

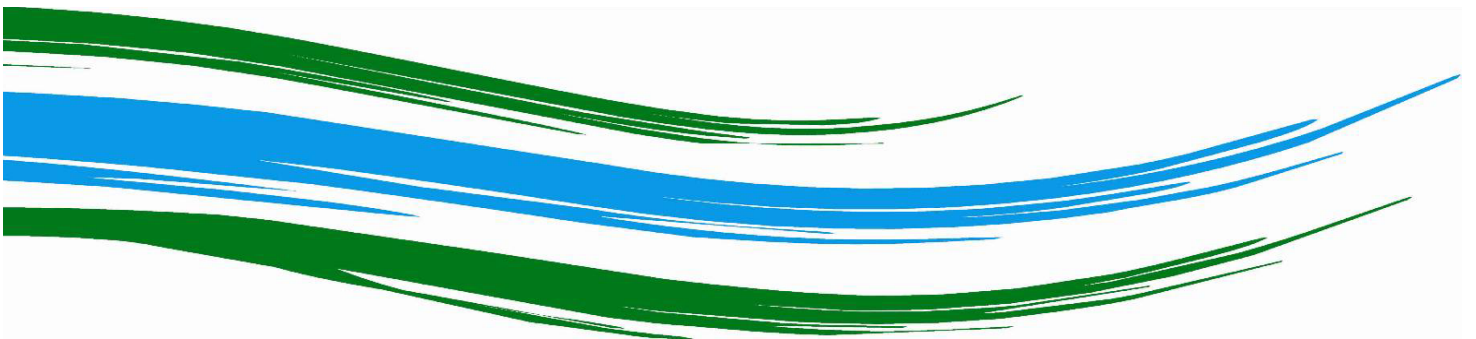


Camden Council

Business Paper

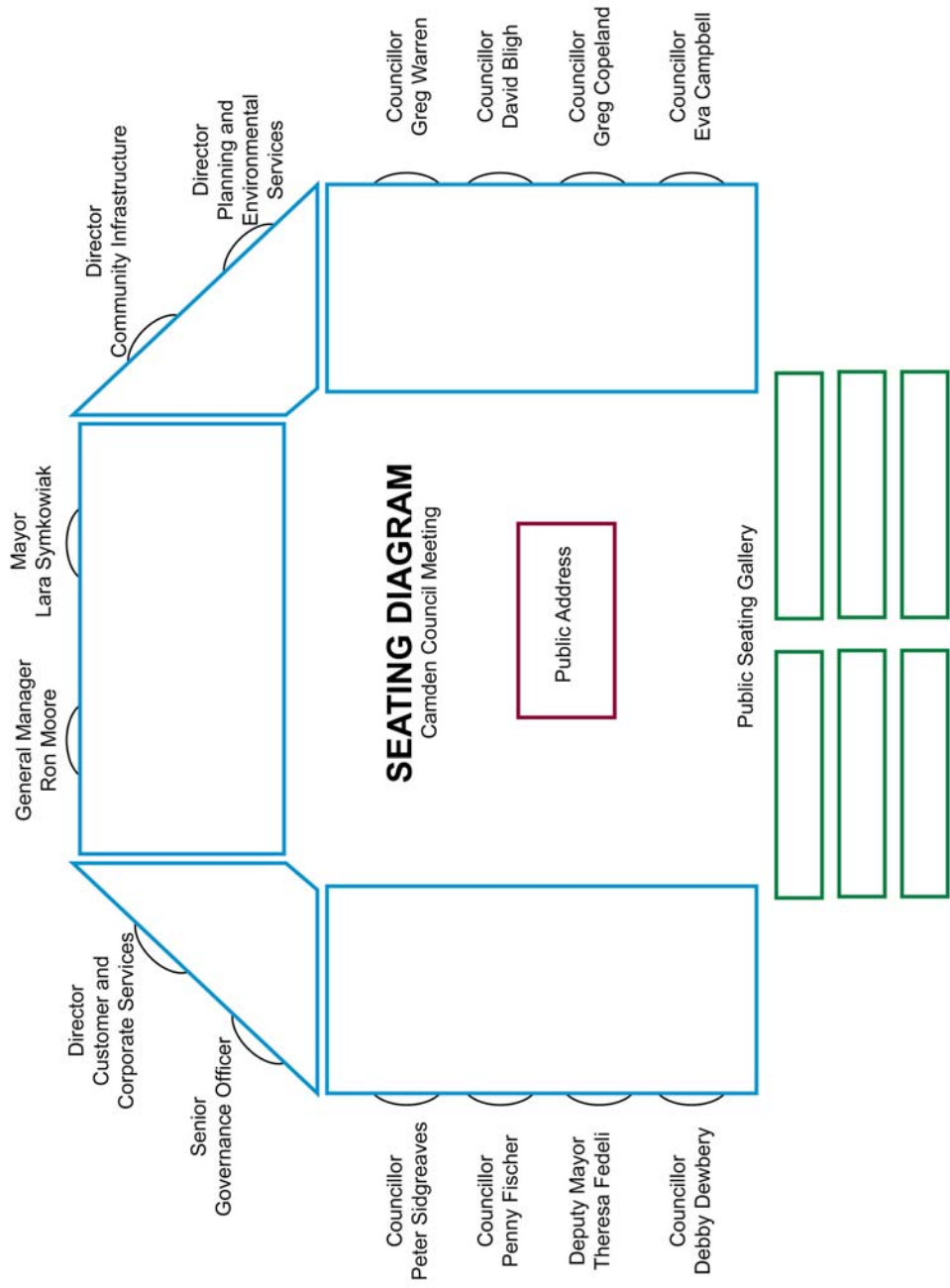
Ordinary Council Meeting
27 January 2015

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: ACKNOWLEDGEMENT OF COUNTRY

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



ORDINARY COUNCIL

SUBJECT: RECORDING OF COUNCIL MEETINGS

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

ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.

ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

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

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

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

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

RECOMMENDED

That the declarations be noted.

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

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

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

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

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

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

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

RECOMMENDED

That the public addresses be noted.



ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 9 December 2014.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 9 December 2014, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE

Consideration of Mayoral Minute (if any).



ORD01

ORDINARY COUNCIL

ORD01

SUBJECT: PART DEMOLITION OF THE EXISTING DWELLING, ALTERATIONS AND ADDITIONS INCLUDING A NEW REAR ADDITION AND GARAGE, CONSTRUCTION OF A SWIMMING POOL AND TENNIS COURT AND ASSOCIATED SITE WORKS AT 130 KIRKHAM LANE, KIRKHAM

FROM: Director Planning & Environmental Services

TRIM #: 14/171223

APPLICATION NO: 476/2014

PROPOSAL: Part demolition of the existing dwelling, alterations and additions including a new rear addition and garage, construction of a swimming pool and tennis court and associated site works

PROPERTY ADDRESS: 130 Kirkham Lane, Kirkham

PROPERTY DESCRIPTION: Lot 5, DP 882365

ZONING: RU1 Primary Production

OWNER: Bruce Coneybeare C/- Investments and Loans Pty Limited

APPLICANT: Mark Hitchcock

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the part demolition of the existing dwelling, alterations and additions including a new rear addition and garage, construction of a swimming pool and tennis court and associated site works at 130 Kirkham Lane, Kirkham.

The DA is referred to Council for determination as there remains unresolved issues received in one submission from the public and there is a proposed variation to Camden Development Control Plan 2011 (DCP).

SUMMARY OF RECOMMENDATION

That Council determine DA 476/2014 for the part demolition of the existing dwelling, alterations and additions including a new rear addition and garage, construction of a swimming pool and tennis court 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 part demolition of the existing dwelling, alterations and additions including a new rear addition and garage, construction of a swimming pool and tennis court and associated site works at "Kirkham Stables", 130 Kirkham Lane, Kirkham.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant

Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The DA was publicly exhibited for two periods of 30 days in accordance with the DCP. One submission was received objecting to the proposed development. **A copy of the submission is provided with the Business Paper supporting documents.**

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

The issues raised in the submission relate to the location and level of the proposed tennis court, noise and illumination from the proposed tennis court and privacy concerns resulting from the new entertaining area.

The proposed tennis court will be setback 5m from the property boundary and approximately 83m from the neighbouring dwelling. Further, the applicant has agreed to provide a 4m high vegetation screen along the northern and eastern sides of the tennis court to obscure views from the neighbouring property to the tennis court. Due to the setback between the proposed tennis court and neighbouring dwelling and the proposed screening, it is not considered the proposed tennis court will be visually intrusive as viewed from adjoining residences.

A condition is recommended to ensure the use of the tennis court and associated lighting is consistent with Council's Environmental Noise Policy. A further condition is recommended which requires that the lighting orientation and intensity to be specifically designed in accordance and in compliance with the Australian Standard 4282-1997 "Control of obtrusive effects of outdoor lighting".

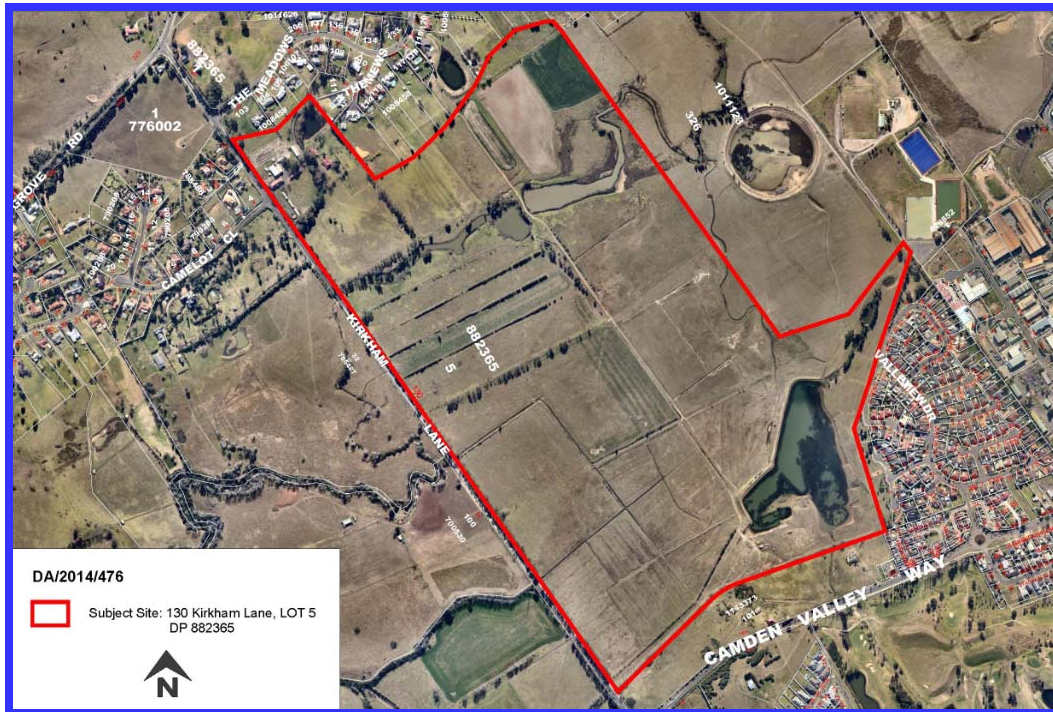
Views from the neighbouring property to the new entertaining area will be obscured by a combination of the existing vegetation along the property boundary and the existing carport located on the neighbouring property.

The applicant proposes a minor variation to the DCP in relation to cut and fill. In accordance with the DCP, the maximum cut and fill is to be limited to 1m. The proposed development includes the construction of an inground swimming pool, which requires up to 1.2m of cut and fill. The pool generally relates to the topography of the land and the extent of cut of fill is minor and reasonable.

The site is listed as a State and local heritage item. The proposed development will not have an adverse impact on the heritage item.

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 “Kirkham Stables”, 130 Kirkham Lane, Kirkham and is located on the eastern side of Kirkham Lane and is legally described as Lot 5, DP 882365.

The site measures 121 hectares in area and is irregular in shape with a frontage of 1633m to Kirkham Lane. The site is listed as a heritage item under the Camden LEP 2010, under the name ‘Kirkham Stables’ and is also listed on the State Heritage Register as the ‘Kirkham Stables Precinct’.

The site comprises cleared grazing land, with the north-western corner of the lot being the Kirkham Stables Precinct containing the homestead and several other buildings including Kirkham Stables, managers cottage, garage, milking sheds and machinery shed.

The single storey weatherboard homestead is located within a semi formal garden approximately 150m east of the Kirkham Lane frontage and 100m from the Kirkham Stables building. The dwelling has a floor area of approximately 200m² comprising three bedrooms, kitchen, pantry, boiler room and a number of small living rooms.

Access to the site is via a driveway off Kirkham Lane approximately 225m south of the intersection with Camelot Close.

The majority of the site south of the Kirkham Stables Precinct is flood prone. This area contains rural paddocks for cattle grazing.

The Narellan Creek traverses the site in an east–west direction, approximately 275m south of the Kirkham Stables Precinct.

The property is generally cleared of vegetation with the exception of rows of trees along the Kirkham Lane frontage, the historical driveway and Narellan Creek, and a few trees scattered around the vicinity of the existing buildings. There is a large dam located in the far northern corner of the lot approximately 55m north of the existing homestead.

The site is considered to be rural, however is located within a semi rural landscape. Immediately opposite the site on the western side of Kirkham Lane are single storey residences on 1 acre blocks which are part of a subdivision of the land surrounding Camelot. Camelot is a sizeable rural holding that is also a State listed property. The land to the north of the Kirkham Stables Precinct has been subdivided and comprises established residential properties varying in size from 4 to 17 hectares.

HISTORY

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

Date	Development
21 March 2003	Approval of DA 257/2003 for the demolition of a cottage

THE PROPOSAL

DA 476/2014 seeks approval for the part demolition of the existing dwelling, alterations and additions including a new rear addition and garage, construction of a swimming pool and tennis court and associated site works.

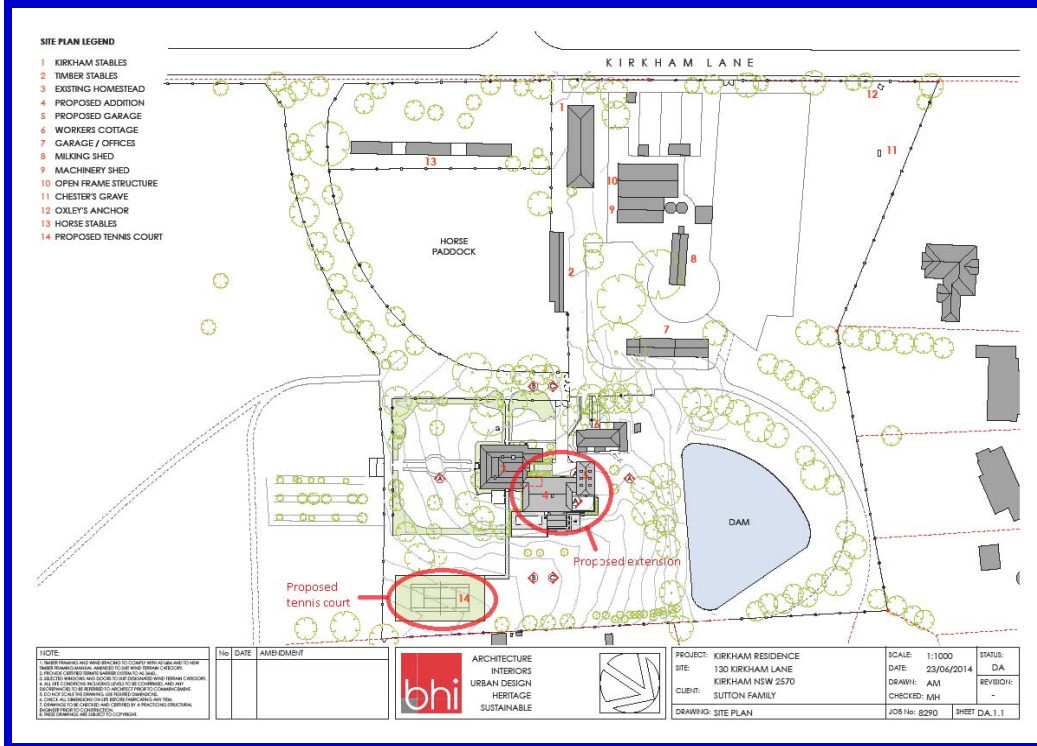
Specifically the proposed development involves the following:

- Alterations to the existing homestead including:
 - demolition of the existing rear north-east wing;
 - removal of 2 internal walls, infill of 2 internal doorways and 2 external windows;
 - repair work to replace damaged doors and cornices and repainting; and
 - conversion of the existing kitchen to a new bedroom;
- Additions to the existing homestead including:
 - construction of a new kitchen/living/dining pavilion addition connecting to the northeast corner of the existing homestead via new glazed walkway;
 - construction of a new garage/utilities addition with a second storey to contain a storage loft; and
 - construction of a new outdoor deck and BBQ area;
- Construction of a 10m long inground swimming pool with stone paved surrounds;
- Construction of an illuminated turf tennis court for private use;
- Removal of two trees; and
- Associated site works including new gravel driveway and entrance courtyard.

The value of the works is \$580,000.

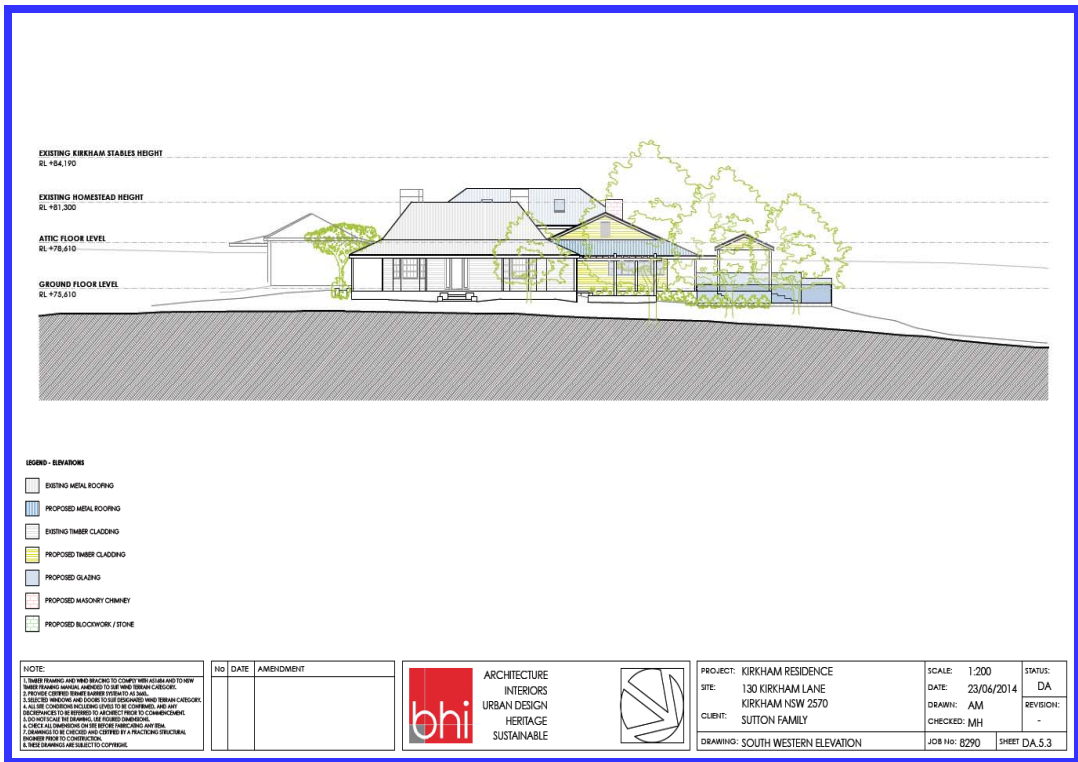
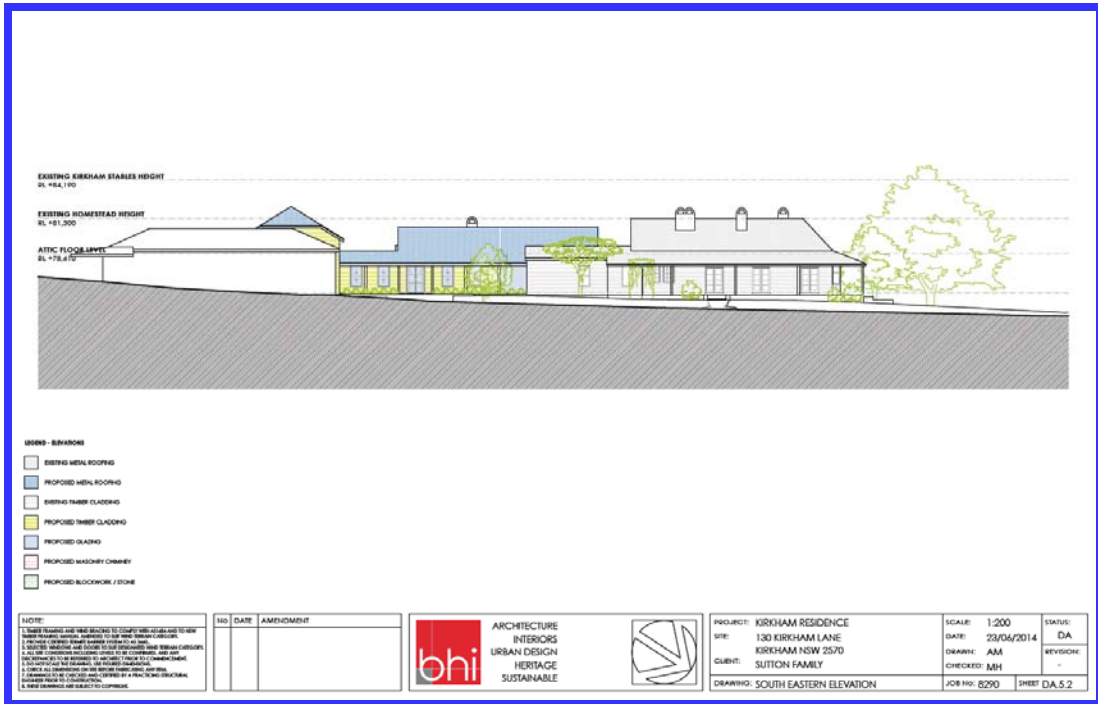
A copy of the proposed plans is provided as attachment 1 to this report.

SITE PLAN



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:

- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Camden Local Environmental Plan 2010
- Camden Development Control Plan 2011

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

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

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

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Appropriate erosion and sediment control measures will be required as a condition if the consent.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned RU1 Primary Production under the provisions of the LEP. There is no new use proposed as part of the application. The proposed development relates to alterations and additions to an existing dwelling on the land. A dwelling is permitted with consent in the RU1 zone.

Zone Objectives

The objectives of the zone are as follows:

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

Officer comment:

The proposed development will be located within close proximity of the existing homestead and does not encroach into the area of the site that is currently used for agriculture.

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

Officer comment:

This objective is not relevant as the development relates only to the existing dwelling and does not propose any new uses on the land.

- To minimise the fragmentation and alienation of resource lands.

Officer comment:

This objective is not relevant as the application does not propose subdivision and does not propose any new uses on the land. As previously mentioned the proposed development does not encroach on the land that is currently used for cattle grazing.

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

Officer comment:

The proposed development has been assessed and subject to the recommended conditions contained in this report, it is not considered that it will result in conflict with any land uses within this or adjoining zones.

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

Officer comment:

This objective is not relevant as the development relates only to the existing dwelling and does not propose any new uses on the land.

- To maintain the rural landscape character of the land.

Officer comment:

No development is proposed within the area currently used for agriculture. The application includes planting of additional landscaping to help screen the new additions from adjoining properties. It is considered that the proposed development satisfies this objective.

Relevant Clauses

The DA was assessed against the following relevant clauses of the Camden LEP 2010.

Clause	Requirement	Provided	Compliance
4.3 Height of Buildings	Maximum building height 9.5m	Proposed maximum building height is 7m	Yes
5.9 & 5.9AA Preservation of Trees or Vegetation	Consent is required to remove trees or vegetation	The application includes the removal of two trees (two non native ornamental conifers)	Yes
5.10 Heritage Conservation	Consent is required to demolish or alter a heritage item and also to erect a building on land where a heritage item is located	The site is listed as both a local and State heritage item. A full heritage assessment was provided and satisfactorily addresses all proposed works	Yes
	Consider the effect of the proposed development on the heritage significance of the item or area concerned	It is not considered that the proposed development will have an adverse impact on the heritage item. The proposed development is adequately setback from the State heritage building (Kirkham Stables) and is well designed and complements the existing buildings within the Kirkham Stables Precinct	Yes
7.1 Flood Planning	Ensure development is compatible with the flood hazard of the land and is not likely to adversely	Almost the entire site is flood prone, however all the proposed works are outside the 1% and 5% AEP with the	Yes

Clause	Requirement	Provided	Compliance
	affect flood behaviour and the environment or cause avoidable erosion	exception of a portion of the proposed tennis court. All matters required to be considered by this clause have been considered and it is not anticipated that the proposed development will have any adverse impacts	
7.4 Earthworks	Consider a number of matters relating to earthworks including detrimental effects on drainage patterns, fill quality and amenity of adjoining properties	The extent of the proposed earthworks have been considered against the matters listed for consideration by this clause and are considered to be acceptable subject to the recommended conditions	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

Camden Development Control Plan 2011 (DCP)

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

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion, sediment and dust control measures	Conditions are imposed to ensure that appropriate measures are installed and maintained throughout all the proposed development	Yes
B1.2 Earthworks	Maximum 1m cut and fill for residential development or ancillary residential development	Cut of 1.2m and fill of 1.2m is required for the inground pool. This represents a minor variation but is acceptable noting that it is associated with an	No, however variation supported

ORD01

Control	Requirement	Provided	Compliance
	Use only clean fill	inground pool that generally responds to the topography of the site A standard condition is recommended to ensure that only clean fill is used	Yes
B1.3 Salinity Management	Salinity resistant construction	A condition is recommended requiring construction to comply with the requirements of Councils policy "Building in a Saline Prone Environment"	Yes
B1.4 Water Management	Development to comply with Council's Engineering Specifications in terms of stormwater detention, drainage and water sensitive urban design	A condition is recommended requiring compliance with Council's Engineering Specifications	Yes
B1.5 Trees and Vegetation	The aesthetic, botanical, ecological, cultural and heritage importance of any tree to be removed must be taken into consideration	The application was referred to Council's Landscape Officer who considers the proposed removal of 2 trees is acceptable. The trees are not sufficiently significant to warrant their retention. The removal of the trees is supported subject to suitable replacement planting	Yes
B1.6 Environmentally Sensitive Land	Address impacts to vegetation, habitats and threatened species	The proposed removal of 2 small trees is acceptable. The trees are not sufficiently significant to warrant their retention. The removal of the trees is supported subject to suitable replacement planting	Yes
B1.9 Waste Management Plan	Waste management plan required (WMP)	An adequate WMP has been provided	Yes
B1.10 Bushfire Risk	Bushfire assessment required	A bushfire assessment has been provided.	Yes

Control	Requirement	Provided	Compliance
Management		The vegetation in the vicinity of the proposed development is considered low hazard as it is less than 20m in width and not located near a vegetated area. It is considered that bushfire construction requirements are not required	
B1.11 Flood Hazard Management	Development on flood prone land must comply with Council's Engineering Specifications and Flood Risk Management Policy for development which is located within and affected by flood prone land	The application was referred to Council's Engineering Unit who have raised no concerns regarding flooding. The proposed development is considered to be in accordance Council's Engineering Specifications and Flood Risk Management Policy	Yes
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy	The development including the tennis court will comply with Council's Environmental Noise Policy	Yes
B2 Landscape Design	A landscape plan is required where development will significantly alter the existing landscape character	An appropriate landscape plan has been submitted and is acceptable	Yes
B3 European Heritage	A Heritage Impact Statement is required to be submitted for development which will significantly alter a heritage item	A Heritage Impact Statement has been submitted and is acceptable	Yes
B3.1 European Heritage	New buildings shall avoid heritage style replication and complement the existing buildings	The proposed development is well designed and complements the existing heritage buildings	Yes
	New development must be designed to reflect the existing	The height, bulk and scale of the proposed development are	Yes

ORD01

ORD01

Control	Requirement	Provided	Compliance
	form, bulk, scale, height and architectural elements	consistent with the existing buildings. The proposed additions complement the architectural elements of the existing heritage buildings	
	Additions are to sited to not compromise the character of the heritage buildings	The works proposed are to the rear and side of the existing dwelling, and are setback so as to be subordinate to the heritage homestead	Yes
	Loft type structures are appropriate only where bulk and scale do not overwhelm the existing or surrounding buildings	The loft over the proposed rear garage is visually separated behind the existing heritage homestead and will appear subordinate to the homestead from the front façade	Yes
	Surviving materials and finishes shall be retained where appropriate	The majority of the existing dwelling will be retained and material salvaged from the demolished wing will be used to repair any existing deteriorated material	Yes
	Retain significant original internal elements of a building	Most original windows in the homestead are to be retained and the existing doors and cornices will be repaired	Yes
	Colours must be appropriate and complement the building type and style	The colours proposed for the roof, timber clad walls and fenestration will match the existing dwelling	Yes
	Garages, carports and outbuildings shall be placed so that they do not dominate the principal building	The proposed garage is located to the rear of the existing dwelling and will not be highly visible from the front façade of the	Yes

Control	Requirement	Provided	Compliance
	<p>The demolition of a heritage place will only be considered when justification is provided that retention has been investigated and it is considered unrepairable</p> <p>Diagrammatic and photographic records must be undertaken by an experienced heritage consultant where demolition is proposed</p>	<p>homestead</p> <p>A Heritage Impact Statement has been provided. The demolition of the north-eastern wing is supported by the Office of Environment and Heritage and Council's Heritage Advisor</p> <p>A condition is recommended requiring a photographic record of the entire homestead to be submitted to Council before demolition or construction works commence</p>	<p>Yes</p> <p>Yes</p>
B3.1.5 Cultural and Visual Landscapes	Development should optimise the preservation and interpretation of the identified significant Cultural and Visual Landscapes	The southern portion of the lot falls within a view corridor (V1) between Studley Park House and Camelot. The proposed development being located in the far north of the site will not have any impact on the identified view corridor or on heritage views	Yes
D1.1 Rural Accommodations, Dwellings and Outbuildings	<p>Minimum front setback 20m</p> <p>Minimum side and rear setback 5m</p> <p>Minimise removal of existing vegetation</p>	<p>The dwelling is setback 140m from the frontage</p> <p>The dwelling is setback 40m and tennis court is setback 5m from the rear boundary</p> <p>The proposed removal of 2 small trees is acceptable. The trees are not sufficiently significant to warrant their retention. The removal of the trees is supported subject to suitable replacement planting</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

ORD01

Control	Requirement	Provided	Compliance
	Buildings to be visually unobtrusive in the overall landscape	The proposed development will not be visible from the road and will not be visually obtrusive from adjoining properties	Yes
	Cut and fill kept to a minimum	A maximum of 1.2m of both cut and fill is required which is acceptable	Yes
	Colours used in construction to be low reflective neutral tones	The colours proposed will match the existing dwelling	Yes
	Rooflines to reflect the existing land profile	The proposed roof of the rear addition and garage (with loft) generally responds to the topography of the land	Yes

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

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

(a)(iv) The Regulations

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

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

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

(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 two periods of 30 days in accordance with the DCP. The exhibition periods were from 14 August to 15 September and 14 November to 15 December 2014. One submission was received objecting to the

proposed development. **A copy of a public exhibition and submissions map is provided with the Business Paper supporting documents.**

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

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

1. *The location and RL of the tennis court being considerably higher than the existing ground level will stand out and be in direct view from the adjoining neighbours outdoor living area.*

Officer comment:

The proposed tennis court will be setback 5m from the property boundary and approximately 83m from the neighbouring dwelling. Further, the applicant has agreed to provide a 4m high vegetation screen along the northern and eastern sides of the tennis court to obscure the view from the neighbouring property to the tennis court.

The level of the tennis court (RL 71.5) suitably relates to existing ground levels which vary between RL 72 and RL 70.50. A maximum of 1m fill will be required in parts.

The proposed 3m high chain wire fence around the tennis court will be black in colour which will blend into the surrounds.

4m high planting comprising of a combination of trees and shrubs is recommended as a condition of consent. Much of the planting will be planted at 4m high to ensure effective screening at an early stage. The planting will screen the tennis court from the neighbouring property taking into account the proposed level of the tennis court and associated fence height.

Due to the setbacks and the screening, it is not considered the proposed tennis court will be visually intrusive as viewed from the adjoining residences.

2. *The noise and lighting from the tennis court being a nuisance*

Officer comment:

The proposed tennis court is for private use only. The development has been assessed against Council's Environmental Noise Policy which requires a minimum distance of 10m between the edge of the tennis court and the window of any habitable room on an adjacent property. Council staff are satisfied that the tennis court being setback approximately 83m from the adjoining residence is consistent with Council's Environmental Noise Policy and will not cause any adverse acoustic impacts on adjoining properties.

A condition is recommended to ensure the use of the tennis court and associated lighting is consistent with Council's Environmental Noise Policy. A further condition is recommended which requires that the lighting orientation and intensity to be specifically designed in accordance and in compliance with the Australian Standard 4282-1997 "Control of obtrusive effects of outdoor lighting."

Taking into account separation between the tennis court and neighbouring property, the proposed screening and the restriction on the use of the tennis court and lighting, it

is not anticipated that the proposed tennis court will have any major adverse acoustic or amenity impacts on the adjoining residences.

3. *The extension and new entertaining area will impact upon privacy as it will be built higher and closer to the property boundary and bring unobstructed noise directly into the adjoining property.*

Officer comment:

The proposal complies with setbacks prescribed in the Camden DCP 2011 which requires a 5m setback from the side and rear boundaries. The development also complies with the requirements of the Camden LEP 2010 which allows a building height of up to 9.5m. The main rear addition to the dwelling will be lower in height than the existing dwelling and will have a setback of approximately 40m from the neighbouring (north-eastern) property boundary and 93m from the neighbouring properties dwelling. The double storey garage and loft will be setback 50m from the property boundary and will have an overall height of 7m above natural ground level.

Views from the neighbouring property to the proposed development will be obscured by a combination of the existing vegetation along the property boundary and the existing carport located on the neighbouring property.

The level of noise generated from the new entertaining/pool area will be typical for a residential property and will not have any major adverse acoustic impact on the neighbouring property.

4. *Considering the size of the site a more neighbour friendly location for the tennis court could be provided.*

Officer comment:

The applicant has satisfactorily demonstrated that the proposed tennis court is suitably sited to avoid conflicts with its rural zoning objectives, its heritage significance and neighbouring properties. Four alternative locations for the tennis court were investigated by the applicant. The alternative locations were considered to either encroach within the visual curtilage of the existing heritage buildings and gardens in the Kirkham Stables Precinct or be unreasonably isolated from the homestead within the rural paddocks.

Council's Heritage Advisor has advised that the location of the tennis court as proposed is the most suitable location from a heritage perspective as it is located behind the front façade of the existing homestead. The Office of Environment and Heritage raised no objection to the tennis court location.

The objectives of the RU1 zone seek to maintain and enhance the natural resource base and to minimise the fragmentation of resource lands. Locating the tennis court within an area currently used for cattle grazing would result in a loss of agricultural land which would be contrary to the objectives of the zone.

The proposed tennis court is ancillary to the dwelling and as such should be located within the vicinity of the residence.

As noted above, the proposed tennis court is sufficiently setback from the neighbouring properties and will be suitably screened. The amenity impacts arising from the tennis court will be minimal and acceptable.

(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

Office of Environment and Heritage (OEH)

The DA was required to be referred to OEH for assessment pursuant to the Heritage Act 1977 as the development proposes demolition, alterations and additions to a State listed heritage property. The proposed development is therefore classed as Nominated Integrated Development.

OEH raised no objection to the proposed development subject to General Terms of Approval. Compliance with these General Terms of Approval is a recommended condition.

A copy of the General Terms of Approval is provided as an attachment to this report.

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 476/2014 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

General Requirements

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

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

Plan / Development No.	Description	Prepared by	Dated
DA.1.2	Site Analysis Plan	BHI Architects	23.6.2014
DA.2.1	Demolition Plan	BHI Architects	23.6.2014
DA.3.1	Ground Floor Plan	BHI Architects	23.6.2014
DA.3.2	Roof Plan	BHI Architects	23.6.2014
DA.3.3	Drainage Concept Plan	BHI Architects	23.6.2014
DA.4.1	Section AA	BHI Architects	23.6.2014

DA.4.2	Section BB	BHI Architects	23.6.2014
DA.4.3	Section CC	BHI Architects	23.6.2014
DA.5.1	North Eastern Elevation	BHI Architects	23.6.2014
DA.5.2	South Eastern Elevation	BHI Architects	23.6.2014
DA.5.3	South Western Elevation	BHI Architects	23.6.2014
DA.5.4	North Western Elevation	BHI Architects	23.6.2014
DA.6.1	Window Schedule	BHI Architects	23.6.2014
DA.6.2	Door Schedule	BHI Architects	23.6.2014
RFI.3	Tennis Court Details	BHI Architects	10.9.2014
Certificate No. A190815	BASIX Certificate	BHI Architects	12.6.2014
-	Statement of Environmental Effects	BHI Architects	22 August 2014
-	Heritage Impact Statement	Weir Phillips	June 2014
-	Flood Risk Management Plan	Northrop	3 June 2014
-	Waste Management Plan	BHI Architects	23.6.201

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

- (2) **Demolition Australian Standard** - Demolition of the building shall be carried out in accordance with the requirements of Australian Standard *AS2601:2001 - Demolition of Structures*.
- (3) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (4) **Swimming Pool Setbacks** –The side wall or water line of the swimming pool must be a minimum of one (1) metre from the property boundary. The swimming pool safety fencing must also be a minimum of one (1) metre from the side wall or water line of the swimming pool.
- (5) **Surface Water Collection** - Provision must be made to prevent the discharge or diversion of swimming pool waters or stormwater run-off onto adjoining properties. A system of collecting and disposing of all water shall be installed for the proposed swimming pool. Where possible, swimming pool surrounds should generally be graded towards the swimming pool to prevent water runoff onto adjoining land.
- (6) **Building Platform** - This approval restricts excavation or fill for the purposes of creating a building platform. This area should not exceed 2m from the footprint of the swimming pool. Furthermore, any excavation or fill must not exceed 500mm in height, unless otherwise specifically approved by Camden Council.
- (7) **Boundary Fencing** – Allotment boundary fencing forming part of the swimming pool safety fencing shall in all respects comply with the requirements of

AS1926-2007 – *Swimming pool safety – Part 1: Safety barriers for swimming pools.*

- (8) **Swimming Pool Fence Design** – The swimming pool must be fenced so that the pool is effectively isolated from the dwelling and adjoining lands. The swimming pool fence must comply with the following requirements:
- (a) The swimming pool safety fencing must strictly adhere to the design and location approved with the development consent, and any conditions of the development consent.
 - (b) Fences and gates must strictly comply with *AS1926-2007 – Swimming pool safety – Part 1: Safety barriers for swimming pools.*
 - (c) Fencing shall have a minimum effective height of 1.2m.
 - (d) All swimming pool gates shall be self-closing and self-latching. All gates must open outwards from the swimming pool enclosure.
 - (e) The filtration equipment including any cover, housing or pipe work, must not be located within a distance of 900mm from the outside face of the swimming pool safety fencing enclosure, nor within 300mm from the inside of the swimming pool safety fencing enclosure (where footholds are possible).

The swimming pool safety fencing must be installed prior to the swimming pool being filled with water.

The Principal Certifying Authority (PCA), or an accredited certifier must inspect the swimming pool safety fencing.

- (9) **Repair /Conservation Work** – the following must be carried out to the existing homestead building as part of the development:
- (a) all existing roof sheets are to be made watertight and securely screwed down;
 - (b) all peeling paint on the roof to be sanded back and repainted to match existing;
 - (c) like for like patch repair, where required, of any fabric of the existing homestead building;
 - (d) original material from the demolished wing and internal alterations to be salvaged and used to patch repair any existing deteriorated material; and
 - (e) where walls are removed in the hall and lounge room a nib shall be retained at the new openings as interpretation of the existing wall.
- (10) **Roof and Rainwater Pipes** – All new fittings are to be the same materials as the existing (galvanised steel, not Colorbond, round profile downpipes) to ensure visual consistency and to minimise corrosion.

- (11) **New Concrete Slab** – The new slab must not abut the fabric of the existing homestead without a suitable membrane to protect the existing fabric from future damp issues.
- (12) **New Driveway** - The new driveway is to be of gravel or paver construction to blend in with existing gravel driveway and the rural setting.
- (13) **Retaining Wall** - The retaining wall of the pool is to be neutral in colour to blend in with the rural setting and not visually dominate the homestead
- (14) **External Materials and Finishes** - The colours and materials to be used in construction must match those of the existing homestead as indicated on the approved plans.
- (15) **Conditional Approval for Tree Removal** - Consent is granted for the removal of two trees as indicated on the approved plan.
- (16) **Replacement Planting** - Two trees consisting of not less than 75 litre container stock must be installed on the subject land in a location visible from the main dwelling. The replacement planting must be one of the following culturally significant tree species:
 - Bunya Pine
 - Hoop Pine
 - Norfolk Island Pine
 - Washington Palm
 - Cabbage Palm
 - Monterey Pines
 - Loblolly Pine
 - Kurrajong
 - Carob Tree
 - Mourning or Funeral Cypress
 - Loquat Tree
 - Sweet Osmanthus
 - Cottonwood Poplars
 - Lombardy Poplars
- (7) **Landscape Screen** - A combination of 4m high evergreens (45 litre containers) and 2m high shrubs (5 litre containers) must be planted along the entire northern and eastern sides of the tennis court. The evergreen plantings must be a minimum of 4m in height when installed.
- (8) **General Terms of Approval** – The general terms of approval from the Office of Environment and Heritage must be fully complied with.

Construction Certificate Requirements

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

- (1) **Salinity** - The proposed dwelling addition, landscaping and associated works for the development shall comply with the requirements of Camden Council's Policy 'Building in Saline Prone Environment'.

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

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

- (2) **Structural Engineers Details** - The piers/slab/footings shall be designed and certified by a practising structural engineer and shall take into consideration the geotechnical report applicable to the site. A statement to that effect shall be included on the structural engineers details submitted to the certifying authority.
- (3) **Tennis Court Lighting** – Prior to the issue of a Construction Certificate, certification is to be provided to the Consent Authority that demonstrates that the lighting orientation and intensity shall be specifically designed in accordance and in compliance with the Australian Standard 4282-1997 "Control of obtrusive effects of outdoor lighting" and will not negatively impact on the neighbouring properties.
- (3) **General Terms of Approval** – Prior to the issue of a Construction Certificate, General Term of Approval are to be obtained from the Office of Environment and Heritage. Plans are to be in accordance with the General Terms of Approval prior to the issue of a Construction Certificate.

Prior To Works Commencing

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

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

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - (c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (4) **Notice of Commencement of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and clauses 103 and 104 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a

certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building or subdivision works.

- (5) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

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

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

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

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

- (7) **Photographic Records** – Prior to demolition or construction works commencing, a photographic record of the entire homestead including internal, external and setting details and views are to be taken. This must be in accordance with the guidelines *How to Prepare Archival Records of Heritage Items* by NSW Heritage Office, third edition dated June 1998.

During Construction

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

- (1) **Fill Quality** – Any fill material brought in for the construction of the development must only contain uncontaminated soil, clay, shale or rock. No effluent, garbage or trade waste, including building or demolition waste, must be included in the fill. The extent and depth of filling must only occur in accordance with the approved plans and any other conditions of the Development Consent. Evidence of the certification of the fill as uncontaminated shall be provided to the Principal Certifying Authority.
- (2) **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 must be scheduled by the owner so that

all works coincide with the completion of the main building being erected by the principal contractor.

- (3) **Retaining Walls** - If the soil conditions require it:
- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
 - (b) retaining walls must be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property.

The following restrictions apply to any retaining wall erected within the allotment boundaries:

- (a) where the height of an approved retaining wall exceeds 600mm above or below natural ground level, structural engineering details must be provided to the Principal Certifying Authority, prior to any works commencing on the site. Manufacturers' installation details may satisfy this requirement for treated timber products and some dry stacked masonry products;

Note: Where Council is nominated as the Principal Certifying Authority, construction of the retaining wall must be inspected at critical stages as nominated in the Mandatory Inspection Notice. Prior to issue of an Occupation Certificate, certification will also be required attesting that the wall has been built in accordance with the relevant standard.

- (b) adequate provisions must be made for surface and subsurface drainage of retaining walls and all water collected must 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 by the easement or entitled to release or vary the restrictions applying to the easement (electrical easement and the like), or if the erection of the retaining wall makes the purpose of the easement inconvenient or redundant (such as easements for support and maintenance).

- (4) **Hours of Work** – The hours for all construction and demolition work are restricted to between:

- (a) 7.00am and 6.00pm, Monday to Friday (inclusive);
- (b) 7.00am to 4.00pm on Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8.00am to 4.00pm;
- (c) work on Sunday and Public Holidays is prohibited.

- (5) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:

- (a) the delivery of material shall only be carried out between the hours of 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 4.00pm on Saturdays;
 - (b) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site;
 - (c) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
 - (d) waste must not be burnt or buried on site, nor should wind-blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot;
 - (e) a waste control container shall be located on the development site.
- (6) **Surface Drainage** – To prevent surface water from entering the building:
- (a) the floor level for slab on ground construction shall be a minimum of 150mm above finished ground level for habitable rooms;
 - (b) seepage and surface water shall be collected and diverted clear of the building by a sub-surface/surface drainage system;
 - (c) the control of surface water drainage shall in all respects comply with the *Building Code of Australia (Class 1 and Class 10 Buildings)*;
 - (d) where a rainwater tank is required on the site, all surface water drainage lines shall be connected to the outlet overflow drainage line from the rainwater tank.
- (7) **Burying and Burning of Demolition Materials** - No demolition materials shall be buried on the site, other than with the consent of Council. The burning of any demolition material on the site is also not permitted.
- (8) **Vehicles Leaving the Site** - The demolisher shall ensure that motor lorries leaving the site with demolition material and the like are have their loads covered. Wheels of vehicles leaving the site are also not to track soil and other waste material onto the public roads adjoining the site.
- (9) **Asbestos Removal** - The removal of asbestos shall be carried out in accordance with the "Asbestos Code of Practice" for the safe removal of asbestos (National Occupational Health and Safety Commission).
- (10) **Removal of Hazardous and/or Intractable Wastes** - Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant Statutory Authorities, and receipts submitted to Council.
- (11) **BASIX Certificate** – Under clause 97A of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that

all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

In this condition:

- (a) relevant BASIX Certificate means:
 - (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and
- (b) BASIX Certificate has the meaning given to that term in the *Environmental Planning & Assessment Regulation 2000*.

Prior to Issue of Occupation Certificate

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

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

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

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

- (2) **Component Certificates** - Where Camden Council is appointed as the Principal Certifying Authority (PCA) for the development, the following component certificates, as relevant to the development, shall be provided prior to the issued of a Final Occupation Certificate:
 - (a) Insulation installation certificates.
 - (b) Termite management system installation certificates.
 - (c) Smoke alarm installation certificate from installing licensed electrician.
 - (d) Survey certificate(s), prepared by a registered land surveyor, certifying that the building has been correctly and wholly located upon the subject allotment.

- (e) Certification attesting that retaining walls have been constructed in accordance with Engineer's details or manufacturer's specifications as applicable.
- (f) All certificates or information relating to BASIX compliance for the development.
- (g) An 'Approval to Operate a Sewage Management System' issued by Camden Council (for areas that are not serviced by a Sydney Water sewer).
- (h) A certificate certifying that the wet areas have been waterproofed in accordance with the requirements of the *Building Code of Australia*.
- (i) All certificates relating to salinity, as required by conditions of the development consent.
- (j) Any other certificates relating to the development (for example, engineering certification for foundations, piers, reinforcing steel or hydraulic certification for all stormwater drainage works).

Where the appointed PCA is not Camden Council, the matters listed in this condition should be regarded as advisory only.

Note: The above certification does not override any requirements of the *Environmental Planning and Assessment Act, 1979* with respect to any required critical stage inspections.

- (3) **Recirculation Systems** – The swimming pool water recirculation and filtration system must comply with *AS1926.3 Water recirculation systems* with regard to the provision of safety measures, to avoid the entrapment of or injury to a young child.

Prior to issue of an Occupation Certificate, a certificate of compliance or other documentary evidence confirming that the installed recirculation system and filtration system complies with AS1926.3, must be submitted to the Certifying Authority.

- (4) **Swimming Pool Cover** - Where a swimming pool is not approved with a BASIX Certificate, the swimming pool must be provided with a swimming pool cover. In accordance with the provisions of Camden Council's Development Control Plan 2010, the swimming pool must be provided with a removable cover that:

- (a) reduces swimming pool water evaporation, and
- (b) reduces the loss of heat from swimming pool water.

The swimming pool cover must be installed, operated and maintained in accordance with the manufacturer's specifications.

Evidence of the installation of the swimming pool cover must be provided to the Principal Certifying Authority (PCA) prior to issue of an Occupation Certificate.

- (5) **Warning Notice** - A warning notice complying with the provisions of Clause 10 of the *Swimming Pools Regulation 2008*, must be displayed and maintained in a

prominent position in the immediate vicinity of the swimming pool, in accordance with Section 17 of the *Swimming Pools Act, 1992*.

The Principal Certifying Authority (PCA) shall ensure that this warning notice is provided and displayed prior to the issue of the Occupation Certificate.

Council also recommends that all owners and/or users of swimming pools obtain a copy of the 'Cardiopulmonary Resuscitation Guideline' known as "*Guideline 7: Cardiopulmonary Resuscitation*" published in February 2010 by the Australian Resuscitation Council (available through www.resus.org.au).

- (6) **Connection to Sewer** – prior to the occupation of the new extension, the existing homestead must be connected to the Sydney Water sewer system if not already connected.
- (7) **Landscape Screen** - Prior to the issue of the Occupation Certificate for the tennis court, a combination of 4m high evergreens (45 litre containers) and 2m high shrubs (5 litre containers) must be planted along the entire northern and eastern sides of the tennis court. The plantings must be a minimum of 4m in height when installed.

Operational Conditions

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

- (1) **Noise Nuisance Prevention** - The motor, filter, pump, and all sound producing equipment associated with or forming part of the swimming pool filtration system must be located so as not to cause a nuisance to adjoining property owners.
- (2) **Landscaping** - Landscaping of the swimming pool enclosure and surrounds including the provision of outdoor furniture, construction of barbecues and pergolas must not reduce the effectiveness of the swimming pool safety fencing. All landscaping, furniture, and other similar structures shall be located at least 900mm from the outside of the pool safety fencing.
- (3) **Prohibitions Within Swimming Pool Enclosure** - The area contained within the swimming pool safety fencing enclosure must not be used for other non related activities or equipment, such as the installation of children's play equipment or clothes drying lines.
- (4) **Wastewater Disposal** – All swimming pool waste water must be disposed of to the Sydney Water sewer.

In areas not serviced with a sewer (such as rural areas), the swimming pool wastewater must not be discharged to a septic tank or on-site sewage management installation, or disposal area.

In non-sewered areas, chlorinated pool wastewater can either be disposed of by:

- (a) discharging to a rubble pit 600mm wide x 600mm deep x 3.0 metres long, located not less than 3.0 metres from any structure or property boundary; or

- (b) to a tail out drain to disperse the water over a large grassed area or paddock, provided that the land fall does not direct water to buildings on the subject or adjoining properties, or create a nuisance to an adjoining property owner.

Saltwater pool wastewater must be disposed of in the manner mentioned in (b) above so that concentrated levels of salt do not form in the vicinity of the rubble pit.

- (5) **Swimming Pool Water Health Standards** - To maintain hygienic conditions, the swimming pool must be maintained in a clean and healthy condition at all times. For this purpose the following health standards must be maintained:

- (a) Chlorination without Cyanurate Sun Stabiliser

Free chlorine concentration must be maintained within the following range:

Outdoor swimming pools - not less than 1mg per litre;

Indoor swimming pools - water temperature 26 degrees C or below, not less than 1.5mg per litre;

water temperature above 26 degrees C not less than 2mg per litre.

NOTE: Cyanurate compounds must not be used in the disinfecting of INDOOR swimming pools and spa water.

- (b) Chlorination with Cyanurate (Sun Stabiliser Added)

Free residual chlorine concentration must be not less than 3mg per litre.

The Cyanurate concentration must be maintained within the range 25 to 50mg per litre.

- (c) pH must be maintained within the range of 7.5 and 8.1.

- (d) Reserve Alkalinity

Where sodium or calcium hypochloride is used, must be not less than 60mg per litre.

- (e) Sodium hypochloride – liquid chlorine
Calcium hypochloride - granulated chlorine

Note: The above information is supplied by the NSW Department of Health.

- (6) **Tennis Court** – The use of the tennis court and associated lighting must comply with Council's Environmental Noise Policy.

RECOMMENDED

That Council approve DA 476/2014 for the part demolition of the existing dwelling, alterations and additions including a new rear addition and garage, construction of a swimming pool and tennis court and associated site works at 130 Kirkham Lane, Kirkham subject to the conditions listed above.

ATTACHMENTS

1. Proposed Plans
2. Letter from Heritage Council GTA
3. Floor Plans - *Supporting Document*
4. Submissions - *Supporting Document*
5. Public Exhibition and Submissions Map - *Supporting Document*

ORD01

ORDINARY COUNCIL

ORD02

SUBJECT: EMERALD HILLS DCP AMENDMENT**FROM:** Director Planning & Environmental Services**TRIM #:** 14/202810**PREVIOUS ITEMS:** ORD03 - Emerald Hills rezoning - Ordinary Council - 08 Apr 2014 6.00pm
ORD01 - Emerald Hills Rezoning - Ordinary Council - 22 Apr 2014 6.00pm
ORD03 - Emerald Hills DCP amendment - Ordinary Council - 11 Nov 2014 6.00pm

PURPOSE OF REPORT

The purpose of this report is to provide Council with a summary of the public exhibition of the draft amendment to Camden DCP 2011 relating to the Emerald Hills development, and to seek a resolution to adopt the draft DCP amendment as exhibited.

BACKGROUND

At its meeting of 22 April 2014, Council resolved to support the rezoning of land known as Emerald Hills to create 1,280 residential lots with approximately 4,100 residents. The rezoning was formally gazetted by the Department of Planning and Environment on 19 September 2014. The DCP applying to the land subsequently came into force on 8 October 2014.

Discussions with Scenic Hills residents

In May 2014, Council officers were contacted by two groups of residents who live in the Scenic Hills area of the Campbelltown LGA, one of which represented the Scenic Hills Association. These residents raised concerns regarding the potential visual impact of future development on the eastern part of the Emerald Hills site.

Council officers met with the residents in June 2014 to discuss their concerns. As a result of this meeting, Council officers agreed to commence a review of the DCP controls prepared for the Emerald Hills site relating to visual impact.

Councillor Briefing

A Councillor briefing was held on 28 October 2014 and Councillors were informed about the draft DCP amendment.

Consultation with proponent of Emerald Hills

The proponent of Emerald Hills has participated in the DCP review and amendment process and has confirmed in writing that they are satisfied with the draft DCP amendment.

Council meeting

At the meeting of 11 November 2014, Council considered a report on a draft amendment to Camden DCP 2011 relating to Emerald Hills. The draft amendment included:

- an expanded Scenic Character Protection Area;
- mapping of ridgeline excavation and finished ground levels;
- screening vegetation to be provided along the boundary to the Sydney Catchment Authority land;
- mapping of large residential lots;
- applying a 10m rear boundary setback for large residential lots;
- the smaller lots removed from the east-facing ridgeline area; and
- housekeeping amendments to figures in the DCP.

Council resolved as follows:

That Council:

- adopt the draft amendment to Camden DCP 2011 relating to Emerald Hills;*
- proceed to public exhibition for an extended period of six (6) weeks due to the Christmas period;*
- notify adjoining landowners (including residents at the Scenic Hills) of the public exhibition period;*
- grant delegations to the General Manager to adopt the proposed amendments to the Camden DCP 2011 if no unresolved public submissions are received during the public exhibition period;*
- consider a further report at the conclusion of the exhibition period if unresolved public submissions are received during the public exhibition period; and*
- place a notification in the local newspaper advising of the adoption of the amendment to the Camden DCP 2011.*

The draft DCP amendment (**Attachment 1**) was exhibited from 19 November 2014 to 2 January 2015 and four (4) submissions were received. Two (2) of the submissions raised no objection to the draft DCP amendment, and two (2) of the submissions raised matters which are unable to be addressed to the full satisfaction of the submitters. This report has been prepared to enable Council to consider this matter in accordance with point 'v' of the Council resolution of 11 November 2014.

MAIN REPORT

Schedule of submissions to public exhibition

A schedule which details the submissions received in response to the exhibition of the draft DCP amendment is included as **Attachment 2** to this report. A copy of the submissions received during the exhibition period is included as a **supporting document** to this report.

Submissions which raised no objections

Campbelltown Council raised no objection to the draft DCP amendment provided that the visual benefits of the Scenic Hills that currently exist are still maintained.

The Sydney Catchment Authority raised no objection to the draft DCP amendment as there is no direct impact upon the Sydney Catchment Authority's assets.

Unresolved issues

The key unresolved issues raised in the submissions are summarised as follows:

- the enforceability of the proposed bulk earthworks and finished ground level controls;
- the visibility of future development from the Scenic Hills and Campbelltown LGA;
- the reliance upon screening vegetation located outside the Emerald Hills site;
- the exclusion of development from the Scenic Character Protection Area; and
- the application of the recommendations of the Visual Effects Study to the Scenic Character Protection Area only.

The enforceability of the proposed bulk earthworks and finished ground level controls

Issue raised

The proposed bulk earthworks and finished ground level controls might be too complicated and too difficult to enforce.

Comment

The amended DCP controls regarding the excavation within part of the Scenic Character Protection Area have been prepared in conjunction with Council's Development Branch to ensure that they are concise and able to be enforced. The amended DCP controls will require the developer to submit a detailed bulk earthworks strategy with future development applications which demonstrates that excavation will occur in accordance with the Minimum Earthworks Cut Level shown in Figure C96 of the draft DCP amendment which is included as **Attachment 3** to this Report.

Should a development application be approved a condition of consent will be imposed requiring compliance with the bulk earthworks strategy, and a further condition of consent will be imposed which requires a registered surveyor to certify that the Reduced Levels (RLs) specified in the DCP controls have been achieved prior to Council issuing a subdivision certificate for lots within the Scenic Character Protection Area.

The visibility of future development from the Scenic Hills and Campbelltown LGA

Issue raised

The draft DCP amendment focused upon four vantage points located nearby within the Scenic Hills and did not include the other vantage points located further away.

Comment

The Visual Effects Study commissioned as part of the rezoning process identified eighteen (18) vantage points which were investigated. The findings of the study were as follows:

- Five (5) of the vantage points are determined to have negligible potential to be impacted by the development. These vantage points are obscured by vegetation and the natural landform.
- Seven (7) of the vantage points were determined to have low potential to be impacted by the development. These vantage points are obscured by vegetation and the natural landform, but have the potential to be impacted by night lighting effects.
- Four (4) of the vantage points are determined to have moderate potential to be impacted by the development. These vantage points have the potential to see the uppermost portion of future development, and in some cases have the potential to be impacted by night lighting effects.
- Two (2) of the vantage points are determined to have high potential to be impacted by the development. This includes the Mt Carmel Mary and Joseph Convent where the fig tree and parts of the main ridgeline are visible and future development and night lighting effects are likely, and Raby homestead which has direct views into the Emerald Hills site from the west.

The draft DCP amendment has considered the visual impact of the Emerald Hills development upon all eighteen (18) vantage points and incorporates measures to further mitigate the visual impact of the development.

The twelve (12) vantage points which have negligible or low potential to be impacted by the development are benefitted by the expansion of the Scenic Character Protection Area. This increases the area of the site where low glare street light luminaires must be used to reduce night lighting glare, and increases the area of the site where dwellings and structures must adopt darker, recessive toned colours and non-reflective surfaces to ensure that future development is visually unobtrusive and recedes into the surrounding landscape.

The four (4) vantage points which have moderate potential to be impacted by the development were further investigated with the development of detailed cross sections from 3 of the 4 vantage points.

The cross sections demonstrated that the detailed bulk earthworks requirements proposed as part of the amendment would sufficiently mitigate any visual impacts from these vantage points.

The fourth moderate potential vantage point (Serbian Orthodox Church) was not considered as it is sufficiently screened by vegetation.

The two (2) vantage points identified as having a high potential to be impacted include the Mt Carmel Mary and Joseph Convent and Raby homestead.

A fourth cross section was undertaken from the Mt Carmel Mary and Joseph Convent vantage point. It demonstrated that with the application of the draft bulk earthworks controls future residential development is not visible from the Convent.

In addition, the expansion of the Scenic Character Protection Area will benefit this vantage point by reducing night lighting effects. The portion of the ridgeline which is visible from the Convent (the Fig Tree) will remain as open space land and is excluded from future development.

The views from the Raby homestead towards the Emerald Hills site have been considered in the broader context of future development within the South West Growth Centre which will see the urbanisation of the land which surrounds and is visible from Raby homestead. The urbanisation of the Emerald Hills site will have a minor contributing impact upon views from Raby homestead in this context. The preservation of the southern portion of prominent ridgeline including the fig tree will maintain a visual link between Raby homestead and the most visually prominent part of the Emerald Hills site when viewed from Raby homestead.

The reliance upon screening vegetation located outside the Emerald Hills site

Issue raised

The vegetation located within the Scenic Hills (outside the Emerald Hills site boundary) had been relied upon when assessing the visibility of development from nearby and distant vantage points.

Comment

The Visual Effects Study has included the existing landform and vegetation outside the Emerald Hills site in assessing the mitigation of visual impact between the Emerald Hills site and identified vantage points. This is appropriate as the land is located within the Scenic Hills and is zoned to prevent development which would result in the removal of significant vegetation.

The draft DCP amendment proposed additional plantings in the ridgeline reserve and perimeter road plantings between the Scenic Character Protection Area and the boundary of the Sydney Catchment Authority land as shown with a purple line in Figure C96 of the draft DCP amendment (which is included as **Attachment 3** to this report). This will provide on-site vegetative screening over and above the extent of screening that was considered in the Visual Effects Study and cross-sections.

The exclusion of development from the Scenic Character Protection Area

Issue raised

Development could be excluded from the Scenic Character Protection Area entirely.

Comment

The visual impact assessment conducted during the rezoning process identified the need for visually prominent lands to be subject to specific development controls.

The visual impact of development along the ridgeline will be mitigated via the controls applying to the Scenic Character Protection Area therefore the exclusion of development from this land is not warranted. The revised DCP controls, in conjunction

with the existing LEP controls will ensure that development can occur on the east-facing portion of the site whilst effectively mitigating the visual impact of future development when viewed from the Scenic Hills and distant vantage points within the Campbelltown LGA.

The application of the recommendations of the Visual Effects Study to the Scenic Character Protection Area only

Issue raised

The recommendations of the Visual Effects Study have been applied to the Scenic Character Protection Area only, rather than the whole of the Emerald Hills site.

Comment

The recommendations of the Visual Effects Study are deliberately limited to the visually prominent Scenic Character Protection Area as it is this part of the site which is directly visible from the Scenic Hills and the broader Campbelltown LGA.

In contrast, the land on the western side of the prominent ridgeline where the bulk of the Emerald Hills development will occur is immediately adjacent to the South West Growth Centre. The character and use of the land on the western side of Camden Valley Way will change from rural-residential and market gardens, to urban development with an average dwelling density of 15 dwellings per hectare incorporating a wide range of complementary land use types.

The amount of night light effects resulting from street lighting in future Growth Centre developments will significantly exceed the night light effects generated by the use of standard street light luminaires on the west-facing portion of the Emerald Hills site, to the extent that providing low glare luminaires for this portion of the Emerald Hills site would result in a negligible reduction in night light effects.

FINANCIAL IMPLICATIONS

There are no direct financial implications for Council as a result of this proposal.

CONCLUSION

The draft DCP amendment for Emerald Hills was exhibited from 19 November 2014 to 2 January 2015 and four (4) submissions were received, two (2) of these submissions contain unresolved issues.

The methodology followed in preparing the draft DCP amendment is consistent with the Visual Effects Study methodology. The draft DCP amendment aims to reduce the visual impact of future development on the Emerald Hills site when viewed from the Scenic Hills and Campbelltown LGA.

The amended bulk earthworks controls provide greater certainty and requires the finished ground level to be certified before subdivision certificates can be issued.

No changes to the draft DCP amendment are proposed following the public exhibition period. It is recommended that the draft amendment to Camden DCP 2011 relating to Emerald Hills be adopted.

ORD02

RECOMMENDED

That Council:

- i. consider the submissions received during the public exhibition period;**
- ii. adopt the draft amendment to Camden DCP 2011 relating to Emerald Hills;**
- iii. place a notification in the local newspaper advising of the adoption of the amendment to the Camden DCP 2011; and**
- iv. notify submitters of the outcome of this report.**

ATTACHMENTS

1. Attachment Draft Emerald Hills DCP amendment October 2014
2. SUBMISSIONS TO PUBLIC EXHIBITION OF EMERALD HILLS DCP AMENDMENT
3. Scenic Character Protection Map
4. Supp Doc submissions Emerald Hills - *Supporting Document*

ORDINARY COUNCIL

ORD03

ORD03

**SUBJECT: PROPOSED ROAD NAMING - NEW ROADS IN TRIBECA HOMES
RELEASE AREA OF COBBITTY**

FROM: Acting Director Customer & Corporate Services

TRIM #: 14/193770

PURPOSE OF REPORT

The purpose of this report is to advise Council of the outcome of the public exhibition of the proposed naming of roads for the Tribeca Homes release area, Cobbitty, and to seek Council's approval of the proposed names.

BACKGROUND

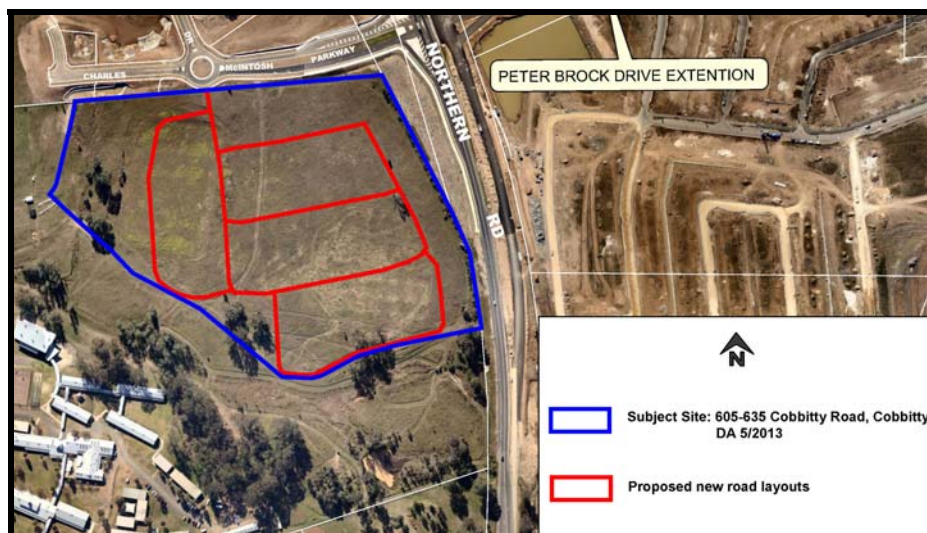
Tribeca Homes release area is located west of the Oran park precinct release area, corner of The Northern Road and Charles McIntosh Parkway, and is within the South West Growth Centre in the suburb of Cobbitty.

Development Application DA 5/2013 was approved for the site by Council staff under delegated authority on 21 March 2014. This DA approved the creation of 105 residential lots and the construction of new roads.

At the Ordinary Council meeting of 14 October 2014, Council resolved to endorse the proposed list of road names, to proceed with the road naming process, and that a further report detailing the results of a 30 day public exhibition period is provided to Council.

Tribeca Homes submitted a list of proposed road names selected from Council's preferred road names list.

AERIAL PHOTO



MAIN REPORT

The road names that were placed on exhibition are:

Street Name	Street Type	Meaning
Blacksmith	Crescent	The building of Belgenny Farm included a blacksmith's shop, stables, creamery, smokehouse, slaughter house and the farm cottage where John Macarthur spent the last few years of his life.
Boardman	Road	William Boardman arrived from England in 1838 and worked on Camden Park. In 1841 he took up the property know as "Lynn Farm and raised a large family.
Egan	Crescent	George Egan was a Burragorang Valley Pioneer.
Gill	Street	Silas Gill Emigrated from Sussex to Cobbitty in 1838 and was an active Methodist lay preacher in the district. He moved to the North coast in 1845.
Goodluck	Circuit	Joseph T. Goodluck(e) was a proprietor of the "Camden Inn" on the corner of Argyle and Elizabeth Streets. He was the first licensee from 21 June 1842. This hotel is now known as the "Merino Tavern". In 1838 he was the general overseer of Camden Park Estate. He was a trustee responsible for the building of St. Johns.

The Geographical Names Board (GNB) has advised Council of the process to be followed by the roads authority in respect to the naming of new roads in accordance with the Road Act 1993. In this instance, Council is the roads authority. The names have been considered in accordance with this process.

NOTIFICATION

In accordance with the Geographical Names Board requirements, the proposed road names were placed on public exhibition for a 30 day period from 22 October 2014 to 20 November 2014. No submissions were received.

CONCLUSION

The proposed road names have been assessed by Council staff in accordance with the GNB criteria and the names satisfy the GNB's guidelines in relation to the naming of roads. The names have been publicly exhibited for a period of 30 days with no submissions being received.

This matter is now reported to Council with a recommendation to approve the list of proposed names for these future roads.

RECOMMENDED

That Council:

- i. approve the list of proposed road names for the Tribeca Homes release area within the suburb of Cobbitty;**
- ii. publish the approved names in the NSW Government Gazette and in local newspapers; and**
- iii. inform Australia Post, the Registrar General and the Surveyor General of the approved names.**

ORD03

ORDINARY COUNCIL

ORD04

SUBJECT: PROPOSED ROAD NAMING - NEW ROAD IN ELDESLIE
FROM: Acting Director Customer & Corporate Services
TRIM #: 14/193812

PURPOSE OF REPORT

The purpose of this report is to advise Council of the outcome of the public exhibition of the naming of a proposed road name at the site of 58 Hilder Street, within the Suburb of Elderslie.

BACKGROUND

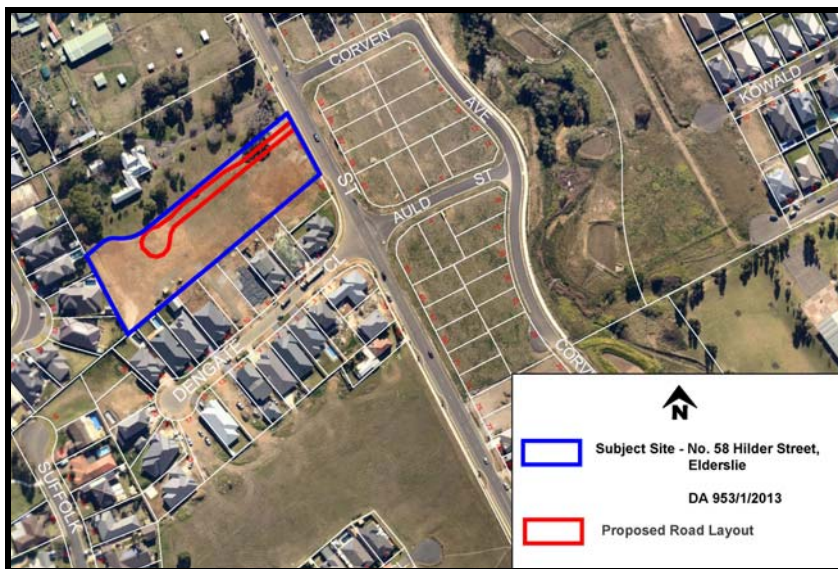
Elderslie is a suburb of the Macathur Region. It is located on the east side of the Nepean River and north of the Spring Farm urban release area.

Development Application DA 953/1/2013 was approved for the site by Council staff under delegated authority on 30 May 2014. This DA approved the creation of 11 residential lots and the construction of a new public road at 58 Hilder Street, Elderslie.

At the Ordinary Council meeting of 14 October 2014, Council resolved to endorse the proposed road name and to proceed with the road naming process, and that a further report detailing the results of a 30 day public exhibition period be provided to Council.

Cavasinni Enterprises Pty Ltd (the developer) selected a proposed road name from Council's preferred road names list.

AERIAL PHOTO



MAIN REPORT

The proposed road name that was placed on public exhibition for a 30 day period is:

Street Name	Street Type	Meaning
Crank	Place	Henry Crank was born in the colony in 1801 and was a shoemaker working at the Camden Park estate between 1828 and 1838.

The Geographical Names Board (GNB) have advised Council of the process to be followed by the roads authority in respect to the naming of new roads in accordance with the Roads Act 1993. In this instance, Council is the roads authority. The proposed name has been considered in accordance with this process.

NOTIFICATION

In accordance with the Geographical Names Board requirements, the proposed road name was placed on public exhibition for a 30 day period from 22 October 2014 to 20 November 2014. No submissions were received.

CONCLUSION

The proposed road name has been assessed by Council staff in accordance with the GNB criteria and the name satisfies the GNB's guidelines for the naming of roads. The name has been publicly exhibited for a period of 30 days with no submissions being received.

This matter is now reported to Council with a recommendation to approve the proposed name for the future road at the site of 58 Hilder Street, Elderslie.

RECOMMENDED

That Council:

- i. approve the proposed road name of Crank Place for the site at No. 58 Hilder Street, Elderslie;**
- ii. publish the approved name in the NSW Government Gazette and in local newspapers; and**
- iii. inform Australia Post, the Registrar General and the Surveyor General of the approved name.**

ORDINARY COUNCIL

ORD05

SUBJECT: DELEGATIONS TO THE MAYOR - CHRISTMAS AND NEW YEAR PERIOD

FROM: Acting Director Customer & Corporate Services

TRIM #: 14/209973

PURPOSE OF REPORT

The purpose of this report is to inform Council of the exercise of the delegations to the Mayor over the Christmas/New Year period.

BACKGROUND

In order for urgent matters to be attended to during the Council recess over the Christmas/New Year period, the Council, at its meeting of 9 December 2014, delegated to the Mayor and Deputy Mayor (in the absence of the Mayor) the ability to approve Development Applications and matters of necessity, during the period 10 December 2014 to 27 January 2015 to exercise those functions as provided under sections 226 and 377 of the *Local Government Act 1993*.

A condition of that delegation was that Council be informed of any use of the delegation in a report to the 27 January 2015 Council meeting.

MAIN REPORT

During the recess period, the Mayor has not had to exercise the delegations granted by Council on 9 December 2014.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

CONCLUSION

There have been no matters of necessity which have required the Mayor or the Deputy Mayor (in the absence of the Mayor) to exercise the delegations granted by Council on 9 December 2014.

RECOMMENDED

That the information be noted.

ORDINARY COUNCIL

ORD06

ORD06

SUBJECT: LOCAL GOVERNMENT ELECTIONS
FROM: Acting Director Customer & Corporate Services
TRIM #: 15/7284

PURPOSE OF REPORT

On 6 January 2015, Council was advised by the Office of Local Government that the *Local Government Amendment (Elections) Bill 2014* has now passed the NSW Parliament. The amendments give effect to recommendations made by the NSW Parliament's Joint Standing Committee on Electoral Matters in its inquiry into the 2012 Local Government Elections.

The purpose of this report is twofold as follows:

1. to advise Council of the Government's response to the Joint Standing Committee on Electoral Matters Report; and
2. to determine who will be responsible for the administration of the 2016 Local Government Elections.

BACKGROUND

In November 2012, the Joint Standing Committee on Electoral Matters adopted terms of reference to inquire into and report on the 2012 Local Government Elections, paying particular reference to the following:

- the cost of the elections;
- the experience of Councils that conducted their own elections;
- possible legislative changes to improve the efficiency of, and participation in, Local Government elections;
- non-residential voting in Local Government elections;
- the impact of requirements under the *Election Funding, Expenditure and Disclosures Act* on participation by candidates in Local Government elections and possible legislative changes to remove any barriers to participation; and
- any other related matter.

In November 2012 submissions were sought from key stakeholders. In total, the Committee received 77 submissions (1 from Camden Council – **see Attachment 1**) from a broad range of sources.

The Committee resolved to make 15 recommendations to be considered by the Minister. These recommendations have now been incorporated into the *Local Government Amendment (Elections) Bill 2014*.

The details of the amendments to the *Local Government Act 1993* and accompanying amendments to the *Local Government (General) Regulation 2005* are outlined below. The amendments will commence once the supporting regulations are made and the Office of Local Government will inform councils when the amendments commence. The amendments do not alter the requirement for councils to resolve before 9 March 2015 whether to engage the NSW Electoral Commissioner to administer their elections.

MAIN REPORT

The Outcome of the Joint Standing Committee on Electoral Matters Report

The amendments to the *Local Government Act 1993* will reduce costs and improve the administration of Council elections by:

- Requiring councils that administer their own elections to demonstrate to their communities that they have the capacity to do so successfully.
- Ensuring that councils that choose to administer their own elections have access to soft copy information contained in the electoral roll necessary for the effective administration of their elections and ensuring that this information is used solely for the purposes of administering the election.
- Allowing councils to avoid the significant expense of holding a by-election to fill vacancies that arise in the first 18 months of their terms by giving them the option of filling vacancies by use of a count back system based on votes cast at the last ordinary election instead. The decision to exercise this option must be made at the first meeting of the council following the election.

The amendments will also build on the reforms to non-residential enrolment for the City of Sydney and promote non-residential voter participation at other council elections by:

- Allowing the City of Sydney the option of conducting its elections by universal postal voting instead of attendance voting and extending this to all councils in the future.
- Boosting non-residential elector participation in elections for councils other than the City of Sydney by relieving non-residential voters of the need to reapply to vote at each election.

The amendments to the Act will be complimented by amendments to the Regulation, which will be developed in close consultation with the NSW Electoral Commissioner. These amendments will prescribe the detailed procedural requirements for the use of count backs to fill vacancies and conducting universal postal voting elections. In addition, the amendments to the Regulation will give effect to a number of other recommendations of the Committee. In particular, they will improve the administration of elections by requiring the Electoral Commissioner to report to the Minister on the council elections he/she has administered, add to the candidate data currently collected by the Office of Local Government, information about candidate membership of registered political parties and requiring the Electoral Commissioner and General Managers of councils that administer their own elections to report voter turnout numbers.

It is noted that the reforms should also increase voter participation at local government elections by abolishing the qualification requirements for postal and pre-poll voting for voters for the City of Sydney, allowing all voters (including non-residential voters) to cast their vote this way should they choose to do so, and extending this to all council areas in the future.

A copy of the full report of the Joint Standing Committee on Electoral Matters (**Attachment 2**) and a copy of the Government's Response (**Attachment 3**) are attached. It is noted that the Government's response is generally consistent with Council's Submission provided to the Joint Standing Committee on Electoral Matters.

Administration of the 2016 Local Government Election

Section 296 of the *Local Government (Amendment) Elections Act 2011* requires elections, Council polls and constitutional referendums to be administered by the General Manager of the Council concerned. The only exception to this requirement is if Council enters into a contract or other arrangement with the NSW Electoral Commission to administer the Council elections and/or Council polls and constitutional referendums. Importantly, the decision on the administration of the next election must be made by March 2015.

In the past, Council has historically used the NSW Electoral Commission for the administration of its elections. In 2012, the total expenses of the NSW Electoral Commission administered election amounted to \$232,674 (excluding GST), substantially under the budgeted estimate of \$299,000.

From an administrative point of view, the 2012 Local Government Elections were, in the main, conducted smoothly with issues of only a minor nature noted by Council's appointed Returning Officer and Council staff.

Indicative quotations have been sought for the administration of the 2016 Local Government Elections from both the NSW Electoral Commission and the Australian Electoral Company. The quotation received from the NSW Electoral Commission is less than the Australian Electoral Company. Copies of both quotations received are attached in Supporting Documents due to their confidential nature (see **Attachment 4**).

Analysis of the 2012 Elections

As a result of the amendments to the *Local Government Act 1993* that enabled Councils to conduct their own elections, 14 Councils exercised this option in 2012. Ten of the fourteen outsourced the running of the election in its entirety, including the ballot count, to the Australian Election Company. A further three Councils used the services of the Australian Election Company to varying degrees, including Botany Bay and Sutherland which purchased manuals and other resources, but otherwise conducted their elections in-house. Lane Cove similarly used some services from the Australian Election Company but otherwise managed its own count. Only one Council, Gunnedah, conducted its election wholly in-house.

The Joint Standing Committee on Electoral Matters notes that the satisfaction rate with the Electoral Commission exceeded 85% on most measures, including a high of 97% agreement that the elections were conducted impartially and fairly, and in accordance with the law. However, only 38.5% of respondents agreed that the 2012 results were declared sooner than in 2008. By its own admission the Electoral Commission has nominated raising awareness of the elections, securing voter participation, and accurate preparation of the electoral roll, as areas in which it performed less satisfactorily.

In terms of candidate participation, 82.8% were satisfied with the Commission's conduct of the election. 74.2% of candidates responded that they received enough information from the Commission and the Election Funding Authority regarding election funding and disclosure requirements.

Outsourcing Electoral Services

In considering the outsourcing of the administration of elections to a private company, the following points are noted below:

- It is important to consider that the Office of Local Government has issued a set of Guidelines (September 2011) that notes no assistance will be given to Councils who choose not to use the NSW Electoral Commission to administer the elections and that there are onerous obligations contained in the Act and Regulations imposed on the General Manager in assuming the responsibilities of the role previously provided by the NSW Electoral Commissioner.
- There is a shortage of suitably qualified Returning Officers which would present an issue if the General Manager was required to appoint an independent Returning Officer in accordance with the Guidelines.
- If Council was to conduct the elections in-house, this would place significant pressure on existing staff and the General Manager to deliver and achieve designated organisational outcomes.
- Council does not have the dedicated software required for “above the line” voting. The more preferences “above the line”, the more complex and time consuming the count process becomes. As such, above the line voting cannot be accurately counted without the appropriate software to do so.
- If conducting an election either in-house or through an external provider, the General Manager is ultimately responsible for the administration and conduct of the election process and is required to be aware of all relevant legislation provisions and to ensure mechanisms and strategies are implemented to guarantee compliance with the Act and Regulations. A failure to comply with any of the legislative requirements opens the potential for the validity of the election to be called into question.
- The total cost for the 2012 Local Government Election was \$232,674 (excl. GST), compared with \$211,000 (excl. GST) in 2008. Enquiries have been made into the services provided by external companies and their costing has come in at a higher rate than the NSW Electoral Commission.

FINANCIAL IMPLICATIONS

Council has currently budgeted an allocation of \$295,000 for the 2016 Local Government Election. This estimate was based on a 25% increase in the 2012 election costs. The Delivery Program will be amended to reflect Council's decision as part of the 2015/2016 budget.

CONCLUSION

The amendments to the *Local Government Amendment (Elections) Bill 2014* which has now passed the NSW Parliament will reduce costs and improve the administration of Council elections and will build on the reforms to non-residential enrolment for the City of Sydney and promote non-residential voter participation at other council elections.

It is recommended that Council enter into a contract with the NSW Electoral Commission as their estimate is the lower of the two organisations, and Council has historically been satisfied with the service the Electoral Commission has provided. It is also recommended that Council pass a resolution for the NSW Electoral Commission to conduct any constitutional polls or referendums on behalf of Council so that should it be required, it could be done concurrently with the Local Government Election. It is noted that the legislation provides that such an agreement terminates after the 2016 Local Government Election so that Council can reassess the options available for the 2020 Local Government Election.

RECOMMENDED

That Council:

- i. note the Government's response to the Joint Standing Committee on Electoral Matters;**
- ii. pursuant to section 296(2) and (3) of the *Local Government Act 1993* ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council;**
- iii. pursuant to section 296(2) and (3) of the Act, as applied and modified by section 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council (if required); and**
- iv. pursuant to section 296(2) and (3) of the Act, as applied and modified by section 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council (if required).**

ATTACHMENTS

1. 29 January 2013 Council Report and Submission
2. Report on the inquiry into the 2012 Local Government Elections
3. Government Response - Minister for Local Government
4. Quotations - *Supporting Document*

ORD06

ORDINARY COUNCIL

ORD07

SUBJECT: INVESTMENT MONIES - NOVEMBER 2014
FROM: Acting Director Customer & Corporate Services
TRIM #: 15/7264

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 30 November 2014 is provided.

MAIN REPORT

The weighted average return on all investments was 3.93% p.a. for the month of November 2014. The industry benchmark for this period was 2.77% (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 November 2014 and;**
- iii. **note the weighted average interest rate return of 3.93% p.a. for the month of November 2014.**

ATTACHMENTS

1. Investment Report - November 2014



ORDINARY COUNCIL

ORD08

ORD08

SUBJECT: INVESTMENT MONIES - DECEMBER 2014
FROM: Acting Director Customer & Corporate Services
TRIM #: 15/7368

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 December 2014 is provided.

MAIN REPORT

The weighted average return on all investments was 3.92% p.a. for the month of December 2014. The industry benchmark for this period was 2.76% (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 December 2014 and;**
- iii. **note the weighted average interest rate return of 3.92% p.a. for the month of December 2014.**

ATTACHMENTS

1. Investment Report - December 2014 final

ORDINARY COUNCIL

ORD09

SUBJECT: LICENCE AGREEMENT - SOUTH CAMDEN TENNIS CLUB INC - PART
LOT 579 DP 539294 MCCRAE DRIVE, CAMDEN SOUTH
FROM: Acting Director Customer & Corporate Services
TRIM #: 15/3805

PURPOSE OF REPORT

The purpose of this report is to provide Council with the outcome of the recent public exhibition period of the proposed licence agreement with South Camden Tennis Club for a period of 21 years for the use of South Camden Tennis Complex.

BACKGROUND

Council resolved at the Ordinary Meeting of 28 October 2014 to endorse the advertisement of a 21 year licence agreement with South Camden Tennis Club Incorporated for the use of South Camden Tennis complex located at part Lot 579 DP 539294 McCrae Drive, Camden South for a period of 28 days (see **Attachment 1**).

The proposal for the 21 year licence agreement was advertised for a period of 28 days, closing on 3 December 2014 with no comments received.

MAIN REPORT

As required under Section 47A of the *Local Government Act 1993*, Council placed the proposal to enter into a 21 year licence on public exhibition for 28 days. The public exhibition process called for any submission to be placed in writing to Council by 3 December 2014.

At the close of the submission period there were no submissions received in relation to the proposal and it is therefore recommended that Council endorse the proposed licence with South Camden Tennis Club for a period of 21 years for the management of the South Camden Tennis Court complex.

The conditions of the licence agreement will be as follows:

The term of the licence - Twenty-one (21) years commencing on 1 February 2015 and expiring on 31 January 2036.

Rent - \$50.00 plus GST per annum.

Insurance – South Camden Tennis Club (the licensee) must take out and keep up to date insurance policies for public liability, contents and workers compensation.

Conditions and Repairs – The licensee will be responsible for all maintenance and repairs.

Outgoings - The licensee will be responsible for the payment of all water, sewerage, telephone and electricity for the complex (if separately metered).

Permitted use – Community sporting complex for the playing of tennis and associated activities.

FINANCIAL IMPLICATIONS

An annual rental of \$50.00 per annum plus GST will be received by Council.

CONCLUSION

The advertising period for a proposed licence agreement with South Camden Tennis Club Incorporated closed on 3 December 2014 with no submissions received. It is therefore recommended that Council endorse the 21 year licence agreement with South Camden Tennis Club for the use of the South Camden tennis complex.

RECOMMENDED

That Council:

- i. enter into a licence agreement with South Camden Tennis Club Incorporated for a period of 21 years for the occupation of part Lot 579 DP 539294 McCrae Drive, Camden South, known as the Camden South Tennis Complex; and**
- ii. execute the licence agreement under delegated authority pursuant to the Delegation of Authority granted on 27 August 2013, Minute Number ORD 214/13.**

ATTACHMENTS

- 1. Report to Council 28/10/2014



ORD10

ORDINARY COUNCIL

ORD10

SUBJECT: MANAGEMENT OF COUNCIL'S TENNIS COURT COMPLEXES
FROM: Director Community Infrastructure
TRIM #: 14/192855

PURPOSE OF REPORT

The purpose of this report is to provide Council with the results of the recent Expression of Interest (EOI) process in relation to Council's tennis court complexes at Narellan, Narellan Vale, Harrington Park, Catherine Field, Currans Hill and Leppington.

BACKGROUND

At the Ordinary meeting of 28 October 2014, Council considered a report on the Expression of Interest for the Management of Council's 6 Tennis Court Complexes. It was resolved that Council receive a further report on the management of the tennis complexes at completion of discussions with Camden District Tennis Association and South West Region Tennis Association from which Expressions of Interest were received.

Camden District Tennis Association expressed interest in the management of only the Narellan tennis court complex. As part of their expressed interest, Camden District Tennis Association provided a number of requests regarding maintenance that they would like to have applied to a licence agreement should they be successful. Council officers met with representatives of the Camden District Tennis Association to discuss the maintenance and the implications for Council.

South West Region Tennis Association expressed an interest in the management of Narellan, Harrington Park and Narellan Vale tennis court complexes. However, they too provided a number of requests regarding maintenance that they would like included in the licence agreement should they be successful. The submission received from South West Region Tennis Association was quite comprehensive. Council officers also met with representatives of the South West Region Tennis Association to discuss the proposed maintenance suggested by South West Region Tennis Association and the implications for Council.

During the EOI process, no submissions were received for Catherine Field, Currans Hill or Leppington tennis court complexes which were previously managed by Camden District Tennis Association up to and including 31 December 2014.

MAIN REPORT

Expression of interest submissions and final comments received from Camden District Tennis Association and South West Region Tennis Association have been reviewed and consideration has been given across a number of elements including financial, community engagement and maintenance responsibilities of the operator and Council. No submissions were received for Catherine Field, Currans Hill and Leppington tennis court complexes. Therefore, Council will need to consider alternative options for the future management and use of these sites.

Camden District Tennis Association provided to Council in August, written notification that they no longer wish to continue the month by month extension to their licence, although agreed to continue the management of these complexes, excluding Narellan Vale, until 31 December 2014.

Camden District Tennis Association has advised that they were not in a position to continue the current arrangement past 31 December 2014 as the proposal is not economically viable. Therefore Council is currently managing the courts internally using the same process in place for the use of sportsgrounds. For the Catherine Field, Currans Hill and Leppington complexes a further report will be presented to Council on future use options, following an assessment of optional uses over a 6 month period following which a further report will be presented to Council.

The 2014 Camden Recreation Demand Study has identified that there is currently an above average level of provision of tennis courts compared to adjoining Local Government Areas. However, the significant increase in population means that the priority for new or additional tennis and outdoor hard courts should be located in the main residential growth areas.

Further, the Camden Recreation Demand Study identified the need to review the management systems currently in place.

The Camden Sportsground Strategy has identified that:

- **Catherine Field complex** has limited room for expansion in the current location however additional land may be made available in the future as part of the urban growth for the development of new facilities to cater for the a growing population.
- **Currans Hill complex** has limited room for expansion due to its proximity to residential buildings, and no facilities associated with the courts. Access is available to the amenities in the nearby Community Hall. A review is required of the use of the courts and feasibility of sharing of facilities.
- **Leppington complex** is currently a single court which has scope to expand in the future as part of the urban growth for development.

Following the Expression of Interest process, it is recommended that the management of the Harrington Park, Narellan and Narellan Vale sites be changed to provide a wider range of programs and activities for the local community, and a further report be presented on the options for use of the Catherine Field, Currans Hill and Leppington tennis complexes in accordance with the Camden Recreation Demand Study 2014.

The following conclusions are made based on what is currently known about the existing tennis complexes, which were established during a maintenance inspection of each site at the completion of the previous licence period:

1. There are only 3 organisations involved in the management of local tennis complexes, and through the recent EOI process received few responses in the management of the existing tennis complexes.
2. There are varying degrees of maintenance required for each of Council's tennis complexes including repairs to fencing and cleaning of court surfaces. It is estimated that this initial work will cost approximately \$10,000 to complete the

necessary repairs at the 5 sites (Narellan Vale, Harrington Park, Catherine Field, Currans Hill and Leppington), currently being managed by Council.

3. Narellan tennis complex has a problem with tree root damage to the court surface, causing a hazard, and the synthetic surfaces are nearing the end of their life. Rectification work is necessary to address the continued use of this site. An estimated cost to replace the synthetic surface of both courts at the Narellan tennis complex is approximately \$50,000, and could be funded from Council's Asset Renewal Reserve. The hazard is currently being managed by Camden District Tennis Association, however will require closure for replacement.
4. To date, there has been minimal cost to Council for maintenance on these facilities with an annual budget of \$6,500 for repairs across all centres. It is expected that a bid for an additional annual maintenance vote of \$30,000 for the 6 courts will be considered as part of the 2015/2016 budget process.

Council will be required to replace the court surface to Narellan tennis complex and complete the other minor repairs that are under Council's area of responsibility, for the remaining sites. The proposed estimate for these works is in the order of \$60,000 and could be funded from Council's Asset Renewal Reserve.

Based on the submissions received, South West Region Tennis Association has provided a more comprehensive submission including the provision and promotion of a range of tennis activities to encourage the community to participate in tennis and use of the venues. Therefore it is recommended that Council advertise a proposed five year licence agreement with South West Region Tennis Association for a period of 28 days with a further report to Council informing the outcome of the advertising period should there be objections received.

Under the *Local Government Act 1993*, Council reserves the right to negotiate a further licence of up to ten years with South West Region Tennis Association for the use of these sites.

Camden District Tennis Association, while no longer involved in the management of the Narellan, Narellan Vale, Harrington Park, Catherine Field, Currans Hill and Leppington complexes, will continue their partnership with Council through the management of the Onslow Park tennis complex, which is subject to a separate agreement with Council.

FINANCIAL IMPLICATIONS

The financial implications of this report relate to replacement of court surfacing for the Narellan tennis complex and minor repairs to the remaining centres at an estimated cost of \$60,000.

It is proposed that the amount of \$60,000 is funded from Council's Asset Renewal Reserve in which there are sufficient funds available to undertake these works. This amount will ensure that all requirements within the centres are met and management licences can be entered into.

CONCLUSION

During the expression of interest process for the use of the remaining tennis complexes submissions were received from Camden Tennis Association and South West Region Tennis Association. Camden Tennis Association made a submission for the Narellan

Tennis Centre only. South West Region Tennis Association made a submission for Narellan, Harrington Park and Narellan Vale tennis complexes. No submissions were received for Catherine Field, Leppington or Currans Hill.

Discussions held with both Camden District Tennis Association and South West Region Tennis Association raised issues surrounding the Narellan tennis complex court surfaces and various maintenance items at the remaining centres all of which will need to be addressed for the ongoing operation of these complexes. It is expected that costs associated with maintenance of tennis complexes and court surface replacement of the Narellan complex is estimated to cost \$60,000. It is proposed the \$60,000 required be funded from Council's Asset Renewal Reserve.

It is recommended, based on the submissions received that Council advertise a proposed 5 year licence agreement with an option for a further 5 years with South West Region Tennis Association (SWRTA) for a period of 28 days. The general terms of the agreement, in addition to standard licence terms and conditions include:

Rent: \$50.00 plus GST per annum plus capital improvements to the centres in partnership with Council

Insurance: South West Regional Tennis Association (Council only on structural items)

Conditions of facility and repairs: South West Regional Tennis Association maintain courts in clean condition and annual high pressure cleaning and grooming of synthetic grass courts; minor fence repairs and graffiti removal; maintain amenities in clean condition

Outgoings: South West Regional Tennis Association pay all utilities

Permitted use: tennis based activities, children's birthday parties and personal trainers.

A further report will be presented to Council advising the outcome of the advertising period for the Narellan, Harrington Park and Narellan Vale sites if there are objections received.

It is also recommended that Council receive a further report by mid 2015 following an assessment of optional uses over a 6 month period on the future use and management options for the remaining sites Catherine Field, Leppington and Currans Hill, which until further notice will be managed in-house by Council.

RECOMMENDED

That Council:

- i. **endorse the exhibition of a 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;**
- ii. **endorse \$60,000 to be transferred from Council's Assets Renewal Reserve to undertake the resurfacing of the Narellan tennis complex and**

ORD10

maintenance requirements of, Narellan Vale, Harrington Park, Catherine Field, Currans Hill and Leppington tennis complexes, to address operational issues and approve the inclusion of this project in the 2014/15 budget;

- iii. 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; and**
- iv. Council write to the Camden District Tennis Association and thank them for their efforts in providing tennis opportunities to the local community throughout the Camden local government area over the past years.**

ORDINARY COUNCIL

ORD11

ORD11

SUBJECT: GRANT FUNDING FOR STAGE 1 BUSH REGENERATION IN GUNDUNGURRA RESERVE SOUTH

FROM: Director Community Infrastructure

TRIM #: 15/3131

PURPOSE OF REPORT

To advise Council of the successful grant funding application for \$27,500 (excl GST) through the NSW Governments 'Catchment Action NSW' – Biodiversity Conservation Program 2014–2015 administered by the NSW Department of Trade and Investment, Regional Infrastructure and Services, and to seek Council's endorsement to accept the funding.

BACKGROUND

The NSW Government through the 'Catchment Action NSW' – Biodiversity Conservation Program provides funding to Councils to carry out biodiversity conservation projects that improve biodiversity outcomes.

In September 2014, Greater Sydney Local Land Services contacted Council advising of potential funding for Council's proposed work at Gundungurra Reserve South under the NSW Governments Catchment Action NSW – Biodiversity Conservation Program 2014–2015.

MAIN REPORT

Greater Sydney Local Land Services has advised Council that it will provide \$27,500 (excl GST) for Stage 1 weed control and bush regeneration works at Gundungurra Reserve South (refer to Attachment 1) as these works match the priorities of the NSW Governments 'Catchment Action NSW' - Biodiversity Conservation Program 2014–2015.

The funds allow for 400 hours of bush regeneration to be undertaken targeting major weeds including African Olive, African Lovegrass and Bridal Creeper.

The works will be undertaken over 18 months and must be finished by 30 June 2016. Based on the success of these weed control and bush regeneration works, there is the potential of further funding under this program for further stages of works to continue enhancement of the biodiversity in this area.

FINANCIAL IMPLICATIONS

Council has been offered funding of \$27,500 (excl GST) from the NSW Government's 'Catchment Action NSW' – Biodiversity Conservation Program 2014 – 2015 to allow the undertaking of 400 hours bush regeneration contract work at Gundungurra Reserve.

In the request for funding it was identified that Council would provide in-kind contributions to the project. As part of normal operational costs Council will prepare a Vegetation Conservation Management Plan and Annual Work Plans, and provide 250

hours of primary and secondary weeding utilizing our bush regenerators at Gundungurra Reserve North, recording and monitoring both Gundungurra Reserve North and South, and co-ordination and facilitation of Bushcare Volunteers at both sites. This in-kind contribution is valued at \$27,220.

CONCLUSION

Council has been offered funding of \$27,500 (excl GST) from the NSW Government's 'Catchment Action NSW' – Biodiversity Conservation Program 2014 – 2015 administered by the NSW Department of Trade and Investment, Regional Infrastructure and Services. This project will result in the restoration of Cumberland Plain Woodland which is listed both at a national and state level as a Critically Endangered Ecological Community.

RECOMMENDED

That Council:

- i. accept the funding of \$27,500 (excl GST) from the NSW Governments 'Catchment Action NSW' – Biodiversity Conservation Program 2014 – 2015 administered by the NSW Department of Trade and Investment, Regional Infrastructure and Services and approve the inclusion of this project in the 2014/15 budget;**
- ii. write to the Minister for Primary Industries, The Hon. Katrina Hodgkinson MP, thanking her for the funding; and**
- iii. write to State Member for Camden, Chris Patterson MP, thanking him for his support.**

ATTACHMENTS

- 1. Stage 1 Bush Regeneration in Gundungurra Reserve South - Site Map**

ORDINARY COUNCIL

ORD12

ORD12

SUBJECT: 20 MILLION TREES PROGRAM ROUND ONE: 2014-15 - GRANT FUNDING

FROM: Director Community Infrastructure

TRIM #: 15/2434

PURPOSE OF REPORT

To advise Council of the successful grant funding application for \$93,500 (excluding GST) through the Australian Government's 20 Million Trees Program Round One: 2014-15 administered by the Department of Environment, and to seek Council's endorsement to accept the funding.

BACKGROUND

The Australian Government through the 20 Million Trees Program provides grant funding to groups and individuals to carry out tree planting projects that improve the extent, condition and connectivity of native vegetation through community participation.

Through Round One of the Program, up to \$3.4 million will be available over 3 years. Projects in Round One may request funding of between \$20,000 and \$100,000 (excluding GST) with the following conditions:

- Projects with a budget of \$60,000 or greater must have a project timeframe of between 18 months and 3 years (to 2016/17)
- Projects with a budget of less than \$60,000 must be able to be completed within 18 months
- All projects must commence in 2014/15.

Eligible projects must include native trees that will reach a height of 2 metres and may include additional activities that directly support eligible revegetation activities. This may include plant propagation, weed treatment, site preparation and site maintenance in the short term.

MAIN REPORT

In October 2014, Council submitted an application for \$93,500 funding under the Australian Government's 20 Million Trees Program Round One: 2014-15 to implement the *Nepean River Trail – Habitat Enhancement and Extension* project which includes weed removal and revegetation works on the eastern side of Cowpasture Reserve, Camden. This funding is separate to \$35,312 funding received from the Crown Lands Public Reserve Management Fund Program 2014-15 for the rehabilitation of the Camden Wetlands Reserve located to the west of Cowpasture Reserve.

The proposed site is located along the Nepean River on the eastern boundary of the softball fields of Cowpasture Reserve (refer to Attachment 1). It is 2.5ha in area and includes approximately 2ha of woody weeds and 0.5ha of remnant vegetation River-Flat Eucalypt Forest which is listed as an Endangered Ecological Community under the NSW Threatened Species Conservation Act 1995.

The Minister for the Environment, The Hon Greg Hunt MP, has advised that Council was successful in its application for \$93,500 (excluding GST) to implement the *Nepean River Trail – Habitat Corridor Enhancement and Extension* project.

The works will be undertaken from March 2015 to June 2017 and include:

- Destroying and chipping the woody weeds on-site, this is principally Privet and African Olive
- Supplementary mulching of the site where required
- Planting 10,000 native trees and shrubs
- Restoration of 0.5ha of remnant River-Flat Eucalypt Forest by Council's Bush Regenerators

The planting of the native trees and shrubs which are common to the River-Flat Eucalypt Forest such as River Oaks and River Peppermint Gums, as well as the planting of Camden White Gums which are a National and State listed vulnerable species, is proposed to occur during community planting events on environmental days such as World Environment Day (5 June 2015 and 5 June 2016), Threatened Species Day (7 September 2015 and 7 September 2016) and National Tree Day 2016.

Whilst National Tree Day is an annual event for Camden Council, participation in World Environment Day and Threatened Species Day are usually only for grant funded projects. As a result it is anticipated that volunteers will contribute over 2,000 hours to this project. Camden Council will also form a partnership with the Australian Botanical Gardens to collect seeds and grow Camden White Gums for future plantings.

FINANCIAL IMPLICATIONS

Council has been successful in its application for funding (\$93,500 excluding GST) from the Australian Government through the 20 Million Trees Program Round One: 2014-15.

In the application for funding, there was no requirement for Council to provide any financial contribution towards this Program; however projects that also provided financial or in-kind contributions would be highly regarded in the projects value for money assessment. In this regard, it was identified that Council would provide \$11,600 funded from the National Tree Day budget and general administration costs be met by Council as part of normal operational costs.

CONCLUSION

Council has been successful in its funding application for \$93,500 (excluding GST) through the 20 Million Trees Program administered by the Department of Environment for the *Nepean River Trail – Habitat Corridor Enhancement and Extension* project. This project will result in the removal of approximately 2ha of woody weeds and the revegetation of the site with River-Flat Eucalypt Forest which is listed as an Endangered Ecological Community under the NSW Threatened Species Conservation Act 1995. As part of planting activities, it is anticipated that volunteers will contribute over 2,000 hours to this project.

RECOMMENDED

That Council:

- i. accept the funding for \$93,500 (excluding GST) through the Australian Government's 20 Million Trees Program Round One: 2014-15 administered by the Department of Environment and endorse Council's participation in the 20 Million Trees Program and approve the inclusion of this project in the 2014/15 budget;**
- ii. write to the Minister for Environment, The Hon. Greg Hunt MP, thanking him for the grant; and**
- iii. write to the Federal Member for Macarthur, Russell Matheson MP, thanking him for his support.**

ATTACHMENTS

- 1. 20 Million Trees Programme Round One 2014-15 - Grant Funding - Project Site Location**

ORD12



ORD13

ORDINARY COUNCIL

ORD13

SUBJECT: CAMDEN MEMORIAL POOL - OUTDOOR FITNESS AREA GRANT
FROM: Director Community Infrastructure
TRIM #: 15/9525

PURPOSE OF REPORT

To advise Council of the successful grant funding application for \$6,818 (GST exclusive) to the YMCA of Sydney through the NSW Government's Community Building Partnership Program 2014. Seek Council's endorsement to accept the funding, and to request Council's endorsement for an additional amount of up to \$3,409 (GST exclusive) proposed to be funded from the Capital Works Reserve to deliver this project.

BACKGROUND

The YMCA of Sydney submitted a grant application under the Community Building Partnership Scheme for the purpose of creating an Outdoor Fitness Area at Camden Memorial Pool for the total cost of the project which is \$13,636 (GST exclusive). The YMCA were successful in receiving half of the total project amount being \$6,818 (GST exclusive).

A further contribution of \$3,409 (GST exclusive) will be provided by the YMCA of Sydney, leaving a balance of \$3,409 (GST exclusive) required to complete the project.

MAIN REPORT

The YMCA of Sydney successfully received a grant for the sum of \$6,818 (GST exclusive) through the NSW Government's Community Building Partnership Program 2014.

Program funding requirements state that development consent is to be secured by 30 September 2015, with the Project to be completed by 31 March 2016.

The total cost of the project is expected to be \$13,636 (GST exclusive). In addition to the \$6,818 (GST exclusive) received through the grant program, the YMCA of Sydney will be contributing a further \$3,409 (GST exclusive), leaving \$3,409 (GST exclusive) outstanding to complete this project. It is therefore requested that Council provide the outstanding funding for this project up to \$3,409 (GST exclusive) which is proposed to be funded through the Capital Works Reserve.

A Project Manager will be appointed through Council to deliver this project.

FINANCIAL IMPLICATIONS

It is proposed that an additional amount of up to \$3,409 (GST exclusive) is provided to complete this project from the Capital Works Reserve.

There are currently sufficient funds in the Capital Works Reserve to fund this project.

CONCLUSION

The YMCA of Sydney applied for funding through the NSW Community Building Partnership Program 2014 for \$13,636 (GST exclusive) under the NSW Government Community Partnership Program 2014 for the purpose of creating an Outdoor Fitness Area at Camden Memorial Pool, they were successful in receiving half of the funding for this project. The YMCA of Sydney will also provide \$3,409 (GST exclusive) to the project. In order for the project to proceed, further funding is required from Council of up to \$3,409 (GST exclusive) proposed to be funded from the Capital Works Reserve.

In order for Council to confirm its participation in the Program for 2015, a Funding Agreement is required to be signed and returned to the NSW Department of Premier and Cabinet.

RECOMMENDED

That Council:

- i. accept funding of \$6,818 (GST exclusive) from NSW Department of Premier and Cabinet for the purpose of creating an outdoor fitness area at Camden Memorial Pool;**
- ii. accept funding of \$3,409 (GST exclusive) from YMCA;**
- iii. endorse the additional funding of up to \$3,409 (GST exclusive) from the Capital Works Reserve; and**
- iv. write to the State Member for Camden, Chris Patterson MP thanking him for his support for this project.**



ORD14

ORDINARY COUNCIL

ORD14

SUBJECT: CAMDEN TOWN FARM COWA GRANT
FROM: Director Community Infrastructure
TRIM #: 15/4151

PURPOSE OF REPORT

To advise Council of the successful grant funding application for \$20,000 (GST exclusive) to the s355 Camden Town Farm Committee through the NSW Government's Community Building Partnership Program 2014, and to seek Council's endorsement to accept the funding.

BACKGROUND

The Camden Town Farm Committee submitted a grant application under the Community Building Partnership Scheme for the purpose of building a Covered Outdoor Weather Area (COWA) on the Camden Town Farm site on Exeter Street. The total cost of the COWA is \$63,000 (GST exclusive).

A further contribution of \$24,000 (GST exclusive) will be provided by the Committee leaving a balance of approximately \$24,000 (GST exclusive) required to complete the project.

Council resolved on 28 October, 2014 to also contribute to the COWA should the grant application be successful;

subject to final construction costs being known and the grant application being successful, Council allocate an amount of up to \$24,000 (GST exclusive) to the Camden Town Farm Committee for the construction of a Community Outdoor Weather Area (COWA) and the funding be provided for at the 2014/15 September Quarterly Budget Review.

The Committee was advised in late December the grant application was approved for \$20,000 (GST exclusive) through the Community Building Partnership Program 2014.

MAIN REPORT

The Camden Town Farm Committee successfully receiving a grant for the sum of \$20,000 (GST exclusive) through the NSW Government's Community Building Partnership Program 2014.

Program funding requirements state that development consent is to be secured by 30 September 2015, with the Project to be completed by 31 March 2016.

The Development Application for the COWA was approved in December 2014. The Committee is anticipating the completion of the COWA in time to be used for the Camden Show in March 2015, well ahead of expected funding reporting requirements.

A Project Manager has been appointed through Council's Capital Works team to support the Camden Town Farm Committee with overseeing the building and construction of the COWA.

FINANCIAL IMPLICATIONS

Council endorsed funding of up to \$24,000 (GST exclusive) at the 2014/15 September Quarterly Budget Review.

CONCLUSION

The Camden Town Farm Committee has been successful in its funding application for \$20,000 (GST exclusive) under the NSW Government Community Partnership Program 2014 to build a Covered Outdoor Weather Area (COWA). The Committee will also provide \$24,000 (GST exclusive) to the project.

In order for Council to confirm its participation in the Program for 2015, a Funding Agreement is required to be signed and returned to the NSW Department of Premier and Cabinet.

RECOMMENDED

That Council:

- i. accept funding of \$20,000 (GST exclusive) from NSW Department of Premier and Cabinet for the purpose of contributing to the construction of a covered Outdoor Weather Area (COWA) for the Camden Town Farm;**
- ii. confirm Council's contribution of up to \$24,000 (GST exclusive) funded by the 2013/14 budget surplus; and**
- iii. write to the State Member for Camden, Chris Patterson MP thanking him for his support for this project.**

ORDINARY COUNCIL

ORD15

SUBJECT: WESTERN SYDNEY INFRASTRUCTURE PLAN - LOCAL ROADS PACKAGE - ACCEPTANCE OF GRANTS

FROM: Director Community Infrastructure

TRIM #: 15/747

PURPOSE OF REPORT

The purpose of this report is:

- to formally notify Council that three applications for Round 1 grant funding under the Western Sydney Infrastructure Plan – Local Roads Package have been successful (refer **Attachment 1**);
- to adjust the funding arrangements and increase the scope of works for the Camden Town Centre Infrastructure project; and
- to seek approval from Council to execute any formal agreement between Council and Roads and Maritime Services.

BACKGROUND

The Australian and NSW governments previously announced a jointly funded 10 year road investment plan of more than \$3.5 billion for Western Sydney, to support the Australian Government's decision on the airport at Badgerys Creek.

Key features of the plan include:

- Upgrade of Bringelly Road to a minimum of four lanes between The Northern Road and Camden Valley Way (construction to start early 2015, completion 2019);
- Upgrade of The Northern Road to a minimum of four lanes between Narellan and the M4 Motorway (construction to start late 2015, completion 2020);
- Construction of a new east-west motorway to the airport between the M7 Motorway and The Northern Road (construction to start late 2019); and
- A \$200 million package for local road upgrades.

The Western Sydney Infrastructure Plan – Local Roads Package is funded by the Australian Government, with an overall allocation of \$200m, and is open to the Councils in the immediate area around the proposed Badgerys Creek Airport. The local roads package is intended to fund a range of works in local government areas which will improve local transport connections in Western Sydney.

There are 2 funding rounds proposed, with the first in 2014 (the subject of this report), and a further funding round in 2015. A third funding round may be offered subject to the availability of funds.

The first funding round opened on 21 July 2014 with specific invitations to eligible councils and closed on 29 August 2014.

MAIN REPORT

In assessing the funding criteria for the package, the key access route between Camden and Narellan (Argyle Street / Camden Valley Way) has been identified as a key transport connection to the Northern Road, and ultimately for access to the future airport and the Western Sydney Employment Area.

The following three projects were successful:

1. Argyle Street / Camden Valley Way Corridor Upgrade Stage 1 - \$1,904,835

This project focuses on traffic facility improvements and road related upgrades within the Town Centre, with the funds allocated for delivery of these works.

The funding offer of \$1,904,835 is limited to works supporting improved access and safety for Stage 1 of the overall Camden Valley Way / Argyle Street route upgrade, focussing on the intersection and pedestrian improvements, and the associated kerb and gutter alignment changes. These works overlap with the adopted scope of works for the Camden Town Centre Project, and the funding can substitute for these specific elements in the project, but cannot fund the specific non-traffic related works such as the upgrades of footpath paving, street lighting, furniture and major stormwater infrastructure.

In view of the additional grant funding, it is proposed to increase the scope of works to a total allocation of \$4.1M, up from \$3.5M. This enables the termination points to be extended to Hill Street on the southern side of Argyle Street and to the Woolworths exit lane on the northern side of Argyle Street. The extended works will allow better temporary transitions between the new works and the existing kerb and gutter alignments, while also allowing some additional associated stormwater system upgrades to occur in Hill Street.

The revised scope of works for Stage 1 are shown in the attached plan (**Attachment 2**).

2. Argyle Street / Camden Valley Way Corridor Upgrade Stage 2 - \$150,000

This project is to develop a formal route strategy for the future upgrade of Argyle Street and Camden Valley Way, primarily between Edward Street and the Old Northern Road (as shown in **Attachment 3**). This will assist in formalising a further grant application for upgrade works under the Local Roads Package.

3. Camden Valley Way / Macarthur Road Intersection – scoping - \$50,000

Council is currently assessing upgrade options for this intersection for implementation over the next 2 years (refer **Attachment 3**). The funding will assist in the options analysis and developing the final design of the works. This will also assist in formalising a further grant application for upgrade works under the Local Roads Package.

Additionally, the proposed resolution in this report is to also enable Council to enter funding agreement to accept the funding.

FINANCIAL IMPLICATIONS

Camden Town Centre

As resolved at Council's meeting of 25 November 2014, funds totalling \$3.5M were allocated towards the Camden Town Centre Infrastructure Improvements, comprising:

Previous Budget Allocation

Camden Town Centre Reserve:	\$994,500
Asset Renewal Reserve:	\$1,759,500
Capital Works Reserve:	\$746,000
Total:	\$3.5M

As noted in the report of 25 November 2014, the final funding package could not be determined until the outcome of various grant applications were known, and the additional reserve funding was allocated to provide certainty of funding. Once the grant funding was confirmed, the funding from reserves could be reduced accordingly.

It is proposed to increase the scope of works to a total cost of \$4.1M (utilising now available grant funding) to allow for an increase in the final scope of works for more logical termination points in the adopted Stage 1 works, which will therefore enable the following amounts to be returned to reserve:

Asset Renewal Reserve:	\$1M
Capital Works Reserve:	\$304,835

The remaining stages of the Camden Town Centre works will be included in the long term financial plan and will be considered by Council in its upcoming budget deliberations. In previous Council Reports (8 July 2014 and 25 November 2014), it was noted that Council Officers would seek funding opportunities for this project. Further to the acceptance of this grant funding, additional funding opportunities will continue to be explored for this project.

In this regard it is noted that grant funding has also been sought through the National Stronger Regions Fund, with a likely decision being made in May 2015.

Revised Budget Allocation

Western Sydney Infrastructure Plan Grant:	\$1,904,835
Camden Town Centre Reserve:	\$994,500
Asset Renewal Reserve:	\$759,500
Capital Works Reserve:	\$441,165
Total:	\$4.1M

Camden Valley Way Projects

In addition, the \$150,000 grant for funding to be used for the development of a formal route strategy for Argyle Street / Camden Valley Way between Camden and Narellan will assist in confirming the future upgrade costs of this route, and assist in developing a further grant application under the Local Roads Package in 2015.

The \$50,000 grant allocated for the investigation and assessment of the Camden Valley Way / Macarthur Road intersection upgrade option. Section 94 funds of \$1,376,100 have already been identified for this intersection upgrade, and the grant

allocation will assist in confirming the intersection options and budget for this project. A further grant application under round 2 of the Local Roads Package is also anticipated.

CONCLUSION

Council has recently been advised that three grant funding applications under the Western Sydney Infrastructure Plan – Local Roads Package have been successful. The works focus on 3 separate components of an overall strategy to upgrade the Argyle Street / Camden Valley Way transport route between Camden and Narellan.

In view of the increased funding it is proposed to expand the scope of works for the Camden Town Centre Infrastructure Project to \$4.1m and adjust Council's funding arrangements as identified in this report.

It is proposed to accept the funding offers as identified in the report.

As noted in the July and November 2014 Council Reports, Council Officers will continue to explore funding opportunities for this project.

RECOMMENDED

That Council:

- i. accept the grant funding offers as identified in the report;**
- ii. increase the scope of works for the Town Centre Infrastructure Project to \$4.1M as identified in Attachment 2;**
- iii. that funding of \$1M be returned to the Asset Renewal Reserve, and funding of \$304,835 be returned to the Capital Works Reserve;**
- iv. write to the Federal Member for Macarthur, Russell Matheson MP, thanking him for his support; and**
- v. execute a funding agreement (if required) between Council and Roads and Maritime Services via Council's Power of Attorney, granted on 27 August 2013, Minute Number ORD215/13.**

ATTACHMENTS

1. Attachment 1 - Letter from RMS regarding Western Sydney Infrastructure Plan - Local Roads Package
2. Attachment 2 - Western Sydney Infrastructure Plan - Local Roads Package - Acceptance of Grants
3. Attachment 3 - Western Sydney Infrastructure Plan - Local Roads Package - Acceptance of Grants



ORD16

ORDINARY COUNCIL

ORD16

NOTICE OF MOTION

SUBJECT: NOTICE OF MOTION - ROTARY FUNDING REQUEST
FROM: Cr Symkowiak
TRIM #: 15/10311

"I, Councillor Lara Symkowiak hereby give notice of my intention to move the following at the Council Meeting of 27 January 2015:

That Council support The Rotary Club of Macarthur Sunrise's request for \$3,500 for joint naming rights of The Science and Engineering Challenge to be held at Camden Civic Centre in June 2015, funded from Councillor Ward Funds".

RECOMMENDED

That Council support The Rotary Club of Macarthur Sunrise's request for \$3,500 for joint naming rights of The Science and Engineering Challenge to be held at Camden Civic Centre in June 2015, funded from Councillor Ward Funds.

ATTACHMENTS

1. Letter to Mayor
2. Science and Engineering Challenge 2015



ORDINARY COUNCIL

ORD17

ORD17

NOTICE OF MOTION

**SUBJECT: NOTICE OF MOTION - THE NARELLAN RANGERS SOCCER CLUB -
NOTT OVAL UPGRADE**

FROM: Cr Fedeli

TRIM #: 15/10361

"I, Councillor Theresa Fedeli hereby give notice of my intention to move the following at the Council Meeting of 27 January 2015:

That Council support The Narellan Rangers Soccer Club Inc's request for \$50,000 for lighting upgrades at Nott Oval, Narellan. This is to match the \$50,000 State Government grant the club recently received. Funding is to be provided from the December 2014 quarterly budget review".

RECOMMENDED

That Council support The Narellan Rangers Soccer Club Inc's request for \$50,000 for lighting upgrades at Nott Oval, Narellan. This is to match the \$50,000 State Government grant the club recently received. Funding is to be provided from the December 2014 quarterly budget review.

ATTACHMENTS

1. Letter to Mayor - Narellan Rangers Nott Oval upgrade
2. Letter from MP Chris Patterson - Nott Oval Funding

ORDINARY COUNCIL**ORD18**

SUBJECT: CLOSURE OF THE MEETING TO THE PUBLIC
FROM: Acting Director Customer & Corporate Services
TRIM #: 15/11205

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.

- Narellan Town Centre Air Bridge Lease

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:

- the meeting be now closed to the media and public to discuss a report concerning commercial information of a confidential nature dealing with Narellan Town Centre Air Bridge Lease, in accordance with the provisions of Section 10A(2)(C) 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.**