



Camden Council

Business Paper

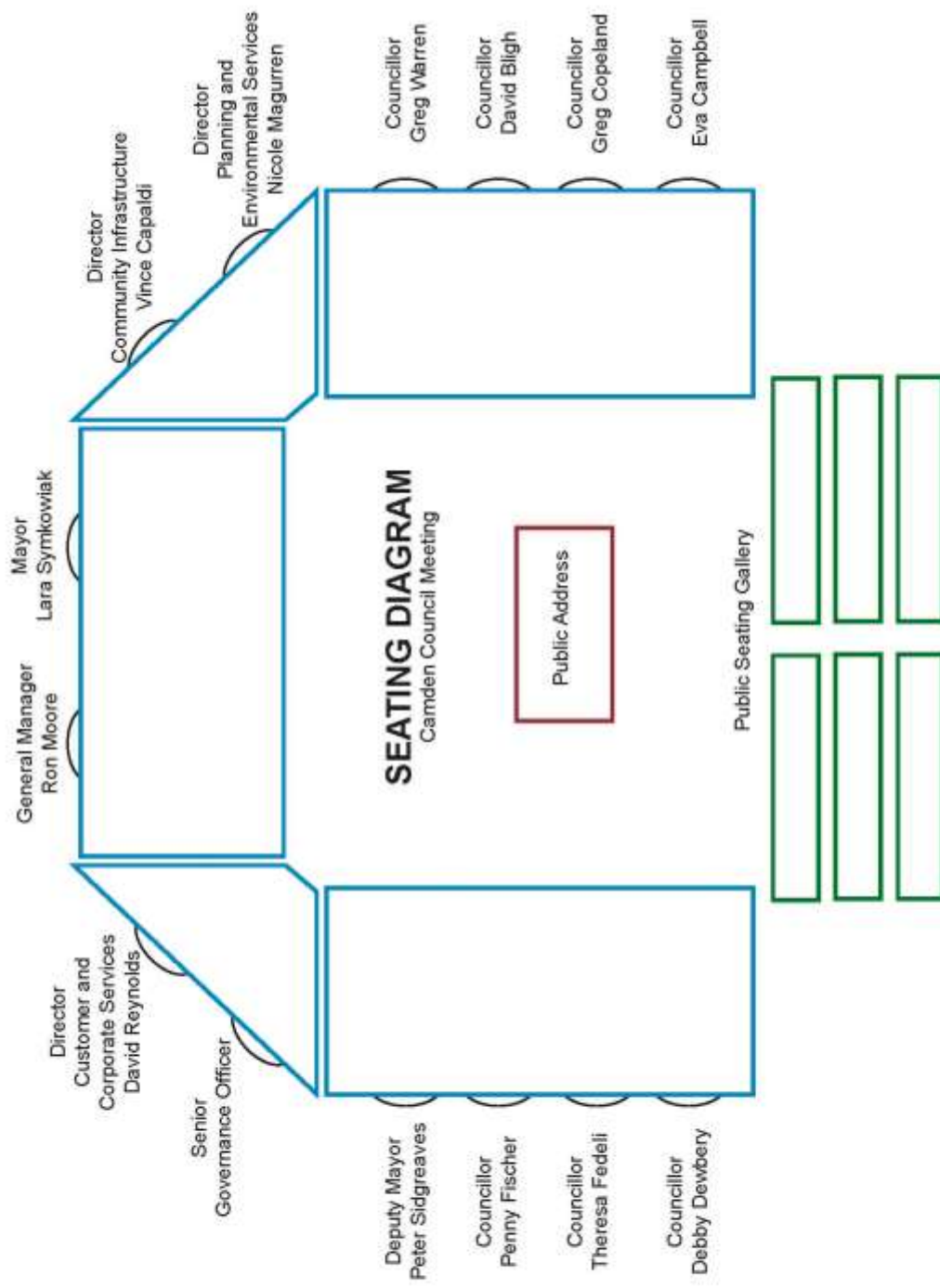
Ordinary Council Meeting
23 February 2016

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.

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



ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.



ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

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

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

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

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

RECOMMENDED

That the declarations be noted.



ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

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

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

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

All speakers are limited to 4 minutes, with a 1 minute warning given to speakers prior to the 4 minute time period elapsing. The commencement and conclusion of time shall be advised by the Mayor/Chairperson.

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

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

RECOMMENDED

That the public addresses be noted.



ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 9 February 2016 and the Minutes of the Ordinary Council Meeting held 8 December 2015.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 9 February 2016 and the Minutes of the Ordinary Council Meeting held 8 December 2015, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE

Consideration of Mayoral Minute (if any).



ORDINARY COUNCIL

ORD01

SUBJECT: STAGED SUBDIVISION TO CREATE 180 RESIDENTIAL LOTS, 2 PUBLIC RESERVE LOTS, 4 RESIDUE LOTS, CONSTRUCTION OF ROADS AND DRAINAGE, TREE REMOVAL AND ASSOCIATED SITE WORKS.

FROM: Director Planning & Environmental Services
TRIM #: 16/1731

APPLICATION NO: 1032/2015
PROPERTY ADDRESS: 421D & 421E The Northern Road, Cobbitty

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a staged subdivision to create 180 residential lots, two public reserves and four residue lots, construction of roads and drainage, tree removal and associated site works at 421D & 421E The Northern Road, Cobbitty.

The DA is referred to Council for determination as the proposal seeks approval for variations to the Oran Park Development Control Plan 2007 (DCP), specifically proposing to downgrade the status of a collector road to a local road and also proposing to relocate open space from along The Northern Road as shown in the ILP to another area within the site.

The application also requires referral to Council for determination as one submission was received objecting to the proposed development. The submission raises issues with the catchment management assessment undertaken for the area, and the traffic assessment submitted as part of the application. Officers were unsuccessful in resolving the issues raised in the submission.

SUMMARY OF RECOMMENDATION

That Council determine DA 1032/2015 for a staged subdivision to create 180 residential lots, two public reserves and four residue lots, construction of roads and drainage, tree removal and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

THE PROPOSAL

DA 1032/2015 seeks approval for a staged subdivision to create 180 residential lots, two public reserves and four residue lots, construction of roads and drainage, tree removal and associated site works.

Specifically the proposed development involves

- creation of 180 residential lots, ranging in area from 300m² to 864m² in two stages;
- creation of two public reserve lots (lots 900 and 1000) with areas of 3882m² and 3372m² respectively which will be dedicated to Council;

- creation of 4 residue lots (lots 899, 997, 998 & 999) ranging in area from 992m² to 2456m²;
- construction of an internal road network including one collector road (Olive Hill Drive);
- drainage works and construction of a temporary stormwater basin;
- construction of retaining walls, an acoustic barrier and installation of a landscape buffer along the eastern boundary of the site adjoining The Northern Road;
- tree removal; and
- associated site works.

The value of works is \$9,500,000.

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

THE SITE

The site is commonly known as 421D The Northern Road Cobbitty and is legally described as Lot 2010 DP 1209178. Works are also proposed within the adjoining site to the north known as 421E The Northern Road.





KEY DEVELOPMENT STATISTICS

The development has been assessed against the relevant planning controls and is generally compliant with the exceptions of the variations noted below. Below is a summary of the key development statistics associated with the DA and any variations.

	Standard	Proposed	Compliance
State Environmental Planning Policy (Sydney Regional Growth Centres) 2006			
4.1 Minimum Lot Size	Minimum 125m ²	The proposed residential lots vary from 300m ² to 664m ²	Yes
4.1A Minimum Lot Sizes for other Development	Minimum lot size of 250m ² for dwelling house and 125m ² for attached dwelling	The proposed residential lots vary from 300m ² to 664m ²	Yes
4.1B Residential Density – Oran Park Precinct	Consent must not be granted unless the Consent Authority is satisfied that the delivery of 7,540 new dwellings in the Oran Park Precinct can be achieved Each subdivision must contain provision to encourage a mix of dwelling types to be provided	This DA proposes 180 residential lots in 2 stages and therefore contributes to the overall minimum dwelling density targets set by this clause. The proposed subdivision layout provides for a mix of dwelling types through the provision of a range of lot sizes.	Yes
Oran Park Development Control Plan 2007 (DCP)			
2.1 Indicative Layout Plan (ILP)	Development to be in accordance with the indicative layout plan (ILP).	The following is not in accordance with the ILP: <ul style="list-style-type: none"> Relocating open space from along The Northern Road to another area within the site. Variations to road pattern and layout road. 	No – See DCP Variation 1
3.1 Street Network and Design	Collector Road - 10.4m width	Local Road - 7.4m width	No – See DCP Variation 2



4.1 Public Parks and Landscape Strategy	Public parks and other open space areas are to be provided generally in accordance with Figure 20 of the DCP.	One area of public open space is proposed to be relocated within the site.	No – See DCP Variation 3
7.1 and 7.2 Residential Density Targets	Net Residential Density of 15 - 20dw/ha.	16.1 dw/ha	Yes
7.3 Lot Width	Minimum frontage of 9m for a net residential density target of 15dw/Ha	9.52m	Yes

ASSESSMENT

Zoning and Permissibility

Zoning:	R1 – General Residential
Permissibility:	The proposed development is defined as ‘drainage’ and ‘roads’ by the SEPP which are permissible land uses in this zone. Subdivision is permissible with consent under the provisions of Clause 2.6 of the SEPP.

Environmental Planning and Assessment Act 1979 – Section 79(C) Matters for Consideration

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<ul style="list-style-type: none"> State Environmental Planning Policy 55 – Remediation of Land Deemed State Regional Environmental Policy No 20 – Hawkesbury – Nepean River State Environmental Planning Policy (Sydney Region Growth Centres) 2006 <p>Compliant with conditions recommended where necessary</p>
Local Environmental Plan - S79C(1)(a)(i)	Not applicable
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable
Development Control Plan(s) - S79C(1)(a)(iii)	Oran Park DCP 2007 Generally compliant with variation(s) proposed as discussed below
Planning Agreement(s) - S79C(1)(a)(iiiia)	None
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions
Likely Impacts - S79C(1)(b)	No significant impacts



Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development
Submissions - S79C(1)(d)	One submission was received which is discussed in the Submissions section of this report
Public Interest - S79C(1)(e)	The development is in the public interest

Compliance with Plans or Policies

DCP Variation 1 & 3 – Variation to the ILP and Public Parks and Landscape Strategy

There are two variations proposed to the adopted Oran Park Indicative Layout Plan (ILP) including:

- Relocating open space from along The Northern Road to another area within the site. See Figures 1 and 2 below.
- Slight variation to road pattern and layout as shown in the ILP (see Attachment 2) as a result of relocating the open space.

DCP Controls

The Oran Park Precinct Indicative Layout Plan (ILP) at Figure 2 of the Oran Park DCP 2007 (see Attachment 2) illustrates within the subject site a linear strip of land for a public reserve adjoining The Northern Road. The Open Space Network Plan at Figure 20 of the Oran Park DCP 2007 (see Attachment 3) also shows this linear strip of land as public open space.

Section 2.1(2) of the DCP specifies that where a variation from the ILP is proposed, the applicant is to demonstrate that the development is consistent with the vision and development objectives for the precinct.

Applicant's Variation Request

The applicant requests a variation which allows for the relocation of the open space from along the eastern boundary of the site which adjoins the Northern Road as shown in Figure 1 below to an alternative area within the north west of the site within proposed Lot 1000 as shown in Figure 2 below.

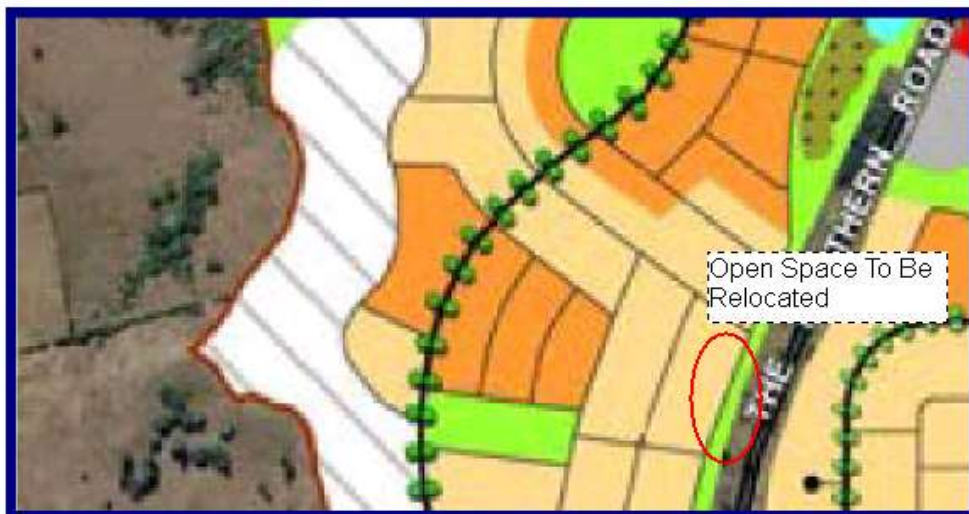


Figure 1 – Oran Park ILP

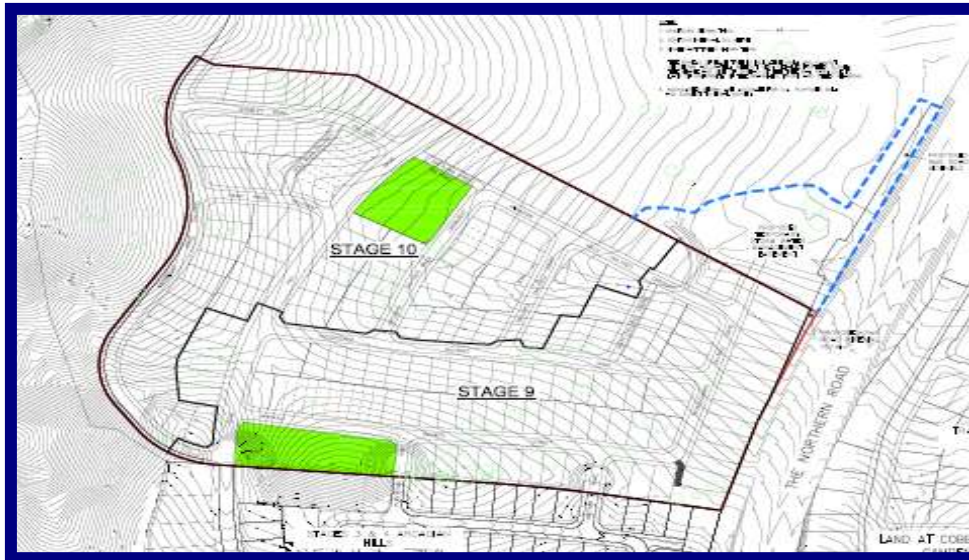


Figure 2 – Proposed Areas for Open Space

The applicant has requested that Council support a variation to the Oran Park ILP for the following reasons:

- Relocation of the linear open space from adjoining the Northern Road is consistent with the design approach adopted for the existing stages of Arcadian Hills estate approved under DA 435/2011 which adjoins the site to the south.
- The linear open space as shown in the ILP would not be ideal from Council's perspective in terms of maintenance and is not useable for the community as it would be difficult to attenuate noise and is considered a 'no man's land' directly adjacent to The Northern Road.
- The revised location benefits Council and the community as it provides a useable open space area that has suitable topography, is accessible, and is sited to allow relatively level community play spaces.
- The Hill Top Park (in the southern part of the site) is proposed in accordance with the ILP. Noting this has been identified as a passive recreation area, due to its slope and topography, it provides an opportunity for scenic protection and not active recreation.
- The amount of open space to be dedicated is equivalent to the area provided for within the Section 94 Contributions Plan.
- The proponent intends to enter into a Works in Kind Agreement to facilitate the provision of the open space.

Council Staff Assessment

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

- The applicant has demonstrated that the proposed development is consistent with the vision and development objectives for the Oran Park precinct. Specifically;



- The relocation of the open space is in accordance with the previously approved stages of the development.
- The proposed location of the open space achieves high levels of direct walkable access to the adjoining pedestrian connections and public transport services along the future Olive Hill Drive.
- The proposed open space complies with all relevant controls of Section 4.1 of the DCP which relates to the provision of open space, public parks and landscaping.
- The variations to the road layout required as a result of relocating the park is considered negligible and does not adversely impact the block layout or road connections.

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

DCP Variation 2 – Variation to downgrade the status of a required collector road to a local road

A variation is proposed to downgrade the status of proposed Road No. 1003 (Wainwright Drive) from a collector road to a local road.

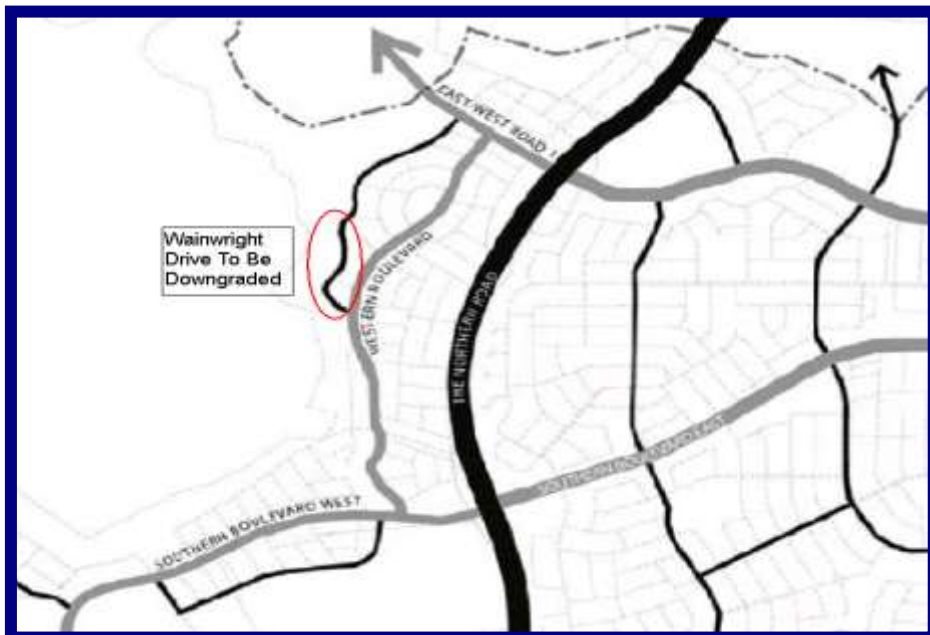


Figure 3 – Road to be Downgraded

DCP Control

The Street Network Plan at Figure 5 of the Oran Park DCP 2007 (see Attachment 5) shows the proposed Road No. 1033 (Wainwright Drive) as a collector road.

In accordance with Table 6 of the DCP, a collector road requires a carriageway width of 10.4m and verges of 4.6m and 3.3m respectively. The proposed road has a width of 7.4m.

Applicant's Variation Request

The applicant has requested that Council support a variation to downgrade the status of the road for the following reasons:

- Under a previous development application that approved the adjoining subdivision to the south, Council approved the downgrading of Olive Hill Drive from a sub arterial to a collector road based on projected traffic volumes. This has already altered the road hierarchy in this area. The proposed Wainwright Drive will feed into Olive Hill Drive and should be downgraded to preserve a regular hierarchy.
- The proposed Wainwright Drive abuts a very sensitive low density E4 Environmental Living Zone which will generate significantly lower traffic volumes and require substantially less pavement/carriageway for on street parking. Provision for a 10.4m carriageway is therefore inappropriate from both a needs and impact perspective.
- The Oran Park ILP and Figure 5 of the DCP are inconsistent as the ILP does not show Wainwright Drive as a collector road.
- Wainwright Drive has not been included in the Pedestrian and Cycleway Network shown on Figure 18 of the DCP. Typically a collector road is identified for shared pedestrian and cycle access. The exclusion of Wainwright Drive from the network indicates that it was not intended to be more than a local road.
- The position of Wainwright Drive in accordance with the DCP is on steep terrain, in very close proximity to the Denbigh House Heritage Area and Transition Zone. It should therefore be designed to minimise impact on this area. Increasing the road dedication width by approximately 4m would have a greater visual and physical impact and should be avoided.
- The proposed alignment of the road is in accordance with the ILP, however the geometry does not allow traffic design speeds above that of a local road. Collector road status is inconsistent with the design intent of the ILP.

Council Staff Assessment

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

- A detailed traffic impact assessment has been submitted to support the application and is deemed satisfactory.
- Council's Traffic Engineers have reviewed the proposed variation and are satisfied that the variation as proposed is acceptable in terms of traffic volumes, road functionality and road safety.
- The reclassification of the road as a local road better reflects the level and nature of development in the surrounding area.

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



Key Issues

The key issues associated with the DA are limited to the DCP variations as detailed above and the submission issues discussed below.

Submissions

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 24 September 2015 to 7 October 2015. One submission was received objecting to the proposed development together with various exchanges of emails subsequently.

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. *Whether an assessment of SREP 20 has been undertaken and whether the DA meets the requirements of SREP 20.*

Officer comment:

An assessment of the proposed development against the provisions of the Deemed State Environmental Planning No 20 – Hawkesbury-Nepean River (SREP) is required under Section 79C 1(a)(i) of the Environmental Planning and Assessment Act 1979. An assessment has been undertaken and it is considered that the proposed development is consistent with the aim of the SREP20 which is to protect the environment of the Hawkesbury-Nepean River system and that any potential impacts of the development on the environment will be addressed and monitored.

The application meets the requirements of SREP 20 and it is considered that there will be no detrimental impacts on the Hawkesbury Nepean River system as a result of the proposed development.

Conditions of consent are recommended to ensure stormwater run-off, water quality and water quantity measures are consistent with the adopted and endorsed strategies and master plans for water quality and water quantity in Oran Park.

2. *A basic requirement of the SREP 20 is that a Total Catchment Management Study is required to assess all potential adverse environmental impacts of urban development. This issue of Total Catchment Management has been raised on numerous occasions since 1997 and has not been adequately addressed.*

Officer comment:

Clause 6 of the deemed State Environmental Planning No 20 – Hawkesbury-Nepean River (SREP) refers to the planning policies and recommended strategies including total catchment management which requires development to '*consider the impact of the development concerned on the catchment*' and to '*consider the cumulative environmental impact of development proposals on the catchment.*'

The impacts of the proposed development on the catchment have been assessed against the controls of the Oran Park Development Control Plan 2007, and the relevant adopted stormwater management and water quality studies for the Oran Park Precinct.

A site specific stormwater quantity and quality management strategy has been developed for this proposal to protect the existing catchment, and has been submitted as part of the application in the form of a stormwater report. The stormwater report submitted has demonstrated that the peak post development flows will match the existing flows as per Camden Council's requirement for stormwater quantity. The bioretention basin as proposed has been designed to manage the stormwater quality of the site run off.

A satisfactory Sediment and Erosion Plan has been submitted to support the application and will be endorsed as part of the consent. This will be implemented during works minimising any risk of pollutants entering the catchment.

Conditions to be imposed on the consent will require appropriate measures are taken to prevent any impact of stormwater run-off into the catchment during construction and post development. These measures include the construction of a stormwater basin and water quality system and the implementation of erosion and sediment controls.

A total catchment study in the form of a stormwater management study and a water cycle management study were undertaken by the Department of Planning for the South West Growth Centre at the time the land was rezoned in 2007. The stormwater management study known as the '*Oran Park Precinct Masterplan – Stormwater Quantity Management & Flooding Ref No.X06061-03A*' was prepared by Brown Consulting in March 2007. This report presents the stormwater quantity and flooding management for the Oran Park Precinct.

The water cycle management study known as '*Integrated Water Cycle Management Study, Water Sensitive Urban Design Component*' was prepared by Ecological Engineering Pty Ltd in March 2007, and presents stormwater quality control for the Oran Park Precinct. These studies were undertaken in order to ascertain the cumulative impact of future development proposals on the South Creek and Cobbitty Creek catchments. The site specific stormwater report submitted to support this development application has been prepared in accordance these adopted studies and has demonstrated compliance with the requirements of SREP20.

Having subsequently discussed the issues relating to total catchment management with the submitter, copies of the two original studies and the stormwater report for this development were forwarded to the submitter. The submitter remains of the opinion that the base studies prepared to accompany the rezoning were deficient. The studies prepared took into consideration the part of the catchment that would be impacted by the rezoning and established strategies at the time to protect and conserve the Hawkesbury River and its tributaries. As a result of this assessment, this development application needed to demonstrate that post flows do not exceed pre flows, therefore remaining consistent with the reports referenced above. It seems that the concerns raised by the submitter largely relate to the catchment study area defined in 2007, not specifically this development.

Figure 4 below shows the sub catchments for this area which includes the Cobbitty Creek catchment as illustrated in the pink overlay and the South Creek catchment shown as the green overlay. The majority of the subject site is located within the South Creek catchment and will drain to the west with no impact on the Cobbitty Creek catchment of which the submitter has raised concerns.

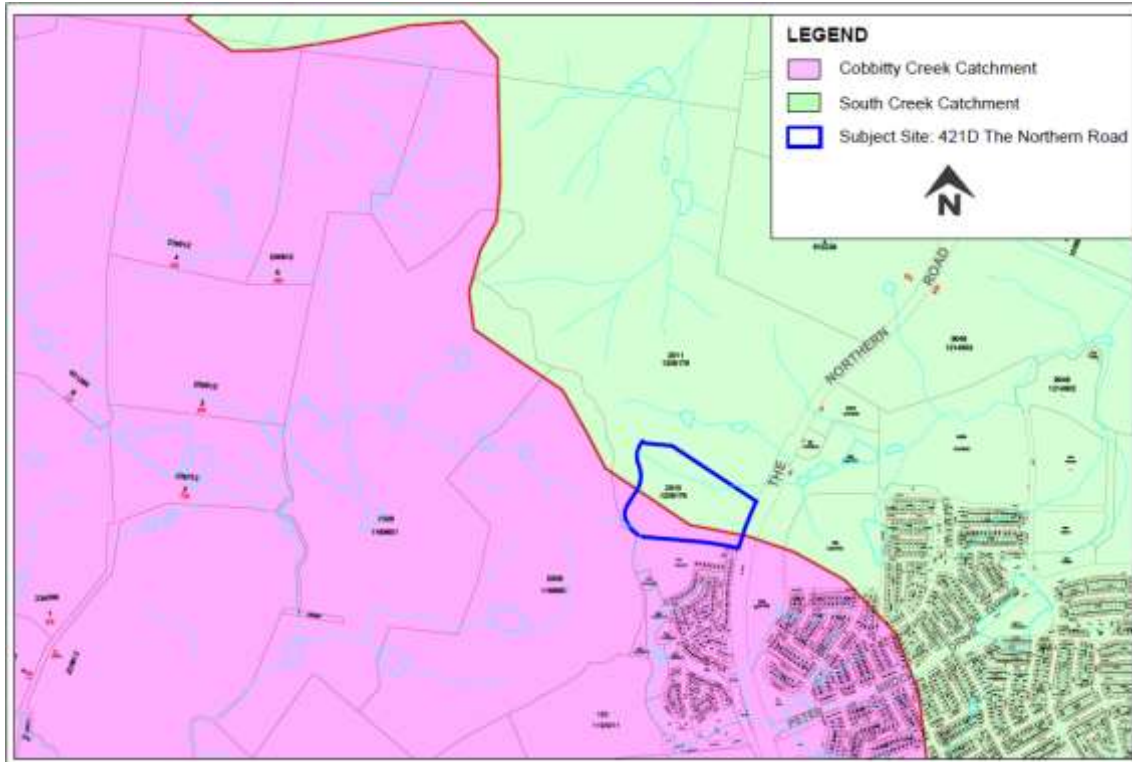


Figure 4 – Sub catchment Map

The stormwater report submitted to support the application details approximately 15% of the site, the subject of this proposal, will drain to the Cobbitty Creek catchment. Council's Engineers have assessed the stormwater report submitted and are satisfied the existing drainage infrastructure located on the land to the south can adequately support the stormwater flow that will enter the Cobbitty Creek catchment.

3. *Watercycle management is not the same as total catchment management and the SREP20 is not being appropriately addressed.*

Officer comment

As discussed above, water cycle management and total catchment management for this area have been assessed and appropriately addressed in the stormwater report submitted as part of the development application. The development proposed is in accordance with the adopted and endorsed strategies and master plans for water quality and water quantity in Oran Park.

An assessment against the provisions of SREP20 has been undertaken by the applicant and reviewed by Council officers is deemed satisfactory.

4. *Issues have occurred from the first stage of development and concerns are heightened by the adverse impacts of run off into Cobbitty Creek arising from existing development. It is request that Council monitor the situation to ensure there are no further impacts. An urgent on site meeting should be held with relevant experts.*

Officer comment

The issues raised largely relate to the existing situation and does not specifically relate to the proposed development. Council officers have assessed the potential stormwater



runoff impacts of the proposed development and are satisfied that the existing and proposed drainage infrastructure is adequate for the development within the catchment.

The issues raised by the objector do not directly relate to the subject DA, but are issues of a strategic planning nature in the context of the South West Growth Centre. The Department of Planning and Environment is reviewing the western boundary of the South West Growth Centre under the review of the Structure Plan which is currently underway. Council officers have previously met with the objector to discuss their concerns and will continue to liaise with the objector following the outcome of the Structure Plan review.

5. *The outcome of not addressing catchment issues in the past is that the land will be sterilised and despite past requests there is no planning of the urban rural interface.*

Officer comment

The proposed development is in accordance with the relevant controls for flooding and water cycle management and the land use as proposed is in accordance with the adopted masterplan for the Oran Park Precinct. The application is consistent with the vision for the locality established at rezoning stage.

6. *The traffic report submitted in support of the DA is dated 2011 and is based on old data. The report should be verified and recalibrated to reference known data. The traffic modelling should take into account the South West Growth Structure Plan Review and should not be determined independently.*

Officer comment:

An updated traffic report has been submitted to support the application. The updated report has been prepared based on the existing and expected traffic volumes of the existing and future roads as shown in the adopted Oran Park Indicative Layout Plan. A copy of the updated traffic report has been provided to the submitter following the receipt of the letter of objection.

Council's Traffic section assessed the traffic reports submitted and are satisfied the detail provided is sufficient, and the proposed road layout and structure is adequate.

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 1032/2015 is recommended for approval subject to the conditions contained in this report.

RECOMMENDED

That Council approve the proposed development for a staged subdivision to create 180 residential lots, two public reserves and four residue lots, construction of roads and drainage, tree removal and associated site works at 421D and 421E The Northern Road, Cobbitty.



ATTACHMENTS

1. Draft Conditions
2. Oran Park ILP
3. Open Space Plan
4. Road Layout Plan
5. Subdivision Plans
6. Submissions - *Supporting Document*
7. Public Exhibition and Submissions Map - *Supporting Document*



ORDINARY COUNCIL

ORD02

SUBJECT: CONSTRUCTION OF A TWO STOREY CHILD CARE CENTRE FOR A MAXIMUM OF 66 CHILDREN, REMOVAL OF EXISTING BUILDINGS, TREE REMOVAL, OFF-STREET CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS

FROM: Director Planning & Environmental Services

TRIM #: 16/13337

APPLICATION NO: DA 910/2015

PROPERTY ADDRESS: 33 Eskdale Close, Narellan Vale

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a child care centre for 66 children, removal of existing buildings and removal of trees with associated car parking, landscaping and associated site works at 33 Eskdale Close, Narellan Vale.

The DA is referred to Council for determination as there remain unresolved objections in five submissions, including a petition containing 28 signatories from 14 households in the locality.

SUMMARY OF RECOMMENDATION

That Council determine DA 910/2015 for the construction of a child care centre for 66 children, removal of existing buildings and removal of trees with associated car parking, landscaping and 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.

THE PROPOSAL

DA 910/2015 seeks approval for the construction of a child care centre for 66 children, removal/relocation of existing buildings and removal of trees with associated car parking, landscaping and site works.

Specifically the proposed development involves:

- Removal/relocation of existing structures on the land;
- Removal of four trees;
- Construction of a new building for use as a long day child care centre for a maximum of 66 children aged 0 to 5 years comprising 0 to 2 year olds (4 children), 2 to 3 year olds (15 children) and 3 to 5 year olds (47 children);
- Building area of 444m² comprising three play rooms, kitchen, laundry, store rooms and amenities on the ground floor and one play room, staff room, office and amenities on the first floor;
- Outdoor play area and associated shade structures;
- Hours of operation between 6.30am and 7.00pm, Monday to Friday; and
- Car parking for a total of 20 vehicles, consisting of 9 designated staff parking spaces and 11 designated parent/visitor spaces.



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

THE SITE

The site is commonly known as 33 Eskdale Close, Narellan Vale and is legally described as Lot 51 DP 809627.

The subject site is irregular in shape with a frontage of 37.98m to Richardson Road, a frontage of 8.13m (along the arc) to Eskdale Close and an overall area of 1472m².

The site currently accommodates a single storey weatherboard cottage, detached garage and rear outbuilding/shed.



KEY DEVELOPMENT STATISTICS

The development has been assessed against the relevant planning controls and is generally compliant with the exceptions of the variations noted below. Below is a summary of the key development statistics associated with the DA and any variations.

Clause	Requirement	Provided	Compliance
Camden Local Environmental Plan 2010			
4.1 Minimum Size	Lot Minimum 450m ² lot size	No subdivision proposed. Existing allotment has a lot area of 1472m ² .	Yes
4.3 Height	of Maximum 9.5m building height	Proposed 7.8m building height	Yes



Clause	Requirement	Provided	Compliance
Buildings			
7.5 Child Care Centres	<p>Child care centres on land in the R2 – Low Density Residential zone must:</p> <p>(i) Have a minimum area of not less than 1200 square metres; and,</p> <p>(ii) Not have a boundary that adjoins an existing or proposed classified road.</p>	<p>1472 m²</p> <p>The site does not have a boundary with an existing or proposed classified road.</p>	<p>Yes</p> <p>Yes</p>
Camden DCP 2011			
B5.1 Off-street Car Parking Rates and Requirements	1 car parking space per employee, plus 1 parking space per 6 children. Based on required staffing and child places, a total of 9 staff and 11 patron spaces are required.	A total of 20 off-street parking spaces are provided. Staff parking in stacked formation is provided with 5 spaces accessed off Eskdale Close and 15 staff & patron spaces accessed off Richardson Road.	Yes
D5.1 (4) Setbacks	<p>Front Setback – Min. 5.5m (Richardson Road)</p> <p>Secondary Street – Min. 4m (Eskdale Close)</p> <p>Side Setback – Min. 1.2m</p> <p>Side setback to access door from children’s internal space – 4m</p> <p>Rear Setback – 4m from ground floor, 8m from first floor</p>	<p>Front Setback to Richardson Road - Min. 12.6m</p> <p>Front Setback to Eskdale Close - Min. 9.925m</p> <p>North – 5.685m South – Min. 1.4m East – Min. 3.13m</p> <p>No access points are located within 4.0m of a side elevation.</p> <p>Given the site orientation, there is no applicable rear boundary. It is noted that the first floor of the building is positioned in excess of the minimum 8m from any property boundary.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>
D5.1 (16) Hours of	Hours of Operation shall be restricted to 7am and	The proposed development will	No – DCP Variation 1



Clause	Requirement	Provided	Compliance
Operation	6pm, Monday to Friday	operate between 6.30am and 7.00pm, Monday to Friday	
D5.1 (33) Noise	An acoustic report prepared by a qualified consultant must be lodged with the DA	An acoustic report accompanies the DA. In this regard, acoustic fencing (in the form of lapped and capped timber fencing) to a height of 2.4 metres along the eastern boundary and 1.8 metres along the southern boundary is proposed. This report has been reviewed by Council's Environmental Health Officer who advises that the proposal will meet the requirements of Council's Noise Policy.	Yes

NOTE: The DA has been assessed against the controls that were in force at the time of DA lodgement. The DA was lodged prior to the amended DCP controls for Child Centres came into force. This is discussed in more detail in the Key Issues section of this report.

ASSESSMENT

Zoning and Permissibility

Zoning:	R2 – Low Density Residential under Camden LEP 2010
Permissibility:	The proposed development is defined as a "child care centre" by the LEP which is a permissible land use in this zone.

Environmental Planning and Assessment Act 1979 – Section 79(C) Matters for Consideration

State Environmental Planning Policy(s) - S79C(1)(a)(i)	State Environmental Planning Policy 55 – Remediation of Land - Compliant with conditions recommended where necessary. State Environmental Planning Policy 64 – Advertising and Signage - Compliant with conditions recommended where necessary. Deemed State Environmental Planning Policy 20 – Hawkesbury-Nepean River - Compliant with conditions recommended where necessary.
Local Environmental Plan - S79C(1)(a)(i)	Camden LEP 2010 - Compliant with conditions recommended where necessary
Draft Environmental Planning	None applicable



Instrument(s) - S79C(1)(a)(ii)	
Development Control Plan(s) - S79C(1)(a)(iii)	Camden DCP 2010 - Generally compliant with variation(s) proposed as discussed below
Planning Agreement(s) - S79C(1)(a)(iiiia)	None
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions
Likely Impacts - S79C(1)(b)	The likely impacts are discussed in the Key Issues section of this report.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development
Submissions - S79C(1)(d)	Five submissions, including a petition containing 28 signatories from 14 households were received which are discussed in the Submissions section of this report
Public Interest - S79C(1)(e)	The development is in the public interest

Compliance with Plans or Policies

DCP Variation 1 – Hours of Operation

DCP Control

Council’s DCP requires hours of operation for child care centres will be restricted to 7am and 6pm, Monday to Friday. Council may consider longer hours and/or Saturday morning if it can be demonstrated that no adverse impact on neighbouring properties will result from an earlier starting time and/or later closing time. Council may, if it is considered warranted, limit outdoor play times in order to minimise the likelihood of noise to neighbouring properties.

Applicant’s Variation Request

The applicant has requested that Council support a variation to this DCP control by permitting hours of 6.30am to 7.00pm, Monday to Friday on the basis that:

- Additional hours for earlier morning access and final collection times are required to accommodate parent/carer needs. The extended range of hours will not be utilised by the majority of patrons, however will provide some flexibility for the operators.
- Arrivals will be restricted to the Richardson Road access point to minimise impacts on neighbouring residential properties.

Council Staff Assessment

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

- The extended hours are relatively minor in nature and not likely to give rise to any adverse impacts on neighbouring residential development.
- The increased spread of hours is likely to encourage greater flexibility in terms of drop-off and pick up times and reduce numbers at peak times; that is, spread drop off and pick up times over a longer period to reduce numbers at peak times.



Consequently it is recommended that the variation to the DCP be supported in this instance.

Key Issues

In addition to the DCP variation and the submissions issues which are discussed in this report, the other key issues include the relevant DCP controls, the location of the proposed development and the off-street car parking arrangements. These matters are discussed below.

DCP Controls

The DA, the subject of this report, was lodged on 21 August 2015. On 22 December 2015 the DCP controls for child care centres were amended coming into force on that date. In accordance with A1.11 of the DCP, the transitional arrangements DCP amendments, notes that the DCP applies from the date of commencement. As such the new amended DCP controls apply from 22 December 2015 and are not retrospectively applied.

In accordance with Section 79C of the *Environmental Planning and Assessment Act 1979*, no consideration is required to be given to draft DCP controls. As such the amended child care centre controls have not been applied to this DA.

Location of the Proposed Development

The subject site has road frontage to both Richardson Road and Eskdale Close. While the subject property has a street address in Eskdale Close, Richardson Road is considered to be the principal access point and will accommodate the majority of traffic movements into and out of the site. Eskdale Close (which is a cul-de-sac) provides access for five staff vehicles.

The principal access into this development site is via Richardson Road with only limited staff access proposed from Eskdale Close. All parent and other visitors to the site, as well as four of the nine staff parking spaces are accessed off Richardson Road. The majority of vehicle trips associated with the development will be via Richardson Road. The above arrangements are expected to ensure that parking in the head of the cul-de-sac and traffic impacts more generally are minimised and not likely to impact residential properties in Eskdale Close.

Off-street Car Parking Arrangements

A total of 20 off-street parking spaces are provided. Staff parking in stacked formation is provided for 5 staff cars accessed off Eskdale Close, while 4 staff spaces in stacked formation and 11 patron spaces are provided accessed off Richardson Road. None of the patron/parent spaces are proposed in stacked formation.

Council's Traffic Engineer has reviewed the proposal and is satisfied that the design of the access driveways and the layout of the car parking areas provide safe access for the delivery and collection of children, staff, parent, visitor and service vehicles.

Submissions

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 2 September to 15 September 2015. Following advice from the applicant that the plans accompanying the DA in hard copy differed the DA was subsequently renotified from 12 September to 28 September 2015. A total of five (5) letters of objection and a petitioning containing 28 signatories from 14 households was received against the proposed development.

Council staff contacted each of the submission writers to discuss their concerns however were unsuccessful in resolving the issues raised in the submissions. Detailed letters were forwarded to each of the objectors addressing the concerns raised. Only one response was received, indicating that they wish to press their objections. While satisfied with much of their initial concerns, the objector remained concerned about proposed boundary fencing and the adequacy of a lapped and capped timber fence over time. A request was made for a masonry wall to be constructed along their common boundary. This issue is discussed below. No other responses were received.

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

1. Traffic Impacts

Officer comment:

The DA was accompanied by a traffic report. The traffic report assesses the existing traffic network and projects the likely impacts of the proposal on the local road network. The report concluded that the existing road network can accommodate the proposed development without any significant impacts. The traffic report was assessed by Council's Traffic Engineer, who recommends approval subject to the conditions for median and road shoulder construction.

Particular concern was raised regarding vehicular access to and from the site via Richardson Road due to the crest on Richardson Road. A concrete traffic median is proposed on Richardson Road so only left in and left out can occur. Council's Traffic section is satisfied that this mechanism will mitigate any safety risk associated with the crest on Richardson Road. The construction of the concrete traffic island will be imposed as a condition of any development consent issued by Council.

It is noted that this portion of Richardson Road will be upgraded in the future to an urban standard (ie drainage and kerb and gutter). These upgrade works will include a roundabout to the south of this site, to service a future subdivision on the opposite side of Richardson Road.

2. Car Parking and Vehicular Access

Officer comment:

As noted previously, the DA was accompanied by a traffic report which also considered the adequacy of proposed car parking area in terms of the number of off-street car parking spaces and access arrangements. The report concluded that the existing road network can accommodate the proposed development without any significant impacts, and this is supported by Council's Traffic section.

Particular concerns were raised regarding the parking of vehicles in Eskdale Close by staff and patrons vehicles. In this regard, vehicular access from Eskdale Close will be



restricted to staff only, with a bollard installed to ensure that no through-access can occur. Eskdale Close is not intended to be utilised as the principal entrance given this is a cul-de-sac. Therefore, the maximum number of vehicles accessing the site off Eskdale Close will be restricted to 5 staff members' vehicles only.

To ensure that Eskdale Close is not utilised by parents dropping off their children (which may result in cars parking on the street) signage will be installed through conditions and a further condition will restrict access off Eskdale Close to staff only.

With respect to the number of parking spaces proposed, a total of twenty (20) spaces are provided which complies with the requirements for childcare centres contained in Camden DCP 2011 (at the time the DA was lodged).

3. Noise Impacts

Officer comment:

The DA was accompanied by an acoustic report. The report assesses existing background noise levels and the impacts of the proposal on those existing levels, including such factors as traffic and noise generation from play areas and the like. Various recommendations are provided within the acoustic report to mitigate noise levels, including installation of acoustic fencing, and façade treatment requirements.

The acoustic report was assessed by Council's Health and Environment Officer who is satisfied that the proposal is not likely to have significant impact on adjoining residential development and has recommended approval subject to the inclusion of conditions on any development consent issued, including a condition that the proposed development must comply with the recommendations of the acoustic report. On this basis, the proposal is considered satisfactory from an acoustic perspective.

It is noted that a specific concern was raised with regard to the longevity of lapped and capped timber fencing to act as an acoustic barrier. The acoustic report submitted with the application indicates that proposed acoustic fencing must have no gaps and have a surface density of 20kg/square metre. Lapped and capped timber fencing is capable of meeting this requirement and is typically used in such situations. In the event that fencing deteriorate over time, repair works would need to be undertaken to ensure that the development continues to comply with the relevant conditions of consent

4. Compatibility of the Use in the Neighbourhood

Officer comment:

Childcare centres must be designed to take account the existing, established development context. They must be sensitively designed and have particular regard to the residential dwelling design controls within the Camden Development Control Plan 2011. The building form and siting complies with the design controls of the DCP. The building has been designed to reflect the appearance of a large residential dwelling, which is in accordance with the established residential character of the area. In this regard, the maximum permitted building height is 9.5 metres pursuant to the Camden Local Environmental Plan 2010, while the proposed building has a maximum height of approximately 8metres. The height of the proposed building complies with the statutory height limit and is compatible with the other development in the immediate locality.



In terms of the use, childcare centres are a permitted use within the R2 Low Density Residential zone and given that the proposal is designed to ensure that environmental impacts are limited, it is considered that the development is compatible with development in the immediately locality.

5. Proximity of Development with a another child care centre facility

Officer comment:

Concerns have been raised that the proposed development is within 500 metres of another similar child care centre facility. The issue of the proximity of another similar centre is a commercial decision for the applicant rather than a planning matter for Council's consideration. Risks associated with demand or profitability of the centre are matters for the applicant and not a reason to refuse development consent.

6. Loss of Property values

Officer comment:

The application must be assessed against the requirements set out in Section 79C of the *Environmental Planning and Assessment Act 1979*. Property values do not form part of the Section 79C assessment. As noted previously, childcare centres are a permitted use within the R2 Low Density Residential zone.

6. Vandalism and Safety

Officer comment:

Concerns have been raised regarding the safety and security of neighbouring residential properties through increased vandalism. It is anticipated that the likelihood of vandalism occurring would be most likely be outside the hours of operation of the facility and is a concern for any development proposal. It is proposed that any development consent issued will include a condition that requires the removal of graffiti from the building and fences within 48 hours of its application, together with a requirement for security lighting to be installed to deter potential vandalism. Such measures are expected to reduce opportunities for vandalism and other anti-social behaviour from occurring on the premises.

7. Stormwater Disposal

Officer comment:

The DA has been accompanied by a stormwater management plan in accordance with Council's requirements. The strategy has regard to minor re-profiling of the land and will address any previous drainage concerns as it is implemented as part of the development scheme.

Council's Land Development Engineer has assessed the stormwater component of the proposal and has indicated that the existing stormwater infrastructure is sufficient to cater for the proposed development, subject to the inclusion of specific conditions on any development consent issued.

8. Waste Management



Officer comment:

Concerns were raised regarding difficulties with bin collection given the physical constraints of Eskdale Close, together with potential odour impacts given the expected volume of waste material. It will be in the owners interest to ensure that bins are filled correctly and ensure that odour impacts are minimised. With respect to waste collection days, Council's Waste Technical Officer has advised that waste vehicles can collect the bins in a cul-de-sac situation. This is not reason to refuse development consent.

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-910/2015/1 is recommended for approval subject to the conditions.

RECOMMENDED

That Council approve DA 910/2015 for the construction of a child care centre for 66 children, removal of existing buildings and removal of trees with associated car parking, landscaping and associated site works at 33 Eskdale Close, Narellan Vale subject to the conditions contained in Attachment 1.

ATTACHMENTS

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



ORDINARY COUNCIL

ORD03

SUBJECT: SUBMISSION TO DEPARTMENT OF PLANNING & ENVIRONMENT ON THE DISCUSSION PAPER TO EXPAND COMPLYING DEVELOPMENT TO INCLUDE TWO STOREY MEDIUM DENSITY HOUSING

FROM: Director Planning & Environmental Services

TRIM #: 16/6069

PURPOSE OF REPORT

The purpose of this report is to inform Council of the exhibition by the Department of Planning and Environment's (DPE) Discussion Paper "Options for Low Rise Medium Density Housing as Complying Development".

The report seeks Council's endorsement of the attached submission (Attachment 1 to this report) to be forwarded to the Department of Planning and Environment. The submission objects to the proposed changes, for the reasons outlined in this report.

BACKGROUND

Under the current complying development controls, single dwelling houses, outbuildings, additions to existing residential development, and secondary dwellings can be assessed as complying development. Council or private certifiers can approve complying development, within 10 to 20 days, under the provisions of the existing Codes SEPP, with no opportunity for the consideration of community comment.

The Discussion Paper "Options for Low Rise Medium Density Housing as Complying Development" (Attachment 2 to this report) has been exhibited by DPE from 27 November 2015 to 1 March 2016. It recommends that medium density housing such as dual occupancies, manor homes, multi dwelling housing (villas/townhouses, terraces) be included as complying development under the Codes SEPP.

The expansion of complying development to include medium density housing is seen by the Department as a means to fast track housing supply to meet increased housing demand and provide greater housing choice; reduce approval times and costs with a consistent state wide approach to these housing types; and provides for better design guidance and outcomes, addressing a policy gap for this form of development.

The Discussion Paper is accompanied by a Background Paper which includes details of research and analysis undertaken to inform the recommendations in the Discussion Paper, with a review and comparison of development controls from twelve metropolitan and regional Councils, but not including Camden.

The Discussion Paper recommends standardised development controls and conditions of approval that would apply to complying development for medium density housing, with the following minimum lot sizes:

- 2 dwellings, attached or detached dual occupancies = minimum 400m².
- 3-4 dwellings, within one building (manor homes) = minimum 500m².



- 3-10 dwellings, villas/ townhouses/ terraces or combination = minimum 600m²

Council has until 1 March 2016 to make a submission on the Discussion Paper.

MAIN REPORT

Council staff do not support the proposal to expand complying development to include medium density housing for the following reasons:

Summary of Key Concerns and Responses

1. **Complying development does not provide for community input or opportunity for community comment on medium density housing proposals, and is therefore not in the public interest.**

Response

The development application process under Part 4 of the *Environmental Planning and Assessment Act* is the appropriate means to consider and determine medium density housing, by ensuring community input and comments are considered, in accordance with the public interest.

2. **Complying development should not be used to override permissibility and minimum standards resulting in development outside that expected by the community.**

Response

Changes in permissible development and minimum development standards resulting in changes to residential density and urban character should appropriately be dealt with by means of zoning changes (where required) and through the development application process.

3. **The proposed complying development changes do not take into consideration the major contribution that Camden is already making to increasing Sydney's housing supply, choice and diversity. The effective management of this planned urban growth will be compromised by a loss of Council control of residential densities.**

Response

Camden should be excluded from these provisions of the Codes SEPP as Camden's effective management of its planned urban growth will be compromised by a loss of Council control of residential densities.

4. **Complying development for medium density housing will adversely impact upon the planned provision of infrastructure and services.**

Response

Camden should be excluded from these provisions of the Codes SEPP due to implications for infrastructure funding and provision.

5. **Complying development would not result in better design and development outcomes for medium density housing, and would result in a standardised product with limited architectural merit.**

Response

The development application process under Part 4 of the *Environmental Planning and Assessment Act* is the appropriate process to consider and determine medium density housing development.

The preparation of a Design Guide for medium density development is supported as a means to improve the overall design quality of these housing types and for consideration as part of the development assessment process.

Key Concern 1:

Complying development does not provide for community input or opportunity for community comment on medium density housing proposals, and is therefore not in the public interest.

Issue

At present, medium density housing proposals are subject to the development application assessment process. This requires consideration of the matters listed under section 79C of the *Environmental Planning & Assessment Act* which includes the likely impacts of development, the suitability of the site for the development, as well as any submissions made in accordance with the Act, and the public interest. As part of the development application assessment process, the community can review medium density housing proposals and make formal submissions, which are required to be considered by Council before a determination is made. The complying development process does not provide the community with this opportunity to comment on medium density housing proposals, and would not take into consideration the public interest.

Response

Complying development is inappropriate for consideration of medium density housing. The development application process under Part 4 of the *Environmental Planning and Assessment Act* is the appropriate means to consider and determine medium density housing, by ensuring community input and comments are considered, in accordance with the public interest.

Key Concern 2:

Complying Development should not be used to override permissibility and minimum standards resulting in development outside that expected by the community.

Issue

The proposed complying development changes would expand the permissibility of medium density development within existing zones, override existing local development controls and reduce minimum standards including lot size and frontages for medium density development.

The proposed changes would potentially apply to Zones R1 General Residential, R2 Low Density Residential, & R3 Medium Density Residential zones, but exclude the R5 Large Lot Residential zone, as well as rural and environmental living zones, being unsuitable for increased density.



Table 1: Proposed changes to medium density housing permissible in Residential Zones (Camden LEP and Growth Centres SEPP) under Complying Development

Housing Types	R1 General Residential	R2 Low Density Residential	R3 Medium Density Residential	R5 Large Lot Residential
Dual occupancy	No Change	No Change	No Change	Not applicable
Manor Homes 3-4 Dwellings	Change – will be permissible	Change – will be permissible	Change – expanded to be permissible including areas outside R3 zone in Growth Centre	Not applicable
Multi-Unit Housing, (villas/ Townhouses/ Terraces) 3-10 Dwellings	No Change	Change – will be permissible	No Change	Not applicable

Manor Homes would be introduced within residential zones outside the R3 zone in the Growth Centre. The definition of Manor Homes for the purposes of complying development would refer to a 2 storey building containing 3 to 4 dwellings (which is akin to a small residential flat building). This would be inconsistent with the existing Manor Home definition applying in the Growth Centres which refers to a building containing 4 dwellings.

Table 2: Comparison of minimum site area, and/or site frontage requirements

Housing Types	Current Requirements, where permissible	Proposed Requirements R1, R2 and R3 zones
Dual Occupancy	Camden LEP/DCP 600m ² and 800m ² on corner lots. 22m frontage Growth Centre Typically 500m ² (400m ² in medium/high density areas outside Oran Park & Turner Road precincts)	Complying Development 400m ² 12.5m frontage for detached dual occupancies, including one dwelling behind the other. 15m frontage for attached dual occupancies



	No minimum frontage.	
3-4 Dwellings (Manor Homes)	Camden LEP Not permissible Growth Centre 600m ² , in R3 Zone only No minimum frontage.	Complying Development 500m ² 15m frontage
3-10 Dwellings Multi Dwelling Housing (Townhouses/Terraces)	Camden LEP/DCP In R1 & R3 zones 25m frontage Growth Centre In R1 & R3 zones Typically 1,000m ² to 1,500m ² (375m ² in locations adjacent to Open Space and in R3 zone in Oran Park & Turner Rd precincts, or medium/higher density areas, outside Oran Park & Turner Rd precincts typically resulting in the construction of the minimum of 3 dwellings) No minimum frontage.	Complying Development 600m ² 18m frontage

In addition to the above, the proposed changes include Torrens tile subdivision of dual occupancy development as complying development, down to 200m² lots. Torren title subdivision of dual occupancy development is not currently possible in Camden or the Growth Centre release areas and small lot subdivision down to 200m² is only possible within the Growth centre precincts for integrated development (combining attached or semi-detached dwellings and their subdivision) subject to development consent.

The changes in permissible development and minimum development standards will potentially result in changes to residential density and urban character and should appropriately be dealt with by means of a zoning change (where required) and through the development application process. The complying development changes should apply only to development permissible under current zones and based upon current development standards.

Response

While the density and character of urban areas will be subject to change, the use of complying development is an inappropriate mechanism to facilitate this and override permissibility and adopted minimum standards.

Changes in permissible development and minimum development standards resulting in changes to residential density and urban character should appropriately be dealt with by means of zoning changes (where required) and through the development application process.



Key Concern 3:

The proposed complying development changes do not take into consideration the major contribution that Camden is already making to increasing Sydney's housing supply, choice and diversity. The effective management of this planned urban growth will be compromised by a loss of Council control of residential densities.

Issue

The increased permissibility of medium density development across residential zones under the proposed complying development changes and the reduction of development standards such as minimum lot sizes for these housing types will likely result in increased residential densities in existing and new urban release areas.

There are already significant opportunities for increased housing supply and medium density in Camden, and particularly within its release areas. This includes provision of a range of medium density housing types, such as attached dwellings and smaller lot housing, located near existing and planned services, transport and open space.

The Housing Diversity changes made to the Growth Centres SEPP in 2014 reduced minimum lot sizes and provided for a range of medium density and smaller lot residential development, which is being taken up in these areas. The Department's "Plan for Growing Sydney" recognises that the Housing Diversity reforms for greenfield areas have been designed to speed up development processes and influence housing supply.

In addition development application processing times in Camden are more than satisfactory and do not result in excessive determination times for low impact residential development.

Camden 2040 – Camden's Strategic Plan adopted in 2013 establishes a clear vision for the planned urban growth within the council area, and establishes a basis for the Council's commitment to and the community's acceptance of this managed growth. This recognises that the population is planned to increase from approximately 63,000 people, to over 256,000 by the year 2040 and that this will result in significant changes.

It is expected that the uptake of the proposed medium density as complying development in Camden's urban release areas will be greater than existing metropolitan urban areas. A further significant increase in residential density has not been expected nor planned for in Camden.

The Department's "Plan for Growing Sydney" has identified the need for the delivery of timely and well planned greenfield precincts and housing as a key direction to meet the goal of a city of housing choice. The plan further indicates that in recent years greenfield housing has made up almost a quarter of Sydney's housing growth and has helped to provide a diversity of housing that suits different needs, budgets and lifestyles. The proposed changes to complying development are considered contrary to the "Plan for Growing Sydney" as they potentially compromise the delivery of well planned greenfield precincts.

Response

If the changes as outlined in the Discussion Paper proceed, then Camden should be excluded from these provisions of the Codes SEPP. Camden is already planning and effectively managing development in its extensive urban release areas to meet metropolitan housing demands, and given the scale of this development it is imperative that Council retains control over residential densities and development outcomes.



Key Concern 4:

Complying development for medium density housing will adversely impact upon the planned provision of infrastructure and services.

Issue

Increased residential densities that are expected to result from the proposed complying development changes will have significant adverse implications for infrastructure provision and funding in Camden and its urban release areas.

The development of contributions plans to collect monies for the provision of essential local infrastructure requires Council to assume a final density, and identify the projected population of the development precinct requirements with regards to key infrastructure (local and state).

The proposed changes significantly reduce Council's ability to ensure that infrastructure is sized appropriately for future communities, as Council will lose control over future densities. A contributions plan can be developed which identifies the required open space areas, libraries, leisure centres, drainage and roads that are needed to support the community, once Council understands the expected population for that area. Lack of control over ultimate potential densities will alter the expected population (particularly in new release areas) and this will create inappropriate infrastructure provision.

In the preparation of contributions plans Council proportions the estimated cost of essential infrastructure across all residential lots. Where densities are not set the cost per lot may be proportioned too high (impacting on housing prices) or too low impacting on Council's ability to collect monies to pay for the provision of infrastructure.

Response

Council must have greater certainty over the final densities within its new suburbs, and therefore does not support the proposed changes. Should these complying development changes proceed, Camden should be excluded from these provisions of the Codes SEPP due to implications for infrastructure funding and provision.

Key Concern 5:

Complying development would not result in better design and development outcomes for medium density housing, and would result in a standardised product with limited architectural merit.

Issue

The proposed changes will result in a lack of Council input and lack proper consideration of site specific constraints, development impacts and design outcomes required for medium density development. Fast tracked complying development approvals will not enable suitable site specific design outcomes for medium density housing.

Implementation of proposed development standards and controls including setback and building envelopes would have the potential to create restricted building footprints and standardised design solutions. Standardised designs aimed at meeting minimum complying development standards could be reproduced across the urban release areas on adjacent lots and along new streets. This would adversely impact on planned urban development and character, including impacts the road network / road widths and hierarchy, streetscapes, parking, and landscaped areas.



A minimum 600m² would apply to medium density comprising townhouses and terraces. It is unclear how the number of dwellings between 3 and 10 would be controlled, to ensure that there is an indexed scale related to lot size to avoid the highest number of dwellings on 600m² lots.

The Background Paper, accompanying the Department's Discussion Paper, indicates that underlying subdivision patterns are a determining factor in the character of an area. However, subdivision patterns, including road designs and narrower widths, in urban release areas have been planned based upon more pre-determined development outcomes compared to more established areas in other parts of Sydney and would be unsuitable to accommodate density increases likely to result from the proposed changes.

The Discussion Paper includes a focus on establishing controls to guide built form outcomes, and recommends the preparation of a Design Guide for medium density housing. It is indicated that it is appropriate to develop a Design Guide to assist in layouts and design issues as the numerical controls alone will not automatically achieve good design. This would be similar to the existing Apartment Design Guide, used to guide the design of residential apartments or flat buildings, under *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development*.

Response

The preparation of a Design Guide for medium density development is supported as a means to improve the overall design quality of these housing types and for consideration as part of the development assessment process. However, it is unclear how this would be considered and incorporated into a complying development approval. As a Design Guide is considered to be necessary to help guide better design outcomes for medium density development, then this would indicate that medium density is unsuitable as complying development.

Medium density housing requires more careful consideration of design outcomes and development impacts rather than development designed to meet minimum complying development controls and standards. The development application process under Part 4 of the *Environmental Planning and Assessment Act* is the appropriate process to consider and determine medium density housing development.

Other Technical Issues and Concerns

Excavation

Excavation down to 4m in depth for the provision of basement parking is proposed to be permitted as complying development, subject to boundary setbacks including 2m side boundary setbacks. While the Discussion Paper refers to the need for geotechnical information to confirm the suitability of the site, there are other matters, such as salinity that will need to be considered. The provision of basement parking will also raise design issues in relation to matters such as accessible parking, ventilation or provision of mechanical ventilation, and groundwater management.

Drainage

The Discussion Paper recommends storm water for dual occupancy development be collected and drained to a public or interallotment drainage system. For 3-10 dwellings (manor homes, villas/townhouses/terraces) it is proposed that any on site storm water detention system (OSD) and associated storm water management would require prior

approval or certification by Council or an appropriately qualified specialist. Complying development on flood control lots would not be possible.

The proposed drainage controls are not supported. Prior approval or certification of OSD by Council may not be feasible. This will require Council resources and assessment, being a cost burden for Council which should require a fee for service. The Discussion Paper identifies the potential additional burden on local government, as a reason for consideration of independent certification of OSD. Consultants may not have access to appropriate Council data to facilitate a thorough design, and lack detailed knowledge of local engineering standards. Reduced Council control over the design of appropriate stormwater management solutions has the potential to adversely impact on Council's drainage assets.

Parking Requirements

The Discussion Paper recommends minimum parking requirements should apply as set out in the RMS Guide to Traffic Generating Development or the parking prescribed by Council's DCP, whichever is the lesser.

Camden LGA has a high rate of car ownership, higher than that of other Growth Centre councils, with less access to public transport, such as rail services. At the last census 68% of households in Camden LGA had access to two or more motor vehicles compared to 44% in Greater Sydney. Increased residential densities will create further demand for on street parking along the narrower road widths within the release areas creating car dominated streetscapes. Council's DCP parking requirements should apply, or whichever is the greater between the RMS Guide to Traffic Generating Development and the DCP.

Waste Management

The Discussion Paper recommends waste storage facilities for manor homes and for town houses and terraces be provided in accordance with Council's Development Control Plan. This approach is not supported as this alone is insufficient to ensure that appropriate waste arrangements are provided to meet any specific Council requirements for each medium density development.

This matter has been discussed with Council's Waste Officer. The controls proposed for waste storage do not provide sufficient consideration for waste collection and will create adverse issues for waste servicing from medium density developments.

Council certification of or agreement to proposed waste arrangements should be required, prior to a complying development approval. This will require Council resources and assessment, being a cost burden for Council which should require a fee for service.

BCA compliance

Concerns are raised about ensuring BCA compliance in particular for Manor Homes (Class 2 buildings) via complying development and in relation to standard setbacks and BCA compliance solutions which could result in adverse design and amenity impacts. Further consideration of secondary setbacks for corner lots may be required. It is also noted that there are some inconsistencies between side boundary setbacks nominated in the text, tables and diagrams.



FINANCIAL IMPLICATIONS

There are no direct financial implications.

There are potential financial implications due to resourcing impacts such as Council providing prior certification of OSD and waste management, with no identified revenue stream or fee for service.

CONCLUSION

The proposed changes to complying development have the potential to result in a significant increase in residential density, and particularly within Camden's 'greenfield' urban release areas.

The proposed changes would not result in better design and development outcomes for medium density housing.

Medium density housing requires more careful consideration, assessment, and community input, with the development application process under Part 4 of the *Environmental Planning and Assessment Act* being the appropriate process to consider and determine medium density development.

It is recommended that Council make a submission to the Department objecting to the proposed changes to include medium density housing types as complying development.

If they are to proceed, then the Camden LGA should be excluded from the changes. We are already planning and managing development in extensive urban release areas to meet metropolitan housing demands, with the effective management of this planned growth being potentially comprised by these changes. In addition development application processing times in Camden do not result in excessive determination times for low impact residential development.

RECOMMENDED

That Council:

- i. endorse the submission (attached to this report) that objects to expanding complying development under *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008* to include two storey medium density housing types, as set out in the Discussion Paper "Options for Low Rise Medium Density Housing as Complying Development";**
- ii. forward the submission to the Department of Planning & Environment; and**
- iii. forward a copy of the submission to Mr Chris Patterson MP, State Member for Camden.**

ATTACHMENTS

1. Council Submission on Expanding Complying Development
2. Complying Development Discussion Paper



ORDINARY COUNCIL

ORD04

SUBJECT: SUBMISSION TO DEPARTMENT OF PLANNING & ENVIRONMENT - PROPOSED AMENDMENT TO STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006 - CHANGES TO MINIMUM LOT SIZES FOR SEMI-DETACHED DWELLINGS - CAMDEN GROWTH CENTRES

FROM: Director Planning & Environmental Services

TRIM #: 16/19288

PURPOSE OF REPORT

The purpose of this report is to inform Council of the exhibition of the proposed amendment to *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP) regarding changes to minimum lot sizes of semi-detached dwellings and lot mix controls.

The report requests endorsement of the Draft Submission to be forwarded to the Department of Planning and Environment (DPE), which is provided as **Attachment 1 to this report**.

DPE has prepared a Planning Report and Growth Centres – Amending Development Control Plan (No.2) 2015 (Amending DCP) that discusses these changes and are included as **Attachments 2 and 3 to this report**.

BACKGROUND

On 10 December 2015, Council received notification from DPE regarding the public exhibition of the proposed amendment to the Growth Centres SEPP to change the minimum lot sizes for semi-detached dwellings and to amend the lot mix controls in the Camden Growth Centres, Oran Park and Turner Road Development Control Plans (DCPs).

The proposed changes are the result of a review of the Housing Diversity Package, which was introduced in August 2014. DPE has identified inconsistencies in relation to the intended outcomes of the Housing Diversity Package as legislated, and its implementation through existing SEPP and DCP controls. The proposed changes seek to rectify these inconsistencies.

The public exhibition period closed on 15 February 2016. However, Council has received an extension from DPE until 29 February 2016.

MAIN REPORT

Summary of Proposed Changes

The proposed changes to the Growth Centres SEPP and Camden Growth Centres, Oran Park and Turner Road DCPs include:

- Minimum lot sizes for semi-detached dwellings are proposed to be reduced as follows:



Oran Park and Turner Road Precincts

- 300m² to 200m² - applicable to low density (15 dwellings/hectare) and medium density areas (20 dwellings/hectare)

Other Growth Centre Precincts

- 300m² to 200m² - low density areas (15 dwellings/hectare)
- 300m² to 150m² - medium density areas (20 dwellings/hectare)
- 250m² to 125m² - medium/high density areas (25 dwellings/hectare or greater); and
- Amendment to lot mix control to the Camden Growth Centres, Oran Park and Turner Road DCPs to cap the number of small lots (i.e. frontage less than 10 metres) to a maximum of 40% of the street block.

The changes are discussed in more detail below.

Reduction in minimum lot sizes for semi-detached dwellings across the Growth Centres

A semi-detached dwelling is defined in the Growth Centres SEPP as:

“a dwelling that is on its own lot of land and is attached to only one other dwelling, but does not include a studio dwelling”.

It is important to note that whilst semi-detached dwellings and dual occupancies have the same built form outcome, dual occupancies must be on the same principal lot. Semi-detached dwellings can be constructed on an individual Torrens title lot.

The current minimum lot sizes for semi-detached dwellings reflect the minimum land area required for two (2) dwellings. However, DPE has indicated that the minimum lot sizes currently specified are too large to enable efficient development of semi-detached dwellings, which was not the intention of the Housing Diversity Package.

In accordance with the definition above, it is proposed to change the minimum lot sizes for semi-detached dwellings to apply to one dwelling only.

Key Concern 1: Impact of proposed density changes

Issue

The reduction in minimum lot sizes has the potential to increase densities within the Camden Growth Centre Precincts.

Discussion

Concern is raised that the proposed reduction in the minimum lot size to 200m² for semi-detached dwellings in the R1 and R2 zones is less than the minimum lot size for a dwelling house (300m²) and dual occupancy (250m² for 1 dwelling). This would incentivise semi-detached dwellings over the other dwelling types in terms of being able to achieve a higher density.

It also appears that there is an error in the Amending DCP (refer **Attachment 3 to this report**), which shows that the proposed minimum lot size for Oran Park and Turner Road Precincts is reduced from 300m² to 150m². This is in

contrast to the proposed SEPP control changes which show a reduction of 300m² to 200m².

It is noted that the proposed minimum lot size of 200m² in low density residential areas is consistent with proposed changes for dual occupancies under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP), which is also currently on exhibition. The Codes SEPP also proposes to reduce the minimum lot size for dual occupancies to 400m².

The proposed changes have the potential to result in higher densities, particularly in existing low density residential areas (i.e.R1 and R2 zoning).

Response

Council requests DPE increase the minimum lot size controls for semi-detached dwellings to 250m², particularly in relation low density residential areas in the Oran Park and Turner Road Precincts and remaining Camden Growth Centre Precincts. This will ensure consistency with the current minimum lot sizes for similar type development.

Council also requests DPE address the drafting error regarding the minimum lot sizes for semi-detached dwellings in the Amending DCP.

Key Concern 2: Impact on planned infrastructure and services

Issue

Council's Growth Centre Precincts and urban release areas have generally been planned at a density of 15 dwellings per hectare, which is reflected in the adopted Contribution Plans and Voluntary Planning Agreements (VPAs). The reduction of minimum lot sizes for semi-detached dwellings has the potential to increase the density higher than originally planned.

Discussion

Increased residential densities resulting from the proposed minimum lot size changes will have adverse implications for infrastructure provision and funding in Camden and its urban release areas.

In addition, Council has entered into a number of VPAs within the Growth Centres that are based around the population and density forecasts from the original precinct planning processes. This could potentially lead to a funding shortfall if higher densities are achieved.

Response

Council requests DPE increase the minimum lot size for semi-detached dwellings in low density residential areas as identified in Key Concern 1.



Key Concern 3: Impact on built form and streetscape

Issue

Built form could be compromised as a result of the proposed reduction to the minimum lot sizes for semi-detached dwellings, particularly in relation to the reduction from 300m² to 200m² in the low density residential (i.e. R1 and R2 zone) areas.

Discussion

There are concerns regarding the potential negative impacts on built form and streetscape resulting from the reduced minimum lot sizes for semi-detached dwellings. This may include less on-street car parking, greater dominance of garages, reduced number of street trees and a proliferation of bins on waste collection days.

Response

Council requests DPE provide further information regarding how the integrity of the built form and streetscape can be maintained and the potential impact of increased dwelling densities on the streetscape.

Changes to Lot Mix Control

Key Concern 4: Ability to implement and monitor proposed control

Issue

It is proposed to amend the existing lot mix control introduced as part of the Housing Diversity Package to ensure small lots do not dominate low density residential areas.

This will be achieved through a revised control that applies to density bands of 20 dwellings per hectare or less as follows:

In density bands $\leq 20dw/Ha$ no more than 40% of the total residential lots proposed in any one street block may have a frontage of less than 10m wide.

Discussion

Council officers are supportive of this measure in principle. However, there are concerns regarding the effectiveness of applying this control to multiple development applications within the same street block (i.e. 2 lot subdivision), including the ability to monitor and enforce this control over time.

Response

Council requests DPE provide further clarification in relation to how the concerns raised above can be addressed.

Additional Issues and Concerns

Key Concern 5: Impact of recurrent SEPP and DCP Amendments



Issue

The ongoing amendments to SEPPs that apply to the Growth Centre Precincts and DCPs have the potential to undermine the intent of the masterplanning process.

Discussion

There are a number of SEPP amendments (i.e. Codes SEPP that is also on exhibition) and DCP changes involving the Growth Centre Precincts applicable to the Camden LGA. These amendments undermine the detailed planning process which involves Council, landowners and the community in the development of an agreed indicative masterplan, particularly in relation to Growth Centre areas.

Ongoing changes to controls that apply in these precincts have the potential to compromise Council's, landowners and community expectations in terms of the masterplanning of greenfield estates.

Response

Council requests all SEPP and DCP amendments that impact current masterplanning objectives within the Camden LGA be included as part of the broader South West Growth Centre Structure Plan Review.

FINANCIAL IMPLICATIONS

There are no financial implications for Council resulting from this matter.

CONCLUSION

DPE has released changes to the State Planning Environment Policy (Sydney Region Growth Centres) 2006 for public exhibition. The proposed changes seek to reduce the minimum lot sizes for semi-detached dwellings within the Camden Growth Centres and Oran Park and Turner Road Precinct Plans. It is also proposed to amend the lot mix control to ensure that low density areas are not dominated by small lot developments.

The proposed changes have the potential to increase overall densities, particularly in low density residential areas with an existing planned density of 15 dwellings per hectare. This projected density increase raises concerns with potential impacts to planned infrastructure and service provision, built form and streetscape outcomes. On this basis, the reduction in minimum lot size of semi-detached dwellings is not supported.

Additional information is sought from DPE (i.e. preservation of built form and streetscape due to increase in higher densities and how the lot mix control will be implemented) to ensure consistency around the technical application of the Growth Centres SEPP and relationship to other associated planning controls (i.e. Camden Growth Centres, Oran Park and Turner Road DCPs).

Finally, there are concerns regarding the number and frequency of SEPP and DCP amendments having the potential to compromise strategic planning objectives in relation to the masterplanning process for the Growth Centre Precincts



RECOMMENDED

That Council:

- i. endorse the attached Draft Submission to be forwarded to the Department of Planning and Environment; and**
- ii. forward a copy of the submission to Mr Chris Patterson MP, State Member for Camden.**

ATTACHMENTS

1. Draft Submission V2
2. Planning Report - Amendment to Precinct Plans - Sydney Growth Centres SEPP 2006
3. Amending Development Control Plan



ORDINARY COUNCIL

ORD05

SUBJECT: PRESCRIBED POWER OF ATTORNEY
FROM: Director Customer & Corporate Services
TRIM #: 15/352817

PURPOSE OF REPORT

Council currently has 5 existing attorneys, the details of which are set out under the heading of Main Report.

The purpose of this report is to seek Council's approval to appoint David Benjamin Reynolds (Director Customer and Corporate Services) and Charles William John Weber (Manager Customer Service and Governance) as additional attorneys to execute on Council's behalf all documents necessary to give effect to resolutions of Council and/or other functions properly delegated by Council.

BACKGROUND

Council's ability to grant a power of attorney

The *Power of Attorney Act 2003* (POA Act) defines a 'principal' as the 'the person giving the power'.

The definition of 'person' is not provided in the POA Act, however, is defined in section 21(1) of the *Interpretation Act 1987* as including 'an individual, a corporation and a body corporate or politic'. Under section 220(1) of the *Local Government Act 1993* (LG Act) a Council is a body politic of the State. As such, Council is permitted to give powers of attorney to individuals.

Powers of attorney and delegations

Section 377(1) of the LG Act states that a Council may, by resolution, delegate to the General Manager or any other person or body, any functions of the council other than the functions listed in that section, such as the sale and purchase of land or the borrowing of money.

Ordinarily, Council enters into a contract or agreement by affixing its seal to the relevant document in accordance with clause 400 of the *Local Government (General) Regulations 2005* (LG Regulation).

Council may appoint individuals to sign documents that give effect to a resolution of Council even where the matter may relate to a non-delegable function. Council may also resolve that the signing of documents that give effect to delegated functions be done under power of attorney.

A power of attorney must be registered Land and Property Information (a division of the NSW Department of Finance and Services) to enable execution of documents of title for registration.



Types of Power of Attorney

There are three types of grants as follows:

- Prescribed powers of attorney
- Irrevocable powers of attorney
- Enduring powers of attorney.

Council provides prescribed powers of attorney, which can be terminated, revoked or suspended by Council at any time. Irrevocable powers of attorney remain effective despite bankruptcy, mental incapacity or death. Enduring powers of attorney remain effective, even where the principal lacks capacity. Such powers of attorney are not relevant where the principal is a Council.

MAIN REPORT

Council is requested to give its approval to appoint David Reynolds (Director Customer and Corporate Services) and Charles Weber (Manager Customer Service and Governance) as additional attorneys, under a prescribed power of attorney. This will increase the pool of attorneys to 7, to ensure that at least 1 attorney is available at any time.

Council's 5 existing attorneys are Ron Moore (General Manager), Lara Symkowiak (Mayor), Nicole Magurren (Director Planning and Environmental Services), Vince Capaldi (Director Community Infrastructure) and Paul Rofe (Manager Finance and Corporate Planning), granted on 27 August 2013 (Minute Number ORD215/13).

All 7 attorneys are listed in the proposed prescribed Power of Attorney at **Attachment 1**.

The signing of documents by attorney under a prescribed power of attorney is an efficient way of implementing Council decisions. By comparison, affixing the Council seal to documents in the presence of two people (including at least one Councillor) in accordance with the requirements of clause 400 of the LG Regulation is more cumbersome.

Councillors receive information from the General Manager biannually on all documents signed under the prescribed power of attorney.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report other than the one-off fee of \$109.50 for the registration costs at Land and Property Information.

CONCLUSION

Council can delegate the signing of documents which give effect to resolutions of Council. This provides for more efficient execution of documents.



RECOMMENDED**That Council:**

- i. note the existing appointments and appoint David Benjamin Reynolds (Director Customer and Corporate Services) and Charles William John Weber (Manager Customer Service and Governance), as additional attorneys for Council in accordance with the proposed prescribed Power of Attorney attached to the report;**
- ii. authorise the Mayor and General Manager to execute the proposed prescribed Power of Attorney under the Seal of Council (as attached);**
- iii. continue to receive information from the General Manager biannually on all documents signed under the prescribed Power of Attorney.**

ATTACHMENTS

- 1. Draft Power of Attorney Instrument - January 2016**



ORDINARY COUNCIL

ORD06

SUBJECT: IPART REVIEW OF REPORTING AND COMPLIANCE BURDENS ON LOCAL GOVERNMENT REPORT

FROM: Director Customer & Corporate Services

TRIM #: 16/31818

PURPOSE OF REPORT

To lodge a submission with the Independent Pricing and Regulatory Tribunal (IPART) on behalf of Council, in response to their draft report '*Review of reporting and compliance burdens on Local Government*' around proposed improvements to regulatory responsibilities faced by Local Government.

BACKGROUND

As part of the NSW Government's broader local government reform program that commenced in 2011, Office of Local Government is seeking input for legislative reform and has also released *Towards New Local Government Legislation Explanatory Paper: Proposed Phase 1 Amendments*. This paper is one of the key milestones outlined in the Fit for the Future Progress Report.

In addition, IPART has released a draft report detailing their findings around the current reporting and compliance obligations of Local Government and their associated burdens.

On 18 January 2016, IPART released their '*Review of reporting and compliance burdens on Local Government*'. IPART has been tasked with providing a more streamlined, efficient and less onerous framework for Local Government to work within thereby being able to focus on delivering key services to their local communities.

Under IPART's Terms of Reference, IPART is to:

- Identify inefficient or unnecessary planning, reporting and compliance obligations imposed on Council's by the NSW Government through legislation, policies or other means
- Develop options to improve the efficiency of Local Government by reducing or streamlining planning, reporting and compliance burdens, and
- Collect evidence to establish the impacts on councils of reporting and compliance burdens, and to substantiate recommendations for reform

Council requested an extension with IPART and has been granted with a new deadline of 26 February 2016. Once IPART receives all submissions, it is understood that a final report will be prepared and submitted to the Minister for Local Government by 22 April 2016.

MAIN REPORT

IPART's draft review focusses on Council's key regulatory obligations in delivering the following services areas:



-
- Administration and Governance
 - Water and Sewerage
 - Planning
 - Building and Construction
 - Public Land and Infrastructure
 - Animal Control
 - Public Health and Safety
 - Environment, and
 - Community Order

The review has made 49 recommendations that aim to streamline Council operations, reduce the amount of compliance and reporting requirements, increase the productivity of local government and reduce duplication.

In principle, Council is supportive of the majority of recommendations made by IPART. Where Council believes further consideration may be required before full support is granted, a comment has been provided at the relevant recommendation.

A copy of the proposed submission on the Draft Report is provided as an attachment to this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications at this time as the final report is yet to be received. Where recommendations may result in a financial impact for Council, the draft submission considers these matters.

CONCLUSION

In principle, the reduction of reporting and compliance burdens is strongly supported.

The removal of unnecessary or onerous obligations will allow Council to continue to devote its efforts to providing the best standard of service to its community.

RECOMMENDED

That Council:

- endorse the draft submission prepared for the Draft Report – Review of reporting and compliance burdens on Local Government; and**
- authorise the Director Customer and Corporate Services to sign and forward the submission to the Independent Pricing and Regulatory Tribunal.**

ATTACHMENTS

1. Draft Report - IPART Review of reporting and compliance burdens on Local Government February 2016



ORDINARY COUNCIL

ORD07

SUBJECT: DECEMBER REVIEW OF THE 2015/16 OPERATIONAL PLAN (BUDGET)

FROM: Director Customer & Corporate Services

TRIM #: 16/2921

PURPOSE OF REPORT

This report presents the December Quarterly Operational Plan (budget) Review for the 2015/16 financial year in accordance with Part 9, Division 3, Clause 203 of the *Local Government (General) Regulation 2005*.

Its purpose is to inform Council of the necessary changes to the 2015/16 Operational Plan since the September Review of the 2015/16 Operational Plan (budget), and to consider other changes put forward for determination.

SUMMARY OF BUDGET POSITION

In adopting the September Review of the 2015/16 Operational Plan (budget), Council approved a balanced budget position. Budget adjustments identified at the December Review represent a projected budget surplus for the 2015/16 financial year of \$1,347,785.

The projected surplus is above Council's minimum working funds level of \$1,000,000.

The improvement in the projected surplus for 2015/16 is predominately a result of higher than expected income from development activity, supplementary rates and interest on investments.

ALLOCATION OF THE 2015/16 PROJECTED SURPLUS

It is recommended that the projected surplus of \$1,347,785 be allocated as follows.

BUDGET SURPLUS ALLOCATION		
Budget Surplus Available for Allocation		\$1,347,785
Capital Works Reserve – Transfer to Reserve	\$747,785	
Asset Renewal Reserve – Transfer to Reserve	\$600,000	
Total - Allocation of Budget Surplus		\$1,347,785
Budget Surplus Balance After Allocation		\$0



CURRENT RESERVE BALANCES

Capital Works Reserve

The Capital Works Reserve is predominately used to fund emergency capital works or to match grant funding as part of a capital grant funding agreement. The balance of the Capital Works Reserve is as follows:

CAPITAL WORKS RESERVE	
Reserve Balance as at 30 June 2015 (Includes Administration building repayment of \$800,000)	\$2,920,691
Add: Funds Transferred – 2015/2016 budget	\$300,000
Add: Surplus transfer (September Review)	\$1,264,079
Add: Proposed Surplus transfer (December Review)	\$747,785
Proposed Balance of Reserve	\$5,232,555
Committed Funds Held in Reserve	
Less: Flood Studies (14/15 Revote)	(\$166,667)
Less: Camden Town Carpark (14/15 Revote)	(\$88,140)
Less: Bicycle Crossing Richardson Road	(\$4,123)
Total – Approved Transfers & Committed Funds	(\$258,930)
Uncommitted Balance of Reserve	\$4,973,625
Council Approved Budget Transfers Since 30/6/15	
Less: Single Decked Carpark Design Phase Forward Funding (\$100k in 2014/15, \$100k in 2015/16)	(\$100,000)
Less: 2015/16 RMS Active & Safer Roads Programs – Grant Match Funding	(\$90,000)
Less: Renewal Works Camden Town Centre (Stage 1, part funding)	(\$941,200)
Less: Central Administration Building internal borrowings	(\$800,000)
Less: Council contribution for Mets Baseball Club floodlighting grant (28/7/15)	(\$26,850)
Less: Council contribution for Narellan Jets Rugby League Club house building grant (25/8/15) ORD 10	(\$47,000)
Less: Birriwa Reserve Outdoor Youth Space Construction (8/12/15) 336/15	(\$200,000)
Projected Reserve Balance	\$2,768,575

Council has the discretion to allocate these funds to future capital projects including those projects unable to be funded as part of the 2013/14 – 2016/17 Revised Delivery Program.



Asset Renewal Reserve

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

ASSET RENEWAL RESERVE	
Reserve Balance as at 30 June 2015 (Includes Administration building repayment of \$137,873)	\$1,566,451
Add: Funds Transferred – 2015/2016 budget Surplus	\$1,022,400
Add: 2014/15 Year End Budget Surplus Transfer (Includes Administration building repayment of \$762,127)	\$1,838,558
Add: Proposed Surplus transfer (December Review)	\$600,000
Proposed Reserve Balance	\$5,027,409
Future Reserve Balance Adjustments	
Less: Central Administration Building internal borrowings	(\$900,000)
Less: 2015/16 Budget allocations	(\$665,800)
Less: Amenities Renewal works (ORD 12, 27/10/2015)	(\$1,000,000)
Less: Renewal Works Camden Town Centre (Stage 1, part funding)	(\$781,306)
Projected Reserve Balance	\$1,680,303

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

Central Administration Building Reserve

The Central Administration Building Reserve was established as part of the planning for a new central administration building.

The balance of the Central Administration Building Reserve is as follows:

CENTRAL ADMINISTRATION BUILDING RESERVE	
Reserve Balance as at 30 June 2015	\$4,309,206
Future Reserve Balance Adjustments	
Add: 2013/14 – 2016/17 Revised Delivery Program Funding (includes loan funding \$23 million)	\$27,883,500
Less: Construction and Fit out (inc Furniture & Equip)	(\$27,091,117)
Less: IT Equipment and relocation	(\$800,000)
Less: Contingency	(\$4,301,589)
Projected Reserve Balance	\$0

The Administration Building Reserve has been fully committed to fund the construction and fit out of the new central administration building.



Internal Borrowings

Internal borrowings were used to part fund the construction of the new central administration building. To date \$1.7 million has been repaid leaving a balance of \$1.3 million to be repaid from future quarterly reviews. There is no immediate need for Council to repay this balance.

Reserve	Internally Borrowed	Already Repaid	Balance	Notes
Capital Works Reserve	\$800,000	(\$800,000)	\$0	Fully Repaid. Council Resolution - 135/15 - 26/05/2015
Asset Renewal Reserve	\$900,000	(\$900,000)	\$0	Fully Repaid. Council Resolution - 135/15 - 26/05/2015 and 279/15 27/10/15
Plant Replacement Reserve	\$600,000	\$0	\$600,000	To be repaid at a future Quarterly Review
Commercial Waste Reserve	\$700,000	\$0	\$700,000	To be repaid at a future Quarterly Review
Total	\$3,000,000	(\$1,700,000)	\$1,300,000	

MAIN REPORT- DECEMBER REVIEW OF THE 2015/16 BUDGET

Further information and explanation of the increase in the projected budget surplus for 2015/16 is detailed below:

PROPOSED VARIATIONS TO BUDGET

Variations identified during the second quarter of 2015/16 have led to a projected budget surplus of \$1,347,785. A list of the variations (greater than \$15,000) is provided in the following table and brief explanations below.

DECEMBER REVIEW OF THE 2015/16 BUDGET PROPOSED VARIATIONS	Budget Impact Increase / (Decrease)
INCOME ADJUSTMENTS	
Note: Increase in income is an increase in working funds	
Shortfall in income is a decrease in working funds	
1. Development Fees and Charges Income Increase	\$855,000
2. Rates and Charges Income Increase	\$617,000
3. General Fund Interest on Investments Income Increase	\$183,600
Variations under \$15,000 - Various Increases	\$23,500
Sub Total - Income Adjustments	\$1,679,100
EXPENDITURE ADJUSTMENTS	



DECEMBER REVIEW OF THE 2015/16 BUDGET PROPOSED VARIATIONS	Budget Impact Increase / (Decrease)
Note: Increase in expenditure is a decrease in working funds	
Savings in expenditure is an increase in working funds	
4. Corporate Legal Expenditure & Specialist Advice Increase	(\$127,000)
5. New Parkland Maintenance costs Increase	(\$115,000)
6. Street Lighting Charges Savings	\$100,000
7. Scanning of Council's Records expense increase	(\$65,000)
8. NSW Rural Fire Service Statutory Contribution Savings	\$43,500
Variations under \$15,000 - Various expense Increase	(\$47,815)
Sub Total - Expenditure Adjustments	(\$211,315)
Council Authorised Variations to Budget	(\$120,000)
TOTAL - PROPOSED VARIATIONS TO BUDGET	\$1,347,785

- 1. Development Fees & Charges Income – Increase in Income of \$855,000**
 Development income continues to exceed budget expectations during 2015/16. This is due to the high volume and high value of Development Applications received during the second quarter of 2015/16. This increase reflects the ongoing high development activity in the release areas of Spring Farm, Elderslie, Oran Park and Gregory Hills. The level of income received from development activity is primarily dependent on the receipt of applications from developers, and as such is somewhat difficult to project given the unprecedented growth Council is experiencing.
- 2. Rates and Charges Income – Increase in Income of \$617,000**
 Supplementary rate income is received upon the re-zoning or subdivision of land. It is additional rate income to the amount levied at the beginning of the financial year. The increase in rate income realised during the first half of 2015/16 is primarily due to new lots created through subdivisions in the Spring Farm, Elderslie, Oran Park and Gregory Hills land release areas.
- 3. General Fund Interest on Investments – Increase in Income of \$183,600**
 The second quarter performance of Council's investment portfolio has exceeded budget expectations. The primary reason for this is Council's investment portfolio is being maintained at a higher level than originally budgeted. Council's weighted return on investments for December 2015 was 3.37%, which is higher than the industry average of 2.28%.
- 4. Corporate Legal Expenditure & Specialist Advice – Increase in Expense of \$127,000**
 Corporate legal expenditure (including specialist legal advice) has exceeded original budget allocations. Council has been required to seek legal advice on a range of extraordinary planning, property and corporate governance matters. This budget has been increased to allow for estimated legal costs to 30 June 2016. The increase in legal costs has considered the reimbursement of any court costs that Council has received to date. Council does expect to receive further income associated with the reimbursement of legal costs. The amount and timing of

these payments is difficult to predict, as a result the income is recognised in the budget upon receipt or certainty of payment.

- 5. New Parkland Maintenance Costs – Increase in Expense of \$115,000**
 Developers have reached the end of their maintenance period for 16 sites in the Gregory Hills and Gledswood Hills areas. The mowing, landscape, and furniture maintenance of these sites must now be provided by Council.
- 6. Street Lighting Charges – Decrease in Expense of \$100,000**
 Street lighting charges are lower than anticipated due to a reduction in the unit rate charged for street lighting charges.
- 7. Scanning of Council's Records – Increase in Expense of \$65,000**
 Additional funding is required to engage external resources for the digitisation of documents into the TRIM system prior to Council moving to the Oran Park Administration Centre. The digitisation of documents will provide greater efficiencies in the management of records including ready access to historical documents resulting in improved service delivery.
- 8. NSW Rural Fire Service Statutory Contribution – Decrease in Expense of \$43,500**
 Council recently received confirmation of its annual contribution to the NSW Rural Fire Service which is required under Part 5 of the Rural Fires Act 1997. The revised contribution amount is lower than original budget expectations. The decrease is primarily due to a lower than expected increase in district charges, corporate support and volunteer costs.

COUNCIL AUTHORISED VARIATIONS

Council has authorised five (5) budget variations since the adoption of the September Review of the 2015/16 Budget. A list of these approved variations is provided in the following table:

COUNCIL APPROVED VARIATIONS	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	Budget Impact Increase / (Decrease)
Open Space Contract Mowing – Increase in cuts from 13 to 17 per annum Council Resolution - 169/15 – 14/07/2015	\$120,000	\$0	\$120,000
RMS Block Grant program adjustment RMS Block Grant Council Resolution - 270/15 – 13/10/2015	(\$3,000)	(3,000)	\$0
Works to renovate and replace amenities buildings Asset Renewal Reserve Council Resolution - 289/15 – 27/10/2015	\$1,000,000	\$1,000,000	\$0
Birriwa Reserve Outdoor Youth Space Construction – Increased Scope Capital Works Reserve Council Resolution - 336/15 - 8/12/2015	\$200,000	\$200,000	\$0
Camden Town Centre Improvements – Stage 1	\$1,850,000	\$1,850,000	\$0



COUNCIL APPROVED VARIATIONS	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	Budget Impact Increase / (Decrease)
Funding from Grants and Reserve Council Resolution - 336/15 - 8/12/2015			
TOTAL - COUNCIL APPROVED VARIATIONS	\$3,167,000	\$3,047,000	\$120,000

CONTRA ADJUSTMENTS

This section deals with all offsetting adjustments between income and expenditure or a transfer of funds between allocations. These adjustments have NO impact on Council's projected budget result as both movements of income and expenditure are of equal value.

During the period 1 October 2015 to 31 December 2015, a number of contra adjustments have taken place amounting to a total of \$395,000. A detailed list of the adjustments is an **attachment to this report**.

COUNCILLOR CONSOLIDATED WARD FUNDS

To further assist Councillors in understanding the total available funds for consideration at each budget review, the following table is provided. This table is to inform Councillors of the current balance of Consolidated Ward Funds, and where funds have been spent in this financial year.

It should be noted that the balance of Consolidated Ward Funds is over and above the projected budget surplus of \$1,347,785 as advised in this report.

CONSOLIDATED WARD FUNDS	
2015/16 Budget Allocation	\$30,000
2014/15 Ward Funds Revote	\$59,055
TOTAL FUNDS AVAILABLE	\$89,055
PROJECTS FUNDED IN 2015/16	
Less: DA fees for Camden Town Farm	\$2,075
BALANCE OF CONSOLIDATED WARD FUNDS	\$86,980



SUMMARY OF DECEMBER REVIEW ADJUSTMENTS

The following table is a summary of budget adjustments up to 31 December 2015.

SUMMARY OF BUDGET ADJUSTMENTS	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	Budget Impact Increase / (Decrease)
2013/14 Carried Forward Working Funds Balance			\$1,000,000
2015/16 Adopted Budget Position			\$0
LESS: Minimum Desired Level of Working Funds			(\$1,000,000)
Total Available Working Funds 01/07/2015			\$0
2015/16 September Review Adjustments	\$3,520,441	\$3,520,441	\$0
2015/16 December Review Adjustments			
NOTE 1: Proposed Variations	\$211,315	\$1,679,100	\$1,467,785
NOTE 2: Authorised Variations	\$3,167,000	\$3,047,000	(\$120,000)
NOTE 3: Contra Adjustments	\$395,000	\$395,000	\$0
Total - December Review Adjustments	\$3,773,315	\$5,121,100	\$1,347,785
TOTAL AVAILABLE WORKING FUNDS			\$1,347,785

STATEMENT BY RESPONSIBLE ACCOUNTING OFFICER

The following statement is made in accordance with Clause 203(2) of the *Local Government (General) Regulations 2005*:

It is my opinion that the Quarterly Budget Review Result for Camden Council for the period ending 31 December 2015 indicates that Council's projected financial position is satisfactory. No remedial actions are required based on the financial position presented within this report.

ON-TIME PAYMENT POLICY REPORTING

At the end of each quarter Council is required to report on compliance with its adopted on-time payment policy. The policy was adopted as one of the initiatives under the small business friendly Councils program. This is the second reporting period since Council adopted the policy. As at 31 December 2015 Council had 42 small businesses registered. This policy commits Council to paying invoices within 30 days. Under the policy Council is obliged to pay simple interest for any amount outstanding where the accumulated interest is more than \$20. As at the 31 December 2015 the average number of days to pay small business (registered) invoices was 11 days. In compliance with the policy 89.5% of invoices were paid on time with only 2 invoices being paid outside the terms of 30 days. There was no overdue interest payable on these invoices as the invoices were minor in nature.



CONCLUSION

The December Quarterly Budget Review Surplus of \$1,347,785 is a pleasing result. Council continues to benefit from increased income through development activity, supplementary rates and interest on investments.

If endorsed by Council the surplus will allow further funds to be transferred to reserve providing council with additional scope to fund services, projects and asset renewal that could not be funded as part of the 2015/16 Original Budget process.

RECOMMENDED

That Council:

- i. **approve the necessary budget adjustments as identified in the categories of 'Proposed Variations' and 'Contra Variations' of this report.**
- ii. **approve the transfer of the projected surplus for 2015/16 of \$1,347,785 as follows;**

BUDGET SURPLUS ALLOCATION		
Budget Surplus Available for Allocation		\$1,347,785
Capital Works Reserve – Transfer to Reserve	\$747,785	
Asset Renewal Reserve – Transfer to Reserve	\$600,000	
Total - Allocation of Budget Surplus		\$1,347,785
Budget Surplus Balance After Allocation		\$0

ATTACHMENTS

1. 2015-16 - December Review - Budget Appendix(3)
2. December 2015 Review - QBRs Statement



ORDINARY COUNCIL

ORD08

**SUBJECT: LOAN BORROWING NEGOTIATIONS NEW CENTRAL
ADMINISTRATION CENTRE**
FROM: Director Customer & Corporate Services
TRIM #: 16/19314

PURPOSE OF REPORT

This report is to advise Council of the outcome of loan borrowing negotiations to secure a \$23 million loan as part of the \$35.6 million funding package for Council's new Central Administration Centre.

BACKGROUND

Council at its Ordinary meeting 24 September 2013 (ORD 06) approved the following:

That Council:

- i. give delegated authority to the General Manager to negotiate and accept the most competitive loan interest rate for all future loan borrowings upon the borrowing of money being approved by the Council, and*
- ii. upon the completion of the negotiation process and acceptance of the loan, be provided with a report advising the outcome of those negotiations*

Council at its Ordinary meeting 14 April 2015 (ORD 09) approved the following:

That Council:

- i. accept the tender provided by ADCO Constructions Pty Ltd for the lump sum of \$22,997,657 (GST exclusive); and*
- ii. authorise the relevant documentation to be completed under Council's Power of Attorney, granted on 27 August 2013, Minute Number ORD215/13.*
- iii. approve the funding package and reserve transfers as detailed in the financial implications section of this report and that the repayment of funds borrowed (including opportunity costs) from internal reserves be considered at each quarterly budget review until repaid.*
- iv. approve the borrowing of up to \$23 million to part fund the construction of a new administration centre.*

MAIN REPORT

Although Councils are not required to go to tender for the borrowing of money it is prudent to undertake an expression of interest in order to secure the most competitive interest rate and to also secure a loan that meets the funding requirements and terms of the Council.



Following market sounding (determines interest to lend) which consisted of nine (9) major financial institutions an expression of interest (EOI) was issued to five (5) banks of which Council received four (4) responses.

The EOI was issued on 22 May 2015 to 5 financiers:

- ANZ Banking Group Limited
- Bank of Queensland Limited
- Commonwealth Bank of Australia
- National Australia Bank
- Westpac Banking Group

The EOI closed 4 June 2015 and responses were received from 4 financiers as follows:

- ANZ Banking Group Limited
- Bank of Queensland Limited
- Commonwealth Bank of Australia
- Westpac Banking Group

National Australia Bank declined to participate but did not provide reasons.

Upon finalisation of the EOI assessment process a line of credit was secured with the ANZ Bank in June 2015. It is important to note that while Council secured a line of credit in order to commence the project, the structure of the loan, final interest rate and timing of the drawdown would not be negotiated until Council required the funding.

The borrowing of money for large capital projects is normally in 2 phases, firstly to secure the funding in order to commence the project, and secondly the drawing down of the loan when the funds are required for the construction phase of the project. The borrowing interest rate is normally secured upon the drawdown of the funds although a margin interest rate (banks profit margin) can be secured to provide comfort that the final borrowing rate will be competitive upon drawdown. In this case council secured a margin rate in June 2015 of just 1.12% with the ANZ Bank (after a competitive EOI process) which would remain in place until drawdown in November/December 2015.

Please refer to **supporting documents** which provides the margin rate received from each financial institution which submitted an EOI.

Variables, including, the date of commencement, the projects cash flow requirements (including the use of Council's own cash reserves), movements in interest rates and the margin rate secured all impact the structure and timing for drawdown of the loan.

In late November 2015 Council was close to exhausting reserve funds that had been budgeted for this project, this being the trigger for the drawdown and final negotiation phase for the loan component (\$23 million) of the total funding package of \$35.6 million.

In consultation with Council's loan advisor and General Manager it was agreed that with the current volatility of financial markets and in order to secure the best loan interest rate for Council it would be prudent to draw down the loan in December 2015.

After assessing different loan structures and drawdown opportunities the final loan was negotiated 10 December 2015 to borrow \$23 million at 4.43% (fixed) for 10 years with half yearly repayments amortised over 30 years. This is a common lending structure as banks will not lend beyond 10 years (fixed) without refinancing the loan, at which time Council has the option to refinance the entire loan or repay all or part of the principle. This will depend on Council's financial position at the time and interest rates.



FINANCIAL IMPLICATIONS

The funding required to service this loan is already included in Council's long-term financial plan (LTFP) with loan repayments of principal and interest commencing in 2016/17 financial year. As a result of Council securing a more competitive interest rate savings will be returned to budget in 2016/17 of approximately \$107,000 p.a. or \$1,070,000 over the life of the LTFP (10 years).

CONCLUSION

The interest rate secured by Council is extremely good when you consider this is fixed for 10 years. Interest rates are at historically low levels, it is pleasing that Council has prudently taken advantage of the low interest rate market upon constructing its new Central Administration Centre resulting in no impact to current service levels or Council's long term financial viability.

It is also important to note that over the past 3 years Council's financial viability to fund this project and service the debt has been considered by IPART, NSW Treasury Corporation (TCorp) and formed part of Council's fit for the future submission to the Office of Local Government. In all three cases Council has been deemed financially sound and financially fit to meet the challenges of the future.

RECOMMENDED

That Council note the report for information purposes.

ATTACHMENTS

1. Loan Funding - EOI assessment - *Supporting Document*



ORDINARY COUNCIL

ORD09

SUBJECT: INVESTMENT MONIES - NOVEMBER 2015
FROM: Director Customer & Corporate Services
TRIM #: 16/24228

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 2015 is provided.

MAIN REPORT

The weighted average return on all investments was 3.47% p.a. for the month of November 2015. The industry benchmark for this period was 2.05% (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 2015 and;**
- iii. **note the weighted average interest rate return of 3.47% p.a. for the month of November 2015.**

ATTACHMENTS

1. Investment Report - November 2015



ORDINARY COUNCIL

ORD10

SUBJECT: INVESTMENT MONIES - DECEMBER 2015
FROM: Director Customer & Corporate Services
TRIM #: 16/24886

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 2015 is provided.

MAIN REPORT

The weighted average return on all investments was 3.37% p.a. for the month of December 2015. The industry benchmark for this period was 2.28% (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 2015 and;**
- iii. **note the weighted average interest rate return of 3.37% p.a. for the month of December 2015.**

ATTACHMENTS

1. Investment Report - December 2015



ORDINARY COUNCIL

ORD11

SUBJECT: COMMUNITY SMALL GRANTS 2015/2016 AMENDMENT

FROM: Director Customer & Corporate Services

TRIM #: 15/318327

PURPOSE OF REPORT

This report seeks Council's endorsement of a change to the recommended funding allocations in this year's Community Small Grants Program (CSGP), a component of Council's Community Financial Assistance Program. One project was not able to be implemented.

This report recommends the Camden/ Wollondilly Domestic Violence Project be funded for the balance of the amount originally requested as additional information regarding itemised costing has now been provided.

There are no other funding recommendations currently outstanding based on the information supplied to Council and assessed previously.

BACKGROUND

Council provides an annual financial assistance program to assist local groups, one element of which is the CSGP. In the current budget, \$84,200 was allocated to this program. Council adopted the twenty-six recommended projects in the 2015/2016 CSGP on 27 October 2015. One of the funded projects cannot proceed so additional funds are now available for reallocation.

MAIN REPORT

Muru Nanga Mai, an organisation auspiced by Sector Connect was a grant recipient to the amount of \$3000, however, Council Officers were advised by them that they were unable to accept the grant money due to lack of capacity to implement the project. Muru Nanga Mai has ceased operations and no longer employs the key member of staff who was to be responsible for the implementation of the project.

Camden/Wollondilly Domestic Violence Committee requested \$4489 and received \$2,742. A request was made for the organisation to submit a detailed breakdown of costs for the remaining amount of \$1,747.

Details have now been provided the agency as set out below and have justified an amount slightly below their initial request:

- | | | |
|-------------------------|----------------|------------------|
| • Business Card Holders | 120 @ \$2 = | \$240.00 |
| • Mailing Tubes | 120 @ \$5 = | \$540.00 |
| • Postage | 120 X \$7.43 = | \$891.60 |
| | Total = | \$1671.60 |

The applicant has also confirmed that these funds are for use in the Camden LGA only.



None of the other part funded projects are currently recommended as suitable for additional funds.

FINANCIAL IMPLICATIONS

As funds are now available in the 2015/2016 budget for the Community Small Grants Program for re-distribution the balance of Camden/Wollondilly Domestic Violence Committee project, \$1672 is now recommended for funding.

The remaining balance of \$1,328 will be considered for redistribution as part of the next budget process.

CONCLUSION

The additional funding will complement existing services within the community and provide improved opportunities for the community to access services and/or facilities within the LGA.

RECOMMENDED

That Council approve the amount of \$1672 to be allocated from the Community Small Grants Program to the Camden/Wollondilly Domestic Violence Committee to allow full funding of their 2015/2016 project.



ORDINARY COUNCIL

ORD12

SUBJECT: THE TECH SAVVY SENIORS PROGRAM GRANT
FROM: Director Customer & Corporate Services
TRIM #: 16/34503

PURPOSE OF REPORT

This report recommends that Council accepts a State Library of NSW Grant of \$2,160 (including GST) for the Tech Savvy Seniors in English Program to be conducted at Camden Libraries.

BACKGROUND

The Tech Savvy Seniors Program is part of the NSW Ageing Strategy. The program is an initiative of the NSW Government and Telstra which is managed by the State Library of NSW. This innovative program enables older persons in the community to learn about technology and its applications in their daily lives.

MAIN REPORT

Camden Library Staff experience ever increasing demands for assistance with the technological needs of our senior customers. This program provides structured training sessions to small groups rather than the one-on-one assistance we provide. Based on the 2011 Census, 14.3% of the population in Camden are aged 60 and over.

The program will be delivered by qualified adult educators at both Camden and Narellan Libraries. 18 sessions over two terms of 9 weeks each will be delivered covering beginners to advanced training sessions.

Topics to be covered include introduction to computers, android and iPad devices, internet and email, cybersafety, social media, online shopping and sharing your photos.

This program, with a focus on the needs of older persons, complements the current library program of general technology learning and greatly contributes to lifelong learning.

FINANCIAL IMPLICATIONS

The grant of \$2,160 (including GST) will enable the program to be implemented and delivered. The existing library program budget will meet in kind costs which include library staff time for promotion and use of existing resources.

CONCLUSION

The grant will provide the opportunity for older persons in the Camden community to learn about technology and how to use it daily.

RECOMMENDED

That Council:

- i. accept the State Library of NSW Grant of \$2,160 (including GST); and**
- ii. write to the State Member for Camden, Mr Chris Patterson MP, thanking him for his ongoing support of Camden Library Service's Programs.**



ORDINARY COUNCIL

ORD13

SUBJECT: MINUTES OF THE 2 DECEMBER 2015 BUSINESS ASSURANCE AND RISK COMMITTEE MEETING AND REPLACEMENT OF COMMITTEE MEMBER

FROM: General Manager

TRIM #: 16/33277

PURPOSE OF REPORT

The purpose of this report is to provide Council with the minutes of the 2 December 2015 Business Assurance and Risk Committee meeting and to nominate a Councillor to act as a replacement on the Committee for the remainder of the Council term.

BACKGROUND

Council's Business Assurance and Risk Committee was established on 13 May 2014. Under its Charter, the Business Assurance and Risk Committee is to consist of the following voting members:

- two Councillors
- three independent members

On 10 June 2014, Council resolved to nominate Councillor Sidgreaves and Councillor Fischer as members of the Business Assurance and Risk Committee for the Council term.

On 10 February 2015, John Gordon and Bruce Hanrahan were appointed as independent members. Expressions of Interest for a third independent member are yet to be sought, however it is anticipated that this will occur in the next few months.

The Business Assurance and Risk Committee are required to meet a minimum of four times per year.

The Business Assurance and Risk Committee Charter includes a requirement to report to Council the minutes to the Business Assurance and Risk Committee meetings for noting.

MAIN REPORT

Minutes to 2 December 2015 meeting

The Business Assurance and Risk Committee met on 2 December 2015. The agenda discussed at the meeting included consideration of the following:

- Customer Service Improvements presentation
- Procurement tendering internal audit results
- Status update on the implementation of the Internal Audit Plan
- External Audit update
- Enterprise Risk Management update
- Business Continuity Planning
- Fit for the Future results



The minutes for the Business Assurance and Risk Committee meeting of 2 December 2015 are attached.

Committee membership

Councillor Sidgreaves and Councillor Fischer were appointed as members of the Business Assurance and Risk Committee for the Council term.

Councillor Fischer has advised of her wishes to withdraw from the role as Committee member. As a result, there is a need to nominate another Councillor to act as member on the Committee.

Broadly the Committee's role is to provide independent oversight and monitoring of Councils internal control activities, including internal and external reporting, risk management and internal and external compliance.

The Committee predominantly reviews reports on any internal and external audits conducted at Council and also monitors Council's approach to risk management.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

CONCLUSION

The Business Assurance and Risk Committee plays an important role in supporting the governance framework of Council. Reporting the minutes from Committee meetings keeps Council informed of the outcomes from those meetings and are submitted for information. It is also recommended that Council nominate a replacement Councillor representative for the Business Assurance and Risk Committee.

RECOMMENDED

That Council:

- i. note the Minutes to the Business Assurance and Risk Committee meeting of 2 December 2015; and**
- ii. nominate one Councillor to act as a replacement member on the Business Assurance and Risk Committee for the remainder of the Council term.**

ATTACHMENTS

1. Minutes to the Business Assurance and Risk Committee Meeting of 2 December 2015



ORDINARY COUNCIL

ORD14

SUBJECT: TENDER FOR SUPPLY AND INSTALLATION OF WORKSTATIONS AND STORAGE UNITS AT NEW CAMDEN COUNCIL ADMINISTRATION CENTRE AT ORAN PARK

FROM: Director Community Infrastructure

TRIM #: 16/30431

PURPOSE OF REPORT

To provide details of the tenders received for contract T007/2016, being the supply and installation of workstations and storage units to Camden Council's new Administration Centre at Oran Park, and to recommend that Council accept the tender submitted by Aspect Furniture Pty Ltd.

BACKGROUND

Council is constructing a new Administration Centre at Oran Park. Adco Constructions were appointed to be the Principal Contractor for the project in 2015 and are currently undertaking the main construction works.

Procurement of workstations and loose furniture is outside of the Adco's scope of works. Group GSA (Council's Architect) have prepared the design documentation and specifications for this furniture.

MAIN REPORT

Tender Submissions

An open request for tender submissions was advertised on 24 November 2015. Tenders were received on 18 December 2016 from the companies listed below in alphabetical order:

Company	Location
Abax	Wetherill Park
Aspect Furniture Pty Ltd	Sydney City
Australian Workstation Manufacturers	Alexandria
BizFurn Express Australia	Yandina, QLD
Business Interiors by Staples	Mascot
CSM	Caringbah
Dezign Interiors	Katoomba
Head Office Group	Neutral Bay
Krost	St Peters
Schiavello	Surry Hills
UCI	Surry Hills
W&D Solutions	Granville
Watts Commercial Furniture	Bankstown



Workstations Pty Ltd	North Sydney
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A summary of the submissions is provided in the Supporting Document. Please note this information is Commercial in Confidence.

Tender Evaluation

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

A Tender Evaluation Panel was established and an evaluation plan prepared prior to the Tender.

Non-price factors considered for this project included:

- completion of the returnable schedules;
- experience in similar scale projects;
- quality of products offered; and
- work, health and safety considerations.

Council stipulated clear product specifications in the tender documents to ensure that all tenderers were providing a price based on equivalent performance requirements.

A team of internal officers and the project Architects inspected the showrooms of the preferred tenderers to confirm the specifications were achieved.

Aspect Furniture Pty Ltd has been undertaking office fit out work in the Australian market for over 20 years. Their manufacturing facilities hold externally audited certification of their quality and environmental management systems to international standards.

The products proposed by Aspect Furniture Pty Ltd hold Good Environmental Choice Australia (GECA) certification and a 10 year warranty.

In addition, reference checks have been undertaken for works recently completed for other government departments by Aspect Furniture Pty Ltd.

Aspect Furniture Pty Ltd provided the most competitive tender in terms of price and non-price factors, and met the requirements of Council's tender documentation.

The Evaluation Panel concluded that the tender by Aspect Furniture Pty Ltd represents best value to Council.

Relevant Legislation

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

Critical Dates / Timeframes

Aspect Furniture Pty Ltd will be engaged immediately. Installation of the workstations is due in May 2016.



FINANCIAL IMPLICATIONS

The tender price of \$791,985 (excl. GST) is within the budget allocation for this element of the project and sufficient funds are available to accept this tender.

CONCLUSION

Aspect Furniture Pty Ltd has provided a conforming tender. The tender assessment concludes that the offer made by Aspect Furniture Pty Ltd represents best value to Council and the company has a proven track record of performance on similar projects.

RECOMMENDED

That Council:

- i. accept the tender provided by Aspect Furniture Pty Ltd for the lump sum of \$791,985 (GST exclusive); and**
- ii. authorise the relevant documentation to be completed under Council's Power of Attorney, granted on 27 August 2013, Minute Number ORD215/13.**

ATTACHMENTS

1. Tender Assessment - T007/2016 - Workstations and Storage Units New Camden Council Administration Building - *Supporting Document*