work in the drainage system.
 - Such Deed of Indemnity shall be prepared in consultation with the Council's solicitor and submit for endorsement by the Council prior to its registration.
- (12) **Sydney Water Requirements** - Prior to a Construction Certificate being issued, written evidence from Sydney Water stating that they agree to accept the following wastewater must be obtained:
- (a) waste liquids and solids being discharged to sewer.
- (13) **Trade Waste Bins** - Provision must be made for the storage of trade waste bin within the buildings. Trade waste bins must be emptied on a regular basis to prevent odour and fire hazard occurring.
- The location of the trade waste bin must be clearly indicated on building plans and submitted to the Principal Certifying Authority for approval prior to a Construction Certificate being issued.
- (14) **New Access Road** - The design plans for the new access road in the existing drainage easement must be constructed in accordance with Council's Engineering Design Specifications. The design of the new entry road shall be based on the loading of B-Doubles with no damage to the existing 1800mm diameter pipe. All pits shall be lifted to the new finished levels and fitted with heavy duty close covers.
- (15) **Soil Erosion and Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with the Consent Authority's (i.e. Camden Council) "Soil Erosion and Sediment Control Policy".
- Control measures must be maintained during the entire development procedure and can only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised.
- Plans containing a minimum of four (4) sets of the undermentioned information must be prepared and submitted to the Principal Certifying Authority for approval **prior to a Construction Certificate being issued:**
- (a) existing and final contours
 - (b) the location of all earthworks including roads, areas of cut and fill and re-grading
 - (c) location of impervious areas other than roads
 - (d) location and design criteria of erosion and sediment control structures

- (e) location and description of existing vegetation
- (f) site access (to be minimised)
- (g) proposed vegetated buffer strips
- (h) catchment area boundaries
- (i) location of critical areas (vegetated buffer strips, drainage lines, water bodies, unstable slopes, flood plains and seasonally wet areas)
- (j) location of topsoil or other stockpiles
- (k) signposting
- (l) diversion of uncontaminated upper catchment stormwater around areas to be disturbed
- (m) proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground
- (n) procedures for maintenance of erosion and sediment controls
- (o) details for staging of works
- (p) details and procedures for dust control.

- (16) **Section 94 Contributions** - Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$3.88 per m², total \$50,789 for **Community Facilities**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan paid **prior to the issue of a Construction Certificate**.

The monetary contribution may be offset by the value of land transferred to Council or by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such an agreement is to be undertaken, it must be signed **prior to the issue of a Construction Certificate**.

3.0 - Prior To Works Commencing

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (2) **Controlled Activity Approval** – Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
- (3) **Signs to be Erected on Building and Demolition Sites** – Under Clause 98A of the *Environmental Planning and Assessment Regulation 2000*, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, and
 - (b) showing the name of the 'principal contractor' (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work carried out inside an existing building that does not affect the external walls of the building.

Note: The PCA and principal contractor must ensure that signs required by this condition are erected and maintained.

- (4) **Toilet Facilities** - Toilet facilities must be provided at the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

- (5) **Notice of Commencement of Work** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act, 1979* and Clause 103 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building works.

- (6) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.

- (7) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

Where a soil erosion and sediment control plan (or details on a specific plan) has been approved with the development consent, these measures must be implemented in accordance with the approved plans. In situations where no plans or details have been approved with the development consent, site soil erosion and sediment controls must still be implemented where there is a risk of pollution occurring.

An Infringement Notice issued under the Environmental Planning and Assessment Act, 1979, which imposes a monetary penalty of \$600, may be initiated by the Principal Certifying Authority (PCA) and issued by Camden Council where the implementation or maintenance of measures is considered to be inadequate. In the event that a risk of environmental pollution occurs an

Infringement Notice issued under the Protection of the Environment Operations Act 1997, which imposes a monetary penalty of \$750 for an individual or \$1,500 for a corporation may be issued by Camden Council.

- (8) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point. Council's standard details as per drawing SD 31 shall be used for the construction of the SAP.
- (9) **Traffic Management Plan** – A construction traffic management plan is required in accordance with Camden Council's current Engineering Design Specifications.
- (10) **Construction and Maintenance Access** - An additional pit shall be constructed in the 1200mm diameter pipe at the midway on the line for inspection and maintenance access with a removable heavy duty close cover during the construction of the car park. The details are to be provided in the construction certificate plan and such plan must be endorsed by the Council.
- (11) **Spray Booth Construction** - The spray booth shall be constructed and ventilated in accordance with the requirements of Australian/ New Zealand Standards AS/NZS 4114.1:2003 "Spray Painting Booths, designated spray painting areas and paint mixing rooms" Part 1-Design, Construction and Testing.

Note: Your attention is drawn to Section 4.4.1 of AS/AZS 4114.1:2003, which outlines the location of exhausts air outlets. As a minimum requirement, the outlet shall be 3m above the building roof and shall be discharged vertically.

4.0 - During Construction

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **Street Trees, Tree Protective Guards and the Road Verge Areas** - Any street trees, tree guards, protective bollards or any area of the nature strip/road verge, which are disturbed, relocated, removed, or damaged during the development, construction, maintenance and establishment periods, must be successfully repaired, relocated or replaced.

Any repairs, relocations or replacements needed to the tree/s, lawn areas, bollards, tree guards, nature strip/road verge areas are to be completed with the same type, species and maturity, and the works carried out successfully prior to the completion of the maintenance and establishment period.

- (2) **Hours of Work** – The hours for all construction and demolition work are restricted to between:
 - (a) 7am and 6pm Monday to Friday (inclusive);
 - (b) 7am to 4pm Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8am to 4pm;

(c) work on Sunday and Public Holidays are prohibited.

(3) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:

- The delivery of material shall only be carried out between the hours of 7am - 6pm, Monday to Friday, and between 8am - 4pm on Saturdays.
- Stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site.
- Builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner.
- Waste must not be burnt or buried on site, nor should wind blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot.
- A waste control container shall be located on the development site.

(4) **Support for Neighbouring Buildings** - If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. In this condition, 'allotment of land' includes a public road and any other public place.

(5) **Protection of Public Places** – If the work involved in the erection or demolition of a building:

- is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

- (6) **Damaged Assets** – Any work and public utility relocation within a public place shall incur no cost to Council.
- (7) **Civil Engineering Inspections** - Where Council has been nominated as the Principal Certifying Authority, inspections by Council's Engineer are required to be carried out at the following Stages of construction:
- (a) prior to installation of sediment and erosion control measures;
 - (b) prior to backfilling pipelines and subsoil drains;
 - (c) prior to casting of pits and other concrete structures, including kerb and gutter, roads, access ways, aprons, pathways and footways, vehicle crossings, dish crossings and pathway steps;
 - (d) proof roller test of subgrade and sub-base;
 - (e) roller test of completed pavement prior to placement of wearing course;
 - (f) prior to backfilling public utility crossings in road reserves;
 - (g) prior to placement of asphaltic concrete;
 - (h) final inspection after all works are completed and "Work As Executed" plans, including work on public land, have been submitted to Council.

Where Council is not nominated as the Principal Certifying Authority, documentary evidence in the form of Compliance Certificates stating that all work has been carried out in accordance with Camden Council's Development Control Plan 2011 and Engineering Specifications, must be submitted to Council prior to the issue of the Occupation Certificate.

- (8) **Impact on Services** - All services affected during proposed works shall be adjusted in consultation with the appropriate Service Authority at no extra cost to Council.
- (9) **Compaction** - Any filling up to a 1.0m on the site must be compacted in accordance with Camden Council's current Engineering Design Specifications.
- (10) **Fill Material** - Importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must: -

- (a) be prepared by a person with experience in the geotechnical aspects of earthworks, and
- (b) be endorsed by a practicing engineer with Specific Area of Practice in Subdivisional Geotechnics, and
- (c) be prepared in accordance with:

*For "Virgin Excavated Natural Material (VENM)":-

- (i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
 - (ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".
- (d) confirm that the fill material:
- (i) provides no unacceptable risk to human health and the environment;
 - (ii) is free of contaminants;
 - (iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
 - (iv) is suitable for its intended purpose and land use, and
 - (v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes: -

- (e) less than 6000m³ - 3 sampling locations,
- (f) greater than 6000m³ - 3 sampling locations with 1 extra location for each additional 2000m³ or part thereof.

For (e) and (f) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of VENM for Contamination and Salinity should be undertaken in accordance with the following table:-

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
Virgin Excavated Natural Material	1 <i>(see Note 1)</i>	1000

Note 1: Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.

Validation of the existing fill must also be carried out prior to import of any material.

- (11) **Fill Quality** – Any fill material brought in for the construction of the dwelling must only contain uncontaminated soil, clay, shale or rock. No effluent, garbage or trade waste including building or demolition waste must be included in the fill. The extent and depth of filling must only occur in accordance with the approved plans and any other conditions of the development consent. Evidence of the certification of the fill as uncontaminated shall be provided to the Principal Certifying Authority.

- (12) **Zone Of Influence To An Easement** - Structures adjacent to an easement or within the zone of influence of the easement must be designed to utilise a pier and beam system of footing or other approved method designed by a suitably qualified practising Structural Engineer. The loads must be transferred below the invert of existing pipeline within the easement. A Compliance Certificate/documentary evidence confirming compliance with this condition must be submitted prior to the construction proceeding above floor level.
- (13) **Construction Noise Levels** – Noise levels emitted during construction works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends;

Construction period of 4 weeks and under:

- (i) The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).

Construction period greater than 4 weeks:

- (ii) The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

5.0 - Prior To Issue Of Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

The PCA must submit a copy of the Occupation Certificate to Camden Council (along with the prescribed lodgement fee) within two (2) days from the date of determination and include all relevant documents and certificates that are relied upon in issuing the certificate.

The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with.

- (2) **Fire Safety Certificates** – A Fire Safety Certificate is to be submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*. The Fire Safety Certificate is to certify that each fire safety measure specified in the current fire safety schedule for the building to which it relates:

- has been assessed by a properly qualified person; and

- was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

As soon as practicable after the Final Fire Safety Certificate has been issued, the owner of the building to which it relates:

- must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire and Rescue; and
 - must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.
- (3) **Works as Executed Plan** - Prior to the Occupation Certificate being issued a works-as-executed drawing must be submitted in accordance with Camden Council's current Engineering Construction Specifications to the Principal Certifying Authority.
- (4) **Footpath Crossing Construction** - Prior to the issue of any Occupation Certificate a footpath crossing must be constructed in accordance with Camden Council's issued footpath crossing information.
- (5) **Signage** - Appropriate signage must be installed at the entrance to the existing drainage easement at the roundabout indicating that there is "No Pedestrian Access" and is "One Way" only for vehicles.
- (6) **Certification of Spray Booth** - That a certificate of compliance for the installation and ventilation of the spray booth must be submitted to Camden Council prior to the Occupation Certificate being issued. The Certificate must be issued by a suitably qualified person and verify that the spray booth and ventilation system as installed has been tested and complies with Australian Standard 4114:2003 parts 1&2.
- (7) **WorkCover Licence - Prior to the occupation of the premises**, a copy of the licence issued by the NSW WorkCover Authority to keep dangerous goods must be submitted to the Camden Council.
- (8) **Services** - All services (water, sewer, electricity, telephone and gas) (including the provision of service conduits and stub mains) are to be installed within the proposed public roads before final inspection of the engineering works.

Prior to the issue of an Occupation Certificate the following service authority clearances must be obtained and submitted to the Principal Certifying Authority:

- A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92.

Following application, a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice must be submitted to the Principal Certifying Authority prior to a Construction Certificate being issued.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.

- A letter from Integral Energy stating that all its requirements and any conditions of this consent have been satisfied.
 - A letter from an approved telecommunications service provider (Telstra, Optus etc.) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the development.
- (9) **Right of Carriageway** - Prior to the issue of an Occupation Certificate, the applicant must create a right of carriageway through the site's driveways to allow Council to access the site, the rear drainage channel and manoeuvre through and exit the site for maintenance purposes.

6.0 - Operational Conditions

The following conditions of consent are operational conditions applying to the development.

- (1) **On Site Parking Signs** - Sign/s measuring 600mm x 900mm must be erected which is visible to persons driving along the street that indicates on-site parking is available. Visitor spaces must be suitably signposted indicating their use for visitor parking only. The sign/s shall be maintained in good repair at all times.
- (2) **Offensive Noise** - The use and occupation of the premises including all plant and equipment must not give rise to any offensive noise within the meaning of the Protection of the Environment Operations Act, 1997.
- (3) **Mechanical Plant Noise** - That noise from mechanical plant shall be controlled by the way of acoustic barriers and silencers incorporated in the fan system. The LAeq15minute noise level from such equipment shall not exceed the background level by more than 5dBA when measured at any point on any residential boundary and must comply with the acoustic criteria contained within Camden Council's Environmental Noise Control Policy.
- (4) **General Requirement** - The use must at all times be conducted without nuisance and in particular so as not to give rise to emission of air impurities in contravention of the Protection of the Environment Act, 1997. All air ventilation/extraction systems must have adequate filters provided and maintained thereto.
- (5) **Liquid Storage** - All paints, chemicals and other liquids shall be stored in approved receptacles which are to be housed in a suitably constructed bunded

area within the paint storage room as shown on the site plan no.A01 Revision B by Cuong Phung Architectural Consultants.

- (6) **Spray Painting** - All spray painting shall only be carried out within the spray booth.
- (7) **General Requirement** - Appropriate equipment and absorbent material shall be provided and maintained in a prominent position in order to combat any spill.
- (8) **Liquid Wastes** - All liquid wastes other than stormwater generated on the premises must be discharged to the sewer in accordance with the requirements of Sydney Water.
- (9) **General Requirements** – The storage of goods and materials must be confined within the building. At no time must goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve.
- (10) **Environmentally Satisfactory Manner** - The operation of the proposed business/development is to be undertaken in an environmentally satisfactory manner as defined under Section 95 of the Protection of the Environment Operation Act 1997 and must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- (11) **General Requirement** - The applicant shall enter into a commercial contract for the collection of trade waste and recycling. A copy of this agreement shall be held on the premises at all times.
- (12) **General Requirement** - Final swept path of B-Doubles at the entrance to the existing drainage easement shall be provided to Council prior to any work been done at the subject intersection. All work on public roads shall be subject to an approval under the Roads Acts and Public Road Activity application. A Traffic Control Plan shall also be submitted to Council for approval.
- (13) **Access to Infrastructure** - Council requires unobstructed access to all infrastructure at all times and any gate located in the access driveways must be provided with double locks under Council's Master Key system.
- (14) **Graffiti Removal** – All graffiti must be removed from the buildings within 48 hours of occurring.
- (15) **Amenity** - The business shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, adjoining occupations and residential premises.
- (16) **Ancillary Office Area** - The use of the office areas shall be ancillary to the use of the buildings at all times.
- (17) **Vehicles Entering/Exiting the Site** - All vehicles entering and exiting the site's entry/exit driveway must only do so in a forward direction at all times.

END OF DRAFT CONDITIONS

ORD01

RECOMMENDED

That Council approve Development Application 598/2011 for the erection of two industrial buildings and their use for steel fabrication and testing of mining industry components, ancillary offices and associated site works at 21-33 (Lot 5, DP 1121978) Dunn Road, Smeaton Grange subject to:

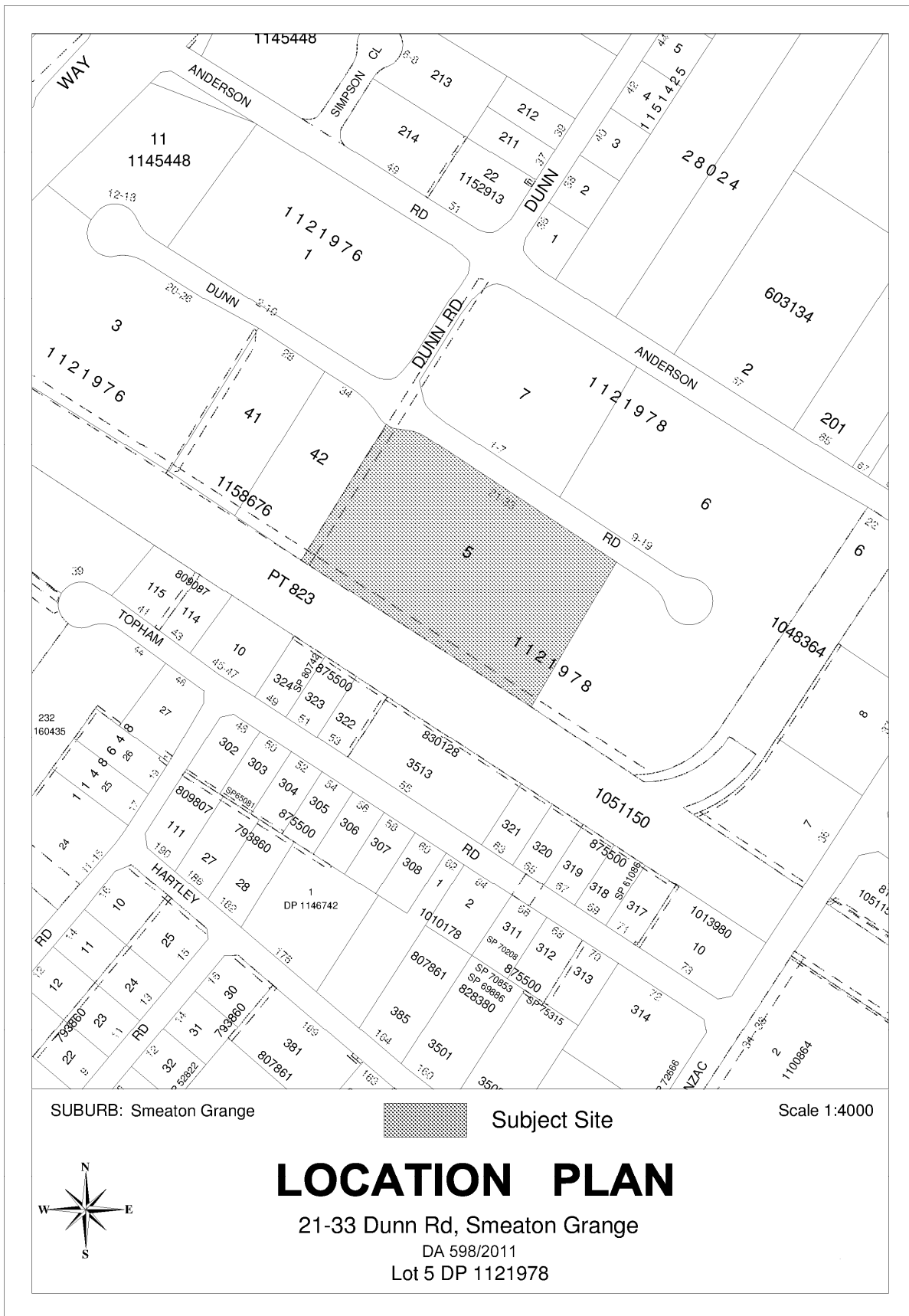
- i. the draft development consent conditions shown above; and**
- ii subject to receiving the concurrence of the Director General of the Department of Planning and Infrastructure (DPI) to the proposed LEP height development standard variations.**

ATTACHMENTS

- 1. Site Location Plan**
- 2. Proposed Plans**

ORD01

Attachment 1

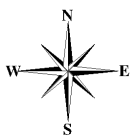


SUBURB: Smeaton Grange



Subject Site

Scale 1:4000



LOCATION PLAN

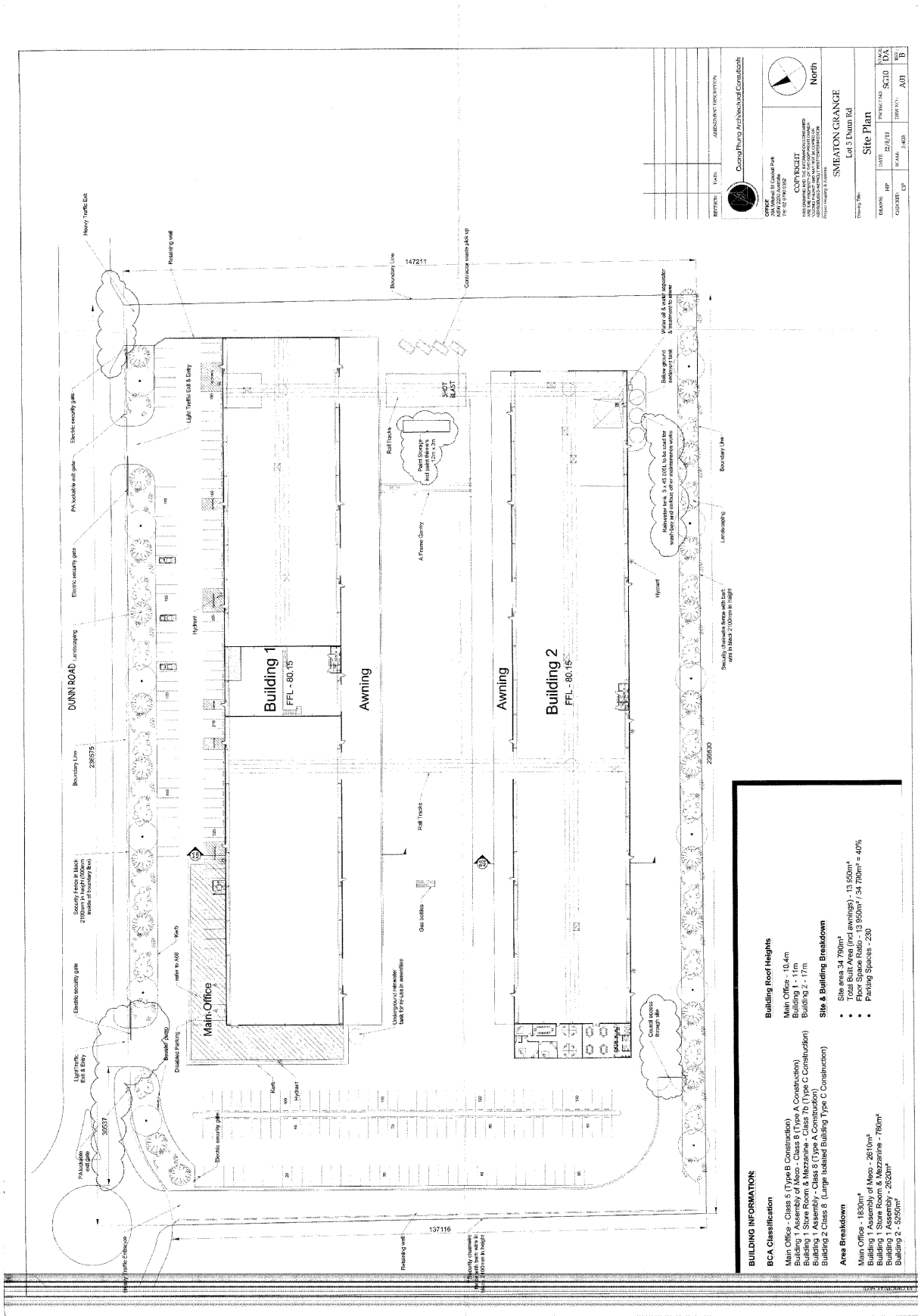
21-33 Dunn Rd, Smeaton Grange

DA 598/2011

Lot 5 DP 1121978

ORD01

Attachment 2

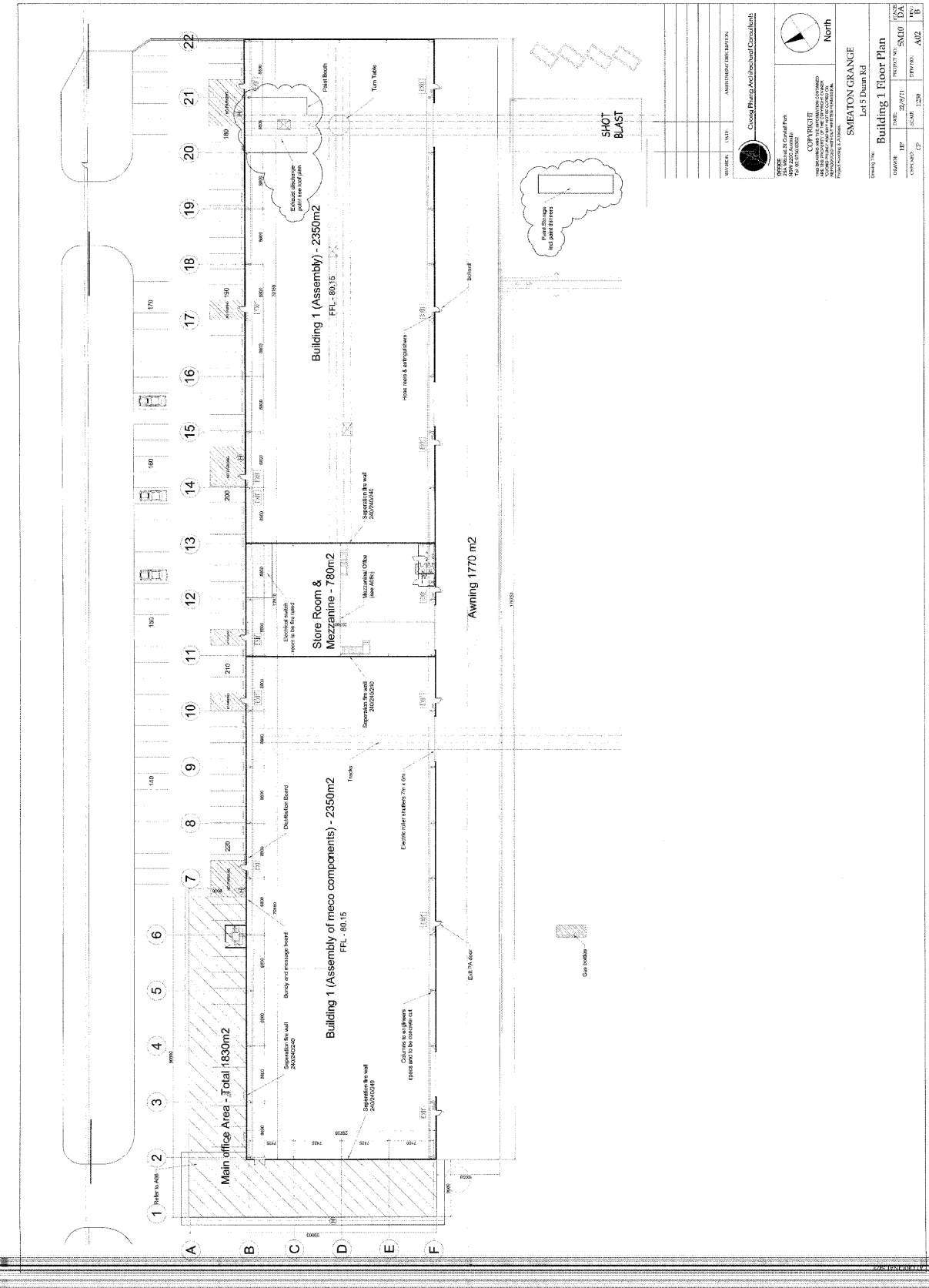


BUILDING INFORMATION	
BCA Classification	Main Office - Class 8 (Type B Construction) Building 1 Assembly of Miso - Class 6 (Type A Construction) Building 2 Assembly of Miso - Class 6 (Type A Construction) Building 1 Assembly - Class 8 (Type A Construction) Building 2 Class 8 (Large Isolated Building Type C Construction)
Area Breakdown	Main Office - 1830m ² Building 1 Assembly of Miso - 2650m ² Building 2 Assembly of Miso - 760m ² Building 1 Space between buildings - 2620m ² Building 2 - 5250m ²
Building Roof Heights	Main Office - 10.4m Building 1 - 11m Building 2 - 17m
Site & Building Breakdown	Site area 34,790m ² Total Built Area (incl awnings) - 13,500m ² Floor Space Ratio - 13,500m ² / 34,790m ² = 40% Parking Spaces - 230

Site Plan
 DATE: 21/01/11
 PERIOD: 10/11/10 - 10/11/11
 DRAWN BY: AUT
 CHECKED BY: B/D

SMEATON GRANGE
 Lot 3 Dunn Rd

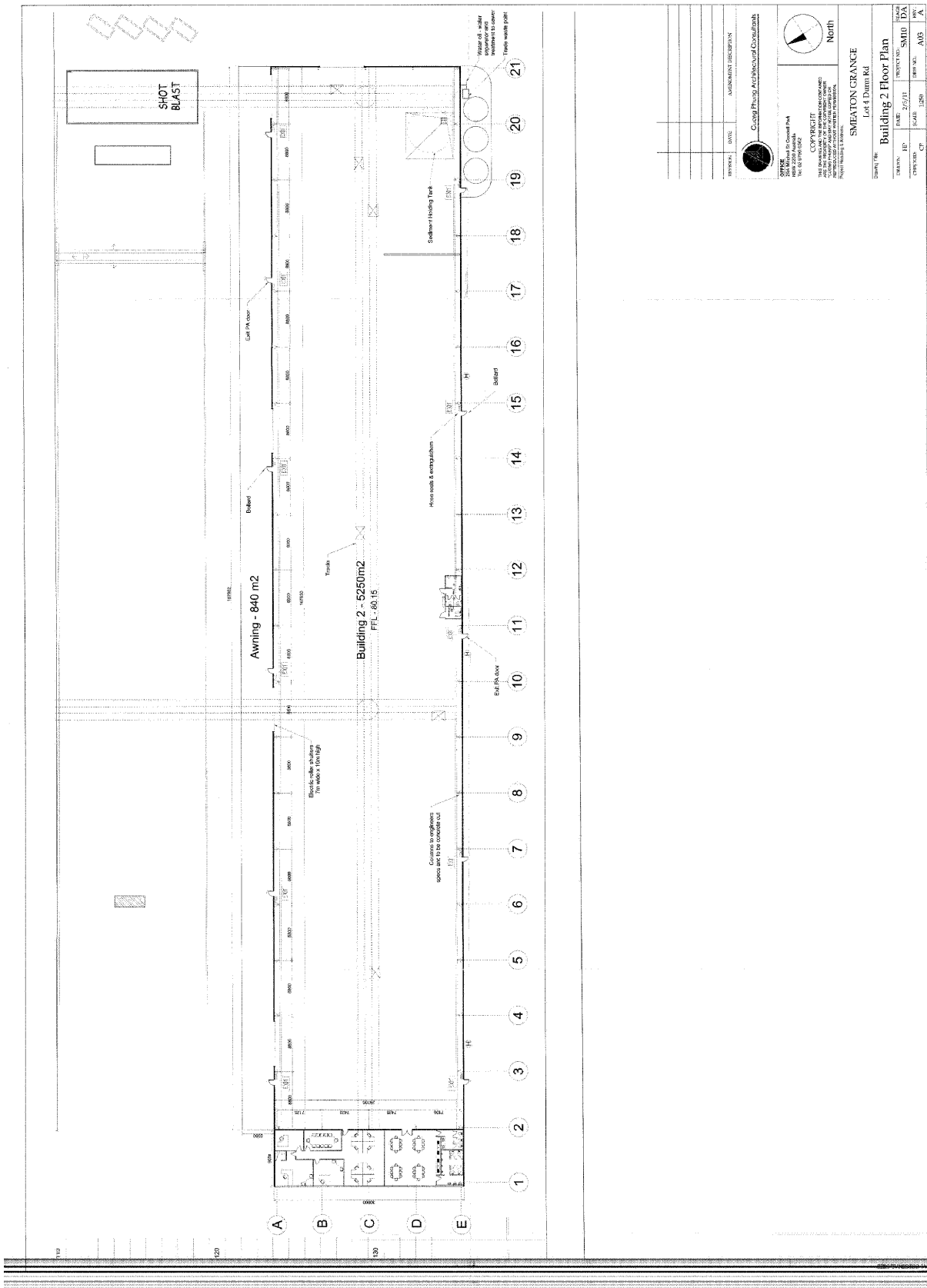
CONSULTING ARCHITECTS CONSULTANTS
 10/11/10
 10/11/11

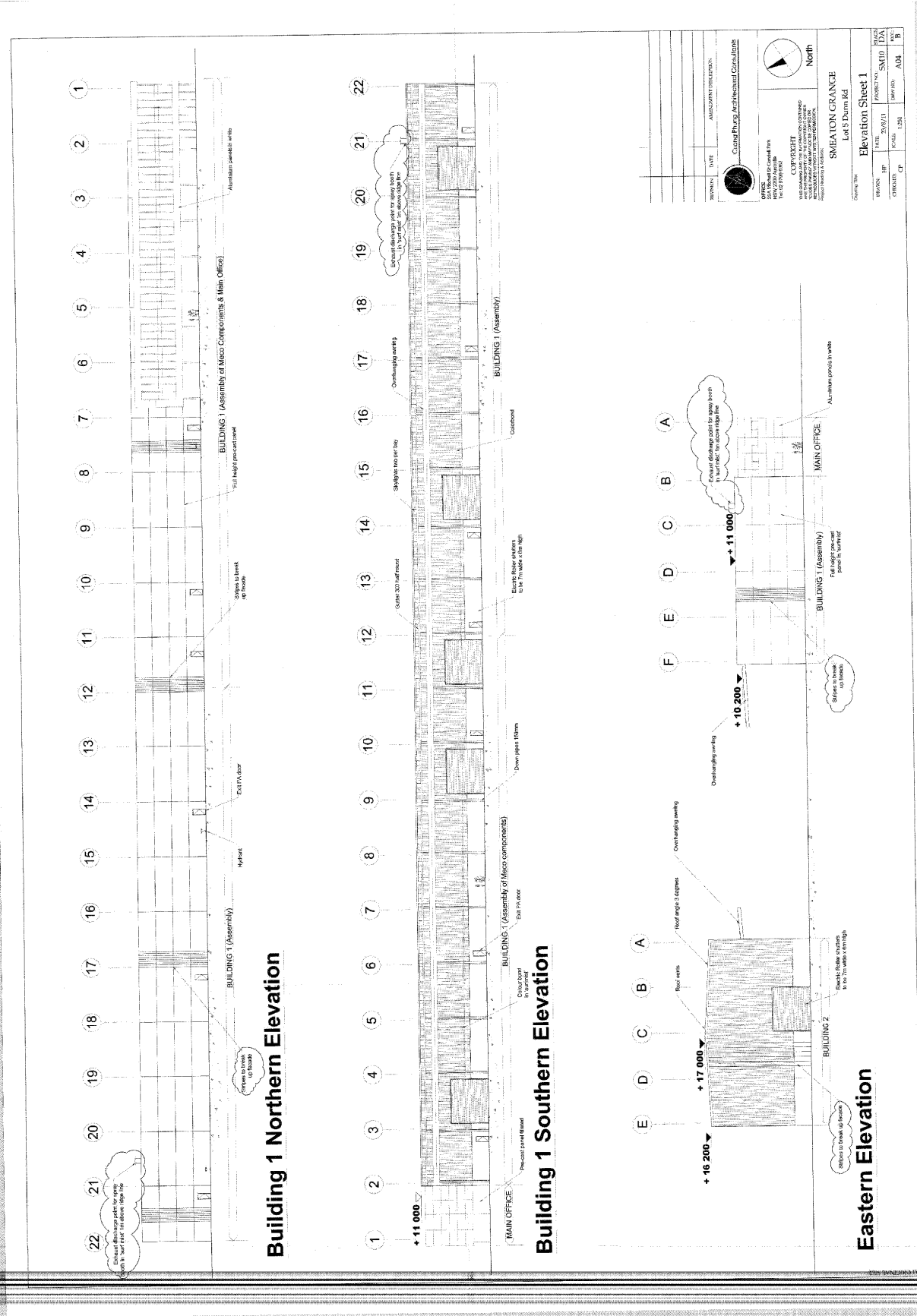


ORD01

Attachment 2

Attachment 2
ORD01





Attachment 2

ORD01

ORDINARY COUNCIL

ORD02

ORD02

SUBJECT: PROPOSED PARK NAME - GREGORY HILLS AMPHITHEATRE
FROM: Director Development and Health
BINDER: Naming of Reserves

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement of the name 'Gregory Hills Amphitheatre' for a park in the Turner Road Growth Centre Precinct, Gregory Hills, and to seek a resolution to refer the proposal and Council's endorsement to the Geographical Names Board (GNB) for exhibition.

BACKGROUND

Council has been requested by Dart West Development Pty Ltd to consider naming the proposed park 'Gregory Hills Amphitheatre'.

The proposed park is located within Lot 1180 DP1153636, which forms part of the Turner Road Growth Centre Precinct, Gregory Hills, and is zoned R1 General Residential under the provisions of SEPP (Sydney Region Growth Centres) 2006 Amendment No 1.

The park is contained within stage 1B of the Gregory Hills project and has been part of the Development Consent No 429/2010.

A location plan is provided at the end of this report.

A copy of the supporting document is provided with the Business Paper supporting documents.

MAIN REPORT

The name 'Gregory Hills Amphitheatre' was put forward by Dart West because the design of the space resembles an amphitheatre and is located within the Gregory Hills Estate.

The space was approved by Development Application 429/2010 by Council staff under delegated authority on 18 August 2010. The space will primarily function as a stormwater drainage basin, but also as public open space. This is possible because the space will only contain water during periods of heavy rainfall. In dry weather the space will be dry and available for recreational use.

It is envisaged that most of the space will be used as a kick around area. The amphitheatre component is a series of steps along one side of the space that are directly opposite a stage structure. It is envisaged that community performances will be conducted on the stage and watched by local residents from the amphitheatre steps opposite.

The space is designed only as local open space and so it is anticipated that it will only be used by local residents who live within walking distance of it.

The GNB is the naming authority in this circumstance and has the role of assigning names to places and natural features. The GNB's guidelines and procedures are aimed at ensuring community input, giving all parties a say in a naming decision and avoiding duplication of names.

The GNB has advised Council that the following process is required to be followed in respect of having a park name approved. If approved by the GNB, the park name will be formally included in the official Place Names register.

1. The developer of the land or resident provides to Council a proposed park name.
2. The proposed park name is checked by Council staff in accordance with the Guidelines published by the GNB.
3. The park name that meets the guidelines is referred to the GNB for comment.
4. A report is sent to Council by a Council officer seeking endorsement of the proposed park name that is able to be approved by the GNB.
5. The GNB exhibits the proposed park name in the local media for 30 days, inviting submissions.
6. If objections are received by the GNB, they will be forwarded to Council by the GNB for review.
7. If no objections, then the GNB gazettes the name and notifies Council of the gazettal.

Steps 1 to 3 have now been completed and this report has now been prepared in accordance with **Step 4**.

The proposed park name has been considered by Council officers to be appropriate, taking into account the shape of the park being developed by Dart West in the Turner Road Growth Centre.

Consequently, the proposed name is now able to be recommended to Council for endorsement. Officers are also able to recommend that Council resolve to refer the proposal to the GNB to continue the naming process.

CONCLUSION

Dart West has submitted an application and supporting information of a park name to be forwarded to the GNB upon Council's endorsement.

The proposed name 'Gregory Hills Amphitheatre' is in accordance with guidelines as determined by GNB.

The application and supporting information have been considered and Council officers are able to recommend that Council endorse the proposed naming of the currently unnamed proposed park located at Gregory Hills within the Turner Road Precinct, and also that Council resolve to refer the proposal and its endorsement to the GNB to enable the naming process to be continued.

RECOMMENDED

That Council:

-
- i. endorse the name 'Gregory Hills Amphitheatre' for the identified parkland site within Lot 1180 DP 1153636 in the Turner Road Precinct, Gregory Hills; and
 - ii. refer the application prepared by Dart West Pty Ltd to the Geographical Names Board for 30 days exhibition, to be considered by it for formal gazettal.

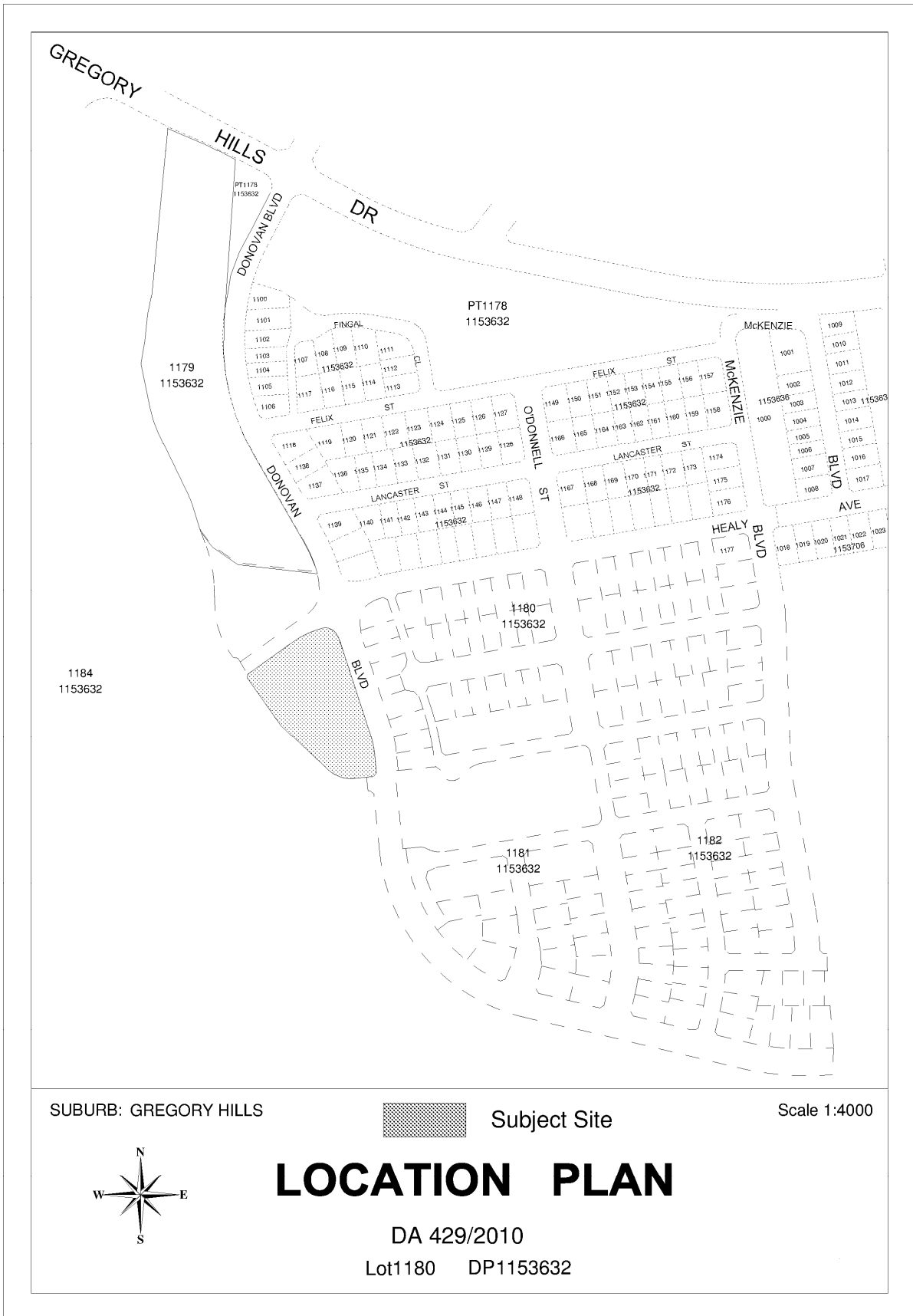
ORD02

ATTACHMENTS

1. Location Plan
2. Gregory Hill Amphitheatre supporting information - *Supporting Document*

ORD02

Attachment 1



ORDINARY COUNCIL

ORD03

ORD03

SUBJECT: SPRING FARM EASTERN VILLAGE - POST-EXHIBITION COMMENTS
ON THE PROPOSED AMENDMENT TO THE CAMDEN
DEVELOPMENT CONTROL PLAN 2011

FROM: Director Governance

BINDER: Spring Farm Eastern Village

PREVIOUS ITEMS: ORD05 - SPRING FARM EASTERN VILLAGE –
DEVELOPMENT CONTROL PLAN AMENDMENT - Ordinary
Council - 26 July 2011

PURPOSE OF REPORT

The purpose of this report is to provide Council with feedback on the comments received from the exhibition of the proposed amendments to the Spring Farm Master Plan and Camden's Development Control Plan (DCP) 2011.

BACKGROUND

The Spring Farm Residential Release Area was approved by the Minister in May 2004, with the gazettal of the Camden Local Environmental Plan No 121 and Council's adoption of the Spring Farm Development Control Plan No 123. Since the adoption of these plans Council has undertaken a process in accordance with State Government directions to transition these plans into a consolidated Camden Local Environmental Plan 2010 (LEP 2010) and Camden Development Control Plan 2011 (DCP 2011).

In October 2009 Landcom and its representatives submitted a proposal to amend the Master Plan of the Spring Farm Eastern Village. As a result, the proposed amendments to the Master Plan require an amendment to the Camden DCP 2011 which was considered by Council at its meeting on 26 July 2011. At this meeting Council resolved to publicly exhibit the proposed amendments to the Spring Farm Eastern Village Master Plan within Camden's Development Control Plan 2011.

The following is a summary of the proposed key changes to the adopted Spring Farm Eastern Village Master Plan:

- Amendment to the street layout to create a consistent grid pattern;
- Re-alignment of the Pedestrian and cycle network to correspond with the associated changes to the street layout;
- Re-alignment of the bus route to correspond with the associated changes to the street layout; and
- Reduction in open space that is generally consistent with Council's review of the Camden Contributions Plan 2004.

A copy of the proposed alterations to the Spring Farm Master Plan is provided as a **Supporting Document to this report**.

MAIN REPORT

Since the Council meeting held on the 26 July 2011, the proposal has been placed on public exhibition for a four week period from 3 August 2011 to 31 August 2011. Notification of the exhibition was placed in the Camden-Narellan Advertiser over the four week period advising interested parties the means to view and comment on the exhibited material. The exhibition material consisted of:

- Council Report
- Council Resolution
- Report Attachments:
 1. Proposed Spring Farm Master Plan Submission
 2. Zoning Anomalies Map
 3. Mapping Comparisons
 4. Landscape Mater Plan Comparison

The above material was exhibited as an electronic source on Council's website and as hard copies at the Camden Customer Service Centre and Library and also at Narellan's Customer Service Centre and Library.

Submissions Received

During the exhibition period, Council received one (1) submission from Endeavour Energy commenting on the proposed amendments to the Spring Farm Eastern Village Master Plan. This submission is provided as a **Supporting Document to this report**. The key issue raised in the submission was that Lots 1 and 2 in Deposited Plan 516583 are being incorporated into the Bushland Corridor.

The current and proposed Landscape Master Plan provides text indicating the location of the Southern Bushland Corridor which is coincidentally superimposed over the existing Endeavour Energy Power Substation site. To address this minor discrepancy, it is recommended that this text identifying the bushland corridor is moved to the north of the Substation site which will avoid any confusion, whilst still identifying the location of land for this purpose.

CONCLUSION

As outlined earlier within this report, the proposed amendments to the Spring Farm Eastern Village Master Plan were placed on public exhibition for a period of 28 days from the 3 August 2011 to 31 August 2011. During this time the proposal attracted one (1) submission from Endeavour Energy, which is addressed by moving text identifying that the Southern Bushland Corridor is moved to the north of the Substation site.

RECOMMENDED

That Council:

- i. adopt the proposed amendments to Camden Development Control Plan 2011 for the Spring Farm Eastern Village Master Plan, incorporating the minor amendments outlined within this report; and**
- ii. publicly notify Council's determination in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000.**

ATTACHMENTS

1. Mapping Comparisons - *Supporting Document*
2. Endeavour Energy Submission - *Supporting Document*

ORDINARY COUNCIL

ORD04

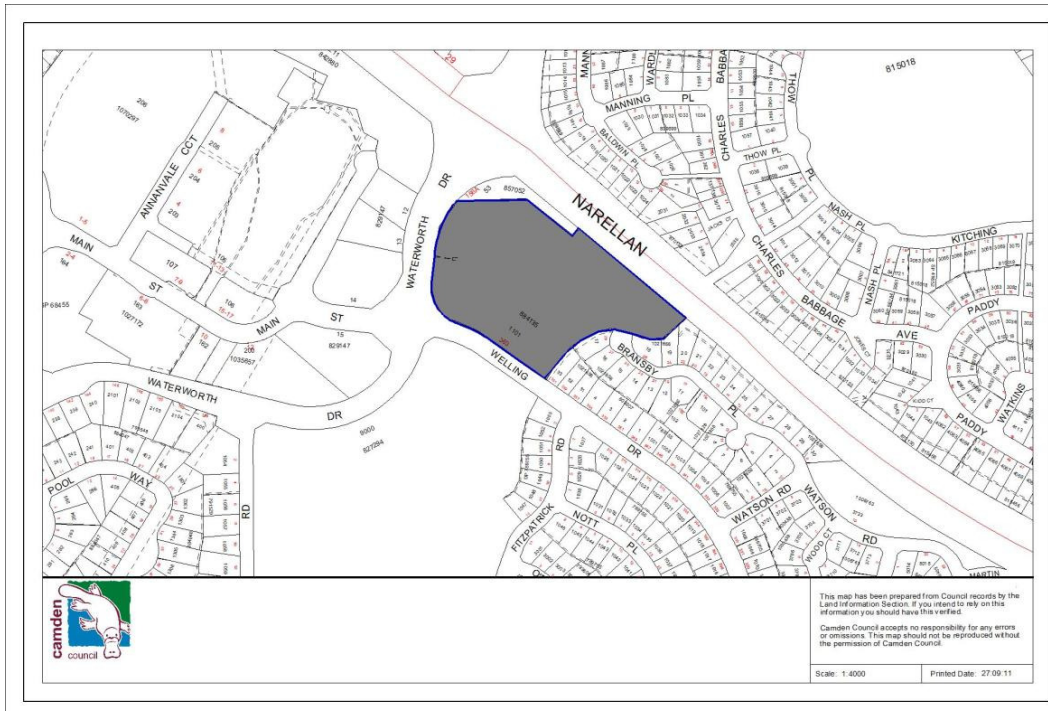
SUBJECT: MOUNT ANNAN LEISURE CENTRE PLANNING PROPOSAL
FROM: Director Governance
BINDER: Amendment No 10 Mount Annan Leisure Centre

PURPOSE OF REPORT

The purpose of this report is to seek a Council resolution to submit a Planning Proposal to the Department of Planning and Infrastructure (DPI) to rectify an anomaly in Camden Local Environmental Plan (LEP) 2010 in relation to the Mount Annan Leisure Centre site.

BACKGROUND

The Mount Annan Leisure Centre is owned by Camden Council and is located at 363 Welling Drive, Mount Annan (Lot 1101 in Deposited Plan 884135). The site is shown shaded grey in the map below.



The site was previously zoned Residential 2(d) under Camden LEP No 47, and in this zone an indoor recreation centre was a permissible use. When Camden LEP 2010 was gazetted on 3 September 2010, the site was rezoned R2 – Low Density Residential. This zone does not permit indoor recreation facilities, which was an inadvertent error in relation to the Mount Annan Leisure Centre site.

MAIN REPORT

Under the provisions of Camden LEP No 47, the Mount Annan Leisure Centre site was zoned Residential 2(d). Indoor leisure centres were a permissible use in this zone.

On 3 September 2010, the Camden LEP 2010 was gazetted. The primary purpose of this LEP was to adopt the 'standard template LEP' for the Camden LGA. In the process of preparing this template LEP, every effort was made to ensure that the provisions of the new LEP reflected the 'status quo' of the previous planning controls, so that the new instrument would provide a 'like for like' in terms of permitted land uses. However Council has recently become aware that in the process of changing the zoning for the Mount Annan Leisure Centre site from Residential 2(d) under LEP No 47 to R2 – Low Density Residential under Camden LEP 2010, indoor recreation facilities are no longer permissible on the site.

While the leisure centre can continue to operate as it has existing use rights, this anomaly presents difficulties for the planned future expansion of the leisure centre. As a result it is necessary to amend Camden LEP 2010 to correct this inadvertent error.

A Planning Proposal has been prepared and is provided as **Attachment 1** to this report. The Planning Proposal identifies two options for making indoor recreation facilities permissible on the site. The first option is to simply allow an 'additional permitted use' on the site. However the DPI has been reluctant to use this approach as it undermines their intention for planning controls to be standard across all LGAs. In the event that the DPI refuse to adopt this approach, a second option is proposed which would require rezoning the land to R1 – General Residential. The zone objectives for the R1 and R2 zones are similar, however the R1 zone allows recreation facilities (indoor) as a permissible use. The site is owned by Council and is only intended for use as a recreation centre, however a change in zone to R2 may prompt concerns from the public unnecessarily.

The Planning Proposal recommends that no consultation be undertaken with either State Government agencies or the public, as the amendment is minor in nature. The subject site has been used for an indoor leisure centre for some time and the community would expect that this is a permitted use of the site. It is highly unlikely that a reasonable person would make a submission in relation to this planning proposal if it were to be publicly exhibited. Therefore a public exhibition would be an unnecessary delay in the process of rectifying this obvious, though unintended, error.

CONCLUSION

By undertaking a Planning Proposal process to allow indoor recreation facilities as a permissible use on the subject site, Council will be correcting an anomaly in Camden LEP 2010 in relation to the Mount Annan Leisure Centre. Council has been collecting Section 94 development contributions to expand the leisure centre to cater for the increased demand for recreation facilities as a result of the growing population.

The Camden LEP 2010 was intended to be a 'status quo' planning instrument that would adopt the standard template LEP provisions while maintaining the permissibility of the land uses under the previous LEPs. Council used its best efforts to ensure these 'like for like' arrangements, and the anomaly in relation to this site was inadvertent.

Consultation with the public and other State Government agencies is considered unnecessary given the minor nature of the intended change and the long standing use of the site as a leisure centre.

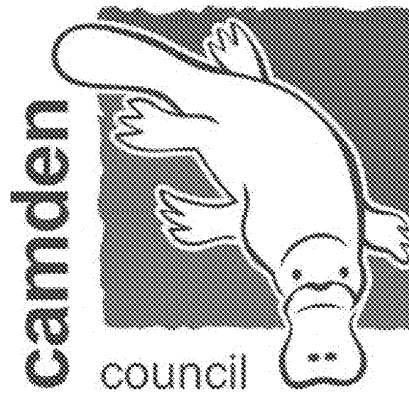
RECOMMENDED

That Council:

- i. submit a Planning Proposal to the Department of Planning and Infrastructure to amend Camden Local Environmental Plan 2010 to make 'recreation facilities (indoor)' a permissible use on the Mount Annan Leisure Centre site (known as 363 Welling Drive, Mount Annan);**
- ii. place the Planning Proposal on public exhibition, without a further Council resolution, only if it is required to do so as a result of the Gateway Determination; and**
- iii. if submissions are received as a result of Council being required to publicly exhibit the Planning Proposal, a further report is to be provided to Council at the conclusion of the public exhibition period; or**
- iv. if no submissions are received as a result of Council being required to publicly exhibit the Planning Proposal, the Planning Proposal is to be forwarded directly to the Department of Planning and Infrastructure to be made.**

ATTACHMENTS

1. Planning Proposal



CAMDEN COUNCIL

PLANNING PROPOSAL

Amendment No. 10

Mount Annan Leisure Centre

September 2011

ORD04

Planning Proposal for amendment to Camden LEP 2010 in relation to Mount Annan Leisure Centre

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Attachment 1

Planning Proposal for amendment to Camden LEP 2010 in relation to Mount Annan Leisure Centre

Background

On 3 September 2010, the Camden Local Environmental Plan 2010 was gazetted. The primary purpose of this LEP was to adopt the 'standard template LEP' for the Camden local government area. In the process of preparing this template LEP, Council intended the amendment to be a 'like for like' instrument. That is, land uses permitted under the original LEPs should still be permissible under the new Camden LEP 2010 that was based on the template.

In some instances, the Camden LEP 2010 was not exactly a 'like for like' planning change and has resulted in some further amendments to correct anomalies as they are discovered.

Council has recently discovered that in the process of changing the zoning of land on which the Mount Annan Leisure Centre is located from Residential 2(d) to R2 – Low Density Residential, the use of the site as an indoor recreation facility is no longer permissible. The purpose of this planning proposal is to correct this anomaly.

The Mount Annan Leisure Centre is owned by Camden Council and it is intended to expand the centre in the future. The zoning anomaly has led to the proposed expansion of the centre being prohibited. This outcome was not intended as Council is currently collecting Section 94 Development Contributions to fund the proposed expansion of the leisure centre to cater for recreation demands of new residents.

Part 1 – Objectives or Intended Outcomes

The intended outcome of the planning proposal is to be incorporated into Camden LEP 2010 to ensure that controls that were in place in Camden, prior to the gazettal of the LEP, are maintained.

It is proposed to amend Camden LEP 2010 to allow 'recreation facilities (indoor)' as a permissible use on land known as Lot 1101 in Deposited Plan 884135 (363 Welling Drive, Mount Annan), which is the current site of the Mount Annan Leisure Centre.

Part 2 – Explanation of provisions

The subject site is illustrated in **Figure 1** and Council is seeking to reinstate recreation facilities (indoor) as a permissible use.

This anomaly can be corrected via inserting a new Clause 26 in Schedule 1 – Additional Permitted Uses as follows:

26 Use of certain land at 363 Welling Drive, Mount Annan

ORD04

Planning Proposal for amendment to Camden LEP 2010 in relation to Mount Annan Leisure Centre

- (1) This clause applies to the land zoned R2 – Low Density Residential at Mount Annan, as shown edged heavy blue on sheet 017 of the Additional Permitted Uses Map.
- (2) Development for the purposes of recreation facilities (indoor) is permitted with development consent.

In addition a new Sheet 017 of the Additional Permitted Uses Map will be prepared to identify the Mount Annan Leisure Centre site, which is Lot 1101 in Deposited Plan 884135, and is shown in the map below shaded grey.

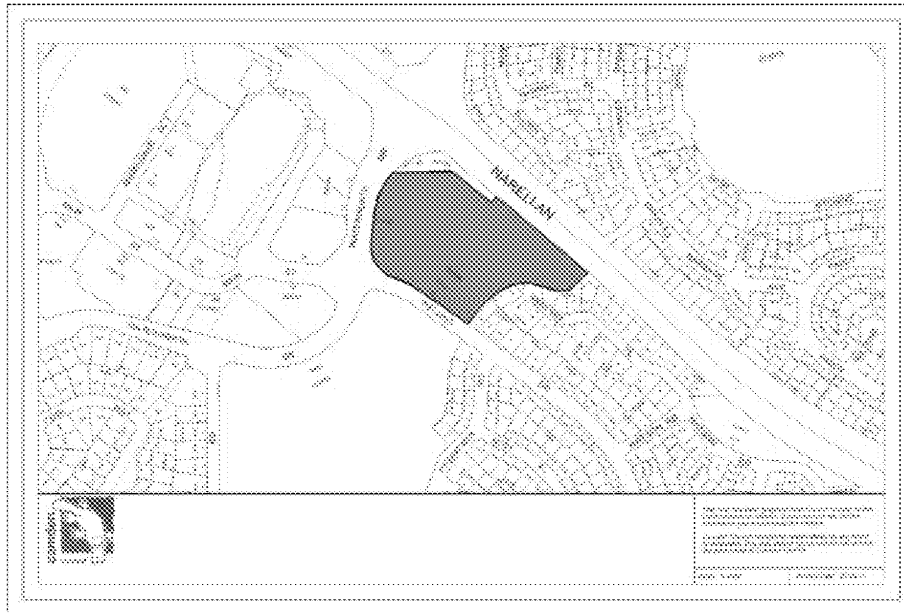


Figure 1: Site Location of the Mount Annan Leisure Centre.

It is Council's strong preference to correct the land use permissibility issue for the site by way of introducing an additional permitted use for the site. However, the Council understands that the Department of Planning & Infrastructure does not prefer this approach. If this approach is to be rejected by the Department, then it is proposed to rezone the site to R1 – General Residential by amending Sheet 17 of the Land Zoning Map.

While the objectives of the R1 and R2 zones are similar, rezoning the site to R1 – General Residential would also permit advertising structures; health services facilities; residential accommodation; and veterinary hospitals. It is not Council's intention to allow these types of uses on the site. However, the public may be concerned that Council is rezoning the site to allow such uses, which would not be compatible with the surrounding residential areas. For this reason, it is strongly

Attachment 1

Planning Proposal for amendment to Camden LEP 2010 in relation to Mount Annan Leisure Centre

recommended that a scheduled additional permitted use be allowed for the site, rather than rezoning the land.

Part 3 – Justification

Section A – Need for the planning proposal.

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

The planning proposal is not a result of any strategic study or report. It is to address a minor anomaly that has become evident in the following the gazettal of Camden LEP 2010 on 3 September 2010.

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

It is considered that the planning proposal provides the best way of achieving the intended outcome as it seeks to address the minor discrepancy in a relatively prompt and efficient manner.

3. Is there a net community benefit?

Given the minor nature of the matters contained within this planning proposal it is not considered that a Net Community Benefit Test need be undertaken. It is a given that the matter addressed by this planning proposal will strengthen the Camden LEP 2010 by ensuring that existing controls are maintained which provides the community with greater certainty. It will ensure that Council can provide an expansion to the Mount Annan Leisure Centre which has been planned and Section 94 Development Contributions have been collected to fund the works.

Section B – Relationship to strategic planning framework.

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

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

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

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

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

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ORD04

Attachment 1

ORD04

Planning Proposal for amendment to Camden LEP 2010 in relation to Mount Annan Leisure Centre

The planning proposal is consistent with applicable state planning policies.

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

The planning proposal is consistent with applicable Ministerial Directions.

Section C – Environmental, social and economic impact.

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

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

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

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

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

Not applicable.

Section D – State and Commonwealth interests.

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

Not applicable.

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

Given the minor nature of the issues listed in this planning proposal no state or commonwealth public authorities have been consulted.

Part 4 – Community Consultation

Background and Strategy

The matter dealt with in this planning proposal is maintaining the 'status quo' with regard to planning controls that applied to the site prior to Camden LEP 2010 being gazetted. The planning proposal seeks to amend an anomaly that occurred in relation to the Mount Annan Leisure Centre site when Camden LEP 2010 was

Attachment 1

Planning Proposal for amendment to Camden LEP 2010 in relation to Mount Annan Leisure Centre

prepared, in that the selected zone for the site did not permit indoor recreation facilities.

Given that the site has been used for some time as a district level indoor recreation facility and the previous Camden LEP No. 47 zoned the site 2(d), which permitted indoor recreation centres, it is Council's view that consultation with State or Commonwealth public authorities is not required. Likewise, Council considers that community consultation is not required.

Results of Community Consultation

The planning proposal has not been on public exhibition. It is Council's recommendation that this planning proposal does not need to be publicly exhibited as it is seeking to rectify a minor anomaly in Camden LEP 2010. The subject site has been used for an indoor leisure centre for some time and the community would expect that this is a permitted use on the site. No reasonable person would be expected to make a submission in relation to this planning proposal if it were to be publicly exhibited. Therefore, a public exhibition would be an unnecessary delay in the process of rectifying an obvious anomaly.

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Attachment 1 ORD04

Planning Proposal for amendment to Camden LEP 2010 in relation to Mount Annan Leisure Centre

Appendix A – Applicable section 117 directions

Direction	Objective	Response
3.1 Residential Zones	<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> (a) To encourage a variety and choice of housing types to provide for existing and future housing needs, (b) To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) To minimise the impact of residential development on the environment and resource lands. 	<p>The subject site is currently zoned R2 - Low Density Residential under Camden LEP 2010. The previous LEP 47 permitted indoor recreation facilities, however this use is now prohibited under Camden LEP 2010. This planning proposal aims to permit this use via inserting a new clause in Schedule 1 – Additional Permitted Uses and prepare a new sheet 017 of the Additional Permitted Uses Map. This will ensure Council can provide the expansion to the Mount Annan Leisure Centre which has been planned for and Section 94 Development Contributions have been collected to fund the works.</p> <p>If the DPI reject this amendment option, it is proposed to rezone the site to R1 – General Residential. However this will also permit other uses on the site, which is not a favourable outcome for Council.</p> <p>This matter is minor in nature as the planning proposal seeks to reinstate a use that was previously permissible on the site under LEP 47. This anomaly was not carried over when</p>

Planning Proposal for amendment to Camden LEP 2010 in relation to Mount Annan Leisure Centre

Direction	Objective	Response
7.1 Implementation of the Metropolitan Strategy	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.	Camden LEP 2010 was prepared. Therefore this amendment will not have a detrimental effect on the surrounding residential areas. Rather it will provide the opportunity to provide services and facilities which are necessary and accessible to the immediate and broader residential areas surrounding the site. The proposal is compatible with the Metropolitan Strategy in that it provides a community recreation facility to meet the needs of existing and future residents.

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ORDINARY COUNCIL

ORD05

SUBJECT: RESULT AGAINST BUDGET FOR YEAR ENDING 30 JUNE 2011
FROM: Director Governance
BINDER: 2010/11 Budget

PURPOSE OF REPORT

The purpose of this report is to inform Council of the budget result for the year ending 30 June 2011 in accordance with Part 9, Division 3, Clause 203 of the Local Government (General) Regulation 2005.

SUMMARY OF BUDGET POSITION

Council was advised at its meeting 23 August 2011 of the interim year-end budget result for the 2010/11 financial year. The purpose of the report was to ensure Council's legislative compliance with the Local Government Act, and was not representative of final budget result for 2010/11. With the audit of the Annual Financial Statements as at 30 June 2011 almost complete, a formal review of the budget has now been finalised.

As at 31 March 2011 Council adopted a budget surplus of \$1,362,641. A review of the 2010/11 budget as at 30 June 2011 has identified an increase in the budget surplus for the 2010/11 financial year of \$1,520,775.

Taking into consideration the adopted March surplus of \$1,362,641, the final budget result as at 30 June 2011 provides for an accumulated budget surplus of \$2,883,416. This surplus is above Council's minimum working funds level of \$1,000,000.

ALLOCATION OF THE 2010/11 BUDGET SURPLUS

It is recommended that the surplus be allocated as follows:

BUDGET SURPLUS ALLOCATION		
Budget Surplus Available for Allocation		\$2,883,416
Less: Financial Assistance Grant Advance	\$573,650	
Revised Budget Surplus Available for Allocation		\$2,309,766
Central Administration Building Reserve - Transfer to Reserve	\$1,000,000	
Working Funds Reserve - Transfer to Reserve	\$1,309,766	
Total - Allocation of Budget Surplus		\$2,309,766
Budget Surplus Balance After Allocation		\$0

Financial Assistance Grant Advance \$573,650

The Federal Government has brought forward the first quarterly payment of the 2011/12 local government financial assistance grant to the 2010/11 financial year. This amount is required to be restricted to the working funds reserve to fund the 2011/12 budget where it is already committed.

This report recommends that where advance payments of the financial assistance grant are received, that the amount be automatically transferred to Council's working funds reserve. This will ensure that future budget results are not distorted as a result of the advance payment of the grant.

Central Administration Building Reserve - \$1,000,000

It is recommended that \$1,000,000 be allocated to fund Council's future central administration building, or if required, interim staff accommodation requirements which will allow ongoing operations until the construction of the proposed new administration building.

Working Funds Reserve - \$1,309,766

Council is currently undertaking a community satisfaction survey as part of the integrated planning and reporting process. It is proposed that \$1,309,766 be restricted until the results of this survey are known, so that the surplus can be used to fund service improvements based on the priorities identified by the community.

The findings of the community satisfaction survey will be reported to Council via a workshop, with any future allocation of the surplus being reported to Council via the quarterly budget review process.

If there are no service improvement priorities identified by the community, it will be recommended that this surplus be transferred to the central administration building reserve.

Further information and explanation of the increase in the budget surplus is detailed below:

NOTE 1 – MAJOR VARIATIONS TO BUDGET

Variations between the adoption of the March Review of the 2010/11 Budget and the final budget result for 2010/11 led to an increase in the budget surplus of \$1,637,472. A list of the variations (greater than \$15,000) is provided in the following table. Brief explanations follow the table.

ACTUAL VARIATIONS TO BUDGET	Budget Impact Increase / (Decrease)
INCOME ADJUSTMENTS	
Note: Increase in income is an increase in working funds	
Shortfall in income is a decrease in working funds	
1. Financial Assistance Grant Advance Payment Increase	\$573,650
2. Rate Income Sub-division Adjustments Shortfall	(\$100,459)
3. Development Fees & Charges Income Increase	\$81,428

ORD05

ACTUAL VARIATIONS TO BUDGET	Budget Impact Increase / (Decrease)
INCOME ADJUSTMENTS (Continued)	
4. Corporate & Development Legal Income Increase	\$61,444
5. General Fund Interest on Investments Increase	\$56,774
6. Interest on Overdue Rates Increase	\$31,252
Variations under \$15,000 - Various Increases	\$19,652
Sub Total - Income Adjustments	\$723,741
EXPENDITURE ADJUSTMENTS	
Note: Increase in expenditure is a decrease in working funds	
Savings in expenditure is an increase in working funds	
7. Corporate Salaries Staff Vacancies Savings	\$375,278
8. Camden Civic Centre Trading Result Savings	\$97,452
9. Road Reconstruction Program Increase	(\$89,452)
10. Parks & Gardens Planned Maintenance Savings	\$79,673
11. Mount Annan Leisure Centre Operations Savings	\$74,462
12. Street Lighting Expenditure Increase	(\$47,833)
13. Overtime & Higher Grade Payments Savings	\$41,099
14. Public Libraries Operational Result Savings	\$40,519
15. Corporate Vehicle Expenses Savings	\$32,687
16. Tourism Action Plan Savings	\$32,351
17. Training & Professional Development Savings	\$31,866
18. Management Executive Operational Expenses Savings	\$31,058
19. Parks & Gardens Water Costs Savings	\$27,781
20. Streetscape Furniture Maintenance & Repairs Savings	\$24,282
21. Road Maintenance & Repairs Increase	(\$23,238)
22. Asset Planning & Valuations Savings	\$21,350
23. Parks & Gardens Contract Mowing Savings	\$20,942
24. Corporate Administration Expenses Savings	\$17,904
25. Environment & Health Savings	\$17,728
26. Councillor Conferences & Training Savings	\$17,273
27. Lets Connect Newsletter Savings	\$16,352
Variations under \$15,000 - Various Savings	\$74,197
Sub Total - Expenditure Adjustments	\$913,731
TOTAL - ACTUAL VARIATIONS TO BUDGET	\$1,637,472

1. Financial Assistance Grant Advance – Increase in working funds of \$573,650

The Federal Government has brought forward the first quarterly payment of the 2011/12 local government financial assistance grant to the 2010/11 financial year. This means that Council's financial assistance grant revenue in 2010/11 has one additional payment than projected, and 2011/12 revenue is one payment short. This amount is required to be restricted to the working funds reserve to fund the 2011/12 budget where it is already committed.

2. Rate Income Subdivision Adjustments – Decrease in working funds of \$100,459

Council's rating policy allows for rates on subdivided land to be levied on a pro-rata basis from the date the deposited plan was registered. This essentially requires rates to be written off upon approval of a new subdivision. Rates are then reissued when the new land valuations are provided by the Valuer General. The adjustment of \$100,459 reflects the timing of rates which had been written off as 30 June 2011, which will be subsequently recouped based on new land valuations in the 2011/12 rating year.

3. Development Fees & Charges Income – Increase in working funds of \$81,428

Development income continues to exceed budget expectations. Individual dwelling application numbers remain above expectations, primarily due to the greater availability and hence affordability of ready-to-build residential lots in Camden. This has been reflected in the substantial increase in fee income generated from occupancy certificates. The level of income received from development activity is primarily dependent on the receipt of applications from developers, and as such is somewhat difficult to project given the unprecedented growth Council is experiencing.

4. Corporate & Development Legal Income – Increase in working funds of \$61,444

The increase in income primarily relates to the reimbursement of costs associated with legal action Council has taken this financial year and in previous financial years.

5. General Fund Interest on Investments – Increase in working funds of \$56,774

The fourth quarter performance of Council's investment portfolio has exceeded budget expectations. The primary reason that investment returns were higher than expected was due to delays in a number of significant capital works projects. This has led to Council maintaining a higher than expected pool of funds available for investment for the fourth quarter of 2010/11.

6. Interest on Overdue Rates – Increase in working funds of \$31,252

Interest on overdue rates reflects an increase in the current level of overdue rates compared to the original budget projections.

7. Corporate Salaries Staff Vacancies – Increase in working funds of \$375,278

At the September Review of the 2010/11 Budget, Council approved an additional ten positions to Council's staffing structure (\$750,000). The time required to identify, prepare job descriptions and the recruitment process for these additional positions has led to savings. Savings have also been identified as a result of vacancies within Council's existing staff structure. The savings are not recurrent as all positions have now been filled and are funded as part of the 2011/12 budget.

8. Camden Civic Centre Trading Result – Increase in working funds of \$97,452

The Camden Civic Centre has experienced a significant improvement in operational performance in comparison to previous financial years. The projected operating deficit for the 2010/11 financial year was \$248,389. The actual operating deficit was \$150,937, resulting in a saving to the budget of \$97,452. A number of significant functions have led to an overall increase in income of \$35,022, whilst measures to limit expenditure have led to lower than expected staff costs and operational expenditure of \$62,430.

9. Road Reconstruction Program – Decrease in working funds of \$89,452

Council's road reconstruction program has exceeded the allocated budget estimate for 2010/11. The additional expenditure is largely a result of latent site conditions, additional road drainage works and an increase in road area requiring reconstruction. Reconstruction works which exceeded budget include Coolalie Avenue (Camden South), Elizabeth Macarthur Avenue (Camden South) and Springfield Road (Catherine Field). This amount represents a 5.40% increase in road reconstruction expenditure for the 2010/11 financial year.

10. Parks & Gardens Planned Maintenance – Increase in working funds of \$79,673

Parks maintenance expenditure is below budget expectations for the 2010/11 financial year. This amount represents a 2.7% reduction in parks maintenance expenditure for the 2010/11 financial year.

11. Mount Annan Leisure Centre Operations – Increase in working funds of \$74,462

Please refer to the detailed analysis provided at the end of this section.

12. Street Lighting Expenditure – Decrease in working funds of \$47,833

Street lighting charges have exceeded budget expectations due to continued network expansion. This has led to additional expenditure for street lighting maintenance and an increase in the consumption of electricity required for an expanding service base. This increase is not a result of price increases. Council is currently in a fixed price agreement for the supply of street lighting electricity.

13. Overtime & Higher Grade Payments – Increase in working funds of \$41,099

Expenditure in 2010/11 is less than that experienced in previous financial years, resulting in savings to the budget of \$41,099.

14. Public Libraries Operational Result – Increase in working funds of \$40,519

Savings have been achieved in a range of programs, services and book collections offered by the Camden and Narellan libraries. Additional revenues relate to higher than expected income from fines, reservations and miscellaneous income.

15. Corporate Vehicle Expenses – Increase in working funds of \$32,687

This savings primarily represent vacant positions within Council's staffing structure where a vehicle is required to perform work duties.

16. Tourism Action Plan – Increase in working funds of \$32,351

Savings within the tourism action plan are a result of cost sharing arrangements with neighbouring Councils for regional tourism initiatives.

17. Training & Professional Development – Increase in working funds of \$31,866

Council's training and professional development allocation is intended to fund a range of programs to provide staff with the required skills and up to date knowledge appropriate for their positions. These allocations have been prudently used during the 2010/11 financial year resulting in a saving to the budget.

18. Management Executive Operational Expenses – Increase in working funds of \$31,058

An annual allocation is provided to each of Council Directorates to fund unexpected works, staffing shortfalls and specialised training and professional development. This program has been prudently used during the 2010/11 financial year resulting in savings to the budget.

19. Parks & Gardens Water Costs – Increase in working funds of \$27,781

Savings primarily reflect an adjustment to the budget estimate for water costs at Macarthur Park. Council disputed a payment made in the third quarter of 2010/11 and was subsequently issued a rebate in the fourth quarter of 2010/11.

20. Streetscape Furniture Maintenance & Repairs – Increase in working funds of \$24,282

Street Furniture purchases and repairs were below budget expectations during the 2010/11 financial year resulting in savings to this program.

21. Road Maintenance & Repairs – Decrease in working funds of \$23,238

Planned and reactive road maintenance works have exceeded the allocated budget for 2010/11. Additional expenditure was primarily a result of the disposal of excavated road material.

22. Asset Planning & Valuations – Increase in working funds of \$21,350

Council's budget contains a provision for engaging specialists to value infrastructure assets and land at fair value. This is a requirement under the Local Government Code of Accounting Practice. It is difficult to estimate the cost of this service being the first year that Council has had to obtain valuations for this class of asset.

23. Parks & Gardens Contract Mowing – Increase in working funds of \$20,942

Council provides contract mowing and litter collection works on regional roads on behalf of the RTA. The increase in income is a timing issue being a payment received in 2010/11 for works provided by Council in 2009/10 financial year.

24. Corporate Administration Expenses – Increase in working funds of \$17,904

Expenditure in corporate administration includes items such as records storage, minor equipment and corporate stationery requirements. These allocations have been prudently used during the 2010/11 financial year resulting in savings to the budget.

25. Environment & Health Operational Expenses – Increase in working funds of \$17,728

As a result of a number of prudent measures taken to limit expenditure during the 2010/11 financial year, operating expenditure relating to Council's environment and health function has led to savings when compared against budget.

26. Councillor Conferences & Training – Increase in working funds of \$17,273

Savings were realised through less conferences and training being attended throughout 2010/11.

27. Lets Connect Newsletter – Increase in working funds of \$16,352

Council has implemented a range of measures which has resulted in a reduction in the production and distribution costs of the quarterly resident newsletter - Lets Connect.

NOTE 2 - MOUNT ANNAN LEISURE CENTRE & CAMDEN MEMORIAL POOL

Mount Annan Leisure Centre

Council adopted an operating surplus of \$38,848 for the Mount Annan Leisure Centre for 2010/11. An adjustment was made at the September Review as a result of the YMCA receiving an exemption from the Phonographic Performance Company of Australia (PPCA) music copyright fees which increased the surplus by \$8,548. This adjustment revised the projected operating surplus to \$47,396. The actual "operating" surplus for the centre was \$196,321, an increase in the projected surplus of \$148,925.

The improved position is a result of across the board growth in all centre programs. The centre has increased its annual turnover to \$3,131,437, representing an increase in turnover from 2009/10 of approx \$530,000. Notably, continued growth in health club membership numbers has resulted in \$255,000 additional income when compared to the 2009/10 period. Continued growth was also experienced in aquatic education (\$103,000) and personal training / fitness camps (\$83,000). Health club membership continues to represent the centre's key income driver, generating 45% of total turnover for the 2010/11 financial year.

MOUNT ANNAN LEISURE CENTRE STATISTICS	2010/11
Total Attendance	373,997
Total Income	\$3,131,437
Total Expenses	\$2,935,116
Surplus / (Deficit)	\$196,321
Income per Attendance	\$8.37
Expense per Attendance	\$7.85
Operating Surplus per Attendance	\$0.52

The centre's net operating surplus of \$196,321 represents a significant financial performance improvement from the previous year's deficit of \$22,838.

In accordance with the risk/reward sharing provisions within the operating contract for the Leisure Centre, Council is required to share 50% of any financial improvement against the agreed budget position. Council is required to pay the contractor \$74,462. Under the current agreement, the YMCA is required to invest their share back into the community through either incentive programs or capital purchases at the centre.

Camden Memorial Pool

The Camden Memorial pool has recently undergone a major redevelopment funded through a \$5 million grant from the Federal Government. The Pool was opened for a shortened trading season in February 2011. The 2010/11 budget projected an operating deficit for the Camden Memorial Pool of \$120,000. The actual operating deficit for the 2010/11 budget year is \$131,834. This additional deficit includes

operating expenditure (e.g. water costs) relating to the testing of new equipment which was required as part of the commissioning of the pool.

NOTE 3 – AUTHORISED VARIATIONS

Council has authorised four (4) budget variations since the adoption of the March Review of 2010/11 Budget.

COUNCIL APPROVED VARIATIONS	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	Budget Impact Increase / (Decrease)
Bicentennial Equestrian Park Committee Annual Subsidy Increase Council Resolution 122/11 - 14/06/2011	\$40,000	\$0	(\$40,000)
Kids of Macarthur - Development Application Fees Waiver Council Resolution 135/11 - 28/06/2011	\$5,297	\$0	(\$5,297)
Camden Seniors Program Committee Annual Subsidy Increase Council Resolution 144/11 - 28/06/2011	\$1,400	\$0	(\$1,400)
2011/12 RTA REPAIR Program - Cowpasture Bridge Rehabilitation Works Council Resolution 210/11 - 13/09/2011	\$70,000	\$0	(\$70,000)
TOTAL - COUNCIL APPROVED VARIATIONS	\$116,697	\$0	(\$116,697)

NOTE 4 – CONTRA ADJUSTMENTS

This section deals with all offsetting adjustments between income and expenditure or a transfer of funds between allocations. These adjustments have NO impact on Council's budget result as both movements of income and expenditure are of equal value.

During the period 1 April 2011 to 30 June 2011, a number of contra adjustments have taken place amounting to a total of \$2,772,742 (an increase in both income and expenditure). For a detailed list of these adjustments, please refer to the **supporting documents in the business paper**.

NOTE 5 – EXPENDITURE REVOTES

Council at its meeting 23 August 2011 resolved to revoke a list of expenditure items from the 2010/11 budget to the 2011/12 budget. For information purposes only a summary of the approved expenditure revotes is shown in the following table:

EXPENDITURE REVOTES (SOURCE OF FUNDS)	Revotes Approved to March 2011	Revotes Approved at Year End	Actual Year-end Revote
Section 94 Contributions	\$4,565,400	\$168,150	\$4,733,550
External Grant Funding	\$409,303	\$164,619	\$573,922
Internal Reserves / Trust Amounts	\$68,320	\$260,603	\$328,923
General Revenue (i.e. Council Funds)	\$278,800	\$360,546	\$639,346

DOP Loan (Lodges Road)	\$3,328,000	\$345,921	\$3,673,921
TOTAL EXPENDITURE REVOTES	\$8,649,823	\$1,299,839	\$9,949,662

NOTE 6 – UNFUNDED WORKS & SERVICES LIST

As part of the adoption of the 2010/11 Integrated Planning and Reporting Package *Transforming Community Vision into Action*, Council endorsed the unfunded works and services list. This list identifies works or services that Council is unable to fund or commence at this point in time. Items are added or deleted from the list via Council reports or by Council officers as a result of Councillor or community feedback.

There were no adjustments made to the Unfunded Works and Services List during the 4th quarter of 2010/11. A copy of the list has been included as a **supporting document in the business paper**.

NOTE 7 – COUNCILLOR CONSOLIDATED WARD FUNDS

The following table is provided to inform Councillors of the final budget result of consolidated ward funds, and where funds have been spent in this financial year. It should be noted that the balance of consolidated ward funds was allocated to the 2011/12 Community Small Grants Program.

CONSOLIDATED WARD FUNDS	
TOTAL FUNDS AVAILABLE	\$30,000
PROJECTS FUNDED IN 2010/11	
Camden Churches Board of Christian Education Council Minute ORD 214/10 - 28/09/2010	\$600
St John's Anglican Church Community Carols Council Minute ORD 255/10 - 23/11/2010	\$200
Camden Cricket Club Application Fee Waiver Council Minute ORD 08/11 - 25/01/2011	\$846
Macarthur Lions ANZAC Run Sponsorship Council Minute ORD 31/11 - 22/02/2011	\$2,273
World's Longest Quilt Project Donation Council Minute ORD 46/11 - 08/03/2011	\$300
Camden Show Assistance Council Minute ORD 68/11 - 05/04/2011	\$3,000
Light Up Camden Donation Council Minute ORD 110/11 - 24/05/2011	\$3,000
Narellan Rangers Application Fee Waiver Council Minute ORD 120/11 - 14/06/2011	\$612
2011/12 Community Small Grants Program Council Minute ORD 196/11 - 23/08/2011	\$19,169
TOTAL PROJECTS FUNDED IN 2010/11	\$30,000

BALANCE OF CONSOLIDATED WARD FUNDS 30 JUNE 2011	\$0
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SUMMARY OF YEAR END RESULTS AGAINST BUDGET

The following table is a summary of budget adjustments as at 30 June 2011.

SUMMARY OF BUDGET ADJUSTMENTS	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	Budget Impact Increase / (Decrease)
2009/10 Carried Forward Working Funds Balance			\$1,000,000
2010/11 Adopted Budget Position			\$0
LESS: Minimum Desired Level of Working Funds			(\$1,000,000)
Total Available Working Funds 01/07/2010			\$0
September Review Adjustments	\$12,573,206	\$12,624,986	\$51,780
December Review Adjustments	(\$1,925,966)	(\$1,919,588)	\$6,378
March Review Adjustments	\$3,092,749	\$4,397,232	\$1,304,483
Total Available Working Funds as at 31/03/2011			\$1,362,641
2010/11 Year End Adjustments			
NOTE 1: Actual Variations	(\$913,731)	\$723,741	\$1,637,472
NOTE 2: Authorised Variations	\$116,697	\$0	(\$116,697)
NOTE 3: Contra Adjustments	\$2,772,742	\$2,772,742	\$0
NOTE 4: Revotes (Budget Carry-Overs)	(\$779,302)	(\$779,302)	\$0
Total Year End Adjustments	\$1,196,406	\$2,717,181	\$1,520,775
TOTAL AVAILABLE WORKING FUNDS			\$2,883,416

STATEMENT BY RESPONSIBLE ACCOUNTING OFFICER

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

It is my opinion that the Year End Budget Result for Camden Council for the period ending 30 June 2011 indicates that Council's projected financial position is satisfactory. No remedial actions are required based on the financial position presented within this report.

CONCLUSION

The 2010/11 year-end budget surplus is predominately a result of additional income received from development activity, savings realised through prudent budget management and Council's deliberate decision not to allocate surplus funds to projects at quarterly reviews throughout 2010/11.

The surplus will allow Council to consider community feedback as part of adopting the Integrated Planning and Reporting framework and continue the planning for a new administration building.

As detailed in this report the feedback received from our community will be discussed at a Council workshop. The feedback will assist Council in their decision to allocate funds to new or existing services provided to our community.

It should be noted that the uncommitted balance of the Capital Works Reserve is \$499,100.

RECOMMENDED

That Council:

- (i) endorse the budget variations contained within this report;**
- (ii) authorise the following reserve movements, as identified in the table below:**

BUDGET SURPLUS ALLOCATION		
Budget Surplus Available for Allocation		\$2,883,416
Less: Financial Assistance Grant Advance	\$573,650	
Budget Surplus Available for Allocation		\$2,309,766
Central Administration Building Reserve - Transfer to Reserve	\$1,000,000	
Working Funds Reserve - Transfer to Reserve	\$1,309,766	
Total - Allocation of Budget Surplus		\$2,309,766
Budget Surplus Balance After Allocation		\$0

- (iii) authorise payment to the YMCA of \$74,462 in accordance with the risk/reward sharing provisions within the operating contract for the Mount Annan Leisure Centre; and**
- (iv) authorise the automatic transfer of advance payments of the financial assistance grant to Council's working funds reserve.**

ATTACHMENTS

1. *Unfunded Works and Services - Supporting Document*
2. *Budget Review Appendix - Supporting Document*

ORDINARY COUNCIL

ORD06

ORD06

SUBJECT: ANNUAL FINANCIAL STATEMENT OF ACCOUNTS - YEAR ENDING
30 JUNE 2011
FROM: Director Governance
BINDER: 2011 Financial Statements

PURPOSE OF REPORT

The purpose of this report is three-fold:

- to inform Council that the Annual Financial Statement of Accounts for year ending 30 June 2011 have been completed;
- to inform Council of the management representation made to Council's auditor, Pitcher Partners, in accordance with Section 413(2)(c) of the Local Government Act; and
- to set a date for presentation of the 'Audit Report' to Council and give public notice of the date so fixed in accordance with Section 418 (1a) & (1b) of the Local Government Act.

ANNUAL FINANCIAL STATEMENT OF ACCOUNTS

The Annual Financial Statement of Accounts has been completed and is in the final stages of audit.

A copy of the management representation made to Council's auditor, Pitcher Partners, is provided as an attachment to this report. Upon signing, this representation acknowledges Council's responsibility for ensuring that the Annual Financial Statement of Accounts has been prepared in accordance with relevant Australian Accounting Standards and the Code of Accounting Practice and Financial Reporting.

Council's auditor will present a summary of his findings to Council at the meeting of 8 November 2011. Public notice of this meeting will appear in the local newspaper (Advertiser) and placed on Council's website from Wednesday 26 October 2011.

The Annual Financial Statement of Accounts will be distributed, under separate cover, to Councillors on 27 October 2011 for consideration at the meeting of 8 November 2011 in accordance with the notice provisions of the Local Government Act.

ORD06

RECOMMENDED

That:

- i. Council note the management representation letters which are to be signed by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer; and**
- ii. the public be notified that the Annual Financial Statement of Accounts and Audit Report will be presented to Council on 8 November 2011.**

ATTACHMENTS

1. Statement by Councillors - GP
2. Statement by Councillors - SP

• **CAMDEN COUNCIL**

**GENERAL PURPOSE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 June 2011**

**STATEMENT BY COUNCILLORS AND MANAGEMENT
MADE PURSUANT TO SECTION 413(2)(c) OF THE LOCAL GOVERNMENT ACT
1993 (AS AMENDED)**

ORD06

Attachment 1

The attached General Purpose Financial Statements have been prepared in accordance with:

- The Local Government Act 1993 (as amended) and the Regulations made thereunder.
- The Australian Accounting Standards and Professional Pronouncements.
- The Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these Statements:

- Present fairly the Council’s Operating Result and Financial Position for the year, and
- Accords with Council’s accounting and other records

We are not aware of any matter that would render this Report false or misleading in any way.

Signed in accordance with a resolution of Council made on 11 October 2011.

.....
Cr Greg Warren
Mayor

.....
Cr Michael Cottrell
Deputy Mayor

.....
Greg Wright
General Manager

.....
Paul Rofe
Responsible Accounting Officer

ORD06

Attachment 2

CAMDEN COUNCIL

SPECIAL PURPOSE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2011

STATEMENT BY COUNCILLORS AND MANAGEMENT MADE PURSUANT TO THE LOCAL GOVERNMENT CODE OF ACCOUNTING PRACTICE AND FINANCIAL REPORTING

The attached Special Purpose Financial Statements have been prepared in accordance with:

- NSW Government Policy Statement *"Application of National Competition Policy to Local Government"*
- Division of Local Government Guidelines *"Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality"*.
- The Local Government Code of Accounting Practice and Financial Reporting.
- The NSW Office of Water, Department of Environment, Climate Change and Water Guidelines.

To the best of our knowledge and belief, these Reports:

- Present fairly the Operating Result and Financial Position for each of Council's declared Business Activities for the year, and
- Accord with Council's accounting and other records

We are not aware of any matter that would render the reports false or misleading in any way.

Signed in accordance with a resolution of Council made on 11 October 2011.

.....
Cr Greg Warren
Mayor

.....
Cr Michael Cottrell
Deputy Mayor

.....
Greg Wright
General Manager

.....
Paul Rofe
Responsible Accounting Officer



ORDINARY COUNCIL

ORD07

ORD07

SUBJECT: PECUNIARY INTEREST ORDINARY RETURNS - 1 JULY 2010 TO 30 JUNE 2011 AND PRIMARY RETURNS AS AT 30 SEPTEMBER 2011

FROM: Director Governance

BINDER: Pecuniary Interest

Under Section 450A of the Local Government Act 1993, completed Pecuniary Interest Ordinary and Primary Returns are required to be tabled at the first meeting of Council held after the lodgement date, 30 September 2011.

All Councillors and staff required to fill out the Pecuniary Interest Ordinary and Primary Returns have complied. The completed Ordinary Returns for the period 1 July 2010 to 30 June 2011 and completed Primary Returns as at 30 September 2011 are tabled and available to view.

RECOMMENDED

That the information be noted.

ORDINARY COUNCIL

ORD08

SUBJECT: EXPRESSION OF INTEREST - POLICE CITIZEN YOUTH CLUB ESTABLISHMENT

FROM: Director Works & Services

BINDER: Funding Applications

PURPOSE OF REPORT

The NSW Government is providing additional resources to PCYC NSW, and the NSW Police Force Youth Command to support the expansion of PCYC's, and work to prevent juvenile crime. Funding will be made available to support the establishment of eight new PCYC's between 2011 and 2015.

To be eligible for the funding, Council must lodge an Expression of Interest.

BACKGROUND

Discussions regarding the potential establishment of a PCYC in Camden LGA held over many years, resulted in Council identifying a site in Elderslie in December 2007.

At that time Council resolved:

- i. to quarantine the site on Hilder Reserve for a period of 5 years, for the potential purpose of a Youth Facility being built by the PCYC.**
- ii. that local residents be advised of the quarantined area and potential development opportunity which will be considered following normal processes.**

MAIN REPORT

Under the program announced by the NSW government, each new PCYC will be provided with two Police Youth Case Managers and one Club Manager through the NSW Police Force Youth Command and PCYC respectively. These positions are funded by the NSW Government.

Five allocations of \$250,000 and two allocations of \$2.5 million are now available to PCYC to assist in establishing seven new facilities. In addition, the location of a new facility in south-western Sydney has already been identified but not yet announced. Funding towards its construction will be made outside of this allocation process. The capital allocations will be provided by the NSW Government to assist with facility development or expansion, if deemed appropriate, in locations selected.

How Locations will be Selected

The selection criteria will include:

- the absolute number of young people in the community to be served;
- the socio-economic status of the community or communities to be served;
- juvenile crime statistics for the area;
- extent of other youth services/programs available in the area or to be collocated or transferred to the facilities;
- the facilities or funding to be contributed by the local Council;
- the commitment of local community leaders to support a new club;
- transport and accessibility of the proposed facilities; and
- the likely viability of the club once operational.

How a PCYC Operates

Each local Club represents collaboration between the NSW Police Force, the community and PCYC to promote positive engagement for young people in sport and recreation activities, to offer youth development programs, and to support youth crime reduction and prevention programs.

The Manager in each Club is responsible for ensuring maximum use of the facilities by young people and the community generally. The Police Officers based at the Club engage individual young offenders in programs designed to stop further offending. They also participate in local hot spot interventions and support community policing initiatives in schools and the community. Volunteers are seen as crucial to the Club to provide activity support, to assist in Police programs, to fundraise, and to constitute the Club advisory committee.

Each facility must be able to provide a range of sporting, cultural and recreational activities to ensure viable Club operations and Police programming. In general, Club facilities will include a sports court, multi-purpose activity rooms, offices and activity space for Police programs, passive recreation space, and adequate amenities. PCYC's will not operate a simple youth 'drop-in' centre.

PCYC's partnerships with councils usually involve the long-term (20 year) lease of facilities at a peppercorn rate, to ensure operational costs and resulting charges for participation are minimised. Such a lease normally involves councils being responsible for the building and plant, with PCYC being responsible for operational maintenance. Documentation usually includes an interdependent lease and project agreement.

Since Council identified the site at Hilder Reserve, plans were developed for the site in 2008 which included courts, activity rooms and office space. The concept plan proposes 3,960m² of floor space, one outdoor court and car parking. Cost estimates in 2008 were \$5.8million, although it should be noted that there are options for the building to be staged. The estimated value of the land contributed by Council is \$625,000.

The Draft Camden Contributions Plan 2011 (Section 94 Development Contributions), demonstrates the need for Council to provide 2271m² floor space for youth focussed recreation, to be established in one or more of the following locations - Spring Farm Community Centre, Mount Annan Leisure Centre Stage 2, or PCYC in Elderslie. However, given current commitments, the Section 94 cash balances are insufficient to fund the project at this time. The Draft Plan is currently on exhibition and is still subject to review by Council, IPART and the Minister for Planning. Given the demands on Council's developer contribution funding for critical essential infrastructure, it is not practicable to allocate funds at this time, however Council could commit to consideration of some funds being made available for future stages of the facility, on the basis that the facility is staged.

CONCLUSION

Council needs to lodge an Expression of Interest providing all the requested information to be eligible for the funding.

RECOMMENDED

That Council:

- i. endorse the submission of an Expression of Interest for funding, to establish a PCYC at Hilder Reserve Elderslie;**
- ii. as part of the EOI, commit to the provision of a portion of land at Hilder Reserve, Elderslie as its contribution towards the PCYC (Stage 1) works; and**
- iii. consider a further contribution to stage 2 works of the PCYC when section 94 funds become available.**

ORDINARY COUNCIL

ORD09

ORD09

SUBJECT: ACCEPTANCE OF CARER'S WEEK 2011 GRANT
FROM: Director Works & Services
BINDER: Community Services - Carers Week

PURPOSE OF REPORT

To seek Council acceptance of one-off grant funding from the NSW Government through Carer's NSW of \$800 (GST excl). The grant will be used to support the set up of a Local Carers' Award ceremony and to recognise the contribution that carers make in our community.

BACKGROUND

The NSW Government, in partnership with Carers NSW, developed the NSW Carers Awards as part of their response to the NSW Carers (Recognition) Act 2010 which:

- a) enacts a Carers Charter to recognise the role and contribution of carers to our community and to the people they care for; and
- b) aims to increase the awareness of the valuable contribution that carers make to our community.

The NSW Carers Awards are presented each year during Carers Week.

MAIN REPORT

Carers Week and the NSW Carers' Awards are an opportunity to raise awareness of the valuable role carers play by acknowledging individuals and groups for outstanding caring contribution in our community. It is also an opportunity for carers to connect and celebrate with other carers. Carers Week 2011 runs from Sunday, 16 October 2011 to Saturday, 22 October 2011.

As part of Carers week 2011, Council will run an event to recognise and support carers in our community on Thursday, 20 October at the Camden Pool. The event will provide an opportunity to honour our local nominees and to present our local recipient with the annual Local Carers' Award. The event will be run in conjunction with another program Council is offering to carers and support staff of people with a disability. This program is AUSTSWIM's MATE's Program (Making Aquatics a Terrific Experience).

The MATE's program is a motivating and interactive workshop, which has been specifically designed to give carers and support staff of people with a disability, the confidence and skills to accompany people with a disability to the pool.

Council will be notified of local nominees and our local award recipient prior to the event.

ORD09

CONCLUSION

The one-off funding will provide an opportunity to recognise the role of carers in our community and to present our local recipient with the annual Local Carers' Award.

RECOMMENDED

That Council accept the one-off grant funding of \$800 (GST excl).

ORDINARY COUNCIL

ORD10

ORD10

SUBJECT: RESIGNATION FROM CAMDEN TOWN FARM COMMITTEE
FROM: Director Works & Services
BINDER: Community Planning and Development\Committees\Community Management Committees

PURPOSE OF REPORT

To advise Council that Mr Iain Richard-Evan has tendered his resignation from the Camden Town Farm Community Management Committee, and to advise Council of the Town Farm Committee's intention to call for expressions of interest via an advertisement to fill three vacant positions. Two (2) prior resignations have been previously reported to Council.

BACKGROUND

Camden Town Farm is a Committee of Council under Section 355 of the Local Government Act. Council appoints members to this committee, and delegates care and control of the Camden Town Farm to the committee.

MAIN REPORT

Mr Richard-Evan has been a long term member of this Committee, being a member since the inception of a Community Management model for the Town Farm in June 2005, and reappointed during this term of Council.

Mr Richard-Evan has indicated that he is unable to continue as a member of the committee.

The Community Management Committee has indicated to Council that as this resignation brings the number of Committee vacancies to three (3), it intends to call for nominations to the Committee with details being advertised in the local press.

CONCLUSION

Following the receipt of Expressions of Interest, a report will be presented to Council recommending appointments to the Committee.

RECOMMENDED

That Council:

- i. accept the resignation of Mr Iain Richard-Evan from membership of the Camden Town Farm Management Committee;**
- ii. thank Mr Richard-Evan for his interest and participation in, and contribution to the Committee's activities; and**
- iii. note the Committee's intention to call for interested persons to express their interest in membership of the committee.**

ORD10

ORDINARY COUNCIL

ORD11

ORD11

SUBJECT: NOMINATION OF ADDITIONAL CONTRACTOR FOR SUPPLY OF PLUMBING SERVICES (TENDER 2010/10)

FROM: Director Works & Services

BINDER: Building Maintenance Tenders

PURPOSE OF REPORT

The purpose of this report is to nominate an additional contractor for the supply of plumbing services. The current contract was created by Tender 2010/10 and has 17 months remaining.

MAIN REPORT

Council resolved to accept tenders from Jordans NSW and Narellan Plumbing for the supply of plumbing services in March 2011.

Narellan Plumbing has since ceased trading. Therefore it is recommended to Council that the next best tenderer Royal Flush Plumbing, whose tender conformed to the requirements, had the next best score and have confirmed the validity of prices shown in their submission, be accepted.

CONCLUSION

A second provider is necessary to ensure that plumbing services are available when the first contractor is unavailable to respond.

RECOMMENDED

That Council:

- i. accept the submission for Tender 2010/10 Supply of plumbing Services from Royal Flush Plumbing submitted on 21 January 2011 for the remaining 17 months contract term;**
- ii. offer Royal Flush Plumbing to be listed as a second provider under the contract; and**
- iii. execute the contract agreement with Royal Flush Plumbing by applying Council seal.**

ORDINARY COUNCIL

ORD12

NOTICE OF MOTION OF RESCISSION

SUBJECT: NOTICE OF MOTION OF RESCISSION - LOCAL GOVERNMENT ASSOCIATION CONFERENCE EXPENSES
FROM: Councillor
BINDER: Local Government Association Conference

"We the undersigned Councillors, hereby give notice of our intention to move that the Council resolution relating to Item ORD10 of Ordinary Council Meeting of the 23 August 2011, Minute No ORD193/11, **BE RESCINDED**".

Cr Cagney
Cr Anderson
Cr Cottrell

(Extract of Minute No ORD193/11

- i. any Councillor wishing to attend the 2011 Local Government Association Conference inform the General Manager, at which time a further report will be submitted to Council; and*
- ii. any Councillor attending the Conference is to do so at their own expense with all associated costs being borne by that Councillor.)*

Should the above Motion of Rescission be carried, it is our intention to move the following motion:

That any Councillor nominated to attend the Local Government Association Conference have their expenses met in accordance with the Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy.

RECOMMENDED

That the Council resolution relating to Item ORD10 of Ordinary Council Meeting of 23 August 2011, Minute No ORD193/11 be rescinded.

ORDINARY COUNCIL

ORD13

ORD13

NOTICE OF MOTION

SUBJECT: NOTICE OF MOTION - SUSPENSION OF COUNCILLOR COTTRELL
FROM: Councillor
BINDER: Notice of Motion

"We, Councillors David Funnell, Lara Symkowiak and Chris Patterson, hereby give notice of my intention to move the following at the Council Meeting of 11 October 2011:"

That:

Given that Councillor Michael Cottrell has been found to be in breach of the Camden Council Code of Conduct (sections 6.1 and 6.3), recommended for censure for his behaviour by an independent committee and subsequently censured by Council on two (2) occasions for his behaviour, it is recommended that in accordance with section 440I(2)(a) of the Local Government Act that Council recommend to the Director of the Department of Local Government that the Department of Local Government engage its powers under the abovementioned Act to suspend the tenure of Councillor Michael Cottrell.

In the view of the Council, it is further recommended that Council believes that Councillor Cottrell's behaviour has been disruptive over a period (s440I(a)(i)) and involved more than one incident as outlined by the Independent Review Panel (s440I(1)(a)(ii)).

Given the nature of both incidents, the Council determines the demeanour and behaviour of Councillor Cottrell to be of such a serious nature that the suspension of the Councillor is warranted.

RECOMMENDED

That:

Given that Councillor Michael Cottrell has been found to be in breach of the Camden Council Code of Conduct (sections 6.1 and 6.3), recommended for censure for his behaviour by an independent committee and subsequently censured by Council on two (2) occasions for his behaviour, it is recommended that in accordance with section 440I(2)(a) of the Local Government Act that Council recommend to the Director of the Department of Local Government that the Department of Local Government engage its powers under the abovementioned Act to suspend the tenure of Councillor Michael Cottrell.

In the view of the Council, it is further recommended that Council believes that Councillor Cottrell's behaviour has been disruptive over a period (s440I(a)(i)) and involved more than one incident as outlined by the Independent Review Panel (s440I(1)(a)(ii)).

ORD13

Given the nature of both incidents, the Council determines the demeanour and behaviour of Councillor Cottrell to be of such a serious nature that the suspension of the Councillor is warranted.