



Camden Council

Business Paper

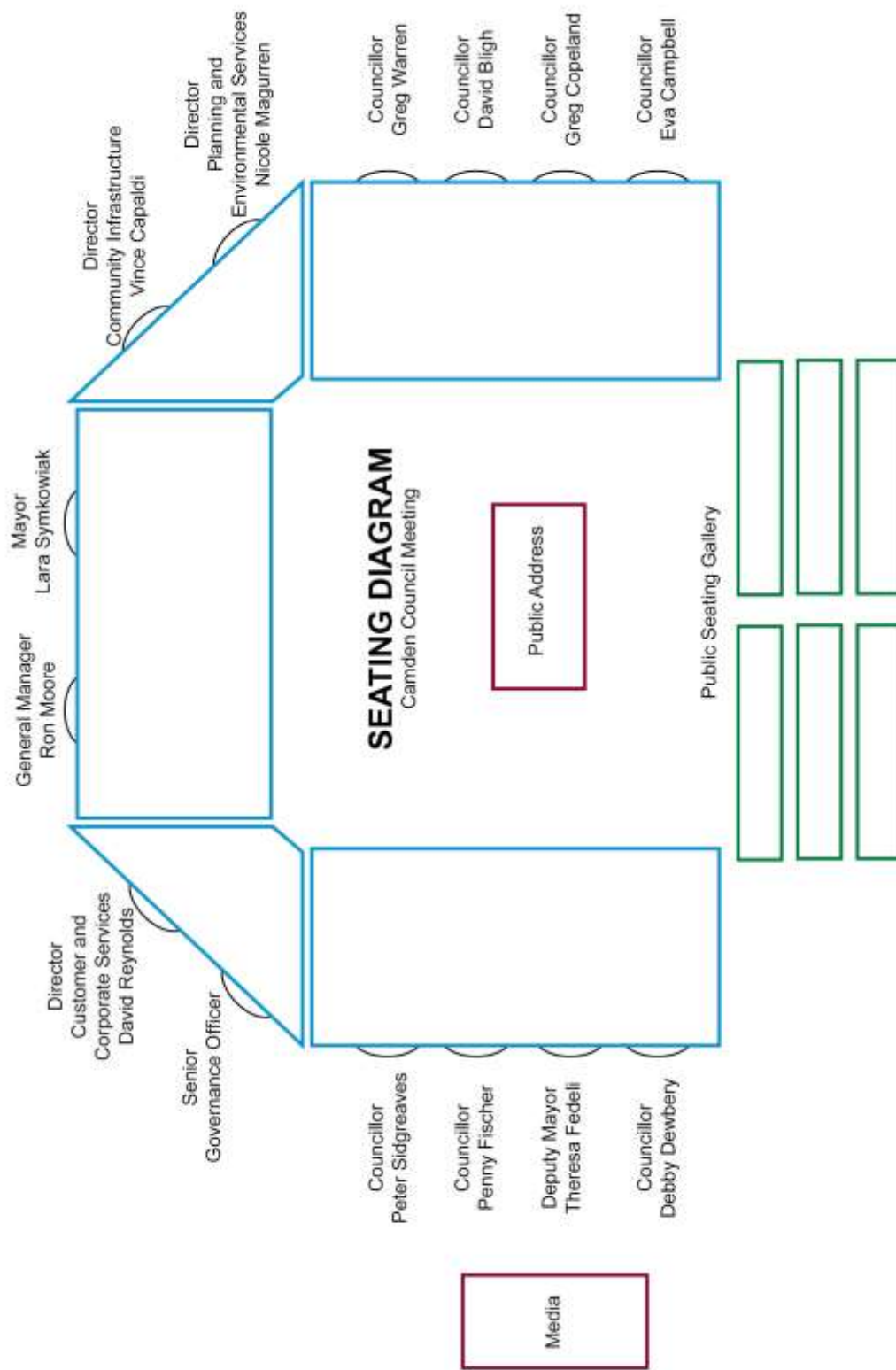
Ordinary Council Meeting
25 August 2015

Camden Civic Centre
Oxley Street
Camden



COMMON ABBREVIATIONS

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



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



ORDINARY COUNCIL

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ORDINARY COUNCIL

SUBJECT: PRAYER

PRAYER

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

Amen

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

Amen

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

Amen

AFFIRMATION

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

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

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

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

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



ORDINARY COUNCIL

SUBJECT: ACKNOWLEDGMENT OF COUNTRY

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



ORDINARY COUNCIL

SUBJECT: RECORDING OF COUNCIL MEETINGS

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

No other recording by a video camera, or any other electronic device capable of recording speech, is permitted without the prior approval of the Council. The Council has not authorised any other recording of this meeting. A person may, as provided by section 10(2)(a) or (b) of the Local Government Act be expelled from a meeting of a Council for using or having used a recorder in contravention of this clause.



ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.



ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

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

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

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

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

RECOMMENDED

That the declarations be noted.



ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

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

Speakers must book in with the Council office via telephone to Council's Governance Team 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. The commencement and conclusion of time shall be advised by the Mayor/Chairperson.

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

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

RECOMMENDED

That the public addresses be noted.



ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 18 August 2015 and the Local Traffic Committee held 21 July 2015.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 18 August 2015 and Local Traffic Committee held 21 July 2015, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE

Consideration of Mayoral Minute (if any).



ORD01

ORDINARY COUNCIL

ORD01

SUBJECT: CONSTRUCTION OF A DETACHED DUAL OCCUPANCY DEVELOPMENT, 13 AGOSTINI CIRCUIT, ORAN PARK

FROM: Acting Director Planning & Environment

TRIM #: 15/215910

APPLICATION NO: 434/2015

PROPOSAL: Construction of a detached dual occupancy development, Strata subdivision and associated site works

PROPERTY ADDRESS: 13 Agostini Circuit, Oran Park

PROPERTY DESCRIPTION: Lot 9236 DP 1153076

ZONING: R1 General Residential

OWNER: F Aguirre

APPLICANT: K Ahmed

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a detached dual occupancy development, Strata title subdivision and associated site works at 13 Agostini Circuit, Oran Park.

The DA is referred to Council for determination as there remain unresolved issues received in 5 submissions (received from 5 properties).

SUMMARY OF RECOMMENDATION

That Council determine DA 434/2015 for the construction of a detached dual occupancy development, Strata title subdivision 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 construction of a detached dual occupancy development, Strata title subdivision and associated site works at 13 Agostini Circuit, Oran Park.

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

The DA was publicly exhibited in accordance with Camden Development Control Plan 2011. Five submissions were received from 5 properties (all objecting to the proposed development). **A copy of the submissions is provided with the Business Paper supporting documents.**



Council staff contacted the submission writers to discuss their concerns, however were unsuccessful in resolving the issues raised in the submissions.

The issues raised in the submissions relate to the permissibility of the dual occupancy and increased density to the area, the development is not consistent with surrounding development, the bulk and scale of the development, overshadowing, privacy impacts, traffic safety and on-street car parking and loss of property values.

The site is zoned R1 General Residential pursuant to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The proposed detached dual occupancy development is permitted with consent in the R1 General Residential zone. The proposed development is consistent with the objectives of the zone and is compatible with the existing surrounding development.

The bulk and scale of the proposed development is consistent with the character of the surrounding streetscape. The development when viewed from the street will present as two detached dwelling houses.

The proposed development complies with the solar access requirements identified within the Development Control Plan (DCP), for both the subject site and adjoining properties.

The development has been designed to prevent overlooking into adjoining properties by proposing a combination of highlight windows and obscure glazing. Main living areas are not proposed on the upper floor of the dwellings. Bedrooms and bathrooms are proposed on the upper floor, which are not considered to be high use areas or areas of congregation and will therefore not result in significant privacy impacts.

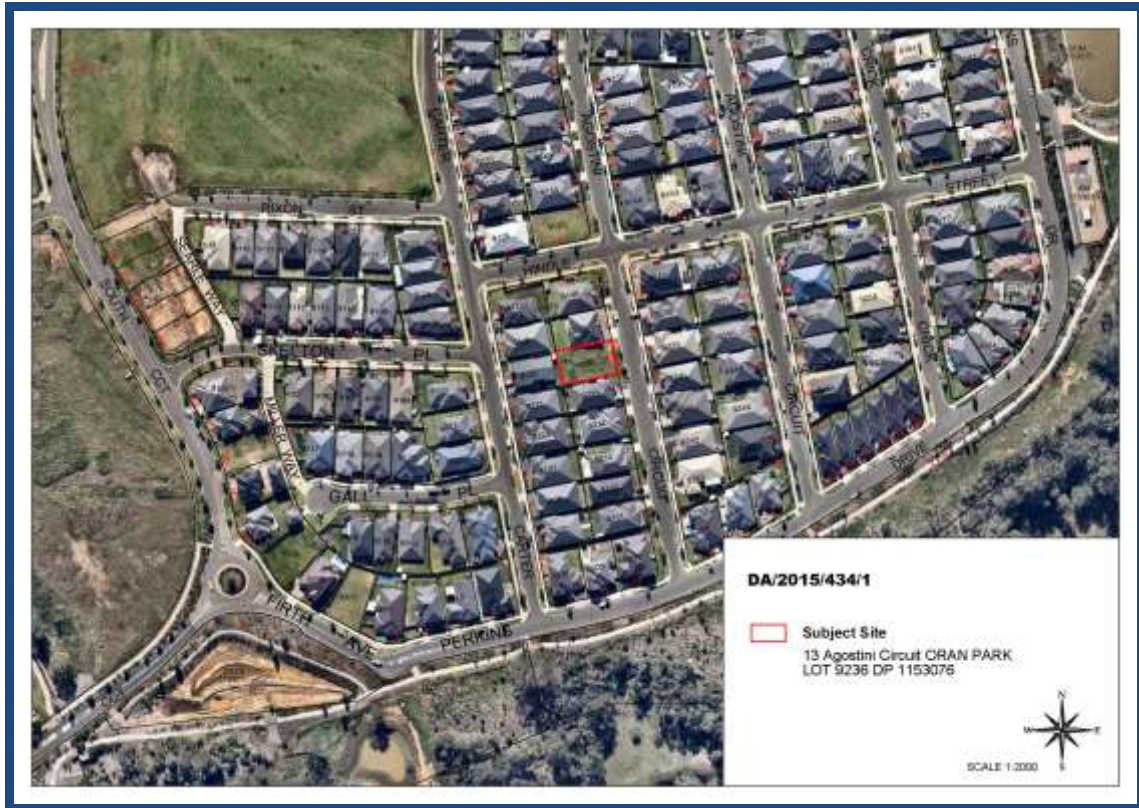
The additional vehicle movement generated by the two proposed dwellings is minimal and will not significantly impact on traffic or safety. The proposed development provides 2 car parking spaces per dwelling, which complies with the DCP.

Loss of property values is not a matter for consideration under the *Environmental Planning and Assessment Act 1979*.

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 Agostini Circuit, Oran Park and is legally described as Lot 9236 DP 1153076.

The site has a frontage of 18m to Agostini Circuit, a depth of 30m and an overall area of 540m². The site has a fall from south west to north east of approximately 1.85m. The site is currently vacant.

The immediate area is characterised by single and double storey residential dwellings. The wider area contains the newly developed suburb of Oran Park. To the east lies Catherine Fields, to the west lies Cobbitty, to the south lies Harrington Park and to the south east lies Gregory Hills.

HISTORY

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

Date	Development
29 July 2011	Torrens Title subdivision creating 159 residential lots, 3 super lots, 1 residue lot, 1 open space lot and associated roads and landscaping under DA 453/2010



THE PROPOSAL

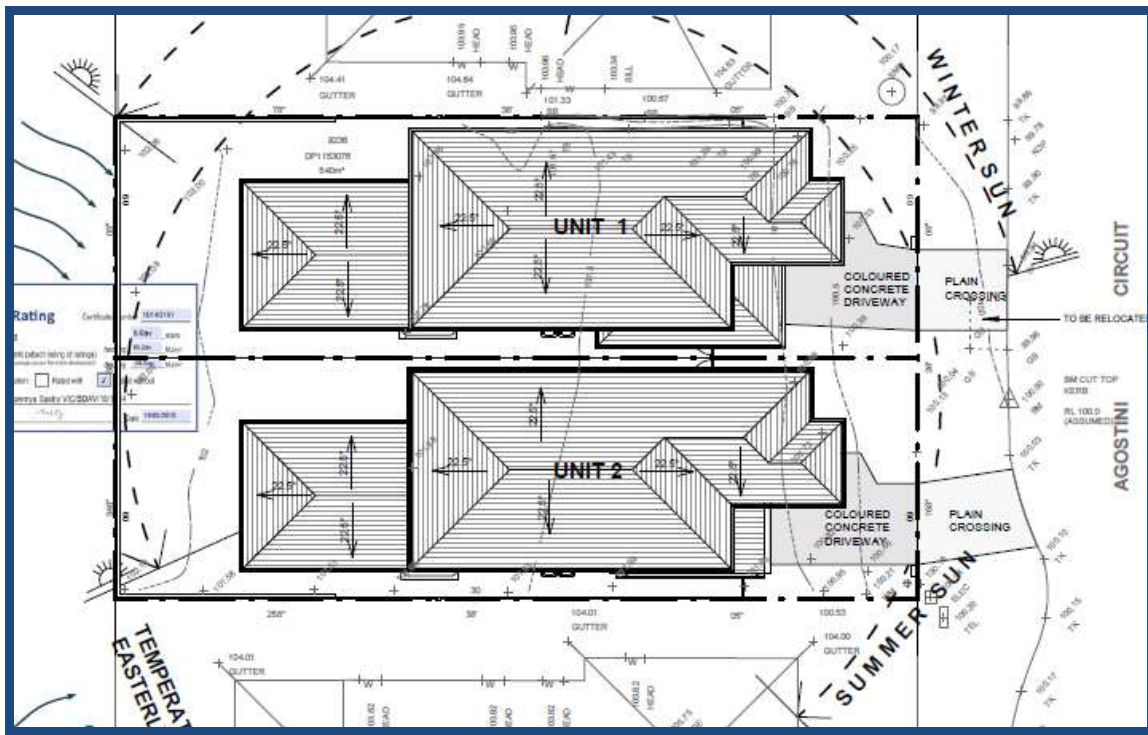
DA 434/2015 seeks approval for the construction of a detached dual occupancy development, Strata title subdivision and associated site works.

Specifically the proposed development involves:

- construction of two detached dwellings with four bedrooms and a single garage;
- subdivision to create two Strata title lots; and
- associated site works.

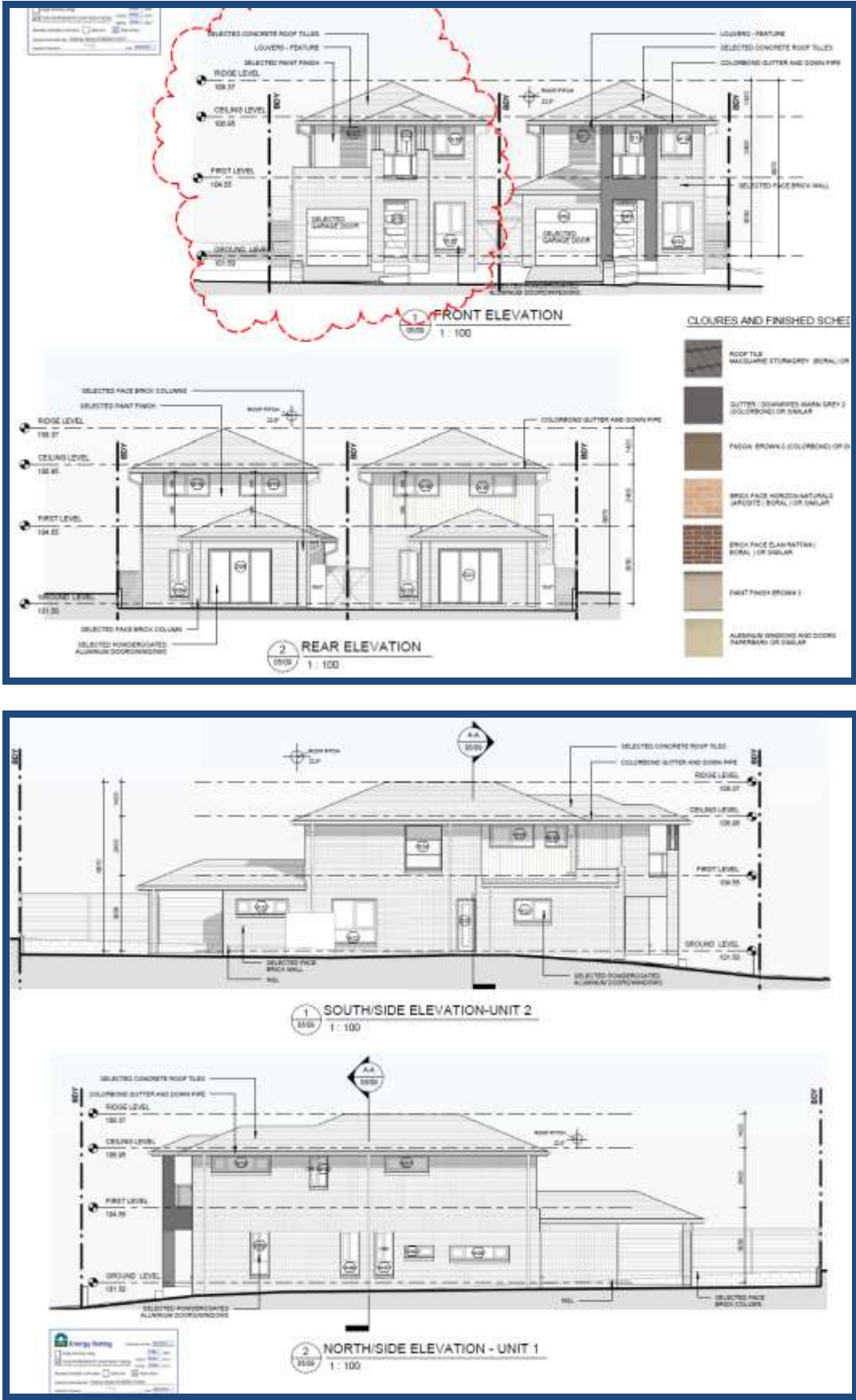
A copy of the proposed plans is provided as attachment 1 to this report.

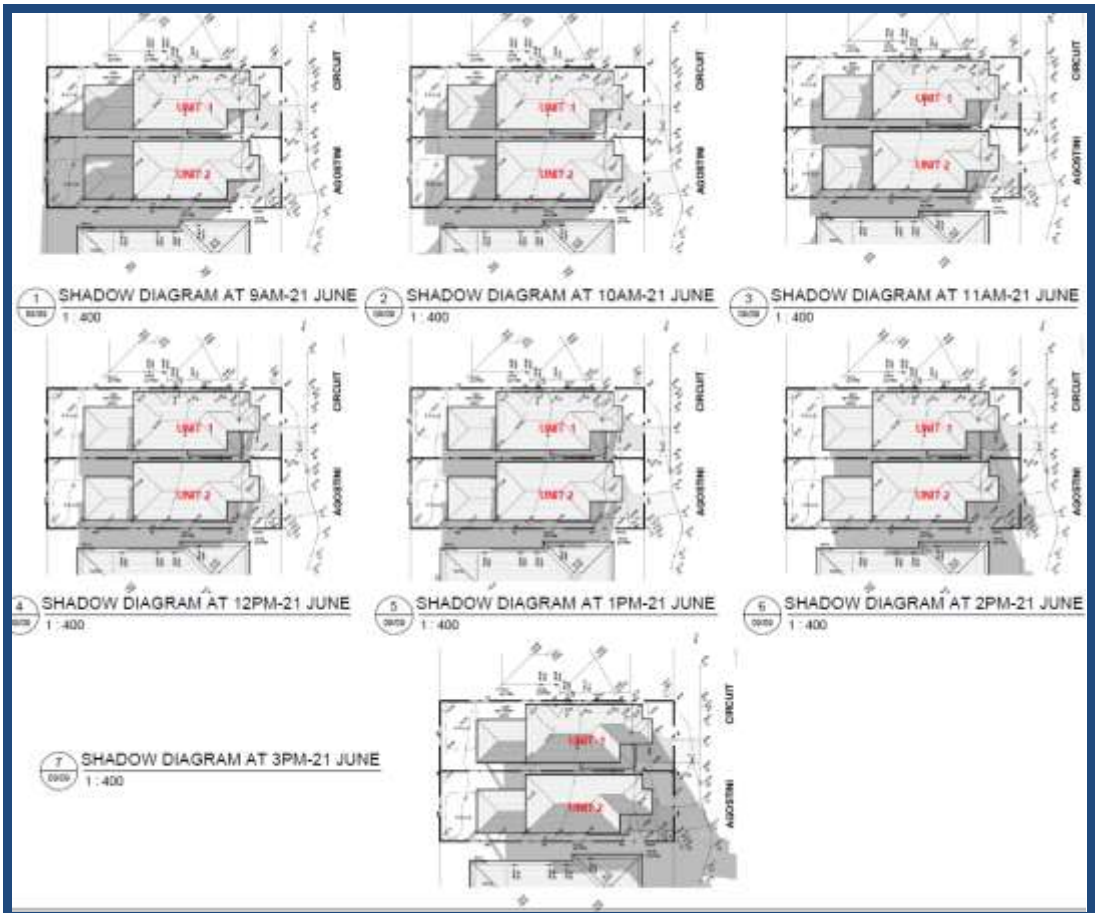
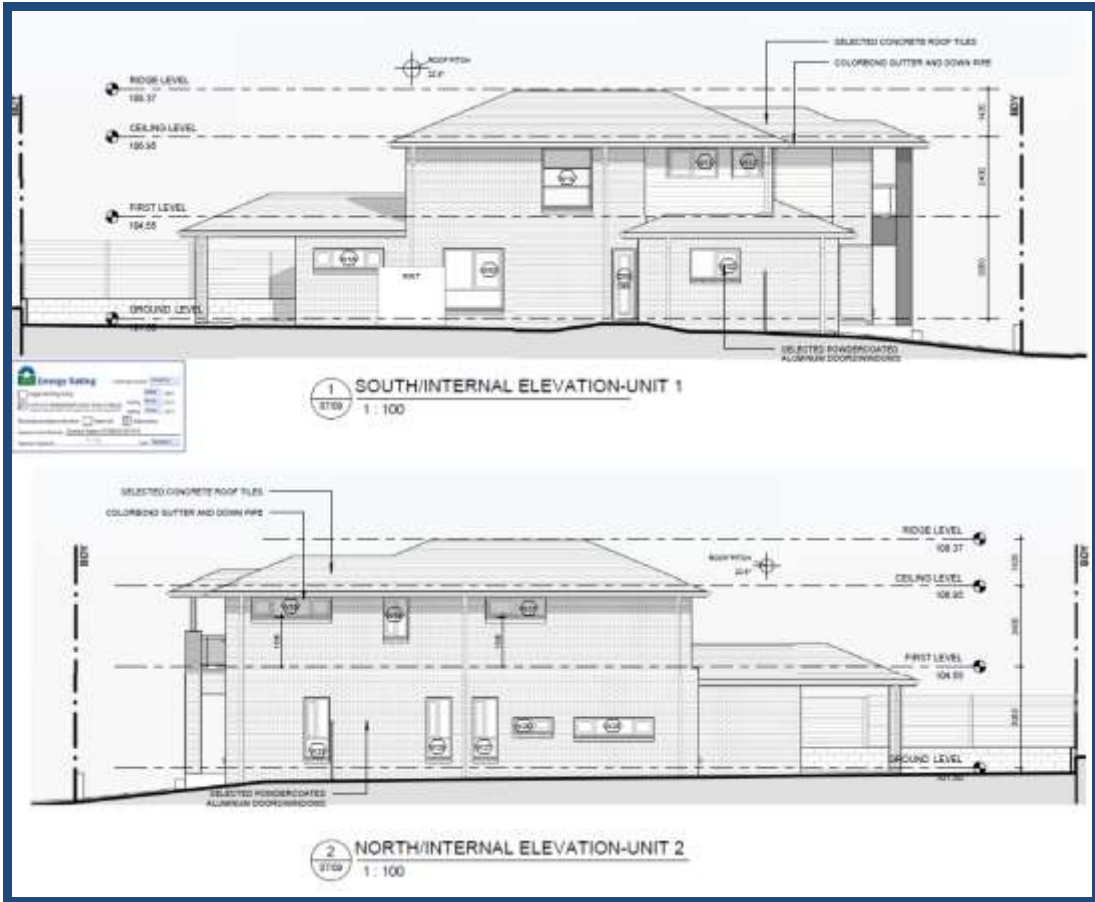
PROPOSED PLANS



ORD01

PROPOSED ELEVATIONS







ASSESSMENT

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

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

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

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

- State Environmental Planning Policy (BASIX) 2004;
- Deemed State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River;
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006; and,
- Oran Park Development Control Plan 2007.

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP)

The SEPP aims to encourage sustainable residential development and requires DAs for such development to be accompanied by a list of BASIX commitments as to the manner in which the development will be carried out.

Council staff have reviewed the BASIX certificates for the proposed development and are satisfied that it has been designed to achieve the minimum targets for water, thermal comfort and energy. It is a recommended condition that the proposed development is carried out in accordance with the commitments described in the BASIX certificates.

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

The proposed development is consistent with the aims 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 on the Hawkesbury-Nepean River system as a result of the proposed development. A condition is recommended to provide sediment and erosion controls as part of the development.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Permissibility

The site is zoned R1 General Residential under the provisions of the SEPP. The proposed development is defined as a "Dual Occupancy - Detached" by the SEPP which is a permissible land use in this zone.

Objectives



The objectives of the R1 General Residential zone are as follows:

- To provide for the housing needs of the community.

Officer comment:

The proposed development provides for the housing needs of the community.

- To provide for a variety of housing types and densities.

Officer comment:

The proposed development will add to the variety of housing available in the area.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents; To support the well-being of the community, including educational, recreational, community, religious and other activities and, where appropriate, neighbourhood shops if there will be no adverse effect on the amenity of proposed or existing nearby residential development; To allow for small scale kiosks, function centres, restaurants and markets that support the primary function and use of recreation areas, public open space and recreation facilities located within residential areas; To allow for small scale intensity tourist and visitor accommodation that does not interfere with residential amenity; and To provide for a variety of recreational uses within open space areas.

Officer comment:

These objectives are not relevant to the proposed development as the proposal is for two detached dwellings.

Relevant Clauses

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

Clause	Requirement	Provided	Compliance
4.1A Minimum lot sizes for other development	Dual Occupancy - 500sqm	540sqm	Yes
4.3 Height of buildings	Maximum 9.5m	6.87m	Yes
6.1 Public Utility Infrastructure	Adequate arrangements have been made to make that infrastructure available when required.	Public utility infrastructure is available to the subject property. A S73 certificate will be required to be submitted prior to the release of the subdivision certificate. A condition of consent will be included.	Yes



ORD01

Clause	Requirement	Provided	Compliance
6.4 Dual Occupancies	Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for the purposes of a dual occupancy on a lot of land that is less than the minimum size specified on the Lot Size Map.	The land is 540sqm and satisfies this requirement.	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 Instruments applicable to the proposed development.

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

Oran Park Development Control Plan 2007

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

Control	Requirement	Provided	Compliance
Site Analysis Plan (7.5.1)	Site analysis plan to be provided	A site plan was submitted and demonstrates the existing features of the site and its surrounding area.	Yes
Cut & fill (7.5.2)	Max 1m	Less than 1m of cut and fill proposed.	Yes
Fill distance from boundary (7.5.2)	No fill within 2m of boundary (unless drop edge beam (DEB)). DEB ≤ 1m	No fill within 2m of boundary. Condition to be included within consent.	Yes
Streetscape & Architectural Design (7.6.2)	Primary street & secondary street façades to address the street and to incorporate 2 design features	The primary façade of each dwelling incorporates 2 design features by way of an entry feature/porch, balcony along the front façade and recessed architectural	Yes



Control	Requirement	Provided	Compliance
		elements.	
Eaves (7.6.2)	≥ 450mm	≥ 450mm	Yes
Roof pitch (7.6.2)	≥ 22.5 ⁰ to ≤35 ⁰	22.5 degrees	Yes
Front façade (7.6.2)	Include 1 habitable room with a window fronting street	Front façade of each dwelling comprises of a habitable room with windows fronting the street.	Yes
Streetscape (7.6.2)	Consistent street character (see Figure 41)	The proposal maintains the scale and character of the adjoining and nearby development within the immediate area.	Yes
Car parking requirements (7.6.8)	> 2 bedroom dwelling – 2 spaces	Each dwelling provides for a single garage (1 space behind the building line) with an additional car space available on the driveways of each dwelling.	Yes
Visual and acoustic privacy (7.6.9)	Direct overlooking of main habitable areas & POS of adjacent dwellings minimised	The proposed development will not overlook the main living areas and the POS of adjacent dwellings. A combination of highlight windows and obscure glazing has been proposed to prevent any privacy impact.	Yes
	Windows not to face adjoining dwelling windows & POS (see DCP)	Full height windows do not directly face adjoining dwelling windows or POS areas. A combination of highlight windows and obscure glazing has been proposed to prevent any privacy impact.	Yes
Fencing (7.6.10)	Side/rear fence ≤ 1.8m	1.8m high lapped and capped timber fence proposed along side and rear boundaries.	Yes



ORD01

Control	Requirement	Provided	Compliance
Sustainable building design (7.5.3 & 8.1)	BASIX Certificate to be provided	BASIX Certificate provided and is satisfactory.	Yes
Stormwater & construction management (8.2)	Stormwater concept plan provided	Stormwater concept plans provided.	Yes
Safety and surveillance (8.6)	Provide for casual surveillance	Development has been designed to provide casual surveillance to the street through the provision of windows to habitable rooms.	Yes
Front accessed dwellings with frontage width \geq 15m			
Front setback (7.4.3)	4.5m to building façade line or 3.5m if fronting open space.	4.5m	Yes
Front articulation (7.4.3)	3m to articulation zone or 2m if fronting open space	3m to articulation zone.	Yes
Garage line (7.4.3)	\geq 5.5m to garage line & \geq 1m behind building	5.5m & 1m behind building.	Yes
Side setback (7.4.4)	\geq 0.9m (ground) & \geq 0.9m (side A – northern side) upper level and \geq 1.5m (side B – southern side) upper level	Unit 1: 920mm ground Unit 2: 920mm ground Unit 1: 960mm (upper side a) & 1.6m (upper side B) Unit 2: 960mm (upper side A) & 1.6m (upper side B).	Yes
Rear setback (7.4.4)	\geq 4m (ground) & \geq 6m (upper)	7.270m (ground) & 10.560m (upper)	Yes
Height (7.4.5)	\leq 2 storeys	2 storeys	Yes
Site Coverage (7.4.5)	Two storey dwellings \leq 50% at ground and \leq 30% at upper floor	105.2sqm – 39% (ground) 81sqm – 30% (upper)	Yes
Height of ground floor level (7.4.5)	\leq 1m above finished ground level	\leq 1m above finished ground level	Yes
Landscaped area (7.4.6)	\geq 30% of lot area	48% (129.1sqm)	Yes
Principal private open space (7.4.7)	24m ² & min dimensions of 4m &	24m ² & min dimensions of 4m & gradient \leq 1:10	Yes



Control	Requirement	Provided	Compliance
	gradient ≤ 1:10	provided.	
Principal private open space solar access (7.4.7)	≥ 3hrs solar access between 9am to 3pm on 21 June to ≥ 50% of PPOS and adjoining dwelling PPOS	≥ 3hrs solar access between 9am to 3pm on 21 June to ≥ 50% of PPOS and adjoining dwelling PPOS	Yes
Garage Size (7.4.1 – Table 18)	Front or rear accessed single, tandem or double garage. No triple garages. Single width garages ≤ 3m or double garages door width ≤ 6m	Front accessed single width garage proposed with a door width ≤ 3m.	Yes

(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

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

(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.

(c) The suitability of the site

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

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

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 27 May 2015 to 10 June 2015. Five submissions were received (all objecting to the proposed development). **A copy of a Public Exhibition and Submissions Map is provided with the Business paper supporting documents.**

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

1. Concerns about the permissibility of the dual occupancy and that a “medium density development” will be constructed in close proximity to the objector’s dwellings.



ORD01

Officer comment:

The site is zoned R1 General Residential pursuant to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The proposed detached dual occupancy development is permitted with consent in the R1 General Residential zone. The proposed development is consistent with the objectives of the zone and is considered to be a low density development.

2. Concerns the proposed development does will not fit in with the surrounding development

Officer comment:

The proposed dual occupancy development is permitted in the R1 General Residential zone. The proposed development is consistent with the controls in the DCP. The design of the development responds to the surrounding characteristics of the area and is acceptable.

3. Concerns with the bulk and scale of the development and that the development does not fit in with the surrounding area.

Officer comment:

The bulk and scale of the proposed development is consistent with the character of the surrounding streetscape and is acceptable. The development when viewed from the street will present as two detached dwelling houses.

To address neighbours concerns, Council officers requested amendments to the design to reduce the site coverage and increase the side setbacks. Subsequently, amended plans were submitted to Council which reduced the site coverage by 2% on the ground level and 3.5% on the upper level. Further, the side setback was increased along the southern boundary of Unit 2 from 0.910m to 1.6m on a portion of the ground floor and to the full side of the first floor. This provides greater separation between unit 2 and the adjoining dwelling located to the south.

The amended plans were renotified to the submitters.

The proposed development fully complies with all applicable controls including site coverage and setbacks.

4. There is significant overshadowing to properties beside and behind the proposed dwellings

Officer comment:

The proposed development complies with the solar access requirements identified within the DCP for both the subject site and adjoining properties. The controls require that both the proposed development and neighbouring properties receive 3 hours of sunlight between 9am and 3pm to 50% of their principal private open space areas.

Council staff have assessed the orientation of the site and the shadow diagrams submitted by the applicant and are satisfied that the above controls are met.



To address the solar access concerns of the originally notified development, Council officers requested an increased setback along the southern boundary of Unit 2. Subsequently amended plans were submitted which increased the side setback of unit 2 from 0.910m to 1.6m on a portion of the ground floor and to the full side of the first floor. The increased setback reduced the impact of shadowing to the adjoining property located to the south of the site.

The amended plans were renotified to the submitters.

5. *Concerns are raised regarding the privacy impacts from the two storey element of the buildings.*

Officer comment:

The proposed plans were amended to reduce potential privacy impacts and are considered satisfactory on the basis of privacy. The proposed dwellings have been designed to minimise overlooking into adjoining properties by proposing a combination of highlight windows and obscure glazing.

Main living areas have not been proposed on the upper floor. Bedrooms and bathrooms are proposed on the upper floor, which are not considered to be high use areas or areas of congregation and will therefore not result in significant privacy impacts.

6. *Concerns the development will increase the traffic flow in the area and safety concerns. This will also limit the availability of on-street car parking.*

Officer comment:

The additional vehicle movements generated by the two proposed dwellings is minimal and will not significantly impact on traffic or safety. The proposed development provides 2 car parking spaces per dwelling which complies with the DCP.

8. *Loss of property values*

Officer comment

Loss of property values is not a matter for consideration under the *Environmental Planning and Assessment Act 1979*.

(e) The public interest

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

EXTERNAL REFERRALS

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

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.



CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 434/2015 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Conditions of Consent

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

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
00/09 Issue D	Cover Page	Cube Design Studio Pty Ltd	18/08/2015
01/09 Issue D	BASIX & Site Analysis	Cube Design Studio Pty Ltd	18/08/2015
02/09 Issue D	Site/Ground Floor Plan	Cube Design Studio Pty Ltd	18/08/2015
03/09 Issue D	Ground Floor Plan	Cube Design Studio Pty Ltd	18/08/2015
04/09 Issue D	First Floor Plan	Cube Design Studio	18/08/2015
05/09 Issue D	Elevations	Cube Design Studio	18/08/2015
06/09 Issue D	Elevations 2	Cube Design Studio	18/08/2015
07/09 Issue D	Elevations 3	Cube Design Studio	18/08/2015
08/09 Issue D	Sections and Schedules	Cube Design Studio	18/08/2015
09/09 Issue D	Shadow Diagrams	Cube Design Studio	18/08/2015
LP 01/01 Landscaping Plan Issue C	Landscaping Plan	Cube Design Studio	16/06/2015
S.P 1/2 Issue C	Storm Water Concept	Cube Design Studio	16/06/2015
S.P 2/2 Issue C	Sediment Control Plan	Cube Design Studio	16/06/2015
SD 1/1 Issue C	Proposed Subdivision Plan	Cube Design Studio	16/06/2015

Document Title	Prepared by	Date
BASIX Certificate No. 632937M	Eco-Mantra Design	19/05/2015
Waste Management Plan	Kay Ahmed	18/05/2015



- (2) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.
- (3) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Home Building Act** - Pursuant to Section 80A(11) of the *EP&A Act 1979*, residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the PCA for the development to which the work relates:
 - a) in the case of work for which a principal contractor has been appointed:
 - i. has been informed in writing of the name and licence number of the principal contractor; and
 - ii. where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
 - b) in the case of work to be carried out by an owner-builder;
 - i. has been informed in writing of the name of the owner-builder; and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.
- (5) **Excavation for Residential Building Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
 - a) protect and support the adjoining premises from possible damage from the excavation; and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying, and a copy of that written consent is provided to the PCA prior to the excavation commencing.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any Geotechnical Report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.



(2) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2.0m from the external walls of the building. Where the external walls are within 2.0m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

(3) **Driveway Gradients and Design** - For all driveways that relate to development for the purposes of a dwelling house, the driveway gradient and design shall comply with AS 2890.1-2004 'Off street car parking' and:

- a) the driveway shall comply with Council's Engineering Specifications;
- b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
- c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
- d) a Public Road Activity approval must be obtained prior to the commencement of any works.

Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.

(4) **Salinity (Dwellings & Outbuildings)** - The proposed dwelling, landscaping and associated works for the development shall comply with the requirements of the Salinity Management Plan proposed residential development Report on Salinity Assessment and Management Plan Proposed Subdivision Tranche 9 Oran Park – Project 34272.18, dated 18 July 2011.

Alternatively, a site specific analysis including recommendations, prepared by a suitably qualified consultant and referencing Australian Standard AS2870-2011 and Council's Building in a Saline Prone Environment Policy shall be submitted to the Certifying Authority.

Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

(5) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work that cost \$25,000 or more.

(6) **Section 94 Contributions – Monetary (Turner Road and Oran Park)** - A contribution pursuant to the provisions of Section 94 of the *EP&A Act 1979* for the services and amounts detailed below.

Plan Name	Contribution Type	Indexed Rate	Amount Payable
OP & TR Contributions Plan	Open Space & Recreation – Land Acquisition	\$11,333.00 per lot or dwelling	\$11,333.00



Plan Name	Contribution Type	Indexed Rate	Amount Payable
OP & TR Contributions Plan	Open Space & Recreation - Works	\$8,685.00	\$8,685.00
OP & TR Contributions Plan	Open Space & Recreation - Project Management	\$191.00 per lot or dwelling	\$191.00
OP & TR Contributions Plan	Community Facilities – Land Acquisition	\$129.00 per net developable hectare	\$129.00
OP & TR Contributions Plan	Community Facilities - Works	\$1,688.00 per net developable hectare	\$1,688.00
OP & TR Contributions Plan	Community Facilities – Project Management	\$37.00 per net developable hectare	\$37.00
	Total		\$22,063.00

A copy of the Oran Park and Turner Road Precincts Section 94 Contributions Plan may be inspected at Council’s Camden office at 37 John Street, Camden or can be accessed on Council’s website at www.camden.nsw.gov.au.

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the applicable Index.

3.0 - Prior to Commencement of Works

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

- (1) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
 - a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;

-
- e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
- f) a telephone number on which the PCA may be contacted for business purposes
- (2) **Notice Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
- b) a description of the work to be carried out;
- c) the address of the land on which the work is to be carried out;
- d) the registered number and date of issue of the relevant development consent and construction certificate;
- e) a statement signed by or on behalf of the PCA to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
- f) the date on which the work is intended to commence.
- (3) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Consent Authority;
- b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
- c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
- d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
- the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;



- b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours;
- c) the name, address and telephone number of the PCA.

The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.

- (5) **Sydney Water Approval** - The approved development plans shall be approved by Sydney Water.
- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this Development Consent.

Soil erosion and sediment control measures shall be maintained during construction works and shall 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).

4.0 - During Works

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

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:
 - a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - c) retaining walls shall not be erected within drainage easements;
 - d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.
- (4) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the (select option a, b or c):

- a) street gutter;
- b) drainage easement;
- c) existing drainage system.

Connection to the drainage easement or kerb shall only occur at the designated connection point for the allotment. New connections that require the rectification of an easement pipe or kerb shall only occur with the prior approval of Camden Council.

All roofwater shall be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The PCA shall not permit construction works beyond the frame inspection stage until this work has been carried out.

- (5) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (6) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (7) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.

5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Occupation Certificate Required** - An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (3) **Footpath Crossing Construction** - A footpath crossing and driveway shall be constructed in accordance with this consent and the approved Construction Certificate prior to use or occupation of the development.
- (4) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.

6.0 – Ongoing Use

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



- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
- a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays;
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute; and
 - c) not discharge any condensate or moisture onto the ground surface of the premises or into stormwater drainage system in contravention of the requirements of the *Protection of the Environment Operations Act 1997*.

7.0 - Prior to Issue of a Subdivision Certificate

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

1. **Strata Plan of Subdivision** - Sections 37 and 37A of the *Strata Schemes (Freehold Development) Act 1973* require an application to be provided to Council or a PCA for approval prior to the issue of the certified Strata plan of subdivision.

The applicant will be required to submit documentary evidence that the property has been developed in accordance with the plans approved by this development consent and of compliance with the relevant conditions of consent, prior to the issuing of a Strata Plan of Subdivision.

Note: The final Strata plan of subdivision shall be prepared to a quality suitable for lodgement with the NSW Land & Property Information.

2. **Restriction on Issue of Strata Plan of Subdivision** - Prior to the issue of any Strata plan of subdivision associated with this development consent, an interim Occupation Certificate for the building shall be issued by the PCA. Documentary evidence of the issue of the interim occupation certificate shall be provided to Council in conjunction with the application for the Strata plan of subdivision.
3. **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the PCA:
 - a) Energy supplier – Evidence demonstrating that satisfactory arrangements have been made with the energy supplier to service the proposed development.
 - b) Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development.
 - c) Water supplier – Evidence demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.



ORD01

RECOMMENDED

That Council approve DA 434/2015 for the construction of a detached dual occupancy development, Strata title subdivision and associated site works at 13 Agostini Circuit, Oran Park, subject to the conditions listed above.

ATTACHMENTS

1. Proposed Plans
2. Floor Plans - *Supporting Document*
3. Submissions - *Supporting Document*
4. Public Exhibition and Submissions Map - *Supporting Document*

ORD01

Attachment 1

DA

D	DESIGN APPROVAL DATE	18/08/2015
C	CONSTRUCTION PERMIT DATE	15/09/2015
B	ISSUANCE OF BUILDING PERMIT	24/04/2015
A	IN A GOVERNMENT	23/04/2015
ISSUE	SUBSEQUENT	DATE

CUBE DESIGN STUDIO

DRAWING NUMBER: **01/09**

DRAWING TITLE: **BASIX & SITE ANALYSIS**

DRAWING NUMBER: **01/09**

DRAWING TITLE: **BASIX & SITE ANALYSIS**

TRUE NORTH SCALE: **1:200 @ A**

ISSUE: **D**

Designed & CHD BY: **KAYS A. SATAR**

CLIENT: **KAYS A.**

GENERAL NOTES

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

CUBE DESIGN STUDIO

BUILDING DESIGN / PRODUCT MANAGEMENT

16/55 ANNEED | 943 377 823

1/17111 BAYWOOD | 942 593 330

PO BOX 97 | JAFFIELD NSW 1860

HE@CUBEDESIGNSTUDIO.COM

13 AGOSTINI STREET
ORAN PARK
LOT 9236
NSW 1530

1 SITE PLAN

01/09 1:200

Item	Unit 1	Unit 2	Total
Unit Numbers	1	1	2
Area (m ²)	78.7	61.7	140.4
Volume (m ³)	61.7	45.1	106.8

ENERGICAL PERFORMANCE FOR CONDOMINIUM UNITS

These drawings have been noted with the following. Refer to individual drawings for details.

Lighting - LED lighting is used throughout the building.

Water - Water saving devices are provided in all units.

Other - All buildings to be fitted as per manufacturer's instructions with sufficient clearance for mechanical testing etc.

Through roof of external stair and substation.

All construction and materials to be as per Australian Standards.

SUMMARY OF BASIX COMMITMENTS

This is a summary of the BASIX Commitments as detailed in the BASIX Certificate. Refer to the CURRENT BASIX Certificate for complete details. For definitions refer to basix.nsw.gov.au

13 AGOSTINI STREET ORAN PARK LOT 9236 DP 1153076	
WATER COMMITMENTS	
Star Shower Heads: Yes (> 4.5 but <= 6 L/min)	Yes
Star Kitchen / Basin Taps: Yes	5 Star Toilet
Alternative Water: NO.	
Individual water tank: YES WITH 2000 Liters	
Washing Machine: YES	Laundry W/M Cold Tap
Line Outdoor Tap: Yes	No
HERMAL COMFORT COMMITMENTS - Refer to TPA Specifications on plans	
ENERGY COMMITMENTS	
Hot Water: GAS INSTANTANEOUS 3 STAR	
Cooling system: Ducted	n/a
Heating system: Ducted	n/a
Ventilation: 6 x Bathroom	Natural Ventilation
2 x Kitchen	Individual Fan ducted to facade
2 x Laundry	Natural Ventilation
Window/Skylight in Kitchen	Yes
Window/Skylight in Bathrooms/Toilets	Yes to 6
Number of Living/Dining rooms	8 Dedicated
2 Kitchen	YES Dedicated
6 Bathrooms/Toilets	YES Dedicated
2 Laundry	YES Dedicated
2 Hallways	YES Dedicated

DA

DATE	DESCRIPTION	BY
18.03.2015	PRELIMINARY DESIGN	DA
15.05.2015	REVISED DESIGN	DA
29.04.2015	REVISED DESIGN	DA
23.04.2015	REVISED DESIGN	DA
18.03.2015	REVISED DESIGN	DA

CUBE
DESIGN
STUDIO

DRAWING NUMBER:
05/09

DRAWING TITLE:
ELEVATIONS

TRUE NORTH SCALE: 1: 100 @ A

ISSUE: **D**

DESIGNED & DRAWN BY:
KAYS A.
SATTAR
E.

CLIENT:
KAYS A.

GENERAL NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND ALL OTHER RELEVANT AGENCIES.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND ALL OTHER RELEVANT AGENCIES.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND ALL OTHER RELEVANT AGENCIES.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND ALL OTHER RELEVANT AGENCIES.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND ALL OTHER RELEVANT AGENCIES.

CUBE DESIGN
STUDIO

REGISTERED ARCHITECTS / PRODUCT MANAGEMENT

10055 ARNOLD 043 377 823

10055 ARNOLD 043 377 823

PO BOX 807, HAYFIELD VIC 3084

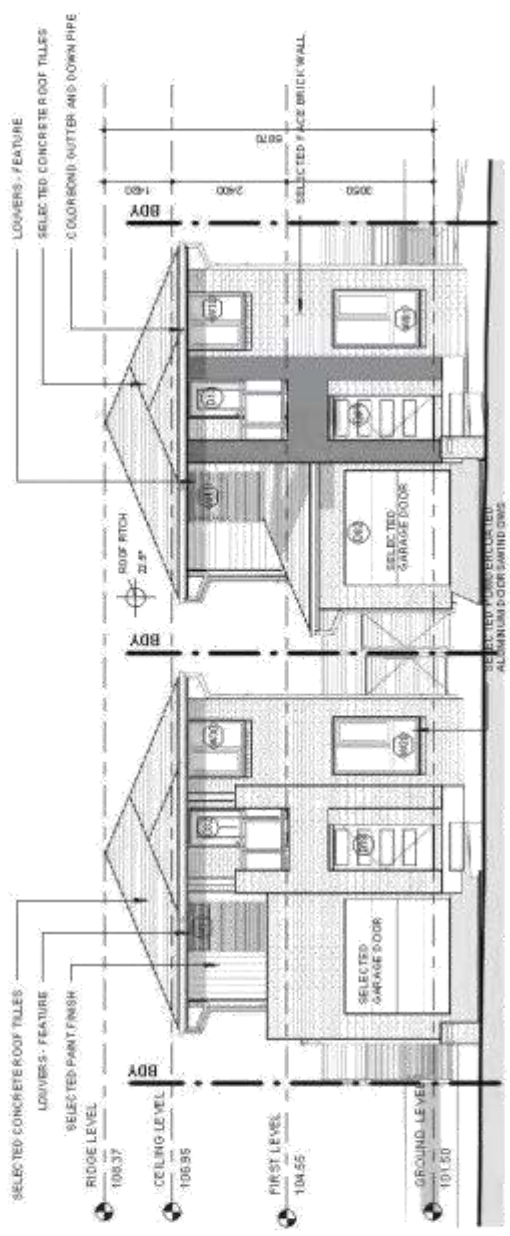
INFO@CUBEDSIGNSTUDIO.COM

13 AGOSTINI STREET
ORAN PARK
LOT 9236
DB 14 5087E

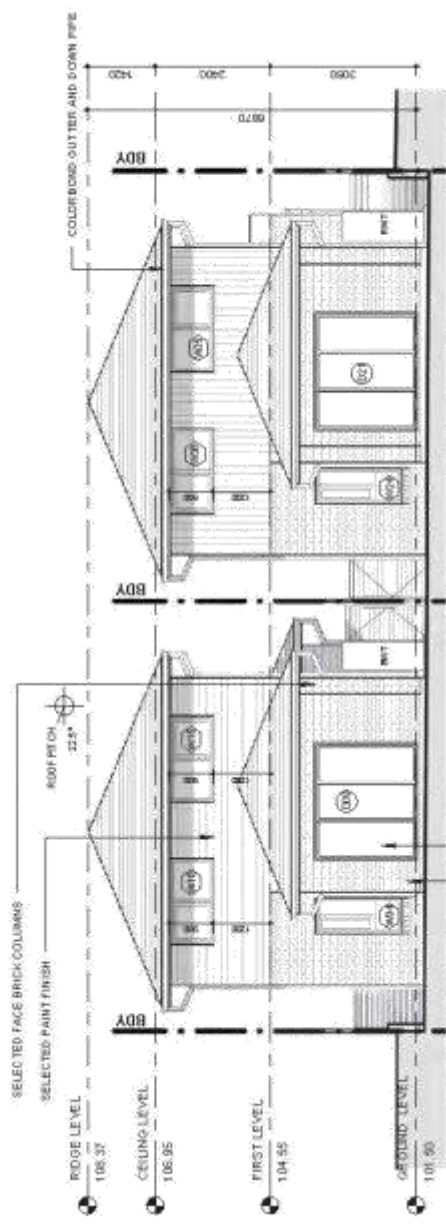
ORD01

Attachment 1

Attachment 1



1
05/09
1: 100
FRONT ELEVATION



2
05/09
1: 100
REAR ELEVATION

CLOSURES AND FINISHED SCHEDULES

	ROOF TILE MACQUARIE STONEMOREY (BORAL) OR SIMILAR
	GUTTER (DOWNPIPES WARM GREY 2 (COLORBOND) OR SIMILAR)
	FASCIA: BROWN 2 (COLORBOND) OR SIMILAR
	BRICK FACE: HORIZON NATURAL JARDINE (BORAL) OR SIMILAR
	BRICK FACE: BLAIN BATTAIN (BORAL) OR SIMILAR
	PAINT FINISH: BROWN 3
	ALUMINUM WINDOWS AND DOORS PAPER-BLACK OR SIMILAR

Energy Rating

1 Star

2 Star

3 Star

4 Star

5 Star

6 Star

7 Star

8 Star

9 Star

10 Star

ORD01

Attachment 1

DA		
D	DESIGNED BY	KAYS A.
C	CHECKED BY	SATTAR B.
B	APPROVED BY	
A	IN CHARGE	
ISSUE	REFERENCE	DATE

CUBE DESIGN STUDIO

DRAWING NUMBER:
06/09

DRAWING TITLE:
ELEVATIONS 2

TRUE NORTH SCALE: 1:100 @ A
ISSUE: **D**

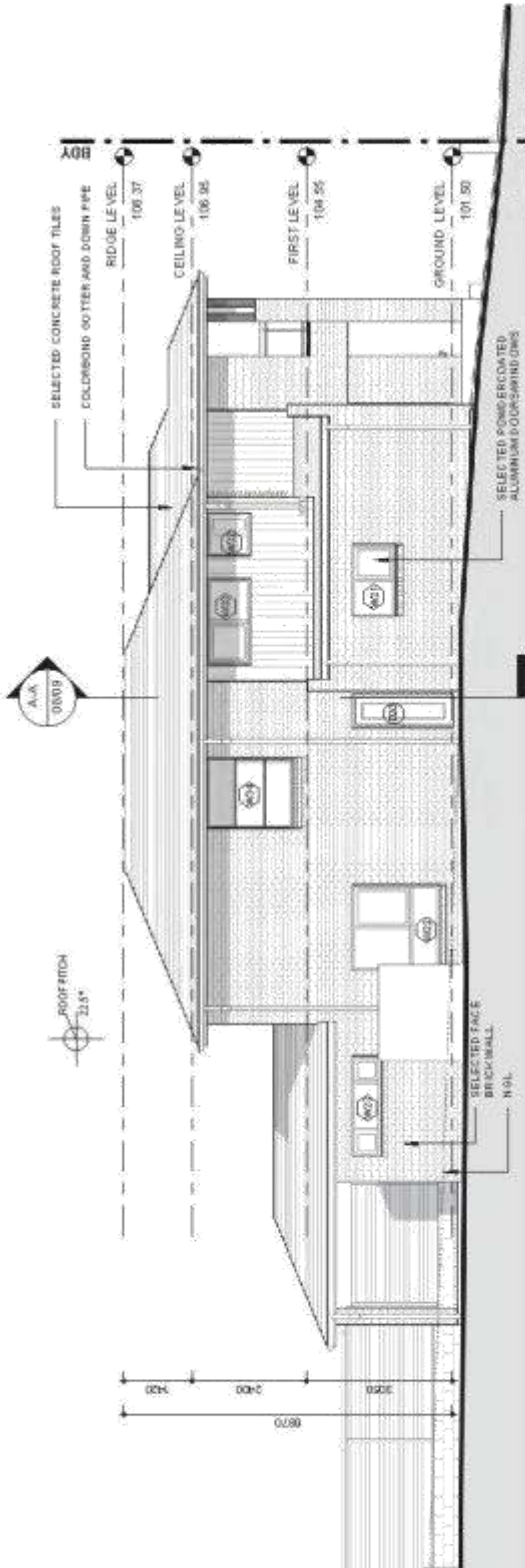
Designed & CHD BY: KAYS A. SATTAR B.

CLIENT: KAYS A.

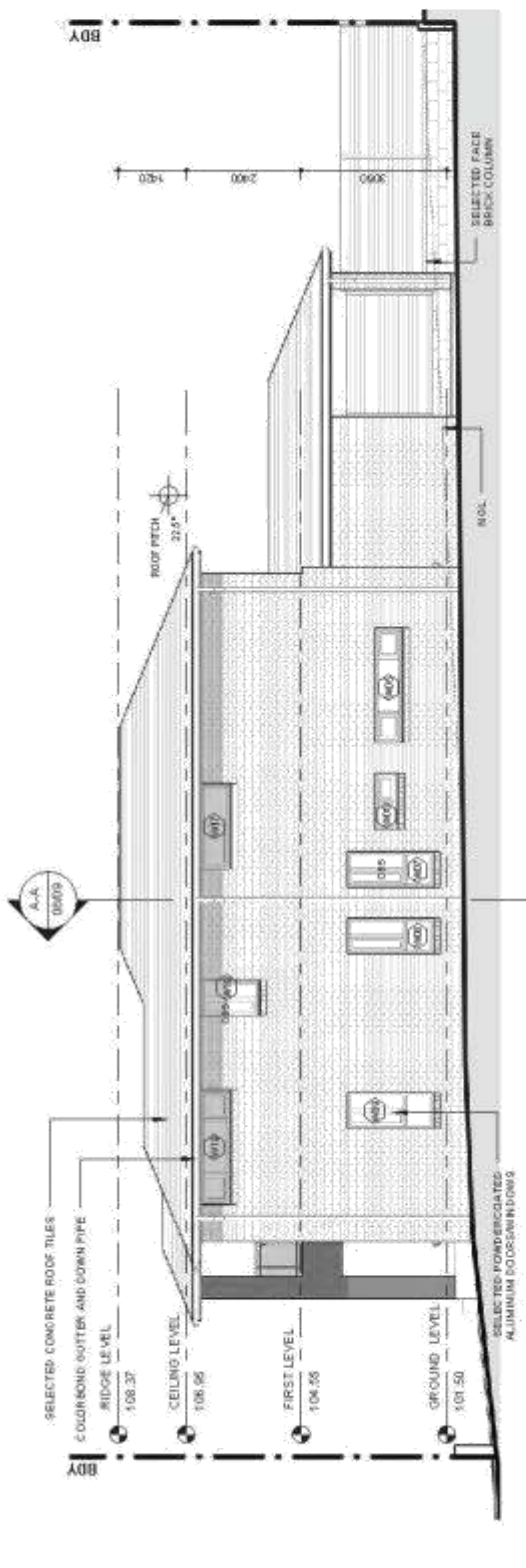
GENERAL NOTES
 1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE SUDANESE BUILDING CODES AND STANDARDS.
 3. ALL MATERIALS AND FINISHES SHALL BE AS SPECIFIED IN THE BILL OF MATERIALS AND FINISHES SCHEDULE.
 4. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
 6. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.
 7. ALL UTILITIES SHALL BE PROTECTED AND DEEPER WHERE NECESSARY.
 8. ALL FOUNDATIONS SHALL BE AS SPECIFIED IN THE FOUNDATION PLAN.
 9. ALL ROOFS SHALL BE AS SPECIFIED IN THE ROOF PLAN.
 10. ALL WALLS SHALL BE AS SPECIFIED IN THE WALL SECTION.
 11. ALL FLOORS SHALL BE AS SPECIFIED IN THE FLOOR PLAN.
 12. ALL CEILING SHALL BE AS SPECIFIED IN THE CEILING PLAN.
 13. ALL DOORS AND WINDOWS SHALL BE AS SPECIFIED IN THE DOOR AND WINDOW SCHEDULE.
 14. ALL STAIRS SHALL BE AS SPECIFIED IN THE STAIR PLAN.
 15. ALL ELEVATIONS SHALL BE AS SPECIFIED IN THIS DRAWING.

CUBE DESIGN STUDIO PT LTD
 BUILDING DESIGN / PROJECT MANAGEMENT
 1605 AMEN
 SUIT 101 BAYWOODH
 PO BOX 97, HARFIELD NSW 1888
 WF 02 6356 0366
 WF 02 6356 0366

**13 AGOSTINI STREET
 ORAN PARK
 LOT 9236
 NB 14 50076**



1 SOUTH/SIDE ELEVATION-UNIT 2
1:100



2 NORTHSIDE ELEVATION - UNIT 1
1:100

Energy Rating

Calculating only
 Full assessment
 Full assessment with energy audit
 Full assessment with energy audit and commissioning
 Full assessment with energy audit and commissioning and monitoring
 Full assessment with energy audit and commissioning and monitoring and reporting

New only
 Existing only
 Existing only with commissioning and monitoring

New only
 Existing only
 Existing only with commissioning and monitoring

New only
 Existing only
 Existing only with commissioning and monitoring

New only
 Existing only
 Existing only with commissioning and monitoring

New only
 Existing only
 Existing only with commissioning and monitoring

ORD01

Attachment 1

DA

ISSUE	DESCRIPTION	DATE
D	FINAL APPROVAL	18/09/2015
C	REVISIONS	15/09/2015
B	REVISED PROPOSAL	24/04/2015
A	INITIAL APPROVAL	23/04/2015

CUBE
DESIGN
STUDIO

DRAWING NUMBER:
09/09

DRAWING TITLE:
SHADOW DIAGRAMS

TRUE NORTH SCALE: 1:400 @ A1

ISSUE: **D**

Designed & CHD BY: KAYS A. SATAR

CLIENT: KAYS A.

GENERAL NOTES

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.

THESE SHADOW DIAGRAMS ARE FOR INFORMATION ONLY AND DO NOT CONSTITUTE A GUARANTEE OF PERFORMANCE OR A STATEMENT OF FACT.

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CUBE DESIGN
STUDIO PT LTD

BUILDING DESIGN / PROJECT MANAGEMENT

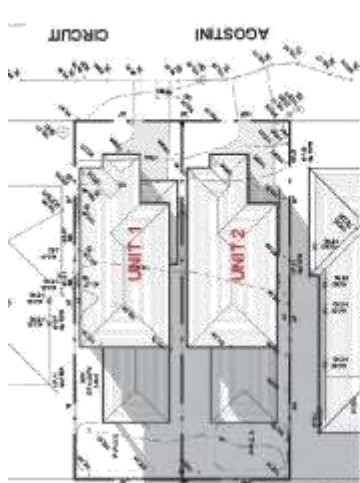
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1/2111 BAYVIEW 942 588 330

PO BOX 97, FARMFIELD NSW 1886

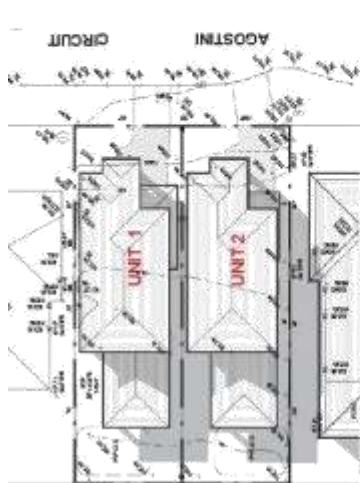
WE: CUBEDESIGNSTUDIO.COM

13 AGOSTINI STREET
ORAN PARK
LOT 9236
NSW 1516 60076



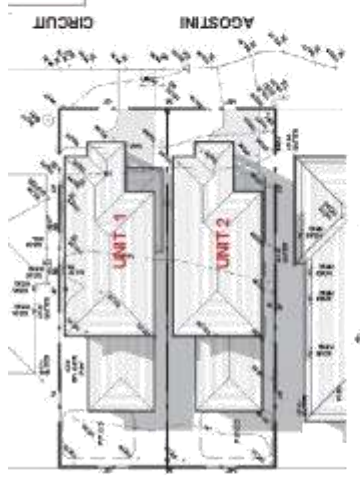
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09/09 1:400



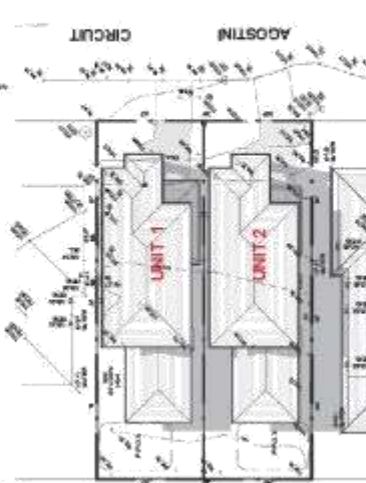
2 SHADOW DIAGRAM AT 10AM-21 JUNE

09/09 1:400



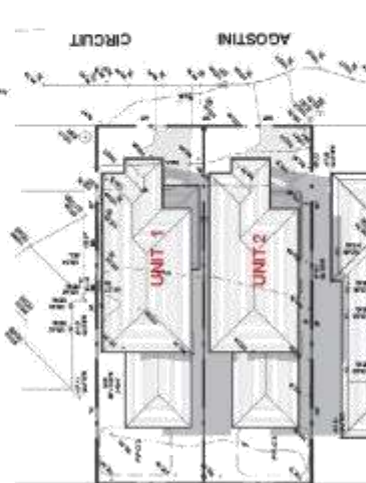
3 SHADOW DIAGRAM AT 11AM-21 JUNE

09/09 1:400



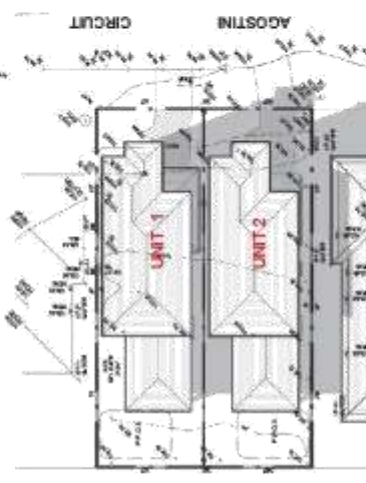
4 SHADOW DIAGRAM AT 12PM-21 JUNE

09/09 1:400



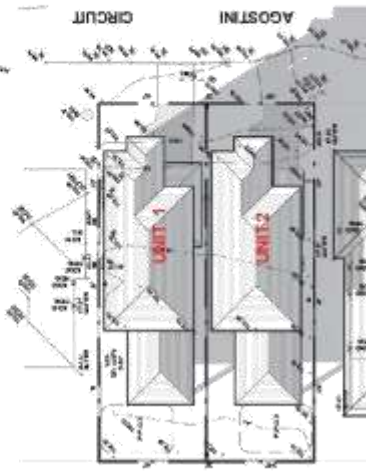
5 SHADOW DIAGRAM AT 1PM-21 JUNE

09/09 1:400



6 SHADOW DIAGRAM AT 2PM-21 JUNE

09/09 1:400



7 SHADOW DIAGRAM AT 3PM-21 JUNE

09/09 1:400



ORDINARY COUNCIL

ORD02

ORD02

SUBJECT: ESTABLISHMENT OF A CAMDEN REGION ECONOMIC TASKFORCE
FROM: Director Customer & Corporate Services
TRIM #: 15/100081

PURPOSE OF REPORT

The purpose of this report is to:

- (i) seek Council approval of the **attached** key documents that will provide the framework that oversees the creation, governance and operation of the **Camden Region Economic Taskforce** (“Taskforce”);
- (ii) seek Council’s approval of the entity name; and
- (iii) resolve to proceed with seeking Ministerial approval.

BACKGROUND

At the Council meeting of 26 November 2013, a Notice of Motion was submitted calling for a report to be presented to Council on options for the creation of a Business Alliance/Economic Development Taskforce for the Camden Local Government Area. Following this Notice of Motion, consultants were engaged to prepare suitable options for consideration by Council.

A Council briefing was held on 22 April 2014, where Council was presented with a report outlining options for the establishment and implementation of the Taskforce.

A subsequent briefing was held on 24 June 2014, to present Council with a more detailed analysis of options for the establishment of the Taskforce and to present the next steps in the process.

Council at its meeting of 12 August 2014, resolved the following:

- i. establishment of a business alliance as a company limited by guarantee;*
- ii. require a further briefing and report following completion of the structure development and legal framework phase in accordance with the next steps identified in the attached report.*

Council briefings were held on 16 June 2015 and 18 August 2015 to inform Councillors of the draft governance structure and legal documents.

The Taskforce’s main purpose is to drive the economic growth of the Camden Local Government Area through leadership and coordination.

The intent of the Taskforce is to bring together key local leaders to identify, secure and realise opportunities that will attract investment, deliver infrastructure, create jobs, and grow business and industry (both existing and future) within the Camden Local Government Area.

The benefit in having a separate company limited by guarantee is that the structure provides for the appointment of Directors who have personal responsibility and



accountability. Furthermore, this structure enables Council to utilise the skills, expertise and independence of local community business leaders. This will also allow the Taskforce to respond to opportunities as the need arises.

MAIN REPORT

Attached to this report are draft governance documents which will show how the Taskforce delivers Council's intentions and provides a framework for monitoring, reporting and risk management.

It is important for Council to note that all work to date is preparatory.

A number of key areas have been researched and developed for the Taskforce to progress. Some of these are as follows:

Board Structure

It is envisaged to hold a Board of between five (5) and eight (8) Directors, including an Independent Chair. The Independent Directors (4 – 6) are expected to be recruited for their particular skills and expertise.

It is expected that Council will have up to two (2) representatives on this board, with these representatives being elected Councillors. No Directors' fees are expected to be payable.

The Taskforce has been structured so the Executive Officer/Chief Executive will be employed by the Board to run the Taskforce. The Board will consider the appropriate level of skills and expertise required for this position prior to recruitment and selection of this position.

Service Level Agreement

All support services required for the Taskforce to operate, such as HR, IT, Legal etc. are to be provided by Council under a Service Level Agreement. This agreement will be finalised and KPI's determined by Council and the Board once it is appointed. Council and the Board will consult with each other on the nature, level and frequency of KPI measurement. A major objective of this agreement is to ensure that appropriate levels of specification, documentation and evaluation are provided.

The Constitution

This document is the legal foundation of the Taskforce.

It requires the company to operate in accordance with objectives of being a 'Not for Profit Organisation'.

Camden Council is the sole member (shareholder).

Council can appoint and remove Directors at any time should the need arise.

The Taskforce will not be able to borrow money without Council and the Minister's approval.

The Constitution limits Council's liability to fifty dollars (\$50.00).

Statement of Corporate Intent

This document provides the framework for Council to manage the performance of the Taskforce.

The Statement of Corporate Intent restricts the contracts that can be entered into (by value, longevity) as well as restricts the amount of assets that can be sold.

The Taskforce will have clear KPI's to measure performance and is required to report quarterly. These KPI's will be determined by Council and the Board once it is appointed.

Should the Taskforce wish to provide any media statements that refer to Council, these would need to be approved by Council.

Board Charter

Provides for a transparent approach to governance but does not replicate Council's approach. This document sets out a best practice governance framework including the:

- Company Goals
- Roles and Responsibilities of the Board
- Board - Management relationship
- Director and Officer Code of Conduct

Board Governance Policies

A suite of Board policies and procedures have been written to ensure an effective relationship between the Board and Council. This document includes the following:

- Board/ Shareholder consultation
- Board Subcommittees
- Board Member Induction
- Board Powers
- Risk Management
- Board Expenditure and Procurement
- Ethics and Conduct
- Conflicts of Interest
- Independent Professional Advice
- Board Meetings
- Board and Member Evaluation
- EO/Board Relationship
- Governance Policy on Setting and Reviewing a Policy

The Next Steps

The next stage is to move forward to Ministerial approval, which is now required for formation of all companies by NSW Councils. Previous advice to Council was that if the Camden Region Economic Taskforce was established as a not-for-profit company (Company Limited by Guarantee) and registered as a charity, then Ministerial approval would not be required for its establishment.



The Office of Local Government has now advised that due to changes in Commonwealth Legislation, an application under section 358(1) is required for the formation of any company.

Under section 358 Council must demonstrate, to the Minister's satisfaction, that the formation of the corporation is in the public interest.

Applications are assessed based on the following questions (OLG Circular 07-49):

Criteria	Application
Is the proposal consistent with the functions of the Council or an existing service that the Council provides?	✓
Will the proposed legal entity be legally separated from the Council?	✓
Is the Council currently financially viable?	✓
What is the impact of the proposal on existing Council staff?	Nil

The entity name is proposed to be the **Camden Region Economic Taskforce**.

Following formal adoption, Council officers will lodge the application for approval by the Minister.

Upon receiving Ministerial approval, Council officers will attend to the filing of the appropriate documents to formally register the entity.

Following incorporation of the company, officers will commence consultation with the key stakeholders (as noted in earlier Council reports) concerning their engagement in partnership with the new Taskforce.

The recruitment and selection of the Board will be undertaken in consultation with Council.

Once selected, Council will then consult with the Board on the creation of KPI's with a report to be brought back to Council to allow adoption of the performance measures and the confirmation of the reporting to be provided.

Timeframes

Council Report- Determine entity name and adopt key documents	25 August 2015
Lodgment of Application to the Minister for approval	Approximately three – six months NB: Fit to the Future outcomes may impact on this timeframe
Council Report- Update Council on Ministerial decision (only if refused)	Post Ministerial decision
Formal Incorporation Process	Approximately four weeks



Councillor update to advise of Ministerial approval and incorporation of company	One week
Commence consultation with key stakeholders concerning their engagement in partnership with the Entity.	Post Incorporation of Entity
Recruitment EOI and recommendation by way of report to Council of Board members based on their skills, abilities and experience to deliver upon the corporate intent and charter of the entity.	Post Incorporation of Entity

CONCLUSION

This report summarises the preparatory work that has been undertaken for the establishment of the Camden Region Economic Taskforce and the key documents that have been drafted that will guide its creation, governance and operation.

RECOMMENDED

That Council:

- i. adopt the following key documents;**
 - (a) Constitution**
 - (b) Statement of Corporate Intent**
 - (c) Board Governance Policies**
 - (d) Board Charter**
 - (e) Service Level Agreement**
- ii. determine the entity name as “Camden Region Economic Taskforce”;**
- iii. resolve to proceed with seeking Ministerial approval prior to registering the entity with a name as determined following (ii) above; and**
- iv. note that consultation is to occur with stakeholders concerning their engagement in partnership with the entity.**

ATTACHMENTS

- 1. Camden Region Economic Taskforce Draft Constitution
- 2. Camden Region Economic Taskforce Draft Statement of Corporate Intent
- 3. Camden Region Economic Taskforce Draft Board Governance Policies
- 4. Camden Region Economic Taskforce Draft Board Charter
- 5. Camden Region Economic Taskforce Draft Service Level Agreement

ORD02

Attachment 1



**Constitution
of
Camden Region Economic Taskforce
Pty Limited
ACN XXXXXX**

A Company Limited by Guarantee

Prepared by Morrison Low Consultants Pty Ltd

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Introduction

1 Definitions and Interpretation

1.1 Definitions

In this Constitution:

"Annual General Meeting" means the meeting held each year as required by the Corporations Act

"Board" means the whole or any number of the Directors assembled at a duly convened meeting of the Directors, being not less than a quorum or a majority, as the case may require

"Board Charter" means the document entitled "Board Charter" adopted by the Company and the Member and as amended from time to time by written agreement between the Company and the Member

"Company" means Camden Region Economic Taskforce Pty Limited ACN xxxxxxxx

"Constitution" means this Constitution

"Corporations Act" means the Corporations Act 2001 (Cwth)

"Director" means a director of the Company

"Member" means Camden Council and **"Membership"** has an equivalent meaning

"Member's Meeting" and "Meeting" means an Annual General Meeting or a Special Meeting

"Month" means calendar month

"Register" means the Register of Member kept pursuant to the Corporations Act

"Secretary" means the secretary of the Company

"Special Meeting" means any meeting of the Company that is not an Annual General Meeting

"Statement of Corporate Intent" means the document entitled "Statement of Corporate Intent" adopted by the Company and the Member and as amended from time to time by written agreement between the Company and the Member.

1.2 Interpretation

In this Constitution, unless the contrary intention appears:

- (a) words importing the singular include the plural and vice versa
- (b) person includes an individual, a body corporate, a partnership, a firm, unincorporated associations or institution and a government body
- (c) headings do not affect the interpretation of this Constitution.

2 Objective

The objective of the Camden Region Economic Taskforce is to drive the economic growth of the Camden local government area through leadership and coordination.

3 Not for Profit Company

3.1 The income and property of the Company must be applied solely towards the promotion of the objects of the Company.

3.2 No part of the income or property of the Company may be paid to, or distributed among, the Member except as:

- (a) proper remuneration to any Member employed by the Company in return for services actually rendered to the Company
- (b) payment to a Member or Director in return for goods or services supplied to the Company for fair value and in the ordinary course of business
- (c) payment of out of pocket expenses of a kind authorised by resolution of the Board and reasonably incurred by a Member, the Secretary, or any employee, in the course of carrying out his or her duties in relation to the Company
- (d) interest, at a rate agreed by the Member, on money borrowed by the Company from a Member, or
- (e) reasonable and fair market rent for premises let by a Member or Director to the Company.

4 Powers of the Company

Subject to this Constitution, the Company, may exercise, in a manner permitted by the Corporations Act, any power which a company limited by guarantee may exercise under the Corporations Act.

5 Liability of Member

5.1 The liability of Member is limited.

5.2 If the Company is wound up each Member of the Company and any Member who had been a Member within 12 months of the Company being wound up must contribute a sum not exceeding fifty dollars (\$50.00) to the property of the Company for:

- (a) payment of the debts and liabilities of the Company contracted before the time at which the Member ceased to be a Member, and
- (b) the costs, charges and expenses of winding up the Company.

Membership of the Company

6 Membership

6.1 Camden Council shall be the sole Member of the Company.

The Member must not transfer, assign or otherwise dispose of any share in the Company without the Minister for Local Government written consent

7 Register of Member

7.1 The Secretary must establish and maintain a Register of Members. The Register must set out, for each Member:

- (a) the full name of the Member, and
- (b) the address.

8 Cessation of Membership

8.1 Cessation of Membership cannot occur unless the Company is wound up.

8.2 Cessation of Membership does not extinguish the Member's liability for any amount owing to the company at the date of cessation or for the Member's liability in the event of winding up or dissolution of the Company.

Member's Meetings

9 Annual General Meeting

9.1 A general meeting called the Annual General Meeting or AGM must be held at least once in every calendar year:

- (a) within five (5) months of the end of the Company's financial year, and
- (b) in addition to any other meetings held in the year.

9.2 The Board will determine the date, time and place of the Annual General Meeting of the Company.

9.3 The ordinary business of the Annual General Meeting shall be:

- (a) confirm the minutes of the Annual General Meeting and any Special Meetings held in the previous year
- (b) present a copy of the accounts, statements and reports prescribed by the Law to be presented at an Annual General Meeting
- (c) elect the Directors to the Board
- (d) consider any resolution of which sufficient notice has been given, and
- (e) appoint an auditor, if required, and fix the remuneration of the auditor.

9.4 The Chairperson of the AGM must allow a reasonable opportunity for the Member to ask questions about, or make comments on, the management of the Company.

9.5 If the Company's auditor is at the meeting, the Chairperson must allow a reasonable opportunity for the Member to ask the auditor questions relevant to the conduct of the audit and the preparation and content of the auditor's report.

10 Special Meetings

- 10.1 A Special Meeting must be called at the request of two or more Directors.
- 10.2 A Special Meeting must be called at the request of the Member.
- 10.3 The request for a Special Meeting must be in writing, state any resolution to be proposed at the meeting, be signed by the Directors or Member making the request, and be given to the Company.
- 10.4 The Special Meeting must be held not later than two (2) months after the request is given to the Company.
- 10.5 The Company must pay the reasonable expenses incurred by the Company in calling this meeting.

11 Notice of Meetings

- 11.1 Written notice of a meeting must be given to the Member and each Director twenty one (21) days before the date fixed for the meeting.
- 11.2 The notice of meeting must specify:
 - (a) the place, day and hour of the meeting
 - (b) the nature of the business to be transacted at the meeting.

12 Quorum at Meetings

- 12.1 The Member must be present for there to be a quorum at a Meeting.
- 12.2 If a quorum is not present within half an hour after the appointed time for the commencement of the meeting:
 - (a) the meeting, if an Annual General Meeting, is to be adjourned to a time, date and place specified by the Chairperson at the time of adjournment, or
 - (b) the meeting, if a Special Meeting, is to be dissolved and need not be reconvened.

13 Chairing Meetings

The Chairperson or, in his or her absence, a Director appointed by the Board shall preside as Chairperson at a meeting.

14 Adjourned Meetings

- 14.1 The Chairperson may with the consent of the meeting, adjourn the meeting to be reconvened at another time and place.
- 14.2 No business can be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

15 Voting at Meetings

- 15.1 The Member may be present in person or by proxy.
- 15.2 A motion put to the vote of the meeting shall be decided by the Member.
- 15.3 If the Member (or the Member's proxy) has signed a document containing a statement that the Member is in favour of the resolution in terms set out in the document, a resolution in those terms is to be treated as having been passed as a resolution (unless the Law otherwise requires or permits) at a meeting.

16 Voting by Proxy

- 16.1 A Member may appoint a proxy to attend and vote for the Member at a meeting.
- 16.2 An appointment of a proxy is valid if it is in the form set out in Appendix 1 and received by the Company at least twenty-four (24) hours before the time for commencement of the meeting at which the proxy is to be exercised.
- 16.3 A proxy appointed to attend and vote for a Member has the same rights as the Member.

The Board of the Company

17 Board of Directors

- 17.1 A Board of Directors shall oversee and control the affairs of the Company.
- 17.2 The Board must comprise no less than five (5) and no more than eight (8) Directors and shall be comprised of:
- (a) Up to two (2) Directors appointed by Camden Council in accordance with clause 18.1, and
 - (b) between four (4) and six (6) independent Directors appointed for their skills and expertise.
- 17.3 One of the independent Directors shall be the Chairperson of the Board.
- 17.4 The Company may from time to time, by resolution passed at an Annual General Meeting, increase or decrease the number of Directors.

18 Appointment of Council Nominated Directors

- 18.1 The Member may appoint the following people in accordance with clause 17.2(a):
- (a) Up to two (2) people who have been duly elected to Camden Council following a local government election.
- 18.2 The Member may at any time terminate the appointment of a Director made in accordance with clause 18.1 and replace that person with another Director in accordance with clause 18.1.
- 18.3 A Director appointed in accordance with clause 18.1 shall only be a Director of the Company as long as they continue to hold the relevant position at Camden Council as provided in clause 18.1

19 Appointment of independent Directors

- 19.1 Independent Directors shall be elected by the Member at the Annual General Meeting or a Special Meeting called to fill a vacancy caused by the end of a Director's term, retirement or fill any vacancies not previously filled.
- 19.2 Where the number of nominations for vacant positions does not exceed the vacancies then no ballot shall be held and the Chairperson shall declare that all candidates are appointed.
- 19.3 Where the number of nominations for vacant positions exceeds the vacancies then the Member shall duly vote for any number of candidates up to the number of vacancies.

20 Appointment of the Chairperson

- 20.1 The Chairperson shall be elected by the Member at the Annual General Meeting or a Special Meeting called to fill a vacancy caused by the end of the Chairperson's term or retirement.

21 Term of Directors

- 21.1 The term of office of a Director shall be three (3) years.
- 21.2 No Director may hold office for more than three (3) consecutive terms.

22 Resignation of Directors

A Director may resign as a Director by giving written notice of resignation to the Company at its registered office.

23 Casual Vacancies

23.1 If any Director:

- (a) vacates his or her office under section 224 of the Corporations Act
- (b) becomes bankrupt or makes any arrangement or composition with his or her creditors
- (c) becomes prohibited from being a Director by reason of any order made under the Corporations Act
- (d) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health
- (e) resigns his or her office
- (f) is absent, without permission of the Directors, from meetings of the Directors held during a period of three months or for more than half of the meetings of the Directors held during a period of six months
- (g) is directly or indirectly interested in any contract or proposed contract with the Company and fails to declare the nature of his or her interest in the manner required by the Corporations Act
- (h) dies, or
- (i) is removed from office by resolution of the Company,

his or her office must be declared vacant by the Board and he or she will cease to be a Director. The Board may appoint a successor to hold office until the next election by Member at the Annual General Meeting, and until such appointment is made the continuing Directors may act despite such vacancy.

24 Alternate Directors

- 24.1 With the other Directors' prior approval, a Director may appoint an alternate to exercise some or all of the Director's powers for a specified period.
- 24.2 If the Director requests the Company give the alternate notice of Directors' meetings, the Company may do so.
- 24.3 Where an alternate exercises the Director's powers, the exercise of the powers is just as effective as if the powers were exercised by the Director.
- 24.4 The Director may terminate the alternate's appointment at any time.
- 24.5 An appointment or termination must be in writing. A copy must be given to the Company.

25 Remuneration of Directors

- 25.1 The Directors shall not be paid any remuneration.
- 25.2 The Company may pay the Directors' travelling and other expenses that they properly incur:
 - (a) in attending Directors' meetings or any meetings of committees of Directors
 - (b) in attending any Member' Meetings, and
 - (c) in connection with the Company's business.

26 Powers of Directors

- 26.1 The business of the Company is to be managed by, or under the direction of, the Directors.
- 26.2 The Directors may exercise all the powers of the Company except any power that the Corporations Act or this Constitution requires the Company to exercise in a meeting of the Member.

27 Duties of Directors

- 27.1 The Duties of Directors are as set out in the Corporations Act and specifically include:
- (a) a duty to act in the best interests of the Company and its Member
 - (b) a duty of care and diligence
 - (c) no improper use of inside information
 - (d) no gain by improper use of the position
 - (e) declare all conflicts of interest and to not act in a way, perceived or real, that brings the Director or Company into conflict, and
 - (f) not to trade while insolvent.
- 27.2 The Directors shall at all times also comply with the Statement of Corporate Intent

28 Role of the Board

- 28.1 The Board oversees the management of the Company and directs and controls its affairs.
- 28.2 The Board has power, subject to the Corporations Act and the Constitution, to perform all such acts as appear to the Board to be necessary for the proper management of the Company in accordance with the Statement of Corporate Intent. Such acts may include:
- (a) setting the strategic direction and determining the strategies for the Company
 - (b) monitoring and evaluating the performance of the Company
 - (c) supervising the financial performance of the Company, and
 - (d) developing governance-level policies and overseeing their implementation.
- 28.3 The Board may exercise all the powers of the Company except those powers that by:
- (a) an Act of Parliament
 - (b) the Constitution, or
 - (c) a resolution of the Member in a Meeting,
- require the Member of the Company to exercise that power in a Member' meeting.
- 28.4 Subject to the provisions of the Corporations Act and the Constitution, the Board may, by resolution, authorise any person as the Board thinks fit to exercise any powers of the Board, which are delegable by law.
- 28.5 The Board may establish committees and may prescribe their functions and Membership.

29 Board Meetings

- 29.1 The Board shall meet at least six (6) time in each year or as required by the Board.
- 29.2 Board Meetings shall be chaired by the Chairperson and in his or her absence a Director selected by the Board shall preside.
- 29.3 The quorum for a Board Meeting is more than half the number of Directors.
- 29.4 No business shall be transacted at a Board Meeting unless a quorum is present. If no quorum is present the Chairperson shall adjourn the meeting to a time and date specified by the Chairperson.
- 29.5 All resolutions at a Board Meeting must be passed by a majority vote. The Chairperson has a casting vote if necessary in addition to any vote he or she has in their capacity as a Director.
- 29.6 A Board Meeting may be called by a Director, or by the Secretary on the request of a Director, giving reasonable notice individually to every other Director and the Secretary.
- 29.7 A Board Meeting may be conducted electronically by phone, video, facsimile, email or other means as determined by the Chairperson.

30 Board Committees

- 30.1 The Board may establish any committee and delegate any powers of the Board to that committee.
- 30.2 Board committees must report regularly and openly to the board on their actions and decisions.

31 Directors' Interests

- 31.1 Any Director who is, or becomes directly or indirectly, interested in a contract or proposed contract with the Company must disclose his or her interest at a meeting of Directors.
- 31.2 The Secretary must record this declaration in the minutes of that meeting.
- 31.3 A Director who has an interest in a matter being considered at a Board Meeting must not be present while the matter is being considered at the meeting or vote on the matter.
- 31.4 This clause does not apply where the interest is solely an interest that a Director appointed in accordance with clause 18.1 holds as a result of being an elected Member or staff member of Camden Council.

32 Validity of Directors' Acts

The acts of a Director or the Secretary are valid despite any defect that may afterwards be discovered in his or her appointment or qualification.

Operation of the Company

33 Appointment of Secretary

The Board must appoint a Secretary for such a term and in such a manner as it sees fit.

34 Minutes

- 34.1 The minutes of any meeting, Board Meeting or meeting of any committee established by the Board must be confirmed by the subsequent meeting and signed by the Chairperson of that meeting.
- 34.2 The minutes shall record:
- (a) names of persons present at the meeting, and
 - (b) all resolutions and proceedings at all meetings of Member and of the Board or committees of the Board.

35 Borrowing and Investments

- 35.1 The Company shall not borrow money or grant any mortgage, charge, security or interest or other encumbrance over any of the Company's property or assets without the written approval of the Member and the Minister for Local Government.
- 35.2 The Company shall not make any investments outside of holding a bank account for working capital purposes without the written approval of the Member.

36 Executive Officer

- 36.1 The Board shall appoint a person as Executive Officer of the Company.
- 36.2 The Executive Officer must, on behalf of the Board make appropriate arrangements for the recording of minutes of meetings, Board meetings and Board committee meetings.
- 36.3 Subject to the direction of the Board, the Executive Officer is responsible for:
- (a) the day to day management of the Company
 - (b) supervision of staff, and
 - (c) dealing with the correspondence of the Company and for the custody of books, records, documents and securities of the Company.

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Attachment 1

- 36.4 The Board may decide to have the same person perform the role of Executive Officer and Secretary.
- 36.5 The Executive Officer, acting within delegations determined by the Board, from time to time:
- (a) is responsible for the collection and receipt of all monies due to the Company
 - (b) shall ensure that all funds are paid into a bank account in the name of the Company and are held for the Company
 - (c) must ensure that all expenditure is in accordance with a protocol agreed by the Board
 - (d) shall present to the Board at each Board Meeting a financial statement that reflects an accurate record of the Company's finances to that point in time
 - (e) must ensure that proper accounts are kept for the Company and that the accounts of the Company are audited each year in accordance with the Act and any requirement imposed by Government policy or law and submitted to the Annual General Meeting as required by the Corporations Act
 - (f) must make available for inspection by Member during business hours the accounts and books showing the financial affairs of the Company and any document of the Company to which a Member is legally entitled (but excluding information of a personal nature regarding employees)
 - (g) must ensure that all returns and reports are prepared and lodged in accordance with the Corporations Act
 - (h) must ensure that the Company complies with any requirement of any Government grant or funding authority, and
 - (i) must ensure that the Company complies with all relevant laws, in particular the Corporations Act.
- 37 Seal**
- 37.1 The Executive Officer must keep the Company seal safe.
- 37.2 The seal may only be used after the Board has given authority for the seal to be used.
- 37.3 Every instrument to which the seal is affixed must be signed by two Directors or by one Director and the Secretary, or some other person appointed by the Directors for that purpose.
- 38 Indemnity**
- 38.1 Every Director, auditor and other officer of the Company is entitled to be fully indemnified out of the property and assets of the Company against any and all liabilities incurred by them in that capacity:
- (a) in successfully defending any proceedings, whether civil or criminal, or in which judgement is given in favour of the Director, auditor or officer, or in which the Director, auditor or officer is acquitted, and
 - (b) in connection with any application in relation to those proceedings in which relief is granted to the Director, auditor or officer by the Court.
- 38.2 The Company may effect adequate policies of Directors' and officers' insurance against liability of its Directors, auditor and other officers of the Company.

39 Notices

- 39.1 Notices must be in writing and may be given:
- (a) personally
 - (b) by sending by post to the address for the Member in the Register or the alternative address nominated by the Member in writing, or
 - (c) by sending to the fax number, email or other electronic address nominated by the Member.
- 39.2 Notice of meeting is deemed to have been received three (3) days after posting or on the business day after having been faxed or emailed.
- 39.3 Any period of notice is exclusive of the day on which notice is served but inclusive of the day on which the meeting is to be held.

40 Maintenance of Books, Registers and Records

- 40.1 The Company must keep written financial records which correctly record and explain its transactions and financial position and performance and which would enable true and fair financial statements to be prepared and audited.
- 40.2 The Register of Member must be kept at the principal place of administration of the Company and be open for inspection, free of charge, by any Member on reasonable prior notice at any reasonable hour.

41 Winding up

- 41.1 The Company may only be wound up or dissolved by resolution of the Member. Any surplus assets or property must be given or transferred to an organisation which:
- (a) has objectives or purposes similar to those of the Company, and
 - (b) prohibits distribution of its income and property among its Member or employees.

ORD02

Attachment 1

Appendix 1

Appointment of Proxy

Camden Region Economic Taskforce Pty Limited
ACN XXXXXX

.....

being a Member of Camden Region Economic Taskforce Pty Limited, appoint

.....

(insert name of proxy)

of

(insert address of proxy)

or

The person holding the office of *(insert office held)* *(insert Member's name)*

as its proxy for the whole or/part of the Annual General Meeting/Special Meeting* of the Camden Region Economic Taskforce Pty Limited to be held on *(insert date and time)* at *(insert location)* and any adjournment of the meeting.

The proxy is authorised to vote in favour/against the resolution in item *(insert number)* of the Agenda.*

The Proxy is authorised to vote at his or her discretion.*

.....
Signature of Member

.....
Date

*Strike out whichever is not desired.

.....



**Camden Region Economic Taskforce
Pty Limited**

Statement of Corporate Intent

Prepared by Morrison Low Consultants Pty Ltd

ORD02

Attachment 2

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1 Preamble

- 1.1 Camden Region Economic Taskforce Pty Limited is a company limited by guarantee (the Company) in which the Camden Council (Council or Member as context arises) has a 100% shareholding.
- 1.2 The Company shall take into account the provisions of the Local Government Act 1993 that apply to entities owned by councils.
- 1.3 The purpose of this Statement of Corporate Intent is to:
 - (a) state publically the activities and intention of the Company and the objectives to which those activities will contribute, and
 - (b) provide a basis for accountability of the Directors to the Member for the performance of the Company.

2 Corporate Governance

- 2.1 The Directors will provide corporate governance that ensures they provide best practice strategic direction and risk management of the Company, monitor management and ensure accountability of the Company on behalf of the Member.
- 2.2 To achieve this governance the Directors will:
 - (a) conduct quarterly briefings with the Member to discuss emerging risk and opportunities of the business, the general forecast performance expectations and to learn of relevant changes in Council policies, expectations or risk appetite
 - (b) act on an informed basis, in good faith, with due diligence and care, and in the best interests of the shareholder and the company
 - (c) act in accordance with the Constitution and this Statement of Corporate Intent
 - (d) ensure compliance with applicable legislation and regulations
 - (e) review and guide corporate strategy, major plans of action, risk policy, annual budgets and business plans; set performance objectives; monitor implementation and corporate performance and oversee major capital and investment expenditures, acquisitions and divestments
 - (f) select, direct, compensate and monitor key executives and oversee succession planning
 - (g) monitor and manage potential conflicts of interest of management, Board Member and Member
 - (h) ensure the Company's financial management is consistent with good business practice
 - (i) in the spirit of "No Surprises", keep the Member informed on significant events and issues, including those sensitive to publicity that may arise from Council being a political organisation
 - (j) promote a culture which requires all Directors and employees to adhere to high levels of ethical behaviour
 - (k) review and enhance Board performance and the performance and contribution of individual Directors on an annual basis, taking into account the current and future needs of the company
 - (l) inform the Member on the mix of skills needed for the appointment of new Directors as the need arises.

ORD02

- 2.3 In applying sound risk management strategies the Directors will not:
- (a) enter into any single contract(s) that has a value of \$100,000 or more without prior consultation and written agreement of the Member
 - (b) enter into a contract with a term of more than five years without prior consultation and written agreement of the Member, and
 - (c) sell or dispose of 20% or more of the assets of the Company without prior written agreement of the Member.
- 2.4 Except as otherwise agreed, neither the Company nor any Director shall issue without Council's prior written consent, any media release by or on behalf of the Company which refers to Council or any policy, business or asset of the Council.

3 Objectives

- 3.1 The principal objective of the Company shall be to drive the economic growth of the Camden local government area through leadership and coordination.
- 3.2 In pursuing the principle objective, the Company and its Directors shall:
- (a) ensure that income and property of the Company is only applied towards the promotion of the objectives of the Company
 - (b) manage the Company prudently in order to maximise its long-term viability; achieve the commercial and non-commercial objectives of its Member as set out in this Statement of Corporate Intent
 - (c) operate in a manner which recognises and seeks to act in alliance with:
 - the existing business organisations in the Camden local government area, and
 - Camden local government area's role, part and place in the greater Macarthur and Sydney economies
 - (d) Be a good employer:
 - Provide a work environment that recruits, fosters and maintains safe, competent, motivated, committed and productive employees
 - Recognise and reward excellent performance of any staff
 - (e) Be a good corporate citizen:
 - Meet the social interests of the community in a responsible way where able to do so
 - Operate in an environmentally responsible manner and apply environmentally sustainable practices
 - Operate in a manner that demonstrates a high degree of transparency and accountability in the use of public funds and specifically when procuring goods and services

Attachment 2

4 Nature and Scope of Functions

4.1 The functions of the Company shall be to:

- (a) drive growth and development of businesses in the target sectors of the economy as set out from time to time in Council's Economic Development Strategy
- (b) attract and facilitate business and investment into the Camden local government area, and
- (c) articulate and promote the Camden local government area's unique identity to attract businesses, residents and visitors.

4.2 The Company may:

- (a) consistent with the Company's objectives and the provisions of the Local Government Act 1993 and the Corporations Act 2001, and
 - (b) with agreement of the Member and consistent with the Member' objectives, risk management and funding requirements
- expand or contract its nature and scope of activities, including through business acquisition and disposal.

5 Performance Measures and Targets

The performance measures of the Company to be achieved for the three years ending 30 June 20** are:

	Performance Area	Measure
5.1	Economic Growth Increase in: (quantitative)	
	GRP in the Camden local government area	TBC
	Value of investment in Camden local government area	TBC
	New jobs in Camden local government area	TBC
	New business growth in Camden local government area	TBC
5.2	Economic Growth Attributable to Camden Region Economic Taskforce Increase in (qualitative – significant, mild, insignificant))	
	GRP effected by Camden Region Economic Taskforce	TBC
	Value of investment effected by Camden Region Economic Taskforce	TBC
	New jobs effected by Camden Region Economic Taskforce	TBC
	New business growth effected by Camden Region Economic Taskforce	TBC
5.3	Sponsorship Total annual sponsorship	TBC
5.4	Procurement Compliance with Camden Region Economic Taskforce procurement policy	100%
5.5	Operational Sustainability Variance of costs to agreed budget	<5%
5.6	Workplace, Health and Safety	TBC

6 Dividend Policy

- 6.1 In accordance with the Corporations Act 2001 (Cth) the Company may not pay dividends to the Member.

7 Accounting Policies

- 7.1 The Company will comply with all financial reporting standards that are appropriate. The measurement base adopted is that of historical cost. Reliance will be placed on the fact that the Company is a going concern. Accrual accounting will be used to match expenses and revenues.

8 Information to be provided to the Member

- 8.1 The Directors undertake to report to the Member not less than quarterly. These written reports will enable the Member to assess the impact and value of their investment.
- 8.2 The half-yearly report will include an unaudited Statement of Financial Performance and Statement of Financial Position and such details as are necessary to permit an informed assessment of the Company's performance during the reported period. This report will be accompanied by a Chairperson's review of the period.
- 8.3 The annual report will include all items required by the Corporations Act 2001 (Cth) and such other information as the Directors deem necessary for the Member to measure performance of the Company against performance targets agreed to in the Statement of Corporate Intent.

9 Service Level Agreement

- 9.1 The Company has entered into a Service Level Agreement which provides administrative services by the Council to the Company and service delivery by the Company to the Council but no service fee is payable under the agreement.

10 Variation

- 10.1 This Statement of Corporate Intent may be varied by written agreement between the Company and the Council from time to time.
- 10.2 Unless otherwise agreed it will be updated annually for application to each new financial year of the Company.



Camden Region Economic Taskforce

Pty Limited

Board Governance Policies

Prepared by Morrison Low Consultants Pty Ltd

ORD02

Attachment 3

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1 Board/Shareholder Consultation Policy and Procedure

Purpose

Achieve an effective working relationship between the Board and Camden Council, as the sole shareholder.

Relevant documents that influence this policy

The Constitution, Statement of Corporate Intent and Board Charter.

Policies

1. The board will actively engage the shareholder to ensure that the company's strategies and controls both anticipate and meet shareholder expectations.
2. The board will comply with the reasonable engagement and communications requirements of the shareholder.
3. The chair is the main board liaison person with the shareholder. However a majority of board members, acting together, may approach the shareholder even where the chair is not in support of the approach.
4. In addition to any planned board communications, on a 'no surprises' basis, the board will communicate to the shareholder any significant and unexpected change to strategy, operations or performance as soon as practical after the board becomes aware of the change.
5. The board, or any member, will not publish statements attributed to the shareholder, without gaining prior shareholder approval to do so. The board will seek a reciprocal policy with the shareholder.

Procedures

1. The annual statement of corporate intent and the agenda for the Annual General Meeting set out the main planned communications requirement of the board with the shareholder. The board will comply with these.
2. The chair will initiate any ad hoc communications with the shareholder as the need arises
3. The board will request the shareholder to formally nominate a 'point of contact' person on Council, who will be the main shareholder liaison person with the board; and normal board communications will be directed through this person.

Review cycle

Every two years

2 Board Subcommittee Policy and Procedure

Purpose

Facilitate the functioning of the board through the effective use of subcommittees.

Relevant documents that influence this policy

The Constitution and Board Charter.

Policies

1. The board, in carrying out its duties, may set up and disband any form of subcommittee as it sees fit.
2. Any subcommittee formed will be set up under a terms of reference by the board, with which it must comply.
3. A subcommittee has the same obligations as the board and does not have powers greater than the board. Ultimately its decisions must be ratified by the board.
4. Subcommittees can only speak or act for the board when authorised to do so.

Procedures

1. Terms of references will include membership, chairmanship, inclusion of any external parties with needed expertise and their roles, purpose, deliverables, duties and powers delegated or constrained, reporting requirements, any procedural requirements of importance and tenure or review date for deciding on the continuance of the committee.
2. Subcommittees will meet sufficiently frequently and at appropriate times to allow the work of the committee to be accomplished.
3. Subcommittee meetings must be held sufficiently in advance of planned board meetings to allow approved subcommittee minutes to be circulated along with regular board papers of the main board meetings.
4. Key discussions, decisions and board recommendations will be formally minuted and tabled at the next board meeting for review and adoption.
5. The continued need for the existence of the subcommittee will be reviewed at least annually by the board.

Review cycle

Every two years.

3 Board Member Induction Policy and Procedure

Purpose

Assist new board members to be fully effective as soon as possible.

Relevant documents that influence this policy

The Board Charter.

Policies

1. The shareholder appoints new directors. The board may recommend to the shareholder consideration of suitable candidates.
2. The board will constructively assist potential new members who wish to carry out due diligence on the company before accepting a board appointment.
3. New members will be taken through an induction programme aimed at deepening their understanding of the company and the environment in which it operates.
4. The chair, supported by the secretary, EO and other directors as needed, is responsible for ensuring an effective induction occurs.

Procedures

1. The chair, secretary and EO will agree on an induction programme.
2. The secretary, supported by the EO, will develop the detail of induction programme and compile and keep current a folder of essential board information which the new member will receive.
3. The induction will be completed as soon as is practical and should not run passed the third month of the member's commencement.
4. The induction itself will be appropriately shared between the chair, secretary and EO, and ideally conducted face to face with new member. Topics covered will include the core governance documents (Constitution, Statement of Corporate Intent, Charter, Code of Conduct and subcommittee terms of reference) conflicts register, the environment in which the company operates, key governance policies and procedures, company strategy and risk management, financial performance and financial policies, relevant legislation and regulation the member needs to acquaint themselves with, board culture and ways of working and backgrounds/experience of individual board members. Access to minutes and other records will be made freely available and review encouraged as will one on one familiarisation interviews with any director and the shareholder representative.
5. Feedback should be taken from the new member on effectiveness of the induction and improvements incorporated into the programme.

Review cycle

Every year.

4 Board Powers Policy and Procedure

Purpose

Facilitate directors effectively performing their duties.

Relevant documents that influence this policy

The Corporations Act 2001, Constitution and Board Charter.

Policies

1. Except for those powers held and decisions made by the shareholder, the board of directors exercises the legal powers of the company.
2. Only the directors, acting together under a majority board decision, will bind the company to any contractual obligation or binding commitment.
3. An individual director or member of staff will only act to bind the company where the board has specifically delegated its powers to the individual(s) to do so.
4. If a director does bind the company in any way, through delegation or otherwise, they will inform the board of their act and its consequences as soon as is practical, and in the case of acting beyond or outside of a delegated authority, inform the board immediately.
5. Directors will respect the powers delegated to the secretary and EO and not bypass them to exercise these powers unless the board has formally resolved the necessity to do so.

Procedures

1. The board will agree and keep current a delegation of authority framework which sets out who can make what decisions or commitments under what circumstance. The framework will address the difference in authority between:
 - a. making commitments consistent with the business plan and budgets and commitments that fall outside the business plan and budgets
 - b. capital expenditure and operating expenditure commitments
 - c. routine and short term contractual commitments, and long term and one off contractual commitments
 and the approval of sensitive items such as travel, entertainment and reimbursement of expenses.
2. All directors and management will be issued with the full set of delegations and act according to it.
3. All decisions of the board to exercise their powers will be made by formal resolution and fully minuted.
4. Once a director has exercised a delegated power they will report their action at the next board meeting, unless the board requires a different process.
5. Where a director binds the company outside of their delegated authority they must immediately advise the chair, who will decide on the nature and timing of informing the full board. The board will need to retrospectively approve the action of the director and/or take whatever other course of action it sees fit.

Review cycle

Every year.

5 Risk Management Policy and Procedure

Purpose

To facilitate governance in managing business risk.

Relevant documents that influence this policy

Statement of Corporate Intent and Board Charter.

Policy

1. The board will routinely consider the nature and implications of internal and external business risks that the company is exposed to and make decisions/take actions (if any) to apply mitigations to reduce these.
2. The risk assessment will be methodically recorded and decisions minuted.
3. Based on the severity of the risk implications the board will regularly review their assessment and progress on agreed actions. As a minimum all risks and mitigations will be reviewed annually.

Procedures

1. A recognised risk management framework and method will be used for performing risk management.
2. The EO has the primary responsibility, with the support of the board, to establish and carry out the risk assessment and conduct risk management.
3. The board will decide on which risks mitigations/actions they will take direct responsibility for.
4. The frequency of board review of risks and their mitigations is as follows:
 - a. High or catastrophic risks (post mitigation) - reviewed at least three monthly
 - b. Medium risks (post mitigation) - reviewed at least six monthly
 - c. Minor or low risks (post mitigation) – reviewed at least 12 monthly.

Review cycle

Every year.

6 Board Expenditure and Procurement Policy and Procedure

Purpose

Ensure board and director decisions and actions on expenditure and procurement are compliant.

Relevant documents that influence this policy

The Local Government Act 1993, The Local Government (General) Regulations 2005, Tendering Guidelines for NSW Local Government, Statement of Corporate Intent and Board Charter.

Policy scope

There are two performance areas, each with policy statements.

- A. Expenditure policy. Policy on reimbursement of costs that directors incur in performing their duties, particularly in attending directors meetings.
- B. Procurement policy. Policy on the company procuring goods and services.

A. Expenditure Policy

1. Directors receive no remuneration and are not reimbursed for time spent on the company's affairs.
2. Reasonable and directly related costs incurred by directors in performing their duties, particularly in attending board meetings, will be reimbursed. Reimbursement of 'use of own transport' claims will be done on a basis consistent with the current Camden Council policy and practice.
3. Expense claims of this nature must be supported by documented evidence and approved by a board member other than the director making the claim.
4. Reimbursement of reasonable entertainment costs necessarily incurred by a director(s) to entertain third parties in conducting the affairs of the business, must have the need to incur costs pre-approved by the chair, or if the chair is involved, by an unaffected director, and the expense claim, supported by documentary evidence, approved by the party who did the pre-approval.
5. Any expenditure incurred directly by a director in the performance of their duties will be prudent and non-extravagant in nature, in keeping with the public expectations of a local government owned entity.

Expenditure Procedures

1. The chair and EO will prescribe a suitable expense claim form and, if needed, more detailed descriptions of the nature and extent of costs that directors can incur and claim, with or without prior authorisation.
2. Directors will use the forms and processes set out by the chair and EO.
3. The chair will approve all expense claims, which must first be signed by the director claiming as being valid and necessarily incurred. The chair's own expense claim will be approved by a director nominated by the board.
4. Any expenditure incurred outside of policy and procedure requirements will require retrospective board approval at the next board meeting.

B. Procurement Policy

1. The board and company will strictly comply with the spirit and letter of the legislation, regulations, guidelines and codes required of local government procurement. Directors have an obligation to familiarise themselves with these requirements.
2. All procurement by the company will ensure these principles are met:
 - It represents value for money
 - Processes and outcome are effective and efficient
 - Process and outcome are equitable and conducted with probity
 - Competitive opportunities have been effectively taken.
3. Wherever practical and beneficial, the company's policy and practice will be consistent with the Camden Council policy and practice.
4. The board will ensure procurement practices and outcomes are highly transparent, prudent and auditable.

Procurement Procedures

1. The EO will develop a company procurement manual and code of practice which will be approved by the board and applied.
2. Board members or their organisations, that are authorised by the board to compete for or provide services to the company as a supplier, will strictly comply with the procurement policies and practices of the company.

Review cycle

Every year.

7 Ethics and Conduct Policy and Procedure

Purpose

To facilitate directors and managers conducting their duties in an appropriate manner.

Relevant documents that influence this policy

The Corporations Act 2001, Constitution, Statement of Corporate Intent and Board Charter.

Policies

1. The directors will confirm the culture and values that will drive their conduct and behaviours. These are the foundation board values and expected behaviours:
 - The conduct of members will be consistent with their duties, responsibilities to the company
 - Constructive differences and dissent between board members are valued and treated with professional respect
 - Integrity and honesty are valued and expected of members and the EO
 - A trusting environment is fostered where directors freely discuss issues with candour and frankness
 - Members use judgement, common sense and tact in their discussions
 - Members will prepare thoroughly for meetings and give sufficient time to board affairs to make a useful contribution
 - The board expects full and timely information disclosure between members and by the EO
 - 'Bad news' is communicated unfiltered and promptly
 - Directors respect the separation of governance from management
 - Personal agendas are eschewed and directors remain focused on what is best for the company, shareholder and stakeholders
 - Board discussions and deliberations are confidential.
2. The board will adopt and apply a code of conduct for directors and senior management that reflects best practice. If staff are employed, a staff code of conduct will be adopted.

Procedures

1. A director and officer code of conduct as approved by the board is in force
2. All directors and officers will sign an undertaking that they will comply with the code of conduct.
3. All known material breaches of the code will be brought to the board's attention by those aware of the breach, and the board will consider what and if remedies are required.
4. The code will be reviewed at least annually by the board for relevance and completeness and updated accordingly.

Review cycle

Every year.

8 Conflicts of Interest Policy and Procedure

Purpose

Directors manage potential or real conflicts in conducting their duties.

Relevant documents that influence this policy

The Corporations Act 2001, Constitution, Statement of Corporate Intent and Board Charter.

Policies

1. It is preferable that directors do not put themselves in a position where a potential or actual conflict of interest with the company arises.
2. Directors must declare to the board all potential or actual conflicts of interest in a clear and complete manner.
3. Directors should disclose any new conflict as soon as they become aware of it.
4. The company will maintain a Conflicts of Interest Register.
 - Subject to the Act, a director who is in any way interested in any existing or proposed contract or arrangement may, despite that interest, be counted in determining whether or not a quorum is present at any meeting of directors considering that contract.

Procedures

1. The secretary will maintain the Conflicts of Interest Register.
2. Any new conflict should be advised to the chair, and in writing to the secretary, as soon as it becomes known. However notice of the interest can be given at any time, whether or not it relates to the affairs of the company at the time it is given.
3. A director can give a standing notice of an interest.
4. At the start of each board meeting the Conflicts of Interest Register will be reviewed, confirmed to be current and any update since the last meeting minuted.

Review cycle

Every year.

9 Independent Professional Advice Policy and Procedure

Purpose

Directors are suitably informed to perform their duties effectively.

Relevant documents that influence this policy

The Corporations Act 2001, Constitution and Board Charter.

Policies

1. The board may at any time take independent professional advice to aid their decision making and will ensure, as far as is practicable, that the cost of the advice is reasonable.
2. In particular the board should consider taking expert advice when they do not fully understand legal issues of importance or their potential implications.
3. Any member is entitled to obtain independent professional advice relating to the affairs of the company or on their responsibilities.
4. If a member considers such advice is necessary the member shall first discuss it with the chair and, having done so, shall be free to proceed.
5. Subject to the prior approval of the chair, the cost of the advice will be reimbursed by the company but the member will ensure, so far as is practicable, that the cost is reasonable.

Procedures

1. Prior to seeking professional advice that the company will pay for, a director shall seek the agreement of the chair about the:
 - nature of the opinion or information sought
 - reason for the advice
 - terms of reference for the advice
 - estimated cost of the advice.
2. Where more than one director is seeking advice about a single issue, the chair shall endeavour to coordinate the provision of the advice.
3. All documentation seeking professional advice should clearly state that the professional advice is sought both in relation to the company and to the director in their personal capacity.
4. Additionally the company executes a deed of access in favour of each director individually.

Review cycle

Every two years.

10 Board Meetings Policy and Procedure

Purpose

Directors conduct board meetings effectively.

Relevant documents that influence this policy

The Corporations Act 2001, Constitution, Statement of Corporate Intent and Board Charter.

Policies

1. The board will normally hold monthly meetings in accordance with a schedule approved by the board, and will hold additional meetings as the occasion requires.
2. Under the constitution a meeting of directors may be called by a director or by the secretary at the request of a director, giving reasonable notice.
3. Members are expected to participate fully, frankly and constructively in board discussions to bring the benefit of their particular knowledge, skills and abilities to the board table.
4. All discussions and their record will remain confidential unless there is a specific direction from the board to the contrary, or disclosure is required by law or the shareholder.
5. The board has sole authority over its agenda and exercises this through the chair.
6. Members are entitled to have access, at all reasonable times, to all relevant company information, and to management.

Procedures

1. Frequency of meetings
 - After consultation with the board, the chair and secretary will set up the schedule of meetings for the financial year
 - The schedule of meetings should be reviewed at each meeting of directors and the date and time of the next meeting confirmed at the close of the last meeting
 - Committee meetings are typically scheduled to precede the board meetings by one to two weeks, to allow the circulation of the minutes of the committee meeting prior to the board meeting
2. Meeting time and place
 - Meetings of directors are scheduled to occur at the company's registered office or nominated venue to commence at the routine time contained in the board calendar. The time and place, however, are subject to alteration by mutual consent of the directors
 - Meetings of directors may be convened at alternate times and locations as agreed by the directors
 - A meeting of directors may be held using any technology
3. Attendees
 - Attendees will comprise all directors and the secretary and, by invitation, the EO and other staff, as necessary for the effective conduct of the meeting
 - The chair, or a majority of directors, may request the attendance at any board meeting of any person felt able to assist the Board in a matter under consideration
4. Monthly cycle for board meetings
 - To assist the smooth running of board processes, the board has adopted an indicative monthly cycle as follows. The indicative cycle gives members time to review the

agenda and papers, seek clarification or further information on ambiguous items, and prepare for meetings

- Under normal circumstances, meetings shall follow the indicative monthly cycle below

Item	Day
Draft agenda prepared by chair in conjunction with EO and secretary	-14
Secretary updates actions arising from the previous meeting	-14
Secretary prepares detail agenda	-10
Accounts finalised for presentation	-8
Full agenda and board papers finalised/confirmed by chair	-8
Agenda and board papers circulated to members	-7
Board meeting	0
Draft minutes to chair	+3
Draft minutes sent to directors	+7

5. Agenda for board meetings
 - An agenda is prepared for each board and committee meeting
 - The meeting will generally follow the format with time allotments as indicative only
 - The meeting process should allow time for informal discussions between directors and invited attendees
6. Specifically appointed board working parties
 - The board can at any time establish a working party to investigate, review, seek expert advice and make recommendations to the board.
 - The secretary will collate these reports with any final recommended resolution included in circulated board papers
7. Conduct of meetings
 - The chair determines the degree of formality required at each meeting while maintaining decorum
 - The chair will:
 - ensure all members are heard
 - retain control. This may require a degree of formality to be introduced if this is necessary to advance the discussion
 - ensure decisions are understood and recorded
 - ensure debate and decisions are completed by a formal resolution recording the conclusions reached
8. Board papers
 - The chair with the secretary is responsible for the preparation and circulation of board papers. These must be circulated to directors seven (7) days prior to the board meeting
 - No papers requiring consideration or decision should be tabled at the meeting of directors if not in the board papers, without the approval of the chair
 - Board papers should be marked as either for noting, implementation or for decision. All decision papers should begin with the recommended resolution. Any lengthy submissions or reports should be prefaced by an executive overview or summary
 - The secretary will maintain a complete set of board papers and approved minutes at the company's registered office as the authoritative set of documented board papers.

It is desirable that each director also maintain their own set of board papers, however the company undertakes to give access to ex-directors to board papers relevant to their tenure

9. Minutes of board meetings

- The names of directors and officers present at the meeting are recorded. The minutes of board meetings should contain a brief reference to the relevant board papers and the full resolutions adopted by the directors. All decisions recorded in the minutes of meetings of directors are to be by means of a formal resolution
- The chair will read the proposed resolution and ask for an indication of those in favour and those not in favour of the resolution. The number of votes cast is not recorded
- The exact wording of the resolution is recorded in the minutes of meetings with detail of whether it was carried or defeated. Directors who dissent may ask to have their decision recorded in the minutes
- Where the draft resolution as recommended in the board papers is not adopted, reasons for the alternative course of action are noted in the minutes
- Any significant points raised by directors are to be noted
- Minutes of meetings are prepared timeously in draft form by the secretary and are provided to the chair for review
- Once the draft minutes are cleared by the chair, the secretary will circulate the draft minutes to all directors within seven days
- At the chair's discretion, an elaboration of the minutes of meetings can be circulated for communication within the organisation
- Once the minutes of board meetings are adopted by the board, they become the formal record of the meeting
- The secretary will maintain a complete set of minutes of meetings at the company's registered office, maintained both for the company and the directors as the authoritative set of documented minutes
- Any decisions of a policy nature should also be recorded in a policy manual. This is the responsibility of the secretary

Review cycle

Every year.

11 Board and Member Evaluation Policy and Procedure

Purpose

Optimise the functioning of the board.

Relevant documents that influence this policy

The Board Charter.

Policies

1. Annually the board will critically evaluate if its own performance is effective and if its own processes and procedures are not unduly complex and are designed to assist the board in effectively fulfilling its role.
2. The performance of individual members will be evaluated annually.

Procedures

1. Each year the chair will schedule board and member evaluations into the board calendar.
2. The chair, after taking advice from members and reviewing review models, will formulate a set of review questions which the board will use, in open meeting, to evaluate its own performance, and the effectiveness of its processes and procedures. The board will agree on improvements and, where practical, the chair will be responsible for implementing these.
3. Each year individual members will be evaluated by a process whereby the board determines questions to be asked of each member about him or herself and about each other, including the chair. Each member answers the questions in writing, and the responses are collected and collated by the chair who then discusses the results with each member. The chair's own position is discussed with the deputy chair and/or the rest of the board and discussed with the chair by the deputy chair and/or nominated member.

Review cycle

Every year.

12 EO/Board Relationship Policy and Procedures

Purpose

Optimise the relationship between the EO and board and ensure the board's expectations of the EO are clear and performance assessed.

Relevant documents that influence this policy

The Board Charter.

Policies

1. The board will link the company's governance and management functions through the EO.
2. All board authority conferred on management is delegated through the EO.
3. The EO will act within all specific authorities delegated to him or her by the board.
4. The board will agree with the EO the specific strategies and results directed towards the company goals.
5. The EO is authorised to make any decision and take any action, within management limitations, directed at achieving the company goals and mitigating risks to the company.
6. Only decisions of the board acting as a body are binding on the EO.
7. The EO, in association with the chair, is accountable to the board for the achievement of the company goals, and the EO is accountable for the observance of the management limitations.

Procedures

1. The EO will be appointed through a letter of employment and provided with a full position description; both approved by the board.
2. The position description will be designed to direct the efforts of the EO to best achieve the company's business goals, manage risks, and to create a challenging and rewarding job role.
3. The position description will be reviewed annually by the chair and EO, and updated as required.
4. The chair and EO will annually review the authority delegated to the EO. Any needed changes will come into force on board approval.
5. Annually the board and EO will agree on the company strategy, business plan and annual budget.
6. Annually the board, through the chair, will agree on relevant performance goals, targets and results expected of the EO in achieving the company goals in the coming financial year.
7. At least annually the board, led by the chair, will review the EO's performance with him or her and agree successes and where improvements can be made, or where board liaison and direction can be enhanced.
8. The chair maintains an informal relationship with the EO, expects to be kept informed by the EO on all important matters, and is available to the EO to provide counsel and advice where appropriate.
9. At each of its normal monthly meetings the board expects to receive from the EO:
 - operational, financial and other specified performance reports
 - such assurances as the board considers necessary to confirm the business plans are being achieved and the business risks are being managed
 - issues of concern or importance the EO wishes to raise with the board.
10. Acting within the authority delegated, the EO is directed to limit the business risks to the

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Attachment 3

company, including:

- not cause or permit any practice, activity or decision that is contrary to commonly accepted good business practice or professional ethics
- not allocate capital and resources of the company in ways that do not support the company goals
- not cause or permit any action without taking into account the health, safety, environmental and political consequences and their effect on long-term shareholder and stakeholder value
- not cause or permit any action that is likely to result in the company becoming financially embarrassed
- not unnecessarily placed at risk the company's assets through allowing them to be inadequately maintained and protected. In particular, the company will operate with a sound system of internal control, and assets or funds must not be received, processed or disbursed without controls that, as a minimum, meet standards acceptable to the company's external auditors
- not cause or permit anyone to substitute their own risk preferences for those of the board or shareholder
- not permit employees and other parties working for the company to be subjected to treatment or conditions that are undignified, inequitable, unfair or unsafe.

Review cycle

Every year.

13 Governance Policy on Setting and Reviewing a Policy

Purpose

Facilitate board and management conduct and processes through standardised communication of important board decisions and legal compliance in the form of policy and procedure statements.

Relevant documents that influence this policy

Various legislation [to be detailed], Constitution and Board Charter.

Policies

1. Where useful to enhance communications, understanding and compliance, the board and management will publish policy statements with related procedures on how the policy is applied in practice.
2. Policies should only be published where the board and management consider them essential, and be kept as simple and brief as is practical. Typically they are only needed to:
 - aid directors, management and staff in performing at the standards expected by the company in complying with legislation, regulation and internal controls, and conversely, to protect the board and management against non-compliance
 - record enduring board decisions into clear statements of requirements, scope and conduct, so that directors and management can easily refer to and use the information in performing their duties
 - capture and, if useful, expand on governance documents, (particularly the board charter) so the directors and management can readily and easily refer to a particular aspect of governance, without the need to sift through source documents for the information.
3. All policies, including those created by management will be approved by the board, except where approval authority is specifically delegated to the EO.
4. All policies will be reviewed at appropriate intervals to confirm their continued appropriateness.

Procedures

1. The chair and EO will agree on a standard format for all company policy statements, and on a method for registering, storing and reviewing policy and procedures.
2. As a minimum a policy statement will state a purpose, identify the source governance documents it is based on (including the date of any board meeting resolution), state the policy itself and state its review date or cycle.
3. Post any board meeting, after the annual external audit and after any substantive review of business strategy and business risk management, the chair, secretary and EO will consider if changes or additions to policy and procedures are required.
4. Unless otherwise agreed, the EO is responsible for drafting the changes required. After the chair has reviewed these they will go for approval to the next board meeting.
5. The secretary is responsible for providing all directors with a copy of all relevant policies, procedures and updates. Directors are directly responsible for understanding and applying board policies. The EO is responsible for communicating and implementing company policies and procedures.
6. The policy register will highlight the next review date and the secretary will ensure the board and management review the policy timeously. Review dates should be staggered evenly over the calendar year to smooth workload.

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Review cycle

Every two years.

Attachment 3



**Camden Region Economic Taskforce
Pty Limited**

Board Charter

Prepared by Morrison Low Consultants Pty Ltd

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Introduction

The board of directors of Camden Region Economic Taskforce Pty Limited has the ultimate responsibility to Camden Council for the strategy and performance of the company. The board is dedicated to fulfilling these duties in a lawful and professional manner and with the utmost integrity and objectivity. In doing so the board actively pursues best practice governance processes.

This charter document sets out a best practice governance framework for the company. The framework outlines and defines the respective roles, responsibilities and authorities of the board, both individually and collectively, and of the management of the company. It does not in any way constitute legal advice nor act as a substitute for legal advice.

Corporate governance is an evergreen process and as a result the Charter is a living document. The Charter should be regularly reviewed and updated to reflect changes in legislation or developments in board policy and procedure.

Part 1 - Interpretation

In this charter:

- *Act* means The Corporations Act 2001
- *Board* means the appointed directors acting together as a board
- *Business* means the business of the company
- *EO* means the Executive Officer of the company
- *Chair* means the chair of the board
- *Company* means Camden Region Economic Taskforce Pty Limited
- *Company goals* means the goals of the company as set out in Part 2
- *Constitution* means the registered constitution of the company
- *Council* means Camden Council and the Camden Local Government Area
- *Deputy chair* means the deputy chair of the board
- *Director* means a member of the board of directors of the company
- *Management* means the management personnel of the company
- *Management limitations* means the limitations as set out in Part 4
- *Members* means members of the board
- *Secretary* means the board secretary or the person normally exercising the functions of a board secretary
- *Shareholder* means Camden Council

Part 2 - Company goals

General

The purpose of the company is to drive the economic growth of the Camden Local Government Area through leadership and coordination.

Key company goals are to:

- drive growth and development of businesses in the target sectors of the economy as set out from time to time in Council's Economic Development Strategy
- attract and facilitate business and investment into the Camden Local Government Area
- articulate and promote the unique identity of the Camden Local Government Area to attract businesses, residents and visitors.

The capital and resources of the company will be allocated to those assets and activities which will enable it to achieve the company purpose and goals in a manner best serving the interests of the shareholder.

Part 3 - Board governance process

Role of the board

The role of the board is to represent and promote the interests of shareholders in the most cost effective way. In doing so the board will direct and supervise the management of the business and affairs of the company including, in particular to:

- ensure that the company goals are clearly established and strategies are in place for achieving them (such strategies being expected to originate, in the first instance, from management)
- establish policies for strengthening the performance of the company and to ensure that management is actively seeking to build the business through innovation, initiative, technology, products and the development of its business capital
- monitor the performance of management and the achievement of the company goals
- appoint the EO, setting the terms of the EO's employment contract and, where necessary, terminating the EO's employment with the company
- decide on whatever steps are necessary to protect the company's financial position and the ability to meet its debts and other obligations when they fall due, and to ensure that such steps are taken
- ensure the company's financial statements are true and fair and otherwise conform with law
- ensure the company adheres to high standards of ethics and good conduct
- ensure the company has appropriate risk management and regulatory compliance policies in place.

In the normal course of events, day-to-day management of the company will be in the hands of management.

The board's relationship with the shareholder

The board will use its best endeavours to familiarise itself with issues of concern and importance to the shareholder. The board will regularly evaluate economic, political, social and legal issues and any other relevant external matters that may influence or affect the development of the business or the interests of the shareholder and, if thought appropriate, will take outside expert advice on these matters.

The board's relationship with other stakeholders

The board will use its best endeavours to familiarise itself with issues of concern to all relevant stakeholders. The board recognises that the company's long-term survival and prosperity are closely intertwined with the environments and markets within which it operates and the extent to which the company is seen as a responsible corporate citizen.

Code of conduct

The board has adopted and applies the Director and Officer Code of Conduct set out in Appendix I. The code outlines the minimum standards of behaviour required by all directors and officers of the company.

Board procedures

The conduct of members will be consistent with their duties and responsibilities to the company and, indirectly, to the shareholder. The board will be disciplined in carrying out its role, with the emphasis on strategic issues and policy. Members will always act within any limitations imposed by the board on its activities.

Members will use their best endeavours to attend board meetings and to prepare thoroughly. Members are expected to participate fully, frankly and constructively in board discussions and other activities and to bring the benefit of their particular knowledge, skills and abilities to the board table. Members unable to attend a meeting will advise the chair at the earliest date possible and confirm in writing to the secretary.

Board discussions will be open and constructive, recognising that genuinely-held differences of opinion can, in such circumstances, bring greater clarity and lead to better decisions. The chair will, nevertheless, seek a consensus in the board but may, where considered necessary, call for a vote. All discussions and their record will remain confidential unless there is a specific direction from the board to the contrary, or disclosure is required by law, or as agreed with the shareholder. Subject to legal or regulatory requirements the board will decide the manner and timing of the publication of its decisions.

The board has sole authority over its agenda and exercises this through the chair. Any member may, through the chair, request the addition of an item to the agenda. The agenda will be set by the chair in consultation with the EO and the secretary.

The board will normally hold monthly meetings in accordance with a schedule approved by the board, and will hold additional meetings as the occasion requires. At each meeting the board will consider:

- if the Conflicts of Interest Register of directors requires updating and changes minuted
- an operational report from the EO
- a financial report
- specific proposals for major expenditure or contractual arrangements
- major issues and opportunities for the company, including those affecting strategy, risk, legislation and compliance.

In addition the board will, at intervals of not more than one year:

- review the company goals and ensure these remain aligned with shareholder expectations and the annual statement of corporate intent
- review the strategies and operating plans for achieving the company goals
- approve the annual budget
- approve the annual and half-yearly financial statements, reports to the shareholder and public announcements
- approve the annual report
- review the board composition, structure and succession
- review the company's audit requirements

- review the performance of, necessity for and composition of any board committees
- undertake board and individual member evaluations
- review the EO's performance and remuneration
- review board initiated or approved policies and practices
- review risk assessment policies and controls including insurance covers and compliance with legal and regulatory requirements
- review the company's code of conduct and ethical standards
- review shareholder and stakeholder relations
- settle the following year's board work plan.

Board meetings must have a quorum of more than half the number of appointed directors to proceed.

Members are entitled to have access, at all reasonable times, to all relevant company information and to management.

Members are expected to strictly observe the provisions of the Act applicable to the use and confidentiality of company information. In making policy, the board will not reach specific decisions unless it has considered the more general principles upon which they are founded, and in reaching other specific decisions the board will consider the policies against which the decisions are made.

Chair and deputy chair

The shareholder will elect the chair at the annual general meeting or a special meeting called for that purpose. If considered necessary the board will appoint, from among the members, a deputy chair. The deputy chair will deputise for the chair in his or her absence or at his or her request.

Key responsibilities of the chair are to:

- represent the board to the shareholder and manage that relationship constructively and openly
- ensure the integrity and effectiveness of the governance process of the board as set out in Part 3
- facilitate meetings of the board to ensure that no member dominates discussion, that appropriate discussion takes place and that relevant opinion among members is forthcoming and valued
- ensure that board discussions result in logical and understandable outcomes and that meeting minutes fairly and prudently reflect key aspects of the discussions and decisions of the board
- maintain regular dialogue with the EO over strategic and operational matters
- consult with the full board promptly over any matter that gives him or her cause for major concern
- be the primary spokesperson of the board.

Board committees

Board committees will be formed only when it is necessary to facilitate efficient analysis and decision-making. Board committees will be provided with a 'terms of reference' and will observe the same rules of conduct and procedure as the board unless the board determines otherwise. Board committees will only speak or act for the board when so authorised. The authority conferred on a board committee will not derogate from the authority delegated to the EO.

Board composition and mix

The composition of the board will reflect the duties and responsibilities it is to discharge and perform as representative of the interests of the shareholder and in setting the company's strategy and seeing that it is implemented.

Generally, the qualifications for board membership are the ability and intelligence to make sensible business decisions and recommendations, an entrepreneurial talent for contributing to the creation of shareholder and Camden business community value, the ability to see the wider strategic picture, the ability to ask the hard questions, commercial experience, high ethical standards, sound practical sense, and a total commitment to furthering the interests of the shareholder in achieving the company goals.

The size of the board will be such that the common purpose, involvement, participation, harmony and sense of responsibility of the members are not jeopardised. It must be large enough to ensure a range of knowledge, views and experience. Generally, the number of members will be between five and eight.

Members will hold office initially for a three year term following their first appointment (or, if appointed by the board between annual meetings, from the date of the meeting next following the appointment), be subject for reappointment for an additional two terms, and retire in accordance with the constitution.

Conflict of interest

Directors must declare to the board all potential or actual conflicts of interest in a clear and complete manner. These conflicts will be entered into the company's conflicts of interest register which is maintained by the secretary.

Directors should indicate to the chair and update their disclosure by notifying the secretary as soon as they become aware of any new conflict.

Under the Act a director who has an interest in a matter can give the other directors standing notice of the nature and extent of the interest in the matter at any time, whether or not it relates to the affairs of the company at the time notice is given.

Subject to the Act and Constitution, a director who is in any way interested in any existing or proposed contract or arrangement may, despite that interest be counted in determining whether or not a quorum is present at any meeting of directors considering that contract.

Induction of new members

Potential new members are encouraged to carry out due diligence on the company before accepting an appointment to the board. On their first appointment members will have the benefit of an induction programme aimed at deepening their understanding of the company and the business and the environment in which the company operates. As part of the programme, members will receive a folder of essential board and company information and meet key management.

All potential members, before taking up a board appointment in the company, must declare their existing interest in employed roles, directorships held and in any actual or potential conflicts, and agree with the board and their own organisations that there are no conflicts that will detrimentally affect their performance and participation as a member.

Members are expected to keep themselves abreast of changes and trends in the business, the company's environment and markets and to keep abreast of changes and trends in the economic, political, social and legal climate generally.

Directors' remuneration

Directors will receive no directors' remuneration but will be reimbursed for expenditure incurred directly in performance of their duties as agreed by board policy.

Directors will not accept any gifts, gratuities, benefits, services or hospitality from any source in relation to their role as a board member or because of their association with the company.

Other board appointments

While holding office in the company any member is at liberty to accept other board appointments so long as the appointment does not detrimentally affect the member's performance as a member through a conflict of interest. All other appointments must first be discussed with the chair before being accepted and potential conflicts clearly disclosed and considered.

Independent professional advice

Any member is entitled to obtain independent professional advice relating to the affairs of the company or to his or her other responsibilities as a member. If a member considers such advice is necessary the member shall first discuss it with the chair and, having done so, shall be free to proceed.

Subject to the prior approval of the chair, the cost of the advice will be reimbursed by the company but the member will ensure, so far as is practicable, that the cost is reasonable.

Board and member evaluations

The board will, each year, critically evaluate its own performance, and its own processes and procedures to ensure that they are not unduly complex and are designed to assist the board in effectively fulfilling its role.

Each year individual members will be evaluated by a process whereby the board determines questions to be asked of each member about him or herself and about each other including the chair, each member answers the questions in writing, and the responses are collected and collated by the chair who then discusses the results with each member. The chair's own position is discussed with the deputy chair and/or the rest of the board.

Legal obligations

Directors operate in a complex legal environment based on enacted legislation and common law. The directors exercise the legislative powers of the company, except where the law or constitution requires the shareholder to exercise that power. As such, the directors have ultimate responsibility for the successful operations of the company.

Directors should ensure they have a general understanding of relevant legislation, regulations and common law and consider taking expert advice when they do not fully understand legal issues of importance or their potential implications.

A director broadly has three types of duty:

- A fiduciary duty
- A duty of care and diligence
- Statutorily imposed duties

Directors have a potential liability for negligence if they do not perform their duties effectively.

Under the Act, the directors must act in the best interests of the company. As Council, being the sole shareholder, has set up the company to help achieve its strategic goals, the constitution has broadened this

obligation and requires the directors to act in a way that best achieves both the shareholder and the company's interests.

Indemnities and insurance

Subject to the company's constitution the company will provide members with, and will pay the premiums for, indemnity and insurance cover while acting in their capacities as members, to the fullest extent permitted by the Act.

The company secretary

The appointment of the company secretary (if any) is made on the recommendation of the EO and must be approved by the board. The secretary is responsible for ensuring that board procedures are followed, that the applicable rules and regulations for the conduct of the affairs of the board are complied with and for all matters associated with the maintenance of the board or otherwise required for its efficient operation.

All members, particularly the chair, have access to the advice and services of the secretary for the purposes of the board's affairs and the business.

Part 4 - Board - Management relationship

Position of EO

The board will link the company's governance and management functions through the EO. All board authority conferred on management is delegated through the EO so that the authority and accountability of management is considered to be the authority and accountability of the EO so far as the board is concerned. The board must agree to the levels of sub-delegation immediately below the EO.

The board will agree with the EO the specific results directed towards the company goals. This will usually take the form of an annual performance contract under which the EO is authorised to make any decision and take any action within the management limitations, directed at achieving the company goals.

The chair maintains an informal link between the board and the EO, expects to be kept informed by the EO on all important matters, and is available to the EO to provide counsel and advice where appropriate. Only decisions of the board acting as a body are binding on the EO. Decisions or instructions of individual members, officers or committees should not be given to the EO and are not binding in any event except in those instances where specific authorisation is given by the board.

Accountability of EO to board

The EO, in association with the chair, is accountable to the board for the achievement of the company goals and the EO is accountable for the observance of the management limitations. At each of its normal monthly meetings the board should expect to receive from or through the EO:

- operational and other reports and proposals referred to above
- such assurances as the board considers necessary to confirm that the management limitations are being observed.

Management limitations

The EO is expected to act within all specific authorities delegated to him or her by the board. The EO is expected to not cause or permit any practice, activity or decision that is contrary to commonly accepted good business practice or professional ethics. In allocating the capital and resources of the company the EO is expected to adhere to the company goals. The EO is expected to not cause or permit any action without taking into account the health, safety, environmental and political consequences and their effect on long-

term shareholder and stakeholder value.

In financing the company, the EO is expected to not cause or permit any action that is likely to result in the company becoming financially embarrassed. The assets of the company are expected to be adequately maintained and protected, and not unnecessarily placed at risk. In particular, the company must be operated with a comprehensive system of internal control, and assets or funds must not be received, processed or disbursed without controls that, as a minimum, are sufficient to meet standards acceptable to the company's external auditors.

In managing the risks of the company, the EO is expected to not cause or permit anyone to substitute their own risk preferences for those of the board or the shareholder (for example, as expressed through a board approved risk management plan). The EO is expected to not permit employees and other parties working for the company to be subjected to treatment or conditions that are undignified, inequitable, unfair or unsafe.

Part 5 - Reference material

This section provides additional information on the constitution and on certain board practices that can aid directors in the performance of their duties.

Constitution

While directors must be familiar with the full constitution, the following clause references show where more detail can be found on some of the more frequently referred to responsibilities, processes and procedures (Note that in the constitution a 'member' is equivalent to shareholder; unless it is stated that a member is of the board of directors):

- *Not for Profit Company.* Clause 3 sets out the constraints required to comply with being a Not for Profit
- *Powers of the Company.* Clause 4 defines the company's powers to act
- *Powers and Duties of Directors.* Clauses 26 and 27 set out the formal powers and duties of directors
- *Board Meetings.* Clause 29 has essential procedures and requirements of board meetings including quorums
- *Minutes.* Clause 34 sets out the minimum requirements of board meeting minutes
- *Appointment of Secretary and EO.* Clauses 33 and 36 deal with these appointments and roles
- *Seal.* Clause 37 sets out use of the company seal
- *Maintenance of Books, Registers and Records.* Clause 40 sets out minimum requirements of keeping these

Policy register

Governance policy and procedures have been prepared that set out in more detail some of the charter requirements and those of other governance and legislative documents. The register and policies are available to all members. The initial set of policies and procedures completed at launch of the company are:

- *Board/Shareholder Consultation Policy*
- *Board Subcommittee Policy*
- *Board Member Induction Policy*
- *Board Powers Policy*
- *Risk Management Policy*
- *Board Expenditure and Procurement Policy*
- *Ethics and Conduct Policy*
- *Conflicts of Interest Policy*
- *Independent Professional Advice Policy*
- *Board Meetings Policy*

- *Board and Member Evaluation Policy*
- *EO/Board Relationship Policy*
- *Governance Policy on Setting and Reviewing a Policy*

Appendix I - Director and Officer Code of Conduct

In accordance with legal requirements and agreed ethical standards, the directors and officers will:

- act honestly, in good faith and in the best interests of the company as a whole*
- owe a fiduciary duty to the company as a whole
- use the powers of the office for a proper purpose, in the best interests of the company and the shareholder
- have a duty to use care and diligence in fulfilling the functions of office and exercising the powers attached to that office*
- act with the level of skill, care and diligence reasonably expected from a director or officer of a company with a visible community profile and a public sector shareholder
- demonstrate commercial reasonableness in decision making
- have a 'no surprises', open and constructive relationship with council as shareholder
- not make improper use of information acquired as a director or officer*
- keep confidential, information received in the course of the exercise of their duties, and such information remains the property of the company and it is improper to disclose it, or allow it to be disclosed, unless that disclosure has been authorised by the person from whom the information is provided, or is required by law*
- ensure that property, information and position are not misused for personal benefit or to compete with the company
- ensure the efficient use of the company's assets for legitimate business purposes
- ensure high standards of disclosure and audit integrity in relation to the company's activities and financial performance
- not allow personal interests or the interest of any associated person to conflict with the interests of the company
- make reasonable enquiries to ensure that the company is operating efficiently, effectively and legally towards achieving its goals
- undertake diligent analysis of all proposals placed before them at board or management meetings
- be independent in judgment and actions and take all reasonable steps to be satisfied on the soundness of all decisions of the board*
- not engage in any conduct likely to bring discredit to the company and the shareholder
- ensure dealings between the company and its customers, suppliers and other stakeholders are conducted in a lawful and fair manner
- encourage the reporting of unlawful/unethical behaviour and actively promote ethical behaviour and protection for those who report violations in good faith
- give of their specific expertise generously to the company
- comply with the spirit, as well as the letter, of the law and the principles of the charter. *

*From the AICD Code of Conduct



Service Level Agreement

Between
**Camden Region Economic Taskforce
Pty Limited**
and
Camden Council

Prepared by Morrison Low Consultants Pty Ltd

ORD02

Attachment 5

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1 Introduction

This Agreement provides a framework for the provision of Support Services (the "Services") by Camden Council to Camden Region Economic Taskforce Pty Limited, a wholly owned Company of Camden Council.

The objective of the Camden Region Economic Taskforce Pty Limited is to drive the economic growth of the Camden local government area through leadership and coordination.

2 Parties to the Agreement

Client	Camden Region Economic Taskforce Pty Limited
Client Representative	xxxxxxx, Executive Officer, Camden Region Economic Taskforce Pty Limited
Service Provider	Camden Council
Service Provider Representative	Ron Moore, General Manager

3 Purpose

While Camden Region Economic Taskforce Pty Limited remains Council owned, it is in all respects an independent entity that day to day operates on an arm's length basis from Council.

To ensure transparency of operations and drive efficiencies in the Client's operations it is necessary to establish the terms of the services that the Client will obtain from Camden Council.

This Agreement provides a framework for the continued development of an effective, constructive relationship between the Client and the Service Provider.

Both Parties agree that at all times their overriding requirement is to work together to deliver services by the Client to the Council and its Community in the most effective and efficient manner possible.

4 Objective

The Service Provider shall provide to the Client timely, accurate and relevant Services in order to enable the Client to effectively manage its business.

The Client shall provide to the Service Provider true and accurate information to all enquiries in order to enable the Service Provider to operate effectively.

The Parties shall be proactive in providing advice and information to each other and work together to deliver customer focused, quality outcomes in a timely manner.

The objective of this Agreement is to:

- establish an arrangement that facilitates the efficient and effective delivery of services to the community
- creates a 'positive tension' between the Parties which drives continuous improvement and delivers better services to the community
- establish processes to work together and solve problems in a positive manner and maintain a positive working relationship
- ensure that Council meets its legislative and other obligations
- define clearly the roles of the Parties
- ensure that appropriate levels of specification and documentation are provided
- minimise the financial and operational risks associated with the Camden Region Economic Taskforce.

5 Functions of the Parties

5.1. Functions of Camden Region Economic Taskforce Pty Limited

The functions of the Company shall be to:

- drive growth and development of businesses in the target sectors of the economy as set out from time to time in Council's Economic Development Strategy
- attract and facilitate business and investment into Camden, and
- articulate and promote Camden's unique identity to attract businesses, residents and visitors.

5.2. Functions of Camden Council Corporate Services

Finance

The role of the Finance team within this Agreement is to manage all aspects of the Camden Region Economic Taskforces finance.

Human Resources

The role of Human Resources Department within this Agreement is to provide the following services:

- Payroll services
- Staff recruitment and engagement
- Workers compensation case management
- Staff training and development
- WH&S incident management and reporting, and
- Support Camden Region Economic Taskforce with the provision of Human Resource Services

Information Technology

The role of the IT Department within this Agreement is to provide the following services:

- Advice and support relating to any IT purchases by the Company, and
- Onsite and offsite technical support to all IT equipment

Legal Services

- The client must obtain at its expense, independent legal advice in relation to any legal matter.

6 Period of Agreement and Renewal

This Agreement will take effect from XXXX 2015 and will continue until terminated in writing by the mutual consent of the Parties.

The Agreement will be reviewed annually and shall include:

- the scope of services, including service levels
- deliverables, and
- pricing.

The annual review of this Agreement will be undertaken in March each year beginning in 2016. Any changes to this Agreement resulting from the review will be duly documented and signed by the Parties' representatives and will be implemented from the following 1 July each year.

7 Services

7.1. Scope of services

In performing the Services, the Service Provider shall at all times:

- act in a competent, responsive and professional manner embracing best practice and in accordance with the policies and accepted practices of Camden Council
- consult with the Client prior to actioning any significant changes to core Council systems
- ensure that Corporate Services staff working with the Client to provide data and in using information are trained and resourced to do so competently
- develop and maintain procedures and protocols to ensure good business management practices are followed and that these are reviewed as required
- offer the best value means of delivering the agreed services having regard to the overall Council requirements.

The Services are those set out in Appendix A of this Agreement.

7.2. Performance standards

In order to ensure the ongoing quality and consistency of the advice provided by the Service Provider in accordance with this Agreement, appropriate service levels and performance measures have been agreed between the Parties and are set out in Appendix A.

8 Operation of Agreement

The Agreement may be varied at any time by mutual agreement in writing, with the changes noted and the details recorded as a supplement to this Agreement.

During the course of this Agreement if an additional or special service provision is required, the Client and the Service Provider are required to discuss the scope, methodology, timing and price for service. Such additional or special service will be regarded as a variation to this Agreement and recorded accordingly.

9 Reporting

The Service Provider shall provide a monthly report to the Client containing:

- Agreed deliverables
- Performance of the Service as measured against the performance standards agreed in Appendix A.
- Any major concerns, issues or opportunities relating to the services provided.
- [And other relevant issues]

Regular monthly management meetings will be held at a time to be agreed to review matters arising in the monthly reports as well as to discuss service standards, costs and future requirements.

The meeting will be chaired by the General Manager who will also provide administrative support regarding production of the agenda and minutes of the meeting. Any agreed actions should be documented and signed off by both Parties.

10 Payment for Services

The Parties agree that payment for the services provided under this Agreement shall be in accordance with Appendix B.

11 Dispute Resolution

The Parties envisage a highly collaborative relationship and it is intended that any practical difficulties encountered will be resolved by the Parties in a cooperative, realistic, and practical manner. As a consequence, there is no provision for either party to walk away from the Agreement or cancel it prematurely.

Any disputes will initially be referred to Director of Customer and Corporate Services for resolution and the Parties agree to engage completely in any process, discussion or mediation that the Director of Customer and Corporate Services consider necessary.

In the event that the Parties are unable to agree a resolution within ten working days the matter shall be referred to the General Manager who shall have the final decision.

Appendix A The Services

Part A – Finance

1. Précis

The Service Provider shall be responsible for providing professional financial services and information to the Client in order to support all aspects of its operations.

The Client shall be responsible for providing operational services and information to the Service Provider in order to support all aspects of its operations.

The Parties are expected to be proactive in the way they provide advice and support.

2. Scope of Services to be Provided by the Service Provider

The scope of services covered by the Agreement includes, but is not necessarily limited to, provision of the following professional services activities:

2.1. Management Reports

- (a) Budgets
- (b) Actuals
- (c) Profit and Loss Statements
- (d) Balance Sheet
- (e) Cashflow Statements

2.2. Cash Management

- (a) Accounts receivables
- (b) Creditors
- (c) Debtors
- (d) Bank Reconciliation

2.3. Board Reports

To be confirmed.

3. Scope of Service to be Provided by the Client

The Board and Council will consult to determine the scope of service.

4. Deliverables and Time Schedule

Deliverable	By which Party	Time for Delivery
All Management Reports listed	Service Provider	Appropriate Dates
Cash Management	Service Provider	Appropriate Dates
Inputs to Council/Committee reports	The Client	Appropriate Dates

ORD02

5. Performance Standards

Key Result Area	On which party	Performance Targets
Appropriately resourced	Service Provider	
Quality of advice	Service Provider	
Attendance at Board meetings	Service Provider	
Timely reporting	Service Provider	
Creditor payments	Service Provider	
Debt Collection	Service Provider	
Invoicing	Service Provider	
Accuracy of Information	Service Provider	

Attachment 5

Part B – Human Resources

1. Précis

The Service Provider shall be responsible for providing professional Human Resource Management services and information to the Client in order to support all aspects of its operations.

The Client shall be responsible for providing operational services and information to the Service Provider in order to support all aspects of its operations.

The Parties are expected to be proactive in the way they provide advice and support.

2. Scope of Services to be Provided by the Service Provider

The scope of covered by the Agreement includes, but is not necessarily limited to, provision of the following professional services activities:

2.1. Human Resource Management

2.1.1. Undertake recruitment processes

- Role definition and prepare job descriptions
- Arrange advertising
- Organise and assist with interviews
- Arrange reference checks
- Arrange engagement and induction requirements

2.1.2. Staff retention

- Assist with retention strategies (talent management, career progression, recognition and reward etc)

2.1.3. Training

- Source training
- Deliver generic training programs
- Manage apprenticeship and trainee requirements
- Manage training records

2.1.4. Policies

- Working away from home
- Return to work

2.1.5. Industrial relations

- Contract negotiations
- Disputes, disruption and disharmony

2.1.6. Workplace health and safety

- Staff surveys
- Competency assessments
- Risk identification and reduction
- Work life balance/healthy life style programs
- Rehabilitation
- Carry out statutory processes

- Advise on WH&S Policies

2.1.7. Human resource management and administration

- Performance management system
- Dismissal process management
- Succession planning
- Manage HR records

2.2. Council and Committee reports

Regular operational and financial reporting will be determined by consultation between the Council and Board at a later date.

2.3. Council planning

The planning relationship and requirements will be determined by consultation between the Council and Board at a later date.

Scope of Services to be Provided by the Client

2.4. Workplace Health and Safety

Reporting required

3. Deliverables and Time Schedule

Deliverable	By Which Party	Time for Delivery
Human Resources Management	Service Provider	Appropriate Dates
Council/committee reports	Service Provider	
Recruitment	Service Provider	
WHS Reports	The Client	Daily/Monthly

4. Performance Standards

Key Result Area	On Which Party	Performance Targets
Human Resources Length of time to recruit	Service Provider	
Participant satisfaction with training	Service Provider	
Injury management (notification to insurer)	Service Provider	
Timely reporting	Service Provider	
% of successful disciplinary actions	Service Provider	
Staff turn over	Service Provider	
Plans completed on time	Service Provider	

Part C – Information Technology

1. Précis

The Service Provider shall be responsible for providing professional Information Technology Management services and information to the Client in order to support all aspects of its operations.

The Client shall be responsible for providing operational services and information to the Service Provider in order to support all aspects of its operations.

The Parties are expected to be proactive in the way they provide advice and support.

2. Information Services

2.1. Strategy

- 2.1.1. Software, infrastructure and architecture planning
- 2.1.2. Policies, process and procedures

2.2. Business Systems and Applications

- 2.2.1. Software acquisition
- 2.2.2. Software customisation
- 2.2.3. Software implementation
- 2.2.4. Software maintenance and management
- 2.2.5. Business analysis and scoping
- 2.2.6. Software management (version, change management, testing etc)

2.3. Infrastructure maintenance and acquisition

- 2.3.1. PC and laptop networks
- 2.3.2. Mobile devices
- 2.3.3. Printers
- 2.3.4. Telephone

2.4. Business Continuity

- 2.4.1. Risk assessment and management
- 2.4.2. Disaster recovery
- 2.4.3. Contingency planning
- 2.4.4. Backup and storage management
- 2.4.5. Emergency response

2.5. Security

- 2.5.1. Access management and authentication
- 2.5.2. Remote access
- 2.5.3. Audit
- 2.5.4. Network security
- 2.5.5. Records management

2.6. Emerging Technologies

- 2.6.1. Cloud computing
- 2.6.2. Web
- 2.6.3. Social media
- 2.6.4. Online requests

ORD02

Attachment 5

3. Deliverables and Time Schedule

Deliverable	By Which Party	Time for Delivery
IT Services	Service Provider	Service standards need to be listed and defined e.g. Urgent response 4 hrs Non Urgent response 24hrs etc

4. Performance Standards

Key Result Area	On Which Party	Performance Targets
Full or part system outages (number, length)	Service Provider	
Response times to service requirements <ul style="list-style-type: none"> - No of help desk enquiries - % of help desk enquiries resolved within agreed timeframes - By importance - By location 	Service Provider	
Compliance with service standards	Service Provider	
% of annual ICT plan implemented	Service Provider	
Security breaches	Service Provider	
Customer complaints about access to IT services	Service Provider	
Annual report provided on emerging opportunities	Service Provider	
Proportion of acquisitions and installation in accordance with project plans	Service Provider	

Appendix B Basis of Payment

Payment

The total lump sum shall be paid on a monthly pro rata basis.

Schedule of Prices

Item	Description	Annual Price \$
A	Finance	
B	Human Resources	
C	Information Technology	
D	Legal Services	
	Total lump sum	

Appendix B1 Services to be provided by the Client

1. Précis

The Client shall be responsible for providing a range of services relating to economic development advice and information to the Client in order to support all aspects of its operations.

The Client shall be responsible for providing operational services and information to the Service Provider in order to support all aspects of its operations.

The Parties are expected to be proactive in the way they provide advice and support.

2. Economic Development Support

2.1. Strategic advice

2.2. Policy development

2.3. Monitoring and reporting

3. Deliverables and Time Schedule

Deliverable	By Which Party	Time for Delivery

4. Performance Standards

Key Result Area	On Which Party	Performance Targets



ORDINARY COUNCIL

ORD03

ORD03

**SUBJECT: ACQUISITION OF HARRINGTON PARK SITE - LOT 3555 DP 1118206
SIR WARWICK FAIRFAX DRIVE, HARRINGTON PARK**
FROM: Director Customer & Corporate Services
TRIM #: 15/226678

PURPOSE OF REPORT

This report seeks Council approval to acquire a parcel of land (2282 sqm) at Harrington Park (Lot 3555 DP 118206) from Dandaloo Pty Ltd.

BACKGROUND

Correspondence has been received from John M Daly and Associates (JMD) on behalf of Dandaloo Pty Ltd seeking to transfer a parcel of land to Council. A copy of the correspondence is **attached**.

The land is zoned as Public Recreation and JMD in their letter state “*This land is surrounded by already created public and drainage reserves and was always intended to be a drainage reserve with the Title vested in Camden Council*”.

There was no legal instrument for the transfer of land over to Council, in other words, there is no condition of consent or VPA requirement for the land to be dedicated to Council.

In the absence of any legal instrument, agreement or justification for the land to be transferred to Council, it is necessary to consider whether Council has an interest in acquiring the land. Pursuant to section 377(1)(h) of the *Local Government Act 1993*, (the Act) the Council must determine the decision to purchase any land or property.

MAIN REPORT

The land adjoins a Council owned drainage reserve and from a user perspective, it is difficult to delineate the boundary between Council’s land and this parcel of land. Furthermore, a pathway has been constructed across the land which connects the path to the adjoining Council owned land.

Apart from a minimal maintenance cost of approximately \$500 per annum there would be no adverse impact to Council acquiring this land.

The positives of acquiring this land include:-

- Council owns the surrounding parcels of land as drainage reserve and this transfer would provide a complete open space area into Council’s ownership;
- A pathway has been constructed on this land for the benefit of the community; and
- It is difficult to delineate the exact area between the boundaries.

Previous legal advice has been sought on the acquisition of land by Council in similar circumstances and is outlined as follows:



- Whether the payment of a nominal consideration for the land represents any issues to Council

Council may contribute some form of consideration for the land. As such, consideration of \$1.00 is proposed.

The only issue that may arise is whether \$1.00 represents valuable consideration for the land for the purposes of stamp duty payable on the transaction. However, as Council is exempt from paying duty, this is not an issue.

- If Council accepts the land, does this set a precedent
Section 186 of the Act states that Council may acquire land for the purpose of exercising any of its functions. Any decision by Council to acquire land would have to be determined on a case by case basis, having regard to whether acquiring the land is for the purpose of exercising any of its functions and giving reasons in support of the acquisition.
- Are there any probity issues associated with the transfer
It is not considered that there are any probity issues, provided the process is kept transparent and the reasons for the decision are duly recorded.

In this instance, the acquisition of land is logical in that it ensures a cohesive open space area which is already being used for a community purpose.

All land that comes into Council ownership must be classified as operational land or community land in accordance with the Act. All drainage reserves within the local government area are currently classified as operational land, so therefore it would be appropriate to classify this land as operational land.

Section 34 of the Act requires public notice to be given of a proposed resolution to classify public land. In order to formalise the proposed classification as operational land, public notice will be given allowing for submissions to be made. Should any submissions be made, a report will be presented back to Council seeking final approval of the classification.

FINANCIAL IMPLICATIONS

Council would incur a minimal maintenance cost of approximately \$500 per annum. There is no additional cost to Council other than the \$1.00 consideration as part of the transfer of sale.

The owner would be responsible for all legal costs incurred in relation to the transfer of land.

CONCLUSION

Council officers have reviewed the offer to transfer Lot 3555 DP 1118206 Sir Warwick Fairfax Drive, Harrington Park from Dandaloo Pty Ltd and are satisfied that it would be appropriate for Council to take ownership of this land.



RECOMMENDED

That Council:

- i. acquire Lot 3555 DP 1118206 Sir Warwick Fairfax Drive, Harrington Park for consideration of \$1.00 for the reasons set out in the report;**
- ii. that Council authorise the execution of the Transfer and all necessary documents for the acquisition of Lot 3555 DP 1118206 to be completed under Council's Power of Attorney, granted on 27 August 2013, Minute Number ORD215/13, or by affixing the Common Seal of Council;**
- iii. notify Dandaloo Pty Ltd that the transfer of land has been accepted by Council;**
- iv. place the proposed "operational" classification of the land on public exhibition; and**
- v. should no submissions be made, Council resolve to classify Lot 3555 DP 1118206 Sir Warwick Fairfax Drive, Harrington Park as operational land. If submissions are received, a further report will be presented to Council following the exhibition period.**

ATTACHMENTS

- 1. Letter from JMD**

ORD03

ORD03

Attachment 1

John M. Daly
and Associates Pty Ltd
ABN 88 051 977 989



Our Ref: 07096 (3555)
Date: 11 March 20115

General Manager
Camden Council
37 John Street
CAMDEN NSW 2570

32 Iolanthe Street
Campbelltown NSW 2560
P.O. Box 25
Campbelltown NSW 2560
Ph: (02) 4625 5055
Fax: (02) 4628 2013
Email: admin@jmd.com.au

ATTENTION: KIM FURY

Dear Kim

Re: Transfer of Land to Council

I refer to earlier correspondence to John Rooke from Council in regard to the handover of land to Camden Council and provide further information for your consideration. Harrington Estates wishes to transfer to Council a section of land to the north of Fairwater Gardens, known as Lot 3555 in DP1118206 which is in the ownership of Dandaloo Pty Ltd. This land is surrounded by already created Public and Drainage Reserves and was always intended to be a Drainage Reserve with the Title vested in Camden Council.

Please find attached:-


- Plan showing residue lot for transfer to Council – Ref: Lot 3555
- Photos showing current site conditions
- Aerial photo of site and adjacent land

As can be seen in the first plan, Lot 3555 in DP1118206 is a small section of land that had not been transferred to Council at the time of creation of either DP1048741 or DP1089025, as the developer was still undertaking works in this locale, associated with the adjoining subdivision. Those works have now been completed, and the pathway finalised. The photos show the pathway and adjoining mowed and maintained area within the Public Reserve (DP1048741) and the aerial shows that this site and the area covered by Lot 3555 in DP1118206 are identically maintained. It is my understanding that it is Camden Council that is undertaking this maintenance.

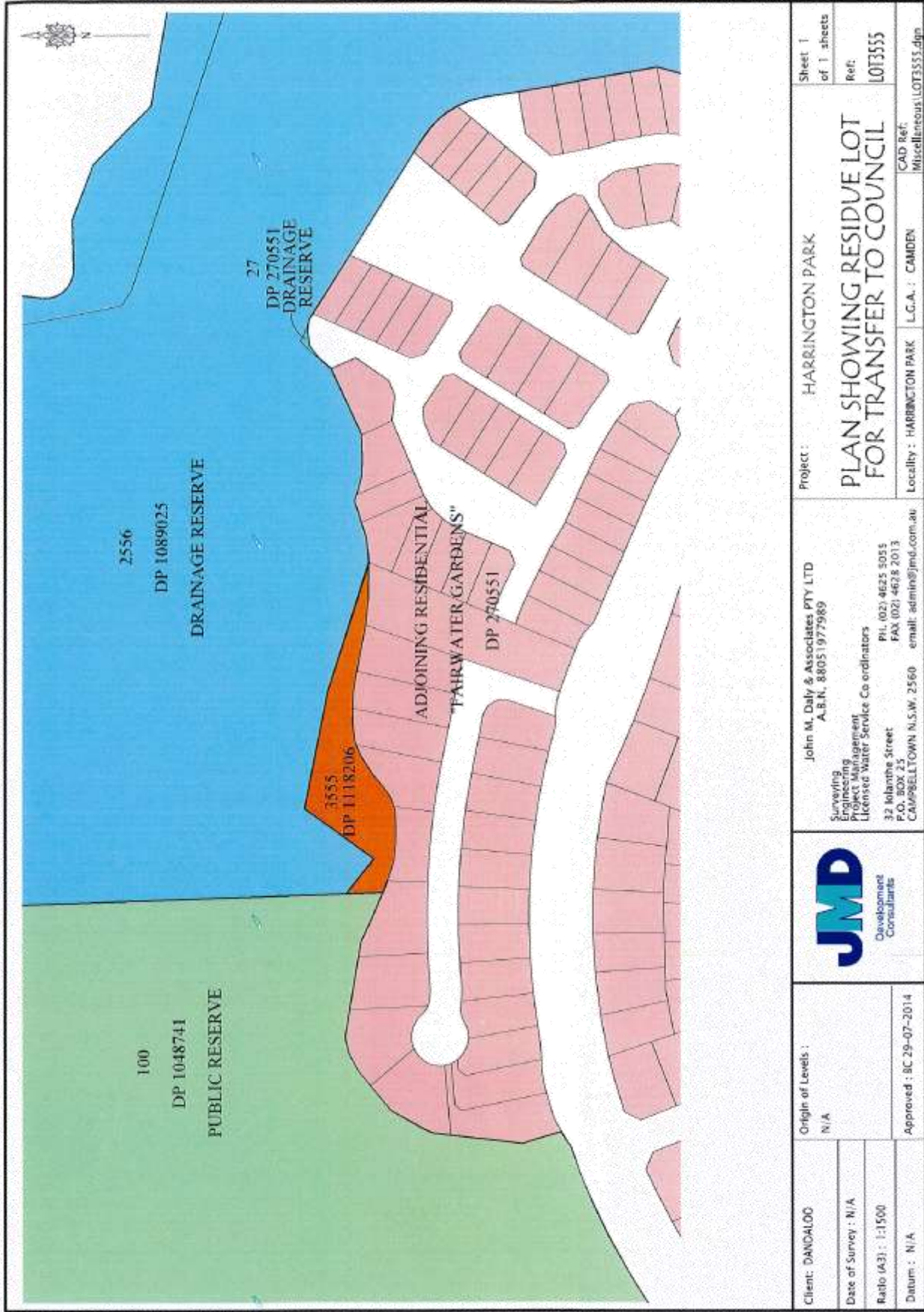
As this site is being maintained, it follows that the land should be transferred to Camden Council as operational land. Harrington Estates accepts that this land is to be transferred to Council "at no cost" to Council.

It would be appreciated if you could present this matter to Council for finalisation.

Yours faithfully
JOHN M DALY & ASSOCIATES PTY LTD


.....
Michael Gordon
Project Surveyor

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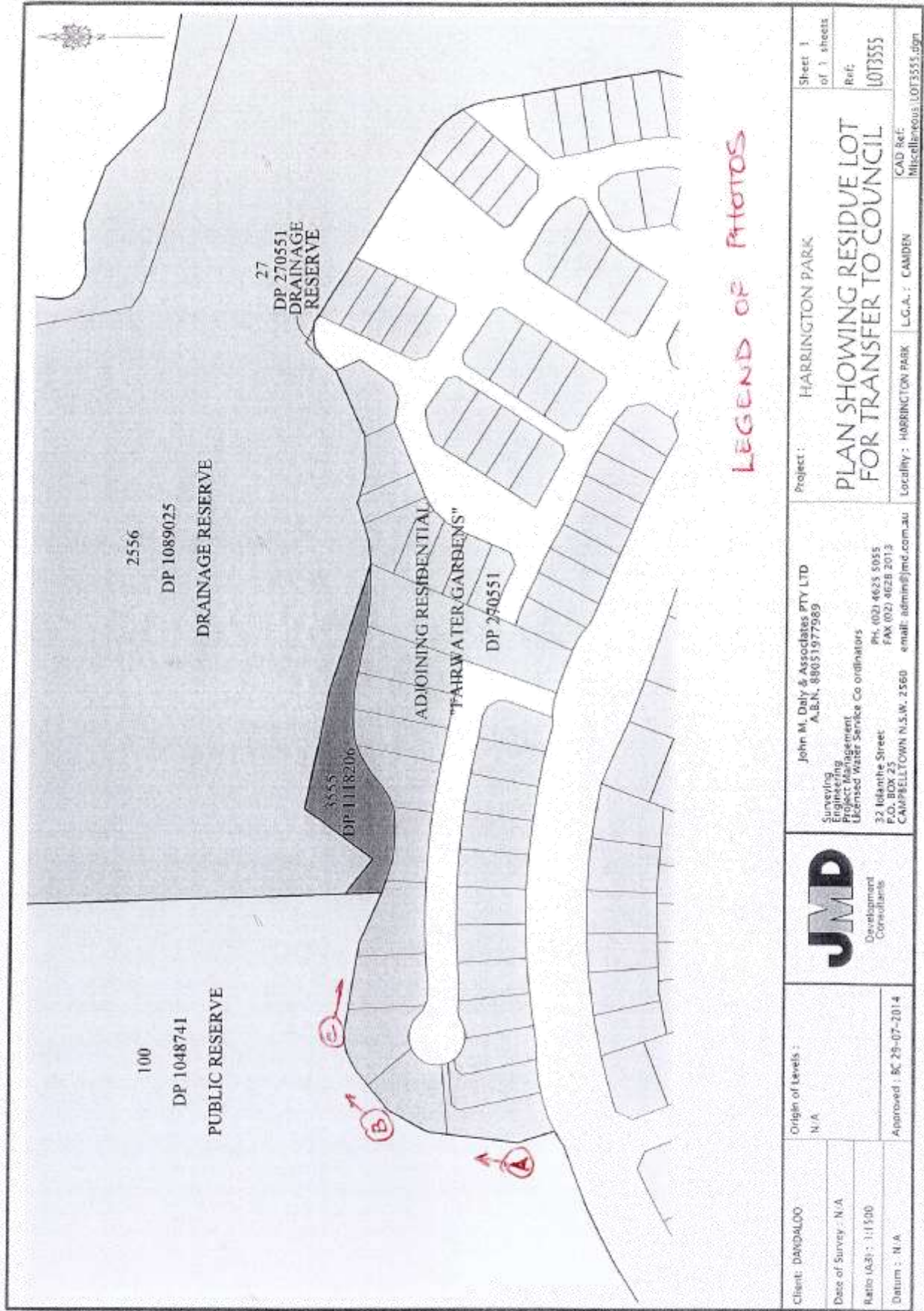


The info shown on this plan relates to the original plan, produced by JMD only. Any photocopying or printing from digital files provided (generously) may vary significantly after the info of the plan.

Client: DANCALOOD	Origin of Levels: N/A		John M. Daly & Associates PTY LTD A.B.N. 88051977989 Surveying Engineering Project Management Licensed Water Services Co ordinators 32 Johnson Street P.O. BOX 25 CAMPBELLTOWN N.S.W. 2560 email: admin@jmd.com.au	Project: HARRINGTON PARK	Sheet 1 of 1 sheets
Date of Survey: N/A				PLAN SHOWING RESIDUE LOT FOR TRANSFER TO COUNCIL	Ref: LOT3555
Ratio (A3): 1:1500	Approved: 8C 29-07-2014			Locality: HARRINGTON PARK L.G.A.: CAMDEN	CAD Ref: Miscellaneous\LOT3555.dgn
Datum: N/A					

Attachment 1
ORD03

Attachment 1 ORD03





Existing Pathway Location A



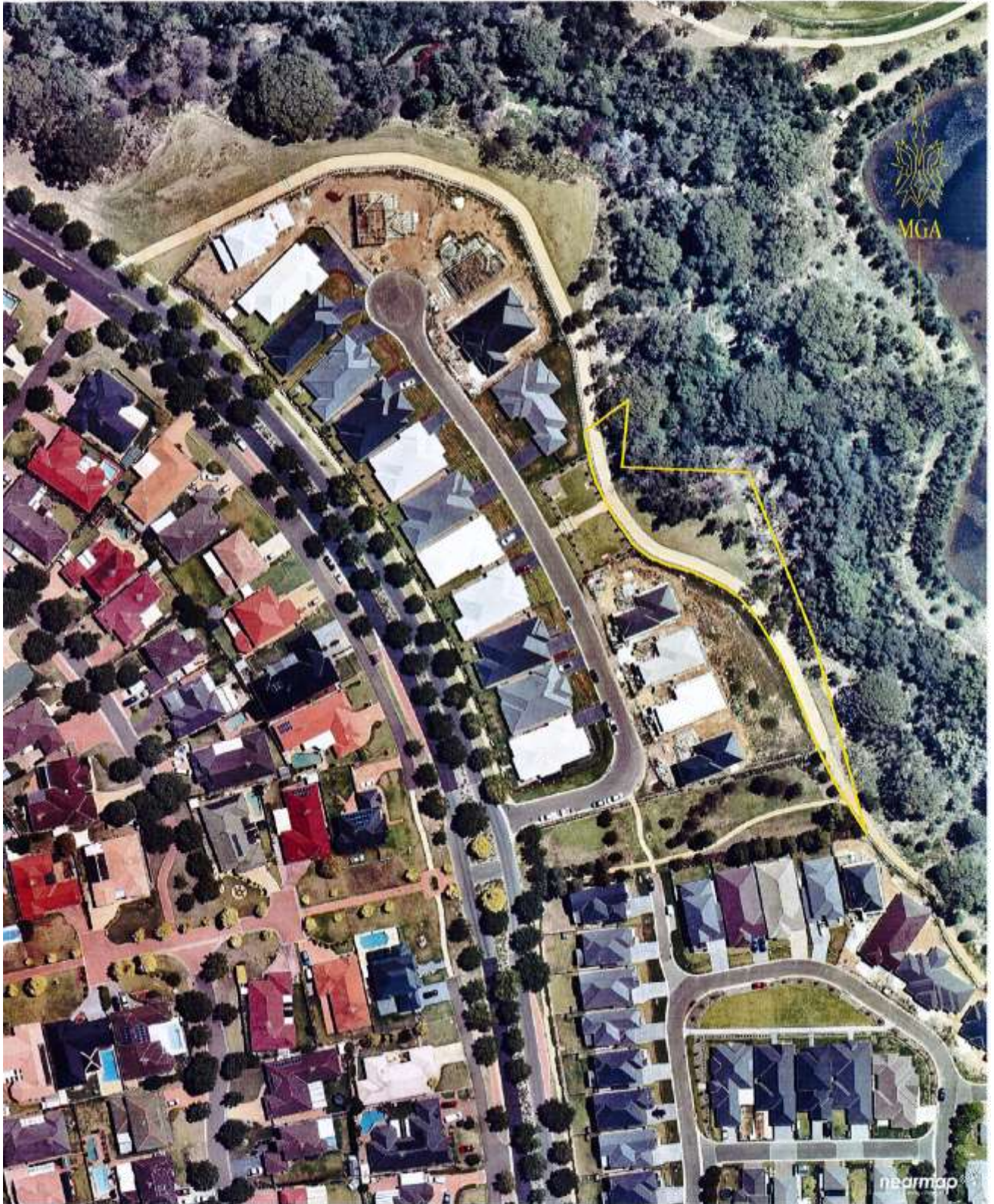
Existing Pathway Location B



Existing Pathway Location C

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Attachment 1
ORD03



DENOTES EXTENT OF
LOT 3555 IN DP 1118206



ORDINARY COUNCIL

ORD04

ORD04

SUBJECT: INVESTMENT MONIES - JULY 2015
FROM: Director Customer & Corporate Services
TRIM #: 15/226241

PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 31 July 2015 is provided.

MAIN REPORT

The weighted average return on all investments was 3.57% p.a. for the month of July 2015. The industry benchmark for this period was 2.14% (Ausbond Bank bill Index).

It is certified that all investments have been made in accordance with Section 625 of the *Local Government Act 1993*, the relevant regulations and Council's Investment Policy.

The Principal Accounting Officer is the Manager Finance & Corporate Planning.

Council's Investment Report is an **attachment to this report**.

RECOMMENDED

That Council:

- i. **note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act, Regulations, and Council's Investment Policy*;**
- ii. **note the list of investments for July 2015 and;**
- iii. **note the weighted average interest rate return of 3.57% p.a. for the month of July 2015.**

ATTACHMENTS

1. Investment Report - July 2015



ORD04



Monthly Report

Camden Council

July 2015

ORD04

Attachment 1

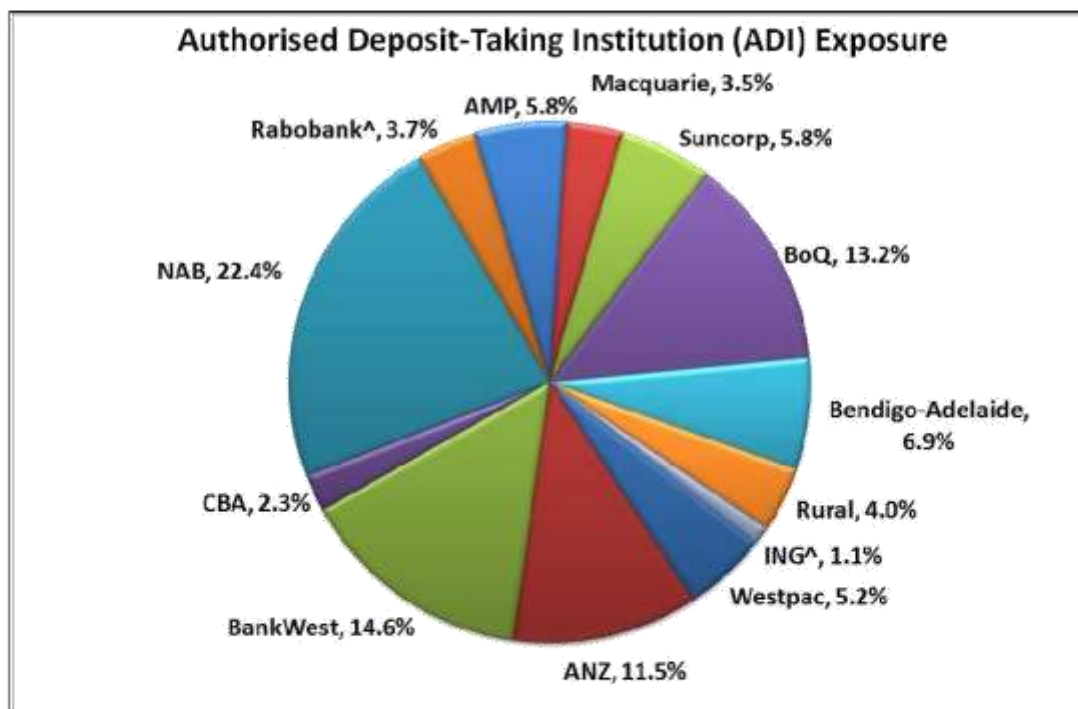
Investment Exposure

Council's investment portfolio is mainly directed to the higher rated ADIs. Council remains close to capacity limits with NAB, Rabobank and BOQ. Council will continue to predominately diversify the investment portfolio across the higher rated ADIs (A1 or higher).

ADI	Exposure \$M	Rating	Policy Limit	Actual	Capacity
Westpac	\$4.50M	A1+	25.0%	5.2%	\$17.23M
ANZ	\$10.00M	A1+	25.0%	11.5%	\$11.73M
BankWest	\$12.70M	A1+	25.0%	14.6%	\$9.03M
CBA	\$2.00M	A1+	25.0%	2.3%	\$19.73M
NAB	\$19.50M	A1+	25.0%	22.4%	\$2.23M
Rabobank [^]	\$3.20M	A1	5.0%	3.7%	\$1.15M
AMP	\$5.00M	A1	15.0%	5.8%	\$8.04M
Macquarie	\$3.00M	A1	15.0%	3.5%	\$10.04M
Suncorp	\$5.00M	A1	15.0%	5.8%	\$8.04M
BoQ	\$11.50M	A1	15.0%	13.2%	\$1.54M
Bendigo-Adelaide	\$6.00M	A1	15.0%	6.9%	\$7.04M
Rural	\$3.50M	A1	15.0%	4.0%	\$9.54M
ING [^]	\$1.00M	A2	5.0%	1.1%	\$3.39M
Total	\$86.90M			100.0%	

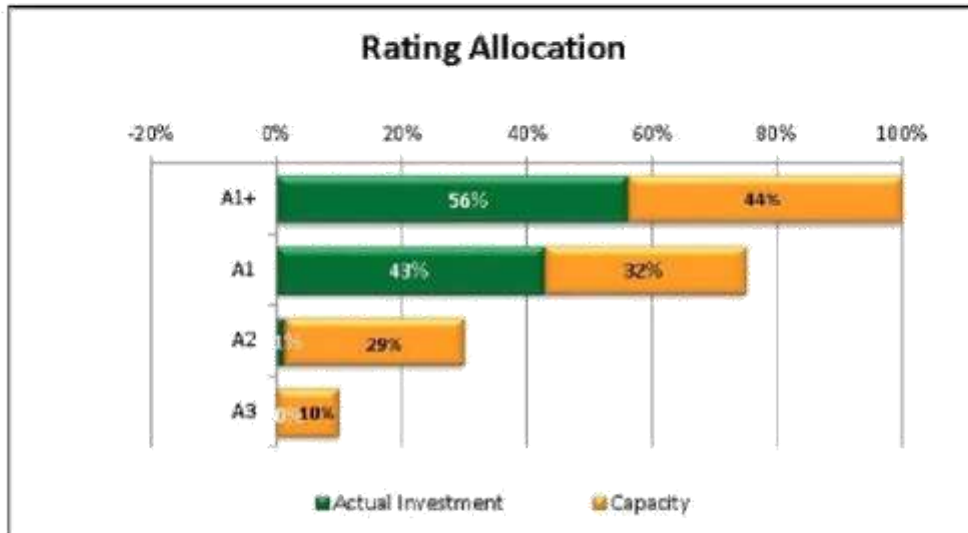
[^]Foreign subsidiary banks are limited to 5% of the total investment portfolio as per Council's investment policy.

The investment portfolio is predominately directed to the higher rated entities led by NAB and BankWest.



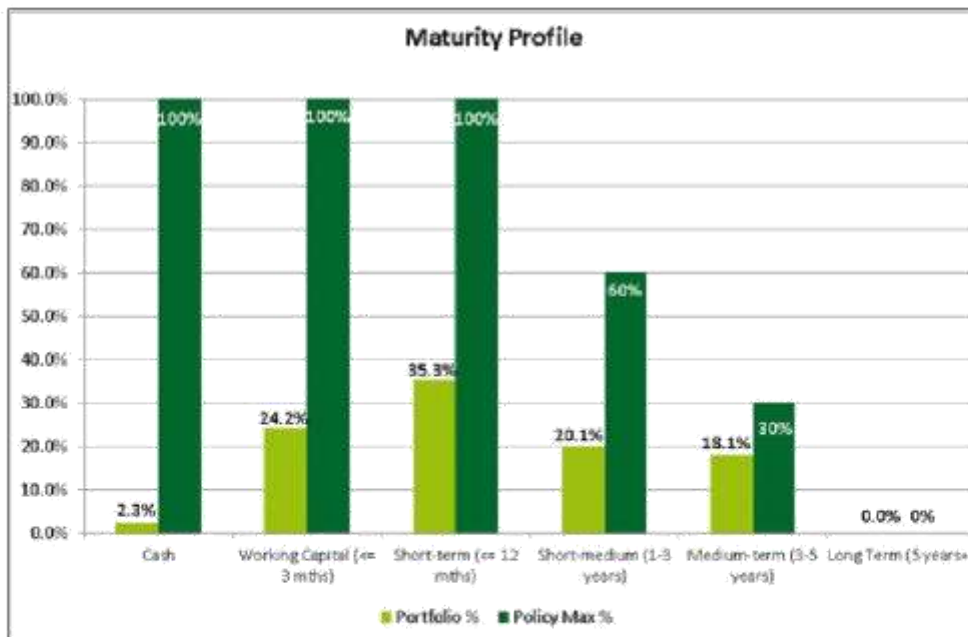
Credit Quality

A1+ (the domestic majors) and A1 (the higher rated regionals) rated ADIs are the largest share of Council's investments. There is still capacity to invest across the entire credit spectrum.



Term to Maturity

The portfolio remains adequately liquid with approximately 2% of investments at-call and another 24% of assets maturing within 3 months. There is still high capacity to invest in terms greater than 1 year. In consultation with its investment advisors, Council has strategically diversified its investments across various maturities up to 5 years over recent years.



ORD04

In the historic low interest rate environment, as existing deposits mature, they will generally be reinvested at much lower rates than preceding years. A larger spread of maturities in medium-term assets would help income pressures over future financial years. This is becoming increasingly difficult with the RBA's pair of rate cuts in 2015, coupled with deposit margins contracting sharply.

Going forward, a transition to liquid and saleable senior bank floating rate notes (FRNs) should be considered. The domestic major banks (CBA and Westpac) have recently issued new 5-year senior FRNs at +90bp and are likely to be the highest yielding (complying) asset over a 2½ year holding period.

2015-16 Budget

Current Budget Rate	3.00%
Source of Funds Invested	
Section 94 Developer Contributions	\$41,548,000
Restricted Grant Income	\$532,000
Externally Restricted Reserves	\$9,650,000
Internally Restricted Reserves	\$27,205,000
General Fund	\$7,965,000
Total Funds Invested	\$86,900,000

Council's investment portfolio has increased by \$2.85m since the June reporting period. The increase primarily relates to Section 94 and grants cash receipts received for the July period. The source of funds invested are indicative only, due to Council's annual financial reports still being finalised for 30 June 2015.

INTEREST RECEIVED DURING 2015/16 FINANCIAL YEAR				
	July	Cumulative	Projected Interest	*Original Budget
General Fund	\$106,214	\$106,214	\$1,000,400	\$1,000,400
Restricted	\$152,314	\$152,314	\$951,200	\$951,200
Total	\$258,528	\$258,528	\$1,951,600	\$1,951,600

*The Original Budget is reviewed on a quarterly basis as part of the Budget Process

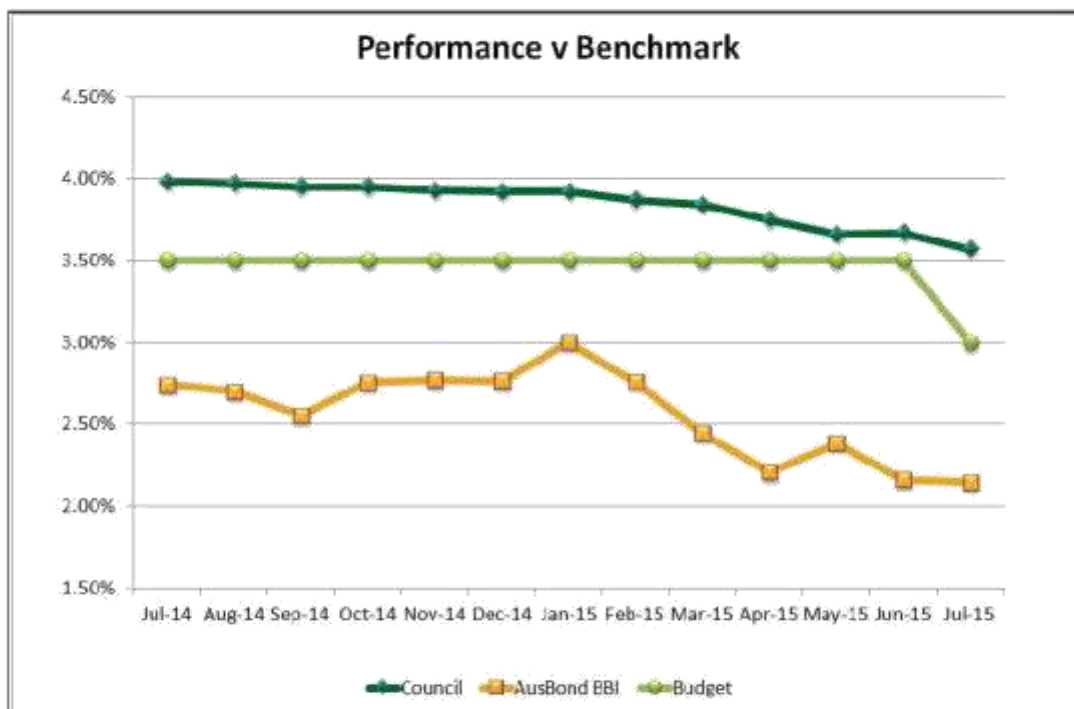
Attachment 1

Interest Summary

The portfolio's interest summary as at 31 July 2015 is as follows:

NUMBER OF INVESTMENTS	62
AVERAGE DAYS TO MATURITY	492
AVERAGE PERCENTAGE	3.61% p.a.
WEIGHTED PORTFOLIO RETURN	3.57% p.a.
CBA CALL ACCOUNT *	1.70% p.a.
HIGHEST RATE	5.10% p.a.
LOWEST RATE	2.85% p.a.
BUDGET RATE	3.00% p.a.
AVERAGE BBSW (30 Day)	2.04% p.a.
AVERAGE BBSW (90 Day)	2.14% p.a.
AVERAGE BBSW (180 Day)	2.25% p.a.
OFFICIAL CASH RATE	2.00% p.a.
AUSBOND BANK BILL INDEX	2.14% p.a.

*Note: CBA call account is not included in the investment performance calculations



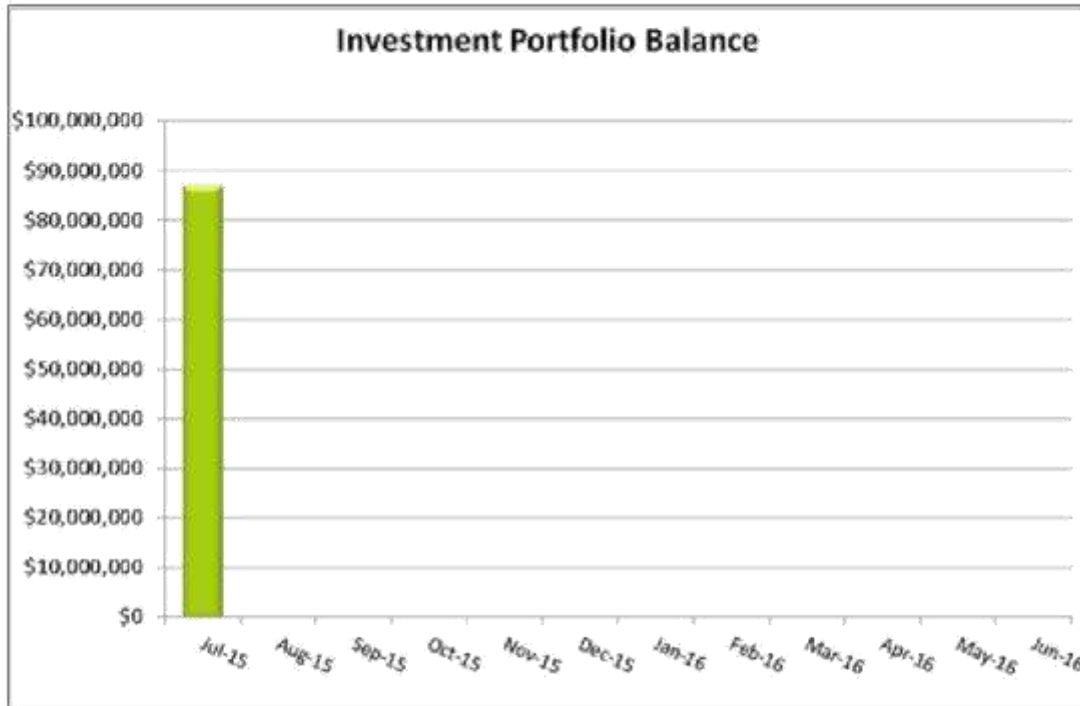
As FY2016 begins, the portfolio's outperformance over the benchmark (AusBond Bank Bill Index) will continue to be attributed to the longer-dated deposits in the portfolio. Deposits invested close to or above 4% will contribute strongly to outperformance over future financial years. As existing deposits mature, performance will generally fall as deposits will be reinvested at much lower prevailing rates. FY16 budgets and beyond should be adjusted to reflect a longer period of low interest rates.

ORD04

Attachment 1

Appendix A – List of Investments

Camden Council Investment Portfolio as at 31 July 2015								
Institution	Type	Amount	Interest Rate	Date Invested	Maturity Date	Original Term of Investment (days)	Days to Maturity	Interest Accrued as at 31/07/2015
Westpac	TD	\$500,000.00	4.55%	17/05/2013	19/05/2016	1098	209	\$6,736.09
BOQ	TD	\$2,500,000.00	5.00%	4/11/2013	1/11/2018	1823	1189	\$92,465.75
BOQ	TD	\$1,500,000.00	4.50%	7/11/2013	7/11/2016	1091	460	\$49,176.71
BOQ	TD	\$1,000,000.00	5.10%	25/11/2013	22/11/2018	1823	1210	\$34,791.78
ING Bank	IU	\$1,000,000.00	4.63%	28/11/2013	23/11/2017	1456	846	\$31,204.95
BOQ	TD	\$1,000,000.00	4.85%	28/11/2013	23/11/2017	1456	846	\$32,687.57
BOQ	TD	\$1,000,000.00	4.50%	28/11/2013	24/11/2016	1092	482	\$30,328.77
Macquarie Bank	TD	\$1,000,000.00	4.15%	20/01/2014	20/01/2016	730	173	\$21,943.84
BOQ	TD	\$1,000,000.00	4.65%	27/02/2014	22/02/2018	1456	937	\$19,746.58
Fishbank	IU	\$1,000,000.00	5.00%	28/02/2014	28/02/2019	1826	1308	\$20,958.90
Rabobank	TD	\$1,200,000.00	5.00%	3/03/2014	6/03/2019	1829	1314	\$24,821.92
Westpac	IU	\$1,500,000.00	4.50%	15/03/2014	15/03/2019	1826	1386	\$14,848.95
Westpac	TD	\$1,500,000.00	4.55%	21/03/2014	27/03/2019	1827	1391	\$13,463.01
Bendigo Adelaide Bank	TD	\$1,500,000.00	4.05%	22/05/2014	24/05/2017	1098	683	\$11,817.12
Bendigo Adelaide Bank	TD	\$1,000,000.00	4.05%	27/05/2014	31/05/2017	1100	670	\$7,121.79
Bendigo Adelaide Bank	TD	\$2,000,000.00	4.05%	30/05/2014	31/05/2017	1097	670	\$13,983.82
NAB	IU	\$2,000,000.00	4.00%	3/06/2014	7/06/2017	1098	677	\$12,494.15
Macquarie Bank	TD	\$1,000,000.00	4.00%	31/07/2014	31/07/2017	1096	731	\$40,109.59
BOQ	TD	\$1,000,000.00	4.15%	5/08/2014	1/08/2018	1457	1097	\$41,045.21
AMP	TD	\$2,000,000.00	3.64%	7/09/2014	7/09/2015	365	13	\$66,417.53
ANZ	TD	\$1,000,000.00	3.64%	10/09/2014	9/09/2015	361	10	\$32,110.96
ANZ	IU	\$1,000,000.00	3.64%	16/09/2014	16/09/2015	365	47	\$1,812.50
AMP	TD	\$1,000,000.00	3.50%	15/11/2014	13/08/2015	273	13	\$25,027.40
AMP	TD	\$2,000,000.00	3.40%	28/11/2014	19/08/2015	264	19	\$45,893.24
Fishbank	TD	\$1,000,000.00	4.10%	27/11/2014	27/11/2019	1826	1580	\$73,745.21
Bendigo Adelaide Bank	TD	\$1,500,000.00	4.25%	28/11/2014	4/12/2019	1832	1587	\$12,965.75
AMP	IU	\$1,000,000.00	3.40%	4/12/2014	28/01/2015	267	28	\$22,165.16
AMP	TD	\$1,000,000.00	3.40%	11/12/2014	9/12/2015	363	131	\$21,704.11
NAB	IU	\$1,500,000.00	4.00%	16/12/2014	11/12/2019	1821	1586	\$13,419.45
Macquarie Bank	TD	\$1,000,000.00	3.85%	19/12/2014	19/12/2019	1826	1600	\$23,732.88
Rural Bank	TD	\$2,000,000.00	3.70%	9/01/2015	9/01/2018	1096	893	\$41,358.90
Rural Bank	TD	\$1,500,000.00	3.70%	14/01/2015	15/01/2018	1097	899	\$30,259.90
Westpac	TD	\$1,000,000.00	3.90%	2/02/2015	2/02/2020	1826	1617	\$10,252.88
NAB	IU	\$1,500,000.00	3.20%	11/02/2015	5/08/2015	175	5	\$22,487.57
Suncorp Metway	TD	\$1,000,000.00	3.10%	18/02/2015	23/02/2015	217	54	\$13,028.77
NAB	TD	\$1,000,000.00	3.15%	25/02/2015	2/03/2015	371	245	\$13,549.32
NAB	TD	\$1,000,000.00	3.14%	25/02/2015	30/03/2015	717	61	\$13,506.30
NAB	TD	\$1,000,000.00	3.15%	27/02/2015	1/03/2017	733	579	\$13,376.71
Suncorp Metway	IU	\$1,500,000.00	3.00%	2/03/2015	7/03/2015	219	68	\$19,114.52
NAB	TD	\$1,000,000.00	3.13%	9/03/2015	16/10/2015	221	75	\$12,863.01
Suncorp Metway	TD	\$1,500,000.00	3.05%	12/03/2015	21/10/2015	223	82	\$17,798.03
NAB	TD	\$1,500,000.00	2.91%	8/04/2015	28/10/2015	203	80	\$13,757.24
ANZ	TD	\$2,000,000.00	2.85%	15/04/2015	4/11/2015	203	95	\$16,865.75
ANZ	TD	\$2,000,000.00	2.90%	22/04/2015	11/11/2015	203	103	\$16,049.32
BOQ	TD	\$1,000,000.00	2.95%	22/04/2015	25/11/2015	217	117	\$8,163.01
ANZ	IU	\$2,000,000.00	2.90%	25/04/2015	18/11/2015	209	110	\$15,093.41
NAB	TD	\$2,000,000.00	2.90%	29/04/2015	16/12/2015	221	128	\$14,058.99
NAB	TD	\$1,500,000.00	2.93%	6/05/2015	16/12/2015	224	138	\$10,475.75
NAB	TD	\$1,000,000.00	2.94%	8/05/2015	16/12/2015	222	138	\$8,823.79
Bankwest	TD	\$2,000,000.00	3.00%	20/05/2015	23/09/2015	126	51	\$12,000.00
Bankwest	TD	\$2,000,000.00	3.00%	20/05/2015	14/10/2015	147	75	\$12,000.00
NAB	TD	\$1,000,000.00	2.95%	20/05/2015	18/11/2015	182	110	\$5,900.80
Suncorp Metway	TD	\$1,000,000.00	2.90%	25/05/2015	2/12/2015	181	124	\$5,402.74
NAB	TD	\$1,500,000.00	3.00%	3/07/2015	27/01/2016	208	180	\$3,575.34
Bankwest	TD	\$1,000,000.00	2.95%	1/07/2015	7/01/2016	180	160	\$2,505.18
Bankwest	IU	\$1,000,000.00	2.95%	1/07/2015	13/01/2016	185	166	\$2,516.44
Bankwest	TD	\$2,000,000.00	2.95%	1/07/2015	20/01/2016	203	173	\$5,010.96
BOQ	IU	\$1,500,000.00	2.95%	8/07/2015	3/02/2016	210	187	\$2,904.59
Bankwest	TD	\$1,700,000.00	2.85%	21/07/2015	10/02/2016	204	194	\$1,480.14
NAB	TD	\$500,000.00	2.92%	22/07/2015	15/02/2016	208	199	\$400.00
Bankwest	TD	\$1,000,000.00	2.90%	24/07/2015	17/02/2016	208	201	\$615.67
NAB	TD	\$1,500,000.00	2.93%	29/07/2015	3/02/2016	189	187	\$381.23
# TD Investments	62	\$84,980,600.00	3.57%					\$1,275,473.56
CBA	Call Account	\$2,000,000.00	1.70%					
		\$86,980,600.00						



Appendix B – Ratings Definitions

Standard & Poor's Ratings Description

Standard & Poor's (S&P) is a professional organisation that provides analytical services. An S&P rating is an opinion of the general credit worthiness of an obligor with respect to particular debt security or other financial obligation – based on relevant risk factors.

Credit ratings are based, in varying degrees, on the following considerations:

- Likelihood of payment
- Nature and provisions of the obligation
- Protection afforded by, and relative position of, the obligation in the event of bankruptcy, reorganisation or other laws affecting creditors' rights
- The issue rating definitions are expressed in terms of default risk.

S&P Short-Term Obligation Ratings are:

- **A-1:** This is the highest short-term category used by S&P. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.
- **A-2:** A short-term obligation rated A-2 is somewhat more susceptible to the adverse changes in circumstances and economic conditions than obligations in higher rating categories. However the obligor's capacity to meet its financial commitment on the obligation is satisfactory.
- **A-3:** A short-term obligation rated A-3 exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.

S&P Long-Term Obligations Ratings are:

- **AAA:** An obligation/obligor rated AAA has the highest rating assigned by S&P. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.
- **AA:** An obligation/obligor rated AA differs from the highest rated obligations only in small degree. The obligor's capacity to meet its financial commitment on the obligations is very strong.
- **A:** An obligation/obligor rated A is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations/obligors in higher rated categories. However the obligor's capacity to meet its financial commitment on the obligation is strong.
- **BBB:** A short-term obligation rated BBB exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.
- **Unrated:** Financial Institutions do not necessarily require a credit rating from the various ratings agencies such as Standard & Poor's and these institutions are classed as "Unrated". Most Credit Unions and Building societies fall into this category. These institutions nonetheless must adhere to the capital maintenance requirements of the Australian Prudential Regulatory Authority (APRA) in line with all authorised Deposit Taking Institutions (Banks, Building societies and Credit Unions).
- **Plus (+) or Minus(-):** The ratings from "AA" to "BBB" may be modified by the addition of a plus or minus sign to show relative standing within the major rating categories

Fitch and Moody's have similar classifications.

Appendix C – Recently Invested ADIs

Rural Bank

Historically, the Bank was formed as Elders Rural Bank and received its banking licence in 2000. In August 2009, Elders Rural Bank Limited changed its name to Rural Bank Limited and, in December 2010, Rural Bank became a fully-owned subsidiary of the Bendigo and Adelaide Bank Group.

In December 2010, Bendigo and Adelaide Bank announced that it would increase its shareholding in Rural Bank from 60% to 100% for \$165m, or approximately 1.2 times book value. As such, Rural Bank takes on its parent's company's long-term credit rating of A- by S&P.

Over the years, the bank's business model has expanded, but its core business has not changed. They specialise in lending to the agricultural sector in rural and regional centres across the country. Rural Bank's products and services are now available at more than 400 locations nationally.

Financial Results

As at 31 March 2015, Bendigo-Adelaide Bank's Tier 1 Capital Ratio stood at 9.8% and its Total Capital Ratio at 11.7%, well above Basel III minimum capital requirements.

At a group level, Bendigo-Adelaide Bank Ltd announced a statutory profit after tax of \$191.6 million for the 6 months ending 30 June 2014, an 6.0% decrease on the prior corresponding period. The cash earnings result is \$196.4 million for the 6 months ending 30 June 2014, a 5.7% increase on the prior corresponding period. Retail deposits stood at \$44.84 billion (up from \$42.65 billion in December 2013), an increase of 5.0%.

Rabobank Australia

With over 110 years of history, the Rabobank Group is a leading provider of financial services around the world and has a strong historical presence for the global food and agriculture industry. Headquartered in Utrecht, the Netherlands, Rabobank is a cooperative bank with over AUD\$926.4 billion in assets (€732 billion)¹, approximately 10 million clients, more than 59,000 employees, and a presence in 48 countries. Rabobank is one of the 30 largest financial institutions in the world based on Tier 1 Capital.

Rabobank established an office in Australia in 1990 and acquired the Primary Industry Bank of Australia (PIBA) operating in Australia and New Zealand in 1994. With headquarters in Sydney, Rabobank has 61 branches throughout Australia and 32 branches in New Zealand. As at December 2011, the Group employed more than 1,000 people in Australia and New Zealand, with more than half based in regional locations.

In early November, ratings agency Standard & Poor's downgraded the Dutch Rabobank group, and therefore Australia's long-term credit rating from AA- to A+ (short-term rating from A-1+ to A-1). Rabobank Australia itself remains financially solid with a Tier 1 Capital of 11.38% and Total Capital Ratio of 13.16% as at March 2015.

¹ As a comparison, CBA has approximately AUD\$750 billion in total assets and 45,000 employees

From May 2015, new Rabobank Australia deposits will not be guaranteed by the global group, but existing deposits will have their guarantee grandfathered.

BankWest

Bankwest is an ADI based in Perth, Western Australia. Formerly a wholly owned subsidiary of HBOS plc but was sold in October 2008 to the Commonwealth Bank of Australia (CBA) for \$2.1 billion. BankWest continues to operate independently of its parent company but has the same long-term credit rating of CBA, being "AA-" by ratings agency S&P.

At a group level, as at 31/03/2015, CBA had a Tier 1 Capital of 11.0% and Total Capital Ratio of 12.1%.



ORD05

ORDINARY COUNCIL

ORD05

SUBJECT: REQUEST FOR INCREASE IN ANNUAL SUBSIDY SOUTH WEST SYDNEY ACADEMY OF SPORT

FROM: Director Customer & Corporate Services

TRIM #: 15/116948

PURPOSE OF REPORT

To consider a request for an increase to the annual subsidy for the South West Sydney Academy of Sport (SWSAS). This matter was considered at a Councillor Briefing on 11 August 2015.

To consider the timing of annual subsidy requests from clubs and/or associations.

BACKGROUND

Council assists a number of groups by providing an annual subsidy each year. These subsidies are contained within Council's annual budget. SWSAS currently receives an annual subsidy, and has requested that Council increases the amount it provides and also to link future amounts to increases in the Consumer Price Index (CPI).

Camden Council has supported SWSAS since its inception in 1997 and is one of four Foundation Councils. In 2010/11 Council increased the annual subsidy by \$2,000 to \$10,000. The current subsidy is not linked to the CPI.

Campbelltown Council and Liverpool Council currently provide an annual subsidy of \$22,000 (GST exclusive) to SWSAS and an increase of \$4,000 has been requested. Liverpool Council has resolved to increase their subsidy from \$22,000 to \$26,000 and to link the annual amount to CPI. Campbelltown Council has yet to consider the request but it is understood that a report will recommend the increase to Council. Wollondilly Council provides \$8,000 and has declined to increase the amount at this time.

MAIN REPORT

SWSAS report increasing growth with an increase in athlete scholarships from 163, three years ago, to 345 in 2014/15. Currently 89 athletes from Camden hold scholarships equating to 26% of all academy scholarship holders. Additional Camden athletes also participate in the Academy but are not scholarship recipients.

SWSAS has requested, "*an increase of \$3,000 plus GST and CPI linked for future years in recognition of its ongoing support of an ever increasing number of Camden athletes over the past 5 years*".

The Academy is one of 11 throughout NSW providing local, talented junior athletes the opportunity to gain the support they need to develop, without having to move away from their family, friends and schooling. It aims to assist junior athletes to gain recognition, within sports specific, emerging athletes programs, junior Australian teams, the NSW Institute of Sport and other high level sports program opportunities. SWSAS is one of the smallest Academy regions covering only Camden, Campbelltown,



Liverpool and Wollondilly. By contrast, the Western Sydney Academy has 11 supporting local Councils. SWSAS, however, is the third biggest Academy in the provision of scholarships to local athletes annually.

The Academy is funded through a number of sources, currently receiving 14% (\$62,000) of its income from Local Government, 36% from State Government (\$143,000), 8.5% from athlete levies (\$38,400). The remaining 41.5% of funding is sourced on an annual basis through corporate and sports program partnerships and other fundraising.

None of the annual subsidies provided by Council are linked to CPI or any other index. Should Council choose to link the annual subsidy paid to SWSAS to CPI, other recipients of funds under the Annual Subsidy Program may also wish to be considered for automatic increases. Alternatively, SWSAS can apply for an increase to be considered as part of Council's annual budget deliberations.

SWSAS and all other recipients of annual subsidies will be advised that requests should be received by the end of February each year to be considered for changes in Council's annual budget process.

FINANCIAL IMPLICATIONS

SWSAS has requested an additional \$3,000 (GST exclusive) with further annual subsidies linked to CPI increases. If Council wishes to increase the annual subsidy to SWSAS it will have an impact of \$3,000 on Council's General Fund. CPI increases would vary and are not supported.

CONCLUSION

SWSAS supports a large number of Camden athletes and as our population grows it could be anticipated that the percentage of talented athletes from Camden would also grow. Council last increased the annual amount in 2011/12. Should Council wish to increase the subsidy it would included in the 2015/16 budget, with an adjustment would be made to the 2015/16 budget at the September Quarterly Budget Review.

RECOMMENDED

That Council:

- i. approve the request from SWSAS to increase the annual subsidy by \$3,000 from \$10,000 to \$13,000 (GST exclusive) with no additional annual CPI increase;**
- ii. include the increase in subsidy to SWSAS in the September Quarterly review of the 2015/16 budget;**
- iii. resolve that SWSAS and all other recipients of annual subsidies will be advised that requests should be received by the end of February each year to be considered as part of Council's Annual Budget process.**



ORD05

ATTACHMENTS

1. South West Sydney Academy of Sport - Review of Grant Request - 2014-2015 - *Supporting Document*
2. SWSAS Financial Statement June 2014 - *Supporting Document*



ORDINARY COUNCIL

ORD06

ORD06

**SUBJECT: REQUEST FOR INCREASE IN ANNUAL SUBSIDY LEPPINGTON
PROGRESS ASSOCIATION**

FROM: Director Customer & Corporate Services

TRIM #: 15/202489

PURPOSE OF REPORT

Council assists a number of groups by providing an annual subsidy contained within Council's annual budget. The Leppington Progress Association currently receives an annual subsidy and has requested that Council increase the amount it currently provides.

BACKGROUND

Camden Council supports the Leppington Progress Association through the Annual Subsidy Program by providing financial assistance equal to the cost of the group's Council rates and insurance. In 2009/10 the subsidy contribution increased from \$5,233.25 to \$6600, and has remained at that amount since 2010.

The Leppington Progress Association has requested an increase of \$500 to cover the increased cost of their Insurance and rates which have risen from \$6,600 to \$7,100 in 2015. Insurance and rate invoices have been provided by the Association and are provided as supplementary documents to this report.

This item was considered at a Councilor briefing on 11 August 2015.

MAIN REPORT

The Leppington Progress Association operates out of and owns the Leppington Progress Hall, a community asset for 57 years. The organisation is an independent legal entity incorporated under the NSW Incorporations Act, (Registration Y3020609).

The Leppington Progress Hall is an important community owned and operated facility within the local community that provides a venue for local residents as well as government and non-government agencies to meet. Council does not provide a Community Hall in Leppington as the facility provided by the Association meets the current need of the local community.

Leppington Progress Association has not applied for any extra funding from Council's Community Financial Assistance Programs during the past 3 years. They were recipients of a 2011 NSW Government Community Building Partnership Grant of \$5,000 to assist to rewire the hall electrical system and in 2012 received financial assistance through Ward Funds to upgrade its driveway to the amount of \$2,522.

FINANCIAL IMPLICATIONS

The Leppington Progress Association has requested an additional \$500 (GST exclusive) to increase the amount received from \$6,600 to \$7,100. If Council wishes to



ORD06

increase the annual subsidy to the Leppington Progress Association it will be sourced from Council's General Fund through the 2015/16 September Quarterly Review.

CONCLUSION

The Leppington Progress Association has requested Council increase their subsidy in line with increases to rates and insurance costs. Council last increased the annual amount in 2010/11. Should Council wish to increase the subsidy an adjustment would be made to the 2015/16 budget at the September Quarterly Budget Review.

Leppington Progress Association, and other recipients of an annual subsidy, will be advised that all future requests for changes to subsidies should be received by Council prior 31 January each year, to be considered during Council's annual budget process.

RECOMMENDED

That Council:

- i. approve the request from the Leppington Progress Association to increase their annual subsidy by \$500 from \$6,600 to \$7,100 (GST exclusive); and**
- ii. include the increase in subsidy to the Leppington Progress Association in the 2015/16 September Quarterly Budget Review.**

ATTACHMENTS

1. Leppington Progress Association - Attachment - *Supporting Document*
2. Leppington Progress Association Insurance and Invoices - *Supporting Document*



ORDINARY COUNCIL

ORD07

ORD07

SUBJECT: MANAGEMENT OF COUNCIL TENNIS CENTRES
FROM: Director Community Infrastructure
TRIM #: 15/146281

PURPOSE OF REPORT

The purpose of this report is to advise Council of the results of the licence exhibition process, and to recommend to Council that no licences be awarded due to the asset maintenance requirements to be undertaken during the licence period.

BACKGROUND

At the Ordinary Meeting of 24 March 2015, Council considered a report for the future management of Council Tennis Centres, and resolved to;

- i. endorse the exhibition of a five (5) year licence agreement, with South West Region Tennis Association for the management of Narellan, Harrington Park and Narellan Vale tennis complexes for a period of 28 days, and a further report be presented to Council should objections be received. If no objections received, execute the licence agreement under delegated authority pursuant to the Delegation of Authority granted on 27 August 2013, Minute Number ORD214/13; and*
- ii. receive a further report on the options for the future use and management of Catherine Field, Currans Hill and Leppington tennis complexes in mid-2015.*

The proposed licence was placed on public exhibition and during this period Council Officers have also undertaken a review of the usage and asset condition of the facilities.

This matter was considered at a Councillor Briefing on 18 August, 2015.

MAIN REPORT

Expression of Interest - Advertising

As required by section 47A of the *Local Government Act 1993*, Council placed the proposal to enter into a 5 year licence agreement with South West Region Tennis Association on public exhibition for 28 days. The public exhibition process called for any submissions to be made in writing and as a result 12 submissions were received objecting to the proposed licence agreement. Section 47(4) of the *Local Government Act 1993* requires that before granting the licence, Council must consider all submissions made to it.

Of the submissions received, 10 were identical, 1 individual submission and 1 submission which was endorsed by 114 people all objecting to the proposed licence agreement. The objections have been summarised below and copies of the objections are attached as **Supporting Documents**.



- 1. Camden District Tennis Association (CDTA) need the use of the courts at Narellan for the overflow and growth of current weekly competitions including night competitions, ladies day, Saturday morning juniors, annual regional junior development series tournaments and daily tennis coaching.**

Camden District Tennis Association initially had an agreement for both Camden and Narellan courts. The use of the Narellan Courts as an overflow can still occur as it has in the past, the only difference being that they will hire the Narellan Courts through the management body responsible for this site.

- 2. The CDTA association has invested substantial funds into the refurbishment of the Narellan Tennis Centre over the past 15 years and should be given first option for the continued management.**

The CDTA has been actively involved in promoting tennis and developing initiatives to grow the game and the EOI was based upon the assumption that in the future the smaller facilities would be demolished to make way for 2 or 3 larger court centres. The association has contributed with funding in excess of \$60,000 in 2000/2001 for the refurbishment of the centre including resurfacing the courts, replacing lights poles and extensions to the club house incorporating new toilets.

Previous contribution to the capital development of the Tennis Centres was not a criteria for the future management of the courts.

Whilst CDTA did provide a contribution to the development of the Narellan facility in 2000/2001, it is considered that this expenditure, when spread over the past 15 years of use, is a reasonable expectation of investment for the management of this type of facility. Further during 2014/2015 Council was required to again re-surface the courts due to the court surfacing reaching its asset life expectancy.

- 3. The South West Region Tennis Association is newly formed and has not communicated to the local tennis community or Tennis NSW (the affiliating body) it's aims and plans.**

The South West Region Tennis Association did not exist until recently. Tennis Australia & Tennis NSW have no record of the association's existence or intentions of affiliation.

This is not a requirement of Council or the licence terms.

- 4. The management licence for Narellan is for a short term and with the courts having just been resurfaced will not need renewing for 15 years. The normal financial procedure for tennis would be around \$2,000 per court per year into a court resurfacing account. The court life will exceed the licence.**

The courts have just been resurfaced and funded by Council. This was considered by Council in a separate report and was taken into account as part of the EOI process.

- 5. Concerns that CDTA were not given favour over another organisation that it feels does not have the management experience or given financial investment as CDTA has.**



Objections to the granting of the management rights on the grounds of CDTA’s historical link and current need of the centre and also significant financial commitments made over the past 15 years.

This objection relates to the EOI process in allocating the management of the facility, rather than to the advertising of the proposed licence agreement.

The objections received do not relate directly to the terms of the licence agreement and the manner in which the public interest would be affected by the granting of a licence agreement.

Future Management of the Tennis Facilities

At the Ordinary meeting of Council held on 27 January 2015 Council endorsed the allocation of \$60,000 for the resurfacing of the Narellan Tennis Centre due to tree root damage and the fact that the surfaces had reached the end of their life for this type of surfacing. The Narellan courts have only again become operational in the past two months after the completion of the resurfacing, and the operations are currently managed by Council. All of the other tennis centres were returned to Council for management since January 2015. When these facilities returned under Council management, they required extensive cleaning of the court surfaces as they had not been maintained to an adequate level.

Usage statistics were unable to be obtained from the previous managers for these sites as the collection of usage data had not been undertaken. During the past six months Council has had the opportunity to closely monitor the usage of all of the Tennis Centres, including those proposed for external management rights.

After monitoring the usage and undertaking the required maintenance to all of the Centres, an assessment of the Catherine Fields, Leppington and Currans Hill Tennis Centres has highlighted that there is low usage of these facilities. It is also noted that there is also some difficulty occurring through the allocation of keys for Catherine Fields and Leppington sites on occasions when bookings are required, due to the distance between Council Administration Centre and the court locations.

The following table provides booking information for these sites from January 2015 – June 2015;

Centre	Bookings Jan – June 2015
Catherine Field	1
Currans Hill	5 (2 separate hirers)
Leppington	5 (2 separate hirers)

From the table above, the usage of these sites is quite low, it is therefore proposed that the courts at these locations be left open for free public use, and not structured coaching. This measure will allow for the low usage, difficulty with key collection and also should address vandalism to fencing, which has been as issue at Currans Hill particularly when unauthorised access occurs. This measure should be reassessed when the future tennis centre is completed within the Oran Park precinct, at which time consideration may be given by Council, to the transformation of these sites into multi-purpose courts for sports such as basketball, netball and tennis as determined as a strategy for Camden within the Camden Recreation Demand Study 2014.



It has also been identified that the remaining tennis centres being Harrington Park, Narellan and Narellan Vale have higher usage by the general public and by coaches who provide valuable programs for the Community, including structured competition and training/coaching opportunities. This type of programming at the more heavily utilised locations will enable the development and promotion of Tennis in the Camden Local Government Area. This use will be under a 'user pays' system with fee allocations as per Council's Fees and Charges.

Usage for Harrington Park, Narellan and Narellan Vale during January 2015 to June 2015 has also been assessed. Narellan has also been included, however it should be noted that Narellan has only been available for hiring for May & June due to the venue closure for re-surfacing.

Centre	Bookings Jan – June 2015
Harrington Park	58
Narellan (May & June only)	20
Narellan Vale	57

Monitoring of these sites has provided Council with insight as to the level of internal management that is required. Council's booking management system is recording usage and the centres are being booked in the same manner as all other Council facilities with great success.

Further there is a number of Assets Renewal issues associated with the tennis centre facilities that have been highlighted through Council's recent Asset Renewal Inspection Program. It is proposed that the buildings remain under the control of Council until a full program of remediation works are established and prioritised for completion.

It is therefore recommended that Council continue with in-house management of these facilities. In-house management and the continuation of bookings to the public for general use at the more heavily utilised locations will provide space allocation opportunities to continue tennis programs and the promotion for the sport of tennis by all users including coaches and tennis associations.

It is proposed that a further report be presented to Council to ascertain the outcome of internal management of these facilities, after further review of the operations over the next twelve months and the assessment of the Asset Renewal scope of works.

FINANCIAL IMPLICATIONS

To date under Council management since January 2015, Council has invested \$60,000 towards capital improvement to the tennis centres, through funding allocations under Council resolution. Council has also undertaken the required maintenance of these courts under the current allocated budget within 2014/2015 and 2015/2016 financial years.

Any additional allocation for maintenance will be assessed during Council's management of the facilities and considered by Council under the quarterly review process.

The Asset Renewal associated with the Tennis Centres will also need to be considered once the program of works is established for these facilities.



CONCLUSION

Council officers have undertaken a review of the management of Council's Tennis Centres as well as an Asset Assessment of the buildings, and it is recommended that Council should continue the in-house management of Council's Tennis Centres at Harrington Park, Narellan and Narellan Vale to support programming and the continued promotion for the sport of tennis. This is further supported through the recent Asset Renewal inspections which have identified the requirement for a program of works to be developed for these facilities. Entering into a licence arrangement with a third party at this time, prior to a program of works being developed or prioritised, may impact on the operations of the Licencee.

Further, it is recommended that due to the low usage of the Catherine Field, Currans Hill and Leppington Centres, that these sites remain open for free public use. Further consideration of the multi-use of these sites is to be undertaken when the future tennis centre complex is completed as part of the Oran Park precinct.

RECOMMENDED

That Council:

- i. having considered the provisions of Division 2 of Part 2 of Chapter 6 of the Local Government Act 1993, resolves not to enter into a formal licence agreement for the management of the tennis centres at Narellan, Narellan Vale and Harrington Park;**
- ii. continue to manage those complexes for the next 12 months;**
- iii. receives a further report regarding the outcome of the internal management of these facilities in July 2016;**
- iv. resolve to leave open for free public use, Catherine Fields, Currans Hill and Leppington tennis centres; and**
- v. notify South West Region Tennis Association of this decision.**

ATTACHMENTS

- 1. Submissions - EOI Tennis Centres - *Supporting Document***



ORD08

ORDINARY COUNCIL

ORD08

SUBJECT: FUNDING SUPPORT FOR MACARTHUR CENTRE FOR SUSTAINABLE LIVING

FROM: Director Community Infrastructure

TRIM #: 15/144236

PURPOSE OF REPORT

The purpose of this report is to consider a request from the Macarthur Centre for Sustainable Living to increase Council's annual contribution from \$30,000 to \$50,000 until 2022/23.

This matter was discussed at a Councillor briefing on 11 August 2015.

BACKGROUND

The Macarthur Centre for Sustainable Living (MCSL) is a non-profit, community driven organisation located within the grounds of the Australian Botanic Gardens Mount Annan. The centre includes functioning displays of renewable solar energy production and use, waste water recycling, water and energy efficiency, waste avoidance and management.

MCSL was established in 2004 with \$1.8 million funding from the Federal Government. The Centre aspired to reach a level of self-sustainability, however continue to rely heavily on grant income, recurrent funding from the Macarthur area Council's and volunteer support.

Commencing in 2009/2010, Council has contributed \$30,000 annually towards the operation of the Centre. The \$30,000 was funded from the Waste and Sustainability Improvement Payment program. This funding program ceased at the end of 2013/2014. As a result the \$30,000 is now funded on a recurrent basis from general fund.

MAIN REPORT

MCSL has approached Council to increase its annual contribution to \$50,000 until 2022/2023 at which time the level of funding will be reviewed. The intent of this additional funding is to reflect the increasing population of the Camden LGA. Council's population in 2011 was 56,720 and the 2016 forecast population is 77,242, an increase in the population of 20,522.

Contributions towards the operation of MCSL are also made by Campbelltown and Wollondilly Councils. In 2014/15, Campbelltown Council contributed \$150,000 and has committed to the same in 2015/16. In 2014/15, Wollondilly Council contributed \$10,000 and has advised that they have not made a decision regarding a contribution in 2015/16.

In addition, Camden and Campbelltown Councils engage MCSL to provide workshops, such as worm farming and composting in schools, and their workshops come at an additional cost.



Council Officers met with representatives of the MCSL Board and the Centre Coordinator to discuss Council's financial contribution to the operation of the centre and opportunities for Council's Sustainability Team to have greater input into the development of programs and activities the Centre provides for the Camden community. To date, Council Officers have not been engaged to contribute to the development of an annual business plan.

Whether Council endorses the request for additional funding or not, it is considered prudent at this time to enter into a Funding Agreement with MCSL to establish protocols for what Council's contribution is utilised for, Council's input into the development of MCSL's annual business plan and reporting requirements including requesting an external audit of funds provided by Council.

FINANCIAL IMPLICATIONS

Council provides an annual contribution of \$30,000 towards the MCSL. Should Council wish to endorse the additional \$20,000 requested, this would need to be funded at the 2015/16 September Quarterly Budget Review, with the \$50,000 recurrent funding included in all future budgets to 2022/2023 at which time the contribution will be reviewed.

CONCLUSION

It is recommended that Council maintain the current funding of \$30,000 annually and enter into a Funding Agreement with MCSL to establish protocols for Council's input into the development of MCSL's annual business plan and reporting requirements, including requesting an external audit of funds provided by Council. It is also recommended that MCSL be advised to provide Council with details of additional programs and activities to be delivered with all future funding requests.

RECOMMENDED

That Council:

- i. maintain the current funding of \$30,000 annually for the Macarthur Centre for Sustainable Living;**
- ii. prepare a funding agreement with the Macarthur Centre for Sustainable Living to establish protocols for what Council's contribution is utilised for, input into the development of the Centre's annual business plan and reporting requirements including an external audit of funds provided by Council; and**
- iii. advise the Board of the Directors of the Macarthur Centre for Sustainable Living of this decision.**



ORDINARY COUNCIL

ORD09

SUBJECT: JOHN OXLEY ANCHOR RELOCATION
FROM: Director Community Infrastructure
TRIM #: 15/228186

PURPOSE OF REPORT

The purpose of this report is to seek endorsement from Council to relocate the existing John Oxley Commemorative Anchor from its current location on private property adjacent to Kirkham Lane Camden, to Curry Reserve, Elderslie.

BACKGROUND

Council has received requests from the Camden Historical Society seeking approval for the John Oxley Commemorative Anchor to be moved to a more prominent location within the Camden Local Government Area (LGA).

John Oxley was an explorer and surveyor of Australia in the early period of British colonisation. He served as Surveyor General of New South Wales and received two properties in the Camden area from Governor Macquarie naming them Kirkham and Elderslie. In May 1828, John Oxley died within his original Kirkham land grant.

In 1929, to recognise the centenary of the death of John Oxley, three commemorative anchors were presented to Australia by the British Admiralty. The three anchors were brought to Australia on H.M.A.S. Canberra to serve as memorials to Surveyor-General John Oxley. One anchor, from the destroyer Tenacious, was sent to Wellington, to commemorate where Oxley heard of the victory at Waterloo. The second anchor, from the minesweeper Ford, went to Harrington, to mark the spot where Oxley crossed the Manning River. The third anchor was from the destroyer Tomahawk, and was sent to Kirkham, where the explorer died.

John Oxley was the original recipient of the land on which the John Oxley Commemorative Anchor is currently located in Kirkham Lane (Figure 1). The Kirkham Conservation Management Plan prepared by Godden MacKay Logan in 1998 states that the anchor is not directly associated with John Oxley, but is a symbolic memorial to his explorations. It was installed in Kirkham Lane approximately 35 years ago. It appears that the anchor may have been located in Kirkham Lane because of its proximity to Oxley's Kirkham estate on the western side of Kirkham Lane.

The Camden Historical Society has approached Council on a number of occasions requesting that the Anchor be relocated to a more appropriate site within the Camden LGA and has suggested either Curry Reserve or John Oxley Reserve.

The owner of the land where the Anchor currently resides in Kirkham is agreeable to the relocation of the anchor and to the reinstatement of the fence line along the property boundary.

This report was withdrawn from the meeting of 11 August 2015 in order to seek further clarification associated with in-kind works to be undertaken by the Camden Historical Society and the proposed funding for this project.



Figure 1. The John Oxley Commemorative Anchor in its current location on Kirkham Lane.

MAIN REPORT

As assessed by Council Officers, there are two main locations (as shown in Figure 2), appropriate for the permanent relocation of the John Oxley Commemorative Anchor. The first is John Oxley Reserve in Kirkham, and the second is Curry Reserve, in Elderslie.

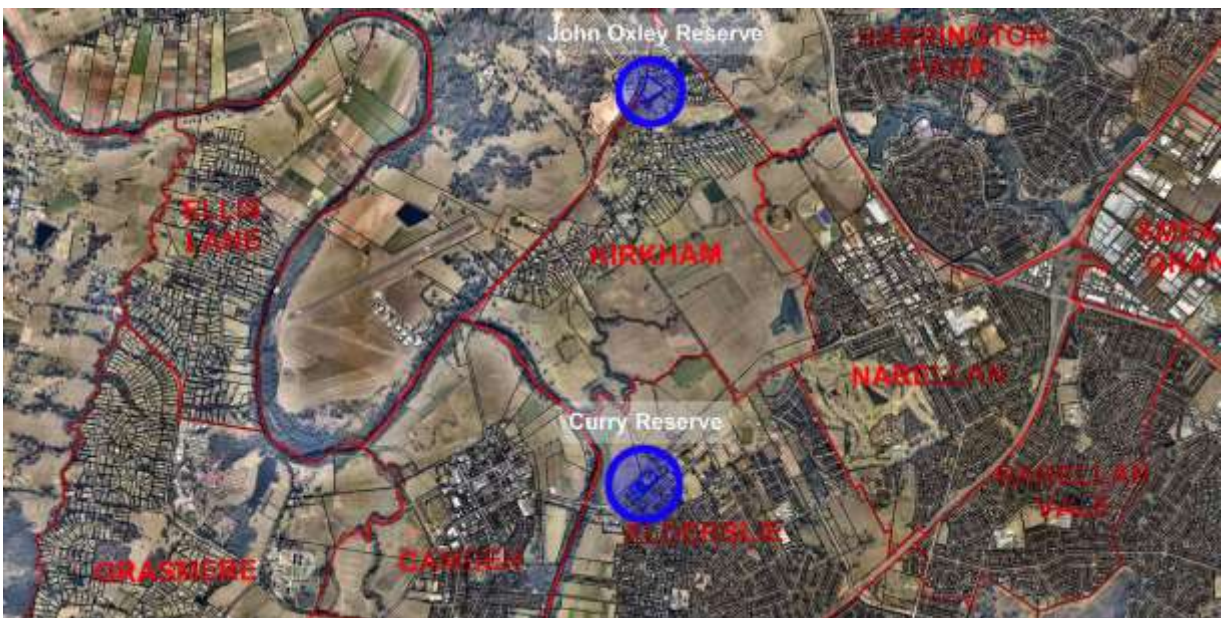


Figure 2. Context map showing two potential locations for the relocation of the John Oxley Commemorative Anchor from its current location on Kirkham Lane.

Council Officers reviewed each of the sites in consultation with the Historical Society and following this, have prepared an assessment of the positives and negatives in determining the most appropriate site to relocate the John Oxley Commemorative Anchor.

John Oxley Reserve

Positive assessment	Negative assessment
The land on which the reserve is located is partially contained within the original Kirkham land grant to John Oxley	It is not in a prominent location and you need to be aware of it in order to get to it.
The reserve is named after John Oxley.	This is not a destination park, hence there is no other reason to attract visitors.
There is an existing monument and information board about John Oxley and his importance in the history of Camden. There is lots of open space and few other facilities in the park which means that the anchor could be located easily without compromising any other existing land uses.	



Figure 3. Local context map of John Oxley Reserve

Curry Reserve

Positive assessment	Negative assessment
The land on which the reserve is located is part of the original Elderslie land grant to John Oxley.	There is no direct link between the John Oxley Cottage and John Oxley himself, apart from the land on which it is located.
There is an existing building called John Oxley Cottage (Built circa 1890) in Curry Reserve which currently acts as the Tourist Information Centre.	
Very Prominent location with existing facilities, which people already come to the reserve to use.	
There is easy access and ample parking.	
Council have prepared a master plan for Curry Reserve.	



Figure 4: Local Context Map of Curry Reserve

Heritage Implications

It is considered that the anchor could be relocated to Curry Reserve, which is more publically accessible and also part of the original Oxley land grant.

The land on which John Oxley Reserve is located is partially contained within the original Kirkham land grant to John Oxley. The original request from the Historical Society was that the anchor was to be located at Kirkham, where John Oxley died.

From a heritage perspective a greater weighting could be given to John Oxley Reserve due to the fact that the Anchor was intended to be located at Kirkham. However, given the stated aim of giving the item more prominence, as well as the importance of John Oxley to the area, both Curry Reserve and John Oxley Reserve could be considered equally appropriate.

Site Assessment Summary

Both sites offer the potential for an appropriate display of the John Oxley Commemorative Anchor. The technical assessments of the locations are relatively consistent, with different possibilities at each site. John Oxley Reserve gives Council more freedom in terms of location, as well as the potential to expand on the existing monument, however it is relatively remote. Curry Reserve has more competing land use, however is a more prominent location. In their last request, the Camden Historical Society stated that their main goal is that '*maximum exposure can be given to one of Camden's most significant monuments*'. Thus, given that the driving motivation for the relocation is the request from the Camden Historical Society, then Curry Reserve would be viewed by the Camden Historical Society more favourably.

Council has completed a review of Curry Reserve and a draft plan of the site has been completed, including a proposed location for the Anchor (Figure 5). The President of the Historical Society has been shown the proposed plans of Curry Reserve, including the landscaping and mound in which the Anchor would sit, with the feedback being positive for the location and landscaping.

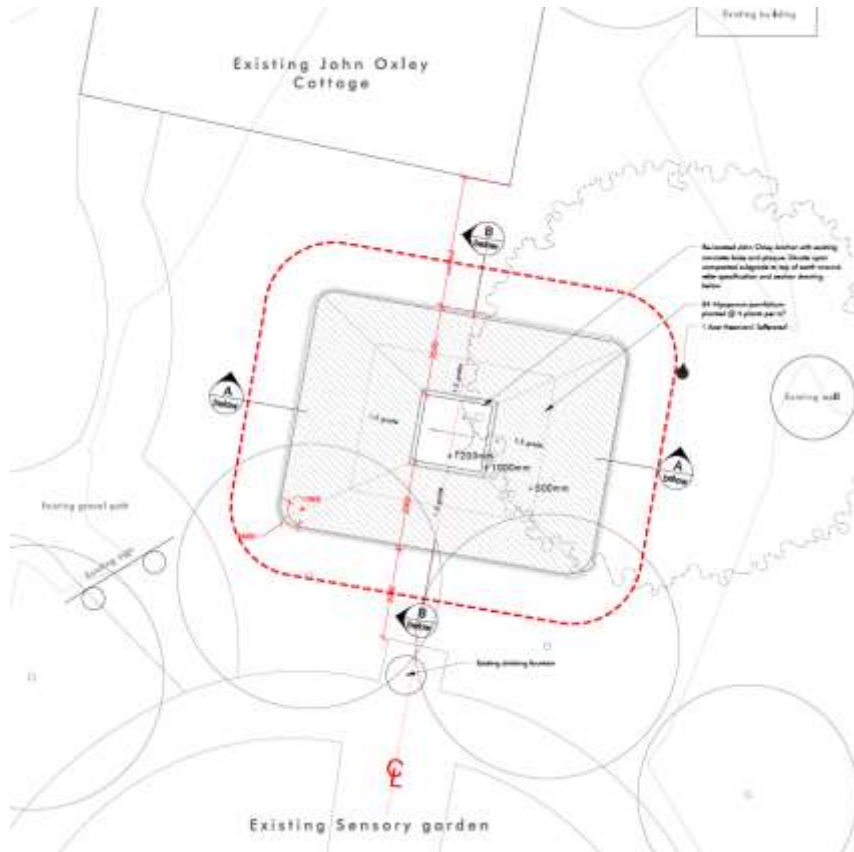


Figure 5: Location within Curry Reserve

Further correspondence was received from the Camden Historical Society on 22 July 2015, requesting that a steel profile which resulted from being cut out of the negative, and currently located at Council's depot (Figure 6), also be included as part of the landscaping of Curry Reserve.



Figure 6: Steel Profile of John Oxley



FINANCIAL IMPLICATIONS

The financial implications associated with this project are expected to be up to \$5K. The costs include the relocation of the Anchor from Kirkham to Curry Reserve, reinstatement of the fencing on the private property at Kirkham as well as site preparation and the development of the landscape feature within the park, inclusive of the John Oxley cut out.

The Camden Historical Society has offered in-kind support through the provision of a story board depicting the history of the Anchor and John Oxley which is to be installed within Curry Reserve near the Anchor.

This project is to be funded from the current budget for works within Curry Reserve.

CONCLUSION

Council has received a request from the Camden Historical Society asking for the relocation of the John Oxley Anchor to a more prominent location. An assessment of two locations has occurred, being Curry Reserve and John Oxley Reserve. To meet the request of prominence, Curry Reserve is the preferred location and is situated within the original John Oxley land grant.

Council Officers have prepared plans detailing the potential location and landscaping for the anchor within Curry Reserve (Figure 5), to which representatives of the Historical Society have provided positive feedback.

Construction within the park has commenced and through this work we have the opportunity to ensure the anchor is located in the best location possible, considering all other competing land uses. No such work is proposed for John Oxley Reserve, and as such it is recommended that the anchor be relocated to Curry Reserve.

RECOMMENDED

That Council:

- i. endorse the relocation of the John Oxley Commemorative Anchor and John Oxley cut out to Curry Reserve in order to allow for a prominent display of the historical artefact within the Camden Local Government Area; and**
- ii. write to the Camden Historical Society thanking them for their input and offer of in-kind support for this project.**



ORDINARY COUNCIL

ORD10

SUBJECT: TENDER T013/2015 DESIGN AND CONSTRUCTION OF A CLUB HOUSE BUILDING AT NARELLAN PARK, NARELLAN

FROM: Director Community Infrastructure

TRIM #: 15/185141

PURPOSE OF REPORT

To provide details of the tenders received for Contract T013/2015 being the design and construction of a club house building at Narellan Park, and to recommend that Council accept the tender submitted by Momentum Built Pty Ltd, and to seek additional funding from Council towards the project to enable the requirements of the facility to be achieved.

BACKGROUND

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.

In June 2014, Council prepared and submitted an application on behalf of the Club, to seek grant funding under the Federal Government's Community Development Grants Program for the Narellan Jets project.

Council received funding approval and at the Ordinary Council Meeting of 9 September 2014, resolved to accept grant funding of \$200,000 (GST exclusive) under the Federal Government's Community Development Grants Program for stage 1 of the new clubhouse at Narellan Park. At this time the scope of the club's requirements was not fully determined.

Concept plans for a metal frame, metal clad building and a foundation design based on a geotechnical report were completed by the club and provided to Council. These items were funded directly by the club to maximise the amount of grant funding available for construction.

Council officers have worked closely with the club in determining a suitable sized building and construction materials, which could be afforded within the grant funding.

The club's aspirations are to develop a building of approximately 400m² to cater for a variety of possible uses. Preliminary cost estimates prepared by Council officers indicated that for a building of this size would exceed the grant funding available. For this reason, tenderers were asked to price two building options. Option 1 being a building of 393m² and option 2 being a building of 238m². Both options also included additional covered veranda areas.

In June 2015, tenders were invited to develop the detailed design and construct a new clubhouse building in Narellan Park. Tenders opened on 9 June, 2015 and closed on 30 June, 2015.



MAIN REPORT

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

Company	Location
Castlereagh Constructions Group Pty Ltd	Surry Hills
John McDonald Building Services	Camden
Momentum Built Pty Ltd	Caringbah

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**.

The tendered amounts received for both building options are more than the grant funding available for the project, as detailed below in the financial implications section of the report.

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:

- Methodology and Program;
- Experience on projects of similar nature;
- Project Program;
- Proposed project team, capacity, and systems; and
- Work Health and Safety (WHS).

Momentum Built Pty Ltd has provided the most competitive tender in terms of cost and meeting all requirements of Council's tender documentation for both building options. Past clients were contacted and gave positive feedback for Momentum Built Pty Ltd

Momentum Built Pty Ltd has demonstrated an extensive proven track record in delivering projects of a similar scale and nature. Momentum Built have successfully completed other projects for Council in the last two years.

The panel members all agreed that the tender for both options provided by Momentum Built Pty Ltd represented the best value to Council.

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.



FINANCIAL IMPLICATIONS

The Federal Government’s Community Development Grants Program for the Narellan Jets project grant funding of \$200,000, is provided without a requirement for any monetary contribution from Council. Preliminary cost estimates indicated that building option 2 could be delivered within the budget of \$200,000 set by the grant.

Council is currently not contributing funding towards the club house building construction in the 2015/2016 Capital Works Delivery program.

A summary of the financial position for this project based on the preferred tender price for both building options is provided below:

Grant amount: \$200,000
Amount spent to date: \$3,821.96
Remaining grant funding: \$196,178.04

Option 1: Building - 393 square metre floor area

Cost to construct building	\$271,693.75
10% Contingency	<u>\$27,169.30</u>
Potential construction cost	\$298,863.05
Less remaining amount of grant funding	\$196,178.04
Funding Required	\$102,685.01

Option 2: Reduced size building - 238 square metre floor area

Cost to construct the reduced sized building	\$221,377.17
Add 10% Contingency	<u>\$22,137.72</u>
Total Construction Cost	\$243,514.87
Less remaining amount of grant funding	\$196,178.04
Funding Required	\$47,336.83

CONCLUSION

The 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. The club currently has one full sized and half sized rugby league field. It is part of the Sports hub facilities to increase the half size field to a full size. The club house building will then provide amenity to two fields.

Additional funds are required to be allocated to the design and construction of a club house building at Narellan Park, if either of the current options are to be delivered.

Should Council choose not to allocate any funds towards the construction of the club house building, the size of the building will have to be reduced further to allow the cost of the building to be covered by the grant funding.



Following recent discussions with the club to better understand the future uses of the club room, building option 2 of 238m² with additional veranda areas is seen as a suitable size for this facility and is comparable with other facilities for use as a club room. This would require additional funding of \$47,336 to be allocated to the project. which is currently available from Council's Capital Works Reserve should Council support the proposal.

RECOMMENDED

That Council:

- i. approve funds of \$47,000, being allocated to the 2015/16 Capital Works Program from the Capital Works Reserve for the design and construction of the club house building (Option 2) at Narellan Park;**
- ii. accept the tender provided by Momentum Built Pty Ltd for the lump sum of \$221,377.17 (GST exclusive); and**
- iii. 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 T013/2015 Design and Construction of a Club House Building at Narellan Park - *Supporting Document***



ORDINARY COUNCIL

ORD11

SUBJECT: CLOSURE OF THE MEETING TO THE PUBLIC
FROM: Director Customer & Corporate Services
TRIM #: 15/212151

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act and should be dealt with in a part of the meeting closed to the media and public.

- Delegation of Authority for Camden Pool Dispute Mediation

Council may, by resolution, allow members of the public to make representations as to whether the meeting should be closed before any part of the meeting is closed to the public. A representation by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded. That period would be limited to four minutes, in line with Council's Public Address Policy.

The meeting will only be closed during discussion of the matters directly the subject of the report and no other matters will be discussed in the closed section of the meeting.

Members of the public will be readmitted to the meeting immediately after the closed section is completed and if the Council passes a resolution during that part of the meeting that is closed to the public, the Chairperson will make the resolution public as soon as practicable after that closed part of the meeting has ended.

RECOMMENDED

That Council resolve that:

- the meeting be now closed to the media and public to discuss a report concerning commercial information of a confidential nature dealing with Delegation of Authority for Camden Pool dispute mediation, in accordance with the provisions of Section 10A(2)(g) of the Local Government Act, 1993; and**
- any objections or submissions as to the closure of the meeting be now heard and be limited to a period of four minutes.**