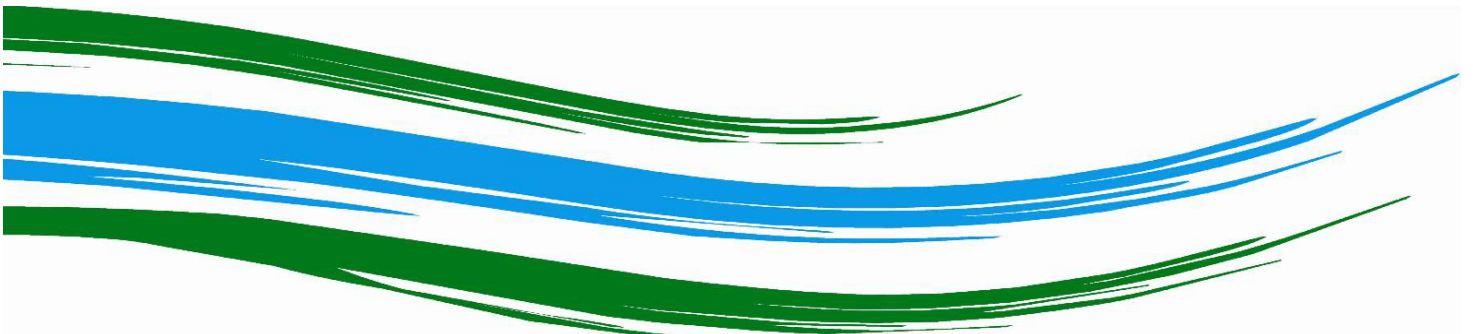




Camden Council

Business Paper

Ordinary Council Meeting



ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.

RESOLUTION

Moved Councillor Symkowiak, Seconded Councillor Dewbery that Councillor Funnell be granted a leave of absence.

THE MOTION ON BEING PUT WAS CARRIED.

ORD72/11

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.

RESOLUTION

There were no declarations to be noted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD73/11

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 tape 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 tape 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.

RESOLUTION

There were no public addresses to be noted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD74/11

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 5 April 2011.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 5 April 2011, copies of which have been circulated, be confirmed and adopted.

RESOLUTION

Moved Councillor Dewbery, Seconded Councillor Symkowiak that the Minutes of the Ordinary Council Meeting held 5 April 2011, copies of which have been circulated, be confirmed and adopted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD75/11

ORDINARY COUNCIL

ORD01

S96 MODIFICATION OF DEVELOPMENT CONSENT FOR A RESTAURANT, NO 15 (LOT 103 DP 805050) ARGYLE STREET, CAMDEN

FROM:	Director Development and Health
FILE NO:	Binder: Development Applications 2008
DA NO:	959/2008.5
OWNER:	McDonalds Australia Limited
APPLICANT:	JBA Urban Planning Consultants
ZONING:	B4 Mixed Use
APPLICABLE PLANNING INSTRUMENT:	Camden LEP 2010

PURPOSE OF REPORT

The purpose of this report is to seek a determination from Council of a Section 96 Modification application to a previously approved restaurant (McDonald's) at No 15 (Lot 103, DP 805050) Argyle Street, Camden.

The application is for:

- deletion of Condition 5 which requires payment of S94 contributions for a deficit in on site car parking,
- modification of Condition 22 to replace the required car parking spaces from 68 to 59.

The application is referred to Council in accordance with its delegations as Council previously approved the original development application.

SUMMARY OF RECOMMENDATION

It is recommended that Council approve the Section 96 Modification application subject to the draft development consent conditions provided at the end of this report.

BACKGROUND

On 26 May 2009 Council considered an application for a restaurant (McDonald's) at this site. The application was determined by Council as there were non-compliance with the car parking requirements as provided under Development Control Plan 2006 (the DCP), as well as unresolved matters raised in submissions received from the public.

The non-compliance matter related to the car parking provisions of the DCP which required a total of 68 parking spaces for the proposed development. The application proposed the provision of 59 parking spaces which created a deficiency of nine (9) spaces.

The applicant contended that when using the 'Guide to Traffic Generating Developments', produced by the Roads and Traffic Authority (RTA), the application of parking rates resulted in a requirement for 45 spaces. Therefore, the applicant suggested, that based on the RTA guidelines, the proposed number of spaces would be adequate for the efficient operation of the restaurant.

Council, at the meeting of 26 May 2009, determined that a trial period of twelve (12) months be permitted to allow monitoring of the applicant's proposed parking facilities. After this period, should it be established that the parking provisions were inadequate, a monetary contribution pursuant to S94 of the *Environmental Planning and Assessment Act, 1979* would be required in lieu of the off-street parking deficiency.

The restaurant was completed late 2009 with the restaurant commencing operation shortly before Christmas 2009.

On 15 December 2010 the applicant submitted a Section 96 Modification application accompanied with a parking survey.

This application has been assessed and is now able to be referred to Council for determination, subject to the draft modified development consent conditions provided at the end of this report.

THE SITE

The site, identified as No 15 (Lot 103 DP 805050) is located on the western corner of the intersection of Argyle and Edward Streets, Camden and is zoned B4 Mixed Use under Camden Local Environmental Plan 2010 (CLEP).

Currently the land is occupied by a commercial building for use as a family restaurant and carpark. The entrance to the site is from Edward Street. The land is adjacent to another car dealership on the northern boundary and a commercial building with mixed uses to the western boundary. Across the road to the eastern corner of Argyle and Edward Streets is the Old Dairy Farmers Co-Op building previously used as a motor cycle dealership.

The land to the south on the opposite side of Argyle Street is occupied with mixed businesses such as a restaurant, take-away food shop, dry cleaner and real estate agency. **A site location plan is provided at the end of this report.**

THE PROPOSAL

The proposal is in two parts. Firstly, the applicant seeks to delete the following condition:

Condition No 5 (Car Parking Space Contribution) under heading '1.0 - General Requirements',

'Car Parking Space Contribution - Pursuant to Camden Contributions Plan adopted in November 2003, a contribution must be paid to Council of \$29,745.95 per car space, total \$267,713.55, for nine (9) car parking spaces.

The contribution must be indexed to the Consumer Price Index and paid within twelve (12) months of the development commencing operation and prior to the issue of a final occupation 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 expiry of twelve (12) months from the date of the development commencing operation.

Advice

Prior to the expiry of this twelve (12) month period the applicant may choose to lodge a Section 96 Modification to this development consent with Camden Council requesting modification of the parking requirements. Any such application must be accompanied with a Traffic Report addressing the modification.

Should the applicant choose to lodge such Section 96 Modification with Council, it is advised that this be done at least two (2) months prior to the expiry of the twelve (12) month period.'

The second part of the proposal is to modify the following condition to require only 59 parking spaces:

Condition No 22 (Parking Spaces) under heading '2.0 - Construction Certificate Requirements' :

'Parking Spaces - A minimum of 68 car parking spaces are required on site. These spaces, and associated access driveways and manoeuvring areas must conform with Camden Council's Car Parking Code (Camden Development Control Plan (DCP) 2006), and must be designed in accordance with a pavement design prepared by a Geotechnical Engineer and the Consent Authority's (ie Camden Council) standard. Documentary evidence of compliance from an Accredited Certifier/suitably qualified person must be submitted to the Principal Certifying Authority **prior to the Construction Certificate being issued.**

NOTIFICATION

Due to the public interest and the number of submissions received at the time of the original application, the Section 96 Modification was notified in accordance with Part C, Chapter 2 (Notification Processes for Development Applications) of Camden Development Control Plan 2006, from 6 January 2011 until 11 February 2011.

A total of three (3) submissions were received by Council staff raising issues regarding the proposed development. Those submissions are addressed further in this report.

Copies of the submissions are provided with the Business Paper supporting documents.

PLANNING CONTROLS

The following planning controls have been considered in the assessment of this modification application:

- Local Environmental Plan 2010
- Development Control Plan 2011.

ASSESSMENT

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

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

Camden Local Environmental Plan 2010

The land is zoned B4 Mixed Business under CLEP. The development meets the objectives of the zone which are:

- *to provide a mixture of compatible land uses,*
- *to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling,*
- *to minimise conflict between land uses within the zone and land uses within adjoining zones,*
- *to encourage development that supports or compliments the primary office and retail functions of the local centre zone.*

It is considered that the proposed modification of the consent conditions is consistent with these objectives.

(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 is no draft environmental planning instrument applicable to this application

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

Camden Development Control Plan 2011

The original development application was lodged prior to the DCP coming into affect on 16 February 2011. The application was assessed under Camden Development Control Plan 2006. The provisions for car parking requirements under the 2006 DCP are identical to those as required under the 2011 DCP.

In accordance with the DCP, the requirements for drive-in/take-away food outlets are as follows:

- One (1) space per 8.3 square metres gross floor area; plus
- One (1) space per 5 seats (internal and external).

Further, for drive-through facilities:

- an exclusive area for queuing of cars is required (queue length of five (5) to twelve (12) cars measured from pick-up point). There should also be minimum of four (4) car spaces for cars queued from the ordering point, plus two (2) car spaces for cars waiting for orders past the pick-up point area.

The car parking requirement under the DCP is the sum of two parts:

Part 1 - The gross floor area of the restaurant is 357.3m². Under the DCP, this would require 43 parking spaces.

Part 2 - The number of seats is 125 (internal and external). This would require 25 parking spaces.

Therefore, under these provisions, the development would require a total of 68 parking spaces plus two (2) waiting bays.

The original application proposed provision for 59 parking spaces plus two (2) waiting bays, indicating a deficiency of nine (9) spaces.

As discussed previously, the applicant contended that when using the 'Guide to Traffic Generating Developments' produced by the Roads and Traffic Authority (RTA) which contains surveys of actual McDonald's restaurants, the application of parking rates results in a requirement for 45 spaces.

Based on these guidelines the proposed number of spaces (59) would be adequate for the efficient operation of the restaurant.

With this in mind, Council determined that a trial period of twelve (12) months be permitted to allow Council staff to monitor the operation of the proposed parking facilities and determine its adequacy. After the twelve (12) month period, if the parking provisions were found to be inadequate, a contribution pursuant to S94 of the *Environmental Planning and Assessment Act, 1979* would be required in lieu of the off-street parking.

To ensure objective methodology, Council staff provided the applicant with the following criteria for the parking study:

- *The survey is to be conducted a minimum of six (6) months after the issue of the interim Occupation Certificate:*
- *Parked vehicles using the McDonald's restaurant are to be counted at 15 minute intervals from 10.15am to 10.00pm on two (2) Fridays and two (2) Saturdays at the following locations:*
 1. *inside the McDonald's car park,*
 2. *Argyle Street, along the McDonald's frontage,*
 3. *Edward Street, along the McDonalds frontage.*
- *If the surveyed off-street + on-street parking exceeds 56 cars for up to five percent (5%) of the surveyed times, the difference shall be attributed to a requirement for parking contributions. The maximum contribution shall be for nine (9) parking spaces.*
- *The surveys are to be undertaken by an appropriately qualified Traffic Engineer.*

Council staff have reviewed the parking surveys provided with this modification application and, in addition, have maintained regular monitoring of the site over that period.

The parking surveys were undertaken of Council's specified areas by the Traffic Consultant at the following times:

- Friday, 13 August 2010 between 10.00am and 10:00pm,
- Saturday, 14 August 2010 between 10.00am and 10:00pm,
- Friday, 20 August 2010 between 10.00am and 10:00pm,
- Saturday, 21 August 2010 between 10.00am and 10:00pm.

Fridays and Saturdays are the busiest days at McDonald's. Also, one of the Saturdays, 14 August 2010, coincided with sporting activities occurring nearby.

The results of the surveys are summarised as follows:

- On three of the four days, parking demands were always less than 59 spaces;
- On the day of the sporting activities, 61 and 62 vehicles were observed on two occasions and exceeded the 59 provided spaces for approximately 30 minutes;
- Parking demands exceeded the survey area for approximately one percent (1%) of the surveyed time. Council's criteria allows up to five percent (5%).

Having assessed the parking survey, it is considered Council's criteria has been met and that deletion of Condition No 5 (Car Parking Space Contribution) under heading '1.0 – General Requirements', and modification of Condition No 22 (Parking Spaces) under heading '2.0 – Construction Certificate Requirements', is justified. **A copy of the parking study is provided with the Business Paper supporting documents.**

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

There are no provisions of any Planning Agreements which apply to the assessment of this modification development application.

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

All relevant provisions of the *Environmental Planning and Assessment Regulations 2000* have been satisfied by the applicant in submitting this application for the modification of two development consent conditions.

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

Particular consideration has been given to the potential impact of any consent modification on both on-site and street parking. The results of the parking survey, together with the monitoring of the site, suggests that the provision of 59 car parking spaces would be adequate.

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

The site is located within the Camden Town Centre and meets the objectives of CLEP. As discussed, the applicant has demonstrated that the parking provisions are adequate for the existing development. No change to the building or hours of operation are proposed. Therefore, the site is considered suitable for the proposed use.

(1)(d) Any submissions

At the close of the notification period, three (3) submissions were received raising

concerns regarding the proposed modification. The issues raised by the submissions have been investigated by Council staff and are discussed as follows:

1. *There would be additional impact on street parking due to insufficient parking on site.*

Officer Comment:

Observations provided by the parking survey indicate that not all vehicles parked on the street adjacent to the McDonald's store were associated with McDonald's. It was also noted that vehicles park in McDonald's with the occupants walking to nearby businesses. The survey has provided that parking demands during the survey period (as specified by Council staff) exceeded 59 parking spaces for approximately one percent (1%) of the surveyed time. This is significantly less than the five percent (5%) allowed in Council's criteria.

2. *The application proposes the purchase of parking spaces on Argyle/Edward Streets which denies ratepayers the right to park and shop.*

Officer Comment:

There is no proposal for the purchase of on-street parking spaces.

3. *The application proposes the re-opening of access off Argyle Street which would impact on traffic flow in Argyle Street.*

Officer Comment:

There is no proposal to re-open access from Argyle Street.

4. *The parking survey has no validity as it was paid for by the applicant and therefore cannot be considered properly independent.*

Officer Comment:

Council staff provided the applicant with specific criteria regarding the methodology of the surveys. In particular, that the surveys be undertaken by an appropriately qualified Traffic Engineer. The surveys were reviewed by Council staff and were considered to meet Council's criteria.

5. *The development has increased the amount of traffic in Edward Street and is compromising pedestrian safety.*

Officer Comment:

The impact on traffic and pedestrian safety was properly considered and addressed during the assessment of the original development application. It was determined that the land is an established site for active commercial premises with Edward Street designed to operate with such levels of service.

6. *Street parking in Edward Street has reduced the ability for large trucks to leave properties in the vicinity. No Stopping signs should be installed on the western side of Edward Street between the Argyle/Edward Streets roundabout and the restaurant entry point.*

Officer Comment:

The current street parking provisions in Edward Street were in existence prior to McDonald's and have not changed due to the construction of the restaurant. It would appear that the issue of large vehicles being able to exit a site and manoeuvre onto Edward Street is a separate matter to the modification application.

It is suggested that this concern is unable to be addressed as part of this application, and that it could be forwarded to the Local Traffic Committee.

(1)(e) The public interest

The traffic survey has demonstrated that the current parking provisions are adequate. Therefore, the modification of the development consent is not anticipated to have an adverse impact on the public interest.

CONCLUSION

Council has received an application for a Section 96 Modification of development consent 959/2008 for a restaurant at No 15 Argyle Street, Camden (McDonald's).

The application seeks to delete Condition No 5 and modify Condition No 22 to require 59 parking spaces. The applicant has provided supporting documentation in the form of a parking study seeking to justify the modification.

Following public exhibition, Council is in receipt of three (3) submissions. The issues raised in the submissions have been investigated by Council staff and have been addressed in this report.

Council staff have reviewed the parking study and maintained regular monitoring of the site since the restaurant's commencement of operation in December 2009.

It is considered that the approved development provides an adequate number of parking spaces and that the payment of a car parking space contribution is not warranted.

Consequently, the proposed Section 96 Modification application is recommended for approval.

DRAFT MODIFIED CONSENT

The modification, deletion or addition of any development consent condition is identified in **bold**.

1.0 - General Requirements

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

(1) **Approved Plans** – The development must be carried out strictly in accordance with the following approved plans or other documentation:

- Plans prepared by Richmond & Ross Pty Ltd, Site Plan numbered A001 Amdt A, modified 9/6/2009; Plans numbered A002, A003, A005, A100; Advertising plans numbered SG20 Amdt A, dated July 2008, SG10 Amdt B dated July 2008, SG21 dated July 2008, SG 22, dated July 2008,
- Plans prepared by Villa & Villa, submitted on 23 October 2008
- Phase 2 Environmental Site Assessment, prepared by WSP, Ref 109034RP01, dated May 2009
- Statement of Environmental Effects, prepared by JBA Urban Planning

- Consultants, dated October 2008
- Heritage Assessment prepared by Clive Lucas, Stapleton & Partners Pty Ltd, dated 3 October 2008
- Landscape Plan prepared by Clouston Associates 8/9/2008
- Acoustic Assessment prepared by Atkins Acoustics, report No.38.6350.R1:GACD03 Rev00.

The development must also comply with the conditions of approval imposed by Council hereunder.

Amendments or modification of the approved development requires the written prior approval of Camden Council.

- (2) **Building Code Of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia* .
- (3) **Demolition (Tree Preservation)** – Trees on the footpath reserve must be protected with fencing to prevent damage during demolition, and retained in accordance with Council's Tree Preservation Order.
- (4) **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.

- (5) **Car Parking Space Contribution - DELETED**
- (6) **Commencement of Operation - Acoustic Attenuation Report Compliance** – A report from a qualified Acoustic Engineer that contains a certifying statement confirming that the provisions and noise criteria for the consent conditions have been implemented and are compliant must be submitted to the Principal Certifying Authority. The acoustic compliance assessment (that leads to the issue of the certifying statement) must be undertaken between three (3) months and six (6) months from the commencement of operation of the Restaurant. The acoustic compliance assessment must be submitted within one (1) month of completion of the assessment.

The acoustic consultant must conduct sufficient inspections to verify that all construction aspects of the noise attenuation components/measures have been carried out in accordance with the “Noise Assessment McDonalds Mod Series Restaurant Argyle Street Camden, dated **October 2008**, prepared by Atkins Acoustics.”

Should the acoustic consultant confirm that:

- (a) any specific construction aspect does not comply with the report recommendations; or
- (b) that the constructed noise attenuation component/measures do not achieve the criteria set by the approved report;

The acoustic consultant must advise the applicant and the Principal Certifying Authority of such non-compliance . The applicant must arrange for the submission

of an application pursuant to s.96 of the *Environmental Planning and Assessment Act 1979* for the modification of the issued development consent to the Consent Authority, Camden Council, for determination.

- (7) **Food Codes and Regulations Compliance** - The construction and fit-out of the premises or any part thereof to be used for the manufacture, preparation or storage of food for sale, must comply with Camden Council's Food Premises Code, the *Food Act, 2003* and the *Food Regulations 2004* (incorporating the Food Standards Code).
- (8) **Plans** - The premises, fittings and fixtures must be constructed and installed in accordance with the approved plans unless otherwise specified in these conditions of approval.
- (9) **Asbestos** - That all demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (restricted) Asbestos Licence".

That all asbestos must be removed by a NSW WorkCover licensed contractor/s prior to the commencement of any work. Removal must be carried out in accordance with NOHSC: 2002 (2005) "Code of Practice for the Safe Removal of Asbestos". (NOHSC- National Occupational Health and Safety commission)

- (10) **Stormwater Tanks** - As per Part D, Chapter 3 of Council's DCP, a stormwater tank(s) with a minimum volume of 5,000 litres must be provided for this development. This tank(s) must capture a minimum of 80% of the stormwater runoff from the development's roof area and not impact on car parking spaces, accesses, driveways or landscaping areas. The stored stormwater must also be reticulated across the site as needed.

2.0 - Construction Certificate Requirements

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

- (1) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$8.72 per square metre, total \$3,116.00 for **Community Facilities**.

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

- (2) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$4,009.00 per hectare, total \$1,371.00 for **s.94 Administration and Management**.

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

- (3) **Blade Wall Sign** – The height of the blade wall at the front of the building shall be reduced to 6m. Details shall be provided in the plans submitted with the application for a Construction Certificate.
- (4) **Damaged Assets** – All engineering works and public utility relocation shall incur no cost to Camden Council. Any damage to Camden Council’s assets shall be rectified prior to the commencement of use or occupation of a building.

A security deposit of \$10,000.00 shall be lodged with the Council prior to the issue of the Construction Certificate

- (5) **Energy Efficiency** - Prior to issue of the Construction Certificate, an Energy Efficiency Report shall be submitted to and approved by Camden Council. The report shall analyse all relevant matters affecting the energy efficiency of the proposed building/structure to ensure that the energy targets in Camden Development Control Plan 2006 (DCP 2006) are achieved.
- (6) **Structural Engineer’s Certificate** - A certificate must be prepared by a practising Structural Engineer and must be submitted to Council attesting that the building design is capable of withstanding the effects of water and water pressure due to flooding **prior to the Construction Certificate being issued.**
- (7) **Evacuation Plan Required** - A detailed plan must be submitted to Council indicating that permanent, fail-safe maintenance free measures are incorporated in the development to ensure that timely, orderly and safe evacuation of people and potential pollutant material from the buildings on-site, should a flood occur.
- (8) **Water Resisting Construction** - All external and internal partitions, framework, services and flooring must be constructed using flood compatible material.

Details shall be evident in the Construction Certificate application.

- (9) **Soil Erosion and Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with the Consent Authority’s (ie 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 must be prepared and submitted to the Principal Certifying Authority for approval **prior to a Construction Certificate being issued.**

- (10) **Fire Safety Measures** – Prior to the issue of the Construction Certificate a list of the fire safety measures proposed to be implemented in the building, or on the land on which the building is situated, shall be submitted to the Principal Certifying Authority for consideration and approval.
- (11) **Access For People With Disabilities** - Access for people with disabilities shall be provided in accordance with the requirements of Part D3 of the *Building Code of Australia*. Details shall be submitted with the application for the Construction Certificate.
- (12) **Acoustic Screen Wall Design** – The acoustic wall design that includes construction materials must replicate the façade treatment and material selection

used in the proposed development. The design and construction shall incorporate as a minimum:

- (i) A base of brick construction to continue from the Argyle Street frontage back into the site as far as possible, to replicate the design of the Argyle and Edward Street corners;
- (ii) Wall elements shall be placed on the brick base and for the first 8-10 metres from Argyle Street reflect the façade of the building and use materials including painted steel U-beams, rendered wall panels, grey mini orb and timber battens. The remainder of the wall shall use painted steel and timber cladding similar to the proposed building parapet.

The final design must be assessed by a qualified Acoustic Consultant to ensure noise integrity is maintained and be reflected in amended site plans and be submitted to Camden Council for review and written approval prior to the issue of a construction certificate.

(13)**Food Premises Fit out Plans** – detailed scaled fit out plans are to be provided for the kitchen and ancillary areas that demonstrates compliance with Camden Council’s Food Premises Code, *The Food Act 2003* and the *Food Regulation 2004* (Incorporating the Food Standards Code). The plans are to be provided to the PCA for approval **prior to the issue of the construction certificate.**

(14)**Sydney Water** - The Sydney Water Trade Waste section must be contacted regarding their requirements for the installation of a grease trap and a trade waste agreement.

A written response must be submitted to the Consent Authority (ie: Camden Council) **prior to the Construction Certificate being issued.**

(15)**WorkCover** - If gas is to be utilised, the requirements of WorkCover must be sought in relation to the provision of gas for cooking purposes and any other particular requirement they may have for this development.

A written response must be submitted to the Principal Certifying Authority **prior to the Construction Certificate being issued.**

(16)**Waste Management Strategy (WMS)** – Waste management shall be conducted in accordance with the provided “McDonalds Australia Limited Waste Management” strategy. The strategy is to be signed off by a Company Director and should be resubmitted to the Principle Certifying Authority **prior to the issue of the Construction Certificate.**

(17)**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 2006 and Engineering Specifications and are to be submitted for approval to the Principal Certifying Authority **prior to the Engineering Construction Certificate being issued.**

- under the *Roads Act 1993*, only the Council can issue a Construction Certificate for works within an existing road reserve.
- 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.

Note: The developer must obtain a Construction Certificate prior to commencement of any physical site works.

(18)**Development Certification** - As the allotment is flood affected, the following information must be submitted **prior to the Construction Certificate being issued:**

- (a) a survey report indicating the position and level of the 1:100 year flood level (1% AEP) affecting the allotment and the proposed floor level of the buildings in relation thereto.
- (b) a Structural Engineer's Certificate or Compliance Certificate certifying that "the buildings as designed will withstand and resist the effects of water and water pressure due to possible flooding".

(19)**Free Flow Of Water** - The location and design of the proposed doors must allow free access and escape of floodwaters without causing damage to the building.

Details shall be evident in the Construction Certificate application.

(20)**Retaining Wall Details** - All retaining wall details must be certified by a practising structural engineer.

(21)**Environmental Management Plan** - An Environmental Site Management Plan must be submitted to the Principal 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 issues:

- (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 during construction, which should address issues of access of construction traffic, storage material, location of site office, and parking for workers, use of equipment and other matters which has an impact on the road network or immediate environment.
- (d) All other environmental matters associated with the site works such as noise control, dust suppression, waste management and the like.
- (e) Any construction work which involved access to public road shall be subject to an approval of a Public Road Activity Application to Council accompanied by a Traffic Control Plan prepared by a RTA accredited Certifier.

(22)**Parking Spaces** - A minimum of 59 car parking spaces are required on site. These spaces, and associated access driveways and manoeuvring areas must conform with Camden Council's Car Parking Code (Camden Development Control Plan (DCP) 2006), and must be designed in accordance with a pavement design prepared by a Geotechnical Engineer and the Consent Authority's (ie Camden Council) standard. Documentary evidence of compliance from an Accredited Certifier /suitably qualified person must be submitted to the Principal Certifying Authority prior to the Construction

Certificate being issued.

Wheel stops are to be provided for all parking spaces.

(23)**Design Standards** - Engineering design drawings are to be prepared strictly in accordance with Camden Council's Development Control Plan 2006 and Engineering Specifications.

(24)**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.**

(25)**Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS1742.3 1985 and to the requirements and approval of Council (and the Roads and Traffic Authority). Plans and proposals must be approved by Council (and the Roads and Traffic Authority) **prior to the Construction Certificate being issued.**

The Traffic Management Plan must address the construction process and construction access for the development for all stages of the development, the storage of materials, import of the fill materials, location of site offices, turning area for the delivery vehicles, parking for construction staff, any casting and erection of building components. Appropriate Traffic Control Plans shall be submitted for all stages of constructions including the use of Council's road and foot path for construction purposes.

(26)**Earthworks** - Proposed earthwork shall be designed to provide a cut and fill balance in order to achieve no loss of flood storage within the site. All proposed filling on the site must be compacted to 95% standard compaction and be tested in accordance with Camden Council's Engineering Construction Specification and AS 1289 by a NATA registered laboratory. The validation of the fill material must be done prior to use of any fill material from external sources and a validation report must be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

(27)**Public Risk Insurance Policy** - **Prior to the issue of the Construction Certificate,** the owner or contractor is to take out a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve. The Policy is to note Council as an interested party and a Certificate of Currency from the insurer of such policy must be submitted to the Council as evidence of such policy. Where the coverage of such policy expires during the period of construction of the works, the policy must be renewed prior to the expiration of the policy and a Certificate of Currency from the insurer.

Failure to keep the works insured shall be reason for Council to make the works safe, and all costs associated with making the works safe, shall be a cost to the owner of the land.

(28)**Drainage Design** - A Stormwater Management Plan is to be prepared **prior to the issue of a Construction Certificate** to ensure that the final stormwater flow rate off the site is no greater than the maximum flow rate currently leaving the development site for all storm events. This plan must be submitted and approved

by the Principal Certifying Authority. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties.

(29)**Pre-Treatment Of Surface Water** - The external ground surface of the site must be graded to a collection system and covered with a suitable hard surface. The drainage system must flow to a suitable pre-treatment device prior to discharge. The applicant is advised to contact the Appropriate Regulatory Authority for the design criteria.

(30)**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.

(31)**Flood Risk Management Policy** - The development shall be constructed and operated in accordance with the Council's Flood Risk Management Policy and appropriate design details shall be incorporated into the construction plans prior to the release of the Construction Certificate.

(32)**Delivery Management Plan** – Prior to the issue of the Construction Certificate a Management Plan shall be submitted to the Principal Certifying Authority detailing staff procedures to enable trucks to enter and leave the site in a safe manner.

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) **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.

- (3) **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 (1) toilet for every twenty (20) persons or part of twenty (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.

- (4) **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.

- (5) **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 the *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.

- (6) **Destination of Waste Material** – Demolition materials must be disposed of to an approved land-fill site and, where appropriate, to an approved recycling outlet. Details of the method of waste disposal must be lodged with the Consent Authority (ie Camden Council) prior to commencement of work.

- (7) **Information Required by Council Prior to Demolition** - The demolisher shall lodge with Council at least forty-eight (48) hours prior to the commencement of work:

- (i) written notice indicating the date when demolition of the building is to commence;
- (ii) details of name, licence, address and business hours contact number;
- (iii) a copy of the demolishers current Public Liability/Risk Insurance Policy indicating cover of at least \$5,000,000.

- (8) **Notice to Adjoining Owners of Demolition** - The following matters must be satisfied prior to and during demolition:

- (a) the applicant shall give written notice to adjoining land owners and residents seven (7) days prior to the commencement of demolition, advising of commencement date;
- (b) safe access to and from adjoining buildings shall be maintained at all times;
- (c) no demolition activity shall cause damage to, or adversely affect, the structural integrity of any adjoining building;

- (d) consideration shall be given to the need for shoring and underpinning, and to changes in soil conditions as a result of the demolition, and appropriate measures implemented;
 - (e) the affects of vibration and concussion on adjoining buildings and their occupants must be minimised;
 - (f) where the surface of an adjoining building is exposed by demolition, the need for weatherproofing the exposed surface shall be investigated and temporary or permanent protection provided as appropriate;
 - (g) the demolition of below ground walls which support the adjoining ground shall not be undertaken until it is established that demolition will not cause the collapse of the adjoining ground, or effective lateral support is provided to prevent collapse.
- (9) **WorkCover Approval** - It is the responsibility of the owner to contact the WorkCover Authority with respect to any demolition work or use of any crane, hoist, plant or scaffolding prior to any work commencing on the site.
- (10) **Demolition (WorkCover Licence)** - Persons undertaking demolition work shall be licensed under the *Occupational Health and Safety (Demolition Licensing) Regulation 1995*. WorkCover issue demolition licences to applicants who successfully undertake the Demolition Supervision Course, and who can demonstrate their ability and experience in the field.
- (11) **Protection of Council Property** - All reasonable care must be taken to protect Council's roads, including the made footway, kerbs, trees, etc when plant and vehicles enter the site. The footway shall be protected against damage by deep sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends.
- (12) **Access From Public Places** - Construction access from public places (reserves, parks, walkways and the like) other than roads shall not occur without the prior consent of Camden Council. Bonds or legal agreements may be required to protect Council's assets if access from these places is approved.
- (13) **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
- (14) **Public Road Activity** - An approval under *Public Road Act* shall be obtained prior to the commencement of any work in a public road subject to lodgement of application and relevant fees. Such application must include an appropriate Traffic Control Plans which provides details of Traffic Control measures to be installed to ensure the safety and unobstructed flow of vehicular and pedestrian traffic and such Control Plan must be prepared by a RTA Accredited Certifier

4.0 - During Construction

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

- (1) **Nature Strip/Road Verge, Street Trees and Street Tree protective guards** - Any nature strip/road verge area, street tree, lawn area, tree guards if applicable, protective bollards if applicable, which are disturbed, removed or damaged during the development and maintenance works, shall be repaired and the tree, lawn area, bollards, tree guards, nature strip/road verge area repaired or replaced with the same type, species and maturity.
- (2) **DC Salinity Management Plan** - All proposed construction on site must be built in accordance with the Salinity Management Plan, Section 8 in the report titled "*Phase 2 Environmental Site Assessment: 15 Argyle Street Camden NSW, Prepared for McDonalds Australia Limited, Prepared by WSP, Ref 109034RP01, Dated May 2009.*" and comply with the requirements of Council's current Engineering Design and Construction Specifications.
- (3) **Survey Report (Peg Out)** - The building must be set out by a Registered Land Surveyor. A Survey Report detailing the siting of the building in relation to the allotment boundaries shall be submitted to the Principal Certifying Authority (PCA) prior to the placement of any concrete.
- (4) **Hours Of Work** – The hours for all construction and demolition work are restricted to between:
 - (a) 7.00am and 6.00pm Monday to Friday (inclusive);
 - (b) 7.00am to 4.00pm Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8.00am to 4.00pm;
 - (c) work on Sunday and Public Holidays is prohibited.
- (5) **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 7.00am - 6.00pm Monday to Friday, and between 8.00am - 4.00pm 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 on site, nor should wind blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Unit.
 - A waste control container shall be located on the development site.
- (6) **Building Inspections** - The Principal Certifying Authority (PCA) must determine when inspections of critical building components are necessary. The 'principal contractor' for the building works (as defined by the *Environmental Planning and Assessment Act, 1979*) must notify the PCA for the inspection of the building components. Where Camden Council has been nominated as the PCA, the

following stages must be inspected and passed prior to proceeding to the subsequent stage of construction.

Note: If Council is appointed as the PCA, the Council agrees _____ to the commencement inspection being combined with the first required inspection.

1. **Commencement of Building Works** - When environmental controls are in place.
2. **Pier Holes** – Excavated pier holes prior to pouring of concrete.
3. **Strip Footings** – When foundation excavations have been undertaken and steel reinforcement provided, prior to footings being poured with concrete.
4. **Slab On Ground** – When steel reinforcement and associated form work has been provided, prior to the slab being poured with concrete.
5. **Wall and Roof Framing** - When the wall and roof frame have been completed (with plumbing and electrical wiring installed), brick work complete and the roof covering fixed, prior to internal lining.
6. **Wet Area Flashing** - When wall and floor junctions have been flashed with an approved product, prior to installation of floor/wall coverings. Wet areas include bathrooms, laundries, sanitary compartments, en suites and the like.
7. **Drainage Line-work** - When drainage lines have been laid prior to backfilling of lines.
8. **Occupation Certificate (final inspection)** - Upon completion of the development and before occupation or commencement of use.

The *Environmental Planning and Assessment Act 1979* and *Regulation* may prescribe other 'critical stage inspections' of the works. It is recommended that you discuss and confirm all required inspections with the PCA.

Missed critical stage inspections are an offence under the *Environmental Planning and Assessment Act, 1979*, and may prohibit the issue of an Occupation Certificate.

- (7) **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.

- (8) **External Materials and Finishes** - The development shall be completed in

accordance with the approved schedule of external materials, colours and finishes.

(9) **Vehicles Leaving the Site** - The demolisher shall:

- (i) cause motor lorries leaving the site with demolition material and the like to have their loads covered;
- (ii) ensure the wheels of vehicles leaving the site do not track soil and other waste material onto the public roads adjoining the site.

(10) **Removal of Hazardous and /or Intractable Wastes** - Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant Statutory Authorities, and receipts submitted to Council for verification of appropriate disposal.

(11) **Demolition Australian Standard** - Demolition of the building shall be carried out in accordance with the requirements of Australian Standard 2601 - 1991 where applicable.

(12) **Asbestos** - All material in the building which contains asbestos shall be removed in accordance with the guidelines of the WorkCover Authority (Telephone 9370 5099) and requirements of the Environmental Protection Authority.

(13) **Demolition Access Not to Obstruct Footpath** - Any access to the site by way of temporary gates or movement of the fencing shall be directed into the site and shall not obstruct Council's footway.

(14) **Clear Footpath** - The footpath and roadway must be kept clear at all times and must not be obstructed by any demolition material or vehicle.

(15) **Wall Finish** - Walls in food preparation, service and scullery areas must be finished with glazed ceramic tiles, stainless steel or laminated plastics adhered directly to the wall, to a height of at least 2m above floor level and to the underside of canopy hoods. Walls that are not tiled or otherwise finished must be cement rendered to a smooth even surface and painted with a light coloured washable paint or sealed with other approved materials.

(16) **Floor Finish** - Floors in the food preparation areas, sculleries and food storage areas shall be constructed of approved materials that are non-slip, impervious and meet the requirements of Council's Food Premises Code.

(17) **Coving** - Intersections of the floor with walls and plinths shall be coved so that the area can be easily cleaned.

(18) **Ceilings** - Ceilings are to be constructed of a rigid, smooth faced, non absorbent material and could include fibrous plaster, plasterboard, fibrous cement, cement render or other approved material painted with a washable gloss paint of light colour.

(19) **Drop In Panels** - Drop in panels for ceilings are prohibited over food preparation areas.

(20) **Storage Cupboards** - Adequate provision must be made for the storage of cleaning chemicals and staff personal belongings.

(21)**Dishwashing Facilities** - The premises must be provided with a:

- (a) commercial dishwashing machine capable of achieving a hot water temperature of at least 77°C that is fitted with a temperature thermometer or gauge; and
- (b) at least one (1) single bowl cleaning sink or tub containing at least one (1) compartment.

(22)**Light Fittings** - Light fittings must be recessed into the ceiling or flush mounted and edges sealed. They must be enclosed in unbreakable diffuses.

(23)**Service Pipes** - All service pipes and electrical conduits shall be concealed within the floor, plinths, walls or ceilings.

or

All service pipes and electrical conduits which are not capable of being concealed within walls shall be mounted on brackets so as to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe and adjacent horizontal surface.

(24)**Exhaust Ventilation** - Mechanical exhaust ventilation must be provided where cooking appliances are installed. Exhaust ventilation systems shall be installed in accordance with the requirements of Australian Standard 1668-1991 Parts 1 and 2.

(25)**Gaps Sealed** - All gaps between shelves and vertical surfaces must be sealed to prevent the accumulation of grease and food particles. Alternatively a 25mm clearance is required to allow the area to be cleaned.

(26)**Fixtures and Fittings** - All benches, fixtures, refrigeration cabinets and cooking appliances must be butted against walls or other equipment. Junctions with vertical surfaces must be sealed to eliminate the accumulation of grease and food particles. Alternatively, clearances are to be provided from vertical surfaces in accordance with Council's Food Premises Code.

(27)**Closed Cupboards** - Closed cupboards are to be butted against walls or other equipment. Junctions with vertical surfaces must be sealed to eliminate the accumulation of grease and food particles. Cupboards are to be supported on plinths in accordance with Council's Food Premises Code.

(28)**Shelving** - Shelving shall be constructed with at least 150mm clearance from the floor. Wall shelves must have at least 25mm clearance from vertical surfaces.

(29)**Floor Waste** - The floor of the food preparation area shall be graded to a sanitary floor waste.

(30)**Wall Tiles** - The walls behind the benches, sinks, tubs, hand basins, cupboards and similar fittings shall be tiled to a height of 450mm with glazed ceramic tiles.

(31)**Self-Closing Doors To Toilet Area** - The air locks to WC compartments must be fitted with self-closing doors at all access doorways.

(32)**Partition Walls** - All timber partition walls must be vermin-proofed by the provision of flat galvanised iron or similar material under the bottom plates and extending at least 450mm up from the floor on both sides of the wall. Alternatively, where

practical, such partitions or screen walls must be supported on round metal supports at least 200mm above the floor level.

- (33)**Coolroom Shelving** - Shelving within the low temperature freezer/coolroom must be constructed of galvanised pipe, angle iron, "T" iron, channel iron, flat metal or other approved materials, all of which should be treated to prevent corrosion.
- (34)**Wall Construction** - All walls must be of a solid impervious construction and closed jointed. Walls may be constructed of brick, concrete, concrete blocks, structural fibrous cement or other similar homogenous material.
- (35)**Cleaner's Sink** - Premises where floors are wet washed must have a suitable cleaner's sink to be located in an area away from where food is prepared.
- (36)**Hand Washing Facilities** – Hand basins shall be provided in accessible locations within each food preparation and food service area. (Note: *AS4674-2004 requires that hand basins are accessible and no further than 5m from any place where food handlers are handling open food*).
- (37)**Fill Material** – Prior to the 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 the Principal Certifying Authority for approval and concurrence.

The Validation Report and Sampling Location Plan must be prepared: -

- i) by a practicing engineer with National Professional Engineering Registration and with a Specific Area of Practice in Subdivisional Geotechnics, and
- ii) in accordance with:
 - a) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
 - b) 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".
- iii) and confirm that the fill material:
 - a) provides no unacceptable risk to human health and the environment;
 - b) is free of contaminants;
 - c) has had salinity characteristics identified in the report;
 - d) is suitable for its intended purpose and land use, and
 - e) has been lawfully obtained.

The sampling for salinity of fill volumes less than 6000m³ must provide for three (3) sampling locations; fill volumes exceeding 6000 m³, require one (1) sampling location for each additional 2000 m³. A minimum of one (1) sample from each sampling location must be provided for assessment.

The sampling for contamination is to 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 (see Note 1)	1000

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

(38)**Burying of Demolition Materials** - No demolition materials shall be buried on the site, other than with the consent of Council.

(39)**Demolition (On Site Burning)** - The burning of any demolished material on the site is not permitted. Offenders will be prosecuted under the *Environmental Protection Operations Act*.

(40)**Waste Management Plan (WMP)** – All demolition materials shall be treated in accordance with the approved Waste Management Plan.

(41)**Demolition and Construction Noise Levels** – Noise levels emitted during remediation 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 four (4) weeks and under:

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 four (4) weeks:

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).

(42)**Compaction** - Any filling up to 1.0m on the site must be compacted to 95% standard compaction and be tested in accordance with Camden Council's Engineering Construction Specification and AS 1289 by a NATA registered laboratory. The validation of the fill material must be done prior to use of any fill material and Validation Report must be submitted to the Principal Certifying Authority prior to the issues of the Construction Certificate.

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) **Survey Report (Completion)** - A Survey Report prepared by a registered Land Surveyor shall be provided upon completion of the building. The Survey Report shall be submitted to the Principal Certifying Authority (PCA) upon completion of the building and prior to the issue of an Occupation Certificate.

- (2) **Graffiti Management** - Any graffiti or vandalism shall be removed or repaired within 48 hours of the offence.
- (3) **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.

- (4) **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:

- (a) has been assessed by a properly qualified person; and
- (b) 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:

- (a) 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 Brigades, and
- (b) 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.
- (5) **Section 94 Contribution** – Prior to the issue of a final Occupation Certificate the S94 Contribution for Car Parking shall be paid to Camden Council.

The contribution must be indexed to the Consumer Price Index (CPI) and it is advised that Council be contacted to confirm the amount prior to the payment of the Contribution.

- (6) **Acoustic Barriers** – Prior to the issue of any Occupation Certificate an acoustic screen wall of 3.5 metres high (above the finished kerb level) is to be constructed along the length of the western boundary and an acoustic screen wall of 3.0 metres high (above the finished kerb level) is to be constructed along part of the western and northern boundary in accordance with “Attachment 2: Proposed Site Layout” plan contained within the report titled: “Noise Assessment McDonalds Mod Series Restaurant Argyle Street Camden, dated **October 2008**, prepared by Atkins Acoustics.”

- (7) **Noise Controls** – All recommendations of “Section 7.1 - Noise Control Recommendations” contained within the report titled: “Noise Assessment McDonalds Mod Series Restaurant Argyle Street Camden, dated **October 2008**, prepared by Atkins Acoustics.” must be selected/constructed/installed as part of the development **prior to the issue of any occupation certificate**.
- (8) **Registration and Notification** - Proprietor/s of a business are required to register the business with Camden Council and complete a Food Business Notification Form. The Registration Form must be returned to Council, whereas the Notification Form may be completed on-line on the Internet (free of charge) or returned to Council with an administration processing fee of \$55 (inclusive of GST).
- (9) **Certification of Exhaust System** - Where an exhaust ventilation system is installed, a Certificate of Compliance must be submitted to Camden Council, prior to occupation. The certificate must be issued by a suitably qualified person and verify that the kitchen exhaust system as installed, has been tested and complies with Australian Standard 1668 – 1991 Parts 1 and 2 and the *Building Code of Australia*.
- (10) **Thermometers** - Any appliance used for the storage of hot and cold food must be provided with a numerically scaled and accurate thermometer.
- (11) **Compliance Letter** - Where the Consent Authority is not the Principal Certifying Authority (PCA) an additional inspection of the commercial kitchen must be undertaken by the Consent Authority **prior to the issue of an Occupation Certificate**. A letter is to be issued from the Consent Authority certifying that the kitchen complies with the Food Codes and Regulations.
- (12) **Gutter Crossings** - All services within 1.0m of the crossing and all affected services due to the proposed work shall be adjusted in consultation with the appropriate Service Authority.
- (13) **Works as Executed Plan - Prior to the Occupation Certificate being issued**, a works-as-executed drawing signed by a Registered Surveyor must be submitted to the Principal Certifying Authority showing that the stormwater drainage and finished ground levels have been constructed as approved.
- (14) **Reinstate Gutter Crossings** - All redundant gutter crossings and footpath crossing must be reinstated to the existing standards on the road.
- (15) **Lighting Upgrade** – Prior to the issue of any Occupation Certificate the applicant shall assess the existing lighting and carry out the appropriate upgrading of lighting in Edward Street and the overall car park in accordance with the Australian Standard 1158 in order to improve the safety of the customers.
- (16) **Footpath Upgrade** - Prior to the issue of any Occupation Certificate the pedestrian footpaths in Argyle and Edward Streets shall be upgraded and match the proposed driveway in Edward Street to the requirement of the Camden Town Centre Strategy in consultation with the Urban Designer of the Council.

6.0 - Operational Conditions

The following Conditions of Consent are operational conditions applying to the

development.

- (1) **Truck deliveries** – Truck deliveries and waste collection will be restricted to the following hours:

Monday to Saturday: 7.00am to 6.00pm
Sunday and Public Holiday: 8.00am to 5.00pm

- (2) **No Additional Signs** - The approval of this sign application does not suggest that additional signs may be erected without the prior written approval of Camden Council.

- (3) **Bunting** - Bunting must not be used to attract customers.

- (4) **No Signs on Public Land** - Sandwich boards including 'A' frame advertising panels and any other sign shall not be placed on a public footpath or road reserve.

- (5) **Historical Significance** – Given the location of the subject site and its proximity to other sites and buildings of historical significance, no alterations to the external appearance of the building including painting must be carried out unless the **prior written approval** of the Consent Authority has been obtained.

- (6) **Hours of Operation** - The hours of operation for the approved land-use are:

Monday to Friday:	5.00am to 11.00pm
Saturday:	5.00am to 11.00pm
Sunday and Public Holidays:	5.00am to 11.00pm

All vehicle movements, deliveries and any other operations associated with the use of the premises, must be restricted to approved hours of operation. Any alteration to these hours will require the prior approval of the Consent Authority.

- (7) **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.

- (8) **Annual Fire Safety Statement** – An Annual Fire Safety Statement acceptable to the Council, certifying that the nominated essential fire safety measures, which have been installed in the building:

(a) have been inspected and tested by a person (chosen by the owner of the building) who is properly qualified to carry out such an inspection and test; and

(b) are capable of operating to a standard, not less than that to which they were originally designed and installed,

must be submitted to the Council by the owner or owner's agent annually. A further copy of the Statement (together with a copy of the current Fire Safety Schedule) must also be given to the Fire Commissioner and be prominently displayed in the building.

- (9) **Grey Water Reuse** – The reuse of grey water for any purpose on the site is prohibited.

- (10) **Hot Storage** - All equipment (including pie warmers, hot food display units, etc)

used for the display or storage of hot food shall maintain the food at a temperature of not less than 60°C.

- (11)**Cold Storage** - All equipment used for the display or storage of cold food shall maintain the food temperature of not more than 5°C.
- (12)**Storage Of Stock** - Floors throughout the premises must be maintained free of stored stock so as to allow cleaning and removal of waste.
- (13)**Cleanliness Of Toilet Area** - Toilet areas must be thoroughly cleaned and maintained in a clean condition at all times.
- (14)**Clothing** - Persons engaging in any food handling operations must be appropriately attired in clothing and footwear that is clean and relevant to their task.
- (15)**Hand Basins** - The hand basins must be:
- a) Provided with water at least 40°C from a mixed hot and cold supply;
 - b) Supplied with a sufficient supply of liquid soap and single-use towels or other suitable hand drying facilities located adjacent to the hand basin;
 - c) Kept in a clean and sanitary condition and in good repair at all times;
 - d) Not used for any other purpose other than the washing of hands.
- (16)**Offensive Noise** - The use and occupation of the premises, including all plant and equipment installed thereon, must not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997*.
- (17)**Plant and Operational Noise Restriction** - The level of total continuous noise emanating from operation of all the plant or processes in all buildings (LAeq) (measured for at least 15 minutes) must not exceed the background level by more than 5dB(A) when measured at any point on any residential boundary and must also comply with the acoustic criteria contained within Camden Council's Environmental Noise Policy.
- (18)**Activities** - All activities associated with the development must be carried out within the property, and must be carried out in an environmentally satisfactory manner as defined under section 95 of the *Protection of the Environment Operation Act 1997*.
- (19)**Emission Requirements** - All gases, odours, fumes, steam, moisture and particulate matter generated by the use of the premises must be collected into approved stacks for discharge to the atmosphere. The quality of the discharges from the stack system must comply with the requirements of the *Protection of the Environment Act, 1997* as amended and Regulations made thereunder.
- (21)**Trade Waste Bins** – The trade waste bins must be stored inside the building on the premises and be emptied on a regular basis.

To ensure compliance with Environmental Legislation, all waste containers are to be labelled, with waste stored in a manner that prevents the escape of pollutants to the environment.

The Business Proprietor 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.

(22)**Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.

(23)**Litter Patrols** – Litter patrols shall be carried out twice daily around midday and immediately upon cessation of trade on each day. The area to be patrolled shall extend along both sides of Argyle Street to the bridge, and the block bounded by Argyle Street, John Street, Larkin Place and Elizabeth Street.

(24)**Carpark Gates** – The gates to the carpark shall be closed each day within 30 minutes of close of trading.

7.0 - Subdivision Certificate

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

(1) **Construction Standards** - All civil engineering work associated with the development must be carried out strictly in accordance with Camden Councils Development Control Plan 2007 and Engineering Specifications for road works drainage and other works associated with subdivisions and other developments.

RECOMMENDED

That the application for a Section 96 Modification to development consent 959/2008 for the deletion of Condition No 5 (Car Parking Space Contribution) under heading '1.0 - General Requirements', and the modification of Condition No 22 (Parking Spaces) under heading '2.0 - Construction Certificate Requirements' to require only 59 parking spaces, be approved.

ATTACHMENTS

1. Location plan
2. Submissions (sup doc)
3. Parking Survey (sup doc)



Location plan 15 Argyle Street Camden.pdf



McDonalds Parking Survey.pdf



Submissions - McDonalds s96 DA959-2008.pdf

RESOLUTION

Moved Councillor Anderson, Seconded Councillor Dewbery that the application for a Section 96 Modification to development consent 959/2008 for the deletion of Condition No 5 (Car Parking Space Contribution) under heading '1.0 - General Requirements', and the modification of Condition No 22 (Parking Spaces) under heading '2.0 - Construction Certificate Requirements' to require only 59 parking spaces, be approved.

THE MOTION ON BEING PUT WAS **CARRIED**.

(Councillors Anderson, Cottrell, Cagney, Dewbery, Symkowiak, Patterson and Warren voted in favour of the Motion.
Councillor Campbell voted against the Motion).

ORD76/11

ORDINARY COUNCIL

ORD02

SUBJECT: POTENTIAL LEGAL ACTION FOR ALLEGED
NON-COMPLIANCE WITH DEVELOPMENT CONSENT AT
NO 955 (LOT 10 DP 27602) CAMDEN VALLEY WAY,
CATHERINE FIELD

FROM: Director Development and Health

FILE NO: Binder: Development Applications 2008/DA701/2008

PURPOSE OF REPORT

The purpose of this report is to seek a resolution from Council to commence legal proceedings against the owners of 955 Camden Valley Way, Catherine Field for the continued failure to comply with Conditions of Development Consent 701/2008 issued by Council on 22 October 2008, and carrying out development that is prohibited by Camden LEP 2010 (LEP).

BACKGROUND

No 955 (Lot 10 DP 27602) Camden Valley Way, Catherine Field has an area of 2.13ha. It is situated on the north-western corner of Camden Valley Way and Deepfields Road, with the frontage being located on Deepfields Road. The property is currently owned by Mr and Mrs Rafailidis.

The block is generally clear of vegetation with a few trees along the Camden Valley Way boundary (south-east).

Located just below the centre of the block (towards south-west) is a fibro cottage. The age of the cottage has not been established, however it is believed that the cottage has been tenanted for over 17 years. A new dwelling has been constructed in the centre of the block. **A location plan is provided at the end of this report.**

The block is serviced by town water. The old dwelling is serviced by an old Aerated Wastewater Treatment System (AWTS) and the new dwelling is serviced by a new Aerated Wastewater Treatment System (AWTS).

MAIN REPORT

In March 2010 Council Officers became aware that a new dwelling on the property was being occupied in the absence of an Occupation Certificate and that the original dwelling had not been demolished as required by the consent.

Investigation commenced into the reported breaches which revealed that in February 2007 Council issued an approval to install a new Aerated Wastewater Treatment System (AWTS).

An application for the construction of a two-storey dwelling was submitted to Council on 6 August 2008. The application was submitted with associated documents including a letter from Masterton Homes (the builder), on behalf of the owners, stating that the "existing fibro clad dwelling will remain on site until the completion of the proposed

home and will be demolished by the owner."

The Section 79C assessment was carried out by Council's Building Surveyor on 22 October 2008 and the development consent was issued that same day.

The consent issued by Council contains a number of conditions relating to the demolition of the existing dwelling (including the decommissioning of the existing AWTS) before occupation of the new two-storey dwelling.

Relevant Condition 5.6 states:

"Existing dwelling removal or demolition - The existing single storey dwelling on the site shall be demolished and/or removed from the site within 28 days of the completion of the proposed dwelling."

The reason for this condition is to ensure that the proposed development complies with the requirements of the *Environmental Planning & Assessment Act 1979* (the Act) and to ensure that the development meets the aims, objectives and requirements of Camden Council's *Local Environment Plan* and *Camden Development Control Plan 2006* which relate to the subject land.

Section 76A of the Act states that *the development must be carried out in accordance with the consent and the instrument.*

The aims and objectives of the CLEP and DCP include preservation of the lifestyles and amenities of the people living in the Municipality of Camden by controlling the type and magnitude of development within the rural areas.

These standards need to be maintained so as not to erode the achievement of these aims and objectives.

An inspection on 11 March 2010 confirmed that the original dwelling had not been demolished and was being occupied, and that the new dwelling was also being occupied. A check of Council records confirmed that no Occupation Certificate has been issued for the new dwelling.

Subsequent to this inspection Council issued a Notice of Proposed Order 1 requiring compliance with Development Consent 701/2008 dated 11 March 2010. No representations were received within the specified time and accordingly Council issued an Order 1 under the provisions of Section 121B of the *Environmental Planning and Assessment Act 1979* to require the owner of the premises to comply with the relevant conditions of Development Consent 701/2008.

On 22 April 2010 the period for compliance with Order 1 expired and there had been no contact or representations received by Council.

On 21 May 2010 a further inspection confirmed that the original dwelling was still on the property and was still being occupied. Given the non-compliance with Order 1, it was considered appropriate at the time that a Penalty Infringement Notice (of \$1,500) be issued.

Given the continued non-compliance, Notice of Proposed Order 2 was issued on 20 May 2010.

Council issued Order 2 requiring compliance with Development Consent 701/2008 on

22 June 2010. The period requiring compliance with the Order 2 expired on 20 July 2010.

Subsequent to Order 1 being issued, Mrs Koula Rafailidis corresponded with Council via letter and telephone on 7 April 2010 and 26 May 2010 respectively. During this correspondence she admitted that the cottage is occupied by tenants and that she is occupying the new dwelling in the absence of an Occupation Certificate. She has not indicated any intention to comply with Council's requirements.

Since the expiry of Order 2 Mrs Rafailidis has appealed against the Penalty Infringement Notice to the State Debt Recovery Office and has appealed against Council's Orders to the State Member, who in turn, referred the appeal to the Minister for Local Government.

Mrs Rafailidis has also appealed to the NSW Ombudsman.

Council has responded to all government and authority enquiries.

Council has not received any further correspondence from the State Member, the Minister for Local Government or the NSW Ombudsman in relation to this matter.

STATUTORY PROVISIONS

The Environmental planning and Assessment Act, 1979 (the Act)

Section 76A of the Act, 1979 cites *'if an environmental planning instrument provides that specified development may not be carried out except with development consent, a person must not carry the development out on land to which the provision applies unless:*

(a) such a consent has been obtained and is in force, and

(b) the development is carried out in accordance with the consent and the instrument.'

As neither condition in (a) or (b) above exist, the development may not be carried out except with development consent. No such consent exists.

Section 109M of the Act cites " *A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 109H) unless an Occupation Certificate has been issued in relation to the building or part.*"

As no Occupation Certificate has been issued, occupation may not commence. Council officers are aware such occupation has occurred. Development Consent 701/2008 has been breached and a significant amount of correspondence has occurred with the owner in relation to this breach.

Development Consent was issued in 2008. The current applicable statutory controls have been considered to determine whether the breach would be approvable were it submitted as a development application today.

The subject property comprises an area of approximately 2.13ha and is Zoned RU4 Rural Small Holdings under the LEP. Permitted land uses within the RU4 zone relevantly include attached dual occupancies, dwelling houses and secondary dwellings. Detached dual occupancies are prohibited.

The dictionary within the LEP includes the following definitions:

dual occupancy means two (2) dwellings (whether attached or detached) on one (1) lot of land (not being an individual lot in a strata plan or community title scheme), but does not include a secondary dwelling.

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

CLEP 2010 Part 5 5.4 provides:

(9) **Secondary dwellings** - If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) 20% of the total floor area of both the self-contained dwelling and the principal dwelling.

The original and new dwelling are not attached and therefore are prohibited within the zone.

The original dwelling has a floor area of approximately 129m², therefore cannot be called a Secondary Dwelling. The new dwelling has a floor area of 379.9m², therefore cannot be called a Secondary Dwelling.

This is a numerical standard. Some numerical standards in CLEP 2010 are able to be varied. Clause 4.6 of the LEP list those clauses which are not able to be varied. Clause 5.4 is one of those clauses not able to be varied. Therefore the numbers in the clause above relating to secondary dwellings may not be varied.

Therefore this breach would not be able to be approved, even if considered under the present LEP provisions.

It is considered that a breach of Section 125 of the Act has been committed in so far as the development consent conditions, lawfully issued by Council, have not been complied with. Section 127 of the Act allows Council to begin prosecution proceedings for an offence under the Act. The proceedings can be brought before either the Local Court or the Land and Environment Court.

CONCLUSION

Mr and Mrs Rafailidis have been made aware of the conditions of Development Consent 701/2008 on a number of occasions throughout the orders process and have chosen not to comply. Council has provided sufficient time for Mr and Mrs Rafailidis to issue notice to the tenants of the first dwelling to vacate.

It is the failure of the owners to demolish the cottage and to comply with other regulatory requirements that form the basis of Council's action to date. Council has followed an orders process to maintain development standards.

The orders process available to Council to remedy the situation has been exhausted and the owner's continued failure to comply with relevant regulations means that the only course of action left available to Council is to pursue the matter to a Court of competent jurisdiction.

Mr and Mrs Rafailidis have not informed Council at any time, of a time in which they propose to comply with the Development Consent or the Order issued requiring compliance with that consent.

To allow the original dwelling to remain, or allow Mr and Mrs Rafailidis to continue to occupy the new two-storey dwelling, is not only an offence under the Act it would also create an undesirable precedent. Consequently, it is recommended that Council pursue legal action in this case.

RECOMMENDED

That the matter be referred to Council's Solicitors to commence legal proceedings against Efrem and Koula Rafailidis of No 955 (Lot 10 DP 27602) Camden Valley Way, Catherine Field, for the offences of carrying out a development non-compliant with conditions of Development Consent and development that is prohibited under Camden LEP 2010.

ATTACHMENTS

1. Location plan



Location Plan 955 Camden Valley Way.pdf

RESOLUTION

Moved Councillor Campbell, Seconded Councillor Anderson that the matter be referred to Council's Solicitors to commence legal proceedings against Efrem and Koula Rafailidis of No 955 (Lot 10 DP 27602) Camden Valley Way, Catherine Field, for the offences of carrying out a development non-compliant with conditions of Development Consent and development that is prohibited under Camden LEP 2010.

THE MOTION ON BEING PUT WAS **CARRIED**.

(Councillors Anderson, Campbell, Cottrell, Cagney, Dewbery, Symkowiak, Patterson and Warren voted in favour of the Motion.

No Councillor voted against the Motion.)

ORD77/11

ORDINARY COUNCIL

ORD03

SUBJECT: DRAFT INTEGRATED PLANNING AND REPORTING PACKAGE
FROM: Director Governance
FILE NO:

PURPOSE OF REPORT

The purpose of this report is to inform Council that the Draft Integrated Planning and Reporting (IP&R) Package is now in a position to be formally considered by Council and, if endorsed, placed on public exhibition.

BACKGROUND

The Local Government Amendment (Planning and Reporting) Act 2009 was passed as legislation on 9 October 2009. The amendments to the Act give effect to the IP&R Package.

At its meeting of 10 November 2009, Council nominated itself as a Group 2 Council, meaning it would undertake to adopt the new IP&R Package by 30 June 2011.

Council's Draft IP&R Package fully complies with the requirements of the new legislation and includes four (4) key components:

1. Community Strategic Plan
2. Resourcing Strategy
3. Delivery Program, and
4. Operational Plan

At its meeting of 14 December 2010, Council adopted a new Community Strategic Plan: Camden 2040. In doing so, Council has completed one (1) of the components of the IP&R Package. The other three (3) components are now in a position where they can be presented to Council for consideration, and the public for comment.

A copy of the Draft IP&R Package has been previously distributed to Councillors under separate cover.

MAIN REPORT

At the core of the new IP&R framework is the creation of a strong link between all the components to demonstrate that what Council does is driven in the main by community priorities (from Camden 2040) and that sufficient resources have been allocated to these programs and services so that service outcomes can be delivered on time in a sustainable manner.

Council and its community should be able to see a strong connection between strategy, resourcing needs, service delivery and ultimately monitoring and review. The focus

during the development of the IP&R Package has been on making these links as clear as possible and ensuring alignment of resourcing strategies and programs in an affordable way.

The community engagement process that Council is about to embark on will test whether we have appropriately addressed the key priorities of the community.

Why is Integrated Planning and Reporting so Important?

The IP&R process is considered important for a number of reasons, including;

- Enabling the community to have a greater say in the direction of their community
- Creating more informed discussion in the community on priorities and an understanding of the resources required to successfully achieve these priorities
- Providing the Council with a greater mandate for its decision making
- Service delivery can focus on agreed community priorities
- Taking a long term sustainable view of the cost and implications of delivery of agreed service levels so that the 'big picture' is clear over time
- Enabling an informed debate on priorities and options where services or programs are not sustainable, and
- Ensuring progress is regularly measured and reported.

Transforming Community Vision into Action

Transforming Community Vision into Action is the term proposed to encompass the body of work that makes up the IP&R Package. It is intended to emphasise that Council is acknowledging the Community Vision in Camden 2040 and now focused on making it happen. The following diagram summarises the interrelationships within the document.



The plan is a compilation of various workshops, interviews, substantial research and analysis by senior staff across the organisation. The process to develop the Resourcing Strategies and Delivery Program started well before Camden 2040 was adopted and culminated in an integration process throughout February and March 2011.

Transforming Community Vision into Action addresses a number of key challenges within Camden 2040, The major challenges are summarised addressing each one by

stating the challenge, what this means for the community and what Council plans to do about it. An example is below;

- *We are growing and the State has set requirements about how much growth we need to plan for. We must plan for growth – today we have 55,000 residents. By 2040, we expect to have 250,000 residents.*
- This means there will be a significant strain on the services Council provides to a rapidly growing community. One of the key concerns will be the strain on infrastructure (roads , drainage , bridges , carparks , footpaths , transport etc) and support services for the community. There are also some opportunities that transpire from growth of this magnitude. For example, a higher level of urban facilities is distinctly possible. So we need to address impact of growth on our services at the same time as realising the many opportunities that growth presents .
- We plan to focus on creating quality places and integrate them with those that exist today. We also plan to grow in a sustainable manner – in an economic, environmental and social sense. We can only do this through careful and deliberate planning.

A table is also included identifying each of the community’s priorities and Councils Response

Key priorities	Our Response
Maintaining Camden’s feel and character through managing urban growth	We have allocated additional resources towards managing urban growth within a new quality management system. We will continue to focus on preserving Camden’s heritage through DA referral and by overseeing the continued preparation of conservation management plans on properties of State significance. We are also committed to protecting Camden Town and associated scenic and cultural landscapes.
Better roads and road related infrastructure	We are committed to a community infrastructure renewal program that was approved via a 4.5% Special Rate increase in 2010/11. This program will see a total of \$3.7m spent on urgent renewal works throughout the Camden LGA by the end of 2012/13. It is proposed that Council will seek an extension of this program in 2013/14 to make further inroads into the infrastructure backlog dilemma we currently face.
Better recreation, community and health services and infrastructure	<p>In terms of expansion of existing services, Council is planning the staged development of Mount Annan Leisure Centre, improvements to the Camden Civic Centre building, expansion of the Children’s and Families facilities in Narellan and a new community garden at the Camden Town Farm.</p> <p>With respect to new infrastructure in new release areas, Council either has or will be adopting plans for new recreation and Community facilities. It should be noted however, that the State Government’s ‘cap’ on developer contributions will severely impact on Council’s ability to levy developers sufficient funds to build all the facilities required in new release areas.</p>

More environmental activities	We are planning to continue our water and energy action plans, targeting those facilities that consume the most resources. We also plan to continue our Waste and Sustainability Improvement Payment Program, targeting a range of activities to help minimise waste (including education) and promote sustainability.
More community and road safety programs	We plan to continue our recurrent community and road safety programs (subject to available State Government funding) as well as explore funding opportunities to support our road safety strategic plan initiatives.
Better community engagement and consultation	We have allocated additional resources (2013/14) towards improving our focus in this area. In the meantime, we will be pursuing ways and means to better engage the community in strategic and policy discussions.

Options and Implications

The Draft IP&R Package also outlines options Council has for applying its resources sustainably to Resourcing Strategy and the delivery of key programs. These options are centred on either increasing revenue to fund service levels or deferring service improvements to later in the 10 year planning horizon when they are more affordable. Often the preferred solution is a mixture of both. Council has already undertaken a number of efficiency improvements and will continue this process over the next two years to ensure it has optimised its service delivery processes.

Transforming Community Vision into Action proposes three different resourcing scenarios to achieve the program of works outlined in the Delivery Program and Operational Plan.

	Features	Result	Cost
Option One	All Essential Services & Asset Requirements Funded	Current Service levels maintained (or improved) with new service introduced as required Continue to reduce asset backlog and begin to fund full life cycle cost of its assets Council has sufficient resources to meet the demands of a growing population	A 26% rate increase over four years. (above IPART annual rate determination)
Option Two	Limited Funding for Services. Asset Requirements funded through a 4.50% rate increase in 2013/14	Current Service levels maintained Continue to reduce asset backlog but the full life cycle cost of assets will remain unfunded Council will have competing priorities in terms of its resources to meet the demands of a growing population	IPART Approved Increases for the next four years + the continuation of the Community Infrastructure Renewal Program in 2013/14 at 4.50%.

Option Three	Limited Funding for Services. No additional funding for Asset Requirements, with no rate increase in 2013/14	Current Service levels maintained Asset backlog will continue to grow to unsustainable levels, Assets may become unavailable for various reasons, including safety Council will have limited resources to meet the demands of a growing population	IPART Approved Increases for the next four years
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Recommended Option

Option 2 (the continuation of the 4.5% Community Infrastructure Renewal Program (CIRP) in 2013/14) is recommended as the most appropriate option available. It is considered a practical solution which will allow Council to address urgent infrastructure renewal works from 2013/14 onwards and ensure essential services keep pace with population growth.

The Delivery Program has been prepared based on Option 2. Under each Key Direction in the Delivery Program the plan also highlights programs that can't be funded in the four year program so that during the engagement process the community understands the challenge in funding competing priorities and can provide feedback on the preferred option.

Financial Implications

In preparing a balanced budget of \$102,954,800 for 2011/12, Council has prudently considered both the needs of the community and the long term financial sustainability of the organisation. It is not recommended that Council seek a special rate increase ahead of the suggested 4.5% rate increase in 2013/14 to continue the CIRP.

However, there are plans to increase Council's loan borrowings by \$700,000 to \$2,300,000 to ensure appropriate levels of infrastructure are provided to the community. The debt servicing associated with this increase in loan borrowings is funded primarily through additional rates.

For a comprehensive dissection of Council's income and expenditure, please refer to the *Local Service Funding Summaries* located in Part D - Delivery Program of the IP&R Package.

The funding strategies proposed over the next 4 years will allow existing services to be maintained and deliver outcomes supported by Camden 2040.

Workforce Implications

In order to satisfy all community priorities it was estimated that an additional 153 positions would need to be created over the next 10 years. This represents a 50% increase in our current staff establishment and would go some way towards Camden having a staff establishment/population ratio on par with the NSW State average.

Option 2 provides for an additional 114 positions to be created over the next 10 years. This represents a 38% increase in our current staff establishment. Clearly, the shortfall of 39 positions over the next 10 years will have an impact on Council's ability to maintain existing services during a phase of unprecedented growth.

Council's Workforce Plan anticipates many of these challenges and puts in place a range of strategies and actions that will assist with the ongoing attraction and retention of staff.

Asset Management Implications

As Camden continues to grow, so too does our responsibility to manage and maintain assets that come with this growth. It is already acknowledged that Council has some work to do with its existing assets. To some extent, this was addressed by Council's successful bid for a 4.5% rate increase for a Community Infrastructure Renewal Program (CIRP) in 2010/11 for a period of 3 years. An infrastructure backlog of \$24.5m was identified as part of Council's bid for a 4.5% rate increase in perpetuity (forever). Having been granted a 4.5% rate increase for only 3 years, Council estimates the asset backlog will still be at least \$20m in 2013/14.

As opposed to reducing rates in 2013/14 by 4.5%, it is recommended that Council pursue a continuation of the 4.5% rate increase in 2013/14 in order to make further inroads into the infrastructure asset backlog issue.

It should be noted that Option 2 (the continuation of the 4.5% rate increase to fund the CIRP) is by no means the 'ideal' asset management scenario. In order to cover all asset management costs (asset renewal, maintenance and operational costs), a 26% rate increase over the next 4 years would be required. At this stage, Council believes this figure is an unrealistic burden on the community.

It is likely the community will see some minor reductions in service levels as a result of limited funds available for asset management. Having said that, Council is determined to carefully prioritise critical asset renewal and maintenance works so as to not compromise public safety.

Community Engagement Strategy

The consultation for the suite of plans and policies in *Transforming Community Vision into Action* will not be as extensive as Camden 2040. Focus will be on engagement tools that help validate the translation of Camden 2040 into a prioritised four year work program and the resources required to deliver this program.

The engagement process will use a variety of the following techniques;

- Focus Groups
- Targeted Stakeholder Groups
- Open Houses
- Website
- Statutory written submission processes

A copy of the full engagement strategy is attached at the end of this report.

CONCLUSION

The development of the IP&R Package is the culmination of one the most comprehensive strategy development and integration exercises undertaken by Council that impacts not only the community but all of Council staff and services.

RECOMMENDED

That Council:

- i. adopt the Draft Integrated Planning and Reporting Package, comprising**
 - a. Resource Strategy , including Asset Management Policy , Asset Management Strategy and Asset Management Plans, Workforce Plan and Long Term Financial Plan;**
 - b. Delivery Program;**
 - c. Operational Plan, and**
 - d. Revenue and Pricing Policy , including Draft Fees and Charges and proposed continuation of the Stormwater Management Levy for 2011/12**

for the purposes of public exhibition.
- ii. adopt the attached Community Engagement Strategy for the purposes of consulting with the public during the exhibition period 2 May to 30 May 2011.**

ATTACHMENTS



DP-OP Engagement Strategy.doc

RESOLUTION

Moved Councillor Campbell, Seconded Councillor Anderson that Council:

- i. adopt the Draft Integrated Planning and Reporting Package, comprising**
 - a. Resource Strategy, including Asset Management Policy, Asset Management Strategy and Asset Management Plans, Workforce Plan and Long Term Financial Plan;**
 - b. Delivery Program;**
 - c. Operational Plan, and**
 - d. Revenue and Pricing Policy, including Draft Fees and Charges and proposed continuation of the Stormwater Management Levy for 2011/12**

for the purposes of public exhibition.
- ii. adopt the attached Community Engagement Strategy for the purposes of consulting with the public during the exhibition period 2 May to 30 May 2011.**

THE MOTION ON BEING PUT WAS CARRIED.

ORD78/11

ORDINARY COUNCIL

ORD04

SUBJECT: COUNCIL SEAL - ROAD WIDENING - RICHARDSON ROAD, SPRING FARM
FROM: Director Governance
FILE NO: Council Properties

PURPOSE OF REPORT

To obtain a Council resolution to affix the Council Seal to a Deposited Plan for road widening purposes.

MAIN REPORT

Council approved a 25 Lot subdivision in Richardson Road, Spring Farm at the meeting on 19 January 2010 (DA 894/2008). As a result of that approval, Council became the registered owner of Lot 21 DP1120602 - 1A Hampshire Boulevard Spring Farm (Council's land).

As part of the development requirements of the subdivision and the adopted Master Plan Road Layout, a roundabout is required to be constructed adjacent to Council's land. The exact location and area of land required for the roundabout over Council's land has only recently been determined and an amended Deposited Plan has been prepared which now excises the land required for the construction of the roundabout.

A copy of the relevant section of the Deposited Plan is **attached to this Report** showing the portion of land subject to the roundabout and marked "RW". The new lot number will be Lot 201.

Council is now required to sign the Deposited Plan under Council Seal to enable registration with the Land and Property Information Management Authority (LPMA) to give effect to the adjusted land requirements.

CONCLUSION

Council officers have examined the Deposited Plan and have no objection to the proposals. The land in question is zoned for "Road Reserve" and these adjustments are in accordance with the Master Plan for Spring Farm. This is a procedural resolution required to formalise the development requirements.

RECOMMENDED

That the Council Seal be affixed to the Deposited Plan in order to formalise the road widening requirements affecting Lot 21 DP 1120602 in Richardson Road, Spring Farm as outlined in this report.

ATTACHMENTS



Location Plan - Richardson Road.pdf

RESOLUTION

Moved Councillor Symkowiak, Seconded Councillor Dewbery that the Council Seal be affixed to the Deposited Plan in order to formalise the road widening requirements affecting Lot 21 DP 1120602 in Richardson Road, Spring Farm as outlined in this report.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD79/11

ORDINARY COUNCIL

ORD05

SUBJECT: CIFA DONATION TO KASHIWA INTERNATIONAL
RELATIONSHIP ASSOCIATION
FROM: Director Works and Services
FILE NO:

PURPOSE OF REPORT

To seek Council approval following a request from Camden International Friendship Association (CIFA) to donate to the Kashiwa International Relationship Association (KIRA) an amount of \$5,000 following the recent earthquakes and subsequent disaster in Japan.

BACKGROUND

CIFA is a Community Management Committee of Council and is not delegated the authority to make any donations without Council approval. Council allocates \$5,000 annually to the operations of CIFA. CIFA are not sending a group of school children to Japan this year due to the disaster and wish to support KIRA and its members who are adversely affected by the earthquakes.

MAIN REPORT

Families are housing relatives and friends from the north that are directly displaced from these events. KIRA is also housing 200 people in a public hall.

CONCLUSION

CIFA seeks Council's approval to use their funds to support their friends in Kashiwa, Japan.

RECOMMENDED

That Council approve the donation of \$5,000 from Camden International Friendship Association (CIFA) to Kashiwa International Relationship Association (KIRA) on behalf of Camden Council.

RESOLUTION

Moved Councillor Campbell, Seconded Councillor Dewbery that Council approve the donation of \$5,000 from Camden International Friendship Association (CIFA) to Kashiwa International Relationship Association (KIRA) on behalf of Camden Council.

THE MOTION ON BEING PUT WAS **CARRIED**.

THE MEETING CLOSED AT 6.20PM.

ORD80/11

ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Dewbery that Councillor Symkowiak be granted a leave of absence.

THE MOTION ON BEING PUT WAS CARRIED.

ORD64/11

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.

RESOLUTION

There were no declarations to be noted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD65/11

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 tape 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 tape 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.

RESOLUTION

There were no public addresses to be noted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD66/11

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 22 March 2011.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 22 March 2011, copies of which have been circulated, be confirmed and adopted.

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Dewbery that the Minutes of the Ordinary Council Meeting held 22 March 2011, copies of which have been circulated, be confirmed and adopted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD67/11

MAYORAL MINUTE
ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE - CAMDEN SHOW ASSISTANCE
FROM: Mayor
FILE NO:

The annual Camden Show scheduled for this weekend is celebrating its 125th anniversary and is to be officially opened on Saturday 9 April by Her Excellency Ms Quentin Bryce AC, Governor-General of the Commonwealth of Australia.

Proudly known and branded as 'Still a Country Show', Camden Show is a well loved and eagerly anticipated event that each year draws large crowds to our area.

Camden Show Society, a non profit volunteer organisation dedicated to ensuring the continued success of the Show, recently contacted me seeking assistance with this year's event.

Upon receiving the Show Society's request for assistance I discussed the matter with my fellow Councillors who have agreed in principle that given the importance of this annual event and the fact that it is the 125th anniversary a monetary donation would be in order.

It was further discussed that in addition to a monetary donation, in kind assistance be provided in the form of advertising and promotion of the event and the Governor-General's visit via Council's weekly advertisement and the website.

RECOMMENDED

That Council:

- i donate \$3000.00 from Councillor Ward Funds to the Camden Show Society to assist in the staging of this year's Camden Show; and**
- ii endorse in kind support in the form of advertising and promotion of the Show through Council's weekly advertisement and the website.**

RESOLUTION

Moved Councillor Patterson that Council:

- i donate \$3000 .00 from Councillor Ward Funds to the Camden Show Society to assist in the staging of this year's Camden Show; and**
- ii endorse in kind support in the form of advertising and promotion of the Show through Council's weekly advertisement and the website.**

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD68/11

ORDINARY COUNCIL

ORD01

SUBJECT: PROPOSED ROAD NAMING - HARRINGTON GROVE,
HARRINGTON PARK
FROM: Director Development and Health
FILE NO: Binder: Landuse & Planning/GLIS/Land Information/Naming of
Roads

PURPOSE OF REPORT

The purpose of this report is to seek Council's further direction in relation to a proposed list of street names within the Harrington Grove release area.

BACKGROUND

The Harrington Grove release area consists of two parts. The first part is bounded to the north by Cobbitty Road, Cobbitty, to the south by Narellan Creek, to the east by The Northern Road and to the west by The Lanes and Kirkham estates.

The second part is bounded to the west by The Northern Road, to the east by Camden Valley Way, to the north by Cobbitty Road and Oran Park Drive and to the south by the suburb of Harrington Park. **A location plan is provided at the end of the report.**

The developer of Harrington Grove originally advised Council of its desire to use ecological names which were in keeping with the theme of natural environmental outcomes intended as part of the Harrington Grove development.

Council officers considered this would conflict with the guidelines developed by the Geographic Name Board (GNB) as an Australian flora theme exists within Mount Annan and advised the developer that such a theme would therefore not be suitable. A list of alternative themes was provided to the developer which related to Australian heritage and culture. Notwithstanding the choice from this list of a bushranger related theme, the developer has indicated they would still prefer an ecological theme given the importance of the ecology and the role this plays in the development of Harrington Grove.

The developer is further of the opinion that ecological names should not be restricted to Mount Annan and has advised the bushranger theme was chosen as it considered the alternate themes were less appropriate.

Subsequently, a list of names was prepared by the developer using the bushrangers theme. This list was reviewed by Council officers and subsequently was referred to the GNB which raised no objections to the proposed list of names.

Council, at the meeting of 9 November 2010, considered a report and resolved to endorse a list of new road names for use in the Harrington Grove release area; to proceed with the new road naming process; and be provided with a further report detailing the results of a 30 day public exhibition period.

MAIN REPORT

The GNB has advised Council that the following process is required to be followed by the relevant roads authority (Council) in respect of having new road names approved.

1. The developer of the land provides Council, a list of proposed road names.
2. These are checked by Council staff in accordance with the guidelines published by the GNB.
3. The names that meet the guidelines are referred to the GNB for comment.
4. A report is considered by Council, seeking endorsement of the list of names that are able to be approved by the GNB.
5. The endorsed list is published in a local newspaper, ensuring that the notice states that written submissions on the name may be made to Council.
6. Council concurrently serves notice of its proposal to Australia Post, the Registrar General, Surveyor General and, in the case of a classified road, to the RTA if it is not the authority involved.
7. All submissions are compiled and the list of road names are reviewed by officers.
8. The results of the notification are reported back to Council with a recommendation in relation to adoption.
9. The adopted names are published in the NSW Government Gazette and in the local newspapers.
10. Council informs Australia Post, the Registrar General, Surveyor General and the RTA, giving sufficient particulars to enable the roads to be identified.

Steps 1 to 7 have now been completed and this report has now been prepared in accordance with **Step 8**.

NOTIFICATION

The proposed road names were notified in accordance with the GNB guidelines. Three (3) submissions were received each raising concern over the use of the bushranger related theme. **A copy of the submissions are provided with the Business Paper supporting documents.**

Below is a summary of the submissions and comments.

- (a) These criminals were "bloodthirsty murderers who do not deserve to be honoured for their crimes against humanity".

Officer comments:

The comment is understood and appreciated. It should be noted that not all names are those of bushrangers. Rather, some are general names, such as place names and names of other people relevant to the theme.

- (b) "Given that Harrington Grove is close to Oran Park, the street names should be named after car types".

Officer comments:

Oran Park is a different suburb by a different developer who chose to use a motor racing theme. The bushranger related theme was put forward by the developer of Harrington Grove and assessed against the GNB's guidelines.

- (c) "These criminal bushrangers who broke the law, shot and killed the policemen, are therefore not worthy citizens, why have streets named after them".

Officer comments:

In reflection bushrangers were criminal, however their acts highlight previous living standards for the unemployed, poor and in some cases uneducated but still represent part of Australian history.

Bushranger Related Names

The proposed list of new road names to be used in the Harrington Grove release area, for which adoption is sought by the developer, is as follows:

ABERCROMBIE	Abercrombie caves - hideout of Ribbon gang
ATTERALL	James Atterall
BEECHWORTH	VIC town famous for Kelly Gang activity
BENALLA	VIC town where Ned Kelly was imprisoned
BIGGA	NSW town - location of crimes by John Peisley
BINDA	NSW town - location of crimes by Ben Hall
BOBIN	Bobin Creek - place where Jimmy Governor was captured
BOGONG	Bogong Jack
BOW	Charles Bow
BREZA	NSW town - birthplace of Ben Hall
BRYANT	Richard Bryant
BUGG	Mary Ann Bugg
CAMERON	"Cameron letter"
CAESAR	John Caesar
CASH	Martin Cash
CASTLEMAINE	Birthplace of Jack Doolan from song "Wild Colonial Boy"
CHAMBERLAIN	George Chamberlain
COGRINGTON	Cogrington Revingstone
COLLECTOR	NSW town - location of Ben Hall's robberies
COLT	Colt revolvers
COMERFORD	George Comerford
CROOKWELL	NSW town of Larry Cummins' crimes
CUMMINS	Larry Cummins
DALEY	Patrick Daley
DALTON	James Dalton
DARGIN	Billy Dargin
DONAHUE	John Donahue
DOOLAN	John Doolan
DOUGLAS	Black Douglas
EGERTON	Mount Egerton Bank - robbed by

	Captain Moonlite
ELLEN	Ellen Kelly - Ned Kelly's mother
ENTWISTLE	Ralph Entwistle
EUGOWRA	NSW town - famous gold robbery
EUROA	Euroa Bank - robbed by Kelly Gang
FLINTLOCK	Flintlock rifles
FOLEY	John Foley
GOVERNOR	Jimmy and Joe Governor
GRETA	VIC town - birthplace of Ned Kelly
HALL	Ben Hall
HART	Steve Hart
HAWTHORNE	John Hawthorne
HOWE	Michael Howe
HUGHES	Thomas Hughes
JENOLAN	Jenolan Caves - used as safehaven by bushrangers
JERILDERIE	"Jerilderie Letter" penned for famous Kelly Gang bank robbery
KATE	Kate Kelly - Ned Kelly's sister
KEYS	Joseph Keys
LAGGAN	NSW town - location of Ben Hall's crimes
LONGARM	Reference to long rifles used by bushrangers
LONIGAN	Constable Lonigan
LOWRY	Fred Lowry
MAWBHEY	Mawbey Family
MIDNITE	Thomas Smith "Captain Midnite"
MOONLITE	Captain Moonlite
O'MEALLY	Johnny O'Meally
OURA	Oura Hotel - robbed by Captain Moonlite
PAID	John Paid - Wolloo Jack
PEISLEY	John Peisley
PENTRIDGE	Pentridge Prison
PIGEON	Aboriginal Bushranger
RAMMER	Rammer Gang
REDFORD	Harry Redford
REIVINGSTONE	Codrington Reivingstone
RIBBON	Ribbon Gang
ROGAN	Thomas Rogan
RUTHERFORD	Charles Rutherford
SCANLON	Constable Scanlon - killed by Kelly Gang
SHERRIT	Aaron Sherrit
SORELL	Lieutenant Governor Sorell
STARLIGHT	Captain Starlight
STRINGYBARK	Stringybark Creek, location of Kelly Gang gunfight
TENTERFIELD	Tenterfield Races - robbed by Captain

	Thunderbolt
THUNDERBOLT	Captain Thunderbolt
UNDERWOOD	Jacky Underwood
URALLA	NSW town of Captain Thunderbolt's death
VANE	John Vane
WANTABADGERY	Wantabadgery Station - robbed by Captain Moonlite
WELLINGTON	Wellington Caves, used as a hideout
WERNICKE	Augustus Wernicke - 15 year old member of Captain Moonlite's gang
WESTWOOD	William Westwood - Jackey
WHITTEN	Thomas Whitten
WINGHAM	NSW town where Jimmy Governor was imprisoned
WOLLOO	John Paid - Wolloo Jack
YELLILONG	Captain Thunderbolt's wife
YOUNGHUSBAND	Location of Kelly Gang raid and hideout

Council at the meeting of 9 November 2010 approved the following five (5) names, which have now been amended in the above list to correct the spelling:

Crokwell - now Crookwell
 Peosley - now Peisley
 Sheerit - now Sherrit
 Staingybark - now Stringybark
 Flintock - now Flintlock.

If Council adopts the above list of proposed new road names, the list will be published in the NSW Government Gazette and in the local newspapers. Also, Council will inform Australia Post, the Registrar General, Surveyor General and the RTA.

The list will then be able to be formally used as street names within the Harrington Grove release area.

CONCLUSION

A proposed list of road names for the Harrington Grove development has been assessed by Council officers in accordance with the criteria of the GNB. The list has been publicly exhibited for 30 days. Three (3) submissions were received raising concern over the bushranger theme. The names satisfy the guidelines for the naming of roads.

The list is now able to be referred to Council for further consideration. If the list is adopted by Council, the required road naming procedure will continue.

RECOMMENDED

That Council:

- i. endorse the final list of new road names within this report, for use in the Harrington Grove release area;
- ii. publish the approved names in the NSW Government Gazette and in the local paper; and
- iii. inform Australia Post, the Registrar General, Surveyor General and the RTA of these approved names.

ATTACHMENTS

1. Location plan
2. Submissions (sup doc)



Submissions - Harrington Grove Road Naming.pdf Site Location Map - Harrington Grove.pdf

RESOLUTION

Moved Councillor Campbell, Seconded Councillor Anderson that Council:

- i. endorse the final list of new road names within this report, for use in the Harrington Grove release area;
- ii. publish the approved names in the NSW Government Gazette and in the local paper; and
- iii. inform Australia Post, the Registrar General, Surveyor General and the RTA of these approved names.

THE MOTION ON BEING PUT WAS **CARRIED**.

(Councillors Anderson, Cagney, Campbell, Funnell, Patterson and Warren voted in favour of the Motion.

Councillors Dewbery and Cottrell voted against the Motion)

ORD69/11

ORDINARY COUNCIL

ORD02

SUBJECT: PROPOSAL TO REZONE LAND AT 11 IRONBARK AVENUE, CAMDEN (OLD CAMDEN BUS DEPOT SITE)
FROM: Director Governance
FILE NO: Binder: Ironbark Avenue and Former Bus Depot Camden

PURPOSE OF REPORT

The purpose of this report is to provide feedback to Council on the public exhibition of the planning proposal for the former Camden bus depot at South Camden. A copy of the planning proposal is provided as an **Attachment 1 to this report**.

BACKGROUND

Currently, the old bus depot is zoned IN2 Light Industrial. The former bus depot planning proposal is seeking to rezone the site to R3 Medium Density. At its meeting of the 8 February 2011, Council resolved to place on public exhibition for 28 days the planning proposal and supporting documents.

MAIN REPORT

Gateway Determination for the planning proposal was received on 21 June 2010. The determination required public exhibition of the proposal for 28 days and consultation with the Department of Environment, Climate Change and Water (DECCW). Public exhibition of the planning proposal was delayed until February 2011 because of further contamination assessments being undertaken and the development of a Remediation Action Plan (RAP) for the contamination.

The planning proposal is underpinned by supporting studies. These include, as outlined above, a RAP that was required by previous contamination assessments, and salinity investigations. These documents formed part of the exhibition and are **provided in the Supporting Documents**.

Development Control Plans

Development controls for the former bus depot and the wider Ironbark Avenue area also formed part of the supporting documents to the planning proposal, and were part of the exhibition.

The development controls are based on design principles outlined in a planning review commissioned for the whole of Ironbark Avenue. These design principles address issues such as landscaping, building articulation, driveway access and interface issues with adjoining residential areas and the existing light industrial area. The draft development controls are **provided as Attachment 2 to this report** and if adopted by Council, will be incorporated into Camden DCP 2011. It should be noted that the amendment to Camden DCP 2011 cannot be formalised until after the rezoning has been published.

Exhibition

The public exhibition period was from 16 February 2011 to 16 March 2011. Exhibition

of the proposal and supporting documents included:

- Static displays at:
 - Narellan Customer Service Centre and Narellan Library, Queen Street, Narellan
 - Camden Customer Service Centre and Camden Library, John Street, Camden
 - Camden Council's website www.camden.nsw.gov.au;
- Notice of exhibition in the local paper on 16 February 2011 and 2 March 2011;
- Letters to residents within a 200m radius of the site;
- A letter and the exhibition material was sent to DECCW seeking comment.

A submission was received from DECCW and is **provided as Attachment 3 to this report**. DECCW, in its submission, provided no objections to the planning proposal but included a list of considerations to limit the risk of impact of saline groundwater conditions. Management of salinity is addressed in the draft development controls for Ironbark Avenue. Accordingly, a Salinity Management Plan will be required to be submitted with any development application for the site. Further requirements for building in a saline environment are addressed in Part B of the Camden DCP 2011 and Camden Council's policy 'Building in a Salinity Prone Environment'. There are also Australian Standards that need to be complied with when building in a saline environment.

No other submissions were received.

CONCLUSION

During the exhibition period one submission from DECCW was received with matters for consideration. The rezoning to medium density of the site has merit and will assist in remediation of the site.

If Council resolves to adopt the planning proposal and supporting documents, the next step is to forward these to the Department of Planning for making of the plan. If the rezoning/plan is made there will be a further report to Council to advise of the rezoning and to seek a resolution to incorporate the development controls for Ironbark Avenue into Camden DCP 2011.

RECOMMENDED








That Council:

- i. **adopt the former bus depot site planning proposal as exhibited;**
- ii. **send the adopted planning proposal and supporting studies to the Department of Planning so that the plan can be made;**
- iii. **adopt the development controls for the former bus depot and the wider Ironbark Avenue area;**
- iv. **advise the proponent of the above and of the considerations listed in the submission by DECCW; and**
- v. **write to DECCW advising of the above.**

ATTACHMENTS

Attachment 1 - planning proposal

Attachment 2 - Draft Development Controls - Bus Depot & Ironbark
Attachment 3 - DECCW comment
Supporting Document - Supporting Studies

 Supporting Doc 10044 L02 Interim Advice 2 - Review of Revised 8 Dec 10.pdf
 Supporting Doc 110066_RAP_Rev2 8 Dec 10 cm.pdf  Supporting Doc 110066_Salinity_Cover Page.pdf
 Attachment 1 - Planning Proposal .doc  Attachment 2 DCP - D2 3 8 Bus depot site x 2.doc
 Attachment 2 DCP - D4 5 3 - Ironbark Ave Camden South x 2.doc
 Attachment 3 DECCW comment on Planning Proposal.pdf

RESOLUTION

Moved Councillor Warren, Seconded Councillor Dewbery that Council:

- i. adopt the former bus depot site planning proposal as exhibited;
- ii. send the adopted planning proposal and supporting studies to the Department of Planning so that the plan can be made;
- iii. adopt the development controls for the former bus depot and the wider Ironbark Avenue area;
- iv. advise the proponent of the above and of the considerations listed in the submission by DECCW; and
- v. write to DECCW advising of the above.

THE MOTION ON BEING PUT WAS **CARRIED**.

(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Patterson and Warren voted in favour of the Motion.
No Councillor voted against the Motion).

ORD70/11

ORDINARY COUNCIL

ORD02

SUBJECT: PROPOSAL TO REZONE LAND AT 11 IRONBARK AVENUE, CAMDEN (OLD CAMDEN BUS DEPOT SITE)
FROM: Director Governance
FILE NO: Binder: Ironbark Avenue and Former Bus Depot Camden

PURPOSE OF REPORT

The purpose of this report is to provide feedback to Council on the public exhibition of the planning proposal for the former Camden bus depot at South Camden. A copy of the planning proposal is provided as an **Attachment 1 to this report**.

BACKGROUND

Currently, the old bus depot is zoned IN2 Light Industrial. The former bus depot planning proposal is seeking to rezone the site to R3 Medium Density. At its meeting of the 8 February 2011, Council resolved to place on public exhibition for 28 days the planning proposal and supporting documents.

MAIN REPORT

Gateway Determination for the planning proposal was received on 21 June 2010. The determination required public exhibition of the proposal for 28 days and consultation with the Department of Environment, Climate Change and Water (DECCW). Public exhibition of the planning proposal was delayed until February 2011 because of further contamination assessments being undertaken and the development of a Remediation Action Plan (RAP) for the contamination.

The planning proposal is underpinned by supporting studies. These include, as outlined above, a RAP that was required by previous contamination assessments, and salinity investigations. These documents formed part of the exhibition and are **provided in the Supporting Documents**.

Development Control Plans

Development controls for the former bus depot and the wider Ironbark Avenue area also formed part of the supporting documents to the planning proposal, and were part of the exhibition.

The development controls are based on design principles outlined in a planning review commissioned for the whole of Ironbark Avenue. These design principles address issues such as landscaping, building articulation, driveway access and interface issues with adjoining residential areas and the existing light industrial area. The draft development controls are **provided as Attachment 2 to this report** and if adopted by Council, will be incorporated into Camden DCP 2011. It should be noted that the amendment to Camden DCP 2011 cannot be formalised until after the rezoning has been published.

Exhibition

The public exhibition period was from 16 February 2011 to 16 March 2011. Exhibition

of the proposal and supporting documents included:

- Static displays at:
 - Narellan Customer Service Centre and Narellan Library, Queen Street, Narellan
 - Camden Customer Service Centre and Camden Library, John Street, Camden
 - Camden Council's website www.camden.nsw.gov.au;
- Notice of exhibition in the local paper on 16 February 2011 and 2 March 2011;
- Letters to residents within a 200m radius of the site;
- A letter and the exhibition material was sent to DECCW seeking comment.

A submission was received from DECCW and is **provided as Attachment 3 to this report**. DECCW, in its submission, provided no objections to the planning proposal but included a list of considerations to limit the risk of impact of saline groundwater conditions. Management of salinity is addressed in the draft development controls for Ironbark Avenue. Accordingly, a Salinity Management Plan will be required to be submitted with any development application for the site. Further requirements for building in a saline environment are addressed in Part B of the Camden DCP 2011 and Camden Council's policy 'Building in a Salinity Prone Environment'. There are also Australian Standards that need to be complied with when building in a saline environment.

No other submissions were received.

CONCLUSION

During the exhibition period one submission from DECCW was received with matters for consideration. The rezoning to medium density of the site has merit and will assist in remediation of the site.

If Council resolves to adopt the planning proposal and supporting documents, the next step is to forward these to the Department of Planning for making of the plan. If the rezoning/plan is made there will be a further report to Council to advise of the rezoning and to seek a resolution to incorporate the development controls for Ironbark Avenue into Camden DCP 2011.

RECOMMENDED








That Council:

- i. **adopt the former bus depot site planning proposal as exhibited;**
- ii. **send the adopted planning proposal and supporting studies to the Department of Planning so that the plan can be made;**
- iii. **adopt the development controls for the former bus depot and the wider Ironbark Avenue area;**
- iv. **advise the proponent of the above and of the considerations listed in the submission by DECCW; and**
- v. **write to DECCW advising of the above.**

ATTACHMENTS

Attachment 1 - planning proposal

Attachment 2 - Draft Development Controls - Bus Depot & Ironbark
Attachment 3 - DECCW comment
Supporting Document - Supporting Studies

 Supporting Doc 10044 L02 Interim Advice 2 - Review of Revised 8 Dec 10.pdf
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 Attachment 1 - Planning Proposal .doc  Attachment 2 DCP - D2 3 8 Bus depot site x 2.doc
 Attachment 2 DCP - D4 5 3 - Ironbark Ave Camden South x 2.doc
 Attachment 3 DECCW comment on Planning Proposal.pdf

RESOLUTION

Moved Councillor Warren, Seconded Councillor Dewbery that Council:

- i. adopt the former bus depot site planning proposal as exhibited;
- ii. send the adopted planning proposal and supporting studies to the Department of Planning so that the plan can be made;
- iii. adopt the development controls for the former bus depot and the wider Ironbark Avenue area;
- iv. advise the proponent of the above and of the considerations listed in the submission by DECCW; and
- v. write to DECCW advising of the above.

THE MOTION ON BEING PUT WAS **CARRIED**.

(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Patterson and Warren voted in favour of the Motion.
No Councillor voted against the Motion).

ORD70/11

ORDINARY COUNCIL

ORD03

SUBJECT: COUNCIL SEAL - EASEMENT FOR ELECTRICITY - LOT 57 DP239467
AND LOT 22 DP17988 KING BUSH RESERVE FORREST CRESCENT
CAMDEN
FROM: Director Governance
FILE NO:

PURPOSE OF REPORT

To obtain a Council resolution to approve the grant of an easement over Council land and to affix the Council Seal to a Linen Plan and Section 88B Instrument.

MAIN REPORT

Council is the owner of Lot 57 DP239467 and Lot 22 DP17988. The land is public reserve, known as "Kings Bush" Reserve. **A plan depicting the land is provided at the end of this report.**

Endeavour Energy is currently upgrading services in order to improve the reliability of electricity provision in the Camden area. In order to facilitate the upgrade, Endeavour Energy is seeking the creation of an easement over the above described Council land for underground electricity cabling.

The land in question is classified as "community" land under the Local Government Act, 1993 and Council is permitted to grant easements for the provision of public utilities and works associated with public utilities. This easement would fall into this category.

Council staff met with Endeavour Energy representatives on site to determine the exact location of the easement and to ensure minimal impact on the reserve. Agreement has been reached with Endeavour Energy on these issues and staff have no objection to the location of the easement.

Whilst the easement route has little impact on the vegetation in the reserve, the terms of the easement have been amended to include a requirement that Endeavour Energy will "reinstatement the land surface of the lot burdened as nearly as practicable to its original condition and to the satisfaction of the owner". As can be seen from the attached plan, the route of the underground easement avoids any significant vegetation and trees in the location and will have no impact on the amenity of the reserve. The cabling also travels underground within the footpath reserve of Forrest Crescent to an existing substation on the corner of Alpha Road.

As landowner, Council can seek payment for the granting of the easement on its land. After discussions with Council's valuer regarding the land in question, it was felt that the initial offer of \$6,500 plus GST from Endeavour Energy was conservative. As such Council requested a higher compensation amount of \$10,000 plus GST for the granting of the easement. This amount has been agreed to by Endeavour Energy.

Endeavour Energy will also be responsible for payment of all associated costs, including legal, lodgement costs and registration of the easement on the Title.

This is a procedural requirement in order to obtain Council approval for the easement and authorisation to affix the Council Seal to the necessary Linen Plan and Section 88B instrument to allow the registration at the Land and Property Information Division.

RECOMMENDED

That Council:

- i. approve the grant of easement for the purpose of providing underground electricity cabling at Lot 57 DP239467 and Lot 22 DP17988 (Kings Bush Reserve) Forrest Crescent, Camden; and**
- ii. authorise the affixing of the Council Seal to the Linen Plan, Section 88B Instrument and any other relevant documentation necessary to create the proposed easement.**

ATTACHMENTS



Kings Bush Reserve location plan.pdf

RESOLUTION

Moved Councillor Warren, Seconded Councillor Dewbery that Council:

- i. approve the grant of easement for the purpose of providing underground electricity cabling at Lot 57 DP239467 and Lot 22 DP17988 (Kings Bush Reserve) Forrest Crescent, Camden; and**
- ii. authorise the affixing of the Council Seal to the Linen Plan, Section 88B Instrument and any other relevant documentation necessary to create the proposed easement.**

THE MOTION ON BEING PUT WAS CARRIED.

THE MEETING CLOSED AT 6.23PM.

ORD71/11

**THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 19 APRIL
2011 WERE ADOPTED AT AN ORDINARY COUNCIL MEETING HELD 10 MAY
2011 MIN. NO. ORD 84/11**

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CHAIRPERSON