



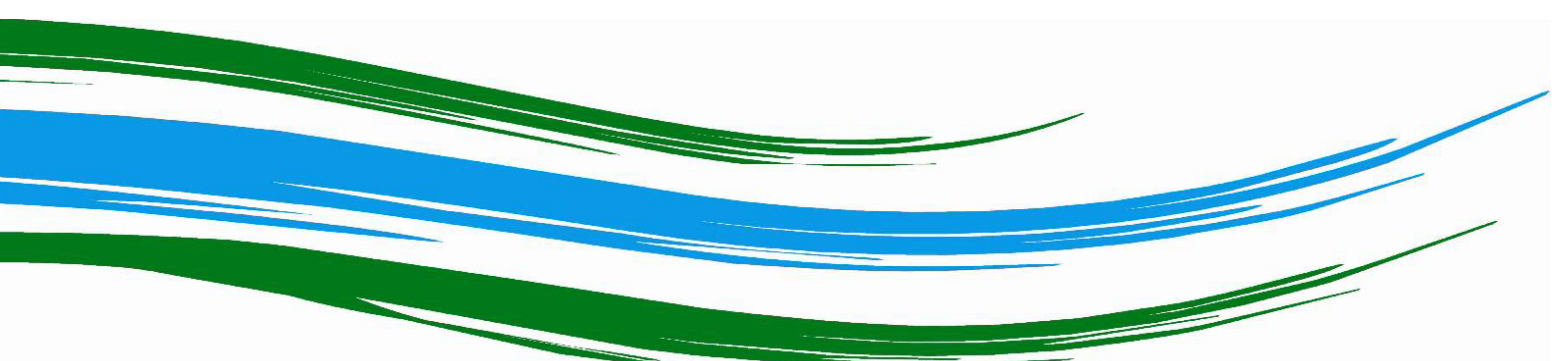
# Camden Council

## Business Paper

**Ordinary Council Meeting**  
**9 September 2014**

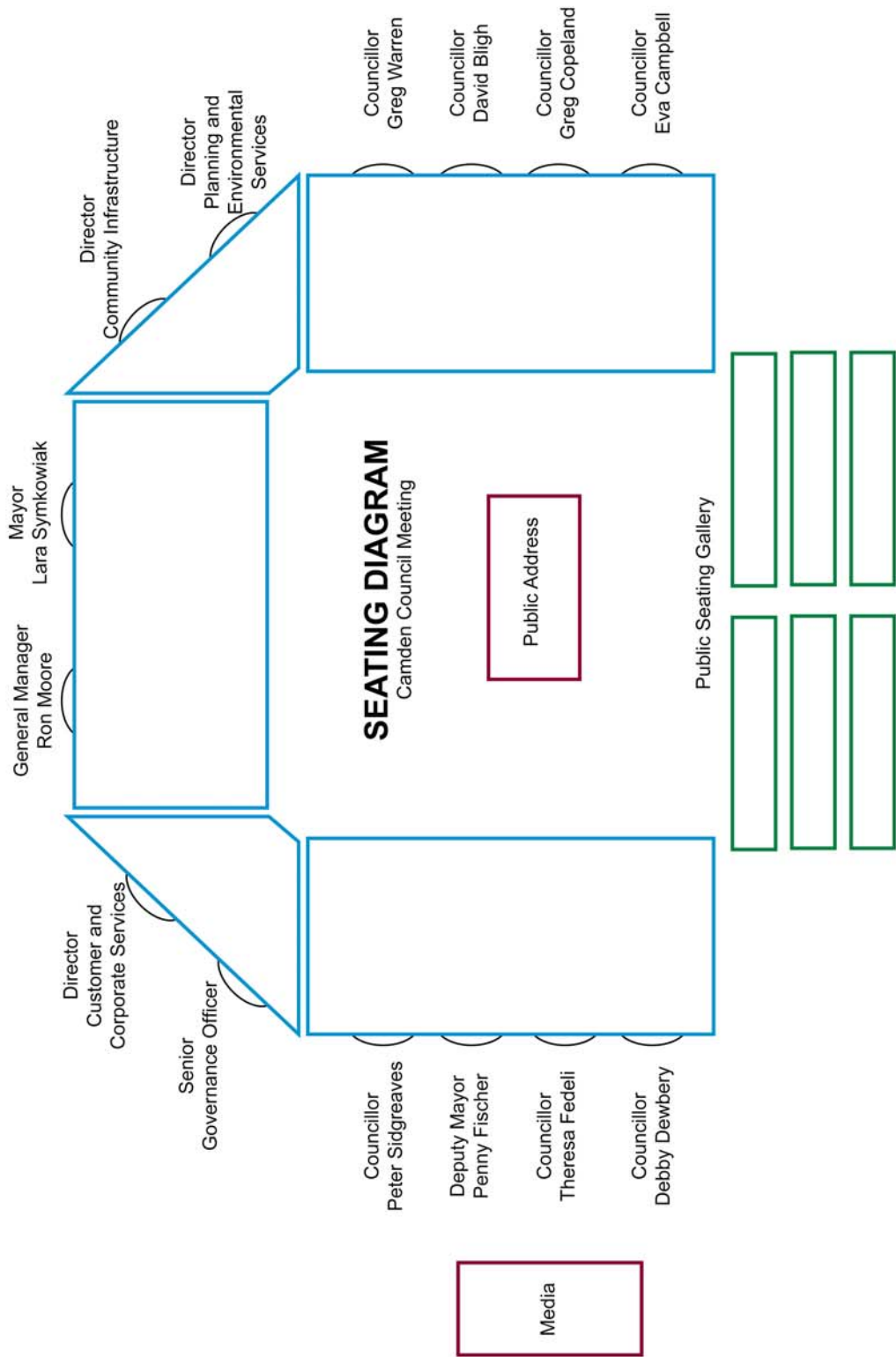
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**Camden Civic Centre**  
**Oxley Street**  
**Camden**



## 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

## ORDER OF BUSINESS - ORDINARY COUNCIL

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## ORDINARY COUNCIL

**SUBJECT: PRAYER**

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### PRAYER

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

Amen

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

Amen

\*\*\*\*\*

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

Amen

\*\*\*\*\*

### 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)*

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## **ORDINARY COUNCIL**

**SUBJECT:       ACKNOWLEDGMENT OF COUNTRY**

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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.



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## **ORDINARY COUNCIL**

**SUBJECT: RECORDING OF COUNCIL MEETINGS**

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



## **ORDINARY COUNCIL**

**SUBJECT: APOLOGIES**

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

### **RECOMMENDED**

**That leave of absence be granted.**

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## ORDINARY COUNCIL

**SUBJECT:       DECLARATION OF INTEREST**

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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.**

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## ORDINARY COUNCIL

**SUBJECT: PUBLIC ADDRESSES**

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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.**

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## **ORDINARY COUNCIL**

**SUBJECT: CONFIRMATION OF MINUTES**

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Confirm and adopt Minutes of the Ordinary Council Meeting held 26 August 2014.

**RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting held 26 August 2014, copies of which have been circulated, be confirmed and adopted.**

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## **ORDINARY COUNCIL**

**SUBJECT:       MAYORAL MINUTE**

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Consideration of Mayoral Minute (if any).

## ORDINARY COUNCIL

ORD01

**SUBJECT: ELECTION OF MAYOR 2014/2015**  
**FROM:** Acting Director Customer & Corporate Services  
**TRIM #:** 14/128832

The procedures to be followed in respect of the election of the Mayor are set out in section 290 of the *Local Government Act 1993* ("the Act") (Timing), clause 394 of the *Local Government (General) Regulation 2005* (method) and Schedule 7 of that Regulation.

To be nominated for election to the position of Mayor, a nomination form must be completed. The nomination form must be signed by two Councillors, one of whom may be the nominee and must indicate consent of the nominee.

The forms must be delivered to the General Manager before 4pm on Tuesday 9 September 2014. To assist, a number of nomination forms have been issued under separate cover to each Councillor for this purpose.

If more than one nomination is received, Council will be required to resolve the method of voting. Three methods are available under the Regulations:

- Show of hands (self-explanatory - open voting)
- Ordinary Ballot
- Preferential Ballot

Once the method of voting is determined, with the exception of show of hands, voting ballot papers will be handed to each Councillor for completion. It is important that the ballot papers are completed correctly to ensure they are formal votes. Informal votes, i.e. those completed contrary to instructions, are excluded from the election count.

In the event of a tied vote, i.e. two candidates with the same number of votes, the election is determined by the draw from a box. In the case of an exclusion to reduce the number of candidates to two, the first name drawn is excluded. In the case of a two candidate draw, the name drawn is declared the elected candidate.

**Action required:**

- (a) If only one candidate nominated - the General Manager will declare the candidate elected.
- (b) If more than one candidate nominated - Council to determine the method of voting as outlined in this report.

**RECOMMENDED**

**That Council:**

- i. **determine the method of voting, if required; and**
- ii. **an election be held at the Council Meeting of 9 September 2014 and once the result is known, the General Manager to declare the candidate with the majority, elected as Mayor for the 2014/2015 term.**

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## ORDINARY COUNCIL

ORD02

ORD02

**SUBJECT: ELECTION OF DEPUTY MAYOR 2014/2015**  
**FROM:** Acting Director Customer & Corporate Services  
**TRIM #:** 14/128835

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Unlike the position of Mayor, which is required by statute under section 225 of the *Local Government Act 1993* ("the Act"), the position of Deputy Mayor is optional (section 231).

The position of Deputy Mayor does not involve any additional responsibilities or functional authorities beyond the normal role of a Councillor, except when requested by the Mayor or at times, when the Mayor is prevented by illness, absence or otherwise from carrying out the duties of office. In such times, the Deputy Mayor assumes the role and authorities of the Mayor as specified under section 226 of the Act. Although optional, past practice has been to retain the position of Deputy Mayor each year.

The procedures required to be followed in respect of the election of Deputy Mayor are the same as that for the election of the Mayor. The same methods of voting apply and a decision is required to be made, if applicable.

To be nominated for election to the position, a nomination form must also be completed. The nomination must be signed by two Councillors, one of whom may be the nominee and must indicate the consent of the nominee.

The form must be delivered to the General Manager by 4pm on Tuesday 9 September 2014. To assist, a number of nomination forms have been issued separately to each Councillor for this purpose.

Action required:

- (a) If only one candidate - the General Manager will declare the candidate elected.
- (b) If more than one candidate nominated - Council to determine the method of voting.

**RECOMMENDED**

**That Council:**

- i. determine the appointment of the position of Deputy Mayor;**
- ii. determine the method of voting, if required; and**
- iii. following the election at the Council Meeting on 9 September 2014, and once the result is known, the General Manager to declare the candidate with the majority, elected as Deputy Mayor for the 2014/2015 term.**



ORD03

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## ORDINARY COUNCIL

ORD03

**SUBJECT: COUNCILLOR REPRESENTATIVES ON COMMITTEES 2014/2015**  
**FROM:** Acting Director Customer & Corporate Services  
**TRIM #:** 14/128823

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### PURPOSE OF REPORT

The purpose of this report is to review and determine Councillors' membership to various Committees for the next twelve month period.

### MAIN REPORT

Following the election of the Mayor and Deputy Mayor, it is normal procedure to re-appoint Councillor Representatives to various internal Committees and external Government/Council Committees for the next twelve month period.

A list of the relevant Committees and Councillor Representation **is attached at the end of this report.**

### FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

### CONCLUSION

It is recommended that Councillors take this opportunity to review the Committee membership and identify any membership requiring change.

### RECOMMENDED

**That Council identify any Committee memberships which require change and action those changes (if any) accordingly.**

### ATTACHMENTS

1. Councillor Representatives on Committees





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## ORDINARY COUNCIL

ORD04

ORD04

**SUBJECT: USE OF LAND AS A MARKET GARDEN AND ASSOCIATED SITE WORKS, 13 HULLS ROAD, LEPPINGTON**

**FROM:** Director Planning & Environmental Services

**TRIM #:** 14/120963

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**APPLICATION NO:** 638/2013  
**PROPOSAL:** Use of land as a market garden and associated site works  
**PROPERTY ADDRESS:** 13 Hulls Road, Leppington  
**PROPERTY DESCRIPTION:** Lot 17, DP 28057  
**ZONING:** RU4 Primary Production Small Lots  
**OWNER:** Mr K V Tran & Mrs L Lam  
**APPLICANT:** Canley Vale Nursery

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the use of land as a market garden and associated site works at 13 Hulls Road, Leppington.

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

### SUMMARY OF RECOMMENDATION

That Council determine DA 638/2013 for the use of land as a market garden 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 the use of land as a market garden and associated site works at 13 Hulls Road, Leppington.

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 lodged with Council on 6 August 2013 and was publicly exhibited for a period of 14 days in accordance with the Camden Development Control Plan 2011. During this period 2 submissions were received (all objecting to the proposal). Following detailed discussions with the applicant and Council staff, amended plans and documentation were provided to Council for assessment.

The DA was listed for determination at the Ordinary Council meeting of 26 November 2013 however the application was withdrawn from the agenda.

The applicant subsequently amended the proposal and the DA was renotified from 2 December to 16 December 2013 and 1 submission was received (objecting to the proposal).

Following this, a number of revised proposals were submitted to Council for assessment and a final set of plans and supporting documentation were lodged on 20 May 2014. This resulted in the application being notified a third time from 26 May to 9 June 2014 and 3 submissions were received (all objecting to the proposal).

In total, six submissions were received from 3 property owners during the three separate notification periods. **A copy of the submissions is provided with the Business Paper Supporting Documents.**

The issues raised in the submissions relate to impacts upon privacy and security, loss of property value, odour issues from spraying activities, traffic and noise impacts, increased dust and dirt and amenity impacts from lighting and maintenance of the proposed greenhouses and associated fencing.

In relation to privacy and security, the applicant has advised that customers will park their cars at the front of the site and go no further into the site than the location of the dam which is approximately 100m from the nearest dwelling. In addition, tree planting along the site's northern and western boundaries (consisting of Magnolia Grandifolia (Bull Bay), Citrus Species and Camelia Sasanqua) is proposed to protect the privacy and security of adjacent properties and restrict views into and out of the site.

The proposed plant species are evergreen species and will maintain foliage all year round. Magnolia Grandifolia grows to a maximum height of 18m high by 8m wide and will offer privacy to the adjacent dwelling.

It is also a recommended condition that additional planting be installed along the site's northern boundary (and includes Photonia Fraseri (Little Red Robin)/Syzygium austral and Viburnum Odoratissimum (Emerald Lustre)) to offset the loss of vegetation and to ensure the amenity of the adjacent property is maintained. This was requested by the submission writer and has been discussed with both the applicant and the submission writer. The applicant has agreed to provide the additional planting and the submission writer is now satisfied with this.

The impact on property values is not a matter for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979* in the assessment of a DA. However there is no evidence to suggest that the proposed development will have adverse economic impacts on surrounding property values.

Market gardening can produce odour from the use of chemicals, however it is considered that the proposed application of fertilisers and chemicals can be appropriately managed by only permitting their spraying during calm weather and prohibiting the stockpiling of manure. The applicant has noted that fertilisers and chemicals will be applied by appropriately trained and qualified people according to their permitted/registered use and this is a recommended condition. This will minimise any potential odour impacts upon neighbouring residents. A further condition is recommended that should Council staff receive any complaints regarding odour from this development, that the applicant mitigate these impacts to Council staff satisfaction.

The market garden is proposed to operate Monday to Saturday 8am to 4.30pm for wholesale/trade customers, and Monday to Saturday 7am to 7pm for employees, with a maximum of 8 staff (2 of which own the property) working at any one time, no more

than 3 deliveries per day in peak season and up to a maximum of 10 wholesale/trade customers per day. The operation of the market garden will utilise one small farm tractor for the purpose of mowing grass and moving plants. It is considered that the potential noise and amenity impacts from the proposed development are negligible and will not adversely impact on adjoining properties. The potential traffic impact on Hulls Road and surrounding roads is considered negligible.

The potential noise impacts from the use of pumps to irrigate the proposed market garden have been considered. The proposed irrigation pumps, filtration and water treatment system will be located in a shed adjacent to the loading dock area. Subject to the conditions contained in this report, irrigation of the proposed development will comply with Council's Environmental Noise Policy and not cause unreasonable noise impacts upon surrounding properties.

The proposed gravel driveway along the site's southern boundary will be constructed in accordance with Council's Engineering Specifications. It is a recommended condition that dust control measures are put in place to suppress dust from exposed areas during periods of dry and/or windy weather.

No lighting is proposed as part of this development.

The greenhouses proposed are to be constructed of new and durable material including metal frames and polyethylene films. It is a recommended condition that the proposed greenhouses and fencing is maintained on a regular basis. In addition, it is a recommended condition that any new fencing is of black powder coated post and chain wire/wire mesh to reduce its visual impacts.

Council staff recently met with 3 of the submission writers on site and the application was discussed in detail. The outstanding issues now relate to the odour issues from chemical spraying and noise from the proposed irrigation system. As aforementioned, conditions are imposed to ensure that adverse impacts from spraying activities are minimised. The issue of noise from irrigation has also been dealt with through recommended conditions.

The proposed development **fully complies** with all applicable planning controls.

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 13 Hulls Road, Leppington and is legally described as Lot 17, DP 28057.

The site has a frontage of 88.1m to Hulls Road, a depth of 258.3m and an overall area of 2.86ha. The site generally slopes downwards from north to south and contains a single storey dwelling, sheds, scattered vegetation and a dam. A large component of the site is mapped as bush fire prone land. The site is located in the future Catherine Fields North precinct of the South West Growth Centre.

The surrounding properties are characterised by a mix of rural residential and agricultural land uses, scattered vegetation and undulating topography.

From north-west to north-east lie the existing rural residential suburbs of Bringelly, Rossmore and Leppington respectively. The south-west rail link and the future Leppington train station are currently under construction to the north. To the east is Camden Valley Way and the future Emerald Hills urban release area. To the south lies the "Raby" property which is a State heritage item. To the east is Catherine Field village.

## HISTORY

There is no relevant development history for this site.



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## THE PROPOSAL

DA 638/2013 seeks approval for the use of land as a market garden and associated site works.

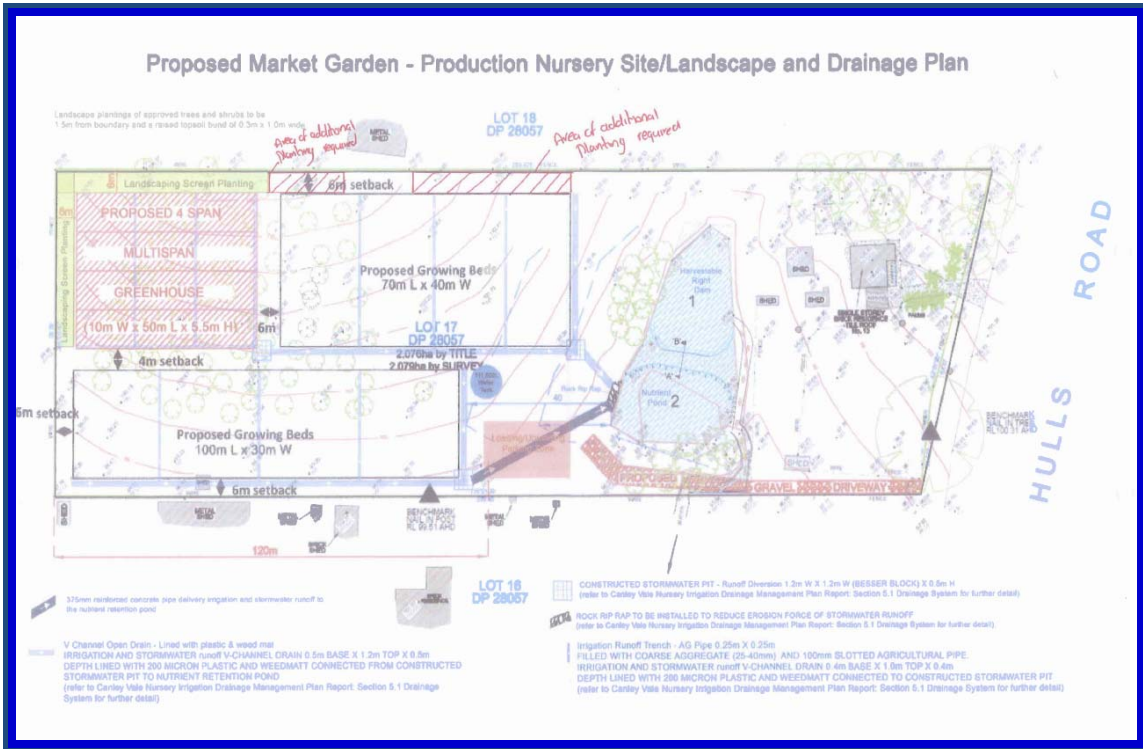
Specifically the proposed development involves:

- the establishment of a series of greenhouses (4 x spans) at the rear of the site. The greenhouses will be constructed of metal frames with plastic covering (opaque in appearance) and will be used to grow ornamental plants, fruit trees, herbs and vegetables. The greenhouses will cover an area of 2,000m<sup>2</sup> and will be 5.5m high;
- the establishment of a series of garden beds. These beds will be used to grow ornamental flowers/plants, fruit trees, herbs and inground vegetables;
- maintenance works to the site's existing dam including cleaning;
- installation of two 20,000 litre water recycling tanks, construction of a second 100m gravel driveway from Hulls Road and a gravel parking area at the front of the site;
- removal of 72 trees with replacement planting of 50 trees (Magnolia Grandifolia (Bull Bay), Citrus Species and Camelia Sasanqua,) and minor earthworks;
- demolition of an existing shed located on the south-western boundary of the site;
- the employment of a maximum of 8 staff;
- a maximum of 10 wholesale/trade customers per day will visit the site to inspect produce and collect orders made via phone or off-site plant nurseries;
- a maximum of 3 deliveries per day;
- business operating hours of Monday to Friday 8am to 4.30pm for wholesale/trade sales only; and
- nursery/employee operating hours of Monday to Saturday 7am to 5.30pm in Winter (May, June & July) and Monday to Saturday 7am to 7pm in peak season (August to April).

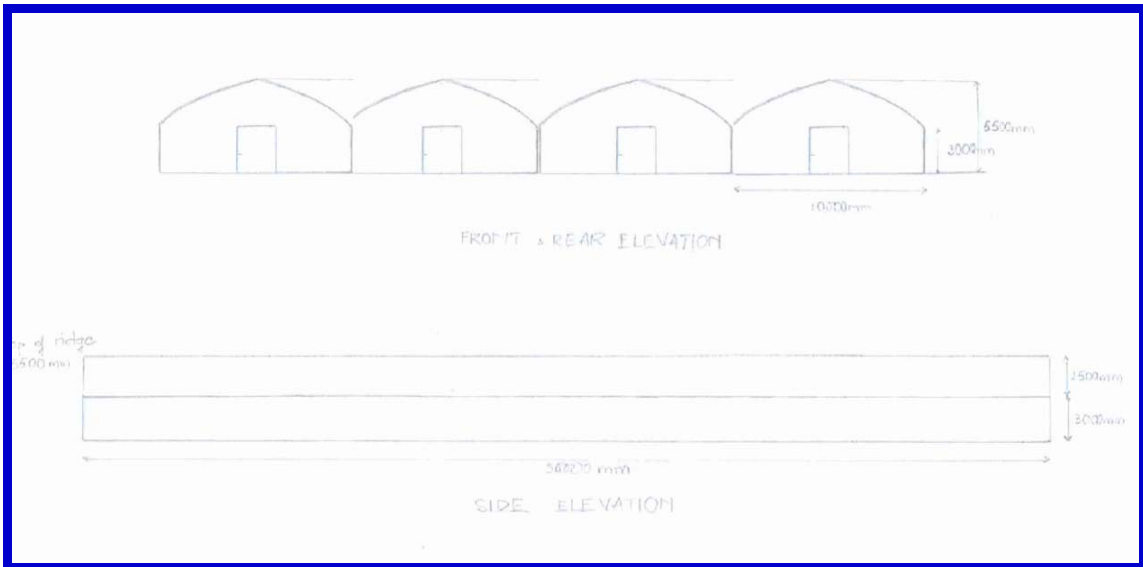
The value of the works is \$140,000 (including GST)

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

**PROPOSED SITE PLAN**



**PROPOSED GREENHOUSE ELEVATION**



**ASSESSMENT**

**Environmental Planning and Assessment Act 1979 – Section 79C(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:

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

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

- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Camden Local Environmental Plan 2010

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

State Environmental Planning Policy (Sydney Region Growth Centre) 2006 (SEPP)

This site is located in the future Catherine Fields North precinct of the South West Growth Centre.

Pursuant to Clause 16 of the SEPP, consent is not to be granted to the carrying out of development on land within a growth centre unless the consent authority has taken into consideration a number of matters. These matters include whether the proposed development will preclude the future urban and employment development land uses identified in the relevant growth centre structure plan and whether the extent of the investment in, and the operational and economic life of, the proposed development will result in the effective alienation of the land from those future land uses.

It is considered that the proposed development will not preclude the future redevelopment of the site in accordance with the relevant growth centre structure plan. Additionally, as only greenhouse structures are proposed, minimal investment from the applicant is required and consequently the proposed development will not alienate the land from future surrounding uses.

Pursuant to Clause 17 of the SEPP, the DA was referred to the Department of Planning and Environment (DPE) for consideration given the site's location in a future growth centre precinct. DPE did not respond to this referral.

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. All water run-off will be collected by trenches and directed into the proposed water recycling tanks. In addition, soil erosion and sediment control measures are recommended as a condition which will help protect the integrity of the Hawkesbury-Nepean River.

Camden Local Environmental Plan 2010 (LEP)

*Permissibility*

The site is zoned RU4 Primary Production Small Lots under the provisions of the LEP. The proposed development is defined as "intensive plant agriculture" by the LEP which is a permissible land use in this zone.

*Objectives*

The objectives of the RU4 Primary Production Small Lots are as follows:

- To enable sustainable primary industry and other compatible land uses.

Officer comment:

The proposed development is for a primary industry involving intensive plant agriculture. This is a sustainable activity that is compatible with surrounding land uses and consistent with this objective.

- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.

Officer comment:

The proposed development will generate primary industry employment opportunities for 8 staff and therefore is consistent with this objective.

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

Officer comment:

Subject to the conditions contained in this report, it is not considered that the proposed development will negatively impact upon existing dwellings or any other land uses in the surrounding area or adjoining zones.

*Relevant Clauses*

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

Clause	Requirement	Provided	Compliance
4.5 Height of Buildings	Maximum building height of 9.5m	The proposed greenhouses will be 5.5m high	Yes
5.9 Preservation of trees or vegetation	Development consent is required for the removal of trees or vegetation	The existing vegetation is a mix of predominantly re-seeded wattles, with some privet and African Olive and other assorted regrowth. The proposed tree removal (of 72 trees) is considered acceptable in that additional planting is proposed to off-set the loss	Yes
5.10 Heritage Conservation	Conserve the environmental heritage of Camden	The Raby property (a State heritage item) is located approximately 550m to the south of this site. Given the additional	Yes



Clause	Requirement	Provided	Compliance
		planting proposed, along with the separation distance, it is not considered that there will be any adverse impacts on Raby House	
7.4 Earthworks	Earthworks must not have detrimental impacts	Minor earthworks are proposed and are required to construct the proposed greenhouses. Appropriate soil erosion and sediment control measures are recommended as a condition to ensure that no adverse impacts occur as a result of their construction and ongoing use	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.

Control	Requirement	Provided	Compliance
B1.1 Erosion and sediment	Erosion and sedimentation control measures are to be implemented during and after construction	Appropriate erosion and sediment control measures will be put in place during and after construction and a condition is recommended to reflect this	Yes
B1.2 Earthworks	Minimise earthworks and clean fill must be used	Regrading of the site is required in the location of the proposed greenhouses. Where fill is required, soil that has been cut from the site will be reused	Yes
B1.4	Water management in	Overflow and water	Yes

Control	Requirement	Provided	Compliance
Water Management	accordance with Council's Engineering Specifications	from the garden beds will be disposed of into the proposed water recycling tanks and reused on the site after treatment. It is a recommended condition that the development complies with Council's Engineering Specifications	
B1.5 Trees and Vegetation	Development consent is required for the removal of trees  Council is to consider the significance of trees proposed to be removed and the need for replacement tree planting	Tree removal is proposed as part of this DA  This tree removal is considered to be acceptable as the site has previously been mostly cleared of Cumberland Plain Woodland species. The State Government has also provided biodiversity certification for this area which allows for the removal of vegetation in order to facilitate development  The applicant has proposed replacement planting of 50 trees to compensate for the proposed tree removal. A further condition is recommended requiring additional planting along the site's northern boundary	Yes  Yes
B1.6 Environmentally Sensitive Land	Ensure minimal impacts on environmentally sensitive land (ESL)	Parts of the site are mapped as ESL including the area where 72 trees will be removed. The tree removal is considered acceptable as the site has previously been mostly cleared of Cumberland Plain Woodland species and suitable replacement	Yes

Control	Requirement	Provided	Compliance
		tree planting is proposed	
B1.8 Environmental and Declared Noxious Weeds	Noxious weed management	It is a recommended condition that noxious weed management occur in accordance with the requirements of the DCP	Yes
B1.9 Waste Minimisation and Management	A waste management plan (WMP) must be submitted with the DA	A suitable WMP has been submitted with this DA	Yes
B1.10 Bush Fire Risk Management	Bush fire assessment in accordance with NSW Rural Fire Service (RFS) guidelines	The DA was referred to the RFS pursuant to Section 79BA of the <i>Environmental Planning &amp; Assessment Act 1979</i> . The RFS recommended a condition to provide asset protection zones for the site's existing dwelling. This condition forms part of the conditions contained in this report	Yes
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy (ENP)	The proposed site operations will not include the use of heavy machinery with the exception of a small tractor used for grass mowing and moving plants. The proposed development complies with Council's ENP subject to the conditions contained in this report	Yes
B1.17 Air Quality	Development that is likely to result in atmospheric pollutants including odour must demonstrate operating practices to ensure that emissions are acceptable	Slow release and organic fertilisers and chemicals will be used on site and no manure will be stockpiled on site. It is considered that the frequency of fertiliser and chemical application will not give rise to adverse odour impacts and therefore the emissions from the proposed development are considered to be	Yes

Control	Requirement	Provided	Compliance
		acceptable. It is a recommended condition that chemicals and fertilisers be sprayed only during calm weather conditions to minimise spray drift and that fertilisers/chemicals are only sprayed by appropriately trained and qualified people according to their permitted/registered use	
B2 Landscape Design	Appropriate landscaping designed to integrate and enhance development	The proposed replacement planting is considered to be appropriate to integrate and enhance the development with its surrounds	Yes
B3.1.1 European Heritage	Retain and conserve heritage items and their significant elements and settings	The Raby property (a State heritage item) is located approximately 550m to the south of this site. Given the additional planting proposed, along with the separation distance, it is not considered that there will be any adverse impacts on Raby House	Yes
D1.3.1 Intensive Plant Agriculture	Lot size must be a minimum of 2ha	The lot is 2.86ha in area	Yes
	Buildings and structures are to be set back 20m from the front boundary and 5m from side and rear boundaries	The proposed greenhouses are setback greater than 20m from the front boundary and 6m from the side and rear boundaries	Yes
	New and durable materials are to be used for greenhouses and must be maintained in a sound and tidy condition	The greenhouses are proposed to be constructed of new and durable materials including metal frames and plastic covering. It	Yes

Control	Requirement	Provided	Compliance
		is a recommended condition the greenhouses are maintained in accordance with the DCP's requirements	
	Suitable landscape screening to be established between the greenhouses and boundaries	Landscaping including Citrus trees, Magnolia Grandifolia (Bull Bay) and Camelia Sasanqua will be planted along the site's northern and western boundaries in the vicinity of the greenhouses. These plant species are all evergreen and maintain foliage all year round to ensure a continuous screen	Yes
	Landscape screening or buffers must be established through planting trees or shrubs with a minimum height of 1.5m	Advanced planting of minimum 1m high will be provided and a condition is recommended to ensure this. It is noted that the proposed Magnolia Grandifolia (Bull Bay) can grow to up to a maximum height of 18m and up to 8m wide	Yes
	Wastewater on unsewered sites must be disposed of in accordance with Council's Sewage Management Strategy	Household wastewater is disposed of into an existing on-site wastewater system adjacent to the existing dwelling. The operation of the market garden will not impede this system	Yes
	A water cycle management plan must be lodged with the application	The DA was accompanied by information detailing how water will be stored, used and recycled on the site in accordance with the DCP's requirements.	Yes

ORD04

Control	Requirement	Provided	Compliance
	<p>Buffer distances from septic systems must comply with Council's Sewage Management Strategy</p> <p>Odour generated from the use must be contained within the site</p>	<p>Rainwater captured by the water recycle tanks will be utilised for irrigation. Water run-off will be captured by trenches and pumped back into the tanks for reuse after treatment</p> <p>The distance of the proposed greenhouses from the existing wastewater system is consistent with Council's Strategy</p> <p>The proposed use of fertilisers and chemicals has been assessed by Council staff. Due to their types, volumes and frequency of use, it is considered that there will be negligible odour impacts as a result of the proposed development. A condition is recommended that if Council receive complaints regarding any odour impacts from the proposed development, Council staff will investigate the complaints and require the applicant to mitigate these impacts to Council staff satisfaction. It is also recommended that fertilisers/chemicals are sprayed only by appropriately trained and qualified people according to their permitted/registered use</p>	<p>Yes</p> <p>Yes</p>

***(a)(iia) 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 Impacts

The fertilisers and chemicals proposed to be used are organic and slow release. Potting mix will either be supplied with control release fertilizer (CRF) incorporated or incorporated into the pot at potting. For short term crops (crops grown for up to approximately 6 weeks), one application per crop is required and for long term crop cycles, a topdressing of CFR will be required after 8 to 9 months. It is a recommended condition that chemicals and fertilisers be sprayed only during calm weather conditions to minimise spray drift.

The chemicals will be stored in accordance with the relevant Australian Standard (AS 1940) in one of the existing sheds on the site which is required to be bunded.

**(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 on three separate occasions in accordance with the DCP. The last exhibition period was from 26 May to 9 June 2014. Six submissions were received from 3 property owners (all objecting to the proposed development) across the 3 notification periods. **A copy of a Public Exhibition and Submissions Map is provided with the Business Paper Supporting Documents.**

Council officers extended an invitation to the submission writers to meet with Council staff on site. A meeting took place between 3 of the submission writers and Council staff on 20 August 2014. A number of the issues raised in the submissions were discussed in detail and resolved through the recommended imposition of conditions in relation to hours of operation, staff numbers and deliveries.

The outstanding issues related to noise impacts from the proposed irrigation system and the issue of odour from fertilisers/chemicals, and these issues are addressed in the response to the submission issues below.

The following discussion addresses the issues and concerns raised in the submissions.

1. *The proposed nursery will jeopardise current privacy and security of adjacent properties by allowing customers to enter the site.*

Officer comment:

Open style boundary fencing exists between the site and neighbouring properties. The applicant has advised that customers will park their cars in the loading dock area adjacent to the dam and go no further into the site than this (which is approximately 100m from the nearest dwelling). In addition, tree planting along the site's northern and western boundaries is proposed to further protect the privacy and security of adjacent properties and restrict views into and out of the site.

It is also a recommended condition that additional planting be installed along the site's northern boundary (and includes *Photonia Fraseri* (Little Red Robin)/*Syzygium austral* and *Viburnum Odoratissimum* (Emerald Lustre)) to ensure the amenity of the adjacent property is maintained. This was requested by the submission writer and has been discussed with both the applicant and the submission writer. The applicant has agreed to provide the additional planting and the submission writer is now satisfied with this.

2. *The gravel driveway is not wide enough for customers to park therefore they will be inclined to drive up next to the greenhouses and therefore create noise impacts.*

Officer comment:

Parking will be provided within the loading dock area adjacent to the dam and the proposed gravel path is wide enough to accommodate vehicles. In addition the applicant has advised that the customers will go no further into the site than the loading dock area which can be enforced by a recommended condition.

3. *The development will substantially affect the value of adjacent properties.*

Officer comment:

The impact on property values is not a matter for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979* in the assessment of a DA. However there is no evidence to suggest that the proposed development will have adverse economic impacts on surrounding property values.

4. *The fertilisers will emit odours forcing adjacent properties to keep windows closed at all times causing the dwellings to lack natural ventilation.*

Officer comment:

Market gardening can produce odour from the use of chemicals, however it is considered that the proposed application of fertilisers and chemicals can be appropriately managed by permitting their spraying only during calm weather conditions and prohibiting the stockpiling of manure. This will minimise any potential odour impacts upon neighbouring residents. It is a recommended condition that should Council staff receive any complaints regarding odour from this development, that the applicant mitigate these impacts to Council staff satisfaction.



5. *The market garden will disturb the existing peaceful way of life.*

Officer comment:

The site is zoned RU4 Primary Production Small Lots. The use is consistent with the objectives of the zone and is permissible. The market garden is proposed to operate Monday to Saturday, 8am to 4.30pm for wholesale/trade customers and Monday to Saturday 7am to 7pm for employees, with a maximum of 8 staff (2 of which own the property) working at any one time, no more than 3 deliveries per day and up to a maximum of 10 wholesale/trade customers per day.

The operation of the market garden will utilise one small farm tractor for the purpose of mowing grass and moving plants. It is considered that the potential noise and amenity impacts from the proposed development are negligible and will not adversely impact on adjoining properties. The potential traffic impact on Hulls Road and surrounding roads is also considered negligible.

6. *The irrigation of the gardens, including water tanks and pumps, will create constant noise. A drip irrigation system is preferred.*

Officer comment:

The potential noise impacts from the use of pumps to irrigate the proposed market garden have been considered. The proposed irrigation pumps, filtration and water treatment system will be located in a shed adjacent to the loading dock area. Subject to the conditions contained in this report, irrigation of the proposed development will comply with Council's Environmental Noise Policy and not cause unreasonable noise impacts upon surrounding properties.

7. *The applicants will work outside of their proposed hours of operation.*

Officer comment:

The applicant has proposed to operate Monday to Saturday 8am to 4.30pm for trade/wholesale customers and Monday to Saturday 7am to 7pm for employees. Council staff can enforce these operating hours through the conditions contained in this report.

8. *The development will result in increased traffic issues and risks.*

Officer comment:

The proposed market garden will operate Monday to Friday 8am to 4.30pm. The use will have a maximum of 8 employees, 1 customer at a time and a maximum of 10 customers per day. The potential traffic impact on Hulls Road and surrounding roads is considered to be negligible and a notable increase in risk is not anticipated.

9. *The expected traffic increase will cause and increase of dust from the dirt road of the premises.*

Officer comment:

The proposed gravel driveway along the site's southern boundary will be constructed in accordance with Council's Engineering Specifications. It is a recommended condition

that dust control measures are put in place to suppress dust from exposed areas during periods of dry and/or windy weather. Additionally a condition is recommended that requires that all vehicles entering and exiting the site do so in a controlled and safe manner.

10. *Amenity impacts from lighting.*

Officer comment:

No lighting is proposed as part of this development.

11. *How will Council ensure that the greenhouses and fencing is maintained?*

Officer comment:

It is a recommended condition that the proposed greenhouses and associated fencing are maintained on a regular basis.

12. *Storage of chemicals should occur in a shored area.*

Officer comment:

It is a recommended condition that the walls and floor of any chemical storage area is bunded with impervious materials of sufficient capacity to contain 110% of the volume chemicals being stored. It is also recommended that chemicals are stored within a covered area to prevent rain access.

13. *Will toilet/lunch facilities be provided for staff*

Officer comment:

A condition is recommended which requires the provision of toilet/lunch room facilities on site at all times for staff.

**(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**

*NSW Rural Fire Service (RFS)*

The DA was referred to RFS pursuant to Section 79BA of the *Environmental Planning and Assessment Act 1979* as much of the site is mapped as being bush fire prone land. The RFS raised no objection to the proposed development subject to a condition to provide asset protection zones for the site's existing dwelling. This condition forms part of the recommended conditions contained in this report.

*Department of Planning and Environment (DPE)*

The DA was referred to DPE for consideration given the site's location in a future growth centre precinct. DPE did not respond to this referral.

**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 638/2013 is recommended for approval subject to the conditions contained in this report.

**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
1576HULLS-01-01A	Detail Survey and Proposed Development	Sydney Registered Surveyors (as amended by A. Lam)	30 July 2013
-	Greenhouse Elevations	-	-
-	Statement of environmental effects (Final)	-	-
	Landscape Planting Plan	-	
-	Proposed Market Garden – Production Nursery Site/Landscape and Drainage Plan (As amended in red)	-	-

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) **Additional Landscape Provision** – Additional planting must be undertaken along the site's northern boundary as shown in red on the proposed Production Nursery Site/Landscape and Drainage Plan. The additional landscaping must comprise of either the *Photonia Fraseri* (Little Red Robin) minimum 1m high spaced 1.4m apart, and/or *Viburnum Odoratissimum* minimum 1m high and spaced 1.2m apart.

- (3) **Proposed Landscaping** – The proposed plant species must comprise of the following:
- I. Magnolia Grandifolia (Bull Bay) minimum 1.5m and be spaced 3m apart;
  - II. Citrus trees minimum 2m high and be spaced 2.5m apart; and
  - III. Camelia Sasanqua minimum 1.5m and be spaced 1.5m apart.
- (4) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (5) **Bush Fire Safety Authority** - The development is to comply with all of the conditions specified in the Bush Fire Safety Authority issued by the Rural Fire Service, dated 2 September 2013, Ref No D13/1845 (attached to this development consent).
- (6) **Approved Development** – This approval relates to the activities outlined in this consent. Excavation works to the dam are for the purposes of cleaning and maintenance only. This consent does not include making the dam any larger than existing. Where it is intended to increase the size of the operations on-site, further written consent must be obtained from the Consent Authority (i.e. Camden Council) prior to further works being undertaken on site.
- (7) **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.
- (8) **Landscaping Maintenance and Establishment Period** - Commencing from the Date of Practical Completion (DPC), the Applicant will have the establishment and maintenance responsibility for all tree and shrub installation associated with this Consent.

The 24 week maintenance and establishment period includes the Applicant's responsibility for the establishment, care and repair of all tree installations.

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

At the completion of the 24 week maintenance and establishment period, all trees and tree protective guards, must be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

At the completion of the 24 week maintenance and establishment period, the Applicant is responsible for arranging a site inspection with the Consent Authority (i.e. Camden Council) to inspect the trees on site, to verify that the tree installations have survived, become established and are showing signs of vigorous growth.

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

- (9) **Use of Outbuildings** – The use of the existing outbuildings has not been approved for residential use and these outbuildings must not be used as residential accommodation.

## 2.0 - Construction Certificate Requirements

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

- (1) **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.
- (2) **Stormwater Disposal** – Stormwater runoff from the whole development that is not recycled on site for reuse, must be properly collected and discharged to Council's drainage system. Surface discharge across the verge to the road gutter is not permitted. Provision must be made to cater for existing stormwater overland flow from adjoining properties.
- (3) **Pumping of Water from the Dam** – Details on how the water will be pumped from the dam into the market garden is to be provided to the Certifying Authority and Council prior to the issue of a Construction Certificate.
- (4) **Detailed Landscaping Plans** - Prior to the issue of the Construction Certificate, detailed Landscaping Plans prepared by a qualified Landscape Architect or qualified Landscape Designer, must be submitted with the Construction Certificate application in accordance with Camden Council's current Engineering Design Specifications.

The following items listed must be included with the other landscaping elements, in the detailed Landscaping Plans.

- (a) The planting to be installed must comply with the approved plans (as marked in red)
  - (b) The detailed Landscaping Plans must mirror and be consistent with the approved Concept Landscaping Plans lodged with the Development Application for Consent.
  - (c) The detailed Landscaping Plans lodged for the issue of the Construction Certificate must include a planting schedule as prescribed in Condition 1.0(3). The planting schedule must clearly detail the planting positioning, species by botanical and common names, quantities and planting sizes. The planting schedule must also clearly show the proposed establishment and maintenance programme to be applied to the installed landscaping.
  - (d) The detailed Landscaping Plans must specify that the Applicant is responsible to arrange an inspection with the Consent Authority (i.e. Camden Council) at the completion of the 24 week maintenance and establishment period, to determine if the 50 plantings are healthy, established and showing signs of vigorous growth.
- (5) **Special Infrastructure Contribution** - Prior to the issue of any Construction Certificate, the applicant must submit to the consent authority written evidence

from the Department of Planning and Environment that a special infrastructure contribution has been made (if required) in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

Information on the Special Infrastructure Contribution can be found on the Department of Planning and Environment's website:

[www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/t/abid/75/language/en-US/Default.aspx](http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/t/abid/75/language/en-US/Default.aspx).

### 3.0 - Prior To Works Commencing

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

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

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
  - (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
  - (c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (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 must be lodged with Camden Council at least two (2) days prior to commencing works. The notice must 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) **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.
  - (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

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

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

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

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

- (7) **Damage to Public Infrastructure** – All public infrastructure that adjoins the development site on public land must be protected from damage during construction works.

Public infrastructure includes roadways, kerb and guttering, footpaths, service authority infrastructure (such as light poles, electricity pillar boxes, telecommunication pits, sewer and water infrastructure), street trees and drainage systems.

The applicant must advise Council, in writing, of any existing damage to Council property before commencement of the development. Where existing damage is present, a dilapidation survey of Council's assets, including photographs (with evidence of date) and written record, must be prepared by a suitably qualified person and submitted to Council prior to the commencement of construction works.

The applicant must bear the cost of all restoration works to public property damaged during the course of this development. Any damage to public infrastructure will be required to be reinstated to Council's satisfaction prior to the issue of a Final Occupation Certificate.

- (8) **Environmental Site Management Plan** - An Environmental Site Management 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.
- (d) all other environmental matters associated with the site works such as noise control, dust suppression and the like.



#### 4.0 - During Construction

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

- (1) **Fill Material** – No fill material is to be brought onto the site without prior written consent from Council.
- (2) **Removal of Construction Waste Materials** – Where there is a need to remove any identified waste materials, including fill material, from the site the materials will be required to be disposed to a licenced waste facility with copies of tipping / recycling receipts to be supplied to Council.
- (3) **Construction Noise Levels** – Noise levels emitted during construction works must 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 of 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).

- (4) **Bunding of Chemical Storage** – The bunding of any chemical storage must comply with the following:
  - (a) The walls and floor of any chemical storage area must be bunded with impervious materials of sufficient capacity to contain 110% of the volume of the tank or the largest tank where a group of tanks are enclosed. Walls must not be less than 250mm high.
  - (b) Chemicals must be stored within a covered area to prevent rain access.
- (5) **Prevention of Nuisance during Construction** – All possible and practical steps must be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood during construction from blown dust, debris, noise, odour and the like.
- (6) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
  - (a) the delivery of material must only be carried out between the hours of 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 4.00pm on Saturdays;
  - (b) stockpiles of topsoil, sand, aggregate, spoil or other material must be kept clear of any drainage path, easement, natural watercourse, kerb or road



surface and must have measures in place to prevent the movement of such material off the site;

- (c) builder's operations such as brick cutting, washing tools, concreting and bricklaying must be confined to the building allotment. All pollutants from these activities must be contained on site and disposed of in an appropriate manner;
  - (d) waste must not be burnt or buried on site, nor should wind-blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot;
  - (e) a waste control container must be located on the development site.
- (7) **Shoring and Adequacy of Adjoining Property** – Shoring and adequacy of adjoining properties must be in accordance with Clause 98E of the Environmental Planning and Assessment Regulation 2000.
- (8) **Protection of Public Places** – If the work involves in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - (b) building involves the enclosure of a public place,
- a hoarding or fence must be erected between the work site and the public place.
- If necessary, an awning is to be erected, sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
- (9) **Hours of Work** – The hours for all construction work are restricted to between:
- (a) 7.00am and 6.00pm, Monday to Friday (inclusive);
  - (b) 7.00am to 4.00pm on Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8.00am to 4.00pm;
  - (c) work on Sunday and Public Holidays is prohibited.
- (10) **Damaged Assets** – Any work and public utility relocation within a public place must incur no cost to Council.
- (11) **Greenhouse Construction** – The greenhouses must be constructed using metal frames and durable plastic material. Greenhouses must not exceed 10m wide by 50m long by 5.5m high.

## 5.0 - Prior To Issue Of Occupation Certificate

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

- (1) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the

development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

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

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

- (2) **Gutter/Footway Crossings** - The following works must be constructed prior to the issue of the Occupation Certificate and under the Roads Act 1993 must be approved by Camden Council:

- (a) Provision of a rural driveway crossing at all points of ingress and egress.

All works must be carried out strictly in accordance with Council's current Engineering Specifications. Prior to works commencing the applicant must contact Council on (02) 4654 7777 to arrange payment of fees and inspection of the works.

## 6.0 - Operational Conditions

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

- (1) **Hours of Operation** – The hours of operation of the approved land use are:
- Business Opening Hours: Monday to Saturday: 8am-4.30pm
  - Nursery/Employee Working Hours: Monday to Saturday 7am to 5.30pm in Winter (May, June & July) and 7am to 7pm Monday to Saturday in peak season and crop demand (August to April)

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

- (2) **Prevention of Nuisance during Operations** – All possible and practical steps must be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood during operation from all blown dust, debris, noise, odour and the like.
- (3) **Spill Response Kit** – An appropriate spill response kit is to be installed into the store room where the storage of chemicals occurs. Kits must contain at a minimum, a ready supply of spill control and clean up materials.
- (4) **Handling of Hazardous Materials** – To ensure the correct handling of hazardous materials, Material safety data sheets are required to be held at the premises for all hazardous materials.

- (5) **No Open Burning** – The open burning of trade waste and other refuse is prohibited throughout Camden. No incinerators must be installed at the premises.
- (6) **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*.
- (7) **Plant Noise Restriction** - The level of total continuous noise emanating from operation of all processes (LAeq) (measured for at least 15 minutes) at the above premises must not exceed the relevant criteria contained within Council's Environmental Noise Policy when measured at any point on the boundary.
- (8) **Dust Control** – 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.
- (9) **Management of Stored Goods** - The storage of goods, materials, equipment, machinery, refuse or refuse bins must be stored within the existing on site sheds.
- (10) **Spraying of Fertilisers and Chemicals** – The spraying of fertilisers and chemicals is to only occur during calm weather conditions to minimise drift to adjoining properties. In addition, the spraying of fertilisers and chemicals must only be applied by appropriately trained and qualified people according to their permitted/registered use.
- (11) **Dam Water** – Dam water is to be monitored for salinity, sodicity, pH, nitrates and phosphates on a quarterly basis and must meet the requirements of ANZECC guidelines Chapter 4 Irrigation.
- (12) **Irrigation Water** – Irrigation water is to be contained on site at all times so as not to impact on adjoining residences or cause water pollution as defined in the *Protection of the Environment Operations Act 1997*.
- (13) **Reuse of Water** – All nutrient rich water run-off generated by the market garden must be collected within the recycle tanks and reused within the site.
- (14) **Chemical Storage** – The storage and handling of flammable and combustible liquids must be in accordance with AS 1940. All fertilisers and chemicals must be stored in one of the existing sheds on the site.
- (15) **Odour Impacts** – Should Council receive complaints regarding any odour impacts from the proposed development, Council staff will investigate the complaints and require the applicant to mitigate these impacts to Council staff satisfaction. This may require the preparation of an odour impact assessment at the applicant's expense.
- (16) **Vehicles that Visit the Site** – Vehicles that visit the site must comply with the following requirements at all times:
  - (a) All vehicles must enter and exit the site in a forward direction.
  - (b) All vehicles awaiting loading, unloading or servicing must be parked onsite and not on adjacent or nearby public roads.

- (c) Articulated or heavy rigid vehicles in excess of 11 metres in length must not service the premises due to the limited manoeuvring capabilities of the site.
- (17) **Stockpiling of Manure** – No stockpiling of manure is permitted on the subject property.
- (18) **Washing of Vegetables** – No washing of vegetables is to take place on the site without the prior consent of Council.
- (19) **Tank Water** – Tank water is to be monitored for salinity, sodicity, pH, nitrates and phosphates on a quarterly basis, and must meet the requirements of ANZECC guidelines Chapter 4 for irrigation. Should the tank water become saturated then the applicant must engage the services of an appropriately licensed liquid waste contractor to pump out the tank and remove to a licensed wastewater facility.
- (20) **Maintenance of Greenhouses** – The four greenhouses must be regularly maintained in a sound and tidy condition to ensure that the materials do not become defective or damaged and deteriorate over time.
- (21) **Maximum Number of Staff** – The maximum number of staff permitted to work at the market garden must not exceed 8 at any one time.
- (22) **Maximum Number of Customers** – The maximum number of wholesale/trade customers permitted at the market garden must not exceed 1 customer at any one time and 10 per working day.
- (23) **Maximum Number of Deliveries** – The maximum number of deliveries must not exceed 3 per day.
- (24) **Customers** – Where customers attend the site, they must not enter any further than the location of the loading dock area adjacent to the dam. All customers must also park within the loading dock area.
- (25) **Waste Management** – A suitable waste contractor(s) must be engaged for the removal of wastes generated at the premises.
- All bins and waste storage facilities at the premises are to be sealed and emptied on a regular basis to prevent odour, vermin and fire hazards from occurring.
- (26) **Noxious Weeds Management** – Noxious weed management must occur in accordance with Section B1.8 of Camden Development Control Plan 2011.
- (27) **Approved Landscaping** - All landscaping approved by this Development Application must be permanently maintained in a complete and healthy condition.
- (28) **Staff Amenities** – Toilet and lunch facilities must be made available to staff on site at all times.

- 
- (29) **Fence Provision** – Any new fencing proposed must comprise black powder coating chain wire mesh fence and must not be higher than 1.8m. This replacement of existing fencing may be consistent with the existing fence style.

**RECOMMENDED**

**That Council approve DA 638/2013 for the use of land as a market garden and associated site works at 13 Hulls Road, Leppington subject to the conditions listed above.**

**ATTACHMENTS**

1. Revised Plan DA 638 2013
2. Submissions - *Supporting Document*
3. Public Exhibition and Submissions Map - *Supporting Document*



ORD05

## ORDINARY COUNCIL

ORD05

**SUBJECT: ROTARY CLUB OF CAMDEN - REQUEST TO REFUND APPLICATION FEES**

**FROM:** Director Planning & Environmental Services

**BINDER:** 14/132503

### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a request from the Rotary Club of Camden for a refund of application fees associated with the construction of a BBQ shelter and seating in Cowpasture Reserve at 2 Argyle Street, Camden.

### BACKGROUND

On 7 April 2014, Council received a development application (DA) to construct a BBQ shelter and seating at Cowpasture Reserve from the Rotary Club of Camden. The DA was approved under delegated authority on the 2 June 2014.

On 28 July 2014 Council received a Construction and Occupation Certificate application for the development. The Construction Certificate for the development was issued on 31 July 2014.

This request seeks a refund of the DA, Construction Certificate, Occupation Certificate and associated fees which have been paid to Council.

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

It is noted that the letter from the Rotary Club requests a refund of only \$693.85, however the full application fees are \$915.85. Council staff have contacted the Rotary Club who have clarified that a full refund of \$915.85 is sought.

### MAIN REPORT

On 29 July 2014 Council received a request for a refund of application fees associated with this development. Based on the estimated project value of \$8,000, Council's fees are as listed below:

Fee	Purpose	Amount
DA fee	The assessment of the DA by Council	\$194.00
CC and OC fee	The assessment of the CC and OC (including 2 inspections) by Council	\$693.85
Archiving fee	The physical and electronic storage of the applications by Council	\$208.00
		<b>Total = \$915.85</b>

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At the Council meeting of 13 June 2006, Council considered a report into the waiving of fees for community based projects. At the time it was determined that all fees associated with the assessment of DAs are payable to Council by the applicant.

### **FINANCIAL IMPLICATIONS**

The current balance of ward funds for 2014/15 is \$30,000. If Council adopts the revote of ward funds from 2013/14 in ORD 08 at tonight's meeting the balance available will be \$66,013.

### **CONCLUSION**

A request has been received by Council seeking a refund of fees associated with the construction of a BBQ shelter and seating. The total amount of those fees is \$915.85 (excluding GST).

The request is reported to Council as it is a matter for Council to determine.

### **RECOMMENDED**

**A matter for Council to determine, and that the applicant be advised of Council's decision.**

### **ATTACHMENTS**

1. Consideration of Refund - Camden Rotary Club - 2 Argyle Street - *Supporting Document*



ORD06

## ORDINARY COUNCIL

ORD06

**SUBJECT: PLANNING PROPOSAL - AMENDMENT NO. 35. REZONING LAND FROM ZONE R2 LOW DENSITY RESIDENTIAL ZONE TO R3 MEDIUM DENSITY RESIDENTIAL AT 359 NARELLAN ROAD, CURRANS HILL**

**FROM:** Director Planning & Environmental Services

**TRIM #:** 14/112088

### PURPOSE OF REPORT

The purpose of this report is for Council to consider a planning proposal to rezone Lot 1 of DP 1019708 at 359 Narellan Road, Currans Hill (the subject site) from Low Density Residential to Medium Density Residential. It is recommended that Council not support the rezoning.

The planning proposal as prepared and submitted by the proponent is included as **Attachment 1 to this report.**

### BACKGROUND

The planning proposal seeks to rezone the subject site from R2 Low Density Residential to R3 Medium Density Residential under the Camden Local Environmental Plan (CLEP) 2010.

The planning proposal was submitted to Council on 23 May 2014 by Michael Brown Planning Strategies on behalf of the owner, OM Developments Pty Ltd.

### Location & Surrounding Context

The subject site is a single allotment of land with an area of approximately 2.6ha, which is irregular in shape. Access to the site is via traffic lights on the northern side of Narellan Road, Currans Hill. **Figure 1 - Aerial Map.**

The C3 Church and Mount Annan Christian College are located to the north of the site. The Australian Botanic Gardens are located to the south, on the opposite side of Narellan Road. To the east is the Sydney Catchment Authority's Upper Canal, listed as a State heritage item and the rural scenic area of Kenny Hill. To the west are high voltage transmission towers and associated easement (measuring 60.96m wide) and Currans Hill, a low density residential suburb.



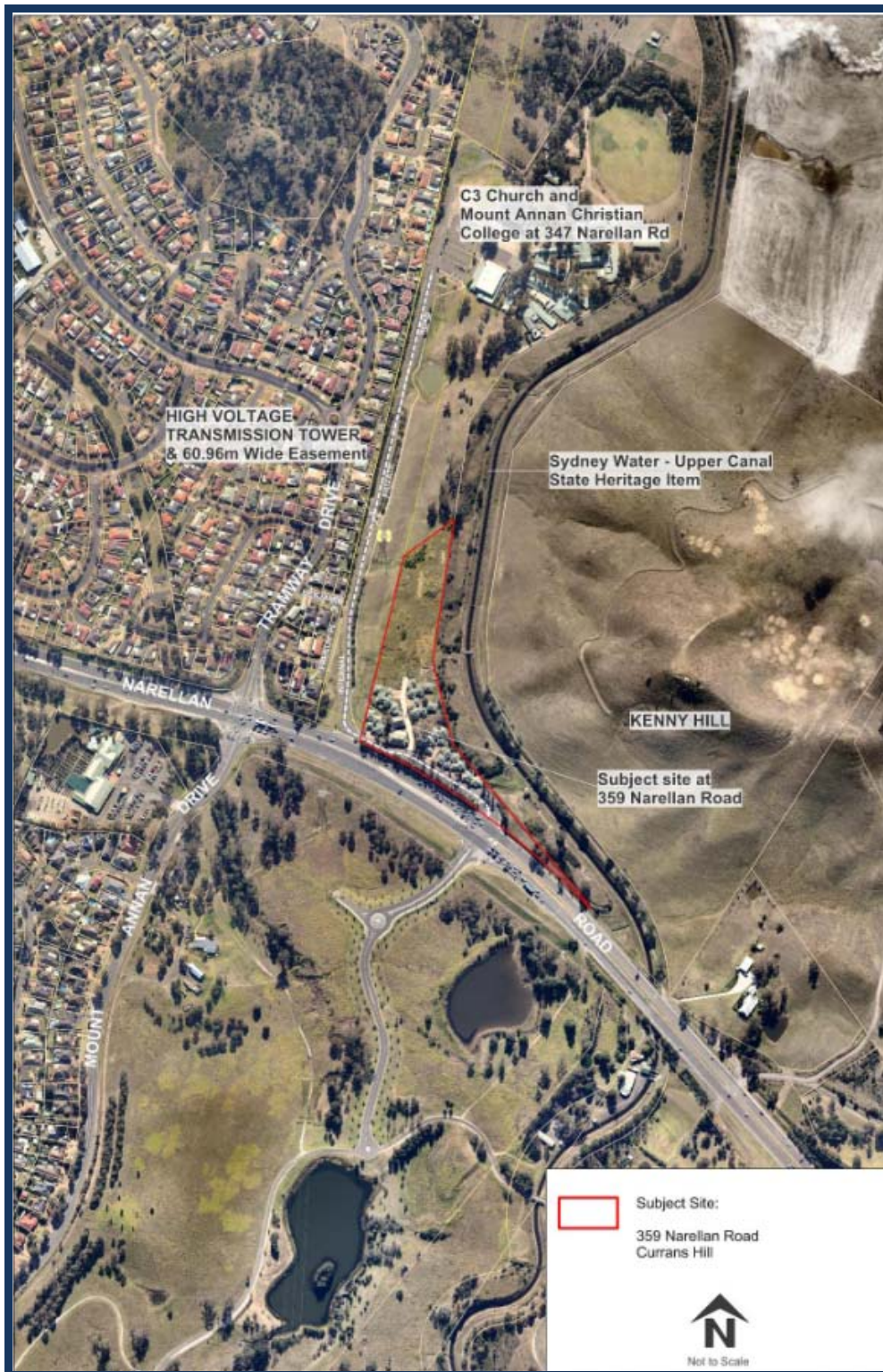


Figure 1 – Aerial Photo of Site and Surroundings

History

The site has been subject to several zoning amendments, permissible use changes and development approvals over the last 14 years. A summary of the key events is provided below in Table 1.

Date	Details
Prior to 2000	Under Rural Areas - Camden LEP 48 - The site is zoned 1(c) (Rural "C" (0.4ha) Zone)
12 May 2000	Amendment to Camden LEP 48 to include Aged Persons' Accommodation as a scheduled use on the subject site.
19 July 2000	Approval under Development Application 2770/99 for Aged Care Facility with 65 dwellings, community centre & indoor swimming pool.
22 November 2004	Partial completion of 23 dwellings, unable to receive Occupation Certificate due to numerous non-compliances with development consent. (Referred to as Stage 1)
3 September 2010	Camden LEP 2010 Gazetted with site zoned RU2, Rural Landscape and Schedule use removed from site as required by NSW Department of Planning and Environment.
16 November 2012	Amendment 6 Camden LEP rezones the site to R2 Low Density Residential. Given the non compliances this would allow reconstruction of approved development, Stage 1 if necessary.
21 February 2013	Approval of Development Application 742/2011 as determined by Joint Regional Planning Panel for 54 self-contained units as Seniors Housing. (Referred to as Stage 2)
23 May 2014	Current planning proposal received by Council to rezone land from R2 Low Density Residential to R3 Medium Density Residential.

**Table 1 – History of the Subject Site**

**MAIN REPORT**

The site is currently zoned 'R2 Low Density Residential' under the CLEP. The proponent's stated intent for applying to rezone the site to 'R3 Medium Density Residential' is to enable the site to permit medium density development for multi-unit housing within the zone.

The current built form on the site is permissible under the Seniors State Environmental Planning Policy (SEPP). The proposed zone change from R2 Low Density Residential to R3 Medium Density Residential will allow the built form to be permissible within the zone, enabling the potential removal of the restriction for "seniors and persons with a disability" as required by the SEPP (Housing for Seniors or People with a Disability) 2004.

Zoning – Permissible Land Uses

**Table 2** below shows the planning controls under the existing Low Density Residential zone and proposed Medium Density Residential zone. Uses shown in bold are the additional uses that would become permissible under a R3 Medium Density Zoning.

	Current	Proposed
<b>Zoning</b>	R2– Low Density Residential zone	R3 – Medium Density Residential zone
<b>Minimum Lot Size</b>	250 sqm.	(No change)
<b>Height</b>	9.5m	(No change)
<b>Permissible uses</b>	Bed and breakfast accommodation; Boarding houses; Dual occupancies; Dwelling houses; Group homes; Home-based child care; Home businesses; Home industries; Medical centres; Places of public worship; Roads; Seniors housing; Any other development not specified in item 2 or 4	<b>Attached dwellings; Backpackers’ accommodation;</b> Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Group homes; Home-based child care; Home businesses; Home industries; <b>Multi dwelling housing; Neighbourhood shops;</b> Places of public worship; <b>Respite day care centres;</b> Roads; Seniors housing.*

*\*Dual Occupancies and Health Service Facilities are also permissible (as they are not prohibited)*

Surrounding zones

The land surrounding the subject site is predominantly zoned RU2 Rural Landscape, SP2 Infrastructure and R2 Low Density Residential.

Whilst there are some sites zoned R3 Medium Density Residential in Currans Hill, the proposed rezoning is not consistent with the existing zoning of immediately surrounding land.

**Planning Considerations**

The proposed rezoning would potentially enable a higher density than what is currently approved and built on the site. Therefore, Council’s assessment of the planning proposal should consider the maximum development potential of the site.

Council officers have assessed the planning proposal and have concerns in relation to the following:

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### Traffic

Vehicle access to the subject site is via traffic lights on the northern side of Narellan Road. The site shares vehicle access via a right of way with a private road benefiting the rear adjoining land which is used by the existing church and private school.

A traffic impact and parking study has not been provided with the planning proposal. Council officers have concerns with the proposed rezoning to a higher residential density and the mitigation of any cumulative traffic impacts and general access issues that may arise as a consequence of the planning proposal.

In the absence of an appropriate traffic assessment Council cannot determine the traffic impacts.

### Visual impacts

There is no guarantee that the future built form will be consistent with that already approved and/or built on the site. Under the planning controls for multi dwelling housing, the site could be developed for two (2) to three (3) storey townhouses at higher density.

The visual impact of two (2) to three (3) storey multi dwelling housing is considered to be inconsistent with the rural character of the immediately adjoining land zoned RU2, Rural Landscape.

The planning proposal does not provide a visual impact and view analysis to support the planning proposal.

### Heritage

The eastern boundary of the subject site is constrained by the adjoining State heritage listed Sydney Catchment Authority's Upper Canal. The Sydney Catchment Authority requires strict development controls on adjoining developments to conserve the heritage significance of the Upper Canal with reference to retaining public views to the State heritage item whilst restricting physical access and potential impacts from pollutants and stormwater run-off from adjoining developments.

The planning proposal does not provide a heritage impact study and as such a comprehensive assessment of the potential impacts from rezoning the site to R3 Medium Density Residential cannot be undertaken.

### Infrastructure

The proponent has not provided information on the infrastructure and servicing requirements of the proposal. As such, Council officers are unable to determine whether the site will be adequately serviced for a R3 Medium Density Residential zone.

### High Voltage Electricity Transmission Towers

The site is within close proximity to a high voltage electricity transmission towers located to the west of the subject site. As such the western boundary is constrained by an easement restricting adjoining developments to a setback measuring 60.96m wide to the high voltage transmission towers.



An electricity magnetic report (EMR) is required to determine whether the planning proposal for an increase in higher residential density is considered appropriate within close proximity to the high voltage electricity transmission towers and to further determine whether they are any strict development controls required for the proposed rezoning of the subject site.

### Public Benefit

The proponent has stated that the purpose of the planning proposal is to provide for a medium density residential development. That is removing the restriction on the development for the accommodation of seniors or people with a disability.

The forecast for the Camden LGA is for a further increase in the ageing population. As such, Camden will continue to have a demand for accommodation for aged care and people with disabilities.

The planning proposal does not provide any information to support the reduction in seniors housing on the subject site and to the immediate area.

### Summary of Planning Considerations

The proposed zoning of R3 Medium Density Residential is not consistent with the existing zoning of adjoining land.

In addition, the planning proposal is lacking supporting documents in relation to matters such as traffic, visual impact and view analysis, heritage impact and infrastructure servicing.

Based on Council officers' assessment, the planning proposal has the potential to result in:

- A medium density development comprising of multi dwelling housing of up to three (3) storeys in height
- A potential increase in traffic congestion and cumulative impact to the church and private school
- Potential loss of views and impact on outlook to the eastern rural land
- Potential impact to the State heritage listed Sydney Water Upper Canal;
- Reduced public benefit due to the loss of restricted *Seniors and persons with a Disability Housing* in the Camden LGA.

### Strategic Assessment of the Proposal

#### Camden 2040 - Community Strategic Plan for the People and Place of the Camden Local Government Area

The planning proposal is not consistent with the key direction of Camden 2040 to 'Actively Manage Camden's Growth'.

In the absence of the above required studies, the planning proposal lacks sufficient planning merit to overcome the planning concerns and mitigate the potential negative impacts of the development under a proposed higher residential density.

As such, the planning proposal does not have strategic merit to accommodate a higher residential density.

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## FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

## CONCLUSION

The planning proposal on Lot 1 of DP 1019708 at 359 Narellan Road, Currans Hill to rezone the subject site from R2 Low Density Residential zone to R3 Medium Density Residential zone under the CLEP has not demonstrated planning merit.

The proposed zoning of R3 Medium Density Residential is not consistent with the existing zoning of adjoining land. Furthermore, the proposal has insufficient information and has not addressed Council officers concerns.

It is therefore recommended that the planning proposal is not supported and not be forwarded to the Department of Planning and Environment for gateway approval.

## RECOMMENDED

**That Council:**

- i. not support the draft Planning Proposal Amendment No 35 as the planning proposal is deficient on planning merits and supporting information as per the report; and**
- ii. advise the proponent in writing of the Council resolution.**

## ATTACHMENTS

1. Attachment 1 Planning Proposal - 359 Narellan Road

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## ORDINARY COUNCIL

ORD07

ORD07

**SUBJECT: PROPOSED PUBLIC RESERVE NAME - CLIFTON PARK**  
**FROM:** Acting Director Customer & Corporate Services  
**TRIM #:** 14/10409

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement of the proposed name "Clifton Park" for a future public reserve located in Cobbitty. A resolution is also sought to refer the proposed name to the Geographical Names Board (GNB) for public exhibition.

This matter was presented to Councillors at a Councillor Workshop on 11 March 2014.

### BACKGROUND

Council has been requested by AV Jennings Pty Ltd to consider naming a future public reserve "Arcadian Hills Park." The site is part of the Oran Park precinct of the South West Growth Centre and is located off the western side of the Northern Road in Cobbitty.

The name Arcadian can be defined as someone who lives a simple rural lifestyle, and has no historic reference to the area. "Arcadian Hills" is the marketing name being used by AV Jennings Pty Ltd for the estate the reserve is in.

In February 2014, Council adopted a Road Naming Policy. Whilst this Policy applies to the naming of roads (and not reserves), it has been used as a guide to determine the appropriateness of the proposed name.

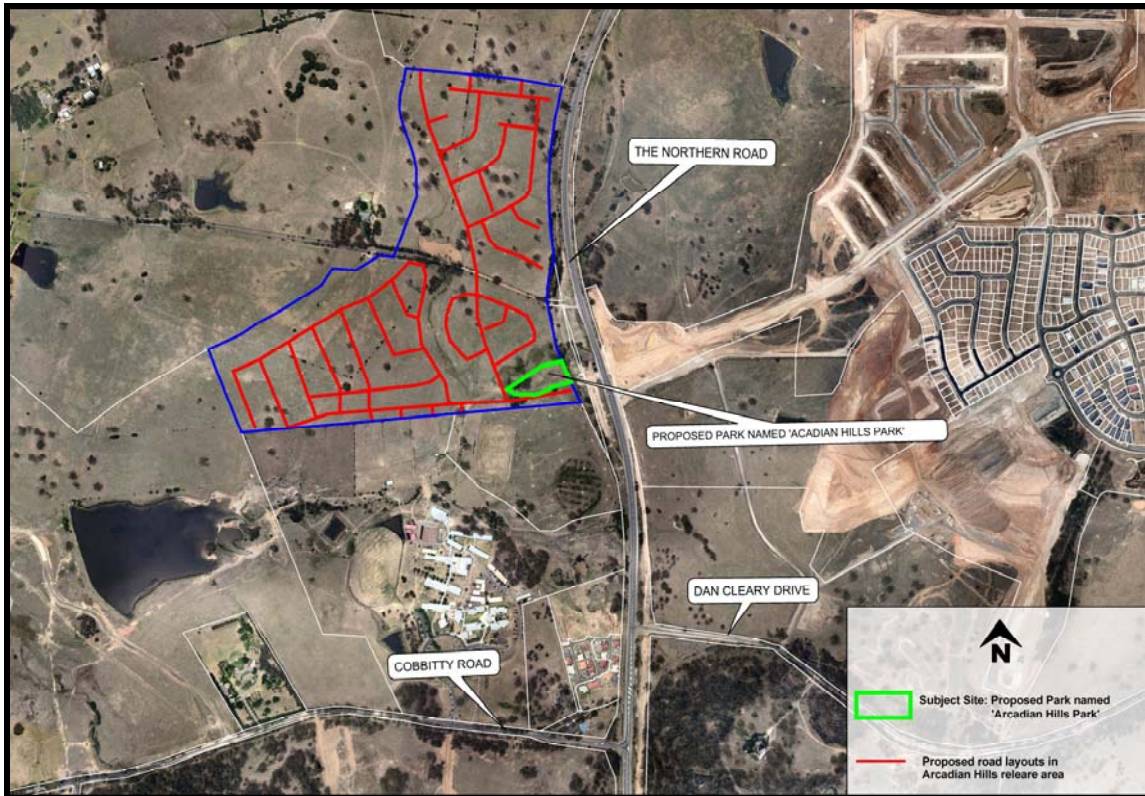
In this instance the policy states that names commercial in nature (including estate marketing names) will not be supported. Therefore the proposal by the applicant is not supported.

Henry **Clifton** came to the district in 1837 to work for the Hassan family. He took up a clearing lease in 1842 with others. Clifton's grandson and great grandson founded Clifton Bros. store in Argyle Street.

The public reserve was approved as part of Development Application 435/2011 at the Ordinary Council meeting of 14 June 2011. The DA also approved 206 residential lots and the construction of roads.

**A copy of the submission from AV Jennings Pty Ltd is provided with the Business Paper supporting documents.**

## AERIAL PHOTO



## MAIN REPORT

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

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

1. the land owner, developer or a resident provides to Council a proposed reserve name;
2. the proposed reserve name is checked by Council staff in accordance with the Guidelines published by the GNB;
3. if the proposed reserve name meets the guidelines it is referred to the GNB for comment;
4. a report is sent to Council, seeking endorsement of the proposed reserve name that is able to be approved by the GNB;
5. the GNB exhibits the proposed reserve name in the local media for 30 days, inviting submissions;



6. if objections are received by the GNB they will be forwarded to Council for review; and
7. If no objections are received, the GNB gazettes the name and notifies Council of the gazettal.

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

Council officers advised AV Jennings Pty Ltd that estate marketing names were not supported as reserve names and they were offered the opportunity to re-submit. No further submission was received and the name "Clifton Park" was proposed by Council.

The proposed reserve name "Clifton Park" is considered by Council officers to be appropriate and was taken from Council's preferred naming list.

Council has attempted to contact the Clifton family on a number of occasions to discuss the proposed naming. To date no response has been received by Council.

If Council endorses the proposed reserve name, it will be referred to the GNB to continue the above reserve naming process.

### **FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

### **CONCLUSION**

AV Jennings Pty Ltd has submitted an application requesting a name for a reserve that doesn't comply with Council guidelines (aligned to our Road Naming Policy). Council Officers have proposed a name from a pre-approved list.

The proposed reserve name is in accordance with the GNB guidelines.

Consequently, it is recommended that Council endorse the proposed public reserve name of "Clifton Park" and refer the application to the GNB to continue the naming process.

### **RECOMMENDED**

**That Council:**

- i. endorse the name "Clifton Park" for the future public reserve in Cobbitty; and**
- ii. refer the application to the GNB in accordance with the GNB place naming process; and**
- iii. advise AV Jennings Pty Ltd of Council's decision.**

### **ATTACHMENTS**

1. Submission Letter from AV Jennings - Arcadian Hills Park - *Supporting Document*

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## ORDINARY COUNCIL

**ORD08**

**SUBJECT: ANNUAL FINANCIAL STATEMENTS - YEAR ENDING 30 JUNE 2014**  
**FROM: Acting Director Customer & Corporate Services**  
**TRIM #: 14/116130**

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### PURPOSE OF REPORT

The purpose of this report is to advise Council of the following:

- the Annual Financial Statements for the year ending 30 June 2014 have been completed;
- the preparation of the Statement by Councillors and Management to Council's auditor, PricewaterhouseCoopers, in accordance with Section 413(2)(c) of the Local Government Act; and
- to set a date for the presentation of the Audit Report to Council and give public notice of the date in accordance with Section 418 (1a) & (1b) of the Local Government Act.

### ANNUAL FINANCIAL STATEMENTS

The Annual Financial Statements have been completed and are ready for external audit.

A copy of the Statement by Councillors and Management made to Council's auditor, PricewaterhouseCoopers, **is provided as an attachment to this report.** Upon signing, this representation acknowledges Council's responsibility for ensuring that the Annual Financial Statements have been prepared in accordance with relevant Australian Accounting Standards and the Local Government Code of Accounting Practice and Financial Reporting.

Council's auditors will present a summary of their findings to Council at the meeting of 14 October 2014. Public notice of this meeting will appear in the local newspaper (Camden Advertiser) and placed on Council's website from Wednesday 8 October 2014.

The Annual Financial Statements will be distributed to Councillors (under separate cover) on the 9 October 2014 for consideration at the meeting of 14 October 2014 in accordance with the notice provisions of the Local Government Act.

### FINANCIAL IMPLICATIONS

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

## **RECOMMENDED**

### **That Council:**

- i. note the Statement by Councillors and Management which is to be signed by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer; and**
- ii. notify the public that the Annual Financial Statements and Audit Report will be presented to Council on 14 October 2014.**

### **ATTACHMENTS**

- 1. Councillors Statement - General Purpose Financial Reports**
- 2. Councillors Statement - Special Purpose Financial Reports**



ORD09

# ORDINARY COUNCIL

ORD09

**SUBJECT: 2013/14 BUDGET - EXPENDITURE REVOTES**  
**FROM:** Acting Director Customer & Corporate Services  
**TRIM #:** 14/102110

## PURPOSE OF REPORT

The purpose of this report is to seek Council's approval to revote a list of specific projects that were incomplete or not commenced as at 30 June 2014.

## 2013/14 EXPENDITURE REVOTES

At the end of each financial year a review is undertaken to identify the status of specific projects with a view to having funds carried forward in order to complete the works. Most of the projects had been committed but not yet commenced as at 30 June 2014.

As at 31 March 2014 Council had approved \$9,448,800 in revoted works. The total amount of additional works identified as revotes for the June quarter is \$6,808,306 resulting in a total expenditure revotes program of \$16,257,106 overall.

The following table shows a comparison of the combined September, December and March Review revote estimates to the actual year-end revote required. The middle column highlights the additional revotes requiring Council's authorisation:

EXPENDITURE REVOTES (SOURCE OF FUNDS)	Revotes Approved to March 2014	Additional Revotes Requiring Approval	Actual Year-end Revote Required
Section 94 Contributions	\$6,264,600	\$2,540,861	<b>\$8,805,461</b>
External Grant Funding	\$455,000	\$216,362	<b>\$671,362</b>
Internal Reserves	\$955,200	\$2,802,527	<b>\$3,757,727</b>
Waste Management	\$807,000	\$0	<b>\$807,000</b>
General Revenue (i.e. Council Funds)	\$735,000	\$1,114,502	<b>\$1,849,502</b>
DOP Loan (Lodges Road)	\$0	\$38,554	<b>\$38,554</b>
Other Sources	\$232,000	\$95,500	<b>\$327,500</b>
<b>TOTAL EXPENDITURE REVOTES</b>	<b>\$9,448,800</b>	<b>\$6,808,306</b>	<b>\$16,257,106</b>

For a detailed listing of all proposed revotes requiring Council's approval, **please refer to the attachment at the end of this report.**

A number of significant projects are required to be revoted to 2014/15. These major projects account for 68% of the total revotes.

A comment on the reason for the revoted works is provided in the attachment to this report, the corresponding item number is provided in the table below:

<b>Significant Projects</b>	<b>Revote Required</b>	<b>Percentage of Total Revote</b>	<b>Item No.</b>
Camden Bypass Intersection / Link Road	\$3,454,600	21%	32, 101
Central Administration Building	\$2,057,567	13%	85
Oxley & Herbert Rivulet Drainage	\$2,000,000	12%	83 – 84
Springs Road Urban Upgrade	\$1,762,939	11%	86
Plant Replacement & Additional Plant	\$1,181,500	7%	62 – 66
Cobbitty Road Reconstruction	\$645,240	4%	68
<b>Total – Significant Projects</b>	<b>\$11,101,846</b>	<b>68%</b>	

It should also be noted that \$1,849,502 of this year's revote program relates to items funded from general fund. Whilst the final budget result for 2013/14 is yet to be formally presented to Council, a preliminary review of expenditure and income, and all restricted cash reserves indicates sufficient monies are available to fund the general fund portion of the expenditure revotes program.

#### Councillor Priority Capital Works

In adopting the 2012/13 budget, Council adopted a Councillor Priority Capital Works Program totalling \$1,514,000. These projects were identified by Councillors as part of the budget process and were essentially funded from the available budget surplus for 2012/13.

The balance of funds remaining from 2012/13 combined with additional funding allocated in 2013/14 increased the total Councillor Priority Capital Works Program for 2013/14 to \$1,350,984. As at 30 June 2014, \$1,241,499 (92%) of the identified works program had been completed, leaving a remaining balance of \$109,485. Of this balance \$92,299 has been identified as revotes, the balance of \$17,186 is savings achieved from projects completed during the year.

A comment on the reason for the revoted works is provided in the attachment to this report, the corresponding item number is provided in the table below:

<b>Priority Capital Works</b>	<b>Funds Remain.</b>	<b>Item No.</b>
Kirkham Netball Court Pavement Rehab.	\$11,000	103
Cut Hill Reserve Public Amenities	\$4,600	99
Design & Survey – Capital Works Projects	\$61,299	40
Additional Camden Town Centre Traffic Studies	\$5,400	49
Little Sandy Bridge	\$10,000	92
<b>Total – Priority Capital Works Revotes</b>	<b>\$92,299</b>	
Savings – Projects Completed during 2013/14	\$17,186	
<b>Balance Remaining – Priority Capital Works</b>	<b>\$109,485</b>	

The savings achieved from projects completed during 2013/14 of \$17,186 will be brought to account for consideration by Council at the 2013/14 year end review.

Community Infrastructure Renewal Program

The six-year \$6 million Community Infrastructure Renewal Program is funded by a combination of internal reserves (\$1.5 million), a special rate variation of 1.10% (\$2.5 million) and loan borrowings via the Loan Infrastructure Renewal Scheme (\$2 million). The 2013/14 financial year was the first year of this program.

The total expenditure program for the first year of the Community Infrastructure Renewal Program was \$1,184,000. As at 30 June 2014, \$1,004,750 (85%) of the identified works program had been completed, leaving a remaining balance of \$179,250. Of this balance \$119,671 has been identified as revotes, the balance of \$59,579 is savings and should be transferred to the reserve for future allocation to infrastructure renewal projects.

A comment on the reason for the revoted works is provided in the attachment to this report, the corresponding item number is provided in the table below:

<b>Community Infrastructure Renewal Program</b>	<b>Funds Remain.</b>	<b>Item No.</b>
Bridge Renewal	\$71,871	82
MALC Spa Plant	\$13,746	72
Shelter Trednick Reserve	\$15,000	69
Liquidamber Reserve Sportsfield	\$19,054	98
<b>Total – CIRP Revotes</b>	<b>\$119,671</b>	
Savings – Projects Completed during 2013/14	\$59,579	
<b>Balance Remaining – CIRP</b>	<b>\$179,250</b>	

The savings achieved from projects completed during 2013/14 of \$59,579 will be brought to account for consideration by Council at the 2013/14 year end review.

## Stormwater Management Works Program

The purpose of the Stormwater Management Program is to educate and promote awareness of stormwater pollution in the community, ensure a better flow of stormwater through the LGA and to improve the quality of water flowing into our streams and rivers.

The total allocation towards stormwater management expenditure for 2013/14 was \$1,281,756. As at 30 June 2014, \$697,220 (54%) had been spent, leaving a remaining balance of \$584,536. Of this balance \$360,480 has been identified as revotes, the balance of \$224,056 is savings, and as a result should be transferred back to the Stormwater Management Reserve for allocation by Council as part of adopting the 2013/14 year end review.

A comment on the reason for the revoted works is provided in the attachment to this report, the corresponding item number is provided in the table below:

<b>Stormwater Management</b>	<b>Funds Remain.</b>	<b>Item No.</b>
Lake Annan GPT Installation	\$300,000	34
Camden Drainage Evaluation	\$17,200	42
Flood Mapping / Studies	\$25,500	37, 39, 41
Narellan Drainage Channel Improvements	\$17,780	97
<b>Total – Stormwater Management Revotes</b>	<b>\$360,480</b>	
Savings – Projects Completed during 2013/14	\$224,056	
<b>Balance Remaining - Stormwater Management</b>	<b>\$584,536</b>	

It is important to note that Council currently has an existing balance of uncommitted funds within the Stormwater Works Reserve of \$173,843 (relating to unspent works from 2012/13). The unspent allocations from 2013/14 will increase this balance to \$397,899. The expected balance of the Stormwater Management Reserve as at 30 June 2014 is shown in the table below:

<b>Purpose</b>	<b>Value</b>
2013/14 Expenditure Revotes (Committed)	\$360,480
Lake Annan Rehabilitation (Committed)	\$360,205
Unspent Allocations (Not Committed)	\$397,899
<b>Total – Stormwater Reserve Balance</b>	<b>\$1,118,584</b>

Councillor Ward Funds

The remaining balance of Councillor Ward Funds is \$36,013. The projects funded in 2013/14 are shown in the table below:

<b>Councillor Ward Funds</b>	<b>Value</b>
2013/14 Budget Allocation	\$30,000
2012/13 Ward Funds Revote	\$11,717
<b>Total – Funds Available 2013/14</b>	<b>\$41,717</b>
Christmas in Narellan (DA Fees)	\$547
Camden Community Connections (Donation)	\$2,000
Carols by Candlelight Macarthur Park (Donation)	\$191
Camden JRFL – Wests Tigers Trial Game	\$2,500
Harrington Park Christmas Carols (DA Fees)	\$466
<b>Total – Projects Funded 2013/14</b>	<b>\$5,704</b>
<b>Balance Remaining – Councillor Ward Funds</b>	<b>\$36,013</b>

Council may elect to revote the balance remaining of \$36,013 into the 2014/15 budget. If Council does choose to carry forward these funds, then the balance available to Councillors in the 2014/15 budget would be \$66,013.

**FINANCIAL IMPLICATIONS**

The 2014/15 Operational Plan will be updated to include additional expenditure of \$16,257,106. This will not impact the 2014/15 budget result, which is currently a balanced budget.

In addition to updating the 2014/15 budget, Council will be required to transfer the general fund portion of the proposed expenditure revotes program of \$1,849,502 to the Expenditure Revotes Reserve.

**CONCLUSION**

Council is required to approve the list of expenditure revotes to be carried forward into the 2014/15 Budget. If approved by Council, the general fund portion will be transferred to the Expenditure Revotes Reserve in accordance with Council's Expenditure Revotes Policy.

Strategies are being put in place to ensure future revotes are minimised. These strategies include reviewing Council's major plant requirements now and into the future, program budgeting and planning and monitoring Council's workforce capacity to ensure the timely delivery of Council's works programs.



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**RECOMMENDED**

**That Council:**

- i. adopt the list of projects requiring revote as identified within the attachment at the end of this report and approve the inclusion of these projects in the 2014/15 Budget;**
- ii. approve the transfer of \$1,849,502 to the expenditure revotes reserve, representing the General Fund portion of the revotes program;**
- iii. consider the revote of \$36,013 representing the remaining balance of Councillor Ward Funds from the 2013/14 financial year.**

**ORD09**

**ATTACHMENTS**

1. 2013/14 - Expenditure Revotes - Attachment

## ORDINARY COUNCIL

ORD10

**SUBJECT: CONFIRMATION OF DELEGATIONS - LAND SALE CONTRACT FOR ADMINISTRATION CENTRE AT ORAN PARK**

**FROM:** Acting Director Customer & Corporate Services

**TRIM #:** 14/129548

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### PURPOSE OF REPORT

The purpose of this report is to confirm the General Manager's delegations to approve and execute documents ancillary or incidental to the Land Sale Contract for the Administration Centre at Oran Park.

### BACKGROUND

Perich Property Pty Ltd ATF the Perich Property Unit Trust ("Vendor") entered into a contract for the sale and purchase of land for the Central Administration Building at Oran Park on 10 December 2012 ("Contract"). The decision to enter into the Contract was made by way of Council resolution on 27 November 2012. The 2012 Resolution delegates authority to the Mayor and General Manager to sign under seal "any documents relating to this matter".

On 23 April 2013, Council delegated to the General Manager the functions of Council as specified in the *Local Government Act 1993* and related Acts, subject to the provisions of the *Local Government Act 1993*, and related Acts which expressly prohibit the use of delegated authority.

On 13 May 2014, Council, as part of accepting the Community Management Scheme for the Oran Park Town Centre further delegated to the General Manager and Mayor, "the ability to sign all necessary documents (and affix the Common Seal of Council if required) on behalf of Council relating to the Community Management Scheme, land sale contract and the transfer of the Town Park (Lot 6) and Lot 5 of the Oran Park Town Centre into Council's ownership".

Although it is arguable that the above resolutions have provided the General Manager and Mayor the ability to approve and execute documents ancillary and incidental to the Land Sale Contract, the purpose of this report is to ensure that Councillors are fully informed and that the General Manager and Mayor have certainty and clarity over the use of delegations for this purpose.

### MAIN REPORT

The Contract contains many complex clauses and potential for various approvals, variations and extensions.

#### **Deed of Variation**

Following the land sale contract for the Administration Centre being signed, Council and the Developers began to consider the opportunity of creating a Civic Campus on one site that included the Leisure Centre, Library, Community Resource Centre, Administration Centre and Civic Plaza. In early 2013 it was agreed that the Developer

and Council would jointly undertake a master-planning exercise to consider the possible consolidation of facilities on to the one lot. This process included a detailed traffic and parking study which subsequently recommended changes to the surrounding street network as well as the creation of the proposed civic site. The master-plan options and recommendations were presented to Councillors on 17 September 2013 and the preferred master-plan option was formally adopted on 22 October 2013. As a result of these changes, certain provisions of the Contract need to be varied to give effect to this new agreement. A Deed of Variation is currently being drafted for these variations which in summary will provide:

- the Vendor's Consent Date and Vendor's Work's Completion Date to be extended to reflect the changes agreed during the master planning process, noting that the Vendor was unable to obtain development consent until the master plan was agreed upon;
- given the delays in the Vendor's Consent Date and Vendor's Works Completion Date, it is proposed to provide Council access to the Administration Centre site prior to the land coming into Council's ownership to commence construction of the Administration Building so as to ensure that there is no delay in the delivery of the Administration Building to Council;
- that Council be given temporary services to the Site for construction purposes; and
- that the plans attached to the Contract be updated to reflect the outcomes agreed as part of the master planning process.

The Vendor's works include among other things to construct roads around the property, provision of water, sewerage, electricity, gas, telephone, internet/fibre optic services, provision of a bus stop, taxi zone and pick up/drop off areas near the property and the connection of Peter Brock Drive to the Northern Road.

Ultimately the date of the Administration Building delivery will not be affected and the land will be formally transferred into Council's ownership prior to completion of construction. Furthermore, the Deed of Variation and associated Access Deed will provide for detailed provision of risk, insurance and work health and safety requirements. The Deed of Variation is an administrative process to document the change in delivery method agreed upon.

### **Future Variations/Applications for Extensions of Time**

The Contract also provides for various approvals, extensions of time and amendments which may be approved by Council. For example, clause 42 of the Contract provides the Vendor the ability to extend a Key Milestone Date by the number of days of any delay to the Vendor's Works arising from a Qualifying Cause of Delay (other than a cause attributable to an act or omission of the Vendor). In this instance, the Vendor must provide Council in writing of any delay anticipated or experienced as soon as practicable, including its cause, measures which are available to overcome the delay and measures which are being taken to overcome the delay. The Contract provides that any relevant Key Milestone Date will be extended as agreed between the parties acting reasonably and failing agreement within 10 Business Days of the Vendor providing notice, either party may refer the matter to be determined under the Dispute Resolution clauses of the Contract.

Given that such applications for extensions of time are required to be determined within 10 Business Days, it is recommended that such decisions be made under delegated authority.

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### **Ability to determine matters under delegated authority**

Legal advice has been sought (see **Attachment 1 in Supporting Documents**) which confirms that the approving of the Deed of Variation discussed above, and future applications for extensions of time are capable of being determined under delegated authority, provided the extension of time does not compromise the essential nature of Council's determination, for instance, it is not for such period of time as would be in conflict with Council's resolution.

The legal advice also confirms that arguably, the current resolutions passed by Council provide the General Manager and Mayor with the necessary delegations to execute ancillary or incidental documents such as the Deed of Variation and any potential extension of time application. It is however noted that Councillors, when passing this resolution may not have reasonably anticipated that the delegation would be used for such purposes. As such, the purpose of this report is to confirm the use of delegations and describe the types of documents which may be approved and executed under delegation.

It is noted that the reason the previous resolutions referred back to the General Manager and Mayor having the ability to approve and execute documents stems back from Council's use of the Council Seal and for the execution of the Contract being appropriate to be signed by both the General Manager and Mayor. Going forward, it is proposed to confirm the General Manager's delegations for any approvals, variations or documents relating to the contract as they are capable of being signed by the General Manager (or subdelegate) only and it ensures that the execution process is more streamlined.

It is also noted that although Council may confirm the delegations below, it is always up to the General Manager whether to utilise the delegations or not. It is standard practice that where the General Manager is uncertain on the use of delegations, that advice be sought from the Council.

### **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

### **CONCLUSION**

The Contract provides for a range of possible extensions, applications for approvals and potential variations which are required to be dealt with expeditiously and efficiently. Legal advice has also been sought and confirms that approval of a Deed of Variation and an extension of time are both functions incidental to Council's decision to purchase the land and are capable of being made under delegated authority, provided the essential nature of the Contract is not compromised.

The purpose of this report is to inform Councillors of the types of functions which may arise under the Contract and seek clarity from the Council that such functions and powers are capable of being determined under delegated authority.

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## **RECOMMENDED**

**That Council confirm its delegations to the General Manager of all powers and functions of Council under the Land Sale Contract for the Oran Park Administration Centre Site dated 1 December 2012 and any variations to that Contract provided the exercise of that function does not expressly require a resolution of the Council.**

**ORD10**

## ATTACHMENTS

1. Legal Advice - *Supporting Document*

## ORDINARY COUNCIL

ORD11

**SUBJECT: TRANSFER OF A TEMPORARY PUBLIC ROAD - LOT 8 DP 1151425  
DUNN ROAD, SMEATON GRANGE**

**FROM:** Acting Director Customer & Corporate Services

**TRIM #:** 14/130188

### PURPOSE OF REPORT

To obtain Council approval to transfer Lot 8 DP 1151425 Dunn Road, Smeaton Grange, being a temporary public road, from Council ownership to the original developer in accordance with the provisions of the *Roads Act 1993*.

### MAIN REPORT

Development consent No 464/2007 approved a 7 lot subdivision in Smeaton Grange conditional upon “a temporary turning/maneuvering facility shall be provided at the end of Dunn Road. ...Any additional land required to accommodate the facility, adjacent to the proposed public road, shall be provided with such land being dedicated as a temporary public road in accordance with s9, 39 and 40 of the *Roads Act 1993*. The status of the facility shall remain as a temporary road until such time as: a) an alternative facility has been provided and dedicated as either: b) public road, or c) temporary public road.”

A Subdivision Certificate has been issued in relation to Development Consent No 597/2011 which includes the extension of Dunn Road to Turner Road. Upon registration of the plan an alternative facility will be dedicated as a public road. A copy of the location plan is **attached**.

The Developer, Investa Commercial Developments Pty Ltd has requested that the temporary road be closed and the title for Lot 8 be transferred back into their ownership.

Sections 39 and 40 of the *Roads Act 1993* (the Act) allows for the closure of a temporary public road and requires the land to be transferred back to the original subdivider. Section 40(2) of the Act states that at any time within 5 years after the road is closed, the original subdivider, or the original subdivider’s successor in title, may apply to the roads authority to become the owner of the land on which the road was situated. In this instance, the title for the temporary road was issued on 11 May 2010 and is within the 5 year timeframe of the Act. As such, Council is not entitled to compensation.

Investa Commercial Developments (being the original subdivider) will arrange for the appropriate transfer documents to be prepared in order to transfer Lot 8 back into their ownership and will be responsible for all costs associated with the transfer of the land.

In accordance with clause 377 of the *Local Government Act 1993*, the Council must determine a decision to sell or surrender any land or other property. It is noted that the signing of the transfer documentation will not take place until the plan is registered dedicating the alternate road as public road. The signing of the transfer documentation

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is capable of being signed under Council's Power of Attorney as it is a function incidental and ancillary to Council's decision to surrender or dispose of land.

### **FINANCIAL IMPLICATIONS**

There are no financial implications for Council arising from this report.

### **CONCLUSION**

Council officers are satisfied that alternate access has been provided which alleviates the need for the temporary public road. In accordance with the Act, Lot 8 is required to be transferred to the original developer's ownership and the Council resolution is merely a procedural requirement.

### **RECOMMENDED**

**That Council:**

- i. consent to the closure of the temporary public road comprising Lot 8 DP 1151425 Dunn Road, Smeaton Grange, and the transfer of this lot to Investa Commercial Developments Pty Ltd, as provided under the *Roads Act 1993*; and**
- ii. execute the transfer documentation associated with Lot 8 DP 1151425 Dunn Road, Smeaton Grange, pursuant to Council's Power of Attorney granted on 27 August 2013, Minute Number ORD215/13, or by affixing the Common Seal of Council.**

### ATTACHMENTS

1. Location plan

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## ORDINARY COUNCIL

ORD12

**SUBJECT: FUNDING FOR NEW CLUBHOUSE AT 18B MILLWOOD AVENUE  
NARELLAN FOR NARELLAN JETS JUNIOR RUGBY LEAGUE  
FOOTBALL CLUB**

**FROM:** Director Community Infrastructure  
**TRIM #:** 14/133185

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### PURPOSE OF REPORT

To seek Council's approval to accept funding of \$200,000 (GST exclusive) under the Federal Government's Community Grants Program, for Stage 1 of the new clubhouse at Narellan Park.

### BACKGROUND

The Community Development Grants (CDG) Program was established by the Department of Infrastructure and Regional Development to support needed infrastructure that promotes stable, secure and viable local and regional economies.

The program was announced by the Federal Government on 4 December 2013, and will fund Government selected uncontracted projects from the Regional Development Australia Fund and Community Infrastructure Grant Program.

Grants made under the program are for the construction and upgrade of local community and sports infrastructure.

In December 2013, the Narellan Jets project was identified in the list of proposed projects as being eligible for consideration of funding. On behalf of the Narellan Jets Junior Rugby League Football Club, Council prepared and submitted an application on 23 June 2014, to seek grant funding under the program for the Narellan Jets project.

In a reply letter dated 15 August 2014 to Council, the Assistant Minister has given funding approval for the project of up to \$200,000 (GST exclusive) for the construction of Stage 1 of the new clubhouse at Narellan Park.

### MAIN REPORT

Narellan Jets Junior Rugby League Football Club (the Club) uses Narellan Park as its home ground. The Club currently has approximately 320 junior players and 60 senior players.

The current amenities building does not provide an adequate space for spectators, or allow the club to hold meetings and presentations. The Club, visiting teams and spectators will benefit from the new clubhouse with shelter, and an informal grassed spectator seating area.

Council adopted a Sportsground Strategy in January 2014. The executive summary of this document provides a summary of the key directions identified for each sporting field location in Camden.



The summary for Narellan Park includes an extension to the existing half field currently used by Rugby League. It also recommends improvements to floodlights, seating, shade and parking.

The proposed new clubhouse with shelter and a new canteen area is in line with the key directions set out for this site.

### **FINANCIAL IMPLICATIONS**

This funding is provided without a requirement for any monetary contribution from Council. Council's Capital Works branch will project manage the design and construction of the new facility.

Preliminary cost estimates indicate that the proposed works can be delivered within the budget of \$200,000 set by the grant.

### **CONCLUSION**

This grant funding allows Council to provide improved facilities at Narellan Park. These new facilities will assist Narellan Jets to achieve their long term strategic objectives and provide benefits to the local community.

The development of the new clubhouse is consistent with the Sports Ground Strategy and complements and supports the proposed Sports Hub development.

### **RECOMMENDED**

**That Council:**

- i. accept the grant funding of \$200,000 (GST exclusive) under the Federal Government's Community Development Grants Program for the New Clubhouse at Narellan Park;**
- ii. authorise the relevant documentation to be completed under Council's Power of Attorney granted on 27 August 2013, Minute Number ORD215/13;**
- iii. write to The Hon Jamie Briggs MP, Assistant Minister for Infrastructure and Regional Development thanking him for his assistance; and**
- iv. write to Russell Matheson MP, Federal Member for Macarthur thanking him for his support.**

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## ORDINARY COUNCIL

**ORD13****SUBJECT: TENDER T001/2015 - HARRINGTON RESERVE SPORTSFIELD  
DRAINAGE IMPROVEMENTS****FROM:** Director Community Infrastructure**TRIM #:** 14/132135

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### PURPOSE OF REPORT

To provide details of the tenders received for contract T001/2015, being the Harrington Reserve Sportsfield Drainage Improvements and to recommend that Council accept the tender submitted by Turf Drain Australia Pty Ltd.

### BACKGROUND

The intention of this tender is to appoint an experienced sportsfield drainage contractor with proven capacity in similar scale field drainage construction works. The sportsfield at Harrington Reserve, Harrington Park is well utilised throughout the year with soccer and cricket being the predominant users.

The fields have a good cover of turf but are very flat. Due to the poor drainage, the fields are often unplayable for extended periods after rain events. The drainage improvements are required to remove surface water from the playing fields and improve the existing soil structure. The fields will then be able to recover quickly from rain events and maintenance costs will be reduced.

The scope of works under this contract include the construction of:

- an extensive network of sand slit and subsoil drainage;
- perimeter swales to prevent water from adjacent development flowing onto the fields; and
- topdressing and turf establishment.

### MAIN REPORT

Tenderers were asked to provide a lump sum price for Tender T001/2015 - Harrington Reserve Sportsfield Drainage Improvements. The invitation to submit a Tender was advertised on 29 July 2014 in the Camden Advertiser, Sydney Morning Herald and the NSW e-tendering website. The tender closed on 19 August 2014 and five submissions were received.

## Tender Submissions

Tenders were received from the following companies listed below in alphabetical order:

<b>Company</b>	<b>Location</b>
• Turf Drain Australia	Mt Ku-ring-gah
• The Green Horticultural Group	Annangrove
• Earth Civil Contracting	Picton
• GT Civil Pty Ltd	Brownsville
• PND Civil Group Pty Ltd	Narellan

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 was to appoint a contractor 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 70% and non-price factors a weighting of 30%.

Non Price Factors considered for this project included:

- understanding of the project and proposed methodology;
- experience on projects of similar nature;
- project program;
- proposed project team, capacity, and systems including Work Health and Safety (WHS).

Turf Drain Australia provided the most competitive tender in terms of cost and meeting all requirements of Council's tender documentation.

## 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

Turf Drain Australia have tendered to complete the works in six weeks from engagement which is the shortest timeframe offered by any tenderer. The works can be completed by the end of November 2014 if the tender is accepted.

## FINANCIAL IMPLICATIONS

This project is funded by the Community Infrastructure Renewal Program. The tendered price of \$161,729 (GST exclusive) is well within the current budget allocation for this project.

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## **CONCLUSION**

Turf Drain Australia has submitted a conforming tender.

The tender assessment concludes that the offer by Turf Drain Australia 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. accept the tender provided by Turf Drain Australia for the lump sum of \$161,729 (GST exclusive); and**
- ii. authorise the relevant documentation to be completed under Council's Power of Attorney, granted on 27 August 2013, Minute Number ORD215/13.**

## ATTACHMENTS

1. Tender T001 2015 - Harrington Reserve Sportsfield Drainage Improvements - *Supporting Document*



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## ORDINARY COUNCIL

ORD14

ORD14

**SUBJECT: 2014-15 PUBLIC RESERVES MANAGEMENT FUND PROGRAM -  
ROUND 1 - APPROVAL OF GRANT TO THE NEPEAN RIVER SCENIC  
RESERVE TRUST FOR REHABILITATION OF CAMDEN WETLANDS  
RESERVE**

**FROM:** Director Community Infrastructure

**TRIM #:** 14/128752

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### PURPOSE OF REPORT

The purpose of the report is to inform Council of the Crown Lands Public Reserve Management Fund Program and to recommend Council accept a grant of \$35,312 (GST exclusive) to the Nepean River Scenic Reserve Trust, for rehabilitation of the Camden Wetlands Reserve.

### BACKGROUND

A reserve trust is a legal body that cares for a Crown reserve on behalf of the people of NSW. Reserve trusts enable the NSW Government, local councils, service organisations and members of the community to manage and care for the reserved land to facilitate and encourage community use and enjoyment. There are 7800 reserve trusts in NSW that are managed by Local Council's.

Camden Council is the Reserve Trust Manager for the Nepean River Scenic Reserve Trust and as such applied for a grant in the name of the Trust, to rehabilitate a portion of the Camden Wetlands Reserve.

The Public Reserves Management Fund Program (Round 1) through the NSW Trade and Investment Crown Lands provides financial support for the development, maintenance and improvement of Crown Land public reserves. This includes pests and/or weeds management activities.

Council made an application for \$35,312 (GST exclusive) funding under the NSW Governments 2014-15 Public Reserves Management Fund Program (PRMFP) to undertake weed management works in a portion of Camden Wetlands Reserve (Lot 1 DP 13201).

### MAIN REPORT

Camden Wetlands Reserve is located at the northern end of the Nepean Cycleway at Argyle St, Camden. It is part of the Nepean River Reserves Trust and includes part of Belgenny Reserve (Lot 15 DP 219613). Camden Council is the Reserve Trust Manager of the Nepean River Reserves Trust.

The wetland within Camden Wetland Reserve is approximately 1,960m<sup>2</sup> in area and is heavily infested with woody weeds (**Figure 1**). The wetland drains into a pond and the adjoining wetland to the south which is also part of the overall wetland system in the locality.

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The Minister for Natural Resources, Lands and Water has advised Council that he has approved the grant of \$35,312 (GST exclusive) to the Nepean River Scenic Reserve Trust for the rehabilitation of Camden Wetlands at the Reserve.

The works to be undertaken include:

- destroying and chipping the woody weeds on-site;
- re-vegetating the site with ephemeral sedge plants;
- undertaking edge planting of wetland trees on the western boundary;
- planting 3 groves of wetland trees; and
- undertaking edge planting on the northern and eastern boundaries with shrubs to prevent exotic grass spreading into the wetland.

A community planting event and Bushcare Volunteers are also proposed to be integrated into the program. Maintenance of the site following the project will be undertaken by Council's Bush Regenerators.

**Figure 1: Portion Camden Wetlands Reserve adjacent to Cowpasture Reserve, Camden (Lot 1 DP 13201, highlighted in purple) – the treatment area of this lot is indicated in the shaded area.**





### **FINANCIAL IMPLICATIONS**

Council has been successful in its application for funding of \$35,312 (GST exclusive) from the NSW Government through the Crown Lands PRMFP.

In the application for funding, in-kind contributions are as follows:

- Bushcare volunteer participation: 180 volunteers hours equating to approximate value of \$3,540
- Weed & plant maintenance undertaken by Council's Bush Regeneration Team: approximate value of \$4,700

### **CONCLUSION**

Council has been successful in its funding application for \$35,312 (GST exclusive) through the PRMFP. The grant will allow Camden Wetlands to be rehabilitated and allow the facilitation of community involvement in the process.

**RECOMMENDED**

That Council:

- i. **accept the funding for \$35,312 (GST exclusive) through the NSW Governments Crown Lands Public Reserves Management Fund Program;**
- ii. **authorise the relevant documentation to be completed under Council's Power of Attorney granted on 27 August 2013, Minute Number ORD 215/13;**
- iii. **write to Kevin Humphries MP, Minister for Natural Resources thanking him for his assistance; and**
- iv. **write to Chris Patterson MP, State Member for Camden, thanking him for his support.**



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## ORDINARY COUNCIL

ORD15

ORD15

**SUBJECT: CUMBERLAND PLAIN RECOVERY PROJECT MINOR GRANT -  
GUNDUNGURRA RESERVE**

**FROM:** Director Community Infrastructure

**TRIM #:** 14/129211

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### PURPOSE OF REPORT

The purpose of the report is to inform Council of funding from the NSW Government Office of Environment (OEH) under the Cumberland Plain Recovery Project – Minor Expenditure Grant Program and to recommend Council accept a grant of \$1,300 (GST exclusive) to establish two educational signs at Gundungurra Reserve (north), Welling Drive, Narellan Vale.

### BACKGROUND

The Cumberland Plain Recovery Project – Minor Expenditure Grant program is a minor funding program of the NSW Government to address recovery actions under the Cumberland Plain Recovery Plan that promote awareness, education and engagement on the management of Cumberland Plain bushland and biodiversity.

Council made an application for funding of \$3,000 (GST exclusive) under the NSW Governments Cumberland Plain Recovery Project – Minor Expenditure Grant Program to establish four educational signs at Gundungurra Reserve (north) (Lot 1 DP 1007608, Lot 162 DP 800254, Lots 608 & 1540 DP 845171, & Lot 229 DP 803021) Welling Drive, Narellan Vale.

### MAIN REPORT

Under the Cumberland Plain Recovery Project – Minor Expenditure Grant program up to \$3,000 (GST exclusive) is available for projects that address recovery actions under the Cumberland Plain Recovery Plan that promote awareness, education and engagement on the management of Cumberland Plain bushland and biodiversity in the 2014/2015 financial year.

Council made an application for \$3,000 (GST exclusive) for the establishment of four interpretative signs but has only been successful for grant funding of \$1,300 (GST exclusive) which allows for the establishment of two interpretative signs.

The proposed signs will be one metre high A2 lectern size signs similar to the existing interpretative signs at Kings Bush Reserve. The signs are vandal proof with any graffiti being able to be removed with turpentine. The signs will promote the biodiversity values of Gundungurra Reserve (north) and inform and engage the community on the management of the reserve.

## **FINANCIAL IMPLICATIONS**

Council has been successful in obtaining \$1,300 (GST exclusive) from the NSW Government through the Under the Cumberland Plain Recovery Project – Minor Expenditure Grant.

In the application for funding, there was no requirement for Council to provide any financial contribution towards this program.

## **CONCLUSION**

The Cumberland Plain Recovery Project – Minor Expenditure Grant of \$1,300 (GST exclusive) will allow Camden Council to promote the biodiversity values of Gundungurra Reserve (north) and inform and engage the community on the management of the reserve.

## **RECOMMENDED**

**That Council:**

- i. accept the funding of \$1,300 (GST exclusive) under the Cumberland Plain Recovery Project – Minor Expenditure Grant program for the establishment of two interpretative signs at Gundungurra Reserve (north);**
- ii. authorise the relevant documentation to be completed under Council’s Power of Attorney, granted on 27 August 2013 Minute Number ORD215/13;**
- iii. write to the Minister for Environment, Rob Stokes thanking him for his assistance; and**
- iv. write to Chris Patterson MP, Member for Camden, thanking him for his support.**