

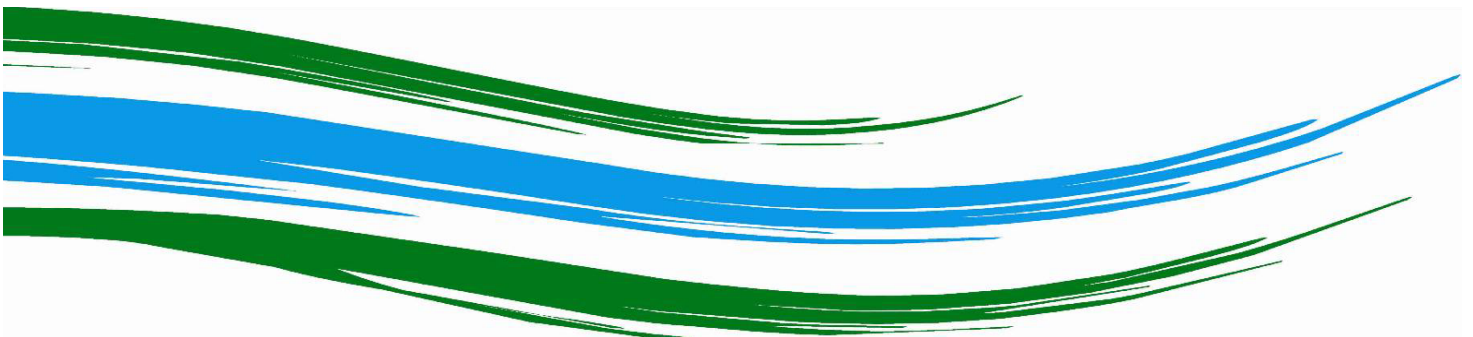


Camden Council

Business Paper

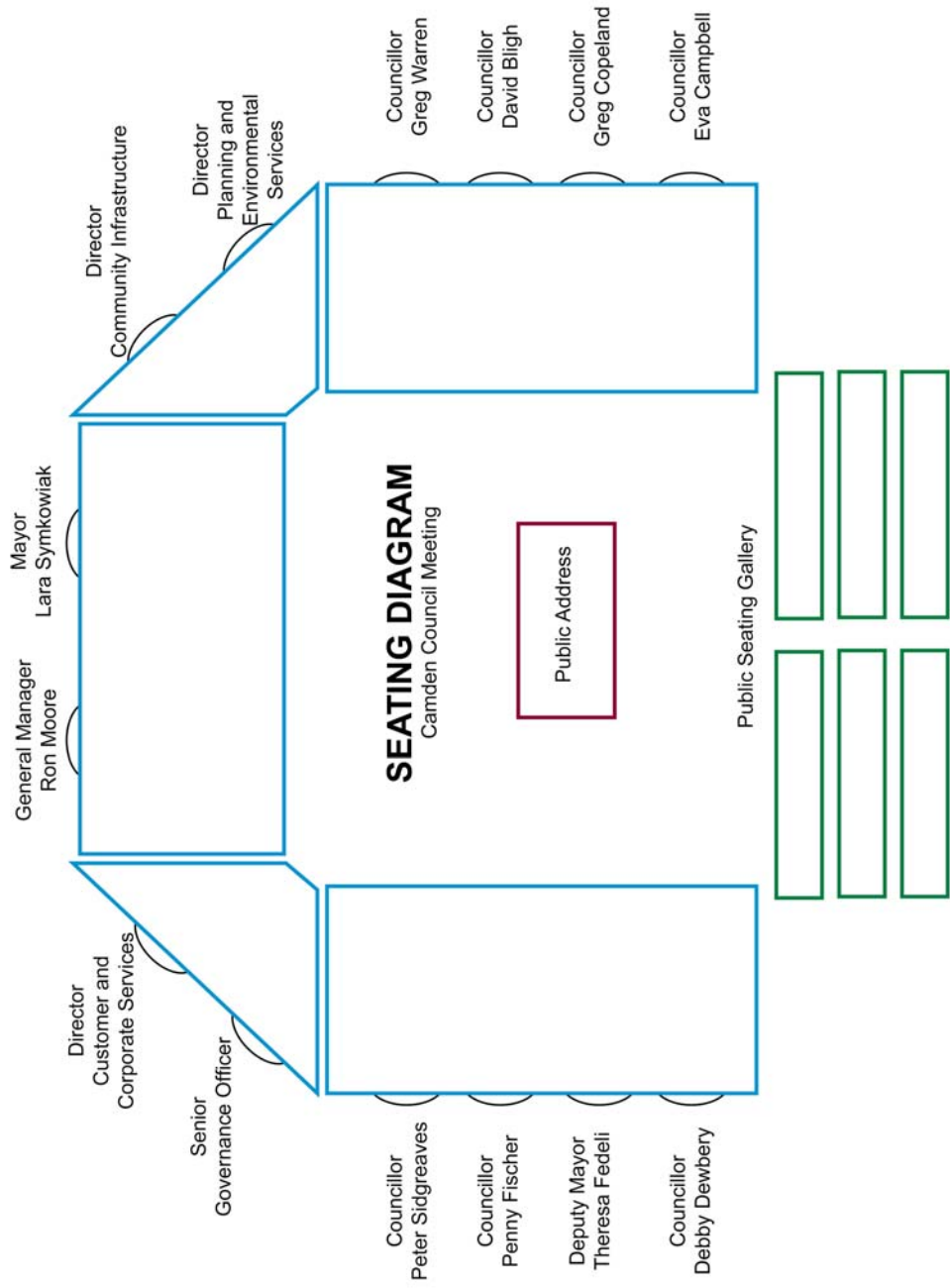
Ordinary Council Meeting
25 November 2014

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
DoPE	Department of Planning & Environment
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
OLG	Office of Local Government, Department of Premier & Cabinet
OSD	Onsite Detention
REP	Regional Environmental Plan
PoM	Plan of Management
RL	Reduced Levels
RMS	Roads & Maritime Services (incorporating previous Roads & Traffic Authority)
SECTION 149 CERTIFICATE	Certificate as to zoning and planning restrictions on properties
SECTION 603 CERTIFICATE	Certificate as to Rates and Charges outstanding on a property
SECTION 73 CERTIFICATE	Certificate from Sydney Water regarding Subdivision
SEPP	State Environmental Planning Policy
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

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ORDINARY COUNCIL

SUBJECT: PRAYER

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: ACKNOWLEDGMENT 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: 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 11 November 2014

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 11 November 2014, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE

Consideration of Mayoral Minute (if any).



ORD01

ORDINARY COUNCIL

ORD01

**SUBJECT: CAMDEN TOWN CENTRE INFRASTRUCTURE IMPROVEMENTS -
COMMUNITY CONSULTATION UPDATE**

FROM: Director Community Infrastructure

TRIM #: 14/184061

PURPOSE OF REPORT

The purpose of this report is to provide Council with the results of the public exhibition of the proposed Camden Town Centre Improvements. This report presents the submissions received as part of the eight (8) week community consultation, and seeks endorsement for the proposed key initiatives as recommended and supported by the community.

BACKGROUND

In 2012, Council resolved to relocate to Oran Park in 2016. In mid 2013, Council established an internal committee to develop a range of strategies and options to support the Camden and Narellan commercial precincts by the time Council relocates.

As part of this work, a Retail and Commercial Study of the Camden Town Centre is being prepared. This Study will provide a sustainable vision for the Camden Town Centre which defines its future form, focus and function. This work will also provide a range of strategies and options for Council's building assets, including the existing administration centre in John Street. This work is currently being finalised and will be brought back to Council for further consideration in early 2015.

In addition to this, Council has been undertaking reviews of the important infrastructure elements of the Town Centre (shown in **Attachment 1**), including traffic movements, car parking, drainage, street lighting, paving and furniture.

In March 2013, Council engaged a consultant to undertake a traffic study for Camden Town Centre. The Camden Town Centre Traffic and Transport Study 2013 focused on transport infrastructure necessary to achieve greater accessibility for all pedestrians and road users, whilst also seeking to retain the unique aspects that the Town Centre currently provides, in terms of its heritage and 'country town' environment.

Previous studies and periods of consultation have highlighted the need to respect, protect and build on the area's unique history, while recognising the area's contribution to the rapidly growing vitality and diversity of the remainder of the LGA. As a first step in this process, Council has prepared a strategy that begins to give physical form to the detailed planning undertaken over the past years. The initial focus of these works is proposed to be a staged upgrade of Argyle Street and the construction of an open top decked car park in Oxley Street.

Council developed an Argyle Street Concept Plan, building on the 2008 Camden Town Centre Strategy, and the Camden Town Centre Traffic and Transport Study 2013. This includes the construction of traffic lights, upgraded pavement alignments and finishes to create a pedestrian friendly environment which will complement the

outcomes of the Retail & Commercial Study of the Town Centre, and respect the town's unique character. This upgraded environment will be furnished with lighting, furniture, landscaping and signage as appropriate to each place in the street and its planned activity.

The aims of these works are to:

- create an environment that will encourage a slower speed environment;
- create an environment which upgrades and enhances pedestrian mobility safety and access;
- enhance the main street of Camden so that it can continue to be relevant in a growing and changing LGA, as well as the broader region;
- create additional parking close to Argyle Street; and
- facilitate the continued retail and commercial success of the Town Centre.

In November 2013, June 2014 and September 2014, Councillor Workshops were held to examine the proposed works and to review extensive consultation with all stakeholders, including resident and business stakeholders.

At its meeting of 8 July, 2014 Council was presented with a range of proposed upgrade works for the town centre of Camden. At this meeting Council resolved to:

- i. *endorse the key initiatives as recommended (Items 1 – 5 of this report) for public exhibition, including:*
 - *traffic lights and pedestrian lights on Argyle Street;*
 - *a decked car park located in Oxley Street (Site 2a);*
 - *reduced traffic lanes and increased footpath width;*
 - *footpath paving material; and*
 - *street furniture.*
- ii. *undertake an eight (8) week public exhibition as outlined in this report; and*
- iii. *be provided with a further report detailing the results of the public exhibition.*

This report presents the submissions received as part of the eight (8) week community consultation for the Camden Town Centre Improvements, and seeks endorsement for the proposed key initiatives as recommended and supported by the community.

MAIN REPORT

For a period of eight (8) weeks, from 23 July to 17 September, 2014 Council undertook an extensive period of public exhibition. This consultation invited feedback from the community, businesses and relevant stakeholders.

Throughout the consultation period Council attended the following community events:

- Community Workshop 1 – 29 July – Introduction and overview of proposed public domain works capturing people's issues and aspirations.
- Community Workshop 2 – 27 August – Main focus of the workshop was on the Retail and Commercial Study with an update provided on the progress of the public domain improvements considering preliminary feedback.
- Community Workshop 3 – 3 November – Workshop was focused on the Retail and Commercial Study with an update providing the community on final preliminary consultation results (Consultation closed 17 September)
- BIBS & Storytime Camden Library

- BIBS & Storytime Narellan Library
- Camden Senior Citizen's Centre
- Harrington Park Over 55's
- Carrington Retirement Village
- Narellan Probus
- Chamber of Commerce Camden and Narellan
- Historical Society
- Camden Youth Council
- Access Community Advisory Group
- Camden Rotary

In addition Council undertook the following in order to reach as wide an audience as possible:

- advertisements in local papers, road side banners;
- surveys with business and community representatives;
- information and regular updates on Council's website, Facebook, media releases;
- information displays at various locations including Council Offices and Libraries;
- update letters from the Mayor through the consultation period on the community events and council process;
- letter box drop throughout the town centre;
- an online survey and street survey; and
- additional questions included in the Camden Council Sustainability Indicators Survey 2014.

During the eight (8) week period Council presented to over 600 people, received 587 formal submissions and within these submissions there were over 3000 individual comments.

To determine findings, the results of all submissions and comments made through each activity were collated, categorised and analysed by Council officers. These results and the individual submissions were further analysed through an independent audit. The results of the independent audit were consistent with Council's analysis.

In most cases it was clear whether the comment was in support or not in support of an initiative. However, in some situations this was not clear, and on this basis was included in the neutral category. Unless a submitter clearly indicated that they were neutral on a topic the audit interpreted submissions as being either positive or negative.

Other comments that did not relate directly to an element of the proposal were recorded and analysed as part of the retail and commercial study and vision analysis.

The following tables present the results of the independent analysis of the submissions for each of the endorsed key initiatives. The Town Centre Report – JBA Report on Review of Submissions (**Attachment 2**) and the individual submissions (provided in the **Supporting Documents**) are available as attachments to this report.

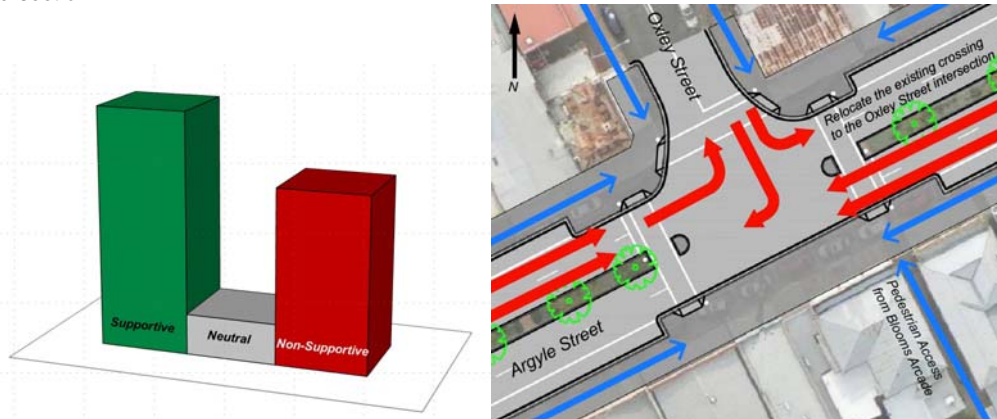
Key Initiatives

1. Traffic signals

a) Oxley Street and Argyle Street signalised intersection

	Support	Neutral	Non-support	Total
Number of Submissions	221	40	172	433
Percentage breakdown	54.4%	9.2%	39.4%	100%

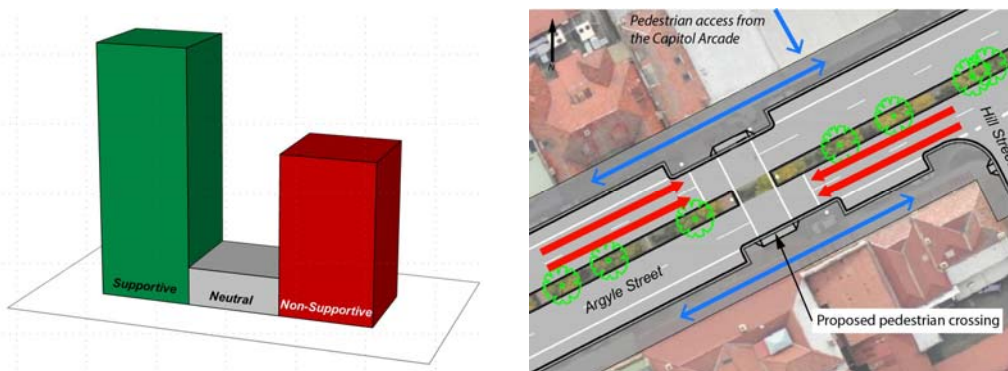
Table 1 – Community consultation results summary for the Oxley Street and Argyle Street signalised intersection.



b) Pedestrian signals east of John Street

	Support	Neutral	Non-support	Total
Number of Submissions	240	36	151	427
Percentage breakdown	56.2%	8.4%	35.3%	100%

Table 2 – Community consultation results summary for the Pedestrian signals east of John Street.



Discussions:

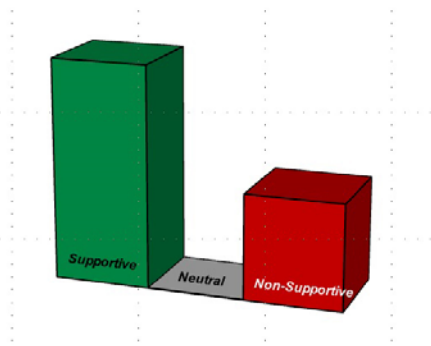
Most people supported the proposal for a fully signalised intersection at Argyle Street and Oxley Street. Together with the installation of pedestrian traffic lights, the idea of installing traffic lights in Argyle Street attracted the largest number of comments of any

issue and was strongly supported. Frequent comments in support of the traffic lights cited improved pedestrian safety.

**2. Decked car park in Oxley Street adjacent to the Civic Centre (Site 2a)
Does Camden need a decked car park?**

	Support	Neutral	Non-support	Total
Number of Submissions	287	4	124	415
Percentage breakdown	69.1%	0.9%	29.8%	100%

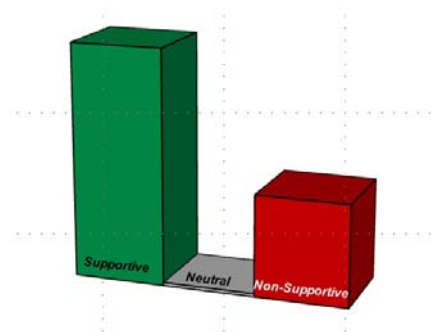
Table 3 – Community consultation results summary on the need for a decked car park in Camden.



Location of the car park in Oxley Street

	Support	Neutral	Non-support	Total
Number of Submissions	116	3	67	186
Percentage breakdown	62.7%	0.1%	36%	100%

Table 4 – Community consultation results summary on the location of the proposed decked car park in Camden.



Discussions:

The majority of community responses to the Oxley Street car park support the proposal. Further, comments in support noted a lack of street parking in Argyle Street and that a solution to increase car parking was long overdue.

The Oxley Street, Site 2a, was preferred over other alternatives. There was strong opinion provided both for and against the Oxley Street location, with supporters claiming that it is a central location close to the main concentration of shops, with people not in support noting that there are better, less intrusive uses for such a strategically located and large site.

Of all the categories the car park had the lowest proportion of neutral submissions. This indicated that people were certain in their views, and as such strengthens the validity of the submission analysis.

3. Footpath widening

Issue	Support	Neutral	Non-support	Total
Number of Submissions	294	36	181	511
Percentage breakdown	57.5%	7.1%	35.4%	100%

Table 5 – Community consultation results summary for the footpath widening on Argyle Street, Camden.



Discussions:

The widening of the footpath attracted a large number of submissions. Submissions were largely in support; however one common theme of non-support was the narrowing of the traffic lanes.

The narrowing of traffic lanes received a number of comments. People were concerned that narrowing of the lanes may have an adverse impact on traffic safety due to Argyle Street carrying large vehicles such as trucks and buses.

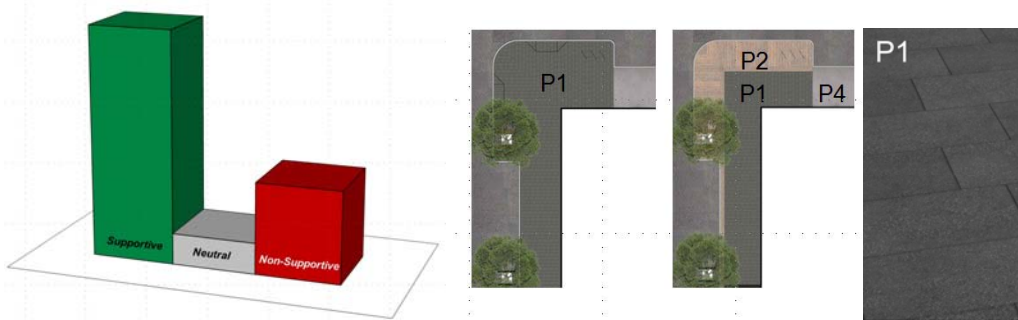
It is also noted that the lane widths are proposed to be reduced from 3.5m to 3.2m, which is still within the recommended lane widths in Austroads of 3 to 3.3 for low speed urban arterial roads.

However, when combined with the widening of the footpaths there was a clear preference for the footpaths to be wider, citing safety, pedestrian mobility and the opportunity for further outdoor dining as the main reasons. The widened footpaths will also facilitate the implementation of the recently adopted Outdoor Dining Policy.

4. Upgrade paving material

	Support	Neutral	Non-support	Total
Number of Submissions	281	38	111	430
Percentage breakdown	65.3%	8.8%	25.8%	100%

Table 6 – Community consultation results summary for the paving material upgrade on Argyle Street, Camden.



Discussions:

There was broad support for the upgrade of the paving and paving material. Specific comments were received from non-supportive submissions for paving tones of more earthy colours, while those in support recognised the long term benefits of the selected option.

5. Style of street furniture

	Support	Neutral	Non-support	Total
Number of Submissions	261	53	81	395
Percentage breakdown	66.1%	13.4%	20.5%	100%

Table 7 – Community consultation results summary for the street furniture upgrade on Argyle Street, Camden.



Discussions:

The majority of submissions recognised the existing street furniture needs to be upgraded. While the results were closer, the majority of residents also supported Councils preferred 'Historically Sensitive' street furniture option. Most non supportive submissions preferred the existing street furniture, and do not want Council to spend money on new street furniture.

Other comments

Further comments were received in relation to the proposed public domain improvements, mostly from the community forums. Comments on traffic were the most frequently occurring, with some feedback expressing concern about potential adverse impacts of the public domain works on traffic flow and safety.

For example, the following comments were received:

- install speed humps in side streets around town centre to prevent excessive speeding;
- reroute traffic from main street (redirect trucks/heavy vehicles from Argyle Street);
- consider only one lane of traffic with a shared car parking/cycle way on Argyle Street; and
- investigate a right turn into Oxley Street for west bound traffic.

In response to these concerns Council is currently considering a range of further town centre upgrades. It is important that this is done in a strategic and considered way and the above comments will be investigated as part of this broader suite of possible upgrades.

Camden Council-Sustainability Indicators Survey 2014 - Management Report

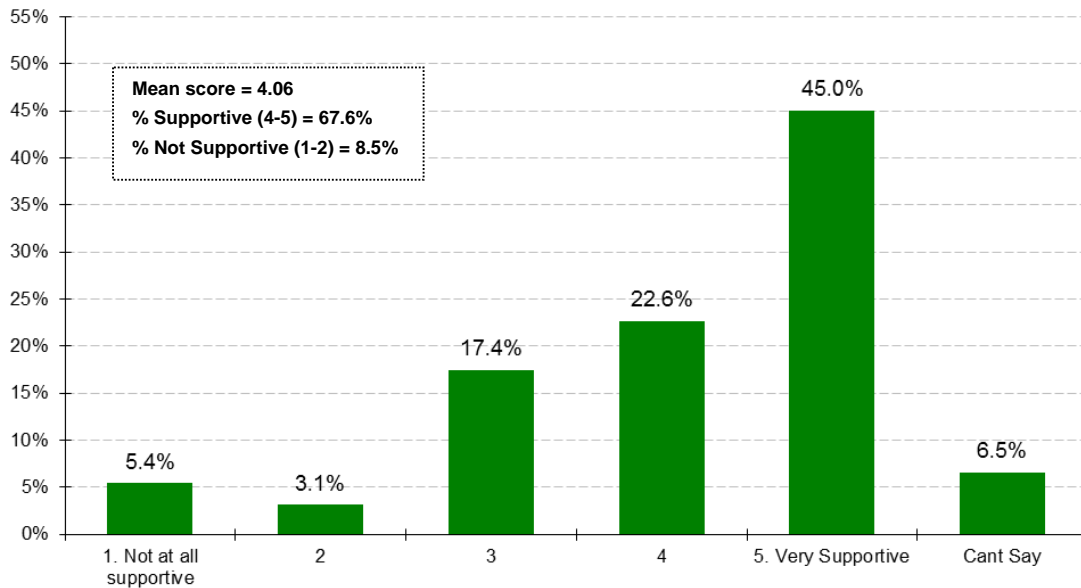
As part of the Camden Council Sustainability Indicators Survey 2014, submission participants were also asked about the proposed Camden Town Centre Improvements

Of the 403 interviews conducted around 46% of residents indicated they were aware of the public domain works.

A follow up question was asked of residents regarding their level of support for the works using a 5 point scale where 1 was 'not at all supportive' and 5 was 'very supportive'.

Residents, as detailed in the following graph, rated their level of support for the proposed public domain works as 4.06 out of 5. This indicates a very supportive view held by residents. Overall two out of three residents support the proposed public domain works, whilst only 8.5% were not supportive.

Camden Council-Sustainability Indicators Survey 2014



SUMMARY OF RECOMMENDED WORKS

Building on prior studies, technical reports and eight (8) weeks of extensive community consultation, the following summarises the recommended works.

1. Traffic Signals

Council has undertaken an assessment to determine the most appropriate location for the introduction of traffic signals on Argyle Street.

The expert assessment of the street indicates that traffic signals on Argyle Street at the intersection of Oxley Street, as well as the introduction of pedestrian signals within the vicinity of the pedestrian crossing between John Street and Hill Street, are the most appropriate locations, providing improved pedestrian safety and traffic flow within Camden. It is recommended that Council endorse the traffic light locations to allow for detail design and implementation, based on:

- the Camden Town Centre Traffic and Transport Study 2013 and improving pedestrian connectivity and safety; and
- broad community support for the proposal.

The signalisation of both the pedestrian crossing and intersection facilities are subject to final design & RMS approval.

2. Decked Car Park

Council has undertaken an assessment to determine the appropriate location for the development of a decked car park as an extension of the Camden Town Centre Traffic and Transport Study.

Of the five potential sites, Site 2a Oxley Street (Adjacent to the Civic Centre) is the most functional and cost effective for the development of a decked car park. Accordingly, it is recommended that Council adopt Oxley Street as the preferred site to allow for design, based on:

- the Decked Car Park Assessment scoring the highest;
- increased car park capacity closest to Argyle Street when compared to other Council owned car parks;
- minimal impact on adjoining sites; and
- broad community support for the proposal.

The proposed decked carpark is planned for construction in 2016/17 with an indicative budget of \$3.6M allocated from Section 94 cash reserves in the 2014/15 budget. Design will commence following further consultation to confirm the final concept design.

Should Council resolve to adopt the Oxley Street location for the decked car park, the Camden Contributions Plan 2011 will require amendment to reflect this change.

3. **Footpath Width**

Council has undertaken an assessment to determine the feasibility of increasing the width of the footpath from 3.66m to 4.66m. This has shown that it is possible to extend the footpath width and reduce the steep footpath slope. Accordingly, it is recommended that Council endorse the progression of a wider footpath for Argyle Street, to allow design resolution and implementation, based on:

- improving footpath slopes;
- the opportunity for greater Town Centre activity;
- providing additional space for pedestrians;
- providing additional space for the newly adopted and updated Camden Council Outdoor Dining policy;
- reduced lane widths from 3.5m to 3.2m; and
- broad community support for the proposal.

4. **Paving Material**

Council has undertaken an assessment to determine the most appropriate paving material for Argyle Street, Camden.

The assessment of the material choices indicates that grey granite is the most appropriate long term paving choice for Argyle Street. Accordingly, it is recommended that Council endorse grey granite as the primary paving material for Argyle Street, based on:

- the durability and stain resistance of granite affords the best opportunity to get the most effective long term solution;
- based on Heritage advice, granite is an acceptable option; and
- broad community support for the proposal.

The opportunity exists to explore the incorporation of some more 'earthy' paving materials as a secondary material for highlights and detailed treatments as identified by some members of the community. This opportunity will be explored through the design process and presented to Council as the project continues. This process will include further consultation with the Camden Historical Society as a stakeholder with a particular interest and knowledge base that has the potential to add great value to the outcome.

5. Street Furniture

Council has undertaken an assessment to determine the most appropriate furniture style for Argyle Street, Camden.

The assessment of the furniture choices indicates that a selection that is simple and historically sensitive is the most appropriate long term furniture choice for Argyle Street. Accordingly, it is recommended that Council endorse the furniture selection (Historically Sensitive), based on the most historically appropriate response to the town, based on:

- the notion that the street furniture nominated does not compete with Camden's current historical and architectural elements as confirmed by Council's Heritage Consultant; and
- broad community support for the proposal.

The recommendation is that Council adopt the 'Historically Sensitive' furniture style as the consistent direction from which to make detailed furniture design decisions. The detailed selection of furniture items will be developed and explored through the design process, with updates being provided to Councillors as the project continues.

Proposed Staging and Timing

The upgrade of Argyle Street is a long term project for Council, with staff currently detailing plans for the implementation over a number of years (Refer Options Plan – **Attachment 3**).

Attachment 3 to this report is an overall plan providing options for staging of the works over a period of time, with an overall indicative cost of approximately \$12m. Estimates will be further refined as the detailed design develops and the full extent of civil and landscape works are known. The works have been divided into 7 options that can be considered as part of an overall staging plan.

At Council's Ordinary Meeting of 24 June 2014, Council approved a budget allocation of \$1.754M for the implementation of **Stage 1** Camden Town Centre upgrade. The focus of this work was between John Street and Oxley Street and did not specifically include the pedestrian signals midblock between John Street and Hill Street (Stage 2). This initial location has been selected due to recommendations by Council officers, based on steeper footpath slopes, high pedestrian volume and proximity to the proposed decked car park.

As design investigations have continued and budget options clarified, it is recommended that Options 1 and 2 (as shown in **Attachment 3**), be undertaken as one construction project, with an indicative cost of \$3.5M.

Due to the increased extent of works, to avoid major disruption to the community during Christmas 2015, and to fall outside of major events planned in Argyle St (e.g. Camden Show, Anzac Day & Light Up Camden), it is envisaged that the works be split into 2 components. Works between Oxley Street and John Street are proposed to be undertaken between the months of June and November 2015. Works between John Street and Hill Street proposed to be undertaken between February and April / May 2016.

The attached options plan (**Attachment 3**) reflects an indicative program of works for the coming years that would achieve a comprehensive upgrade of Argyle Street and an upgrade of John Street between Argyle Street and Mitchell Street. This program

identifies the potential next stage of works extending either to Murray Street, or John Street, subject to the outcomes of the Council's Commercial and Retail study which will be brought to Council in a future report.

FINANCIAL IMPLICATIONS

Camden Town Centre Works

As part of adopting the 2014/15 budget Council allocated \$1.754M towards the Camden Town Centre Upgrade (Stage 1).

The balance of funds required for Stage 1 is \$1.746M. It is recommended that this balance be funded from a combination of Capital Works Reserve, Asset Renewal Reserve and pending grant income. The final funding package cannot be determined until the outcome of the grant application/s is known. In order to provide certainty around funding, it is recommended that \$1.0M be funded from the Asset Renewal Reserve and \$746K from the Capital Works Reserve. Upon receipt of applicable grant funds the level of funding required from these reserves could be reduced. This will allow Council to complete Options 1 and 2, being the total Stage 1 package of works.

The remaining stages of the Camden Town Centre works will be included in the long term financial plan and will be considered by Council in its upcoming budget deliberations. Council Officers will also continue to explore possible funding sources to expedite future stages of the Camden Town Centre Improvement project.

Funding opportunities for all stages include:

- RMS blackspot funding (grant application lodged);
- Western Sydney Airport Local Roads Program (grant application lodged);
- National Stronger Regions Fund (grant application in progress – to be lodged on 28 November); and
- Stormwater Management Levy – for drainage related works only.

Camden Decked Carpark

In addition, Council has adopted an indicative budget of \$3.6M to be funded from Section 94 cash reserves, for the construction of a decked car park in Camden (Construction 2016/17).

Should Council resolve to adopt the Oxley Street location for the decked car park, then the Camden Contributions Plan 2011 will be amended to reflect this change.

In order to commence the design phase \$200K is required to be forward funded from the Capital Works Reserve. Upon the Camden Contributions Plan being amended Section 94 will reimburse the Capital Works Reserve with the \$200K.

CONCLUSION

This report presents the findings of a comprehensive community consultation period and seeks Council's support for a range of works and projects.

This engagement process included inviting community input into the future vision for the Camden Town Centre and future uses of Council's building assets.

During the eight (8) weeks of community consultation from 23 July to 17 September, Council requested community input on a suite of proposed upgrades to the town centre of Camden. This consultation has identified strong support for the proposed works, and the level of community involvement and engagement through this process is a testament to the community's passion for their town.

Council presented to well over 600 individual people, from a broad cross section of the community. Throughout the eight (8) weeks Council received 587 submissions containing over 3000 individual comments.

Throughout the consultation period Council conducted two (2) community workshops, with an additional workshop following the close of the formal consultation period. Council accepted comment through various media options, events, and wrote and letter-box-dropped numerous residents, shopkeepers and interested stakeholders.

From here, following consideration of the submissions received through the community engagement process, Council's endorsement is sought for the infrastructure works in the Camden Town Centre. The works and projects as discussed in this report are recommended for adoption. If adopted, Council Officers will now seek to progress the design and all requirements for the implementation of the Camden Town Centre Improvements. Meanwhile, the Retail and Commercial Study and future vision for the Camden Town Centre along with strategies for the future of Council's building assets are being finalised and will be presented to Council for further consideration in early 2015.

RECOMMENDED

That Council:

- i. endorse the key initiatives as recommended (Items 1 – 5 of this report) including:**
 - **traffic lights at the intersection of Argyle Street and Oxley Street and pedestrian lights on Argyle Street, between John Street and Hill Street,**
 - **a decked car park located in Oxley Street (Site 2a),**
 - **increased footpath width of one metre along Argyle Street,**
 - **footpath paving material as detailed in this report, and**
 - **upgraded street furniture as detailed in this report;**
- ii. endorse the proposed staging plan for the completion of the works noted as Stage 1 (comprising Options 1 and 2), as shown on Attachment 3;**
- iii. transfer \$1.0M from the Asset Renewal Reserve and \$746K from the Capital Works Reserve being the balance of funds required for Stage 1 of the Camden Town Centre works;**
- iv. transfer a further \$200k from the Capital Works Reserve to fund the design phase, with the \$200K to be reimbursed from Section 94 upon amendment of the Camden Contributions Plan.**
- v. progress further investigation and design of Stage 1 (comprising Options 1 and 2) of the Argyle Street improvements with delivery of the works as indicated in the report;**
- vi. progress further investigation and design of the decked car park in Oxley Street (Site 2a);**

vii. undertake an amendment to the Camden Contributions Plan 2011; and

viii. write and thank those who made submissions, and advise them of Council's decision.

ORD01

ATTACHMENTS

1. Argyle Street - Original Draft Concept
2. Town Centre Report - JBA Report on Review of Submissions
3. Town Centre Report - Camden Town Centre Options Plan
4. Provided under separate cover - Submissions - Camden Town Centre - Freeform submissions - *Supporting Document*
5. Provided under separate cover - Submissions - Camden Town Centre - Have Your Say - *Supporting Document*
6. Provided under separate cover - Submissions - Camden Town Centre - Online Questionnaire - *Supporting Document*
7. Provided under separate cover - Submissions - Camden Town Centre - Feedback from First Community Event(s) - *Supporting Document*
8. Provided under separate cover - Submissions - Camden Town Centre - Feedback from Second Community Event - *Supporting Document*
9. Provided under separate cover - Submissions - Camden Town Centre - Feedback from Third Community Event - *Supporting Document*



ORD02

ORDINARY COUNCIL

ORD02

SUBJECT: SUBDIVISION TO CREATE 4 RESIDENTIAL LOTS AND ASSOCIATED SITE WORKS AT 25 ELIZABETH MACARTHUR AVENUE, CAMDEN SOUTH
FROM: Director Planning & Environmental Services
TRIM #: 14/170655

APPLICATION NO: 487/2014
PROPOSAL: Subdivision to create 4 residential lots and associated site works
PROPERTY ADDRESS: 25 Elizabeth Macarthur Avenue, Camden South
PROPERTY DESCRIPTION: Lot 156, DP 31361
ZONING: R2 Low Density Residential
OWNER: Mr M Carbone
APPLICANT: Mr M Carbone

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a subdivision to create 4 residential lots and associated site works at 25 Elizabeth Macarthur Avenue, Camden South.

The DA is referred to Council for determination as there remain unresolved issues received in six submissions and there are proposed variations to Camden Development Control Plan 2011 (DCP).

SUMMARY OF RECOMMENDATION

That Council determine DA 487/2014 for a subdivision to create 4 residential lots and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for a subdivision to create 4 residential lots and associated site works at 25 Elizabeth Macarthur Avenue, Camden South.

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 publicly exhibited for a period of 14 days in accordance with the DCP. Six submissions were received (all objecting to the proposed development). **A copy of the submissions is provided with the Business Paper supporting documents.**

Council staff contacted each of the submission writers to discuss their concerns and resolved the issues raised in one of those submissions. Council staff were unsuccessful in resolving the issues raised in the remaining 5 submissions.

The issues raised in the submissions relate to tree removal, structural stability of trees on Bowman Avenue, lots sizes being inconsistent with the area, overdevelopment of the site, compliance with front and rear setbacks, traffic and parking impacts, and level of cut and fill required on Lots 50 and 51 to accommodate a future dwelling.

The proposed development seeks approval for the removal of 1 tree, being a silky oak, to accommodate the relocation of the driveway for proposed lot 53. The applicant has submitted an arborist report stating that the tree is not sufficiently significant to warrant its retention. The removal of the tree is supported subject to suitable replacement planting.

Indicative building envelopes have been proposed for lots 50 to 52. A total of up to 8 trees may require removal to accommodate future dwellings within the indicative building envelopes (16 trees are to be retained). The indicative building envelopes are suitably sited on the proposed lots to minimise the loss of the most significant trees on the site and are acceptable. The removal of these trees on proposed lots 50 to 52 will be subject to separate approval.

Trees numbered 1 and 11, as identified on the Site Master Plan, on Bowman Avenue show signs of past and present white ant activity. Council Officers have assessed these trees and have advised that tree 1 can be retained subject to being suitably pruned and treated. Tree 11, a forest red gum, has potential significant structural issues. As such, the removal of tree 11 is supported subject to suitable replacement planting and conditions requiring the relocation of wildlife from the nesting hollows and the creation of new nesting opportunities within the site at a rate of one for one.

A plan showing the existing trees on the site together with their tree numbers is provided with the attachments.

The proposed development is compliant with the minimum lot size requirements of the LEP and will create 3 additional residential lots that will provide additional low density housing opportunities for the community. The proposed development is considered to be consistent with the existing character of the area which comprises a mix of lot sizes, widths, depths and orientations.

Indicative building envelopes have been provided for the development. The front and rear setbacks of the indicative building envelopes are acceptable having regard to the objectives and controls of the DCP and future potential amenity impacts to neighbouring properties. A section 88B restriction is recommended to restrict building on these lots to the indicative building envelopes provided.

The proposed development will not exacerbate traffic safety concerns in the surrounding area given that the additional traffic generated by the proposed development will be minimal. It is considered that the surrounding road network can accommodate the additional traffic generated by the proposed development given the number of lots proposed.

The proposed development will not result in significant parking issues in surrounding streets. The proposed development has the capacity to provide sufficient parking on site to fully comply with the DCP, being 1 parking space for 1 and 2 bedroom dwellings and 2 parking spaces for dwellings containing more than 2 bedrooms.

No excavation is proposed on lots 50 and 51 as part of this application. There is a fall of approximately 3m from the rear of these lots to their front boundary. It is considered

that the proposed lots are capable of accommodating dwelling houses without the need for significant excavation.

The applicant proposes a variation to the DCP in relation to the lot depth. The DCP restricts the minimum depth of lots to 27m. Proposed lot 50 has a depth of between 22.2m and 27m. Council staff have reviewed this variation and recommend that it be supported. Compliance with the minimum depth could be achieved on this lot, but would require partial demolition of the existing dwelling on site and this is not considered reasonable as the objectives of the control are met. The lot size is adequate to provide satisfactory setbacks, maintain site features, provide a usable building space and opportunities for landscaping.

The applicant proposes a variation to the DCP in relation to front setbacks. In accordance with the DCP, front setbacks are to be calculated based on the average of the setbacks of the nearest 2 dwellings fronting the same road. The indicative building envelopes on proposed lots 50, 51 and 52 are positioned forward of the nearest 2 dwellings fronting the road. Council staff have reviewed this variation and recommend that it be supported. The proposed setbacks are not uncharacteristic of the surrounding area and will sympathetically integrate with the streetscape. Significant trees are to be retained in the front setback area of the allotments which will conceal future dwellings. Further, the building envelopes are capable of accommodating dwellings which will have minimal impact on neighbouring properties with respect to privacy and overshadowing.

On 7 November the applicant lodged a deemed refusal appeal with the NSW Land and Environment Court (the Court). A deemed refusal appeal is an appeal against Council not having determined the DA with the statutory timeframe. The first call over in the Court is scheduled for 5 December 2014.

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 site is commonly known as 25 Elizabeth Macarthur Avenue, Camden South and is legally described as Lot 156, DP 31361. The site is located on the south-east corner of Elizabeth Macarthur Avenue and Bowman Avenue.

The site has frontages of 36.12m to Elizabeth Macarthur Avenue and 54.40m to Bowman Avenue, and an overall area of 2,878.8m².

The subject site currently accommodates a single storey dwelling and an attached carport, as well as approximately 26 mature trees.

The Camden South residential area is characterised by predominately one and two storey residential dwellings. Belgenny Farm is located approximately 500m east of the subject site.

The residential part of Camden lies to the north with the Camden Town Centre further to the north again. The Old Hume Highway and the rural suburb of Cawdor lie to the west. The Camden Bypass, the Nepean River and the developing urban release area of Spring Farm lie to the north-east.

HISTORY

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

Date	Development
2 September 1965	Approval of BA 196/1965 for brick veneer dwelling

THE PROPOSAL

DA 487/2014 seeks approval for a subdivision to create 4 residential lots and associated site works.

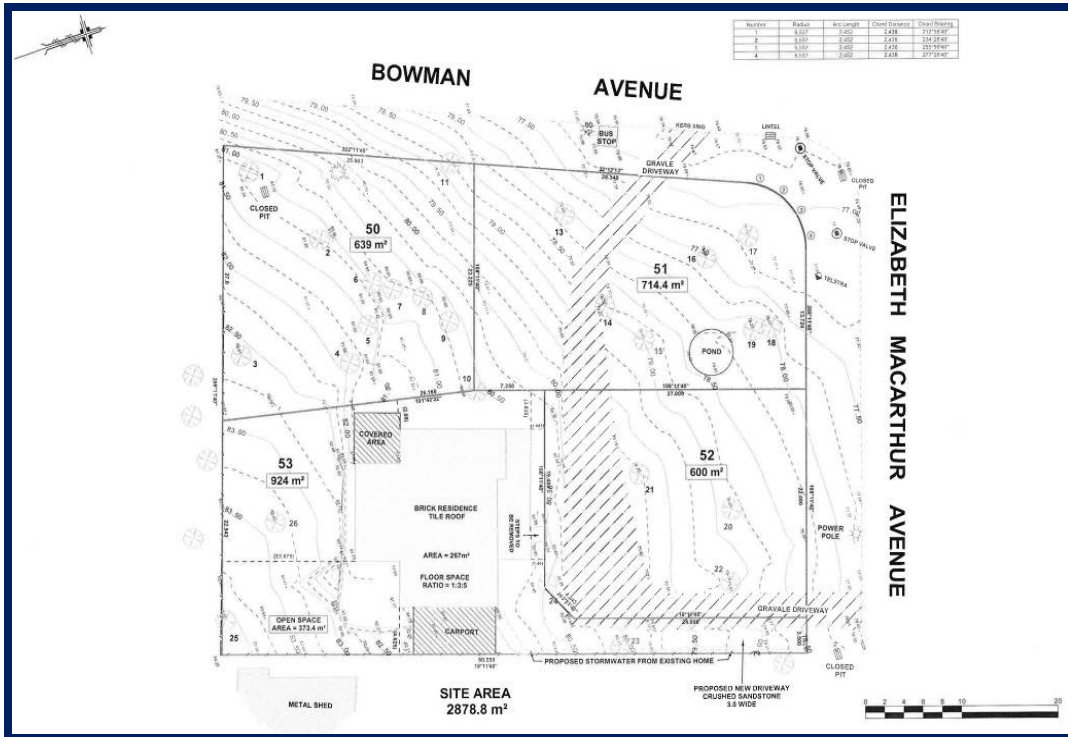
Specifically the proposed development involves:

- subdivision to create 4 Torrens title lots (ranging in size from 600m² to 924m²);
- removal of existing gravel driveway and the reconstruction of a new gravel or paved driveway along the eastern boundary;
- removal of steps of existing dwelling which encroach into proposed lot 52;
- removal of 1 silky oak tree; and
- associated site works.

The value of the works is \$12,500 (exclusive of GST).

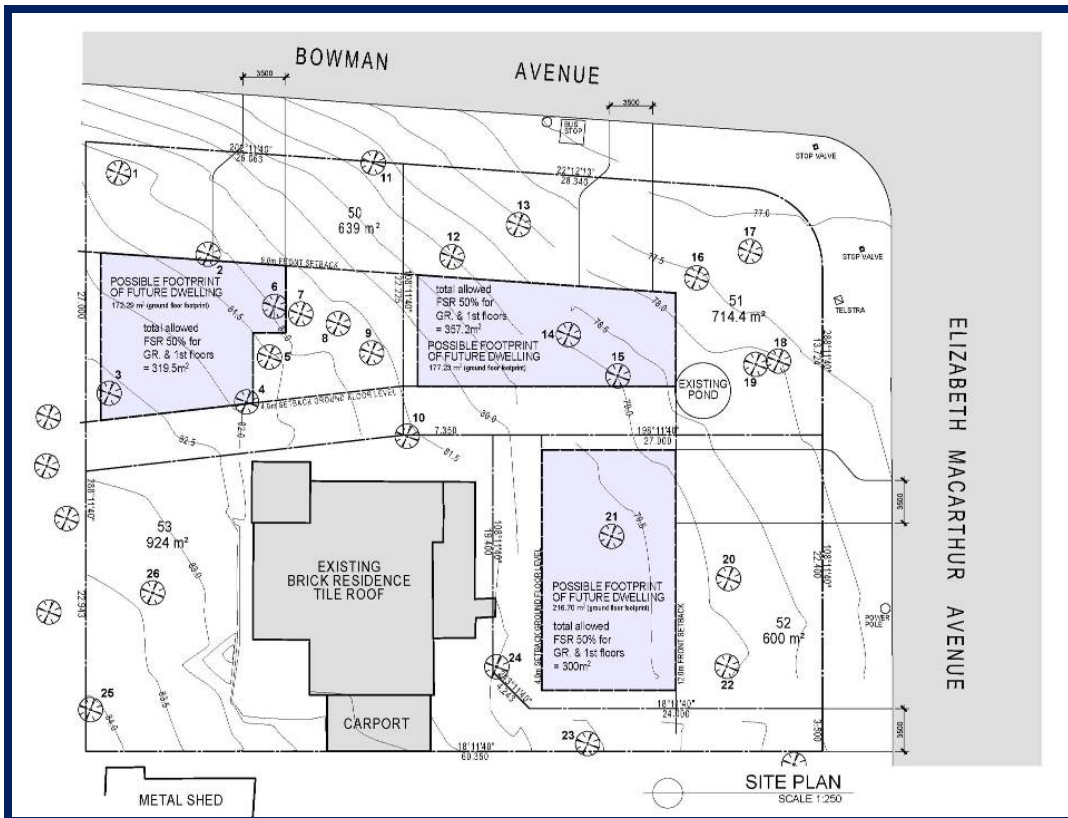
A copy of the proposed plans is provided as attachment 1 to this report.

PROPOSED SUBDIVISION PLAN



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PROPOSED INDICATIVE BUILDING ENVELOPES



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

An assessment of the proposed development against these 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 site is suitable for its intended use (in terms of contamination) prior to granting consent. This applicant has submitted a phase 1 contamination assessment for the site in support of this DA. The contamination assessment notes that there is no evidence of contamination on the site.

However a contingency condition is recommended that requires that if any contamination is found during construction, it be managed in accordance with Council's Management of Contaminated Lands policy.

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

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Appropriate erosion and sediment control measures have been proposed and conditions are recommended to incorporate these as part of the development.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned R2 Low Density Residential under the provisions of the LEP. The subdivision of land is permitted with consent.

Zone Objectives

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

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

Officer comment:

The proposed development will create 3 additional residential lots that will provide additional low density housing opportunities for the community.

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

Officer comment:

This objective is not relevant to the proposed development as the proposal is for a residential subdivision.

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

Officer comment:

This objective is not relevant to the proposed development as the proposal is for a residential subdivision.

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

Officer comment:

The proposed development has been assessed and subject to the recommended conditions contained in this report, it is not considered that it will result in conflict with

Relevant Clauses

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

Clause	Requirement	Provided	Compliance
2.6 Subdivision requires consent	Development consent is required to subdivide land	The subject DA proposes subdivision	Yes
4.1 Minimum Lot Size	Minimum lot size is 600m ²	The proposed lot sizes range from 600m ² to 924m ²	Yes
5.9 Preservation of Trees or Vegetation	Preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation	The proposed development seeks approval for the removal of 1 tree, being a silky oak, to accommodate the relocation of the driveway for proposed lot 53. The applicant has submitted an arborist report stating that the tree is not sufficiently significant to warrant its retention. 1 forest red gum	Yes

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Clause	Requirement	Provided	Compliance
		<p>located on Bowman Avenue is recommended for removal by Council staff due to potential structural issues. The removal of the trees is supported subject to suitable replacement planting.</p> <p>Indicative building envelopes have been provided for proposed lots 50 to 52. A total of up to 8 trees may require removal to accommodate future dwellings within the indicative building envelopes (16 trees are to be retained).</p> <p>The indicative building envelopes are suitably sited on the proposed lots to minimise the loss of the most significant trees on the site and are acceptable</p>	
7.4 Earthworks	Consider several matters relating to earthworks including soil stability, the quality of fill and impacts on watercourses	Only minor earthworks are proposed as part of this development resulting from the removal of the existing driveway and reconstruction of a new driveway along the eastern boundary. These earthworks have been considered against the matters listed for consideration by this clause and are considered to be acceptable	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 proposed development's compliance with the controls in the DCP. Discussion of any variations of the controls is provided after the compliance table.

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion, sediment and dust control measures	Conditions are recommended requiring appropriate erosion, sedimentation and dust control measures	Yes
	Sediment, erosion and dust controls to be installed prior to commencement of works and maintained until the site is stabilised	A condition is recommended to ensure that appropriate measures are installed and maintained throughout all stages of the proposed development	Yes
B1.2 Earthworks	Subdivisions to respond to the site's natural topography and minimise cut and fill	Minor earthworks are proposed as part of this development resulting from the removal of the existing driveway and reconstruction of a new driveway along the eastern boundary	Yes
	Use only clean fill	A condition is recommended to ensure that only clean fill is used	Yes
B1.3 Salinity Management	Salinity assessment required	A condition is recommended requiring construction of the subdivision infrastructure to comply with the requirements of Council's Building in a Saline Prone Environment policy. 88B restrictions are recommended which also require the construction of any future dwellings to comply with this policy	Yes
B1.4 Water Management	Development to comply with Council's Engineering Specifications in terms of stormwater detention, drainage	A condition is recommended requiring compliance with Council's Engineering Specifications	Yes

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Control	Requirement	Provided	Compliance
	and water sensitive urban design		
B1.5 Trees and Vegetation	Protect significant trees and consider importance of trees in their proposed removal	<p>The proposed development seeks approval for the removal of 1 silky oak tree to accommodate the relocation of the driveway for proposed lot 53. The applicant has submitted an arborist report stating that the tree is not sufficiently significant to warrant its retention. 1 forest red gum tree located on Bowman Avenue is also recommended for removal by Council staff due to potential structural issues. The removal of these 2 trees is supported subject to suitable replacement planting.</p> <p>Indicative building envelopes have been provided for proposed lots 50 to 52. A total of up to 8 trees may require removal to accommodate future dwellings within the indicative building envelopes (16 trees are to be retained).</p> <p>The indicative building envelopes are suitably sited on the proposed lots to minimise the loss of the most significant trees on the site and are acceptable.</p>	Yes
B1.6 Environmentally Sensitive Land	Council must consider the environmental impacts of proposed development on environmentally sensitive land (ESL) including its siting, design and construction	A large component of the site is mapped as being ESL. As mentioned above, the proposed removal of the silky oak is not considered significant on the basis that a suitable replacement tree will be provided as part of the proposed development. Further, the indicative building envelopes provided with the subdivision plan are suitably sited to	Yes

Control	Requirement	Provided	Compliance
		minimise the loss of the most significant trees on the site and are acceptable	
B1.8 Environmental and Declared Noxious Weeds	Subdivision developments to include noxious weed control and management	Conditions are recommended requiring any noxious weeds to be fully and continuously suppressed and destroyed	Yes
B1.9.2 Waste Management Plan for Subdivision	Waste management plan required (WMP)	An adequate WMP has been provided	Yes
B1.12 Contaminated and potentially Contaminated Land Management	Contamination assessment and ensure the site is suitable for its intended use	<p>A phase 1 contamination assessment has been provided. The contamination assessment notes that there is no evidence of contamination on the site.</p> <p>A standard contingency condition is recommended to ensure that if contamination is encountered during construction works, it be managed in accordance with Council's Management of Contaminated Lands policy</p>	Yes
B2 Landscape Design	Natural features of site to be retained and incorporated into the design	The most significant trees on and around the subject site are to be retained and have been incorporated into the landscape design	Yes
B5.1 Off-street Car Parking Rates/ Requirements	Dwelling houses with more than 2 bedrooms require 2 car parking spaces, one of which must be behind the building line	<p>The existing dwelling on proposed lot 53 contains an existing carport behind the building line. 2 car parking spaces can be accommodated on proposed lot 53.</p> <p>Proposed lots 50 to 52 have the capacity to provide sufficient parking on site to fully comply with the DCP</p>	Yes
C2 General Subdivision Requirements	DAs must demonstrate how the development objectives and controls listed in	The DA has demonstrated that the proposed development is generally acceptable having regard to the objectives and controls	Yes

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Control	Requirement	Provided	Compliance
	the DCP has been addressed	of the DCP	
C4 Subdivision in Established Residential Areas	Minimum width: 15m (at building line)	All lots have a minimum width of 15m at the building line.	Yes
	Minimum depth: 27m	All lots have a minimum depth of 27m with the exception of proposed lot 50 which has a minimum depth of 22.2m .	No – DCP Variation 1
	A battle-axe lot is to have a minimum lot area of 600m ² (exclusive of the access handle)	Proposed lot 53 is a battle- axe lot. The site area exceeds 600m ² exclusive of the access handle.	Yes
	An access handle is to be at least 3.5m wide and must have a maximum length of 50m and a 3m x 3m splay at one end	The access handle of proposed lot 53 is 3.5m wide and is less than 50m in length. An acceptable splay has been provided at one end.	Yes
	Corner lots shall have a minimum area of 650m ² where the minimum lot size is 600m ²	Proposed lot 51 is located on a corner and has a site area of greater than 650m ²	Yes
D2.1 Primary Residential Controls	Front setback to be calculated based on the average of the setbacks of the nearest 2 dwellings fronting the same road	The indicative building envelopes on proposed lots 50 and 51 have a front setback of 9m from Bowman Avenue. The nearest 2 adjacent dwellings to these lots are 10 and 14 Bowman Avenue. Therefore the required front setback is 13.3m.	No – DCP Variation 2
		The indicative building envelopes on proposed lots lot 51 and 52 have a setback of 12m from Elizabeth Macarthur Avenue. The nearest 2 adjacent dwellings are 27 Elizabeth Macarthur	No – DCP Variation 3

Control	Requirement	Provided	Compliance
		<p>Avenue and 9 Bowman Avenue. Therefore the required front setback is 18m.</p> <p>The setback of the existing dwelling on proposed lot 53 from proposed lot 52 is acceptable on its merits. There are no specific front setback controls for battleaxe lots prescribed by the DCP. The plan of subdivision shows steps of the existing dwelling on proposed lot 53 encroaching into proposed lot 52. The steps are proposed to be removed as part of this DA.</p> <p>The existing dwelling will be set back from lot 52 by between 4m to 4.9m. A patio encroaches within 1.445m of the rear boundary of proposed lot 52. The living areas of the existing dwelling are setback approximately 4.9m from the boundary of proposed lot 52. The private open space of the existing dwelling is located at the rear of the site.</p> <p>The setback to lot 52 is considered sufficient to minimise amenity impacts to any future dwelling on proposed lot 52 and is acceptable.</p>	<p>Yes</p>
	Side set back of 0.9m	<p>The indicative building envelopes on proposed lots 50 to 52 are setback a minimum of 0.9m from the side boundaries.</p> <p>The carport of the existing dwelling on proposed lot 53 has a zero setback from the eastern boundary, however</p>	<p>Yes</p> <p>No, however variation supported</p>

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Control	Requirement	Provided	Compliance
	<p>Rear setback of 4m for the single storey portion of a two storey dwelling</p>	<p>this is an existing situation and is acceptable. The existing dwelling on proposed lot 53 has a covered outdoor area within 700mm of the side boundary. The non-compliance is considered to be minimal and is not considered to give rise to adverse amenity impacts to adjacent properties or the streetscape. Further it is noted that the existing building, exclusive of the covered outdoor area is setback 2.88m from the side boundary and is acceptable.</p> <p>The indicative building envelopes on proposed lots 50 to 52 and the existing dwelling on proposed lot 53 are setback a minimum of 4m from the rear boundaries.</p>	<p>Yes</p>
<p>D2.1.5 Private Open Space, Site Cover and Landscaped Area</p>	<p>The maximum site coverage for a single storey development must not exceed 50% of the site area</p> <p>A minimum 30% of the site must be landscaped</p> <p>Private open space (POS) shall be a minimum of 20% of the site area</p>	<p>The site coverage of the existing dwelling on proposed lot 53 is less than 50%. The indicative building envelopes on proposed lots 50 to 52 are capable accommodating dwellings which are compliant with this control.</p> <p>A minimum of 30% of proposed lot 53 is landscaped. The indicative building envelopes on proposed lots 50 to 52 are capable of accommodating dwellings which are compliant with this control.</p> <p>A minimum of 20% of private open space on proposed lot 53 is proposed. The indicative building envelopes on proposed lots 50 to 52 are capable of accommodating</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	<p>The principal private open space (PPOS) must have an area of 24m², be connected to a living zone of the dwelling and not be steeper than 1:10 gradient</p>	<p>dwelling which are compliant with this control.</p> <p>The PPOS proposed for the existing dwelling on proposed lot 53 will achieve all of these requirements. The indicative building envelopes on proposed lots 50 to 52 are capable accommodating dwellings which are compliant with this control.</p>	Yes
	<p>At least 50% of principal private open space (PPOS), including adjoining properties must achieve a minimum of 3 hours sunlight</p>	<p>At least 50% of the PPOS of the existing dwelling on proposed lot 53 will achieve a minimum 3 hours of sunlight. The indicative building envelopes on proposed lots 50 to 52 are capable accommodating dwellings which are compliant with this control.</p>	Yes
	<p>The POS must be at least 65% soft landscaping</p>	<p>The POS of the existing dwelling on proposed lot 53 will contain at least 65% of soft landscaping. The indicative building envelopes on proposed lots 50 to 52 are capable accommodating dwellings which are compliant with this control.</p>	Yes
D2.1.6 Garages, Site Access and Parking	<p>Driveways must not be wider than 5.5m at the property boundary</p>	<p>The proposed driveway on proposed lot 53 and the indicative driveways shown on proposed lots 50 to 52 will be less than 5.5m wide at the property boundary.</p>	Yes

DCP Variation 1 – Lot Depth

DCP Control

The DCP restricts the minimum depth of lots to 27m. Proposed lot 50 has a depth of between 22.2m and 27m.

Council Staff Assessment

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

ORD02

- the lot size is adequate to provide satisfactory setbacks, maintain site features, provide a usable building space and opportunities for landscaping;
- the compliance with the minimum depth control is achieved in the southern portion of the allotment;
- the width of the lot is 26m; and
- compliance with the minimum depth could be achieved but would require partial demolition of the existing dwelling on site and this is not considered reasonable as the objectives of the control are met.

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

DCP Variation 2 – Front Setback for Proposed Lots 50 and 51

DCP Control

In accordance with the DCP, front setbacks are to be calculated based on the average of the setbacks of the nearest 2 dwellings fronting the same road. The nearest 2 adjacent dwellings to proposed lots 50 and 51 are 10 and 14 Bowman Avenue. Therefore the required front setback is 13.3m. The indicative building envelopes on proposed lots 50 and 51 have a front setback of 9m from Bowman Avenue.

Council Staff Assessment

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

- the front setbacks on the eastern side of Bowman Avenue vary from 8.5m to 12m and the proposed setbacks of 9m will not be uncharacteristic of the surrounding area and will sympathetically integrate with the streetscape;
- the dwelling on the opposite side of Bowman Avenue (9 Bowman Avenue) is only setback approximately 2.9m from Bowman Avenue and the proposed setbacks of 9m to Bowman Avenue are sympathetic to this reduced setback;
- significant trees are to be retained in the front setback area of the allotments which will conceal future dwellings;
- the building envelopes are capable of accommodating dwellings which will have minimal impact on neighbouring properties with respect to privacy and overshadowing; and
- the objectives of the front setback controls are achieved despite the non-compliance.

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

DCP Variation 3 – Front Setback for Proposed Lots 51 and 52

DCP Control

In accordance with the DCP, front setbacks are to be calculated based on the average of the setbacks of the nearest 2 dwellings fronting the same road. The nearest 2 adjacent dwellings to lots 51 and 52 are 27 Elizabeth Macarthur Avenue and 9 Bowman Avenue. Therefore the required front setback is 18m. The indicative building envelopes on proposed lot 51 and 52 have a setback of 12m from Elizabeth Macarthur Avenue.

Council Staff Assessment

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

- the front setbacks on the southern side of Elizabeth Macarthur Avenue vary from 5m to 21m and the proposed setbacks of 12m will not be uncharacteristic of the surrounding area and will sympathetically integrate with the streetscape;
- significant trees are to be retained in the front setback area of the allotments which will conceal future dwellings;
- the building envelopes are capable of accommodating dwellings which will have minimal impact on neighbouring properties with respect to privacy and overshadowing; and
- the objectives of the front setback controls are achieved despite its non-compliance.

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 DA.

(a)(iv) The Regulations

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

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

Tree Impacts

The subject site is heavily vegetated and contains 26 trees including exotic, native and remnant plantings. The proposed development seeks approval for the removal of 1 tree, being a silky oak, to accommodate the relocation of the driveway for proposed lot 53. The applicant has submitted an arborist report stating that the tree is not sufficiently significant to warrant its retention. The removal of the tree is supported subject to suitable replacement planting.

An iron bark (tree 31) is located on the neighbouring property at 27 Elizabeth Macarthur Avenue. The tree protection zone (TPZ) of this tree encroaches into the area of the proposed driveway for proposed lot 53. Arborist advice states that the health of the tree can be protected through the use of gravel or a flexible surface such as pavers for the driveway and ensuring the existing grade of the area is retained. Conditions are recommended accordingly.

Council officers have observed potential significant structural issues on the forest red gum (tree 11) located on Bowman Avenue that would necessitate a significant crown reduction to improve the safety to passers by and future occupant of the land. The level of crown reduction required would significantly alter the appearance such that it would not reassemble a typical gum tree. The tree has a collection of cavities which support 2 nesting hollows. The removal of tree 11 is supported subject to suitable replacement planting and conditions requiring the relocation of wildlife from the nesting hollows and the creation of new nesting opportunities within the site at a rate of one for one.

Indicative building envelopes have been provided for proposed lots 50 to 52. A total of up to 8 trees may require removal to accommodate future dwellings within the indicative building envelopes. 16 trees are to be retained. 13 of the trees to be retained are remnant plantings.

No approval is recommended for the removal of the trees within the indicative building envelopes as part of this subdivision DA as opportunities could exist for tree retention at the detailed design stage for the dwellings.

The up to 8 trees which may require removal include 1 chinese elm, 2 lemon scented gums, 1 silky oak, 1 forest red gum and 3 iron barks. In this regard the following is noted:

- The chinese elm (tree 2), 2 lemon scented gums (trees 3 and 21) and silky oak (tree 4) are not considered to be sufficiently significant to warrant retention as they are common species and fast growing compared to the iron barks on the site and as such their removal, in lieu of the iron barks, is considered acceptable.
- The 1 forest red gum and 1 iron bark within the building envelope on proposed lot 50 (trees 6 and 7), are remnant species, however they are competing with 2 iron barks (numbered 8 and 9) which are identified in the arborist report as having a higher retention value due to their health and vigour. The removal of trees numbered 6 and 7 will reduce competition and promote the growth of trees 8 and 9.
- Iron barks (numbered 14 and 15) within the building envelope on proposed lot 51 are remnant species and would require removal. Notwithstanding, 6 other remnant iron bark trees (trees 12, 13, 16, 17, 18 and 19) are to be retained on proposed lot 51. The 6 trees to be retained are located within the frontage of Bowman and Elizabeth Macarthur Avenue, whereas trees 14 and 15 are located to the rear of the lot. As such, the vegetative character of the site will be retained as viewed from the street.

Tree 5, being an Illawarra flame tree, is located within close proximity to the indicative building envelope of proposed lot 50. Tree 5 is to be retained. Council officers have advised that future construction and excavation within the tree protection zone of this tree is to be conducted in accordance with Section 7.0 'Protection Specification' of the submitted arborist report, prepared by Allied Tree Consultancy, dated 12 May 2014. 88B restrictions are recommended accordingly.

It is considered that the proposed subdivision strikes a reasonable balance between the allowable minimum lot sizes prescribed by the LEP and its associated development potential, and the retention of trees on the site. The indicative building envelopes are suitably sited on the proposed lots to minimise the loss of the most significant trees on the site.

(c) The suitability of the site

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

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

The DA was publicly exhibited for a period of 14 days in accordance with the DCP. The exhibition period was from 11 to 25 July 2014. 6 submissions were received (all objecting to the proposed development). **A copy of a public exhibition and submissions map is provided with the Business Paper supporting documents.**

The following discussion addresses the issues and concerns raised in the submission and petition.

1. Concerned by the removal of trees.

Officer comment:

The proposed development seeks approval for the removal of 1 tree, being a silky oak, to accommodate the relocation of the driveway for proposed lot 53. The applicant has submitted an arborist report stating that the tree is not sufficiently significant to warrant its retention. The removal of the tree is supported subject to suitable replacement planting. Council staff have also recommended the removal of 1 forest red gum due to potential structural issues.

Indicative building envelopes have been proposed for lots 50 to 52. A total of up to 8 trees may require removal to accommodate dwellings within the indicative building envelopes (16 trees are to be retained).

The indicative building envelopes are suitably sited on the proposed lots to minimise the loss of the most significant trees on the site and are acceptable.

2. Two existing large trees on Bowman Avenue are infested with white ants and are structurally unsound and need to be removed for the safety of residents.

Officer comment:

Trees numbered 1 and 11, as identified on the Site Master Plan, on Bowman Avenue show signs of past and present white ant activity. Council Officers have assessed

these trees and have advised that tree 1 can be retained subject to being suitably pruned and treated. Conditions are recommended accordingly.

Council officers have observed potential significant structural issues on the forest red gum (tree 11) located on Bowman Avenue that would necessitate a significant crown reduction to improve the safety to passers by and future occupants of the land. The level of crown reduction required would significantly alter the appearance such that it would not resemble a typical gum tree. The tree has a collection of cavities which support 2 nesting hollows. The removal of tree 11 is supported subject to suitable replacement planting and conditions requiring the relocation of wildlife from the nesting hollows and the creation of new nesting opportunities within the site at a rate of one for one.

- 3. Lot sizes inconsistent with the character of the area and a non urban release established residential area.*

Officer comment:

The proposed development is compliant with the minimum lot size requirements of the LEP. The proposed development is considered to be consistent with the existing character of the area which comprises a mix of lot sizes, widths, depths and orientations.

- 4. Proposal must be consistent with the prevailing front and rear setbacks established by existing adjacent development resulting in very small building envelopes.*

Officer comment:

As discussed in the assessment section above, indicative building envelopes have been provided for the development. The front and rear setbacks of the indicative building envelopes are acceptable having regard to the objectives and controls of the DCP. The building envelopes provide a suitable footprint on which to build dwellings of a reasonable size to accommodate its future residents.

- 5. Subdivision application cannot be assessed without considering the potential future impacts resulting from the development of the proposed lots.*

Officer comment:

Indicative building envelopes have been prepared for the proposed lots. As demonstrated in the assessment section above, the proposed building envelopes are considered acceptable having regard to the future potential amenity impacts to neighbouring properties and impact on trees. A section 88B restriction is recommended to restrict building on these lots to the indicative building envelopes provided.

- 6. Proposal would create an unacceptable precedent.*

Officer comment:

Any future development of this site or the surrounding area for the purposes of subdivision will be subject to the assessment of a separate DA. Each DA is assessed on its individual merits and the approval of this DA will not set an undesirable precedent.

- 7. Proposal will exacerbate existing traffic issues.*

Officer comment:

The proposed development will not result in significant additional traffic generation given the number of lots proposed. It is considered that the surrounding road network can accommodate the additional traffic generated by the proposed development.

8. *Proposal would increase on-street car parking.*

Officer comment:

The proposed development will not result in significant parking issues in surrounding streets. The proposed development has the capacity to provide sufficient parking on site to fully comply with the DCP, being 1 parking space for 1 and 2 bedroom dwellings and 2 parking spaces for dwellings containing more than 2 bedrooms.

9. *Proposal will exacerbate traffic safety concerns.*

Officer comment:

The proposed development will not exacerbate traffic safety concerns in the surrounding area given that the additional traffic generated by the proposed development will be minimal.

10. *Insufficient infrastructure available to support proposal.*

Officer comment:

The proposed development will not result in significant impacts to existing infrastructure given the number of lots proposed. The existing infrastructure can accommodate the additional residential lots of the proposed development.

11. *Significant excavation would be required in the development of Lots 50 and 51, in breach of Council's controls.*

Officer comment:

Any future development of this site will be subject to assessment. No excavation is proposed on lots 50 and 51 as part of this application. There is a fall of approximately 3m from the rear of these lots to their front boundary. It is considered that the proposed lots are capable of accommodating dwelling houses without the need for significant excavation.

The indicative location of the driveway for proposed lot 50 is sited on a steeper portion of the site, requiring a level of cut and fill. Notwithstanding, alternative locations are available within proposed lot 50 where the slope is more gradual. As such a 88B restriction is recommended requiring the driveway of lot 50 to be realigned to minimise the extent of cut and fill.

(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.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 487/2014 is recommended for approval subject to conditions.

CONDITIONS

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
Job No. 91208 amended 2 June 2014	Proposed Plan of Subdivision	John Lowe and Associates	2 June 2014
Sheet A01	Site Master Plan	Algorry Zappia & Associates	13 October 2014
Statement of Environmental Effects	Statement of Environmental Effects: No. 25 Elizabeth Macarthur Avenue, Camden South	C.C. Weston & Associates	June 2014
Reference No: D2306	Arboricultural Impact Assessment	Allied Tree Consultancy	12 May 2014
Reference No: 2306A	Addendum – Arboricultural Impact Assessment	Allied Tree Consultancy	27 August 2014

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) **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 Camden Council prior to the issue of any Construction Certificate.

(3) **Noxious Weeds** -

- (a) That the applicant must fully and continuously suppress and destroy, by appropriate means, any noxious or environmentally invasive weed infestations that occurs during or after subdivision and prior to 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 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 sale of new lots. These must be reported to Council and fully and continuously suppress and destroy, by appropriate means.

- (4) **Conditional Approval for Tree Removal** - Consent is granted for the removal of tree 11 and tree 23 as indicated on the Site Master Plan numbered Sheet A01 Revision E, prepared by Algorry Zappia & Associates, dated 13 October 2014.

This work should 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.

- (5) **Replacement Planting** – Tree 11 and tree 23 as indicated on the Site Plan numbered Sheet A01, prepared by Algorry Zappia & Associates, dated 13 October 2014 are to be replaced by 2 *Eucalyptus crebra* or *Eucalyptus tereticornis* or *Eucalyptus moluccana* within the front setback area of lot 50 and 52 with a minimum pot size of 25 litres. Plans are to be amended prior to the issue of the Construction Certificate to reflect the amendment.
- (6) **Driveway of Lot 53** – The driveway on Lot 53 is to be surfaced with gravel or a flexible surface such as pavers. Further, the existing ground levels are to be retained within the tree protection zone of the *Eucalyptus crebra* located at 27 Elizabeth Macarthur Avenue (tree 31) as identified Table 2A in the addendum Arboricultural Impact Assessment prepared by Allied Tree Consultancy dated 27 August 2014.
- (7) **Tree 11** – An experienced wildlife handler (member of NANA or WIRES) is to be present during the removal of Tree 11, as indicated on the Site Plan

numbered Sheet A01, prepared by Algorry Zappia & Associates, dated 13 October 2014, and are to accommodate any animals that are using the tree. Nesting boxes are to be installed within retained trees for any animals removed. The design of these boxes is to conform to those designs outlined within the publication: *The Nestbox Book*. At least one nest box is to be installed for each hollow removed that has been considered to have accommodated wildlife (irrespective of whether the hollow had an animal in it at the time of removal/assessment).

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) **Environmental Site Management Plan** - An Environmental Site Management Plan must be submitted to the Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 – 2005 and must address, but not be limited to, the following:
 - (a) all matters associated with Council's Erosion and Sediment Control Policy;
 - (b) all matters associated with Occupational Health and Safety;
 - (c) all matters associated with Traffic Management/Control; and
 - (d) all other environmental matters associated with the site works such as noise control, dust suppression and the like.
 - (3) **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.

- (4) **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.
- (5) **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.

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 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.
- (2) **Protection for Existing Trees** - The protection of existing trees, other than any existing trees authorised for removal, must be carried out as specified in the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

All initial procedures for the protection of existing trees, as detailed in AS 4970-2009, must be installed prior to the commencement of any earthworks, demolition, excavation or construction works on the development site.

The works and procedures involved with the protection of existing trees are to be carried out by suitable qualified and experienced persons or organisations. This work should 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 Reports, Tree Health Reports and Risk Assessments.

- (3) **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.

- (4) **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.
- (5) **Erection of Signs** – The erection of signs shall be undertaken in accordance with Clause 98A of the *Environmental Planning and Assessment Regulation 2000*.

4.0 - During Construction

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

- (1) **Subdivision, Building and Demolition Work Hours** - All such work must be restricted to the following hours:
 - a) between 7.00am and 6.00pm, Mondays to Fridays (inclusive); and
 - b) between 8.00am to 5.00pm on Saturdays.Work is prohibited on Sundays and Public Holidays.
- (2) **Fill Material** - Importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

- (a) be prepared by a person with experience in the geotechnical aspects of earthworks, and
- (b) be endorsed by a 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 (see Note 1)	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.

- (3) **Fill Quality** – Any fill material brought in for the construction of the development must only contain uncontaminated soil, clay, shale or rock. No effluent, garbage or trade waste including building or demolition waste must be included in the fill. The extent and depth of filling must only occur in accordance with the approved plans and any other conditions of the development consent. Evidence of the certification of the fill as uncontaminated shall be provided to the Principal Certifying Authority.
- (4) **Unexpected findings Contingency** – Upon the identification of additional contamination or hazardous materials at any stage of construction processes all construction 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/NEMP 2013. 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. Compliance with Council's Management of Contaminated Lands Policy will be required if remediation is required.

- (5) **Salinity** - The proposed subdivision infrastructure and associated works for the development shall comply with the requirements of the Camden Council Policy 'Construction in Salinity Prone Environments'.

Alternatively, a site specific analysis including recommendations, prepared by a suitably qualified consultant and referencing Australian Standard 2870-2011 shall be submitted to the Certifying Authority.

Details of compliance shall be forwarded to the Certifying Authority with the Construction Certificate application.

- (6) **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).

- (7) **Location of Stockpiles** - Stockpiles of soil should not be located on/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 materials shall be suitably covered to prevent dust.
- (8) **General Requirement** - All activities associated with the development must be carried out within the site boundaries as determined by the development application, and must be carried out in an environmentally satisfactory manner as defined under section 95 of the Protection of the Environment Operations Act 1997.
- (9) **Offensive Noise, Dust, Odour, Vibration** – Subdivision works 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.
- (10) **Storage & 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.
- (11) **Sedimentation and Erosion Control** - Sedimentation and erosion control measures are to be installed prior to any soil excavation activity and maintained for the full period of works.

5.0 - Subdivision Certificate

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

- (1) **Subdivision Certificate Release** - The issue of a Subdivision Certificate is not to occur until all conditions of this consent have been satisfactorily addressed and all engineering works are complete unless otherwise approved in writing by the Principal Certifying Authority.
- (2) **Redundant Crossings** - All redundant gutter crossings and footpath crossing must be reinstated to the existing standards on the road.
- (3) **Works as Executed Plan** - Prior to the issue of any Subdivision Certificate, a works-as-executed plan in both hard copy and electronic form (.dwg files or equivalent) in accordance with Camden Council's current Engineering Construction Specifications.
- (4) **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.

Application for such a certificate must be made through an authorised Water Servicing Coordinator.
 - (b) a 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.
- (5) **Show Easements on the Plan of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.
- (6) **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.
- (7) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$7,110 per additional lot or dwelling, total \$21,330, 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.

- (8) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$10,008 per additional lot or dwelling, total \$30,024, 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.

- (9) **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) Restriction as to user on all lots specifying that the indicative building envelopes inclusive of the driveways (with the exception of the driveway for lot 50) shown on Site Master Plan numbered Sheet A01, prepared by Algorry Zappia & Associates, dated 13 October 2014, is the only area which can be built upon. Note: the gross floor areas (GFA) shown on the indicative building envelopes are indicative only and no implied approval is given for dwellings of the noted GFA. The driveway of lot 50 is to be realigned to minimise the extent of cut and fill.

(c) Salinity – Any future dwellings, landscaping and associated works for the development shall comply with the requirements of Councils policy “Building in a Saline Prone Environment.”

(d) The structural design of the proposed dwelling adjacent tree 5 as identified on Site Master Plan numbered Sheet A01, prepared by Algorry Zappia & Associates, dated 13 October 2014 shall be pier and beam type footings or other construction method that minimises damage to the structural root zone of the tree. Careful means of excavation must be exercised to avoid excessive root pruning. Where roots are unavoidably damaged they must be cleanly cut off by saw. Excavation and root pruning is to be overseen by qualified Arborist. All the measures prescribed in Section 7.0 ‘Protection Specification’ of the Arboricultural Impact Assessment, prepared by Allied Tree Consultancy, dated 12 May 2014, must be in practice at the time of construction works.

- (10) **Subdivision Plan** – Prior to the issue of a Subdivision Certificate, the final plan of subdivision is to be amended to include the indicative building envelopes shown on Site Master Plan numbered Sheet A01, prepared by Algorry Zappia & Associates, dated 13 October 2014.

- (11) **Removal of Redundant Infrastructure** – Prior to the issue of a Subdivision Certificate, the redundant drainage line and closed pit serving the existing dwelling on lot 53 is to be removed.

- (12) **Removal of Encroaching Steps** – Prior to the issue of a Subdivision Certificate, the steps of the dwelling on lot 53 which encroach onto lot 52 are to

be removed in accordance with the Proposed Plan of Subdivision dated 2 June 2014.

- (13) **Treatment of Termite Activity** – Prior to the issue of the Subdivision Certificate, a qualified pest inspector be engaged to inspect tree 1, as indicated on the Site Plan numbered Sheet A01, prepared by Algorry Zappia & Associates, dated 13 October 2014, and where appropriate administer pyrethrin dust treatment.
- (14) **Tree 19** – All deadwood, crossing limbs, hangers, branch stubs and climbers are to be removed from Tree 19 as indicated on the Site Master Plan numbered Sheet A01, prepared by Algorry Zappia & Associates, dated 13 October 2014.

RECOMMENDED

That Council approve DA 487/2014 for a subdivision to create 4 residential lots and associated site works at 25 Elizabeth Macarthur Avenue, Camden South subject to the conditions listed above.

ATTACHMENTS

1. Site Master Plan
2. Proposed Subdivision Plan
3. Submissions - *Supporting Document*
4. Public Exhibition and Submissions Map - *Supporting Document*

ORDINARY COUNCIL

ORD03

SUBJECT: SECTION 96 MODIFICATION APPLICATION – MODIFICATION TO AMEND THE TYPE OF WASTE TO BE IMPORTED ON TO THE SITE AT 769 THE NORTHERN ROAD, BRINGELLY
FROM: Director Planning & Environmental Services
TRIM #: 14/173349

APPLICATION NO: 1726(2)/2000
PROPOSAL: Section 96 Modification Application – Modification to amend the type of waste to be imported on to the site
PROPERTY ADDRESS: 769 The Northern Road, Bringelly
PROPERTY DESCRIPTION: Lot 281, DP 1043744
ZONING: RU1 – Primary Production
OWNER: Mr C Mastroianni
APPLICANT: Mr C Simmons

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a Section 96(1A) Modification application to modify a previously approved development application (DA) for the establishment of a worm farm, shed and site office at 769 The Northern Road, Bringelly.

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

SUMMARY OF RECOMMENDATION

That Council determine Section 96(1A) Modification Application 1726(2)/2000 to amend the type of waste to be imported on to the site pursuant to Section 96 of the *Environmental Planning and Assessment Act 1979* subject to the modified conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a Section 96(1A) Modification Application (S96) to amend the type of waste to be imported on to the site at 769 The Northern Road, Bringelly. This will involve the importation of green waste onto the site.

The original DA for the establishment of a worm farm, shed and site office was approved by Council at the Ordinary Council meeting of 9 July 2001.

The development (as approved in its current form) allows for the importation of up to 26,000 tonnes of waste to the site for the production of compost. The waste permitted on the site is limited to animal and food waste by condition 19 of DA 1726/2000. Animal waste and food waste is identified as Category 2 and 3 waste in accordance with the *Environment Protection Authority (EPA) Composting Guidelines 2004* (the Guidelines). The modification application seeks to enable the importation of Category 1 and Category 2 waste only onto the existing worm farm. Category 1 waste is limited

to green waste including: garden and landscaping organics, untreated timber, natural organic fibrous organics and processed fibrous organics.

No physical works are proposed as part of this DA. Further, the proposal does not seek to modify the amount of waste permitted to be received on site and does not seek to increase the number of truck movements per day (limited to 5 movements in and 5 movements out of the site) or amend the hours of operation.

The modification application 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 modification application was publicly exhibited for a period of 14 days in accordance with the DCP. Two submissions were received (both objecting to the proposed development). **A copy of the submissions is provided with the Business Paper supporting documents.**

The issues raised in the submissions relate to the potential impact on the South West Growth Centre, odour, lack of safeguards to protect existing native vegetation and weed infestation concerns.

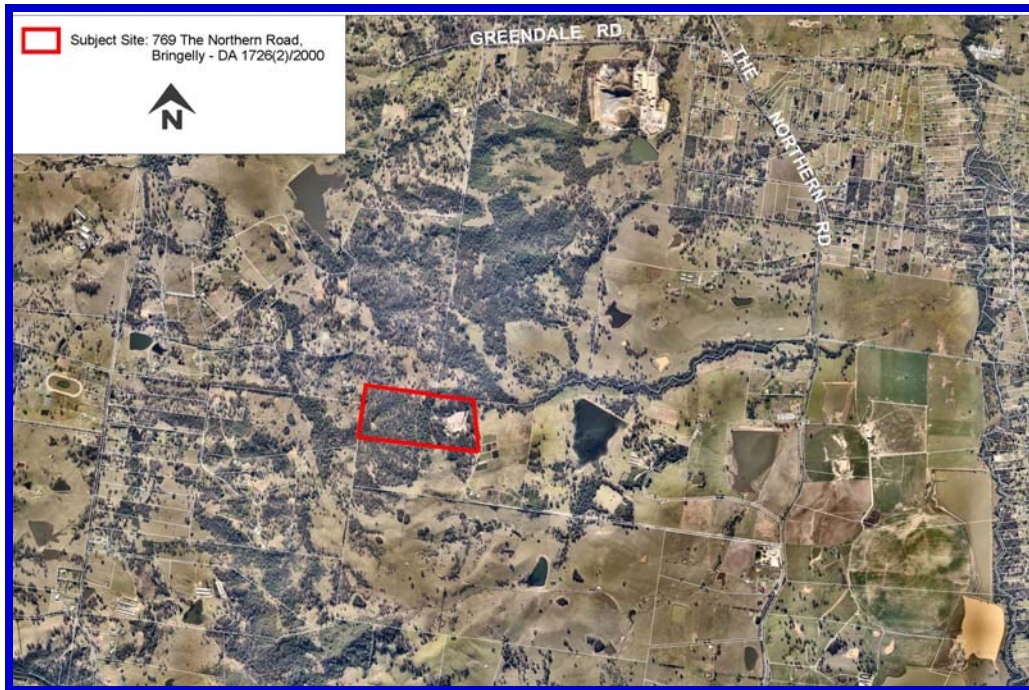
In accordance with the Guidelines, Category 1 waste has a lower potential for environmental impact compared to animal and food waste (Category 2 and 3). As such, the proposed modification to enable the importation of only Category 1 and 2 waste (and removal of Category 3) into the existing worm farm should reduce adverse environmental impacts compared to the existing approved situation, specifically in relation to odour generation. This is subject to ensuring work practices are carried out in accordance with the Site Based Management Plan (SBMP) as submitted by the applicant.

The proposed modification does not seek to remove any additional trees and conditions are recommended to control weed infestations.

The proposed modifications **fully comply** with all applicable planning controls.

Based on the assessment, it is recommended that the modification application be approved subject to the modified conditions contained in this report. Only conditions required or proposed to be modified by the application can be modified and this is reflected in the recommended conditions.

AERIAL PHOTO



THE SITE

The site is commonly known as 769 The Northern Road, Bringelly and is legally described as Lot 281, DP 1043744.

The site is accessed from The Northern Road via a Right of Carriageway across three separate properties, has a depth of 946m and an overall site area of 39ha.

The subject site currently accommodates an existing shed used primarily for storage of agricultural machinery. The site has a licence issued by the EPA which allows for the carrying out of composting activities on the site. Composting operations are limited to approximately 10 hectares in the eastern portion of the site. The remainder of the site is used primarily for the grazing of livestock.

The surrounding properties are characterised by rural residential development and associated agricultural uses. The Boral Brickworks is located to the north-east of the subject site.

HISTORY

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

Date	Development
9 December 2013	Retrospective approval for bulk earthworks, construction of a culvert crossing over an existing farm dam and associated site works
9 July 2001	The establishment of a worm farm, site office and shed

THE PROPOSAL

Section 96(1A) Modification Application 1726(2)/2000 seeks approval to amend the type of waste to be imported on to the site.

Specifically the proposed development involves:

- the importation of 15,600 tonnes of Category 1 and 10,400 tonnes of Category 2 organic waste into the existing worm farm.

Category 1 and 2 organic waste is identified in the *EPA Composting Guidelines 2004* as:

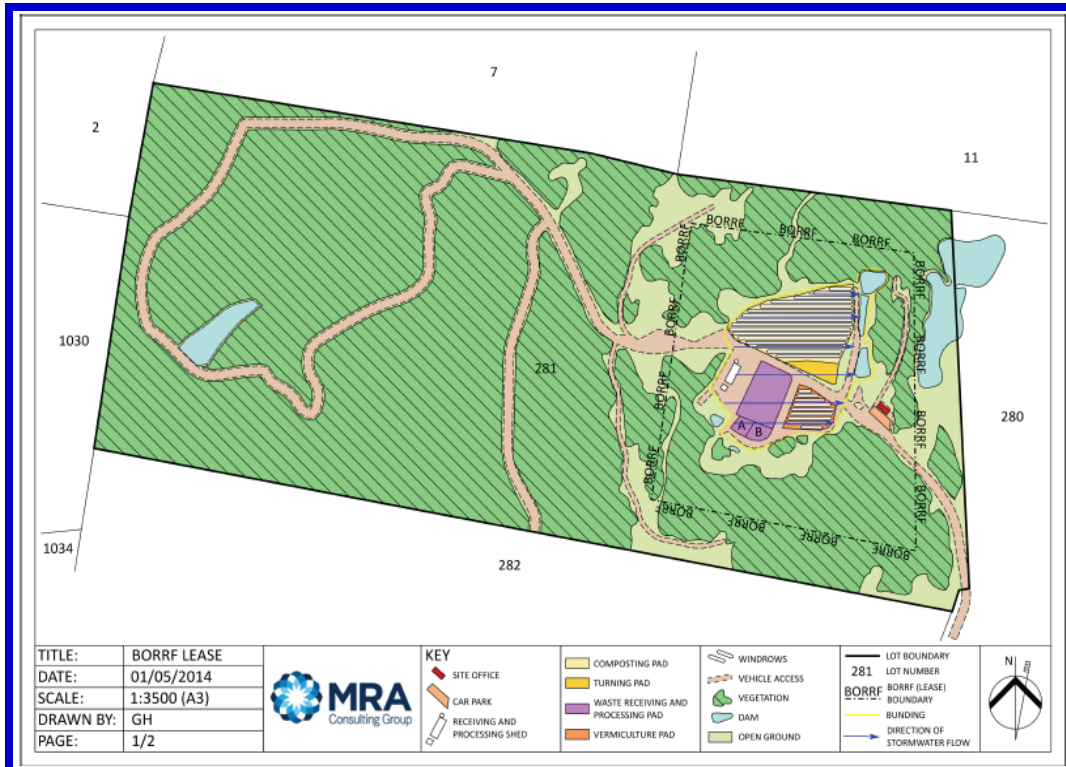
Category 1 - Garden and landscaping organics, untreated timber, natural organic fibrous organics and processed fibrous organics

Category 2 - Other natural or processed vegetable organics, bio solids and manures

No Category 3 waste (being food waste) is proposed to be imported into the worm farm.

No physical works are proposed as part of this DA. Further, the proposal does not seek to modify the amount of waste permitted to be received on site (26,000 tonnes per year), does not seek to increase the number of truck movements per day (limited to 5 movements in and 5 movements out of the site) and does not seek to vary the hours of operation.

SITE PLAN



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:

- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Camden Local Environmental Plan 2010

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

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

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no additional detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed modification application. The original consent contains a number of conditions relating to soil erosion and sediment control measures. This modifications application does not propose to modify or remove those conditions.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned RU1 Primary Production under the provisions of the LEP. The modified development remains defined as a “rural industry” by the LEP which is a permissible land use in this zone.

Zone Objectives

The objectives of the RU1 Primary Production zone are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

Officer comment:

The modified development will maintain and enhance the natural resource base as it will allow for the viable continuation of the approved worm farm.

- To encourage diversity in primary industry enterprises and systems appropriate for the area.

Officer comment:

The modified development will allow for the viable continuation of the approved worm farm.

- To minimise the fragmentation and alienation of resource lands.

Officer comment:

The modification application will not cause additional fragmentation or alienation of resource lands.

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

Officer comment:

The modified proposal will result in a reduction in odour which will minimise potential conflict with surrounding land uses.

- To permit non-agricultural uses which support the primary production purposes of the zone.

Officer comment:

The modified development will allow for the viable continuation of the approved worm farm.

- To maintain the rural landscape character of the land.

Officer comment:

The modified proposal will not alter the rural landscape character of the land as no physical works are proposed.

(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 Instruments 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 proposed development's compliance with the controls in the DCP.

Control	Requirement	Provided	Compliance
B1.1 Erosion and	Erosion and sediment control measures	No physical works are proposed as part of this	Yes

ORD03

Control	Requirement	Provided	Compliance
Sedimentation	Appropriate dust suppression measures must be implemented	DA. Erosion and sedimentation control conditions were applied to the original DA The modification application should have no additional impact on dust emissions from the site. Notwithstanding the Site Based Management Plan (SBMP) includes Workplace Procedures which will control dust emissions from the site. A condition is recommended requiring operations to be consistent with the SBMP	Yes
B1.4 Water Management	Development to comply with Council's Engineering Specifications in terms of stormwater detention, drainage and water sensitive urban design	No physical works are proposed as part of this DA. Condition 9 of the original DA consent requires stormwater plans to be consistent with the specification	Yes
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy	No additional noise impacts are likely as a result of the proposal. No additional plant is proposed to be utilised on the site and the modified application does not propose to vary the hours of operation	Yes
B1.17 Air Quality	Development that is likely to result in the emission of atmospheric pollutants, including odours, shall include operating practices and technology to ensure that such emissions are acceptable	There is an existing approval for the operation of a worm farm at the site. The proposed modification to allow for the importation of Category 1 and 2 waste should reduce the adverse environmental impacts, especially in relation to odour generation. The modification application, subject to conditions requiring work	Yes

Control	Requirement	Provided	Compliance
		practices in accordance with the SBMP, should reduce the odour generation compared to the existing approved situation. Further details of the odour impact are provided in the “likely impacts” section below	
D1.4.1 Rural Industries	Ensure that rural industries are compatible with the rural environment and minimise any adverse impact of rural industries on surrounding lands	There is an existing approval for the operation of a worm farm at the site. The proposed modification to allow for the importation of Category 1 and 2 waste should reduce the adverse environmental impacts, especially in relation to odour generation	Yes

(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 DA.

(a)(iv) The Regulations

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

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

Odour Impact

There is an existing approval for the operation of a worm farm at the site and the proposed amendment should reduce adverse environmental impacts, especially in relation to odour generation.

Efficient and effective composting requires an appropriate mix of materials. Excessive odour generation results if the mix is not appropriately balanced. The existing consent conditions limit the types of waste that can be brought to the site to food waste, animal waste. These waste types are identified as Category 2 and 3 waste by the Guidelines

and, as per the Guidelines, have a greater potential for environmental impact compared to Category 1 waste. Category 2 and 3 waste types do not have sufficiently high carbon content and the use of only these materials in a composting process can result in the generation of excessive odours.

The modification application seeks to enable the importation of 15,600 tonnes of Category 1 and 10,400 tonnes of Category 2 waste into the existing worm farm. This will provide a more appropriate mix of materials, with higher carbon levels, which will improve the composting process and reduce the level of odour generated by the worm farm.

No Category 3 waste will be permitted to be received on site and a condition is recommended to ensure this.

The modification application, subject to full compliance with the recommended conditions requiring work practices in accordance with the SBMP, will reduce the odour generation compared to the existing approved situation.

A condition is recommended that requires the operator to undertake two rounds of site specific odour modelling within 12 months of the date of the modification application approval. The results of this modelling must be submitted to Council and should compliance not be achieved, the operator must implement measures (in consultation with Council) to ensure compliance.

Protection of the Environment Operations Act 1997 (POEO Act)

The approved worm farm operation is classified as a Schedule Premises under the provisions of the POEO Act and the site has a licence issued by the EPA which allows for the carrying out of composting activities.

The modification application seeks to amend the approved waste streams permitted to be received on site to enable the importation of only Category 1 and 2 waste. This will require an amended EPA licence. The modification application was referred to the EPA for comment. The EPA has advised that the proposed modification is acceptable subject to an amended EPA licence.

Worm Farm Operation

The worm farm facility employs between 6 to 10 staff.

There are 4 key stages to the worm farm operation.

- Stage 1 includes waste receipt, inspection and blending.
- Stage 2 is the sanitation and pasteurisation process where the blended waste is incorporated into compost windrows. The sanitation and pasteurisation process typically takes between 3 to 4 weeks.
- Stage 3 is the maturation/vermicomposting process where the compost is stored for maturation. The standard maturation period will normally be 6 to 8 weeks. During maturation there are around 2.5kg of worms per square metres within the vermiculture pads. This equates to around 4 tonnes of worms for this worm farm operation.
- Stage 4 is where the compost is harvested, blended and screened to create the final compost produce for market.

Of the 26,000 tonnes of received onsite, approximately 18,000 tonnes of compost will be produced. The proposal does not seek to modify the amount of waste permitted to be received on site (26,000 tonnes per year).

Modified Conditions

The following table outlines the proposed modifications to the conditions that were imposed on the original consent. Council staff assessment of the modifications are also provided.

Condition No.	Current Condition Requires	Proposed Change	Officer Comment
(4)	That a licence be obtained by the Environment Protection Authority in accordance with the Protection of the Environment Operations Act 1997	This condition is amended to ensure an amended licence be obtained for the modified waste material	Supported
(19) Permitted waste material	Limits the permitted waste material to be received on site to animal and food waste	This condition is amended to allow for <u>only</u> Category 1 and Category 2 waste as defined in the NSW EPA's Composting Guidelines 2004	Supported as addressed above. However additional standard conditions are recommended that require compliance with the Protection of the Environment Act, 1997 and for weeds to be fully and continuously suppressed and destroyed. It is also recommended that odour monitoring be conducted on the site within 12 months to verify the odour modelling performed for the development application
(19A) Waste Input Limits	New condition proposed	An additional condition is proposed which applies limits to the quantity of waste to be received on site	Supported. The total quantity of waste is consistent with the previous limit of 26,000 tonnes. Limits to the amount of Category 1 and Category 2 waste will ensure an appropriate mix for composting

(26) Compliance with Site Based Management Plan	Requires compliance with the Site Based Management Plan	This condition is to be modified to ensure the updated Site Based Management Plan is reference and applied	Supported
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(c) The suitability of the site

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

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

The DA was publicly exhibited for a period of 14 days in accordance with the DCP. The exhibition period was from 28 May to 11 June 2014. Two submissions were received (both objecting to the proposed development). **A copy of a public exhibition and submissions map is provided with the Business Paper supporting documents.**

The following discussion addresses the issues and concerns raised in the submission and petition.

1. *Concerned by potential impact on impending neighbouring urban residential use in the South West Growth Centre.*

Officer comment:

Land to the north-east and east of the subject site is identified as part of the South-West Growth Centre however the land has not yet been released for precinct planning. Despite the potential future redevelopment of land surrounding the site it is acknowledged that the worm farm has an existing approval to operate on the site and the use is permissible with consent in the RU1 Primary Production zone. The proposed modification does not seek to intensify the use and it is considered that the proposal to import Category 1 and 2 waste will improve the composting process on site and reduce adverse environmental impacts, especially in relation to odour generation.

The modification application, subject to conditions requiring work practices in accordance with the SBMP, is not considered to result in additional impacts when compared to the existing approved situation. A condition is recommended requiring operations to be consistent with the SBMP.

2. *Insufficient safeguards proposed to protect existing native vegetation*

Officer comment:

The modified application does not propose to remove any vegetation. There is an existing approval for the operation of a worm farm at the site. The proposed modification to allow for the importation of Category 1 and 2 waste should reduce the adverse environmental impacts.

3. *Risk of weed infestations as a result of the green waste importation.*

Officer comment:

A condition is recommended requiring the applicant to fully and continuously suppress and destroy, by appropriate means, any noxious or environmentally invasive weed infestations that occurs on the site. Further, in accordance with the *Noxious Weeds Act 1993* the applicant must 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 or from the property.

(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

Environmental Protection Authority (EPA)

The modification application was referred to the EPA for comment as an amendment to the type of waste to be imported on to the site requires an amended environmental protection licence in accordance with the *Protection of the Environment (Operations) Act 1997*.

The EPA raised no objection to the proposed development. A condition is recommended requiring an amended environmental protection licence to be obtained prior to commencing operation in accordance with the modified section 96 application.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The modification application has been assessed in accordance with S96(1A) and S79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, Section 96(1A) Modification Application 1726(2)/2000 is recommended for approval subject to the modified conditions contained in this report.

CONDITIONS

Plans

- (1) The development must be carried out strictly in accordance with all the information supplied as part of the Development Application.

The development must also comply with the conditions of approval imposed by Council hereunder and those conditions prescribed in the *Environmental Planning and Assessment Amendment Regulation 1994* [clause 78A-I]

Modifications to the approved plans and specifications required the prior approval of the Consent Authority (ie Camden Council). The procedure for applying to amend the approved plans is to submit an “Amended Development Application” form pursuant to section 96 of the *Environmental Planning & Assessment Act 1979*.

- (2) Prior to commencement of any on-site works a survey plan accurately locating all existing vegetation likely to be impacted/removed by the proposal is to be submitted to Council.
- (3) A replacement and re-vegetation proposal and a maintenance and management plan shall be prepared for the proposed site for the before, during and after stages of the proposed development. Such management plan should address, among others:
 - Removal of the fence which traverses the existing dam;
 - A program for the control of rabbits and foxes and
 - Prickly pear removal.
- (4) The operation is a scheduled premises under the provisions of the Protection of the Environment Operations Act 1997 and as such a licence must be obtained from the Environment Protection Authority to allow for the importation of waste in accordance with this consent, prior to the operation commencing.

(This condition is recommended to be modified by Section 96 Modification 1726(2)/2000).

Carparking and Traffic

- (5) All truck movements must be restricted to between the hours of 6.00am and 6.00pm Monday to Friday and between the hours of 12.00midday and 3.00pm Saturdays, Sundays and Public Holidays. Any alteration to these hours will require the prior written approval of the Consent Authority.
- (6) The number of waste truck movements per day must be limited to five (5), that is five (5) in and five (5) out. Any increase in truck movements will require the prior written approval of the Consent Authority.
- (7) A suitable all weather access road shall be constructed from the entry to the site to the storage and collection areas, including the provision of an on site vehicle manoeuvring area. Details of the design and location of the roadway are to be submitted and approved by Council prior to the issue of Construction Certificate and all works are to be completed before commencement of operation of the worm farm.

Stormwater/Drainage

- (8) The proposed area to be used for the windows must be separated from the drainage pattern of the area by the provision of adequate bunding and catch drains around the facility. Any runoff from within the said bunded area must be collected and directed to the dam within this area and reused on the property. There must be no discharge from this dam to the natural water system.

- (9) A stormwater plan must be prepared in accordance with the Camden Council's standards "Guidelines for Standards for Preparation of Plans and Design Principles Relevant to Engineering Construction Works (Subdivision and Development Works)" and submitted to the consent authority.

Environmental Controls

- (10) Erosion and sediment control measures must be introduced and effectively maintained at all times. Plans and details of the proposed sediment and erosion control measures including procedures for erosion control, surface and subsurface drainage as well as a schedule for phasing of these works, must be submitted to the Consent Authority.
- (11) All required soil erosion and sediment control measures must be maintained during the entire construction period or until all disturbed areas are restored by turfing, paving or re-vegetation.

An Infringement Notice may be issued by the Consent Authority (ie Camden Council) where the maintenance of measures is inadequate.

- (12) Except as may be specifically provided in the EPA licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997, which prohibits the pollution of waters.
- (13) The site must at all times be operated in accordance with section 129 of the Protection of the Environment Operations Act 1997, and the requirements of the EPA licence.

Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises.

- (14) Except as expressly permitted in an EPA licence, the licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal of any waste generated at the premises to be disposed of at the premises.
- (15) All practical measures must be taken to prevent and minimise harm to the environment as a result of the establishment and operation of the development.
- (16) The applicant must take all practicable measures to prevent the attraction and infestation of the facility with vermin and pests.
- (17) The operation must at all times be conducted in accordance with pollution reduction programs, which may be attached to the EPA licence to address environmental management of the premises.
- (18) The open burning of trade waste and other refuse is prohibited throughout Camden. No incinerators shall be installed at the premises.

Site Operations

- (19) **Permitted Waste Materials** – Only Category 1 and Category 2 waste material as defined in the NSW EPA's Composting Guidelines 2004 are permitted to be received at the site.

No Category 3 waste is permitted to be received at the site.

(This condition is recommended to be modified by Section 96 Modification 1726(2)/2000).

- (19A) **Waste Input Limits** – The following limits apply to the quantity of waste received at the site:
- Category 1 waste – 15,600 tonnes per annum
 - Category 2 waste – 10,400 tonnes per annum
 - TOTAL – 26,000 tonnes per annum

(This condition is recommended to be added by Section 96 Modification 1726(2)/2000).

- (20) Full details of all fuel/oil/chemical storage areas must be provided to the consent authority. The details must contain expected maximum volumes, ventilation and bunding of any building used for the storage of such items. Bunding must be capable of holding 110% of the maximum volume stored.
- (21) All waste oil, grease and associated products must be stored in suitable containers and be transferred to a waste disposal depot or recycling facility, approved for the reception of such materials. Full details and proof of disposal must be forwarded to Council on request.
- (22) All waste products entering the site shall be contained within a suitably screened and concrete floored facility. Such facility shall have the capacity to hold a minimum of 160 tonnes of waste material. Details of same are to be submitted to Council for consideration prior to issue of the Construction Certificate.
- (23) All waste entering the site shall be processed and applied to windrows within 24 hours of its delivery.
- (24) At no time shall external stockpiling of materials be carried out on the site.
- (25) Any raw material, which cannot be processed on the day of arrival at the site, must be covered with a tarpaulin prior to work ceasing for the day.
- (26) **Compliance with Site Based Management Plan** – Site activities must be conducted in accordance with the systems, procedures and other requirements detailed in the document titled *Site Based Management Plan for the Bringelly Organic Resource Recovery facility, Located on 769 The Northern Road, Bringelly NSW 2171*, prepared by The LZ Environmental Company Pty Limited, version 5, dated 01/05/2014.

(This condition is recommended to be modified by Section 96 Modification 1726(2)/2000).

- (27) A maximum number of 20 windrows are to be installed having maximum widths of 2.5 metres and maximum heights of 1.5 metres. Each windrow shall not exceed 90 metres in length.

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- (28) Vegetation having a screening characteristic when mass planted is to be installed upon bunding mounds surrounding the windrows. Details of same are to be submitted to Council prior to the release of the Construction Certificate.
- (29) Details of the proposed site landscaping for No 765 The Northern Road are to be submitted to Council prior to the release of the Construction Certificate. Such plan shall be prepared to the satisfaction of Council.
- (30) Potential dust sources on site must be minimised through the maintenance of vegetation cover and the use of water sprays to suppress dust from exposed areas during periods of dry and/or windy weather.
- (31) Details of construction of the proposed storage shed are to be submitted to Council prior to the release of the Construction Certificate.
- (32) No offensive odours are to be generated from the use.
- (33) All conditions of consent must be complied with at all times.
- (34) **Site Management - No Nuisance Creation** - The developer must carry out work at all times in a manner which will not cause a nuisance by the generation of unreasonable noise dust or other activity, to owners and occupiers of adjacent properties.

(This condition is recommended to be added by Section 96 Modification 1726(2)/2000).

- (35) **General Requirement** - The use must at all times be conducted without nuisance and in particular so as not to give rise to emission of air impurities in contravention of the Protection of the Environment Act, 1997. All air ventilation/extraction systems must have adequate filters provided and maintained thereto.

(This condition is recommended to be added by Section 96 Modification 1726(2)/2000).

- (36) **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.

(This condition is recommended to be added by Section 96 Modification 1726(2)/2000).

- (37) **Plant Noise Restriction** - The level of total continuous noise emanating from operation of all the plant or processes in all buildings (LAeq) (measured for at least 15 minutes) 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.

(This condition is recommended to be added by Section 96 Modification 1726(2)/2000).

- (38) **Noxious Weeds** -

- (a) That the applicant must fully and continuously suppress and destroy, by appropriate means, any noxious or environmentally invasive weed infestations. 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 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. These must be reported to Council and fully and continuously suppress and destroy, by appropriate means.

(This condition is recommended to be added by Section 96 Modification 1726(2)/2000).

- (39) **Chemical Storage** - All paints, chemicals and other liquids shall be stored in approved receptacles, which shall be housed in a suitably constructed impervious bunded area.

(This condition is recommended to be added by Section 96 Modification 1726(2)/2000).

- (40) **Odour Monitoring** – Within 12 months of the date of this Section 96 approval, two rounds of site specific odour monitoring must be undertaken to verify and refine the odour modelling performed for the development application. The results of this monitoring and verification must be submitted to Camden Council within 15 months of the date of this approval.

Should compliance with the odour modelling not be achieved, the operator must implement measures (in consultation with Council) to ensure compliance.

(This condition is recommended to be added by Section 96 Modification 1726(2)/2000).

RECOMMENDED

That Council approve Section 96(1A) Modification Application 1726(2)/2000 for the modification of a previously approved worm farm at 769 The Northern Road, Bringelly subject to the modified conditions listed above.

ATTACHMENTS

1. Plan - A3
2. Submissions - *Supporting Document*
3. Public Exhibition and Submissions Map - *Supporting Document*

ORDINARY COUNCIL

ORD04

ORD04

SUBJECT: REVIEW OF STATE ENVIRONMENTAL PLANNING POLICY - DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT (SEPP 65) & RESIDENTIAL FLAT DESIGN CODE

FROM: Director Planning & Environmental Services

TRIM #: 14/180018

PURPOSE OF REPORT

The purpose of this report is to inform Council of the NSW Government's exhibition of proposed changes to the State Environmental Planning Policy – Design Quality of Residential Flat Development (SEPP 65). The proposed changes include a review of the Residential Flat Design Code, which details 'best practice' design guidelines for residential flat buildings. The proposed changes are aimed at ensuring design quality is maintained while promoting housing delivery in NSW.

The exhibition period ran from 23 September 2014 to 31 October 2014. However, Council obtained written approval from Department of Planning and Environment (DPE) to allow a submission to be forwarded by 27 November 2014.

The proposed changes were presented at a Councillor Workshop on 11 November 2014.

This report seeks Council's endorsement to submit comments to DPE in relation to the proposed amendments to SEPP 65 and the existing Residential Flat Design Code.

BACKGROUND

SEPP 65 was originally introduced in 2002 with the aim to improve design quality of residential flat development through improved urban design, environmental sustainability and higher residential amenity. The first main review of the policy occurred in November 2011 through the issue of a discussion paper (SEPP 65 and Residential Flat Design Code Review November 2011).

This review was exhibited between November 2011 and February 2012. Council made a submission on 24 February 2012 and provided comments on the following key issues:

- Inconsistencies between definition of 'Residential Flat Building' within SEPP and Standard Instrument LEP;
- Support for broadening SEPP 65 controls to include similar development types under Affordable Rental Housing SEPP (i.e. multi dwelling housing);
- Concern regarding lack of strong provisions for open space (i.e. limited scope to achieve quality, useable and innovative communal open space);
- Concern over 'one size fits all' approach for car parking. Strong desire to keep DCP parking controls to limit potential increase in on-street parking;
- Object to any reduction of balcony requirements in the SEPP and Residential Flat Design Code; and
- Protection of privacy of adjoining residents and delivery of solar and acoustic amenity.

MAIN REPORT

When does SEPP 65 apply?

SEPP 65 applies to Residential Flat Buildings that are three (3) or more storeys and include four (4) or more dwellings. The proposed changes are set to include both shop top housing and mixed use development as additional dwelling types applicable to SEPP 65 provisions.

Development Controls

Prevailing SEPP 65 Provisions

It is proposed to insert a new clause (6A) that makes certain sections of the Apartment Design Guide (ADG) prevail over a Council Development Control Plan (DCP). The sections of the ADG that would prevail are:

- Visual privacy;
- Solar and daylight access;
- Common circulation and spaces;
- Apartment layout;
- Ceiling Heights;
- Balconies and private open space;
- Natural Ventilation; and
- Storage.

Other development controls that are not listed above will automatically default back to the applicable Council DCP as the prevailing development standard.

Non-refusable Standards

The proposed changes to SEPP 65 include additional non-refusable standards, or reasons why consent authorities cannot refuse a DA if it complies with the design guide. Controls relating to car parking and ceiling heights are proposed to be added to the existing apartment size control.

Summary of Main Changes

The main changes to SEPP 65 and the Residential Flat Design Code are summarised as follows:

- Inclusion of shop top housing and mixed use development into the application of SEPP 65;
- Key parts of the ADG to prevail over council Development Control Plans;
- Inclusion of car parking and ceiling heights as additional reasons why a DA cannot be refused (apartment size is existing non-refusable standard);
- Increased focus on sustainability outcomes (i.e. residential flat buildings now required to comply with BASIX);
- Reduction of car parking requirements in specific Metropolitan and Regional areas in locations close to public transport (applies only to rail transport); and
- Introduction of and mandatory standards for studio apartments (i.e. minimum size of 35m²).

Key Comments

Council officers have undertaken a review of the proposed changes to SEPP 65 and the Residential Flat Design Code. It is acknowledged that since the introduction of SEPP 65 there has been a marked improvement in the overall design and quality of residential flat buildings throughout NSW. Council officers also recognise the improvements proposed as part of this review and generally support the proposed changes, agreeing that they will lead to better development outcomes in terms of design quality of residential flat buildings.

However, there are some items that require further clarity regarding the proposed changes to SEPP 65 and the Residential Flat Design Guide (or Apartment Design Guide as per proposed changes). A summary of these items are provided below.

Application and Interpretation

Council officers have reservations regarding the application and interpretation of performance criteria in achieving desired development outcomes. Implementing a 'flexible' approach in applying and enforcing development controls using performance-based criteria may remove a level of clarity and consistency achieved through the use of prescriptive standards.

Also, a 'one size fits all' approach is not appropriate for all local government areas, particular those on the urban fringe such as Camden. One such example is the visitor parking requirements (discussed further below).

Car Parking

It is proposed to reduce the amount of car parking required in locations close to public transport (applies only to rail transport). It is important to note that the proposed changes apply only to Metropolitan and Regional areas as specified within the ADG (which does not include the Camden LGA).

For example, there are no minimum carparking requirements where a proposal is located within 400 metres of railway station in these specified areas. Further clarification is required as to what method is proposed to be used to measure the distance (i.e. walking or within set radius).

It is also unclear what parking requirements apply for areas outside of both Metropolitan and Regional areas as specified in the ADG. It is suggested that the Department clearly indicate in the ADG that parking controls outside of Metropolitan and Regional areas default back to the applicable Council DCP.

Council officers would also like clarification as to whether the Camden LGA will be considered a 'Metropolitan' area for the purposes of applying carparking rates at some point in the future. Whilst Camden does not currently have any rail transport options within the LGA, Leppington Station is due to become operational in early 2015. The opening of this facility is likely to stimulate medium density development within close proximity to the station in the future.

Visitor Parking

The ADG standard for visitor carparking (1 per 10 carparking spaces) is different to 1 per 5 spaces as per Camden's Growth Centre Precincts DCP 2011.

Camden LGA has one of the highest car ownership rates in NSW. Analysis of the car ownership survey data undertaken as part of the 2011 Census indicates that 68% of households in Camden Council area had access to two or more motor vehicles, compared to 44% in Greater Sydney.

Private Open Space

Council officers support changes proposed to the minimum balcony size requirements. However, there does not appear to be any minimum size requirements for studio apartments. Council officers would like to have this clarified and be informed as to what minimum standard will be applied to studio apartments.

Storage

Council officers support the changes to facilitate appropriate storage areas, particularly with the flexibility offered in terms of storage locations (i.e. underneath stairs, on balconies, etc.). However, there is some uncertainty in terms of whether storage areas on balconies will reduce the minimum size requirements as per the ADG. This matter requires further clarification as to how it will be applied.

Universal Design

Council officers support changes to the 'universal design' of Residential Flat Buildings, which is specifically designed to allow for the future adaptation of a dwelling to accommodate an occupant's changing needs. The ADG sets a benchmark of 20% of dwellings to incorporate universal design principles.

Resourcing

Council officers have concerns with regards to the future potential resourcing impacts involved with the implementation of the proposed changes to SEPP 65. For example, there could be an increasing need for professional involvement (i.e. engagement of registered architects) at the development assessment phase due to the highly technical nature of the ADG.

FINANCIAL IMPLICATIONS

There are no direct financial implications to Council as a result of this report at this time. However, there could be resourcing constraints in the future when higher density development is proposed in Camden (i.e. Leppington).

CONCLUSION

The DPE has released for discussion a number of changes to the State Planning Environment Policy – Design Quality of Residential Flat Development (SEPP 65) and Residential Flat Design Code (proposed to be renamed to Apartment Design Guide). The proposed changes are aimed at ensuring design quality is maintained while promoting housing delivery in NSW.



Whilst Council is supportive in principle of the proposed changes, additional consideration of some of the proposed changes is required to ensure consistency around the technical application of SEPP 65 and relationship to other associated planning controls (i.e. Council DCPs).

RECOMMENDED

That Council endorse the contents of this report to be forwarded as a submission to the Department of Planning and Environment.

ORD04

ORDINARY COUNCIL

SUBJECT: CORNISH SPRING FARM VPA
FROM: Director Planning & Environmental Services
TRIM #: 14/171590

PURPOSE OF REPORT

The purpose of this report is for Council to consider placing the draft Voluntary Planning Agreement (VPA) for the Cornish Spring Farm development on public exhibition.

BACKGROUND

Since being rezoned for urban development in 2004, Cornish Group has produced 341 residential lots in Spring Farm with these developments being undertaken using Works In Kind Agreements (WIKAs) and deferral deeds in an ad hoc manner. A formal offer to enter into a Voluntary Planning Agreement (VPA) covering a further 450 residential lots within the South and West Villages of the Spring Farm Urban Release Area has been received from the Cornish Group. The VPA offer is a package of works, land dedication and monetary contributions totalling a value of \$37.4 million. The VPA will also wrap up the previous WIKAs and deferral deeds, offering benefit to both Council and the developer in terms of certainty of provision and a coordinated approach to infrastructure delivery. **The location of the previous WIKAs is shown in blue and the Cornish Spring Farm VPA land is shown in orange at Figure 1 below.**

The VPA was workshopped with Councillors on 28 October 2014 to assist in considering the offer made by Cornish Group.



Figure 1 – Cornish Spring Farm VPA and WIKA location plan

MAIN REPORT

A VPA offer has been received from Cornish Group (landowner and developer) for development of part of the South and West Villages of the Spring Farm Urban Release Area. The Letter of Offer and draft VPA document **are included as Attachment 1 and 2 to this report.**

The Development

Since the release area was rezoned in 2004, Cornish Group has been one of the major developers in Spring Farm.

The development to which the VPA offer relates is for a residential subdivision that will deliver 450 residential lots, housing an estimated 1395 new residents. The development site covers an area of 82.86 hectares, of which 37.4 hectares will be dedicated to Council for open space, half-roads and other drainage purposes. The development will also comprise bush corridor embellishment, drainage and local road works.

VPA Package

The Cornish Spring Farm VPA is a package of works, land dedication and monetary contributions with a total value of \$37.4 million comprising:

- \$19.3 million of works including 2.74 kilometres of half-road construction fronting open space, a minor roundabout, drainage basins, earthworks and bush corridor embellishment and cycle ways;
- \$17.9 million of land dedication with a total area of 37.4 hectares. This is made up of 14.4 hectares for open space, 20.9 hectares for drainage purposes and 2.1 hectares for half-road construction;
- \$418 per final lot monetary contribution for plan administration; and
- \$0.82 million of additional works not identified in the contributions plan, comprising dog off-leash area, 2 sets of shelters and seats, amphitheatre and viewing platforms. These items are not included in the settle-up amount.

Council staff has assessed the VPA offer and endorse the schedule of works and staging plans proposed in the VPA offer.

WIKAs and Deferral Deeds

Cornish Group has produced 341 residential lots in Spring Farm with these developments being undertaken using WIKAs and deferral deeds. The net result left a credit of \$1,479,490.65. Should Council accept the VPA offer, works under these existing WIKAs and deferral deeds (being for stages 31, 32, 33, 51 and 52) will be completed and the credit will be acknowledged in the VPA. Therefore, the VPA wraps up previous WIKAs and deferral deeds. Given the VPA includes a specific clause to ensure works are completed, existing security held by Council for development contributions will no longer be required and therefore it is recommended that these securities be returned to the developer upon execution of the VPA.

Settle Up Amount/Surplus

As stated above, the VPA offer package has a value of \$37.4 Million. Section 94 Development Contributions levied for the same development under Camden Contributions Plan 2011 (the CP) would otherwise require the payment of \$26.6 Million to Council. Based on this, the VPA offer represents \$10.8 million of surplus value by the Cornish Group.

The draft VPA includes a clause to define contribution credits and how Council will calculate and index these credits with each development application. Cornish Group has agreed through the offer to apply credits 'like for like', that is credit gained from development in Spring Farm being applied pursuant to s94(5)(b) and s94(6) of the *Environmental Planning and Assessment Act 1979* (EPA Act) and by operation of clause 2.19.5 of the CP to future Spring Farm development contributions obligations, therefore complying with Council's offset policy contained in the Clause 2.19.5 of the CP.

Cornish Group has indicated to Council that they have interest in developing additional sites in the Spring Farm Urban Release Area. Under the CP, the Spring Farm Local Component comprises 70% of development contributions levied on any subdivision application in Spring Farm. This can be satisfied with development credits from the VPA. The remaining 30% of development contributions will be satisfied by cash payment to Council.

Should there be any surplus credit available at the conclusion of these future developments, in accordance with Clause 2.19.5 of the CP, the developer should not expect a settle-up monetary payment from Council until all contributions toward the provision of works identified in the CP have been received from other developers and surplus contributions are available to meet any payment. However at this time it is expected that the surplus credit will be fully exhausted through development of the additional land.

Completion of Works

Cornish Group has agreed to Council's standard VPA clauses, with the exception of the current 'completion of works' clause. Following negotiation, the Council's and Cornish Group's solicitors have drafted a new clause which provides more certainty for both Council and the developer to agree on when VPA works are complete. The draft clause better accords with when Subdivision Certificate applications are received by Council, thereby providing the potential to coordinate the completion of a new facility with the release of a subdivision certificate for corresponding final lots. Therefore it is recommended the draft 'completion of works' clause in this VPA be used for all new VPA negotiated by Council.

Security

The Act requires that VPAs must include suitable means for enforcement in the event of a breach of the agreement by the developer. The VPA offer includes a number of security provisions as outlined below:

- The VPA will be registered on title provided the written consent of each person referred to in s93H(1) of the EPA Act is obtained, binding current and future owners

of the development land to comply with the VPA. However, if written consent is not obtained from each person referred to in s93H(1) of the EPA Act, Council will not execute the VPA and will negotiate a broader package of additional securities.

- Other than works which will be complete by the commencement of the VPA and sediment control devices, the works and land dedication is linked to the release of subdivision certificates and construction certificates. If the developer fails to deliver works when required, Council will withhold the release of Subdivision Certificates;
- Council has the ability to acquire land to be dedicated under the terms of the VPA for \$1 if the land is not dedicated; and
- Council has the ability to take action under the Act to remedy any breach of the agreement.

In addition, should the developer seek a Subdivision Certificate and relevant works are incomplete, they can request that Council accept a cash bond or bank guarantee for the value to complete the work, prior to release the Subdivision Certificate, which is Council's standard process.

This package of security gives Council certainty that the agreed undertakings will be completed and reflects the scope of the land and works contributions being offered and the length of time the agreement will operate.

Next steps in the VPA process

Should Council resolve to accept the VPA offer for the purposes of public exhibition, it is recommended that VPA be publically exhibited for a period of 6 weeks (allowing an additional 2 weeks due to the Christmas holiday period) commencing on 3 December 2014 and concluding on 13 January 2015.

Following the public exhibition of the draft VPA, if there are no objections received or where objections are received but are subsequently withdrawn as a result of being resolved, the VPA will be executed using Council's Power of Attorney. However, if there are unresolved objections or changes need to be made to the VPA, a report will be brought to Council.

FINANCIAL IMPLICATIONS

Under the VPA offer, the developer will undertake all of the works and dedicate all of the land required by the Cornish Spring Farm development, at no cost to Council. The VPA offer also includes monetary contributions towards Council's administration of the VPA. It is noted that under the VPA offer, the responsibility for meeting any cost overruns whilst delivering works for the development will rest upon the developer, rather than Council as is the case under a Section 94 Contributions Plan.

Additionally, the VPA offer allows the developers to provide local facilities at a time linked to the release of final lots rather than the collection of Section 94 development contributions if the same were to be delivered by Council. This will provide facilities to new residents in a timely manner as well as allow Council to better plan for when assets come into its ownership and maintenance.

In accordance with Clause 2.19.5 of the CP, any settle-up monetary payment arising from a surplus should not be expected from Council until all contributions toward the provision of works identified in the CP have been received from other developers and surplus contributions are available to meet any payment.

CONCLUSION

The VPA offer from the Cornish Group proposes to construct all of the local facilities required by the Camden Contributions Plan 2011, as well as dedicating the works and associated land to Council, and the payment of monetary contributions for VPA administration.

The VPA offer wraps up previous development undertaken by Cornish Group using Works In Kind Agreements and deferral deeds as well as offering benefit to both Council and the developer in terms of certainty of provision and a coordinated approach to infrastructure delivery

The VPA offer represents the developer's commitment to delivering works, infrastructure and facilities for the residents of the Spring Farm development in a timely manner.

The VPA offer is consistent with Council's standard VPA requirements and provides sufficient security and legal remedies to mitigate any financial risk to Council and the application of any surplus credits arising from the development is consistent with Council's policy on the use of surplus credit.

The draft VPA was prepared, reviewed and finalised with involvement from Council's solicitor. The Council's solicitor has provided a letter to the Council in relation to the draft VPA. Having considered that letter, Council officers consider that the VPA protects the Council's interests and may be entered into. It is therefore recommended that Council proceed with a public exhibition of the draft VPA offer.

RECOMMENDED

That Council:

- i. support the draft VPA for the Cornish Spring Farm development;**
- ii. proceed to public exhibition of the draft VPA in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000, for an extended period of six (6) weeks due to the Christmas holidays;**
- iii. execute the VPA using Council's Power of Attorney granted on 27 August 2013, Minute Number ORD215/13, where no objections are received or where objections are received but are subsequently withdrawn as a result of being resolved;**
- iv. receive a further report where objections cannot be resolved.**

ATTACHMENTS

1. VPA Letter of Offer Nov14 1
2. Draft Cornish Spring Farm VPA
3. Letter from Lindsay Taylor Lawyers - *Supporting Document*

ORDINARY COUNCIL

ORD06

ORD06

SUBJECT: USE OF GENERAL POWER OF ATTORNEY
FROM: Acting Director Customer & Corporate Services
TRIM #: 14/85908

PURPOSE OF REPORT

The purpose of this report is to:

1. seek approval to revoke the appointment of Steven Kludass, former Director of Governance, to act as an attorney on Council's behalf under the terms of its Power of Attorney granted on 27 August 2013, Minute Number ORD215/1; and
2. report all documents signed to date under Council's existing Power of Attorney since 27 August 2013.

BACKGROUND

On 27 August 2013, Council resolved to appoint Ron Moore, Lara Symkowiak (Mayor), Steven Kludass, Nicole Magurran, Vince Capaldi and Paul Rofe to act as attorneys as follows:

1. to execute documents to give effect to resolutions of the Council made pursuant to its non-delegable functions under section 377(1) of the *Local Government Act 1993*; and
2. to execute documents to give effect to functions of the Council which the Council has validly delegated under section 377(1) of the *Local Government Act 1993*.

It was also resolved that Council receive a report from the General Manager biannually of all documents signed under the prescribed Power of Attorney.

The signing of documents by attorney is a more efficient way of implementing decisions of the Council rather than by affixing the Seal of Council to documents in the presence of two people (including at least one Councillor) in accordance with the requirements of clause 400 of the *Local Government (General) Regulations 2005*.

Council's existing Power of Attorney requires revision to reflect the resignation of Steven Kludass as Director of Governance.

MAIN REPORT

Revocation of appointment

Council - as 'principal' under the Power of Attorney - may revoke the appointment of an attorney at any time. Given the resignation of Steven Kludass as Director of Governance, it is appropriate that his appointment to act as an attorney on Council's behalf be revoked. The revocation of the appointment is formalised by a Revocation of Appointment instrument which is attached (see **Attachment 1**).

Documents signed under General Power of Attorney

On 27 August 2013, Council resolved to receive a report from the General Manager biannually on all documents signed under the prescribed Power of Attorney. The table

below lists the documents which have been signed to date under Council's Power of Attorney since 27 August 2013.

Minute No. Meeting Date	Description of document	Date of document	Attorney
ORD239/13 10 Sept 2013	Contract No. T007/2013 - Construction of Little Sandy Bridge - Formal Instrument of Agreement	13/09/2013	Vince Capaldi
ORD240/13 10 Sept 2013	Tender T002/2014 - Streetlighting Installation in Liz Kernohan Drive, Elderslie	6/12/2013	Vince Capaldi
ORD255/13 24 Sept 2013	Local Infrastructure Renewal Scheme Funding Agreement for Community Infrastructure Renewal Program Between Camden Council and The Chief Executive, Division of Local Government, Department of Premier and Cabinet, for and on behalf of the Crown in right of the State of NSW.	27/09/2013	Paul Rofe
ORD258/13 24 Sept 2013	Tender T010/2013 - Amenities Building Construction at Cut Hill Reserve, Cobbitty	15/11/2013	Vince Capaldi
ORD259/13 24 Sept 2013	Contract T001/2014 - Project Management Services for Council's New Central Administration Centre, Branch Library and Leisure Centre at Oran Park	n/a	Vince Capaldi
ORD309/13 12 Nov 2013	Contract T003/2014 Liquid Amber Reserve Sportsfield Reconstruction, Narellan Vale	13/11/2013	Vince Capaldi
ORD311/13 12 Nov 2013	Works in Kind Agreement - The Council of Camden & Messina Homes Pty Ltd	22/11/2013	Paul Rofe
ORD327/13 26 Nov 2013	Director-General of the Department of Planning and Infrastructure and Camden Council - Nepean River Trail - Metropolitan Greenspace Program Funding Agreement	2/12/2013	Vince Capaldi
ORD341/13 10 Dec 2013	Gregory Hills Planning Agreement	24/12/2013	Vince Capaldi
ORD15/14 28 Jan 2014	Wood Smoke Reduction Program 2014 - Deed of Grant	9/01/2014	Vince Capaldi
ORD19/14 11 Feb 2014	Better Boating Program - Grant Acceptance Document	17/02/2014	Vince Capaldi

Minute No. Meeting Date	Description of document	Date of document	Attorney
ORD31/14 25 Feb 2014	East Leppington Voluntary Planning Agreement	31/03/2014	Paul Rofe
ORD51/14 11 March 2014	Consultancy Services Agreement - Tender T011/2014 - Design of Oran Park Administration Centre	15/04/2014	Vince Capaldi
ORD81/14 22 April 2014	Deed - Emerald Hills Planning Agreement	01/08/2014	Paul Rofe
ORD93/14 13 May 2014	Consultancy Services for Work Health and Safety Management System	10/06/2014	Vince Capaldi
ORD184/14 9 Sept 2014	Advice of Acceptance of Grant (2014-15 Public Reserves Management Fund Program)	25/09/2014	Vince Capaldi

Going forward, it is recommended that Councillors receive reports regarding the signing of documents under Council's Power of Attorney via a memorandum from the General Manager's Office at intervals of six (6) months.

A register of documents signed under Power of Attorney is also maintained by Council and is available upon request in accordance with the *Government Information (Public Access) Act 2009*.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report

CONCLUSION

The Power of Attorney has been instrumental in ensuring a more robust and efficient process with respect to executing documents post-Council resolution.

The current Power of Attorney requires amendment to reflect the resignation of Steven Kludass as Director of Governance. A report shall be brought back to Council again once a new Director of Customer and Corporate Services is appointed.

RECOMMENDED

That Council:

- i. **revoke the appointment of Mr Steven Scott Kludass to act as an attorney on Council's behalf under the terms of its Power of Attorney granted on 27 August 2013, Minute Number ORD215/1, in accordance with the Revocation of Appointment attached to this report;**
- ii. **authorise the Mayor and General Manager to execute the Revocation of Power of Attorney under the Seal of Council; and**

-
- iii. **agrees that a memorandum reporting on the signing of documents under Council's Power of Attorney will be provided to Councillors at intervals of six (6) months.**

ATTACHMENTS

1. Revocation of Appointment

ORDINARY COUNCIL

ORD07

ORD07

SUBJECT: NSW LOCAL INFRASTRUCTURE RENEWAL SCHEME (ROUND THREE) FUNDING AGREEMENT

FROM: Acting Director Customer & Corporate Services

TRIM #: 14/169764

PURPOSE OF REPORT

- To formally notify Council that its application for a loan interest subsidy under the NSW Local Infrastructure Renewal Scheme (Round 3) has been approved; and
- To seek approval from Council to execute the agreement between Council and Office of Local Government.

BACKGROUND

The Local Infrastructure Renewal Scheme is a NSW Government initiative to promote investment in infrastructure across NSW. In September 2013, the NSW Government announced Round 3 of the scheme which was aimed at supporting Local Government in addressing the renewal of ageing infrastructure, as well as projects enabling new housing development.

The financial benefit of the Local Infrastructure Renewal Scheme to Local Government is a 3% interest subsidy on loans taken up for investment in ageing infrastructure and new housing development infrastructure.

MAIN REPORT

At its meeting 10 December 2013, Council approved its application under the NSW Local Infrastructure Renewal Scheme (Round 3) for a 3% interest subsidy on a \$2,250,000 loan.

As part of the LIRS application a works program valued at \$4,728,800 was developed. The works program included funding from loans of \$2,250,000. The loan proportion of this program is eligible for the LIRS interest subsidy.

LIRS Round 3	Amount	Comments
2014/15 Road Reconstruction	\$1,955,300	Various Roads within LGA
2015/16 Road Reconstruction	\$2,014,000	Various Roads within LGA
Camden Town Centre	\$759,500	Asset Renewal
Total Program	\$4,728,800	
Funded by:		
LIRS Subsidised Loan	\$2,250,000	As per Adopted Loans Program
General Fund	\$1,719,300	As per Adopted Budget
Asset Renewal Reserve	\$759,500	Funds allocated from Reserve
Total Funding	\$4,728,800	

Note: Council's long term financial plan had already factored in the loan borrowings of \$2.25 million in the 2014/15 and 2015/16 financial years.

Council has recently been advised that its application for funding under the Local Infrastructure Renewal Scheme (Round Three) has been approved. Council is now required to formally execute the funding agreement.

FINANCIAL IMPLICATIONS

Council's Long Term Financial Plan includes the funding required to meet the debt servicing costs associated with this loan. The debt servicing has been included on the basis of a ten-year fixed interest rate loan.

By entering into this agreement, Council will achieve interest savings over the life of the loan of up to \$388,636 (GST Exclusive). This amount will be paid to Council by the NSW Government in six monthly instalments for the term of the loan.

The savings from the Local Infrastructure Renewal Scheme (LIRS) will be transferred to the Asset Renewal Reserve to fund future asset renewal projects as endorsed by Council at its Ordinary Meeting 13 May 2014 (ORD 91/14).

It is important to note that Council will save over \$700,000 in interest repayments as a result of the interest subsidy it will receive from the NSW Government through rounds 2 and 3 of the LIRS.

CONCLUSION

Council has recently been advised that its application for a 3% loan interest subsidy under the Local Infrastructure Renewal Scheme (Round Three) has been approved.

The Local Infrastructure Renewal Scheme continues to provide Council with the opportunity to access subsidised loan funding to address its infrastructure backlog.

This program is in addition to the \$6 million Community Infrastructure Renewal Program approved as part of the 2013/14 Budget. When taking the Community Infrastructure Renewal Program into consideration, Council has committed in excess of \$10 million towards addressing infrastructure backlog within the Camden LGA.

RECOMMENDED

That Council execute the funding agreement between Council and Office of Local Government via Council's Power of Attorney, granted on 27 August 2013, Minute Number ORD215/13.



ORDINARY COUNCIL

ORD08

ORD08

SUBJECT: SEPTEMBER REVIEW OF THE 2014/15 OPERATIONAL PLAN (BUDGET)

FROM: Acting Director Customer & Corporate Services

TRIM #: 14/173001

PURPOSE OF REPORT

This report presents the September Quarterly Operational Plan (budget) Review for the 2014/15 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 2014/15 Operational Plan since the adoption of the 2013/14 - 2016/17 Revised Delivery Program and Operational Plan, and to consider other changes put forward for determination.

SUMMARY OF BUDGET POSITION

In adopting the 2014/15 Operational Plan, Council approved a balanced budget position. Budget adjustments identified at the September Review represent a projected budget surplus for the 2014/15 financial year of \$1,308,783.

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, additional interest on investments, savings in staff salaries and a reduction in insurance premiums due to Council moving to Westpool and United Independent Pools.

ALLOCATION OF THE 2014/15 BUDGET SURPLUS

It is recommended that the projected surplus of \$1,308,783 be allocated as follows.

BUDGET SURPLUS ALLOCATION		
Budget Surplus Available for Allocation		\$1,308,783
Central Administration Building Reserve – Transfer to Reserve	\$600,000	
Working Funds Reserve - Transfer to Reserve	\$500,000	
Capital Works Reserve - Transfer to Reserve	\$158,783	
Work Health & Safety Reserve – Transfer to Reserve	\$50,000	
Total - Allocation of Budget Surplus		\$1,308,783
Budget Surplus Balance After Allocation		\$0

CURRENT RESERVE BALANCES

Central Administration Building Reserve

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 is as follows:

CENTRAL ADMINISTRATION BUILDING RESERVE	
Current Reserve Balance	\$6,516,596
Add: Proposed Surplus Transfer	\$600,000
Proposed Reserve Balance	\$7,116,596
Future Reserve Balance Adjustments	
Less: Design and Construction Works (13/14 Revote)	(\$2,057,567)
Less: Design & Construction Works	(\$5,333,700)
Add: 2013/14 – 2016/17 Revised Delivery Program Funding	\$2,700,000
Projected Reserve Balance – Revised Delivery Program	\$2,425,329

The current balance of the Administration Building Reserve has been fully committed to the 2013/14 – 2016/17 Revised Delivery Program to assist with funding the design and preliminary costs of the new administration building. The allocation of an additional \$600,000 to this reserve will reduce Council’s reliance on loan borrowings to fund the cost of the new administration building.

Capital Works Reserve

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 is as follows:

CAPITAL WORKS RESERVE	
Current Reserve Balance	\$1,385,557
Add: Proposed Surplus Transfer	\$158,783
Less: Camden Town Centre Works *	(\$746,000)
Less: Decked Carpark – Design Phase (forward funded) *	(\$200,000)
Proposed Reserve Balance	\$598,340

** Please note these transfers are subject to Council endorsing ORD01 at tonight’s meeting.*

The proposed transfer of \$946,000 from the Capital Works Reserve is subject to Council endorsing ORD 01 at tonight’s Council meeting. The funds could be returned to the reserve through grant funding, Section 94 and future Quarterly Budget Reviews.

Asset Renewal Reserve

Council approved the creation of the Asset Renewal Reserve as part of adopting the 2013/14 – 2016/17 Delivery Program.

The balance of the Asset Renewal Reserve is as follows:

ASSET RENEWAL RESERVE	
Current Reserve Balance	\$1,322,388
Future Reserve Balance Adjustments	
Add: 2013/14 – 2016/17 Revised Delivery Program Funding	\$796,800
Less: Renewal Works Camden Town Centre (Stage 1, part funding)	(\$759,500)
Less: Renewal Works Camden Town Centre (additional funding - see ORD 1) *	(\$1,000,000)
Projected Reserve Balance – Revised Delivery Program	\$359,688

** Please note this transfer is subject to Council endorsing ORD01 at tonight's meeting.*

Funds from this reserve should only be used for the replacement and/or maintenance of existing assets. The reserve should not be used for asset upgrades, the building of new assets or for operational purposes. A further report will be provided to Council to determine where the balance of these funds could be allocated.

The proposed transfer of \$1,759,500 for the Camden Town Centre could be returned to the reserve through grant funding and/or future Quarterly Budget Reviews.

Working Funds Reserve – Asset Maintenance

The 2013/14 year-end financial health ratios (assets) indicated that Council is not spending enough money annually on asset maintenance. While work is currently being undertaken by Council's newly created asset management section it would be prudent for Council to transfer \$500,000 to the Working Funds Reserve. A further report to Council will recommend the allocation of these funds to asset maintenance related projects. This could be done during the current budget cycle (2014/15) or as part of considering the 2015/16 budget.

Work Health & Safety Reserve

As part of the 2013/14 Year-end Budget Review it was recommended that a Work Health and Safety reserve be created. The allocation of \$50,000 will serve as seed funding to support the continuation of improving Work Health and Safety (WHS) practices at Camden Council. The funds will be used to create greater efficiencies through system development with a view to enhancing Council's compliance and reducing costs.

It is proposed to maintain the reserve balance at \$50,000 with savings realised from the WHS budget (annually) used to top up the reserve to a maximum of \$50,000.

MAIN REPORT- SEPTEMBER REVIEW OF THE 2014/15 BUDGET

Further information and explanation of the increase in the projected budget surplus for 2014/15 is detailed below:

PROPOSED VARIATIONS TO BUDGET

Proposed variations between the adoption of the 2014/15 Budget and the September Review for 2014/15 have led to a projected budget surplus of \$1,308,783. A list of the variations (greater than \$15,000) is provided in the following table and brief explanations below.

SEPTEMBER REVIEW OF THE 2014/15 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	\$719,600
2. General Fund Investment Income Increase	\$201,900
3. Financial Assistance Grant Income Shortfall	(\$89,962)
4. Road Verge Mowing Income Shortfall	(\$50,100)
5. Foodshop Inspection Income Increase	\$25,000
6. Community Facilities Hall Hire Income Increase	\$15,000
Variations under \$15,000 - Various Increases	(\$3,272)
Sub Total - Income Adjustments	\$818,166
EXPENDITURE ADJUSTMENTS	
Note: Increase in expenditure is a decrease in working funds	
Savings in expenditure is an increase in working funds	
7. Risk Management Insurance Policy Renewals Savings	\$311,840
8. Corporate Salary Adjustments Savings	\$246,674
9. Workers Compensation Insurance Savings	\$160,300
10. Council Building & Furniture Cost Increase	(\$93,300)
11. Central Admin Building Operational Costs Increase	(\$50,000)
12. Loan Repayments Expense Savings	\$47,982
13. MACROC Contribution Savings	\$45,036
14. 2015/16 Road Reconstruction Expense Increase	(\$42,000)
15. Macarthur Centre for Sustainable Living Contr. Increase	(\$30,000)
16. Corporate Office Administration Expense Increase	(\$24,000)
17. Mount Annan Leisure Centre Expense Increase	(\$19,380)
18. Corporate Management External Audit Expense Savings	\$15,500
Variations under \$15,000 - Various Increases	(\$54,035)
Sub Total - Expenditure Adjustments	\$514,617
Council Authorised Variations (see page 194)	(\$24,000)
TOTAL - PROPOSED VARIATIONS TO BUDGET	\$1,308,783

- 1. Development Fees & Charges Income – Increase in Income of \$719,600**
Development income has exceeded budget expectations for the first quarter of 2014/15. Council has received a number of Development Applications of high value this quarter which reflects the high development activity in the release areas of Spring Farm, Elderslie, Oran Park and Gregory Hills. 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. Legal costs incurred as a result of Development Applications have been offset against this additional income.
- 2. General Fund Interest on Investments – Increase in Income of \$201,900**
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. Council's weighted return on investments for September 2014 was 3.95%, which is significantly higher than the industry average of 2.66%.
- 3. Financial Assistance Grant Income – Decrease in Income of \$89,962**
As part of adopting the Federal Budget, the indexation on the Financial Assistance Grant will cease for the next 3 years. The impact on Council's 2014/15 budget is \$89,962 with an expected budget shortfall in 2015/16 of \$162,000. The cumulative impact of this indexation change on Council's 10 year LTFP is estimated at \$2,700,000 as the base from which the indexation is calculated will now be less than first anticipated. Further details on the 2014/15 Financial Assistance Grant allocation can be found on page 192.
- 4. Roads and Maritime Service Roadside Mowing Income – Decrease in Income of \$50,100**
Council was advised as part of the 2013/14 year-end report that the RMS will no longer use Council to mow State owned road verges as this contract has been tendered out to the private sector. The original budget included an estimated surplus margin of \$50,100 from this activity. A further report will be presented to Council assessing any impact on the current service standard.
- 5. Health Services Food Shop Inspections Income – Increase in Income of \$25,000**
Income from food shop inspections continues to exceed budget expectations. This income represents the administration and processing fee associated with Council Officers undertaking inspections under the Food Act 2003. This adjustment brings the 2014/15 budget in line with levels achieved during the 2013/14 financial year.
- 6. Community Facilities Hall Hire Income – Increase in Income of \$15,000**
Income from the hiring of Council's Facilities is expected to be above budget expectations in 2014/15. This increase primarily relates to the recently renovated Narellan Community Centre being fully operational for the full year.
- 7. Risk Mgmt Insurance Policy Renewals – Decrease in Expense of \$311,840**
Savings in insurance premiums primarily relate to a reduction in Council's public liability and motor vehicle insurance premiums when compared to the adopted budget. The savings were a result of Council moving to Westpool and United Independent Pools in May 2014.

- 8. Corporate Salary Adjustments – Decrease in Expense of \$246,674**
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 other adjustments as a result of Council's performance management system, together with the Local Government Award Rate increase being lower than expected has also contributed to the savings against the original budget.
- While Council makes every attempt to replace staff as soon as possible given there is in most cases a need for prospective employees to provide periods of notice this can result in a delay.
- 9. Workers Compensation Premium – Decrease in Expense of \$160,300**
Council's premium has decreased over the past year due to a number of external and Council specific performance factors including a proactive approach to claims management. The original budget estimate calculated an average of premiums paid over the past few years at 4.21% of total salary costs. This estimate has been reduced to 3.50% as part of this review, reducing the expected premium for 2014/15.
- 10. Council Building Maintenance and Furniture Costs – Increase in Expense of \$93,300**
A number of office alterations have been required to provide office accommodation for the additional 24 staff approved as part of the 2014/15 budget and the staff relocation required as part of the organisation restructure.
- 11. Central Administration Building Operational Expense – Increase in Expense of \$50,000**
The purpose of the central administration building reserve is to fund the design and construction of the building only. Council is expected to incur costs not directly related to the design and construction of the building of approximately \$50,000 this year.
- 12. Corporate Management Loan Repayments – Decrease in Expense of \$47,982**
As part of the March 2014 budget review, Council reduced its reliance on loan borrowings in 2013/14 from \$1.35 million to \$1 million. This has resulted in savings to the budget in interest and principal repayments of \$47,982 for 2014/15 and a total of \$470,000 over the life of the LTFP.
- 13. MACROC Contribution – Decrease in Expense of \$45,036**
A review of annual operating expenditure was undertaken by the member Councils of MACROC in 2013. This review has resulted in the removal of economic development costs, reducing contributions paid by all member Councils. This budget adjustment reduces the expected contribution for 2014/15 to similar levels paid in 2013/14. Council will contribute \$78,664 to MACROC in 2014/15.
- 14. Road Reconstruction Program – Increase in Expense of \$42,000**
Council adopted a road reconstruction program of \$1.9 million in 2015/16. An amount of \$42,000 is required to be brought forward from next year's construction budget so that geotechnical design can commence. As this is now being funded in the 2014/15 budget it will be returned as savings in the 2015/16 budget.

15. Macarthur Centre for Sustainable Living Contribution – Increase in Expense of \$30,000

Council has supported the Macarthur Centre for Sustainable Living (MCSL) since 2010. This has previously been funded through the Waste and Sustainability Improvement Program (WaSIP) grant funding, of which Council received final funding under this program in 2013/14. In order to continue to provide financial assistance to the MCSL Council will need to fund this from general fund.

16. Corporate Management Office Administration Costs – Increase in Expense of \$24,000

As a result of the recent increase in staff numbers and staff relocations, new office equipment was required to be leased increasing office administration expenses (eg. photocopying & printing). This increase represents the expected cost for the entire financial year.

17. Mount Annan Leisure Centre Operational Contract – Increase in Expense of \$19,380

Council officers recently met with the YMCA to formally endorse the operational and management budget for the Mount Annan Leisure Centre for 2014/15. While the centre is still expected to have an operational surplus for 2014/15 the surplus figure agreed upon has been reduced by \$19,380.

18. Corporate Management External Audit – Decrease in Expense of \$15,500

In March 2014 Council appointed PricewaterhouseCoopers as its external auditor for a period of 6 years. Council was advised as part of the 2013/14 year-end review that the annual fee for external services is below budget expectations and has resulted in savings over the contract period. This adjustment is required to reflect the reduction for 2014/15.

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 2014/15. The entitlement to Council consists of two components:

- 1) General Purpose Component - \$2,081,939
- 2) Local Roads Component - \$1,023,499

A comparison of the Financial Assistance Grants paid to Council over the past five (5) years (including the 2014/15 grant) is outlined in the following table:

	General Purpose	Local Roads	Total Grant	Increase / (Decrease)
2010/11	\$1,460,580	\$772,564	\$2,233,144	-
2011/12	\$1,578,387	\$862,482	\$2,440,869	\$207,725
2012/13	\$1,637,603	\$892,317	\$2,529,920	\$89,051
2013/14	\$1,988,867	\$985,753	\$2,974,620	\$444,700
2014/15	\$2,081,939	\$1,023,499	\$3,105,438	\$130,818

The total allocation for 2014/15 is a 4.4% increase when compared to the entitlement received in 2013/14.

In framing the 2014/15 Budget, Council estimated that it would receive \$3,195,400 in total Financial Assistance Grants (7.4% increase on the 2013/14 allocation). As part of the 2014/15 Federal Budget the Government announced that it “..will achieve savings of \$952.2 million over four years by pausing indexation of the Local Government Financial Assistance Grants Programme for three years commencing 1 July 2014”. As a result of the pausing of indexation, the 2014/15 estimate needs to be revised to \$3,105,438 representing a budget deficit of \$89,962.

Accordingly, there will be no further adjustments for CPI until the 2017/18 year, with this change to indexation to form part of Council’s 2015/16 annual budget and LTFFP.

IMPACT OF THE FEDERAL BUDGET

The Federal Budget has 5 main areas of change or financial impact on Local Government.

- **Financial Assistance Grant (reduction in income)**

As discussed earlier in this report the indexation on the grant will cease from 2014/15 for the next 3 years.

- **Family Day Care (reduction in income)**

The operational subsidy for Family Day Care will cease from 1 July 2015. A separate report is being prepared for Council on the budget impact and possible funding options for future Family Day Care operations.

- **Pensioner Subsidy (reduction in income)**

The Federal Government will cease paying its 5% contribution towards the pensioner rebate. The NSW State Government has agreed to fund this shortfall for 2014/15; this may impact future year’s budgets if an alternate funding source is not identified past 2014/15.

- **Superannuation Guarantee (reduction in expenditure)**

The increase to employee’s superannuation guarantee has now been delayed. There will be no change to current rate of 9.50% in 2014/15, as the annual increase has been paused until 2018/19 which will result in savings to Council.

- **Repealing the Carbon Tax (reduction in expenditure)**

The Australian Government has abolished the carbon tax effective from 1 July 2014. Council, whilst not directly liable for the Carbon Tax, will see an impact through a reduction of indirect costs.

It is difficult to quantify the exact savings realised from the abolishment of the Carbon Tax for costs such as electricity, fuel, gas and water, as providers have not itemised the tax. However, the Australian Government expects retail electricity prices to decrease by 9% and retail gas prices by 7%.

The impact on Council's Domestic Waste service will be a reduction in tipping costs. This reduction will be factored into the waste budget for 2015/16 and form part of the pricing structure of the Domestic Waste service to households.

Further information on the financial impact of the Federal Budget on Council's 2015/16 budget and LTFP will be provided as part of considering the 2015/16 budget process or a separate report to Council.

COUNCIL AUTHORISED VARIATIONS

Council has authorised seven (7) budget variations since the adoption of the 2014/15 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)
Equestrian Park - Mens Shed Extension Council Resolution – 125/14 – 24/06/2014	\$13,636	\$13,636	\$0
RMS Blackspot – Raby Road RMS Blackspot – Cut Hill / Coates Park Road Council Resolution – 145/14 – 22/07/2014	\$456,000	\$456,000	\$0
New Clubhouse Narellan Park Council Resolution - 182/14 – 09/09/2014	\$200,000	\$200,000	\$0
Camden Wetlands Reserve Rehabilitation Council Resolution – 184/14 – 09/09/2014	\$35,312	\$35,312	\$0
Gundungurra Reserve Signage Council Resolution – 185/14 – 09/09/2014	\$1,300	\$1,300	\$0
RMS Cycleways – Bicycle Crossing Richardson Rd RMS Pedestrian Facilities – Welling Drive Council Resolution – 195/14 – 23/09/2014	\$80,000	\$80,000	\$0
Camden Town Farm Committee – COWA Council Resolution – 221/14 – 28/10/2014	\$24,000	\$0	\$24,000
TOTAL - COUNCIL APPROVED VARIATIONS	\$810,248	\$786,248	\$24,000

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 2014 to 30 September 2014, a number of contra adjustments have taken place amounting to a total of \$1,916,027. A detailed list of the adjustments is an **attachment to this report**.

EXPENDITURE REVOTES

As part of this review there were no expenditure revotes identified for programmed works/projects that will not commence or be completed by 30 June 2015.

2014/15 LIST OF UNFUNDED PROJECTS AND SERVICES

As part of the adoption of the 2013/14 – 2016/17 Revised Delivery Program, Council endorsed the List of Unfunded Projects and Services. This list identifies projects 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 no changes proposed to the Unfunded Projects and Services List as part of the September Review. A copy of the list has been included as an **attachment to this report**.

It should be noted that as part of the 2015/16 budget process an organisational review of the Unfunded Projects & Service List will be undertaken. This review will ensure the projects identified remain representative of Council’s current unfunded projects and services.

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 \$1,308,783 as advised in this report.

CONSOLIDATED WARD FUNDS	
2014/15 Budget Allocation	\$30,000
2013/14 Ward Funds Revote	\$36,013
TOTAL FUNDS AVAILABLE	\$66,013
PROJECTS FUNDED IN 2014/15	
Rotary Club of Camden (DA Fees) Council Resolution - 175/14 - 09/09/2014	\$916
Not-for-Profit Schools (Refund 13/14 Food Inspection Fees) Council Resolution - 206/14 - 14/10/2014	\$2,541
TOTAL PROJECTS FUNDED IN 2014/15	\$3,457
BALANCE OF CONSOLIDATED WARD FUNDS 30 SEPTEMBER 2014	\$62,556

SUMMARY OF SEPTEMBER REVIEW ADJUSTMENTS

The following table is a summary of budget adjustments up to 30 September 2014.

SUMMARY OF BUDGET ADJUSTMENTS	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	Budget Impact Increase / (Decrease)
2013/14 Carried Forward Working Funds Balance			\$1,000,000
2014/15 Adopted Budget Position			\$0
LESS: Minimum Desired Level of Working Funds			(\$1,000,000)
Total Available Working Funds 01/07/2014			\$0
2014/15 September Review Adjustments			
NOTE 1: Proposed Variations	(\$514,617)	\$818,166	\$1,332,783
NOTE 2: Authorised Variations	\$810,248	\$786,248	(\$24,000)
NOTE 3: Contra Adjustments	\$1,916,027	\$1,916,027	\$0
NOTE 4: Revotes (Budget Carry-Overs)	\$0	\$0	\$0
Total - September Review Adjustments	\$2,211,658	\$3,520,441	\$1,308,783
TOTAL AVAILABLE WORKING FUNDS			\$1,308,783

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 2014 indicates that Council's projected financial position is satisfactory. No remedial actions are required based on the financial position presented within this report.

CODE OF CONDUCT REPORTING

There is a statutory requirement to report Code of Conduct statistics to Council on an annual basis. The reporting period is 1 September 2013 to 31 August 2014. This information also appears in the Annual Report. No matters were reported for this period. Please refer to the the Quarterly Budget Review Statement which is an **attachment to this report** (p212).

CONCLUSION

The September Budget Review surplus of \$1,308,783 is a pleasing result. While Council will continue to benefit from increased income through development, Council has realised significant savings in the areas of risk management insurance (\$311,840) and workers compensation insurance (\$160,300).

If endorsed by Council the surplus will allow further funds to be transferred to reserve, reducing Council's exposure to loan funds for the construction of the new administration building and assist in addressing the industry wide problem of long-term asset management.

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. approve the transfer of the projected surplus for 2014/15 of \$1,308,783 as follows;**

BUDGET SURPLUS ALLOCATION		
Budget Surplus Available for Allocation		\$1,308,783
Central Administration Building Reserve – Transfer to Reserve	\$600,000	
Working Funds Reserve - Transfer to Reserve	\$500,000	
Capital Works Reserve - Transfer to Reserve	\$158,783	
Work Health & Safety Reserve – Transfer to Reserve	\$50,000	
Total - Allocation of Budget Surplus		\$1,308,783
Budget Surplus Balance After Allocation		\$0

- iii. approve the creation of a Work Health and Safety reserve and that any annual savings realised within the WHS budget be used to top up the reserve to a maximum reserve balance of \$50,000.**

ATTACHMENTS

- 1. September 2014 - Quarterly Budget Review Statement
- 2. 2014-15 - September Review - Budget Appendix
- 3. Unfunded Projects and Services - as at 30 September 2014

ORDINARY COUNCIL

ORD09

ORD09

SUBJECT: SMALL BUSINESS FRIENDLY COUNCILS PROGRAM - ON-TIME PAYMENT POLICY

FROM: Acting Director Customer & Corporate Services

TRIM #: 14/182534

PURPOSE OF REPORT

The purpose of this report is for Council to consider a draft On-Time Payment Policy and to seek Council's endorsement to place the draft policy on public exhibition.

BACKGROUND

The Small Business Friendly Councils Program was launched in September 2014 by the Minister for Local Government, The Hon. Paul Toole MP. Camden Council is one of 38 Councils across NSW and one of the first group of Councils which has signed up to be part of this innovative program.

Council has made a number of commitments through this program, which include:

- developing a Business Advisory Board in collaboration with key stakeholders from the Camden Local Government Area business community,
- reporting on business improvement processes and on-time payment polices in Council's operational plans, and
- implementation of new initiatives for engaging with small businesses in Camden.

MAIN REPORT

This policy will formalise Council's commitment to pay invoices from eligible small business within 30 days of receipt as part of the Small Business Friendly Councils Program.

A copy of the draft Policy is provided as attachment 1 to this report.

Small businesses are defined as Australian or New Zealand based firms that have an annual turnover of under \$2 million (in the last financial year). Registration for small business will be through a self-assessment application form, which will be available on Council's website.

Small businesses signed up to the program will receive payment within 30 days of issuing Council with a valid invoice. If payment is not made within this timeframe, Council agrees to pay simple interest on the amounts outstanding beyond those terms.

Council will provide quarterly reports as part of the Quarterly Budget Review Statement which will outline compliance with the policy, the number of small business paid within the terms of this policy and the amount of interest paid where amounts were outstanding beyond 30 days (if applicable).

Once adopted, the policy will be promoted on Council's website as part of the Small Business Friendly Councils Program. Information will also be provided to suppliers on purchase orders and related supplier source documentation.

The public exhibition of this policy will be for a period of 30 days and includes advertising in Council's weekly newspaper advertisement; copies of the policy will be available at Council's administration offices and public libraries. The policy will also be placed on Council's website and Facebook page.

It should be noted that Council already endeavours to pay all correctly rendered invoices within 30 days but this practice is not formalised in policy. The adoption of a 30 day on time payment policy for small business will follow the guidelines currently adopted by the State Government.

It is expected that within 12 months the terms of the payment policy will be better than 30 days which will further demonstrate Council's commitment to assisting small business.

A progress report to Council on the SBFC Program will occur early in 2015.

FINANCIAL IMPLICATIONS

There are no direct financial implications for Council.

CONCLUSION

The Small Business Friendly Councils Program is a ground breaking program which will see participating Councils support small businesses through reviewing existing procedures and practices and exploring new initiatives which enable small businesses to grow and thrive.

The endorsement of this policy for the purpose of public exhibition is consistent with Council's commitment to the Small Business Friendly Councils Program.

RECOMMENDED

That Council:

- i. endorse the draft On-Time Payment Policy for the purpose of public exhibition as part of the Small Business Friendly Program; and**
- ii. be provided with a further report detailing the results of the 6 week exhibition period.**
- iii. write to Ms Robyn Hobbs OAM, NSW Small Business Commissioner and Mr Stephen Cartwright, Chief Executive Officer, NSW Business Chamber advising that Council has adopted for exhibition an on-time payment policy for small business.**

ATTACHMENTS

- 1. Draft On-Time Payment Policy**



ORDINARY COUNCIL

ORD10

ORD11

SUBJECT: INVESTMENT MONIES - OCTOBER 2014
FROM: Acting Director Customer & Corporate Services
TRIM #: 14/186840

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 31st October 2014 is provided.

MAIN REPORT

The weighted average return on all investments was 3.95% p.a. for the month of October 2014. The industry benchmark for this period was 2.72% (Average BBSW 90 day).

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 Finance & Corporate Planning.

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. **note the list of investments for October 2014 and;**
- iii. **note the weighted average interest rate return of 3.95% p.a. for the month of October 2014.**

ATTACHMENTS

1. Investment Report - October 2014



ORD11

ORDINARY COUNCIL

ORD11

SUBJECT: 2013/2014 GRANTS ALLOCATED UNDER THE SUPPORT FOR SPECIAL ACHIEVERS PROGRAM

FROM: Acting Director Customer & Corporate Services

TRIM #: 14/185300

PURPOSE OF REPORT

The Support for Special Achievers Program is one of the grant programs under the Community Financial Assistance Policy adopted by Council on 8 October 2013.

The Policy requires that a detailed summary of funds allocated be presented to Council annually.

BACKGROUND

The Support for Special Achievers Program provides support to gifted and talented people who live in the Camden LGA. The program provides a grant of up to \$500 to assist in meeting costs of participation in a cultural, academic or sporting event where the person is competing at either a state or national level. Applications under this program are accepted throughout the year.

MAIN REPORT

The budget for the 2013/2014 Support for Special Achievers Program was \$8,100. Twenty-four (24) applications were received with twenty (20) of those approved for funding.

Below is a summary of the funds allocated:

Applicant	Activity	Funded Amount (excluding GST)
Adam Taiba	School Sport Australia, Swimming Championships held in South Australia	\$154.00
Joshua Institoris	Indoor Cricket National Championships held in Queensland	\$257.30
Jemma Crane	Trans Tasman Oz Tag Tour held in New Zealand	\$125.50
Joshua Hand	NSW Junior Baseball League Tour held in Japan	\$240.00
Natasha Ball	Australian Hockey Championships held in Tasmania	\$232.00
Emily Kitson	Trans Tasman Oz Tag Tour held in New Zealand	\$133.70
Deanna Avery	Asia-Pacific Games, Special Olympics held in Newcastle	\$240.00

Hayden Cortis	School Sport Australia Swimming Championships held in South Australia	\$134.65
Daniel Griffin	Asia-Pacific Games, Special Olympics held in Newcastle	\$290.00
Ryan Gregory	Global Young Leaders Conference held in the USA	\$500.00
Alison Goodwin	Ballet Pre Professional Program held in Queensland	\$454.55
Jaidyn Richards	West Ham United Academy's Youth Competition held in the UK	\$500.00
Karley Schonell	National Hockey Championships held in Tasmania	\$379.27
Natasha Ball	National Hockey Championships held in Tasmania	\$250.00
Hayden Ferguson	Indoor Cricket National Championships held in South Australia	\$305.00
Ben Bassett	International Oz Tag Tour held in the UK	\$500.00
Bradley Gillies	Softball International Tour held in the USA and Canada	\$454.55
Luke Ollerenshaw	Junior Softball World Championships held in Canada	\$190.00
Joshua Hand	2014 Australian Little League Championships held in Queensland	\$126.00
Ethan Bryan	2014 Australian Little League Championships held in Queensland	\$126.17
Total		\$5,592.69

FINANCIAL IMPLICATIONS

All payments made were within approved budget allocation for the 2013/2014 Support for Special Achievers Program.

CONCLUSION

This information is submitted for Council's information.

RECOMMENDED

That Council receive and note the report.

ORDINARY COUNCIL

ORD12

SUBJECT: 2013/2014 GRANTS ALLOCATED UNDER THE DONATIONS FOR CHARITABLE PURPOSES PROGRAM

FROM: Acting Director Customer & Corporate Services

TRIM #: 14/183822

PURPOSE OF REPORT

The Donations for Charitable Purposes Program is one of the grant programs under the Community Financial Assistance Policy adopted by Council on 8 October 2013.

The Policy requires that a detailed summary of funds allocated be presented to Council annually.

BACKGROUND

The Donations for Charitable Purposes Program addresses monetary and in-kind donations to individuals, not for profit community groups and organisations in the Camden Local Government Area. It is intended to provide a clear and consistent process for the determination of requests for one-off monetary and in-kind donations from Council to individuals, community groups or organisations for charitable purposes. Applications under this program are accepted throughout the year.

MAIN REPORT

The budget for the 2013/2014 Donations for Charitable Purposes Program was \$12,300. Sixteen (16) applications were received with eleven (11) of those approved for funding.

Below is a summary of the funds allocated:

Applicant	Activity	Funded Amount (excluding GST)
Bankstown Police	Fundraising for Camden residents Chris and Juliet Plummer	\$500
Sydney Baseball Lions Club	Fundraising for Neonatal and Paediatric Emergency Transport Services	\$500
Kelly McLaren	Bright Pink Lipstick – fundraising event for breast and ovarian cancer	\$500
24hr Fight Against Cancer Macarthur	Camden Carols Festival	\$400
Mayoral Citizenship Awards	Annual Mayoral Citizenship Awards with local schools	\$491
St Johns Anglican Church	Christmas Day Lunch for disadvantaged	\$500
Australian Diabetes Council	Connecting the Dots in Diabetes Seminar	\$350

Quota International of Macarthur	Cavalcade of Fashion and History Event – funds raised for Rural Fire Service	\$500
Dry July Foundation	Dry July Fundraiser	\$500
Catherine Field Rural Fire Brigade	Celebrations for Brigade's 50 th Anniversary	\$455
Alison Gerloff	High Tea fundraiser for the Chris O'Brien Lifehouse Charity	\$409
Total		\$5,105

FINANCIAL IMPLICATIONS

All payments made were within approved budget allocation for the 2013/2014 Donations for Charitable Purposes Program.

CONCLUSION

This information is submitted for Council's information.

RECOMMENDED

That Council receive and note the report.

ORDINARY COUNCIL

ORD13

SUBJECT: RETAIL SUPPLY OF ELECTRICITY FOR LARGE COUNCIL FACILITIES AND FOR STREET LIGHTING

FROM: Director Community Infrastructure

TRIM #: 14/172510

PURPOSE OF REPORT

To inform Council of the outcome of the 'reverse auction' process for the supply of electricity to Council's large sites and for street lighting.

BACKGROUND

At the Council meeting on 14 October 2014, Council considered a report on the proposed participation in a 'reverse auction' process for the supply of electricity to Council's large sites and for street lighting and resolved to:

- i. note the participation in a tender process through Regional Procurement Initiative (a division of Hunter Councils Inc.) and their partner, Energy Action, for the retail supply of electricity to Council's seven large sites as described in this report and for street lighting for a period of 24 months, commencing 1 July 2015;*
- ii. delegate to the General Manager the authority to accept a tender and enter into a retail supply agreement for Council's large sites and for street lighting for this and future periods; and*
- iii. receive a further report on the outcome of the tender process.*

The 'reverse auction' was held on 22 October 2014.

MAIN REPORT

An on-line reverse auction for the retail supply of electricity was completed on 22 October 2014 in two parts; (1) large sites and (2) street lighting.

Contestable (Large) Sites

As indicated in the report to Council on 14 October 2014, Council has seven large tariff sites including Camden Administration Building, Narellan Administration Building, Camden Library, Narellan Library, Camden Civic Centre, Camden Pool, Mount Annan Leisure Centre.

The reverse auction commenced at 11.10am and closed at 11.20am with a series of decreasing bids from the following electricity suppliers:

- Simply Energy
- CO Zero
- Energy Australia
- Alinta
- ERM
- Origin Energy and
- AGL.

Tenders were assessed against a set of predetermined, weighted criteria which includes Price, Quality Assurance and Customer Service. Table 1 of the **Supporting Document** summarises the results of the tender process.

Based on a detailed assessment of the submitted tenders and the relevant selection criteria, the preferred tender for the retail supply of electricity for the seven large sites is AGL.

Street lighting

The reverse auction commenced at 11.30am and closed at 11.45am with a series of decreasing bids from the following electricity suppliers:

- ERM Power
- Energy Australia
- Origin Energy and
- AGL

Tenders were assessed against a set of predetermined, weighted criteria which includes Price, Quality Assurance and Customer Service. Table 2 of the **Supporting Document** summarises the results of the tender process.

Based on a detailed assessment of the submitted tenders and the relevant selection criteria, the preferred tender for the retail supply of electricity for the street lighting is AGL.

FINANCIAL IMPLICATIONS

Council's draft budget for Contestable Sites and Street lighting currently includes a provision of 7.5% in 2015/16 for increases to supply costs.

Based on current consumption rates, the estimated savings over the 24 month term as a result of the new contract rates are shown in the table below.

Supply of Energy	Estimated Savings
Contestable Sites	\$248,392*
Street lighting	\$141,043*
Total	\$389,435*

**GST Exclusive*

These savings are based on current consumption and may be depleted as new facilities come on line. It is important to note the estimated savings of \$389,435 (GST exclusive) includes the repeal of the Carbon Tax legislation.

The new contract rates accepted as part of the tender process will form part of the preparation of Council's 2015/16 budget.

CONCLUSION

Following a competitive tender process, Council has entered into a retail electricity supply agreement for large sites with AGL for a 24 month period commencing at 1 July

2015. Further, Council has entered into a retail electricity supply agreement for street lighting with AGL for a 24 month period commencing at 1 July 2015.

RECOMMENDED

That Council note the information contained in the report.

ATTACHMENTS

1. Tender Assessment Results - Retail Supply of Electricity for Large Council Facilities for Street Lighting - *Supporting Document*

ORDINARY COUNCIL

ORD14

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**SUBJECT: TENDER T004/2015 DESIGN OF MOUNT ANNAN LEISURE CENTRE
STAGE 2**

FROM: Director Community Infrastructure

TRIM #: 14/182419

PURPOSE OF REPORT

To provide details of the tenders received for contract T004/2015, being the design of Mount Annan Leisure Centre (MALC) Stage 2, to recommend that Council accept the tender submitted by Facility Design Group Pty Ltd and to seek Council endorsement of the project funding and scope of works.

BACKGROUND

In 1998 Council prepared concept plans for the development of the MALC facility. The delivery of the facility has been staged in line with available funds from the Section 94 Camden Contribution Plan. Stage 1 was constructed in 2002. Aquatic and health/fitness facilities are currently provided and the Centre is operated under an agreement between Council and the YMCA NSW.

Stage 2 of the facility was originally planned to include:

- 3 court multi-purpose indoor sports hall and stage;
- Additional amenities and storage facilities; and
- Additional car parking.

In 2014, Council undertook the Camden Recreation Demand Study which identified an extension to MALC as an expressed need for the community of Camden.

On the 19 August 2014 Council officers provided a presentation to Councillors to discuss the proposed scope and budget proposals for the development of MALC Stage 2.

MAIN REPORT

Invitation to Tender

Tenderers were invited to provide a lump sum price for the design of alterations and additions to MALC. The invitation was advertised on 23 September 2014 in the Camden Advertiser, Sydney Morning Herald and the NSW e-tendering website. The tender closed on 16 October 2014 and eight submissions were received.

Tender Submissions

Tenders were received from the following companies listed below:

Company**Location**

- | | |
|-----------------------------------|------------------|
| • Facility Design Group Pty Ltd | Cambewara NSW |
| • Tompkins MDA Architects Pty Ltd | Sydney NSW |
| • Design Inc Sydney Pty Ltd | North Sydney NSW |
| • Conrad Gargett Pty Ltd | Ultimo NSW |
| • GHD Pty Ltd | Sydney NSW |
| • Peter Hunt Pty Ltd | Waverton NSW |
| • dwp Suters | Pymont NSW |
| • Government Architects Office | Sydney NSW |

An assessment of the tenders was undertaken in line with the Tender Evaluation Plan. A summary of this assessment is provided in the **Supporting Documents**.

Tender Evaluation

The intention of the tender process is to appoint a Principal (head) consultant with proven capacity and experience in similar scale projects as well as providing good value and quality services to Council.

A tender evaluation panel was established and the submissions were assessed on price and non-price factors as agreed by the evaluation panel. Price was given weighting of 65% and non-price factors a weighting of 35%.

Non Price Factors considered for this project included:

- Project Appreciation, Approach and Vision;
- Head Consultant's Technical Capacity and Experience;
- Sub-Consultant's Technical Capacity and Experience;
- Head Consultant's experience/relationship with proposed sub-consultants;
- Program;
- References from past projects; and
- Work Health and Safety

Facility Design Group Pty Ltd provided the most competitive tender in terms of cost and meeting all requirements of Council's tender documentation. They have extensive experience with local government, YMCA and PCYC in delivering similar type facilities.

Relevant Legislation

The tender has been conducted in accordance with the Local Government Act 1993, the Local Government Regulations (2005) and Council's Purchasing and Procurement Policy.

Critical Dates / Time Frames

Facility Design Group Pty Ltd has tendered to complete the works within Council's required project timeframe as follows:

- | | |
|---------------------------------|--------------|
| • Concept Design | March 2015 |
| • Lodge Development Application | April 2015 |
| • Finalise Tender Documentation | January 2016 |
| • Award Construction Contract | April 2016 |
| • Project Completion | April 2017 |

Project Scope

Since the initial design of the facility was undertaken in 1998, the demand for facilities has changed. The Camden Recreation Demand Study 2014 identified a need for expansion of health and fitness facilities and also provision of an indoor sports hall at MALC. Recent developments in the widening of the Narellan Road have also limited the potential to provide a 3 court indoor multipurpose sports hall as originally planned in 1998.

Based on current and anticipated future demands for facilities at the MALC the following project scope is recommended:

- Expansion and modifications to the health and fitness facilities
- Modifications to foyer and service counter
- Expansion of the crèche
- Additional office space
- Additional car parking
- 2 court (in lieu of 3) multipurpose indoor sports hall
- New amenities areas to service courts and expanded health and fitness area

FINANCIAL IMPLICATIONS

As part of its commitment to continue to improve facilities at MALC, Council allocated funding in the current four year Delivery Plan for expansion of the health and fitness areas known as Stage 2a. Based on Section 94 cashflow projections at the time, budgets were structured to allow for a further staged development of the MALC in 2021 to 2023 known as Stage 2b.

As a result of the findings of the Camden Recreation Demand Study 2014, Council is now proposing to combine Stages 2a and 2b to include the 2 court multipurpose indoor sports hall with the flexibility to accommodate gymnastics.

The revised scope for Stages 2a & 2b is estimated to require a total project budget of \$13,650,000.

Since adoption of the 2014/15 Section 94 Capital Works Delivery Program, Council has identified uncommitted Section 94 funds resulting from an increase in developer contributions. There are sufficient uncommitted Section 94 funds available to complete both Stage 2a and 2b within the current 4 year delivery program.

This will be a more cost effective approach and will minimise disruption to the operations of the centre.

Budget Summary

	Current Budget	Proposed Budget	Increase to Budget
2014/15	\$ 550,000	\$ 550,000	\$ 0
2015/16	\$ 3,154,000	\$ 4,250,000	\$ 1,096,000
2016/17	\$ 4,986,000	\$ 8,850,000	\$ 3,864,000
Total	\$ 8,690,000	\$13,650,000	\$ 4,960,000

**Total project funded from Camden Contributions Section 94 funds.*

The above represents an increase to the 4 year Capital Works Delivery program of \$4,960,000.

Council has sufficient funds currently allocated in the 2014/2015 Capital Works Delivery Program to proceed with the proposed contract works.

CONCLUSION

The revised project scope and budget allocations are necessary to meet the demands of the rapidly growing community of Camden. There is sufficient uncommitted funding available in the Camden Section 94 Contributions Plan to deliver the full scope of Stage 2 earlier to meet those demands.

Facility Design Group Pty Ltd has provided a conforming Tender. The Tender assessment concludes that the offer by Facility Design Group Pty Ltd represents the best value to Council and the Company has a proven track record of performance on projects of a similar nature.

RECOMMENDED

That Council:

- i. endorse the proposed project scope of alterations and additions at Mount Annan Leisure Centre as outlined in the body of this report;**
- ii. authorise additional funding of \$1,096,000 and \$3,864,000 in the 2015/16 and 2016/17 Capital Works Delivery Program respectively, from uncommitted Section 94 funds for Stage 2 of Mount Annan Leisure Centre, bringing the total project budget to \$13,650,000;**
- iii. accept the tender provided by Facility Design Group Pty Ltd for the lump sum of \$510,450 (excl. GST); and**
- iv. authorise the relevant documentation to be completed under the Council's Power of Attorney, granted on the 27 August 2013, Minute Number ORD215/13.**

ATTACHMENTS

- 1. Tender Evaluation - T004/2015 - Mount Annan Leisure Centre - *Supporting Document***