



Camden Council

Business Paper

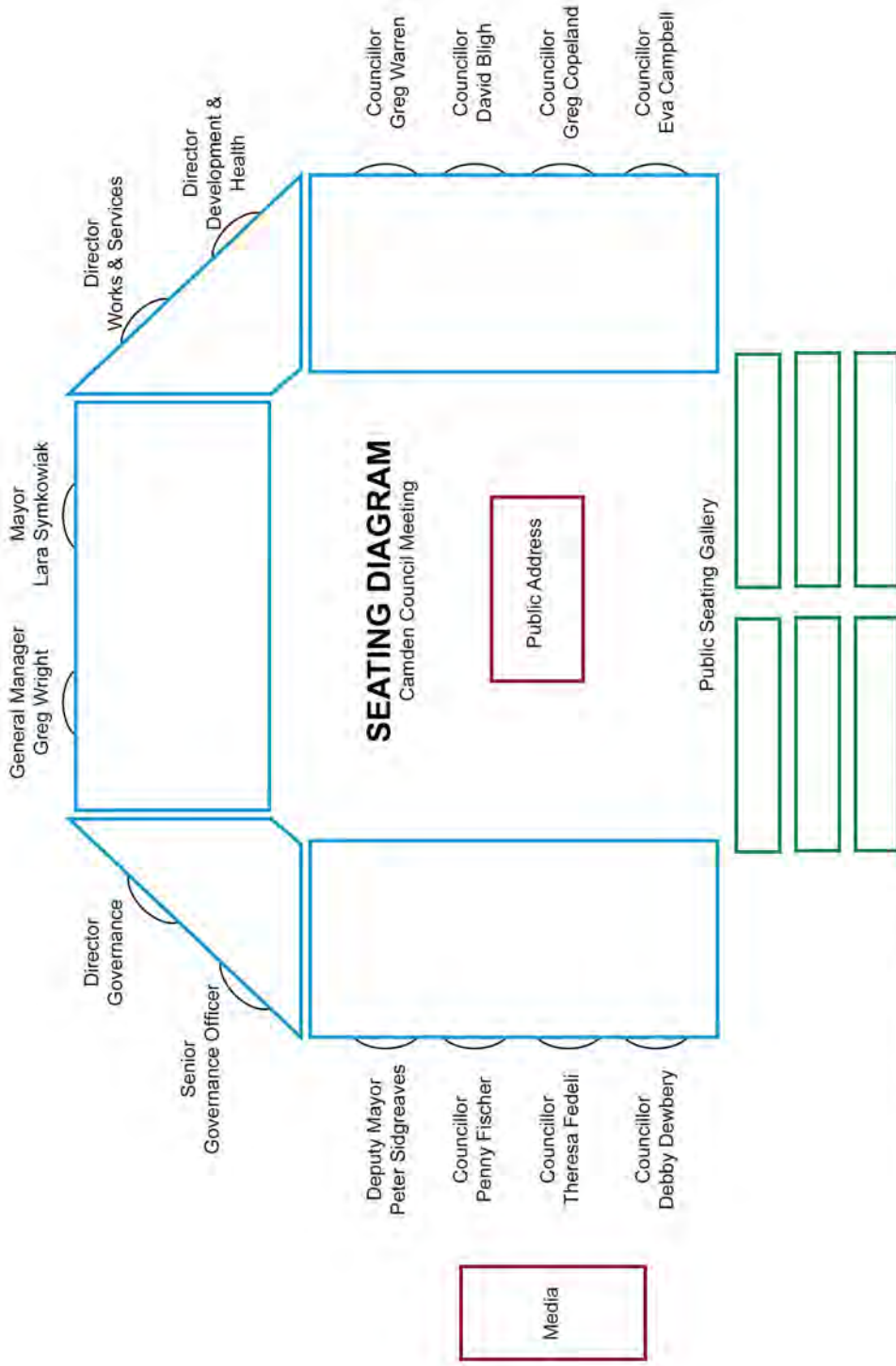
Ordinary Council Meeting
27 November 2012

Camden Civic Centre
Oxley Street
Camden



COMMON ABBREVIATIONS

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



*Please do not talk during Council Meeting proceedings.
Recording of the Council Meeting is not permitted by members of the public at any time.*



ORDINARY COUNCIL

ORDER OF BUSINESS - ORDINARY COUNCIL

Acknowledgement of Country	6
Prayer	7
Recording of Council Meetings	8
Apologies.....	9
Declaration of Interest.....	10
Public Addresses	11
Confirmation of Minutes	12
ORD01 Financial Statements - Financial Year Ending 30 June 2012	13
ORD02 Site Selection - New Central Administration Building	14
ORD03 Subdivision of Land to Create 94 Residential Lots and the Construction of New Roads At 172, 172A & 186 Richardson Road And 12B Moreton Bay Avenue, Spring Farm	35
ORD04 Conversion of an Existing Residential Dwelling Into a Medical Centre with Associated Site Works at 48 Wilson Crescent, Narellan	78
ORD05 Continued Use of the Catherine Field Community Hall	102
ORD06 Change of Use of an Existing Cottage to an Ice Cream/Custard Parlour and Café Including the Display of two Business Identification Signs at 4 Sharman Close, Harrington Park	118
ORD07 Proposed Road Naming - 'Village Circuit', Gregory Hills	139
ORD08 Section 94 Development Contributions, Carrington Centennial Health Care.	142
ORD09 Amendments to Local Environmental Plan Making Processes.....	153
ORD10 Request for Funding 2012 Camden Christmas Lights Competition	163
ORD11 Request for Funding - Camden Show Society	165
ORD12 Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy	168
ORD13 Investment Monies October 2012	191
ORD14 September Review of the 2012/13 Budget.....	199
ORD15 Community Management Committee Manual Review.....	235
ORD16 Memorandum of Understanding Between Council and Police Citizens Youth Clubs for the Construction and Lease of a PCYC	263
ORD17 Additional Nomination to Town Farm and Bicentennial Equestrian Park Committee.....	274
ORD18 Variation of the 2012/2013 Works Program	275
Diary	277



ORDINARY COUNCIL

SUBJECT: ACKNOWLEDGEMENT OF COUNTRY

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



ORDINARY COUNCIL

SUBJECT: PRAYER

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

Amen

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

Amen

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

Amen

AFFIRMATION

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

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

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

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

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



ORDINARY COUNCIL

SUBJECT: RECORDING OF COUNCIL MEETINGS

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



ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.



ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

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

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

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

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

RECOMMENDED

That the declarations be noted.

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

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

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

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

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

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

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

RECOMMENDED

That the public addresses be noted.



ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 13 November 2012

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 13 November 2012, copies of which have been circulated, be confirmed and adopted.

ORDINARY COUNCIL

ORD01

ORD01

SUBJECT: FINANCIAL STATEMENTS - FINANCIAL YEAR ENDING 30 JUNE 2012
FROM: Director Governance
BINDER: FINANCIAL STATEMENTS

The audit of Council's Financial Statements was completed by Pitcher Partners on 5 November 2012.

Mr Carl Millington will attend this Council meeting to present his audit report and address Council on the financial results for the 2011/12 Financial Year.

In accordance with Section 418 of the *Local Government Act*, a copy of Council's Financial Reports has been made available to the public for inspection since 21 November 2012 at the Camden and Narellan Customer Service Centres, Libraries and Council's website. As required by Section 418, public notice of tonight's meeting appeared in the Camden Advertiser on 21 November 2012.

Under Section 420 of the *Local Government Act*, "Any person may make submissions in writing to the Council with respect to the Council's audited Financial Statements or with respect to the auditors report". Submissions must be in writing and received by Council before close of business 4 December 2012. Any submissions received are to be forwarded to Council's external auditor for comment.

A copy of the Financial Statements was distributed to Councillors on 22 November 2012 under separate cover. The Financial Reports include:

- a) An Executive Summary prepared by the Responsible Accounting Officer, and
- b) The Auditor's Report prepared by Mr Carl Millington.

RECOMMENDED

That Council:

- i. **resolve that a representative of Council's Auditors, Pitcher Partners, address Council on the Financial Statements and financial result for the year ending 30 June 2012;**
- ii. **adopt the Financial Reports for the Financial Year ending 30 June 2012; and**
- iii. **adopt the Auditor's Report for the Financial Year ending 30 June 2012.**

ORDINARY COUNCIL

ORD02

SUBJECT: SITE SELECTION - NEW CENTRAL ADMINISTRATION BUILDING
FROM: Director Governance
BINDER: Council Properties

PURPOSE OF REPORT

The purpose of this report is to:

1. provide Council with an update on progress since the Council resolution of 22 May 2012 which accepted the recommendation of Oran Park as the site for the New Central Administration Building;
2. present Council with documentation that converts the proposal from the owners/developers of Oran Park into a legally binding commitment on terms and conditions satisfactory to Council;
3. recommend to Council that the documentation for the delivery by the owners/developers of Oran Park of the preferred site for the New Central Administration Building be accepted and authorise the Mayor and General Manager to execute the documentation; and
4. outline the next steps in the process for the specification and design of the New Central Administration Building.

BACKGROUND

A review of the future office accommodation needs of Council commenced in 2008 with a preliminary needs analysis which predicted that Council's office based accommodation needs would grow from approximately 3,000 square metres to 8,400 square metres of floor space over the next 30 years.

This increase in the amount of future office space is required to accommodate the projected increase in staff required to service the needs of the Camden Local Government Area (LGA) as a result of the State Government's plans to concentrate a large proportion of development in the South West Sydney region. The Camden LGA population is forecast to increase from 60,000 to 275,000 over the next 30 years.

In late 2008, Council engaged independent experts to assist with the selection of the most appropriate site to accommodate a New Central Administration Building. The scope of works was limited to three (3) key sites; Camden (of which there was 2 options explored), Narellan and Oran Park.

In 2009, Council appointed consultants, Hassell in conjunction with Jones Lang LaSalle, Davis Langdon and Arup, to evaluate the suitability of each of the three (3) proposed sites being considered, to enable a recommendation of the most appropriate site for a New Central Administration Building for Camden Council. The study covered technical, locational and feasibility aspects of each of the three (3) sites.

The findings from this body of work were presented to Councillors at a workshop in late 2009 and again in early 2011, culminating in a report to Council on 12 July 2011.

The results of the study found that there was very little difference between Narellan and Oran Park as the preferred site for a New Central Administration Building but that Camden was the least preferred site of the 3 sites assessed.

At the meeting of Councillors on 12 July 2011, Council:

- A. endorsed the findings of the site selection study for the New Central Administration Building;
- B. agreed that Council officers should pursue what opportunities might exist at Oran Park and explore alternative options for Narellan; and
- C. alternative opportunities and/or uses for the existing Camden site should be investigated.

In order to pursue what opportunities might exist at Oran Park and explore alternative options for Narellan (essentially, Part B of Council's Resolution), a comprehensive selection process was undertaken by inviting proposals from:

- Greenfield Development Corporation (GDC) – proponents for the Oran Park site; and
- Camden Council Capital Works Branch (with the assistance of consultants, Hassell) – acting as proponents for the site at Narellan.

Detailed assessment of each of the proposals was undertaken and a workshop with Councillors was held on 21 February 2012 at which each of the proponents made a presentation and the preliminary assessment was presented.

The findings of the assessment into the most appropriate site for a New Central Administration Building were presented to Council in a report on 27 March 2012. However, Council deferred considering that report pending clarification of a number of matters raised by Councillors. These matters were subsequently discussed with Councillors at a workshop on 10 April 2012 at which independent Probity Auditor, Gary Clarke, was in attendance to assist in the clarification of Councillor concerns.

A Supplementary Report was then presented on 22 May 2012 and Council resolved to:

- i. note the information presented in this report;
- ii. endorse and accept the recommendation of Oran Park as the site for the New Central Administration Building;
- iii. pursue negotiations with the owners/developers of Oran Park to convert their proposal into a legally binding commitment on terms and conditions satisfactory to Council;
- iv. not accept the leasing proposal put forward by the owners/developers of Oran Park;
- v. investigate alternate opportunities and/or uses for the existing Camden and Narellan sites with a view to maximising economic opportunities for the community within those town centres; and
- vi. proceed to formulate a project plan for the specification and design of the New Central Administration Building.

MAIN REPORT

In order to pursue negotiations with the owners/developers of Oran Park to convert their proposal into a legally binding commitment on terms and conditions satisfactory to Council, a Project Plan was developed. This was to guide and assist Council through

the negotiation process in order to ensure that this process was undertaken prudently and transparently and to ensure that Council achieves its objectives.

Before discussing the progress to date, the proposal from the owners/developers of Oran Park for the delivery of the preferred site for the New Central Administration Building is set out below along with the outcome of the selection process upon which the recommendation to Council was based.

Oran Park Proposal

The proponents of the site at Oran Park, Greenfield Development Corporation, submitted a proposal to Council which has the following key attributes:

- gifting to Council of a 1 hectare parcel of land which when combined with the existing Voluntary Planning Agreement (VPA) commitment for a new library provides Council with a 1.68 hectare 'civic precinct' (not including the Town Park).
- a site fully warranted as "fit for purpose", including all services.
- roads completed to three frontages to facilitate construction of the New Central Administration Building.
- a proposal to bring forward certain VPA commitments such as the Library and Town Park to open in conjunction with the Administration building as well as acceleration of the Leisure Centre (located within 100 metres of the proposed Administration Building) and Mick Doohan Reserve.

Outcome of assessment process

A rigorous selection process based on a set of criteria and indicators was undertaken to determine the best possible site.

The technical assessment revealed that there was very little that separated each of the options with both the Oran Park and Narellan sites more than capable of satisfying Council's future service delivery and accommodation needs.

However, once the site specific risks and opportunities were taken into consideration, Oran Park was considered the most appropriate site based on significantly greater opportunities which include:

- The gift of a 1 hectare parcel of land with an estimated current value of \$2.25m.
- A site fully warranted as "fit for purpose", including all services.
- Opportunity to lease, develop or sell both the Narellan A and Narellan B sites providing Council with an estimated current value of approximately \$5m.
- Ability to construct the long term solution at the geographic centre of the Council's future population.
- Ability to integrate new Administration Building & Library on one site.
- Capacity to act as a catalyst for the early delivery of certain Oran Park VPA commitments.

In particular, acceptance of the Oran Park proposal provides both Council and the community with the opportunity to realise not only the highest monetary value (a difference of some \$5m) but also allows the Narellan sites to be developed for their "highest and best use" so as to add to the success of the Narellan Town Centre.

Progress to Date

The timetable outlined in the Project Plan has been met to date with the following milestones having been achieved:

- a comprehensive process and governance framework (comprising a Project Plan, Probity Plan, Risk Management Plan, Communications Strategy and Financial Overview) were developed before any negotiations with the proponents for Oran Park commenced;
- legal advisors with recognised expertise in the negotiation and documentation of transactions of this type were appointed (Baker & McKenzie);
- a comprehensive negotiation process has been undertaken with the proponents for Oran Park;
- documentation that converts the proposal from the owners/developers of Oran Park for the delivery of the preferred site for the New Central Administration Building into a legally binding commitment on terms and conditions satisfactory to Council;
- a structural model has been developed for the project delivery phase based on the formation of specialist teams to ensure major elements of the project are appropriately addressed;
- preliminary work has been undertaken in relation to the possible procurement options and the resources required for the specification and design of the New Central Administration Building;
- ongoing and comprehensive risk management analysis has been undertaken;
- the results of this work in relation to the legal documentation, structural model for project delivery, procurement options, resourcing and risk management analysis has been presented to the Executive Management Team (Manex) in recent weeks; and
- a workshop with Councillors was held on 13 November 2012 at which a summary of this work was presented.

Primary Project Stakeholders – Negotiation Phase

The ultimate decision making body is Council with Manex acting as the Project Sponsor.

As outlined in the Project Plan, a Project Control Group (PCG) comprising the Director of Governance and 2 external consultants was established. In addition, the PCG engaged Council's Risk Management Officer to assist in relation to the risk assessment/management aspects.

The role of the PCG was to pursue negotiations with the owners/developers of Oran Park to convert their proposal into a legally binding commitment on terms and conditions satisfactory to Council and provide recommendations to Manex and, in turn, make recommendations to Council.

The PCG engaged legal advisors with recognised expertise in the negotiation and documentation of transactions of this type (Baker & McKenzie) rather than Council's existing legal panel. The choice of Baker & McKenzie was supported by members of the existing legal panel.

Probity

In order to ensure that, in relation to the negotiation process, Council and the PCG maintain the utmost level of integrity and observe the highest degree of probity, a comprehensive Probity Plan was prepared, signed off by Council's external Probity Auditor and supplied to both the Department of Local Government and ICAC for review. All provided positive feedback. That plan was strictly adhered to and enforced.

To continue that same high standard, the Probity Plan was adopted for use in the current stage of the project and was again certified by Council's external probity auditor Mr Gary Clarke. Council continues to retain Mr Clarke's services as Probity Auditor for future stages of the project and has an ongoing relationship with the Department of Local Government and ICAC to ensure the project remains probative, transparent and accountable to its community at all times.

Further, reports to Council, the full suite of Governance documents and associated legal documentation will be made publicly available.

LEGAL DOCUMENTATION

Overview

The PCG's task was to convert the offer from Oran Park into a legally binding contract in order to ensure that Council receives what was offered with appropriate safeguards.

Council engaged specialist external legal advisors, Baker & McKenzie, managed by the PCG and "controlled" the drafting of the document so that GDC responded to Council's preferred position. It was considered important for Council to "drive the process" from the outset.

An epitome of the documentation and a certification from Baker & McKenzie **is attached at the end of this report (Attachment 1)**. This certification letter outlines the relationship of parties to the agreements.

A complete copy of the Contract and associated documentation is **attached in the Business Paper Supporting Documents (Attachment 2)**.

A Deed of Agreement to Procure is **attached in the Business Paper Supporting Documents (Attachment 3)**

Set out below is a summary of the key features of the Contract.

Documentation Structure

The legal documents are based on a standard commercial contract of sale with Special Conditions together with a separate agreement for acceleration of the VPA commitments.

It should be noted that the Special Conditions are required as the site offered to Council is within a yet to be created Town Centre i.e. the land being offered does not legally exist as a separate lot.

Council and GDC have now concluded negotiations on the documents so that they can be presented to Council for consideration.

There is no binding obligation on Council until the documents have been accepted by Council.

Transaction Structure

The transaction is structured so that Council is the Buyer of the site for nominal (\$10) consideration.

As outlined above, there is a separate agreement for acceleration of VPA commitments (VPA Agreement).

Pursuant to the contract, GDC is obliged to deliver the site to Council and the contract is conditional upon and completion cannot occur unless:

- GDC has obtained Development Consent for the creation of the site;
- The VPA Agreement is signed and effective;
- The site has been subdivided;
- The roads surrounding the site are constructed;
- Water, sewerage, electricity, gas, telephone / internet / fibre optic cable, etc. are available to the site; and
- Council is provided with confirmation by an independent expert that the site is not contaminated.

The Site

The site must be a minimum of 10,000m².

The contract is also conditional upon GDC completing:

- Stage 1 of the Oran Park Shopping Centre so that there is at least 15,000m² of retail and commercial space;
- The shareways connecting to the site so that there is public access;
- The pedestrian paths connecting the site to Stage 1 of the Oran Park Shopping Centre;
- The construction of the bus stops and taxi set down and pick up areas near the site; and
- Connection of Peter Brock Drive to the Northern Road.

These provisions are designed to ensure that Council does not obtain a site that is isolated, lacks public access and has no surrounding development / commercial activity.

Probity (in the context of the legal agreement)

The contract is subject to the probity requirements established by independent probity auditor, Gary Clarke, and GDC are bound by the Probity Plan drafted by the PCG and endorsed by independent probity auditor.

A breach of the Probity Plan is a breach of the contract which may lead to termination of the contract by Council.

Whilst the contract requires GDC to obtain Development Consent for the development of the site, there are mechanisms specified in the contract that seek to ensure that

Council's role as the consent authority is separate to its role as Buyer under the contract.

This is referred as the "separation of powers" and has been the subject of further input by independent probity auditor, Gary Clarke, and relevant Council officers.

Plans and Specifications

The contract is subject to GDC preparing and submitting to Council the plans and specifications for the site including the plan of subdivision and the terms of the Community Scheme for the Town Centre.

In each case, Council has to approve the various plans and specifications and may reject them or request changes to ensure that Council obtains a site suitable for the New Central Administration Building.

GDC are required, amongst other obligations, not to do anything that will cause a material adverse effect to:

- The value, appearance, use or amenity of the site;
- The development or operation of the New Central Administration Building including any increase in cost of development or operation;
- The proposed means of access to or egress from the site by affecting any roads; and
- Access to or traffic movement in or around the site.

Delays and Security

The contract is subject to GDC providing security to support their obligations to deliver the site so that, in the event that GDC fail to meet these obligations then Council can call on this security.

If GDC are late in delivering the site to Council, GDC will be obliged to pay damages to Council at the rate of \$1,500 per day (for minor delays).

There are also provisions dealing with what happens in the event that GDC becomes insolvent or otherwise breaches the terms and conditions of the contract. These provisions are supported by bank guarantees that escalate to a value of \$1.85m (for major delays or in the event GDC or any other related party to the transaction becomes insolvent).

Council's obligations

It should be noted that the contract requires Council to accept a number of obligations with the major ones being as follows:

- Council will be required to commence construction of the New Central Administration Building by the later of:
 - 31 August 2018; or
 - 36 months after delivery of the site.
- Council will then be required to complete construction and occupy the New Central Administration Building by the later of:
 - 31 December 2019; or

- 18 months after commencement of construction of the New Central Administration Building

In the event that Council fails for any reason to meet this obligation then Council will be obliged to pay damages to GDC at the rate of \$1,500 per day or GDC may elect to take back possession of the site at no cost (via a Call Option).

However, it should be noted that there are provisions which enable Council to extend these dates for certain events outside of Council's control.

FINANCING

The current estimated cost for Stage 1 is approximately \$28m and the debt service costs for this amount have been factored into Council's Long Term Financial Plan.

Presently, the financing for the Project is expected to be a combination of internal reserves and loan borrowings (with the potential to dispose of specific operational land).

A range of cost effective loan borrowing products will be explored via an Expression of Interest process in 2013 and the results reported back to Council.

PROJECT DELIVERY STRUCTURAL MODEL

A structural model has been developed for the project delivery phase based on the formation of specialist teams to ensure major elements of the project are appropriately addressed.

This model is based on four Specialist Teams being formed for this Project:

- Design & Procurement
- Finance & Accounting
- Legal & Probity
- Communications

These Specialist Project Teams report to PCG, who in turn report to Council (via Manex).

A diagram showing the structural model **is attached in the Business Paper Supporting Documents (Attachment 4)**.

PROJECT PROCUREMENT AND RESOURCING

A design and construction procurement strategy will be fully detailed and presented to Councillors in a further workshop early in 2013.

This strategy needs to consider how the Town Park, Library and Leisure Centre being delivered by the owners/developers of Oran Park under the VPA, will be coordinated with the future New Central Administration Building.

Regardless of the final details of this strategy, it will be necessary for Council to appoint an external design team to develop the project brief, concept designs and detailed design to enable construction.

In order to commence the design procurement process, an Expression of Interest could commence at this time. This would enable companies to be selected to tender for the design work associated with the New Central Administration Building.

Having regard to the workload of existing Council officers and the specialist skills required for a project of this type and scale, it is recommended that Council appoint the following additional resources:

- A full time project manager to oversee delivery of the Project; and
- An experienced Senior Architect to provide specialist advice on an 'as and when required' basis through the design procurement phase (including in relation to the design brief and concept design).

PROJECT RISK MANAGEMENT

As outlined above, a comprehensive Risk Management Plan has been prepared in order to ensure that Council is able to make a fully informed decision.

The risk management of this project is an important aspect of the work undertaken to date and Council's Risk Management Officer has been involved in all PCG meetings to advise and assist with any risk related issues as they arise.

The risk management framework adopted by the PCG has been based on the continued implementation of the Project Governance Structure utilised in the earlier phases comprising a Project Plan, Risk Management Plan, Communications Plan and Probity Plan.

In particular, risk analysis on key decisions relating to project delivery (e.g. procurement options, integration of VPA projects) has been undertaken along with risk analysis of the legal documentation.

WHERE TO FROM HERE

It is recommended to Council that it accept and endorse the legal documentation for execution by the Mayor and General Manager.

Following the acceptance of the documentation by Council, the design procurement can commence with an EOI to enable suitable architectural / design companies to be selected to tender for the design.

At the same time, an experienced Senior Architect can be engaged to provide specialist advice on an 'as and when required' basis through the design procurement phase (including in relation to the design brief and concept design).

In addition, a suitably qualified and experienced Project Manager can be appointed on a full time basis to oversee the delivery of the project.

Finally, an appropriate costing and financing plan will be incorporated into the 10 year Long Term Financial Plan.

With respect to the existing Council buildings at both Camden and Narellan, the alternative uses for these sites should be explored in more detail and considerable work will be required to formulate appropriate plans to maximise the economic opportunities of freeing up both sites. Those economic opportunities are not restricted

to maximising Council's financial return but also encompass generating alternate uses for the sites that contribute to the wellbeing of the two commercial centres of Camden and Narellan.

CONCLUSION

This report summarises the work undertaken by the PCG since the Council resolution on 22 May 2012.

A comprehensive and thorough negotiation process has been undertaken by Council to convert the offer from Oran Park into a legally binding contract prudently and transparently in order to ensure that Council achieves its objectives with appropriate safeguards.

The negotiation process has been subject to appropriate probity and risk management analysis.

The next phase of work can now commence with an EOI to enable suitable architectural / design companies to be selected to tender for the design and the appointments of an experienced Senior Architect and a suitably qualified and experienced Project Manager.

RECOMMENDED

That Council:

- i. accept and endorse the legal documents that convert GDC's offer into a legally binding agreement;**
- ii. commence design procurement via an EOI to enable suitably qualified companies to be selected to tender for the design.**
- iii. engage an experienced Senior Architect to provide specialist advice on an 'as and when required' basis through the design procurement phase (including in relation to the design brief and concept design).**
- iv. appoint a suitably qualified and experienced Project Manager to oversee the delivery of the project.**
- v. incorporate an appropriate costing and financing plan into the 10 year Long Term Financial Plan.**
- vi. authorise the Mayor and General Manager to sign, under seal, any documents relating to this matter.**

ATTACHMENTS

1. Certification from Baker & McKenzie
2. Contract for Sale and Associated Documentation - *Supporting Document*
3. Agreement to Procure - *Supporting Document*
4. Proposed Structural Model - Project Delivery - *Supporting Document*

ORD02

Attachment 1



Baker & McKenzie
ABN 32 266 778 912

AMP Centre
Level 27
50 Bridge Street
Sydney NSW 2000
Australia

P.O. Box R126
Royal Exchange NSW 1223
Australia

Tel: +61 2 9225 0200
Fax: +61 2 9225 1595
DX: 218 SYDNEY
www.bakermckenzie.com

Asia Pacific
Bangkok
Beijing
Hanoi
Ho Chi Minh City
Hong Kong
Jakarta*
Kuala Lumpur**
Manila*
Melbourne
Shanghai
Singapore
Sydney
Taipei
Tokyo
Europe, Middle East
& Africa
Abu Dhabi
Amman
Amsterdam
Antwerp
Bahrain
Beirut
Barcelona
Berlin
Brussels
Budapest
Cairo
Canton
Doha
Frankfurt/Main
Geneva
Helsinki
Johannesburg
Kiyiv
London
Luxembourg
Madrid
Milan
Moscow
Munich
Paris
Prague
Riyadh
Rome
St. Petersburg
Stockholm
Vienna
Warsaw
Zurich
Latin America
Bogota
Brazilia*
Buenos Aires
Caracas
Guadalajara
Johannes
Lima
Mexico City
Monteney
Porto Alegre*
Rio de Janeiro*
Santiago
Sao Paulo*
Tijuana
Valencia
North America
Chicago
Dallas
Houston
Miami
New York
Palo Alto
San Francisco
Toronto
Washington, DC
* Associated Firm

19 November 2012

The Council of Camden
37 John Street
Camden NSW 2570

Dear Sirs/Madams

**The Council of Camden purchase from Perich Property Pty Ltd
Property: That part of the land contained in Lot 9013 in DP1175454 shown
hatched in the Plan attached as Schedule 1 to the Contract, located at Peter Brock
Drive, Oran Park**

We have been instructed by the Council of Camden (*Council*) to act in respect of the
Council's purchase of the Property.

1. Transaction documents for execution

1.1 We attach for execution by Council the following documents:

- (a) Contract for the Sale of Land (*Contract*) between Council (as purchaser), Perich Property Pty Ltd (*Perich*) (as vendor) and Greenfields Development Company No. 2 Pty Limited (as developer);
- (b) Deed of Agreement to Procure between Council and Leppington Pastoral Co. Pty Ltd (*Leppington Pastoral*);
- (c) Call Option Deed between Council and Perich (*Call Option Deed*); and
- (d) Further Agreement Oran Park Urban Release – Area Planning Agreement between Council, Greenfield Development Company Pty Ltd, GDC2, Leppington Pastoral and Landcom (*Further VPA*).

2. Nature of the transaction documents

- 2.1 Under the Contract, Council will acquire the Property on which is intended to be constructed and operated the proposed Council Administration Centre (*Admin Centre*).
- 2.2 The Deed of Agreement to Procure is an ancillary document required because at the time the Contract is to be signed the Property will be owned by Leppington Pastoral. We have been informed by Perich and Leppington Pastoral that the Property is to be transferred from Leppington Pastoral to Perich prior to completion of Council's purchase. The Deed of Agreement to

Baker & McKenzie, an Australian Partnership, is a member of Baker & McKenzie International, a Swiss Verein.
1858097-v1\SYDDMS



ORD02

Attachment 1

Procure requires Leppington Pastoral to procure the sale of the land to Council by Perich in accordance with the Contract. This protects Council by giving it an action against both Perich and Leppington Pastoral in the event the Contract is not completed by Perich.

- 2.3 Under the Call Option Deed, Perich is granted the right to purchase the Property back from Council if Council does not commence construction of the Admin Centre prior to the agreed date.
- 2.4 Under the Further VPA, some of the works required to be carried out under the existing Voluntary Planning Agreement that applies to the larger site of which the Property forms part, are to be accelerated in connection with Council's proposed use and development of the Property. The nature and manner of these accelerated works are set out in Schedule 2 to the Further VPA.

3. Summary of commercial terms and legal risks

- 3.1 We refer you to Annexure A of this letter which summarises the key commercial terms and legal risks in respect of Council's purchase of the Property under the Contract.

4. Documents suitable for execution

- 4.1 We confirm that:
- (a) the attached documentation has been negotiated and prepared in accordance with instructions received from David Wing acting on behalf of Council; and
 - (b) other than as set out in Annexure A in respect of the Contract, the attached documentation does not contain any onerous or unusual provisions adverse to Council which would prevent Council from proceeding with the purchase of the Property.

If you have any queries please do not hesitate to contact us.

Yours sincerely

David Jones
Partner
+61 2 8922 5319
David.Jones@bakermckenzie.com

Sebastian Busa
Special Counsel
+61 2 8922 5382
Sebastian.Busa@bakermckenzie.com

1858097-V1\SYDDMS

2

ORD02

Attachment 1



Annexure A - Contract of Sale Key Commercial Terms

Key Term	Summary of Issue	Reference
1. Key Commercial Terms		
1.1 Property	A minimum of 10,000m ² as shown hatched in the Plan attached as Schedule 1 to the Contract.	Definition of Property
1.2 Price	\$11.00 (inclusive of GST).	Front page
1.3 Completion will occur only following satisfaction of certain Conditions Precedent	<p>The Conditions Precedent to completion of the sale are:</p> <p>(a) development consent for the subdivision creating a separate lot for the Property being obtained on terms acceptable to Council and Perich;</p> <p>(b) the following works being "Practically Completed":</p> <p>Vendor Works (Property):</p> <p>(i) the Vendor Works required so as to allow the registration of the subdivision creating a separate lot for the Property;</p> <p>(ii) the construction of the Roads surrounding the Property as shown in the Concept Plan;</p> <p>(iii) works required for water, sewerage, electricity, gas, telephone, internet/fibre optic services to be provided to the Property (Services);</p> <p>(iv) such other works relating directly to the Property specified in the Vendor's Works Package;</p> <p>Vendor Works (Town Centre):</p> <p>(i) the construction of the shareways connecting to the Property as shown in the Concept Plan;</p> <p>(ii) the construction of the pedestrian paths connecting the Property and Stage I of the Oran Park Shopping Centre as shown in the Concept Plan;</p> <p>(iii) the completion of construction of Stage I of the Oran Park Shopping Centre (including the current Sales Centre building), being at least 15,000 m² of retail and commercial floor space;</p>	Clause 35.1

1858097-V11SYDDMS

3



Key Term	Summary of Issue	Reference
	<p>(iv) the construction of the bus stops and taxi set down and pick up areas near the Property as shown in the Concept Plan; and</p> <p>(v) the connection of Peter Brock Drive to The Northern Road in accordance with DA953-2007;</p> <p>(c) registration of the subdivision creating a separate lot and title for the Property;</p> <p>(d) dedication of the three roads surrounding the property on the Concept Plan as public roads for public use;</p> <p>(e) the variation of the Further VPA being signed;</p> <p>(f) Council being provided with a Stage 2 Detailed Site Investigation Report which confirm that the Property is not affected by contamination.</p> <p>Details of the Vendor's Works (Property) including the nature of services to be provided to the Property are contained in the Concept Plan and the Vendor's Works Package which are attached to the Contract. Council will need to satisfy itself that the Vendor's Works Package and Concept Plan contains Council's minimum requirement for the proposed Services to the Property.</p> <p>Perich has the obligation to develop and finalise the Vendor's Works Package into detailed plans and specification following continuing good faith negotiations with the Council as to the nature, extent, capacity and location of the Services connection points to the boundary of the Property. The last date by which Council may provide details of its requirements in respect of the Services is 31 March 2013. Any variations required by Council after this date are to be at Council's cost and time.</p>	<p>Clauses 37.4 to 37.9</p>
<p>1.4 Sunset Date - 96 months (8 years) from the date of the contract</p>	<p>If the conditions precedent have not been satisfied (or waived by Council) by the Sunset Date either party may terminate without liability, but without affecting each party's right to claim damages for any breach by the other party prior to termination.</p>	<p>Clause 35.7</p>

1858097-V11SYDDMS

4

ORD02

Attachment 1

ORD02

Attachment 1



Key Term	Summary of Issue	Reference
2. Probity		
2.1 Perich and GDC2 must comply with Probity Requirements	<p>(a) Perich and GDC2 must at all times:</p> <ul style="list-style-type: none"> (i) comply with all requirements specified in the Probity Plan; and (ii) conduct themselves in a manner in accordance with and having regard to the Probity Plan. <p>A copy of the Probity Plan is attached to the Contract and Council will need to satisfy itself that this contains Council's minimum requirements in respect of probity matters required to be satisfied by Perich/GDC2. We have not provided any advice in respect of the terms of the Probity Plan.</p> <p>(b) Perich and GDC2 acknowledge that:</p> <ul style="list-style-type: none"> (i) procedures have been implemented for separating the consent and assessment roles of Council as a purchaser under this contract, from the role of Council acting in its capacity as a Relevant Authority; and (ii) Council when acting in its capacity as Relevant Authority may, (but is not obliged to) refer some or all matters forming part of its consent and assessment procedures, to external assessors. <p>(c) Council may treat Perich's and GDC2's departure from the Probity Plan as a breach of the Contract, following the provision of "show cause" notice and failure of Perich/GDC2 to rectify the breach, except in the case of minor breaches not capable of rectification.</p>	Clause 32.1
2.2 Council has a right to terminate if required to do so by ICAC or other probity reasons provided Council pays compensation for Perich's/GDC2's third party costs incurred	<p>(a) Council may terminate the Contract in circumstances where it is required to do so by action, policy or direction of the Independent Commission Against Corruption, the Division of Local Government, resolutions of Council in its capacity as a Relevant Authority, or other Relevant Authorities with jurisdiction over Council.</p> <p>(b) If Council terminates the Contract in exercise of this right, it is liable for all reasonably and properly incurred third party</p>	Clause 68

I858097-v1\SYDDMS

5



Key Term	Summary of Issue	Reference
	costs incurred by Perich/GDC2 in connection with Contract provided that Perich/GDC2 provides reasonable substantiating evidence of such cost. Council will not be liable for any costs to the extent that Perich and/or GDC2 will obtain a benefit from the matters on which those costs were expended.	
3. Perich and GDC2 Obligations		
3.1 GDC2 must Practically Complete the Vendor's Works by the Vendor Works Completion Date	GDC2 has the obligation to Practically Complete the Vendor's Works by the Vendor Works Completion Date. The Vendor Works Completion Date is the earlier of: (a) 20 months from the date of the Contract; (b) 12 months after development consent for the subdivision is obtained.	Clause 41.1
3.2 Perich and GDC2 provide a fitness for purpose warranty	Perich and GDC2 warrant that GDC2 will design, construct and complete the Vendor's Works so that the Vendor's Works when Practically Complete are fit for the purpose of the development and use of the Property for the Admin Centre.	Clause 41.9
3.3 "Practical Completion" is determined by agreement, or in the event of dispute, a third party Independent expert	Practical Completion is achieved only when Vendor's Works have been completed in accordance with the Contract (other than minor defects or omissions).	Definition of Practical Completion and clause 46
3.4 Other Perich/GDC2 obligations	Perich's/GDC2's other obligations include: (a) preparing final plans and specifications for the Vendor's Works Package; (b) preparing the development application for the subdivision creating a separate lot and title for the Property and using reasonable endeavours to obtain such consent; (c) preparing the plans of subdivision, s88B Instrument for registration and the Community Management Statements proposed to affect the Property.	Clause 37.6 Clauses 38.1 and 39.1

1858097-01SYDDMS

ORD02

Attachment 1

ORD02

Attachment 1



Key Term	Summary of Issue	Reference
3.5 GDC2 is entitled to extensions of time for Completion of the Vendor's Works (but not beyond the Sunset Date)	GDC2 is entitled to an extension in the Vendor's Works Completion Date (but not beyond the Sunset Date) for delaying events outside the control of GDC2.	Clause 42
3.6 GDC2 entitled to make variations to the Vendor's Works provided that Council is not materially adversely affected	GDC2 may vary the Vendor's Works (or associated documents such as the final plans and specifications, plan of subdivision, s88B Instrument or Town Centre Community Management Statements) or provided that this does not cause a material adverse effect to: <ul style="list-style-type: none"> (a) the value, appearance or amenity of the Property; (b) the development or operation of the Admin Centre including causing any increase in any cost of that development or operation; (c) the proposed means of access to and egress from the Property by any material amendment to the position or dimensions of any roads as shown on the attached draft Plan of Subdivision or as contemplated by the Vendor's Works Package; (d) the Services contained in the Vendor's Works Package which are to service the Property; or (e) access to or traffic movement in or around the Property. 	Clause 74.1
3.7 GDC2/Perich may defer certain work provided such deferral is acceptable to Council	GDC2 may request that some of the Vendor's Works be deferred until following Completion. Council is required to act in good faith and reasonably in considering the request for deferral.	
4. Council's rights and remedies for Perich's/GDC2's breach		
4.1 Perich must provide security for Perich's/GDC2's obligations under the Contract	<ul style="list-style-type: none"> (a) Perich must provide Security to Council so that Council holds at the following time Security at no less than the cascading amounts specified in clause 60.3 (b) Council may call on the Security in order to satisfy any amount due and owing to Council by either or both of Perich and GDC2 under this contract. 	Clause 60

1858097-V11SYDDMS



Key Term	Summary of Issue	Reference
<p>4.2 Council step-in rights to have the Vendor's Works pertaining to the Vendor's Works Completion</p>	<p>(a) If GDC2 fails to complete any item of the Vendor's Works (Property) by the time required under the contract, Council may serve a notice on GDC2:</p> <ul style="list-style-type: none"> (i) specifying the nature and extent of the failure of GDC2; and (ii) the time within which the Purchaser requires that failure to be rectified, which must be a reasonable time, (<i>Rectification Notice</i>). <p>(b) If GDC2 fails to comply with a Rectification Notice, Council, at its absolute discretion, may enter upon the Property for the purpose of undertaking the works set out in the Rectification Notice.</p> <p>(c) Where Council exercises its step-in rights all its reasonable costs incurred are a liquidated debt owing to Council.</p> <p>Please note the Council can seek to step-in to carry out the Vendor's Works (Property) but not the Vendor's Works (Town Centre).</p> <p>As such, the utility of this step-in right, the aim of which is to ensure the works are completed to enable the sale to be completed may be limited if the Vendor's Works (Town Centre) have not been completed. Council may however waive the requirement for the Vendor's Works (Town Centre) works to be completed.</p>	Clause 72
<p>4.3 GDC2 must pay liquidated damages if the works are not completed by the Vendor Works Completion Date (as extended)</p>	<p>(a) If Completion is not effected by the Vendor's Works Completion Date, GDC2 must pay liquidated damages to Council in an amount of \$1,500 for each day from the Vendor's Works Completion Date until the date of Completion (<i>GDC2 Liquidated Damages</i>).</p> <p>(b) On Completion GDC2 must provide Security to Council in an amount equal to the GDC2 Liquidated Damages, which Council can subsequently draw down on if GDC2 fails to pay the Liquidated Damages that are otherwise due.</p> <p>(c) GDC2 is not liable for GDC2 Liquidated Damages:</p> <ul style="list-style-type: none"> (i) if Council commences occupation of the Admin Centre by 1 August 2016; or 	Clause 75

1858097-V11SYDDMS

8

ORD02

Attachment 1

ORD02

Attachment 1



Key Term	Summary of Issue	Reference
	(ii) to the extent that any delay in the commencement of occupation of the Admin Centre beyond 1 August 2016 resulted from a Council Delay Event (other than a Council Delay Event referred to in paragraph (h) of the definition of Council Delay Event), except to the extent that the Council Delay Event would not have occurred but for Practical Completion not occurring after the Vendor's Works Completion Date.	
5. Council's obligations		
5.1 Council is to be use reasonable endeavours to obtain Development Consent for construction and use of the Property as an Administration Centre (clause 74.1)	Council is obliged to use all reasonable endeavours to obtain the development consent required for the construction and use of the Admin Centre. The risk of such consent not being obtained sits with Council. Council is not entitled to terminate if such consent is not obtained and Council should ensure that all Key Milestone dates reflect the time it will take for Council to obtain such consent.	Clause 74.1
5.2 Council must commence physical construction of Stage 1 of the Admin Centre by the Construction Commencement Date	Provided that Council obtains the required approvals for the Admin Centre, then Council must prepare the foundations for the first stage of the Admin Centre having a floor area of no less than 3,000m ² (Stage 1) by the Construction Commencement Date. The Construction Commencement Date is the later of: (a) 31 August 2018; (b) 36 months following completion of the purchase.	Clause 74.1 and Definition of Construction Commencement Date
5.3 Council must substantially complete and commence occupying Stage 1 of the Admin Centre by the Occupation Commencement Date	Provided that Council obtains the required approvals for the Admin Centre, then Council must substantially complete the construction of the Admin Centre and commence occupation by the Occupation Date. The Occupation Date is the later of: (a) 31 December 2019; and (b) 18 months after commencement of construction of the Admin Centre.	Clause 74.5 and Definition of Occupation Commencement Date
5.4 Council entitled to	The Construction Commencement Date and the	Clause 74.9 and

1858097-v1\SYDDMS

9



Key Term	Summary of Issue	Reference
reasonable extensions of the Construction Commencement Date and Occupation Date	Occupation Date may be extended for delays in achieving completion of construction of the Admin Centre as a result of matters outside the reasonable control of Council. There is a process for seeking such extensions requiring Council to give notice of delay causing events and using reasonable endeavours to minimise the delay.	definition of Council Delay Event
5.5 Council must design and construct the Admins Centre having regard to the principles set out in Schedule 3	Council must design and construct the Admin Centre in accordance with the design principles set out in Schedule 3 to the Contract. Council will need to satisfy itself that the design principles in Schedule 3 reflect Council's intention for the nature and design of the Admin Centre.	Clause 75.14
5.6 Other Council input required	Council will need to provide its input on a number of matters under the Contract. If Council fails to provide its input in respect of the matters within the specific timeframe, GDC2's preferred position will be deemed to be accepted, Council must: <ul style="list-style-type: none"> (a) appoint a representative to attend the site facilitation working group; (b) provide input in respect of the nature, extent, capacity and location of connection points of Services to the boundary of the Property; (c) commenting on and approving the development, final plans and specifications (acting reasonably); (d) approving the development application for the subdivision and the terms of development consent (acting reasonably); (e) approving the plan of subdivision, proposed s88B Instrument and Community Management Statements (acting reasonably). 	Clause 33 Clause 37.3 Clauses 37.10 and 39 Clause 38.4 Clauses 47 and 48
5.7 Penalties and consequences for Council failing to comply with its obligations	The consequences of Council failing to comply with its obligations are: <ul style="list-style-type: none"> (a) Perich may bring an action for damages for breach of contract: 	Definition of Council Delay Events and Clauses 74.5 and 74.6

ORD02

Attachment 1



Key Term	Summary of Issue	Reference
	<p>(b) if Council has not substantially completed and commenced occupying Stage 1 by the Occupation Date (as extended for Council Delay Events), Council must pay liquidated damages of \$1,500 per day until the Purchaser commences occupation of the Admin Centre. There is no cap on this liability;</p> <p>(c) under the terms of the Call Option Deed, Perich may exercise the Call Option requiring the Property to be transferred back to the Perich for \$11 if Council has not commenced substantial construction of Stage 1 of the Admin Centre by Construction Commencement Date. Perich cannot exercise this right if Council has commenced physical construction of Stage 1 of the Admin Centre.</p>	<p>Clauses 74.5 and 74.6</p> <p>Call Option Deed</p>
6. Other		
6.1 Stamp duty	<p>In the first instance, Council must pay any stamp duty assessed as payable on the Contract.</p> <p>If Council is not entitled to an exemption from stamp duty on the Contract, Perich must reimburse Council in respect of any stamp duty incurred on the Contract.</p> <p>We confirm that we have not been instructed to provide any tax advice in relation to the Contract.</p>	Clause 62

1858097/v1/SYDDMS

11



ORDINARY COUNCIL

ORD03

ORD03

SUBJECT: SUBDIVISION OF LAND TO CREATE 94 RESIDENTIAL LOTS AND THE CONSTRUCTION OF NEW ROADS AT 172, 172A & 186 RICHARDSON ROAD AND 12B MORETON BAY AVENUE, SPRING FARM

FROM: Director, Development and Health

BINDER: DA 75/2012

APPLICATION NO: 75/2012
PROPOSAL: Subdivision of land to create 94 residential lots and the construction of new roads
PROPERTY ADDRESS: 172, 172A, 186 Richardson Road and 12B Moreton Bay Avenue, Spring Farm
PROPERTY DESCRIPTION: Lots 2 and 3, DP 876325; Lot Pt 121, DP 543966; and Lot 407, DP 1015363
ZONING: R2 Low Density Residential
OWNER: Anglican Church of Narellan, Mrs TL Everard, Messrs WI & FR Adams, Ms MW True
APPLICANT: Terry Hams (JMD Development Consultants)

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the subdivision of land to create 94 residential lots and the construction of new roads and landscaping at 172, 172A, 186 Richardson Road and 12B Moreton Bay Avenue, Spring Farm.

The DA is referred to Council for determination due to unresolved objections raised in two submissions and one petition and as the development involves variations to Camden Development Control Plan 2011.

SUMMARY OF RECOMMENDATION

That Council determine DA No 75/2012 for the subdivision of land to create 94 residential lots and the construction of new roads pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting of consent subject to draft conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the subdivision of land to create 94 residential lots and the construction of new roads at 172, 172A, 186 Richardson Road and 12B Moreton Bay Avenue, Spring Farm.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulations 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

ORD03

The DA was notified in accordance with Camden Development Control Plan (DCP) 2011. Two submissions and one petition containing nine signatures were received objecting to the proposal. The issues raised include overshadowing/overlooking, visual amenity, loss of property value and request to restrict houses to single storey. As the DA proposes the subdivision of land only, the assessment of visual impacts and overlooking/overshadowing cannot be undertaken until such time as dwelling applications on these lots are lodged with Council.

The application involves two variations to the Camden DCP. The first relates to the Spring Farm street network and the second relates to the absence of a pocket park identified in the DCP. Council's Traffic Branch previously requested the removal of the southern-most connection to Richardson Road as shown in the street network layout of the DCP due to its proximity to the Link Road intersection. Therefore the proposed variation to the street network is supported in this instance.

Additionally, the N5 pocket park shown in the DCP is not captured in the relevant Contributions Plan as a Section 94 item. Furthermore, the area of the N5 pocket park in the Landscape Master Plan is 1600m² which is not compliant with Council's minimum area requirement for parks being 2000m². Therefore the proposed variation to the pocket park is supported given the above and the development's proximity to Moreton Bay Reserve.

Based on the assessment, it is recommended that the DA be approved subject to the conditions contained in this report.

SITE LOCATION MAP/AERIAL PHOTO



THE SITE

The subject site is commonly known as 172, 172A, 186 Richardson Road and 12B Moreton Bay Avenue, Spring Farm and is legally described as Lots 2 and 3 in DP 876325, Lot Pt 121 in DP 543966 and Lot 407 in DP 1015363.

The site has a frontage of 265m to Richardson Road and 25m to Moreton Bay Avenue, a depth of 450m to the Camden Bypass and an overall site area of 11.36ha.

The subject site currently accommodates the Narellan Anglican Church building and car park, two detached dwellings and an existing pond.

The surrounding properties are characterised by low density detached dwellings together with their associated driveways, landscaping and fencing.

HISTORY

The development history of the subject site is summarised in the following table:

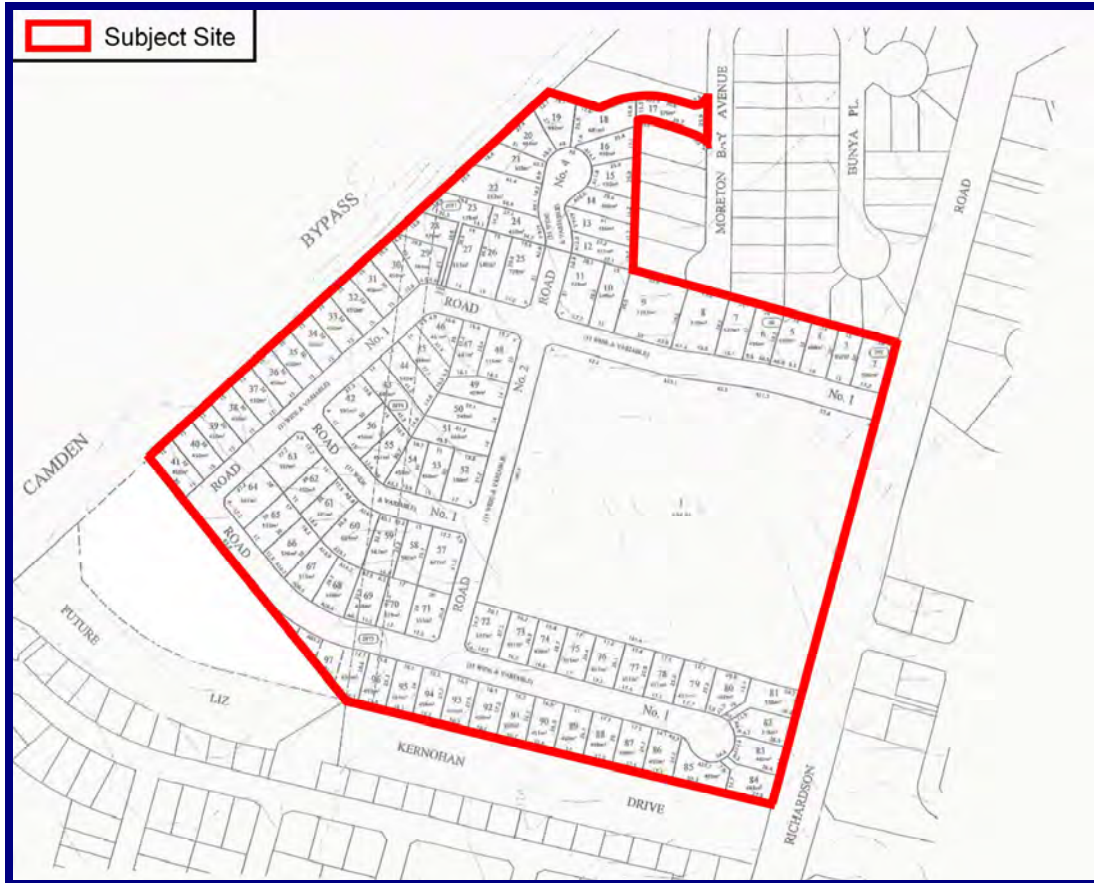
Date	Development
17 April 2000	DA 675/2000 approved the construction and use of the Narellan Anglican Church building
2 October 2003	DA694/2003 approved a new single storey dwelling on 172 Richardson Road

THE PROPOSAL

DA No 75/2012 seeks approval for the subdivision of land to create 94 residential lots (between 450m² and 29,200m²) and the construction of new internal roads. Proposed Lot 4 will contain the existing Narellan Anglican Church whilst proposed Lots 21 and 97 will each contain an existing dwelling.

The development also proposes the provision of temporary on-site detention and water quality facilities until such time as the permanent basin identified within the Water Cycle Master Plan Report for Spring Farm is constructed on the adjacent drainage reserve land.

A copy of the proposed plans is provided as an attachment to this report.



ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a Development Application, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- Deemed State Environmental Planning Policy No 20 – Hawkesbury/Nepean River
- Camden Local Environmental Plan 2010

An assessment of the proposed development under the Environmental Planning Instruments is detailed below.

State Environmental Planning Policy No 55 – Remediation of Land (SEPP)

The SEPP requires Council to be satisfied that the proposed site is suitable for its intended use (in terms of contamination) prior to granting development consent.

The applicant submitted a phase 2 contamination assessment and a remediation action plan (RAP) with this DA. The contamination assessment identified some site contamination, however the RAP provides a series of remediation actions that if implemented will decontaminate the site to a suitable level.

It is a recommended development consent condition that the site be remediated in accordance with the submitted RAP prior to the issue of a Subdivision Certificate. Subject to this occurring, the site will be made suitable for its intended residential use.

State Environmental Planning Policy (Infrastructure) 2007 (SEPP)

An electricity transmission line traverses the site from north to south. Pursuant to Clause 45 of the SEPP, the DA was referred to Endeavour Energy for comment. Endeavour has raised no objection to the proposed development and has requested that a development consent condition be imposed which requires a separate application be lodged with Endeavour to relocate the overhead transmission line underground prior to the issue of a Subdivision Certificate, and that the existing line be extinguished. This recommendation forms a recommended development consent condition.

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

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

Camden Local Environmental Plan (LEP)

Permissibility

The subject site is zoned R2 Low Density Residential under the provisions of the LEP. The proposed development is defined as “subdivision” which is permissible with consent in the R2 zone.

Objectives

The objectives of the R2 Low Density Residential zone are as follows:

- To provide for the housing needs within a low density residential environment.

Comment

The development proposes the subdivision of land to create lot sizes ranging between 450m² and 29,200m² which will accommodate a low density residential environment and therefore complies with this objective.

- To enable other land uses that provides facilities or services to meet the day to day needs of residents.

Comment

This development proposes the creation of lots to accommodate the existing Church and future residences and is therefore consistent with this objective.

- To allow for educational, recreational, community and religious activities that support the wellbeing of the community.

Comment

The development proposes a significant curtilage to be created around the existing Narellan Anglican Church so as to not adversely impact on Church activities and is considered to be consistent with this objective.

- To minimise conflict between land uses within the zone and land uses within adjoining zones.

Comment

The proposed development has been assessed and will not have any adverse impacts on any other land uses within adjoining zones.

Relevant Clauses

The DA is assessed against the following relevant clauses of the LEP:

Clause	Requirement	Provided	Compliance
4.1 Minimum Lot Size	Minimum 450m ² lot area	Yes. The development proposes a range of lot sizes between 450m ² and 29,200m ² . The proposed minimum lot size of 450m ² satisfies the LEP.	Yes
6.1 Arrangements for designated State public infrastructure	Ensure satisfactory arrangements are made for the provision of State public infrastructure	Yes. Appropriate conditions of consent are recommended to ensure compliance.	Yes
6.2 Public Utility Infrastructure	Public utility infrastructure to be available for new development	Yes. Appropriate conditions of consent are recommended to ensure compliance.	Yes
6.5 Matters to be specifically considered for residential development at Spring Farm	(a) consider whether remnant vegetation and bush corridors will be protected, enhanced and managed. (b) consider whether adverse odour impacts from the	Proposed development will not adversely impact on existing vegetation or bush corridors. Council's Environment Officer has considered the potential odour	Yes Yes



Clause	Requirement	Provided	Compliance
	Macarthur Resource Recovery Park (MRRP) will be mitigated	impacts and considers that no adverse impact will be experienced due to separation distance. The site is located to the north of Spring Farm and is not within the identified Spring Farm odour buffer area.	

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instrument applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposal's compliance with the controls in the DCP. Discussion of any variations of the standards is provided after the compliance table.

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion and sediment control measures to be implemented during and following completion of development	Soil erosion and sediment control measures have not been provided with the DA however it is a recommended development consent condition that soil erosion and sediment control measures are provided prior to the release of a Construction Certificate	Yes
B1.2 Earthworks	Earthwork control measures to minimise cut and fill requirements	Earthwork control measures can be achieved through conditions of consent to ensure that earthworks will not impact on waterways in the area	Yes
B1.3 Salinity Management	Salinity resistant construction	A salinity investigation and management report was provided and compliance with this report is a recommended development consent condition	Yes
B1.4 Water Management	Stormwater control measures	These measures will be ensured through conditions of consent	Yes

ORD03

Control	Requirement	Provided	Compliance
B1.8 Environmental and Declared Noxious Weeds	Noxious weed control and management	It is a recommended development consent condition that a Weed Management Plan be implemented prior to issue of Construction Certificate	Yes
B1.9.2 Waste Management Plan (WMP)	Waste Management Plan	A Waste Management Plan has been provided which complies with the requirements of the DCP in relation to waste management	Yes
B1.12 Contaminated and Potentially Contaminated Land Management	Remediation of contaminated land requirements	A phase 2 contamination investigation was undertaken and RAP provided with the DA. It is a recommended development consent condition that the RAP is fully complied with.	Yes
B1.13 Mine Subsidence	Mine Subsidence Board Approval required	NSW Mine Subsidence Board Approval has been provided with the DA.	Yes
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy	An acoustic assessment was lodged in support of the DA. It is a recommended development consent condition that a 3m high acoustic wall and earth mounding be provided.	Yes
B2 Landscape Design	Landscape plan	Landscape Plans were provided and comply with the landscape requirements for the site	Yes
C5.1 Neighbourhood Amenity & Subdivision Design	High Level of pedestrian connectivity	The development provides a high level of pedestrian linkages to connector roads and open space	Yes
	Legible and permeable street hierarchy	A legible street network which is generally compliant with the DCP road network has been provided	Yes
	Street block 250m x 70m Lot orientation north-south, east-west	Street blocks and dimensions compliant and north-south, east-west lot orientations have been provided	Yes
	Lots generally rectangular and battle-axe lots limited	Lots are generally rectangular and use of battle-axe lots have been minimised	Yes

Control	Requirement	Provided	Compliance
	Smaller than 300m ² require dwelling plans	No lots less than 300m ² are proposed as part of this subdivision	N/A
	Easements incorporated into road reserves	Yes – It is a recommended development consent condition to incorporate easements in road reserves	Yes
	Smaller lots located closer to neighbourhood centre, public transport and parks	Yes – smaller lots provided closer to existing open space and connector roads	Yes
C5.2 Street Network and Design	Street layout to be consistent with Spring Farm Master Plan	A number of internal streets have been re-configured and/or removed	No. DCP Variation No. 1.
C5.3 Pedestrian and Cycle Network	Pedestrian and cycle connections to be consistent with Spring Farm Master Plan	Yes – the pedestrian and cycle network can be conditioned to comply with the DCP	Yes
C5.5 Parks and Open Space	Parks to be provided in accordance with Spring Farm Master Plan	The N5 pocket park identified in the Spring Farm Master Plan has been removed.	No. DCP Variation No. 2.
C5.7 Provision of Adequate Infrastructure and Facilities	Demonstrate local public infrastructure and facilities provided	Yes – condition that Special Infrastructure Contribution is paid prior to the release of a Subdivision Certificate	Yes
C7.1 Residential Density Targets and Staging	Demonstrate that density targets and consistency with staging plan is achieved	Yes. The DCP density target is 96-102 lots over this area. The DA proposes 94 residential lots which is generally consistent with the DCP density target	Yes
C7.2 Neighbourhood and Subdivision Design	Typical block dimensions 60m x 200m	Yes – block dimensions comply	Yes
	No residential development below 100 year ARI flood line	Yes – no development is proposed below the 100 year ARI flood line	Yes
	Noise attenuation measures along Link Road & Camden Bypass	Acoustic attenuation measures will be conditioned	Yes
	Acoustic report	Acoustic Report provided	Yes

Control	Requirement	Provided	Compliance
	required Electricity easements incorporated into road reserves View corridors protected 300m ² minimum lot size	It is a recommended development consent condition to incorporate easements in road reserves The development will not impact on designated view corridors Minimum lot size proposed is 450m ²	Yes Yes Yes
C7.3 Street Network and Design	Kerb returns 8.5m radius required Streets constructed in accordance with cross sections	The provision of kerb returns has been conditioned to comply Correct roads widths have been provided to ensure streets can be constructed in accordance with the cross sections	Yes Yes
C7.4 Pedestrian and Cycle Network	Pedestrian and cycle connections to be consistent with Spring Farm master plan	The pedestrian and cycle network can be conditioned to comply with the DCP in that sufficient road widths have been provided to accommodate pedestrian/cycleways	Yes
C7.6 Parks and Open Space	Location of parks to be consistent with Landscape Master Plan	The N5 pocket park has been removed	No. DCP Variation No. 2 (same as above)

DCP Variation 1: Street Network

The proposed street network does not comply with the Spring Farm Master Plan in that a number of local roads and a connection to Richardson Road have been modified.

A copy of the Spring Farm Masterplan is provided as an attachment to this report.

The applicant has provided a request for a variation to the Master Plan on the basis that:

- Council's Traffic Branch recommended the removal of the southern-most connection to Richardson Road as shown in the Master Plan due to its close proximity to the Link Road intersection; and
- the internal road layout has been rationalised to respond to Council's Traffic Branch's recommendation.

It is acknowledged that Council's Traffic Branch has previously recommended the removal of the southern-most intersection on Richardson Road above the Link Road. It is also considered that the amended road layout has been designed to accommodate the deletion of this intersection and will not result in any adverse impact on future traffic flows.

Consequently the applicant's request to vary the DCP is supported and approval of the proposed street network is recommended.

To provide pedestrian and cycle access and connectivity to and from the subdivision in accordance with the DCP, it is recommended that a condition be imposed requiring the provision of a 6m wide path connecting the cul-de-sac head at the end of road no. 1 to Richardson Road and another 6m wide path linking proposed road no. 1 and Moreton Bay Avenue to the north of the site. Subject to these changes, it is considered that sufficient pedestrian and cycle connectivity is provided for the subdivision.

DCP Variation 2: Parks and Open Space

The development does not comply with the Spring Farm Landscape Master Plan in that the N5 pocket park has been removed. The applicant has provided a request for a variation to the Master Plan on the basis that:

- the N5 pocket park is not captured in the relevant Contributions Plan as a Section 94 item;
- the area of the N5 pocket park in the Landscape Master Plan is 1600m² which is not compliant with Council's minimum area requirement for parks, being 2000m²; and
- the provision of the N5 pocket park is not warranted given the development's proximity to the existing Moreton Bay reserve.

Council's Strategic Planning Branch has advised that the N5 pocket park was not expected to be provided given its size and proximity to the existing Moreton Bay Reserve. The subject park was excluded from the most recent Contributions Plan as it was not required or considered necessary in this location. The removal of this park will not detrimentally affect the amenity of the area.

Consequently the applicant's request to vary the DCP is supported and approval of the proposed deletion of the N5 pocket park is recommended.

Assessment against Spring Farm Master Plan

Despite the proposed DCP variations, the development is generally consistent with the Spring Farm Master Plan (Attachment 1) in that:

- the internal road network is consistent with the DCP with the exception of those streets identified above in this report;
- the target density for this site set by the DCP is between 96 and 102 lots, whilst the development proposes the creation of 94 residential lots. The proposed lot density is generally consistent with the DCP targets and has not been significantly affected by the changes to the internal road network;

- it is noted that proposed Lot 96 is not supported for the purpose of residential development due to its irregular shape. It is a recommended development consent condition that proposed Lot 96 is not approved for residential development.
- the development provides a legible and permeable street and pedestrian/cycle network with connections to existing infrastructure;
- the block and lot configurations are generally consistent with those in the DCP.

(a)(iii) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No relevant agreement exists or has been proposed as part of this application.

(a)(iv) The Regulations

There are no matters prescribed by the Regulations that apply to this development.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments and the social and economic conditions of the locality.

Traffic Impacts

The traffic impacts have been assessed by Council's Traffic Engineer who has advised that the intersection with Richardson Road proposed to access the site will provide sufficient capacity under the future forecast demands subject to the provision of a one-lane roundabout being provided at this intersection.

It is a recommended development consent condition that a roundabout design be submitted to Council for assessment prior to the issue of a Construction Certificate.

It is therefore considered that there will be no negligible traffic impacts on the existing and future road networks as a result of this development.

Acoustic Impacts

The applicant has provided an acoustic report in support of the proposed development which assesses the potential impacts of traffic from Camden Bypass on the subject site.

The DA proposes the construction of a number of acoustic attenuation measures to ensure future residential development can meet the appropriate noise criteria. These measures included the provision of a continuous barrier along the Camden Bypass ranging in height from 5.5m to 6m and comprising of both earth mound and wall. Additionally, a 2.4m high acoustic boundary fence along Link Road (Liz Kernohan Drive) and Richardson Road.

Concerns were raised with both the visual impact of the proposed acoustic wall and on the amenity of future residents. To overcome these impacts, conditions of consent are recommended limiting the height of any acoustic wall to 3m, with the additional height made up of acoustic mounding.

It is therefore considered that compliance with the above requirements will ensure that the internal and external amenity of future dwellings on the site is protected and compliance with Camden Council's Noise Policy can be achieved.

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered to be suitable for the development.

(d) Any submissions made in accordance with this Act or the Regulations

The DA was publicly exhibited for a period of 30 days between 26 July and 24 August 2012. In response, two submissions and one petition signed by nine residents were received objecting to the proposal. **A copy of the petition and submissions is provided with the Business Paper supporting documents.**

The following discussion addresses the issues and concerns raised in those submissions objecting to the proposed development.

1. *The proposed development will affect the value of a neighbouring property in that scenic views will be lost.*

Officer comment:

The impact on property values is not a matter for consideration in the assessment of a DA. In any case, there is no evidence to indicate that the proposal will impact on property values.

The development is part of a residential master planned area for Spring Farm and there is no requirement within the master plan restricts development for identified view corridors.

It is noted that the current DA is for the subdivision of land to create residential lots. Following subdivision, each of the new residential lots will be subject to separate approvals for a dwelling. At that time a merit assessment of the impacts from the dwellings, including visual impacts and view loss, will be considered.

2. *The proposed development will affect access to sunlight.*

Officer comment:

As above, the current DA is for the subdivision of land and no dwellings are proposed at this stage. Following subdivision, each of the new residential lots will be subject to separate approval for a dwelling.

Future applications for dwellings will be assessed against the relevant controls. Currently the DCP requires a minimum 6m rear boundary setback for dwellings to provide access to sunlight to adjoining properties. During the assessment of future applications, a merit assessment of the potential impacts from the dwellings, including access to sunlight, will be considered.

3. *The existing traffic infrastructure in Spring Farm is inadequate and conditions will only be made worse by further development.*

Officer comment:

There are a number of road infrastructure projects planned for Spring Farm, including the construction of the Link Road/Liz Kernohan Drive, Haul Road and future upgrades to Richardson Road which will connect Spring Farm directly to the Camden Bypass and Camden Valley Way. These road infrastructure projects will improve traffic through Spring Farm.

Council's Traffic Engineer has assessed the proposed development and considers that there will be no adverse traffic impacts as a result of the development, subject to appropriate conditions including the construction of a new roundabout on Richardson Road providing access into the proposed development.

4. *Amenity will be compromised through the construction of 2 storey dwellings backing onto those existing dwellings along Moreton Bay Avenue. It is recommended that a restriction be put on lots 11-16 to limit dwelling heights to one storey.*

Officer comment:

This development proposes the subdivision of land and not the construction of dwellings. Council's DCP permits two storey dwellings and any future dwelling would be the subject of separate applications assessed against Council's DCP.

5. *Proposed lot 16 was originally part of a service road connection. The creation of lot 16 will create difficulties in providing for a future dwelling given the northern orientation of the existing dwelling at No 12A Moreton Bay Avenue, Spring Farm.*

Officer comment:

Prior to the adoption of Camden DCP 2006 the Spring Farm Master Plan depicted a service road connecting Moreton Bay Avenue into the proposed subdivision. As part of a previous review of the Master Plan and in response to resident opposition at that time and comments from Council's Traffic Branch, this service road was deleted. Accordingly the current adopted Master Plan provides for residential development in this area.

The existing ground level at proposed Lot 16 is lower than the ground level of the adjoining lot and dwelling. To minimise the impacts of the subdivision, it is recommended that a condition of consent be imposed to require the finished ground level of proposed Lot 16 to remain at or near the existing ground level. Retaining the lower finished ground level will assist in negating the impacts of the future dwelling on this lot.

The impacts from a future dwelling on proposed Lot 16 will depend on the final design of a future dwelling (which is currently unknown). When an application is received for a residential dwelling on proposed Lot 16, the impacts on the adjoining property will be assessed.

6. *Recommended that Council consider the following options:*

- a) *taking ownership of proposed Lot 16 in order to extend the existing Moreton Bay Reserve;*
- b) *creating a service road to connect into the proposed development;*
- c) *negotiating a boundary adjustment to benefit both parties.*

Officer comment:

With respect to the considerations raised above:

- (a) Council has not identified a need to acquire this land for public purposes. Accordingly, the lot is not identified within the Camden Contributions Plan 2011 as open space and Council does not have funds for its acquisition. Furthermore, there is no provision to require the dedication of this lot to Council.
- (b) As addressed previously, the original service road was removed from the Master Plan due to resident opposition and advice from Council's Traffic Branch. It is noted that the service road is not required to accommodate traffic generation.
- (c) Council is not in a position to negotiate a boundary adjustment between the land owners over the subject land.

(e) *The public interest*

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulations 2000*, *Environmental Planning Instruments*, *Development Control Plans* and policies. Based on the above assessment, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

The DA was referred to the NSW Rural Fire Service (RFS) for assessment as this development proposes the subdivision of bush fire prone land and requires the approval of the RFS pursuant to Section 100B of the *Rural Fires Act 1997*. The RFS raised no objections to the proposed development subject to compliance with 'Planning for Bush Fire Protection 2006'.

The application was also referred to Endeavour Energy pursuant to Clause 45 of the *State Environmental Planning Policy (Infrastructure) 2007* in that an easement exists on the site. Endeavour Energy has provided comments which require the lodgement of an asset relocation application prior to the release of a Subdivision Certificate. This requirement forms part of a development consent condition.

The proposed development was also referred to the NSW Office of Water as Council's mapping system Office of Water identified a water course traversing the site. The NSW Office of Water has noted that this water course no longer exists and therefore a Controlled Activity Approval under the *Water Management Act 2000* is not required. The Office of Water raised no issues with the proposed development.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA No 75/2012 is recommended for approval subject to the conditions listed in this report.

DRAFT CONDITIONS OF CONSENT

1.0 - General Requirements

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

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

Plan / Development No.	Description	Prepared by	Dated
Ref: 09223PS1, Sheet 1, Amendment B	Plan of Proposed Subdivision (Aerial Overlay)	John M Daly and Associates Pty Ltd	2 March 2012
Ref: 09223PS1, Sheet 2, Amendment B	Plan of Proposed Subdivision	John M Daly and Associates Pty Ltd	2 March 2012
Project 152.11, Sheet 1	Landscape Master Plan	distinctive Living Design	16 December 2011
Project 152.11, Sheet 2	Landscape Master Plan	distinctive Living Design	16 December 2011

Where there is an inconsistency between the approved plans/documentation and the conditions of this consent, the conditions of this consent override the approved plans/documentation to the extent of the inconsistency.

- (2) **Sewer Access Chambers and Mains** -
 - (a) No sewer access chambers are to be constructed within proposed Road Reserves, Public Reserves and Drainage Reserves without prior approval of the Principal Certifying Authority.
 - (b) No sewer mains are to be constructed within both proposed and existing Public Reserves and Drainage Reserves without prior approval of the Principal Certifying Authority.
- (3) **Landscaping Maintenance and Establishment Period** - Commencing from the Date of Practical Completion (DPC), the applicant will have the establishment and maintenance responsibility for all hard and soft landscaping elements associated with this Consent.

The 24 month maintenance and establishment period includes (but is not limited to) the applicant's responsibility for the establishment, care and repair of all landscaping elements including all street tree installations, screening and

softening plantings on the road verge areas of the Camden Bypass, softscape elements such as plantings, lawn and any hardscape elements.

The DPC is taken to mean completion of all civil works, soil preparation, treatment and initial weed control, and completion of all planting, turf installation, street tree installation, road verge plantings and mulching.

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

Prior to Council accepting the maintenance responsibility of the landscaped areas, all hard and soft landscaping elements (including any nature strip and road verge areas, street trees, street tree protective guards and bollards) must be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth

At the completion of the maintenance and establishment period, the landscaping works must comply with the approved landscaping concept plans.

- (4) **Landscaping Installation, Establishment and Maintenance Costs** - The applicant will be responsible for all costs involved with the landscaping installation, establishment and maintenance works. The costs involved will include, but is not limited to, such items as electricity costs, traffic control measures and water usage.
- (5) **Noxious Weeds** -
 - (a) The applicant must fully and continuously suppress and destroy, by appropriate means, any noxious or environmentally invasive weed infestations that occur during or after subdivision and prior to the sale of new lots. New infestations must be reported to Council.
 - (b) As per the requirements of the *Noxious Weeds Act 1993*, the applicant must also ensure at all times any machinery, vehicles or other equipment entering or leaving the site must be cleaned and free from any noxious weed material, to prevent the spread of noxious weeds to and/or from the property.
 - (c) Maintenance work is to be carried out, involving regular surveys to determine if any species are becoming established through time. Any noxious or environmental weed infestations that occurs during subdivision and prior to the sale of new lots must be reported to Council and be fully and continuously suppressed and destroyed by appropriate means.
- (6) **On-site Waste Storage** – The location of an on-site waste/recycling storage area for each lot which is of sufficient size to accommodate Council's waste, recycling and green waste bins shall be provided. The waste collection area must be on level ground, running parallel to the rear of the kerb and measure 3.0m x 0.9m x 3.9m high (allowing for the trucks lifting arm arc).
- (7) **Waste Bin Collection Point** – Each waste bin collection point is to be clear from the positioning of driveways, tree plantings (or tree canopies), street lighting or other fixtures.

- (8) **Fencing and Signage of Contaminated Stockpiles** – All stockpiles of contaminated materials must be suitably fenced or cordoned off with suitable signage to provide warning of any potential danger.
- (9) **General Requirement** – All activities associated with the development must be carried out within the parameters of the site and must be carried out in an environmentally satisfactory manner as defined under section 95 of the Protection of the Environment Operations Act 1997.
- (10) **Proposed Lot 96 and Adjacent lots to the West** – Proposed lot 96 has not been approved for the purposes of this development application. Additionally, the lots signified by a dotted line on the south western side of the subject site do not form part of this development application and are therefore not approved.

2.0 - Construction Certificate Requirements

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

- (1) **Detailed Landscaping Plans** - Prior to the issue of the Construction Certificate, detailed Landscaping Plans prepared by a qualified Landscape Architect or qualified Landscape Designer, must be submitted with the Construction Certificate (CC) application, and the detailed landscaping plans must be in accordance with Camden Council's current Engineering Design Specifications.

The detailed Landscaping Plans prepared for the issue of a CC must include (but not be limited to) the following items listed below:

- (a) Nature Strip Street Trees are to be installed:
 - (i) Ensure that the street tree installation and the proposed establishment schedules are clearly shown in the detailed landscaping plans.
 - (ii) That all street trees have at time of planting, well constructed tree guard protection installed. A minimum requirement is the installation of at least 3 bollards per street tree. The bollards are to be installed approximately 1m from the main stem of the tree. The bollards are to be sourced in minimum 1.8m length, which will allow for 1.2m above ground exposure and .6m buried support. The bollards are to be timber (or other acceptable composite material) and a minimum 150mm x 150mm width. Timber bollards are to be a durability minimum of H4 CCA.
 - (iii) Eucalyptus, Angophora, Araucaria varieties are not to be installed in any median strip, road verge or nature strip planting without approval from the Consent Authority (i.e. Camden Council).
 - (iv) That all the street trees are sourced in a minimum 75 litre container size, are not multi-stemmed and can stand alone without the need for staking.

- (b) The detailed landscaping plans must mirror and be consistent with the approved concept landscaping plans lodged with the Development Application for consent (Landscape Concept Plans, prepared by Distinctive Living Design, dated 16/12/2011, plan Nos 152.11.00, 2 of 2 issue A, Project No 152_11).
 - (c) The detailed Landscaping Plans lodged for the issue of the Construction Certificate must include a planting schedule. The planting schedule must clearly detail the planting positioning, species by botanical and common names, quantities, planting sizes and the estimated size of the plant at approximately 12 years maturity. The planting schedule must also clearly show the proposed establishment and maintenance programme to be applied to the installed landscaping.
 - (d) The landscaping plans lodged for the issue of the Construction Certificate must include all proposed public open space landscaping. The landscaping plans must detail all proposed road verge softening and screening plantings along the Camden Bypass.
 - (e) The detailed landscaping plans must clearly show any proposed road verge estate entry feature, statement feature wall, or entry statement signage. These works are not to be positioned on any public open space areas such as the nature strip or other Council maintained area. Any entry statement wall or entry feature is to be positioned wholly within the boundaries of private open space.
 - (f) The detailed landscaping plans must clearly show all the softening and screening road verge plantings along the Camden Bypass. The screening plantings are to be *Melaleuca linariifolia* (or other appropriate and similar growth habit *Melaleuca* variety) (sourced in minimum 55 litre container size). The *Melaleucas* must be planted along the entire length of the screening acoustic fence that separates the proposed subdivision from the Camden Bypass. The *Melaleucas* are to be evenly spaced at the rate of one (1) every 3m distance from stem to stem. They are to be planted approximately 1.5m off the fence. The trees are to be protected during the maintenance period by the installation of appropriate tree guard protection. The tree guard protection must be sufficient to withstand any adverse environmental conditions including the normal high wind conditions experienced along those road verge areas of the Camden Bypass.
- (2) **Civil Engineering Plans** – 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 the relevant Development Control Plan and Engineering Specifications, and are to be submitted for approval to the Principal Certifying Authority prior to the Construction Certificate being issued.

Note:

- (a) Under the *Roads Act 1993*, only the Council can issue a Construction Certificate for works within an existing road reserve.
- (b) Under section 109E of the *Environmental Planning and Assessment Act 1997*, Council must be nominated as the Principal Certifying Authority

for subdivision work and has the option of undertaking inspection of physical construction works.

- (3) **Design and Construction Standards** - All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with:
- (a) Camden Council's current Engineering Specifications, and
 - (b) Camden Council's Development Control Plan 2011.

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

- (4) **Pedestrian/Cycle Path Connection** – To provide pedestrian/cycle connectivity to and from the development and existing planned infrastructure, the plans must be modified to provide:
- a. a 6m wide pedestrian/cycle path to connect the cul-de-sac head at the end of road no. 1 to Richardson Road;
 - b. a 6m wide pedestrian/cycle path to connect Moreton Bay Avenue through to proposed Road No.1.

The modified plans must comply with the Camden LEP in relation minimum lot size and must be submitted to Council for approval prior to the issue of a Construction Certificate. The paths must be designed and constructed in accordance with Council's current Engineering Specification.

- (5) **Environmental Management Plan** - An Environmental 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 of material, location of site office, and parking for workers, use of equipment and other matters which have 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; and
 - (e) any construction work which involves access to a public road shall be subject to an approval of a Public Road Activity Application to Council accompanied by a Traffic Control Plan prepared by an RMS Accredited Certifier.
- (6) **Water Quality Monitoring Plan** – Prior to the issue of a Construction Certificate a water quality monitoring plan (WQMP) must be submitted to the PCA for review and written approval. Where the PCA is Camden Council, the WQMP must be reviewed and approved by an Officer of the Environmental Health Branch and be approved in writing by the Branch prior to release of the

Construction Certificate. The WQMP shall include monitoring (this extends to water quality sampling and laboratory analysis) for all completed water quality treatment systems that provide water quality treatment to service the development both during the construction and post development stages. Only relevant water quality treatment systems that drain the subdivision should be included in the WQMP.

The WQMP should be consistent with the requirement of Council's standard water quality conditions with respect to water sampling and will need to include as a minimum quarterly water sampling; reference to an approved sampling methodology; location of sampling; frequency of reporting of results to the Consent Authority; and nomination of suitable water quality criteria (i.e. concentration values for pollutants expressed in mg/l) for the purpose of determining compliance.

- (7) **Dilapidation Survey** - A photographic dilapidation survey of existing public roads, kerbs, footpaths, 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.

- (8) **Performance Bond** - Prior to the issue of the Construction Certificate, a performance bond of 10% of the value of civil works must be lodged with Camden Council. Should any of Council's property sustain damage, or the development place the environment or public at risk, Council will perform any works necessary on behalf of the applicant to rectify these works. This bond will be refunded once all works have been completed to the satisfaction of Council. The applicant must be responsible for any damage caused to existing public utilities, footpaths or public roads during construction works.

In accordance with Council's Fees and Charges a non refundable administration fee of \$110.00 for cash/cheque bonds and \$220.00 for bank guarantees must be paid to Council upon lodgement of such bond.

It should be noted that Council will not refund/release the maintenance bond unless a suitable replacement bond is submitted.

- (9) **Pavement Design** - A pavement design prepared by a suitably qualified Geotechnical Engineer for all proposed roads and access ways based upon Council's Pavement Design specification must be submitted and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
- (10) **Turning Area** - A cul-de-sac shall provide sufficient area for a heavy rigid vehicle (12.5m long) to make a three point turn. The minimum dimension for a cul-de-sac turning head is 9.2m radius. This detail must be provided on plans prior to the issue of a Construction Certificate.
- (11) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS 1742.3 1985 and to the requirements and approval of Council (and the Roads and Maritime

Services). Plans and proposals must be approved by Council (and the Roads and Maritime Services) prior to the Construction Certificate being issued.

- (12) **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 in accordance with Camden Council's current Engineering Design Specifications.
- (13) **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.
- (14) **Location of the "Construction" On-site Detention/Sediment Control Basin** - A "construction" on-site detention/sediment control basin must be provided for within the site.
- (15) **Location of Temporary Water Quality Facilities** - A temporary water quality facility must be provided for the site. The facility may be provided in the following locations:
 - (a) within any proposed public road and/or drainage reserve contained within the site;
 - (b) within any proposed residue lot contained within the site; and
 - (c) within any adjoining property that is privately owned. In this regard appropriate easements, pursuant to s.88B of the *Conveyancing Act 1919*, must be registered by the Department of Lands – Land and Property Information, prior to the issue of any Construction Certificate.
- (16) **Location of Permanent Water Quality Facilities** - A permanent water quality facility must be provided for the site. Such a facility must be located within proposed and/or existing public land.
- (17) **Design of "Construction" On-site Detention/Sediment Control Basin** - The design of the "construction" on-site detention/ sediment control basin and water quality facility must be prepared in accordance with the requirements of:
 - (a) for sediment control generally, *Managing Urban Stormwater – Soils and Construction*, Volume 1, 4th Edition, March 2004 as produced by Landcom;
 - (b) Camden Council's current Engineering Design Specification;
 - (c) and must not concentrate final discharge flows from the facility.

The construction of the on-site detention/sediment control basin must contain an impervious layer to provide water harvesting.

The design must be prepared and certified by an Accredited Certifier and must be submitted to the Certifying Authority for inclusion in any application for a Construction Certificate.

- (18) **Overland Flow Path** - A depression must be formed over the full width and length of the drainage easement to provide a stormwater escape route. The escape route must be designed to have a capacity to carry the difference between a 1:100 year flow and the flow in the pipe. This detail is to be provided on plans prior to the issue of the Construction Certificate.

A Restriction as to User must be created on the title of all applicable lots prohibiting the alteration of the surface levels within the drainage easement and limiting permissible fencing across the easement to an open form fence to allow overland flow to be contained within the easement.

- (19) **Soil Erosion and Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with Camden Council's current Engineering Design Specifications.

Control Measures must be maintained during the entire development procedure and can only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised.

Plans containing a minimum of four sets of the undermentioned information must be prepared and submitted to the Principal Certifying Authority for approval prior to a Construction Certificate being issued:

- a) existing and final contours
 - b) the location of all earthworks including roads, areas of cut and fill and regrading
 - c) location of impervious areas other than roads
 - d) location and design criteria of erosion and sediment control structures
 - e) location and description of existing vegetation
 - f) site access (to be minimised)
 - g) proposed vegetated buffer strips
 - h) catchment area boundaries
 - i) location of critical areas (vegetated buffer strips, drainage lines, water bodies, unstable slopes, flood plains and seasonally wet areas)
 - j) location of topsoil or other stockpiles
 - k) signposting
 - l) diversion of uncontaminated upper catchment around areas to be disturbed
 - m) proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground
 - n) procedures for maintenance or erosion and sediment controls
 - o) details for staging or works
 - p) details and procedures for dust control
- (20) **Roundabout** – A roundabout must be provided on Richardson Road at the entry point to this subdivision. A design must be submitted to Council for approval which demonstrates an intersection layout in compliance with AUSTRROADS Guide to Road Design – Part 4B Roundabouts prior to the release of a Construction Certificate.
- (21) **Roads and Maritime Service Approval** - Approval must be sought from the Roads and Maritime Service (RMS) for any works, including landscape, proposed within the Camden Bypass road reserve prior to the issue of a Construction Certificate.

- (22) **Proposed Lot No 16** - The finished ground level of proposed Lot 16 must remain at or near the existing ground level in order to minimise any adverse impacts on the adjacent lot. Details of this must be included in the application for a Construction Certificate.
- (23) **Roadside Mound and Acoustic Boundary Fence** – An acoustic noise barrier is required in accordance with Appendix B Plan contained within *“Narellan Anglican Church Subdivision Traffic Noise Assessment prepared by Renzo Tonin & Associates, Ref TF360-01F02 (Rev 3) dated 11 July 2012.”*

Where the noise barrier is required to be higher than 3m in height, the fence is to be limited to a maximum of 3m with the additional height made up of earth mounding.

Detailed plans of the design of the earth mound and acoustic walls (including levels and materials) must be submitted to Council for approval prior to the issue of a Construction Certificate.

3.0 - Prior To Works Commencing

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

- (1) **Construction of the “Construction” On-site Detention/Sediment Control Basin** - Prior to the commencement of any other subdivision work, the “construction” on-site detention/sediment control basin and the associated immediate stormwater drainage system must be constructed:
- (a) in accordance with the approved plans, and
 - (b) to the requirements of the Principal Certifying Authority.

Any earth batters associated with such a facility must be compacted and stabilised to ensure that the integrity of the batters is continually maintained.

- (2) **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.
- (3) **Hoardings and Security Fencing** - The site must be enclosed with a suitable temporary hoarding or security fence of a type approved by Camden Council.

No site or demolition works must commence before the hoarding or fence is erected. Public thoroughfares must also not be obstructed in any manner whatsoever during demolition works.

All demolition works must comply with the requirements of AS2601:2001 - Demolition of structures.

- (4) **Traffic Committee Approval** – Designs for line marking, regulatory signage and traffic management associated with all proposed public roads within this subdivision MUST be submitted to and approved by the Roads Authority,

Camden Council prior to works commencing. If any changes to the proposed designs are required, an amended Construction Certificate may be required.

- (5) **Transport** – All haulage routes for trucks transporting soil, materials, equipment or machinery to and from the site must be selected to provide the shortest travel distance (or most appropriate) from the site to a State road. The Applicant may consult with Council prior to selecting the most suitable transport route. All remediation work shall ensure that:

- all soil, materials, equipment or machinery are delivered to or removed from the site shall be transported within the hours of operation specified in the development consent. All loads entering or leaving the site are securely covered;
- all vehicles exiting the site are securely covered;
- all vehicles exiting the site do so in a forward direction; and
- all vehicles exiting the site shall not track soil, mud or sediment onto the road.

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

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

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

Provide a stabilised entry/exit point. The access should be a minimum of 2.5m wide and extend from the kerb to the building line. The access should consist of aggregate at 30-40mm in size.

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

- (7) **Pollution Warning Sign** – A sign must be erected at all entrances to the subdivision site prior to work commencing and maintained until the subdivision has reached 80% occupancy. The sign must be constructed of durable materials and be a minimum of 1200 x 900mm. The wording of the sign must be as follows:

“WARNING - UP TO \$1,500 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) - Solution to Pollution.”

The warning and fine statement wording must be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details must

be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

The location and details of the signage shall be shown on the Soil and Water Management Plan prior to the release of the Construction Certificate.

- (8) **Remediation Works** - All works proposed as part of the Remediation Action Plan that includes remediation, excavation, stockpiling, on-site and off-site disposal; and that includes storage, cut, fill, backfilling, compaction, monitoring, validations, site management and security must be undertaken in accordance with the Remedial Action Plan titled "*Remediation Action Plan: Proposed Residential Development, prepared by John M. Daly & Associates Pty Ltd, prepared by Harvest Scientific Services Pty Ltd, job ref 201304, dated 28 June 2012* .

Any variation or modification to the Remedial Action Plan in terms of compliance work must be requested from the Consent Authority (Camden Council) in writing prior to validation. With regard to remediation work, any proposed variation of works must be approved by the Consent Authority (Camden Council) in writing prior to the works being undertaken.

- (9) **Survey Marks** - Permanent Survey co-ordination marks must be placed within the subdivision in accordance with the *Surveyors Act and Regulations*.
- (10) **Civil Engineering Inspections** - Where Council has been nominated as the Principal Certifying Authority, inspections by Council's Engineer are required to be carried out at the following Stages of construction:
- (a) prior to installation of sediment and erosion control measures;
 - (b) prior to backfilling pipelines and subsoil drains;
 - (c) prior to casting of pits and other concrete structures, including kerb and gutter, roads, accessways, aprons, pathways and footways, vehicle crossings, dish crossings and pathway steps;
 - (d) proof roller test of subgrade and sub-base;
 - (e) roller test of completed pavement prior to placement of wearing course;
 - (f) prior to backfilling public utility crossings in road reserves;
 - (g) prior to placement of asphaltic concrete;
 - (h) final inspection after all works are completed and "Work As Executed" plans, including work on public land, have been submitted to Council.

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

- (11) **Compaction (Roads)** - All filling on roadways must be compacted in accordance with Camden Council's current Engineering Construction Specifications.
- (12) **Compaction (Allotments)** - Those proposed allotments which are subject to filling must be compacted to 95% standard compaction. The applicant's Geotechnical Engineer must supervise the placing of fill material and certify that the work has been carried out to level 1 responsibility in accordance with Appendix B of AS3798-1990.

- (13) **Fencing of the “Construction” On-site Detention/Sediment Control Basin –** Any ‘construction’ on-site detention/sediment control basin must be enclosed by a 2.1m high security fence of a type approved by the consent Authority (Camden Council). Any such fence is to be continually maintained and is to remain in place until this facility is removed or reconstructed to a temporary/permanent waster quality facility.

4.0 - During Construction

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

- (1) **Delivery Register** - The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Camden Council officers on request and be submitted to the Council at the completion of the development.
- (2) **Drainage Patterns Not to be Affected** - Filling must be undertaken in accordance with the approved plans and in such a manner that the drainage pattern on the site and on adjoining properties is not altered.
- (3) **Fill Material** – For importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

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

For Virgin Excavated Natural Material (VENM):

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

- (iv) is suitable for its intended purpose and land use; and
- (v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

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

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

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

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

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

- (4) **Remediation and Construction Noise Levels** - Noise levels emitted during remediation and construction works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends:

Construction period of 4 weeks and under:

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

Construction period greater than 4 weeks:

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 10dB(A).

- (5) **Air Quality** - Vehicles and equipment used on-site must be maintained in good working order and be switched off when not operating. The burning of any waste material is prohibited.
- (6) **Remediation Works Inspection** - A qualified Environmental Consultant or Scientist will be required to frequently inspect the remediation works to confirm compliance with the RAP that includes all health and safety requirements.
- (7) **Off-Site Disposal of Contaminated Soil/Materials** – All contaminated materials proposed to be disposed of off-site must be disposed to a licensed landfill facility able to accept the classification of waste material.

- (8) **WorkCover Authority** – All remediation work must comply with the relevant requirements of NSW WorkCover Authority.
- (9) **Licences** – It is the responsibility of the applicant/land owner/site operator to ensure that all relevant licences are obtained from all appropriate authorities in accordance with relevant legislation requirements prior to the commencement of remediation works.
- (10) **Offensive Noise, Dust, Odour, Vibration** – Remediation work shall not give rise to offensive noise or give rise to dust, odour, vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the property boundary.
- (11) **Stormwater Disposal** – 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.
- (12) **Inter-Allotment Drainage Construction** – Inter-allotment drainage lines must be installed in accordance with Camden Council's current Engineering Specifications. Inter-allotment drains must be installed after Sydney Water sewerage lines have been installed, where sewer is proposed adjacent to inter-allotment drains.
- (13) **Location of Stockpiles** – Stockpiles of soil should not be located on or near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.
- (14) **Storage and Water Quality Controls** – Prior to the establishment of stockpile and compound sites, temporary stormwater and water quality control devices and sediment controls must be implemented.
- (15) **Removal of Wastes** – Where there is a need to remove any identified materials from the site that contain fill / rubbish / asbestos, this material will need to be assessed in accordance with the NSW DECC Waste Classification Guidelines (April 2008) (refer www.environment.nsw.gov.au/waste/envguidlins/index.htm). Once assessed, the materials will be required to be disposed to a licensed waste facility suitable for the classification of the waste with copies of tipping dockets supplied to Council.
- (16) **Salinity Management Plan** – All proposed construction works that includes earthworks, imported fill, landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with the management strategies as contained within the Salinity Management Plan under "Section 6" of the report titled "*Salinity Assessment: Proposed Residential Development, prepared by Harvest Scientific Services Pty Ltd, job ref 201304, dated 11/04/12.*"
- (17) **Temporary Turning Facility** – A temporary sealed turning head must be provided at the end of all staged road works. The pavement must be constructed to the ultimate road levels and pavement depth. Any additional land required for such works must be provided for the ultimate road alignment by way of a Right of Way to be extinguished upon extension of the road.

- (18) **Road Verge and Nature Strip Street Trees, Their Tree Root Barrier Guards, Protective Guards and Bollards** - During any earthworks and development works relating to this consent, the applicant is advised:
- (a) that any nature strip street trees and the screening and softening tree plantings along the Camden Bypass road verge area including their tree guards, protective bollards, garden bed surrounds or root barrier installation which do not survive, are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred;
 - (b) any repairs, relocations, reinstallations or replacements needed to the trees, bollards, garden bed surrounds, tree guards or existing root guard barriers, are to be completed with the same type, species, plant maturity, materials and initial installation standards, and the works and successful establishment of the trees carried out prior to the issue of the Subdivision Certificate.
- (19) **Unexpected Findings Contingency (Remediation)** - Upon the identification of additional contamination or hazardous materials at any stage of the remediation process, all remediation works in the vicinity of the findings shall cease and the affected area must be made secure from access by personnel. A qualified environmental consultant must assess the extent of the contamination / hazard in accordance with the NSW DEC Guidelines. The assessment results together with a suitable management plan must be provided to the Consent Authority (Camden Council) for written approval prior to the removal or treatment of such findings contamination/hazardous materials.
- (20) **Compliance of Remediation Work** – All remediation work must also comply with the following requirements:
- Contaminated Land Management Act 1997;
 - Department of Urban Affairs and Planning – Contaminated Land Planning Guidelines 1998;
 - SEPP 55 – Remediation of Land;
 - Sydney Regional Plan No. 20 Hawkesbury Nepean River (No. 2 – 1997); and
 - Camden Council's Adopted Policy for the Management of Contaminated Lands.

5.0 - Subdivision Certificate

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

- (1) **Stormwater Destination** – Prior to the issue of the Subdivision Certificate, pit lintels must be labelled with permanent stencilled signs in accordance with Camden Council's current Engineering Design Specifications.
- (2) **Site Validation Report** - A validation report incorporating a notice of completion must be submitted to the Consent Authority in accordance with the requirements of clause 7.2.4 (a) – (d) and clause 9.11 of Council's adopted policy and clause 17 & 18 of SEPP 55 for the completed remediation works.

The notice(s) or report(s) must confirm that all decontamination and remediation works have been carried out in accordance with the remediation plan and must be submitted to the Consent Authority within 30 days following the completion of the works. The validation report must be reviewed by an Officer of the Environment and Health Branch and be approved in writing prior to the issue of any Subdivision Certificate applicable to the land covered by the RAP.

- (3) **Surveyor's Report** – Prior to the issue of a Subdivision Certificate, a certificate from a registered surveyor must be submitted to the Certifying Authority certifying that all drainage lines have been laid within their proposed easements. Certification is also to be provided stating that no services or access ways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.
- (4) **Roadside Mound and Acoustic Boundary Fence** – An acoustic noise barrier is required in accordance with Appendix B Plan contained within *“Narellan Anglican Church Subdivision Traffic Noise Assessment prepared by Renzo Tonin & Associates, Ref TF360-01F02 (Rev 3) dated 11 July 2012.”*

Where the noise barrier is required to be higher than 3m in height, the fence is to be limited to a maximum of 3m with the additional height made up of earth mounding.

This acoustic barrier treatment must be fully constructed prior to the issue of a Subdivision Certificate

- (5) **Services** - Prior to the issue of any Subdivision Certificate, the following service authority certificates/documents must be obtained and submitted to the Principal Certifying Authority for inclusion in any Subdivision Certificate application:
- (a) a certificate pursuant to s.73 of the *Sydney Water Act 1994* stating that both water and sewerage facilities are available to each allotment;
- Note: Application for such a certificate must be made through an authorised Water Servicing Coordinator.
- (b) notification of Arrangements from Endeavour Energy;
- (c) written advice from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the subdivision/development.
- (6) **Stormwater Detention** - The capacity of the existing stormwater drainage system must be checked to ensure its capability of accepting the additional runoff from this development. If necessary an on-site detention system must be provided to restrict stormwater discharges from the site to pre-development flows in accordance with Camden Council's current Engineering Design Specifications.

On completion of the on-site detention system, Works-as-Executed plans are to be prepared by a Registered Surveyor or the Design Engineer and submitted to the Principal Certifying Authority. If Camden Council is not the Principal

Certifying Authority, a copy is to be submitted to the Council prior to the issue of the Subdivision Certificate. The plans are to be certified by the Designer and are to clearly make reference to:

- (a) the works having been constructed in accordance with the approved plans,
- (b) actual storage volume and orifice provided,
- (c) the anticipated performance of the system with regard to the design intent.

The developer must prepare a Section 88b Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user:

- (a) Restriction as to user indicating that the on-site detention basin must be maintained at all times to a level sufficient to ensure efficient operation of the basin, and that the Consent Authority (i.e. Camden Council) must have the right to enter upon the burdened lot with all necessary materials and equipment at all reasonable times and on reasonable notice (but at any time and without notice in the case of an emergency) to:
 - (i) view the state of repair of the basin;
 - (ii) to execute any work required to remedy a breach of the terms of this covenant if the proprietor has not within fourteen (14) days of the date of receipt by the proprietor of written notice from the Council requiring remedy of a breach of the terms of this covenant, taken steps to remedy the breach, and without prejudice to the Council's other remedies the Council may recover as a liquidated debt the cost of such remedial work from the proprietor forthwith upon demand.
- (b) Restriction as to user indicating that the on-site detention basin must not be altered, or removed in part, or structures erected thereon without the prior consent of Council.

(7) **Restrictions to be Imposed on Title** – The following restrictions as to user are to be imposed on the relevant title of the land as detailed below:

- (a) Lots to be Burdened for Waste Collection – A “restriction as to the user” shall be imposed on the 88B Instrument indicating that battle-axe lots 26, 28, 81, 82 and 84 are to be burdened by the location of the waste bin collection area. A clause shall also be imposed on the 88B Instrument which identifies lots 22, 27, 80 and 83 as being benefited by the waste bin collection area.
- (b) Dwellings shall be designed demonstrating compliance with the traffic noise intrusion limits set by Australian Standard AS3671-1989 Acoustic – Road Traffic Noise Intrusion – Building Siting and Construction and AS2107-2000 – Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors.

(8) **Maintenance Bond** - A maintenance bond in the form of an unconditional bank guarantee or cash bond, being 10% of the value of civil works, must be lodged

with Council prior to the release of the Subdivision Certificate. This bond is to cover the maintenance of civil works constructed during subdivision works and any damage to existing roads, drainage lines, public reserves or other Council property or works required as a result of work not in accordance with Council's standards, and/or development consent conditions.

The maintenance bond shall be for twelve (12) months or such longer period as determined by Council's engineer, and shall commence on the date of release of the linen plan in the case of subdivision works or the date of the issue of the compliance certificate in the case of development works.

Note 1: In accordance with Council's current Fees and Charges, an administration fee for processing of bonds in the form of cash or bank guarantees is applicable.

Note 2: It should be noted that Council will not refund/release the maintenance bond unless a suitable replacement bond is submitted.

- (9) **Road Surfacing Bond** - Prior to the issue of the Subdivision Certificate, the applicant is to lodge a monetary bond with the consent authority (ie Camden Council) for the placement of the final layer of asphaltic concrete wearing course for any proposed public road within this subdivision.

The bond is to be in the form of cash or unconditional bank guarantee in favour of the consent authority (i.e. Camden Council), and must be equivalent to 130% of the value of the works including the cost of all reinstatement works. The bond amount will be determined by reference to Council's current unit rates for such works.

The bond period is to commence on the date of issue of Subdivision Certificate and the work is required to be held for 5 years from completion or upon at least 80% of the subdivision occupancy.

Camden Council reserves the right to claim against the bond at any time.

Note 1: In accordance with Council's current Fees and Charges, an administration fee for processing of bonds in the form of cash/cheque or bank guarantees is applicable.

Note 2: It should be noted that Council will not refund/release the maintenance bond, unless a suitable replacement bond is submitted.

- (10) **Value Of Works** - Prior to release of the Subdivision Certificate, the applicant must submit itemised data and value of civil works for inclusion in Council's Asset Management System. The applicant can obtain from Council upon request, a template and requirements for asset data collection.

- (11) **Lot Numbers and Street Names** - Prior to Issue of a Subdivision Certificate, lot numbers, house numbers and street names must be stencilled on the face of kerb, or in such location as directed by the Principal Certifying Authority.

The stencil medium must be of a good quality UV stabilised paint and applied to the kerb accordingly:

- (a) Lot numbers:
 - (i) White number on **Blue** background located on the prolongation of both common boundaries of each lot.
- (b) House numbers:
 - (i) **Blue** number on white background located adjacent the middle of the lot.
- (c) Street names:
 - (i) White lettering on **Blue** background at kerb and gutter tangent and the remainder a minimum of 60mm high. The warning and fine details must be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

The location and details of the signage shall be shown on the Soil and Water Management Plan prior to the release of the construction certificate.

- (12) **Soil Classification** - A geotechnical report must be submitted detailing the classification of soil type generally found within the subdivision. A general classification for each lot within the subdivision must be provided and such classifications must be made by a Geotechnical Engineer in accordance with the provisions of SAA AS 2870 "Residential Slabs and Footings". The classification reports must be submitted to Council prior to release of the Subdivision Certificate.
- (13) **Footpath Construction Bond** - Prior to the issue of the Subdivision Certificate, the applicant is to lodge a monetary bond with Camden Council for the construction of a concrete footpath and/or pedestrian/cycle shared way. This applies only where such a facility is located in existing and/or proposed public land.

The bond is to be in the form of cash or an unconditional bank guarantee in favour of Camden Council, and must be equivalent to 200% of the value of the works, including the cost of all reinstatement works, with the estimated cost of such work being determined by reference to Council's current Schedule of Fees and Charges.

The work is to be completed within 5 years from the registration of the Subdivision Certificate/Plan of Subdivision or when Occupation Certificates for dwellings associated with 80% of the lots created by a subdivision adjoining such road have been issued.

Camden Council reserves the right to claim against the bond at any time.

Note 1: An administration fee, in accordance with Council's current Schedule of Fees and Charges, is applicable for the processing of bonds.

Note 2: It should be noted that Council will not refund/release the bond until;

- (a) the work has been completed to the requirements of Camden Council, and/or
- (b) where applicable a suitable replacement bond is submitted.
- (14) **Works As Executed Plan** - Prior to the Subdivision 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.
- (15) **Surveyors Report** - Prior to the Subdivision Certificate being issued, a certificate from a registered surveyor must be submitted to the Principal Certifying Authority certifying that all drainage lines have been laid within their proposed easements. Certification is also to be provided stating that no services or accessways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.
- (16) **Street Lighting** – Street lighting must be provided within the subdivision in accordance with the relevant Australian Standards, Endeavour Energy approval and the satisfaction of Council. All physical works must be complete prior to the issue of a Subdivision Certificate.
- (17) **Services** – All services (water, sewer, electricity, telephone and gas including the provision of service conduits and sub mains) are to be installed within the proposed public roads before final inspection of the engineering works.
- (18) **Service Authority Clearance** – Prior to the issue of a Subdivision Certificate, the following service authority clearances must be obtained and submitted to the Principal Certifying Authority:
- A Section 73 Compliance certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water Corporation.
 - A letter from Endeavour Energy stating that all its requirements and any conditions of this consent have been satisfied.
 - A letter from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the development.
- (19) **Show Easements on the Plan Of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.
- (20) **Show Restrictions on the Plan Of Subdivision** - The developer must acknowledge all existing restrictions on the use of the land on the final plan of subdivision.
- (21) **Plot Watercourses** - The developer must chart the natural watercourse on the subdivision.
- (22) **Plot Piped Watercourse** - The developer must chart the piped natural watercourse on the plan of subdivision.

- (23) **Section 88b Instrument** - The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user:
- (a) Easement for services.
 - (b) Easement to drain water.
 - (c) Drainage easement over overland flow paths.
 - (d) Easement for on-site-Detention.
 - (e) Easement for water quality
 - (f) Restriction as to user over any lots adjacent to a public reserve stipulating a dividing fence.
 - (g) Restriction as to user preventing the alteration of the final overland flow path shape and the erection of any structures (other than open form fencing) in the overland flow path without the written permission of Council
 - (h) Restriction as to user on those lots adjacent to the overland flow paths to ensure that the floor level of any habitable room is not less than 600mm above the 1% AEP level, such levels to be detailed on the Section 88B Instrument and related to AHD.
- (24) **Burdened Lots to Be Identified** - Any lots subsequently identified during construction of the subdivision as requiring restrictions must also be suitably burdened.
- (25) **Construction of Permanent Water Quality facilities** – A permanent water quality facility must be constructed;
- (a) in accordance with the approved plans;
 - (b) to the requirements of Camden Council; and
 - (c) when Occupation Certificates for dwellings associated with 70-80% of the lots have been issued.
- Any earth batters associated with such a facility must be compacted and stabilised to ensure that the integrity of the batters is continually maintained.
- (26) **Modified “Construction” On-site Detention/Sediment Control Basin and Water Quality Facility, Operation, Maintenance and Monitoring Manual** - Prior to the completion of the modified “construction” on-site detention/sediment control basin and water quality facility, an Operation, Maintenance and Monitoring Manual must be submitted to the Principal Certifying Authority for approval.

The manual must be prepared by a suitably qualified professional in accordance with the requirements of Managing Urban Stormwater – Soils and Construction, Volume 1, 4th Edition, March 2004 as produced by Council.

- (27) **Bond for the Decommissioning of the Modified “Construction” On-site Detention/ Sediment Control Basin and Water Quality Facility** - Prior to the issue of any Subdivision Certificate, a bond for:

- (a) the conversion of the modified “construction” on-site detention/sediment control basin and water quality facility to a temporary/permanent water quality facility, and/or
- (b) the removal of the modified “construction” on-site detention/ sediment control basin and water quality facility and reinstatement of the area in accordance with the approved plan

must be lodged with Camden Council.

The bond:

- (a) applies only where such a facility is located in existing and/or proposed public land,
 - (b) has been determined at an amount of \$25,000, and
 - (c) will be retained by Council until:
 - (i) such works have been completed in accordance with the approved plans and to the requirements of Council,
 - (ii) a permanent water quality facility has been provided in a public infrastructure location approved by Council, and
 - (iii) the completion of such work has been confirmed, in writing, by Council.
- (28) **Permanent Water Quality Facility Operation, Maintenance and Monitoring Manual/s** - Prior to the issue of any Subdivision Certificate, Operation and Maintenance and Monitoring Manual/s for the permanent water quality facilities must be submitted to the Principal Certifying Authority for approval.

The manuals must be prepared by a suitably qualified professional in accordance with the requirements of the water quality criteria contained within the approved Water Cycle Master Plan and must provide detailed information regarding the following:

- (a) vegetation management
- (b) removal of noxious weeds
- (c) replacement of filter medium
- (d) water quality

Sampling - water quality sampling should be undertaken for all relevant Water quality parameters contained within the approved “Water Cycle Master Plan”. Samples are to be taken from the inlet point of the “on-site detention / sediment Control Basin” and the outlet point of the “Water Quality Facility”.

Frequency - The frequency of sampling for each facility must include quarterly sampling. Where prolonged drought conditions exist and water is unavailable for testing on a quarterly basis then a minimum of 4 samples must be taken (within a 12 month period) when water is available with a minimum of 2 months between sampling periods.

Discussion of sampling results - A comparison of results with respect to the level of compliance with water quality targets/ criteria will be required and include recommendations for corrective action where non-compliance is determined.

In that regard the manual must indicate that water quality sampling and monitoring report/s must be submitted to Camden Council at the commencement of monitoring and six (6) months after the initial sampling.

Methodology for attainment of the required water quality discharge parameters - Methodology/measures are required to ensure that the subject temporary facilities remain functional/operational until such time as they are decommissioned and replaced/reconstructed as a permanent water quality facility.

- (29) **Demolition of Temporary Water Quality Facilities** – Any temporary water quality facility will be made redundant upon the provision of an approved permanent water quality facility. In that regard the temporary water quality facility must be demolished and the area containing the facility reinstated. Any resulting impediment to existing permanent infrastructure as a result of the removal of the associated stormwater drainage system is to be rectified to the requirements of Camden Council.

Prior to the commencement of any such demolition, all contributing stormwater flows to the facility must be diverted to the permanent water quality facility by way of a stormwater drainage system approved by Camden Council.

- (30) **Modification of the “Construction” On-site Detention/ Sediment Control Basin** – After three (3) months of the registration of the Subdivision Certificate/Plan of Subdivision by the Department of Lands – Land and Property Information, the “construction” on-site detention/sediment control basin must be modified to include a water quality component.

The water quality component must have the following:

- (a) a filter medium must be included in the design;
 - (b) 50% of the total number of “macrophyte” type plants, the details of which are noted on the approved plans, must be planted within the filter medium area.
- (31) **Fill Plan** - A Fill Plan shall be submitted to the Principle Certifying Authority prior to the issue of any Subdivision certificate. The plan must:
- (a) show lot boundaries
 - (b) show road/drainage/public reserves

- (c) show street names
- (d) show final fill contours and boundaries, and
- (e) show depth in filling in maximum 0.5m Increments.

It is to be submitted electronically in Portable Document Format (.PDF) at 150dpi with a maximum individual file size not exceeding 2 megabytes and submitted both on compact disk and an A1 paper plan.

- (32) **Flood Line Identification** - The 1:100 year flood line (1% AEP) must be marked on the plan of subdivision
- (33) **Footpath Provision** – A shared footpath/cycleway of 4.0m must be provided along the sites frontage to Richardson Road.
- (34) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$7,110.00 per additional lot or dwelling, total \$632,790.00, for Open Space, Recreation & Community Land.

The contribution must be indexed by the methods set out in Paragraph 2.15.2 of the plan and paid prior to the issue of a Subdivision Certificate.

The monetary contribution may at the sole discretion of Council 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 Subdivision Certificate.

- (35) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$9,486.00 per additional lot or dwelling, total \$844,254.00, for Recreation & Community Facilities, Volunteer Emergency Services Facilities and Plan Preparation & Administration Services.

The contribution must be indexed by the methods set out in Paragraph 2.15.1 of the plan and paid Prior to the issue of a Subdivision Certificate.

- (36) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$39,438 per additional lot or dwelling, total \$3,509,982.00, for Drainage, Roadworks, Traffic Facilities, Open Space Embellishment and Masterplan.

The contribution must be indexed by the methods set out in Paragraph 2.15.1 of the plan and paid Prior to the issue of a Subdivision Certificate.

The monetary contribution for Drainage, Roadworks, Traffic Facilities, Open Space Embellishment and Masterplan may at the sole discretion of Council 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 Subdivision Certificate.

END OF CONDITIONS

RECOMMENDED

That Council approve Development Application 75/2012 for the subdivision of land to create 94 residential lots and the construction of new roads at 172, 172A, 186 Richardson Road and 12B Moreton Bay Avenue, Spring Farm subject to the conditions listed above.

ATTACHMENTS

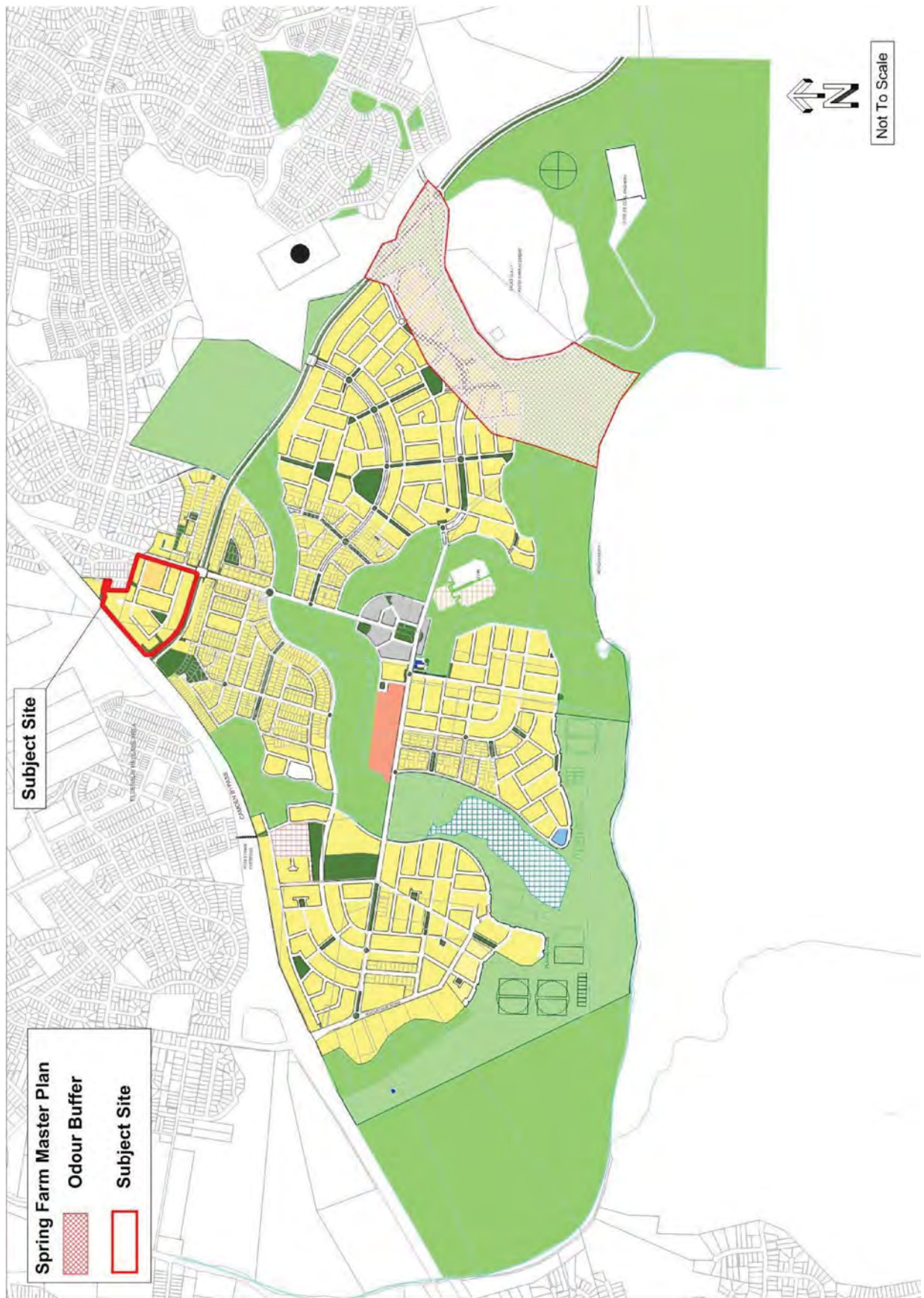
1. Subdivision Plan
2. Spring Farm Masterplan
3. Petition and Submissions - *Supporting Document*



Attachment 1
 ORD03

Attachment 1
ORD03





ORD03

Attachment 2



ORD04

ORDINARY COUNCIL

ORD04

SUBJECT: CONVERSION OF AN EXISTING RESIDENTIAL DWELLING INTO A MEDICAL CENTRE WITH ASSOCIATED SITE WORKS AT 48 WILSON CRESCENT, NARELLAN
FROM: Director, Development and Health
BINDER: DA 783/2012

APPLICATION NO: 783/2012
PROPOSAL: Conversion of an existing residential dwelling into a medical centre with associated site works
PROPERTY ADDRESS: 48 Wilson Crescent, Narellan
PROPERTY DESCRIPTION: Lot 11, DP 524996
ZONING: R2 Low Density Residential
OWNER: Mr R & Mrs J L Gullo
APPLICANT: Mrs J L Gullo

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the conversion of an existing residential dwelling into a medical centre with associated site works at 48 Wilson Crescent, Narellan.

The DA is referred to Council for determination as there remain unresolved issues received in one submission from the public.

SUMMARY OF RECOMMENDATION

That Council determine Development Application No 783/2012 for the conversion of an existing dwelling into a medical centre with associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting of consent subject to conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the conversion of an existing dwelling into a medical centre with associated site works at 48 Wilson Crescent, Narellan.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulations 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The DA was notified in accordance with Camden Development Control Plan 2011 and one submission was received (objecting to the proposal).

The issues raised in the submission relate to car parking, traffic generation and impacts upon the amenity of the area. Council staff have assessed these issues and consider the development to be suitable for the site subject to conditions.

Based on the assessment, it is recommended that the DA be approved subject to the conditions contained in this report.

AERIAL PHOTO



THE SITE

The subject site is commonly known as 48 Wilson Crescent, Narellan and is legally described as Lot 111, DP 524996.

The site is located on the corner of Camden Valley Way and Wilson Crescent. The site has a 33m frontage to Wilson Crescent (the primary frontage) and a 40m frontage to Camden Valley Way (the secondary frontage). The overall site area is 1,340m².

The subject site accommodates a residential dwelling including an attached garage and a separate detached garage/outbuilding at the rear of the site. A previously approved home business for a podiatry practice operates from the detached garage/outbuilding (known as the "Narellan Foot Clinic"). Free-standing business identification signage is located on the site's Camden Valley Way/ Wilson Crescent corner.

The surrounding properties are characterised by detached residential dwellings. Wilson Reserve is located to the south-east of the site with Camden Golf Club located to the south-west.

HISTORY

The development history of the subject site is summarised in the following table:

Date	Development
19 June 2007	Approval of the conversion of the site's detached garage into a podiatry practice home business.
24 August 2012	Approval for the removal of two trees at the rear of the site.

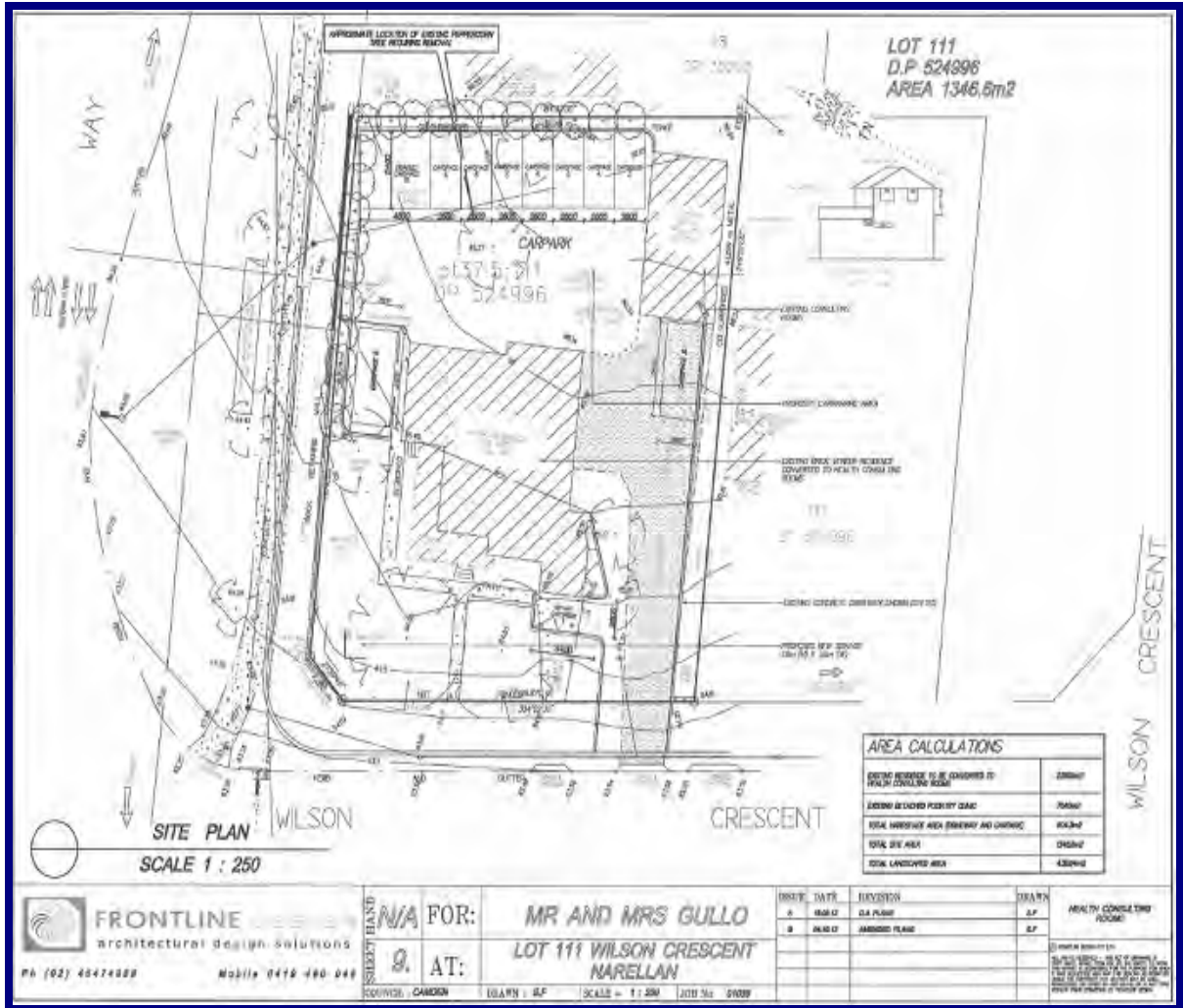
THE PROPOSAL

DA No 783/2012 seeks approval for the conversion of an existing residential dwelling into a medical centre with associated site works.

Specifically the proposed development involves:

- conversion of the existing residential dwelling into a medical centre for the provision of allied health services, such as physiotherapists, chiropractors, naturopaths and psychologists
- internal alterations incorporating the establishment of four consulting rooms, a waiting room, reception area, staff area, toilets, store room and laundry
- external alterations incorporating the installation of a 1:14 grade ramp at the rear of the building
- the provision of 11 off-street car parking spaces with the majority being located in a new hard stand area at the rear of the dwelling
- landscaping around the perimeter of the car parking area
- the removal of the existing free-standing sign and the display of a new free-standing business identification sign at the site's Camden Valley Way and Wilson Crescent corner
- the widening of the existing driveway crossing onto Wilson Crescent to 6m which necessitates the removal of 3 trees
- operating hours of 8:30am to 5:30pm Monday to Friday and 9:00am to 1:00pm on Saturday
- between 3 and 5 staff (maximum) working on the site at any one time
- the centre will operate by appointment only and an estimated 30-35 patients per day will attend the centre when fully operational.

The existing podiatry business operating from the detached outbuilding will remain as part of the proposed medical centre development.



ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy No 64 – Advertising and Signage
- Deemed State Environmental Planning Policy No 20 – Hawkesbury / Nepean River
- Camden Local Environmental Plan 2010

An assessment of the proposed development under the Environmental Planning Instruments is detailed below.

State Environmental Planning Policy No 64 – Advertising and Signage (SEPP)

The proposal includes a free-standing business identification sign measuring 700mm x 700mm in size and no greater than 2m in height above ground level.

Pursuant to Clause 4(1) of the SEPP, the proposed sign is a business identification sign as it will display the business name and a contact telephone number.

The proposed sign has been assessed against the relevant assessment criteria in the SEPP. The sign is considered acceptable on the basis that:

- the sign is considered to be compatible with the existing residential character of the area. The sign will not be a visually dominant structure in the streetscape;
- the sign will not detract from the amenity of the residential dwellings located in proximity to the site;
- the sign will not obscure or compromise important views or dominate the skyline, and its location on the property will not interfere with any other signage;
- the sign is of an appropriate scale and form for this area and will not protrude above buildings or significant landscape features in the area;
- the scale and proportions of the sign are considered acceptable, having regard to its identification function, the existing building on the site, the surrounding landform and landscape features;
- the sign will not be illuminated; and
- given its proposed location and design, it is not considered that the sign will reduce safety for passing pedestrians or motorists or that it will obscure any sight lines.

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

It is considered that the aims and objectives of this policy will not be prejudiced by this development and there will be no detrimental impacts upon the Hawkesbury/Nepean River system as a result of it. Water pollution control devices will be provided as part of the development in order to protect the integrity of the Hawkesbury/Nepean River catchment.

Camden Local Environmental Plan (LEP)

Permissibility

The subject site is zoned R2 Low Density Residential under the provisions of the LEP. The proposed development is defined as a “medical centre” under the LEP which is a permissible land use in this zone.

Objectives

The objectives of the R2 Low Density Residential are as follows:

- To provide for the housing needs of the community within a low density residential environment.

Comment

This objective is not relevant to this development as the proposal is not for housing.

- To enable other land uses that provides facilities or services to meet the day to day needs of residents.

Comment

The development will provide health services that will help meet the day to day needs of residents within the Narellan township and neighbouring suburbs.

- To allow for educational, recreational, community and religious activities that support the wellbeing of the community.

Comment

The development will provide health services that will support the wellbeing of the community.

- To minimise conflict between land uses within the zone and land uses within adjoining zones.

Comment

Subject to the conditions contained within this report, the proposed development will not conflict with other land uses in this and adjoining zones.

Relevant Clauses

The DA was assessed against the following relevant clauses of the LEP:

Clause	Requirement	Provided	Compliance
6.2 Public Utility Infrastructure	Appropriate public utility infrastructure to service the development	The site is serviced by appropriate public utility infrastructure including water sewer	Yes

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instrument applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Camden Development Control Plan 2011 (DCP)

The following table provides an assessment of the proposal's compliance with the controls in the DCP.

ORD04

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion and sediment control measures	Yes – provided and appropriate conditions recommended	Yes
B1.2 Earthworks	Cut and fill to not exceed 1m	Yes – any minor regrading of the car parking area required will not result in any cut or fill exceeding 1m	Yes
B1.4 Water Management	Stormwater management, drainage and connection to the sewer	Yes – provided and condition	Yes
B1.5 Trees and Vegetation	Consent required for removal of trees greater than 3m in height	Yes – the application seeks consent for the removal of 3 trees on the southern side of the dwelling	Yes
B1.9 Waste Management Plan	Waste management plan required (WMP)	Yes – provided and condition compliance with the plan	Yes
B1.13 Mine Subsidence	Approval from Mine Subsidence Board	Yes – advice has been received from the Mine Subsidence Board stating that concurrence is not required for the construction of the car parking area	Yes
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy	Yes – noise generation is not considered to be significant	Yes
B2 Landscape Design	Landscape plan	Yes – provided	Yes
B4.5 – Advertising and signage in residential zones	One sign with a maximum area of 0.7m ² , not exceeding 2m in height, not detracting from the amenity and character of area, located within the property and not illuminated	Yes – the proposed replacement sign will have an area of 0.49m ² and will be only 2m above the existing ground level. The sign will not detract from the amenity and character of the area, will be located within the property and be non-illuminated	Yes
B5.1 – Off street car parking rates and requirements	Medical centres require 4 spaces per 100m ² of gross floor area (GFA)	Yes. The total GFA of the medical centre is 205m ² (including the dwelling and the detached garage), therefore 9 car	Yes

Control	Requirement	Provided	Compliance
		parking spaces are required. 11 spaces are provided which is in excess of the DCP requirement	

(a)(iii) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No relevant agreement exists or has been proposed as part of this application.

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained within this report.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered to be suitable for the development.

(d) Any submissions made in accordance with this Act or the Regulations

The DA was publicly exhibited for a period of 14 days. The exhibition period was from 27 August to 10 September 2012 and one submission was received. The following discussion addresses the issues and concerns raised in the submission.

- 1. The area is zoned residential and is not suitable for a commercial use, and is better suited around the Narellan Town Centre.*

Officer comment:

As assessed previously in the report, a medical centre is a permissible land use in the R2 Low Density Residential zone. The proposed development has been assessed and subject to the conditions contained in this report, the site is suitable for this development.

- 2. Whilst off-street parking is being provided, cars will still park on the street and create the same problems as experienced near the police station.*

Officer comment:

The Camden DCP requires medical centres to provide car parking at the rate of 4 spaces per 100m² of gross floor area (GFA). As the GFA of the development is

205m² (including the dwelling building and the detached garage), 9 car parking spaces are required.

The proposal provides 11 spaces including an accessible car space on-site, which complies with Council's car parking requirements.

To assist in limiting the demand for car parking at the centre, it is recommended that conditions be imposed limiting the number of staff at the centre to a maximum of five at any one time and requiring the centre to operate by appointment only.

3. *Concerns about the traffic that will be generated and the ability for nearby residents to enter and exit their property.*

Officer comment:

The centre will operate by appointment only and an estimated 30-35 patients per day will attend the centre when fully operational. As these appointments will be spread throughout the day, the centre will not result in a significant increase in the level of traffic on Wilson Crescent and Camden Valley Way.

Council's Traffic Engineer has reviewed the DA and advised that the traffic volumes likely to be generated by the development are considered acceptable.

4. *Concerns about the aesthetics of the development*

Officer comment:

Minimal changes are proposed to the external appearance of the dwelling, and the parking area will be located at the rear of the dwelling with landscaping provided to help soften and screen it. The site will still generally present as a residential dwelling to its frontages and is considered acceptable for the area.

5. *It will impact on the amenity of the area.*

Officer comment:

It is considered that the amenity of the area will not be significantly impacted by way of noise, traffic and other operational aspects of the medical centre. Appropriate conditions of consent are recommended to manage the ongoing operations of the business.

6. *It is inconsistent with the semi-rural feel of the area.*

Officer comment:

There will be no physical changes to the existing footprint of the existing buildings on the site and the new car parking spaces will be softened and screened by landscaping.

There are numerous examples in Camden where dwellings have been converted for use by medical and specialist practitioners. It is not considered that the development will result in a negative change in the character of the area nor detract from the predominantly low density residential surroundings.

(e) The public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, Environmental Planning and Assessment Regulations 2000, Environmental Planning Instruments, Development Control Plans and policies. Based on the above assessment, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

The Development Application was not referred to any external agency for comment.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA No 783/2012 is recommended for approval subject to the conditions listed in this report.

1.0 - General Requirements

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

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

Plan / Development No.	Description	Prepared by	Dated
01039 Sheet 1 Issue B	Floor Plan	Frontline Design	4/10/12
01039 Sheet 2 Issue B	Elevations	Frontline Design	4/10/12
01039 Sheet 3 Issue B	Elevations	Frontline Design	4/10/12
01039 Sheet 4 Issue B	Section	Frontline Design	4/10/12
01039 Sheet 5 Issue B	Ramp detail	Frontline Design	4/10/12
01039 Sheet 6 Issue B	Accessible bathroom detail	Frontline Design	4/10/12
01039 Sheet 7 Issue B	Accessible bathroom detail	Frontline Design	4/10/12
01039 Sheet 8 Issue B	Accessible bathroom detail	Frontline Design	4/10/12
01039 Sheet 9 Issue B	Site plan	Frontline Design	4/10/12
01039 Sheet 10 Issue B	Vehicle manoeuvring and landscaping plan	Frontline Design	4/10/12
01039 Sheet 11 Issue B DA-01	Stormwater disposal Proposed signage drawing	Frontline Design Applicant	4/10/12 N/A

Where there is an inconsistency between the approved plans/documentation and the conditions of this consent, the conditions of this consent override the approved plans/documentation to the extent of the inconsistency.

- (2) **Tree Removal** – Consent is granted for the removal of three trees adjacent to the southern elevation of the dwelling.

This work must only be carried out by a fully insured and qualified Arborist. Suitable qualifications for an Arborist are to be a minimum standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture for the actual carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.

Where possible, all green waste generated from the approved tree work is to be recycled into mulch or composted at a designated facility. All reasonable measures must be taken to protect the remaining vegetation on the site from damage during the approved tree works.

The issuing of this Consent is conditioned upon the planting and maintenance of suitable replacement trees or tall shrubs as a means to achieve a “No Nett Loss” approach to vegetation management. The plantings are to be installed on the subject property within six months of the removal/s authorised by this consent.

At the appropriate time arrangements will be made for a Council officer to inspect the planting/s (referred to in the clause above) to ensure that Council’s objectives for vegetation management are being achieved.

- (3) **Design and Construction Standards** – All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with:
- (a) Camden Council’s current Engineering Specifications, and
 - (b) Camden Council’s Development Control Plan 2011.

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

- (4) **Building Code Of Australia** – All works must be carried out in accordance with the requirements of the *Building Code of Australia*.

2.0 - Construction Certificate Requirements

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

- (1) **Civil Engineering Plans** – Indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with the relevant Development Control Plan and Engineering Specifications, and are to be submitted for approval to the Principal Certifying Authority prior to the Construction Certificate being issued.

Note:

- (a) Under the *Roads Act 1993*, only the Council can issue a Construction Certificate for works within an existing road reserve.
- (b) Under section 109E of the *Environmental Planning and Assessment Act 1997*, Council must be nominated as the Principal Certifying Authority

for subdivision work and has the option of undertaking inspection of physical construction works.

- (2) **Performance Bond – Prior to the issue of the Construction Certificate**, a performance bond of \$5,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (3) **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.
- (4) **Car Parking Design** – The design, construction details of the parking spaces, access thereto and all other external hard paved areas must conform to the Consent Authority's (i.e. Camden Council) standard, and documentary evidence of compliance of above condition must be submitted by an Accredited Certifier/suitably qualified person/Council or the Principal Certifying Authority prior or the Construction Certificate being issued.

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

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

All disabled parking shall be designed and constructed to comply with AS 2980.6.

- (5) **Disability (Access to Premises - Buildings) Standards 2010** – The development must comply with the Disability (Access to Premises - Buildings) Standards 2010. Compliance must be demonstrated to the certifying authority prior the issue of a Construction Certificate.

3.0 - Prior To Works Commencing

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

- (1) **Stabilised Access Point** – A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point. Council's standard details as per SD 31 shall be used for construction.
- (2) **Soil Erosion and Sediment Control** – Soil erosion and sediment controls must be implemented prior to works commencing on the site.

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

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

Provide a stabilised entry/exit point. The access should be a minimum of 2.5m wide and extend from the kerb to the building line. The access should consist of aggregate at 30-40mm in size.

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

- (3) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (4) **Erection of Signs** – Shall be undertaken in accordance with Clause 98A of the *Environmental Planning and Assessment Regulation 2000*.
- (5) **Toilet Facilities** – Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - (c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (6) **Notice of Commencement of Work and Appointment of Principal Certifying Authority (PCA)** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and clauses 103 and 104 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed PCA, and the nominated 'principal contractor' for the building or subdivision works.
 - (7) **Construction Certificate Before Work Commences** – This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority has been appointed.
 - (8) **Public Road Activity** – A Public Road Activity Application shall be lodged for approval of the Council (Road Authority) with Public liability insurance and Traffic Control Plan prepared by a RTA accredited Traffic Controller prior to commencement of any work in public roads.

4.0 - During Construction

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

- (1) **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 on 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.

- (2) **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:
 - (a) the delivery of material shall only be carried out between the hours of 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 4.00pm on Saturdays;
 - (b) 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;
 - (c) 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;
 - (d) waste must not be burnt or buried on site, nor should wind-blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot;
 - (e) a waste control container shall be located on the development site.

- (3) **Civil Engineering Inspections** – Where Council has been nominated as the Principal Certifying Authority, inspections by Council's Engineer are required to be carried out at the following stages of construction:
 - (a) prior to installation of sediment and erosion control measures;
 - (b) prior to backfilling pipelines and subsoil drains;
 - (c) prior to casting of pits and other concrete structures, including kerb and gutter, roads, accessways, aprons, pathways and footways, vehicle crossings, dish crossings and pathway steps;
 - (d) proof roller test of subgrade and sub-base;
 - (e) roller test of completed pavement prior to placement of wearing course;
 - (f) prior to backfilling public utility crossings in road reserves;
 - (g) prior to placement of asphaltic concrete;
 - (h) final inspection after all works are completed and "Work As Executed" plans, including work on public land, have been submitted to Council.

Where Council is not nominated as the Principal Certifying Authority, documentary evidence in the form of Compliance Certificates stating that all

work has been carried out in accordance with Camden Council's Development Control Plan 2011 and Engineering Specifications must be submitted to Council prior to the issue of the Subdivision/Occupation Certificate.

- (4) **Drainage Design** – The following is to occur:
 - (a) Detail drainage design for the proposed drainage and water quality treatment system shall be prepared by an engineer or qualified and experienced person on hydraulics and hydrology in accordance with the Council's Design Specifications.
 - (b) The stormwater generated from the new car parking area shall be collected and provide overland flow path independently of the existing sealed area. The excess water generated from this development shall be retarded within the landscape area or other facility prior to discharging to the Council's system.
 - (c) All stormwater from the new car park shall be pre-treated by grass swales/bio swales in landscaped area prior or by a proprietary device prior to discharging to Council's system. The designed plan must be submitted to the Principal Certifying Authority for approval.
- (5) **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.
- (6) **Services** – All services affected due to the proposed work shall be adjusted in consultation with the appropriate Service Authority at no cost to Council.
- (7) **Damaged Assets** – Any work and public utility relocation within a public place shall incur no cost to Council.
- (8) **Responsibility for Damage for Tree Removal/Pruning** – The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicants' agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.
- (9) **Construction Noise Levels** – Noise levels emitted during construction works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual.

This manual recommends:

Construction period of 4 weeks and under:

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

Construction period greater than 4 weeks:

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

5.0 - Prior To Issue Of Occupation Certificate

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

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

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

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

- (2) **Concrete Footpath** – A standard concrete footpath of width 1.2m shall be constructed linking the footpath in Camden Valley Way to the driveway to the subject property at no cost to Council and in accordance with Council's engineering specifications. The redundant driveway crossing in front of the building's existing attached garage must be removed and the road verge reinstated in accordance with Council's engineering specifications.
- (3) **Footpath Crossing Construction** – Prior to the issue of any Occupation Certificate, a footpath crossing must be constructed in accordance with Council's issued footpath crossing information. The footpath crossing is to be 6m wide with 0.5m splays at each end.
- (4) **Works as Executed Plan** – Prior to the Occupation Certificate being issued, a works-as-executed plan must be submitted to the Principal Certifying Authority in accordance with Council's current Engineering Construction Specifications.
- (5) **Redundant Crossings** – All redundant gutter crossings and footpath crossings must be reinstated to the existing standards on the road.
- (6) **Fire Safety Certificates** – A Fire Safety Certificate is to be submitted to the Principal Certifying Authority 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 Fire & Rescue New South Wales, 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.
- (7) **Signage** – The existing sign is to be removed from the site on the corner of Wilson Crescent and Camden Valley Way and replaced with the sign shown on the approved plan “Proposed signage drawing DA-01.” The sign is approved to display the name of the business and a telephone number in white lettering/numbering on a pink background that matches the background of the existing sign being replaced.

No additional signs may be displayed without separate development consent from Council.

6.0 - Operational Conditions

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

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

Monday to Friday: 8:30am to 5:30pm

Saturday: 9:00am to 1:00pm

Sunday & Public Holidays: CLOSED

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.

- (2) **Maintenance** – The approved sign must be maintained in good order at all times. The approved design, colour scheme and wording of the sign must not be altered without the prior written approval of the Consent Authority (i.e.. Camden Council).
- (3) **Storage of Goods** – The storage of goods and materials must be confined within the building. At no time must goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve.
- (4) **Vehicles that Service the Site** – Vehicles that service the site must comply with the following requirements at all times:
- (a) all vehicles must enter and exit the site in a forward direction;
 - (b) all vehicles awaiting loading, unloading or servicing must be parked on-site and not on adjacent or nearby public roads;

- (c) articulated or heavy rigid vehicles in excess of 11m in length shall not service the premises due to the limited manoeuvring capabilities of the site.
- (5) **Laundry / Sterilising Room** – To allow for the flow of equipment from “dirty to clean” the fit-out of the sterilising room shall include additional bench space that runs along the wall between the door and sink detailed on the Floor Plan prepared by Frontline Design, job number 01039 issue B, dated 4/10/12.
- (6) **Light Spillage** – The lighting of the premises must be directed so as not to cause nuisance to owners or occupiers of adjoining premises. The design and operation of the lighting must comply with AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.
- (7) **Amenity** – The business shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations and residential or business premises.
- (8) **Offensive Noise** – The use and occupation of the premises including all plant and equipment must not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997*.
- (9) **Plant Noise Restriction** – The level of total continuous noise emanating from operation of all the plant or processes in all buildings (LA_{eq}) (measured for at least 15 minutes) or in the above premises must not exceed the relevant criteria contained within Council’s “Environmental Noise Policy” when measured at any point on the boundary.
- (10) **Maximum Staff** – A maximum of five (5) staff are approved to work on the site at any one time.
- (11) **Appointments** – To manage the number of vehicles attending the centre at any one time, the medical centre must operate ‘by appointment’ only.
- (12) **Linen Storage** – The following is to occur:
- (a) clean linen, garments and towels are to be used on each client where required;
 - (b) used and clean towels are to be stored separately;
 - (c) all linen including towels, capes, gowns and other washable fabrics must be washed with laundry detergent and water, rinsed, dried and stored in a clean, dry, dust free location.
- (13) **Waste** – The applicant shall enter into a commercial contract for the collection of trade waste. A copy of this agreement shall be held on the premises at all times.
- (14) **Cleanliness of Premises** – The premises shall be maintained at all times in a clean and healthy condition.
- (15) **Car Parking Spaces** – Eleven (11) car parking spaces must be provided and permanently maintained on the site for patients and staff.

END OF CONDITIONS

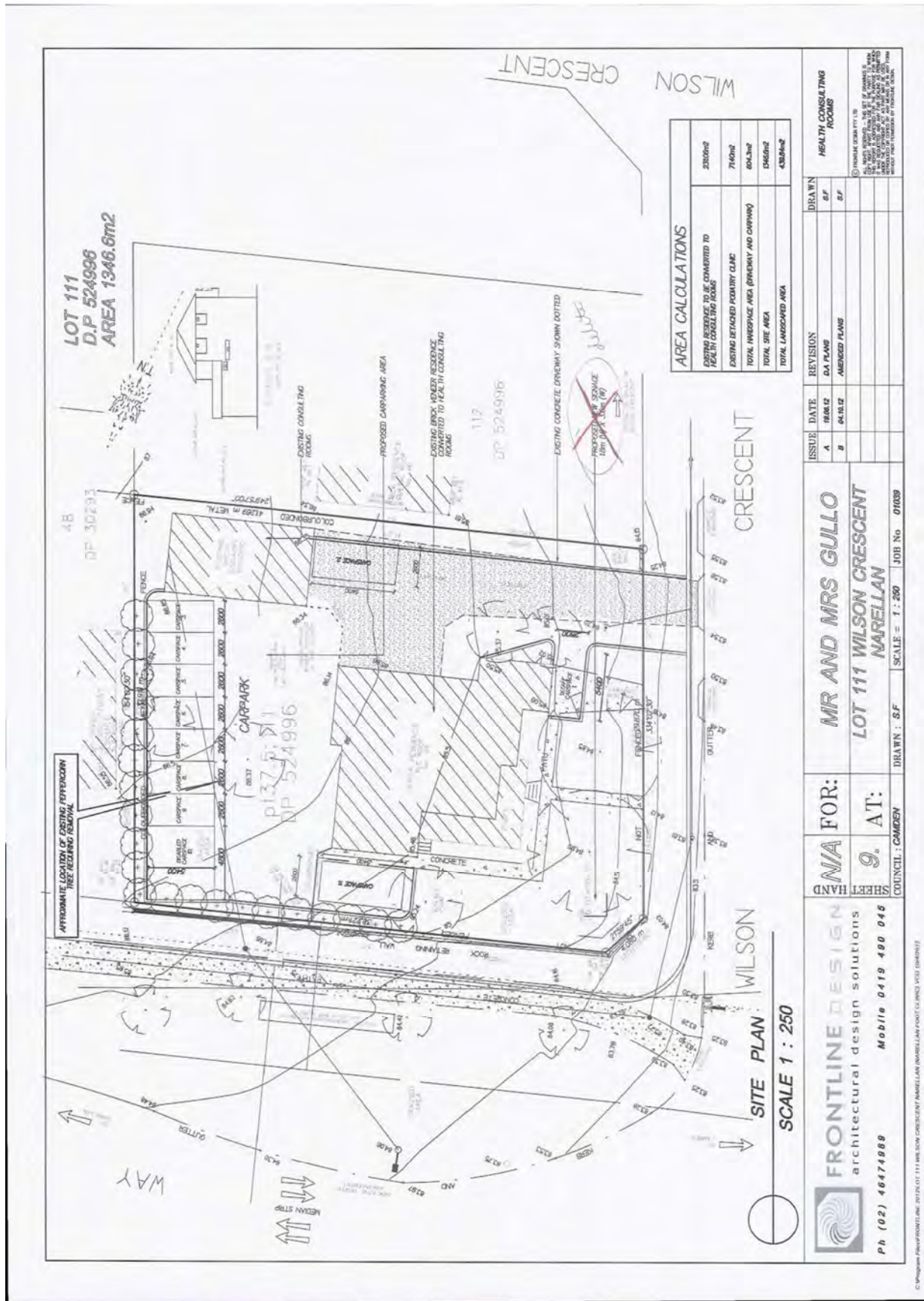
ORD04

RECOMMENDED

That Council approve Development Application 783/2012 for the conversion of an existing residential dwelling into a medical centre with associated site works at 48 Wilson Crescent, Narellan, subject to the conditions listed above.

ATTACHMENTS

1. Proposed plans
2. Proposed signage
3. Submission - *Supporting Document*

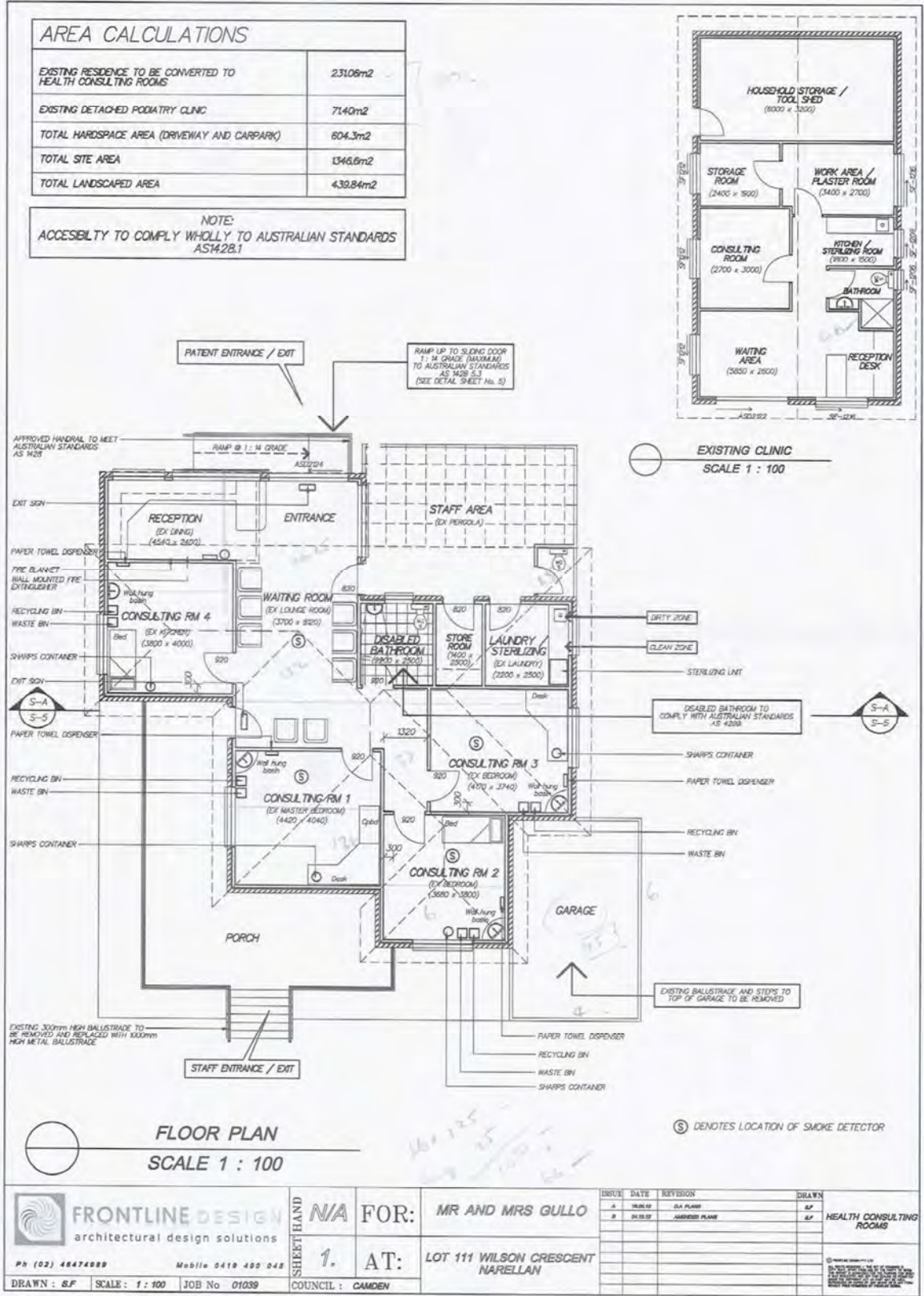


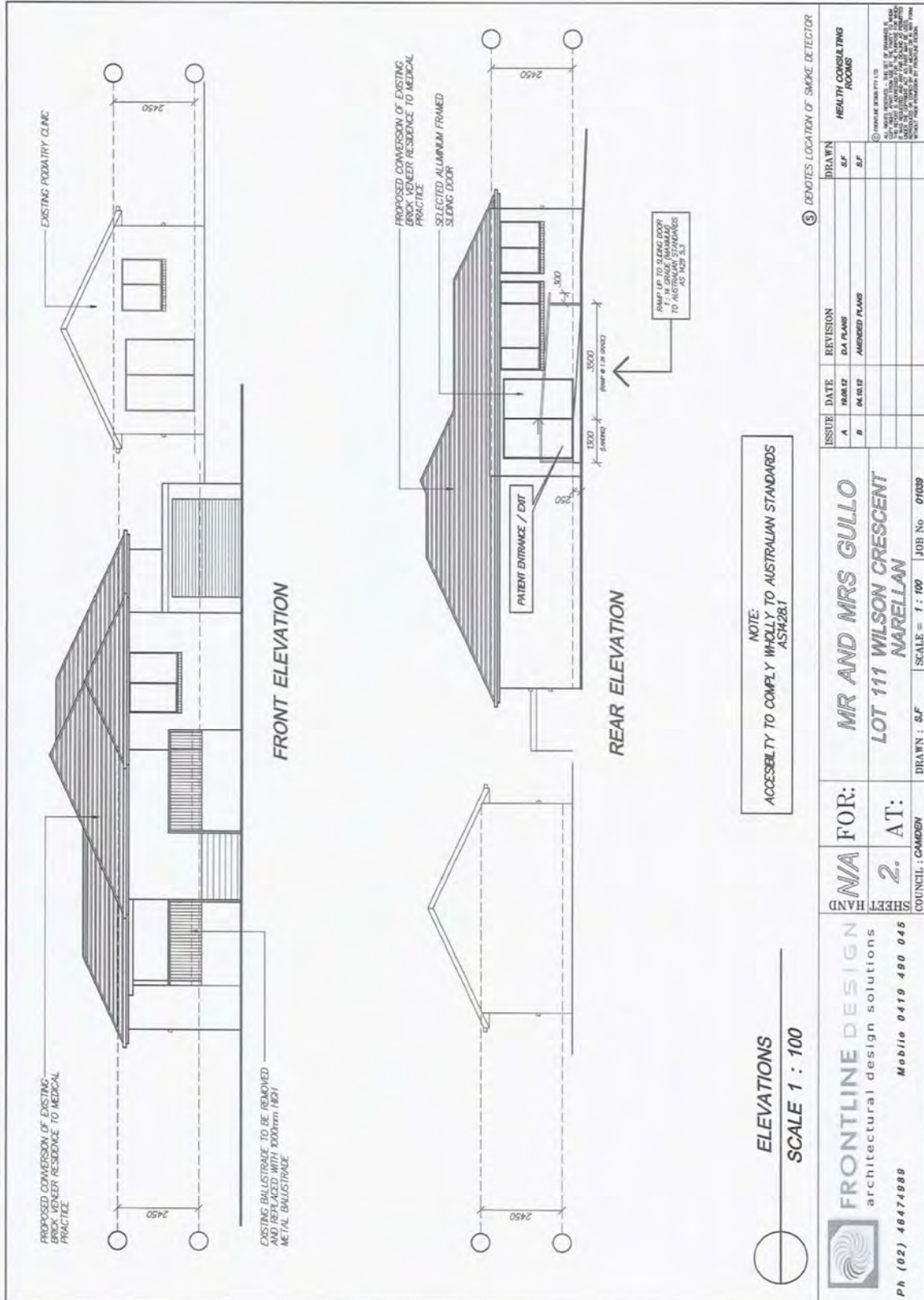
ORD04

Attachment 1

ORD04

Attachment 1

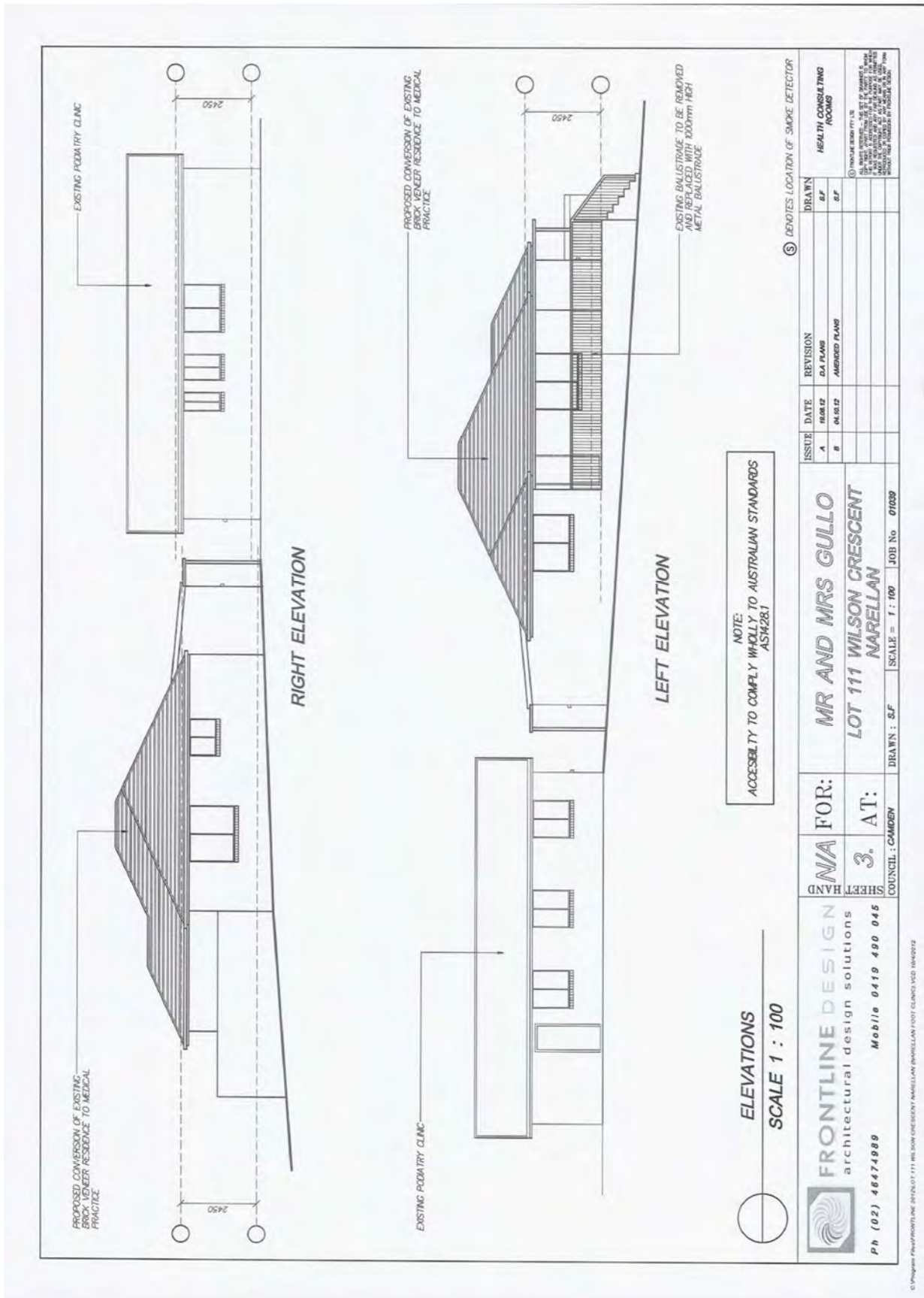




ORD04

Attachment 1

Attachment 1 **ORD04**

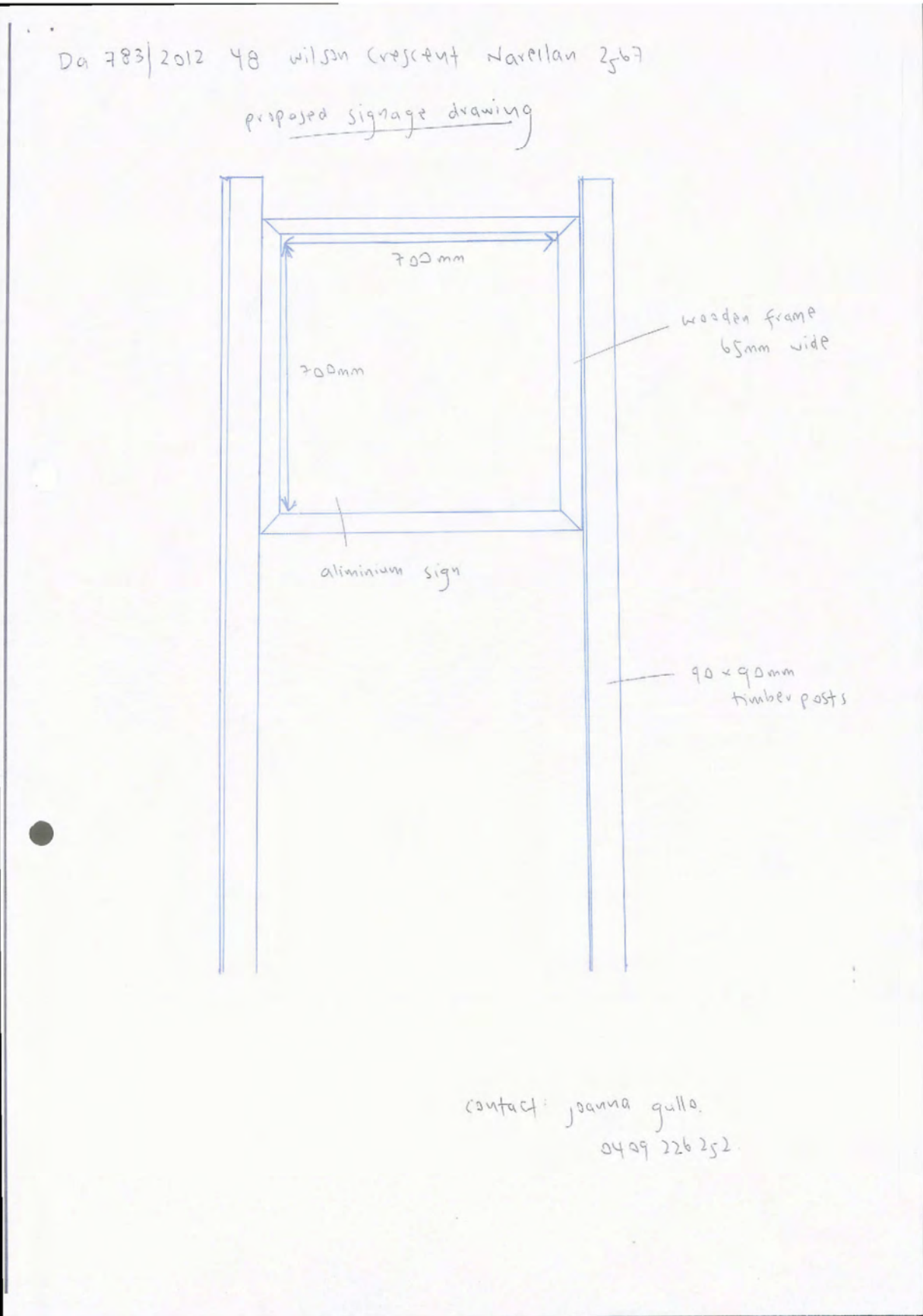


NOTE:
ACCESSIBILITY TO COMPLY WHOLLY TO AUSTRALIAN STANDARDS ASH428.1

ELEVATIONS
SCALE 1 : 100

<p>FRONTLINE DESIGN architectural design solutions Ph (02) 46474988 Mobile 0419 490 045</p>	<p>N/A FOR: 3. AT:</p>	<p>MR AND MRS GULLO LOT 111 WILSON CRESCENT NARELLAN</p>	<p>ISSUE DATE REVISION A 18.08.12 D.A PLANS B 04.10.12 AMENDED PLANS</p>	<p>DRAWN : S.F. JOB No. 01009</p>
	<p>COUNCIL : CAMDEN</p>	<p>SCALE = 1 : 100</p>	<p>REVISION D.A PLANS AMENDED PLANS</p>	<p>DRAWN : S.F. S.F.</p>

© Program: FRONTLINE DESIGN LOT 111 WILSON CRESCENT NARELLAN (NARELLAN FOOT CLINIC) V02 18/08/12



ORD04

Attachment 2



ORD05

ORDINARY COUNCIL

ORD05

SUBJECT: CONTINUED USE OF THE CATHERINE FIELD COMMUNITY HALL
FROM: Director, Development and Health
BINDER: DA 794/2012

APPLICATION NO: 794/2012
PROPOSAL: Continued use of the Catherine Field community hall
PROPERTY ADDRESS: 170 Catherine Fields Road, Catherine Field
PROPERTY DESCRIPTION: Lot 249, DP 27602
ZONING: RE1 Public Recreation
OWNER: Camden Council
APPLICANT: Camden Council

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the continued use of the Catherine Field community hall at 170 Catherine Fields Road, Catherine Field.

The DA is referred to Council for determination as there remain unresolved issues received in one submission from the public.

SUMMARY OF RECOMMENDATION

That Council determine DA No 794/2012 for the continued use of the Catherine Field community hall pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting of consent subject to conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the continued use of the Catherine Field community hall at 170 Catherine Fields Road, Catherine Field.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The DA was notified in accordance with Camden Development Control Plan 2011 and one submission was received (objecting to the proposal).

The issues raised in the submission include a lack of car parking and adverse impacts on surrounding residents from the use of the hall. The issues raised in the submission have been considered in the assessment of this application.

There is no change proposed to the use of the community hall and Council has no evidence of a history of complaints from residents regarding the operation of this facility.

Any person or group who wishes to hire the hall for a community event must comply with Council's terms and conditions which include requirements for security, noise levels, waste management and compliance with the hall's operating hours. These terms and conditions are publicly available on Council's website.

It is recommended that the DA be approved subject to the conditions contained in this report.

AERIAL PHOTO



THE SITE

The subject site is commonly known as 170 Catherine Fields Road, Catherine Field and is legally described as Lot 249, DP 27602.

The site has a frontage of 217m to Catherine Fields Road, a depth of 148m and an overall site area of 3.33ha. The site is located within the Catherine Field village area.

The site accommodates a community hall, a Rural Fire Service station, scout hall, pre-school, tennis courts and a playing field known as Les Tegel Oval. It also contains a car park and has a number of trees scattered throughout the site.



The surrounding properties are characterised by large lot residential dwellings within the Catherine Field village.

HISTORY

The development history of the subject site is summarised in the following table:

Date	Development
8 November 1973	Approval of the construction of the community hall and car parking area
6 March 2007	Approval for the use of the community hall for 5 years only. (This DA was submitted in response to a change in legislation in relation to the place of public entertainment approval process)

The community hall has been in existence since the mid 1970s and has had place of public entertainment approvals and a development application granted for its use.

Since the mid 1970s the hall has been used for a variety of community activities and events including meetings, functions, play groups, dance classes and support groups. The operating hours have been 8am to 10.30pm, Sunday to Thursday, and 8am to midnight Friday and Saturday.

The hall is not in use every Friday and Saturday and when it is, Council’s terms and conditions and the conditions contained in this report will regulate its use.

Council’s records indicate that in 2011 the hall was hired for activities/events on 1 Friday evening and 9 Saturdays. From January to October 2012, there were 3 bookings on Friday evenings and 14 on Saturdays. In 2012, of the 17 Friday and Saturday bookings, approximately 8 bookings operated in the hall after 10pm.

A copy of Council’s Terms and Conditions of Hire are provided as an attachment to this report.

THE PROPOSAL

DA No 794/2012 seeks approval for the continued use of the existing community hall on this site. **Plans of the hall are provided as an attachment to this report.**

Specifically the proposed development involves:

- the continued use of the community hall for community activities and events, including meetings, functions, play groups, dance classes and support groups; and
- operating hours of 8am to 10.30pm, Sunday to Thursday, and 8am to 11pm, Friday and Saturday.

There is no change proposed to the existing use of the existing facility.

A site plan is provided as an attachment to this report.

ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79I(1)



In determining a Development Application, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- (a) Camden Local Environmental Plan 2010.

An assessment of the proposed development under the Environmental Planning Instruments is detailed below.

Camden Local Environmental Plan (LEP)

Permissibility

The subject site is zoned RE1 Public Recreation under the provisions of the LEP. The proposed development is defined as a “community facility” under the LEP which is a permissible land use in this zone.

Objectives

The objectives of the RE1 Public Recreation are as follows:

- To enable land to be used for public open space or recreational purposes.

Comment

The development is consistent with this objective in that the continued use of the community hall will result in the land being used for public recreational purposes.

- To provide a range of recreational settings and activities and compatible land uses.

Comment

The use of the community hall is compatible with the surrounding large lot residential uses and will allow for a range of recreational activities.

- To protect and enhance the natural environment for recreational purposes.

Comment

This development will not have any adverse impacts upon the surrounding natural environment and will maintain the site for public recreational purposes.

Relevant Clauses

The DA was assessed against the following relevant clauses of the LEP:

Clause	Requirement	Provided	Compliance
6.2 Public Utility Infrastructure	Appropriate public utility infrastructure to service the development	The site is serviced by appropriate public utility infrastructure	Yes

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instrument applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposal's compliance with the controls in the DCP.

Control	Requirement	Provided	Compliance
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy	Yes. Appropriate conditions of consent and of hire will be imposed in relation to the use of the hall.	Yes
B5.1 Off street car parking rates and requirements	A merit based assessment taking into account similar uses. A function centre is the most appropriate similar use and requires off-street car parking at a rate of 15 spaces per 100m ² of gross floor area. 20 spaces are therefore required for this development.	Yes. See detail provided below.	Yes

Off-street Car Parking Provision

The existing car park can accommodate approximately 30 car parking spaces. This parking area is shared by various uses on the site such as the pre-school. However the peak use times for the community hall are evenings and weekends and therefore outside of the main operating hours of the pre-school and other uses on the site. It is therefore considered that sufficient off-street car parking spaces will be available for the use of the community hall when necessary.

(a)(iiia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No relevant agreement exists or has been proposed as part of this application.

(a)(iv) The Regulations

There are no matters prescribed by the Regulations that apply to this development.

(b) *The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality*

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

(c) *The suitability of the site*

As demonstrated by the above assessment, the site is considered to be suitable for the development.

(d) *Any submissions made in accordance with this Act or the Regulations*

The DA was publicly exhibited for a period of 14 days from 31 August to 14 September 2012 and one submission was received.

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

The following discussion addresses the issues raised in the submission.

1. *There are no guidelines / documents that guides and defines the intended use of the facility, complete with rules and regulations for its use.*

Officer comment:

There is no change proposed to the current operation or use of the community hall.

Council has terms and conditions publicly available on its website with respect to the hiring of community facilities. Any person or group who wishes to hire the facility for a community event must comply with these terms and conditions which include requirements for security, noise levels, waste management and compliance with the hall's operating hours.

2. *Car parking is inadequate and doesn't meet demand.*

Officer comment:

As discussed above, the car park can accommodate approximately 30 car parking spaces. In addition, the site has a large frontage to Catherine Fields Road which allows for ample street parking. It is considered that sufficient spaces exist to meet the demands of the community hall.

3. *Major concerns about the use of the building during the evening, particularly with parties. This results in noise, property damage, dangerous driving and other anti-social behaviour. These activities are more regular during the warmer months.*

Officer comment:

The community hall, particularly in the evenings and when alcoholic beverages are served can be managed by way of mandatory security arrangements at the expense of the hirer and arrangements with the Camden Local Area Command for police spot checks.

It is noted that since the mid 1970s the hall has operated up until midnight on Friday and Saturday evenings. However to try and address the concerns raised in the submission in relation to the impacts on the amenity of the area, it is proposed that the hall cease operation at the earlier time of 11pm on Friday and Saturday evenings.

It is also a recommended condition and part of Council's terms and conditions for the hiring of the hall that all activities in the hall completely finish by 11pm on Friday and Saturday evenings. Thus the activity or event will need to be packed up and all patrons to leave the premises by 11pm.

It is considered that the above measures will minimise the likelihood of any anti-social behaviour occurring.

4. *Complaints have been sent to Council and the Police have been contacted on some occasions.*

Officer comment:

Council staff have been unable to locate any record (apart from this submission) which relates to either verbal or written complaints with respect to the operation of the community hall. However, in the event that any complaints were received Council staff would investigate them and attempt to address the concerns raised.

As with any Council operated facility, if Council was aware that a use was adversely impacting on the amenity of a neighbourhood, appropriate measures would be implemented to address those impacts. As mentioned above, in this instance, this facility has been operating for many years and Council staff were not aware of any serious or ongoing complaints raised by neighbours.

5. *Restrictions should be placed on the centre, similar to that in Harrington Park.*

Officer comment:

It is noted that the Harrington Park community hall has revised its operations by closing at 10pm on Friday and Saturday nights, and not permitting any activities after 3pm on those days which serve alcoholic beverages. This was in response to a number of complaints received by local residents in that suburb about anti-social behaviour and impacts on the amenity of the locality. Additionally, the use of Harrington Park community hall is much more intensive than the use of the Catherine Field community hall.

With respect to the subject Catherine Field community hall, it is considered that an earlier closing time of 11pm on Fridays and Saturdays is an appropriate response to the concern raised with respect to anti-social behaviour and impacts on the amenity of the Catherine Field village.

(e) *The public interest*

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000*, *Environmental Planning Instruments*, *Development Control Plans* and policies. Based on the above assessment, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

The DA was not required to be referred to any external agency for comment.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, Development Application No 794/2012 is recommended for approval subject to the conditions listed in this report.

DRAFT CONDITIONS OF CONSENT

1.0 - Operational Conditions

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

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

Monday:	8:00am to 10:30pm
Tuesday:	8:00am to 10:30pm
Wednesday:	8:00am to 10:30pm
Thursday:	8:00am to 10:30pm
Friday:	8:00am to 11:00pm
Saturday:	8:00am to 11:00pm
Sunday & Public Holidays:	8:00am to 10:30pm

The operation of the hall must cease at the above end times. This will require that all activities/events are packed up and the hall completely vacated by the above times.

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.

- (2) **Number of Persons** – The maximum number of persons permitted in the community hall must not exceed 120 persons at any one time, including patrons, staff, and entertainers.
- (3) **Approved Number Not Exceeded** – Hirers of the hall must ensure that the approved maximum number of persons permitted in the hall is not exceeded at any time.
- (4) **Amenity** – The use of the hall must be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations and residential or business premises.
- (5) **Music and/or Amplifiers** – Music and other amplified sound, including recorded or broadcast programs or the like, played on the premises, must be controlled so as not to cause any distraction or disturbance to nearby or adjacent residents, pedestrians or motorists, and shall only be audible within the property boundaries.

ORD05

- (6) **Storage of Goods and Materials** – The storage of goods and materials must be confined within the building. At no time must goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve.
- (7) **Vehicles that Service the Site** – Vehicles that service the site must comply with the following requirements at all times:
- (a) All vehicles must enter and exit the site in a forward direction.
 - (b) All vehicles awaiting loading, unloading or servicing must be parked on-site and not on adjacent or nearby public roads.
 - (c) Articulated or heavy rigid vehicles in excess of 11m in length shall not service the premises due to the limited manoeuvring capabilities of the site.
- (8) **Capacity Sign** – A sign stating the maximum number of persons permitted in the hall (120 persons) must be prominently displayed within the hall.
- (9) **Offensive Noise** - The use and occupation of the premises including all plant and equipment must not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997*.

END OF CONDITIONS

RECOMMENDED

That Council approve Development Application 794/2012 for the continued use of the Catherine Field community hall at 170 Catherine Fields Road, Catherine Field, subject to the conditions listed above.

ATTACHMENTS

1. Terms and Conditions for Casual Use of Halls
2. Plans of hall
3. Site Plan
4. Submission - *Supporting Document*

Terms and Conditions of Hire Community Facilities - Casual

HIRER TO RETAIN

Council has given Police the authority to enter the facility at any time prior or during the function as they see fit.

Completion of this Hire form does not confirm booking. Payment must be received before any reservations are confirmed

The hirer must

- Be over 18 years of age to book the facility and sign the Terms and Conditions.
- State precisely the type of activity to take place in the facility.
- Under no circumstances enter any areas other than the section hired.
- Adhere strictly to the hiring hours. All hirers should ensure that set up and pack down time is taken into account before making a booking. Being in the facility outside the time of hire may result in an alarm sounding and/or a security patrol being called. A fee will be deducted from the hirers bond should this occur.
- Ensure that the function ceases by midnight and guests have vacated the facility and surrounding area by 12.30am (with exception of Harrington Park whereby functions on Friday and Saturday nights must cease by 10pm).
- Be responsible for the conduct of any visitor/ guest either invited or otherwise during the hire period and ensure the attendance at the event does not exceed the maximum capacity of the facility. The cost of any damage caused by any person during the function will be charged to you as the hirer.
- Ensure that guests leave the facility in an orderly manner with respect to surrounding neighbours. The hirer will be responsible for any damage or inconvenience to any residents during the function and/ or when leaving the premises and will be charged accordingly.
- Be responsible for the noise level of the function.
- Be responsible for the provision and consumption of alcohol while at the facility – a "Safe Party/ Function Notification Form" must also be obtained from the Police with a copy given to council or keys will not be issued.
- Engage the services of licensed security guards when deemed necessary by Council – the hirer is responsible for security management. Written confirmation must be provided to Council before keys will be issued.
- Notify Police immediately if there is any threat of trouble.
- Report any accidents or injuries which occur while at the facility during times of hire to Council Customer Service upon return of your key or as soon as possible.
- Ensure the facility, including the surrounding outside areas, is clean and all windows and doors are locked when leaving the hall and where required, the alarm is activated.
- Ensure that there is no smoking inside the facility.
- Ensure no pets or animals are on premises.
- Arrange a person to assume responsibility on behalf of the hirer in their absence.

Keys

- Keys and alarm codes and instructions for use must be collected from Council's Customer Service desk, no later than 4.00pm on the working day prior to hire. This is located on the ground floor of the Council administration building at 19 Queen Street Narellan, next to the Narellan library.
- Keys will not be available for collection on weekends or Public Holidays due to the Customer Service desk being closed.
- Keys must be returned by 4.00pm on the next working day after hire.
- At no time can the hirer make a duplicate copy of the key issued or change existing locks in any of the facilities.
- Hirers are not permitted to use their own locks on cupboards or storerooms.

ORD05

Attachment 1

Security Staff

- A minimum of one (1), but preferably two (2) or more licensed Security staff is required to be present at all 18th and 21st birthdays, and any other function Council determines to be "high risk".
- The security guard(s) must be employed for the duration of the function as well as half an hour after the function has ceased.
- It is the responsibility of the hirer to provide written evidence, on the security company letterhead, that a licensed security guard has been engaged, including the security license number of the guard(s) attending, at the time of collecting the key. If no proof is produced the key will not be issued.
- Hirers are reminded that they are fully responsible for the engagement and management of their security guards.

Consumption of Alcohol

- The Hirer must have approval for the Consumption of Alcohol.
Please note: No alcohol is permitted for Friday and Saturday night bookings (from 3pm) at Harrington Park Community Centre.
- If Alcohol is to be consumed at the function a "Safe Party/ Function Notification Form" needs to be obtained from Camden Police Station, with a copy given to Council or keys will not be issued.
- Contact Camden Police on telephone 4632 4499 to make an appointment.
- If you are selling alcohol you must obtain a temporary function licence "limited licence – single function" from the Office of Liquor Gaming and Racing..
- Alcohol is NOT to be consumed or taken outside any of Council's community facilities. Alcohol may only be consumed when inside the building or any adjoining enclosed fenced areas.

Cleaning

Hirers are required to bring their own cleaning equipment and products. The facility must be left clean and ready for the next user. This includes:

- Sweeping and mopping the floor including kitchen and bathroom areas. Any spills are to be mopped with warm water only.
- Wiping down all benches, tables, chairs and fridge.
- No food or drink should be left on the premises and especially in the refrigerator
- All rubbish to be placed in bags and disposed of in the dumpster or Sulo bins provided before leaving. Any excess rubbish to be taken from the premises by the hirer. Recycle if possible.
- Tables and chairs stacked and returned to the storeroom, all furniture should be accounted for.
- The outside area, including the car park to be free of litter.
- Please report if the facility was not found in a clean and tidy state – photographic evidence is required for proof of unsatisfactory condition of the facility prior to hire.

Damage and Breakages

- All breakages must be reported to Council's Customer Service staff on 4654 7777 as soon as possible.
- The hirer is responsible for the full replacement cost of any damage or breakages to the facility, its fittings and contents, and the surrounding grounds or any additional cleaning that is required.
- The hirer must advise if the fire extinguishers have been used in anyway. If fire equipment is used in an irresponsible manner, the cost of inspection and replenishing will be deducted from the bond.
- If a fire alarm is activated unnecessarily the hirer will be liable for the fine issued by NSW fire brigade.

Parking Noise and Surrounding Residents

- The facility is located in a residential area therefore it is expected that the surrounding residents be respected.
- The hirer is responsible for the preservation of good order during and following the hire of the facility.
- Vehicles should not obstruct access to driveways or restrict parking in the street. Please use the car park provided.

- All music and noise levels must be kept at an acceptable level and music must cease at 12.00am. The facility and car park must be clear by 12.30am.

First Aid

- Casual hirers should provide their own First Aid equipment for persons attending the function.

Personal Property/Storage

- All goods brought in by the hirer must be removed from the premises no later than the time specified on the hiring agreement, unless prior arrangement has been made with the Facilities Coordinator.
- Please note all hirers are responsible for the care and control of their own property/personal effects and loss or damage to such items is not covered by Council's insurance policy.

Decorations

- Decorations are welcome at the facility however they must all be removed at the conclusion of the function, and must not damage the facility.
- Helium balloons get stuck on ceilings and twisted around fans causing a fire hazard and are therefore **not permitted. The cost of removing any helium balloons left behind will be automatically deducted from the hirers bond.**
- Streamers and balloons must not be hung from the ceiling fans.
- NO smoke machines are allowed.
- Throwing of confetti, glitters, sprays, poppers or rice are not permitted.

Smoking

- To restrict fire safety hazard and overcome hazards of passive smoking, Council has adopted a non-smoking policy. As such, no smoking is permitted inside Council's community facilities.

After hours number

- Council has an after hours number, 4654 7777, to be used in the event of an **Emergency only**. An example of an emergency is a fire in the facility.
- If the after hours number is called for any reason other than an emergency **all costs associated with the call will be charged to the hirer**, regardless of whether someone is required to attend the facility.
- For an emergency please also call 000 if it is justified.
- If the facility is not clean or there is any minor damage to the facility, or there is any other problem, please report this to the Customer Service Officer when you return the keys, **do not call the after hours number**.
- Please note that **a fee may be deducted from the bond** if a call out by the security company is required associated with keys accidentally locked in the building, the alarm code is forgotten or misplaced, the evacuation alarm is activated for a non-emergency (including accidentally) or for any other reason.

Fees and Bond

- Bookings are not confirmed until full payment is received.
- No tentative bookings will be accepted.
- Fees are subject to annual review and new fees are applicable as adopted for all bookings made from 1st July each year.
- The full bond payment is required prior to hire or upon collection of facility keys. This can be paid at Council's Customer Service desk at 37 John Street Camden or 19 Queen Street Narellan.
- Bond fees will be returned in full should the hirer meet the Terms and Conditions of hire and an inspection undertaken of the facility after hire is satisfactory. Bond fees will only be processed once the hirer has returned the facility key to Council and will take 5-10 working days to process.
- Council reserves the right to withhold part or complete bond where there are costs incurred as a result of the hire.
- Bond fees will be refunded via cheque unless details completed to receive the refund via electronic funds transfer.

ORD05

Attachment 1

- Council is able to cancel all or any such future bookings if required.

Cancellation and amendments to Bookings

- All cancellations and requests for amendments to bookings must be made in writing to the Facilities Coordinator.
- Hire fees are non-refundable and non transferable if less than 14 days written notice has been given.
- If more than 14 days notice has been given, the hire fee will be refunded by cheque within 21 days.

Facility specific information

- Harrington Park Community Centre - a barbeque is available for use. This requires a separate key and must be requested at the time of booking.
- Toilets at Birriwa Reserve Clubroom, Fairfax Reserve Clubroom and Jack Nash Reserve Clubroom are available for use by users of the adjoining sports fields and tennis courts.
- There is an internal door in the Birriwa Community Hall separating the main hall from the toilet areas. This door must be locked at the conclusion of your function.

Council reserves the right not to accept any booking considered inappropriate for the facility and shall in no way be liable for any loss or damage suffered by the hirer, or any firm or corporation supplying any article or service to the hirer.

Failure to abide by the Terms and Conditions of hire may result in partial or full loss of bond.

Completed hire forms can be returned to
Councils Customer Service Desk or
mailed to PO Box 183 Camden NSW 2570.

For assistance with this form please contact 4654 7777



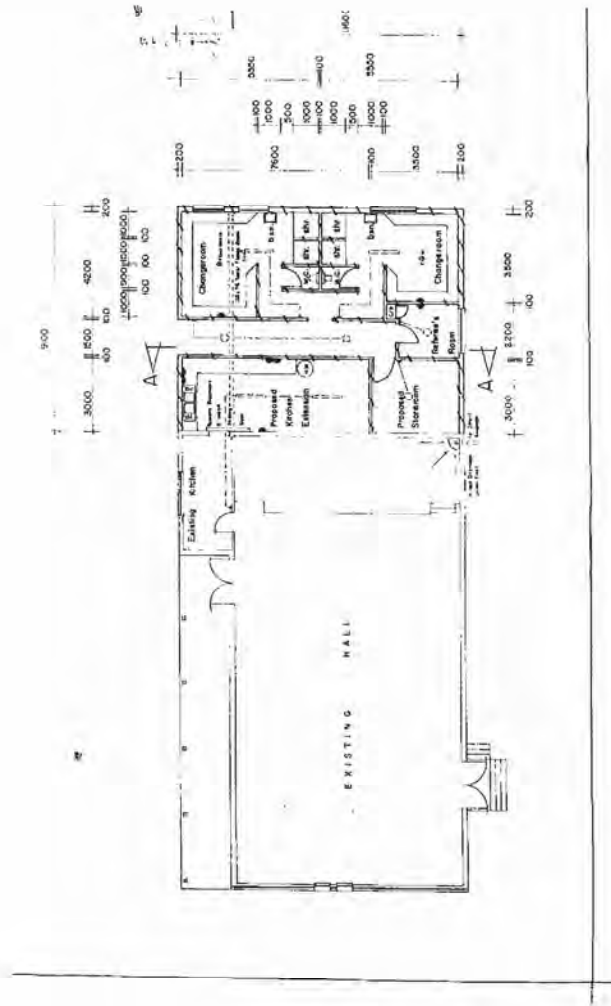
Catherine Fields Community Centre

Attachment 2

ORD05

ORD05

Attachment 2





ORD05

Attachment 3



ORD06

ORDINARY COUNCIL

ORD06

SUBJECT: CHANGE OF USE OF AN EXISTING COTTAGE TO AN ICE CREAM/CUSTARD PARLOUR AND CAFÉ INCLUDING THE DISPLAY OF TWO BUSINESS IDENTIFICATION SIGNS AT 4 SHARMAN CLOSE, HARRINGTON PARK

FROM: Director, Development and Health

BINDER: DA 863/2012

APPLICATION NO: 863/2012
PROPOSAL: Change of use of an existing cottage to an ice cream/custard parlour and café including the display of two business identification signs
PROPERTY ADDRESS: 4 Sharman Close, Harrington Park
PROPERTY DESCRIPTION: Lot 2, DP 740422
ZONING: R2 Low Density Residential
OWNER: Struggletown Investments Pty Ltd
APPLICANT: Matthew Bowler

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a change of use of an existing building to an ice cream/custard parlour and café including the display of two business identification signs at 4 Sharman Close, Harrington Park.

The DA is referred to Council for determination as it involves two variations to the Camden Development Control Plan 2011.

SUMMARY OF RECOMMENDATION

That Council determine DA No 863/2012 for a change of use of an existing building to an ice cream/custard parlour and café including the display of two business identification signs pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting of consent subject to conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for a change of use of an existing building to an ice cream/custard parlour and café including the display of two business identification signs at 4 Sharman Close, Harrington Park.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The DA was notified in accordance with Camden Development Control Plan 2011 and no submissions were received.

The applicant proposes two variations to Camden Development Control Plan 2011. These variations relate to the development having more than one business identification sign and being deficient in on-site car parking.

Council staff have assessed the DCP variations. The signage is supported on the basis that more than one sign is appropriate for this building as it is located within a small commercial area and the signage will not detract from the visual amenity or character of the area given its size and location.

The parking is also supported, as there is a historical deficit of car parking spaces in this area, the proposed use is complementary to the adjacent commercial uses and the continued use of a building within a heritage conservation area is desirable to assist with its preservation.

Based on the assessment, it is recommended that the DA be approved subject to the conditions contained in this report.

AERIAL PHOTO



THE SITE

The subject site is commonly known as 4 Sharman Close, Harrington Park and is legally described as Lot 2, DP 740422.

The site has a frontage of 14m to Sharman Close, a depth of 56m and an overall site area of 689m².

The site currently accommodates two corrugated iron and weatherboard cottage buildings which share a common wall. The cottages are currently used as the “Boyd Fine Art Gallery.” The proposed development relates to the rear cottage, the frontage

of which is visible from Stewart Street. The site is located within the Struggletown Heritage Conservation Area, however the cottages themselves are not heritage items.

The immediately surrounding properties are characterised by a mix of uses. The adjoining properties to the west and north are presently used as commercial premises (Rams Home Loans) and restaurants (Antico's Woodfired Pizzeria and Bakery and Lexie's Restaurant). These properties are all part of the "Struggletown" area.

The Harrington Park residential area is located further to the north whilst to the east lies Camden Valley Way and the Smeaton Grange industrial area. Several residential properties also front Sharman Close to the east. The Narellan Town Centre is located to the south whilst the Narellan industrial area is located further to the west. The site is located adjacent to the signalised intersection of Camden Valley Way, Narellan Road and the Northern Road to the south-west.

HISTORY

The development history of the subject site is summarised in the following table:

Date	Development
9 June 1987	Lot 2, DP 740422 (4 Sharman Close, Harrington Park) is created
21 October 1992	Approval of an art gallery and associated shops and offices
27 September 2004	Approval of a motor vehicle auction centre
14 May 2010	Approval of a new awning/pergola to the existing slab cottage

THE PROPOSAL

DA No 863/2012 seeks approval for a change of use of an existing cottage to an ice cream/custard parlour and café including the display of two business identification signs.

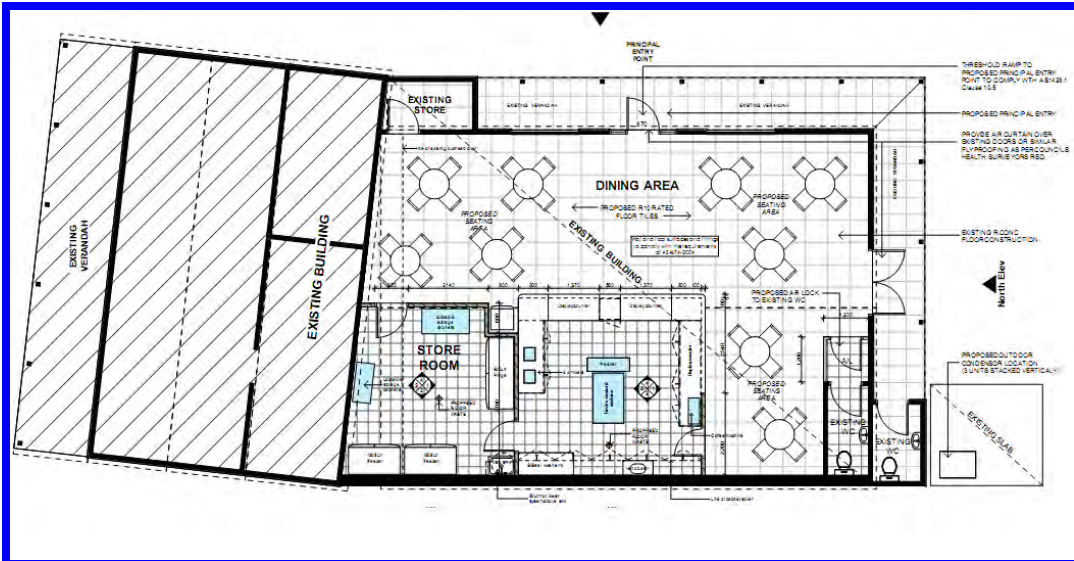
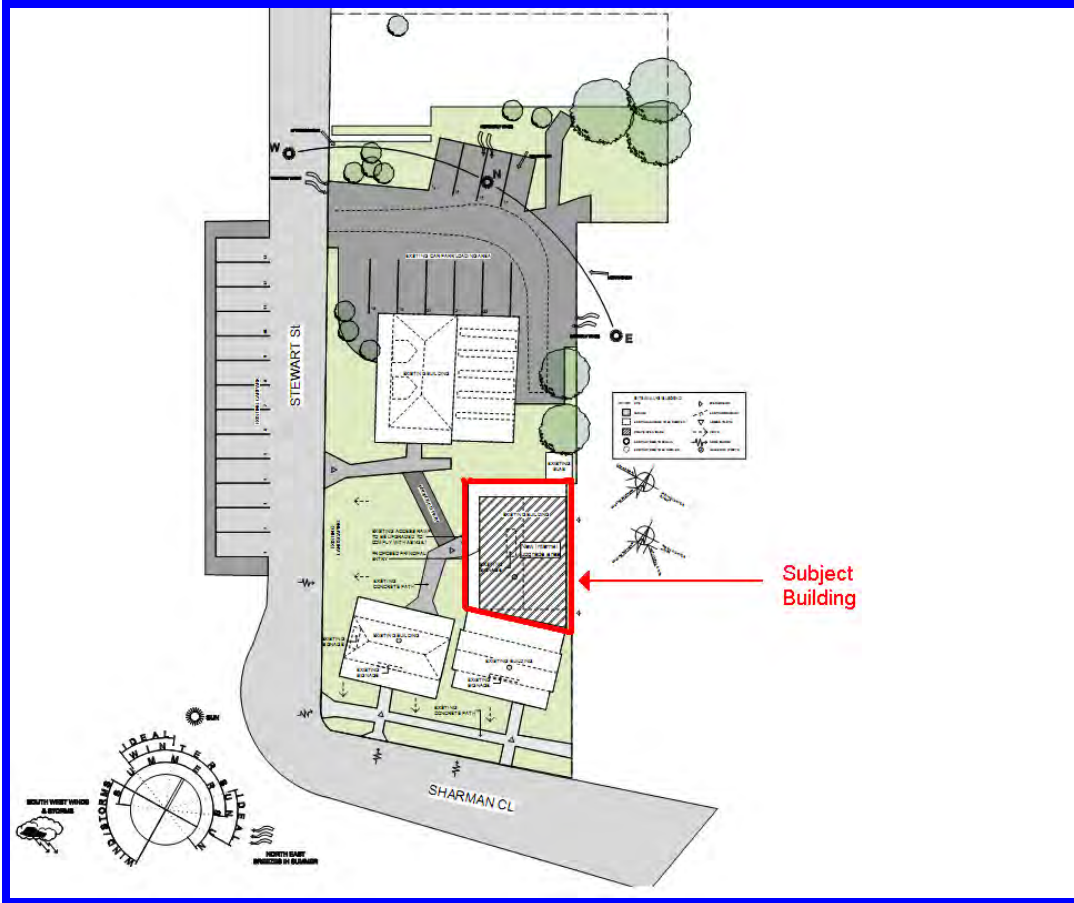
The plans are provided as an attachment to this report.

Specifically the proposed development involves:

- the fitout of the existing rear cottage on the site for use as an ice cream/custard parlour and café with seating for 28 customers. The plans show provision for 36 seats, however the applicant has agreed to reduce this to 28 seats to reduce the demand for parking;
- minor upgrades to the opening of the existing entry doors on the northern and western elevations;
- construction of a new entry path to connect into the existing entry path adjoining Antico's Woodfired Pizza restaurant;
- placement of three refrigerator condensers on the existing slab directly north of the cottage;
- the display of two business identification signs including one on the roof and one mounted to the wall of the western and northern elevations respectively. The roof mounted sign will have an area of approximately 1.95m² and the wall mounted sign an area of approximately 1.2m². The signs will display the business name and be finished in the colours "Danube," "Bright Red" and "Heritage White";

- operating hours of 10am-10pm 7 days a week including public holidays; and
- the employment of between 5 and 7 staff.

ORD06



ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a Development Application, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy No 64 – Advertising and Signage
- Camden Local Environmental Plan 2010.

An assessment of the proposed development under the Environmental Planning Instruments is detailed below.

State Environmental Planning Policy No 64 – Advertising and Signage (SEPP)

The proposal includes the display of two business identification signs including one on the roof and one mounted to the wall of the western and northern elevations respectively. The roof mounted sign will have an area of approximately 1.95m² and the wall mounted sign an area of approximately 1.2m². The signs will display the business name and be finished in the colours “Danube,” “Bright Red” and “Heritage White”.

Pursuant to Clause 4(1) of the SEPP, the proposed signs are “business identification signs” as they identify the business but do not include the general advertising of products, goods or services.

The two proposed signs have been assessed against the relevant assessment criteria in the SEPP. The signs are considered acceptable on the basis that:

- they are deemed compatible with the existing and desired future character of the area, being reflective of typical signage in the Struggletown Heritage Conservation Area and complementary to the use of the site;
- the signs will not detract from any special areas such as heritage conservation, residential or environmentally sensitive areas;
- the proposed roof sign is not permitted by Camden Development Control Plan 2011. It is a recommended condition that this sign be relocated to be above the cottage’s front veranda on the western elevation. This will ensure that the sign will not dominate the local skyline or unacceptably detract from views into, out of or through the area;
- the proposed signs will provide some visual interest to the Sharman Close streetscape, are of an appropriate scale and form for this area and will not protrude above buildings or significant landscape features in the area;
- the scale and proportions of the signs are considered acceptable, having regard to their identification functions, the existing cottages on the site, the surrounding landform and landscape features;

- the proposed signs will not be internally illuminated; and
- given their proposed locations and designs, it is not considered that the signs will reduce safety for passing pedestrians or motorists or that they will obscure any sight lines.

Overall it is considered that the proposed signs are consistent with the aims, objectives and assessment criteria of the SEPP.

Camden Local Environmental Plan (LEP)

Permissibility

The subject site is zoned R2 Low Density Residential under the provisions of the LEP. The proposed development is defined as a “food and drink premises” and “business identification signs” under the LEP.

Development for the purpose of “food and drink premises” is prohibited in an R2 zone. However, Schedule 1 of the LEP sets out additional permitted uses that may be carried out with consent on specific sites.

Schedule 1 sets out additional permitted uses for land at Stewart Street and Sharman Close, Harrington Park. In accordance with Schedule 1 of the LEP, food and drink premises is permitted with consent on the site.

Development for the purpose of “business identification signs” is permitted with consent in the R2 zone.

Objectives

The objectives of the R2 Low Density Residential zone are:

- To provide for the housing needs of the community within a low density residential environment.

Comment

This objective is not relevant as the proposal is for a commercial land use. However the proposed commercial use will not detract from the surrounding residential land uses.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Comment

The proposed development will provide a service that will help meet the day to day needs of residents in the Harrington Park residential area and the broader community.

- To allow for educational, recreational, community and religious activities that support the wellbeing of the community.

Comment

ORD06

This objective is not relevant as the proposal is for a commercial land use. However the proposed commercial use will not negatively impact upon the wellbeing of the community.

- To minimise conflict between land uses within the zone and land uses within adjoining zones.

Comment

Subject to conditions relating to the number of seats and hours of operation, it will not have any adverse impacts on any other land uses within this or adjoining zones.

Relevant Clauses

The DA was assessed against the following relevant clauses of the LEP:

Clause	Requirement	Provided	Compliance
5.10(4) Heritage Conservation	Consider the effect of the development upon the heritage conservation area	Yes – the development will not adversely affect the heritage conservation area	Yes
6.2 Public Utility Infrastructure	Appropriate public utility infrastructure to service the development	Yes – the site is serviced by appropriate public utility infrastructure	Yes

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instrument applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Camden Development Control Plan 2011 (DCP)

The following table is an assessment of the proposal’s compliance with the controls in the DCP. Discussion of any variations of the standards is provided after the compliance table.

Control	Requirement	Provided	Compliance
B1.9.1 Waste Management Plan (WMP)	A WMP which address the specific details relating to recyclables and waste: the volume and type, storage and treatment; disposal location and service provider	Yes. A WMP has been provided with the DA and is considered acceptable.	Yes
B1.9.7 WMP for Commercial	A WMP prepared in accordance with this part of the DCP	Yes. A WMP has been provided with the DA and is considered acceptable.	Yes

Control	Requirement	Provided	Compliance
Developments			
B1.16 Acoustic Amenity	Ensure that the amenity of nearby residential uses is not unreasonably decreased by noise intrusion from commercial development	Yes. The development is considered satisfactory in relation to likely impacts on adjoining properties. Appropriate operational conditions are recommended to ensure ongoing compliance.	Yes
B3.1.1 General Heritage Provisions	All development in a Heritage Conservation area is required to meet the objectives of: conservation; compatibility of new work; development details; and associated details outlined in this part	Yes. The development will continue to conserve the heritage significance of the building through compatible work.	Yes
B3.1.3 Struggletown Heritage Conservation Area, Narellan	All proposed development: is to encourage and facilitate original uses of significant buildings or appropriate adaptive re-use opportunities; retain existing cottage dominated streetscape; and use of similar designs, materials and finishes of the streetscape.	Yes. Only minor alterations are proposed to provide sufficient access to the development. The development is consistent with these requirements.	Yes
B4.1 General Requirements for Signs	Signs to not detract from amenity/character, be in scale with development and within property boundaries. Roof signs are not permitted.	Yes. The proposed signage will be in keeping with the character of the area and in scale with the development. It is a recommended condition of consent that the proposed roof sign be relocated to comply with the DCP.	Yes Yes
B4.2 Signs on Heritage Items or in Heritage Conservation Areas	Signage is to be designed to complement and enhance the character of heritage conservation areas and incorporate original advertising methods New signs are to have; minimal impact; be appropriately designed and located; and should not detract from the architectural details of the heritage conservation area	Yes. The signs incorporate a traditional design and colour scheme. Yes. The proposed signs are consistent with the character of the heritage conservation area.	Yes Yes
B4.3 Residential, Rural and Environmental	Signs are not to detract from the rural and scenic amenity and character of the locality	Yes. The signs will not detract from the amenity and character of the area.	Yes

Control	Requirement	Provided	Compliance
Zones	<p>Only one business identification sign with a maximum area of 0.7m² shall be permitted for an approved or exempt land use</p> <p>The location, type, colour, design and size shall not detract from the amenity and character of the area</p>	<p>No. The DA proposes two business identification signs.</p> <p>Yes. The signs will not detract from the amenity and character of the area.</p>	<p>No – DCP variation 1</p> <p>Yes</p>
B5.1 Car parking rates/requirements	15 spaces per 100m ² Gross Floor Area (GFA) or 1 space per 3 seats (whichever is the greater)	<p>No. The development provides 28 seats, generating the requirement for 10 off-street car parking spaces.</p> <p>The development has a GFA of 73m² generating the requirement for 11 off-street car parking spaces.</p> <p>11 off-street car parking spaces therefore required as this is the greater number.</p>	No – DCP variation 2

DCP Variation 1 – Number of Business Identification Signs

The DCP permits one sign with a maximum area of 0.7m² per site in residential zones.

Whilst this site has a residential zoning, the character of the immediately surrounding area is commercial in nature as it contains restaurants, an office and an art gallery. Given this commercial character, compliance with this DCP control is considered to be unnecessary and unreasonable in this circumstance. The two proposed signs are of a small scale, will not be visually prominent, will complement the proposed business and commercial area and will be consistent with signs on surrounding buildings such as the Boyd Fine Art Gallery and Rams Home Loans.

It is also noted that if this property had a commercial zoning, the applicant would be permitted to display 4 signs (2 per elevation) by the DCP.

Consequently it is recommended that Council support this DCP variation.

DCP Variation 2 – Off-Street Car Parking Requirements

DCP Control

Part 5.1 of the DCP requires the provision of 15 off-street car parking spaces per 100m² of gross floor area or 1 space per 3 seats (whichever is the greater) for restaurants and cafes.

The development has a gross floor area of 73m² therefore 11 spaces are required. The proposed development will also have 28 seats and therefore 10 spaces would

alternatively be required. The development therefore requires 11 spaces which is the greater of the two calculations.

Available Car Parking

There are approximately 22 car parking spaces in the vicinity of this site in addition to street parking. Approximately 10 off-street spaces are available in an unmarked area behind this cottage fronting Stewart Street. This parking area extends over parts of 3 lots (including the subject lot) and is used by staff and patrons of the various businesses in the area.

A further 12 spaces (90° angled) are available within the road reserve of Stewart Street.

Therefore a total of 22 spaces are available in the surrounding area for a range of uses which include the Boyd Fine Art Gallery, the Rams Home loan office, Antico's Woodfired Pizza Restaurant and Bakery and Lexie's Restaurant.

Variation Request

In accordance with the DCP, the proposal requires 11 car spaces. Whilst there are 22 spaces available in the vicinity, these spaces are shared among the various existing uses.

The applicant has requested that Council support a variation to Council's DCP requirement on the basis that:

- there is an existing significant historical deficit in car parking spaces in this area;
- the proposed ice cream/custard parlour will be complementary to the surrounding commercial uses including the restaurants. It is envisaged that patrons of the restaurants, the Rams Home Loans office and the art gallery will also visit the ice cream/custard parlour; and
- the proposed ice cream/custard parlour will provide employment for between 5 and 7 staff once operational.

Council Staff Assessment

Council staff have reviewed this variation request and recommend that it be supported for the following reasons:

- there is an existing historical deficit in off-street car parking in this area that exists;
- despite the parking deficiency Council's records do not reveal a history of complaints regarding a car parking problem in this area;
- the continued tenancy of this building, which is located in a heritage conservation area will assist in its maintenance and preservation which is a positive outcome;
- the peak operating hours of the restaurants will be Friday and Saturdays evenings. The proposed ice cream/custard parlour will also operate during these hours. During these times the Rams Home Loans office will not operate and so an additional 2 car parking spaces would be available;

- the development will not establish a precedent for future variations of the DCP relating to off-street car parking. The development can be distinguished from other areas in the Camden LGA due to the unique constraints of the Struggletown Heritage Conservation Area, particularly the historical car parking deficit that already exists in the area. Furthermore each application for a variation to the DCP will be assessed on its merits and the specific details of the proposed variation; and
- the applicant has agreed to reduce the proposed number of seats from 36 to 28 to help reduce the car parking demands of this development.

Consequently, it is recommended that Council support this proposed variation to the DCP.

(a)(iii) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No relevant agreement exists or has been proposed as part of this application.

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained within this report.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality

As demonstrated by the above assessment, the development is unlikely to have a significant impact on both the natural and built environments and the social and economic conditions of the locality.

The development will complement the existing Struggletown Heritage Conservation Area. As part of the required upgrades to the development a modification of the western and northern entry doors and access ramp will be required. It is considered that these modifications are minor in nature and will preserve the historical significance of the locality.

The development will complement the existing commercial developments on Sharman Close and Stewart Street. The development will not detract from the economic viability of the existing uses in the locality.

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered to be suitable for the development.

The proposed development represents a form and scale of development which is appropriate for the Struggletown Heritage Conservation area. The proposed development preserves the existing heritage character of the locality and will not significantly impact upon residential land uses in the surrounding area.

(d) Any submissions made in accordance with this Act or the Regulations

The DA was publicly exhibited for a period of 14 days. The exhibition period was from 27 September to 11 October 2012. No submissions were received.

(e) The public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, Environmental Planning Instruments, Development Control Plans and policies. Based on the above assessment, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

The DA was not required to be referred to any external agency for comment.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA No 863/2012 is recommended for approval subject to conditions.

DRAFT CONDITIONS OF CONSENT

1.0 - General Requirements

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

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

Plan / Development No.	Description	Prepared by	Dated
4.1	Site Plan / Site Analysis Plan	BTA	8 November 2012
4.2	Construction and Operational Notes	BTA	8 November 2012
4.3	Ground Floor Plan and West Elevation	BTA	8 November 2012
4.4	North Elevation, Section 2 Plan	BTA	8 November 2012
4.5	Store Room Details and Proposed Signage Details	BTA	8 November 2012
4.6	Service Area details	BTA	8 November 2012

Where there is an inconsistency between the approved plans/documentation and the conditions of this consent, the conditions of this consent override the approved plans/documentation to the extent of the inconsistency.

- (2) **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 (other than the works approved by this development consent) must be carried out unless the prior written approval of Camden Council has been obtained.

- (3) **Storage of Mobile Waste Bins** - Provision must be made for the storage of mobile waste containers for the occupancy. All bins are to be stored behind the building line and suitably screened from the road.
- (4) **Food Codes and Regulations Compliance** - The construction and fitout 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 Regulation 2010 (incorporating the Food Standards Code).
- (5) **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.
- (6) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (7) **Proposed Roof Sign** - The proposed roof sign on the building's western elevation must be relocated to be positioned immediately above the building's front verandah on its western elevation as marked in red on approved plan no. 4.3 prepared by BTA and dated 8 November 2012.
- (8) **Proposed Signage Details** – The proposed signs are approved to display the business name and must be finished in the colours “Danube,” “Bright Red” and “Heritage White” as described in the statement of environmental effects prepared by Michael Brown Planning Strategies dated September 2012 that was submitted with the development application.
- (9) **No Additional Signs** – No additional signs may be displayed externally on the building without separate development consent from Council.

2.0 - Construction Certificate Requirements

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

- (1) **Air Conditioning/Mechanical Ventilation** – Any room or area not provided with natural ventilation in accordance with the provisions of Clause F4.5 of the *Building Code of Australia* must be provided with a system of mechanical ventilation that complies with the requirements of *Australian Standard 1668-1991 Parts 1 & 2*.
- (2) **Disability (Access to Premises — Buildings) Standards 2010** - The proposal shall demonstrate compliance with the *Disability (Access to Premises — Building) Standards 2010*. Details on the method of compliance are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.
- (3) **Fire Safety Upgrade** – Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the existing building is to be upgraded, as

Camden Council considers that the measures contained in the building are inadequate:

- (a) to protect persons using the building, and to facilitate their egress from the building, in the event of fire; and
- (b) to restrict the spread of fire from the building to other buildings nearby.

Compliance with the following provisions of the Building Code of Australia is to be achieved in the fire safety upgrade of the existing building:

- (a) Clause D2.21 Operation of Door Latches

A door in a required exit or in the path of travel to a required exit must be readily openable without a key from the side that faces a person seeking egress. The door handle is to be operational by a single handle downward action or pushing action. Details of the system are to be submitted prior to the issue of a Construction Certificate.

Reason: To ensure people can exit the building at all times and to comply with the requirements of D2.21 of the *Building Code of Australia*.

- (b) Provide Smoke Alarms to both tenancies of the building in accordance with AS 3786. Smoke alarms in each tenancy are to be interconnected to provide a common alarm. Details of the system are to be submitted prior to the issue of a Construction Certificate.

Reason: To provide the occupants with early warning on the detection of smoke so they may evacuate in the event of a fire.

- (c) Clause E1.6 Portable Fire Extinguishers

Portable fire extinguishers must be provided as listed in Table E1.6 and must be selected, located and distributed in accordance with Sections 1,2,3 and 4 of AS 2444.

Reason: To allow occupants to extinguish an initial outbreak of fire.

If an Alternative Solution is proposed to achieve compliance with these Parts of the Building Code of Australia, it is to be prepared by a properly qualified and accredited Fire Engineer.

Details on the method of compliance are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

All work required as part of the Fire Safety Upgrade of the existing building is to be completed prior to the issue of an Occupation Certificate.

- (4) **Fire Safety Measures** – Prior to the issue of the Construction Certificate, the following information is to be submitted to the certifying authority:
 - (a) a list of any fire safety measures that are proposed to be implemented in the building or on the land on which the building is situated, and
 - (b) if the application relates to a proposal to carry out any alteration or rebuilding of, or addition to, an existing building, a separate list of those

measures currently implemented in the building or on the land on which the building is situated.

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) **Toilet Facilities** - Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - (c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (2) **Notice of Commencement of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and clauses 103 and 104 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 or subdivision works.
 - (3) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
 - (4) **Erection of Signs** – Shall be undertaken in accordance with Clause 98A of the *Environmental Planning and Assessment Regulation 2000*.
 - (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 *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.

4.0 - During Construction

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

- (1) **Site Management (No Nuisance Creation)** - The developer must carry out work at all times in a manner which will not cause a nuisance to owners and occupiers of adjacent properties by the generation of unreasonable noise dust or other activity.
- (2) **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 on 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.
- (3) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
- (a) the delivery of material shall only be carried out between the hours of 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 4.00pm on Saturdays;
 - (b) 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;
 - (c) 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;
 - (d) waste must not be burnt or buried on site, nor should wind-blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot;
 - (e) a waste control container shall be located on the development site.
- (4) **Protection of Public Places** – If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) 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.

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) **Sydney Water Clearance** – Prior to the issue of an Occupation Certificate a section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water and submitted to the Principal Certifying Authority.

- (2) **Plant Noise Restriction** - The level of total continuous noise emanating from operation of all the plant or processes in all buildings (LA_{eq}) (measured for at least 15 minutes) or in the above premises must not exceed the relevant criteria contained within Councils "Environmental Noise Policy" when measured at any point on the boundary.

- (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 Fire & Rescue New South Wales, 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) **Acoustic Screening** – Prior to the issue of an Occupation Certificate, an acoustic screen shall be installed around the condensers to minimise the impact of noise on the residence of 8 Sharman Close, Harrington Park. The acoustic screen shall be made of solid materials, be joined to the eastern wall of the building and be free of gaps.
- (6) **Connection to Sewer** - Prior to the issue of an Occupation Certificate documentary evidence is to be provided to the Principal Certifying Authority (PCA) to evidence the connection of the premises to sewer.

6.0 - Operational Conditions

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

- (1) **Air Conditioning Units** - The operation of the approved air conditioning units must operate at all times so:
 - (a) as to be inaudible in a habitable room during the hours of 10.00pm to 7.00am on weekdays and 10.00pm to 8.00am on weekends and public holidays; and
 - (b) as to emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute;
 - (c) as not to discharge any condensate or moisture onto the ground surface of the premises or into stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act, 1997.
- (2) **Maintenance** - The subject signs must be maintained in good order at all times. The approved design, colour scheme and wording of the signs must not be altered without the prior written approval of the Consent Authority (ie Camden Council).
- (3) **Hours of Operation** - The hours of operation for the approved landuse are:

Monday to Sunday & Public Holidays: 10am to 10pm.

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.
- (4) **General Requirements** – The storage of goods and materials must be confined within the building. At no time must goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve.
- (5) **Approved Number Not Exceeded** – The maximum number of seats permitted on the floor of the premises for the use of patrons is not to exceed 28 seats at any time.
- (6) **Number of Employees** - The number of employees engaged to work at the premises shall not exceed 7 at any one time.
- (7) **Graffiti Management Plan** - A graffiti management plan needs to be incorporated into the maintenance plan for the development. All graffiti shall be removed within 48 hours of the offence.
- (8) **Light Spillage** - The lighting of the premises must be directed so as not to cause nuisance to owners or occupiers of adjoining premises.

-
- (9) **Amenity** - The business shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations and residential or business premises.
- (10) **Offensive Noise** - The use and occupation of the premises including all plant and equipment must not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997*.

END OF CONDITIONS

RECOMMENDED

That Council approve Development Application 863/2012 for a change of use of an existing cottage to an ice cream/custard parlour and café including the display of two business identification signs at 4 Sharman Close, Harrington Park subject to the conditions listed above.

ATTACHMENTS

1. Plans

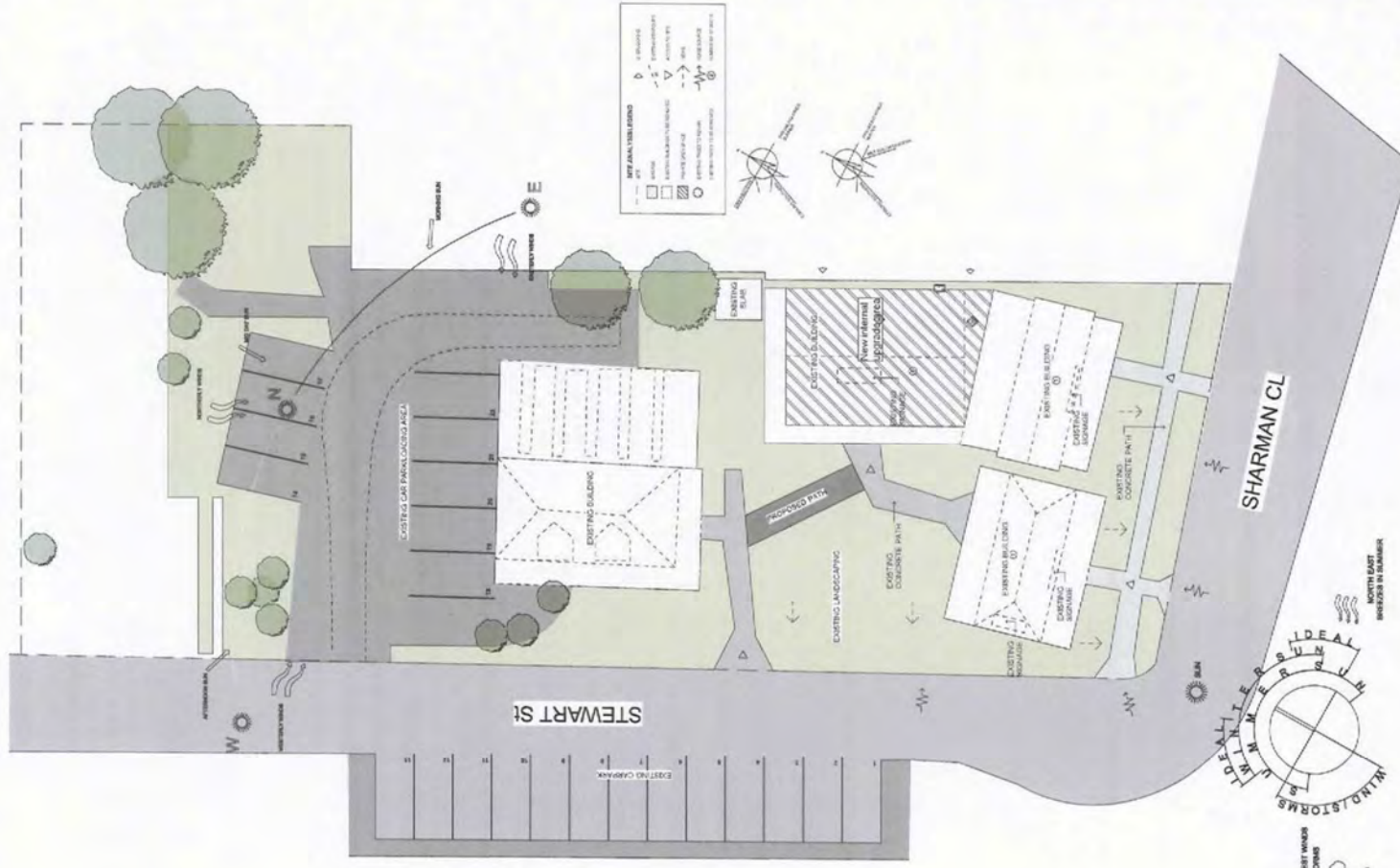
PROPOSED COMMERCIAL FIT-OUT

No.4 Sharman Close, Harrington Park

THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT.

THIS INCLUDES (but is not excluded to): OWNER, BUILDER, SUB-CONTRACTORS, CONSULTANTS, RENOVATORS, OPERATORS, MAINTENERS, DEMOLISHERS.

- 1. WORKING AT HEIGHTS**
Wherever possible, compare the building to the existing building to determine the height of the building. The building height is the maximum height of the building. The building height is the maximum height of the building. The building height is the maximum height of the building.
- 2. FALLS, SLIPS, TRIPS**
Wherever possible, compare the building to the existing building to determine the height of the building. The building height is the maximum height of the building. The building height is the maximum height of the building.
- 3. HAZARDOUS SUBSTANCES**
Wherever possible, compare the building to the existing building to determine the height of the building. The building height is the maximum height of the building. The building height is the maximum height of the building.
- 4. HAZARDOUS SUBSTANCES**
Wherever possible, compare the building to the existing building to determine the height of the building. The building height is the maximum height of the building. The building height is the maximum height of the building.
- 5. HAZARDOUS SUBSTANCES**
Wherever possible, compare the building to the existing building to determine the height of the building. The building height is the maximum height of the building. The building height is the maximum height of the building.
- 6. HAZARDOUS SUBSTANCES**
Wherever possible, compare the building to the existing building to determine the height of the building. The building height is the maximum height of the building. The building height is the maximum height of the building.
- 7. HAZARDOUS SUBSTANCES**
Wherever possible, compare the building to the existing building to determine the height of the building. The building height is the maximum height of the building. The building height is the maximum height of the building.
- 8. HAZARDOUS SUBSTANCES**
Wherever possible, compare the building to the existing building to determine the height of the building. The building height is the maximum height of the building. The building height is the maximum height of the building.
- 9. HAZARDOUS SUBSTANCES**
Wherever possible, compare the building to the existing building to determine the height of the building. The building height is the maximum height of the building. The building height is the maximum height of the building.
- 10. HAZARDOUS SUBSTANCES**
Wherever possible, compare the building to the existing building to determine the height of the building. The building height is the maximum height of the building. The building height is the maximum height of the building.



SITE PLAN / SITE ANALYSIS PLAN 1:200

NOTES

ISSUE BY	DESCRIPTION	DATE
A. BT FOR DA/CC		11.09.18

Drawing No: Description
 WD01 SITE / SITE ANALYSIS ...
 WD02 FLOOR PLAN & ELEVATION ...



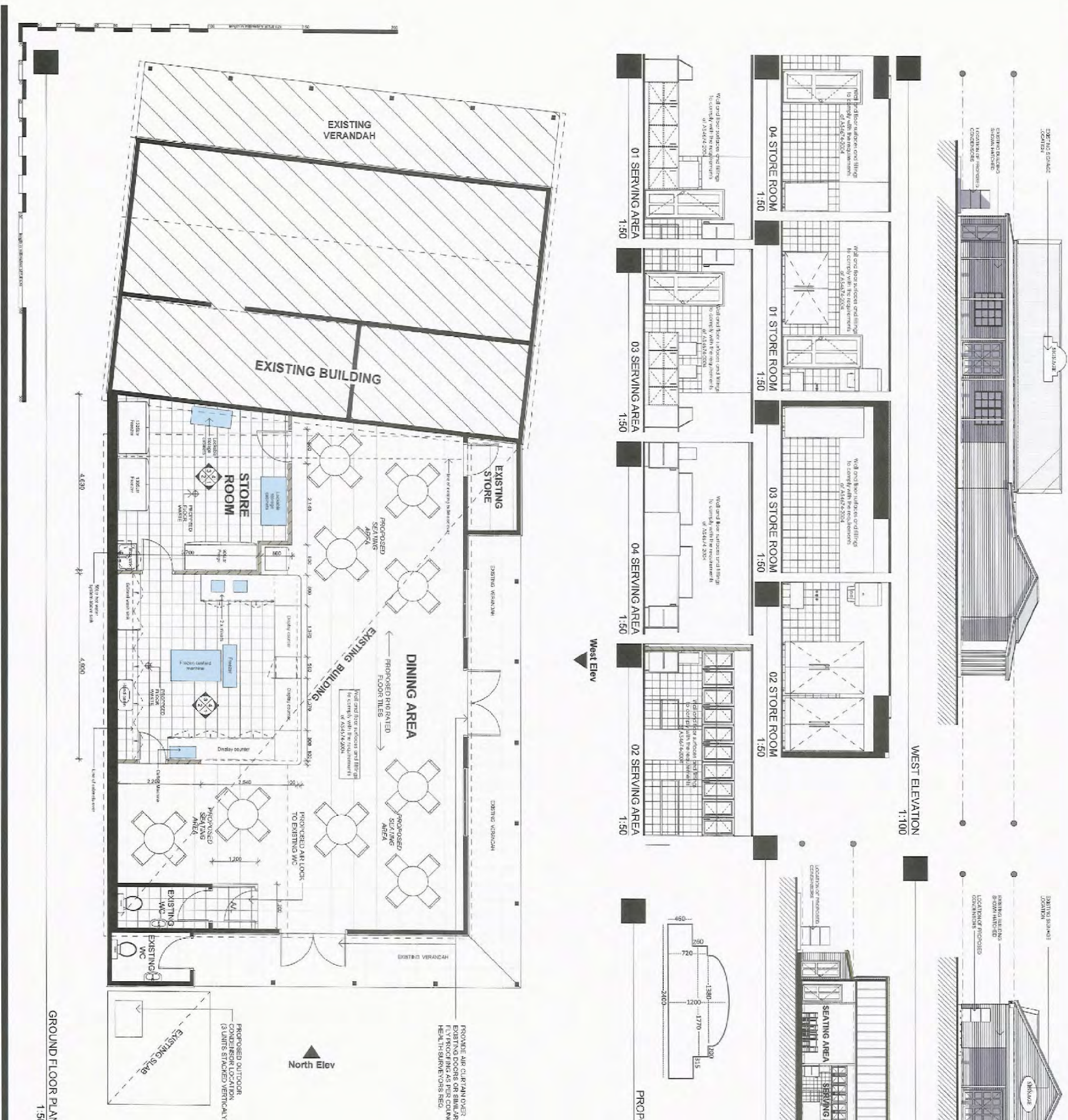
Project Name: **PROPOSED COMMERCIAL FIT-OUT**
 Project Address: No.4 Sharman Close, Harrington Park, 2587
 Client Name: Mr M Bowler



DA/CC
 SITE / SITE ANALYSIS PLAN

Issue:	AS NOTED	Date:	15-Sep-12
Drawn by:	DA/CC	Checked by:	B. Taylor
Project No:	2012020	Drawing No:	WD01





NO.	ISSUE/REV	DESCRIPTION	DATE
1	SI	FOR DA/CC	11/09/09

NOTES

1. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BS AND BS PARTS SPECIFICATIONS.

2. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BS AND BS PARTS SPECIFICATIONS.

3. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BS AND BS PARTS SPECIFICATIONS.



NORTH

Project Name: **PROPOSED COMMERCIAL FIT-OUT**
Project Ref: No.8 Sharnon Close
Hamington Park
25RF

Client Name: Mr. M Bowler

DA/CC

DRAWING TITLE: FLOOR PLAN & ELEVATIONS

- 1. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BS AND BS PARTS SPECIFICATIONS.
- 2. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BS AND BS PARTS SPECIFICATIONS.
- 3. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BS AND BS PARTS SPECIFICATIONS.

Project No:	2012020	Drawing No:	WDD02
DA/CC:		Issue:	14-Sep-12
Drawn By:	B. Taylor		

PROVIDE AIR CURTAIN OVER EXISTING DOORS OR SIMILAR HEALTHY SHEDS.

PROPOSED SIGNAGE DETAILS NTS

Section 2 1:100

WEST ELEVATION 1:100

NORTH ELEVATION 1:100

GROUND FLOOR PLAN 1:50

ORDINARY COUNCIL

ORD07

ORD07

SUBJECT: PROPOSED ROAD NAMING - 'VILLAGE CIRCUIT', GREGORY HILLS
FROM: Director, Development and Health
BINDER: Naming of Roads

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement to the naming of a new road within Gregory Hills.

BACKGROUND

The developers of Gregory Hills, Dart West Developments Pty Ltd, have requested Council approval for a new road name being "Village Circuit".

The road proposed to be named "Village Circuit" is a collector road adjacent to the future town centre of Gregory Hills.

A location plan is provided as an attachment to this report.

Gregory Hills was officially declared a new suburb by the Geographical Names Board (GNB) in August 2008 and is situated within the South West Growth Centre - Turner Road Precinct.

The proposed road name has been considered by the GNB in accordance with the GNB Guidelines for the Naming of Roads. The GNB has raised no objection to the proposed road name.

MAIN REPORT

The GNB has advised Council of the process to be followed by the roads authority in respect to the naming of new roads in accordance with the *Roads Act 1993*. In this instance, Council is the roads authority.

The process to be followed includes:

1. Proposed new road name provided to Council.
2. New road name is checked by Council staff in accordance with the guidelines published by the GNB.
3. The name that meets the guidelines is referred to the GNB for comment.
4. A report to Council by Council officers seeking endorsement of the name to be approved by the GNB.
5. The endorsed name is published in a notice in a local newspaper, ensuring that the notice states that written submissions on the road name may be made to Council.
6. Council concurrently serves notice of the road naming proposal on Australia Post, Registrar General, Surveyor General and in the case of a classified road, on the Roads and Maritime Services (RMS) if it is not the authority involved.

7. All submissions are compiled and the road name is reviewed by officers.
8. The results of the notification period are reported back to Council with any recommendation for approval.
9. The approved name is published in the NSW Government Gazette and in local newspapers.
10. Council informs Australia Post, Registrar General, Surveyor General and the RMS giving sufficient particulars to enable the road to be identified.

Steps 1 to 3 of the process have been undertaken and this report has been prepared in accordance with Step 4.

CONCLUSION

The proposed road name "Village Circuit" has been considered by Council officers and the GNB. The road name is recommended to Council for endorsement and resolution to proceed with the road name approval process detailed in this report.

If the new road name is endorsed, a 30 day public exhibition period will be undertaken and a further report provided to Council to consider any submissions received.

RECOMMENDED

That Council:

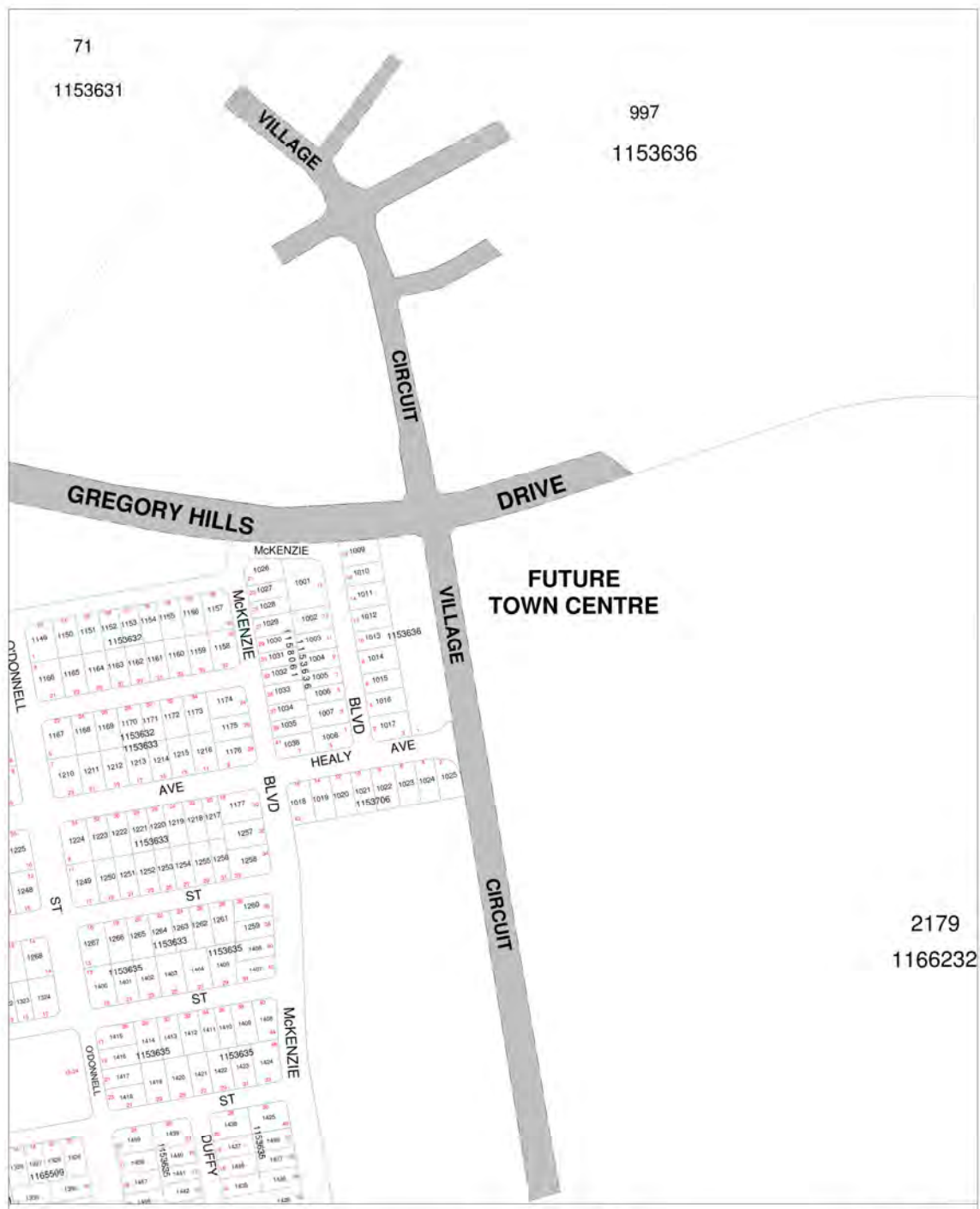
- i. endorse the new road name within this report;**
- ii. proceed with the new road naming process detailed in this report; and**
- iii. be provided with a further report detailing the results of the 30 day public exhibition period.**

ATTACHMENTS

1. Gregory Hills-Location Plan

ORD07

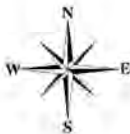
Attachment 1



SUBURB: GREGORY HILLS

Subject Site

Scale 1:4000



LOCATION PLAN

650A Camden Valley Way, Gregory Hills

Lot 997 DP1153636

ORDINARY COUNCIL

ORD08

SUBJECT: SECTION 94 DEVELOPMENT CONTRIBUTIONS, CARRINGTON CENTENNIAL HEALTH CARE.

FROM: Director Governance

BINDER: Planning Proposal Amendment No. 16 Carrington Centennial Care

PURPOSE OF REPORT

The purpose of this report is for Council to consider how to apply Section 94 contributions in relation to Carrington Centennial Care (Carrington), in light of a Council Resolution made in 2008 to reduce the applicable section 94 rates at Lot 10 DP845472 (90) Werombi Road, Grasmere. Camden Contributions Plan 2011 (CP2011) has been adopted since then. This report deals with both Lot 10 and the Smalls Road site, which is subject to a Planning Proposal at this stage. A locality map of the Carrington site is provided below.



As a related matter, Carrington has lodged a Development Application on the same site for a 126 bed room aged care facility for both high and low care and Council is to consider if it should be charged section 94 contributions.

BACKGROUND

Carrington is a long established provider of seniors housing with a range of self-care independent homes to high care nursing and dementia beds. In 2007, Council adopted a Masterplan for Carrington at both 5 Smalls Road and 90 Werombi Road at

Grasmere. The Master plan anticipates a total of 400 high care rooms and 980 independent living units. Shortly after the adoption of the Masterplan, Carrington was granted Development Consent to construct a 100 bed nursing home and 70 independent aged care units.

No contributions were charged for the 100 bed nursing home as the Contributions Plan did not apply to these types of facilities.

Development consent for 70 independent units granted in 2008 incorporated a condition of consent requiring Section 94 contributions of \$11,671.84 per dwelling totalling \$817,029 for the total 70 units. This application was subject to the Camden Contribution Plan 2004 (CP2004) which did not separate senior living dwellings from typical household dwellings, therefore the development was charged under the rural residential rate of \$11,671.84 per dwelling.

Subsequently Carrington submitted a request that Council modify this amount based on a lower occupancy rate than a standard dwelling and the lifestyle of these senior residents.

Council's resolution of 9 December 2008 reduced the total section 94 contributions for the 70 independent units on Lot 10 DP 845472 from \$817,029 to \$127,869 (\$1,826.70 per dwelling) and any further dwellings on the site would attract a Section 94 contributions rate of \$1,826.70 per dwelling and the minimum amount of contributions to be paid on the site to be not less than \$420,141. Based on the index rate in accordance with the provisions of Camden CP 2011, the current figure is now \$465,219. **A copy of the minutes of the report of 9 December 2008 is provided as an attachment to this report.** The resolution did not apply to the Smalls Road site.

Camden CP20011 repealed Camden CP 2004 and introduced rates for senior living dwellings and assumes an occupancy rate of 1.5 persons per dwelling and reduced contributions towards open space and recreational facilities and community facilities. Under CP2011 the current seniors living dwelling is levied at \$8,030 per dwelling.

MAIN REPORT

This report deals with both the application of Section 94 Contributions to the Carrington sites as well as the current Development Application for 126 bed Aged Care Facility as to whether development contributions should be imposed on that proposal, which is to be determined by the Joint Regional Planning Panel.

Legal advice was sought to clarify the relationship of the Council resolution in 2008 and the adoption of a Seniors Living rate in CP2011 and how this may impact on future development in Carrington that is otherwise consistent with the Masterplan approved by Council. A summary of the Legal Advice is given below:

"The 2011 CP overrules the Resolution, as under the Environmental Planning and Assessment Act 1979 Council can only impose conditions in accordance with the CP, and as such CP2011 has more legal weighting than the Resolution.

However, the CP2011 gives Council the discretion to require contributions less than those determined in the CP so if it is seen reasonable to charge in accordance with the resolution Council could legally impose conditions in accordance with the resolution."

Variations to Contributions under Camden Contribution Plan 2011

Section 2.13.3 of the CP 2011 permits Council to require contributions less than that ordinarily required by the Plan. Section 2.13.3 of the CP2011 states:

“Council retains the right to reduce the development contributions otherwise calculated in accordance with the Contributions Plan.”

Therefore Council can vary the contribution if it considers it reasonable to reduce the contributions for the site and legally charge less than the rates contained in CP2011. However, as the Council resolution did not apply to the Smalls Road site, any future development of that site would still be subject to the rates in CP2011.

Financial implications of carrying forward Council resolution.

If Council was to carry the resolution of 9 December 2008 forward the proposed 230 dwellings to be constructed on the site would now incur a contribution of \$465,219.

Should Council adhere to its previous resolution it would need to ensure that this figure was achieved notwithstanding the number of dwellings to be erected. It may require the per unit rate (set in Dec 2008 at \$1,826.70, now being \$2022.69) be revised to ensure that the \$465,219 was achieved.

Should Council require the imposition of the rates in CP 2011 there would, based on the additional 230 dwellings, be Section 94 contributions for Carrington totalling \$1,814,240. By upholding Council's resolution of 2008, there is a shortfall of \$1,349,021.

126 bed Aged Care Facility

A development application has been lodged by Carrington for a 126 bed Aged Care Facility which is to be determined by the Joint Regional Planning Panel. This development does not contain any independent living units. The most appropriate categorisation of this development is as a nursing home.

Under CP2011 (Table 4.3) such developments are not listed as a type of development to be charged. This means they are not subject to a contribution as the CP2011 does not contain growth assumption for these development types.

To reaffirm this opinion, legal advice was also sought on this matter and it relevantly states:

*“If development does **not**, in fact, contain any dwellings/independent living units as referred to in the CP, then this is a further, and probably the most appropriate basis for not imposing contributions. The CP does not prescribe contributions in relation to seniors housing that is not a dwelling/independent living unit.*

Indeed, if the development does not give rise to an increased demand for the infrastructure to which the relevant contributions plans relates, it would be a breach of the Environmental Planning and Assessment Act 1979 (EPA Act) to impose a s94 condition because the statutory preconditions in s94 would not have been met.”

Section 2.8.1 of Camden CP2011 sets out situations where developments will be exempt from development contributions.

The CP does not prescribe contributions in relation to seniors housing that is not a dwelling/independent living unit therefore the subject development is exempt from the Camden Contributions Plan 2011.

It is therefore recommended that Council not charge Development Contributions for this proposal. A Council resolution to this effect is sought so as to enable the Joint Regional Planning Panel to consider the matter with full knowledge of the Section 94 requirements.

CONCLUSION

The developments proposed by Carrington are subject to Camden Contributions Plan 2011, however within the contributions plan there is a method to reduce these contributions. Accordingly Council can reaffirm its resolution of 9 December 2008 to reduce the Section 94 contributions for the development applicable to lot 10 DP 845472. This will have the effect of applying a rate of \$2,022.69 per independent living unit. This is predicated on a total contribution of \$465,219 being received for the site. Carrington must indicate if they still intend to erect 230 independent living units on the site. If not they need to provide Council with a new figure so that the per unit rate can be adjusted accordingly.

Camden CP20011 repealed Camden CP 2004 and introduced rates for senior living dwellings. The current contribution rate for seniors living dwellings is levied at \$8,030 per dwelling. Accordingly this rate will apply to any future development of seniors independent living units to be erected on the 5 Smalls Road site.

With regard to the development application for the 126 bed Aged Care Facility there are no Section 94 contributions applicable as this type of development is “exempt” from the Camden CP 2011.

RECOMMENDATION

That Council:

- i. reaffirm its resolution of 9 December, 2008;**
- ii. pursuant to clause 2.13.3 of Camden CP 2011, vary the contribution for the remaining development on Lot 10 DP 845472 Werombi Road, Grasmere to require a total contribution of \$465,219, indexed in accordance with the provisions of Camden CP 2011.**
- iii. request Carrington to advise as to the final number of independent living units proposed for development on Lot 10 DP 845472 and if this number is not 230 then a new rate per dwelling needs to be determined; and**
- iv. agree that there be no Section 94 contribution applied for the 126 bed Aged Care Facility as it is a development that is exempt from the Camden CP2011.**

ATTACHMENTS

1. Previous Council Report and Minutes

ORD08

ORD03

SUBJECT: SECTION 82A APPLICATION - CARRINGTON CENTENNIAL CARE, 90 WEROMBI ROAD, GRASMERE
FROM: Director Development and Health
FILE NO: DA 131/2008

PURPOSE OF REPORT

The purpose of this report is for Council to consider an application under Section 82A Local Government Act for review of the Section 94 contributions payable by Carrington Centennial Care in relation to a Development Consent granted by Council on 26 August, 2008. The report also considers a request by the owner for the construction of a footpath which would link the retirement complex to the walkway within the Bicentennial Equestrian Park and a similar request from a resident of Narellan for a pathway utilising an alternate route.

BACKGROUND

Carrington Centennial Care is a long established provider of housing for seniors with accommodation available in a range of forms from self care and independent homes to high care nursing and dementia beds.

In 2007 Council adopted a masterplan for the property which guides the staged development of the main site and a parcel of land on the opposite side of Werombi Road on the corner of Smalls Road. The plan provided for a total of 400 high care accommodation positions, 980 independent living dwellings, community centres, sporting facilities and bush regeneration. Carrington advises that these numbers have now been down scaled, however the principle of the masterplan which designates development areas, will remain.

Approval for the construction of a 100 bed nursing home was granted in March 2007. This complex is currently under construction and will supplement the current forms of accommodation on the site.

The most recently issued development consent permits the construction of 70 independent aged care units in association with heritage conservation management works to the Carrington Convalescent Hospital. In accordance with Council's Contributions Plan and the provisions of the Seniors Living SEPP, the consent issued included conditions which require the payment of Section 94 contributions for the new dwellings with a total contribution amount of \$817,029. This equates to \$11,671.84 per dwelling and is to provide funds for the provision of fire, emergency services and equipment, community and recreation facilities, open space and community land acquisition and administration costs associated with the plan. The greatest component of the contributions is for land acquisition costs. This compares to current rates in the release areas where no local facilities are available, the full cost of facilities is borne by new residents. The contribution rate for Elderslie is \$53,362 and Spring Farm \$59,624.

Attachment 1

Carrington has undergone expansion and upgrading over the years with certain works attracting contributions in the past. In 1994 a condition of consent for a significant upgrade required the payment of a contribution of \$35,000 towards the cost of constructing the roundabout at the Werombi Road entrance to the complex. Since that date only one other payment of \$2,014 has been required under Section 94. This was either due to the Section 94E direction of the Minister preventing levying contributions or the fact that the works being undertaken were upgrades rather than introducing new facilities.

MAIN REPORT

The Chief Executive of Carrington Centennial Care Limited has submitted a request that Council modify the consent conditions as they relate to Section 94 contributions. **A copy of that request is provided with the Business Paper supporting documents.**

The submission addresses the purpose of the contributions and the need to establish a nexus, and requests that on the basis on occupancy of the dwellings, the lifestyle of the residents and the facilities provided by the Carrington for residents, that Council consider a reduction in the quantum of the contribution and suggests that a fee of \$1,000. Consideration of the provision of land for a rural fire station has also been raised in the submission. Discussion of the application of contributions is provided below.

In addition to the request for reduction in the rates of contributions, Carrington has also submitted a request for the construction of a footpath which would extend from Ferguson Lane through to the RSL Memorial Walkway in the Bicentennial Equestrian Park to facilitate access by residents to walk or use their scooters to access Camden. **A copy of this submission is also provided with the Business Paper supporting documents.** Cost of construction of the footpath has been estimated at approximately \$400,000 for a 1.2m wide concrete path or \$600,000 for a 2.5m path which would better suit use by persons utilising scooters and facilitate cycle use of the pathway. It should be noted that footpath construction is not a facility included in Council's Contribution Plan in this locality.

A second request to build a pathway to link Carrington to Camden has been submitted by Mr R T Doust. **A copy of this submission has also been provided with the Business Paper supporting documents.**

1. Section 94 Contribution

The Seniors Living SEPP establishes parameters to guide the development of housing for seniors or persons with a disability across NSW. Whilst the Policy does not have strict application in this instance due to the zoning of the land, there is relevance to the Policy with regard to previous considerations of applying Section 94 contributions to seniors living developments and in particular to how the contributions have been levied in the past for development of land at Carrington.

When first introduced under the provisions of SEPP 5, housing for aged and disabled persons (now repealed) was permitted in all zones where dwellings were permitted. This led to the establishment of major complexes in rural zones which were well removed from local services and transport links and the Policy was being used to circumvent many council's planning instruments which prohibited other forms of medium density housing, particularly in rural areas. The making of the current Seniors Living SEPP in 2004 restricted seniors housing to areas zoned or adjacent to land zoned for urban purposes. This change stopped

development within rural zones and is the reason why the latest consent was not issued under the provisions of the Policy as this section of the Carrington site is zoned rural village, so the SEPP does not apply. The heritage incentives clause of LEP 48 was used to allow the expansion of the retirement complex over the rural village site provided the funding was used to conserve the heritage building on the site. The main Carrington site is zoned Special Use - Retirement Village which does permit seniors living.

On 6 November, 2000 the Minister for Infrastructure and Planning issued a 94E direction that prevented councils from imposing Section 94 conditions on consents for seniors living. This direction was revoked on 14 September, 2007 for all development apart from applications made by a social housing provider. A social housing provider is defined in the SEPP as:

- the NSW Land and Housing Corporation,
- the Department of Housing,
- a community housing organisation registered with the Office of Community Housing of the Department of Housing,
- the Aboriginal Housing Office,
- a registered Aboriginal housing organisation within the meaning of the Aboriginal Housing Act 1998,
- the Department of Ageing, Disability and Home Care,
- a local government authority that provides affordable housing,
- a not-for-profit organisation that is a direct provider of rental housing to tenants.

The effect of the revocation means that Section 94 contributions can again be levied on all forms of seniors living developments that are not delivered by a social housing provider. Accordingly, the consent for the 70 independent dwelling units included the contributions, as Carrington does not meet the exemptions under the SEPP.

Local Infrastructure Contributions, commonly referred to as Section 94 contributions, are a means by which councils obtain funds to facilitate the delivery of new public amenities or services which are needed due to a particular development taking place. Each council is required to prepare a plan which fully details the range of amenities and services which are to be provided and establish a method of calculating the extent of payment due for a particular form of development. The plan allows for either the payment of a contribution towards the cost of those services and/or the dedication of land.

The Camden Contributions Plan establishes the type of amenities to be provided and collects funds based on the number of lots/dwellings in a new development. Parking is calculated on the additional floor space of a new building and drainage is catchment based and accordingly levied on an area basis. In the case of the Carrington development the levy is calculated on the number of new dwellings and the lower occupancy rate for multi-residential development was applied. This rate anticipates an occupancy of 2.2 persons per dwelling (p/d) and is less than the 3.1p/d rate that applies to freestanding dwellings. The reason for the two figures is that multi-unit housing is more likely to be occupied by singles or couples, whereas freestanding dwellings are ordinarily occupied by families. Whilst it is recognised that there are variances in both instances, it is necessary to determine a reasonable rate based on reasonable assumptions. Australian Bureau of Statistics data is used to determine occupancy, and in this regard Camden has a higher dwelling occupancy rate than the Sydney average.

In order that Council can deliver the full range of amenities and services contemplated by its Plan, it is important that all levies are collected. Any shortfall in the Plan will need to be

supplemented by general funds and this transfers the burden of cost to existing residents, many of whom have already paid for facilities at the time their land was subdivided. Alternatively, Council is unable to deliver all of the facilities and services its growing population require.

The arguments put forward by Carrington have some merit in that its occupancy rates are again lower than that specified in Council's contributions plan due to the fact that by the time people chose to move into the complex they do so as a couple or singly. In addition, the range of services and facilities residents would use as more senior citizens would be different and possibly less than younger, more active people.

In view of the above, a review of the range of facilities and services levied for under the consent has been conducted and it is considered that it may be appropriate to reduce the amount by removing the following:

- youth facilities
- active sports fields

and also giving consideration to the reduced occupancy rate.

It is important to note that the effect of reducing the contribution has the potential to reduce the total funds that will be collected under the plan, and accordingly Council will need at some stage to fund this shortfall. Should Council wish to further reduce the contribution to the \$1,000 per dwelling offered by Carrington, a greater shortfall would exist. For this reason an assessment of options available to ensure that no shortfall exists has been conducted.

In this instance the portion of the Carrington site subject to the development consent is zoned Rural (c)(0.4ha), and this area has been taken into account in assessing the total amount of money to be collected under the Camden Contributions Plan. The remaining portion of the site is zoned Special Use, Institution, and was excluded from the provisions of the plan. The section zoned village could be expected to yield a number of rural residential lots had it not been developed as part of the Carrington site. The land zoned Rural (c) has an area of approximately 21.3ha and accordingly would yield around 45 lots allowing for necessary road construction. At the current rate of \$12,178 per dwelling (the higher rate applied for this form of housing) Council would forgo a total amount of \$548,010 if no contributions were collected for any portion of this site.

Council has resolved to rezone this land and the other parcel of land owned by Carrington which is located on the corner of Werombi and Smalls Roads to Special Uses, Retirement Village to be consistent with the main land holding. This LEP has been deferred by the Department of Planning pending finalisation of Council's comprehensive LEP. Council's Section 94 plan anticipates collection of additional funds from this land also.

The provision of land within the West Camden Sewerage Treatment Plant (STP) Odour Buffer on Carrington land for the RFS site is still in the planning stages and no formal agreement has been entered into. As Council collects contributions for the acquisition of land and the development of RFS facilities, the value of the land could be offset, however negotiations at this stage are only for lease of the land and all costs for the construction of the building will need to be paid for from the Contributions Plan. An agreement on the lease period has not been made with the RFS and accordingly at this stage no opportunity exists to offset the costs. As masterplanning for the complex provides for additional development, it may in future stages be possible to enter into a Voluntary Planning Agreement with regard to provision of land to offset contributions.

Any decision of Council should ensure collection of at least the amounts contemplated in Council's Section 94 plan for the land zoned Rural Village. In this regard discussions have been held with the CEO of Carrington in relation to the need for Council to recoup the \$548,010 over the staged development of the main site. The masterplan contemplates approximately 310 additional dwellings across the site, however the layout endorsed under the subject consent suggests that a lesser yield is likely and that the total dwelling numbers will reduce to around 230. For this reason consideration could be given to reducing the current contribution payable at this stage applying an aggregate of 300 dwellings, being the approved 70 and the 230 future dwellings. If Council is to ensure payment of the anticipated contributions, a rate of \$1,826.70 per dwelling would apply (\$548,010 divided by 300 dwellings).

Application of this rate would reduce the contribution payable under the current consent to \$127,869. If Council was to accept this methodology, a further contribution of \$420,141 would be payable for the remaining stages of the main site on the assumption that a further 230 dwellings will be constructed. This rate would be indexed in accordance with the calculations allowed in the plan.

2. Footpath Construction

At the present time the Carrington property is separated from the Bicentennial Equestrian Park (BEP) by the West Camden STP and private property. No footpath is provided along Werombi Road and a request has been made seeking construction of a path that would link the Retirement Village to the BEP. An estimate of the costs of construction along Sheathers Lane/Werombi Road with sufficient width to facilitate access by both pedestrians and persons riding scooters has been prepared. Due to the need to incorporate culverts across drainage lines, the cost of the footpath would be \$600,000. Currently no funds have been provided in Council's budget to allow for the construction of this footpath. Councillors may determine that the project be added to the Discretionary List for consideration in future budget discussions.

Council's Section 94 plan does not collect funds for footpaths and the route is not one of the nominated cycleways that attract grant funding. This means that the entire cost would need to be funded by Council.

An alternate suggestion for a pathway to link Carrington through the Sydney Water land has also been made. No estimates of the cost of this work have been made due to the fact that it requires the construction of a substantial bridge on the Carrington land. It is not appropriate that Council funds such work when alternate access is available to provide a similar connection that can be utilised by a broader section of the Ellis Lane/Grasmere community. Whilst the Werombi Road footpath link would not be as scenic as that suggested by Mr Doust and is also a considerably longer path than that proposed by Mr Doust, it does provide the requested access and is more realistic in financial terms. It can also be built wholly on land owned by Camden Council whereby Mr Doust's proposal involves construction on land owned by Carrington and Sydney Water.

The Sydney Water land is leased by Council on a 5 year lease for incorporation into the Bicentennial Equestrian Park. That lease expired on 13 May, 2007, however continues on a month to month basis with either party having the option to terminate on giving one month's notice. Conditions of the lease require the land can only be used for the purpose of a cross country equestrian course and that Council is not permitted to establish any public facility on

the land or permitted to make any alterations to the land without the written approval of Sydney Water. This includes the placement of buildings, structures, paving or roads. Accordingly, given the limited tenure of this land and the restrictions imposed by Sydney Water, any footway would need to be wholly contained on land owned by Camden Council.

CONCLUSION

In determining the application for reduction in Section 94 contributions, Council needs to be mindful of any decision which would prejudice the delivery of all projects contemplated by the Camden Contributions Plan. It also however needs to be mindful of whether the full range of services being levied for will be utilised by a particular development. The review of the Camden Contributions Plan which is currently underway will attempt to address this issue. Ultimately however, any method of calculating the costs must ensure delivery of the entire works programmed under the plan. As Council is not able to accurately determine the number and location of seniors living developments, it is not possible to further discount those facilities, particularly on land zoned for residential purposes which is taken into account when calculating the quantum of contributions.

As Carrington will continue to grow, any decision that Council makes in relation to this development will establish a precedent for future applications, not only the Carrington site but for other similar developments, many of which are anticipated in the SW Growth Centre release.

The above rationale ensures that Council does not face any shortfall in its plan and considers the lower occupancy rate and higher density of the seniors living proposal. The contribution payable under the current development consent is considerably reduced and is considered to be the minimum that Council should levy.

Whatever resolution is made in relation to the matter, it is important that Council ensures that any further development will attract the full amount anticipated in the Plan in order that no deficit in the Contribution Plan occurs.

In relation to the construction of the footpath, this facility needs to be considered and prioritised, along with those projects identified on the Discretionary List in Council's Management Plan.

RECOMMENDED

That:

Development Consent No 131/2008 be modified to reduce the total contributions due under Section 94 of the EP&A Act from \$817,029 to \$127,869;

the owners of the land be advised that development on Lot 10, DP 845472 will attract Section 94 contributions at a rate of \$1,826.70 per dwelling indexed in accordance with the provisions of the Camden Contributions Plan;

irrespective of excesses contributed as a result of point ii above, the minimum amount of future Section 94 contributions by Carrington Centennial Care for the development of the site shall be \$420,141 indexed in accordance with the provisions of the Camden Contributions Plan;

ORD08

an amount of \$600,000 be added to the Discretionary List in Council's Management Plan for the construction of a 2.5m wide footpath along Werombi Road linking Carrington to the Bicentennial Equestrian Park;

Mr Doust be thanked for his submission for an alternate footpath proposal and advised that Council does not support this option due to its location on land which is not owned by Camden Council.

ATTACHMENTS

1. Submission for Reduced Contribution (Sup Doc)
2. Submission for Footpath from Carrington (Sup Doc)
3. Submission for Footpath from RT Doust (Sup Doc)



Carrington Submission - Reduced Contribution.pdf Carrington Footpath Request.pdf



Submission on Footpath - Mr R T Doust.pdf

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Symkowiak that:

Development Consent No 131/2008 be modified to reduce the total contributions due under Section 94 of the EP&A Act from \$817,029 to \$127,869;

the owners of the land be advised that development on Lot 10, DP 845472 will attract Section 94 contributions at a rate of \$1,826.70 per dwelling indexed in accordance with the provisions of the Camden Contributions Plan;

irrespective of excesses contributed as a result of point ii above, the minimum amount of future Section 94 contributions by Carrington Centennial Care for the development of the site shall be \$420,141 indexed in accordance with the provisions of the Camden Contributions Plan;

an amount of \$600,000 be added to the Discretionary List in Council's Management Plan for the construction of a 2.5m wide footpath along Werombi Road linking Carrington to the Bicentennial Equestrian Park;

Mr Doust be thanked for his submission for an alternate footpath proposal and advised that Council does not support this option due to its location on land which is not owned by Camden Council.

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

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

No Councillors voted against the Motion).

ORD318/08

Attachment 1



ORDINARY COUNCIL

ORD09

ORD09

SUBJECT: AMENDMENTS TO LOCAL ENVIRONMENTAL PLAN MAKING PROCESSES

FROM: Director Governance

BINDER: Local Environmental Plans

PURPOSE OF REPORT

The purpose of this report is to advise Council about new delegations and independent reviews related to plan-making under Part 3 of the Environmental Planning & Assessment Act 1979.

BACKGROUND

In April 2012 the NSW Government called for public submissions on a draft policy statement to change the local plan making process by returning local planning decisions to Council. Council lodged a submission to the draft policy dated 9 May 2012. The changes came into effect on 2 November 2012.

MAIN REPORT

The NSW Government considers the changes to be consistent with the findings of the independent review into the NSW planning system which is currently underway. The Government is keen to bring on policy changes that are not reliant on the outcome of the broader review process, which is the case here.

A circular **provided as Attachment 1 to this report**, was released by the Department of Planning and Infrastructure (DP & I) on 29 October 2012, which together with other guideline information sets out detailed administrative procedures associated with the new LEP review provisions.

Council's roles and responsibilities in plan making have been increased by delegating the making of some Local Environmental Plans (LEPs) to Councils. The Government sees this policy change as delivering on its election promise of returning local planning decisions to local communities. This policy change is supported.

The second part of the policy change allows for independent reviews of some Council and DP& I decisions in the plan making process.

Council's earlier submission to the draft policy raised concerns regarding the proposal for independent reviews of decisions regarding planning proposals at the pre-gateway determination stage which have not been taken up. Until now, decisions regarding rezoning requests are one of the few areas where Council retains its autonomy to make planning decisions that are in the interests of the community. It is concerning that a Regional Planning Panel or Planning Assessment Commission may be able to make a decision to rezone land or make other changes to Council's planning instrument.

LEP Delegations

Draft LEPs that are considered to be of local significance will be delegated to Councils to prepare and make, following a gateway determination that the planning proposal can proceed. These types of LEPs include:

- Spot rezonings consistent with an endorsed strategy and/or surrounding zones;
- Heritage LEPs related to specific local heritage items supported by an Office of Environment and Heritage endorsed study;
- Reclassifications of land;
- Mapping alterations;
- Correcting minor errors and anomalies.

The list of proposed types of plans where this will occur is considered reasonable and it is hoped that the Department may expand this list in time. Other types of draft LEPs will also be delegated to Council if the gateway determines that the draft LEP is a local matter and that Council should make the LEP.

Procedural matters relating to LEP Delegations

Under the new procedures, each time Council submits a planning proposal it is to advise the DP&I whether the Council or an officer will be exercising the delegated function. Each gateway determination for a planning proposal will confirm if the delegation is granted or not and the conditions attached to such.

Where the delegation is granted, the Council will liaise directly with the Office of Parliamentary Counsel to draft the LEP instead of having to go through the Department. Council will also be responsible for notification (gazettal) of the LEP. Council is required to keep the DP&I informed at various stages of the LEP plan-making process.

The Minister for Planning has written to Council to advise that for Council to exercise these delegations, it must confirm to the Department in writing that it accepts the delegations by 30 November 2012. In its response to the Minister, Council is requested to nominate the officers who will be granted the proposed delegation.

Section 381 of the Local Government Act, 1993 requires that such functions cannot be delegated to:

- a) The General Manager, except with the approval of Council; or
- b) An employee of the Council, except with the approval of the Council and the General Manager.

It is recommended that the General Manager be delegated authority on behalf of Council to make LEPs.

LEP Plan Making Process

Attachment 2 to this report is a flow chart that sets out the LEP plan making process that now incorporates independent reviews at two stages:

- Pre-gateway reviews;
- Gateway reviews.

Attachment 3 this report provides a flow chart of the pre-gateway review process and gateway determination review process respectively.

Council's concern with the provision for independent reviews of decisions regarding planning proposals may result in Council being left to implement planning instrument changes that it does not support and are not in the community interest. The potential for a rezoning to be permitted by an external group could impact Council's ability to service its existing and strategically well-established growth precincts. Additionally, a decision to grant a rezoning request could have implications for Council's Section 94 development contributions planning and may result in Council being unable to provide for essential community infrastructure. Given the timeframes required for Council to resource a review of contributions plan, development could proceed in advance of an updated plan resulting in a financial shortfall to Council. It is disappointing that Council's concerns on the draft Government policy have not influenced the Government's adopted policy position, which took effect on 2 November.

CONCLUSION

The proposed changes that will see certain plan-making functions be routinely delegated to Council following the issue of a gateway determination are welcomed. This will provide for a more stream-lined process. The independent reviews of plan making decisions prior to gateway determination is a further step in diminishing Council's powers to make local planning decisions that are in the interests of its community. Now that the Government policy has taken effect it is recommended that Council adapt its procedures to respond to the Government's new policy regime.

RECOMMENDED

That Council formally accept the Local Environmental Plan making delegations offered by the Minister for Planning and Infrastructure and that these delegations be sub-delegated to the General Manager.

ATTACHMENTS

1. DPI Circular
2. LEP Plan Making Process
3. Pre Gateway & Gateway Process

PLANNING circular

PLANNING SYSTEM

Plan-making reviews

Circular	PS 12-006
Issued	29 October 2012
Related	

Delegations and independent reviews of plan-making decisions

The purpose of this circular is to advise councils and the public about new delegations and independent reviews related to plan-making under Part 3 of the *Environmental Planning and Assessment Act 1979*.

Introduction

Two changes have been put in place to improve plan-making processes under Part 3 of the *Environmental Planning and Assessment Act 1979* (the Act). These changes come into effect on 2 November 2012 and will increase transparency, provide greater certainty, and increase councils' roles and responsibilities in plan making, by:

- delegating the making of some local environmental plans (LEPs) to councils, and
- allowing for independent reviews of some council and departmental decisions in the plan making process.

LEP delegations

The making of some LEPs will now be delegated back to councils, in keeping with the government's commitment to return local planning powers to local councils and their communities.

The Minister has delegated the following plan-making powers to councils:

- to make – and determine not to make – an LEP under section 59(2), and (3) of the EP&A Act
- to defer inclusion of certain matters in an LEP under section 59(3) and
- to identify which matters must be considered and which stages of the plan-making process must be carried out again prior to resubmission (section 59(4)) if the council defers the proposal or if a matter is deferred from the LEP.

The changes will give local councils responsibility for LEPs of local significance and streamline the processing of their LEPs by removing duplicative steps in the making of these LEPs.

The delegations will operate in respect of a draft LEP on receipt by council of a Written Authorisation to Exercise Delegation (the Authorisation). The Authorisation will be issued to councils as part of the Gateway determination.

When submitting a planning proposal, councils will be required to identify whether they wish to exercise the Authorisation for each planning proposal.

Delegation will be routinely issued for particular types of LEPs (see below). However, any other draft LEP that the Gateway determines is of local significance will also be delegated to councils.

LEPs to be routinely delegated

The following types of draft LEPs will routinely be delegated to councils to prepare and make following a Gateway determination that the planning proposal can proceed:

- mapping alterations
- section 73A matters (e.g. amending references to documents/agencies, minor errors and anomalies)
- reclassifications of land
- heritage LEPs related to specific local heritage items supported by an Office of Environment and Heritage endorsed study
- spot rezoning consistent with an endorsed strategy and/or surrounding zones, and
- other matters of local significance as determined by the Gateway.

Issue of delegations

Section 23 of the Act allows the Minister and the Director-General to delegate functions to a council and/or an officer or employee of a council. The department has written to all councils advising that

plan making powers are to be delegated under section 23 of the Act. A council is to formally accept the delegation before the department will issue an Authorisation in respect of any individual draft LEP.

If a council chooses to accept the delegation, it may sub-delegate the function to an officer within council (usually the general manager or planning director) who will exercise the delegation. If a council chooses to sub-delegate the function, the council should advise the department at the same time it accepts the delegation. When submitting a planning proposal to the gateway a council should advise the department whether the council or an officer will be exercising the delegated function.

Section 381 of the *Local Government Act 1993* requires that such functions cannot be delegated to:

- a) the general manager, except with the approval of the council, or
- b) an employee of the council, except with the approval of the council and the general manager.

Councils must comply with the conditions of the Authorisation in exercising their delegation. If a condition of the Authorisation cannot be complied with council must not exercise the delegation and must advise the department immediately.

Drafting and notifying delegated LEPs

Under section 59(1) of the Act the department currently requests the Office of the Parliamentary Counsel (PCO) to draft the legal instrument that gives effect to a planning proposal. However, when a planning proposal is delegated, the council will now deliver its instructions directly to PCO electronically. The council will concurrently copy the instructions to the department for monitoring and reporting only. The council will then deal directly with PCO to negotiate and agree the final wording of the instrument, prior to making the LEP.

When a plan is made, the department currently requests PCO to 'notify' the plan on the NSW Legislation webpage. The day the plan is notified on that webpage is the day the LEP becomes effective. This process will continue. When a council has made an LEP it will be forwarded to the department. The department will request notification through PCO and will record the dates of making by the council and notification on the NSW Legislation web page.

Reporting requirements

Councils will be required to report to the department on processing times for delegated LEPs (e.g. exhibition dates, dates of council resolution and/or delegated decisions to proceed with the planning proposal after exhibition, request for drafting, making of plan, and forwarding to department to arrange notification).

A template for the reporting of this information has been prepared and is provided on the department's

website at <http://www.planning.nsw.gov.au/gateway-process>. Councils will be required to submit this completed template with each LEP at the time a request is made to the department to notify the plan. Councils are also required to provide written advice to the relevant regional office of the dates as they occur to ensure that the department's publicly accessible LEP Tracking System remains up to date.

Independent Reviews

To increase transparency and accountability in the Part 3 plan-making process, the government has formalised two existing administrative review processes:

- **Pre-gateway reviews** – which may be requested by a proponent before a planning proposal has been submitted to the department for a Gateway determination. These reviews are informed by advice from joint regional planning panels (regional panels) or the Planning Assessment Commission (PAC), and
- **Gateway reviews** – which may be requested by a council or proponent following a Gateway determination, but before community consultation on the planning proposal has commenced. These reviews are informed by advice from the PAC.

These reviews will allow councils and proponents to have decisions in relation to proposed amendments to LEPs reconsidered, by providing an opportunity for an independent body to give advice on such proposals.

An amendment to the Environmental Planning and Assessment Regulation 2000 (the Regulation) has been made to require councils to notify proponents of certain matters and to charge proponents fees for reviews.

This circular provides a summary of the review mechanisms. Detailed guidance for councils and proponents is provided within *A guide to preparing local environmental plans*.

Pre-Gateway reviews

When a review may be requested

If a proponent (e.g. developer, landowner) has requested that a council prepare a planning proposal for a proposed instrument, the proponent may ask for a pre-Gateway review if:

- a) the council has notified the proponent that the request to prepare a planning proposal is not supported, or
- b) the council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information.

The Regulation requires councils to notify a proponent when the council determines that it will not prepare a planning proposal. The proponent of the proposed instrument then has 40 days to request that the

relevant regional panel review the proposal. Where a council has not made a determination after 90 days, the proponent may request a review any time after the 90 days has lapsed.

A guide to preparing local environmental plans sets out lodgement requirements, including fees and information a proponent must provide to the department in order for a review to be undertaken. It also sets out strategic and site-specific eligibility criteria that must be met in order for a proposal to be eligible for review by the regional panel.

Review and determination

The relevant regional panel will review all eligible proposals forwarded to it by the department. In the City of Sydney local government area, the PAC will undertake the review.

A guide to preparing local environmental plans sets out what matters the regional panel/PAC will take into consideration when reviewing the proposal.

The regional panel/PAC will provide advice on whether it would recommend to the Minister that the proposed instrument should be submitted for a determination under section 56 of the Act (Gateway determination).

The Minister's final decision will be informed by the regional panel's or PAC's advice, and the views of the department, council and proponent.

For proposals that are to proceed, further work may still be required by the proponent before the proposal complies with section 55 of the Act in relation to submitting a planning proposal for Gateway determination.

Further details on these procedures are outlined in *A guide to preparing local environmental plans*.

Exclusions – Pre-Gateway Reviews

A proponent who has requested council to prepare a planning proposal prior to the date this circular was issued may seek a review if the supporting information accompanying the request is still current (i.e. less than two years old).

A review request accompanied by information that is more than two years old will not normally be considered.

Gateway reviews

When a review may be requested

A council or proponent may request the Minister (or delegate) to alter a Gateway determination, when a Gateway determination is made that:

- a) the planning proposal should not proceed
- b) the planning proposal should be resubmitted to the Gateway, or
- c) imposes requirements (other than consultation requirements) or makes variations to the proposal that the council or proponent thinks should be reconsidered.

If the Gateway determination is either to not proceed or to resubmit the planning proposal, the council or proponent has 40 days from being notified by the department to request a review.

If the Gateway determination is to proceed with the planning proposal but imposes conditions that the council or proponent considers inappropriate, the council or proponent has 14 days from being notified by the department to indicate their intent to request a review. The council or proponent would then have 40 days to formally apply for a Gateway review.

A guide to preparing local environmental plans sets out lodgement requirements, including information the council or proponent must provide for a Gateway review to be undertaken.

Review and determination

The PAC will provide advice on whether the original Gateway determination should be altered, giving consideration to the council or proponent's submission and the reasons given for the original Gateway determination.

The Minister's final decision on whether to alter the Gateway determination will be informed by the PAC's advice, and the views of the council and proponent.

Further details on these procedures are outlined in *A guide to preparing local environmental plans*.

Further information

The Environmental Planning and Assessment Regulation 2000 has been amended to require councils to notify proponents of certain plan-making matters and to charge proponents fees for reviews. The regulation is called the Environmental Planning and Assessment Amendment (Reviews) Regulation 2012.

A guide to preparing local environmental plans provides advice on the various stages in the plan-making process including details of the stages for pre-Gateway reviews, the review of Gateway determinations and the delegation of plan-making functions to councils. The guide has been updated throughout with the main changes relating to:

- delegation procedures
- guidance on the plan making process
- guidance on the procedures for independent review.

A guide to preparing planning proposals, issued under section 55(3) of the Act, provides advice on the preparation and content of planning proposals. The guide has been updated throughout with the main changes relating to:

- guidance on the level of information to be required for planning proposals together with the inclusion of an information checklist for planning proposals
- advice regarding pre-lodgement meetings

Department of Planning & Infrastructure – Planning Circular PS 12-006

- the introduction of 'part 6 – project timeline' and discussion of requirements and procedures
- guidance on mapping requirements and procedures.

Copies of the Environmental Planning and Assessment Regulation 2000 are available online at <http://www.legislation.nsw.gov.au>.

Copies of *A guide to preparing local environmental plans* and *A guide to preparing planning proposals* are available on the department's website <http://www.planning.nsw.gov.au>.

The department has developed a number of template documents to assist councils preparing delegated LEPs. Councils will be able to access these templates and use them to ensure that the key statutory requirements of the plan-making process have been complied with. These templates are available for download from the department's website at: <http://www.planning.nsw.gov.au/gateway-process>

For further information please contact the Department of Planning & Infrastructure's information centre on 1300 305 695.

Department of Planning & Infrastructure circulars are available from <http://www.planning.nsw.gov.au/circulars>

Authorised by:

Sam Haddad
Director-General

Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

© State of New South Wales through the Department of Planning & Infrastructure
www.planning.nsw.gov.au

Disclaimer: While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

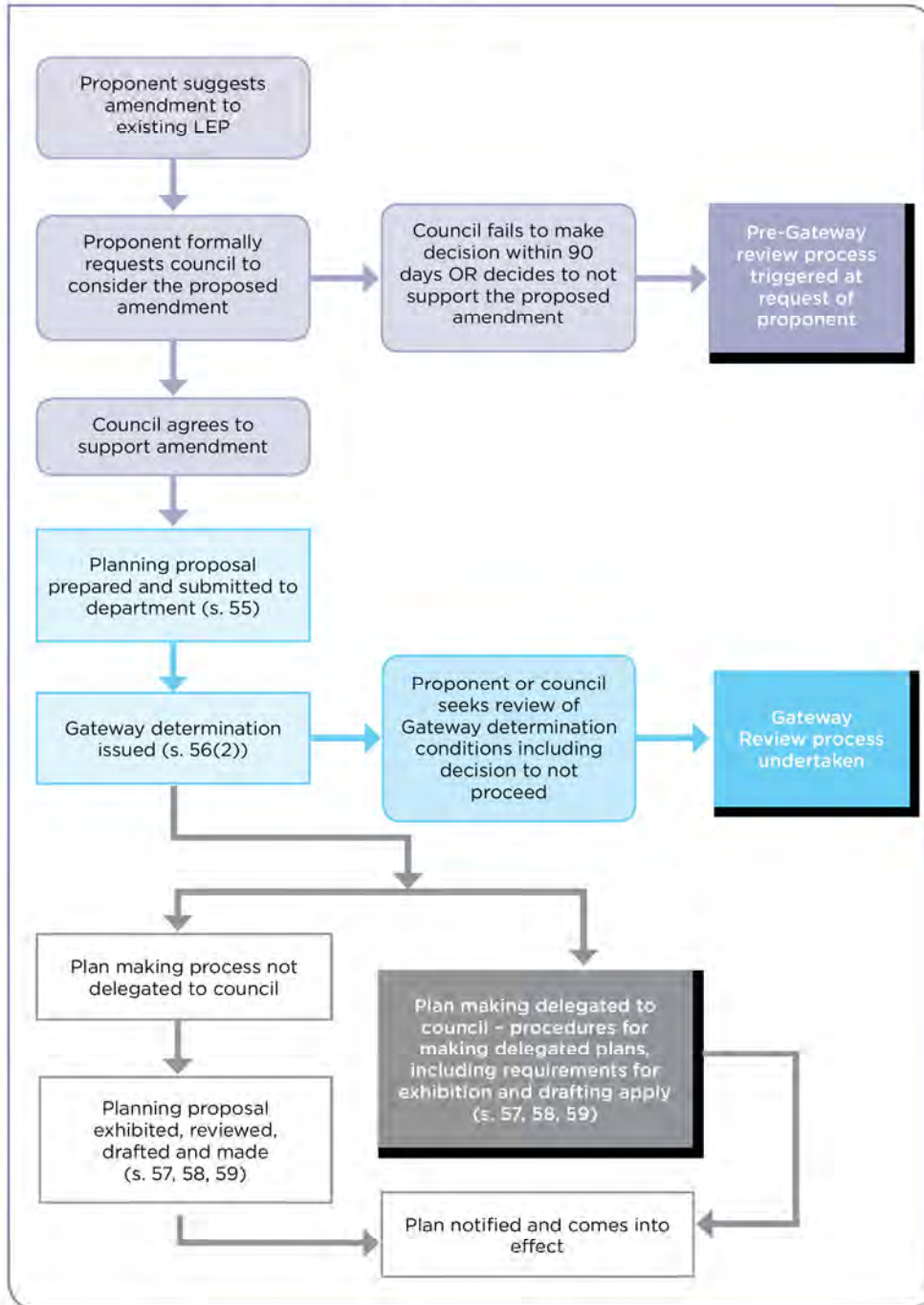
ORD09

Attachment 2

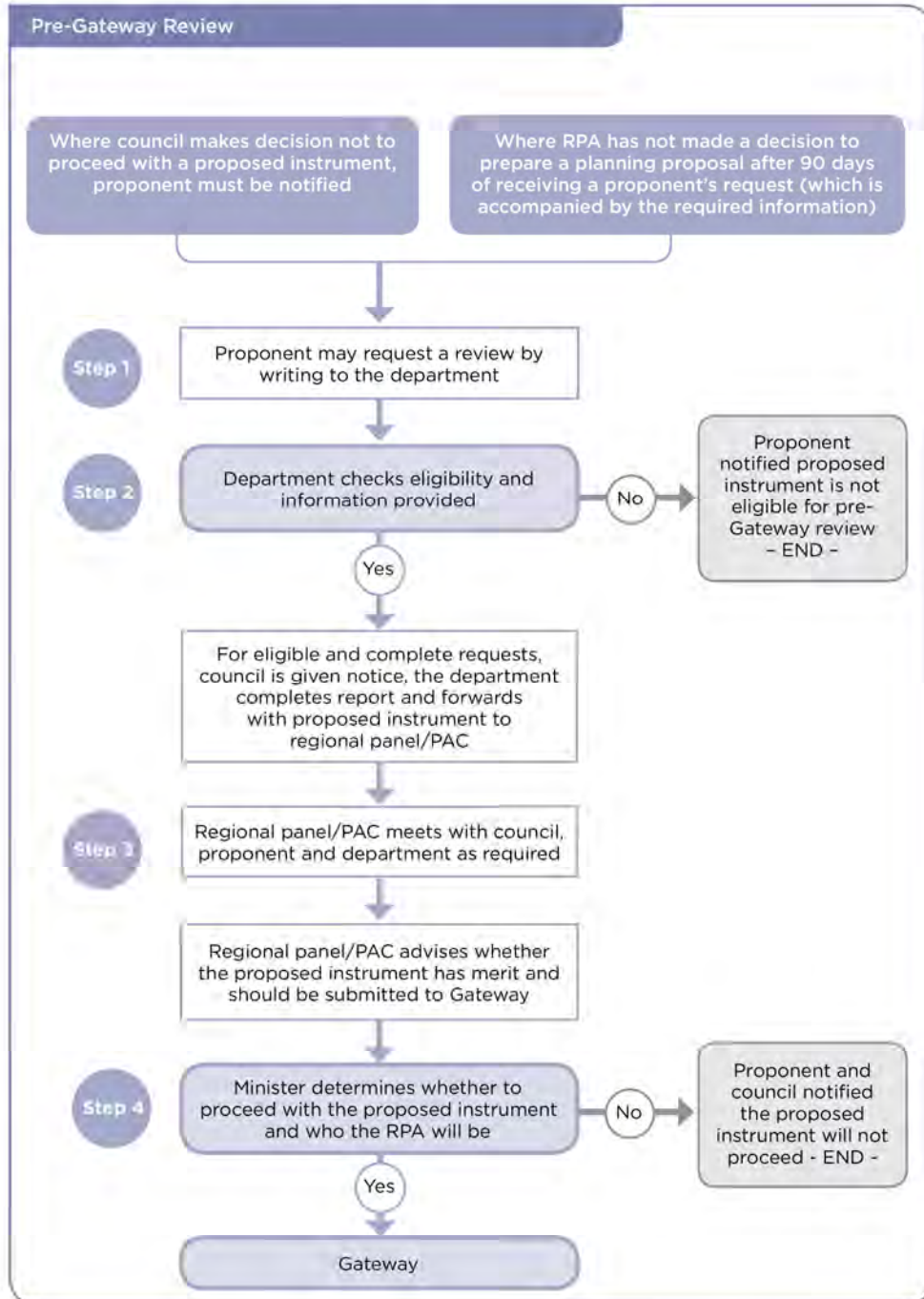


Attachments

LEP plan making process



Pre-Gateway review process



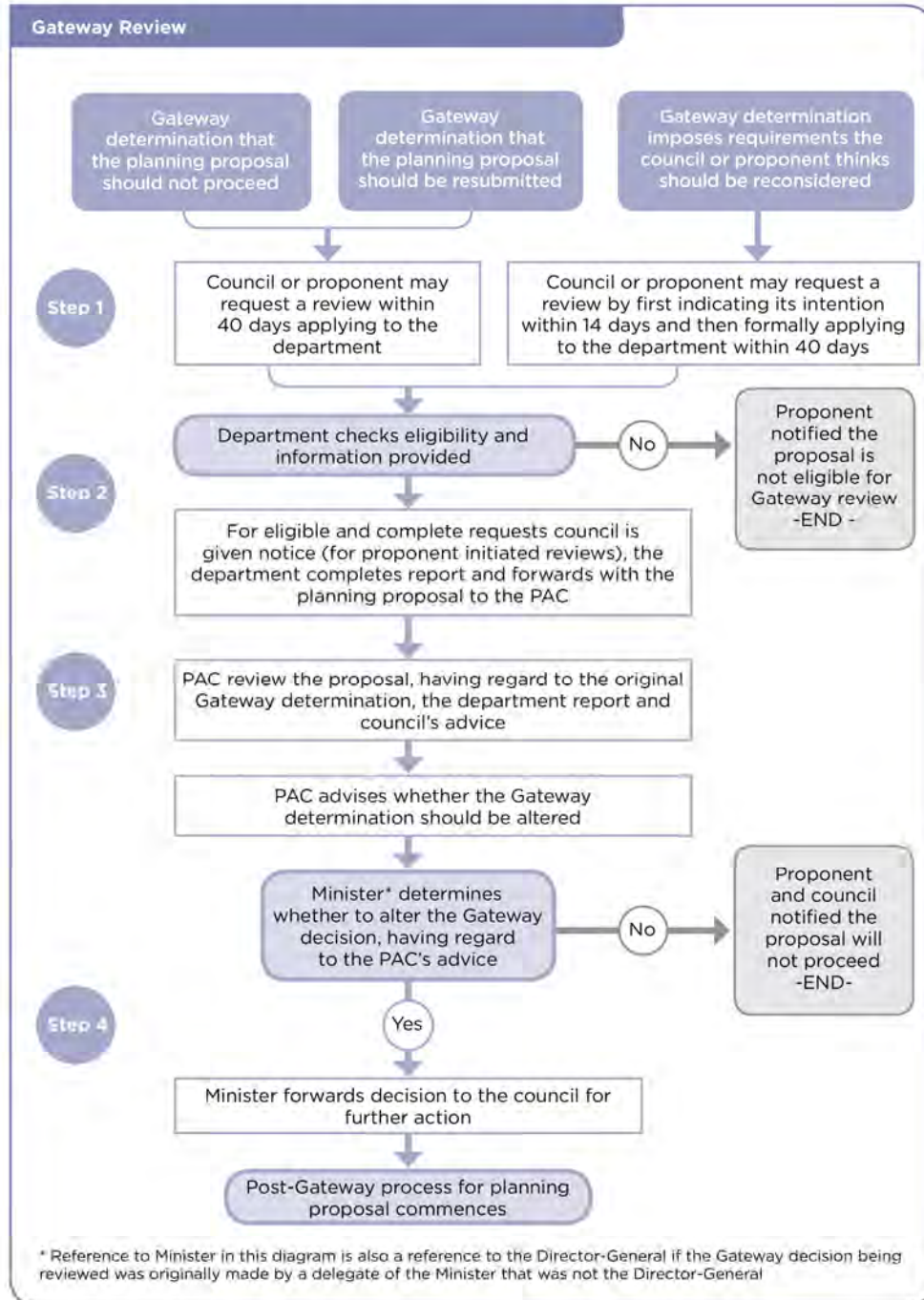
ORD09

Attachment 3



Attachments

Gateway determination review process





ORDINARY COUNCIL

ORD10

ORD10

SUBJECT: REQUEST FOR FUNDING 2012 CAMDEN CHRISTMAS LIGHTS COMPETITION

FROM: Director Governance

BINDER: Camden Christmas Lights Competition

PURPOSE OF REPORT

The purpose of this report is to consider a request from the Camden Chamber of Commerce and Industry for the funding of the 2012 Camden Christmas Lights Competition.

BACKGROUND

Historically the Christmas Lights Competition was run by Council in conjunction with a major sponsor who financed the event.

In 2011 the Camden Chamber of Commerce approached Council and indicated a desire to take over the event with the intention of increasing the Christmas in Camden theme through the new Light Up Camden website. The website, which is now live, was designed and developed as a one-stop-shop for information on Christmas activities throughout the LGA including Light Up Camden, the promotion of the Mayoral Christmas Card Competition and the Christmas Light Competition.

Council agreed to the proposal and, due to the timing of the request, provided financial assistance in the form of advertising and the staging of a presentation ceremony. Historically, Council has spent in the vicinity of \$2,000 for this event, subsidised in part of sponsorship.

MAIN REPORT

The Camden Chamber of Commerce is seeking a financial contribution from Council of \$3,500.00 to fund this event. The sponsorship would give Council naming rights to the event and would cover the following:

- \$500.00 cash prize awarded to the winners of the 5 competition categories
- \$150.00 cash prize awarded to one individual who nominated an entrant
- Advertising of the competition
- Presentation ceremony
- Plaques

The Mayor and Councillors will be invited to take part in the judging of the event as well as the presentation ceremony.

Given Council's previous contribution to the event, it is considered appropriate to allocate \$2,000 to the organisers for this year's event. The \$2,000 will consist of five \$200 first place prizes as well as \$1,000 for other aspects of the event including advertising, presentation ceremony etc.

The Christmas Light Competition aims to encourage residents to be involved in the festive season and show community pride through the decoration of their house and

street. Council believes the monetary prize money is an added bonus and shouldn't be the main focus of the competition.

It is suggested that the organisers of next year's event return to a broader sponsorship base and approach local businesses to help finance the event.

FINANCIAL IMPLICATIONS

It should be noted that no money has been allocated in the 2012/13 budget for this sponsorship. Council may wish to utilise monies from their Consolidated Ward Funds, of which \$26,439.18 is available for use as at Tuesday 27 November 2012.

Alternatively, Council may wish to authorise additional funds from the 2012/13 Budget via the December Quarterly Review.

CONCLUSION

Council considers the Camden Christmas Lights Competition a fun and festive event and additional funding will help increase the event's profile within the community.

RECOMMENDED

That Council:

- i) determine the amount of financial sponsorship to be provided to the Camden Chamber of Commerce and Industry for the 2012 Christmas Light Competition; and**
- ii) determine the organisers of the Christmas Light Competition for 2013.**

ATTACHMENTS

1. Sponsorship Proposal to Council for Christmas Lights - *Supporting Document*



ORDINARY COUNCIL

ORD11

ORD11

SUBJECT: REQUEST FOR FUNDING - CAMDEN SHOW SOCIETY
FROM: Director Governance
BINDER: Funding Request

PURPOSE OF REPORT

The purpose of this report is to consider a request from the Camden Show Society for financial assistance for painting refurbishment works of the Agricultural Hall located in Argyle Street, Camden.

MAIN REPORT

The Agricultural Hall (Camden Show Hall) was built in 1894 and is a heritage item and within the Camden Heritage Conservation Area.

In the last 18 months, the Camden Show Society have undertaken extensive repair works to the Hall, including repairs to the roof, drainage, windows, wood panelling and plumbing, totalling in excess of \$60,000.00.

The final part of the maintenance works the Camden Show Society are undertaking includes external and internal painting, as well as work on the Hall flooring.

In order to assist with the associated costs, the Camden Show Society is seeking assistance from Council for the refurbishment works, namely a donation of \$3000 towards the cost of painting the building.

Council, along with its Heritage Advisor consultant, has been working with the Camden Show Society and a heritage colour scheme has been prepared for the interior and exterior of the hall. The scheme has been prepared to be appropriate to the age of the building and if followed will not require a Development Application.

The Camden Show Society has received quotes to undertake both external and internal painting works. The works are estimated to be in the order of \$30,000 – \$50,000.00.

A copy of the request is attached to the report. Quotes for painting and the proposed colour scheme are provided with the Business Paper Supporting Documents.

FINANCIAL IMPLICATIONS

It should be noted that no money has been allocated in the 2012/13 budget for this sponsorship. Council may wish to utilise monies from their Consolidated Ward Funds, of which \$26,439.18 is available for use as at Tuesday 27 November 2012.

Alternatively, Council may wish to authorise additional funds from the 2012/13 Budget via the December Quarterly Review.

CONCLUSION

ORD11

The Camden Show Society is community minded, having supported local community organisations by way of contributions and donations. In addition, the Camden Show Society organise the annual Camden Show event, attracting tourism to the area. A contribution to assist in refurbishing a historic building in Camden is considered appropriate.

RECOMMENDED

A matter for Council to determine.

ATTACHMENTS

1. Camden Show Society Request
2. Quote for Painting Works - Exterior - *Supporting Document*
3. Quote for Painting Works - Interior - *Supporting Document*
4. Painting Quote - *Supporting Document*
5. Colour Scheme - *Supporting Document*



THE CAMDEN SHOW SOCIETY

ABN: 77 469 958 774

PO Box 43

Camden NSW 2570

Email: office@camdenshow.com

Phone: (02) 4655 8338

Fax: (02) 4655 9847

www.camdenshow.com

Friday 15th & Saturday 16th March, 2013

6th November 2012

All Councillors
Camden Council
PO Box 183
Camden NSW 2570

Dear Councillors,

Re: Camden Show Hall

Camden Show Society is seeking assistance in the refurbishment of the historic Show Hall. The Camden Show Hall was built in 1894 and is of significant historical importance to Camden and the Camden Community. In recent years it has been acknowledged that much work was needed to be done to maintain this beautiful building.

As you are aware, in the last 12 months, The Camden Show Society has completed extensive repair works to our Camden Show Hall with a dollar value in excess of \$60,000. This work has included repairs to drainage, roofing, windows, wooden panelling and plumbing, just to name a few. The last part of the maintenance programme includes internal and external painting and some work on the Hall flooring.

We are hoping that Camden Council may be in a position to contribute towards the refurbishment of this lovely old building by way of a donation towards the costs of painting of the building in the vicinity of \$3000. Please find some painting quotes attached.

As an aside, The Camden Show Society is very community minded and as a result of a successful 2012 show we managed to distribute over \$45,000 back into local community organisations by way of contributions and donations. In fact we have contributed over \$100,000 in the last 3 years due to successful shows. Not a bad effort for a Volunteer Community Organisation!

Would it be possible to discuss the opportunity of securing some financial support towards this all important project?

Yours faithfully,

David Head
President

ORD11

Attachment 1



ORD12

ORDINARY COUNCIL

ORD12

SUBJECT: PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS POLICY

FROM: Director Governance

BINDER: Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy

PURPOSE OF REPORT

The purpose of this report is to seek Council's approval to adopt the "Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy" following public exhibition, as required by the *Local Government Act 1993*.

BACKGROUND

The draft policy was considered by Council 23 October 2012 where it was resolved that the draft policy (with amendments) be submitted for public exhibition for 28 days.

MAIN REPORT

From 24 October 2012, the amended draft policy was placed on the Council's Website, advertised in the Camden Narellan Advertiser and District Reporter on 24, 26, 31 October as well as 2, 7, 9, 14 and 16 November 2012. Hardcopies of the proposed policy were also available at Council's Administration Centres.

Council has received three submissions regarding the draft policy. Copies of the submissions are provided in the **Business Paper Supporting Documents**.

A copy of the draft "Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy" as publicly exhibited is **attached to this report**.

CONCLUSION

The *Local Government Act 1993* requires that Council annually review and submit its policy to the Director-General of the Division of Local Government by 30 November each year.

Pursuant to section 252 of the Act, Council is to have regard to any submissions made and make any appropriate changes to the draft policy, prior to adopting the policy.

RECOMMENDED

That Council:

- (i) **adopt the draft “Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy” as attached to this report and publicly exhibited as required under the *Local Government Act 1993*; and**
- (ii) **submit a copy of the adopted policy to the Director-General of Local Government by 30 November 2012.**

ATTACHMENTS

- 1. Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy
- 2. Submission on Payment of Expenses and Facilities Policy - *Supporting Document*
- 3. Submission 2 on Payment of Expenses & Facilities Policy - *Supporting Document*
- 4. Submission 3 on Payment of Expenses & Facilities Policy - *Supporting Document*

ORD12

Attachment 1



**PAYMENT OF
EXPENSES &
PROVISION OF
FACILITIES TO THE
MAYOR &
COUNCILLORS
POLICY
POLICY 5.57**

TABLE OF CONTENTS

PART 1 - INTRODUCTION	3
1. Purpose of Policy	3
2. Objectives and coverage of the Policy	3
3. Making and Adoption of the Policy	4
4. Reporting Requirements	4
5. Relevant Legislation and Policies	4
6. Approval and Support Arrangements	5
PART 2 - PAYMENT OF EXPENSES	6
7. General Provisions	6
8. Payment of Expenses Generally	6
9. Allowances and Expenses	7
10. Attendance at Conferences	7
11. Spouse and Partner Expenses	8
12. Incidental Expenses	8
13. Advance Payments	9
14. Travel to civic events, ceremonial functions and Council related meetings	9
15. Travel to Conferences	9
16. Interstate Travel	10
17. Overseas Travel	10
18. Reimbursement of Motor Vehicle Expenses	10
19. Extending Travel Arrangements	11
20. Accommodation	11
21. Training and Educational Expenses	11
22. Telecommunications and Related Expenses	11
23. Child care and care of elderly, disabled and/or sick immediate family members	12
24. Legal Expenses and Obligations	12
25. Insurance Expenses and Obligations	13
26. Additional Mayoral Expenses	14
Part 3 – PROVISION OF FACILITIES	15
27. General Provisions	15
28. Provision of Equipment	15
29. Provision of Facilities	16
30. Provision of Additional Equipment and Facilities for Mayor	16
Part 4 – OTHER MATTERS	17
31. Personal Benefit	17
32. Acquisition and Returning of Facilities and Equipment by Councillors	17
33. General Dispute Resolution	17
ANNEXURE A – Claim Form	19
ANNEXURE B – Monetary Limits to Expenses	20
ANNEXURE C – Available Facilities	21

ORD12

Attachment 1

PAYMENT OF EXPENSES & PROVISION OF FACILITIES

DIVISION: GOVERNANCE

PILLAR: GOVERNANCE

FILE / BINDER:

PART 1 - INTRODUCTION

This document is to be referred to as the "Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy".

The policy will commence from **[date of adoption to be inserted]**.

1. Purpose of Policy

- 1.1 The purpose of this policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by Councillors.
- 1.2 The policy comprises four parts, being:
 - **Part 1 Introduction** – defines key terms and describes the legislative and reporting requirements that prescribe the policy's purpose, objectives and scope;
 - **Part 2 Payment of Expenses** - describes the general and specific provisions, circumstances and Council procedures related to the payment of allowable expenses;
 - **Part 3 Provision of Facilities** – outlines the general and specific provisions, circumstances concerning Councillor use of Council facilities and resources; and
 - **Part 4 Other Matters** – provides guidance on issues related to Councillor acquisition and return of facilities and dispute resolution.
- 1.3 This policy is made under sections 252-254 of the *Local Government Act 1993* ("the Act"), section 403 of the *Local Government (General) Regulations* and in accordance with the Guidelines issued by the Department of Local Government (October 2009) in accordance with section 23A of the Act. The Act requires that the Council must annually adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to the Mayor and Councillors in relation to discharging the functions of civic office.

2. Objectives and coverage of the Policy

- 2.1 The objectives of the policy are to:
 - (a) Ensure there is consistency in the application of reimbursement of expenses and provision of facilities to Councillors in an equitable and non-discriminatory manner.

- (b) Assist Councillors to represent the interests of residents and ratepayers of Camden and to facilitate communication between the community and Council.
- (c) Provide a level of support which will serve to encourage residents to seek election to civic office.

2.2 This policy applies equally to the Mayor and all Councillors.

3. Making and Adoption of the Policy

- 3.1 *The Local Government Act* requires Council to review and submit its policy to the Director-General of the Department of Local Government within 28 days of adoption by the Council, even if it proposes to adopt an unchanged policy. Current policies must be submitted by 30 November each year.
- 3.2 Before adopting or amending this policy, the Council must give public notice of its intention, and allow at least 28 days for public submissions. Any public submissions received will be considered and appropriate changes made prior to the adoption of the policy.
- 3.3 Even if changes that are considered not substantial are proposed, the required annual adoption of this policy must still be subject to the public notification process outlined above.
- 3.4 At any time, other than the required annual adoption of this policy and if the proposed amendment is not substantial the Council is not required to provide public notice. The term "not substantial" should be taken to mean minor changes to the wording of the policy, or changes to monetary provisions or rates that are less than 5%. It also means minor changes to the standard of the provision of equipment and facilities. Any new category of expenses, facilities and equipment included in the policy will require public notice.

4. Reporting Requirements

- 4.1 Section 428 of the Act requires councils to include in their annual report:
 - (a) The Council's policy on the provision of facilities for, and the payment of expenses to, Mayors and Councillors.
 - (b) The total amount of money expended during the year on providing those facilities and payment of those expenses.
 - (c) Additional information as required by the *Local Government (General) Regulations 2005*.

5. Relevant Legislation and Policies

- Sections 252-254 *Local Government Act 1993* - Payment of expenses and provision of facilities;
- Section 428 *Local Government Act 1993* – Annual reports;
- Clause 217 *Local Government (General) Regulations 2005* - Additional information for inclusion in annual reports;
- Clause 403 *Local Government (General) Regulations 2005* – Payment of expenses and provision of facilities;
- Camden Council's Code of Conduct;

ORD12

Attachment 1

- Department of Local Government Guidelines (May 2009) issued under section 23A of the *Local Government Act 1993*;
- Department of Local Government Circulars to Councils;
- Circular 05/08 *Legal assistance for Councillors and Council employees*;
- Circular 08/24 *Misuse of Council resources*;
- Circular 08/37 *Council decision making prior to elections*;
- Circular 11/27 *Findings for review of Councillor expenses and facilities policies*;
- ICAC Publication – *No Excuse for Misuse, preventing the misuse of council resources*.

6. Approval and Support Arrangements

- 6.1 Various approval arrangements are indicated throughout the Policy and vary from full Council resolution approval to Mayor (or Deputy Mayor in the case of a claim by the Mayor) and General Manager approval.
- 6.2 The Executive Services Coordinator will assist Councillors with respect to seeking reimbursement of expenses incurred in their role as a Councillor, assisting with travel and accommodation arrangements, attendance at civic events, training and education, and the provision of facilities under this Policy.

PART 2 - PAYMENT OF EXPENSES

7. General Provisions

- 7.1 The payment of expenses to Councillors is outside the provisions of the annual fee determination made by the Local Government Remuneration Tribunal which are paid to Councillors.
- 7.2 This policy is applicable to any Council Administrator, should such Administrator act in that capacity from time to time.
- 7.3 Camden Council is committed to ensuring that Councillors are reimbursed for expenses reasonably incurred in their role of Councillor so that they are not financially or otherwise disadvantaged in undertaking their civic duties.
- 7.4 Camden Council is committed to ensuring that Councillors have adequate training and skills development to ensure they carry out their functions effectively.
- 7.5 To ensure consistency and transparency all expenses and costs claimed must be done so in accordance with the requirements of this policy.
- 7.6 For the purpose of clarity, it is noted that Councillor related business refers to functions and duties Councillors are required to undertake to fulfill their legislated role and responsibilities for the Council that should result in a direct benefit for the Council and/or the local government area.

8. Payment of Expenses Generally

- 8.1 Any expenses claimed must be related to representing Council at official or ceremonial functions or Council related meetings as approved by Council in carrying out the civic duties of a Councillor.
- 8.2 Claims for reimbursement of these expenses will only be made on production of receipts for such amounts where indicated in this policy and on completion of the appropriate "Councillor Travel and/or Expense Claim" form, itemising the expenses. Reimbursement of general expenses will not be allowed.
- 8.3 Claims for reimbursement of expenses over \$75.00 (exclusive of GST) must be accompanied by a tax invoice.
- 8.4 Payment of expenses will not be made to support a Councillor's attendance at political fund raising functions. Participation in Council elections is also a private matter and Councillors must not use Council resources in the course of this participation.
- 8.5 Expenses for Councillors attending conferences, including travel to, registration costs and incidental conference costs will not be reimbursable under this policy. Instead, Councillors are to utilise their Councillor annual

allowance to assist with any expenses incurred with respect to conference attendance (see paragraph 10 below)¹.

9. Allowances and Expenses

- 9.1 All claims for reimbursement must be made to the Executive Services Coordinator or the General Manager, within one month of the date of the receipt and on the appropriate "Councillor Travel and/or Expense Claim for Reimbursement" form (Appendix A), together with production of relevant receipts.
- 9.2 Following receipt, the claim will be reconciled with the receipts and reimbursed as appropriate, following authorisation from the Mayor (or Deputy Mayor in the case of a claim by the Mayor) and the General Manager.

10. Attendance at Conferences

- 10.1 Councillors are encouraged to attend conferences as a formal representative of Council as part of discharging their functions of civic office.
- 10.2 Requests to attend conferences, interstate or overseas, must be approved by Council prior to attendance. The report to Council should outline the benefits of attendance by the Councillor.
- 10.3 The Mayor (or Deputy Mayor in the case of a claim by the Mayor) and the General Manager may approve attendance by Councillors at conferences within the State (ACT is taken to be included as part of NSW due to the proximity and ease of travel) without the need for Council resolution.
- 10.4 Any costs incurred relating to conference attendance, including registration fees, transport to and from the conference, accommodation, official lunches and dinners relevant to the conference and incidental expenses are to be paid from the Councillors annual allowance and is not reimbursable under this Policy.
- 10.5 For the purpose of clarity, the definition of a "conference" relates to a formal meeting designed for consultation, exchange of information or discussion. Typically, conferences will involve registration costs, accommodation, travel to and from the conference, sustenance and incidental costs such as taxi fares, telephone calls etc. Examples of "conferences" for the purpose of this clause include the Local Government Association Conference, the Urban Development Institute of Australia and the Planning Institute of Australia conferences. Generally, conferences will be held outside of the local government area.
- 10.6 Any Councillor who does attend a conference must report back to Council with a full written report on the beneficial aspects of the conference.
- 10.7 It is noted that this restriction on reimbursement for conferences does not apply to other Council related meetings such as external committee

¹ Refer to Council Resolution made 9 October 2012, ORD250/12, for more information.

meetings, MACROC meetings, civic and ceremonial functions. Examples of such meetings may include citizenship ceremonies, Australia Day ceremonies and ceremonial functions etc.

11. Spouse and Partner Expenses

- 11.1 Where a Councillor is accompanied to a civic event, ceremonial function, conference or Council related meeting by a spouse/partner costs incurred for the attendance of the spouse/partner shall be the responsibility of the Councillor. These costs relate to travel, partner's programme and out of pocket expenses.
- 11.2 There may be limited instances where certain costs incurred by a Councillor on behalf of their spouse/partner are properly those of the Councillor expended in the performance of civic duties. Accordingly, Council will reimburse reasonable expenses in attending these functions and meetings. Such functions could include those which a Councillors spouse/partner would be reasonably expected to attend such as Council civic and ceremonial receptions, Australia Day ceremonies or on occasions, citizenship ceremonies.
- 11.3 Any further expenses incurred in relation to spouses/partners will not be reimbursed by Council. For the purposes of clarification, costs for a spouse/partner attending a conference and ancillary conference costs are not reimbursable under this policy.
- 11.4 Outside of these provisions, the Mayor (or Deputy Mayor in the case of a claim by the Mayor) and General Manager may approve payment for the attendance of a spouse/partner as part of a Council group booking to a local charity event or similar function as may occur from time to time.

12. Incidental Expenses

- 12.1 Out of pocket expenses or incidental expenses associated with attending civic events, ceremonial functions or Council related meetings will be reimbursed on presentation of receipts and completion of a claim form as provided above.
- 12.2 Examples of incidental expenses include telephone or facsimile calls, taxi fares, parking fees or meals, where not part of the Council related meeting or function. Councillors may claim such expenses by completing the "Councillor Travel and/or Expense Claim" Form (Appendix A) and attaching the relevant receipts. The Mayor (or Deputy Mayor in the case of a claim by the Mayor) and the General Manager will authorise payment of incidental expenses.
- 12.3 For the purpose of clarification under this paragraph, incidental expenses incurred for and during Councillor attended conferences are not reimbursable under this policy. Any incidental expenses incurred by a Councillor regarding conference fees and incidental charges are to be paid by the Councillor out of their annual Councillor allowance.

13. Advance Payments

- 13.1 Councillors may request payment in advance in anticipation of expenses being incurred for such matters as attending civic events, ceremonial functions and Council related meetings.
- 13.2 On return Councillors must produce all receipts for the expenditure of those funds, with a full reconciliation to be completed and be authorised by the Mayor (or Deputy Mayor in the case of a claim by the Mayor) and General Manager.
- 13.3 Councillors are to produce the receipts and complete the reconciliation within one month of the expenditure being incurred.

SPECIFIC EXPENSES FOR COUNCILLORS**14. Travel to Civic Events, Ceremonial Functions and Council Related Meetings**

- 14.1 Councillors will be reimbursed for travel expenses incurred relating to Council business and/or representing Council at civic events, ceremonial functions and Council related meetings. Reimbursement may include the use of a private motor vehicle, public transport, taxi, parking fees and road tolls.
- 14.2 All travel by Councillors should utilise the most direct route and the most practicable and economical mode of transport subject to any personal medical conditions.
- 14.3 The mode and method of transportation to be used shall be agreed with the Mayor (or Deputy Mayor in case of a claim by the Mayor) and the General Manager prior to the travel taking place, and where possible Councillors should attempt to travel with other representatives from the Council in order to minimise costs.
- 14.4 Private vehicles may be used subject to approval by the Mayor (or Deputy Mayor in the case of a request by the Mayor) and General Manager and reimbursement is in accordance with this policy and calculated at the rate specified in the Local Government State Award, as varied from time to time.
- 14.5 Under this policy, Councillors are personally responsible for all traffic or parking fines incurred while travelling in private or Council vehicles on Council business.
- 14.6 For the purposes of clarification in this policy, the ACT is taken to be included as part of NSW due to the proximity and ease of travel.

15. Travel to Conferences

- 15.1 Councillors will not be reimbursed for travel expenses incurred relating to attendance at conferences within NSW, interstate or overseas. Expenses incurred relating to Councillors' attendance at conferences, including travel costs, are to be paid from the Councillors annual allowance.

16. Interstate Travel

- 16.1 Full Council resolution approval is required prior to any interstate travel being undertaken by Councillors. The report to Council should include all details of the travel, including itinerary, expected costs and expected benefits.
- 16.2 Any costs incurred relating to interstate travel for Council business is to be paid for by the individual councillor from their Councillors annual allowance.

17. Overseas Travel

- 17.1 Camden Council will not undertake any overseas travel unless a direct and tangible benefit for the Council and the local community can be established.
- 17.2 All overseas travel will be approved by a meeting of the Council prior to a Councillor undertaking a trip. Travel will be approved on an individual trip basis.
- 17.3 Before a proposal for overseas travel is approved, a detailed proposal, including nomination of the Councillor(s) undertaking the trip, purpose of the trip, expected benefits, duration, itinerary and approximate costs, will be furnished to the Council as part of the Council Business Paper.
- 17.4 After returning from overseas, Councillors or an accompanying member of staff will provide a detailed report to a meeting of the Council on the aspects of the trip relevant to council business and/or the local community.
- 17.5 Any costs incurred relating to overseas travel for Council business is to be paid for by the individual councillor from their Councillors annual allowance.

18. Reimbursement of Motor Vehicle Expenses

- 18.1 Where travel reimbursement is approved under this policy, fuel costs associated with travel in a private motor vehicle will be reimbursed based on distance travelled at the rate specified in the relevant Local Government State Award, and not the cost of fuel.
- 18.2 Where travel is undertaken in a Council fleet vehicle, the vehicle should be refueled with the fuel card supplied.
- 18.3 As a matter of clarity, reimbursement of motor vehicle expenses is not permitted for Councillors' attendance at conferences. It is intended that such reimbursement would apply to civic events, ceremonial functions or other Council related meetings only.

19. Extending Travel Arrangements

19.1 Councillors wishing to extend their stay in a destination they have visited for council purposes, or to travel to an alternative location, will require the prior approval of the Mayor (or the Deputy Mayor in the case of a claim by the Mayor) and General Manager. In such instances Councillors should recognise that the Council's responsibility for their travel ends when the business activity ends and not when they return home. Any additional costs incurred following the completion of the business activity, including accommodation, are not considered to be reimbursable expenses.

20. Accommodation

20.1 Council will not pay accommodation costs in relation to Councillors' attendance at conferences. Any accommodation costs are to be paid from the Councillors' annual allowance.

20.2 In the rare occasion that accommodation is required as part of a civic event, ceremonial function or other Council related meeting, accommodation costs will not be reimbursed by Council and are to be paid for by the individual councillor from their Councillors annual allowance.

21. Training and Educational Expenses

21.1 Council provides an amount in the annual budget for "Councillor Training and Education" expenses to support and encourage active learning and skill development. Expenses for this item is limited to the annual budget allocation in any one year and is separate to this policy. Payment of additional expenses/costs in relation to such training will be as per this policy.

22. Mobile Phones, Ipad and other Telecommunication Related Expenses

22.1 Council will provide a mobile phone for use in order to carry out the Councillor's civic functions and responsibilities as provided in this policy under "Provision of Equipment" below (*see paragraph 28*). Call charges incurred for Council related business will be covered up to \$285 per month (inclusive of GST). Councillors are responsible for disclosing any personal calls made on their monthly statement and are to reimburse the Council for such personal calls accordingly.

22.2 If a Councillor decides to use their own personal mobile phone for Council related business, Council will reimburse an amount up to \$285 per month (inclusive of GST) for Council related business call costs. Call charges associated with private use must be met by the Councillor.

22.3 Council provides three options for Councillors to use iPads for Council related business (as per the Council's Usage of Ipad Policy) as follows:

- (a) A Council issued iPad;
- (b) Bring your own iPad device where Councillors wish to use their own personal iPad for Council related business; and
- (c) Provision of a SIM card where Councillors chose to use their own personal iPad for Council related business.

- 22.4 It is expected that where Councillors use Council issued iPads or Council issued SIM cards, that the iPads are used primarily for Council related business.
- 22.5 In the case of a Councillor using their own personal iPad for Council related business, Council will reimburse a percentage of the iPad usage costs relevant to Council business, up to a maximum of \$40 per month (inclusive of GST).
- 22.6 If an individual landline is installed to the Councillor's premises, Council will reimburse an amount up to \$115 per month (inclusive of GST) to cover rental as well as call charges for Council related business. Call charges associated with private business must be met by the Councillor.
- 22.7 Council will reimburse an amount up to \$40 per month (inclusive of GST) to Councillors for internet usage incurred primarily for Council related business. It is noted that where the same internet plan is used for internet and iPad connection, the Council will only reimburse up to the value of \$40 per month (inclusive of GST) in total.
- 22.8 Councillors must complete a "Councillor Travel and/or Expense Claim" form for each billing period in relation to telecommunication charges associated with Council related business. All claims for reimbursement for telephone, iPad and internet costs must be made within one month of the date of the providers' invoice. Any amounts exceeding the limit must be approved for payment by the Mayor (or Deputy Mayor in the case of a claim by the Mayor) and General Manager.

23. Child care and care of elderly, disabled and/or sick immediate family members

- 23.1 Councillors will be reimbursed fees for the reasonable cost of care arrangements including child care expenses and the care of immediate family members who are elderly, disabled and/or sick in order to allow Councillors to attend Council and other official meetings/functions or to attend to their responsibilities and duties as a Councillor. Carer costs will be paid to cover the period 30 minutes prior to the scheduled commencement time of the meeting/function and one hour after the conclusion of the meeting/function.
- 23.2 The rate of reimbursement for care will be to a maximum of \$15 per hour or as varied by Council from time to time, payable on the provision of receipts or a declaration by the Councillor for such payments (Reimbursement Form-Appendix A), within 1 month of the period being claimed. The Mayor (or Deputy Mayor in the case of a claim by the Mayor) and the General Manager will authorise payment of care and other related expenses.

24. Legal Expenses and Obligations

- 24.1 Council may, by way of resolution specifying the amount involved, indemnify or reimburse the reasonable legal expenses:

ORD12

Attachment 1

- (a) of a Councillor defending an action arising from the performance in good faith of a function under the *Local Government Act 1993* or any other Act for and on behalf of Council; or
- (b) of a Councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the *Local Government Act 1993*; or
- (c) of a Councillor for proceedings before the Local Government Pecuniary Interest Tribunal, the Independent Commission Against Corruption, Office of Ombudsman, Division of Local Government, Department of Premier and Cabinet, NSW Police Force, Director of Public Prosecutions or Council's Conduct Review Committee/Reviewer, provided, the subject of the proceedings arises from the performance in good faith by the Councillor of a function under the *Local Government Act 1993*; and

24.2 If points 24.1(a), (b) or (c) have been satisfied, Council will reimburse the reasonable legal expenses only if the enquiry, investigation, hearing or proceedings taken against a Councillor results in a finding substantially favorable to the Councillor.

24.3 In addition, the amount of such reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis.

24.4 Legal costs will not be met for legal proceedings that do not involve a Councillor performing their role as a Councillor.

24.5 The Council must not meet the legal costs of legal proceedings initiated by a Councillor under any circumstance.

24.6 The Council must not meet the legal costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

24.7 No legal expenses may be incurred by a Councillor without the express resolution of the Council prior to the expense being incurred.

25. Insurance Expenses and Obligations

25.1 Councillors will receive the benefit of insurance cover to the limit specified in the Council's insurance policies for the following matters arising out of the performance of their civic duties and/or exercise of their council functions:

- (a) Public Liability – Public liability and professional indemnity insurances apply in relation to claims arising out of the Councillor's (alleged) negligent performance of civic duties or exercise of their functions as Councillors, subject to any limitations or conditions set out in the policy;
- (b) Professional Indemnity – for matters arising out of Councillors performance of civic duties or exercise of functions provided the performance or exercise of the relevant civic duty or function is in the opinion of Council, bona fide and/or proper.

- (c) Personal accident – Coverage where personal injury occurs whilst on Council business Australia wide.

25.2 Travel insurance, if considered appropriate, for any approved overseas travel on Council business is to be paid for by the individual councillor from their Councillors annual allowance.

26. Additional Mayoral Expenses

N/A

DRAFT

Part 3 – PROVISION OF FACILITIES

27. General Provisions

- 27.1 Council will provide facilities, equipment and services that are appropriate to support the Mayor and Councillors in undertaking the role of elected members.
- 27.2 Council facilities, equipment and services are not to be used to produce election material or for any other political purposes. Councillors should not generally obtain private benefit from the provision of equipment or facilities, nor from any travel bonus or other such loyalty scheme.
- 27.3 It is acknowledged that incidental use of council equipment and facilities may occur from time to time. Such incidental private use is not subject to compensatory payment.
- 27.4 Where more substantial private use occurs, Councillors will be expected to make a payment to cover the level of private use. This payment will be made on a full cost recovery basis.
- 27.5 Councillors must be scrupulous in their use of Council property, including intellectual property, official services and facilities and should not permit misuse by any other person or body.
- 27.6 Councillors should avoid any action or situation, which could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 27.7 The interests of a Councillor in their re-election is considered to be a personal interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. Council letterhead, council crests and other information that could give the impression it is official council material must not be used for these purposes.
- 27.8 Councillors must not convert any property of the Council to their own use unless properly authorised.

28. Provision of Equipment

- 28.1 Council will provide the following equipment to Councillors, if requested, subject to the reimbursement of expenses limitations mentioned elsewhere in this policy:
- (a) Mobile telephone (standard as provided to staff) or Blackberry mobile phone with internet and email capability.
 - (b) Computer equipment (standard as provided to staff) or laptop and a wireless capable printer/fax multi-function machine with router, together with printer cartridges and replacements.
 - (c) When requested, iPads will be provided to Councillors and are the preferred mechanism for distribution of the Council's Business Paper.

- (d) Internet and iPad usage for Council related business up the value of \$40 per month (inclusive of GST).

29. Provision of Facilities

29.1 The following facilities are provided

- (a) A Councillors' Room is provided in the Council Offices to assist Councillors in dealing with resident and ratepayer matters and Council business generally.
- (b) Councillors' letterhead;
- (c) Sustenance only is provided to Councillors at Council/Committee meetings. Meals are provided at civic functions and the like for Councillors and/or partners.
- (d) The provision of an Executive Services Coordinator to assist and support Councillors.

30. Provision of Additional Equipment and Facilities for Mayor

30.1 The role of the Mayor is:

- (a) To exercise, in the case of necessity, the policy making functions of the governing body of the Council between meetings;
- (b) To exercise such other functions of the Council as the Council determines;
- (c) To preside at meetings of the Council; and
- (d) To carry out the civic and ceremonial functions of the mayoral office.

30.2 In order to reflect the additional time and commitment required to carry out the responsibilities of the Mayor, in addition to the support provided to Councillors, the following is provided to the Mayor:

- (a) Mayoral Office provided to assist in carrying out the Mayoral functions;
- (b) Secretarial support is provided by the General Manager's secretary;
- (c) Mayoral carparking space in the Council carpark adjacent to the Council Offices;
- (d) A dedicated Mayoral vehicle is currently not provided for private or Council use, however the Mayor may request the use of a Council pool vehicle or, if a Council pool vehicle is unavailable, a hire vehicle, similar to the current Council fleet vehicles, for official Council business, if a vehicle is required.

ORD12

Attachment 1

Part 4 – OTHER MATTERS

31. Personal Benefit

31.1 Councillors should not obtain private benefit from the reimbursement of expenses, provision of equipment and facilities, nor from travel bonuses or any other loyalty schemes.

32. Acquisition and Returning of Facilities and Equipment by Councillors

32.1 On completion of the term of office, extended leave of absence or at the cessation of civic duties and where requested, Councillors are required to return all equipment and facilities issued by the Council within 28 days. This includes unused consumables.

32.2 Any internet allowance provided under this policy is only applicable up until the last month of term of office held by a Councillor.

32.3 All equipment provided to Councillors contained in this policy, remain the property of Camden Council.

32.4 Under certain circumstances the General Manager will consider a request from a Councillor to purchase the equipment previously allocated to them at an agreed fair market price.

33. General Dispute Resolution

33.1 Should a dispute arise as to payment of a claim for reimbursement of expenses or provision of facilities, the matter should be submitted in writing by the Councillor to the General Manager, who will determine the matter in conjunction with the Mayor (or Deputy Mayor in the case of a claim by the Mayor) in accordance with the terms of this policy.

* * *

RELEVANT LEGISLATION:

Division of Local Government Circulars to Councils – 2005/08, 2008/24, 2008/37, 2008/38 and 2009/36;
 Division of Local Government Guidelines for payment of expenses and provision of facilities - October 2009;
 Sections 252-254, 428 - Local Government Act, 1993
 Clauses 217 and 403 – Local Government (General) Regulations 2005

RELEVANT COUNCIL RESOLUTIONS:

ORD250/12 from 9 October 2012 Council Meeting.
 ORD261/12 from 23 October 2012 Council Meeting

RELATED POLICIES:

Policy 5.3 - Code of Conduct.
Ipad Usage Policy

DELEGATIONS:

No

SUSTAINABILITY ELEMENT:

No

STAFF TRAINING REQUIRED?

No

Reviewed Cnl Mtg – 11/9/2007
Reviewed Cnl Mtg - 25/11/2008 ORD302/09
Reviewed Cnl Mtg – 27/10/2009 ORD252/09
Reviewed Cnl Mtg – 23/11/2010 ORD262/10
Reviewed Cnl Mtg – 8/11/2011 ORD 270/11

NEXT REVIEW DATE: November, 2013

PREVIOUS POLICY

ADOPTED: 12 February 2007 (initial adoption date)

MINUTE: ORD25/07

DRAFT

ORD12

Attachment 1

ORD12



**ANNEXURE A -
COUNCILLOR TRAVEL &/OR EXPENSE CLAIM
SECTION 252 LOCAL GOVERNMENT ACT 1993
COUNCIL POLICY 5.57**

COUNCILLOR:	
MONTH:	

TRAVEL EXPENSES				
MEETING DETAILS	DATE	KMS	RATE *	VALUE
			SUB TOTAL:	\$

* Kilometre rate (cents per kilometre) dependant on vehicle capacity and current Local Government (State) Award.

OTHER EXPENSES	
DETAILS	VALUE
	SUB TOTAL: \$

If additional space is required, please include attachment.

Note: For amounts over \$75.00 (exclusive of GST) a Tax Invoice must be provided.

TOTAL VALUE FOR REIMBURSEMENT: \$

CERTIFICATION

I hereby certify that this claim is in accordance with Section 252 of the Local Government Act and Council's Policy "Payment of Expenses & Provision of Facilities".

SIGNATURE OF CLAIMANT:	
DATE:	

Payment of this claim will be made by Electronic Funds Transfer (EFT), through Council's normal Creditor payment facility. Claimants should ensure that correct banking details are held by Council.

<hr/> Mayor / Deputy Mayor (in the case of a claim by the Mayor)	<hr/> General Manager	<hr/> Authorised Officer (if within limits provided by the Payment of Expenses & Provision of Facilities Policy)
--	-----------------------	--

Attachment 1

ANNEXURE B – Monetary Limits to Expenses

EXPENSES	MAYOR & COUNCILLORS INDICATIVE EXPENSE LIMITS	CLAUSE OF POLICY
In House Training	N/A – Budget allocation	
Local Travel	Private vehicle use - rates set out in Local Government State Award	14 and 15
Interstate Travel	N/A – Council resolution required to approve travel and all expenses to be paid for by the individual councillor from their Councillors annual allowance.	16
Overseas Travel	N/A – Council resolution required to approve travel and all expenses to be paid for by the individual councillor from their Councillors annual allowance.	17
Mobile phone call costs	\$285 per month	22
Telephone line rental and call costs	\$115 per month	22
Internet/iPad Usage Costs	\$40 per month	22
Carer / Childcare	Up to \$15 per hour	23

ORD12

Attachment 1

ANNEXURE C – Available Facilities

EXPENSE	MAYOR	COUNCILLORS
Computer Equipment	Available	Available
Laptop Computer/Ipad	Available	Available
Multifunction Printer/Fax Facility with wireless capability/router	Available	Available
Internet and iPad Usage	Available	Available
Mobile Phone/Blackberry	Available	Available
Telephone line rental	Available	Available
Secretarial Support	Available	Not Available
Executive Services Coordinator Support	Available	Available
Councillors Room	Available	Available
Ceremonial dress	Available	Not Available
Corporate clothing	n/a	n/a
Meals/refreshments related to Council Meetings, office functions and committee meetings	Available	Available
Stationary, office supplies, postage, business cards & other similar consumables	Available	Available
Car Parking Space	Available	Not Available
Dedicated Mayoral Vehicle	Not Available	n/a
Council Pool Vehicle Use	Available	Not Available
Disabled Access	Available	Available



ORDINARY COUNCIL

ORD13

ORD13

SUBJECT: INVESTMENT MONIES OCTOBER 2012
FROM: Director Governance
BINDER: Investment Monies Report

PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 31 October 2012 is provided.

MAIN REPORT

The weighted average return on all investments was 5.09% p.a. for the month of October 2012.

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

The Principal Accounting Officer is the Manager Corporate Services.

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

RECOMMENDED

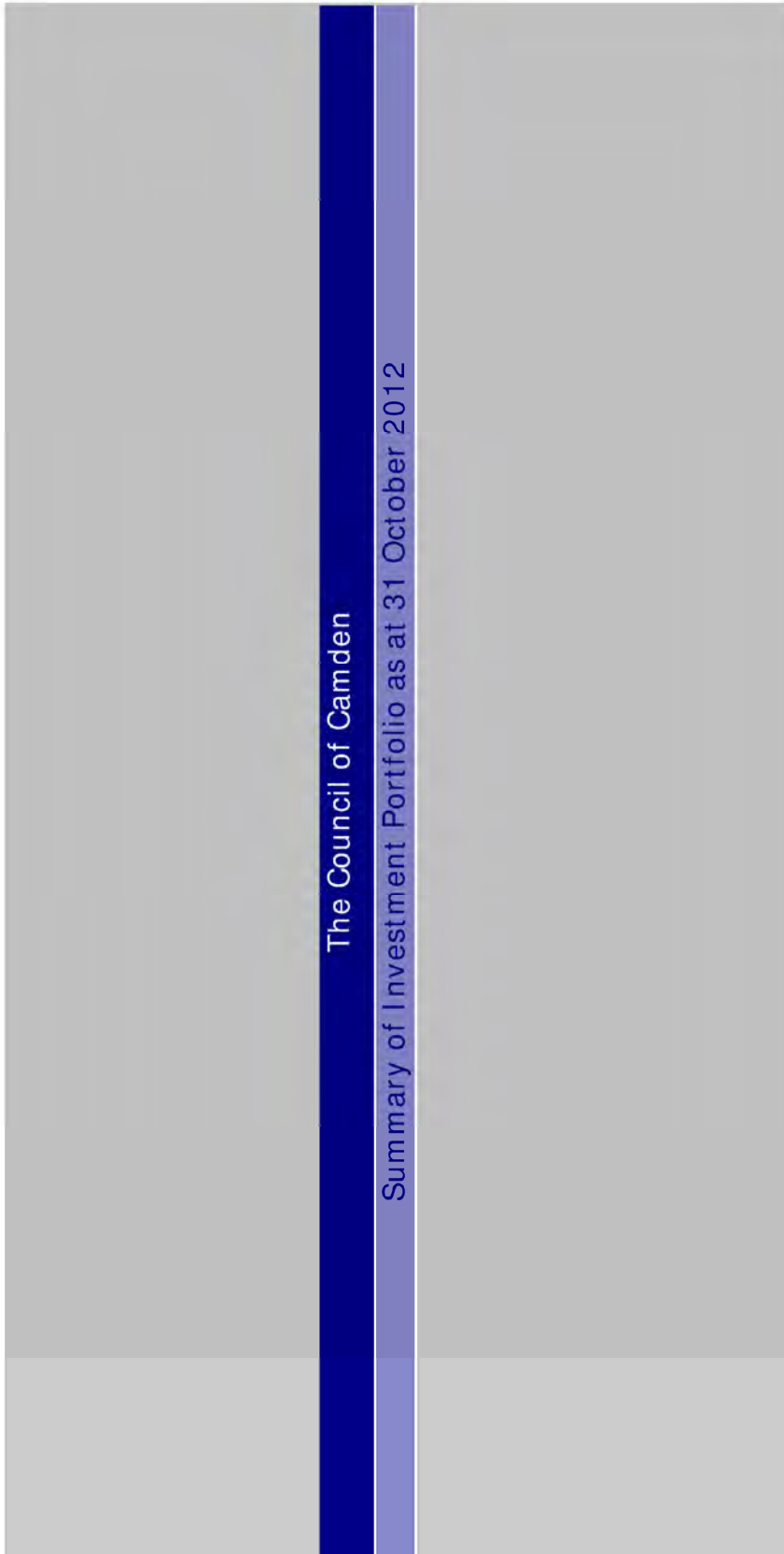
That Council:

- i. **note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act, Regulations, and Council's Investment Policy*;**
- ii. **the list of investments for October 2012 be noted; and**
- iii. **the weighted average interest rate return of 5.09% p.a. for the month of October 2012 be noted**

ATTACHMENTS

1. Investment Report October 2012

Attachment 1 **ORD13**





The Council of Camden

Investment Summary

Purchase Date	Institution	Rating	Purchase Price	Face Value	Type	Term	Maturity	Interest Rate	Accrued Interest	Reference
3-May-12	Credit Union Australia	BBB	\$1,000,000	\$1,000,000	Term Deposits	728 days	1-May-14	5.95%	\$29,668.49	2518
10-May-12	Credit Union Australia	BBB	\$1,000,000	\$1,000,000	Term Deposits	728 days	6-May-14	5.95%	\$28,527.40	2519
8-Jun-12	Bank of Queensland	A-2	\$1,500,000	\$1,500,000	Term Deposits	146 days	01-Nov-12	5.25%	\$31,500.00	2525
14-Jun-12	Bank of Queensland	A-2	\$3,000,000	\$3,000,000	Term Deposits	147 days	08-Nov-12	5.20%	\$59,835.62	2526
15-Jun-12	Westpac Banking Corporation	A-1+	\$2,000,000	\$2,000,000	Term Deposits	153 days	15-Nov-12	5.05%	\$38,463.02	2527
28-Jun-12	National Australia Bank Limited	A-1+	\$3,000,000	\$3,000,000	Term Deposits	175 days	20-Dec-12	5.20%	\$53,852.05	2528
4-Jul-12	National Australia Bank Limited	A-1+	\$1,500,000	\$1,500,000	Term Deposits	141 days	22-Nov-12	5.11%	\$25,200.00	2529
4-Jul-12	National Australia Bank Limited	A-1+	\$1,500,000	\$1,500,000	Term Deposits	148 days	29-Nov-12	5.11%	\$25,200.00	2530
5-Jul-12	Westpac Banking Corporation	A-1+	\$1,500,000	\$1,500,000	Term Deposits	154 days	06-Dec-12	5.05%	\$24,666.57	2531
11-Jul-12	Bank of Western Australia	A-1+	\$2,000,000	\$2,000,000	Term Deposits	148 days	06-Dec-12	4.85%	\$30,000.14	2532
12-Jul-12	Westpac Banking Corporation	A-1+	\$1,500,000	\$1,500,000	Term Deposits	154 days	13-Dec-12	5.05%	\$23,243.83	2533
15-Jul-12	Westpac Banking Corporation	A-1+	\$1,500,000	\$1,500,000	Term Deposits	153 days	19-Dec-12	5.00%	\$21,575.35	2534
25-Jul-12	Bank of Western Australia	A-1+	\$1,500,000	\$1,500,000	Term Deposits	105 days	07-Nov-12	5.05%	\$20,545.89	2535
27-Jul-12	Westpac Banking Corporation	A-1+	\$1,000,000	\$1,000,000	Term Deposits	160 days	03-Jan-13	5.00%	\$13,287.67	2536
27-Jul-12	Suncorp Metway	A+	\$1,000,000	\$1,000,000	Term Deposits	734 days	31-Jul-14	5.14%	\$13,659.73	2537
1-Aug-12	Bank of Western Australia	A-1+	\$3,000,000	\$3,000,000	Term Deposits	175 days	24-Jan-13	5.10%	\$38,584.38	2538
2-Aug-12	Westpac Banking Corporation	A-1+	\$2,500,000	\$2,500,000	Term Deposits	189 days	07-Feb-13	5.10%	\$31,787.67	2539
9-Aug-12	Bank of Western Australia	A-1+	\$1,500,000	\$1,500,000	Term Deposits	154 days	10-Jan-13	5.08%	\$17,536.44	2540
17-Aug-12	Bank of Western Australia	A-1+	\$1,500,000	\$1,500,000	Term Deposits	105 days	30-Nov-12	5.10%	\$15,928.77	2541
23-Aug-12	Suncorp Metway	A-1	\$1,500,000	\$1,500,000	Term Deposits	147 days	17-Jan-13	5.02%	\$14,441.10	2542
24-Aug-12	Suncorp Metway	A-1	\$1,000,000	\$1,000,000	Term Deposits	160 days	31-Jan-13	5.00%	\$9,452.06	2543
27-Aug-12	Suncorp Metway	A-1	\$1,000,000	\$1,000,000	Term Deposits	171 days	14-Feb-13	5.00%	\$9,041.10	2544
30-Aug-12	Suncorp Metway	A-1	\$2,000,000	\$2,000,000	Term Deposits	175 days	21-Feb-13	4.95%	\$17,087.67	2545
31-Aug-12	Commonwealth Bank of Australia	A-1+	\$1,900,000	\$1,900,000	Term Deposits	209 days	28-Mar-13	5.00%	\$16,136.99	2546
4-Sep-12	Westpac Banking Corporation	A-1+	\$2,000,000	\$2,000,000	Term Deposits	177 days	28-Feb-13	4.85%	\$15,731.51	2547
13-Sep-12	Suncorp Metway	A-1	\$1,000,000	\$1,000,000	Term Deposits	175 days	07-Mar-13	4.90%	\$6,578.08	2548
20-Sep-12	Members Equity Bank Melbourne	A-2	\$1,500,000	\$1,500,000	Term Deposits	175 days	14-Mar-13	5.05%	\$8,716.44	2549
27-Sep-12	Heritage Bank Ltd	-	\$1,000,000	\$1,000,000	Term Deposits	175 days	21-Mar-13	4.90%	\$4,696.63	2550
11-Oct-12	Members Equity Bank Melbourne	A-2	\$1,000,000	\$1,000,000	Term Deposits	175 days	04-Apr-13	4.80%	\$2,761.64	2551
12-Oct-12	National Australia Bank Limited	A-1+	\$1,500,000	\$1,500,000	Term Deposits	181 days	11-Apr-13	4.59%	\$3,772.60	2552
18-Oct-12	ING Bank (Australia) Limited	A-1	\$1,500,000	\$1,500,000	Term Deposits	182 days	18-Apr-13	4.66%	\$2,681.10	2553
25-Oct-12	National Australia Bank Limited	A-1+	\$1,500,000	\$1,500,000	Term Deposits	181 days	24-Apr-13	4.53%	\$1,303.15	2554
Totals various	Commonwealth Bank of Australia	A-1+	\$51,400,000	\$51,400,000	Call Account			4.00%	\$655,505.09	At Call
Totals			\$1,646,000	\$1,646,000						
			Total Face Value	\$53,046,000						

* Heritage Bank have requested S&P to longer provide a credit rating in relation to the bank. However, Heritage is still rated by Moody's (A3 long term, P2 short term) and by Fitch (BBB+ longer term, P2 short term). Council's investment in Heritage continues to fully comply with the current Investment Policy.

As at 31 October 2012

pg. 1

Attachment 1 **ORD13**




The Council of Camden
Investment Summary


Compliance with Council's adopted investment policy						
Distribution of Funds by Financial Institution						
Financial Institution	Investment Balance	Current Weighting	Investment Policy Limit	Investment Policy Compliance	Short/Long Term Rating	
Commonwealth Bank of Australia	\$13,046,000	24.59%	25%	Yes	A1+	AA-
National Australia Bank	\$9,000,000	16.97%	25%	Yes	A1+	AA-
Westpac Banking Corporation	\$12,000,000	22.62%	25%	Yes	A1+	AA-
Suncorp Bank	\$7,500,000	14.14%	15%	Yes	A1	A-
ING Bank (Australia) Limited	\$1,500,000	2.83%	5%**	Yes	A1	A
Bank of Queensland	\$4,500,000	8.48%	10%	Yes	A2	BBB+
Credit Union Australia	\$2,000,000	3.77%	5%*	Yes	A2	BBB
Members Equity Bank	\$2,500,000	4.71%	10%	Yes	A2	BBB
Heritage Bank	\$1,000,000	1.89%	5%	Yes	A3	BBB-
Total Investment	\$53,046,000	100.00%				
Exposure to Rating Categories						
AAA / A1+ Category	\$34,046,000	64.18%	100%	Yes		
AA / A1 Category	\$8,000,000	15.08%	75%	Yes		
A / A2 Category	\$8,000,000	15.08%	30%	Yes		
BBB / A3 Category	\$3,000,000	5.66%	10%	Yes		
Other						
NSW T-Corp Cash Facilities (unrated)	\$0	0.00%	30%	Yes		
Total Investment	\$53,046,000	100.00%				
Term to Maturity Limits						
Portfolio % < 1 yr	\$50,046,000	94.34%	min 40%	Yes		
Portfolio % > 1 yr < 3 yrs	\$3,000,000	5.66%	60%	Yes		
Portfolio % > 3 yrs < 5 yrs	\$0	0.00%	30%	Yes		

* Credit Union Australia (CUA) has a 5% investment policy limit as all investments with CUA are long term investments
 ** ING Bank (Australia) has a 5% investment policy limit as it is an authorised depository institution that is a foreign subsidiary bank

The Council of Camden

Investment Summary





Maturity Profile	Investment	Percentage
Less than 30 days	\$12,646,000	23.84%
Between 30 days and 60 days	\$11,000,000	20.74%
Between 60 days and 90 days	\$7,000,000	13.19%
Between 90 days and 180 days	\$19,400,000	36.57%
Between 180 days and 365 days	\$0	0.00%
Between 365 days and 2 years	\$3,000,000	5.66%
Total investment	\$53,046,000	100.00%

NUMBER OF INVESTMENTS	
AVERAGE DAYS HELD	32
AVERAGE PERCENTAGE	215
WEIGHTED PORTFOLIO RETURN	5.05%
CBA CALL ACCOUNT	5.09%
HIGHEST RATE	4.00%
LOWEST RATE	5.95%
BUDGET RATE	4.53%
OFFICIAL CASH RATE	5.00%
AVERAGE BBSW (30 Day)	3.25%
AVERAGE BBSW (90 Day)	3.25%
AVERAGE BBSW (120 Day)	3.14%

SOURCE OF FUNDS INVESTED	
SEC 94 DEVELOPER CONTRIBUTIONS	\$21,926,300
RESTRICTED GRANT INCOME	\$373,400
EXTERNALLY RESTRICTED RESERVES	\$10,212,300
INTERNALLY RESTRICTED RESERVES	\$17,782,600
GENERAL FUND	\$2,751,400
TOTAL	\$53,046,000

Attachment 1 ORD13

The Council of Camden

Investment Summary

Investment Portfolio Balance

■ Total Investments Held

Jul-12 Aug-12 Sep-12 Oct-12 Nov-12 Dec-12 Jan-13 Feb-13 Mar-13 Apr-13 May-13 Jun-13

Performance vs Benchmark

— Camden Council — 90 day BBSW %

Jul-12 Aug-12 Sep-12 Oct-12 Nov-12 Dec-12 Jan-13 Feb-13 Mar-13 Apr-13 May-13 Jun-13

Council's investment portfolio has decreased by \$349,000 since the September reporting period. The decrease primarily relates to payments for capital works and operational expenses.

Council's portfolio had a weighted average yield of 5.09%pa for the month of October, strongly outperforming the UBS 90 day Bank Bill Swap Rate of 3.14%pa.

INTEREST RECEIVED DURING 2012/13 FINANCIAL YEAR	
October	Cumulative (since 1 July)
General Fund	\$383,146
Restricted	\$525,765
TOTAL	\$908,911
2012/13 Projected Interest	\$2,378,200
2012/13 Original Budget Interest	\$1,882,000



The Council of Camden

Investment Summary

Standard & Poor's Ratings Description

Standard & Poor's (S&P) is a professional organisation that provides analytical services. An S&P rating is an opinion of the general creditworthiness of an obligor with respect to particular debt security or other financial obligation — based on relevant risk factors.

Credit ratings are based, in varying degrees, on the following considerations:

- Likelihood of payment.
- Nature and provisions of the obligation.
- Protection afforded by, and relative position of, the obligation in the event of bankruptcy, reorganisation or other laws affecting creditors' rights.

The issue rating definitions are expressed in terms of default risk.

S&P Short-Term Obligation Ratings are:

A-1: This is the highest short-term category used by S&P. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.

A-2: A short-term obligation rated A-2 is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher rating categories. However, the obligor's capacity to meet its financial commitment on the obligation is satisfactory.

A-3: A short-term obligation rated A-3 exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.

S&P Long-Term Obligations Ratings are:

AAA: An obligation/obligor rated AAA has the highest rating assigned by S&P. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.

AA: An obligation/obligor rated AA differs from the highest rated obligations only in a small degree. The obligor's capacity to meet its financial commitment on the obligations is very strong.

A: An obligation/obligor rated A is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations/obligor in higher rated categories. However, the obligors' capacity to meet its financial commitment on the obligation is still strong.

BBB: An obligation/obligor rated BBB exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity to the obligor to meet its financial commitment on the obligation.

Unrated: Financial institutions do not necessarily require a credit rating from the various ratings agencies such as Standard and Poor's and these institutions are classed as "Unrated". Most Credit Unions and Building Societies fall into this category. These institutions nonetheless must adhere to the capital maintenance requirements of the Australian Prudential Regulatory Authority (APRA) in line with all Authorised Deposit Taking Institutions (Banks, Building Societies and Credit Unions).

Plus (+) or Minus (-): The ratings from "AA" to "BBB" may be modified by the addition of a plus or minus sign to show relative standing within the major rating categories. Each new investment and investment recall requires two authorised signatories.

As at 31 October 2012

pg. 5



Attachment 1 ORD13

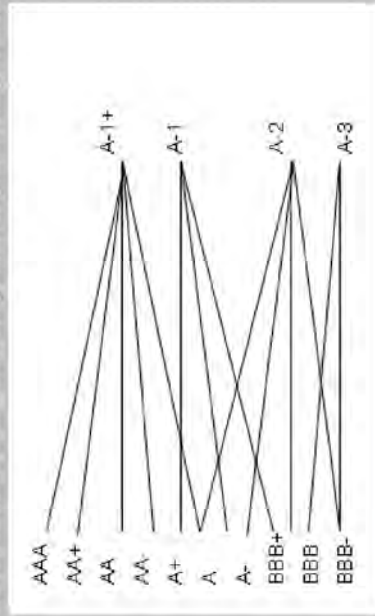
The Council of Camden Investment Summary

CreditWatch highlights an emerging situation, which may materially affect the profile of a rated corporation and can be designed as positive, developing or negative. Following a full review the rating may either be affirmed or changed in the direction indicated.

A Rating Outlook assesses the potential direction of an issuer's long-term debt rating over the intermediate-to-long term. In determining a Rating Outlook, consideration is given to possible changes in the economic and/or fundamental business conditions. An outlook is not necessarily a precursor of a ratings change or future CreditWatch action. A "Rating Outlook – Positive" indicates that rating may be raised. "Negative" means a rating may be lowered. "Stable" indicates that ratings are not likely to change. "Developing" means ratings may be raised or lowered.

S&P Ratings Correlations

The standard correlation of short-term ratings with long-term ratings is shown below.



Profile of Recently Invested Institutions

CUA (S&P: A2/BBB) – CUA is Australia's largest credit union with over \$9b in assets. CUA relies on customer deposits for about 70% of its funding, while securitisation makes up 25% of its funding requirements. Its latest profit was \$24m (6 months to Dec 2011) and its Tier 1 Capital Adequacy Ratio was 13.8% (Dec 2011).

ME Bank: (S&P: A2/BBB) - ME Bank is owned by industry super funds and has assets of around \$8.7b. ME Bank has a heavy reliance on securitisation (59% of funding as of Sep 30 2011) however it is planning to reduce this to 25% by increasing its customer deposits (which make up only 25% of its funding). Its latest profit was \$26m (12 months to June 2011) and its Tier 1 Capital Adequacy Ratio was 12.73% (Mar 2012).

Bank of Queensland: (S&P: A2/BBB+) – BoQ is a nationwide bank that is listed on the Australian stock exchange with around \$40b in assets. Deposits make up 57% of total funding, wholesale funds 31%, and securitisation 12%. Its latest profit was -\$91m (6 months to Feb 2012), however this included a \$327.7m impairment on loans and its Tier 1 Capital Adequacy Ratio was 9.4% (May 2012).

Heritage Bank (Moody's: P2/A3) – Queensland based bank that has over \$8b in assets. Heritage relies on customer deposits for about 50% of its funding, securitisation makes up 23% and wholesale funds around 20%. Its latest profit was \$31m (12 months to June 2012) and its Tier 1 Capital Adequacy Ratio was 10.5% (Dec 2011).





ORDINARY COUNCIL

ORD14

ORD14

SUBJECT: SEPTEMBER REVIEW OF THE 2012/13 BUDGET
FROM: Director Governance
BINDER: 2012/13 Budget

PURPOSE OF REPORT

This report presents the September Quarterly Budget Review for the 2012/13 financial year in accordance with Part 9, Division 3, Clause 203 of the *Local Government (General) Regulation 2005*.

Its purpose is to inform Council of the necessary changes to the 2012/13 Budget since the adoption of the Amended Delivery Program and Operational Plan, and to consider other changes put forward for determination.

SUMMARY OF BUDGET POSITION

In adopting the 2012/13 Budget, Council approved a balanced budget position. Budget adjustments identified at the September Review represent a projected budget surplus for the 2012/13 financial year of \$1,906,075.

The projected surplus is above Council's minimum working funds level of \$1,000,000.

The improvement in the projected surplus is predominately a result of higher than expected development activity, the continuation of the Development Assessment Fund Program and a reduction in loan repayments through Council's decision not to take up loan borrowings of \$2,317,000 in 2011/12.

ALLOCATION OF THE 2012/13 BUDGET SURPLUS

It is recommended that the projected surplus of \$1,906,075 be allocated as follows:

BUDGET SURPLUS ALLOCATION		
Budget Surplus Available for Allocation		\$1,906,075
Central Administration Building – Repayment to Reserve	\$202,445	
Employee Entitlements Reserve - Transfer to Reserve	\$310,000	
Capital Works Reserve -Transfer to Reserve	\$808,100	
Central Administration Building - Transfer to Reserve	\$585,530	
Total - Allocation of Budget Surplus		\$1,906,075
Budget Surplus Balance After Allocation		\$0

Central Administration Building Repayment - \$202,445

In finalising the 2011/12 Year End Result Council transferred \$202,445 from the Central Administration Building Reserve to balance the budget. As a result Council realised savings by not taking up loan borrowings. The \$202,445 was to be repaid to the reserve from the next Quarterly budget review surplus.

Employee Leave Entitlements Reserve – Additional Funds - \$310,000

Council's Employee Leave Entitlements Reserve is reviewed quarterly to ensure enough cash is available to fund employee's entitlements upon retirement or resignation. The current balance of cash reserves as a percentage of total leave entitlement liabilities is 21%. Whilst the balance of cash reserves is in line with industry standards, a closer review of leave entitlements owed to employees who are nearing retirement identifies a shortfall in funds if these employees were to retire in the near future.

It is recommended that the reserve be increased by \$310,000. This would increase the current balance of cash reserves as a percentage of total leave entitlement liabilities to 23%.

Capital Works Reserve Additional Funding - \$808,100

The Capital Works Reserve is predominately used to fund emergency capital works or to match grant funding as part of a capital grant funding agreement. The current uncommitted balance of the Capital Works Reserve (\$191,900 after adjustments proposed at this review) is the lowest the reserve has been in a number of years.

It is recommended that the reserve balance be increased to \$1,000,000.

Central Administration Building -Transfer to Reserve - \$585,530

It is recommended that the remaining surplus of \$585,530 be allocated to the Central Administration Building Reserve. It is prudent for Council to increase this reserve whenever possible as this will reduce the amount required to be borrowed in the future to construct the new building.

CURRENT RESERVE BALANCES

The balance of the Working Funds Reserve, Central Administration Building Reserve and Capital Works Reserve are as follows:

Working Funds Reserve – nil

The balance of the Working Funds Reserve as at 30 September 2012 is nil. The amount held in this reserve as at 30 June 2012 was \$2,179,800. The funds have been used to fund works and services in the 2012/13 budget as previously approved by Council.

Central Administration Building Reserve - \$2,250,532

The Central Administration Building Reserve was established as part of the planning for a new central administration building. The balance of the Central Administration Building Reserve has been funded by the following transfers:

CENTRAL ADMINISTRATION BUILDING RESERVE	
Property Sales – Narellan Precinct	\$925,000
2010/11 Approved Budget Transfer	\$1,000,000
2011/12 Approved Budget Transfer	\$1,206,335
Less: Investigation & Planning Costs	(\$179,158)
Less: 2011/12 Year End Result Transfer	(\$202,445)
Balance of Reserve 30/06/2012	\$2,749,732
2012/13 Approved Budget Transfers	
2012/13 Approved Budget Transfer	\$948,800
Less: Design & Planning Costs Budget Allocation	(\$1,448,000)
Projected Balance of Reserve 30/06/2013	\$2,250,532
September Review – Surplus Allocation	
Repayment of 2011/12 Year End Result Transfer	\$202,445
September Review Surplus Transfer	\$585,530
Revised Balance of Reserve	\$3,038,507

After the transfer to reserve of \$787,975 proposed as part of this review, the projected balance of the reserve to assist in the construction of a new central administration building will be \$3,038,507.

Capital Works Reserve (uncommitted) - \$191,900

The Capital Works Reserve is predominately used to fund emergency capital works or to match grant funding as part of a capital grant funding agreement. The balance of the Capital Works Reserve as at 30 September 2012 (after adjustments proposed at this review) is \$191,900. As explained earlier in this report, the balance of the Capital Works Reserve is the lowest it has been for a number of years.

As part of this review, it is proposed to fund two additional projects from this reserve.

CAPITAL WORKS RESERVE	
Current Uncommitted Reserve Balance	\$255,400
Proposed Transfers – September Review	
Mount Annan Leisure Centre Maintenance Works	(\$36,100)
Parks & Gardens Arrow-Board Purchases	(\$27,400)
Revised Balance of Reserve	\$191,900

It is recommended that \$808,100 of the September Review surplus be transferred to the Capital Works Reserve to increase the available balance to \$1,000,000.

MAIN REPORT- SEPTEMBER REVIEW OF THE 2012/13 BUDGET

Further information and explanation of the increase in the projected budget surplus for 2012/13 is detailed below:

NOTE 1 – PROPOSED VARIATIONS TO BUDGET

Proposed variations between the adoption of the 2012/13 Budget and the September Review for 2012/13 have led to a projected budget surplus of \$1,939,575. A list of the variations (greater than \$15,000) is provided in the following table and brief explanations below.

SEPTEMBER REVIEW OF THE 2012/13 BUDGET PROPOSED VARIATIONS	Budget Impact Increase / (Decrease)
INCOME ADJUSTMENTS	
Note: Increase in income is an increase in working funds	
Shortfall in income is a decrease in working funds	
1. Development Fees & Charges Income Increase	\$707,600
2. Development Assessment Fund Continuation Increase	\$348,100
3. Corporate Rates Income Increase	\$294,000
4. Department of Planning Rezoning Studies Income Increase	\$109,300
5. General Fund Interest on Investments Increase	\$103,000
6. Street Lighting Traffic Route Lighting Subsidy Increase	\$83,000
7. Community Facilities Hire Income Increase	\$16,200
8. Financial Assistance Grant Income Decrease	(\$66,580)
Variations under \$15,000 - Various Decreases	(\$6,895)
Sub Total - Income Adjustments	\$1,587,725
EXPENDITURE ADJUSTMENTS	
Note: Increase in expenditure is a decrease in working funds	
Savings in expenditure is an increase in working funds	
9. Corporate Loan Repayments Savings	\$340,800
10. Corporate Salaries & Wages Savings	\$115,199
11. Council 2012 Election Expenses Savings	\$50,000
12. Street Lighting Public Lighting Tariffs Increase	(\$66,000)
13. Corporate Staff Accommodation Increase	(\$40,065)
14. Narellan Library Community Rooms Partition Increase	(\$18,000)
15. Camden Town Farm Trade Training Centre Increase	(\$17,762)
Variations under \$10,000 - Various Increases	(\$12,322)
Sub Total - Expenditure Adjustments	\$351,850
TOTAL - PROPOSED VARIATIONS TO BUDGET	\$1,939,575
Authorised Variations to Budget (Refer to Note 3)	(\$33,500)
TOTAL – SEPTEMBER REVIEW VARIATIONS TO BUDGET	\$1,906,075

1. Development Fees & Charges Income – Increase in Income of \$707,600

Development income has exceeded budget expectations for the first quarter of 2012/13. Council has received a number of Development Applications of high value which reflects the high development activity in the release areas of Spring Farm, Elderslie, Oran Park and Gregory Hills.

Income received from development activity for 2012/13 is anticipated to be similar to that received in the 2011/12 financial year. This adjustment reflects an increase to similar revenue estimates. It is important to note that the level of income received from development activity is primarily dependent on the receipt of applications from developers, and as such is somewhat difficult to project given the unprecedented growth Council is experiencing.

2. Development Assessment Fund Continuation – Increase in Income of \$348,100

In 2011 Council secured funding of \$2 million as part of the Department of Planning's Development Assessment Program. The program included the employment of four permanent full time staff which was to be funded from general fund from October 2012. Council has recently received approval to extend this project to June 2013. This has meant these four positions which were expected to be funded from general fund from October 2012 will continue to be funded as part of the Development Assessment Fund.

3. Corporate Rates Income – Increase in Income of \$294,000

This income represents an increase in Council's rating base between the time the draft budget and final budget is adopted by Council. Historically additional income has been brought to account at the first available budget review after adopting the Original Budget. The additional income is predominately a result of land releases in areas such as Spring Farm, Elderslie, Oran Park and Gregory Hills.

4. Department of Planning Rezoning Studies – Increase in Income of \$109,300

In 2010 Council secured funding through the Department of Planning for the rezoning of land within the Austral and Leppington North Precinct. The funding provided for staff employment and project costs in assisting with the preparation and review of the necessary rezoning plans and studies. This adjustment represents the reduction in funding required from General Fund for assisting in the rezoning process.

5. General Fund Interest on Investments – Increase in Income of \$103,000

The first quarter performance of Council's investment portfolio has exceeded budget expectations. The primary reason for this is Council's investment portfolio is being maintained at a higher level than originally budgeted in part due to works carried forward from 2011/12. Council has as part of this review revised interest rate projections down from 5.30% to 5.00% to reflect the reserve banks decreases in the official cash rate during the first quarter of the financial year. This decrease has been offset by the increase in funds available for investment.

6. Street Lighting Traffic Route Lighting Subsidy – Increase in Income of \$83,000

Council was advised as part of the 2011/12 Year End Results against Budget report that it had received an increase under the Traffic Route Lighting Subsidy Scheme. The increase related to additional traffic lighting along Camden Valley Way. An adjustment is required to the 2012/13 budget to reflect this increase.

7. Community Facilities Hire Income – Increase in Income of \$16,200

Council was advised as part of the 2011/12 Year End Results against Budget report that community facilities hire income had exceeded budget expectations. The income received from community facilities hire for 2012/13 is anticipated to be similar to that received for the 2011/12 financial year. This adjustment reflects an increase to similar revenue estimates.

8. Financial Assistance Grant Income – Decrease in Income of \$66,580

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

9. Corporate Loan Repayments – Decrease in Expense of \$340,800

Council approved loan borrowings for 2011/12 of \$2,317,000 as part of the 2011/12 Original Budget (adopted 14 June 2011). As part of the March Review of the 2011/12 budget and the 2011/12 Year End Results against Budget, Council resolved to not take up the loan borrowings for 2011/12. The decision not to take up the loan borrowings has resulted in savings to the 2012/13 budget of \$340,800.

10. Corporate Salaries & Wages – Decrease in Expense of \$115,199

Salary projections for 2012/13 are below original budget expectations. A number of adjustments to salary estimates have been required as a result of staff turn-over, where positions have been filled by new staff at an introductory level. A range of minor adjustments as a result of Council's performance management system have also contributed to the savings against the original budget.

11. Council 2012 Election Expenses – Decrease in Expense of \$50,000

In adopting the 2012/13 Budget, Council approved the estimate for the 2012 Elections of \$299,200. Advice received from the NSW Electoral Commission indicates that the election cost will be approximately \$250,000.

12. Street Lighting Public Lighting Tariffs Increase – Increase in Expense of \$66,000

The increase in street lighting charges relates primarily to a higher than expected increase in public lighting tariffs for asset maintenance as approved by the Australian Energy Regulator (AER) in June 2012. The average increase in public lighting tariffs approved by the AER represents a 13.6% increase from 2011/12. This is significantly higher than the projected increase included within the 2012/13 original budget of 3.50%.

13. Corporate Staff Accommodation – Increase in Expense of \$40,065

Staff accommodation in the Camden Administration Building has reached capacity. Council has been required to lease & fit-out additional offices in Camden. This will be an ongoing cost until Council is able to relocate its administration staff to a central administration building. It is likely that Council will need to lease further premises in the future to accommodate its growing staff establishment, which is required to service our growing community.

14. Narellan Library Community Rooms Partition – Increase in Expense of \$18,000

The partition designed to divide the Iron Bark and Red Gum meeting rooms in Narellan Library is currently not safe to use. As such, the meeting rooms are unable to be used as two separate spaces therefore limiting the flexibility of the spaces. It is important that the partition be replaced before the Narellan Community Centre is closed for extension and renovation as these rooms will have greater demand during this period.

15. Camden Town Farm Trade Training Centre – Increase in Expense of \$17,762

Council was advised at its meeting 9 October 2012 that the NSW Department of Education and Training had decided not to proceed with the construction of the trade training centre at the Camden Town Farm. Council further resolved to fund the design costs incurred to date from the September Review of the 2012/13 Budget.

NOTE 2 - FINANCIAL ASSISTANCE GRANT INCOME

Financial Assistance Grants are an allocation of Federal tax revenue (e.g. income taxes and GST) distributed to the various States and Territories of Australia. The Local Government Grants Commission is the State body that calculates the financial assistance payable to each Local Government Council.

Council recently received notice from the Local Government Grants Commission advising the financial assistance grant allocation for 2012/13. The entitlement to Council consists of two components:

- 1) General Purpose Component - \$1,637,603
- 2) Local Roads Component - \$892,317

A comparison of the Financial Assistance Grants paid to Council over the past five (5) years (including the 2012/13 grant) is outlined in the following table:

	General Purpose	Local Roads	Total Grant	Increase / (Decrease)
2008/09	\$1,409,482	\$638,087	\$2,047,569	-
2009/10	\$1,362,835	\$670,618	\$2,033,453	(\$14,116)
2010/11	\$1,460,580	\$772,564	\$2,233,144	\$199,691
2011/12	\$1,578,387	\$862,482	\$2,440,869	\$207,725
2012/13	\$1,637,603	\$892,317	\$2,529,920	\$89,051

Included within the entitlement of \$2,529,920 is a negative adjustment relating to the 2011/12 financial year of \$56,833 (reduction in funding). This adjustment relates to an overpayment made in 2011/12 due to the CPI and population forecasts used by the Federal Government, varying to the actual figures for 2011/12.

Taking into account the negative adjustment included within the 2012/13 entitlement, the total allocation for 2012/13 is a 3.6% increase when compared to the entitlement received in 2011/12.

In framing the 2012/13 Budget, Council estimated that it would receive \$2,596,500 in total Financial Assistance Grants (6.4% increase on the 2011/12 allocation). As a result of the lower than expected increase, the 2012/13 estimate needs to be revised downward to \$2,529,920, representing a budget decrease of \$66,580.

NOTE 3 – COUNCIL AUTHORISED VARIATIONS

Council has authorised fourteen (14) budget variations since the adoption of the 2012/13 Budget. A list of these approved variations is provided in the following table:

COUNCIL APPROVED VARIATIONS	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	Budget Impact Increase / (Decrease)
Dog & Animal Control - Micro chipping Program Council Resolution 138/12 - 26/06/2012	\$15,000	\$0	(\$15,000)
Christmas in Narellan Contribution Council Resolution 192/12 - 14/08/2012	\$10,000	\$0	(\$10,000)
Light up Camden Contribution Council Resolution 191/12 - 14/08/2012	\$5,000	\$0	(\$5,000)
Goulburn to Camden Cycle Classic Contribution Council Resolution 190/12 - 14/08/2012	\$3,500	\$0	(\$3,500)
Blackspot Program Grant - Macquarie Grove Rd Council Resolution 153/12 - 26/06/2012	\$374,960	\$374,960	\$0
RTA REPAIR Program - Argyle Street Camden Council Resolution 195/12 -14/08/2012	\$120,000	\$120,000	\$0
RTA Cycleways Program - Camden Valley Way Council Resolution 195/12 -14/08/2012	\$86,000	\$86,000	\$0
RTA Cycleways Program - Lodges Road Council Resolution 195/12 -14/08/2012	\$75,000	\$75,000	\$0
Blackspot Program Grant - Springfield Road Council Resolution 161/12 - 10/07/2012	\$70,458	\$70,458	\$0
Pedestrian Access & Mobility Plan Council Resolution 195/12 -14/08/2012	\$30,000	\$30,000	\$0
Electronic Housing Code Project Council Resolution 206/12 - 28/08/2012	\$29,932	\$29,932	\$0
Road Improvements - Land Purchase Council Resolution CC04/12 - 26/06/2012	\$28,380	\$28,380	\$0
RTA Pedestrian Facility Program - Menangle Rd Council Resolution 195/12 -14/08/2012	\$26,000	\$26,000	\$0
Road Maintenance - Traffic Block Grant Program Council Resolution 195/12 -14/08/2012	\$4,100	\$4,100	\$0
TOTAL - COUNCIL APPROVED VARIATIONS	\$878,330	\$844,830	(\$33,500)

NOTE 4 – CONTRA ADJUSTMENTS

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

During the period 1 July 2012 to 30 September 2012, a number of contra adjustments have taken place amounting to a total of \$1,753,180. For a detailed list of these adjustments, **please refer to attachment 2 provided in the business paper.**

NOTE 5 – EXPENDITURE REVOTES

To assist Council in framing a realistic and accurate 2013/14 Budget, Managers and Directors were encouraged to identify any programmed works/projects that will not commence or be completed by 30 June 2013.

There was one (1) revote submitted at the September Review.

- Mount Annan Leisure Centre Stage 2 Design - \$622,260

Funds for the stage 2 design at the Mount Annan Leisure Centre will not be expended in 2012/13 due to delays associated with the finalisation of Stage 2 concept designs.

NOTE 6 – 2012/13 LIST OF UNFUNDED WORKS AND SERVICES

In adopting the Amended Delivery Program and Operational Plan, Council endorsed the List of Unfunded Works and Services. This list identifies works or services that Council is unable to fund or commence at this point in time. Items are added or deleted from the list via Council reports or by Council officers as a result of Councillor or community feedback.

There are seven (7) deletions requested by Council Officers as part of the September Review. These deletions relate to items which have recently been completed or have been included in the current or future year’s budgets, and have resulted because of either windfall gains or alternate sources of funding having been identified.

PROJECT DESCRIPTION	FUNDED AMOUNT
Fence Council’s Leash Free Area – River Road, Elderslie	\$60,000
Culvert Extension – Sheathers Lane	\$20,000
Kirkham Park – Investigation and Design of Power Upgrade	\$10,000
Birriwa Reserve – Seating & Landscaping	\$15,000
Traffic Intersection Lighting – Lodges Road & Sirius Circuit	\$18,000
Camden Valley Way / Macarthur Road Intersection	\$200,000
Civic Centre – Digital Security System	\$5,000
TOTAL – FUNDING REQUESTS DELETED	\$328,000

For a copy of the current Unfunded List of Works and Services, **please refer to the supporting documents provided as part of the business paper.**

NOTE 7 – COUNCILLOR CONSOLIDATED WARD FUNDS

To further assist Councillors in understanding the total available funds for consideration at each budget review, the following table is provided. This table is to inform Councillors of the current balance of Consolidated Ward Funds, and where funds have been spent in this financial year.

It should be noted that the balance of Consolidated Ward Funds is over and above the projected budget surplus of \$1,906,075 as advised in this report.

CONSOLIDATED WARD FUNDS	
TOTAL FUNDS AVAILABLE	\$30,000
PROJECTS FUNDED IN 2012/13	
Donation – Relay for Life (Camden Rotary) Council Resolution 129/12 – 12/06/2012	\$1,800
Donation – Goulburn to Camden Classic Council Resolution 190/12 – 14/08/2012	\$639
Mets Baseball Club – Fee Waiver Council Resolution 203/12 – 28/08/2012	\$852
Camden Athletics Club – Fee Waiver Council Resolution 274/12 - 13/11/2012	\$269
TOTAL PROJECTS FUNDED IN 2012/13	\$3,560
BALANCE OF CONSOLIDATED WARD FUNDS 30 SEPTEMBER 2012	\$26,440

SUMMARY OF SEPTEMBER REVIEW ADJUSTMENTS

The following table is a summary of budget adjustments up to 30 September 2012.

SUMMARY OF BUDGET ADJUSTMENTS	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	Budget Impact Increase / (Decrease)
2011/12 Carried Forward Working Funds Balance			\$1,000,000
2012/13 Adopted Budget Position			\$0
LESS: Minimum Desired Level of Working Funds			(\$1,000,000)
Total Available Working Funds 01/07/2012			\$0
2012/13 September Review Adjustments			
NOTE 1: Proposed Variations	(\$551,830)	\$1,387,745	\$1,939,575
NOTE 2: Authorised Variations	\$878,330	\$844,830	(\$33,500)
NOTE 3: Contra Adjustments	\$1,753,180	\$1,753,180	\$0
NOTE 4: Revotes (Budget Carry-Overs)	(\$622,260)	(\$622,260)	\$0
Total - September Review Adjustments	\$1,457,420	\$3,363,495	\$1,906,075
2012/13 PROJECTED BUDGET SURPLUS			\$1,906,075

STATEMENT BY RESPONSIBLE ACCOUNTING OFFICER



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

It is my opinion that the Quarterly Budget Review Result for Camden Council for the period ending 30 September 2012 indicates that Council's projected financial position is satisfactory. No remedial actions are required based on the financial position presented within this report.

CONCLUSION

Council continues to receive additional income predominately a result of growth.

The allocation of funds recommended in this report is fiscally prudent, it will ensure Council reserves are maintained at acceptable levels and assist in providing Council with the financial stability required before commencing construction of a multi million dollar administration building.

Council must continue to address its infrastructure backlog, the unfunded works and services list and provide for its existing and new communities.

Officers continue to review budgets to ensure savings are realised where ever possible and look for efficiencies to reduce spending. Council's financial health indicators are trending positively and will be discussed at this meeting by Council's external auditor as part of his audit report to Council.

RECOMMENDED

That Council:

- i. approve the necessary budget adjustments as identified in the categories of 'Proposed Variations', 'Contra Variations' and 'Expenditure Revotes' of this report.
- ii. allocate the projected surplus for 2012/13 as follows:

BUDGET SURPLUS ALLOCATION		
Budget Surplus Available for Allocation		\$1,906,075
Central Administration Building - Repayment	\$202,445	
Employee Entitlements Reserve - Transfer to Reserve	\$310,000	
Capital Works Reserve - Transfer to Reserve	\$808,100	
Central Administration Building - Transfer to Reserve	\$585,530	
Total - Allocation of Budget Surplus		\$1,906,075
Budget Surplus Balance After Allocation		\$0

ATTACHMENTS

- 1. Unfunded Works & Services List
- 2. Quarterly Budget Review Statement
- 3. Budget Appendix

ORD14

Attachment 1

2012/13 Amended Delivery Program - List of Unfunded Works & Services

REC/ NON-REC	KEY SUPPORT STRATEGY	PROJECT DESCRIPTION	CURRENT ESTIMATE	RESPONSIBILITY CENTRE
Development Control				
R	Workforce Planning	Development - Additional Staff Member	101,100	Development Services
R	Workforce Planning	Development - Additional Staff Member	93,000	Development Services
R	Workforce Planning	Development - Additional Staff Member	93,000	Development Services
R	Workforce Planning	Development - Additional Staff Member	61,800	Development Services
R	Workforce Planning	Development - Additional Staff Member	101,100	Development Services
R	Operational Increase	Increase in Budget Funding - Consultancy Inspections	103,000	Development Services
			553,000	
Urban & Rural Planning				
R	Workforce Planning	Capital Works - Additional Staff Member	107,200	Capital Works
R	Workforce Planning	Capital Works - Additional Staff Member	107,200	Capital Works
N	Operational Increase	Development Review - Council's Off-Street Car Parking Requirements	26,000	Development Services
N	Operational Increase	Local Environment Plan and Development Control Plan Review	50,000	Strategic Planning
N	Operational Increase	Section 94 Camden Contributions Plan Review (Every 5 Years)	50,000	Strategic Planning
R	Workforce Planning	Strategic Planning - Additional Staff Member	119,400	Strategic Planning
R	Workforce Planning	Strategic Planning - Additional Staff Member	44,500	Strategic Planning
R	Workforce Planning	Strategic Planning - Additional Staff Member	56,900	Strategic Planning
R	Workforce Planning	Strategic Planning - Additional Staff Member	107,200	Strategic Planning
			668,400	
Heritage Protection				
R	Operational Increase	Heritage Grants Scheme	21,800	Strategic Planning
			21,800	
Waste Services				
R	Workforce Planning	Environment & Health - Additional Staff Member	56,900	Environment & Health
R	Workforce Planning	Environment & Health - Additional Staff Member	54,500	Environment & Health
R	Workforce Planning	Environment & Health - Additional Staff Member	54,500	Environment & Health
R	Workforce Planning	Environment & Health - Additional Staff Member	54,500	Environment & Health
R	Workforce Planning	Environment & Health - Additional Staff Member	56,900	Environment & Health
R	Workforce Planning	Environment & Health - Additional Staff Member	54,500	Environment & Health
R	Workforce Planning	Environment & Health - Additional Staff Member	54,500	Environment & Health
R	Workforce Planning	Environment & Health - Additional Staff Member	54,500	Environment & Health
R	Workforce Planning	Environment & Health - Additional Staff Member	54,500	Environment & Health
R	Workforce Planning	Environment & Health - Additional Staff Member	54,500	Environment & Health
R	Workforce Planning	Environment & Health - Additional Staff Member	54,500	Environment & Health
R	Workforce Planning	Environment & Health - Additional Staff Member	54,500	Environment & Health
N	Capital Upgrade	Waste Management - Depot Expansion (Additional Staff Accommodation)	45,000	Environment & Health
			649,300	
Regulating the Use of Public Areas				
N	Capital Upgrade	Leash Free Area - Growth Centres Release Area	10,000	Environment & Health
N	Operational Increase	Regulatory Compliance - Digital Infringement Devices for Rangers	25,000	Environment & Health
N	Operational Increase	Tablet Computer for EHO field work	25,000	Environment & Health
R	Workforce Planning	Environment & Health - Additional Staff Member	76,800	Environment & Health
R	Workforce Planning	Environment & Health - Additional Staff Member	76,800	Environment & Health
N	Operational Increase	Parks Playground and Sports fields - No Smoking Signage	25,000	ESD
N	Operational Increase	Signage Policy Implementation	20,000	ESD
			258,600	
Public Health				
R	Workforce Planning	Environment & Health - Additional Staff Member	44,500	Environment & Health
R	Workforce Planning	Environment & Health - Additional Staff Member	93,000	Environment & Health
			137,500	
Protection of the Natural Environment				
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	50,500	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	101,100	Asset Management

2012/13 Amended Delivery Program - List of Unfunded Works & Services

REC/ NON-REC	KEY SUPPORT STRATEGY	PROJECT DESCRIPTION	CURRENT ESTIMATE	RESPONSIBILITY CENTRE
R	Asset Management	Drainage Infrastructure - Asset Renewal	4,300	Asset Management
R	Asset Management	Drainage Infrastructure - Additional Maintenance Request	115,000	Asset Management
R	Asset Management	Drainage Infrastructure - Additional Operational Expense Request	39,000	Asset Management
R	Workforce Planning	Environment & Health - Additional Staff Member	93,000	Environment & Health
N	Capital Upgrade	Camden Town Centre - Stormwater Drainage System Upgrade	750,000	ESD
N	Capital Upgrade	Stormwater Repairs - Werombi Road Grassmere	59,000	ESD
N	Capital Upgrade	Churchill Reserve Narellan Vale Gross Pollutant Traps	150,000	ESD
N	Capital Upgrade	Cascades Drainage System - Construction of Additional Pipes (Stages 2 & 3)	50,000	ESD
N	Capital Upgrade	Mannix Avenue - Stormwater Channel Improvements	400,000	ESD
N	Capital Upgrade	Mitchell St/Edward St Camden - Drainage Construction	250,000	ESD
N	Capital Upgrade	Anthony Rd Causeway - Fish Habitat Improvement to South Creek	130,000	ESD
N	Capital Upgrade	Matthew Reserve Drainage Improvements	30,000	ESD
N	Capital Upgrade	Sickles Creek Riparian Restoration	325,000	ESD
N	Capital Upgrade	Wilson Crescent Drainage Improvements	15,000	ESD
N	Capital Upgrade	Byron Rd/Rickard Rd Intersection Drainage Improvements	20,000	ESD
R	Capital Upgrade	Camden Residential Area - Stormwater Drainage Upgrade	1,200,000	ESD
R	Capital Upgrade	Narellan Town Centre - Stormwater Drainage Upgrade	1,200,000	ESD
R	Capital Upgrade	Camden South - Stormwater Drainage Upgrade	1,200,000	ESD
R	Workforce Planning	ESD - Additional Staff Member	44,500	ESD
			6,273,100	

Parks & Playgrounds				
N	Capital Upgrade	Parks & Gardens Additional Truck - Large Sportsfield Mower Transport	110,000	Asset Management
N	Capital Upgrade	Additional Plant - Parks & Gardens - Purchase of additional 5910 Mower	115,000	Asset Management
N	Capital Upgrade	Reserve Lighting - Southdown Road	30,000	Asset Management
N	Capital Upgrade	Wicket roller Birriwa Reserve	17,700	Asset Management
N	Capital Upgrade	Wicket roller Kirkham Park	17,700	Asset Management
R	Capital Upgrade	LGA Playground Equipment - Installation of Shade Structures	720,000	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	97,100	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	50,500	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	50,500	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	61,800	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	50,500	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	97,100	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	50,500	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	50,500	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	50,500	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	50,500	Asset Management
R	Asset Management	Parks & Reserves - Asset Renewal	115,900	Asset Management
R	Asset Management	Parks & Reserves - Additional Maintenance Request	0	Asset Management
R	Asset Management	Parks & Reserves - Additional Operational Expense Request	174,200	Asset Management
N	Capital Upgrade	Catherine Fields Reserve - Stage 2 Improvements	110,000	Capital Works
N	Capital Upgrade	Ferguson's Land Camden - Initial Designs & Relevant Studies	70,000	Community Services
N	Capital Upgrade	Harrington Park Oval - Pergola & Seating	30,000	Community Services
N	Capital Upgrade	New Recreation Facilities at Ferguson's Land	4,500,000	Community Services
N	Capital Upgrade	Lighting, Shade and Landscaping at Kirkham Park Skate Facility	20,000	Community Services
N	Capital Upgrade	Playing Lights Upgrade - Kirkham Reserve Elderlie	250,000	Community Services
N	Capital Upgrade	Parks & Playgrounds	30,000	Community Services
N	Capital Upgrade	Catherine Fields - Lighting of Oval	140,000	Community Services
N	Capital Upgrade	Leppington Oval - Irrigation Improvements	80,000	Community Services
N	Capital Upgrade	Floodlights for sportsground - Cut Hill reserve	150,000	Community Services
N	Capital Upgrade	Floodlights for Rossmore reserve	130,000	Community Services
N	Operational Increase	Onslow Park - Masterplan and Plan of Management	25,000	Community Services
N	Capital Upgrade	Camden Local Facilities - Athletics Track (General Fund Cont. to 594 Project)	5,000,000	Community Services
R	Capital Upgrade	Implementation of POM's	114,100	Community Services

ORD14

Attachment 1

2012/13 Amended Delivery Program - List of Unfunded Works & Services

REC/ NON-REC	KEY SUPPORT STRATEGY	PROJECT DESCRIPTION	CURRENT ESTIMATE	RESPONSIBILITY CENTRE
R	Workforce Planning	ESD - Additional Staff Member	92,200	ESD
			12,881,000	
Environmental Activities				
N	Capital Upgrade	Energy Savings Action Plan - Cost Effective ECM'S	180,000	Asset Management
R	Workforce Planning	Environment & Health - Additional Staff Member	56,900	Environment & Health
N	Capital Upgrade	Kirkham Reserve - Install Rainwater Tank Non Potable Use	10,000	ESD
			246,900	
Appearance of Public Areas				
N	Operational Increase	Street Tree Planting Program - Camden to Narellan	25,000	Asset Management
R	Operational Increase	Increase in Street Sweeping budget	37,000	Asset Management
N	Capital Upgrade	New Toilets at Nepean Shareway	110,000	Capital Works
N	Capital Upgrade	Chellaston Street Reserve Toilet Facility Upgrade	150,000	Capital Works
N	Operational Increase	Develop tree management database in Camden	40,000	ESD
R	Operational Increase	Public Domain Tree Maintenance - Additional Budget Allocation increase	34,600	ESD
R	Operational Increase	Priority Tree Removal - Program Continuation	30,000	ESD
			426,600	
Tourism				
N	Capital Upgrade	Council contribution to Regional VIC	500,000	Employee & Customer Service
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	24,700	Employee & Customer Service
			524,700	
Management of Significant Places				
N	Capital Upgrade	Camden Town Centre Improvements (part funded in LTFF)	7,058,000	Capital Works
			7,058,000	
Road Safety				
N	Capital Upgrade	Curry Reserve - Learn to Ride Cycle Track	60,000	Community Services
R	Operational Increase	Road Safety Program	87,400	ESD
			147,400	
Local Traffic Management				
N	Capital Upgrade	Street Lighting Improvements - Wire Lane / Armour Street Camden South	50,000	ESD
N	Capital Upgrade	Street Lighting - Remembrance Drive Camden South	250,000	ESD
N	Capital Upgrade	Smeaton Grange Road - Street Lighting Improvements	10,000	ESD
N	Capital Upgrade	Chellaston Street - Single Street Light Installation	25,000	ESD
N	Capital Upgrade	Traffic Intersection Lighting - Mount Annan & Rose Drive	10,000	ESD
N	Operational Increase	Rural Street Lighting - North Ward Staged Implementation	30,000	ESD
R	Operational Increase	Traffic Services - General Traffic Complaints & Management Allocation	51,500	ESD
R	Operational Increase	Traffic Modelling - Annual Program Allocation Increase	23,200	ESD
N	Capital Upgrade	Lighting Upgrade - Catherine Fields RFS Carpark	2,000	Asset Management
			451,700	
Construction & Maintenance of Infrastructure				
N	Capital Upgrade	Sheathens Lane & Werombi Rd Footpath to Carrington Aged Care Complex	600,000	Asset Management
N	Capital Upgrade	Road & Drainage - Purchase of Outreach Mower	120,000	Asset Management
N	Capital Upgrade	Old Hume Highway Footpath Construction	150,000	Asset Management
N	Capital Upgrade	Camden Bypass Wall Repairs - Wattle Green Place Narellan Vale Section	55,000	Asset Management
N	Capital Upgrade	Yamouth Place Footpath Construction	70,000	Asset Management
N	Capital Upgrade	Moore Place Footpath Construction	55,000	Asset Management
N	Capital Upgrade	Sirius Circuit Footpath Construction	35,000	Asset Management
N	Capital Upgrade	Micquarie Avenue Footpath Extension	25,000	Asset Management
N	Capital Upgrade	Reeve Place/Remembrance Drive (Old Hume Highway) Footpath Construction	25,000	Asset Management
N	Capital Upgrade	Hop Bush Place Footpath Construction	20,000	Asset Management
N	Capital Upgrade	Queen Street Footpath Construction	20,000	Asset Management
N	Capital Upgrade	Grahams Hill Road Footpath Construction	10,000	Asset Management
N	Capital Upgrade	Camden CBD - Installation of Bicycle Racks	3,000	Asset Management
N	Capital Upgrade	Kirkham Park Entry Improvements	20,000	Asset Management

2012/13 Amended Delivery Program - List of Unfunded Works & Services

REC/ NON-REC	KEY SUPPORT STRATEGY	PROJECT DESCRIPTION	CURRENT ESTIMATE	RESPONSIBILITY CENTRE
N	Capital Upgrade	Harrington Green Reserve Formal Carparking	600,000	Asset Management
N	Capital Upgrade	Low loader trailer for moving of heavy plant- Depot	48,000	Asset Management
N	Capital Upgrade	Dowles Lane pavement upgrade	500,000	Asset Management
N	Capital Upgrade	Murray Street Camden - Kerb Blister and Access Ramp	18,000	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	50,500	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	59,400	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	101,100	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	93,000	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	78,000	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	50,500	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	59,400	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	113,300	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	50,500	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	59,400	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	54,500	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	54,500	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	54,500	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	54,500	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	54,500	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	54,500	Asset Management
R	Asset Management	Roads Infrastructure - Asset Renewal	101,100	Asset Management
R	Asset Management	Roads Infrastructure - Additional Maintenance Request	206,000	Asset Management
R	Asset Management	Roads Infrastructure - Additional Operational Expense Request	374,600	Asset Management
N	Capital Upgrade	Dorchester Ave Carpark	7,800,000	Capital Works
N	Capital Upgrade	Camden Multi Decked Carpark Construction	6,000,000	Capital Works
N	Capital Upgrade	Birriwa Reserve Parking - Additional Parking Bay	100,000	ESD
N	Capital Upgrade	Narellan Road Bus Shelter Lighting Improvements	15,000	ESD
N	Capital Upgrade	Camden Valley Way/Richardson Roads right turn bays	1,000,000	ESD
N	Capital Upgrade	Macarthur Road/Merino Drive Roundabout Construction	500,000	ESD
N	Capital Upgrade	Murray/Broughton Street Roundabout & Median Closure	500,000	ESD
N	Capital Upgrade	Cawdor Road Cycleway Extension (Camden to New High School)	300,000	ESD
N	Capital Upgrade	Bus Stop Upgrade - Camden Valley Way Narellan	50,000	ESD
N	Capital Upgrade	O'Dea / Morgan Road Traffic Facility	15,000	ESD
N	Capital Upgrade	John Street/Mitchell Street Roundabout Construction	350,000	ESD
N	Capital Upgrade	Intersection Upgrade - Cashmere Drive and Southdown Road	150,000	ESD
N	Capital Upgrade	Merino Drive/Cashmere Drive Traffic Island	85,000	ESD
N	Capital Upgrade	Mount Annan District Centre - Traffic Improvements	800,000	ESD
N	Capital Upgrade	Welling Dr/Waterworth Dr Roundabout Landscaping	20,000	ESD
N	Capital Upgrade	Old Hume Highway Roundabout	15,000	ESD
N	Capital Upgrade	Footpath Construction - Tramway Drive to Narellan Road Busstop	12,000	ESD
N	Capital Upgrade	Old Hume Highway/Ironbark Avenue Roundabout	600,000	ESD
N	Capital Upgrade	Hayter Reserve to Bicentennial Park Cycleway	300,000	ESD
N	Capital Upgrade	Intersection Upgrade - R'bout at Macarthur/Harrington Street	150,000	ESD
N	Capital Upgrade	Pedestrian footbridge at Macquarie Grove Bridge	1,000,000	ESD
N	Capital Upgrade	Remembrance Drive/Elizabeth Macarthur Ave Traffic Signals	400,000	ESD
N	Capital Upgrade	Footpath Construction - Werombi Rd (Ellis Lane to Smalls Road)	350,000	ESD
N	Capital Upgrade	Intersection Upgrade - Roundabout at Mitchell/Elizabeth St	300,000	ESD
N	Capital Upgrade	Intersection Upgrade - Roundabout Werombi Road/Ellis Lane	300,000	ESD
N	Capital Upgrade	Intersection Upgrade - R'bout Bowman/Elizabeth Mac Ave	300,000	ESD
N	Capital Upgrade	Intersection Upgrade - Roundabout Coolalie/Ulmarra Avenues	300,000	ESD
N	Capital Upgrade	Murrumbidgee Ave/Macquarie Ave Roundabout Construction	250,000	ESD
N	Capital Upgrade	Anthony Road Realignment	250,000	ESD
N	Capital Upgrade	Intersection Upgrade - Cobbitty Road and Cut Hill Road	150,000	ESD
N	Capital Upgrade	Intersection Upgrade - Traffic Signals Argyle/John St	550,000	ESD
N	Capital Upgrade	Intersection Upgrade - Elyard Street and Somerset Avenue	100,000	ESD
N	Capital Upgrade	Intersection Upgrade - Rickard Road and Byron Road	70,000	ESD
N	Capital Upgrade	Guardrail Installation - O'Dea Road Mount Annan	15,000	ESD

ORD14

Attachment 1

2012/13 Amended Delivery Program - List of Unfunded Works & Services

REC/ NON-REC	KEY SUPPORT STRATEGY	PROJECT DESCRIPTION	CURRENT ESTIMATE	RESPONSIBILITY CENTRE
N	Capital Upgrade	Additional Car Parking - The Links Narellan	15,000	ESD
N	Capital Upgrade	Purchase of surveying equipment	60,000	ESD
N	Capital Upgrade	14 additional car parking bays Harrington Park Public School	30,000	ESD
N	Capital Upgrade	Mount Annon Drive Concrete Footpath to Narellan Road	60,000	ESD
R	Capital Upgrade	Camden to Narellan Cycleway Extension	200,000	ESD
R	Capital Upgrade	Camden LGA Bus Shelter Upgrade (Non DDA Compliant Works)	3,500,000	ESD
R	Workforce Planning	ESD - Additional Staff Member	78,000	ESD
R	Workforce Planning	ESD - Additional Staff Member	65,900	ESD
N	Capital Upgrade	Reconstruction of Turner Road (Camden Valley Way to Dunn Road)	1,050,000	Strategic Planning
N	Capital Upgrade	Reconstruction of Turner Road to Dunn Road and creek	1,505,000	Strategic Planning
			34,023,300	

Recreation Services & Facilities				
N	Capital Upgrade	BEP internal road improvements Council share only (half cost with BEP committee)	45,000	Asset Management
N	Capital Upgrade	Design new roof structure for Camden Pool flat	15,000	Asset Management
R	Capital Upgrade	BEP maintenance of internal gravel roads	215,100	Asset Management
N	Capital Upgrade	Building Construction - PCYC	4,000,000	Capital Works
N	Capital Upgrade	Town Farm - Development of a "Miss Llewella Davis" Town Farm Walkway	30,000	Community Services
N	Capital Upgrade	Town Farm - Restoration of Chinese Gardens Irrigation Storage Wells	18,600	Community Services
N	Capital Upgrade	Camden South - Bowman Reserve Tennis Court	250,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Access Roads Sealed	128,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Bridge behind Clubhouse	193,000	Community Services
N	Capital Upgrade	BEP masterplan Implementation - Arenas sand treatment (campdraft and rodeo)	30,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Floodlighting Main Arena	120,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Dressage Arenas	58,000	Community Services
N	Capital Upgrade	BEP Masterplan implementation - Tree Planting	50,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Irrigation for multi-use arenas	30,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Horse stalls - 200 open	207,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Drainage - Carex Wetland	173,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Boundary fencing	105,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Cross country training course	12,500	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Arena surface upgrade	109,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Southern Pavilion Extension	247,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Irrigation Installation	207,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Arena Seating	184,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Rodeo/campdraft Arena Floodlights	179,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Horse stalls - 104 covered	144,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Pony Club development	144,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Drainage - Northern open Drain	122,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Arena Fencing	122,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Drainage - Wetland Discharge	75,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Footpath to Existing Timber Bridge	58,000	Community Services
N	Capital Upgrade	BEP Masterplan implementation - Causeway raising	46,000	Community Services
N	Capital Upgrade	BEP Masterplan implementation - Camping power boxes	46,000	Community Services
N	Operational Increase	Review of strategic documents - Recreation Needs Study	30,000	Community Services
N	Operational Increase	Develop landscape masterplans and designs eg POM's	30,000	Community Services
N	Operational Increase	Review of strategic documents - Open Space plan	25,000	Community Services
R	Capital Upgrade	Camden Town Farm Infrastructure and Development	145,000	Community Services
R	Capital Upgrade	Large value assets - MABC	845,000	Community Services
R	Operational Increase	Camden Town Farm & BEP Program Costs for Officer	97,000	Community Services
R	Operational Increase	Bicentennial Equestrian Committee - Additional Funds Request	68,800	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	97,100	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	74,000	Community Services
R	Operational Increase	Natural Areas - Town Farm Community Nursery Allocation	21,500	ESD
			8,796,600	

Community & Cultural Development				
R	Operational Increase	Camden Community Plan - Program Implementation	31,400	Community Services
R	Operational Increase	Cultural Development - Public Art Planning and Cultural Activity	25,000	Community Services
R	Operational Increase	Community Development Activity Funding - Neighborhood Activities	5,000	Community Services

2012/13 Amended Delivery Program - List of Unfunded Works & Services

REC/ NON-REC	KEY SUPPORT STRATEGY	PROJECT DESCRIPTION	CURRENT ESTIMATE	RESPONSIBILITY CENTRE
R	Workforce Planning	Community Services - Additional Staff Member	26,300	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	52,500	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	93,000	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	93,000	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	93,000	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	101,100	Community Services
			520,300	

Community Support Facilities & Services				
N	Capital Upgrade	Renabilitation of faulty pavement on netball courts at Kirkham Park	400,000	Asset Management
N	Capital Upgrade	Jack Nash Reserve - Improvements to Amenities Building	35,000	Capital Works
N	Capital Upgrade	Charker Drive - Second storey Clubrooms - Soccer & Netball Amenities	300,000	Capital Works
N	Capital Upgrade	Community Facilities - Audio Visual Equipment	50,000	Community Services
N	Capital Upgrade	Civic Centre - Upgrade Kegs System (Replace with Fridges)	16,000	Community Services
N	Capital Upgrade	Civic Centre - Digital Cash Register for Automatic Bar Stocktake	8,000	Community Services
N	Capital Upgrade	Civic Centre Upgrade - investigation & Concept Designs	33,500	Community Services
N	Capital Upgrade	Civic Centre - Major Refurbishments	750,000	Community Services
N	Capital Upgrade	Civic Centre Generator	68,000	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	56,900	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	65,900	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	65,900	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	101,100	Community Services
R	Capital Upgrade	Camden Cemetery works	5,000,000	ESD
			6,950,300	

Community Engagement				
R	Workforce Planning	Community Services - Additional Staff Member	101,100	Community Services
			101,100	

Library Services				
N	Capital Upgrade	Narellan Library Community Rooms - Operable Wall Replacement	30,000	Asset Management
N	Capital Upgrade	Narellan Library Community Rooms - Reception Desk Security Improvements	5,000	Asset Management
N	Capital Upgrade	Narellan Library Community Rooms - Installation of Glass Security Doors	4,000	Asset Management
N	Operational Increase	Narellan Library Plaza - Large Shade Tree	22,000	Community Services
R	Operational Increase	Sunday Operation Camden Library Service - 4 Hours	45,000	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	69,900	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	56,900	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	50,500	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	69,900	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	50,500	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	78,000	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	50,500	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	50,500	Community Services
			582,700	

Community Information				
N	Capital Upgrade	Upgrade to existing phone system	189,500	Employee & Customer Service
N	Capital Upgrade	Customer Service - Call Centre Technology Improvements (New Admin Blag)	450,000	Employee & Customer Service
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	78,000	Employee & Customer Service
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	113,300	Employee & Customer Service
			830,800	

Stewardship of Community Resources				
N	Capital Upgrade	Parks & Gardens Depot - Site Relocation	150,000	Capital Works
R	Workforce Planning	Executive Management - Additional Staff Member	140,000	General Manager
R	Workforce Planning	Executive Management - Additional Staff Member	140,000	General Manager
R	Workforce Planning	Executive Management - Additional Staff Member	107,200	General Manager
R	Workforce Planning	Executive Management - Additional Staff Member	107,200	General Manager
			644,400	

ORD14

Attachment 1

2012/13 Amended Delivery Program - List of Unfunded Works & Services

REC/ NON-REC	KEY SUPPORT STRATEGY	PROJECT DESCRIPTION	CURRENT ESTIMATE	RESPONSIBILITY CENTRE
Corporate support Services				
N	Capital Upgrade	Narellan Works Depot - Multi Level Storage Shelving for Stores	8,000	Asset Management
N	Capital Upgrade	Narellan Works Depot - Pavement Repairs and Drainage Improvements	100,000	Asset Management
N	Capital Upgrade	Rainwater Tanks for Council Buildings	32,000	Asset Management
N	Capital Upgrade	Installation of Solar Panels, Queen Street Carpark	19,000	Asset Management
N	Capital Upgrade	Solar Hot Water Heating Narellan Office	10,000	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	34,900	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	34,900	Asset Management
R	Asset Management	Buildings - Asset Renewal	55,800	Asset Management
R	Asset Management	Buildings - Additional Maintenance Request	54,600	Asset Management
R	Asset Management	Buildings - Additional Operational Expense Request	0	Asset Management
N	Operational Increase	Microfiche Conversion of old rate notices	5,000	Corporate Services
N	Operational Increase	Data retrieval from SEMA old rate notices	10,000	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	82,100	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	56,900	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	65,900	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	92,200	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	45,000	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	56,900	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	56,900	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	56,900	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	78,000	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	78,000	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	78,000	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	56,900	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	56,900	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	82,100	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	85,000	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	82,100	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	113,300	Corporate Services
N	Operational Increase	Extension of WELL Program	8,000	Employee & Customer Service
N	Operational Increase	Authority HR Module implementation (including Employee Kiosk)	28,400	Employee & Customer Service
R	Operational Increase	Risk Management - OH&S System Implementation	82,200	Employee & Customer Service
R	Operational Increase	Branch Specific Training - Increase in Annual Funding Allocation	43,700	Employee & Customer Service
R	Operational Increase	Employee Relations - Recruitment Advertising Costs	27,400	Employee & Customer Service
R	Operational Increase	Corporate Sponsorship & Donations Program	27,400	Employee & Customer Service
R	Operational Increase	Additional 2 trainees/apprentices annual	50,000	Employee & Customer Service
R	Operational Increase	E Learning Induction Program	15,000	Employee & Customer Service
R	Operational Increase	Careers Expos and Trade Shows	8,000	Employee & Customer Service
R	Operational Increase	Direct Marketing to students/graduates	2,000	Employee & Customer Service
R	Operational Increase	Recruitment Software	5,000	Employee & Customer Service
R	Operational Increase	OH&S Program Costs	10,000	Employee & Customer Service
R	Operational Increase	Risk Management Program Costs	10,000	Employee & Customer Service
R	Operational Increase	Social Media Advertising	5,000	Employee & Customer Service
R	Operational Increase	Risk Framework & Implementation	15,000	Employee & Customer Service
R	Operational Increase	Property Insurance Asset Valuation	37,600	Employee & Customer Service
R	Operational Increase	Bi-monthly publication of Let's Connect	8,400	Employee & Customer Service
R	Operational Increase	Improvements to Let's Connect (increased size and circulation)	9,700	Employee & Customer Service
R	Operational Increase	Media Monitors	5,000	Employee & Customer Service
R	Operational Increase	Additional Events Advertising	5,000	Employee & Customer Service
R	Operational Increase	Vehicle for Employee Relations Team Leader	15,000	Employee & Customer Service
R	Operational Increase	Vehicle for PR Officer	15,000	Employee & Customer Service
R	Operational Increase	Electronic Performance Management System	25,000	Employee & Customer Service
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	74,000	Employee & Customer Service
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	59,400	Employee & Customer Service
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	113,300	Employee & Customer Service
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	69,900	Employee & Customer Service
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	65,900	Employee & Customer Service
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	74,000	Employee & Customer Service
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	74,000	Employee & Customer Service
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	69,900	Employee & Customer Service

2012/13 Amended Delivery Program - List of Unfunded Works & Services

REC/ NON-REC	KEY SUPPORT STRATEGY	PROJECT DESCRIPTION	CURRENT ESTIMATE	RESPONSIBILITY CENTRE
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	65,900	Employee & Customer Service
			2,704,100	
Management of Emergency Events				
N	Capital Upgrade	Shade structure for SES	11,000	Asset Management
			11,000	
Total Value of Unfunded Works & Services			85,462,600	

ORD14

Attachment 1

ORD14

Attachment 2



Camden Council

Quarterly Budget Review Statement

For the period ending 30 September 2012

Table of Contents		Page
1.	Income & Expenses Review Statement	1-3
2.	Capital Budget Review Statement	4-6
3.	Cash & Investments Budget Review Statement	7-9
4.	Contracts Budget Review Statement	10
5.	Consultancy & Legal Expenses Budget Review Statement	11

Camden Council
Income & Expenses Budget Review Statement

Quarterly Budget Review Statement
for the period 01/07/12 to 30/09/12

Budget review for the quarter ended 30 September 2012
Income & Expenses Review

	Original Budget 2012/13	Changes		Revised Budget 2012/13	Variations for this Sep Qtr	Projected Year End Result
		Revotes	Other than by a QBRs			
Operating Income						
Actively Managing Camden's Growth	8,821,600	-	29,932	8,851,532	1,065,133	9,916,665
Healthy Urban and Natural Environments	19,498,400	136,518	-	19,634,918	1,296	19,636,214
A Prosperous Economy	7,400	-	-	7,400	657	8,057
Effective and Sustainable Transport	7,459,300	468,112	620,089	8,547,501	70,870	8,618,371
An Enriched and Connected Community	7,425,100	467,217	-	7,892,317	(160,326)	7,731,991
Strong Local Leadership	38,756,200	8,110	-	38,764,310	(412,631)	38,351,679
	81,968,000	1,079,957	650,021	83,697,978	564,999	84,262,977
Operating Expenses						
Actively Managing Camden's Growth	7,242,200	327,131	-	7,569,331	532,572	8,101,903
Healthy Urban and Natural Environments	18,660,300	368,285	15,000	19,043,585	(142,645)	18,900,940
A Prosperous Economy	459,800	-	3,500	463,300	(4)	463,296
Effective and Sustainable Transport	14,428,500	59,597	33,900	14,521,997	71,741	14,593,738
An Enriched and Connected Community	10,191,000	111,540	65,000	10,367,540	(1,432)	10,366,108
Strong Local Leadership	15,338,300	111,550	-	15,449,850	421,981	15,871,831
	66,320,100	978,103	117,400	67,415,603	882,213	68,297,816
Net Operating Surplus / (Deficit)	15,647,900	101,854	532,621	16,282,375	(317,214)	15,965,161
Add:						
Non Cash Funded Depreciation	15,107,900	-	-	15,107,900	-	15,107,900
Funds from the Sale of Assets	359,400	209,050	-	568,450	210,318	778,768
Loan Borrowings	1,600,000	-	-	1,600,000	-	1,600,000
Transfer from Restricted Assets	19,320,700	9,797,008	194,609	29,312,317	1,751,178	31,063,495
	36,388,000	10,006,058	194,609	46,588,667	1,961,496	48,550,163
Less:						
Capital Purchases / Asset Acquisitions	39,260,200	10,107,912	760,730	50,128,842	(547,650)	49,581,192
Borrowing Expenses (Principal)	1,833,300	-	-	1,833,300	(158,700)	1,674,600
Transfer to Restricted Assets	10,942,400	-	-	10,942,400	-411,057	11,353,457
Proposed - Transfer to Restricted Assets	-	-	-	-	1,906,075	1,906,075
	52,035,900	10,107,912	760,730	62,904,542	1,610,782	64,515,324
Net Budget Position Surplus / (Deficit)	-	-	(33,500)	(33,500)	33,500	-

This statement forms part of the Quarterly Budget Review Statement for the quarter ended 30/09/2012 and should be read in conjunction with the rest of the report

Page 6

ORD14

Attachment 2

ORD14

Attachment 2

Camden Council
Income & Expenses Review Statement

Quarterly Budget Review Statement
for the period 01/07/12 to 30/09/12

Budget review for the quarter ended 30 September 2012

Recommended changes to revised budget

Budget Variations being recommended include the following material items (Greater than \$15,000):

Notes	Movement	Description
1	1,065,133	Actively Managing Camden's Growth - Increase in Income This adjustment relates primarily to an increase in development application fees and charges due to higher than expected development activity (\$708K), additional Section 94 interest on investments due to the delays in a number of capital works projects (\$166K), additional funding from the Department of Planning for the Leppington rezoning process (\$180K), and an increase in income from minor revenue sources (\$11K).
2	70,870	Effective and Sustainable Transport - Increase in Income This adjustment relates primarily to an increase in the subsidy received under the traffic route lighting subsidy scheme (\$83K) and a decrease in revenue from other sources (\$12K).
3	(160,326)	An Enriched and Connected Community - Decrease in Income This adjustment relates primarily to the decision by the Department of Education & Training not to proceed with the construction of the trade training centre at the Camden Town Farm (\$200K), an increase in revenue projections for the hire of community facilities (\$16K) and an increase in income from other revenue sources (\$24K).
4	(412,631)	Strong Local Leadership - Decrease in Income Adjustments to income relate to a reduction in Financial Assistance Grant income due to the advance payment in 2011/12 (\$1.261M), a reduction in the financial assistance grant entitlement for 2012/13 (\$67K), an increase in rate income due to the revised rate charge adopted in June 2012 (\$294K), additional interest on investment income (\$127K), additional interest on investments for restricted Department of Planning Programs (\$212K), and additional funding for formal training in Council's Parks and Recreation section (\$17K). An increase in income has also been included as a result of the expected commencement of construction of a new rural fire station in Camden West (\$200K). A number of minor adjustments have also been required which have increased revenue forecasts (\$65K).
5	532,572	Actively Managing Camden's Growth - Increase in Expenses This increase relates primarily to the inclusion into the budget of the Department of Planning's Development Assessment Program until June 2013 (\$254K) and the continuation of a number of rezoning studies on behalf of the Department of Planning in Catherine Field and Leppington (\$281K). A range of minor expenditure reductions were also required (\$2K).
6	(142,645)	Healthy Urban and Natural Environments - Decrease in Expenses This decrease relates to the transfer of a staffing position from Council Parks & Recreation section to Asset Management (\$100K), a reduction in funding for staff which will now be funded under the Department of Planning's Development Assessment Program until June 2013 (\$52K), the reallocation of funds held for park renewal & embellishment from operational expenditure accounts (\$97K) and savings through staff vacancies (\$75K). There has been an increase in expenditure as a result of additional disposal costs in the waste management budget through the recent introduction of the Carbon Price (\$132K) and the allocation of additional staff resourcing in Council's Natural Areas section (\$38K). A range of minor expenditure increases were also required (\$11K).

Camden Council
Income & Expenses Review Statement

Quarterly Budget Review Statement
for the period 01/07/12 to 30/09/12

Budget review for the quarter ended 30 September 2012

Recommended changes to revised budget

Budget Variations being recommended include the following material items (Greater than \$15,000):

Notes	Movement	Description
7	71,741	<p>Effective & Sustainable Transport - Increase in Expenses</p> <p>This increase relates primarily to the an increase in street lighting expenditure due to higher than expected public tariff rates (\$66K), the recent introduction of the Carbon Price (\$70K) and the transfer of a staffing position from Council Parks & Recreation section to Asset Management (\$100K). There has been a decrease in expenditure as a result of savings through staff vacancies (\$140K) and the appointment of new staff at lower steps in Council's salary structure (\$32K). A range of minor expenditure increases were also required (\$8K).</p>
8	421,981	<p>Strong Local Leadership - Increase in Expenses</p> <p>Major budget variations include the transfer of expenditure from capital expenditure accounts for the planning of Council's central administration building (\$200K) and implementation of IT Projects (\$114K), a reduction in Council's vacancy provision target as a result of vacant positions (\$343K), an increase in staffing payments made under the Paid Parental Leave scheme (\$24K), and termination payments made to employees upon retirement & funded from the ELE Reserve (\$131K). There has been a decrease in expenditure through a reduction in loan borrowings interest payments (\$182K), savings through staff vacancies (\$137K) and the appointment of new staff at lower steps in Council's salary structure (\$100K). A range of minor expenditure increases were also required (\$29K).</p>

ORD14

Attachment 2

Camden Council
Capital Budget Review Statement

Quarterly Budget Review Statement
for the period 01/07/12 to 30/09/12

Budget review for the quarter ended 30 September 2012
Capital Expenditure Review

Capital Expenditure

New Assets (Council Delivery)

	Original Budget 2012/13	Changes		Revised Budget 2012/13	Variations for this Sep Qtr	Projected Year End Result
		Revotes	Other than by a QBR5			
Transport & Road Infrastructure	8,744,600	4,849,994	103,380	13,697,974	41,673	13,739,647
Community Facilities	3,091,800	1,268,769	-	4,360,569	(786,478)	3,574,091
Parks & Recreation	226,500	504,060	(50,000)	680,560	9,420	689,980
Plant & Equipment	-	487,800	-	487,800	-	487,800
Stormwater & Drainage	220,000	-	-	220,000	-	220,000
Other	208,400	48,110	-	256,510	200,000	456,510

New Assets (Works In Kind)

Transport & Road Infrastructure	6,506,000	-	-	6,506,000	-	6,506,000
Community Facilities	-	-	-	-	-	-
Parks & Recreation	2,561,000	-	-	2,561,000	-	2,561,000
Stormwater & Drainage	9,184,000	-	-	9,184,000	-	9,184,000

Asset Renewal (Replacement)

Transport & Road Infrastructure	3,954,000	1,284,286	677,418	5,915,704	38,133	5,953,837
Community Facilities	296,100	49,046	-	345,146	40,041	385,187
Parks & Recreation	726,000	51,211	-	777,211	104,800	882,011
Stormwater & Drainage	73,600	-	-	73,600	-	73,600
Council Properties	1,515,400	125,845	-	1,641,245	(156,235)	1,485,010
Plant & Equipment	1,369,000	1,109,793	-	2,478,793	65,427	2,544,220
Information Technology Upgrades	400,300	327,328	29,932	757,560	(104,431)	653,129
Other	183,500	1,670	-	185,170	-	185,170

Total Capital Expenditure

39,260,200 10,107,912 760,730 50,128,842 (547,650) 49,581,192

Capital Funding

Rates & Untied Income	2,882,200	1,303,573	-	4,185,773	62,830	4,248,603
External Grant Income	1,402,100	1,345,854	691,121	3,439,075	(138)	3,438,937
Reserves:						
External Restrictions	11,407,800	6,067,711	(21,620)	17,453,891	(617,171)	16,836,720
Internal Restrictions	3,337,700	1,067,641	91,229	4,496,570	(111,171)	4,385,399
S94 Works In Kind Income (Non Cash)	18,251,000	-	-	18,251,000	-	18,251,000
New Loans	1,600,000	-	-	1,600,000	-	1,600,000
Receipts from Sale of Assets						
Plant & Equipment	359,400	209,050	-	568,450	38,000	606,450
Land & Buildings	-	-	-	-	-	-
Other Funding	20,000	114,083	-	134,083	80,000	214,083

Total Capital Funding

39,260,200 10,107,912 760,730 50,128,842 (547,650) 49,581,192

Net Capital Funding

- - - - -

Camden Council
Capital Budget Review Statement

Quarterly Budget Review Statement
for the period 01/07/12 to 30/09/12

Budget review for the quarter ended 30 September 2012
Recommended changes to revised budget

Budget Variations being recommended include the following material items (Greater than \$15,000):

Notes	Movement	Description
1	41,673	Transport & Road Infrastructure (New Assets) - Increase in Expenses Funds have been reallocated from an allocation for asset renewal for the construction of a new pedestrian crossing at Southdown Road Elderslie (\$37K). Other minor adjustments were also required as part of this review (\$5K).
2	(786,478)	Community Facilities (New Assets) - Decrease in Expenses This decrease relates to the revote of Mount Annan Leisure Centre Stage 2 design to the 2013/14 budget (\$622K) and the decrease in expense as a result of the decision by the Department of Education & Training not to proceed with the construction of the trade training centre at the Camden Town Farm (\$182K). Additional funding is required for the installation of a partition in the community rooms at the Narellan Library (\$18K).
3	200,000	Other Assets (New Assets) - Increase in Expenses Preliminary works have commenced on the construction of the new fire station for the Camden West Rural Fire Service (\$200K). These works will be funded through the State Government Rural Fire Fighting Fund.
4	38,133	Transport & Road Infrastructure (Asset Renewal) - Increase in Expenses This increase relates primarily to the transfer of funds held in reserve for the reconstruction of Little Sandy Bridge (\$80K) and additional guardrail renewal works which have been funded from general maintenance allocations (\$13K). There has been a decrease in expenditure due to the reallocation of funds for the construction of a new pedestrian crossing at Southdown Road Elderslie (\$37K) and savings realised in work completed to Cowpasture Bridge, Camden (\$18K).
5	40,041	Community Facilities (Asset Renewal) - Increase in Expenses This increase relates primarily to a number of unplanned maintenance repairs required at the Mount Annan Leisure Centre during the first quarter of 2012/13 (\$36K). Other minor adjustments were also required as part of this review (\$4K).
6	104,800	Parks & Recreation (Asset Renewal) - Increase in Expenses A recent review of the Parks & Recreation budget has identified a number of housekeeping adjustments which are required as part of this review, the most significant being the reallocation of funds held for park renewal & embellishment from operational expenditure accounts (\$97K). This is a contra variation and has no impact on the budget result. Other minor adjustments were also required as part of this review (\$8K).
7	(156,235)	Council Properties (Asset Renewal) - Decrease in Expenses Funding has been reallocated from the design costs for the Central Administration Building for specialist advice to assist in the planning for the location and construction of a new central administration building (\$200K). This is a contra variation and has no impact on the budget result. Council has also recently leased additional office space in Camden which has been required to be fitted out for Council staff (\$22K). Additional building works have also been required in the Family Day Care administration offices to ensure Council complies with childrens services standards (\$21K).
8	65,427	Plant & Equipment (Asset Renewal) - Increase in Expenses Council is the maintenance contractor for road verges along State roads. Recent changes to safety standards has meant that Council is required to purchase arrow-boards which are to be located on top of moving plant (\$27K). A range of adjustments have also been required to Council's plant replacement program resulting in an increase in expense (\$38K).

This statement forms part of the Quarterly Budget Review Statement for the quarter ended 30/09/2012 and should be read in conjunction with the rest of the report

Page 5

ORD14

Attachment 2

ORD14

Attachment 2

Camden Council
Capital Budget Review Statement

Quarterly Budget Review Statement
for the period 01/07/12 to 30/09/12

Budget review for the quarter ended 30 September 2012
Recommended changes to revised budget

Budget Variations being recommended include the following material items (Greater than \$15,000):

Notes	Movement	Description
9	(104,431)	Information Technology Upgrades - Decrease in Expenses A recent review of the Information Technology budget has identified a number of housekeeping adjustments which are required as part of this review, the most significant being the reallocation of funds held for capital upgrades to operational expenditure projects (\$104K).
10	52,830	Rates & Untied Funding - Increase in Income This increase relates primarily to the additional funding required for the installation of a partition in the community rooms at the Narellan Library (\$18K), additional guardrail renewal works which have been funded from general maintenance allocations (\$13K) and the additional expense relating to the recently leased office space in Camden which has been required to be fitted out for Council staff (\$22K). Other minor adjustments were also required as part of this review (\$10K).
11	(617,171)	Externally Restricted Reserves - Decrease in Transfer from Reserve This decrease relates primarily to the revote of Mount Annan Leisure Centre Stage 2 design to the 2013/14 budget (\$622K). Other minor adjustments were also required as part of this review (\$5K).
12	(111,171)	Internally Restricted Reserves - Decrease in Transfer from Reserve This decrease is primarily a result of the reallocation of funding from the design costs for the Central Administration Building to specialist advice to assist in the planning for the location and construction of a new central administration building (\$200K). There has been an increase in reserve transfers for additional building works required in the Family Day Care administration offices to ensure Council complies with childrens services standards (\$21K), an increase in expenditure relates primarily to a number of unplanned maintenance repairs required at the Mount Annan Leisure Centre during the first quarter of 2012/13 (\$36K) and the purchase of arrow-boards for Council's Parks & Recreation section (\$27K). Other minor adjustments were also required as part of this review (\$5K).
13	38,000	Sale of Assets - Increase in Income A range of adjustments have been required to Council's plant replacement program resulting in an increase in income (\$38K).
14	80,000	Other Capital Funding - Increase in Income Council recently negotiated an insurance settlement amount from its insurer for the significant structural damage caused by floods to Little Sandy Bridge, Elderslie (\$80K).

Camden Council
Cash & Investments Budget Review Statement

Quarterly Budget Review Statement
for the period 01/07/12 to 30/09/12

Projected Year End Cash Position ending 30 June 2013

Cash & Investments Review

	Original Budget 2012/13	Changes		Revised Budget 2012/13	Variations for this Sep Qtr	Notes	Projected Year End Balance
		Revotes	Other than by a QBRs				
Externally Restricted							
Section 94 Developer Contributions	10,346,646	-	925,984	11,272,630	791,352	1	12,063,982
Infrastructure Loan (Lodges Road)	106,024	-	3,022,165	3,128,189	186,500	2	3,314,689
Domestic Waste Management	3,849,406	-	(49,400)	3,800,006	(141,291)	3	3,658,715
Specific Purpose Grants	9,373	(87,945)	50,000	(28,572)	87,945	4	59,373
Stormwater Management Levy	160,341	-	36,831	197,172	-		197,172
Development Acceleration Fund	561,743	-	15,478	577,221	(577,221)	5	-
Other Restricted Contributions	54,726	-	290,000	344,726	(294,086)	6	50,640
Total Externally Restricted	15,088,259	(87,945)	4,291,058	19,291,372	53,199		19,344,571
Internally Restricted							
Employee Leave Entitlements	1,994,654	-	(35,130)	1,959,524	(157,420)	7	1,802,104
Expenditure Revotes	-	87,945	-	87,945	(87,945)	8	-
Stormwater Works (General Fund)	167,259	-	111,758	279,017	-		279,017
Capital Works Reserve	528,036	-	-	528,036	(63,527)	9	464,509
Infrastructure Loan - Repayment Fund	3,756,300	-	-	3,756,300	-		3,756,300
Central Administration Building	2,534,510	-	(283,978)	2,250,532	-		2,250,532
Camden Town Centre Improvements	1,094,500	-	-	1,094,500	-		1,094,500
Water Savings Action Plan	52,897	-	-	52,897	-		52,897
Cemetery Improvements	398,360	-	55,245	453,605	-		453,605
Section 355 Management Committees	184,411	-	-	184,411	-		184,411
Camden Carparking	120,578	-	-	120,578	-		120,578
Risk Management	242,599	-	-	242,599	-		242,599
Working Funds Surplus	-	-	1,261,119	1,261,119	(1,261,119)	10	-
Major Plant Replacement	508,323	-	(134,711)	373,612	172,318	11	545,930
Commercial Waste Management	1,039,343	-	-49,004	1,088,347	1,470		1,089,817
Council Elections	-	-	-	-	-		-
Community Infrastructure Renewal Program	-	-	3,602	3,602	(3,602)		-
Narellan Artycafe	-	-	(13,600)	(13,600)	13,600		-
Swimming Pool Repairs	-	-	-	-	-		-
Family Day Care Reserve	108,010	-	-	108,010	(7,095)		100,915
Community Facilities Reserve	-	-	-	-	-		-
Public Appeals Reserve	35,974	-	-	35,974	-		35,974
Engineering Deposits	184,771	-	-	184,771	-		184,771
Total Internally Restricted	12,950,525	87,945	1,013,309	14,051,779	(1,393,320)		12,658,459
Unrestricted (i.e. available after the above Restrictions)	6,454,048	-	-	6,454,048	1,939,575		8,393,623
Total Cash & Investments	34,492,832	-	5,304,367	39,797,199	599,454		40,396,653

Cash & Investments Statement

Investments have been invested in accordance with Council's Investment Policy.

The Cash at Bank amount for this period has been reconciled to Council's physical Bank Statements. The date of completion of this bank reconciliation is 30/09/2012.

Notes:

1. The uncommitted balance of the Capital Works Reserve is \$191,900
2. The uncommitted balance of the Central Administration Building Reserve is \$2,250,532
3. The uncommitted balance of the Working Funds Reserve is \$0

ORD14

Attachment 2

Camden Council
Cash and Investments Review Statement

Quarterly Budget Review Statement
for the period 01/07/12 to 30/09/12

Budget review for the quarter ended 30 September 2012

Recommended changes to revised budget

Budget Variations being recommended include the following material items (Greater than \$15,000):

Notes	Movement	Description
1	791,352	Section 94 Developer Contributions Reserve - Net Decrease in Transfer from Reserve The balance of Council's Section 94 Reserve has increased as a result of additional interest on investments due to the delays in a number of capital works projects (\$166K), and the revote of the Mount Annan Leisure Centre Stage 2 design to the 2013/14 budget (\$622K). A number of minor adjustments to budget allocations were also required at this review (\$3K).
2	186,500	Lodges Road Upgrade Infrastructure Loan (DOP) - Increase in Transfer to Reserve Under the funding conditions of the interest free loan agreement for the upgrade of Lodges Road and Hilder Street, Council must restrict income generated from the investment of the funds for the purpose of the project (\$186K).
3	(141,291)	Domestic Waste Management Reserve - Net Increase in Transfer from Reserve Additional funding is required from the Waste Management Reserve primarily as a result of additional disposal costs. Council has recently been able to determine the impact of the introduction of the Carbon Price on disposal costs (\$132K) and as such, has amended its estimates to reflect this increase. A number of other minor adjustments were also made as part of this review (\$9K).
4	87,945	Specific Purpose Grants Reserve - Decrease in Transfer from Reserve Werombi Road Improvements was an approved expenditure revote carried forward from the 2011/12 financial year. Delays in the project were primarily a result of wet weather. The project was incorrectly shown as a grant funded revote. The project was in fact funded from Council's general fund (\$87K).
5	(577,221)	Development Acceleration Fund (DOP) - Increase in Transfer from Reserve Council has recently received approval from the Department of Planning to extend the Development Assessment Program to June 2013. The unspent funds restricted as at June 30 2012 will be transferred to the budget as part of this review (\$577K).
6	(294,086)	Other Restricted Contributions - Increase in Transfer from Reserve The decrease in this reserve relates to an adjustment required for the prepayment of income from the Department of Planning for the Catherine Field and Leppington rezoning process (\$210K). Funding held in reserve from the insurance settlement amount for Little Sandy Bridge (\$80K) has also been transferred into the budget. A range of minor adjustments have also been included as part of this review (\$4K).
7	(157,418)	Employee Leave Entitlements Reserve - Net Increase in Transfer from Reserve Payments made to employees on resignation or retirement are funded from Council's ELE Reserve. Payments made during the first quarter of 2012/13 total \$167K. Leave entitlements are also transferable between Councils. Transfers to other Councils are funded from the Reserve, and payments received are restricted to the Reserve. The net effect of these transfers is \$16K. A range of minor adjustments have also been included as part of this review (\$7K).
8	(87,945)	Expenditure Revotes Reserve - Increase in Transfer from Reserve Werombi Road improvements was an approved expenditure revote carried forward from the 2011/12 financial year. Delays in the project were primarily a result of wet weather. The project was incorrectly shown as a grant funded revote. The project was in fact funded from Council's general fund (\$87K).

Camden Council
Cash and Investments Review Statement

Quarterly Budget Review Statement
for the period 01/07/12 to 30/09/12

Budget review for the quarter ended 30 September 2012

Recommended changes to revised budget

Budget Variations being recommended include the following material items (Greater than \$15,000):

Notes	Movement	Description
9	(63,527)	<p>Capital Works Reserve - Increase in Transfer from Reserve</p> <p>The decrease in this reserve relates to the proposed funding of two projects from the Capital Works Reserve. The two projects are an increase in expenditure as a result of unplanned maintenance repairs required at the Mount Annan Leisure Centre during the first quarter of 2012/13 (\$36K) and the purchase of arrow-boards for Council's Parks & Recreation section (\$27K).</p>
10	(1,261,119)	<p>Working Funds Reserve - Increase in Transfer from Reserve</p> <p>Council was advised as part of the 2011/12 Year End Result Against Budget report that the Federal Government had brought forward the payment of approximately half of the 2012/13 Financial Assistance Grant to 2011/12. The payment was subsequently restricted to the Working Funds Reserve as it was required to fund the 2012/13 budget. This entry represents the transfer of the advance payment from reserve to the 2012/13 budget.</p>
11	172,318	<p>Major Plant Replacement Reserve - Net Decrease in Transfer from Reserve</p> <p>Due to the timing of replacement, the sale of a number vehicles replaced in accordance with Council's plant replacement program in 2011/12 did not take place until the first quarter of 2012/13. This adjustment represents the allocation of the proceeds from the sale of these plant items to the plant replacement reserve.</p>

This statement forms part of the Quarterly Budget Review Statement for the quarter ended 30/09/2012 and should be read in conjunction with the rest of the report

Page 9

ORD14

Attachment 2

ORD14

Camden Council
Contracts Budget Review Statement

Quarterly Budget Review Statement
 for the period 01/07/12 to 30/09/12

Budget review for the quarter ended 30 September 2012.

Contracts Budget Review

Contractor	Contract Detail & Purpose	Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)
Lamond Contracting	Local Area Traffic Management Projects Blackspot Program Funded Works	243,879	Aug-12	2 Months	Y

Notes:

1. Contracts listed are those entered into through a tender process during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
2. Contracts for employment are not included in this list.

Attachment 2

Camden Council
Consultancy & Legal Expenses Statement

Quarterly Budget Review Statement
 for the period 01/07/12 to 30/09/12

Budget review for the quarter ended 30 September 2012
 Consultancy & Legal Expenses Overview

Expense	YTD Expense	Budgeted (Y/N)
Consultancies	63,309	Y
Legal Fees	84,383	Y

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Comments

Council has engaged specialist consultants to assist in the planning for the location and construction of a new central administration building. Council has also required specialist advice regarding a number of strategic property acquisitions, governance and rezoning matters. Costs associated with these matters have been included in the expenditure totals above.

ORD14

Attachment 3

Summary of Budget Review Variations Greater Than \$15,000
September Review of the 2012/13 Budget

Change in Vote			Description	Comments
Expense \$	Income \$	Totals \$		
<p>Note: INCOME - Increases are shown as positive figures. Reductions are shown as negative figures EXPENDITURE - Increases are shown as positive figures. Reductions are shown as negative figures</p>				
1) Proposed Budget Variations				
Proposed variations to the 2012/13 Budget based on income received and expenditure payments to date are as follows:				
-	707,600	707,600	Development - Fees & Charges Income	Development income has exceeded budget expectations for the first quarter of 2012/13. Council has received a number of Development Applications of high value which reflects the high development activity in the release areas of Spring Farm, Elderslie, Oran Park and Gregory Hills. Income received from development activity for 2012/13 is anticipated to be similar to that received in the 2011/12 financial year. This adjustment reflects an increase to similar revenue estimates. It is important to note that the level of income received from development activity is primarily dependent on the receipt of applications from developers, and as such is somewhat difficult to project given the unprecedented growth Council is experiencing.
-	346,100	346,100	Development - Development Assessment Fund Continuation	In 2011 Council secured funding of \$2 million as part of the Department of Planning's Development Assessment Program. The program included the employment of four permanent full time staff which was to be funded from general fund from October 2012. Council has recently received approval to extend this project to June 2013. This has meant these four positions which were expected to be funded from general fund from October 2012 will continue to be funded as part of the Development Assessment Fund.
(340,600)	-	340,600	Corporate Management - Loan Repayments	Council approved loan borrowings for 2011/12 of \$2,317,000 as part of the 2011/12 Original Budget (adopted 14 June 2011). As part of the March Review of the 2011/12 budget and the 2011/12 Year End Results against Budget, Council resolved to not take up the loan borrowings for 2011/12. The decision not to take up the loan borrowings has resulted in savings to the 2012/13 budget of \$340,600.
-	254,000	254,000	Corporate Management - Rates Income	This income represents an increase in Council's rating base between the time the draft budget and final budget is adopted by Council. Historically additional income has been brought to account at the first available budget review after adopting the Original Budget. The additional income is predominately a result of land releases in areas such as Spring Farm, Elderslie, Oran Park and Gregory Hills.
(115,199)	-	115,199	Corporate Salaries - Salary Adjustments	Salary projections for 2012/13 are below original budget expectations. A number of adjustments to salary estimates have been required as a result of staff turn-over, where positions have been filled by new staff at an introductory level. A range of minor adjustments as a result of Council's performance management system have also contributed to the savings against the original budget.
-	109,300	109,300	Strategic Planning - Department of Planning Rezoning Studies income (Austral & Leppington North)	In 2010 Council secured funding through the Department of Planning for the rezoning of land within the Austral and Leppington North Precinct. The funding provided for staff employment and project costs in assisting with the preparation and review of the necessary rezoning plans and studies. This adjustment represents the reduction in funding required from General Fund for assisting in the rezoning process.
-	103,000	103,000	Corporate Management - General Fund interest on investments	The first quarter performance of Council's investment portfolio has exceeded budget expectations. The primary reason for this is Council's investment portfolio is being maintained at a higher level than originally budgeted in part due to works carried forward from 2011/12. Council has as part of this review revised interest rate projections down from 5.30% to 5.00% to reflect the reserve banks decreases in the official cash rate during the first quarter of the financial year. This decrease has been offset by the increase in funds available for investment.
-	33,000	33,000	Street Lighting - Traffic Route Lighting Subsidy	Council was advised as part of the 2011/12 Year End Results against Budget report that it had received an increase under the Traffic Route Lighting Subsidy Scheme. The increase related to additional traffic lighting along Camden Valley Way. An adjustment is required to the 2012/13 budget to reflect this increase.

Summary of Budget Review Variations Greater Than \$15,000
September Review of the 2012/13 Budget

Change in Vote		Totals	Description	Comments
Expense	Income			
\$	\$	\$		
Note: INCOME - increases are shown as positive figures. Reductions are shown as negative figures EXPENDITURE - increases are shown as positive figures. Reductions are shown as negative figures				
-	(66,580)	(66,580)	Corporate Management - Financial Assistance Grant Income	Please refer to the detailed analysis provided in the main Council Report.
66,000		(66,000)	Street Lighting - Public Lighting Tariffs (Asset Maintenance)	The increase in street lighting charges relates primarily to a higher than expected increase in public lighting tariffs for asset maintenance as approved by the Australian Energy Regulator (AER) in June 2012. The average increase in public lighting tariffs approved by the AER represents a 13.6% increase from 2011/12. This is significantly higher than the projected increase included within the 2012/13 original budget of 3.50%.
(50,000)		50,000	Councillors Program - 2012 Council Elections	In adopting the 2012/13 Budget, Council approved the estimate for the 2012 Elections of \$299,200. Advice received from the NSW Electoral Commission indicates that the election cost will be approximately \$250,000.
40,065		(40,065)	Corporate Management - Staff Accommodation	Staff accommodation in the Camden Administration Building has reached capacity. Council has been required to lease & fit-out additional offices in Camden. This will be an ongoing cost until Council is able to relocate its administration staff to a central administration building. It is likely that Council will need to lease further premises in the future to accommodate its growing staff establishment, which is required to service our growing community.
18,000		(18,000)	Narellan Library - Community Rooms Partition	The partition designed to divide the Iron Bark and Red Gum meeting rooms in Narellan Library is currently not safe to use. As such, the meeting rooms are unable to be used as two separate spaces therefore limiting the flexibility of the spaces. It is important that the partition be reallocated before the Narellan Community Centre is closed for extension and renovation as these rooms will have greater demand during this period.
(182,218)	(169,980)	(17,262)	Camden Town Farm - Trade Training Centre ⁴	Council was advised at its meeting 9 October 2012 that the NSW Department of Education and Training had decided not to proceed with the construction of the trade training centre at the Camden Town Farm. Council further resolved to fund the design costs incurred to date from the September Review of the 2012/13 Budget.
	16,200	16,200	Community Facilities - Hall Hire Income	Council was advised as part of the 2011/12 Year End Results against Budget report that community facilities hire income had exceeded budget expectations. The income received from community facilities hire for 2012/13 is anticipated to be similar to that received for the 2011/12 financial year. This adjustment reflects an increase to similar revenue estimates.
12,322	(6,895)	(19,217)	Variations under \$15,000	
(551,830)	1,387,745	1,939,575	Surplus / (Deficit) - Proposed Budget Variations September 2012/13 Review	
(551,830)	1,387,745	1,939,575	Surplus / (Deficit) - Net Impact of Variations 2012/13	
* It should be noted where net increases or reductions have been shown within the main Council Report the income and expenditure column will not reconcile, as the two are separated within this attachment.				
2) Council Approved Budget Variations				
Since adopting the 2012/13 Budget, Council has authorised the following changes to the budget:				
15,000	-	(15,000)	Dog & Animal Control - Microchipping Program	Authorised Council Resolution 138/12 - 7/8/08/2012
10,000	-	(10,000)	Community Events - Christmas in Narellan Contribution	Authorised Council Resolution 192/12 - 14/08/2012
5,000	-	(5,000)	Community Events - Light up Camden Contribution	Authorised Council Resolution 191/12 - 14/08/2012
3,500	-	(3,500)	Community Events - Goulburn to Camden Cycle Classic Contribution	Authorised Council Resolution 190/12 - 14/08/2012
374,960	-	-	Road Improvements - Macquarie Grove Road	Authorised Council Resolution 153/12 - 26/06/2012
	374,960		Grant Income - Blackspot Program Grant	
120,000	-	-	Road Improvements - Argyle Street Camden	Authorised Council Resolution 195/12 - 14/08/2012
	60,000		Grant Income - RTA REPAIR Program Funding	
	60,000		Capital Works Reserve - Transfer from Reserve	
86,000	-	-	Road Improvements - Camden Valley Way Shared Pathway	Authorised Council Resolution 195/12 - 14/08/2012
	43,000		Grant Income - RTA Cycleways Program Grant	
	43,000		Capital Works Reserve - Transfer from Reserve	
75,000	-	-	Road Improvements - Loggins Road Shared Pathway	Authorised Council Resolution 195/12 - 14/08/2012
	75,000		Grant Income - RTA Cycleways Program Grant	

ORD14

Attachment 3

Summary of Budget Review Variations Greater Than \$15,000
September Review of the 2012/13 Budget

Change in Vote			Description	Comments
Expense \$	Income \$	Totals \$		
Note: #INCOME - Increases are shown as positive figures. Reductions are shown as negative figures. #EXPENDITURE - Increases are shown as positive figures. Reductions are shown as negative figures.				
70,458	-		Road Improvements - Springfield Road	Authorised Council Resolution 161/12 - 16/07/2012
-	35,229		Grant Income - Blackspot Program Grant	
-	35,229		Capital Works Reserve - Transfer from Reserve	
30,000	-		Traffic Planning - Pedestrian Access & Mobility Plan	Authorised Council Resolution 195/12 -14/08/2012
-	15,000		Grant Income - RTA Pedestrian Facility Program Grant	
-	15,000		Capital Works Reserve - Transfer from Reserve	
29,932	-		Development - Electronic Housing Code Project	Authorised Council Resolution 206/12 - 28/08/2012
-	29,932		Grant Income - Department of Planning	
28,880	-		Road Improvements - Land Purchase	Authorised Council Resolution CC04/12 - 26/06/2012
-	28,880		Section 94 Developer Contributions - Transfer from Reserve	
26,000	-		Road Improvements - Menangle Road Pedestrian Facility	Authorised Council Resolution 195/12 - 15/08/2012
-	13,000		Grant Income - RTA Pedestrian Facility Program Grant	
-	13,000		Capital Works Reserve - Transfer from Reserve	
4,100	-		Road Maintenance - Traffic Block Grant Program	Authorised Council Resolution 195/12 -14/08/2012
-	4,100		Grant Income - RTA Traffic Block Grant	
878,330	844,830	(13,500)	Surplus / (Deficit) - Authorised Variations	
			September 2012/13 Budget Review	
878,330	844,830	(13,500)	Surplus / (Deficit) - Council Approved Variations 2012/13	
3) Contra Adjustments				
Contra adjustments that have a Nil impact on Council's Budget.				
202,273	-		Development Assessment Fund - Program Extension	In 2011 Council secured funding of \$2 million as part of the Department of Planning's Development Assessment Program. The program allowed for the employment of additional temporary staff up to September 2012. This adjustment represents the continuation of these temporary staffing positions to June 2013.
-	202,273		Development Assessment Fund - Transfer from Reserve	
(452,700)	-		Corporate Salaries & Overheads - Staff Vacancies	Savings primarily reflect vacancies within Council's staffing structure. Savings from vacant positions are used to fund Council's vacancy provision target and is also required to fund staffing requirements in the areas of traffic planning and natural resources. Savings from vacant positions will also be used to commence work on a LGA Economic Development Strategy.
342,900	-		Corporate Management - Staff Vacancy Provision	
50,000	-		Strategic Planning - Economic Development Strategy	
38,100	-		Natural Resources - Additional Staffing	
21,700	-		Traffic Management - Replacement Staffing	
-	210,318		Plant Replacement Program - Plant Sales	Due to the timing of replacement, the sale of a number of plant items replaced in 2011/12 did not take place until the first quarter of 2012/13. This adjustment represents the allocation of the proceeds from the sale of these plant items to the plant replacement reserve.
-	(172,318)		Plant Reserve - Transfer from Reserve	
38,000	-		Plant Replacement Program - Plant Purchases	
200,000	-		Rural Fire Services - Camden West Building Construction	Preliminary works have commenced on the construction of the new fire station for the Camden West RFS. It is expected that construction of the new station will commence in 2013. These works will be funded through the State Government Rural Fire Fighting Fund.
-	200,000		Rural Fire Services - Capital Subsidy Income	
-	186,500		DDP Lodges Road Loan - Interest on Investments	Under the funding conditions of the Interest Free Loan Agreement for the upgrade of Lodges Road and Wilder Street, Council must restrict any interest income generated from the investment of the funds for the purpose of the project.
186,500	-		DDP Lodges Road Loan - Transfer to Reserve	
166,744	-		Corporate Salaries - Termination Payments	This increase reflects payments made to employees on resignation and retirement. Payments made to employees on retirement and resignation are funded from Council's ELE Reserve.
-	166,744		Corporate Management - ELE Reserve Funding	
-	166,000		Section 94 Contributions - Interest on Investments	Revenue projections for Section 94 interest on investments is above budget expectations. This is a result of delays in capital works which were expected to be completed in 2011/12. The income is restricted to reserve for the purpose of funding future infrastructure costs within new release areas for which the contributions were collected for.
166,000	-		94 Developer Contributions - Transfer to Reserve	
160,700	-		Leppington Precinct Release Rezoning Studies	Council was advised in 2011/12 that it had secured funding from the Department of Planning to assist in the review and preparation of a number of rezoning studies relating to the Leppington Growth Precinct land release.
109,300	-		Strategic Planning - Staffing Costs	
-	180,000		NSW Department of Planning Funding	
-	90,000		Contributions Reserve - Transfer from Reserve	

Summary of Budget Review Variations Greater Than \$15,000
September Review of the 2012/13 Budget

Change in Vote			Description	Comments
Expense \$	Income \$	Totals \$		
Note: INCOME - increases are shown as positive figures. Reductions are shown as negative figures EXPENDITURE - increases are shown as positive figures. Reductions are shown as negative figures				
152,200	-		Domestic Waste - Disposal Fees	As part of the adoption of the 2012/13 budget, Council was advised that a provision had been established for the impact of the introduction of the carbon price on Council's expenditure budget. The provision excluded the impact the carbon price would have on disposal costs for Council's waste management service. Council has since received advice from the operators of the Spring Farm AART facility of the fee increase which relates to the introduction of the carbon price. The increase will result in an additional cost to Council of \$152,200. It is proposed to fund this increase from Council's waste management reserve.
7,000	-		Domestic Waste - Other Operational Expenses	
-	1,529		Domestic Waste - Operational Income	
-	137,671		Domestic Waste - Transfer from Reserve	
120,000	-		Catherine Field Part Precinct Release Rezoning Studies	Council was advised in 2011/12 that it had secured funding from the Department of Planning to assist in the review and preparation of a number of rezoning studies relating to the Catherine Field Part Precinct land release.
-	120,000		Contributions Reserve - Transfer from Reserve	
70,000	-		Street Lighting - Carbon Tax Expense	As part of the adoption of the 2012/13 budget, Council was advised that a provision had been established for the impact of the introduction of the carbon price on Council's expenditure budget. A review of price increases as of July 1 2012 for street lighting and major sites electricity charges has identified an increase of \$104,000 which can be directly attributed to the introduction of the carbon price. Council staff will continue to monitor the impact of the carbon price, and will report any significant variation to the budget as part of the Quarterly Budget Review Process.
34,000	-		Major Sites Electricity Charges - Carbon Tax Expense	
(104,000)	-		Corporate Management - Carbon Tax Provision	
-	87,945		Revote Reserve - Werombi Road Improvements	This project was an approved expenditure revote carried forward from the 2011/12 financial year. Delays in the project were primarily a result of wet weather. The project was incorrectly shown as a grant funded revote. The project was in fact funded from Council's general fund.
-	(87,945)		Grants Reserve - Werombi Road Improvements	
80,000	-		Bridges - Little Sandy Bridge Rectification Works	As a result of floods in March 2012, Little Sandy Bridge (Elderslie) suffered significant structural damage. Council recently negotiated an insurance settlement amount with its insurer. The amount was restricted to reserve for the purpose of constructing a new bridge across the Nepean River.
-	80,000		Contributions Reserve - Transfer from Reserve	
50,000	-		Park Improvements - Stage 2 Kirihami Netball Courts	Additional funding is required to complete the electrical upgrade for the Camden Netball Club at Kirihami Park. It is recommended that the additional cost be funded from the Section 94 allocation for Elderslie Sportsground Improvements.
-	50,000		Elderslie - Sportsground Planning	
36,100	-		Mount Annan Leisure Centre - Essential Repairs	There has been a number of unplanned maintenance repairs required at the Mount Annan Leisure Centre during the first quarter of 2012/13. These works have ensured that the centre continues to meet safety and operational standards. It is recommended that these works be funded from the Capital Works Reserve.
-	36,100		Capital Works Reserve - Transfer from Reserve	
(28,907)	-		Design & Survey - Flood Management Studies	This project was an approved expenditure revote carried forward from the 2011/12 financial year. The reduction in expenditure relates specifically to the grant funded portion of the project which can no longer be claimed from the 2011/12 State Government Flood Management Grant.
-	(28,907)		Grant Income - Flood Management Grant Income	
27,400	-		Parks & Gardens - Arrowboard Purchases	Council is the maintenance contractor for road verges along State Roads. Recent changes to safety requirements has meant that Council is required to purchase arrowboards which are to be located on the top of moving plant. It is recommended that these purchases be funded from the Capital Works Reserve.
-	27,400		Capital Works Reserve - Transfer from Reserve	
10,767	26,912		ELE Payments - Transfer to/from Other Councils	Allocations are required to reflect the leave entitlements owed to staff which are transferable between Councils upon commencement & resignation. Income received is restricted to Council's ELE Reserve and expenditure made to other Councils is funded from the ELE Reserve.
16,145	-		ELE Reserve - Transfer to Reserve	
-	26,400		Development Assessment Fund - Interest on Investments	Under the funding conditions of the Development Assessment Agreement with the Department of Planning, Council must restrict any interest income generated from the investment of the funds for the purpose of the project.
26,400	-		Development Assessment Fund - Transfer to Reserve	

ORD14

Attachment 3

Summary of Budget Review Variations Greater Than \$15,000
September Review of the 2012/13 Budget

Change in Vote			Description	Comments
Expense \$	Income \$	Totals \$		
Note: INCOME - increases are shown as positive figures. Reductions are shown as negative figures EXPENDITURE - increases are shown as positive figures. Reductions are shown as negative figures				
24,000	-	-	Corporate Management - Investment Advisor	Council adopted its revised Investment Policy on the 27 March 2012. In adopting the report, Council resolved to engage the services of Oakvale Capital as Council's investment advisor. The annual fee for this service is to be funded from interest from investment income.
-	24,000	-	Corporate Management - General Fund interest on Investments	
23,678	-	-	Corporate Salaries - Maternity / Leave Payments	Council administers payments made to employees entitled to the Federal Government's paid parental leave scheme. This expense is offset by income received from the Federal Government.
-	23,678	-	Federal Government - PP. Scheme Income	
(17,920)	-	-	Bridges - Cowpasture Bridge Maintenance & Repairs	This project was an approved expenditure revote carried forward from the 2011/12 financial year. The project is nearing completion and has cost significantly less than original budget projections. This has resulted in a lower than expected claim from the State Government grant funding approved for this project.
-	(17,920)	-	Grant Income - RTA Grant Funding	
16,800	-	-	Corporate Training - Parks Horticulture Certification	Funds have recently been secured through a Federal Government grant to provide formal training in Council's Parks & Recreation section.
-	16,800	-	Grant Income - Department of Education Funding	
1,753,180	1,753,180	-	September 2012/13 Contra Adjustments	
1,753,180	1,753,180	-	Total Contra Variations 2012/13	
4) Revotes for the 2012/13 Year to be included in the 2013/14 Budget Budget adjustments which are proposed to be carried forward into the 2013/14 Budget:				
(622,260)	-	-	Mount Amman Leisure Centre Stage 2 Design	Funds will not be expended in 2012/13 due to delays associated with the finalisation of Stage 2 concept designs.
-	(622,260)	-	594 Developer Contributions - Transfer from Reserve	
(622,260)	(622,260)	-	Total Revotes Identified for September Period	
(622,260)	(622,260)	-	Total Revotes Identified 2012/13	

Reconciliation to 'September Review of the 2012/13 Budget'

2012/13 Carried Forward Working Funds Balance	-1,000,000	
2012/13 Adopted Budget Surplus		
Available Working Funds 01/07/12	1,000,000	
Less:		
Minimum Desired Level	(1,000,000)	
Total Funds Available		Total Available Working Funds as at 01/07/2012
September Review	1,989,575	Proposed Budget Variations
	(35,500)	Council Approved Variations
	-	Budget Contra Variations
	-	Budget Revotes (Carry Over)
	1,906,075	Sub Total - September Review Variations
	1,906,075	Total Projected Budget Surplus as at 30/09/2012

ORDINARY COUNCIL

ORD15

ORD15

SUBJECT: COMMUNITY MANAGEMENT COMMITTEE MANUAL REVIEW
FROM: Director Works & Services
BINDER: S355 Committees

PURPOSE OF REPORT

Council's Community Management Committees (Section 355 Committees) are provided with a manual to guide and govern their operations as delegated by Council. Following the recent appointment of Committee members it is also appropriate to review and update the manual.

BACKGROUND

The current manual was adopted in 2002 and updated in 2004 and 2009. There have been changes to the number and type of Community Management Committees since the manual was first adopted with less committees now responsible for the management and hiring of Community facilities and changes reflect this.

MAIN REPORT

The Community Management Committee Manual provides information, policy and procedures to assist Community Management Committees to undertake the functions and activities delegated to them by Council. This review attempted to simplify and make the manual easier for committee members to reference.

The main changes are:

- Increase in the amount of expenditure the committee may undertake without seeking permission from Council from \$5,000 to \$10,000. This change is a result of a request from Finance given the large amount of income and expenditure which passes through, particularly the BEP Committee. This change would negate the need for a report to Council on what can be fairly simple items of expenditure for the Committee's activities.
- 'Managing Facilities' and 'Managing Programs' now separate sections to reflect the changes in committee responsibilities since the manual's inception.
- 'Volunteer Labour' linked to Council's Volunteer Policy and Procedures
- Appendices removed. Policies previously contained in the document will be provided to all committee members on a USB for reference. These include Code of Conduct, Code of Meeting Practice, Drug and Alcohol and Work Health and Safety policies.

A copy of the document is provided in the supporting documents.

CONCLUSION

To assist committee members to meet their responsibilities and to ensure Council meets its responsibilities the Community Management Committee Manual provides the guidelines and information necessary. As new committees were recently appointed it is timely to review and update the manual. To ensure the manual meets the needs of the committees the draft updated will be distributed seeking feedback and a report

ORD15

seeking adoption prepared early next year. The manual will be made available in electronic format to all committee members and hard copies made available to the executive of each committee.

RECOMMENDED

That Council distribute the draft updated Community Management Committee Manual to the Community Management committees seeking feedback.

ATTACHMENTS

1. Community Management Committee Manual

355 Committee Members are council volunteers under the above definition and they are delegated to carry out tasks outlined in the (this) Community Management Committee Manual.

From time to time, 355 Committee Members may wish to provide labour for particular projects or to recruit volunteer labour to assist them.

In either of these cases, the following procedures will apply.

Recruitment Procedures

- i. Council Volunteer Job Description form to be completed in order to clarify details of project including: delegated 355 Committee supervisor, actual tasks, resources available and resources needed (e.g. training, budget).
- ii. Completed Volunteer Job Description Form to be sent to Council's Manager Community Services for consideration and approval

If project is approved:

- iii. Job Description to be sent by the Manager to Council PR to be added to Council's Volunteer Jobs web page.
- ix. Volunteer Application Forms will be made available to the public via Council's Volunteer Jobs webpage.
- x. Applications will be received by Council and forwarded to the nominated 355 Committee project supervisor.
- xi. The 355 Committee project supervisor will access applicants skills and training needs
- xii. The nominated 355 Committee project supervisor will forward copies of successful applicants to Council's Insurance Officer for inclusion in a central Volunteers Database, arrange training and keep records of attendance.
- xiii. Council will mail out certificates of appreciation to all volunteers recorded in the central database, annually.
- xiv. The nominated 355 Committee project supervisor should attend an annual end of year meeting with Council staff to evaluate Council's Volunteer Program and make recommendations for improvement.

(iii) Advising Council About Necessary Works

Liaison between the Committee and Council is essential so that the program is appropriately maintained. Please contact Community Services regarding any necessary works.

4.2 MANAGEMENT OF THE PROGRAM

a) Council's Overriding Authority

Management of the program is delegated to the Management Committee by Council. Whilst the Committee has control over the program, Council may exercise overriding authority and may revoke the powers of the Committee.

b) Legal Action

The Committee is unable to enter into legal action.

c) Legal Expenses

Council is responsible for the payment of legal expenses in relation to preparation of such Deeds of Agreement by Council's Solicitors for (d) above.

d) Donations

Committees are not permitted to loan or donate funds.

e) Approval of Committees and Office Bearers

The Committee and Office Bearers must be approved by Council.

f) Variation to Manual

The provisions of this Manual may only be varied or amended by Resolution of the Council.

(i) Variation of Development Plans

Committees must not vary the overall design plan for the program without Council's prior written approval.

(k) Payment of Committee Members

Payment to a Committee Member is not permitted except for out of pocket expenses. This will only be for telephone and postage reimbursement for the booking officer. Any other requests for payment to Committee members must be referred to Council.

(l) Proposed Fees

Fees proposed to be charged for a program must be submitted to Council for approval as part of the annual budget process.

(m) Membership Fees

Fees are not to be charged for Membership of the Management Committee.

(n) Disputes – External

General

- i. Where individual citizens or groups of citizens of the LGA disagree with a resolution of the Management Committee, these bodies have the right to refer their grievances in writing to the Committee for reconsideration.
- ii. Where the Management Committee refuses to alter its decision, the individual resident or group of citizens from within the LGA present their grievance to Council in writing, for reconsideration.
- iii. Where such notice in writing is referred to Council, Council will request a report on the issue from the Management Committee. Upon receipt of the report the matter will be referred to Council for resolution.
- iv. Upon Council adopting a resolution, the details of Council's deliberations will be advised to the Management Committee and the resident or group of citizens who referred the matter to Council.

(o) Disputes - Internal

- i. All disputes between members of the Committee are to be resolved within the Committee where possible.
- ii. Where a dispute occurs within a Committee the resolution of the majority of the Committee as a whole will determine the outcome, where this is not possible the Chairperson/President will have the casting vote.
- iii. There will be no right of appeal when the Management Committee has determined its resolution of a dispute.

5. MEETINGS

5.1 GENERAL

The Management Committee should meet on a regular basis to discuss relevant business and make decisions affecting the facility.

An agenda is to be sent out to all Management Committee members and Councillor representative at least one week prior to the meeting.

Minutes of the matters discussed will be kept and a copy forwarded to Council's Community Services Branch and to all Committee / Association members.

Any items requiring action by Council are to be the subject of a separate letter addressed to the General Manager.

A quorum will consist of half the total number of voting members plus one. Should this number of members not be in attendance at 30 minutes after the starting time, the meeting will be adjourned to the same time and place at the next scheduled meeting.

5.2 TIMING OF MEETINGS

There should be no less than six (6) meetings held each year, however it is recommended that Ordinary Meetings of the Committees occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.

5.3 ORDINARY MEETINGS

Ordinary Meetings of the Management Committee are required to address correspondence, hiring of the facilities, finance matters, risk management matters and maintenance of the facility.

The procedure for motions is set out in the Appendices.

5.4 ANNUAL GENERAL MEETING

The Annual General Meeting will report on the activities of the Committee for the year and to develop proposals for development and maintenance of the facility for the following twelve (12) month period.

The Annual Financial Report will be presented to the Committee for adoption and for forwarding to Council for auditing purposes.

The meeting will be conducted in accordance with Council's document "Code of Meeting Practice"

Agendas will be sent out and minutes kept by the Secretary of the meeting with copies sent to Manager, Community Services.

5.5 QUADRENNIAL MEETING

Management Committees are to be appointed every four years, after the Quadrennial Election of Council.

Council will advertise vacancies and call for nominations. This is in line with the quadrennial local government elections.

New people may nominate and existing members may also seek to be reappointed.

A report will be presented to the Committee on the achievements of the Committee over the duration of its incumbency, together with the future aims and priorities of the current Committee for the guidance of the incoming Committee. All financial records and books must be submitted to Council for auditing along with a report of the activities of the committee during the period of the Council (ie last four years) at 31st August each year prior to the Council election.

5.6 EXTRAORDINARY MEETING

An Extraordinary Meeting of Committee may be called to discuss urgent business and matters outside the scope of an ordinary meeting requested by two members of the Committee.

An agenda will be prepared and circulated to all members of the Committee with at least two (2) days notice.

Minutes will be kept of the proceedings and a copy forwarded to Council outlining the reason for the Extraordinary Meeting.

This meeting will be conducted in accordance with Council's Code of Meeting Practice.

5.7 AGENDA FORMAT

The agenda of a meeting will be forwarded to members giving the notice of the proposed meeting.

The items will include the following:

1. Welcome by President
2. Apologies
3. Minutes of Previous Meeting
4. Business Arising from Previous Meeting
5. Correspondence – In/Out
6. Business Arising from Correspondence
7. Reports – Committee Executive

ORD15

Attachment 1

8. General Business
9. Date of Next Meeting

5.8 MINUTE FORMAT

Minutes will be kept for all meeting of the Committee and a copy forwarded to Council for notation.

Items to be addressed in the Minutes are as follows:

1. Attendance
2. Apologies
3. Minutes of Previous Meeting
4. Business Arising from Minutes
5. Notation of Correspondence
6. Business Arising from Correspondence
7. Reports of Executive Members
8. General Business
9. Date of Next Meeting

6. FINANCIAL MANAGEMENT

6.1 INTRODUCTION

Council Community Management Committees and their members are appointed under 355 of the Local Government Act 1993. As such, they are subject to the same standards of financial accountability as Council and its employees. Therefore, it is imperative that Committees manage their finances prudently and with transparency.

At all times, any funds and assets held by the Committee ultimately remain the property of Council. The Committee is responsible for the care and management of the funds and assets held on behalf of Council.

6.1.1 Financial Records

Initially, Council will arrange an open bank account on behalf of the Committee, which will serve to operate for the Committee's daily transactions.

To record its financial transactions, each Committee should maintain the following records:

- Booking diary
- Receipt Book (supplied by Council)
- Cheque Book
- Bank Deposit Book
- Bank Statement Folder
- Cheque Payment Forms & Folder
- Petty Cash Book and Tin – if applicable
- Cash-book (electronic version available)
- Business Activity Statement Forms for GST records (electronic)
- Bond Register (electronic) – if applicable
- Key Deposit Register (electronic) – if applicable
- Bank Reconciliation Forms (electronic)

It is essential that these records are maintained and reconciled monthly

A full set of Financial Templates and worked examples are shown in Appendices.

6.1.2 Delegation of Authority

Council delegates authority to Committees and their members, allowing them to Act on behalf of Council, eg. for authorising payments, signing letters etc.

6.1.3 Bank Accounts

A bank account will be opened by Council (through the Finance Department) upon the inception of a new Committee. The signatories of the account shall be any two of the Committee Executive, as well as at least two Council staff members. The accounts shall be set up for "any two" signatories to sign, meaning all cheques must be signed by two of the authorised signatories.

The Committee must elect two (2) members to approve payments. All payments are to be approved by the Management Committee prior to cheques being signed, as well as being recorded in Minutes.

This may be done by receiving and accepting the Treasurer's Report, which is explained later in this document.

6.1.4 Financial Record Keeping

Financial records must be kept in accordance with this Manual. Training will also be provided by Council's Finance Department, following the election of a treasurer.

Committee's of Council have a financial year from 1 July to 30 June. Each Committee's accounts need to be completed and submitted to Council by 15 July each year, following their adoption at a Committee meeting. This will enable Council to consolidate the Committee's accounts into Council's general accounts as required under the Local Government Act 1993.

6.2 CASH RECEIPTS

6.2.1 How to account for money received

1. Ensure that the correct amount of cash and/or cheques has been paid;
2. Write out a receipt from the Receipt Book (see below Issuing Receipts);
3. Give the original receipt to the payee (tear out book);
4. Ensure that the duplicate receipt is kept in the Receipt Book;
5. Place the money and/or cheque in the cash tin;
6. Ensure that the money in the cash tin is banked at least weekly.

6.2.2 Issuing Receipts

Receipts should be issued from the Receipt Book provided by Council. The original is to be handed (or mailed) to the payer and the duplicate copy should remain in the Receipt Book. You should ensure that all receipt details are completed, including the date the money was received, name and address of payee, amount of cash/cheques received, GST charged, particulars of the receipt, and finally that the receipt is signed by the Committee member receiving the payment.

Receipts should be issued and entered into the Cash Book in chronological order.

In the case of hall/sportsground bookings, the receipt number, amount paid and date of payment must be immediately recorded in the Booking Diary. This provides a cross reference between bookings and payments, so it is clear if fees or deposits have been paid.

Bonds and Key Deposits should also be recorded in their respective registers, so at any time the Committee can determine how much cash they are holding as bonds/deposits.

Personal cheques must be receipted to the name on the cheque, e.g. a person pays by personal cheque for hall hire on behalf of a group or organisation, the receipt should be made out to the actual name on the cheque with a notation of the group or organisation he/she represents e.g. Mr G Jones (of Bondi Soccer Club).

Where it is necessary for a receipt to be cancelled, all copies should be returned and clearly marked "CANCELLED" with the receipt being initialled by the authorised person on the Committee responsible for the cancellation.

All cash/cheques received must be banked into the Committee's account at least weekly.

They must also be recorded in the Committee's Cash Book on a daily basis.

It is important to note that payments are not permitted to be made from cash receipts held awaiting banking.

In the Bank Deposit Book write the amount, the date of banking, and the receipt number/s for the money (e.g. receipt no. 491-507).

In the electronic Cash Book, where indicated, type the date received, then type the dollar (\$) amount in the appropriate column (remembering to split up the GST), as well as typing the details of who the money was from in the "Details" column.

6.3 MAKING PAYMENTS

Committees are unable to requisition any supplies or works exceeding \$5,000 (five thousand dollars) without the prior reference and approval from Council (the only exception being the Camden International

Friendship Association, where monies held in trust for people to travel overseas can be expended without reference to Council).

It is important to note that any payments over \$82.50 (GST-inclusive) must be supported by an official Tax Invoice from the supplier. This will enable the Committee to claim back the GST portion of the payment when completing their monthly Business Activity Statement (BAS) and is a requirement of the Australian Taxation Office (ATO). Without a Tax Invoice, the GST portion is unable to be claimed.

6.3.1 Making Cheque Payments

All payments should be made in accordance with Council's Purchasing and Procurement Policy – refer **Appendix 7.3** (training will be provided in this regard). All Committee expenditure must only be paid by cheque. The procedure for this is as follows:

- (a) The invoice or reimbursement request is received by the Treasurer.
- (b) The Treasurer confirms that the amount and invoice details are correct (including GST, etc) and prepares a Payment Voucher
- (c) The Payment Voucher is authorised by a delegated person.
- (d) The Payment Voucher and supporting documentation (eg invoice) are stored in a binder for future reference.
- (e) Once approved, the cheque is written, signed by two signatories, and the invoice is paid. The date, amount, purpose and payee of the payment to "Cash", unless for the purpose of a properly established petty cash advance.
- (f) Payments must be recorded regularly in the Cash Book.

NB: Under no circumstances should a blank cheque be signed.

6.3.2 Cheque Payment Forms

Payments must be supported by a completed Cheque Payment Form. The Form must be accompanied by the relevant supporting documentation, ie. tax invoice, receipt, etc.

The cheque payment voucher and supporting documentation are to be marked as "PAID" once the cheque has been drawn.

The Payment Form and attached documents must be stored in a ring binder on file.

The Treasurer is responsible for presenting these to the Management Committee at each meeting for any member to examine.

6.3.3 Petty Cash Procedures

A Petty Cash float may be used if small purchases are being made regularly, or a float is needed in order to provide "change" at a function.

If your Committee resolves to operate Petty Cash, you will need to determine the size of the float (ie. dollar amount, eg. \$100). You will also need to obtain a **Petty Cash Book**, a **Petty Cash Receipt Book** and a **Petty Cash Tin**. The Committee should also decide who is responsible for Petty Cash – unless otherwise decided, the Treasurer will be responsible.

For security reasons, it is recommended that the float be less than \$200.00. Also for security reasons it is important that Petty Cash floats are supervised at all times when in use, and kept locked and in a secure location when not in use.

Spending Petty Cash

To purchase something out of petty cash, you can either take the money from the petty cash tin and pay for the item, or pay for it yourself and be reimbursed from petty cash. The voucher has been designed to capture GST details.

In either case, the petty cash voucher and attached docket must be marked "Paid". Any payment over \$50.00 cannot be paid from Petty Cash – it must be made by cheque.

Petty cash claims are for minor expenses only, ie. less than \$50.00.

Petty cash voucher is to be numbered consecutively as each petty cash claim is made. The details are then recorded in the Petty Cash Book and must include a column for GST.

Giving Change

Sometimes it is sensible to use Petty Cash for giving change, say when selling tickets at the door of a function. In these cases, it is also sensible to count the petty cash before taking any money, just to make sure it balances.

After the function, count the petty cash again, subtract the amount you started with, and the difference is the income from the event inclusive of GST. This amount should be treated as a Receipt, not as Petty Cash. Write the amount into the Cash Book and bank it, leaving Petty Cash as it was before the event.

Alternatively, the Management Committee may resolve to establish a separate Petty Cash float for a particular function. In this case, the whole amount in the function's Petty Cash Tin is banked and recorded in the Cash Book, and the Petty Cash is closed.

Petty Cash Accounting

The Petty Cash float can be maintained so that the float is reimbursed at regular intervals to "top it up" to the maximum approved amount, by the drawing of a cash cheque on the bank account. The reimbursement of Petty Cash can be done on a regular basis or when the balance is exhausted.

Petty Cash should be balanced monthly or at time of reimbursement. This involves writing each Petty Cash Voucher into the Petty Cash Book, which records in five columns the date and number of the Petty Cash Voucher, the purpose of the payment, the amount, and the balance remaining in Petty Cash. The balance is calculated by subtracting the amount spent from the amount to start with. Make sure that the final balance is the same as the amount remaining in the Petty Cash tin.

When the Petty cash float is to be reimbursed, a cheque is drawn using the Cheque Payment Voucher and attaching to this the petty cash vouchers that are being reimbursed. The cheque details will be recorded in the Cash Book and presented to the management Committee for endorsement along with other cheques. The cheque is then cashed and put into the Petty Cash Tin, and recorded in the Petty Cash Book as a negative amount (because it is "unspent"). Subtract this "negative" expense from the balance remaining, and the balance of Petty Cash should again equal the float.

6.3.4 Purchase and Sale of Assets

Assets may be purchased through the Committee's normal payment process. However, you must ensure that Council's Purchasing and Procurement Policy is adhered to at all times.

Items greater than \$5,000.00 must be referred to and approved by Council prior to purchase (or sale). It is recommended that the Committee approach Council to assist in any major purchases. As Council has access to Government Contracts, as well as a greater purchasing power, Council may be able to obtain better value-for-money for the Committee. Therefore, it is recommended that any major purchases be investigated by Council.

When assets are purchased, they are to be recorded in the Equipment column in the Cash Book so that they are easily distinguished. Committees may similarly sell assets they have purchased if these become redundant. The income from the sale is entered into the Receipts side of the Cash Book under "Sundries".

At the end of each year, the Committee must update their Assets List which shows what major items they own. Each year Council's Finance Department reviews the Council's Assets List and works out the level of depreciation for each item. To assist, Committees will be asked each year to submit details of all items purchased. In this process, Committees must also advise Council of any disposed assets.

If an item is purchased for less than \$500.00 it can be treated as an expense in that period.

6.4 MAINTAINING THE CASH BOOK

6.4.1 Cash Book Basics

The Cash Book may be kept manually (using a hard-cover ruled book) or electronically (using spreadsheets provided by Council). The electronic technique is the preferred option by Council, as it automatically produces Bank Reconciliations and Business Activity Statements (BAS) for GST reporting. However, if the Treasurer does not have access to a computer, the manual Cash Books are acceptable also.

Basically, a Cash Book is used to record the Committee's receipts and payments.

On the Receipts, page, the columns are required for:

- Date
- Source of funds
- Receipt number
- Dollar (\$) amount received
- Date of banking

Plus columns for frequent sources of funds, such as donations, interest, key deposits, bonds, received amounts and a column specifically for GST collected.

For facility hire, have columns for:

- date the facility was used
- amount paid for facility hire (excluding GST)
- amount paid as damage deposit (bond) (excluding GST)

On the Expenditure pages of the cash book, the columns to use are for:

- date
- payee's name
- cheque number
- amount paid

Plus columns for the main uses for funds, such as bonds and/or key deposits refunded, cleaning, equipment, bank charges, GST paid, and so on.

A "Sundries" column on both the Income and Expenditure pages would contain all income or expenditure not listed in specific columns and of a minor or irregular nature.

6.4.2 Using the Cash Book

Every time the Committee receives or pays money, the Treasurer records the date, source, amount, and receipt/cheque number in the Cash Book. It is best not to let too many transactions accumulate before writing them up in the Cash Book.

- Receipts and payments are entered consecutively in date and receipt number/cheque number order in the appropriate page of the cash book.
- One entry is written on each line, filling the relevant columns.
- The total amount of the income or payment is entered – in the Total Amount Column. In the column(s) for the type of income or payment enter amounts exclusive of GST, GST is written in GST column.
- Example – a receipt of \$215, being \$165 hiring fee and \$50 bond deposit for hall would show \$215 in the Total column, \$150 in the facility Hire Column, \$15 in the GST Column and \$50 in the facility Bond Deposit Column.
- If using the electronic version, all columns will total automatically.

It is suggested that a new page be started in the cash book for each month, unless there are very few entries. To do this, rule off under the month, add up the columns, and over a new page start the next month with the first entry in each page being the balance (column table) brought forward from the previous month.

If using the electronic version, save the file for that month, eg. January 2009, and start a new file for February 2009.

6.4.3 Recording of Deposits or Bond Money

When Deposits or Bonds are received, they need to be receipted as normal, as well as noted in the Cash Book as normal. In addition to this, you must note the name of the Payer, the date, amount and details in the Bond Register. This will make an easy reference when you are approached to refund a Bond. All you will have to do is check the register to make sure that the Bond was originally paid.

Special rules apply to deposits made as a security for the performance of an obligation. These are called security deposits/bonds. Normally these deposits are returned once the obligations are performed and no GST is applicable. However, if the deposit is forfeited it is treated as if it was part of the supply. Hence GST is payable on the amount forfeited. A bond register must be maintained to record the movements of deposits received and refunded. Any forfeited deposits should be highlighted within the register and appropriate GST noted at the financial records.

If a hirer leaves the facility in an unclean or damaged condition, a portion of the deposit may be forfeited and retained by the Committee. The

amount forfeited must include an allowance for GST under the taxable supply rules applicable to upkeep the facility as a result of a function. The payment entry in the Cash Book would be written up to show the deposit was refunded but a portion was taken in income, as follows:

- a) The amount of the drawn cheque (that is the actual refund) is shown in the Amount column.
- b) The total amount of the deposit paid is shown in the deposits refunds column
- c) The amount forfeited is shown in the forfeited deposits column in brackets () indicate that this amount is to be treated as additional income (exclusive of GST)
- d) GST is applicable to the forfeited amount.

Details or refunds for damage (indemnity) deposits should be noted in the Booking Diary.

6.4.4 Bank Reconciliations

At the end of each month, the Committee will obtain a Bank Statement for its Bank Account. This will need to be reconciled with the Cash Book.

All Bank Statements must be kept on file with the Treasurer.

Preparing a Bank Reconciliation

Review the Cash Book, checking to see if all cheques have been presented and deposits confirmed at the Bank (ie. noted on the Bank Statement as having been paid or received). Check that the dollar (\$) amounts are the same.

Enter into the Cash Book any entries on the Bank Statement which are not already recorded, ie. there are likely to be bank charges and interest to add to the Cash Book.

For manual Cash Books, rule off the page under the last entry (for both receipts and payments), and add up the amount received and paid since you last ruled off. Make sure that the total of the amounts column equals the total of the other columns. For electronic Cash Books, you must save the file for that month, and start a new file for the next month.

Balancing the Bank Reconciliation

Write down the amount in the bank at the time of the last reconciliation (generally the amount at the beginning of the month). Add the total amount of money received (according to the Cash Book) since the last reconciliation. Subtract the total amount paid (according to the Cash Book).

Add the total amount for unpresented cheques and subtract the total of any outstanding deposits in the Cash Book (the last banked amount should be recorded in the Banking column, and all receipts after that

should not yet have been banked). This will all calculate automatically if using the electronic Cash Book spreadsheets.

Check that the amount you have calculated is the same as the amount on the bottom of your Bank Statement. If not, check all figures and repeat this process.

6.5 BUDGETS

6.5.1 Annual Budget (only applicable to Bicentennial Equestrian Park & Camden Town Farm Committees)

The budget will be prepared for the period 1 July to 30 June each year.

The Budget is to be prepared in conjunction with the Management Plan and must be completed by end February for the next reporting period. The budget is to be prepared in consultation with your relevant Community Development Officer (CDO).

A copy of the budget is to be submitted to Council.

6.5 ANNUAL FINANCIAL STATEMENTS

(Prepared by Council upon receipt of the Committee's Accounts)

6.5.1 Annual Statements

The Balance Sheet

The Balance Sheet essentially shows the financial worth of the Management Committee. Assets, liabilities and accumulated funds are separately disclosed.

Monies received by Committees, such as bond and key deposits, should be treated at year end as a sundry creditor since the monies will be repaid to the hirer upon satisfactory completion of the hiring terms. Please contact Council's Finance Department should you require assistance with year end considerations.

The Income Statements

The Income Statement shows a summary of the funds received by the Committee during the year, as well as the funds paid out, and whether there was a surplus or deficit. This Statement should be prepared based upon the concept of accrual accounting, so it will include items of expenditure incurred but not yet paid, and items of income earned but not yet received, as well as the actual receipts and payments.

Council's Auditors

At any time Council's Auditor may request to view the Committee books for audit purposes. Such requests must be met promptly by Council, and as such Committees should assist Council by ensuring all books are promptly handed to Council for review.

6.5.2 End of Year – 30 June

Immediately before the close of the Committee's financial year, the Treasurer should resolve any final outstanding bills and debtors. In early April, a bank reconciliation must be done for 30 June and an initial Financial Statement prepared by the Treasurer.

This Financial Statement should summarise the receipts and payments for the year using the headings on the columns in the Cash Book. The easiest way of doing this is to use pages at the back of the Cash Book to record the monthly totals of receipts and payments under the same headings used on the monthly pages. At the end of the year, simply add up the total for the twelve months for each column, and write these totals in a list.

Having written up the year's totals for receipts and payments, a bank reconciliation for the year must be completed. This follows the same procedure described previously, except that the starting balance is the amount in the bank on the first of July, and the final balance is the amount at 30 June.

The books of account and other supporting documents shall then be forwarded to the Council for auditing by 15 July each year. Be sure to include references to any creditors and debtors that exist at the year end.

6.5.3 Audit of Accounts

A copy of the Treasurer's Report and Financial Statements will be sent to the President of the Committee and Council.

Council's Finance Department incorporate the Committee's Statements into those of the Council. It is this full set of Statements which are audited annually.

The financial and related records must be available for audit after the end of each year and for any interim check which may be called by Council's Internal or External Auditors at any time for easy reference.

Should the Committee members or Treasurer require clarification or assistance with further information regarding any of these procedures, please do not hesitate to contact Council's Senior Financial Accountant and training will be arranged as soon as possible.

6.6 GOODS AND SERVICES TAX (GST) COMPLIANCE

6.6.1 GST Basics

All of Council's Committees must use Camden Council's Australian Business Number (ABN) 31 117 341 764.

Committees are responsible for administering the requirements of GST Legislation ie. charging GST on taxable supplies and correctly identifying input tax credits claimable from the Australian Taxation Office (ATO). Accordingly each Committee must supply Council's finance department

with details of GST applicable to all financial transactions for inclusion in Council's monthly Business Activity Statements (BAS).

Compliance with this request will ensure Council's obligation is met on time and will avoid any interest or penalty chargeable by the ATO.

All suppliers for purchases exceeding \$82.50 (GST-inclusive) must supply a valid Tax Invoice to the Committee prior to payment. If the supplier does NOT have an ABN and is registered for GST, the Committee must obtain a Statement by a Supplier declaration from the supplier. This must be obtained and completed before any payments can be made to that supplier. The completed form must then be kept on record for audit purposes.

Should you require assistance in understanding the requirement of administering the GST, please contact Council's Accounting Officer, Taxation.

6.6.2 Monthly Business Activity Statements (BAS)

Council is required to lodge its BAS 21 days after the end of each month. To enable the Finance Department to meet this deadline, Committees are requested to submit a photocopy of the following Cash Book entries within 10 days after the end of each month.

- a) Income transactions
- b) Expenditure transactions
- c) BAS Report (if using electronic cash books this is automatically generated)

6.6.3 Committee Settlement of GST Obligations

At the end of six months Camden Council will issue each Committee with an invoice or a refund in accordance with GST applicable to the transactions for the past six months. Reconciliations will be send with the invoice or payment.

6.6.4 Record Keeping Requirements

Income

All income must be recorded in the Cash Receipt Book. The income amounts must be posted in the income analysis columns net of GST, and GST charged/collected must be posted in the GST column,

- a) A valid tax invoice/receipt must be issued for all supplies of goods and services. For a tax invoice to be valid for payments under \$1,000, it must include the following:
 - b) The words "Tax Invoice" stated prominently
 - c) Camden Council's name stated

- d) Camden Council's ABN stated, ie. 31 117 341 764
- e) The date the tax invoice/receipt was issued
- f) A brief description of the items/services sold
- g) The GST-inclusive price of the taxable sale
- h) The GST amount – this can be shown separately or, if the GST to be paid is exactly one-eleventh of the total price, as a statement such as "Total price includes GST".

For payments of \$1,000 or more, a valid Tax Invoice must include the following:

1. The words "Tax Invoice" stated prominently
2. Camden Council's name stated
3. Camden Council's ABN stated, ie. 31 117 341 764
4. The date the tax invoice/receipt was issued
5. The buyer's name
6. The buyer's address or ABN
7. A brief description of the items/services sold
8. The GST-inclusive price of the taxable sale
9. The GST amount – this can be shown separately or, if the GST to be paid is exactly one-eleventh of the total price, as a statement such as "Total price includes GST".

Copies of tax invoices/receipts issued must be filed in chronological order for ease of reference and audit purposes.

Expenditure

All expenditure must be recorded in the Cash Book. The expenditure amounts must be posted in the expenditure analysis columns net of GST, and GST payable on the supply must be posted in the GST column.

All taxable supply payments must be supported by valid tax invoices to enable to Committee to recoup input tax credits. Again all taxable invoices must include the elements mentioned earlier.

All payment vouchers must be filled in chronological order for ease of reference and audit purposes.

Petty Cash

All petty cash docketts that have a GST component must have supporting tax invoices filed with reimbursements payment voucher.

7. RISK MANAGEMENT AND INSURANCE

7.1 RISK MANAGEMENT

Risk management is a method of taking preventative and precautionary measures to avoid injury, loss and damage, to either persons or property. As a Committee of Council, the Management Committee has a duty of care to ensure the health, safety and welfare of persons using the facility. This involves regular maintenance, to keep the facility and grounds safe, clean and tidy, as well as a system of inspection to detect faults and hazards at an early stage.

7.1.1 General

Council and Committees of Council, have a wide range of potential liability.

Liabilities can be based on statute and common law duties of care. To ensure compliance there must be appropriate policies, procedures and practices in place.

The following guidelines are attached for the Committee to use to ensure the appropriate documentation is kept to evidence the due diligence process and ensure all responsible steps are being taken to identify the risk to the Committee and users of the facility.

7.1.2 Hazards

A hazard is a situation which could potentially cause injury to a person or damage to property. If a hazard requires urgent attention a warning should be placed near the hazard to alert users of the facility to the danger. The Management Committee must contact Council to advise.

Committees are urged to apply some rules for hirers of facilities such as restacking of tables and chairs, cleaning spills from floors, rubbish removal eg "chairs must be stacked in sets of no higher than x and placed against the wall".

A routine inspection process will alert Committees to possible dangers or faults, fire or accident risks to users of the facility, and can be carried out periodically using the Hazard Checklist. A copy can be forwarded to Council for action if required.

7.1.3 Fire Protection

All Council facilities should be supplied with fire and safety equipment and information on how to use it. If this is not available Council must be notified immediately. Equipment will be inspected twice annually by a professional qualified contractor. This is organised by Council's Assets Department. If the equipment is used irresponsibly by a hirer this should be deducted from the hirer's bond.

7.1.4 Emergency Exits (Buildings)

All exits must be identified by an illuminated exit sign and inspected by a qualified contractor. Emergency exit routes must be kept clear at all times. Exit doors should not be barred or locked at any time while the facilities are in use. An Emergency Management Plan (EMP) should be developed for any group who regularly uses a building. Council has a template that will assist Committees with this task.

7.1.5 Building Inspections

Regular inspections are essential to identify potential risks, and to assist in the defence of claims brought against Council. Inspections must be thoroughly documented. The Committee will be responsible for inspection of the facilities under their control.

Inspections may be either formal or informal.

(i) Formal Inspections

Inspection of the facilities under the Committee's control must occur and be documented using checklists at least once every 6 months.

(ii) Informal Inspections

Informal inspections are incidental in the course of Committee business. Any defect or problem discovered must be dealt with

(iii) Safety Inspections by Hirers

It is the responsibility of the user groups/hirers to ensure that any field or facility is safe for the use immediately before and during its use. This will include ensuring there are no holes likely to cause injury and any broken glass and other hazardous matter is removed.

7.2 INSURANCE

7.2.1 General

Council is required to take out insurance policies to cover Council's liability as a consequence of Council's business activities. These policies include:

- i) Public Liability;
- ii) Professional Indemnity;
- iii) Personal Accident;
- iv) Casual Hirers; and
- v) Property.

7.2.2 Notification

Management Committees and hirer/user groups are instructed that any matter or incident which may give rise to a claim against Council must be reported to Council as soon as practicable. This will ensure that investigations and remedial actions can be undertaken to protect Council's interests

Council has a responsibility to notify its insurer as soon as a potential claim is known. Management Committees may receive advice regarding claims via writing or telephone call or by observation. Once the Committee becomes aware of potential claim they are to notify Council immediately. If Council does not notify of claims which they could reasonably have known about indemnity may be denied by the insurer.

7.2.3 Volunteer Labour

For projects involving volunteer labour, an estimate of numbers and details of the project must be forwarded to Council as soon as possible to ensure the project is covered by and noted on the appropriate policy.

7.2.3 Public Liability Insurance

Public liability insurance provides cover for its legal liability to the public for Council's business activities.

The Management Committee is responsible for the care, control and management of the facility under Section 355 of the Local Government Act. If a third party suffers property damage or personal injury as a result of Council or Committee negligence they are covered under the public liability policy.

The Management Committee should note that the policy does not cover participants of events/and or groups/associations or incorporated bodies. By law, all incorporated bodies, sporting clubs must have their own public liability insurance as they are excluded from Council's policy.

7.2.4 Workers Compensation Insurance

Council's Workers Compensation Policy only covers Council employees. If contractors are engaged they must provide a copy of a current workers compensation policy.

7.2.5 Property Insurance

Council maintains property insurance on all its facilities. This includes contents insurance on equipment owned by Council or the Committee such as furniture, however, it should be noted that an excess of \$2000 applies and so an insurance claim will not be lodge for less than this amount.

Any new equipment purchased by the Committee must be notified to Council for inclusion under the policy.

Other equipment belonging to sports clubs, playgroups etc. is not covered by Council's policy and such groups must be advised to effect their own cover for such items if stored at the facility.

7.2.6 Professional Indemnity Insurance

Professional indemnity insurance usually refers to claims where it is alleged that incorrect advice, certificates or incorrect practice has occurred. The Council may be liable for its conduct arising out of its representations or the conduct of its employees, consultants and Committee members.

As discussed previously in relation to public liability insurance it is essential that all potential claims are reported as soon as practicable and all documentation is collected and investigations conducted as soon as possible.

7.2.7 Casual Hirer Insurance

Council has coverage for casual hirers of its facilities. A casual hirer is a user that hires the facility for a one off activity and excludes incorporated bodies, sporting clubs or associations of any kind. Such excluded groups must by law have their own insurance and the Committee as discussed previously, must sight and keep a copy with the booking documentation.

7.2.8 Personal Accident Insurance

Personal accident insurance covers bodily injury for Committee members whilst engaged in an activity directly or indirectly connected with or on behalf of the Council, including whilst travelling directly to and from such activity.

7.2.9 Child Protection

Child Protection Act – under this legislation 355 Committee members accompanying children on trips or participating in activities conducted by the Committee involving contact with children, must complete and pass a Working with Children Check.

8. CONTRIBUTIONS AND OWNERSHIP

- i) Community groups contributing items for the permanent embellishment of the facility will be informed by the Committee that such a contribution will become the property of Council and will not be for that group's exclusive use.
- ii) Any items provided and funds raised by the Management Committees are the property of Council, however, Council will ensure where possible these items and funds will be put into the development of the Management Committee's facility.

9. COUNCIL POLICIES

9.1 PUBLIC HEALTH

The good health of all the participants using Council's facilities is paramount. All efforts are to be made to identify any areas of the facility which may endanger health and have these areas rectified as soon as possible.

Inspections by Council staff will be carried out on a periodic basis, however, the Management Committee must ensure there is no risk to the health of the users of the facility.

In order to reduce the risk of health problems associated with the operation of Council's facilities the following guidelines should be adhered to:

9.1.2 Food Preparation

- Food preparation and eating areas are to be kept in a clean and hygienic condition.
- Food is to be maintained at a temperature above 60° or below 5°C.
- Ensure soap and disposable hand towels/hand dryers are available.
- Good personal hygiene is to be practiced by those handling food.
- Avoid unnecessary handling of food with bare hands – use tongs and forks.
- Ensure that cooked and raw food is stored separately to prevent cross contamination.
- Cooking utensils and equipment are to be kept clean.
- The necessary steps are to be taken to keep the food preparation and eating areas free of pests and vermin.
- New facilities or alterations to food preparation area should comply with Council's Food Premises Code.

9.1.3 Toilets and Showers

Toilets and showers are to be kept in a clean and hygienic condition.

9.1.4 Effluent Disposal

- No primary treated effluent should be discharged to the surface of the ground.
- Effluent disposal systems must be managed and maintained in a way that does not create a public health risk or pollute any water courses.
- Septic tanks should be desludged every 3 to 5 years.

All approvals issues for effluent disposal systems should be adhered to.

9.1.5 No Smoking

Council has resolved that all buildings and vehicles/plant are to be "Smoke Free" and as such the Committee is required to enforce this Resolution and ensure that all smoking is carried in the open.

9.1.6 Sun Protection Policy

Council has a Sun Protection Policy which requires all Council employees, volunteers, and engaged contractors to take due care in protecting their skin from the sun/ultra violet light. The Committee is therefore required to ensure this policy is followed by Committee Members who are engaged on Committee business or engaged contractors working on the facility.

9.2 ANTI DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

Discrimination means being treated less favourably and unfairly.

The Anti Discrimination Act 1977 (NSW) is designed to promote equality of opportunity for all people. Under the Act, it is illegal to discriminate on the grounds of:

- sex;
- pregnancy;
- marital status;
- physical or intellectual impairment
- homosexuality (male or female, actual or presumed);
- race, colour, ethnic or ethno-religious background;
- age (but only in relation to compulsory retirement),
- Sexual Harassment is also illegal under this Act:

- Racial Discrimination Act 1975;
- Sex Discrimination Act 1984;
- Human Rights and Equal Opportunity Commission Act 19186;
- Affirmative Action (Equal Opportunity for Women) Act 1986;
- Disability Discrimination Act 1992.

Discrimination or unfair treatment may be direct or indirect. *Direct discrimination* occurs when, for example, a person is refused a job or access to your facility simply because they have a disability. *Indirect discrimination* occurs when requirements (selection criteria, for example) practices or policies which seem neutral have an effect which actually results in disadvantaging particular group of people.

Both direct and indirect discrimination are against the law. The anti-discrimination laws cover both your employment practices and the way in which your services/programs or facilities are provided. Are they accessible and available equally to everyone?

Key Issues

The Management Committee needs to understand what direct and indirect discrimination is.

The Management Committee needs to understand the impact of anti-discrimination law on its hiring practices and policies and the way in which the facility's services are provided.

Council has an Equal Employment Opportunity Policy which requires the Committee to comply with this policy in the selection of contractors or election of Committee members.

9.3 ILLEGAL DRUG AND ALCOHOL POLICY

Council has a policy on the prohibited use of illegal drugs and alcohol by Council staff. This policy also applies to Council's Management Committees when carrying out their duties as Committee members.

9.4 RESPECT AND DIGNITY IN THE WORKPLACE

Camden Council is committed to all staff being polite, professional and responsive, and ensuring that all have a work environment free from behaviour that is humiliating, offensive or intimidating to other employees. This policy is applicable to all staff, Councillors and members of Council committees.

9.5 VOLUNTEER LABOUR

All tasks requiring volunteer labour must have job description written by the Committee and approved by Manager of Community Services before commencing. Council procedures for recruiting volunteers apply also.



ORDINARY COUNCIL

ORD16

ORD16

SUBJECT: MEMORANDUM OF UNDERSTANDING BETWEEN COUNCIL AND POLICE CITIZENS YOUTH CLUBS FOR THE CONSTRUCTION AND LEASE OF A PCYC
FROM: Director Works & Services
BINDER: Community Facilities PCYC

PURPOSE OF REPORT

To progress the establishment of a Police Citizens Youth Club (PCYC) in the Camden Local Government Area PCYC NSW have requested that Council enter into a Memorandum of Understanding (MOU). The MOU precedes a participation agreement and eventually a lease which will be prepared and reported at a latter date when further information is available.

BACKGROUND

In 2007 Council identified and quarantined a section of Hilder Reserve in Elderslie as the site for a future PCYC. In October 2011 the NSW Government called for Expressions of Interest to be submitted for funding, to establish new PCYCs. Council resolved to submit an EOI to establish a PCYC at the Hilder Reserve site. Given the high level of concern expressed by adjoining residents regarding the initially identified site at Hilder Reserve, and the availability of an alternate site which is suitable for the purpose, the Gregory Hills Open Space site was confirmed as Council's preferred site for the establishment of a PCYC in December 2011. The NSW government has made \$2million available for the construction of a PCYC in Camden and PCYC NSW has requested that we enter into this MOU as the first step in the process.

MAIN REPORT

The MOU will secure the funding earmarked by PCYC NSW for the establishment of Camden's PCYC. Over the next few months decisions will need to be made and action taken regarding design, establishing the local steering group, deciding on Council's role in the construction of the facility and also identifying and securing additional funds or allocation of Council funds depending on the final design and costing. These details will be the subject of reports and workshops in 2013. The document is a standard agreement used for the establishment of a PCYC in NSW and is an attachment to this report. Much of the detail of costing, funding and sources of that funding still need to be obtained and negotiated, however, at this stage it is important to secure the funding that is available. Following advice from Council's Solicitor, we are proposing some minor amendments to the standard MOU.

- Clause 4 and Clause 5 – Insert, after negotiate, *and will use its best endeavours.*
- Clause 22 – insert point iv – *except where it is deemed necessary for compliance of its statutory obligations.*



ORD16

The benefits of establishing a PCYC in the Local Government area are numerous, most notably, the provision of full time staff to provide programs and activities for young people being funded externally. This will assist in meeting a long standing community need, first identified in the Youth Strategic Plan in 2005; a need which will continue to grow as our population increases.

CONCLUSION

As the first step in establishing a PCYC for the Camden LGA an MOU between Council and PCYC needs to be signed.

RECOMMENDED

That Council:

- i. endorse the proposed amendments to the standard Memorandum of Understanding (Clauses 4, 5 & 22) based on the advice of Council's solicitor; and**
- ii. affix the Seal to the Memorandum of Understanding between Council and PCYC.**

ATTACHMENTS

1. Memorandum of Understanding

Memorandum of Understanding

- Recitals**
- A The parties seek to develop and manage the Facility at the Site in the Area.
 - B The development and subsequent operation of the Facility is designed to meet the Joint Objectives.
 - C This MOU reflects the respective commitments of the parties in relation to their proposed Collaboration to develop and manage the Facility and achieve the Joint Objectives in the Area.
 - D This MOU is not legally binding except where expressly indicated.
 - E Subject to reaching agreement on the formal terms of the Collaboration, the parties propose to formalise terms of the Collaboration by entering into a Participation Agreement and Lease.
 - F Capitalised terms used in this MOU are either defined in clause 30 of this MOU or have the meanings attributed to them in the Schedule of Key Details.

It is agreed:

Parties and Project		
1.	Parties	The parties will be PCYC and the Council.
2.	Collaboration	The parties propose to collaborate to achieve the Joint Objectives in the Area by establishing the Facility at the Site.
3.	Joint Objectives	<p>(a) Both parties agree to collaborate to promote the joint objectives of:</p> <ul style="list-style-type: none"> (i) youth development in the Location; (ii) the promotion of individual and community participation in the Activities; (iii) the promotion and development of programs to reduce crime by and against young people. <p>(b) The Agreements and this MOU are intended to give effect to the Joint Objectives by joint investment in the Collaboration and enabling the Facility to be developed and operated by PCYC at the Site.</p>

Reference:

Memorandum of Understanding

ORD16

Attachment 1

Contemplated Agreements		
4.	Participation Agreement	<p>Subject to clause 23, the parties will negotiate to enter into a Participation Agreement relating to the development and operation of the Facility on terms which (unless the parties agree otherwise during the course of negotiations) will:</p> <ul style="list-style-type: none"> (a) reflect the terms set out in this MOU with respect to the Joint Objectives, the financial commitments of the parties, the Works to be completed by each party, insurance, warranties and indemnities and any other relevant provision of this MOU; (b) include a licence for PCYC to access the Site for the purposes of carrying out the PCYC Works and related purposes; (c) include provisions setting out the ongoing rights and obligations of the Council and PCYC in relation to PCYC's operation of the Facility in accordance with the relevant provisions of this MOU; (d) include provision for the Lease to commence on completion of all of the Works; (e) include provisions for PCYC and the Council to establish the Joint Project Group and for PCYC to establish the Club Advisory Committee; and (f) include obligations on the parties to take out and maintain insurance in accordance with the Insurance Requirements.
5.	Lease	<p>The parties will negotiate to enter into a Lease of the Site with the Council (as landlord) and PCYC (as tenant), on the following terms:</p> <ul style="list-style-type: none"> (a) the Lease will commence after the completion of all of the Works; (b) the rent payable by PCYC under the Lease will be equal to the Rent; (c) PCYC will be entitled to occupy the Site for the Initial Term; (d) PCYC will have an option to extend the Lease for the Option Term after the expiry of the Initial Term.
6.	Interdependence	<p>The parties acknowledge and agree that the Participation Agreement and Lease will be interdependent contracts.</p>

Reference:

Memorandum of Understanding

Financial Commitments		
7.	[DELETE IF NOT APPLICABLE] PCYC Contribution	<p>(a) PCYC must contribute the PCYC Contribution towards the Collaboration by way of a payment to Council on satisfaction of the PCYC Contribution Conditions. [Optional: If the PCYC Contribution is a Government grant, PCYC's obligation under this clause is subject to and conditional on PCYC receiving the relevant funds from the Government.]</p> <p>(b) Council must use the PCYC Contribution for the purposes of completing the Council Works.</p> <p>(c) Any costs incurred by Council in connection with the Council Works in excess of the PCYC Contribution Amount are to be borne entirely by Council.</p>
8.	[DELETE IF NOT APPLICABLE] Council Contribution	<p>(a) Council must contribute the Council Contribution towards the Collaboration by way of a payment to PCYC on satisfaction of the Council Contribution Conditions.</p> <p>(b) PCYC must use the Council Contribution for the purposes of completing the PCYC Works.</p> <p>(c) Any costs incurred by PCYC in connection with the PCYC Works in excess of the Council Contribution are to be borne entirely by PCYC.</p>
9.	[DELETE IF NOT APPLICABLE] Government funding	Council and PCYC will use their best endeavours to raise State and Commonwealth funding for further development of the Facility going beyond the development and construction of the Facility, where that development meets the Joint Objectives.

The Works		
10.	Joint Project Group	PCYC and the Council must establish the Joint Project Group in accordance with the requirements set out in the Key Details Schedule before or as soon as reasonably practicable after the execution of the Participation Agreement.
11.	Design	All designs must be approved by the Joint Project Group.
12.	Approvals	PCYC/Council will obtain all Approvals, and any other necessary authorisations required to achieve the Development
13.	Timeframe	<p>(a) [DELETE IF NOT APPLICABLE] Council must use its best endeavours to ensure that the Council Works are completed by the Council Works Completion Date.</p> <p>(b) [DELETE IF NOT APPLICABLE] PCYC must use its best endeavours to ensure that the PCYC Works are completed</p>

Reference:

Memorandum of Understanding

ORD16

		by the PCYC Works Completion Date.
14.	Maintenance	Council will commit to an agreed timetable for future Facility maintenance and potential upgrades.

Attachment 1

Operation of the Facility		
15.	Club Advisory Committee	<p>(a) PCYC and the Council must establish the Club Advisory Committee in accordance with the requirements set out in the Key Details Schedule before or as soon as reasonably practicable after the execution of the Lease and Participation Agreement.</p> <p>(b) Council must advise its insurer that PCYC has an interest in the Facility. A party must provide the other party with a certificate of currency or other evidence of its compliance with its obligations under this clause at the request of the other party.</p>
16.	Revenue and Losses	<p>(a) Net revenue from operation of the Facility will be applied by PCYC for the Approved Revenue Purposes.</p> <p>(b) PCYC will carry any operating losses from the Facility.</p>

Insurance, Warranties and Indemnities		
17.	Insurance	<p>(c) Council and PCYC will agree to take out and maintain the Insurance Policies.</p> <p>(d) Council must advise its insurer that PCYC has an interest in the Facility.</p> <p>(e) A party must provide the other party with a certificate of currency or other evidence of its compliance with its obligations under this clause at the request of the other party.</p>
18.	Warranties and Indemnities	The Lease and Participation Agreement will include appropriate indemnities and warranties to reflect each party's obligations and liabilities including but not limited to those described in items 15 and 16.
19.	Indemnity – Council	Council will indemnify PCYC and its officers, employees, contractors (including sub-contractors) and agents (those indemnified) from and against all Claims (including legal costs on a full indemnity basis awarded against or incurred by those indemnified) that those indemnified may sustain or incur as a result,

Reference:

Memorandum of Understanding

		<p>whether directly or indirectly, caused by:</p> <ul style="list-style-type: none"> (a) any breach of the Lease or Participation Agreement by Council or its Personnel; (b) any negligent, unlawful or fraudulent act or omission by Council or its Personnel; (c) any Claim by any Personnel of Council against those indemnified in connection with the Collaboration; (d) any Claim by a third party arising from an act or omission of Council or its Personnel in connection with the Collaboration; and (e) any Claim by a third party who is not a PCYC Club Member, invited to the Facility by the Council.
20.	Indemnity - PCYC	<p>PCYC will indemnify Council and its officers, employees, contractors (including sub-contractors) and agents (those indemnified) from and against all Claims (including legal costs on a full indemnity basis awarded against or incurred by those indemnified) that those indemnified may sustain or incur as a result, whether directly or indirectly, caused by:</p> <ul style="list-style-type: none"> (a) a breach of the Lease or Participation Agreement by PCYC or its Personnel; (b) any negligent, unlawful or fraudulent act or omission by PCYC or its Personnel; (c) a Claim by any Personnel of PCYC against those indemnified in connection with the Collaboration, and (d) a Claim by a third party arising from an act or omission of PCYC or its Personnel in connection with this MOU.

Binding obligations		
21.	Term	<p>This MOU has effect from the Commencement Date until:</p> <ul style="list-style-type: none"> (a) the parties enter into the Participation Agreement; (b) the parties agree not to enter into a Participation Agreement; or (c) this MOU is terminated in accordance with clause 24.
22.	Confidentiality	<ul style="list-style-type: none"> (a) A party may only use the Confidential Information of another party for the purposes of this MOU, and must keep all Confidential Information of another party strictly confidential except where:

Reference:

Memorandum of Understanding

ORD16

Attachment 1

		<ul style="list-style-type: none"> (i) the information is public knowledge (but not because of a breach of this term) or the party has independently and subsequently created the information; (ii) disclosure is required by law or a regulatory body (including any obligation to make a disclosure in accordance with section 47 of the <i>Local Government Act 1993</i> (NSW) if applicable; or (iii) both parties agree that disclosure concerning this MOU or the Collaboration to other community members or organisations is appropriate on the basis that the person keeps the information confidential on the same terms as this provision. <p>(b) This clause 22 is binding on the parties.</p>
23.	Negotiate in good faith	<p>(a) The parties must negotiate in good faith to reach final agreement on the terms of the Lease and Participation Agreement within the Negotiation Period, unless extended by agreement of the parties.</p> <p>(b) From the Commencement Date until the expiry or termination of this MOU in accordance with item 21, each party must:</p> <ul style="list-style-type: none"> (i) ensure that a representative is available to discuss to negotiate on behalf of the party, either in person or by electronic communication, on a regular basis; (ii) devote adequate internal and external resources to the negotiation; and (iii) promptly respond to any submissions made by the other party. <p>(c) This clause 23 is binding on the parties.</p>
24.	Termination	Either party may terminate this MOU by giving the other party 14 day's written notice if the Participation Agreement is not executed by the Sunset Date, or such other dates as are agreed between the parties.
25.	Status of obligations	Except to the extent that this MOU expressly states that a clause is binding on the parties, the parties are not legally bound by anything contained in this MOU unless and until they execute documents giving effect to any of these terms.

General		
26.	Contact persons	The primary point of contact for PCYC and the Council are the PCYC Contact Person and the Council Contact Person

Reference:

Memorandum of Understanding

		respectively.
27.	Assignment	Neither party may assign their obligations under this MOU without the prior written consent of the other party.
28.	Costs	Each party will pay their own legal and other costs incurred in connection with the negotiation of this MOU and the agreements contemplated by this MOU.
29.	Governing Law	New South Wales

Definitions		
30.	Definitions	<p>Approvals means the development consents, planning approvals, certification and construction permits and any other necessary authorisations required.</p> <p>Claim means claim, demand, liability, loss, damage, proceedings, fine, penalty, costs, charges or expenses.</p> <p>Confidential Information means:</p> <ul style="list-style-type: none"> (a) the existence or terms of this MOU; (b) information that is: <ul style="list-style-type: none"> (i) by its nature confidential; (ii) designated by the person disclosing it as confidential, as such information contains or possesses the characteristics of confidentiality; or (iii) the person receiving it knows or ought to know is confidential (c) notes and other records each party prepares based on or incorporating the information referred to in any of paragraphs (a) or (b); (d) copies of the information and the notes and other records referred to in any of paragraphs (a) to (c); and (e) information referred to in any of paragraphs (a) to (d), in any medium whether or not in material form and whether disclosed before or after the date of this MOU. <p>Development Period means the period between the date on which the Lease and Participation Agreement are executed and the date on which the Lease commences.</p> <p>Facility means the facility described in item 8 of the Schedule of</p>

Reference:

Memorandum of Understanding

ORD16

Attachment 1

ORD16

Attachment 1

		<p>Key Details.</p> <p>Insurance Policies means the insurance policies described in item 11 of the Schedule of Key Terms.</p> <p>Lease means the lease to be entered into between the Council (as landlord) and PCYC (as tenant) in accordance with clause 5</p> <p>Participation Agreement means a binding legal agreement between PCYC and the Council which sets out the rights on obligations of the parties in relation to the development and operation of the Facility on terms consistent with the terms set out in this MOU unless the parties agree otherwise</p> <p>Personnel means any person working with, for or under the direction of a party.</p> <p>Works means the Council Works or the PCYC Works as the context requires.</p>
--	--	---

Reference:

Memorandum of Understanding

SIGNED SEALED & DELIVERED by CHRIS)
GARDINER as Delegate on behalf of Police)
Citizens Youth Clubs NSW Limited)

Signature of Witness

Print name

The COMMON SEAL of [INSERT COUNCIL])
was hereunto affixed in pursuance of a)
Council resolution passed on the day of)
2012 in the presence of:)

Mayor – [NAME]

General Manager – [NAME]

ORD16

Attachment 1



ORD17

ORDINARY COUNCIL

ORD17

SUBJECT: ADDITIONAL NOMINATION TO TOWN FARM AND BICENTENNIAL EQUESTRIAN PARK COMMITTEE

FROM: Director Works & Services

BINDER: S355 Committees

PURPOSE OF REPORT

To appoint an additional member to the Town Farm Committee and an additional member to the Bicentennial Equestrian Park Committee (BEP).

BACKGROUND

Nominations have been called for all committees. This was done by advertising in the local print media and on Council's website, and also advising all existing committee members. Council staff also met with CIFA representatives and the Seniors Program Committee to explain the process. A public meeting was advertised and held for the purpose of providing information to any community member who may be considering nominating or wanting additional information. Committee nominations were reported and appointments made by Council to the four community management committees earlier this month.

MAIN REPORT

A long standing member of the BEP committee, Mr Louis Walter Davies (Sandy), of The Oaks, also indicated that he wished to be considered for membership of the Town Farm committee. However, the information included on one form was overlooked. The inclusion of this community member will assist the Town Farm committee, as Mr Davies has served as Treasurer of the BEP and is familiar with the requirements of Council with regard to reporting and other financial requirements.

Mr Tony Mogg from Sydney University Cobbitty Veterinary School is a long standing member of the BEP Committee and provides valuable animal care advice. Mr Mogg has also requested reappointment to the committee although his nomination was not received by the closing date for the original report.

CONCLUSION

Mr Sandy Davies has indicated that he would like to be considered for appointment to the Town Farm Committee, in addition to his appointment to the BEP committee.

Mr Tony Mogg has requested inclusion on the BEP Committee.

RECOMMENDED

That Council:

- i. appoint Mr Walter Louis Davies (Sandy) of The Oaks, to the Camden Town Farm Committee; and**
- ii. appoint Mr Tony Mogg from Sydney University to the BEP Committee.**



ORDINARY COUNCIL

ORD18

ORD18

SUBJECT: VARIATION OF THE 2012/2013 WORKS PROGRAM
FROM: Director Works & Services
BINDER: 2012/2013 Works Program

PURPOSE OF REPORT

The purpose of this report is to seek Council approval to defer reconstruction works on Richardson Road, until such time when Section 94 contributions are fully collected from the Camden Contributions Plan 2011, and made available for this section of road. In the meantime it is proposed to reallocate 2012/13 General Funds to other urgent road reconstruction/improvement works within Camden Local Government Area (LGA).

BACKGROUND

Currently \$880,000 has been allocated from General Funds and Roads to Recovery for Richardson Road reconstruction work, for upgrading a 200 metre section south of Welling Drive roundabout, to an urban road standard. The reconstruction work includes kerb & gutter, underground power and associated streetscape. However, as funding for this section of Richardson Road is included in Camden's Section 94 Contributions Fund, it is proposed to redirect approved budgets to other projects within Camden LGA.

MAIN REPORT

The upgrading work on the 200 metre section of Richardson Road, south of Welling Drive roundabout, can be funded out of Camden's Section 94 Contributions Fund and General Funds. The budget allocation from the Camden Contributions Fund 2011 for this project, can not be confirmed until all costs for future construction work within the Contributions Plan for Richardson Road have been fully committed.

Pavement condition for this section of Richardson Road, south of Welling Drive roundabout, is currently in good condition and does not require immediate attention. The programmed reconstruction work can safely be deferred until Section 94 funding arrangements are finalised at a later date.

For the reason described above, and for allowing sufficient time to move power underground, the latter can take a considerable time to complete. It is beneficial at this stage to defer the Richardson Road project and reallocate this budget to other urgent road reconstruction / improvement works.

Urgent road reconstruction work which is not currently in the 2012/13 Works Program, are Greendale Road reconstruction and the sealing of Dowles Lane.

Greendale Road is located on the boundary of Camden and Liverpool LGA's. All costs for maintenance and reconstruction work are shared between the two Councils. Liverpool City Council has advised Camden Council of its plans to commence the rehabilitation program on Greendale Road with reconstruction work occurring on the worst section between Bringelly Primary School and Dwyer Road. Greendale Road can

be carried out when Camden provides its half share of the cost, hence the recommendation to reallocate \$375,000 to this project.

Dowles Lane is one of the two remaining unsealed roads in Camden LGA, the other being the southern end of St Andrews Road Leppington. Residents of Dowles Lane have been requesting to have this road sealed for some time, raising concerns related to dust and safety issues. It has been estimated that over \$2M (excluding land acquisition) would be required to fully reconstruct Dowles Lane to a standard rural road. Council is not in the position to fund this project in the immediate future, even if it were to be carried out in stages.

An interim measure is to seal Dowles Lane in its current formation, relieving residents of the current dust and safety issues. The work can be achieved for \$505,000. This budget will enable Council to seal the existing formation from end to end at a narrower width than a standard rural road. Due to the sub-standard vertical alignment, additional warning and advisory signs will be installed to inform motorists and encourage a reduced speed environment.

CONCLUSION

To benefit from available funding within the Camden Contributions Plan 2011 it is recommended Richardson Road reconstruction/improvement work is deferred. Funding approved from 2012/13 General Funds and Roads to Recovery Program can be utilised to complete two other urgent road construction works within the LGA, allocating \$505,000 to seal Dowles Lane and a further \$375,000 to the reconstruction of Greendale Road, representing Camden Council's half share. Further, Council has available \$50,000 Section 94 funds to facilitate the engineering design plans for the said section of Richardson Road to an urban standard. With the construction of the Camden By-pass / Link Road scheduled to be completed in May 2013, staff will be seeking a budget bid at a future date to facilitate construction of Richardson Road.

RECOMMENDED

That Council:

- i) authorise the deferment of construction work along a 200 metre section of Richardson Road, south of Welling Drive roundabout, from the 2012/13 Works Program budget;**
- ii) reallocate an amount of \$505,000 to carry out the sealing of Dowles Lane, and;**
- iii) reallocate an amount of \$375,000 to reconstruct the portion of Greendale Road between Bringelly Public School and Dwyer Road, representing Camden's half share with Liverpool Council.**