

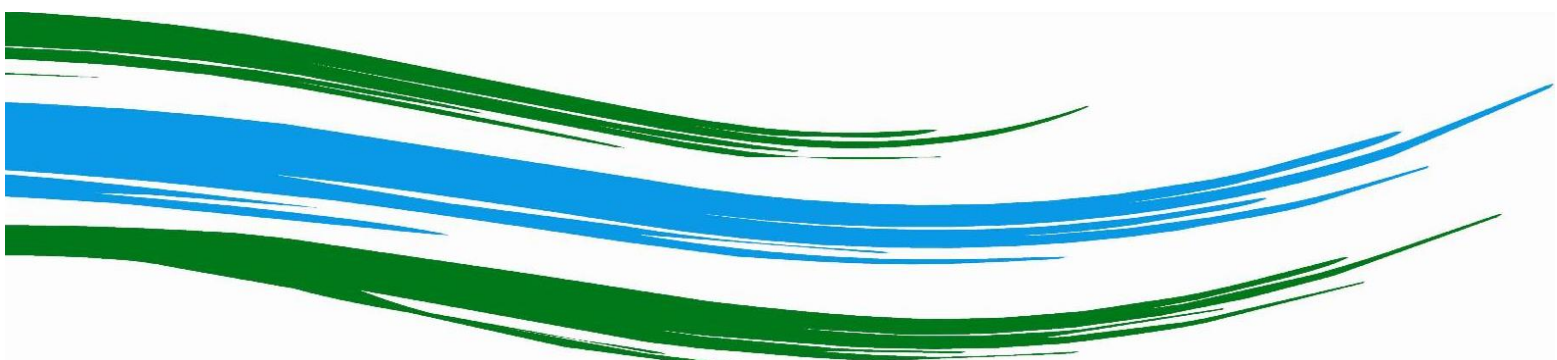


Camden Council

Attachments

Ordinary Council Meeting
13 August 2019

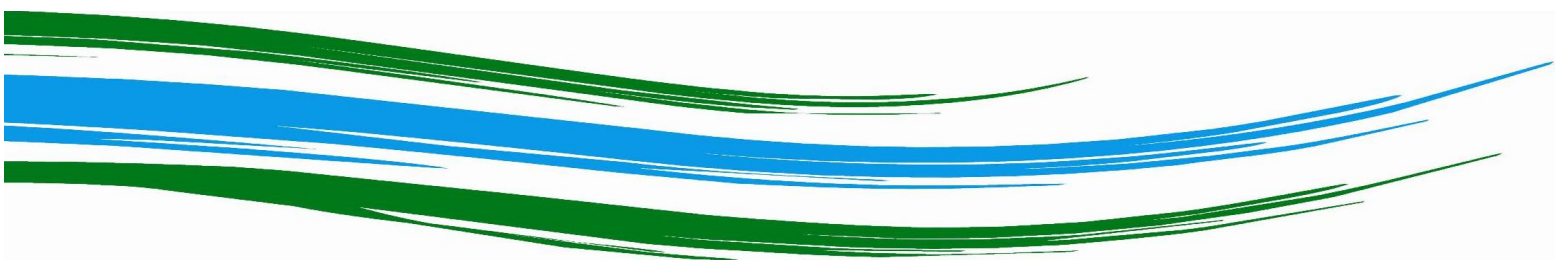
Camden Council
Administration Centre
70 Central Avenue
Oran Park



ORDINARY COUNCIL

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ORD04

SUBJECT: DRAFT CAMDEN DEVELOPMENT CONTROL PLAN 2018
FROM: Director Planning and Environment
TRIM #: 18/205044

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement of the draft Camden Development Control Plan 2018 (draft DCP) for the purpose of public exhibition. The draft DCP is provided **under separate cover** due to the size of the document.

BACKGROUND

Camden Development Control Plan 2011 (Camden DCP 2011) was adopted by Council on 8 February 2011. Since that time, amendments have been made to Camden DCP 2011 to update the document, correct anomalies, and insert new chapters and new controls.

Recent changes to the planning system and legislation have triggered the need for a comprehensive review of the Camden DCP 2011 and have led to the preparation of a draft DCP.

The draft DCP reflects current State Government policy, corrects anomalies, removes duplication, consolidates provisions for site-specific areas and provides a more user-friendly structure.

The draft DCP will apply to development applications (DAs) and does not form part of the assessment of complying development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Housing Code).

What is a Development Control Plan?

A DCP provides detailed planning and design guidelines to support the planning controls in Camden Local Environmental Plan 2010 (Camden LEP 2010). A DCP is prepared in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) and is used for the design, preparation, assessment and determination of DAs.

The provisions of a DCP are not statutory requirements. If a DCP is inconsistent with a planning instrument (State Environmental Planning Policy (SEPP) or Local Environmental Plan (LEP)), the controls in a SEPP or LEP override the DCP.

Where does the draft DCP apply?

The draft DCP applies to land within the Camden Local Government Area (LGA) that is zoned under the Camden LEP 2010 (areas shaded blue in **Figure 1**). The draft DCP does not apply to rezoned land within the South West Growth Area (SWGA).

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As further land is rezoned in the SWGA, the provisions of the Camden LEP 2010 and the Camden DCP are 'switched off' and the Growth Centres SEPP and Camden Growth Centre Precincts DCP (Growth Centres DCP) will apply.

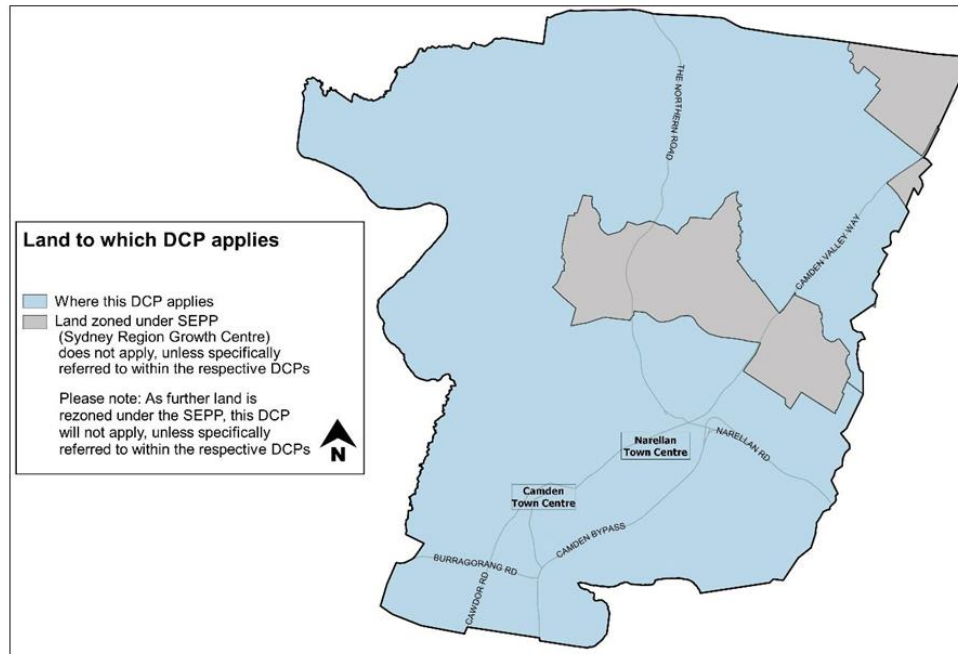


Figure 1 – Land to which the draft DCP applies.

Number of DCPs

There are currently four DCPs that apply to different parts of the Camden LGA:

- Camden DCP 2011;
- Turner Road DCP;
- Oran Park DCP; and
- Camden Growth Centre Precincts DCP.

The four DCPs adopt different structures, making them less user-friendly.

Councillors were briefed on the draft DCP on 25 September and 30 October 2018.

MAIN REPORT

1. Introduction

Council officers have undertaken a review of the Camden DCP 2011 with the main goals to provide a DCP document that is user-friendly and will facilitate quality development outcomes.

1.1 Aim of the Review

The aims of the review are to:

- update controls in line with State Government changes in policy and legislation;
- improve the user-friendliness of the DCP;

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- use a familiar structure (based on Growth Centres DCP);
- improve quality of images and figures;
- remove duplication and redundant controls / information;
- retain existing controls that are working including setbacks, site coverage and landscaped area; and
- continue to achieve quality development outcomes.

1.2 Consultation and Road Testing of Draft DCP

The following consultation and tasks have been undertaken:

- internal stakeholder meetings;
- consultation with the development industry on specific issues including cut and fill controls (through Developer Forums and Home Builders Forums);
- review of best practice controls;
- benchmarking controls against industry and other council controls;
- referrals to State Government agencies including WaterNSW, Rural Fire Service and the Office of Environment and Heritage; and
- road testing of controls against existing development applications to ensure they are workable.

1.3 Analysis of Exempt and Complying Codes SEPP (Housing Code)

Development controls from the Housing Code have been considered in the formulation of the draft DCP. The front building setback control from the Housing Code is considered suitable for adoption in the draft DCP and this will promote consistency across the documents.

2. Changes to Improve User-Friendliness

Outlined below are the changes proposed to improve the user-friendliness of the draft DCP.

2.1 Proposed Structure

The draft DCP structure aligns with the Growth Centres DCP.

The draft DCP consists of six parts, plus 12 site-specific schedules. A summary of the draft DCP structure is outlined below:

Part 1 – Introduction

Sets out the aims and objectives of the DCP. Part 1 identifies the land to which the DCP applies, explains the structure of the document and the relationship of the DCP to other planning documents. Part 1 also provides guidance on notification requirements for development applications.

Part 2 – General Planning Controls

Sets out objectives and controls that apply to all development types in the Camden LGA, including environmental heritage, signage, traffic management and off-street car parking.

Part 3 – Residential Subdivision

Includes the objectives and controls that apply to development applications which involve residential subdivision.

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Part 4 – Residential Development

Includes the objectives and controls that guide residential development, such as building setbacks and minimum landscaped area.

Part 5 - Centres Development

Includes objectives, controls and design principles for commercial development, including the Narellan and Camden town centres.

Part 6 – Specific Land Use Controls

Includes objectives and controls to guide the development of rural areas and industrial areas. This part also contains controls applying to specific land uses such as child care centres, exhibition homes and villages, home businesses, home industries and wood fired heaters.

Appendices

The Appendices provide reference information (Glossary and Landscape Design Principles.)

Schedules

Site specific schedules provide additional objectives and controls specific to a locality or release area, such as Elderslie and Spring Farm.

2.2 Figures and Images

Council officers engaged an urban designer to prepare updated imagery to improve the quality of figures and images in the draft DCP.

2.3 Inclusion of a Matrix

A Matrix has been included in the draft DCP (**Figure 2**) to refer the user to relevant parts of the DCP that apply to a development type.

Relevant DCP Parts	Residential Subdivision	Industrial Subdivision	Dwelling House	Dual Occupancy Secondary Dwellings	Attached Dwellings	Semi-Detached Dwellings	Multi-Dwelling Housing	Residential Flat Buildings	Non-Residential Development	Shop Top Housing	Retail / Commercial Development	Industrial Development
Part 1	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Part 2	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Part 3	✓				✓	✓	✓					
Part 4			✓*	✓*	✓*	✓*	✓*	✓*		✓*		
Part 5									✓	✓	✓	
Part 6		✓							✓	✓	✓	✓
Appendices	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Specific Schedules*	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Figure 2 – Extract of DCP Matrix



2.4 Links to Compliance Tables

A compliance table provides a snapshot of key development controls. Compliance tables will assist users by providing a 'quick reference' document for development assessment. Links to compliance tables have been included in the draft DCP.

2.5 Clickable Links

Clickable links to legislation and guidelines have been included in the draft DCP. The draft DCP also includes links to relevant technical reports and studies for site specific areas such as Elderslie and Spring Farm. This will provide the applicant with convenient access to information for the preparation of DAs.

Some links within the draft DCP may not be available during the public exhibition. Following public exhibition, the links will be completed in time for adoption of the final draft DCP.

Key Changes

Key changes proposed in the draft DCP are discussed below.

2.6 Part 3 Residential Subdivision

Introduction of Minimum Lot Widths for Lots greater than 300m² and less than 450m²

There is no minimum lot width control for lots under 450m² in Camden DCP 2011. The draft DCP proposes to introduce a minimum lot width of 9m for lots greater than 300m² and less than 450m².

The introduction of a minimum 9 metre lot width is consistent with the Growth Centres DCP.

Introduction of a Minimum Lot Width Control for Lots in the R5 Zone

A minimum lot width of 25m is proposed for lots within the R5 Large Lot Residential zone. This is to ensure new lots are consistent with the current subdivision pattern and can accommodate a dwelling that is compliant with the residential controls within the draft DCP.

2.7 Part 4 Residential Development

Minimum Front Landscaped Area

It is proposed to introduce a minimum front landscaped area of 50% (for established areas) and 40% for urban release areas such as Elderslie, Spring Farm and Emerald Hills. This will enhance the quality of the development and streetscape by ensuring landscaping is provided within the front setback. The control also ensures there is sufficient area for off-street car parking.

There is no change proposed within Harrington Grove, which currently requires a minimum front landscaped area of 60%.

Multi-Dwelling Housing and Attached Dwellings

Camden DCP 2011 has a limited number of controls for multi-dwelling housing and attached dwellings. New draft controls have been added to these chapters to provide additional guidance on design outcomes, including private open space, passive surveillance and internal driveways.



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The multi-dwelling housing section of the draft DCP includes a proposed new control requiring developments (with more than 10 dwellings) to provide 10% of the dwellings as adaptable housing. This control has also been included in the residential flat building section of the draft DCP and is consistent with the Growth Centres DCP.

Adaptable housing is a term used to describe that the internal layout of a dwelling can be easily modified to become, accessible to both occupants and visitors with disabilities or progressive disabilities.

No changes are proposed to existing controls such as setbacks and landscaped area.

Residential Flat Buildings

Minor amendments are proposed to the residential flat building section. Proposed new controls align with the residential flat building controls in the Growth Centres DCP.

As previously discussed for multi-dwellings, a proposed new control requires developments (with more than 10 dwellings) to provide 10% of all new apartments as adaptable housing.

No changes are proposed to existing controls such as setbacks, landscaped area and minimum lot size.

2.8 Residential Apartment Development - Apartment Design Guide

Councils are required to take into consideration the Department of Planning and Environment's Apartment Design Guide (ADG) when formulating development controls for a DCP (Clause 21A of EP&A Regulation). Council officers have assessed the draft Camden DCP against Parts 1 and 2 of the ADG. It is considered that the draft controls are not inconsistent with the ADG.

2.9 Part 6 Specific Land Use Controls

Proposed Changes as a result of Previous Council Resolutions

The Rural Land Strategy (Strategy) includes an action to review existing development controls to provide additional guidance on land use conflict. Council officers have completed a review and draft controls have been included in the draft DCP.

The draft controls aim to minimise potential land use conflicts between rural uses and rural residential uses, by providing additional controls relating to:

- development needing take into consideration existing rural operations;
- the need for a buffer or other measure to separate residences from rural uses; and
- the need for a proposed rural use to provide odour and/or acoustic reports to support their application.

At its meeting of 26 September 2017, Council resolved (in summary) to investigate site specific controls for Smeaton Grange as part of the draft DCP. New controls are proposed to be included in the General Industrial section of the draft DCP (that will apply across the LGA).

The draft controls aim to minimise potential land use conflicts between industrial and residential uses, by providing additional controls relating to:

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- protecting the amenity of nearby residential areas;
- noise emitting activities; and
- vehicle body repair workshops and vehicle repair stations.

Separate to this review, at its meeting of 11 September 2018, Council endorsed draft site-specific DCP controls relating to Little Street Camden for the purpose of public exhibition. A separate report will be provided to Council on this matter.

2.10 Child Care Centre Controls

In September 2017, the NSW Government adopted legislation and guidelines for the development of child care centres. The legislation and new Child Care Planning Guideline (CCPG) override Council's controls, except for building heights and side and rear setbacks. The draft DCP has been amended to be consistent with this legislation and guideline.

2.11 Schedule 7 – El Caballo Blanco and Gledswood (ECBG)

For ECBG residential land, a minimum lot size of 250m² is permitted in the Camden DCP 2011. Camden LEP 2010 permits a minimum lot size of 400m². As previously discussed, the EP&A Act confirms that where there is an inconsistency, a LEP control overrides a DCP.

As a result, the draft DCP has deleted reference to minimum lot size provisions in ECBG. Subject to Council endorsement to proceed to public exhibition, it is recommended that Council officers consult directly with the affected landowners to provide them with information about the proposed change.

3. Other Changes

Other changes proposed in the draft DCP are outlined below and in the **attachment to this report**.

3.1 Definition of Submissions

In 2017, the State Government introduced changes to make local planning panels (LPPs) mandatory for all councils in Sydney.

In this regard, it was considered necessary to clarify how a submission is to be made and how Council officers will consider submissions. New advisory information has been included within Part 1 of the draft DCP for clarification.

3.2 Hours of Operation for Home Businesses

It is proposed to extend the hours of operation on Saturday from 8:30am - 12:30pm to 8:30am - 5:00pm and to simplify the control. The new control clarifies that Council can consider extending the hours of operation of a home business if it can be demonstrated there are no unacceptable impacts on the amenity of adjoining dwellings or the neighbourhood.

3.3 Two-storey Dwellings with Double Garage on Narrow Lots

Home builders have requested the ability to construct two-storey dwellings with double garages on lots between 10m and 12.5m in width (not currently permitted under Camden DCP 2011). A benefit of allowing double garages on narrow lots is to ensure there is additional off-street car parking for these lots.

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During the preparation of draft controls, Council officers undertook a review of sites in western Sydney and developed controls to ensure that dwellings were designed to provide casual surveillance to the street, while reducing the impact of garages on the streetscape.

The draft DCP includes controls to allow two-storey dwellings with double garages on narrow lots in:

- Schedule 1 – Elderslie;
- Schedule 2 – Spring Farm;
- Schedule 3 – Manooka Valley;
- Schedule 6 – Camden Lakeside;
- Schedule 7 – El Caballo Blanco and Gledswood; and
- Schedule 8 – Emerald Hills.

3.4 Site Specific Schedules

Site specific controls are currently located within different parts of the Camden DCP 2011. To improve the user-friendliness of the draft DCP, site specific controls have been relocated into schedules. Minor corrections or deletions of redundant information have been made to these schedules.

Currently, there are 12 Site Specific Schedules:

- Schedule 1 – Elderslie
- Schedule 2 – Spring Farm
- Schedule 3 – Manooka Valley
- Schedule 4 – Harrington Grove
- Schedule 5 – Mater Dei
- Schedule 6 – Camden Lakeside
- Schedule 7 – El Caballo Blanco and Gledswood
- Schedule 8 – Emerald Hills
- Schedule 9 – Catherine Field Village
- Schedule 10 - Yamba
- Schedule 11 - Grasmere
- Schedule 12 – 121 Raby Road, Leppington

Through the life of the DCP new schedules may be added, or existing schedules deleted (such as when a release area is fully developed).

4. Public Exhibition

The EP&A Regulation requires the draft DCP to be exhibited for a minimum of 28 days (four weeks). Considering the review is comprehensive, it is proposed that the exhibition period be increased to 42 days (six weeks).

Hard copies of the draft DCP will be made available for review at Council's Administration Centre at Oran Park and at Council's libraries. The draft DCP will also be available on Council's website and promoted on Council's Facebook page.

5. Next Steps

Subject to endorsement by Council, the draft DCP will be publicly exhibited for a six-week period, commencing early 2019. State government authorities will also be consulted during the exhibition period.

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Subject to no unresolved submissions being received, it is recommended that Council grant delegation to the General Manager to adopt the draft DCP. An advertisement will then be placed in the local paper to advise the DCP commencement date.

Should there be unresolved submissions, a further report will be provided to Council detailing submissions received and Council officer response for Council's consideration.

FINANCIAL IMPLICATIONS

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

CONCLUSION

The draft Camden DCP is the result of a comprehensive review of Camden DCP 2011 that aims to improve its user-friendliness and facilitate quality development outcomes. The draft DCP retains existing controls that are proven to be workable.

The review has resulted in proposed amendments that:

- reflect updated State Government policy;
- corrects anomalies;
- removes duplication;
- consolidates provisions for site-specific areas; and
- proposes new controls to help deliver quality development outcomes.

The draft DCP structure has been designed to be consistent with the existing Growth Centres DCP to promote consistency between the documents. Better quality figures and images have also been included in the draft DCP which improves the user-friendliness of the document.

It is recommended that Council endorse the draft DCP for the purposes of public exhibition.

RECOMMENDED

That Council:

- i. endorse the draft **Camden Development Control Plan 2018** for public exhibition;
- ii. subject to no unresolved submissions being received:
 - a. grant delegation to the **General Manager to adopt the draft Camden Development Control Plan 2018**; and
 - b. publicly notify the adoption of the **Development Control Plan** in accordance with the provisions of the *Environmental Planning Assessment Act 1979* and *Regulations*; or
- iii. if unresolved submissions are received, receive a further report outlining the results of the public exhibition of the draft **Camden Development Control Plan 2018** for Council's consideration.

ATTACHMENTS

1. Attachment Summary of Proposed Changes Draft Camden DCP 2018
2. Separate Cover Draft DCP 2018

ORD04 DRAFT CAMDEN DEVELOPMENT CONTROL PLAN 2018

Resolution: Moved Councillor C Cagney, Seconded Councillor Fedeli that Council:

- i. endorse the draft Camden Development Control Plan 2018 for public exhibition;
- ii. subject to no unresolved submissions being received:
 - a. grant delegation to the General Manager to adopt the draft Camden Development Control Plan 2018; and
 - b. publicly notify the adoption of the Development Control Plan in accordance with the provisions of the *Environmental Planning Assessment Act 1979* and *Regulations*; or
- iii. if unresolved submissions are received, receive a further report outlining the results of the public exhibition of the draft Camden Development Control Plan 2018 for Council's consideration.

ORD253/18 THE MOTION ON BEING PUT WAS CARRIED

(Councillors Sidgreaves, Symkowiak, Campbell, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)

LIST OF SUBMISSIONS

Table 1a – Submissions

Submission	Reference
1.	1.1-1.3
2.	2.1-2.42
3.	3.1-3.2

Table 1b – Submissions -WITHDRAWN

Submission	Reference
4.	4.1-4.2
5.	5.1

Table 2a - Public Agency Submissions

Submission	Reference
6. Jemena	6.1
7. Liverpool Council	7.1
8. NSW Department of Primary Industries	8.1-8.4
9. NSW Office of Environment and Heritage	9.1-9.30
10. South Western Sydney Local Health District	10.1-10.21

Table 2b – Public Agency Submissions – WITHDRAWN

Submission	Reference
11. Sydney Metro Airports (Bankstown and Camden)	11.1-11.2
12. Transport for NSW	12.1-12.2
13. WaterNSW	13.1-13.19

Table 1a -Community Submissions		Proposed Action
Issue	Officer Response	
Submission 1		
1.1	<p><u>Part 4 – Residential Controls</u></p> <p><u>4.2.4 Setbacks (Table 4.1)</u></p> <p>Request that lot width be considered when determining the appropriate secondary setback for corner allotments. This is appropriate where corner lots may be greater than 450m² in size but may have a frontage 13m wide or less, which would provide an unsuitable building width of 9.1m once secondary (3m) and side (0.9m) setbacks are considered.</p>	<p>Amend Table 4.1 to apply the following:</p> <p>Secondary Setback:</p> <p>2m</p>
1.2	<p><u>Part 4 – Residential Controls</u></p> <p><u>4.5 Multi Dwelling Housing and Attached Dwellings (Table 4.7)</u></p> <p>The maximum site coverage of 50% for multi dwelling and attached housing is detrimental to innovative design.</p> <p>Request that the site coverage control for multi dwelling and attached housing be assessed based on merits rather than a proportion of the lot area. This would align with controls adopted by other Councils in the Growth Centres.</p> <p>Recommend a maximum site coverage of 60% if Council determines that a maximum figure needs to be stipulated, as this would consistent with controls for dual occupancies and semi-detached dwellings in Part 4.4.</p>	<p>The maximum site coverage of 50% is appropriate and aligns with the provisions of the Growth Centres DCP. Variations to site coverage controls can be considered as part of a merit-based assessment at the development application stage.</p> <p>No further action required.</p>

Table 1a -Community Submissions		
Issue	Officer Response	Proposed Action
<p>1.3 <u>Schedule 7 – El Caballo Blanco and Gledswood</u></p> <p>Request that all references to the golf course in relation to the release area south of the Upper Canal should be removed. This is appropriate as the Gledswood Hills (The Crest) Voluntary Planning Agreement has been adopted and will enable the transfer of this land to Council as a Public Reserve.</p>	<p>All references to the golf course in relation to the release area south of the Upper Canal will be removed to reflect consistency with the Gledswood Hills (The Crest) Voluntary Planning Agreement (The Crest VPA)</p>	<p>Remove all references to the golf course in Schedule 7 and replace it with 'Public Reserve.'</p>
<p>Submission 2</p>		
<p>2.1 <u>Schedule 6 – Camden Lakeside</u> <u>Section 2 Subdivision Planning and Design</u> <u>Section 2.1 Neighbourhood and Subdivision Design</u></p> <p>Figure 6-1 Camden Lakeside Masterplan needs to be amended as per below:</p> <p>6-1.1 Amend Raby Road entry location to reflect existing approval</p> <p>6-1.2 Amend road connection to Gledswood development to reflect existing approved subdivision on the Gledswood site and the road connection provision at the south-west corner of the site;</p> <p>6-1.3 Amend shape of precinct 1 to reflect the residential zoned land; and</p> <p>6-1.4 Amend internal road layout of precincts 4 and 5 to reflect Water NSW's requirements for perimeter road adjacent to the Water Supply Canal.</p> <p>6-1.5 Reflect Raby Road widening to reflect existing approval;</p> <p>6-1.6 Amend cadastral boundaries;</p>	<p>The proposal to amend figures within Schedule 6 – Camden Lakeside will be assessed as part of a separate DCP amendment.</p>	<p>No further action required.</p>

Table 1a -Community Submissions		
Issue	Officer Response	Proposed Action
6-1.7 Reflect CLEP 2010 zoning boundaries (map sheet LZN_016)		
2.2	<p><u>Schedule 6 – Camden Lakeside</u></p> <p>Figure 6-2 Camden Lakeside Indicative Road Structure needs to be amended as per below:</p> <p>6-2.1 Amend Raby Road entry location to reflect existing approval;</p> <p>6-2.2 Amend road connection to Gledswood development;</p> <p>6-2.3 Amend shape of precinct 1 to reflect residential zoned land; and</p> <p>6-2.4 Amend internal road layout of precincts 4 and 5 to reflect Water NSW's requirements for perimeter road adjacent to the Water Supply Canal.</p>	<p>The proposal to amend figures within Schedule 6 – Camden Lakeside will be assessed as part of a separate DCP amendment.</p> <p>No further action required.</p>
2.3	<p><u>Schedule 6 – Camden Lakeside</u></p> <p>Figure 6-8 Pedestrian and Cycle Network needs to be amended as per below:</p>	<p>The proposal to amend figures within Schedule 6 – Camden Lakeside will be assessed as part of a separate DCP amendment.</p> <p>No further action required..</p>

Table 1a -Community Submissions		
Issue	Officer Response	Proposed Action
6-8.1	Amend proposed dual use path connection into the northern boundary of the Gledswood Homestead site. The delivery of the path is outside the control of SH Camden Lakeside Pty Ltd and comprises of the golf course and heritage homestead land.	
6-8.2	Amend Raby Road entry location to reflect existing Development Consent;	
6-8.3	Amend road connection to Gledswood development;	
6-8.4	Amend shape of precinct 1 to reflect residential zoned land; and	
6-8.5	Amend internal road layout of precincts 4 and 5 to reflect Water NSW's requirements for perimeter road adjacent to the Water Supply Canal.	
2.4	<p><u>Schedule 6 – Camden Lakeside</u></p> <p>Figure 6-9 Camden Lakeside Indicative Bus Route needs to be amended</p> <p>6-9.1 Amend Raby Road entry location to reflect existing approval;</p> <p>6-9.2 Amend road connection to Gledswood development (particularly important for bus route diagram);</p>	<p>No further action required.</p> <p>The proposal to amend figures within Schedule 6 – Camden Lakeside will be assessed as part of a separate DCP amendment.</p>

Table 1a -Community Submissions	Issue	Officer Response	Proposed Action
2.5	<p>6-9.3 Amend internal road layout of precincts 4 and 5 to reflect Water NSW's requirements for perimeter road adjacent to the Water Supply Canal</p> <p><u>Schedule 6 – Camden Lakeside</u> Figure 6-10 Indicative Open Space Network</p> <p>6.10.1 Amend Raby Road entry location to reflect existing approval</p> <p>6-10.2 Amend road connection to Gledswood development;</p> <p>6-10.3 Amend internal road layout of precincts 4 and 5 to reflect Water NSW's requirements for perimeter road adjacent to the Water Supply Canal</p>	<p>The proposal to amend figures within Schedule 6 – Camden Lakeside will be assessed as part of a separate DCP amendment.</p>	<p>No further action required.</p>
2.6	<p>Part 4 – Residential Controls <u>Section 4.2.2 Cut and Fill</u></p> <p>Control 4 – Concern is raised that the current control requires fill greater than 300mm within 1m of a property boundary to be contained by a drop edge beam. It is requested to delete or amend this control as a drop edge beam is more costly and does not provide the best design outcome.</p> <p>A retaining wall on the boundary within the lot has been accepted across the LGA.</p>	<p>The current control does not prohibit alternative proposals such as the use of retaining walls. Where retaining walls are proposed, they are to comply with controls 7, 8, 9 and 10 of the draft DCP.</p>	<p>No further action required.</p>

Table 1a -Community Submissions		Officer Response	Proposed Action
Issue			
2.7	<p>Part 4 – Residential Controls Section 4.2.2 Cut and Fill</p> <p>Control 8 – It is requested to delete the word 'simultaneously' from the control. Concern is raised that the inclusion of the word 'simultaneously' is overly prescriptive and will remove opportunities for Council to vary controls 2,3 or 4 of this section where the same builder is developing adjoining lots under a staged and/or separate approval process.</p>	<p>The control can be amended to omit the word 'simultaneously' to consider cases which involve staged and/or separate approval process.</p>	<p>Amend control 8 to omit the word 'simultaneously'.</p>
2.8	<p>Part 4 – Residential Controls Section 4.2.4 Setbacks Table 4-2</p> <p>Table 4-2- The current control prescribes a minimum secondary street setback of 2m for corner lots <450m² and a minimum secondary street setback of 3m for corner lots > 450m². It is suggested that the control be amended to reflect a single secondary setback to apply to all lots. It is argued that a difference of 1m in the current control does not provide superior design or amenity outcomes.</p>	<p>To provide greater flexibility for lots with narrow frontages, it is proposed to apply a single secondary setback of 2m to all corner lots.</p>	<p>Amend Table 4-2 to apply the following: Secondary Setback: 2m</p>
2.9	<p>Part 4 – Residential Controls Section 4.2.4 Setbacks Table 4-2</p> <p>Table 4-2- The current control requires garages on the secondary setback to be setback a minimum of 5.5m from the primary road. It is requested that Council clarify the application and intent of the control. Otherwise, it is requested that the control be amended to 'Garages on the secondary street must be setback a minimum of 1m from the secondary street building setback'.</p>	<p>The intent of the DCP control is to ensure that all garages are set back 5.5m from the road, including a garage on the secondary frontage. The 5.5m setback will allow a vehicle to enter the garage while still enabling an additional car to park on the driveway without encroaching on the road verge.</p>	<p>Amend Table 4-2 to apply the following: Minimum 1m behind the building line of the dwelling at least 5.5m from the primary road Garages on the secondary setback must be setback a minimum of 5.5m from the primary road.</p>

Table 1a -Community Submissions	
Issue	Officer Response
<p>2.10</p> <p><u>Part 4 – Residential Controls</u> <u>Section 4.2.4 Setbacks Table 4-2</u> Table 4-2 – The current control requires a minimum rear lane setback of 1.2m. Concern is raised towards the proposed rear lane setback. It is requested that the control is amended to align with the Turner Road DCP which prescribes a rear lane setback of 0.5m.</p>	<p>Amend Table 4-2 to apply the following: Rear Lane Setback (min): 1m. Notwithstanding this, the rear lane setback can be reduced to 0.5m subject to the development demonstrating that it can facilitate waste collection in safe and orderly manner.</p>
<p>2.11</p> <p><u>Part 4 – Residential Controls</u> <u>Section 4.2.4 Setbacks</u> <u>Setbacks for Battle-axe Lots</u> Control 1 – The current control prescribes a minimum front setback of 4.5m. It is requested that Control 1 is amended to align with Complying Development setback requirements for battle-axe lot developments. It is requested to delete the 4.5m front setback and instead apply only side and rear setbacks to battle axe lots. This will provide flexibility in managing setbacks against surrounding development and achieve desirable outcomes in terms of efficient development of the site, maximising solar access, minimising overshadowing and privacy impacts.</p>	<p>It is proposed to apply a minimum rear lane setback of 1m. To provide flexibility, the rear lane setback can be reduced to 0.5m subject to the development demonstrating that it can facilitate waste collection in a safe and orderly manner.</p> <p>It is proposed to amend the control so no front setback will be applied to battle axe lots.</p> <p>It is considered that applying a 3.5m front setback to battle axe lots is appropriate where the lot fronts an access denied street and/or open space as shown in Figure 4-3.</p> <p>Delete control 1</p> <p>Include a new control to apply the following: Front setback of 3.5m applies to Battle axe blocks where the lot fronts an access denied street in accordance with Figure 4-3. Amend Figure 4-3 to reflect amendments to controls.</p>

Table 1a -Community Submissions		
Issue	Officer Response	Proposed Action
<p>2.12</p> <p><u>Part 4 – Residential Controls</u> <u>Section 4.2.4 Setbacks</u> <u>Zero Lot Line Development</u></p> <p>Control 2 – The current control provides that overhanging eaves or services will not be permitted within the easement. Any projections or services must not impede the ability to undertake maintenance.</p> <p>Concern is raised that the current control results in greater side setbacks to dwellings burdened by an easement to a zero-lot line development, which is difficult to achieve in higher density areas.</p> <p>It is requested that the control is amended to permit eaves and services to be within the easement which aligns with Complying Development requirements.</p>	<p>Council Officer Assessment Practice permits projections to encroach into zero lot line easements where:</p> <ul style="list-style-type: none"> the encroachment will not impede the benefitted party from reasonably using the easement for its intended purpose, the encroachment will not have adverse amenity impacts on the adjoining lot; there is an unobstructed vertical clearance of 5m from the underside of any eave, to the finished ground level of the easement/ finished ground level of the adjacent benefitted lot, whichever is higher; and services will not impede the ability to undertake maintenance. 	<p>Delete current control 2 and amend it to apply the following:</p> <p>Projections will be permitted to encroach into zero lot line easements where:</p> <ul style="list-style-type: none"> the encroachment will not impede the benefitted party from reasonably using the easement for its intended purpose the encroachment will not have adverse amenity impacts on the adjoining lot; there is an unobstructed vertical clearance of 5m from the underside of any eave, to the finished ground level of the easement/ finished ground level of the adjacent benefitted lot, whichever is higher; and

Table 1a -Community Submissions	
Issue	Officer Response
	<p>Proposed Action</p> <ul style="list-style-type: none"> services will not impede the ability to undertake maintenance. <p>Delete Figure 4-5 and Figure 4-6 to reflect the amended control.</p>
<p>2.13</p> <p><u>Part 4 – Residential Controls</u> <u>Section 4.2.4 Setbacks</u> <u>Zero Lot Line Development</u></p> <p>Control 5 – The current control requires that no section of a wall built on a side boundary should be longer than 10 metres.</p> <p>Concern is raised that it is inconsistent with the Turner Road DCP and accordingly, should be amended to 15m.</p> <p><u>Part 4 – Residential Controls</u> <u>Section 4.2.4 Setbacks</u> <u>Zero Lot Line Development</u></p> <p>Control 7 – The current control provides that access to the rear yard of zero lot line development must be provided via a minimum 1.2m side setback on the opposite side of the dwelling or via a rear garage door.</p> <p>Concern is raised that the current control results in greater side setbacks which are excessive considering the standard side setback of 0.9m (at ground floor) satisfies access requirements.</p> <p>It is requested to delete this control as the minimum 0.9m setback is adequate.</p>	<p>No further action required.</p> <p>The maximum length of 10m for any wall built on a side boundary is considered appropriate. Variations to the control can be considered at the development application stage subject to the proposed development demonstrating no adverse amenity impacts to the adjoining lot. It is proposed to amend the control to apply a side setback of 0.9m as this will satisfy access requirements.</p> <p>Amend control 7 to apply the following:</p> <p>Access to the rear yard of zero lot line development must be provided via a minimum 0.9m side setback on the opposite side of the dwelling or via a rear garage door provided as a 'drive through garage'.</p> <p>Amend Figure 4-4 to reflect a minimum 0.9m side setback.</p>
<p>2.14</p> <p><u>Part 4 – Residential Controls</u> <u>Section 4.2.4 Setbacks</u> <u>Zero Lot Line Development</u></p> <p>Control 7 – The current control provides that access to the rear yard of zero lot line development must be provided via a minimum 1.2m side setback on the opposite side of the dwelling or via a rear garage door.</p> <p>Concern is raised that the current control results in greater side setbacks which are excessive considering the standard side setback of 0.9m (at ground floor) satisfies access requirements.</p> <p>It is requested to delete this control as the minimum 0.9m setback is adequate.</p>	<p>Amend control 7 to apply the following:</p> <p>Access to the rear yard of zero lot line development must be provided via a minimum 0.9m side setback on the opposite side of the dwelling or via a rear garage door provided as a 'drive through garage'.</p> <p>Amend Figure 4-4 to reflect a minimum 0.9m side setback.</p>

Table 1a -Community Submissions		
Issue	Officer Response	Proposed Action
<p>2.15</p> <p>Part 4 – Residential Controls <u>Section 4.2.5 Height, Site Coverage and Siting</u></p> <p>Control 4 – The current control provides that for lots less than 450m², the upper site coverage of 30% is required.</p> <p>Concern is raised that the current control penalises small lots, attached dwelling housing and house designs with interior design outcomes (i.e. voids).</p> <p>It is requested to amend the upper site coverage to 40% which is more appropriate and reflects practical outcomes for a range of dwelling types including attached dwellings.</p> <p>Furthermore, it is requested that the current control excludes stairs and voids similar to Complying Development requirements.</p> <p>Part 4 – Residential Controls <u>Section 4.2.6 Landscape Area</u></p> <p>Control 1 – The current control requires a minimum 30% of the site must consist of landscaped area. Concern is raised that the current control is a blanket approach that fails to account for variations in lot sizes and widths.</p> <p>It is requested to amend the control to vary the landscape area requirements relative to lot size and width. Specifically in accordance with Turner Road Controls, it is suggested to amend the control as follows:</p> <p>Landscape Area</p>	<p>To provide greater flexibility to small lots, a upper site coverage of 35% is proposed to be applied.</p> <p>The definition of site coverage is provided in the Camden Local Environmental Plan.</p>	<p>Amend Table 4-3 to apply an upper site coverage of 35%.</p>
<p>2.16</p>	<p>It is considered the minimum 30% landscape area is suitable to the character of Camden LGA. The control is also considered to be responsive to urban heat island effects/extreme weather events experienced in the LGA.</p> <p>Furthermore, the draft Camden Local Strategic Planning Statement identifies actions to investigate an increase the green urban/tree canopy to minimise urban heat effects in Camden LGA. A minimum of 30%</p>	<p>No further action required.</p>

Table 1a -Community Submissions	Issue	Officer Response	Proposed Action
2.17	<p>(a) Lot frontage width \leq4.5m rear accessed dwelling – 15% of lot area</p> <p>(b) Lot frontage width \geq7m and \leq9m front accessed – minimum 15% of lot area</p> <p>(c) Lot frontage width \geq9m and \leq15 front accessed – minimum 25% of lot area</p> <p>Part 4 – Residential Controls <u>Section 4.2.6 Landscape Area</u></p> <p>Control 3 – The current control provides that a minimum of 50% of the front setback must be landscaped area.</p> <p>It is requested that the control be amended to align with the 40% requirements established for the Camden Lakeside.</p>	<p>landscape area would maintain suitable green coverage in the LGA.</p> <p>It is considered that the proposed amendment is acceptable as it will ensure that development maintains a good level of amenity. The control will be amended such that a minimum of 40% of the front setback must be landscaped area.</p>	<p>Control 3 will be amended to apply the following:</p> <p>A minimum of 40% of the front setback (as measured from the building line) must be landscaped area.</p> <p>No further action required.</p>
2.18	<p>Part 4 – Residential Controls <u>Section 4.2.7 Principal Private Open Space</u></p> <p>Control 2 – The current control provides that each dwelling shall be provided with useable principal private open space (PPOS) behind the building line.</p> <p>Concern is raised that it prohibits opportunities for locating PPOS at the front of the dwelling.</p> <p>It is requested that the controls be amended to align with Clause 4.2.6(3) of the Turner Road DCP as follows:</p> <p>Open space at the front of the dwelling can only be defined as PPOS where this is the only means of achieving the solar access</p>	<p>The current control which provided PPOS to be behind the building line is appropriate and delivers a positive outcome in terms of useability and privacy. Variations to the controls will be considered at the development application stage subject to a merit-based assessment.</p>	<p>No further action required.</p>

Table 1a -Community Submissions	Issue	Officer Response	Proposed Action
	<p>requirements. PPOS must be designed to maintain appropriate privacy and be consistent with the streetscape design controls established elsewhere in the DCP.</p>		
2.19	<p><u>Part 4 – Residential Controls</u> <u>Section 4.2.9 Visual and Acoustic Privacy</u></p> <p>Control 2 – The current control provides that for any part of a window on the first floor to a habitable room, that is less than 1.5m above the FFL of that room, should be provided with a privacy screen or obscured glass, in the case where the room overlooks an adjacent dwelling or the PPOS of an adjacent dwelling.</p> <p>It is requested to amend the control as follows: A privacy screen or obscure glass must be provided for any part of a window (on the first floor) to a habitable room (excluding bedroom) that is less than 1.5m above the finished floor level of that room, if the room overlooks an adjacent dwelling <u>window</u> or the private open space of an adjacent dwelling”.</p> <p>The inclusion of the word ‘window’ clarifies situations where windows of adjacent dwellings align and avoids the need to obscure all windows of the upper storey.</p>	<p>It is considered that the proposed amendment is acceptable as it clarifies the application of the control.</p> <p>The control will be amended to apply the following: A privacy screen or <u>fixed</u> obscure glass must be provided for any part of a window (on the first floor) to a habitable room (excluding bedroom) that is less than 1.5m above the finished floor level of that room, if the room overlooks an adjacent dwelling <u>window</u> or the private open space of an adjacent dwelling”.</p> <p>The current control which provides a maximum depth of 2m for first floor balconies is considered to be appropriate. Variations to the control</p>	<p>Amend control 2 to apply the following: Direct overlooking of the main living areas and private open spaces of adjacent dwellings should be minimised through building layout, window and balcony location and design, and the use of screening devices, including landscaping. A privacy screen or <u>fixed</u> obscure glass must be provided for any part of a window (on the first floor) to a habitable room (excluding bedroom) that is less than 1.5m above the finished floor level of that room, if the room overlooks an adjacent dwelling <u>window</u> or the private open space of an adjacent dwelling. No further action required.</p>
2.20	<p><u>Part 4 – Residential Controls</u> <u>Section 4.2.9 Visual and Acoustic Privacy</u></p>		

Table 1a -Community Submissions		Officer Response	Proposed Action
Issue			
<p>Control 4 –The current control provides that the depth of the first floor balcony or deck is not to exceed 2 metres.</p> <p>It is requested to amend the control to delete the maximum depth of 2m for the first floor balcony as it removes opportunities for site specific design response where privacy impacts can be appropriately managed.</p> <p>2.21 <u>Part 4 – Residential Controls</u> <u>Section 4.2.11 Fencing</u></p> <p>Control 1 – The current controls requires front fencing to be an open style incorporating pickets, slats, palings or the like or lattice style panels with a minimum aperture of 25mm.</p> <p>Concern is raised that the current control is overly prescriptive and will result in a standardised form of fencing in the LGA. To provide greater flexibility, it is requested to amend the control as follows:</p> <p>Front fencing shall be a maximum of 1.2m high above ground level (existing) and shall include solid or semi solid elements incorporating open style elements which may include pickets, slats, palings or the like, or lattice style panels with a minimum aperture of 25mm.</p>	<p>will be considered at the development application stage subject to a merit-based assessment.</p> <p>The current control is considered appropriate as open style fencing is encouraged to provide passive surveillance to the street. Variations to the control may be considered at the development application stage subject to a merit-based assessment.</p>	<p>No further action required.</p>	
<p>2.22 <u>Part 4 – Residential Controls</u> <u>Section 4.2.11 Fencing</u></p> <p>Control 8 – The current control provides that fencing adjoining mews or rear access ways is to permit casual surveillance.</p>	<p>The control will be amended to omit the word 'mews'.</p>	<p>Amend control 8 to apply the following:</p>	

Table 1a -Community Submissions		Proposed Action
Issue	Officer Response	
<p>It is requested to delete reference to 'mews' as the term is not well defined in the DCP or LEP.</p> <p>2.23 Part 4 – Residential Controls Section 4.2.12 Waste Storage Areas and Waste Collection Areas</p> <p>Control 1 – The current control requires waste storage areas to be provided behind the main building line.</p> <p>Concern is raised that the current control precludes opportunities for waste storage areas to be located forward of the building line. It is requested to insert a control as follows:</p> <p>Waste storage areas may only be located forward of the building line where garbage collection is provided from the primary road and dwelling design does not allow for access to the rear of the lot. In such circumstances, garbage, mailbox structures, Services meters and the like are to be integrated with the overall design of buildings and/or screened with landscaping.</p>	<p>Fencing that adjoins mews or rear access ways is to permit casual surveillance.</p> <p>No further action required.</p> <p>The current control is considered appropriate considering that the applicable side setback should allow adequate space for waste storage areas. Variations to the control will be considered at the development application stage subject to a merit-based assessment.</p>	<p>Fencing that adjoins mews or rear access ways is to permit casual surveillance.</p> <p>No further action required.</p>
<p>2.24 Part 4 – Residential Controls Section 4.5 Multi-dwelling Housing Attached Dwellings</p> <p>It is noted that the LEP provides separate definitions for 'attached dwelling' and 'multi-dwelling housing' where the distinguishing factor is the arrangement on either its own lot of land (attached dwelling) or on one lot of land (multi-dwelling housing).</p> <p>It is suggested that as these are two distinct forms of housing, Section 4.5 should be clearly articulated in terms of what control</p>	<p>The draft DCP consolidates controls on attached dwellings and multi dwelling housing into a single section. As the Camden LEP 2010 identifies attached dwellings and multi dwellings as two distinct forms of housing, it is considered appropriate to split the controls into separate sections. The</p>	<p>Re-organise the controls in Section 4.5 into two sections that address multi-dwelling and attached housing separately.</p>

Table 1a -Community Submissions		Proposed Action
Issue	Officer Response	
<p>applies to what form of dwelling. It is requested to organise the controls via two separate sections.</p> <p>Furthermore, the new section on attached dwellings should align with the controls in the Turner Road DCP.</p>	<p>amended sections will provide users with clarity on applicable controls and reflect distinctions in site requirements, provision of parking, open space and appropriate waste management for each housing type.</p>	
<p>2.25</p> <p><u>Part 4 – Residential Controls</u> <u>Section 4.5 Multi-dwelling Housing and Attached Dwellings Table 4-7</u></p> <p>It is requested to clarify the application of the 1500m² lot size requirement as it relates to multi-dwellings and attached dwellings.</p>	<p>The minimum lot size of 1500m² will only apply to multi-dwelling housing. This will be clarified upon the controls being separated into two sections that address multi-dwelling housing and attached housing separately.</p>	<p>Amend controls such that the minimum lot size of 1500m² only applies to multi-dwelling housing.</p>
<p>2.26</p> <p>Concern is raised that it is not appropriate for attached dwellings which is located on its own lot. It is requested that the minimum lot size requirement for attached dwelling be deleted.</p> <p><u>Schedule 6 – Camden Lakeside</u> <u>Section 4 Site Specific Residential Controls Table 6-1</u></p> <p>Table 6-1 – The current control provides a minimum setback of 4.5m, it is noted that the Turner Rd DCP permits a reduced front setback of 3.5m for rear accessed dwellings with a frontage greater than or equal to 4.5m in width, where fronting open space.</p> <p>It is requested to include a similar control that permits reduced front setbacks in areas of high amenity.</p>	<p>It is considered that the proposed amendment is acceptable as the lesser front setback is justified by the location of lots in areas of high amenity. This relates to dwellings that front open space or front a road that adjoins open space.</p> <p>Table 6-1 will be amended to include a provision that permits a reduced front setback of 3.5m where the development is fronting open space.</p>	<p>Amend Table 6-1 to apply the following:</p> <p>Front setback: 4.5 to building façade line; 3.5m to building façade fronting open space</p>

Table 1a -Community Submissions		Officer Response	Proposed Action
Issue			
2.27	<p><u>Schedule 6 – Camden Lakeside</u> <u>Section 4 Site Specific Residential Controls Table 6-1</u></p> <p>Table 6-1 – The current control prescribes a minimum secondary street setback of 2m for corner lots <450m² and a minimum secondary street setback of 3m for corner lots > 450m².</p> <p>It is suggested that the control be amended to reflect a single secondary setback to apply to all lots. It is argued that a difference of 1m in the current control does not provide superior design or amenity outcomes.</p>	<p>Council will apply a single secondary setback of 2m to apply to all lots. All proposed developments are subject to a merit-based assessment at the development application stage which includes consideration of lot widths to determine appropriate setbacks. Greater setbacks may be required if the proposed development does not positively address the secondary street and/or demonstrate a good level of amenity.</p>	<p>Amend Table 6-1 to apply the following: Secondary Setback: 2m</p>
2.28	<p><u>Schedule 6 – Camden Lakeside</u> <u>Section 4 Site Specific Residential Controls Table 6-1</u></p> <p>Table 6-1 – The current control prescribes a minimum rear setback of 6m with 50% of the building width permitted to extend within the 3m of the rear boundary.</p> <p>It is requested to amend the control to align with rear setbacks that apply to the rest of the LGA requiring 4m at ground level and 6m for the upper level.</p>	<p>It is considered that the proposed amendment is acceptable as it provides clarity and is consistent with the rear setback being applied throughout the LGA.</p> <p>The control will be amended to apply a rear setback of 4m for single storey and 6m for the two storey component.</p>	<p>Amend Table 6-1 to apply the following: Rear setback (min) Single storey 4m Two storey component 6m</p>

Table 1a -Community Submissions		Proposed Action
Issue	Officer Response	
<p>2.29</p> <p>Schedule 6 – Camden Lakeside Section 4 Site Specific Residential Controls Table 6-1</p> <p>Table 6-1 – The current control prescribes a minimum rear lane setback of 1.2m. It is requested that the control is amended to align with the Turner Road DCP which prescribes a rear lane setback of 0.5m.</p>	<p>Council will apply a minimum rear lane setback of 1m. To provide flexibility, the rear lane setback can be reduced to 0.5m subject to the development demonstrating that it can facilitate waste collection in a safe and orderly manner.</p>	<p>Amend Table 6-1 to apply the following: Rear Lane Setback (min): 1m. Notwithstanding this, the rear lane setback can be reduced to 0.5m subject to the development demonstrating that it can facilitate waste collection in safe and orderly manner.</p>
<p>2.30</p> <p>Schedule 6 – Camden Lakeside Section 4 Site Specific Residential Controls Table 6-1</p> <p>Table 6-1 – The current control prescribes a maximum upper site coverage requirement of 30% for lots less than 450m². It is requested to amend the upper site coverage to 40% which is more appropriate and reflects practical outcomes for a range of dwelling types including attached dwellings. Furthermore, it is requested that the current control excludes stairs and voids similar to Complying Development requirements. Schedule 6 – Camden Lakeside Section 4 Site Specific Residential Controls Table 6-1</p>	<p>To provide greater flexibility, an upper site coverage of 35% will be applied. The definition of site coverage is provided in the Camden Local Environmental Plan.</p>	<p>Amend Table 4-3 to apply an upper site coverage of 35% to all lots.</p>
<p>2.31</p> <p>Table 6-1 – The current control requires a minimum 30% of the site must consist of landscaped area. Concern is raised that the</p>	<p>It is considered appropriate to apply landscape area based on the total lot area rather than the lot frontage width. It is considered the minimum 30% landscape area is suitable to the character of Camden LGA. Particularly</p>	<p>No further action required.</p>

Table 1a -Community Submissions		Proposed Action
Issue	Officer Response	
<p>current control is a blanket approach that fails to account for variations in lot sizes and widths.</p> <p>It is requested to amend the control to vary the landscape area requirements relative to lot size and width. Specifically in accordance with Turner Road Controls, it is suggested to amend the control as follows:</p> <p>Landscape Area</p> <p>(a) Lot frontage width $\leq 4.5m$ rear accessed dwelling – 15% of lot area</p> <p>(b) Lot frontage width $\geq 7m$ and $\leq 9m$ front accessed – minimum 15% of lot area</p> <p>(c) Lot frontage width $\geq 9m$ and $\leq 15m$ front accessed – minimum 25% of lot area</p>	<p>in consideration of urban heat island effects/extreme weather events experienced in the LGA.</p> <p>Furthermore, the draft Camden Local Strategic Planning Statement identifies an action to investigate an increase in the green urban/tree canopy to minimise urban heat effects in Camden LGA. A minimum of 30% landscape area would ensure suitable green coverage to be established in the local area.</p>	
<p>2.32</p> <p><u>Schedule 6 – Camden Lakeside</u> <u>Section 4 Site Specific Residential Controls Table 6-1</u></p> <p>Table 6-1 – The current control requires the PPOS to have a minimum area of $24m^2$ with a minimum dimension of 4m. It is requested to amend the control to align with the control 1 of Clause 4.2.7 Principal Private Open Space (p.125) that applies to the wider LGA. Control 1 specifies the following:</p> <p>For lot width of $\leq 10m$ – min $16m^2$ PPOS For lot width of $\geq 10m$ – min $24m^2$ PPOS</p>	<p>It is considered that the proposed amendment is acceptable as it is consistent with PPOS requirements being applied throughout the LGA.</p> <p>To be consistent, the control will be amended to apply the following:</p> <p>For lot width of $\leq 10m$ – min $16m^2$ PPOS For lot width of $\geq 10m$ – min $24m^2$ PPOS</p> <p>PPOS means an area that:</p>	<p>Amend Table 6-1 to include a control that applies the following</p> <p>Principal private open space (PPOS) min</p> <p>For lot width of $\leq 10m$ – min $16m^2$ PPOS For lot width of $\geq 10m$ – min $24m^2$ PPOS</p> <p>Note: PPOS means an area that:</p>

Table 1a -Community Submissions	Issue	Officer Response	Proposed Action
2.33	<p>Schedule 6 – Camden Lakeside Section 4 Site Specific Residential Controls Table 6-1</p> <p>Table 6-1 – The current control provides a minimum solar access requirement of 2 hours between 9.00am and 3.00pm on 21 June.</p> <p>Concern is raised that solar access requirements for Camden Lakeside are different and more onerous than the wider LGA.</p> <p>It is requested to align the current control with control 3 of Clause 4.2.8 Solar Access (p.126) that applies to the wider LGA. Control 3 specifies the following:</p> <p>Direct sunlight must reach at least 50% of the PPOS of both the subject dwelling and of any adjoining dwelling for not less than 3 hours between 9.00am and 3:00pm on 21 June.</p>	<p>1. is directly accessible from, and adjacent to, a habitable room, other than a bedroom, and</p> <p>ii. at least 4m wide and 4m long, and</p> <p>iii. is not steeper than 1:10 gradient.</p> <p>It is considered that the proposed amendment is acceptable as it is consistent with Control 3 in Chapter 4.2.8 of the DCP with respect to the provision of solar access to the PPOS. To further streamline solar access requirements throughout the LGA, a provision will be included in regard to providing solar access to windows of living areas.</p> <p>The control will be amended to apply the following:</p> <p>Direct sunlight must reach at least 50% of the PPOS of both the subject dwelling and of any adjoining dwelling for not less than 3 hours between 9:00am and 3:00pm on 21 June.</p> <p>At least one window to a living area of dwellings on neighbouring properties must receive a minimum 3 hours of sunlight between 9.00am and 3.00pm on 21 June.</p>	<p>i. is directly accessible from, and adjacent to, a habitable room, other than a bedroom, and</p> <p>ii. at least 4m wide and 4m long, and</p> <p>and</p> <p>iii. is not steeper than 1:10 gradient.</p> <p>Amend Table 6-1 to include a control that applies the following:</p> <p>Solar access:</p> <p>Direct sunlight must reach at least 50% of the PPOS of both the subject dwelling between 9:00am and 3:00pm on 21 June.</p> <p>At least one window to a living area of dwellings on neighbouring properties must receive a minimum 3 hours of sunlight between 9.00am and 3.00pm on 21 June.</p>

Table 1a -Community Submissions		
Issue	Officer Response	Proposed Action
<p>2.34</p> <p>Schedule 6 – Camden Lakeside Section 4 Site Specific Residential Controls <u>Double Garages on Narrow Lots between 10m and less or equal to 12.5m</u></p> <p>The current wording of this section is for double garages on narrow lots between 10m and less than or equal to 12.5m. It is requested to amend the wording as follows:</p> <p>Double Garages on Narrow Lots between equal to or greater than 10m and less than or equal to 12.5m.</p> <p>This will clarify the intent of the control which is to permit double garages on lots ≥ 10m and ≤ 12m provided they meet the provisions of the control.</p>	<p>sunlight between 9.00am and 3.00pm on 21 June.</p> <p>It is considered that the proposed amendment is acceptable as it clarifies the application of the control.</p> <p>The section will be amended to reflect the following wording: Double Garages on Narrow Lots equal to or greater than 10m and less than 12.5m.</p>	<p>Amend the section on Double Garages on Narrow Lots to apply the following wording: Double Garages on Narrow Lots equal to or greater than 10m and less than 12.5m.</p>
<p>2.35</p> <p>Schedule 7 – El Caballo Blanco and Gledswood Section 2 Subdivision Planning and Design Section 2.1 Indicative Layout Plan</p> <p>It is requested to amend relevant figures in Schedule 7 – El Caballo Blanco to reflect the following:</p> <ul style="list-style-type: none"> Existing approvals; Draft ECB and Gledswood VPA (noting that Council has adopted the arrangement that a shared 	<p>The relevant figures are indicative and do not contradict cadastral boundaries or the relevant zoning map. The ECB/ Gledswood VPA have not been finalised. No amendments are required.</p>	<p>No further action required.</p>

Table 1a -Community Submissions	Issue	Officer Response	Proposed Action
2.36	<p>cycleway/pedestrian path will not be provided across Lot 1202 DP1187381 and golf course at Lot 2 DP1237468);</p> <ul style="list-style-type: none"> • Cadastral Boundaries; and • CLEP 2010 zoning boundaries (map sheet LZN_016). <p><u>Schedule 7 – El Caballo Blanco and Gledswood Section 2 Subdivision Planning and Design Precinct Areas</u></p> <p>The current section provides the following:</p> <p>Attached Dwellings which for the purpose of this site are “Mews housing” and are best located opposite either: golf course lands, RE2 zoned lands, riparian corridor lands or open space areas and accessible from a rear lane or second frontage”.</p> <p>It is requested to delete reference to ‘mews’ as the term is not well defined in the DCP or LEP.</p>	<p>The section will be amended to delete references to ‘mews’.</p>	<p>Amend the section to delete references to ‘mews’.</p>
2.37	<p><u>Schedule 7 – El Caballo Blanco and Gledswood Section 4 Site Specific Residential Controls Front Setbacks</u></p> <p>Section 4.2.4 Setbacks Table 4-2 (p. 118) provides a minimum setback of 4.5m which applies to the wider LGA and El Caballo Blanco and Gledswood precincts.</p> <p>It is noted that the Turner Rd DCP permits a reduced front setback of 3.5m for rear accessed dwellings with a frontage greater than or equal to 4.5m in width, where fronting open space.</p>	<p>It is considered that the proposed amendment is acceptable as the lesser setback is justified by the location of lots in areas of high amenity.</p> <p>Table 4-2 will be amended to include a provision that permits a reduced front setback of 3.5m where the development is fronting open space.</p>	<p>Amend Table 4-2 to insert an additional provision:</p> <p>Front setback:</p> <p>For lots with a lot size ≤900m² – 4.5m</p> <p>A reduced front setback of 3.5m where the development is fronting open space.</p>

Table 1a -Community Submissions		Officer Response	Proposed Action
Issue			
<p>It is requested to include a similar control that permits reduced front setbacks in areas of high amenity.</p>			
<p>2.38</p> <p><u>Schedule 7 – El Caballo Blanco and Gledswood Section 4 Site Specific Residential Controls Golf Course Setbacks – Residential Development Control 1</u> – The current control provides that for any lots that share any boundary with the golf course, a regular rear setback must apply to any building from the shared boundary.</p> <p>Concern is raised that the required rear setback of 5m is unnecessary as golf courses provide residential lots with high amenity and the additional 1m setback is not warranted.</p>	<p>It is considered that the proposed amendment is acceptable as it is consistent with the rear setback being applied throughout the LGA.</p> <p>Rear setbacks of 4m for the single storey and 6m for the two storey component will be applied.</p> <p>The control will be amended to apply the following:</p> <p>Any lot that shares any boundary with the golf course must provide a rear setback, to any building, of 5.0m-4m from that shared boundary. A rear setback of 6m applies to the two storey component.</p>	<p>Amend Control 1 to apply the following:</p> <p>Any lot that shares any boundary with the golf course must provide a rear setback, to any building, of 5.0m-4m from that shared boundary. A rear setback of 6m applies to the two storey component.</p>	
<p>2.39</p> <p><u>Schedule 7 – El Caballo Blanco and Gledswood Section 4 Site Specific Residential Controls Double Garages on Narrow Lots between 10m and less or equal to 12.5m</u></p> <p>The current wording of this section is for double garages on narrow lots between 10m and less than or equal to 12.5m. It is requested to amend the wording as follows:</p>	<p>Any lot that shares any boundary with the golf course must provide a setback, to any building, of 5.0m-4m from that shared boundary. A rear setback of 6m applies to the two storey component.</p> <p>The section will be amended to reflect the following wording:</p> <p>Double Garages on Narrow Lots equal to or greater than 10m and less than 12.5m.</p>	<p>Amend the section on Double Garages on Narrow Lots to apply the following wording:</p> <p>Double Garages on Narrow Lots between equal to or greater than 10m and less than 12.5m.</p>	

Table 1a -Community Submissions		
Issue	Officer Response	Proposed Action
<p>Double Garages on Narrow Lots between equal to or greater than 10m and less than or equal to 12.5m.</p> <p>This will clarify the intent of the control which is to permit double garages on lots $\geq 10\text{m}$ and $\leq 12\text{m}$ provided they meet the provisions of the control.</p>		
<p>2.40</p> <p>Schedule 7 – <u>El Caballo Blanco and Gledswood Section 4 Site Specific Residential Controls Fences</u></p> <p>Control 4 – The current control provides that where fencing to the secondary frontage is proposed, it must comply with the secondary street setback requirements and not exceed 1.8m in height.</p> <p>Concern is raised that the current wording would require fencing to be on the same setback line as the dwelling and additionally, portions of the lot would be located on the exterior side of the fence.</p> <p>It is requested to amend the control to allow fencing on the lot boundary.</p>	<p>To maintain consistency with Part 4 of the DCP, fencing controls in this Schedule will be amended.</p> <p>Controls 1 and control 3 (as exhibited) will be deleted as they are irrelevant.</p> <p>Control 4 will be amended to provide the following:</p> <p>Fences on corner lots is to comply with the provisions under Section 4.2.11 Fencing.</p>	<p>Delete Control 1 and Control 3.</p> <p>Amend Control 4 to apply the following:</p> <p>On corner lots, the fencing is to comply with the provisions under Section 4.2.11 Fencing.</p>
<p>2.41</p> <p>Schedule 7 – <u>El Caballo Blanco and Gledswood Section 4 Site Specific Residential Controls Fences</u></p> <p>Control 6 – The current control provides that for side fencing on lots fronting the golf course is to terminate 3m from the golf</p>	<p>It is considered that the proposed amendment is acceptable as it will still maintain a positive interface between residential development and the golf course.</p>	<p>Amend Control 6 to apply the following:</p> <p>Side fencing on lots fronting golf course land is to terminate <u>3m</u> <u>2m</u> from the golf course boundary. The remaining 2m is</p>

Table 1a -Community Submissions		
Issue	Officer Response	Proposed Action
<p>course boundary, with the remaining 3m to be a maximum height of 1.2m to match fencing to the golf course.</p> <p>Concern is raised regarding the design requirement for side fencing. It is requested to amend the control as follows:</p> <p>Side fencing on lots fronting golf course land is to terminate 3 2m from the golf course boundary. The remaining 2m is to be fencing to a maximum height of 1.2m to match the fencing to the golf course."</p> <p>It is argued that the 2m setback will continue to provide superior landscape outcomes, safety, planting and view lines across the golf course.</p>	<p>Control 6 will be amended to apply the following:</p> <p>Side fencing on lots fronting golf course land is to terminate 3m-2m from the golf course boundary. The remaining 2m is to be fencing to a maximum height of 1.2m to match the fencing to the golf course.</p>	<p>to be fencing to a maximum height of 1.2m to match the fencing to the golf course</p>
<p>2.42</p> <p>Schedule 7 – El Caballo Blanco and Gledswood Section 4 Site Specific Residential Controls Fences</p> <p>Control 8 – The current control provides that where cut is proposed on the boundary of a lot, retaining walls are to be constructed with side fence posts integrated with its construction (relevant construction details are required with retaining wall approval). Otherwise retaining walls must be located at a minimum of 450mm from the side or rear boundary of the lot containing the cut.</p> <p>Concern is raised that the control is overly prescriptive. It is requested to amend the control as follows:</p> <p>Where cut is proposed on the boundary of a lot, retaining walls are to be constructed with side fence posts integrated with its</p>	<p>This control can be deleted as Chapter 4.2.2 of the DCP provides relevant guidance cut and fill. Side fencing posts may still be integrated with the retaining wall and will be considered at the development application stage.</p>	<p>Delete Control 8.</p>

Table 1a -Community Submissions		
Issue	Officer Response	Proposed Action
construction (relevant construction details are required with retaining wall approval)		
Submission 3		
3.1 <u>Schedule 1 – Elderslie Figure 1-1 Elderslie Master Plan</u> Concern is raised that the Liz Kernohan Drive shown on the Masterplan should be adjusted as it presents an unsuitable road alignment for the precinct.	The issue raised outside the scope of the DCP as the arrangements for the road alignment is being addressed as part of a development application currently under assessment. Any adjustments to the masterplan will require further studies and may be addressed as part of a separate DCP amendment.	No further action required.
3.2 <u>Schedule 1 – Elderslie</u> The Schedule provides unsuitable provisions for the Liz Kernohan Drive road alignment and should be amended to reflect alternative options provided in the submission.	The issue raised outside the scope of the DCP as the arrangements for the road alignment is being addressed as part of a development application currently under assessment. Any adjustments to the masterplan will require further studies and may be addressed as part of a separate DCP amendment.	No further action required.

Table 1b Community Submissions WITHDRAWN		
Issue	Officer Response	Proposed Action
Submission 4		
<p>4.1 Former Part A1 Administrative Provisions, Clause A1.9 Variations Concern was raised regarding removal of the merit-based variation provision in former Clause A1.9 of Camden DCP 2011. It would stifle the opportunity for variations that have a clear design and place underpinning.</p>	<p>This clause has not been included in the draft DCP to remove duplication. Clause 4.15 (3A) of the Environmental Planning Assessment Act (1979) requires Council to be flexible in the application of DCP controls and allow variations that would achieve relevant DCP objectives.</p> <p>Furthermore, it is proposed to provide supporting information on Council's website to advise how applications are assessed and how variations to DCP controls can be sought.</p>	<p>Provide supporting information on Council's website to advise how applications are assessed and how variations to DCP controls can be sought.</p>
<p>4.2 Request Council to reinforce a focus upon 'place' in future reviews of the DCP. Council's planning process should be clearly founded upon delivering a well-articulated vision/s that have a place-based focus, through a merit-based assessment.</p>	<p>Noted. The site-specific schedules in the draft Camden DCP encourage a merit-based assessment approach with a place-based focus.</p>	<p>No further action required.</p>

Table 1b Community Submissions WITHDRAWN		
Issue	Officer Response	Proposed Action
Submission 5		
<p>5.1 <u>Schedule 6 – Camden Lakeside</u></p> <p>Section 2 Subdivision Planning and Design</p> <p><u>Section 2.1 Neighbourhood and Subdivision Design</u></p> <p>Concern is raised that the DCP specifies a capacity of 380 dwellings for the Camden Lakeside. This is inconsistent with contemporary greenfield densities and will require unnecessarily large lots to be delivered which will compromise the delivery of affordable housing supply in the Sydney Metropolitan Area.</p> <p>Request Council to increase the capacity of the Camden Lakeside site to a maximum of 550 dwellings. This is considered appropriate and consistent with lots being delivered in the Growth Centres precincts and other release areas.</p>	<p>The proposal to amend the dwelling capacity of Camden Lakeside from 380 dwellings to 550 dwellings is outside the scope of this DCP review. The proposed amendment and associated specialist studies will need to be assessed as part of a separate DCP amendment.</p>	<p>No further action required.</p>

Table 2a Public Agency Submissions		Proposed Action
Issue / Comment	Officer Response	
Submission 6 Jemena		
6.1 It was indicated that Council would be provided with a submission from Jemena, with comments in relation to Jemena's high pressure gas pipeline and its interface with specific land uses.	No submission was received by Council during the exhibition period. A subsequent email was sent to Jemena to follow up on their submission and no response was provided. Council welcomes feedback from Jemena in future reviews of the DCP.	No further action required.
Submission 7 Liverpool Council		
7.1 The controls of the draft DCP are supported as they are broadly complementary and generally consistent with the Liverpool DCP 2008.	Noted.	No further action required.
Submission 8 NSW Department of Primary Industries		
8.1 <u>Part 1 – Introduction</u> <u>Section 1.1.4 What does the DCP seek to achieve</u> The objectives stated in Part 1.1.4 are generally supported.	Noted.	No further action required.
8.2 <u>Part 1 – Introduction</u> <u>Section 1.1.4 What does the DCP seek to achieve</u> Concern is raised that there are no objectives that specifically state that the rural lands within the LGA will be protected for agriculture and there are some very productive lands within	Camden's Rural Lands Strategy included an action to review existing development controls to provide guidance on land use conflict. The draft DCP includes controls that aim to minimise potential land use	Insert an additional objective into the draft DCP to ensure that:

Table 2a Public Agency Submissions	Issue / Comment	Officer Response	Proposed Action
<p>the LGA that should be protected from inappropriate development.</p> <p>It is suggested to provide a stronger acknowledgement of the importance of agriculture to the Camden LGA in the past and the future.</p>	<p>conflicts between rural uses and rural residential uses. Specifically, the additional controls require the following:</p> <ul style="list-style-type: none"> • proposed development must take into consideration existing rural operations; • the need for a buffer or other measure to separate residences from rural uses; and • the need for a proposed rural use to provide odour and/or acoustic reports to support their application. <p>The draft controls will help facilitate the protection of agricultural rural lands from inappropriate development. To further support the Camden LEP objective of protecting the agricultural production potential of rural land and preventing fragmentation, it is recommended to insert an additional DCP objective that reinforces this.</p> <p>In addition, the draft LSPS contains a sustainability action to continue to implement the recommendations of the Rural Lands Strategy</p>	<p>j) The agricultural production potential of rural land within Camden is protected and their fragmentation is prevented.</p>	

Table 2a Public Agency Submissions		
Issue / Comment	Officer Response	Proposed Action
<p>8.3 <u>Part 6 – Specific Land Use Controls Section 6.2 Rural Land Uses</u></p> <p>The use of buffers to protect agriculture and rural industries from inappropriate development as set out in Part 6.2 and subsequent sections is supported.</p>	Noted.	No further action required.
<p>8.4 <u>Part 6 – Specific Land Use Controls Section 6.2 Rural Land Uses</u></p> <p>The Department of Primary Industries has prepared a primefact titled <i>Buffer Zones to Reduce Land Use Conflict with Agriculture</i>. It is encouraged to direct proponents of developments in potential/current agricultural areas to this primefact, to ensure consideration development impacts on surrounding agricultural industries.</p>	Council will reference the identified primefact <i>Buffer Zones to Reduce Land Use Conflict with Agriculture</i> under Other Relevant Documents on page 169 of the DCP.	Amend Part 6 of the DCP to include reference to the identified primefact.

Table 2a Public Agency Submissions Issue / Comment	Officer Response	Proposed Action
Submission 9 NSW Office of Environment and Heritage		
<p>9.1 <u>General</u></p> <p>It is suggested to incorporate current NSW Government policies into the DCP to enable future development to meet policy challenges and requirements. At minimum, the DCP should incorporate the following policies:</p> <ul style="list-style-type: none"> • <i>NSW Climate Change Policy Framework</i> which commits NSW to the aspirational objectives of achieving net-zero emissions by 2050 and helps NSW to become more resilient to a changing climate • <i>NSW Circular Economy Policy Statement: Too Good to Waste</i> which sets the ambition and approach for a circular economy in NSW and provides principles to guide resource use and management 	<p>While Council notes the identified policy framework and policy statement, it is not considered appropriate to include them in the draft DCP.</p> <p>In terms of sustainability, the draft LSPS is Council's local response to the strategic direction of the Greater Sydney Region Plan (the Region Plan) and the Western City District Plan (the District Plan). In recognition of the sustainability directions outlined within the Region and District Plan, the draft LSPS includes an action that if adopted, will require Council to investigate the implementation of sustainability initiatives within planning instruments. This may involve further amendments to the DCP.</p>	<p>No further action required.</p>
<p>9.2 <u>General</u></p> <p>The Sustainability or Ecological Sustainable Development (ESD) provisions in planning schemes are an essential element of enabling more sustainable communities. Ambitious provisions can also help communities achieve their</p>	<p>Noted.</p>	<p>No further action required.</p>

Table 2a Public Agency Submissions		Proposed Action
Issue / Comment	Officer Response	
<p>broader social and economic agendas and deliver outcomes for health and prosperity.</p> <p>9.3 <u>General</u> The Sustainability Advantage Program has worked with Councils by investigating best practice approaches to applying sustainability into planning processes. It found that key 'best practice' provisions and processes for embedding sustainability into planning practice are:</p> <ul style="list-style-type: none"> • Utilise a broad range of mechanisms and apply them in such a way that is commensurate with the scale and likely impact of the development. • Set ambitious, although not unreasonable, performance criteria where appropriate. • Incorporate provisions that are clear and easy to understand. • Link to a clear strategic vision or policy. • Incorporate provisions that are accepted by the development industry. • Fit within a development assessment framework. 	<p>Noted.</p>	<p>No further action required.</p>
<p>9.4 <u>Part 1 – Introduction</u> <u>Section 1.1.4 What does the DCP seek to achieve</u></p> <p>Concern is raised that while the current section mentions sustainability and improvements, there is no clarification or words to expand on this in the DCP.</p>	<p>The objectives are general and broadly has aims to improve the environment and provide development in a sustainable manner in accordance with Camden LEP 2010.</p>	<p>No further action required.</p>

Table 2a Public Agency Submissions		Proposed Action
Issue / Comment	Officer Response	
<p>9.5 <u>Part 1 – Introduction</u> <u>Section 1.1.4 What does the DCP seek to achieve</u></p> <p>Concern is raised regarding how Council will deliver stated objectives of this section and it is requested to clarify which provisions will assist in the realisation of these objectives.</p>	<p>Part 2 General Land Use Controls encourages development to be provided in a sustainable manner. Environmental controls relating to earthworks, salinity management, trees and vegetation, etc. within Part 2 will assist in ensuring that the built form sensitively responds to the natural environment.</p>	<p>No further action required.</p>
<p>9.6 <u>Part 1 – Introduction</u> <u>Section 1.1.4 What does the DCP seek to achieve</u></p> <p>It is suggested that this section should link with Council's sustainability vision.</p>	<p>It is outside the scope of the current DCP project to investigate and respond to all issues raised by OEH. In line with the purpose of a DCP, the draft DCP aligns with the current Camden LEP 2010 as it includes a key objective to ensure that Camden retains its local character while providing sustainable urban growth. Part 2 of the draft DCP contains provisions that address environmental issues including trees, vegetation, environmentally sensitive land and riparian corridors. The draft LSPS is Council's local response to the strategic direction of the Greater</p>	<p>No further action required.</p>

Table 2a Public Agency Submissions		Proposed Action
Issue / Comment	Officer Response	
<p>9.7 <u>Part 1 – Introduction</u> <u>Section 1.1.4 What does the DCP seek to achieve</u></p> <p>It is suggested that this section should include performance-based targets or frameworks that development should work within such as net-zero carbon, Green Star Communities, 10 star Natthers rating, one planet framework, etc.</p>	<p>Sydney Region Plan (the Region Plan) and the Western City District Plan (the District Plan). In recognition of the sustainability directions outlined within the Region and District Plan, the draft LSPS includes an action that if adopted, will require Council to investigate the implementation of sustainability initiatives within planning instruments.</p> <p>In relation to the issues raised by OEH (Heritage), the draft LSPS which if adopted, includes a sustainability action to identify priority issues for the LGA, in turn shaping Council's sustainability vision.</p>	<p>No further action required.</p>

Table 2a Public Agency Submissions		Officer Response	Proposed Action
Issue / Comment			
9.8	<p><u>Part 2 – General Land Use Controls Section 2.3 Trees and Vegetation</u></p> <p>It is suggested that the draft DCP should record the current green cover and identify how much that green cover will change as a result of development.</p>	<p>investigate the implementation of sustainability initiatives within planning instruments.</p> <p>It is outside the scope of the current DCP project to investigate and respond to all issues raised by OEH. The draft LSPS is Council's local response to the strategic direction of the Greater Sydney Region Plan (the Region Plan) and the Western City District Plan (the District Plan). In recognition of the sustainability directions outlined within the Region and District Plan, the draft LSPS includes an action that if adopted, will require Council to investigate the implementation of sustainability initiatives within planning instruments.</p>	No further action required.
9.9	<p><u>Part 2 – General Land Use Controls Section 2.3 Trees and Vegetation</u></p> <p>It is suggested to include targets and goals for green cover such as "60% of the lot should have green cover post-development."</p>	<p>The insertion of additional controls relating to green cover in DCP requires further investigation and broader policy support within Council. It is currently outside the scope of this DCP review.</p>	No further action required.
9.10	<p><u>Part 2 – General Land Use Controls Section 2.4 Environmentally Sensitive Land (ESL)</u></p> <p>Concern is raised that the controls in this section only relate to measuring impacts and there are no provisions on how to</p>	<p>A key objective of the draft DCP is to protect, manage, enhance and restore as much ESL as possible. To address OEH's concern, it is recommended to insert</p>	Amend the draft DCP to include the control:

Table 2a Public Agency Submissions	Issue / Comment	Officer Response	Proposed Action
	<p>enhance and restore environmentally sensitive areas as stated in objective a) of Section 2.4.</p>	<p>additional controls to support the DCP objective to enhance and restore ESL. In summary, the recommended controls would require the following:</p> <ul style="list-style-type: none"> • a description of any proposed measures to avoid and/or ameliorate any potential adverse impacts on ESL; • protection and enhancement of existing fauna habitats; and • adequate offsets where there may be potential loss of native vegetation. <p>In addition, the draft LSPS identifies a sustainability action to investigate further amendments to Camden LEP 2010 to protect biodiversity and environmentally sensitive land and a future amendment to the DCP may be required.</p>	<p>1. A description of any proposed measures to be undertaken to avoid and / or ameliorate any such potential adverse impact.</p> <p>a. Fauna habitat protection and enhancement is to be taken on a minimum of like for like basis taking into account seasonal active roosting and nesting</p> <p>b. Any native vegetation to be removed is to be offset on a 1:1 ratio, like for like basis.</p>
<p>9.11</p>	<p><u>Part 2 – General Land Use Controls</u> <u>Section 2.4 Environmentally Sensitive Land</u></p> <p>It is suggested to include some performance-based targets or goals in this section if possible.</p>	<p>It is outside the scope of the current DCP project to investigate and respond to all issues raised by OEH. The draft LSPS is Council's local response to the strategic direction of the Greater Sydney Region Plan (the Region Plan) and the Western City District Plan (the District Plan). In</p>	<p>No further action required.</p>

Table 2a Public Agency Submissions	Issue / Comment	Officer Response	Proposed Action
9.12	<p><u>Part 2 – General Land Use Controls</u> <u>Section 2.7 Flood Hazard Management</u> Control 1 – The current control requires development on flood prone land to comply with Council's Engineering Design Specifications and Flood Risk Management Policy.</p> <p>Concern is raised as to whether Council's Engineering Design Specifications and Flood Risk Management Policy take into account the impacts of climate change.</p>	<p>recognition of the sustainability directions outlined within the Region and District Plan, the draft LSPS includes an action that if adopted, will require Council to investigate the implementation of sustainability initiatives within planning instruments.</p> <p>Clause 3.42 of the Environmental and Planning Assessment Act specifies that the purpose of the DCP is to:</p> <p>(a) give effect to the aims of any environmental planning instrument that applies to the development, (b) facilitate development that is permissible under any such instrument, (c) achieve the objectives of land zones under any such instrument.</p> <p>Clause 7.1 Flood Planning of Camden LEP 2010 specified the objectives to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change. Council's Engineering Design Specifications and Flood Risk Management Policy are consistent with Camden LEP 2010.</p>	No further action required.

Table 2a Public Agency Submissions		Officer Response	Proposed Action
Issue / Comment			
9.13	<p>Part 2 – General Land Use Controls <u>Section 2.4 Waste Management</u></p> <p>Concern is raised that this section does not manage ongoing waste once a site has been developed or a house has been built. It is suggested to include performance-based targets in this section, for example specifying a percentage (%) of waste from landfill.</p>	<p>It is outside the scope of the current DCP project to investigate and respond to all issues raised by OEH. The draft LSPS is Council's local response to the strategic direction of the Greater Sydney Region Plan (the Region Plan) and the Western City District Plan (the District Plan). In recognition of the sustainability directions outlined within the Region and District Plan, the draft LSPS includes an action that if adopted, will require Council to investigate the implementation of sustainability initiatives within planning instruments.</p>	No further action required.
9.14	<p>Part 2 – General Land Use Controls <u>Section 2.4 Waste Management</u></p> <p>It is requested to provide clarification on what can be included within the DCP to reduce the amount of waste that is going to landfill.</p>	<p>Section 2.13 of the DCP as well as Council's Waste Management Guidelines (which is to be read in conjunction with the DCP) provide details on ongoing waste management measures.</p>	No further action required.
9.15	<p>Part 2 – General Land Use Controls <u>Section 2.4 Waste Management</u></p> <p>It is suggested to include performance-based goals in this section, for example specifying that 50% of construction waste to be recycled and/or operational waste to be diverted from landfill.</p>	<p>It is outside the scope of the current DCP project to investigate and respond to all issues raised by OEH. The draft LSPS is Council's local response to the strategic direction of the Greater Sydney Region Plan (the Region Plan) and the Western City District Plan (the District Plan). In recognition of the sustainability directions outlined within the Region and District</p>	No further action required.

Table 2a Public Agency Submissions		
Issue / Comment	Officer Response	Proposed Action
	Plan, the draft LSPS includes an action that if adopted, will require Council to investigate the implementation of sustainability initiatives within planning instruments.	
9.16 <u>Part 2 – General Land Use Controls</u> <u>Section 2.4 Waste Management</u> It is suggested to include provisions in this section that would encourage Waste or Resource Management Facilities that would help focus on a circular economy.	The DCP is to be read in conjunction with Council's Waste Management Guidelines. The Guidelines includes a provision encouraging Waste/ Resource Management Facilities.	No further action required.
9.17 <u>Part 2 – General Land Use Controls</u> <u>Section 2.17 Traffic Management</u> It is suggested to include performance-based targets in this section.	This section of the DCP provides car parking requirements. As this is the main function of this section, it is considered to be effective and does not require performance-based targets.	No further action required.
9.18 <u>Part 2 – General Land Use Controls</u> <u>Section 2.17 Traffic Management</u> It is suggested that the car parking design criteria should address designing the road layout to ensure that lots are orientated north/ south for solar access which would increase energy efficiency.	This section addresses the provision of parking rather than road design. Part 4 Section 3.2.3 Street Block and Lot Configuration (p.105) encourages subdivision layouts that would optimise solar access.	No further action required.

Table 2a Public Agency Submissions		Officer Response	Proposed Action
Issue / Comment			
<p>9.19</p> <p>Part 2 – General Land Use Controls <u>Section 2.17.3 Car parking design criteria</u></p> <p>It is suggested that the car parking design criteria should incorporate water sensitive urban design within the road layout to reduce water run-off.</p>	<p>The DCP is to be read in conjunction with Council's Engineering Design Specifications. The Specifications has provisions on water sensitive urban design to ensure that proposed car parking is appropriately designed to reduce water run-off.</p>	<p>No further action required.</p>	
<p>9.20</p> <p>Part 2 – General Land Use Controls <u>Section 2.17.3 Car parking design criteria</u></p> <p>It is suggested that the car parking design criteria should allow for increased landscaping to reduce urban heat island effect and to increase biodiversity.</p>	<p>It is considered that Control 4 of this section ensures adequate provision of landscaping within car parks.</p>	<p>No further action required.</p>	
<p>9.21</p> <p>Part 3 – Residential Subdivision <u>Section 3.2.3 Street Block and Lot Configuration</u></p> <p>It is suggested to include performance-based targets or goals in this section, for example 80% of dwellings are to be oriented north-south for passive solar design.</p>	<p>It is outside the scope of the current DCP project to investigate and respond to all issues raised by OEH. The draft LSPS is Council's local response to the strategic direction of the Greater Sydney Region Plan (the Region Plan) and the Western City District Plan (the District Plan). In recognition of the sustainability directions outlined within the Region and District Plan, the draft LSPS includes an action that if adopted, will require Council to investigate the implementation of sustainability initiatives within planning instruments.</p>	<p>No further action required.</p>	

Table 2a Public Agency Submissions		Officer Response	Proposed Action
Issue / Comment			
9.22	<p><u>Part 3 – Residential Subdivision</u> <u>Section 3.2.4 Street Network</u></p> <p>It is suggested to include consideration of water sensitive urban design, green plan, urban heat island effect, climate change resilience and biodiversity improvements in this section.</p> <p>Additionally, it is suggested to include performance-based targets or goals in this section.</p>	<p>It is outside the scope of the current DCP project to investigate and respond to all issues raised by OEH. The draft LSPS is Council's local response to the strategic direction of the Greater Sydney Region Plan (the Region Plan) and the Western City District Plan (the District Plan). In recognition of the sustainability directions outlined within the Region and District Plan, the draft LSPS includes an action that if adopted, will require Council to investigate the implementation of sustainability initiatives within planning instruments. Dependent on the outcome, this may require further amendments to the DCP potentially including performance-based targets/goals.</p>	<p>No further action required.</p>
9.23	<p><u>Part 3 – Residential Subdivision</u> <u>Section 3.2.6 Street Trees</u></p> <p>It is suggested to include consideration of water sensitive urban design, green plan, urban heat island effect, climate change resilience and biodiversity improvements in this section.</p> <p>Additionally, it is suggested to include performance-based targets or goals in this section.</p>	<p>It is outside the scope of the current DCP project to investigate and respond to all issues raised by OEH. The draft LSPS is Council's local response to the strategic direction of the Greater Sydney Region Plan (the Region Plan) and the Western City District Plan (the District Plan). In recognition of the sustainability directions outlined within the Region and District Plan, the draft LSPS includes an action that if adopted, will require Council to investigate the implementation of</p>	<p>No further action required.</p>

Table 2a Public Agency Submissions		Proposed Action
Issue / Comment	Officer Response	
<p>9.24 <u>Part 4 – Residential Controls Section 4.2.8 Solar Access</u></p> <p>It is suggested to include performance-based targets or goals in this section, for example 80% of dwelling should be oriented north-south for passive solar design, 80% of new dwellings should be 8 or 10 Natthers rating or 80% of new dwellings should be 2 stars above BASIX.</p>	<p>sustainability initiatives within planning instruments.</p> <p>It is outside the scope of the current DCP project to investigate and respond to all issues raised by OEH. The draft LSPS is Council's local response to the strategic direction of the Greater Sydney Region Plan (the Region Plan) and the Western City District Plan (the District Plan). In recognition of the sustainability directions outlined within the Region and District Plan, the draft LSPS includes an action that if adopted, will require Council to investigate the implementation of sustainability initiatives within planning instruments.</p>	<p>No further action required.</p>
<p>9.25 <u>Part 4 – Residential Controls Section 4.2.8 Solar Access</u></p> <p>It is suggested that the inclusion of performance-based targets would convey Council's expectations of energy performance without needing to dictate how it would achieve that performance level.</p> <p>Additionally, it is advised that the DCP will need to maintain flexibility so as to avoid having too many amendments overtime as technology and materials change.</p>	<p>It is outside the scope of the current DCP project to investigate and respond to all issues raised by OEH. The draft LSPS is Council's local response to the strategic direction of the Greater Sydney Region Plan (the Region Plan) and the Western City District Plan (the District Plan). In recognition of the sustainability directions outlined within the Region and District Plan, the draft LSPS includes an action that if adopted, will require Council to</p>	<p>No further action required.</p>

Table 2a Public Agency Submissions		Officer Response	Proposed Action
Issue / Comment			
<p>9.26 <u>Schedule 4 – Harrington Grove</u> <u>Section 1 – Harrington Grove Planning Principles</u></p> <p>Planning principles in this section are supported, for example “Native vegetation within parks and drainage lines will be preserved, and generally replicated in the landscaped areas of the residential development area. Plantings will be strongly reflective of the character of the surrounding bushland.”</p> <p>Concern is raised that in comparison, other schedules are very light on environmental and sustainability objectives.</p>	<p>investigate the implementation of sustainability initiatives within planning instruments.</p> <p>The planning principles reflect the specific context and local character of Harrington Grove, where at the time, the key priority was to enhance and protect the existing significant vegetation and landscaping within that specific site.</p> <p>While other schedules comparatively have less environmental and sustainable objectives and/or planning principles, these DCP schedules still comply with the objectives and requirements listed in Clause 6.3 of Camden LEP 2010 for development control plans for Camden Urban Release Areas.</p> <p>It is outside the scope of the current DCP project to investigate and respond to all issues raised by OEH. The draft LSPS is Council’s local response to the strategic direction of the Greater Sydney Region Plan (the Region Plan) and the Western City District Plan (the District Plan). In recognition of the sustainability directions outlined within the Region and District Plan, the draft LSPS includes an action</p>	<p>No further action required.</p>	
<p>9.27 <u>General</u></p> <p>It is suggested for the DCP to record the current temperature profile of the LGA and how it will change as a result of development.</p>	<p>While other schedules comparatively have less environmental and sustainable objectives and/or planning principles, these DCP schedules still comply with the objectives and requirements listed in Clause 6.3 of Camden LEP 2010 for development control plans for Camden Urban Release Areas.</p> <p>It is outside the scope of the current DCP project to investigate and respond to all issues raised by OEH. The draft LSPS is Council’s local response to the strategic direction of the Greater Sydney Region Plan (the Region Plan) and the Western City District Plan (the District Plan). In recognition of the sustainability directions outlined within the Region and District Plan, the draft LSPS includes an action</p>	<p>No further action required.</p>	

Table 2a Public Agency Submissions		Proposed Action
Issue / Comment	Officer Response	
<p>9.28 <u>General</u></p> <p>It is suggested to include targets and goals for reducing urban heat island impacts, for example new development should not increase the on-ground temperature.</p>	<p>that if adopted, will require Council to investigate the implementation of sustainability initiatives within planning instruments.</p> <p>In relation to the issues raised by OEH (Heritage), the draft LSPS which if adopted, includes sustainability actions to undertake a climate risk assessment and identify priority issues for the LGA. This may include assessing the current temperature profile of the LGA and how it will change as a result of development.</p> <p>It is outside the scope of the current DCP project to investigate and respond to all issues raised by OEH. The draft LSPS is Council's local response to the strategic direction of the Greater Sydney Region Plan (the Region Plan) and the Western City District Plan (the District Plan). In recognition of the sustainability directions outlined within the Region and District Plan, the draft LSPS includes an action that if adopted, will require Council to investigate the implementation of sustainability initiatives within planning instruments.</p>	<p>No further action required.</p>

Table 2a Public Agency Submissions		
Issue / Comment	Officer Response	Proposed Action
	In relation to the issues raised by OEH (Heritage), the draft LSPS which is currently on exhibition, includes sustainability actions to undertake a climate risk assessment and identify priority issues for the LGA. This may require further amendments to the DCP that may incorporate targets for reducing urban heat island effects.	
<p>9.29 <u>General</u></p> <p>It is suggested to include targets and goals in relation to water protection, for example no net increase or decrease in water runoff or specifying a percentage (%) of the lot to have permeable surfaces.</p>	It is outside the scope of the current DCP project to investigate and respond to all issues raised by OEH. The draft LSPS is Council's local response to the strategic direction of the Greater Sydney Region Plan (the Region Plan) and the Western City District Plan (the District Plan). In recognition of the sustainability directions outlined within the Region and District Plan, the draft LSPS includes an action that if adopted, will require Council to investigate the implementation of sustainability initiatives within planning instruments. Dependent on the outcome, this may require further amendments to	No further action required.

Table 2a Public Agency Submissions		Proposed Action
Issue / Comment	Officer Response	
<p>9.30 <u>General</u></p> <p>It is suggested to include performance criteria for utilities including recycled water, renewable and waste.</p>	<p>the DCP potentially including performance-based targets/goals.</p> <p>It is outside the scope of the current DCP project to investigate and respond to all issues raised by OEH. The draft LSPS is Council's local response to the strategic direction of the Greater Sydney Region Plan (the Region Plan) and the Western City District Plan (the District Plan). In recognition of the sustainability directions outlined within the Region and District Plan, the draft LSPS includes an action that if adopted, will require Council to investigate the implementation of sustainability initiatives within planning instruments. Dependent on the outcome, this may require further amendments to the DCP potentially including performance-based targets/goals.</p>	<p>No further action required.</p>
<p>Submission 10 South Western Sydney Local Health District</p>		
<p>10.1 <u>General</u></p> <p>Concern was raised that there are no specific controls regarding access to 'healthy food' within the DCP. It is often overlooked or not given adequate consideration.</p>	<p>It is outside the scope of the current DCP project to investigate and respond to the issue raised by SWSLHD. The draft LSPS contains a sustainability action to</p>	<p>No further action required.</p>

Table 2a Public Agency Submissions		Proposed Action
Issue / Comment	Officer Response	
<p>10.2</p> <p><u>General</u> It is noted that the Greater Sydney Commission Social Panel Advisory Group recently endorsed the recommendation to 'develop an overarching local government planning policy framework that strengthens local planning control over the type, distribution and density of retail food outlets, to assist in ensuring a greater diversity and choice of food outlets, and to protect against the clustering of unhealthy food providers'. It is suggested to pursue further collaborative work in this regard to develop potential approaches for future DCP and LEP revisions that would help promote access to healthy food.</p>	<p>investigate community garden and urban food policies to encourage local food production. A future amendment to the DCP may be required as a result of this policy work.</p> <p>Noted. As noted above, Council will investigate future opportunities to collaborate with South Western Sydney Local Health District should there be a further DCP and LEP revision arising from future policy work on promoting access to healthy food.</p>	<p>No further action required. Investigate future opportunities to collaborate with South Western Sydney Local Health District should there be a further DCP and LEP revision addressing access to healthy food.</p>
<p>10.3</p> <p><u>General</u> It is suggested that Council consider ways to encourage growing of fresh food within the LGA, for example public buildings, in parks on verges and in schools which would have environmental and social benefits.</p>	<p>As part of broader policy work, Council will investigate future opportunities to pursue initiatives on providing access to healthy food in Camden. As noted above, the draft LSPS contains a sustainability action to investigate community garden and urban food policies which may require a further amendment to the DCP.</p>	<p>No further action required. As part of broader policy work, investigate future opportunities to pursue initiatives on providing access to healthy food in Camden.</p>

Table 2a Public Agency Submissions		
Issue / Comment	Officer Response	Proposed Action
<p>10.4 <u>General</u> The consideration of housing choice and general objectives to achieve attractive streetscapes and establish a sense of place through good design of residential development is supported.</p>	Noted.	No further action required.
<p>10.5 <u>Part 3 General Subdivision Controls in Residential Areas Section 3.2.2 Lot Dimensions</u> It is noted that the minimum residential lot size is 300m² in the DCP.</p>	Noted.	No further action required.
<p>10.6 <u>Part 3 General Subdivision Controls in Residential Areas Section 3.2.2 Lot Dimensions and Section 3.2.3 Street Block and Lot Configuration</u> The current controls permit smaller lot sizes. This is generally supported particularly in the context where they are located in a suitable location with appropriate supporting infrastructure to support pedestrian connectivity as provided in Control 4 under Section 3.2.3.</p>	Noted.	No further action required.
<p>10.7 <u>Part 4 Residential Controls Section 4.4 Dual Occupancies and Semi-Detached Dwellings</u></p>	Noted.	No further action required.

Table 2a Public Agency Submissions Issue / Comment	Officer Response	Proposed Action
<p>The objectives of this section which recognises the contribution of dual occupancies and semi-detached dwellings to housing choice is supported.</p>		
<p>10.8 <u>Part 4 Residential Controls</u> <u>Section 4.4 Dual Occupancies and Semi-Detached Dwellings</u> <u>and Section 4.5 Multi-Dwelling Housing and Attached Dwellings</u></p> <p>It is noted that issues can emerge in poorly designed and constructed medium and high-density dwellings. It is suggested to explore options to strengthen controls in this section of the DCP and this process can be informed by the guides and discussion papers published by the NSW Government Architect.</p>	<p>The draft DCP includes provisions to facilitate the delivery of well-designed and appropriately located medium density housing. These provisions include:</p> <ul style="list-style-type: none"> • a key objective to encourage high quality residential developments which feature a high standard of urban design and provide a high level of amenity for residents; • controls focused on the provision of amenities, image and legibility, safe access and entries, provision of adequate open space and landscaping and effective waste management; and • masterplans/indicative layout plans for specific areas address the suitable location of medium density housing close to infrastructure and services. <p>There is an opportunity to strengthen medium density housing provisions of the draft DCP by inserting a reference to the</p>	<p>Insert a reference to the <i>Low Rise Medium Density Guide for Development Applications</i> into the draft DCP.</p>

Table 2a Public Agency Submissions		Proposed Action
Issue / Comment	Officer Response	
<p>10.9 <u>General</u></p> <p>It is noted that the success of implementing policies to increase population density and achieve associated health benefits is dependent on three factors including:</p> <ul style="list-style-type: none"> • The building (its location, construction, design, management and maintenance); • The socio-economic and cultural make-up of residents and the local neighbourhood; and • The quality and amenity of the neighbourhood environment. 	<p><i>Low Rise Medium Density Design Guide for Development Applications</i> prepared by the NSW Government. This will provide applicants with an additional resource when preparing DAs and guide Council officers in the assessment of urban design outcomes for medium density housing. In addition, the draft LSPS contains a liveability action to investigate a Housing Strategy to inform its vision and options for delivering housing growth including appropriate locations for medium density housing. Following the finalisation of this strategy, a future amendment to the DCP may be required.</p> <p>Noted.</p>	<p>No further action required.</p>

Table 2a Public Agency Submissions		
Issue / Comment	Officer Response	Proposed Action
<p>10.10 <u>Part 2 General Land Use Controls</u> <u>Section 2.17 Traffic Management and Off-Street Parking</u> This section is supported as the planning controls for traffic management consider the needs of pedestrians, cyclists and vehicles which leads to more walkable and active communities.</p>	Noted.	No further action required.
<p>10.11 <u>Part 2 General Land Use Controls</u> <u>Section 2.17 Traffic Management and Off-Street Parking</u> <u>Table 2-5</u> It is recommended to expand on the minimum requirement of 1:50 for bicycle parking to car parking as this would encourage other forms of transport and reduce traffic congestion. This is particularly important for educational establishments where no minimum requirements are identified.</p>	<p>Section 2.17 will be amended to make reference to key documents including 'Planning Guidelines for Walking and Cycling (NSW Government 2004)' and 'Cycling Aspects of Austroads Guides' to encourage greater provision of bicycle parking.</p> <p>An additional provision will be included in section 2.17.2 Off Street Car parking rates/ requirements to provide the following:</p> <p>3. Where relevant, applicants should comply with the suggested bicycle parking provision rates for different land use types in the document "Planning Guidelines for Walking and Cycling" (NSW Government 2004).</p>	<p>Amend Section 2.17 will be amended to make reference to 'Planning Guidelines for Walking and Cycling (NSW Government 2004)' and 'Cycling Aspects of Austroads Guides' to encourage greater provision of bicycle parking.</p> <p>Insert an additional provision in section 2.17.2 Off Street Car parking rates/ requirements to provide the following:</p> <p>3. Where relevant, applicants should comply with the suggested bicycle parking provision rates for different land use types in the document "Planning Guidelines for Walking and</p>

Table 2a Public Agency Submissions		
Issue / Comment	Officer Response	Proposed Action
<p>10.12 <u>Part 2 General Land Use Controls</u> <u>Section 2.17.3 Carparking design and criteria</u> The inclusion of controls and guidelines within the DCP around observation and safety in carparks is supported.</p>	Noted.	Cycling” (NSW Government 2004). No further action required.
<p>10.13 <u>Part 3 Residential Subdivision</u> <u>Section 3.2.4 Street Network</u> The objectives of this section relating to the integration of the street network including pedestrian, cycle paths and street trees is supported and is important for promoting active lifestyles.</p>	Noted.	No further action required.
<p>10.14 <u>Part 3 Residential Subdivision</u> <u>Section 3.2.4 Street Network</u> It is recommended to include appropriate seating and regular water stations as key infrastructure to support more activity.</p>	<p>Section 3.2.4 will be amended to include an additional provision that provides the following: Appropriate seating and regular water stations should be provided and indicated on the submitted Landscape Plan.</p>	<p>Amend Section 3.2.4 to include an additional provision that provides the following: Appropriate seating and bubblers should be provided and indicated on the submitted Landscape Plan.</p>

Table 2a Public Agency Submissions		
Issue / Comment	Officer Response	Proposed Action
<p>10.15 <u>Part 3 Residential Subdivision Section 3.2.5 Additional Controls for Street Network within Urban Release Areas</u> This section is supported as it provides additional controls that specifically relate to urban release areas and encouraging active transport and connectivity between residential areas and public amenities.</p>	Noted.	No further action required.
<p>10.16 <u>Part 3 Residential Subdivision Section 3.2.7 Parks and Open Space</u> This objectives of this section, in particular to deliver high quality design and aesthetics in public open spaces is supported. Council's Open Space Design Manual which provides detailed guidance on the development of public open space is supported.</p>	Noted.	No further action required.
<p>10.17 <u>General</u> It is suggested to pursue further collaborative work on public open spaces, specifically exploring opportunities relating to healthy placemaking.</p>	As part of broader policy work, Council will investigate future opportunities and actions to pursue healthy placemaking initiatives.	No further action required.
<p>10.18 <u>Part 5 Centres Development Controls Section 5.2 General Controls Applying to all Business Zone Areas</u> The objectives of this section are supported as they reflect a commitment to delivering high quality urban design</p>	Noted.	No further action required.

Table 2a Public Agency Submissions		Officer Response	Proposed Action
Issue / Comment			
<p>outcomes, facilitating an active public domain and ensuring appropriate public infrastructure and amenities are in place.</p> <p>10.19 <u>Part 5 Centres Development Controls</u> <u>Section 5.2 General Controls Applying to all Business Zone Areas</u> The controls in this section are supported, specifically Control 2 which outlines how built form must contribute to a sense of place and Control 11 which outlines that embellishment of public spaces should contribute towards placemaking.</p>	Noted.	No further action required.	
<p>10.20 <u>Part 2 General Land Use Controls</u> <u>Section 2.3 Trees and Vegetation</u> <u>Part 3 Residential Subdivision</u> <u>Section 3.2.6 Street Trees (p.108)</u> These sections are supported as they reflect a commitment towards adequate retention and delivery of appropriate trees and vegetation which is particularly important in greenfield and urban release areas which tend to experience higher temperatures and are vulnerable to associated morbidity and mortality.</p>	Noted.	No further action required.	
<p>10.21 <u>Part 2 General Land Use Controls</u> <u>Section 2.18 Landscape Design</u> Control 1 is supported as it requires a landscape plan to be submitted and will facilitate outcomes that can substantially reduce the urban heat island effect.</p>	Noted.	No further action required.	

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Table 2b Public Agency Submissions WITHDRAWN		
Issue / Comment	Officer Response	Proposed Action
Submission 11 Sydney Metro Airports (Bankstown and Camden)		
<p>11.1 Part 2 – General Land Use Controls <u>Section 2.10 Development near Camden Airport</u> It is suggested to make specific reference to the National Airports Safeguarding Framework (NASF) in this section. The aim of NASF is to improve:</p> <ul style="list-style-type: none"> • Safety outcomes by ensuring aviation safety requirements are recognised in land use planning decisions; • Community amenity by minimising noise sensitive developments near airports; and • Aircraft noise-disclosure mechanisms. 	<p>Noted. Section 2.10 can be amended to provide reference to the NASF document.</p>	<p>Amend Section 2.10 to provide reference to the NASF document.</p>
<p>11.2 Part 2 – General Land Use Controls <u>Section 2.10 Development near Camden Airport</u> It is advised that Camden Airport will be publishing a new Airport Master Plan which will involve a review and potential revision of the Australian Noise Exposure Forecast (ANEF) 2034/35.</p>	<p>Noted.</p>	<p>No further action required. Continue to liaise with Sydney Metro Airports via the referral of relevant development applications.</p>

Table 2b Public Agency Submissions WITHDRAWN	
Issue / Comment	Proposed Action
Submission 12 Transport for NSW	
Officer Response	Proposed Action
<p>12.1 <u>Part 2 – General Land Use Controls</u> It is noted that in 2018 the NSW Government announced four long term strategic corridors in Western Sydney for future transport infrastructure. These four corridors affect land that will be rezoned as SP2 Infrastructure through a State Environmental Planning Policy (SEPP). It is recommended to include a new section in the DCP that specifically addresses development affected by these future Western Sydney Corridors. It is suggested to include a control that provides that Transport for NSW must be notified of all development proposals that seeks to occur in or near recommended corridors.</p>	<p>No further action required.</p>
<p>12.2 <u>Part 2 – General Land Use Controls</u> <u>Section 2.17.2 Traffic Management and Off-Street Parking</u> It is recommended to include the "Cycling Aspects of Austroads Guides" as a practice guideline listed in this section.</p>	<p>Notification of Transport for NSW on proposed development occurring in or near recommended corridors can be addressed as part of Council's notification process. Based on this, an additional control to notify Transport for NSW is not required.</p> <p>Furthermore, future development applications would be required to take into consideration any SEPP relating to identified strategic corridors in Western Sydney under section 4.15 of the EP&A Act.</p> <p>Council will provide reference to the identified practice guideline Can include in page 91.</p> <p>Amend Section 2.17.2 to reference the practice guideline "Cycling Aspects of Austroads Guides".</p>

Table 2b Public Agency Submissions WITHDRAWN		Proposed Action
Issue / Comment	Officer Response	
Submission 13 Water NSW		
13.1 <u>Part 2 – General Land Use Controls</u> Section 2.14 Development adjoining the Upper Canal System The inclusion of Section 2.14 Development Adjoining Upper Canal System within the DCP is supported.	Noted.	No further action required.
13.2 <u>Part 2 – General Land Use Controls</u> Section 2.14 Development adjoining the Upper Canal System It is suggested to amend the 'Background' to include a second or third sentence identifying that the Upper Canal is a critical water supply infrastructure that services Greater Sydney by transferring bulk raw water from the Upper Nepean Dams to the Prospect water filtration plant.	The Background section will be amended to include an additional sentence that provides the following: The Upper Canal is a critical water supply infrastructure that services Greater Sydney by transferring bulk raw water from the Upper Nepean Dams to the Prospect water filtration plant.	Amend Background section include an additional sentence that provides the following: The Upper Canal is a critical water supply infrastructure that services Greater Sydney by transferring bulk raw water from the Upper Nepean Dams to the Prospect water filtration plant.
13.3 <u>Part 2 – General Land Use Controls</u> Section 2.14 Development adjoining the Upper Canal System It is suggested to amend the objective to add the words "and protected" as per below: "Ensure the Upper Canal and associated corridor is taken into account and protected in siting, designing, constructing and operating any proposed development adjoining or in the vicinity of the Upper Canal".	The scope of the draft Camden DCP extends to consulting with Water NSW in regards to potential measures that will enable the protection of the Upper Canal. Council is not in the position to amend the current objective without additional controls to implement the protection of the Upper Canal. Additional controls in this regard would require further study and consultation with Water NSW. Council will	No further action required.

Table 2b Public Agency Submissions WITHDRAWN	Issue / Comment	Officer Response	Proposed Action
13.4	<p><u>Part 2 – General Land Use Controls</u> <u>Section 2.14 Development adjoining the Upper Canal System</u> It is suggested to include an additional objective in this section as follows: "Water quality and quantity within the Upper Canal is to be maintained and protected."</p>	<p>investigate future opportunities and actions to protect the Upper Canal. No amendment is required.</p> <p>Council is not in the position to amend the current objective without additional controls to implement the protection of the Upper Canal. Additional controls in this regard would require further study and consultation with Water NSW. Council will investigate future opportunities and actions to protect the Upper Canal. No amendment is required.</p>	<p>No further action required in relation to the draft Camden DCP. Consult with Water NSW on future opportunities and potential actions to protect the Upper Canal.</p>
13.5	<p><u>Schedule 6 – Camden Lakeside</u> <u>Section 1 Introduction and Camden Lakeside Planning Principles</u> Concern is raised that Schedule 6 erroneously refers to the Sydney Catchment Authority. It is recommended to replace the reference to 'Sydney Catchment Authority' to 'WaterNSW'.</p>	<p>Schedule 6 will be amended to replace references to the Sydney Catchment Authority with 'WaterNSW'.</p>	<p>Amend Schedule 6 to omit references to the Sydney Catchment Authority and replace it with 'WaterNSW'.</p>

Table 2b Public Agency Submissions WITHDRAWN

Issue / Comment	Officer Response	Proposed Action
<p>13.6 <u>Schedule 6 – Camden Lakeside</u> <u>Section 2.5 Upper Canal</u> It is suggested to include an additional objective in this section to ensure that the infrastructure of the Upper Canal is safe and serviceable and protected from the impacts of new development.</p>	<p>Council is not in the position to amend the current objective without additional controls to implement the protection of the Upper Canal. Additional controls in this regard would require further study and consultation with Water NSW. Council will investigate future opportunities and actions to protect the Upper Canal.</p> <p>The safety and serviceability of the Upper Canal will also be dependent on WaterNSW requirements which are provided at the development application stage.</p> <p>No amendment is required.</p>	<p>No further action required in relation to the draft Camden DCP. Consult with Water NSW on future opportunities and potential actions to protect the Upper Canal.</p>
<p>13.7 <u>Schedule 6 – Camden Lakeside</u> <u>Section 2.5 Upper Canal</u> Control 1 - It is suggested that the reference to the Upper Canal in Control 1 is capitalised.</p>	<p>Control 1 will be amended to capitalise the reference to the Upper Canal.</p>	<p>Amend Control 1 to capitalise the reference to the Upper Canal.</p>
<p>13.8 <u>Schedule 6 – Camden Lakeside</u> <u>Section 2.5 Upper Canal</u> Control 3 – It is suggested to amend the wording as follows: “The reuse of treated effluent in the vicinity of the Upper Canal is to incorporate an irrigation system that avoids that is designed to avoid the potential for contaminated runoff as</p>	<p>Control 3 will be amended to provide the following: “The reuse of treated effluent in the vicinity of the Upper Canal is to incorporate an irrigation system that avoids that is designed to avoid the potential for</p>	<p>Amend Control 3 to provide the following: “The reuse of treated effluent in the vicinity of the Upper Canal is to incorporate an irrigation system that avoids</p>

Table 2b Public Agency Submissions WITHDRAWN

Issue / Comment	Officer Response	Proposed Action
<p><u>well as airborne contaminants to adversely impact on water in the Upper Canal</u>".</p>	<p><u>contaminated runoff as well as airborne contaminants to adversely impact on water in the Upper Canal</u>".</p>	<p>that is designed to avoid the potential for <u>contaminated runoff as well as airborne contaminants to adversely impact on water in the Upper Canal</u>".</p>
<p>13.9 <u>Schedule 6 – Camden Lakeside Section 2.5 Upper Canal</u> Control 4 – It is suggested to replace reference to 'Sydney Catchment Authority' to 'Water NSW'.</p>	<p>Control 4 will be amended to replace reference to the Sydney Catchment Authority with WaterNSW.</p>	<p>Amend Control 4 to replace references to the Sydney Catchment Authority with WaterNSW.</p>
<p>13.10 <u>Schedule 6 – Camden Lakeside Section 2.5 Upper Canal</u> Control 5 – It is suggested to amend the control to explicitly reference Section 2.14 of the DCP.</p>	<p>Control 5 will be amended to reference Section 2.14 of the DCP.</p>	<p>Amend Control 5 to reference 'Section 2.14 Development Adjoining Upper Canal System' of the DCP.</p>
<p>13.11 <u>Schedule 6 – Camden Lakeside Table 6.1 Camden Lakeside</u> Table 6.1 refers to a rear setback (where land abuts the Upper Canal" of '6m with 10m being preferable'. It is suggested that the reference to "6m with 10m being preferable" should be qualified by adding the words "from the boundary with WaterNSW land".</p>	<p>Table 6.1 will be amended to provide the following: Rear setback (where land abuts the Upper Canal): 6m with 10m being preferable from the boundary with WaterNSW land</p>	<p>Amend Table 6-1 to provide the following: Rear setback (where land abuts the Upper Canal): 6m with 10m being preferable from the boundary with WaterNSW land</p>
<p>13.12 <u>Schedule 7 – El Caballo Blanco and Gledswood Section 2.7 Land Adjacent to the WaterNSW Upper Canal</u> The objectives and controls of this section are supported.</p>	<p>Noted.</p>	<p>No further action required.</p>

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Table 2b Public Agency Submissions WITHDRAWN

Issue / Comment	Officer Response	Proposed Action
<p>13.13 <u>Schedule 7 – El Caballo Blanco and Gledswood Section 2.7 Land Adjacent to the WaterNSW Upper Canal</u> It is suggested to amend Objective (a) as follows: 'To ensure that the Upper Canal is taken into account and protected in siting, designing and constructing any proposed development adjoining or in the vicinity of the Canal.'</p>	<p>The current objective cannot be amended without additional controls to implement the protection of the Upper Canal. Additional controls in this regard would require further study and consultation with Water NSW. Council will investigate future opportunities and actions to protect the Upper Canal. No amendment is required.</p>	<p>No further action required.</p>
<p>13.14 <u>Schedule 7 – El Caballo Blanco and Gledswood Golf Course and Riparian Lands</u> It is suggested to replace reference to 'Sydney Catchment Authority' to 'Water NSW'.</p>	<p>Schedule 7 will be amended to replace reference to the Sydney Catchment Authority with WaterNSW.</p>	<p>Amend Schedule 7 to replace references to the Sydney Catchment Authority with WaterNSW.</p>
<p>13.15 <u>Schedule 8 – Emerald Hills</u> It is noted that the DCP controls protecting the Upper Canal in the Emerald Hills precinct are largely absent and that development has substantially progressed in this area. It is suggested that should further large-scale strategic subdivisions be proposed in this area, further collaborative work could be explored to increase Upper Canal DCP controls in this area to align with those of the Camden Lakeside and El Caballo and Gledswood Hills.</p>	<p>Noted.</p>	<p>No further action required in relation to the draft Camden DCP. Consult with Water NSW on future opportunities to review Upper Canal DCP controls in Schedule 8, should there be further large-scale strategic subdivisions proposed in this area.</p>
<p>13.16 <u>Schedule 8 – Emerald Hills Open Space, Public Domain and Fencing</u></p>	<p>Schedule 8 will be amended to replace reference to the Sydney Catchment Authority with WaterNSW</p>	<p>Amend Schedule 8 to replace references to the Sydney Catchment Authority with WaterNSW.</p>

Table 2b Public Agency Submissions WITHDRAWN		
Issue / Comment	Officer Response	Proposed Action
<p>It is suggested to replace reference to 'Sydney Catchment Authority' to 'Water NSW'.</p>		
<p>13.17 <u>Schedule 8 – Emerald Hills</u> <u>Section 8.6 Scenic Character Protection Area</u> It is suggested to amend Control 7 to replace reference to 'Sydney Catchment Authority' to 'Water NSW'.</p>	<p>Control 7 will be amended to replace reference to the Sydney Catchment Authority with 'WaterNSW'</p>	<p>Amend Control 7 to replace references to the Sydney Catchment Authority with 'WaterNSW'.</p>
<p>13.18 <u>General</u> <u>Stormwater Management</u> Concern is raised that the former 'Erosion and Sedimentation', 'Water Management' and related sections addressing issues such as stormwater management and Water Sensitive Urban Design have been removed. It is noted that this is underpinned by the rationale that there offered nothing beyond Council's Engineering Specifications as stipulated in the 'Attachment- Summary of Proposed Changes' document. Concern is raised regarding the omission of the f-ormer sections as Council's Engineering Specifications do not have any legal weight in development assessment under section 4.15 of the EP&A Act. It is further noted that Council's Engineering Specifications are in draft form and yet to be finalised. It is recommended to reinsert the former 'Erosion and Sedimentation', 'Water Management' and related sections</p>	<p>The draft DCP removed the water management provisions of Camden DCP 2011 and referred the user to Council's Engineering Specifications. To address WaterNSW's concern, it is recommended to insert the water management section of Camden DCP 2011 into the draft DCP. This will be supported by Council's Engineering Specifications which has provisions dealing with erosion and sedimentation, water sensitive urban design and stormwater management to facilitate water quality and quantity objectives.</p>	<p>Insert the water management provisions of Camden DCP 2011 into the draft DCP.</p>

Table 2b Public Agency Submissions WITHDRAWN

Issue / Comment	Officer Response	Proposed Action
<p>13.19 <u>General</u> Amendment 21 It is noted that the draft Camden DCP preceded the DCP Amendment No.21 for the 190 Raby Road, Gledswood Hills Development Area. It is requested to include Amendment No.21 and ensure that relevant provisions relating to the Upper Canal apply to this area.</p>	<p>Subject to gazettal of Amendment 21, Council will be in the position to incorporate this DCP Amendment in the draft Camden DCP.</p>	<p>No further action required in relation to the draft Camden DCP. Subject to gazettal of Amendment 21, Council will incorporate the DCP Amendment in the broader draft Camden DCP.</p>

Placeholder for Attachment 4

Post-exhibition Report - Draft Camden Development
Control Plan 2019

Draft DCP post Exhibition changes - under separate
cover - 19/223841 and 19/222893



COMPLIANCE & ENFORCEMENT POLICY

P2.0066.2

COMPLIANCE & ENFORCEMENT

DIVISION: Planning and Environment
BRANCH: Waste & Compliance Services
CATEGORY: 2

PART 1 - INTRODUCTION

1. BACKGROUND

- 1.1 One of Camden Council's roles is to act as an enforcement authority under a broad range of legislation. Authorised Officers are required to make decisions and use discretion about appropriate enforcement action when non-compliant issues are identified.
- 1.2 Council has a responsibility under Section 8 of the *Local Government Act 1993* to ensure that its regulatory activities are carried out in a consistent manner and without bias.
- 1.3 Council's regulatory and enforcement actions should be exercised to ensure the health, safety and environmental protection of all stakeholders, including residents, visitors, workers and business operators, and in the interests of the broader community. All stakeholders should have confidence in the decision making and internal review processes.
- 1.4 In order to satisfy these needs this Policy has been developed and is broadly based on the 'Model Policy' prepared for Local Councils by the NSW Ombudsman.
- 1.5 Council supports and welcomes the positive assistance of the community in reporting issues of concern and undertakes to work collaboratively with the community to promote the benefits of compliance as a way of sustaining a safer quality of life for all.
- 1.6 This Policy uses a graduated and risk-based approach to taking enforcement action, for example, the issue of a warning or Caution, which, if not successful in resolving the issue, may be followed by statutory notices and orders, and finally some form of enforcement proceedings either via a penalty notice or court action if compliance cannot be achieved by any other method.
- 1.7 This policy also recognises, in some situations, the gravity of the incident or other circumstances determines that an escalated approach is not appropriate and immediate regulatory action is required e.g. where an activity is or is likely to result in a significant public health or safety risk, or is or likely to cause environmental harm.

2. OBJECTIVE

- 2.1 Council is opposed to unlawful and non-compliant activities and aims to provide and deliver regulatory services in a fair, equitable and consistent manner designed to protect the natural, built and social environment.

- 2.2 This policy aligns with Key Direction 6 – *Strong Local Leadership* in Councils Community Strategic Plan.
- 2.3 This policy references specific roles for Council acting as both an educator and a regulator.
- 2.4 This policy aims to:
- a) Ensure all regulatory activities meet Council's Charter of responsibilities under Section 8 of the Local Government Act
 - b) Assist Authorised Officers to respond promptly and effectively to complaints of unlawful activity and undertake proactive investigations
 - c) Ensure Authorised Officers comply with Council's Code of Conduct when investigating any unlawful activity
 - d) Establish, where required, operational guidelines and procedures for Authorised Officers and the community which incorporate the principles of procedural fairness and natural justice where decisions are made in a consistent, fair, equitable and transparent manner
 - e) Establish criteria to determine whether enforcement action is warranted and if so, ensure such action is in accordance with the Authorised Officers Delegation of Authority in a timely, cost effective manner and proportional to the relative seriousness of the situation
 - f) Ensure appropriate options are considered prior to the implementation of enforcement action
 - g) Take a proactive approach to compliance by providing information to the public about Council's role and policy on enforcement and encourage a culture of compliance aimed at self-regulation rather than Council imposed enforcement action
 - h) Provide a service which embodies good practice and ensures that Council is a Model Litigant by behaving ethically, fairly and honestly in litigation.

3. SCOPE

- 3.1 This Policy applies to all areas where Council has a compliance and enforcement role under various Acts and Regulation.
- 3.2 All employees who deal with complaints and the enforcement of relevant legislation are responsible for implementing this Policy.
- 3.3 The application of the Policy includes but is not limited to:
- Abandoned vehicles
 - Asbestos management
 - Boarding houses
 - Brothels
 - Public/ commercial/ private swimming pools
 - Development control
 - Environmental and pollution control issues

- Failure to comply with a condition of an approval, an Order or Notice
 - Fire safety
 - Food safety
 - Removal of trees or clearing vegetation from land
 - On-site sewage management (septic systems)
 - Parking control
 - Public health and safety
 - The control over the keeping of animals and companion animals
 - The regulation of unlawful development activities
 - Waste
 - Any other functions for which Council is the Appropriate Regulatory Authority.
- 3.4 Any enforcement action will be in accordance with this policy, relevant NSW legislation and Revenue NSW Guidelines.
- 3.5 Whilst it is intended the principles in this policy will have general application, there may be cases where the particular circumstances justify departure from these principles.
- 3.6 In any situation where an Authorised Officer considers taking action which varies from the policy and any associated guidelines/procedures, the Authorised Officer will discuss the reasons for the variance with their Team Leader/Manager and will document and implement the agreed course of action.
- 3.7 This policy applies to Council's enforcement functions and supports the concept of an escalated and proportionate approach to most non-compliant issues except for parking, traffic and like matters.
- 3.8 While this policy covers all matters to be taken into account when exercising discretion about compliance and enforcement matters, it recognises that Authorised Officers working with traffic and parking matters are faced with different time frames and decisions which need to be made on the spot.
- 3.9 When enforcing the road rules, Authorised Officers will carry out traffic and parking duties in a fair, equitable and consistent manner which includes a zero tolerance approach in school zones (ie strict enforcement of the rules).
- 3.10 Other offences, such as certain development consent breaches eg hours of operation and some environmental offences (eg illegal burning of waste/plastics), may be dealt with using penalty notices due to the transient nature of the offence and the impracticality of using notices and orders to deal with the issue.

4. DEFINITIONS

- 4.1 **Authorised Officer** means a Council officer with delegated authority to carry out specific duties and take any necessary enforcement action. Such officers carry specific authorities under various Acts, which include prescribed powers of entry to certain properties.
- 4.2 **Caution** means a formal warning given instead of a penalty and advising enforcement action will follow if there is a recurrence. Any consideration to issue a Caution should be in accordance with the Caution Guidelines issued by the NSW Attorney General.
- 4.3 **Cautioning** means the verbal process an officer is required to undertake to issue a

Caution to an alleged offender once the officer has considered an offence has occurred and which allows the officer to use any subsequent statement/s made by the alleged offender as evidence.

4.4 **Civil Proceedings means:**

- Notices, orders and directions issued pursuant to various legislation.
- Class 4 proceedings in the Land and Environment Court seeking an order to remedy a breach of the EP & A Act, the *Local Government Act*, the *Protection of the Environment Act* or any other Act, if the breach is causing or is likely to cause harm to the environment.
- Interlocutory relief for matters causing or with reasonable potential to cause serious environmental harm. In such proceedings, it is likely the Council would be required to provide an undertaking as to damages.

4.5 **Complainant** means a person lodging a complaint with Council.

4.6 **Council** means Camden Council.

4.7 **Criminal Proceedings** means:

- The issuing of a penalty notice;
- Prosecuting an offence in the Local Court with the use of a Court Attendance Notice;
- Prosecuting for an offence in the summary jurisdiction of the Land and Environment Court (Class 5 proceedings).

4.8 **EP&A Act** means the *Environmental Planning and Assessment Act 1979*.

4.9 **Fines Act** means the *Fines Act 1996*.

4.10 **Issuing Agency** means Council.

4.11 **Offence** means an offence under NSW legislation.

4.12 **Prima facie** means the presentation of sufficient evidence to support a legal claim.

4.13 **Procedural Fairness** means the use of fair and proper procedures as part of the decision making process.

4.14 **Revenue NSW** means the former State Debt Recovery Office, responsible for collecting revenues, administering grants and recovering debts on behalf of the people of NSW.

4.15 **Unauthorised/ unlawful activity** means any activity that is:

- Contrary to the terms or conditions of a development consent, approval or permission
- Contrary to an environmental planning instrument that regulates the activities or work that can be carried out on particular land
- Contrary to a legislative provision regulating particular activity of work
- Without a required development consent, approval, permission or licence
- Contrary to legislation for which the Council is the appropriate regulatory authority, and
- Includes any activity, place or structure which is a risk to public health and safety but excludes any parking or traffic offences which are dealt with in accordance with the Australian Road Rules.

PART 2 - POLICY STATEMENT

5. ENFORCEMENT & COMPLIANCE PRINCIPLES

5.1 Camden Council; as a responsible regulator, is committed to:

- a) Acting with consistency, impartiality, objectivity and fairness
- b) Avoiding any discrimination on the basis of race, religion, political association, sex or national origin
- c) The adoption of a risk-based, graduated and proportionate response (where appropriate) to legislative non-compliance
- d) Providing every opportunity for compliance by all stakeholders by indicating the relevant penalties for non-compliance
- e) Providing written advice or directions in a clear and simple manner
- f) Ensure any action taken is in the public interest and the action is in proportion to the offence
- g) Ensure any action taken by Council is justified, against the correct person(s), cost effective and based on sound evidence which will withstand robust scrutiny
- h) Ensure any decision to take no further action or issue a caution is in the public interest and in accordance with relevant guidelines (e.g. Revenue NSW)
- i) Avoiding any actual, perceived or potential conflict of interest situations
- j) Conducting all investigations in accordance with the Code of Conduct and making decisions in a professional manner with appropriate integrity
- k) Creating awareness and seeking support from all stakeholders including workers and business operators and the broader community in the need for compliance when dealing with relevant issues
- l) Ensuring action is instigated within legislative time limits, and
- m) Disclosing all evidence relevant to an alleged offence and assisting the Court, as required.

6. APPLICABLE LEGISLATION

6.1 Legislation to which this policy applies is outlined in Relevant Legislative Instruments.

7. PROCEDURAL FAIRNESS

7.1 Council is committed to natural justice and acting fairly in all aspects of the implementation of this policy. In order to achieve this outcome, Council will:

- a) Provide an opportunity for an alleged offender to provide an explanation. However, there will be situations such as parking enforcement and other circumstances considered to represent a serious risk to public safety or the environment that would preclude this opportunity
- b) Give due consideration to any written submission made by an alleged offender made either directly to Council or via another agency (e.g. Revenue NSW)
- c) Make appropriate enquiries, investigations and searches prior to making an enforcement decision
- d) Establish appropriate procedures to avoid an enforcement decision being influenced by an actual, potential or perceived conflict of interest
- e) Implement procedures to ensure pertinent information is provided to a complainant and alleged offender, subject to maintaining appropriate confidentiality provisions, and
- f) Act without bias and within statutory time frames.

8. CODE OF CONDUCT

- 8.1 Authorised Officers carrying out their duties, including the consideration of some form of enforcement action, will have due regard to the contents of Council's Code of Conduct, which is available on Council's website.
- 8.2 It is Council's expectation all inspections, investigations and customer interactions will be carried out in a respectful manner and in accordance with Council's Values and attuned to any language or cultural considerations. All Authorised Officers involved in any compliance or enforcement matter should:
- a) Not permit personal views, or prejudices to influence their attitude towards any person or duty required to be undertaken
 - b) Respond to any reasonable request or lawful direction of any supervisor or manager of the Council
 - c) Not commit any act which constitutes dereliction of duties
 - d) Not commit any act that brings Council into disrepute
 - e) Not publicly criticise Council in any way that is demeaning, defamatory or brings disrespect or embarrassment to Council
 - f) Not publicly criticise any Council employee in any way that is demeaning, defamatory or brings disrespect to Council
 - g) Not obey any order or direction which is contrary to the law
 - h) Report any such unlawful order to the attention of an immediate supervisor, Manager or, if required, the General Manager
 - i) Not solicit or receive any gift that is contrary to Council's Code of Conduct.

- 8.3 Authorised Officers who are accredited under the Building Professionals Board scheme must also satisfy the code of professional conduct requirements of such scheme.
- 8.4 Authorised Officers should abide by their delegations & be equipped with their specific authorisation identification (with photograph) under the relevant Acts.
- 8.5 Decision making relating to the investigation of reports alleging unlawful activity and taking enforcement action is the responsibility of the Authorised Officer or the Council itself.
- 8.6 Councillors are bound by the Code of Conduct and must ensure that when representing the community on enforcement matters they are aware of their obligations under the Code.

9. CONFLICT OF INTEREST

- 9.1 If a situation arises where an officer believes a perceived or actual conflict of interest exists, they must refer the matter to the relevant Team Leader or Manager.

10. DISCLOSURE OF INFORMATION

- 10.1 Authorised Officers will respect the privacy and confidentiality of information received however, due to statutory obligations and policy requirements, confidentiality cannot always be guaranteed.
- 10.2 The complainant's identity may be disclosed where:
 - a) Access to the information is permitted under legislation including but not limited to the *Government Information (Public Access) Act 2009*
 - b) Legal action is commenced, and the information is disclosed in evidence
 - c) The person consents to the disclosure of the information
 - d) The principles of natural justice dictate that information be disclosed to the person who is the subject of the complaint
 - e) Council is of the opinion that disclosure of information is necessary to effectively investigate the matter.
- 10.3 Authorised Officers will also observe the information protection principles in the *Privacy and Personal Information Protection Act 1998* and Council's Privacy Management Plan, which provide in certain circumstances for information to be shared with other public sector agencies for law enforcement purposes.
- 10.4 Reasons for decisions regarding compliance and enforcement action will be made available unless to do so would cause a breach of the law. Reasons may not be given in any case where the information may cause harm to an informant, witness or the alleged offender, or in circumstances that would significantly prejudice the administration of justice.

10.5 Some Authorised Officers have access to external electronic databases including the NSW Companion Animals Register and the Roads and Maritime Services Vehicle Ownership Register. Neither of these are registers to which the general public or other Council officers have access. The information on both registers is protected from general disclosure and can only be used for the lawful exercise of functions under the relevant Acts. Authorised Officers are subject to routine external auditing in regard to the use of the databases.

11. RECEIVING AND RESPONDING TO CUSTOMER REQUESTS

11.1 Council's expectation is that all customer requests will be electronically recorded and dealt with in accordance with Council's Customer Service Charter and having regard to the seriousness of the issue and other priorities.

11.2 All complaints will be initially assessed within practical time constraints and appropriate action taken in accordance with this policy.

11.3 All complaints will be investigated unless:

- a) Council is not the Appropriate Regulatory Authority
- b) The matter has already been actioned and resolved
- c) Insufficient information has been provided
- d) The complaint is premature and relates to an unfinished aspect of work still in progress
- e) A private Principal Certifying Authority is responsible for monitoring compliance with the conditions of development consent (Council will work cooperatively with relevant agencies and Private Certifiers to achieve compliant outcomes)
- f) The activity is determined to be lawful and does not require an approval
- g) A Development Approval, Complying Development Certificate or any other lawful authority has been granted for the work
- h) The complaint is trivial, frivolous or unreasonable in nature
- i) The complainant is solely seeking a monetary resolution from a third party
- j) The complaint relates to a civil matter or dispute (e.g. private matter between neighbours).

11.4 In situations where Council is the Appropriate Regulatory Authority, the relative seriousness of each matter will determine the priority attached to a particular complaint. As a guide, the following risk categories can be applied:

a) **High Risk:**

- Significant environmental or safety risk to life or property e.g. discharge of toxic waste to a water body, likely collapse of a shop awning over a public road, removal of a swimming pool fence or barrier, a fire safety issue, dangerous retaining wall, demolition of a heritage item, asbestos removal
- Serious community safety or public health issues (e.g. dog attack, food poisoning, Legionnaires case)
- Urgent matters as directed by Council's senior management.

b) **Medium Risk:**

- Major non-compliance with approval
- Non-life threatening fire safety or similar safety matter
- Unauthorised use or building work where the opportunity to collect critical evidence is not lost (tree removal or demolition).

c) **Low Risk:**

- Minor non-compliance with approval
- Neighbour dispute.

11.5 An assessment after the initial response may result in a complaint being assigned a more appropriate or different risk priority category. Some legislation including the *Companion Animals Act* and *Swimming Pools Act* include mandatory response times for actioning complaints.

11.6 Representations from the Mayor, Councillors or Members of Parliament will also be actioned in accordance with the above risk priority categories. However, a response on either an action or proposed action will be provided promptly as a matter of priority in accordance with Council's procedures.

11.7 Complainants must be informed of the action taken in regard to their customer request in accordance with Council's Customer Service Charter.

11.8 Any complaints about Council's handling of reports alleging unlawful activity will be handled in accordance with Council's complaints management policy and procedures.

11.9 Where a person or organisation subject to enforcement action merely disputes Council's decision to take enforcement against them, they will be directed to make representations in accordance with any relevant internal and external appeal processes.

11.10 Council staff will act on any complaints about the conduct of compliance officers in accordance with Council's complaints management policy and procedures and the Code of Conduct.

12. ANONYMOUS COMPLAINTS

- 12.1 Anonymous complaints may not be investigated. The decision to investigate includes, but is not limited to, the subject and seriousness of the matter, the likely reliability of the complaint, ability to access further information, available staff resources and work health and safety responsibilities.
- 12.2 When an anonymous complaint is investigated, an appropriate record of the investigation will be made.

13. FRAUDULENT COMPLAINTS

- 13.1 A fraudulent complaint is where a person lodges a complaint with Council in someone else's name without that person's knowledge or where the nature of the complaint is untrue. Such complaints will be treated as unreasonable unless a valid basis for such a complaint can be established. The decision to investigate such a matter will be based on the same criteria as for anonymous complaints.

14. USE OF STATUTORY DECLARATIONS

- 14.1 The investigation of some complaints may from time to time warrant consideration of the use of a statutory declaration and or statements by the complainant if a matter is to proceed. Any residents who complete a statutory declaration should be informed they may be required to appear in court as a witness should the matter be defended.
- 14.2 The completion of a statutory declaration by itself does not guarantee further enforcement action will be undertaken by Council.
- 14.3 In all circumstances involving the use of statutory declarations by residents, the relevant officer/s needs to be satisfied:
- a) A justified nuisance/offence exists which cannot be resolved without recourse to some other form of enforcement action.
 - b) Other fair and reasonable attempts to resolve the matter have been unsuccessful.
 - c) The witness will appear in court if required.
 - d) The witness will be able to satisfy a Magistrate that they are a credible and impartial witness with a legitimate reason(s) for seeking resolution via the court.
- 14.4 Unless the above matters can be satisfied, other alternatives including private action or the use of mediation through the Community Justice Centre should be considered.

15. DEALING WITH UNREASONABLE CUSTOMER CONDUCT

15.1 As per Council's Dealing with Unreasonable Customer Conduct Policy, unreasonable customer conduct refers to any behaviour by a customer that, because of its nature or frequency, raises substantial health, safety, resource or equity issues for Council Officials, other service users and customers or the customer himself/herself. Unreasonable customer conduct is grouped into five categories of conduct:

- a) Unreasonable persistence
- b) Unreasonable demands
- c) Unreasonable lack of cooperation
- d) Unreasonable arguments
- e) Unreasonable behaviour.

15.2 Council has a zero tolerance policy towards any harm, abuse or threats directed towards Council staff or officials.

15.3 Any customer conduct of this nature will be dealt with under the Dealing with Unreasonable Customer Conduct Policy and in accordance with Council's duty of care and work health and safety responsibilities. This may include limiting or adapting the ways that Council interact with and/or deliver services by restricting who the customer has contact with, what they can contact Council about and when and where they can contact Council. Alternatively, a customer's access to Council services may be terminated.

15.4 Further information can be obtained from Council's Dealing with Unreasonable Customer Conduct Policy.

15.5 Enforcement action will not be taken purely as a response to the conduct of an individual such as persistent demands or threats.

16. CONSULTATION WITH OTHER AGENCIES

16.1 There will be situations, such as the investigation of a complaint, where Council has no legal or geographical jurisdiction, or operational agency responsibility, and consequently the matter should be referred to the relevant agency without delay.

16.2 Agencies may include but not be limited to: NSW Police, NSW Department of Planning and Environment, Local Land Services, Fair Trading NSW, NSW Department of Primary Industries, Safework NSW, NSW Environment Protection Authority, NSW Food Authority, NSW Health, the Building Professional Board, Transport NSW, Fire and Rescue NSW, and Rural Fire Service.

16.3 Council will consult with the responsible agencies to facilitate a coordinated and constructive compliance approach and keep the complainant informed.

17. COMPLAINTS MANAGEMENT - PRIVATE CERTIFIERS

17.1 In terms of Council's development compliance role, complaints are received from time to time regarding various matters on building construction sites where Council is not the Principal Certifying Authority.

- 17.2 In such situations, in the first instance the complainant should be advised to contact the Principal Certifying Authority directly to ensure all relevant details are accurately communicated to the Principal Certifying Authority.
- 17.3 Alternatively, should an external observation by an Authorised Officer of a building site which is under the jurisdiction of a Principal Certifying Authority (not being Council) disclose significant non-compliant issues, Council will initially draw the matter to the attention of the Principal Certifying Authority.
- 17.4 If a complaint or observation relates to an urgent matter involving a life threatening situation or significant environmental damage or an on-going matter where valuable evidence may not be available if an immediate response is not commenced, an Authorised Officer may undertake an immediate investigation to assess the seriousness of the situation.
- 17.5 If the complaint is substantiated, Council will consider action in accordance with this policy and the Principal Certifying Authority will be informed of any action taken by Council.
- 17.6 In any situation where it is considered a Principal Certifying Authority has acted incorrectly, improperly and/or unprofessionally, a report may be forwarded to the Manager recommending referral of the matter to the Building Professionals Board.
- 17.7 Relevant factors for determining if a matter should be referred to the Building Professionals Board are:
- a) The seriousness of the failure to act professionally
 - b) Any previous history of complaints
 - c) The level of cooperation from the Principal Certifying Authority to rectify the problem/s
 - d) The adequacy of changes made by the Principal Certifying Authority to procedures or practices to ensure that future problems will be minimised.
- 17.8 Examples of matters that might be referred to the Building Professionals Board include but are not limited to:
- a) Significant departure from the development consent where the Principal Certifying Authority does not appear to be taking appropriate action to address the issue
 - b) The persistent failure to submit relevant certificates or other documentation to Council within the specified time period
 - c) Complying Development Certificates that do not meet the development standards for the relevant State Environmental Planning Policy.

18. BUILDING INFORMATION CERTIFICATES

- 18.1 Council recognises that persons who may have carried out unlawful building works may, as an option, apply for a Building Information Certificate under Part 6 – Division 6.7 of the EP&A Act to retain the structure. If a building certificate is issued, Council cannot ask for demolition or alterations unless after 7 years of fair wear and tear.

- 18.2 Irrespective of whether a Building Information Certificate is applied for, Council may take action against a person who carried out unlawful works.
- 18.3 The action may include the issuing of a penalty notice or commencement of criminal proceedings, where it is considered appropriate and necessary for punitive action to be taken, having regard to the restriction provisions provided under Section 9.57 of the EP&A Act.
- 18.4 Building Information Certificate applications to support unlawful building works will be expected to provide the same level of details in plans, certificates, specifications and other documents as would be required for assessing a Development Application, a Construction Certificate, a Complying Development Certificate and/or an Occupation Certificate.

19. PROACTIVE COMPLIANCE MONITORING

- 19.1 In addition to responding to complaints and enquiries about alleged unlawful activity, Council also provides a number of proactive compliance programs around high risk regulatory areas. These areas include:
- a) Food premises inspections
 - b) Public Health Inspections (eg skin penetration premises)
 - c) Public swimming pool water quality monitoring
 - d) Onsite sewage management systems (septic tanks)
 - e) Fire safety
 - f) School Zone compliance.
- 19.2 Compliance action may be initiated where non-compliance is identified in the course of a proactive compliance inspection, in which case the principles outlined in this policy will also be applied.

20. THE DECISION PROCESS - TAKING ENFORCEMENT ACTION

- 20.1 When deciding whether to take enforcement action in relation to a confirmed case of unlawful activity, council will consider the full circumstances and facts of the matter and the public interest. Authorised Officers are required to maintain appropriate records about decision making processes in relation to reports alleging unlawful activity and any enforcement action, as well as records of interactions with relevant parties. Authorised Officers will at all times adhere to Council's internal approval processes and delegations prior to the commencement of any enforcement action. The following common considerations will assist Council staff in determining the most appropriate response in the public interest:
- a) **Considerations about the alleged offence and impact:**
 - The nature, extent and severity of the unlawful activity, including whether the activity is continuing
 - The harm or potential harm to the environment or public health, safety or amenity caused by the unlawful activity
 - The seriousness of the breach, including whether the breach is technical, inconsequential or minor in nature

- The time period that has lapsed since the date of the unlawful activity
- b) **Considerations about the alleged offender:**
- Any prior warnings, instruction, advice that was issued to the person or organisation reported or previous enforcement action taken against them
 - Whether the offence was committed with intent
 - Whether the person or organisation reported has been proactive in the resolution of the matter and assisted with any council requirements and instructions
 - Any mitigating or aggravating circumstances demonstrated by the alleged offender
 - Any particular circumstances of the person or organisation reported (e.g. health, young offender)
- c) **Considerations about the impact of any enforcement action:**
- The need to deter any future unlawful activity
 - Whether an educative approach would be more appropriate than a coercive approach in resolving the matter
 - The prospect of success if the proposed enforcement action was challenged in court
 - The costs and benefits of taking formal enforcement action as opposed to taking informal or no action
 - What action would be proportionate and reasonable in response to the unlawful activity
 - Whether Council may be prevented from taking action based on earlier advice given
- d) **Considerations about the potential for remedy:**
- Whether the breach can be easily remedied
 - Whether it is likely consent would have been given for the activity if it had been sought
 - Whether there is a draft planning instrument on exhibition that would make the unauthorised use legal
- 20.2 Authorised Officers will take steps to ensure that any enforcement action is taken against the correct person or organisation. Where there are multiple possible parties to an alleged unlawful activity, it will generally not be appropriate to take enforcement action against every person who may be liable for the alleged unlawful activity. In such circumstances, Authorised Officers will be guided by legal advice in determining the appropriate persons to pursue.
- 20.3 Where legal and/or technical issues are in question, Council staff will consider whether legal advice or professional advice from duly qualified staff or other experts should be obtained and considered. Council may also require a person subject to possible enforcement action to obtain professional advice in relation to issues of concern to Council for assessment as to whether further action is required.

20.4 Requirements of Authorised Officers in considering enforcement action

Prior to taking enforcement action, Authorised Officers will take into account the above considerations as well as the evidence gathered during their investigation. Authorised Officers must act impartially, be mindful of their obligations under council's code of conduct and not act as a decision-maker in relation to any matter in which they have a personal interest. Enforcement action will not be taken purely as a response to the conduct of an individual such as persistent demands or threats.

21. OPTIONS FOR DEALING WITH CONFIRMED CASES OF UNLAWFUL ACTIVITY

21.1 Council will try to use the quickest and most informal option to deal with unlawful activity wherever possible unless there is little likelihood of compliance with such options. Authorised Officers will use discretion to determine the most appropriate response to confirmed cases of unlawful activity and may take more than one approach. Any enforcement action taken by Council will depend on the full circumstances and facts of each case, with any decision being made on the merits.

At all times, Council's key concerns are:

- a) To prevent or minimise harm to health, welfare, safety, property or the environment
- b) To influence behaviour change for the common good and on behalf of the community

The following enforcement options to be considered by Council are ordered to reflect an escalation in response that is proportionate to the level of risk, the seriousness of the confirmed breach or the need for a deterrent:

Level of risk	Enforcement options
Low	<ul style="list-style-type: none"> • Taking no action based on a lack of evidence or some other appropriate reason • Providing information/advice on how to be compliant • Negotiating with the person to obtain voluntary undertakings or an agreement to address the issues of concern • Issuing a warning or a formal caution
Medium	<ul style="list-style-type: none"> • Issuing a letter requiring work to be done or activity to cease in lieu of more formal action • Issuing a notice of intention to serve an order or notice under relevant legislation, and then serving an order or notice if appropriate
High	<ul style="list-style-type: none"> • Issuing a penalty notice • Carrying out the works specified in an order at the cost of the person served with the order • Seeking an injunction through the courts to prevent future or continuing unlawful activity • Commencing legal proceedings for an offence against the relevant Act or Regulation

21.2 Following up enforcement action

All enforcement action will be reviewed and monitored to ensure compliance with any undertakings given by the subject of the enforcement action or advice,

directions or orders issued by Council. Reports alleging continuing unlawful activity will be assessed and further action taken if necessary. If the unlawful activity has ceased or the work has been rectified, the matter will be resubmitted for follow up action to ensure ongoing compliance outcomes are met. Should initial enforcement action be found to have been ineffective, council staff will consider other enforcement options.

22. CRIMINAL AND CIVIL PROCEEDINGS

22.1 Council and its delegated staff will be guided by legal and expert advice in deciding whether to commence criminal or civil proceedings and will consider the following:

a) **Whether there is sufficient evidence to establish a case to the required standard of proof**

Council considers the decision to take legal action a serious matter, and as such will only initiate and continue proceedings once it has been established that there is admissible, substantial and reliable evidence to the required standard of proof.

The basic requirement of any criminal prosecution is that the available evidence establishes a prima facie case. The prosecutor is required to prove the elements of the offence beyond reasonable doubt.

In civil enforcement proceedings, Council will require sufficient evidence to satisfy the court that an actual or threatened breach has occurred on the balance of probabilities.

b) **Whether there is a reasonable prospect of success before a court**

Given the expense of legal action, Council will not take legal action unless there is a reasonable prospect of success before a court. In making this assessment, Council will consider the availability, competence and credibility of witnesses, the admissibility of the evidence, all possible defences, and any other factors which could affect the likelihood of a successful outcome.

c) **Whether the public interest requires legal action to be pursued**

The principal consideration in deciding whether to commence legal proceedings is whether to do so is in the public interest. In making this determination, the same factors considered when taking enforcement action apply.

The following considerations relate more specifically to the decision to commence legal proceedings and will assist council and its delegated staff in making this determination:

- The availability of any alternatives to legal action
- Time within which to commence proceedings
- Whether an urgent resolution is required (court proceedings may take some time)
- The possible length and expense of court proceedings
- Any possible counter-productive outcomes of prosecution
- What the effective sentencing options are available to the court in the event of conviction

- Whether the proceedings or the consequences of any resulting conviction would be unduly harsh or oppressive.

23. RECOVERY OF FINES & LEGAL COSTS

23.1 In relation to the recovery of legal costs Council will:

- a) Seek to recover fair and reasonable costs in all matters where costs are recoverable, either by consent or by order of the court
- b) Seek to recover the penalty imposed by the court where such penalty is imposed
- c) Consider any recommendations of its legal representative/s to accept a lesser amount than the full legal cost if the acceptance will result in Council not incurring further and unnecessary legal costs.

24. COMMUNITY AWARENESS

24.1 Council will take every opportunity to promote ongoing community awareness with regard to compliance/enforcement. This may include, but is not limited to, website references, the publication of press releases and the periodic inclusion in any community newsletters with a view to improving community confidence and awareness.

24.2 Awareness initiatives that focus on residents, developers and business operators will adopt an educational approach designed to engage and promote:

- a) An awareness of this policy
- b) The minimisation of non-compliance by improving the knowledge of legislation within the community
- c) The benefits of complying with the legislation and the consequences of not complying

25. POLICY MONITORING & REVIEW

25.1 To ensure this Policy remains contemporary, it will be reviewed every 3 years or after legislative changes.

25.2 The processes will include, but not be limited to, determining the levels of compliance in regulated/core business activities and the emergence of any apparent trends, the success or otherwise of specific types of enforcement action and the effectiveness of any education campaign/s.

□ * * *

RELEVANT LEGISLATIVE INSTRUMENTS: *Australian Road Rules 2014*
Boarding Houses Act 2012
Companion Animals Act 1998
Contaminated Land Management Act 1997
Crown Land Management Act 2016
Environmental Planning & Assessment Act 1979
Fines Act 1996,
Food Act 2003
Impounding Act 1993
Local Government Act 1993
Local Government (General) Regulation 2005
Motor Dealers and Repairers Act 2013
Biosecurity Act 2015
Protection of the Environment Operations Act 1997 and Regulations (multiple)
Public Health Act 2010
Public Health Regulation 2012
Swimming Pools Act 1992
Roads Regulations 2018
Road Transport (General) Regulation 2013
Rural Fires Act 1997
Building Professionals Act 2005
Sydney Water Act 1994, and
 The Regulations relating to the above Acts.

RELATED POLICIES, PLANS AND PROCEDURES: Asbestos Policy
 Feedback Policy
 Animal Care Facility Adoption Policy
 Dealing with Unreasonable Customer Conduct
 Swimming Pools Inspection Program
 Code of Conduct
 Guidelines for Councillor Access to Information and Advice

RESPONSIBLE DIRECTOR: Director Planning and Environment

APPROVAL: Council

HISTORY:

Version	Approved by	Changes made	Date	EDMS Number
1	Council	New policy	08/03/2016	16/137442
2	Council	Minor amendments		



**FIRE SAFETY
POLICY
P2.0236.1**

DRAFT

FIRE SAFETY PROGRAM POLICY

DIVISION: Planning and Environmental Services

BRANCH: Development Certification

CATEGORY: 2

PART 1 - INTRODUCTION

1. BACKGROUND

- 1.1 Council's Fire Safety Program was adopted by Council in 2001 to promote the upgrading of fire safety in existing buildings and to ensure fire safety measures are adequately maintained.
- 1.2 This policy has been prepared to inform and assist building owners and Council officers in relation to fire safety matters that are governed by the Environmental Planning & Assessment Act (EP&A Act).

2. OBJECTIVE

- 2.1 To assist owners of Class 1b to 9 buildings meet their legal obligations regarding the implementation and maintenance of fire safety measures.
- 2.2 To promote fire safety compliance in buildings within the Camden LGA.
- 2.3 To ensure the community and building owners are informed on Council's role and processes in relation to fire safety and enforcement.

3. SCOPE

- 3.1 The policy applies to buildings classified as 1b to 9 under the NCC, including Council owned buildings.

4. DEFINITIONS

Annual Fire Safety Statement (AFSS) means an Annual Fire Safety Statement as defined by the Environmental Planning and Assessment Regulation 2000.

Competent Fire Safety Practitioner (CFSP) means a competent fire safety practitioner is a person defined by Clause 167A of the EP&A Regulation who is competent to perform fire safety assessment functions as required by the EP&A legislation.

Critical Fire Safety Measure (CFSM)

A critical fire safety measure means a fire safety measure that is identified in a fire safety schedule as a critical fire safety measure, being a measure that is of such a nature, or is implemented in such an environment or in such circumstances, that the measure requires periodic assessment and certification at intervals of less than 12 months.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A legislation means *the EP&A Act and the EP&A Regulation*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2000*.

Essential Fire Safety Measure means any installations or types of construction that have been incorporated into a building to ensure the safety of the occupants within the building in the event of fire or other emergency, and may include such measures as automatic fire suppression systems (e.g. sprinkler systems), fire hose reels, fire hydrants, automatic fire detection and alarm systems, fire doors, fire extinguishers, smoke exhaust systems, exit signs, emergency lighting and fire engineered solutions.

Essential Service Details means annual fire safety statement, fire safety certificates, fire safety statements, supplementary fire safety statements and/or fire safety schedules which acknowledge the existence, installation and performance standards of fire safety measures required to serve a Class 1b to Class 9 building.

F&R NSW means Fire and Rescue New South Wales

Fire Safety Certificate (FSC) means a type of certificate submitted by the owner or the person acting for the building owner, which in effect certifies that specified essential fire safety measures have been installed and perform in accordance with the relevant Building Code of Australia requirements and Australian Standards.

It is the first certificate issued after installation of essential fire safety measures following completion of:

- Any approved new building work or change of building use and prior to use of the new facilities; or
- Fire safety upgrade works required by council.

Fire Safety Schedule (FSS) means a document specifying all the essential fire safety measures (both existing and proposed) serving the whole building and lists the minimum standard of performance to which each identified fire safety measure must be capable of operating to.

Fire Safety Statement means an annual fire safety statement or a supplementary fire safety statement.

LGA means Local Government Area.

NCC means the National Construction Code - Building Code of Australia

RFS means the Rural Fire Service

Supplementary Fire Safety Statement means a statement applying to critical fire safety measures installed on the premises, which are measures that are of such importance that they must be certified more frequently than every 12 months and at an interval specified on the fire safety schedule for the premises. The assessment of the critical fire safety measures must be undertaken within one month of the date of issue of the statement.

PART 2 - POLICY STATEMENT

5. Fire Safety procedures and activities:

5.1 Council will undertake the following in respect of fire safety in buildings:

- Investigate and respond to complaints and enquiries concerning fire safety.
- Audit and require building owners to upgrade Class 1b - 9 buildings to achieve an appropriate level of fire safety.
- Maintain a register of Class 1b - 9 buildings and monitor that building owners meet legislative requirements for fire safety statements and essential services.
- Provide systems and processes which support the efficient delivery of this policy, including a fire safety register with relevant details of current properties.
- Undertake enforcement in accordance with the principles outlined in this policy and Council's Compliance & Enforcement Policy.
- Collaborate with other agencies, including F&R NSW in relation to managing fire safety risks within the LGA.

6. Investigation of Fire Safety Matters

- 6.1 Camden LGA has a large and diverse stock of buildings, constructed over different periods of time, where varied fire safety standards may apply.
- 6.2 Council will respond to all complaints and enquires concerning fire safety relating to buildings within the LGA.
- 6.3 Actions will be prioritised according to risk, with matters that present an immediate threat to life given the highest priority.
- 6.4 Matters reported to Council by F&R NSW in accordance with Cl. 17 Schedule 5 of the EP&A Act will be prioritised, reported to Council and investigated in accordance with the legislation.
- 6.5 The investigation of a fire safety matter may result in a building being included on Council's Fire Safety Register and trigger the requirement for the submission of a Fire Safety Statement or upgrading. Council may require the use or activity in a building or premises cease where there is reasonable concern regarding fire safety.
- 6.6 Where an investigation identifies fire safety matters which must be addressed, Council may take enforcement action, including serving Orders under Schedule 5 Part 2 of the EP&A Act.
- 6.7 Information on compliance and enforcement is outlined in Part 8 of this policy.

7. Annual Fire Safety Statements (AFSS)

- 7.1 Under the EP&A Act, owners of Class 1b to 9 buildings are required to provide an AFSS to Council and F&R NSW. An AFSS is required to be prominently displayed in the building.
- 7.2 Council will maintain a register of known Class 1b to 9 buildings in the Camden LGA, including Council buildings.
- 7.3 Council will require an AFSS is submitted for each building on Council's register. It is noted that Council's register may not capture all buildings that require an AFSS and owners are still required to submit an AFSS even if the building is not included on the register.
- 7.4 An AFSS must include all fire safety measures in a building as identified on the Fire Safety Schedule. If a schedule cannot be located, or clarification of installed measures is required, Council may require a suitably qualified CFSP inspect the building to establish an accurate fire safety schedule for the building.
- 7.5 Council may charge a fee for submission of each AFSS, payable at the time of submission, or for inspections by Council officers in respect of clause 7.4 above, in accordance with Council's adopted Fees and Charges.
- 7.6 Buildings may be added to the register in several ways including;
- Issue or submission of an Occupation Certificate.
 - Issue of Fire Safety Orders.
 - Voluntary submission of an AFSS.
 - Fire safety audit or upgrade in accordance with Council's Fire Safety Program.
 - Investigation of a complaint or referral from FRNSW or another agency.
 - Approval for change of use, additions or alterations to an existing building.
- 7.7 To assist building owners, Council will send a reminder letter for buildings on the register prior to the due date of the AFSS. The letter will be sent to owner of the premises in accordance with the available data on Council's rates and property database. Council will take reasonable care to ensure that reminder letters are sent prior to the due date and accurate ownership details are maintained.
- 7.8 Notwithstanding clause 7.7, Council has no legislative obligation to issue reminders and accepts no responsibility for the reliance upon reminder letters by owners to fulfill their legal obligation for providing the statements when due. Failure to receive a reminder does not relieve owners of responsibility nor provide a defence for any regulatory action taken for non-compliance.
- 7.9 Where an AFSS is not received by the due date, Council will issue an overdue notice. The overdue notice will give the building owner 14 days to submit the AFSS.

7.10 Failure to submit an AFSS within the required timeframe is an offence under the EP&A Act to which penalty infringement notices apply. Failure to submit an AFSS could also lead to legal proceedings in the Land and Environment Court.

7.11 Notwithstanding clause 7.9, extensions of time may be considered where there are extenuating circumstances including, but not limited to, discrepancy of fire safety measures specified, unavailability of essential parts or unavoidable failure and/or damage of essential measures immediately prior to inspection. Delays in appointing a contractor, arranging an inspection and/or changes in strata manager will not generally be accepted as grounds for extension. Requests for extension will generally only be considered where made prior to the due date.

7.12 Failure to maintain essential fire safety measures is an offence under the EP&A Act and Regulations in which penalty infringement notices apply.

8. Compliance & Enforcement

8.1 The EP&A legislation provides a range of enforcement tools to deal with fire safety matters, including:

- Orders issued under Part 2 Schedule 5 of the EP&A Regulation.
- Penalty Infringement Notices.
- Civil and Criminal Court Proceedings.

8.2 All matters will be thoroughly investigated and actioned on a case-by-case basis and in accordance with Council's Compliance and Enforcement Policy. An escalating enforcement approach is normally applied unless the matter presents an immediate threat to life and safety.

8.3 Notwithstanding the above, all fire safety breaches are deemed by Council to be serious offences and some circumstances may warrant issuing of a penalty infringement notice without previous warning or use of emergency orders where there is a potentially life-threatening matter.

9. Risk Assessment

9.1 Council will take a risk-based approach when determining the appropriate course of action including the nature of occupants, uses and activities, risk to the community and age of the building.

9.2 Notifications received from F & R NSW or under section 129D or section 162D of the EP&A Regulation will be considered using a risk-based approach, which may include taking no action, writing to the building owners or taking any of the actions outlined in section 8 above, as is warranted in the circumstances.

9.3 Buildings identified with combustible cladding, which require registration on the NSW Cladding register will be categorised as high risk.

9.4 The scope of fire safety audits and upgrade works required will generally be determined in accordance with Part 10 of this policy. Building owners may be required to engage a CFSP to undertake a fire safety audit and submit strategies for Council's approval.

- 9.5 Fire Safety upgrades will be enforced by issuing of Notices and Orders under Schedule 5 Part 2 of the EP&A Act.

10. Fire Safety Audit and Upgrade Program

- 10.1 A building may be identified for a fire safety audit in several ways including;
- Complaint relating to the fire safety of the building is received.
 - Where there is an outstanding fire safety order or notice.
 - Properties and buildings have been identified on Council's Fire Safety Register and a current AFSS has not been received. This includes properties and buildings that were once active on Council's register and the owners are not currently submitting an AFSS.
 - Buildings that are known to present a fire safety risk (e.g. due to any combination of factors such as the construction, use, nature of occupants, or age of a building).
 - Registration of a building on the NSW Cladding Register.
 - Where notification has been received from F&R NSW.
 - Notification from an accredited building certifier or Council officer indicating that the fire safety of the building is not adequate.
 - Class 1b and Class 2-9 buildings where unauthorised building works or change of use have been carried out.
 - Approved Class 1b and Class 2-9 developments where an occupation certificate has not been received and the building is occupied.
 - Where development approval is granted for change of use, additions or alterations to an existing building.
- 10.2 Buildings will be placed in one of three categories being high, moderate and low risk, with priority given to those that present the highest risk. The risk category will also guide the level of upgrading required. The types of buildings and associated risk have been categorised as detailed in Table 1 below.
- 10.3 The primary purpose of the building audit is to establish whether the building presents a fire safety risk to its occupants. This will involve an assessment of the adequacy of the existing active and passive fire safety measures, and determination as to whether an upgrade is required.
- 10.4 Council may require fire safety upgrading works as conditions of a development consent or by issuing orders under Schedule 5 Part 2 of the EP&A Act.
- 10.5 Where it is identified that a building requires a fire safety audit and/or upgrading, Council may require a report or upgrade strategy from a CFSP in accordance with Table 1 below.

Table 1

Risk Category	Type of Building	Competency required - upgrade strategy
High	<ul style="list-style-type: none"> - Aged Care Building (private) - Health care building (private) - Nursing home - Hotel, motel or night club - Child care facility - School - Accommodation for people with disabilities - Residential flat building - Boarding house, guest house, hostel, Group homes or the like - Entertainment venues - Large assembly buildings - Buildings that are known to present a fire safety risk (e.g. due to any combination of factors such as the construction, use, nature of occupants, or age of a building). - Registration of a building on the NSW Cladding Register. 	<ul style="list-style-type: none"> - A 1 Certifier (unrestricted), or - Fire Safety Engineer - Competent fire safety practitioner as recognised by the EP & A Act 1979 and Regulation for this class of building
Moderate	<ul style="list-style-type: none"> - Factory - Assembly building (e.g. church) - Large Warehouse or warehouse where nature of storage is considered higher than normal risk - Large shopping complex - Restaurant - Enclosed car park 	<ul style="list-style-type: none"> - A 1 Certifier (unrestricted), or - Fire Safety Engineer - Competent fire safety practitioner as recognised by the EP & A Act 1979 and Regulation for this class of building
Low	<ul style="list-style-type: none"> - Office building - Small shop < 500m² - Open Car park - Low rise bulky goods - Small industrial units 	<ul style="list-style-type: none"> - A 1 Certifier (unrestricted), or - A 2 Certifier (unconditional), or - Fire Safety Engineer - Competent fire safety practitioner as recognised by the EP & A Act 1979 and Regulation for this class of building

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RELEVANT LEGISLATIVE INSTRUMENTS: *Environmental Planning & Assessment Act 1979*

Environmental Planning & Assessment Regulation 2000

RELATED POLICIES, PLANS AND PROCEDURES:

Compliance & Enforcement Policy.
Fire Safety Program Procedure Manual

RESPONSIBLE DIRECTOR:

Director Planning & Environment

APPROVAL:

Council

HISTORY:

Issue	Approved by	Changes made	Date	TRIM Number
1	ELG	New policy	Insert date	Trim Number



LAND ACQUISITION HARDSHIP POLICY

P3.0249.1

LAND ACQUISITION HARDSHIP POLICY

DIVISION: Customer and Corporate Strategy

BRANCH: Finance and Property Services

CATEGORY: 2

PART 1 – INTRODUCTION

1. BACKGROUND

- 1.1 With the growth of the Camden Local Government Area, this policy has been developed to ensure that the process for determining owner-initiated acquisitions (Hardship Claims) is transparent, consistent and impartial.

2. OBJECTIVE

- 2.1 This policy outlines the statutory requirements and processes Council staff should follow to ensure that the assessment of Hardship Claims is transparent, consistent and impartial.
- 2.2 This policy outlines the requirements that a landowner must meet to submit a Hardship Claim to Council.
- 2.3 To undertake processes that provide equitable, effective and efficient management that fulfills the accountability and transparency requirements of the *Land Acquisition (Just Terms Compensation) Act 1991* (the Act) when determining Hardship Claims.
- 2.4 That any Hardship Claim received will be determined on the merit of the claim and, if proven, will be required to be acquired.

3. SCOPE

- 3.1 This policy applies to all Hardship Claims, as defined in this policy.

4. DEFINITIONS

In this policy, a number of terms from the Act are used. Those terms and their meanings are as follows:

4.1 Authority means:

- (a) a Minister of the Crown, or
- (b) a statutory body representing the Crown, or
- (c) a council or county council or a joint organisation within the meaning of the *Local Government Act 1993*, or
- (d) any other authority authorised to acquire land by compulsory process.

4.2 **Hardship** means that:

- (a) the owner is unable to sell the land, or is unable to sell the land at its Market Value, because of the designation of the land for acquisition for a public purpose, and
- (b) it has become necessary for the owner to sell all or any part of the land without delay:
 - i. for pressing personal, domestic or social reasons, or
 - ii. in order to avoid the loss of (or a substantial reduction in) the owner's income.

4.2.1 If the owner is a corporation, the corporation does not suffer hardship unless it has become necessary for the corporation to sell all or any part of the land without delay:

- (a) for pressing personal, domestic or social reasons of an individual who holds at least 20 per cent of the shares in the corporation, or
- (b) in order to avoid the loss of (or a substantial reduction in) the income of such an individual.

4.3 **Hardship Claim** means an application made by an owner of land that is designated for acquisition by Council for a public purpose and the owner considers that he or she will suffer hardship if there is any delay in the acquisition.

4.4 **Market Value** means the market value of land at any time means the amount that would have been paid for the land if it had been sold at that time by a willing but not anxious seller to a willing but not anxious buyer, disregarding (for the purpose of determining the amount that would have been paid):

- (a) any increase or decrease in the value of the land caused by the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired; and
- (b) any increase in the value of the land caused by the carrying out by the authority of the State, before the land is acquired, of improvements for the public purpose for which the land is to be acquired; and
- (c) any increase in the value of the land caused by its use in a manner or for a purpose contrary to law.

4.5 **Owner** means a person who has the fee simple estate in the land or a person who has become entitled to exercise a power of sale of the land.

4.6 **Valuer General** means the independent statutory officer, appointed by the Governor of New South Wales, to oversee the State's land valuation system.

PART 2 - POLICY STATEMENT

5. LAND DESIGNATED FOR ACQUISITION FOR A PUBLIC PURPOSE

5.1 Land is designated for acquisition for a public purpose if:

- (a) Council has, in connection with an application for development consent or building approval, given the local authority or other person dealing with the application written notice that the land has been designated by Council for future acquisition for a public purpose, or
- (b) The land is reserved by an environmental planning instrument for use exclusively for a purpose referred to in section 3.14(1)(c) of the *Environmental Planning and Assessment Act 1979* and the instrument (or some other environmental planning instrument) specifies the Council as the authority required to acquire the land.

6. OWNER-INITIATED ACQUISITION IN CASES OF HARDSHIP

- 6.1 Council will consider a Hardship Claim if an owner can demonstrate that he or she will suffer hardship if there is any delay in the acquisition of the land in accordance with the requirements of the Act.
- 6.2 Council is not required to acquire the land unless it is of the opinion that the owner will suffer hardship if there is any delay in the acquisition of the land under the Act.
- 6.3 Each party will be responsible for their own costs incurred during the process outlined in this policy (e.g. valuation fees, legal fees etc.).
- 6.4 Council cannot provide advice in relation to an owner's situation or Hardship Claim. The owner should obtain independent legal and financial advice prior to submitting a Hardship Claim to Council.
- 6.5 The owner must provide supporting documentation with their Hardship Claim. These are outlined in Council's 'Land Acquisition Hardship Claim Information Guide', along with the procedures for managing hardship claims, which is available on Council's website www.camden.nsw.gov.au.
- 6.6 Council may request that the owner provide further information to support their claim. Failure to supply the information will not enable a suitable assessment of the Hardship Claim.
- 6.7 If Council officers are not satisfied that there is enough evidence to form an opinion of hardship, the owner will be advised that the claim cannot be assessed.

7. REPORTING

- 7.1 In accordance with section 377(1) of the *Local Government Act 1993*, the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property requires that the decision be made by Council.
- 7.2 Following assessment of the Hardship Claim by Council officers, a report will be

made to Council for a determination of the claim.

8. ADDITIONAL CONSIDERATIONS – SUCCESSFUL HARDSHIP CLAIMS

8.1 Fixtures & Fittings

- (a) The owner must advise Council, prior to a valuation, if there are any items in, on or at the property that is considered fixtures or fittings that the owner intends to retain.
- (b) The market value of the property will be assessed having regard to the prime cost items and inclusions at the time of inspection.

8.2 Contents & Personal Items

- (a) Council is under no obligation to purchase any contents and personal items within the property, such as furniture, televisions, whitegoods, vehicles and any other moveable items.
- (b) It is at Council's sole discretion to purchase such items following a request by the owner. Such a request must be made prior to a valuation being undertaken.

8.3 Monies Owing

Council will not pay any money owing with respect to the property, including, but not limited to, Council rates, land tax, fees or any other items.

8.4 Inspections

- (a) Council will require access to undertake inspections of the property. These inspections will be kept to a minimum however there are several Council officers and agents of Council that will need to inspect the property.
- (b) These inspections may take place at any time from lodgement of the Hardship Claim until acquisition of the property.

8.5 Valuations

- (a) Council will instruct an independent licensed valuer to determine the market value of the property.
- (b) In the instance where the property is deemed to hold a market value over \$1.5 million, Council may engage two independent licensed valuers to determine market value.

8.6 Condition of Property

- (a) The property must be maintained throughout the acquisition by the owner. Upon acquisition, the owner must ensure that:
 - i. The property is left in a clean and tidy condition, and
 - ii. Swimming pools are clean and comply with any relevant statutory or Council requirements including fencing and signage, and

- iii. Any inclusions that form part of the sale must be intact and in proper working order, unless there has been disclosure of this to Council prior to any agreement of sale is reached.

8.7 Occupying the Property

- (a) In the instance that Council does not require the acquired property for the public purpose immediately upon completion of the acquisition, Council may, at its discretion, consider a lease to the former owner at market rental.
- (b) Unless the owner submits to Council a written request to lease the property within 30 days after acquisition occurs, vacant possession must be given on settlement.

8.8 Easements

- (a) Where the public purpose can be achieved via the grant of an easement or a right in favour of Council, Council may, in its discretion, decide to negotiate the terms of the easement or right with the owner.

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RELEVANT LEGISLATIVE INSTRUMENTS: *Land Acquisition (Just Terms Compensation) Act 1991*
Local Government Act 1993
Real Property Act 1900
Conveyancing Act 1919
Roads Act 1993
Environmental Planning and Assessment Act 1979

RELATED POLICIES, PLANS AND PROCEDURES: N/A

RESPONSIBLE DIRECTOR: Customer and Corporate Strategy

APPROVAL: Council

HISTORY:

Version	Approved by	Changes made	Date	EDMS Number
1	Council	New		



camden
council

ORD04

Land Acquisition Hardship Claim Information Guide

Camden Council has adopted a 'Land Acquisition Hardship Policy' to ensure that the process for determining owner-initiated acquisitions (Hardship Claims) is transparent, consistent and impartial.

The Policy outlines:

- the requirements that a landowner must meet to submit a Hardship Claim to Council.
- the processes that Council staff follow to ensure that the assessment of the claim is transparent, consistent and impartial.

To assist landowners with the Hardship Claim process, this information guide outlines:

- Who acquires privately owned land and how privately owned land is acquired;
- An overview of what hardship is and how compensation is determined;
- A checklist outlining the supporting documentation that landowners are required to submit with their Hardship Claim;
- An overview of the process that Council Officers undertake to assess the Hardship Claim;
- An overview of the process which outlines Council's procedure if hardship has been determined in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*; and
- Reference to Council's Land Acquisition Hardship Policy.

Council's Land Acquisition Hardship Policy can be found on Council's website, www.camden.nsw.gov.au.

Attachment 2



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camden
council

Local Councils have a range of roles and responsibilities in their communities, including the provision of facilities and the supply of public services.

Council's will sometimes be required to 'acquire' land to achieve its roles and responsibilities.

Council may need to acquire privately owned land or an interest in the land for a variety of public interest purposes, such as developing or upgrading public infrastructure.

Council may acquire the whole of a property, part of a property, or an interest in a property, such as a lease for a construction site or a right to run power, sewer or water lines. The body acquiring the land is commonly called the "acquiring authority".

In general, when an acquiring authority acquires privately owned land, it will need to comply with the *Land Acquisition (Just Terms Compensation) Act 1991*. This Act sets out the steps that must be undertaken by acquiring authorities to acquire land and the matters to be considered in determining the amount of compensation to be paid to a land owner.

This guide provides information about the land acquisition process, including general guidance about the rights and responsibilities of acquiring authorities and land owners, and the role of the Valuer General. The guide is not intended to provide legal advice, and land owners may wish to obtain their own legal advice.

More detailed information on the role of the Valuer General in the land acquisition process may be obtained by going to:

<http://www.valuergeneral.nsw.gov.au>

WHO ACQUIRES PRIVATELY OWNED LAND?

In NSW, acquiring authorities, including Government agencies, some State-owned corporations, and Local Councils, have the power to acquire privately owned land for public purposes.

Local Councils can only acquire land if it has the power to do so under an Act. Currently, the only Acts under which a Council can compulsorily acquire land are the *Local Government Act 1993* and the *Roads Act 1993*.

The process for acquiring land will need to comply with *Land Acquisition (Just Terms Compensation) Act 1991* (the Act).

HOW IS PRIVATELY OWNED LAND ACQUIRED?

Under the Act, land can be acquired in two ways:

1. Private agreement; or
2. Compulsory process.

A key difference between the two types of acquisition is that when land is compulsorily acquired the Valuer General must determine the amount of compensation to be paid to the land owner. The Valuer General is an independent statutory official and does not represent either the acquiring authority or the land owner.

When land is acquired by agreement, the acquiring authority and land owner agree on the amount of compensation, and the Valuer General is not involved.

Whether land is acquired by agreement or compulsorily, the matters to be considered in determining compensation for the land owner are the same (except in cases of hardship).



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HARDSHIP

Before an acquiring authority commences the process of acquiring of privately owned land, the land can sometimes have already been designated for a public purpose. Designated can occur either by written notice from the acquiring authority or by an environmental planning instrument. All environmental planning instruments can be viewed at <http://www.legislation.nsw.gov.au>.

For various reasons, there may be a period of time between the designation of the land and the start of acquisition. Under the Act's hardship provisions, a land owner can request an acquiring authority to acquire all or some of the owner's land before the acquiring authority needs the land.

Under section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991*, a landowner who suffers hardship may require the local Council to acquire their land.

In order for an acquiring authority to acquire land under the hardship provisions, the land owner must demonstrate that:

- It has become necessary to sell the property without delay for pressing personal, domestic or social reasons, or to avoid a substantial loss in income, and
- The owner is unable to sell the land at its market value because the land has been designated for future acquisition.

Where land is acquired under the hardship provisions, the compensation is generally based on the market value of the land as if the public purpose designated had not been made.

Unlike other acquisitions under the Act, additional costs are generally not included in the compensation payment. This is because the owners request to have his or her land acquired is taken as a willingness to accept the normal costs associated with selling a property.

COUNCIL'S LAND ACQUISITION HARDSHIP POLICY

Camden Council has adopted a 'Land Acquisition Hardship Policy' to ensure that the process for determining owner-initiated acquisitions (Hardship Claims) is transparent, consistent and impartial.

The Policy outlines:

- the requirements that a landowner must meet to submit a Hardship Claim to Council;
- the processes that Council staff follow to ensure that the assessment of the claim is transparent, consistent and impartial.

Council will consider each hardship claim received on a case by case basis, and each claim will be determined on the merit of the claim.

To be eligible to submit a Hardship Claim, the property must be designated for future acquisition.

Camden Council may accept Hardship Claims in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*, the Land Acquisition Hardship Policy and any additional terms and conditions negotiated with respect to each claim.

Attachment 2

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CHECKLIST OF INFORMATION REQUIRED FOR HARDSHIP CLAIM APPLICATIONS

Identification

- Copy of driver's licence or passport
- A telephone, water or electricity bill that confirms the applicants address

Proof of Employment

- Work references
- Proof of pension
- Payslips

Financial Records

- Bank statements for the past two years
- Superannuation statement for the past two years
- Tax returns for the past two years
- Any shares owned including their value
- Any other assets owned and their value
- Any international assets, which any of the applicants receive an income from, including properties, shares or investments
- Any rental income the applicant receives
- Any income received including Centrelink payments
- Reasons for financial hardship (if applicable)
- Rent statements

Mortgage or Loans

- Mortgage documentation and/or bank statements confirming outstanding loan including the balance and remaining term of the loan

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Services Rendered

- Evidence of any services rendered for the ongoing day to day maintenance of the property

Assets

- All assets owned by the applicant and the value of the current assets including, but not limited to, all property, motor vehicles and farm equipment

Professional Advice

- Details of any relevant financial advice that the applicant has obtained
- Independent financial advice that supports financial hardship claim

Sale of Property

Note: The landowner needs to provide evidence that they have made a reasonable attempt to sell the property.

- Placing the property on the market for a minimum of 90 days
- Provide a copy of the Agency Agreement
- Provide a copy of the Contract for Sale
- Provide inspection reports, marketing and promotion schedules or campaigns
- Information regarding any offers made on the property by perspective buyers
- Proof of internet listings of the property
- Statistics of the property internet listing
- A listing of three comparable sales that the real estate agent has based their opinion of value on, as stated on the Agency Agreement
- A report from the real estate agent and buyer feedback to advice and support the reasons affecting the sale

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Support Available

- Evidence of available community services to assist the applicant to stay in the property
- Evidence of consultation with community services and the outcome of completed assessments
- Evidence of any support available to the applicant

Medical Conditions

Note: Evidence of any diagnosed medical conditions which are impacted as a result of living in the property.

- A written report from the treating medical specialist detailing the conditions suffered
- Treatment plan for the management of the medical conditions
- Explanation of how living in the home is impacting any medical conditions
- Any other information relevant to support medical conditions



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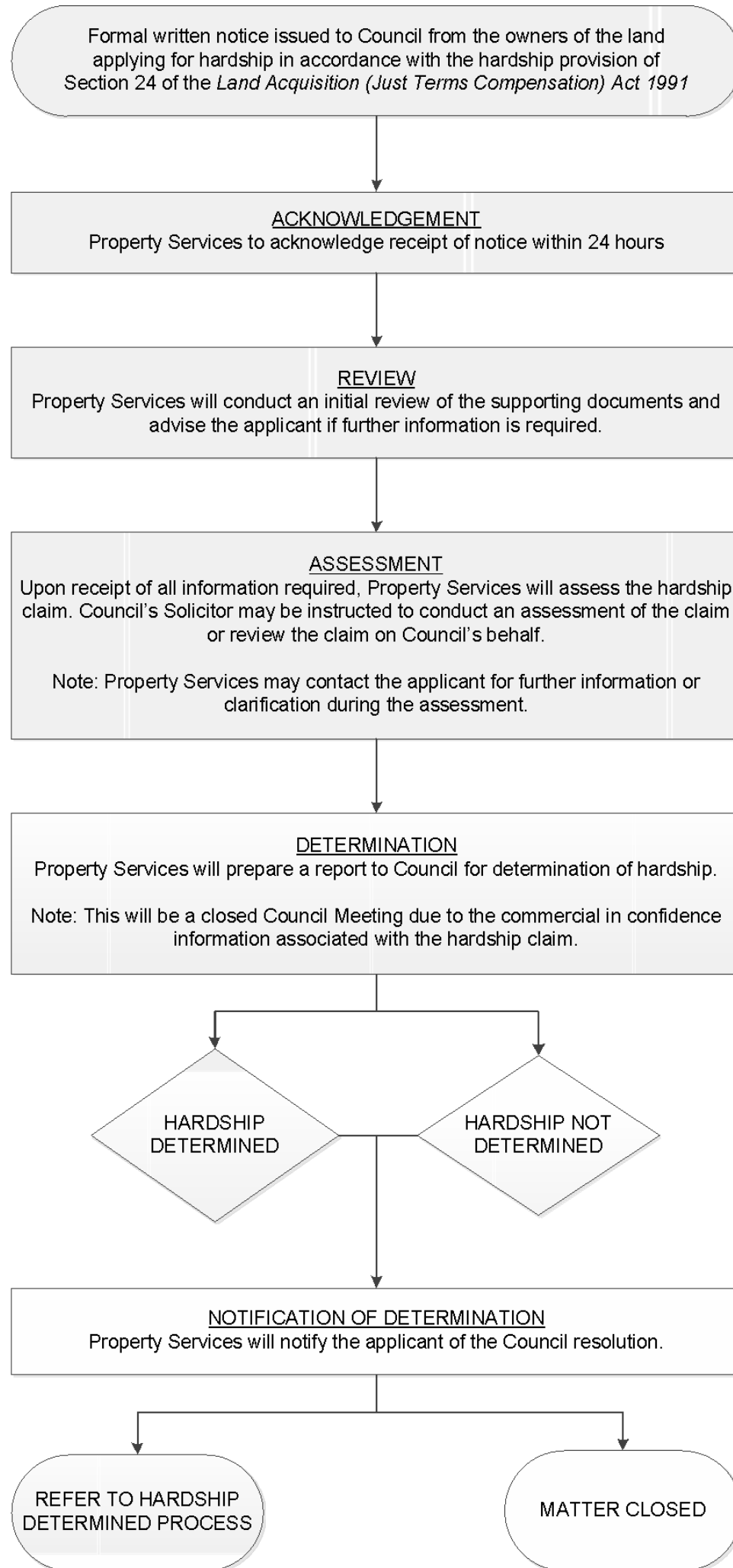


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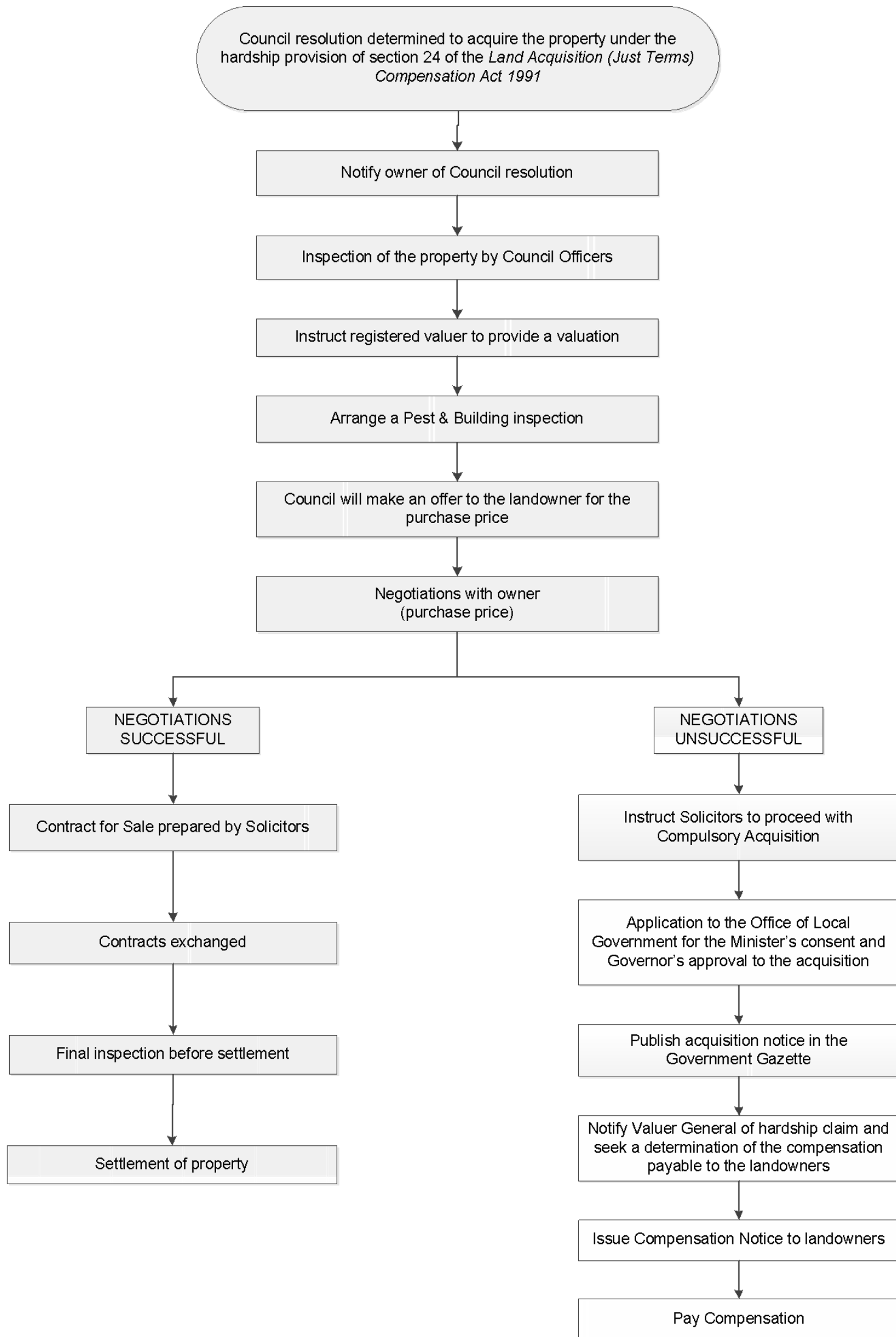


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PROCEDURE HARDSHIP CLAIM ASSESSMENT



PROCEDURE - HARDSHIP DETERMINED



Procedural Manual for Community Management Committees 2019
Bicentennial Equestrian Park
 Version 05

1. INTRODUCTION

The *Local Government Act 1993* allows Council to delegate authority to committees to manage some of Council's facilities or functions. Council has resolved to delegate responsibility to four Community Management Committees. These Committees are:

- **Camden Bicentennial Equestrian Park Committee**
- **Camden Town Farm Committee**
- **Camden International Friendship Association Committee**
- **Camden Seniors Programs Committee**

Community Management Committees play an important role in the local community, and the volunteers who become members provide a valuable contribution to the local community.

Camden Council recognises the contributions made by volunteers appointed to Community Management Committees and provides advice and direction to assist with their effective operation through Procedural Manuals.

This Manual outlines the responsibilities; functions and operations of the Camden Bicentennial Equestrian Park Community Management Committee; and clarifies Council's role in this partnership.

Upon Council's formal approval of a Camden Bicentennial Equestrian Park Community Management Committee, its members are required to adopt and adhere to the conditions set out in this Manual.

Councillors may on occasion attend the regular meetings of the Committee to enable them to develop an awareness and/or understanding of the operation of the Committee.

Council Contacts

Council's contact information is outlined below:

Contact with Council Officers can be made by contacting Camden Council, 70 Central Avenue, Oran Park - Phone (02) 4654 7777.

Business Hours (8.30am – 5.00pm) Monday – Friday

Contact can also be made via Council's After Hours Emergency Number (02) 4654 7777 which is a 24 hour service. This service should only be used for emergency situations. All other contact should be made during business hours.

Council will also appoint a Council Liaison Officer to act as the key point of contact within the Council for the Committee. This information will be provided directly to the Committee.

2. DEFINITIONS

In this Manual:

- a. "Annual use" shall mean any user granted use of any facility on a year-to-year basis.
- b. "BEP" is an abbreviation for Camden Bicentennial Equestrian Park
- c. "Casual Hirer" shall mean those groups or individuals that have been granted use of the sporting or building facilities for a one off activity.
- d. "Committee", or "Management Committee" or "Community Management Committee" shall mean that body of persons appointed in accordance with Section 3 of this Manual.
- e. "Community Representative" shall mean those individuals that are not specifically representative of any User Group and are a representative of the Camden LGA.
- f. "Council" shall mean the Council of Camden.
- g. "Council Liaison Officer" refers to an officer of Council assigned to be the key liaison point between a Management Committee & Council. The officer will not have voting rights on the Committee.
- h. "Delegate" refers to "Delegate & Alternate Delegate" as representatives nominated by an organisation to represent their group on the committee.
- i. "Manual" means this Community Management Committee Manual and its appendices.
- j. "Member" shall mean a person and/or organisation appointed to a Management Committee by Council.
- k. "Minor maintenance" shall mean all maintenance works within land, halls, and other buildings under the control of the Management Committee excluding those specified as being the responsibility of Council.
- l. "Premier User Group" A user group that fulfils particular ongoing conditions & obligations will be defined as a Premier User Group. Refer to the relevant section this manual.
- m. "Project" as defined in Council's Project Management Framework and includes, but is not limited to, works involving construction, alteration, conversion, fitting-out, commissioning, renovation, repair, maintenance, refurbishment, and demolition, decommissioning or dismantling of a structure.
- n. "Relative" means the spouse, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or the person's spouse.
- o. "Routine Operational Business" refers to administrative matters of the Committee and minor maintenance of the facility. No capital purchases are permitted without the prior approval of Council.
- p. "User Group" shall mean any club, group or organisation which is granted use of any portion of the facilities on a licensed annual, seasonal or longer term basis.
- q. "Structure" refers to anything that is constructed, whether fixed or moveable, temporary or permanent. Structures can include buildings, framework, pipelines, roads, pathways, sheds and fencing.

3. ROLES AND RESPONSIBILITIES OF MANAGEMENT COMMITTEES

3.1. Appointment & Election of Management Committees

3.1.1. Formation of the Management Committee

- 3.1.1.1. The appointment of Management Committees is at the discretion of the Council. Management Committees are appointed and reappointed in accordance with the provisions of the Local Government Act 1993 every four years.
- 3.1.1.2. Council aims to appoint Committees that are representative of the local community or interest group of the facility, which the Committee manages.
- 3.1.1.3. Council will call a public meeting to enable any interested person to find out about the committees available and the responsibilities of committees.
- 3.1.1.4. Council may call the public meeting by advertising in local newspapers and/or by advertisement on Councils' website.
- 3.1.1.5. To hold office and be responsible for the management of a Council facility or function, all committee members must be appointed by Council before they are able to vote or take part in the meetings of the Committee.
- 3.1.1.6. Committees are formally appointed by the Councillors in office, therefore as soon as practicable after the General Election of Councillors, all Community Committee Members will cease to hold office and new Management Committees appointed.
- 3.1.1.7. Existing Committees will maintain a caretaker role until the new committees are formally appointed by Council. The caretaker role permits the outgoing Management Committee to continue with the routine operational business of management & control of their facility and/or program. If clarification is required, the Committee should consult with their Council Liaison Officer.
- 3.1.1.8. All nominations for Community Committees are formally submitted in writing to Council for consideration of appointment.
- 3.1.1.9. Following the appointment of committees by Council, Council will issue a Deed of Delegation to each committee. This Deed must be signed by Committee members within one month of the appointment to acknowledge their role and responsibilities. The Committee continue to operate in caretaker capacity until the Deed of Delegation is signed by all members.
- 3.1.1.10. Where members are appointed to the Committee after the original Deed of Delegation is signed an appendix Deed of Delegation will be issued and signed by the new members to acknowledge their role and responsibilities.
- 3.1.1.11. Council will provide a structured induction programme for Committee members to ensure they understand the Committee's policies, processes and practices and become effective Committee members as soon as practicable. Induction may comprise a combination of face to face sessions, online and printed resources and mentoring/buddy system with other Committee members. Committee members must attend all induction training to remain a Committee member. The Committee Liaison Officer will also be available to provide information to members as required.

3.1.2. Management Committee Membership

3.1.2.1. BEP Management Committee Membership Composition

- BEP Committee membership is on a quadrennial basis for the term of Camden Council.
- The BEP Committee will comprise those people and organisations appointed to it by Camden Council. BEP Committee membership will not number less than 7 persons and not more than 15 persons.
- Camden Council may appoint Councillors to the committee however due to the operational nature of the Committee Councillors will act in an ex-officio capacity only unless upon appointment they elect to be considered part of the Quorum (see comment in Quorum).
- Management Committee membership should reflect the community of Camden and the organisations that use the facility and is open to community members and representatives of groups from within the local area between the ages of 18 and 90 years.
- Membership on the committee is open to individuals and groups in the local area, or the designated equestrian discipline district local to Camden;
- The Committee will comprise of representatives/delegates from:
 - Premier User Groups (as defined elsewhere in this manual)
 - Camden Men's Shed

Remaining positions on the committee will comprise representatives/delegates from:

- General Equestrian user groups
- Equestrian Community Members
- General Community Members
- Premier User Groups, Camden Men's Shed and General Equestrian user groups may nominate for membership of the BEP Committee. These groups will advise the Committee in writing the names of a delegate and alternate delegate to represent their group on the Committee. If and when the group representatives change the relevant group will advise the BEP Committee in writing of the updated representatives.
- Upon application for the Committee, all Members must declare their membership of any Premier User Groups or General Equestrian Groups and Camden Men's Shed.
- In approving Committee members, Council will consider limiting the number of members of these groups to ensure a balanced representation.
- Staff of Camden Council may not be members of the BEP Committee except with the approval of the General Manager. Approval will only be given where it can be demonstrated that membership of the Committee will not conflict with the employee's duties and responsibilities and does not pose a conflict of interest, or a perceived conflict of interest.
- Camden Council will appoint an appropriate staff member to the position of Council Liaison Officer for the Committee with the agreement of the General Manager.

3.1.2.2. Premier User Groups (PUG)

A user group or organisation that fulfils particular ongoing conditions & obligations will be defined as a Premier User Group.

- To become and remain a PUG a user group needs to meet 3 of the 4 points below on an ongoing basis:
 - The user group or organisation has made, and continues to make, a substantial contribution relative to its size and ability to contribute in cash or in kind to the ongoing approved maintenance and development of the Equestrian Park, its assets and infrastructure in accordance with the manual;
 - The user group or organisation continuously and exclusively uses the park as their home ground;
 - The user group or organisation and its officers act with probity within the equestrian and wider community and do not undertake any action that might cast their organisation, the BEP Management Committee or the Council in an unfavourable light; and
 - A majority (greater than 50%) of the group's membership is derived from equestrian users in the Camden and adjoining local government areas or the designated equestrian discipline district local to Camden.
- A Premier User Group receives the following benefits:
 - Priority membership on the BEP Management Committee;
 - Reduced hire fees associated with the use of the Park and its facilities as agreed by the Community Management Committee;
 - Option to elect for an indexed annual usage fee in lieu of usage based fees and charges as agreed by the Community Management Committee;
 - Advanced ground booking opportunities; and
 - Overall benefits derived from being part of the Community Management Committee representing broader equestrian users.
- To maintain their status Premier User Groups are required to submit an annual report to the Community Management Committee Annual General meeting. The report should include the following in an agreed format:
 - Confirmation that the PUG is a viable incorporated association registered with the NSW Department of Fair Trading;
 - Details of current public liability insurance at the level required by Council;
 - Confirmation that the PUG complies with the requirements of the *Associations Incorporation Act 1984*, including an up to date list of members, Public Officer, Annual General Meeting and an annual financial statement;
 - Names, addresses and contact details of the PUGs BEP Management Committee delegate and alternate delegate, office bearers, and public officer.

- Schedule of a planned maintenance and development program on the BEP grounds to be considered by the Management Committee for the coming year to be included in the annual program of works.
- Reconciliation of approved maintenance and development program on the BEP grounds undertaken and/or coordinated by the PUG for the previous year.
- If a Premier User Group does not furnish its annual report at the Annual General Meeting its voting rights and that of its delegate will be suspended until such time as the report is furnished.
- If a Premier User Group does not furnish its annual report to the Committee by the General Meeting held two calendar months following the Annual General Meeting the Premier User Group Status of the group will be revoked, and they will revert to being a General User Group and subject to pay all future and outstanding fees at the normal rate.

3.1.2.3. Leave of Absence

- A Committee member who is temporarily unable to fulfil their obligations on the Committee may request a leave of absence from the Committee.
- Typical reasons for needing to take a period of leave include but are not limited to personal health, family health, work or family commitments.
- A leave of absence may be granted by the Committee for a period of up to 6 months.
- A leave of absence can only be approved by a vote of 75% of members entitled to vote present at a properly convened meeting of the Committee.
- During a leave of absence, a member may not participate in votes of the Committee and the member will not be counted when calculating the quorum.
- A leave of absence may be requested by the member of the Committee or on behalf of a member by a relative of the member or by another member of the Management Committee.

3.1.2.4. BEP Committee Voting

- A motion is required to be moved and seconded prior to being put to a vote of the Committee.
- All Committee members (individuals and groups) shall carry 1 vote at Committee meetings and other times where voting is required. The chairperson/presiding officer also carries a casting vote to resolve any deadlocks for votes undertaken in meetings.
- When a Member declares an interest in an item being discussed and voted on by the Committee, the Committee will act in accordance with Section 5.5.
- Voting at BEP Committee meetings is by default undertaken by a show of hands.
- A motion may be passed to conduct votes by secret ballot using written votes. If a secret ballot is to be undertaken 2 scrutineers will be selected from those in attendance (not necessarily voting members) at the meeting to conduct and tally the votes.
- A member may request to have their voting intention recorded in the meeting minutes immediately after the result of a vote is announced by the chairperson.

- Proxy votes or absentee votes are not permitted at any General Meeting, Annual General Meeting or Extraordinary General Meeting of the Committee.
- Members on approved leave of absence or suspended are not included in votes of the Committee during their period of absence.

3.1.2.5. Electronic Show of Hands (eVote)

- On occasion it may be necessary to seek agreement among the Committee between Committee meetings for matters relating to emergency works or administrative matters affecting the immediate use of the facility. On these occasions an Electronic Show of Hands (eVote) may be used.
- The Executive Committee and/or the BEP Committee may request an eVote to be conducted either by the Secretary or Council Liaison Officer.
- An eVote requires that all Committee members are requested to respond electronically in writing (email, SMS etc) to a proposition within a defined period of time.
- Normal rules for a quorum and voting apply to eVotes where a response of more than 50% of committee members is required (Quorum) and a majority of those responses received in the affirmative are required for the proposition to be approved.
- Records of eVotes should be tabled at the next General Meeting and included in the official record of the meeting using a proforma template provided by Council.
- All decisions made by eVote are binding on the BEP Committee and are to be tabled at the next General Meeting for ratification by the BEP Committee.
- Members on approved leave of absence or suspended are not included in eVotes of the Committee during their period of absence.
- Secret ballots are not permitted for an eVote and all eVotes are public.

3.1.3. BEP Management Committee Membership Recruitment

3.1.3.1. No particular qualifications are necessary to be considered for membership of the Committee, however the general duties and expectations of being a member of the Management Committee are as follows:

- commitment to the equestrian and community activities of the Committee and the facility;
- willingness and ability to give adequate time and energy to the duties of being a Committee member, including the ability to attend monthly meetings and other meetings as required from time to time;
- **willingness to be actively involved in and contribute to Committee activities;**
- willingness to work collaboratively, cooperatively and respectfully with other community volunteers and Council staff;
- willingness to uphold the values and objectives of the Committee;
- ability to act with integrity and avoid or declare conflicts of interest;

- willingness to contribute to the strategic direction, including agreeing and monitoring the Plan of Management; and
- willingness to ensure that risks to the organisation, staff, volunteers and service users are at an acceptable level and are effectively managed.

3.1.3.2. Management Committee members must be aged 18 years or older at the time of nomination.

3.1.3.3. Council will advertise and call for membership nominations at the time of, or soon after the quadrennial local government elections.

3.1.3.4. For casual vacancies Council may advertise and call for membership nominations at the time of the vacancy, provided there is more than 12 months until the next quadrennial local government elections.

3.1.3.5. Council will seek membership nominations using an application form designed to address the job description and an outline of relevant skills and experience that is beneficial to the Committee. The application may also require character references and other screening appropriate to the role.

3.1.3.6. Membership nominees and their written nominations will be screened and assessed by a selection panel comprised of Council staff. Other suitably experienced individuals may be invited to participate in the selection panel.

3.1.3.7. Membership nominees may be interviewed by the selection panel to further assess their suitability to serve on the Management Committee.

3.1.3.8. Nominees who have been members on previous committees will also be assessed on their previous performance with regard to their demonstrated contribution, attendance, behaviour, and their ability to collaborate as part of the Committee.

3.1.4. Management Committee Office Bearers

3.1.4.1. Election of Office Bearers

- The Committee will elect from its membership an Executive Committee comprising the Executive Office Bearers to fulfil the activities and responsibilities of the Executive roles.
- The Committee may elect from its membership other non-executive positions and/or sub-committees to coordinate works and programs relating to the operation of the facility (e.g. safety, maintenance, recreational riders, equine health, development and grants, projects etc.).
- Elections for office bearers are undertaken at the Annual General Meeting and/or as required to fill casual vacancies.

3.1.4.2. BEP Executive Committee

- The BEP Executive Committee will comprise of the Executive Office Bearers, namely the positions of:
 - President
 - Secretary
 - Treasurer
 - Vice President

~~Attachment - Amended S355 Manual - Version 5 - Camden Bicentennial Equestrian Park - 20190813 Final Draft - S355 Manual BEP - 12072019~~

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➤ Booking Officer

- The Executive Committee is charged with both setting the direction for the General Committee and for considering, deciding and approving actions in the context of “control and management” with pressing operational matters of the BEP that require expedited attention between general meetings of the BEP Committee.
- All decisions made by the Executive Committee are binding on the BEP Committee and are to be tabled at the next General Meeting for ratification by the BEP Committee. The BEP Committee may only overturn a decision of the Executive Committee by resolution.
- The Executive Committee should operate in an agile manner. Decisions of the Executive Committee can be achieved by formal meetings, phone calls and informal meetings. Minutes of Executive meetings must be kept and provided to the next General Meeting of the Committee for ratification. Matters containing confidential items may be reported to the Committee as resolution only.
- A member may not hold an Executive Position on more than one Council Community Management Committee at one time.
- Where there is more than one person from a family, only one member of the family can be an Executive Office bearer on the same Committee at the same time.
- Only one (1) of those related office bearers is to approve individual payments (sign cheques/approve EFT payments).
- The Executive Committee may request an eVote (as described elsewhere in this document).

3.1.4.3. Executive Officer Bearer Position Descriptions

President/Chairperson

The President shall be the Executive head of the Management Committee. The President will:

- Ensure all necessary tasks for day to day running of the activities of the BEP Committee are carried out;
- Chair Committee and General Meetings ensuring that correct meeting procedures are followed and control of the meeting is maintained;
- Serve as a spokesperson and representative for the BEP Committee when required;
- Prepare and distribute the agenda (in consultation with the Secretary and Council Liaison Officer), setting out the items of business to be considered;
- Ensure Committee meetings are properly convened in accordance with this manual i.e. proper notice of a meeting is given and a quorum is present;
- Act impartially and use discretionary powers in the best interests of members and in accordance with the agreed standing orders and ensure all statutory regulations and organisational rules are observed; and
- Provide assistance to all members of the Management Committee to help ensure that they fulfil their respective roles.

Secretary

The Secretary is the administrative manager of the Management Committee and is responsible for coordination of all administrative tasks. The Secretary will:

Before a meeting

- Draw up the agenda in consultation with the Chairperson;
- Make copies of the agenda if required.

During the meeting

- Maintain an attendance register;
- Take minutes of Committee meetings;
- Read minutes of previous meeting if necessary;
- Provide a list of correspondence in order and summarise any important points;
- Record any motions and/or decisions of the meeting including, mover and seconder.

After the meeting

- Forward minutes of Meetings to the BEP Committee and to Council;
- Keep a register of inward and outward correspondence and file copies of all letters written;
- Forward copies of all correspondence to Council for inclusion in its electronic document management system.

In between meetings

- Inform all other committee members of any correspondence requiring urgent attention.

Treasurer

Council will appoint a staff member to provide bookkeeping support to the Committee. Further details on the functions this role will undertake is provided in Section 3.1.6.

The Treasurer is the financial manager of the Management Committee and holds responsibility for the all financial matters. The Treasurer will:

- Ensure that all financial records of the Committee are kept in a proper manner;
- Keep financial records for incoming and outgoing transactions;
- Authorise purchase orders and receipt of goods through Council's book keeper or committee liaison officer, following a committee resolution to procure goods or services;
- Report the status of all purchase orders raised for goods or services to the committee as part of the monthly Treasurers Report, information to be provided by Council's Admin Officer;
- Upon resolution and nomination by the Committee, the Treasurer and one other nominated committee member be responsible for a purchase card for purchases less than \$500 (ex GST);

- **Report all payments made using a purchase card to the committee as part of the monthly Treasurers Report, information to be provided by Council's Admin Officer;**
- Bank all monies received by the Committee in an approved bank account;
- Present a Treasurer's report to each Committee meeting with the financials provided by Council.
- Prepare and present proposed annual budget to the Management Committee; and
- Provide any financial records required to complete the month end financial reports to Council within 5 working days.

Vice President

The Vice President is the Deputy Executive head of the Management Committee. The Vice President will:

- Act as President in the event of the President being unable to fulfil his or her duties;
- Support the President and Executive Committee in fulfilling the requirements of their roles;
- Ensure that the Committee activities are in accordance with the rules, regulations & guidelines required for the Management Committee;
- Ensure the committees procedures and documents are in order;
- Ensure action items and resolutions are carried out;
- Oversee Work Health and Safety matters and report any matters to the Committee; and
- Fulfil such other duties as the committee may request.

Booking Officer

The Booking Officer is the public interface between the Management Committee and the community, and coordinates co-ordinates all uses of the BEP facility. The Booking Officer will:

- Provide a point of contact for people wishing to hire the facility by phone, email or in person;
- Respond to requests for information on the hire of the facility in a timely fashion;
- Meet with potential hirers as required;
- Take bookings and record booking details. Council may supply booking software with a software provider of Council's choice for the Committee to use to manage bookings;
- If a booking software is not provided by Council, an electronic diary of bookings must be maintained;
- Liaise with the Committee over the acceptance of bookings where required, for example for major events;

- Ensure users/hirers complete a hire agreement and are made aware of the associated terms and conditions of hire, and that public liability insurance is in place for all hirers;
- Issue invoices in accordance with Council's approved fees and charges;
- Issue bond refunds/credit notes in accordance with BEP pricing (fees and charges);
- Liaise with BEP Treasurer regarding payments;
- Coordinate post event inspections and recommend refund or retention of bonds after events;
- Coordinate issuing of keys to hirers as required and maintain a register of keys issued and returned;
- Report to the Committee the status of all bookings at BEP meetings;
- Coordinate with Men's Shed (maintenance coordinator) for any facility preparation/maintenance requirements;
- Coordinate with Recreational Rider Coordinator (if appointed) regarding recreational rider applications;
- Advise the Committee of opportunities for reforms and improvements to booking practices; and
- Advise potential hirers and hirers of Council's External Events process for any events on the facility.

3.1.5. Council Committee Liaison Officer

- 3.1.5.1. Council, through the General Manager, may appoint a staff member to the role of Committee Liaison Officer. The Officer is authorised to participate in committee discussions, activities and deliberations but is without any voting rights at any time.
- 3.1.5.2. The Committee Liaison Officer reports to the relevant Council Director/Manager, not the Committee.
- 3.1.5.3. Council Directors/Managers may direct the Committee Liaison Officer to communicate certain advice relating to Council policies, legislation, operational matters and adherence to the controls of this manual to the Committee.
- 3.1.5.4. The Committee Liaison Officer may provide services such as professional advice and administrative duties as agreed between the relevant Director/Manager and the Committee.
- 3.1.5.5. The Officer may be temporarily appointed by the Committee to any of the Office Bearer roles except the role of President. The Officer may be elected by the Committee to chair meetings.
- 3.1.5.6. Where appropriate, the Committee Liaison Officer will provide advice to the Committee with regards to Council policies, legislation, operational matters and adherence to the controls of this manual. The Committee Liaison Officer may also seek guidance and/or instruction from Council to assist in the provision of advice to the Committee with regards to Council policies, legislation, operational matters and adherence to the controls of this manual.

- 3.1.5.7. The Committee Liaison Officer will monitor the Committee's compliance with the manual and report any instances of non-compliance as well as the performance, activities and operation of the Committee to their Director/Manager as required.
- 3.1.5.8. The Committee Liaison Officer is not to request or receive any payment from the Committee for provision of services.
- 3.1.5.9. The Committee Liaison Officer will coordinate the logging of any requests for service or maintenance required from Council teams into Council's CRM system on behalf of the Committee.
- 3.1.5.10. The Committee Liaison Officer can raise purchase orders and receipt goods following a resolution of the Committee.

3.1.6. Council Admin (Bookkeeping)

- 3.1.6.1 Council will appoint a staff member to provide bookkeeping support to the Committee. The staff member will undertake the following tasks:
- Ensure that all financial records of the Committee are kept in a proper manner;
 - Prepare a financial report on behalf of the Management Committee. The report will include a bank reconciliation, income statement, balance sheet and cashflow statement as a minimum. The report will also discuss the financial position of the Committee including bank account, debtors outstanding, actuals to budget by amount and percentage, and approval for the payment of invoices, purchase orders and payments made using the Committees purchase card/s. Requests for expenditure over \$10,000 (ex GST) should also be reported at this time;
 - Raise purchase orders and receipt goods following a resolution of the Committee;
 - Provide a financial report to the Treasurer within 10 working days at the end of the month; and
 - Prepare financial records of the Management Committee for audit at the end of financial year;
- 3.1.6.2 The Council Admin (Bookkeeping) reports to the relevant Council Director/Manager, not the Committee.
- 3.1.6.3 The Council Admin (Bookkeeping) may provide services such as professional advice and administrative duties as agreed between the relevant Director/Manager and the Committee.
- 3.1.6.4 **The Council Admin (Bookkeeping) is not to request or receive any payment from the Committee for provision of services.**

3.1.7. Dissolution of Management Committee

- 3.1.7.1. Council may dissolve a Management Committee at any time. Council may wish to dissolve a Management Committee to carry out the control of the facility itself.
- 3.1.7.2. Council may also dissolve a Management Committee if that Committee is not complying with the roles and responsibilities of the Committee outlined in this Manual.

3.1.7.3. The Management Committee shall be dissolved in the event of it becoming unviable where membership drops to less than seven (7) members.

3.1.7.4. The Committee can by resolution recommend to Council that the Committee be dissolved by a vote of 75% of members entitled to vote present at an Extraordinary Meeting of the Committee properly convened to consider this option. Council has established the following policy to address this issue:

- if a committee chooses to remain active it is given 6 months to re-establish a viable membership as above (i.e. minimum of 7 members); or
- if a committee, facility or function becomes inoperable or inactive, the Committee will be dissolved and all responsibilities will be taken over by Council.

3.1.7.5. Upon a resolution to dissolve the Committee being passed and confirmed by Council, all assets and funds of the Management Committee shall, after payment of all expenses and liabilities, be handed over to Council.

3.1.8. Suspension and Revocation of membership of a Management Committee

3.1.8.1. Revocation of Membership

- A member (individual or organisation) shall have their membership on the Management Committee revoked and cease to be a member of a Management Committee when Council passes a resolution to remove the member from the Committee.
- If an individual or organisation has their membership of the BEP Management Committee revoked that member may not be reappointed to the BEP Management Committee during the same term of Council.

3.1.8.2. Suspension of Membership

- An individual or organisation may be suspended from the Management Committee. During a period of suspension the member may not participate in any activities of the Committee and as far as is practicable be excluded from all intra-Committee communication.
- Suspension of a member occurs to either allow time for Council to process the revocation of a membership, or as a punitive action against improper behaviour.

3.1.8.3. Automatic Suspension of membership

A member of the Management Committee will be automatically, immediately and indefinitely suspended if:

- Council passes a resolution to suspend a member;
- The member resigns from the Committee by notification in writing to the Committee and/or Council;
- The member is deceased;
- The member is bankrupt;
- The member holds any office of profit under the Committee;
- The member fails to disclose any pecuniary interest in any matter with which the Committee is concerned and takes part in the consideration, discussion or votes on any question relating to the matter;

- The member while holding that office is convicted of an offence under Part 4 of the *Crimes Act 1900* which includes offences relating to property; or
- The member intentionally disobeys the manual, Council policies, procedures and/or a Council direction.

Where a member is automatically suspended the Management Committee will provide advice to Council of the reasons for the suspension without prejudice.

A letter will be provided to the member by Council advising their membership has been suspended.

3.1.8.4. Suspension by resolution of the Management Committee

A member of the Management Committee may be suspended for a period of up to 3 months by the passing of a vote by 75% of members entitled to vote present at a properly convened General or Extraordinary General meeting for the following reasons:

- the member is absent for 3 or more consecutive general meetings without a leave of absence granted from the Committee;
- the member is absent for more than 50% of general meetings in a 12 month period without a leave of absence granted from the Committee;
- the member seeks to overturn a decision of the committee by making representations to Councillors or other third parties. This does not include contacting Council or making representations through formal mechanisms such as submissions to exhibited materials where council is seeking community feedback;
- the member uses or distributes information attained whilst undertaking their duties on the committee to lobby against a decision of the committee or to lobby Councillors or other third parties;
- the member undertakes actions that defy and/or are contrary to a decision of the Management Committee;
- the member brings the reputation of the Management Committee and/or Council into disrepute;
- the member acts in a manner that is not in accordance with the role of an officer of Council or Council Committee; or
- the member directly or indirectly threatens or menaces other Committee members;

Where a member is suspended by resolution the Management Committee will provide advice to Council of the reasons for the suspension and may forward a recommendation for Council to consider removing the member from the Management Committee permanently without prejudice.

3.2. Duties and Responsibilities of Management Committees and Council

The duties and responsibilities of Management Committees and Council varies between committees.

3.2.1. Deed of Delegation

Council sets out the delegation of the committee in a Deed of Delegation. This Deed sets out the specific function delegated by Council and is accompanied by a Schedule of Delegation and a copy of this Manual.

3.2.2. Responsibilities of Council

3.2.2.1. Council's Overriding Authority

Management of the facility is delegated to the Management Committee by Council. Whilst the Committee has control over the facility, Council may exercise overriding authority and may revoke the powers of the Committee or otherwise direct the Committee as Council sees fit.

3.2.2.2. Funding Major Improvements

Council shall be responsible for the funding and erection of all major improvement works in the facility, in accordance with the adopted Plan of Management and the availability of funds.

3.2.2.3. Insurance of Assets

The Council shall fully insure all buildings and contents.

3.2.2.4. Insurance of Committee Members

The Council shall insure the Committee in respect of Public Liability Insurance, Professional Indemnity Insurance, Personal Accident Insurance and Motor Vehicle Insurance (for Council registered vehicles only).

3.2.2.5. Notification of Fees and Charges

The Council shall notify the Management Committee of any proposed variation of hire or membership fees proposed for the ensuing year by mid-October in each year.

3.2.2.6. Improvement Recommendations

The Council shall consider all improvements suggested by the Committee as part of its annual budget and works allocation processes.

3.2.2.7. Training of Committees

Council will provide compulsory training to advise members and the Executive of the Committee of the requirements of their positions. Training will be arranged by Council. Additional training may be requested by the Committee.

3.2.2.8. Customer Service Charter

Council will respond to requests of the Committee in accordance with its Customer Service Charter.

3.2.2.9. Legal Expenses

Council may consider the payment of legal expenses in relation to matters involving the Committee and members when acting in their capacity as members of the Committee.

3.2.3. Responsibilities of Management Committees

3.2.3.1. Responsibilities

The Community Management Committee will be responsible for the care, control, and management of either a facility (including letting, cleaning, minor maintenance works, minor repairs, operations and equipment purchases); or a program (including organising, operating and implementing).

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3.2.3.2. Care, control and management

Care includes:

- Duty of care to ensure the health, safety and welfare of persons using the facility or participating in a program of the Committee; including contractors or volunteers;
- Conducting minor maintenance to maintain the facility or program and protecting the physical assets from damage, misuse and deterioration;
- Ensuring the security of the facility or program and adequate security systems are in place;
- Advising Council of any potential insurance risk that may arise in regard to buildings and/or users;
- Attaining sufficient funds to maintain the facility or program as a going concern;
- Ensuring sufficient and equitable access of the facility or program by the community; and
- Ensuring that all users of the facility or program conform to the insurance requirements as set out in this Manual.

Control includes:

- Holding regular meetings with recorded minutes;
- Monitoring and maintaining financial records;
- Submitting an annual report and all records to Council for an annual audit;
- Submitting monthly financial reports in accordance with GST requirements;
- Submitting a recommendation of fees and charges for the coming financial year by mid-October for Council's determination;
- Administering and overseeing the use of the centre by other groups;
- Clearly defining the role of office bearers and Committee members;
- Submitting an annual estimate of income and expenditure for the period 1 July - 30 June. The budget proposal will be submitted in mid-February each year, unless requested earlier by Council in special circumstances.
- Submitting a current list of all contents belonging to the Committee (not User Groups) for inclusion in Council's Insurance Policy, by 31 January each year;
- Maintaining a post office box or public postal address to which all physical correspondence will be forwarded;
- Maintaining a public email address to which all email correspondence will be forwarded;
- Submitting a current list of all Committee members including the address and phone number and emergency contact details to Council immediately following nominations of the Committee, and advise Council when there are changes; and
- Submitting officer bearers names and an audited financial report to Council following the Annual General Meeting each year.

Management includes:

- Ensuring that all monies received will be used for the benefit of the facility or activity in an equitable, honest and consistent manner;
- Ensuring that the organisation is not used for the financial gain of individual members;
- Ensuring that all written material provided to potential hirers or used to promote the facility or program acknowledges Camden Council, including display of the Council's logo;
- Ensuring that the standard hire forms, and terms and conditions are used;

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- Ensuring Council's Work Health and Safety policies and procedures are followed at all times;
- Being aware of and involved in, appropriate community activities, which are compatible with the goals of the facility;
- Developing and updating Plans of Management;
- Recommending policies and procedures which contribute to the effective management of the facility/activity; and
- Being accountable to the community and the Council for the Committees actions and initiatives in respect of the facility/activity.

3.2.3.3. Limitations of powers

The Community Management Committee may not carry out any works on or to the facility including alterations, reconstruction or construction without the prior written consent of Council with the exception of minor maintenance work.

The Committee may not make decisions concerning the following:

- Fixing of charges or fees. The Committee may submit recommendations for approval to Council in relation to the fixing of charges and fees for the use of the facility under its control;
- Borrowing any monies without the express written consent of Council on each occasion;
- The sale, lease or surrender of any land or other property vested in its care under the provision of the *Local Government Act 1993* (as amended);
- The acceptance of tenders which are required to be called by Council;
- The purchase of goods and services of a value exceeding \$10,000 (ex GST) without the prior written approval ~~from the General Manager or relevant sub-delegated Director in compliance with Council's Purchasing and Procurement Policies of Council.~~ For any purchase which are considered to ~~—~~be related or to be used in ~~___~~relation to the same Project, their combined value must not exceed ~~—~~\$10,000 (ex GST) without ~~___~~the prior written approval ~~from the General Manager or relevant sub-___delegated Director in compliance with Council's Purchasing and Procurement Policies of Council;~~
- Formation of submissions to government without the prior written consent of Council;
- The payment or making of any profit, gain or gift, to or by its members as well as allowance or travelling expenses incurred whilst attending Committee meeting;
- As a voluntary Committee, members do not receive payment for their services. The Committee may by resolution reimburse the Committee members for reasonable expenses incurred in the completion of official Committee activities. No other payment is to be made to Committee members without the prior written approval of Council;
- Unreasonably withholding consent for the letting of the facility to any organisations or individuals who have demonstrated agreement to comply with and adhere to the rules adopted for the use of the facility, providing an acceptable letting period is available;
- The Committee is not permitted to vote monies for expenditure on the works, services or operations of Council;
- The Committee is not permitted to enter into any legal action;
- The Committee is not permitted to loan or donate funds for any purpose
- The Committee is not permitted to vary the overall design plan for the facility without Council's prior written approval; and
- The Committee is not permitted to set or charge fees for Membership of the Management Committee.

The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/ function under its management and control.

If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or their representative.

For the purposes of the above clause, a "Project" as defined in Council's Project Management Framework includes, but is not limited to, works involving construction, alteration, conversion, fitting-out, commissioning, renovation, repair, maintenance, refurbishment, and demolition, decommissioning or dismantling of a structure.

A structure can be anything that is constructed, whether fixed or moveable, temporary or permanent. Structures can include buildings, framework, pipelines, roads, pathways, sheds and fencing.

4. DISPUTES

4.1. General & External:

- 4.1.1. Where a citizen(s) of the local government area that is not a member of the Management Committee disagrees with a resolution of the Management Committee these persons may refer their grievances in writing to the Committee for reconsideration.
- 4.1.2. Where the Management Committee chooses not to alter its decision, the citizen(s) or citizens may present their grievance to Council in writing, for reconsideration.
- 4.1.3. Where such notice in writing is referred to Council, Council will request a report on the issue from the Management Committee. Upon receipt of the report the matter will be referred to Council for resolution.
- 4.1.4. Upon Council adopting a resolution, the details of Council's deliberations will be advised to the Management Committee and the citizen(s) who referred the matter to Council.
- 4.1.5. A member may not seek to ~~amend, change or overturn~~ a decision of the Committee by making representations to Councillors or other third parties. This does not include contacting Council or making representations through formal mechanisms such as submissions to exhibited materials where council is seeking community feedback, directly or indirectly to Council and / or Councillors or other officials and / or organisations.

4.2. Disputes - Internal

- 4.2.1. All disputes between members of the Committee are to be attempted to be resolved within the Committee where possible.
- 4.2.2. Where a dispute occurs within a Committee the resolution of the majority of the Committee as a whole will determine the outcome. Where this is not possible the Chairperson/President will have the casting vote.
- 4.2.3. There will be no right of appeal when the Management Committee has determined its resolution of a dispute.

~~4.2.4. A member may not seek to amend, change or overturn a decision of the Committee by making representation directly or indirectly to Council and/or Councillors or other officials and/or organisations. The member may not seek to overturn a decision of the committee by making representations to Councillors or other third parties. This does not include contacting Council or making representations through formal mechanisms such as submissions to exhibited materials where council is seeking community feedback.~~

~~4.2.4.~~

5. LEGAL ISSUES

5.1. Delegation from Council

- 5.1.1. From a legal perspective, it is important that Management Committees of Council and their members be aware that they are acting on Council's behalf. Legally, the committee is 'Council' and any action that the Committee undertakes is Council's responsibility.
- 5.1.2. Council delegates its authority to the Committee to act on Council's behalf.

5.2. Record Keeping

- 5.2.1. All documents and records relating to the operation of the Management Committees, e.g. minutes of meeting, financial reports, correspondence etc. should be kept in accordance with the *State Records Act 1998*. Committees should provide copies of all records to their Council Liaison Officer to be archived in Council's electronic document management system.
- 5.2.2. Management Committees need to be aware of the importance of minutes, because of their legal status and their liability to be subpoenaed in court cases.
- 5.2.3. Minutes are required to be kept for all formal meetings of the Committee. These include General meetings, Annual General meetings and Extraordinary General meetings.
- 5.2.4. Meeting minutes must record all motions and amendments put to the meeting, and the results. Minutes should include the mover and seconder of motions. There is no need to record what members say at a meeting, however, there may be occasions when it is appropriate to record the general content of discussions.
- 5.2.5. The Chairperson/President and the Secretary are responsible for the form of the minutes for proper confirmation and must check that there have been no unauthorised alterations to those minutes.
- 5.2.6. Where electronic minutes are used as the sole record of proceedings a motion accepting the minutes as a true record of proceedings of the meeting is required. This includes any amendments required and accepted by the Committee. The Chairperson/President is not required to sign the minutes.
- 5.2.7. Electronic minutes must be stored in Council's electronic document management system as soon after the meeting being held as is practicable in a read-only state prohibiting any changes or updates.
- 5.2.8. The motion to confirm the minutes can only be moved and seconded by persons who were in attendance at that meeting to which the minutes relate. Should there be insufficient members present from the previous meeting the Chairperson may exercise their right to move and/or second the motion to confirm previous minutes.

5.3. Pecuniary Interest

- 5.3.1. A pecuniary interest is one of financial benefit by a Committee person or other person with whom the person is associated (that is, spouse, de-facto partner or relative of a Committee person) from an interest that a Committee person has in a Council matter.

- 5.3.2. A pecuniary interest does not exist where the interest is so remote or insignificant that it could reasonably be regarded as unlikely to influence any decision.
- 5.3.3. The obligation to disclose a pecuniary interest is a strict duty, and the person's motives for participation are irrelevant if an interest is said to exist.
- 5.3.4. Chapter 14 of the *Local Government Act 1993* includes a framework for the handling of alleged breaches of the pecuniary interest provision of the Act. The Act is about openness, accountability and transparency in decision-making by councils and any Committees representing the Council.
- 5.3.5. It is the responsibility of members of Management Committees:
- To disclose to the meeting any pecuniary interest in a matter before the meeting;
 - Not to participate in the discussion of the matter before the Committee in which the member has a pecuniary interest; and
 - Not to vote on the matter before the Committee meeting in which the member has a pecuniary interest.
- 5.3.6. Pecuniary interest provisions are not breached if the person did not know or could not have reasonably been expected to know that the matter under consideration was a matter in which the person had a pecuniary interest.

5.4. Conflict of Interest

5.4.1. A conflict of interest can arise when a member of the Committee has other involvements or interests that make it difficult for them to always remain impartial when involved in discussions and decision makings. These can include:

- Business or professional activities;
- Employment or accountability to other people or organisations;
- Membership of other community organisations or service providers; or
- Ownership of property or other assets.

The conflict may lead to:

- Financial benefit e.g. sale of goods or privileged knowledge;
- Political benefit e.g. gaining or losing electoral support; or
- Personal benefit e.g. career advancement or increased standing in the community.

5.5. Declaration of Interests

5.5.1. It is the responsibility of Committee members:

- To disclose to the meeting any pecuniary interest in a matter before the meeting; and
- Not participate in the discussion of the matter before the Committee in which the member has a pecuniary interest and
- Not to vote on the matter before the Community Committee meeting in which the member has a pecuniary interest.

A pecuniary interest does not exist where the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision. The obligation to disclose is a strict duty, and the person's motives for participate are irrelevant if an interest is said to exist.

5.5.2. Pecuniary interest provisions are not breached if the person did not know or could not have reasonably been expected to know that the matter under consideration was a matter in which the person had a pecuniary interest.

5.5.3. Committee members are also required to lodge an annual written pecuniary interest declaration in accordance with the section 440AAA of the *Local Government Act 1993*. Committee members are strongly advised to declare any interests they may have in this written declaration to ensure transparency, accountability and protection for individual members.

5.6. Code of Conduct

5.6.1. Committee Members are required to adhere to Council's Code of Conduct. Compulsory training on the Code of Conduct will be provided to all Committee members.

5.7. Privacy and Personal Information Protection Act

5.7.1. Committee members are required to abide by the *Privacy and Personal Information Protection Act, 1998* (PIIPA). The Act provides for the protection of personal information and the privacy of individuals generally. Training will be provided to all Committee members.

6. MANAGEMENT OF FACILITY

6.1. The Management Committee in collaboration with Council will develop a Management and Operational manual containing the standard BEP procedures which are the agreed methodology of how the BEP will be managed and operated.

6.2. The standard BEP procedures will be agreed by the Committee by resolution and will be reviewed annually the Committee

6.3. Standard BEP procedures should reflect where possible Council policy and/or industry best practice.

7. MEETINGS

The Management Committee should meet on a regular basis to discuss relevant business, and make decisions affecting the facility/program operation. The time, scheduling and location of meetings will be decided by the Committee.

7.1. Agenda

- 7.1.1. An agenda should be sent out to all Management Committee members at least 5 days prior to any meeting giving notice of the proposed meeting and of any items for discussion and notices of motion.
- 7.1.2. The format of the agenda will be agreed on from time to time by the Committee but will include as a minimum
- Time, date and date and venue of the meeting;
 - Matters to be discussed / considered; and
 - Means for members to submit apologies.
- 7.1.3. Written reports for the President, Treasurer & Booking officer will be sent out with the agenda to allow the Committee appropriate time to review the report prior to the meeting.

7.2. Quorum

- 7.2.1. A quorum of any meeting (General, Annual General, Executive or Extraordinary General) will consist of more than half the total number of entitled voting members (i.e. greater than 50%). Should a quorum not be present:
- at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - within half an hour after the meeting time designated for the meeting, or
 - at any time during the meeting,
- the meeting will be adjourned to a date determined by the Executive Committee.
- 7.2.2. Members who are absent or have submitted an apology for their non attendance to a meeting will be counted when calculating the quorum.
- 7.2.3. Members who have been granted leave of absence or who have been suspended from the committee will not be counted when calculating the quorum.
- 7.2.4. Councillors who are appointed to a Management Committee in an ex-officio role will not be counted when calculating the quorum. A Councillor may advise the Committee that they wish to be included in the quorum and if so, they will be included in the quorum calculation for the remaining term of the Management Committee.
- 7.2.5. Where a meeting commences with a quorum any members who wish to depart the meeting prior to its formal adjournment must seek leave from the meeting by resolution. If leave is granted the time of the members departure will be noted in the minutes and the quorum will not be adjusted. If leave is not granted and the member departs the member will be removed from the calculation of the quorum.

7.3. Ordinary/General Meetings

- 7.3.1. There should be no less than six (6) Ordinary/General meetings held each year, however it is recommended that Ordinary/General Meetings of the Committees occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.
- 7.3.2. A calendar of when general meetings are to be held in the ensuing 12 months should be drafted at the Annual General Meeting.
- 7.3.3. General meetings of the Management Committee are required to address correspondence, management and control matters, finance matters, risk management matters and general matters relating to the facility/program.
- 7.3.4. An agenda for a General Meeting should be sent out to all Management Committee members at least 5 days prior giving notice of the proposed meeting and of any items for discussion and notices of motion.
- 7.3.5. Minutes of a General Meeting will be kept of the proceedings and a copy forwarded to Council for storage in its electronic document management system.
- 7.3.6. General meetings will be conducted in accordance with Council's adopted Code of Meeting Practice.

7.4. Annual General Meeting

- 7.4.1. The Annual General Meeting will report on the activities of the Committee for the financial year, to conduct elections for Committee positions and to receive the annual financial report.
- 7.4.2. The Annual Financial Report will be presented to the Committee for adoption and for forwarding to Council for auditing purposes.
- 7.4.3. An agenda for the Annual General Meeting will be sent out no less than 21 days prior to the meeting.
- 7.4.4. Minutes of an Annual General Meeting will be kept and presented to a meeting of Council for consideration.
- 7.4.5. The Annual General Meeting will be conducted in accordance with Council's adopted Code of Meeting Practice.

7.5. Extraordinary General Meetings

- 7.5.1. An Extraordinary General Meeting of a Committee may be called to discuss urgent business and matters outside the scope of an ordinary meeting. A meeting must be requested in writing to the Executive Committee by two (2) members of the Committee.
- 7.5.2. An agenda for the Extraordinary General Meeting of matters to be considered by the Committee will be prepared and circulated to all members of the Committee with at least three (3) business days notice.
- 7.5.3. Only matters included in the agenda will be considered at an Extraordinary General Meeting.

- 7.5.4. Minutes of an Extraordinary General Meeting will be kept and a copy forwarded to Council outlining the reason for the meeting and for storage in Council's electronic document management system.
- 7.5.5. An Extraordinary General Meeting will be conducted in accordance with Council's adopted Code of Meeting Practice.

7.6. Minute Format

General Meeting minutes of the BEP Management Committee will be forwarded to Council for storage in its electronic document management system.

Items to be addressed in the minutes should include:

- Attendance – records of attendees and apologies
- Declaration of pecuniary interests
- Previous minutes and matters arising
- Executive and operational reports
- Correspondence and matters arising
- Agenda items with notice
- Project reports
- Action log/register log
- Member reports
- General business

8. FINANCIAL MANAGEMENT

8.1. Introduction

Council Community Management Committees and their members are appointed under 355 of the *Local Government Act 1993*. As such, they are subject to the same standards of financial accountability as Council and its employees. It is imperative that Committees manage their finances prudently and with transparency.

At all times, any funds and assets held by the Committee ultimately remain the property of Council. The Committee is responsible for the care and management of the funds and assets held on behalf of Council.

Where necessary Council will provide the committee with advice and support to comply with Council and the Committees financial management obligations.

8.2. Financial Records

8.2.1. Bank Accounts

- 8.2.1.1. All bank accounts operated by a Committee will be established by Council with a banking provider of Council's choice. Establishment of bank accounts by committees are not permitted.
- 8.2.1.2. Council will establish a transaction bank account on behalf of the Committee which will serve to operate for the Committee's operational transactions. Council may establish other accounts (interest bearing, term deposits etc) if requested in writing by a Committee.

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8.2.2. Financial Record Keeping

- 8.2.2.1. Financial records must be kept in accordance with this Manual. Training will be provided by Council's Finance section following the election of a Treasurer as required.
- 8.2.2.2. Committees of Council operate under a financial year from 1 July to 30 June. Each Committee's accounts need to be completed and submitted to Council by 15 July each year, following their adoption at a Committee meeting. This will enable Council to consolidate the Committee's accounts into Council's general accounts as required under the *Local Government Act 1993*.

8.2.3. Accounting Software

- 8.2.3.1. Council may supply accounting software with a software provider of Council's choice on behalf of the Committee for the Committee to use to manage and record financial transactions in lieu of paper based systems and records.

8.2.4. Financial Documents

If a committee does not use Council's accounting software to record its financial transactions, each Committee should maintain the following records:

- Receipt Book - supplied by Council
- Bank Deposit Book – if applicable
- Petty Cash Book and Tin – if applicable
- Bond Register (electronic) – if applicable
- Key Deposit Register (electronic) – if applicable
- Booking diary (electronic) – if applicable

It is essential that these records are maintained and reconciled monthly.

8.3. Receiving Payments

- 8.3.1. Payments of hire fees, bonds or other services provided by Management Committees can only be made by cheque, EFT or bank deposit. Cash may not be used.
- 8.3.2. The following process should be followed:
- Ensure that the correct amount has been paid by either cheque, EFT or bank deposit.
 - Write out a receipt from the Receipt Book.
 - Give the original receipt to the payer (tear out of book)
 - Ensure that the duplicate receipt is kept in the Receipt Book.
 - Store any cheques in an appropriate location until they can be banked.
 - Ensure that any cheques on hand are banked weekly.

8.4. Making Payments

- 8.4.1. The Committee is empowered to make purchases up to the value of \$10,000 (ex GST) expending sums as necessary from amounts received from fees and charges to meet costs arising out of the delegation function. All purchases should comply with Council's Purchasing and Procurement Policies and requirements set out in this Manual. All purchases should be for

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goods and services required for the exercise of the responsibilities of the Management Committee.

8.4.2. Purchases for goods and services above \$10,000 (ex GST) require written approval from ~~the General Manager or relevant sub-delegated Director in compliance with Council's Purchasing and Procurement Policies~~ Council. For any purchases which are considered to be related or to be used in relation to the same Project, their combined value must not exceed \$10,000 (ex GST) without the prior written approval of Council ~~from the General Manager or relevant sub-delegated Director in compliance with Council's Purchasing and Procurement Policies~~.

8.4.3. It is not appropriate or permissible to:

- Split invoices from the same or similar Projects to avoid the requirement for Council approval under Clause 8.4.2; or
- Intentionally mislead Council representatives in any way about the cost associated with a Project.

Any member engaging in behaviour described above may be the subject of disciplinary action under Clause 3.1.6 of this Manual (Suspension and Revocation of membership of a Management Committee).

8.4.4. Any payments over \$82.50 (GST-inclusive) must be supported by an official Tax Invoice from the supplier. This enables the Committee to claim back the GST portion of the payment when completing their monthly Business Activity Statement (BAS) and is a requirement of the Australian Taxation Office (ATO). Without a Tax Invoice, the GST portion is unable to be claimed.

8.4.5. All Committee expenditure will be processed by Council in accordance with Council's financial policies.

8.4.6. All procurement and payments should be made in accordance with Council's Purchasing and Procurement Policies with additional steps appropriate for a Committee as outlined below:

8.4.6.1. A committee member requests approval from the Management Committee for the procurement and/or supply of service or goods (e.g. engage a contractor, purchase timber supplies).

8.4.6.2. The Committee considers the request, checks that documents and quotes provided are suitable, adequate and compliant with Council policies and if deemed appropriate approves the procurement and/or supply.

8.4.6.3. The Committee member requests a purchase order be raised for the procurement of goods or services, then engages the vendor for the service or goods providing the supplier with a purchase order number who then issues a tax invoice.

8.4.6.4. Where the invoice matches (or is below) the amount approved by the Committee, the Committee member and an Executive Committee member confirms the goods/services have been received and the invoice is consistent with the quote accepted and approved by the Committee. The Committee member advises in writing Council's admin officer or Committee Liaison Officer that the goods/services have been received and payment can be processed.

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- 8.4.6.5. Payment of the invoice is made in accordance with Council's financial policies.
- 8.4.6.6. Where the invoice is above the amount approved by the Committee, the Committee member must table the invoice at a Committee meeting for consideration.
- 8.4.6.7. The Committee reviews the invoice and associated endorsement and if deemed appropriate approves payment of the invoice by resolution. The Committee member in writing advises Council's admin officer or Committee Liaison Officers that the goods/services have been received and payment can be processed, providing Council with a copy of the Committee's resolution.
- 8.4.7. Where payment of an invoice is required prior to a meeting being convened an "electronic show of hands (eVote)" as described elsewhere in this Manual may be used. Ratification of the payment should be tabled at the next General Meeting of the Committee.
- 8.4.8. In extreme cases where payment of an invoice is required urgently the Executive Committee may consider an invoice for payment. Ratification of the payment and record of the vote should be tabled at the next General Meeting of the Committee.
- 8.4.9. If prior approval from the Executive Committee is received, a Committee member may expend up to \$500 ex GST for the purchase of goods and/or services for the facility and be reimbursed by the Committee on presentation of the appropriate invoices/dockets/receipts.
- 8.4.10. Capital Assets**
- The Committee will follow Council's policies and procedures in relation to capital asset management & reporting.
 - For all asset purchases (including project expenses) Council will identify those assets that require capitalisation through Council's purchase order systems, the Committee should provide all appropriate paperwork for capitalisation and reporting purposes within the financial year of purchase.

8.5. Grant Seeking & Administration

- 8.5.1. All Management Committees must seek approval from the General Manager or relevant sub-delegated Director before submitting an application for any grant.
- 8.5.2. If a grant application is successful, a report will need to go to an Ordinary Council Meeting for acceptance, prior to the funding agreement being signed.
- 8.5.3. Delegation to sign funding agreements largely depends on the funding body and will typically involve Council's General Manager or relevant sub-delegated Director or Manager.
- 8.5.4. In some cases, the funding body may require the seal of Council, which can only be made under resolution of Council.
- 8.5.5. Grants need to be administered by Council's Finance section as the acquittal process usually requires audit certification. There is also a need to report to Council any commitment of Council's funds, including Management Committee funds, towards grant funded projects.
- 8.5.6. Members of the Management Committee are accountable for expending and acquitting the grant in accordance with the service agreement.

8.6. Refund of Bond Money

- 8.6.1. Following the conclusion of hire, the Booking Officer or a delegate of the Committee will undertake an inspection of the facility.
- 8.6.2. If the hirer leaves the facility in a clean and undamaged condition, notification will be forwarded to the Council Committee Liaison Officer to process the refund of bond money, in accordance with payment procedures outlined in Section 8.4.
- 8.6.3. If the hirer leaves the facility in an unclean or damaged condition, the matter will be referred to the next Committee meeting to discuss the retention of the bond money in accordance with Section 8.7.

8.7. Retention of Bond Money

- 8.7.1. If the bond is forfeited, it is treated as if it was part of the supply. Hence GST is payable on the amount forfeited. A bond register must be maintained to record the movements of bonds received and refunded. Any forfeited bonds should be highlighted within the cash book and appropriate GST noted at the financial records.
- 8.7.2. If a hirer leaves the facility in an unclean or damaged condition, a portion of the bond may be forfeited and retained by the Committee. The amount forfeited is to be resolved by the Committee and must include an allowance for GST under the taxable supply rules applicable to upkeep the facility as a result of a function. The payment entry in the Cash Book would be written up to show the bond was refunded but a portion was taken in income.

8.8. Bank Reconciliations

- 8.8.1. At the end of each month, the Committee will obtain a Bank Statement for its Bank Account. This needs to be reconciled with the Cash Book.

8.9. Budgets

- 8.9.1. A budget will be prepared for the period 1 July to 30 June each year.
- 8.9.2. The Budget is to be prepared in conjunction with the Management Plan and must be completed by the end of February for the next reporting period. The budget is to be prepared in consultation with the relevant Committee Liaison Officer.
- 8.9.3. A copy of the budget is to be submitted to the relevant Director, Manager and Council's Finance section.
- 8.9.4. The budget should be reviewed quarterly with the revised financial position reported to the Committee.

8.10. Annual Financial Statements

8.10.1. Goods & Services Tax (GST) Compliance

8.10.1.1. GST Basics

- All of Council's Committees must use Camden Council's Australian Business Number (ABN) 31 117 341 764.

- Committees are responsible for administering the requirements of GST legislation i.e charging GST on taxable supplies and correctly identifying input tax credits claimable from the Australian Taxation Office (ATO). Accordingly each Committee must supply Council's Finance section with details of GST applicable to all financial transactions for inclusion in Council's monthly Business Activity Statements (BAS).
- All suppliers for purchases exceeding \$82.50 (GST-inclusive) must supply a valid Tax Invoice to the Committee prior to payment. If the supplier does not have an ABN and is registered for GST, the Committee must obtain a Statement by a Supplier declaration from the supplier. This must be obtained and completed before any payments can be made to that supplier. The completed form must then be kept on record for audit purposes.

8.10.1.2. Monthly Business Activity Statements (BAS)

Council is required to lodge its BAS within 21 days after the end of each month.

8.10.2. Committee Settlement of GST Obligations

- Each quarter Camden Council will issue each Committee with an invoice or a refund in accordance with GST applicable to the transactions for the past three months. Reconciliations will be sent with the invoice or payment.

8.11. Funds Held In Bank Accounts

- Funds held in bank accounts which are in excess of current operational needs should be invested with the assistance of Council in order to achieve a return on funds, rather than leaving balances in low interest-bearing accounts.

8.12. Debt Management

- Committees will follow Council's policy in relation to debt management.
- Council's Finance Branch will undertake debt recovery on the Committees behalf.

9. PLANS OF MANAGEMENT

9.1. Formal Plan of Management

- 9.1.1. Council will prepare and update a formal Plan of Management for the facility every 4 years aligning as close as possible with the Council terms.
- 9.1.2. All activities conducted within the facility must conform to the Plan of Management adopted by Council.

9.2. Development Plan for Facility

- 9.2.1. The Management Committee will prepare a Development Plan for the facility that covers future improvements for the facility for consecutive 2 year periods.
- 9.2.2. The Development Plan proposals will be prioritised by the Management Committee and referred to Council for endorsement.
- 9.2.3. Upon gaining endorsement from Council, the prioritised list will be considered in conjunction with Council's annual budgets.

9.3. Minor Improvements for Facility

- 9.3.1. The Management Committee will determine each year a Minor Improvement schedule for the facility and prioritise the items in the schedule.
- 9.3.2. This Program will be referred to Council's Asset Management and Building Maintenance teams.
- 9.3.3. The Management Committee will carry out approved improvement works to the limit of its improvement budget in accordance with conditions within the Manual covering purchasing and contracting.

10. RISK MANAGEMENT AND INSURANCE

10.1. Risk Management

Risk management is a method of identifying and prioritisation of risks, followed by preventative and precautionary measures to avoid injury, loss and damage, to either persons or property.

As a Committee of Council, the Management Committee has a duty of care to ensure the health, safety and welfare of persons using the facility. This involves regular maintenance, to keep the facility and grounds safe, clean and tidy, as well as a system of inspection to detect faults and hazards at an early stage.

10.1.1. General

Council and Committees of Council have a wide range of potential liability.

Liabilities can be based on statute and common law duties of care. To ensure compliance there must be appropriate policies, procedures and practices in place.

The Committee are to use documentation provided by Council to evidence the due diligence process and ensure all responsible steps are being taken to identify risks to the Committee and users of the facility.

10.1.2. Hazards

A hazard is a situation which could potentially cause injury to a person or damage to property. If a hazard requires urgent attention a warning sign should be placed near the hazard to alert users of the facility to the danger. The Management Committee must contact Council to advise.

Committees are to apply some rules for hirers of facilities such as restacking of tables and chairs, cleaning spills from floors, rubbish removal eg "chairs must be stacked in sets of no higher than 8' and placed against the wall".

A routine inspection process undertaken by the Committee in consultation with Council's Work Health and Safety Committee will identify possible dangers or faults, fire or accident risks to users of the facility, and are to be carried out periodically using the Workplace Inspection form. Copies must be forwarded to Council for action if required and inclusion in its electronic document management system.

10.1.3. Fire Protection

All Council facilities should be supplied with fire and safety equipment and information on its correct use. If this is not available Council must be notified immediately. Equipment will be inspected twice

annually by a professionally qualified person. This is organised by Council's Fire Protection Officer. If the equipment is used irresponsibly by a hirer this should be deducted from the hirer's bond.

10.1.4. Emergency Exits (Buildings)

All exits must be identified by an illuminated exit sign and inspected by Council's Fire Protection Officer. Emergency exit routes must be kept clear at all times. Exit doors should not be barred or locked at any time while the facilities are in use. An Emergency Management Plan (EMP) should be developed for any group who regularly uses a building. Council has a template that will assist Committees with this task.

10.1.5. Building Inspections

Regular inspections are essential to identify potential risks, and to assist in the defence of claims brought against Council. Inspections must be thoroughly documented. The Committee will be responsible for inspection of the facilities under their control.

Inspections may be either formal or informal.

a. Formal Inspections

Inspection of the facilities under the Committee's control must occur and be documented using checklists provided by Council at least once every 6 months. Copies of these inspections must be forwarded to Council for inclusion in its electronic document management system.

b. Informal Inspections

Informal inspections are incidental in the course of Committee business. Any defect or problem discovered must be dealt with.

c. Safety Inspections by Hirers

It is the responsibility of the user groups/hirers to ensure that any field or facility is safe for the use immediately before and during its use. This will include but not be limited to ensuring there are no holes likely to cause injury and that any broken glass and other hazardous matter is removed. Hirers are to be notified of this obligation as part of the hire agreement.

10.2. Insurance

10.2.1. General

Council is required to take out insurance policies to cover Council's liability as a consequence of Council's business activities. These policies include:

- Public Liability Insurance to cover Council for its liability to third parties for personal injury or property damaged caused by Council's business activities;
- Professional Indemnity Insurance to cover Council for professional negligence claims (e.g. caused by incorrect specialist advice);
- Personal Accident Insurance provides specified benefits for registered volunteers following accidental injury, disability or death while carrying out their duties on behalf of Council;
- Motor Vehicle Comprehensive Insurance to cover Council vehicles driven by volunteers or staff for damage to the vehicle or to third party property; and
- Casual Hirers Insurance covers against public liability claims arising from the casual hiring of a member Council facility.

10.2.2. Notification

Management Committees and hirer/user groups are instructed that any matter or incident which may give rise to a claim against Council must be reported to Council as soon as practicable. This will ensure that investigations and remedial actions can be undertaken to protect Council's interests.

Council has a responsibility to notify its insurer as soon as a potential claim is known. Management Committees may receive advice regarding claims via writing or telephone call or by observation. Once the Committee becomes aware of potential claim they are to notify Council immediately. If Council does not notify of claims which they could reasonably have known about indemnity may be denied by the insurer.

10.2.3. Child Protection

Children and Young Persons (Care and Protection) Act 1998 - under this legislation Community Management Committee members accompanying children on trips or participating in activities conducted by the Committee involving contact with children, must complete and pass a Working with Children Check.

Working with Children's Checks are provided by the NSW Children's Guardian. There is no cost for a Volunteer Check. For more information or to make an application please visit: www.kidsguardian.nsw.gov.au

Procedural Manual for Community Management Committee 2019

Camden Town Farm

Version 05

1. INTRODUCTION

The *Local Government Act 1993* allows Council to delegate authority to committees to manage some of Council's facilities or functions. Council has resolved to delegate responsibility to four Community Management Committees. These Committees are:

- **Camden Bicentennial Equestrian Park Committee**
- **Camden Town Farm Committee**
- **Camden International Friendship Association Committee**
- **Camden Seniors Programs Committee**

Community Management Committees play an important role in the local community, and the volunteers who become members provide a valuable contribution to the local community.

Camden Council recognises the contributions made by volunteers appointed to Community Management Committees and provides advice and direction to assist with their effective operation through Procedural Manuals.

This Manual outlines the responsibilities; functions and operations of the Camden Town Farm Community Management Committee; and clarifies Council's role in this partnership.

Upon Council's formal approval of a Camden Town Farm Community Management Committee, its members are required to adopt and adhere to the conditions set out in this Manual.

Councillors may on occasion attend the regular meetings of the Committee to enable them to develop an awareness and/or understanding of the operation of the Committee.

Council Contact

Council's contact information is outlined below:

Contact with Council Officers can be made by contacting Camden Council, 70 Central Avenue, Oran Park - Phone (02) 4654 7777.

Business Hours (8.30am – 5.00pm) Monday – Friday

Contact can also be made via Council's After Hours Emergency Number (02) 4654 7777 which is a 24 hour service. This service should only be used for emergency situations. All other contact should be made during business hours.

Council will also appoint a Council Liaison Officer to act as the key point of contact within the Council for the Committee. This information will be provided directly to the Committee.

2. DEFINITIONS

In this Manual:

- a. "Annual use" shall mean any user granted use of any facility on a year-to-year basis.
- b. "Casual Hirer" shall mean those groups or individuals that have been granted use of the sporting or building facilities for a one off activity.
- c. "Committee", or "Management Committee" or "Community Management Committee" shall mean that body of persons appointed in accordance with Section 3 of this Manual.
- d. "Community Representative" shall mean those individuals that are not specifically representative of any User Group and are a representative of the Camden LGA.
- e. "Council" shall mean the Council of Camden.
- f. "Council Liaison Officer" refers to an officer of Council assigned to be the key liaison point between a Management Committee & Council. The officer will not have voting rights on the Committee.
- g. "CTF" is an abbreviation for Camden Town Farm
- h. "Delegate" refers to "Delegate & Alternate Delegate" as representatives nominated by an organisation to represent their group on the committee.
- i. "Manual" means this Community Management Committee Manual and its appendices.
- j. "Member" shall mean a person and/or organisation appointed to a Management Committee by Council.
- k. "Minor maintenance" shall mean all maintenance works within land, halls, and other buildings under the control of the Management Committee excluding those specified as being the responsibility of Council.
- l. "Project" as defined in Council's Project Management Framework, includes, but is not limited to, works involving construction, alteration, conversion, fitting-out, commissioning, renovation, repair, maintenance, refurbishment, and demolition, decommissioning or dismantling of a structure.
- m. "Relative" means the spouse, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or the person's spouse.
- n. "Routine Operational Business" refers to administrative matters of the Committee and minor maintenance of the facility. No capital purchases are permitted without the prior approval of Council.
- o. "Structure" refers to anything that is constructed, whether fixed or moveable, temporary or permanent. Structures can include buildings, framework, pipelines, roads, pathways, sheds and fencing.

3. ROLES AND RESPONSIBILITIES OF MANAGEMENT COMMITTEES

3.1. Appointment & Election of Management Committees

3.1.1. Formation of the Management Committee

- 3.1.1.1. The appointment of Management Committees is at the discretion of the Council. Management Committees are appointed and reappointed in accordance with the provisions of the Local Government Act 1993 every four years.
- 3.1.1.2. Council aims to appoint Committees that are representative of the local community or interest group of the facility, which the Committee manages.
- 3.1.1.3. Council will call a public meeting to enable any interested person to find out about the committees available and the responsibilities of committees.
- 3.1.1.4. Council may call the public meeting by advertising in local newspapers and/or by advertisement on Councils' website.
- 3.1.1.5. To hold office and be responsible for the management of a Council facility or function, all committee members must be appointed by Council before they are able to vote or take part in the meetings of the Committee.
- 3.1.1.6. Committees are formally appointed by the Councillors in office, therefore as soon as practicable after the General Election of Councillors, all Community Committee Members will cease to hold office and new Management Committees appointed.
- 3.1.1.7. Existing Committees will maintain a caretaker role until the new committees are formally appointed by Council. The caretaker role permits the outgoing Management Committee to continue with the routine operational business of management and control of their facility and/or program. If clarification is required, the Committee should consult with their Council Liaison Officer.
- 3.1.1.8. All nominations for Community Committees are formally submitted in writing to Council for consideration of appointment.
- 3.1.1.9. Following the appointment of committees by Council, Council will issue a Deed of Delegation to each committee. The Deed must be signed by Committee members within one month of the appointment to acknowledge their role and responsibilities. The Committee continue to operate in caretaker capacity until the Deed of Delegation is signed by all members.
- 3.1.1.10. Where members are appointed to the Committee after the original Deed of Delegation is signed an appendix Deed of Delegation will be issued and signed by the new members to acknowledge their role and responsibilities.
- 3.1.1.11. Council will provide a structured induction programme for Committee members to ensure they understand the Committee's policies, processes and practices and become effective Committee members as soon as practicable. Induction may comprise a combination of face to face sessions, online and printed resources and mentoring/buddy system with other Committee members. Committee members must attend all induction training to remain a Committee member. The Committee Liaison Officer will also be available to provide information to members as required.

3.1.2. Management Committee Membership

3.1.2.1. CTF Management Committee Membership Composition

- CTF Committee membership is on a quadrennial basis for the term of Camden Council.
- The CTF Committee will comprise those people and organisations appointed to it by Camden Council. CTF Committee membership will not number less than 7 persons and not more than 12 persons.
- Camden Council may appoint Councillors to the committee however due to the operational nature of the Committee Councillors will act in an ex-officio capacity only unless upon appointment they elect to be considered part of the Quorum (see comment in Quorum).
- Management Committee membership should reflect the community of Camden and the organisations that use the facility and is open to community members and representatives of groups from within the local area between the ages of 18 and 90 years.
- The Committee will comprise of community members and representatives/delegates from interested community groups community (e.g. Community Gardens, Historical Society, Department of Education).
- Community groups and bodies may nominate for membership of the CTF committee. These groups will advise the Committee in writing the names of a delegate and alternate delegate to represent their group on the Committee. If and when the group representatives change the relevant group will advise the CTF committee in writing of the updated representatives.
- Staff of Camden Council may not be members of the CTF Committee except with the approval of the General Manager. Approval will only be given where it can be demonstrated that membership of the Committee will not conflict with the employee's duties and responsibilities and does not pose a conflict of interest, or a perceived conflict of interest.
- Camden Council will appoint an appropriate staff member to the position of Council Liaison Officer for the Committee with the agreement of the General Manager.

3.1.2.2. Leave of Absence

- A Committee member who is temporarily unable to fulfil their obligations on the Committee may request a leave of absence from the Committee.
- Typical reasons for needing to take a period of leave include but are not limited to personal health, family health, work or family commitments.
- A leave of absence may be granted by the Committee for a period of up to 6 months.
- A leave of absence can only be approved by a vote of 75% of members entitled to vote present at a properly convened meeting of the Committee.
- During a leave of absence, a member may not participate in votes of the Committee and the member will not be counted when calculating the quorum.

- A leave of absence may be requested by the member of the Committee or on behalf of a member by a relative of the member or by another member of the Management Committee.

3.1.2.3. CTF Committee Voting

- A motion is required to be moved and seconded prior to being put to a vote of the Committee.
- All Committee members (individuals and groups) shall carry 1 vote at Committee meetings and other times where voting is required. The chairperson/presiding officer also carries a casting vote to resolve any deadlocks for votes undertaken in meetings.
- When a Member declares an interest in an item being discussed and voted on by the Committee, the Committee will act in accordance with Section 5.5.
- Voting at CTF Committee meetings is by default undertaken by a show of hands.
- A motion may be passed to conduct votes by secret ballot using written votes. If a secret ballot is to be undertaken 2 scrutineers will be selected from those in attendance (not necessarily voting members) at the meeting to conduct and tally the votes.
- A member may request to have their voting intention recorded in the meeting minutes immediately after the result of a vote is announced by the chairperson.
- Proxy votes or absentee votes are not permitted at any General Meeting, Annual General Meeting or Extraordinary General meeting of the Committee.
- Members on approved leave of absence or suspended are not included in votes of the Committee during their period of absence.

3.1.2.4. Electronic Show of Hands (eVote)

- On occasion it may be necessary to seek agreement among the Committee between Committee meetings for matters relating to emergency works or administrative matters affecting the immediate use of the facility. On these occasions an Electronic Show of Hands (eVote) may be used.
- The Executive Committee and/or the CTF Committee may request an eVote to be conducted either by the Secretary or Council Liaison Officer.
- An eVote requires that all Committee members are requested to respond electronically in writing (email, SMS etc) to a proposition within a defined period of time.
- Normal rules for a quorum and voting apply to eVotes where a response of more than 50% of committee members is required (Quorum) and a majority of those responses received in the affirmative are required for the proposition to be approved.
- Records of eVotes should be tabled at the next General Meeting and included in the official record of the meeting using a proforma template provided by Council.
- All decisions made by eVote are binding on the CTF Committee and are to be tabled at the next General Meeting for ratification by the CTF Committee.
- Members on approved leave of absence or suspended are not included in eVotes of the Committee during their period of absence.

- Secret ballots are not permitted for an eVote and all eVotes are public.

3.1.3. CTF Management Committee Membership Recruitment

3.1.3.1. No particular qualifications are necessary to be considered for membership of the Committee, however the general duties and expectations of being a member of the Management Committee are as follows:

- commitment to delivering the adopted vision for the Camden Town Farm;

Vision: *"The farm will be developed and maintained primarily for agricultural, tourism and educational purposes. It will be operated and managed in a sustainable manner that retains its unique character and encourages and facilitates community access, participation and visitation".*

- commitment to the agricultural, tourism, educational and community activities of the Committee and the facility;
 - ability to give adequate time and energy to the duties of being a Committee member, including the ability to attend monthly meetings and other meetings as required from time to time;
 - willingness to be actively involved in and contribute to Committee activities;
 - willingness to work collaboratively, cooperatively and respectfully with other community volunteers and Council staff;
 - willingness to uphold the values and objectives of the Committee;
 - ability to act with integrity and avoid or declare conflicts of interest;
 - willingness to contribute to the strategic direction, including agreeing and monitoring the Plan of Management; and
 - willingness to ensure that risks to the organisation, staff, volunteers and service users are at an acceptable level and are effectively managed.
- 3.1.3.2. Management Committee Members must be aged 18 years or older at the time of nomination.
- 3.1.3.3. Council will advertise and call for membership nominations at the time of, or soon after the quadrennial local government elections.
- 3.1.3.4. For casual vacancies Council may advertise and call for membership nominations at the time of the vacancy provided there is more than 12 months until the next quadrennial local government elections.
- 3.1.3.5. Council will seek membership nominations using an application form designed to address the job description and an outline of relevant skills and experience beneficial to the operation of the facility. The application may also require character references and other screening appropriate to the role.
- 3.1.3.6. Membership nominees and their written nominations will be screened and assessed by a selection panel comprised of Council staff. Other suitably experienced individual may be invited to participate in the selection panel.

- 3.1.3.7. Membership nominees may be interviewed by the selection panel to further assess their suitability to serve on the Management Committee.
- 3.1.3.8. Nominees who have been members on previous committees will also be assessed on their previous performance with regard to their demonstrated contribution, attendance, behaviour, and their ability to collaborate as part of the Committee.

3.1.4. Management Committee Office Bearers

3.1.4.1. Election of Office Bearers

- The Committee will elect from its membership an Executive Committee comprising the Executive Office Bearers to fulfil the activities & responsibilities of the Executive roles.
- The Committee may elect from its membership other non-executive positions and/or sub-committees to coordinate works and programs relating to the operation of the facility (e.g. safety, maintenance, farming operations, primary industries education, visitation and community access, promotions, p, marketing, community visitation, development and grants, projects etc.)
- Elections for office bearers are undertaken at the Annual General Meeting and/or as required to fill casual vacancies.

3.1.4.2. CTF Executive Committee

- The CTF Executive Committee will comprise of the Executive Office Bearers, namely the positions of:
 - President
 - Secretary
 - Treasurer
 - Vice President
 - Booking Officer
- The Executive Committee is charged with both setting the direction for the General Committee and for considering, deciding and approving actions in the context of “control and management” with pressing operational matters of the CTF that require expedited attention between general meetings of the CTF Committee.
- All decisions made by the Executive Committee are binding on the CTF Committee and are to be tabled at the next General Meeting for ratification by the CTF Committee. The CTF Committee may only overturn a decision of the Executive Committee by resolution.
- The Executive Committee should operate in an agile manner. Decisions of the Executive Committee can be achieved by formal meetings, phone calls and informal meetings. Minutes of Executive meetings must be kept and tabled at the next General Meeting of the Committee for ratification. Matters containing confidential items may be reported to the Committee as resolution only.
- A member may not hold an Executive Position on more than one Council Community Management Committee at one time.

- Where there is more than one person from a family, only one member of the family can be an Executive Officer bearer on the same Committee at the same time.
- Only one (1) of those related office bearers is to approve individual payments (sign cheques/approve EFT payments).
- The Executive Committee may request an eVote (as described elsewhere in this document).

3.1.4.3. Executive Officer Bearer Position Descriptions

President/Chairperson

The President shall be the Executive head of the Management Committee. The President will:

- Ensure all necessary tasks for day to day running of the activities of the CTF Committee are carried out;
- Chair Committee and General Meetings ensuring that correct meeting procedures are followed, and control of the meeting is maintained;
- Serve as a spokesperson and representative for the CTF Committee when required;
- Prepare and distribute the agenda (in consultation with the Secretary and Council Liaison Officer), setting out the items of business to be considered;
- Ensure Committee meetings are properly convened in accordance with this manual i.e. proper notice of a meeting is given and a quorum is present;
- Ensures correct meeting procedures are followed and control of the meeting is maintained;
- Act impartially and use discretionary powers in the best interests of members and in accordance with the agreed standing orders and ensure all statutory regulations and organisational rules are observed; and
- Provide assistance to all members of the Management Committee to help ensure that they fulfil their respective roles.

Secretary

The Secretary is the administrative manager of the Management Committee and is responsible for coordination of all administrative tasks. The Secretary will:

Before a meeting

- Draw up the agenda in consultation with the Chairperson;
- Make copies of the agenda if required.

During the meeting

- Maintain an attendance register;
- Take minutes;
- Read minutes of previous meeting if necessary;

- Provide a list of correspondence in order and summarise any important points;
- Record any motions and/or decisions of the meeting including, mover and seconder.

After the meeting

- Forward minutes of meeting to CTF Committee and to Council;
- Keep a register of inward and outward correspondence and file copies of all letters written;
- Forward copies of all correspondence to Council for inclusion in its electronic document management system.

In between meetings

- Inform all other committee members of any correspondence requiring urgent attention.

Treasurer

Council will appoint a staff member to provide bookkeeping support to the Committee. Further details on the functions this role will undertake is provided in 3.1.6.

The Treasurer is the financial coordinator of the Management Committee and holds responsibility for the following financial matters:

- Ensure that all financial records of the Committee are kept in a proper manner;
- Keep financial records for all incoming and outgoing transactions;
- Authorise purchase **orders and receipt of goods through Council's book keeper or committee liaison officer, following a committee resolution to procure goods or services;**
- **Report the status of all purchase orders raised for goods or services to the committee as part of the monthly Treasurers Report, information to be provided by Council's Admin Officer;**
- **Upon resolution and nomination by the Committee, the Treasurer and one other nominated committee member be responsible for a purchase card for purchases less than \$500 (ex GST);**
- **Report all payments made using a purchase card to the committee as part of the monthly Treasurers Report, information to be provided by Council's Admin Officer;**
- Bank all monies received by the Committee in an approved bank account;
- Present a Treasurers report to each Committee meeting with the financials provided by Council;
- Prepare and present proposed annual budget to the Management Committee; and
- Provide any financial records required to complete the month end financial reports to Council within 5 working days.

Vice President

The Vice President is the Deputy Executive head of the Management Committee. The Vice President will:

- Act as President in the event of the President being unable to fulfil his or her duties;
- Support the President and Executive Committee in fulfilling the requirements of their roles;

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- Ensure that the Committee activities are in accordance with the rules, regulations and guidelines required for the Management Committee;
- Ensure the committees procedures and documents are in order;
- Ensure action items and resolutions are carried out;
- Oversee Work Health and Safety matters and report any matters to the Committee; and
- Fulfil such other duties as the committee may request.

Booking Officer

The Booking Officer is the public interface between the Management Committee and the community, and coordinates co-ordinates all uses of the CTF facility. The Booking Officer will:

- Provide a point of contact for people wishing to hire the facility by phone, email or in person;
- Respond to requests for information on the hire of the facility in a timely fashion;
- Meet with potential hirers as required;
- Take bookings and record booking details. Council may supply booking software with a software provider of Council's choice for the Committee to use to manage bookings;
- If a booking software is not provided by Council, an electronic diary of bookings must be maintained;
- Liaise with the Committee over the acceptance of bookings where required (major events);
- Ensure users/hirers complete a hire agreement and make them aware of the associated terms and conditions of hire, and that public liability insurance is in place for all hirers;
- Issue invoices in accordance with Council's approved fees and charges;
- Issue bond refunds/credit notes in accordance with CTF Pricing (fees and charges);
- Liaise with CTF Treasurer regarding payments;
- Coordinate post event inspections and recommend refund or retention of bonds after events;
- Coordinate issuing of keys to hirers as required and maintain a register of keys issued and returned;
- Report to the Committee the status of all bookings at CTF meetings;
- Advise the Committee of opportunities for reforms and improvements to booking practices; and
- Advise potential hirers and hirers of Council's External Events process for any events on the facility.

3.1.5. Council Committee Liaison Officer

- 3.1.5.1. Council, through the General Manager, may appoint a staff member to the role of Committee Liaison Officer. The Officer is authorised to participate in committee discussions, activities and deliberations but without any voting rights at any time.
- 3.1.5.2. The Committee Liaison Officer reports to the relevant Council Director/Manager, not the Committee.
- 3.1.5.3. Council Directors/Managers may direct the Committee Liaison Officer to communicate certain advice relating to Council policies, legislation, operational matters and adherence to the controls of this manual to the Committee.
- 3.1.5.4. The Committee Liaison Officer may provide services such as professional advice and administrative duties as agreed between the relevant Director/Manager and the Committee.
- 3.1.5.5. The Officer may be temporarily appointed by the Committee to any of the Office Bearer roles except the role of President. The Officer may be elected by the Committee to chair meetings.
- 3.1.5.6. Where appropriate, the Committee Liaison Officer will provide advice to the Committee with regards to Council policies, legislation, operational matters and adherence to the controls of this manual. The Committee Liaison Officer may also seek guidance and/or instruction from Council to assist in the provision of advice to the Committee with regards to Council policies, legislation, operational matters and adherence to the controls of this manual.
- 3.1.5.7. The Committee Liaison Officer will monitor the Committee's compliance with the manual and report any instances of non-compliance as well as the performance, activities and operation of the Committee to their Director/Manager as required.
- 3.1.5.8. The Committee Liaison Officer is not to request or receive any payment from the Committee for provision of services.
- 3.1.5.9. The Committee Liaison Officer will coordinate the logging of any requests for service or maintenance required from Council teams into Council's CRM system on behalf of the Committee.
- 3.1.5.10. The Committee Liaison Officer can raise purchase orders and receipt goods following a resolution of the Committee.

3.1.6. Council Admin (Bookkeeping)

- 3.1.6.1. Council will appoint a staff member to provide bookkeeping support to the Committee. The staff member will undertake the following tasks:
 - Ensure that all financial records of the Committee are kept in a proper manner;
 - Prepare a financial report on behalf of the Management Committee. The report will include a bank reconciliation, income statement, balance sheet and cashflow statement as a minimum. The report will also discuss the financial position of the Committee funds in bank account, debtors outstanding, actuals to budget by

amount and percentage, and approval for the payment of invoices, purchase orders and payments made using the Committees purchase card/s. Requests for expenditure over \$10,000 (ex GST) should also be reported at this time;

- Raise purchase orders and receipt goods following a resolution of the Committee;
- Provide a financial report to the Treasurer within 10 working days at the end of the month; and
- Prepare financial records of the Management Committee for audit at the end of financial year;

3.1.6.2 The Council Admin (Bookkeeping) reports to the relevant Council Director/Manager, not the Committee.

3.1.6.3 The Council Admin (Bookkeeping) may provide services such as professional advice and administrative duties as agreed between the relevant Director/Manager and the Committee.

3.1.6.4 **The Council Admin (Bookkeeping) is not to request or receive any payment from the Committee for provision of services.**

3.1.7. Dissolution of Management Committee

3.1.7.1. Council may dissolve a Management Committee at any time. Council may wish to dissolve a Management Committee to carry out the control of the facility itself.

3.1.7.2. Council may also dissolve a Management Committee if that Committee is not complying with the roles and responsibilities of the Committee outlined in this Manual.

3.1.7.3. The Management Committee shall be dissolved in the event of it becoming unviable where membership drops to less than seven (7) members.

3.1.7.4. The Committee can by resolution recommend to Council that the Committee be dissolved by a vote of 75% of members entitled to vote present at an Extraordinary Meeting of the Committee properly convened to consider this option. Council has established the following policy to address this issue:

- if a Committee chooses to remain active it is given 6 months to re- establish a viable membership as above (i.e. minimum of 7 members); or
- if a Committee, facility or function becomes inoperable or inactive, the Committee will be dissolved, and all responsibilities will be taken over by Council.

3.1.7.5. Upon a resolution to dissolve the Committee being passed and confirmed by Council, all assets and funds of the Management Committee shall, after payment of all expenses and liabilities, be handed over to Council.

3.1.8. Suspension and Revocation of membership of a Management Committee

3.1.8.1. Revocation of Membership

- A member (individual or organisation) shall have their membership on the Management Committee revoked and cease to be a member of a Management Committee when Council passes a resolution to remove the member from the Committee.

- If an individual or organisation has their membership of the CTF Management Committee revoke that member may not be reappointed to the CTF Management Committee during the same term of Council.

3.1.8.2. Suspension of Membership

- An individual or organisation may be suspended from the Management Committee. During a period of suspension, the member may not participate in any activities of the Committee and as far as is practicable be excluded from all intra-Committee communication.
- Suspension of a member occurs to either allow time for Council to process revocation of a membership, or as a punitive action against improper behaviour.

3.1.8.3. Automatic Suspension of membership

A member of the Management Committee will be automatically, immediately and indefinitely suspended if:

- Council passes a resolution to suspend a member;
- The member resigns from the Committee by notification in writing to the Committee and/or Council;
- The member is deceased;
- The member is bankrupt;
- The member holds any office of profit under the Committee;
- The member fails to disclose any pecuniary interest in any matter with which the Committee is concerned and takes part in the consideration, discussion or votes on any question relating to the matter;
- The member while holding that office is convicted of an offence under Part 4 of the Crimes Act 1900 which includes offences relating to property; or
- The member intentionally disobeys the manual, Council policies procedures and/or a Council direction.

Where a member is automatically suspended the Management Committee will provide advice to Council of the reasons for the suspension without prejudice.

A letter will be provided to the member by Council advising their membership has been suspended.

3.1.8.4. Suspension by resolution of the Management Committee

A member of the Management Committee may be suspended for a period up to 3 months by the passing of a vote by 75% of members entitled to vote present at a properly convened General or Extraordinary General meeting for the following reasons:

- the member is absent for 3 or more consecutive general meetings without a leave of absence granted from the Committee;
- the member is absent for more than 50% of general meetings in a 12 month period without a leave of absence granted from the Committee;
- the member seeks to overturn a decision of the Committee by making representations to Councillors or other third parties. This does not include contacting Council or making representations through formal mechanisms such as submissions to exhibited materials where council is seeking community feedback;

- the member uses or distributes information attained whilst undertaking their duties on the committee to lobby against a decision of the committee or to lobby Councillors or other third parties;
- the member undertakes actions that defy and/or are contrary to a decision of the Management Committee;
- the member brings the reputation of the Management Committee and/or Council into disrepute;
- the member acts in a manner that is not in accordance with the role of an officer of Council or Council Committee; or
- the member directly or indirectly threatens or menaces other Committee members.

Where a member is suspended by resolution the Management Committee will provide advice to Council of the reasons for the suspension and may forward a recommendation for Council to consider removing the member from the Management Committee permanently without prejudice

3.2. Duties & Responsibilities of Management Committees and Council

The duties and responsibilities of Management Committees and Council varies between committees.

3.2.1. Deed of Delegation

Council sets out the delegation of the committee in a Deed of Delegation. This Deed sets out the specific function delegated by Council is accompanied by a Schedule of Delegation and a copy of this Manual.

3.2.2. Responsibilities of Council

3.2.2.1. Council's Overriding Authority

Management of the facility is delegated to the Management Committee by Council. Whilst the Committee has control over the facility, Council may exercise overriding authority and may revoke the powers of the Committee or otherwise direct the Committee as Council sees fit.

3.2.2.2. Funding Major Improvements

Council shall be responsible for the funding and erection of all major improvement works in the facility, in accordance with the adopted Plan of Management and the availability of funds.

3.2.2.3. Insurance of Assets

The Council shall fully insure all buildings and contents.

3.2.2.4. Insurance of Committee Members

The Council shall insure the Committee in respect of Public Liability Insurance, Professional Indemnity Insurance, Personal Accident insurance and Motor Vehicle Insurance (for Council registered vehicles only).

3.2.2.5. Notification of Fees and Charges

The Council shall notify the Management Committee of any proposed variation of hire or membership fees proposed for the ensuing year by February in each year.

3.2.2.6. Improvement Recommendations

The Council shall consider all improvements suggested by the Committee as part of its annual budget and works allocation processes.

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3.2.2.7. Training of Committees

Council will provide compulsory training to advise members and the Executive of the Committee of the requirements of their positions. Training will be arranged by Council. Additional training may be requested by the Committee.

3.2.2.8. Customer Service Charter

Council will respond to requests of the Committee in accordance with its Customer Service Charter.

3.2.2.9. Legal Expenses

Council may consider the payment of legal expenses in relation to matters involving the Committee and members when acting in their capacity as members of the Committee.

3.2.3. Responsibilities of Management Committees**3.2.3.1. Responsibilities**

The Community Management Committee will be responsible for the care, control and management of either a facility (including letting, cleaning, minor maintenance works, minor repairs, operations and equipment purchases); or a program (including organising, operating and implementing).

3.2.3.2. Care, control and management**Care includes:**

- Duty of care to ensure the health, safety and welfare of persons using the facility or participating in a program of the Committee; including contractors or volunteers;
- Conducting minor maintenance to maintain the facility or program and protecting the physical assets from damage, misuse and deterioration;
- Ensuring the security of the facility or program and adequate security systems are in place;
- Advising Council of any potential insurance risk that may arise in regard to buildings and/or users;
- Attaining sufficient funds to maintain the facility or program as a going concern;
- Ensuring sufficient and equitable access of the facility or program by the community; and
- Ensure that all users of the facility or program conform to the insurance requirements as set out in this Manual.

Control includes:

- Holding regular meetings with recorded minutes;
- Monitoring and maintaining financial records;
- Submitting an annual report and all records to Council for an annual audit;
- Submitting monthly financial reports in accordance with GST requirements;
- Submitting a recommendation of fees and charges for the coming financial year by mid-October for Council's determination;
- Administering and overseeing the use of the centre by other groups;
- Clearly defining the role of office bearers and committee members;
- Submitting an estimate of income and expenditure for the period 1 July to 30 June. The budget proposal will be submitted in mid February each year, unless requested earlier by Council in special circumstances.

- Submitting a current list of all contents belonging to the Committee (not User Groups) for inclusion in Council's Insurance Policy, by 31 January each year;
- Maintaining a post office box or public postal address to which all physical correspondence will be forwarded;
- Maintaining a public email address to which all email correspondence will be forwarded;
- Submitting a current list of all Committee members including the address and phone number and emergency contact details to Council immediately following nominations of the Committee, and advise Council when there are changes; and
- Submitting officer bearers names and an audited financial report to Council following the Annual General Meeting.

Management includes:

- Ensuring that all monies received will be used for the benefit of the facility or activity in an equitable, honest and consistent manner;
- Ensuring that the organisation is not used for the financial gain of individual members;
- Ensuring that all written material provided to potential hirers or used to promote the facility or program acknowledges Camden Council, including display of the Council's logo;
- Ensuring that the standard hire forms, and terms and conditions are used;
- Ensuring Council's Work Health and Safety policies and procedures are followed at all times;
- Being aware of and involved in, appropriate community activities, which are compatible with the goals of the facility;
- Developing and updating Plans of Management;
- Recommending policies and procedures which contribute to the effective management of the facility/activity; and
- Being accountable to the community and the Council for the Committees actions and initiatives in respect of the facility/activity.

3.2.3.3. Limitations of powers

The Community Management Committee may not carry out any works on or to the facility including alterations, reconstruction, construction without the prior written consent of Council with the exception of minor maintenance work.

The Committee may not make decisions concerning the following:

- Fixing of charges or fees. The Committee may submit recommendations for approval to Council in relation to the fixing of charges and fees for the use of the facility under its control;
- Borrowing any monies without the express written consent of Council on each such occasion;
- The sale, lease or surrender of any land or other property vested in its care under the provision of the *Local Government Act 1993* (as amended);
- The acceptance of tenders which are required to be called by Council;
- The purchase of goods and services of a value exceeding \$10,000 (ex GST) without the prior written approval ~~from the General Manager or relevant sub-delegated Director in compliance with Council's Purchasing and Procurement Policies of Council.~~ For any purchases which are considered to ~~—~~be related or to be used in ~~___~~relation to the same Project, their combined value must not exceed ~~—~~\$10,000 (ex GST) without ~~___~~the prior written approval ~~from the General Manager or relevant sub—delegated Director in compliance with Council's Purchasing and Procurement Policies of Council;~~
- Formation of submissions to government without the prior written consent of Council;

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- The payment or making of any profit, gain or gift, to or by its members as well as allowance or travelling expenses incurred whilst attending committee meeting;
- As a voluntary Committee, members do not receive payment for their services. The Committee may by resolution reimburse the Committee members for reasonable expenses incurred in the completion of official Committee activities. No other payment is to be made to Committee members without the prior written approval of Council;
- Unreasonably withholding consent for the letting of the facility to any organisations or individuals who have demonstrated agreement to comply with and adhere to the rules adopted for the use of the facility, providing an acceptable letting period is available;
- The Committee is not permitted to vote monies for expenditure on the works, services or operations of Council;
- The Committee is not permitted to enter into any legal action;
- The Committee is not permitted to loan or donate funds for any purpose;
- The Committee is not permitted to vary the overall design plan for the facility without Council's prior written approval; and
- The Committee is not permitted to set or charge fees for Membership of the Management Committee.
- Council approval must be obtained prior to the commencement of any task, activity or project to be undertaken by a volunteer who has been deemed competent to carry out the task. Approval for certain tasks or activities contained within a Volunteer's Position Description can be provided by Council on an ongoing basis. For any work or activity relating to a program of works or relating to an unplanned event, the relevant Council Officer must be contacted for approval prior to that work or activity being commenced.

The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/ function under its management and control.

If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or their representative.

For the purposes of the above clause, a "Project" as defined in Council's Project Management Framework, includes but is not limited to works involving construction, alteration, conversion, fitting-out, commissioning, renovation, repair, maintenance, refurbishment, and demolition, decommissioning or dismantling of a structure.

A structure can be anything that is constructed, whether fixed or moveable, temporary or permanent. Structures can include buildings, framework, pipelines, roads, pathways, sheds and fencing.

4. DISPUTES

4.1. General & External:

- 4.1.1. Where a citizen(s) of the local government area that is not a member of the Management Committee, disagrees with a resolution of the Management Committee these persons may refer their grievances in writing to the Committee for reconsideration.
- 4.1.2. Where the Management Committee chooses not to alter its decision, the citizen(s) or citizens may present their grievance to Council in writing, for reconsideration.
- 4.1.3. Where such notice in writing is referred to Council, Council will request a report on the issue from the Management Committee. Upon receipt of the report the matter will be referred to Council for resolution.
- 4.1.4. Upon Council adopting a resolution, the details of Council's deliberations will be advised to the Management Committee and the citizen(s) who referred the matter to Council.
- 4.1.5. A member may not seek to ~~amend, change or~~ overturn a decision of the Committee by making representations ~~to Councillors or other third parties. This does not include contacting Council or making representations through formal mechanisms where council is seeking community feedback directly or indirectly to Council and/or Councillors or other officials and/or organisations.~~

4.2. Disputes - Internal

- 4.2.1. All disputes between members of the Committee are to be attempted to be resolved within the Committee where possible.
- 4.2.2. Where a dispute occurs within a Committee the resolution of the majority of the Committee as a whole will determine the outcome, where this is not possible the Chairperson/President will have the casting vote.
- 4.2.3. There will be no right of appeal when the Management Committee has determined its resolution of a dispute.
- 4.2.4. A member may not seek to ~~amend, change or~~ overturn a decision of the Committee by making representations ~~to Councillors or other third parties. This does not include contacting Council or making representations through formal mechanisms such as submissions to exhibited materials where council is seeking community feedback directly or indirectly to Council and/or Councillors or other officials and/or organisations.~~

5. LEGAL ISSUES

5.1. Delegation from Council

- 5.1.1. From a legal perspective, it is important that Management Committees of Council and their members be aware that they are acting on Council's behalf. Legally, the committee is 'Council' and any action that the Committee undertakes is Council's responsibility.

5.1.2. Council delegates its authority to the Committee to act on Council's behalf.

[5.1.2.](#)

5.2. Record Keeping

- 5.2.1. All documents and records relating to the operation of the Management Committees, e.g. minutes of meeting, financial reports, correspondence etc. should be kept in accordance with the *State Records Act 1998*. Committees should provide copies of all records to their Council Liaison Officer to be archived in Councils electronic document management system.
- 5.2.2. Community Committees need to be aware of the importance of minutes, because of their legal status and their liability to subpoenaed in court cases.
- 5.2.3. Minutes are required to be kept for all formal meetings of the Committee. These include General meetings, Annual General meetings and Extraordinary General meetings.
- 5.2.4. Meeting minutes must record all motions and amendments put to the meeting, and the results. Minutes should include the mover and seconder of motions. There is no need to record what members say at a meeting, however, there may be occasions when it is appropriate to record the general content of discussions.
- 5.2.5. The Chairperson/President and the Secretary are responsible for the form of the minutes for proper confirmation and must check that there have been no unauthorised alterations to those minutes.
- 5.2.6. Where electronic minutes are used as the sole record of proceedings a motion properly moved and carried accepting the minutes as a true record of proceedings of the meeting is required. This includes any amendments required and accepted by the Committee. The Chairperson/President is not required to sign the minutes.
- 5.2.7. Electronic minutes must be stored in Council's electronic document management system as soon after the meeting being held as is practicable in a read-only state prohibiting any changes or updates.
- 5.2.8. The motion to confirm the minutes can only be moved and seconded by persons who were in attendance at that meeting to which the minutes relate. Should there be insufficient members present from the previous meeting the Chairperson may exercise their right to move and/or second the motion to confirm previous minutes.

5.3. Pecuniary Interest

- 5.3.1. A pecuniary interest is one of financial benefit by a Committee person or other person with whom the person is associated (that is, spouse, de-facto partner or relative of a Committee person) from an interest that a Committee person has in a Council matter.
- 5.3.2. A pecuniary interest does not exist where the interest is so remote or insignificant that it could reasonably be regarded as unlikely to influence any decision.
- 5.3.3. The obligation to disclose a pecuniary interest is a strict duty, and the person's motives for participation are irrelevant if an interest is said to exist.

5.3.4. Chapter 14 of the *Local Government Act 1993* includes a framework for the handling of alleged breaches of the pecuniary interest provision of the Act. The Act is about openness, accountability and transparency in decision-making by councils and any Committees representing the Council.

5.3.5. It is the responsibility of members of Management Committees:

- To disclose to the meeting any pecuniary interest in a matter before the meeting;
- Not to participate in the discussion of the matter before the Committee in which the member has a pecuniary interest; and
- Not to vote on the matter before the Community Committee meeting in which the member has a pecuniary interest.

5.3.6. Pecuniary interest provisions are not breached if the person did not know or could not have reasonably been expected to know that the matter under consideration was a matter in which the person had a pecuniary interest.

5.4. Conflict of Interest

5.4.1. A conflict of interest can arise when a member of the Committee has other involvements or interests that make it difficult for them to always remain impartial when involved in discussions and decision makings. These can include:

- Business or professional activities;
- Employment or accountability to other people or organisations;
- Membership of other community organisations or service providers; or
- Ownership of property or other assets.

The conflict may lead to:

- Financial benefit e.g. sale of goods or privileged knowledge;
- Political benefit e.g. gaining or losing electoral support; or
- Personal benefit e.g. career advancement or increased standing in the community.

5.5. Declaration of Interests

5.5.1. It is the responsibility of Committee members:

- To disclose to the meeting any conflict of interest in a matter before the meeting; and
- Not participate in the discussion of the matter before the Committee in which the member has a conflict of interest; and
- Not to vote on the matter before the Community Committee meeting in which the member has a conflict of interest.

A conflict of interest does not exist where the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision. The obligation to disclose is a strict duty, and the person's motives for participate are irrelevant if an interest is said to exist.

Conflict interest provisions are not breached if the person did not know or could not have reasonably been expected to know that the matter under consideration was a matter in which the person had a pecuniary interest.

5.5.2. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

5.5.3. Committee members are also required to lodge an annual written pecuniary interest declaration in accordance with the section 440AAA of the *Local Government Act 1993*. Committee members are strongly advised to declare any interests they may have in this written declaration to ensure transparency, accountability and protection for individual members.

5.6. Code of Conduct

5.6.1. Committee Members are required to adhere to Council's Code of Conduct. Compulsory training on the Code of Conduct will be provided to all Committee members.

5.7. Privacy and Personal Information Protection Act

5.7.1. Committee members are required to abide by the *Privacy and Personal Information Protection Act, 1998* (PPIPA). The Act provides for the protection of personal information and the privacy of individuals generally.

6. MANAGEMENT OF FACILITY

6.1. The Management Committee in collaboration with Council will develop a Management and Operational manual containing the standard farm procedures which are the agreed methodology of how the CTF facility will be managed and operated.

6.2. The standard farm procedures will be agreed by the Committee by resolution and will be reviewed annually the Committee.

6.3. Standard farm procedures should reflect where possible Council policy and/or industry best practice.

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7. MEETINGS

The Management Committee should meet on a regular basis to discuss relevant business, and make decisions affecting the facility/program operation. The time, scheduling and location of meetings will be decided by the Committee.

7.1. Agenda

- 7.1.1. An agenda should be sent out to all Management Committee members at least 5 days prior to any meeting giving notice of the proposed meeting and of any items for discussion and notices of motion.
- 7.1.2. The format of the agenda will be agreed on from time to time by the Committee but will include as a minimum:
- Time, date and venue of the meeting;
 - Matters to be discussed/considered; and
 - Means for members to submit apologies.
- 7.1.3. Written reports for the President & Booking officer will be sent out with the agenda to allow the Committee appropriate time to review the report prior to the meeting.
- 7.1.4. Council's Finance team will liaise with the Treasurer to provide the committee a monthly financial report to be sent out with the agenda. The report will include a bank reconciliation, income statement, balance sheet and cashflow statement. The financial report will also discuss the financial position of the Committee (funds in bank account, debtors outstanding, actuals to budget by amount and percentage, and approval for the payment of invoices including confirmation has been received from Council if any expenditure (including full project costs) is over \$10,000 (ex GST).

7.2. Quorum

- 7.2.1. A quorum of any meeting (General, Annual General, Executive or Extraordinary General) will consist of more than half the total number of entitled voting members (i.e. greater than 50%). Should a quorum not be present:
- at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - within half an hour after the meeting time designated for the meeting, or
 - at any time during the meeting,
- the meeting will be adjourned to a date determined by the Executive Committee.
- 7.2.2. Members who are absent or have submitted an apology for their non attendance to a meeting will be counted when calculating the quorum.
- 7.2.3. Members who have been granted leave of absence or who have been suspended from the committee will not be counted when calculating the quorum.
- 7.2.4. Councillors who are appointed to a Management Committee in an ex-officio role will not be counted when calculating the quorum. A Councillor may advise the Committee that they wish to be included in the quorum and if so they will be included in the quorum calculation for the remaining term of the Management Committee.

- 7.2.5. Where a meeting commences with a quorum any members who wish to depart the meeting prior to its formal adjournment must seek leave from the meeting by resolution. If leave is granted the time of the members departure will be noted in the minutes and the quorum will not be adjusted. If leave is not granted and the member departs the member will be removed from the calculation of the quorum.

7.3. Ordinary/General Meetings

- 7.3.1. There should be no less than six (6) Ordinary/General meetings held each year, however it is recommended that Ordinary/General Meetings of the Committees occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.
- 7.3.2. A calendar of when general meetings are to be held in the ensuing 12 months should be drafted at the Annual General Meeting.
- 7.3.3. General meetings of the Management Committee are required to address correspondence, management and control matters, finance matters, risk management matters and general matters relating to the facility/program.
- 7.3.4. An agenda for a General Meeting should be sent out to all Management Committee members least 5 days prior giving notice of the proposed meeting and of any items for discussion and notices of motion.
- 7.3.5. Minutes of a General Meeting will be kept of the proceedings and a copy forwarded to Council for storage in its electronic data management system.
- 7.3.6. General meetings will be conducted in accordance with Council's adopted Code of Meeting Practice.

7.4. Annual General Meeting (AGM)

- 7.4.1. The Annual General Meeting will report on the activities of the Committee for the year, to conduct elections for Committee positions and to receive the annual financial report.
- 7.4.2. The Annual Financial Report will be presented to the Committee for adoption and for forwarding to Council for auditing purposes.
- 7.4.3. An agenda for the Annual General Meeting will be sent out no less than 21 days prior to the meeting.
- 7.4.4. Minutes of an Annual General Meeting will be kept and a copy forwarded to Council for storage in its electronic document management system.
- 7.4.5. The Annual General Meeting will be conducted in accordance with Council's adopted Code of Meeting Practice.

7.5. Extraordinary General Meetings (EGM)

- 7.5.1. An Extraordinary General Meeting of a Committee may be called to discuss urgent business and matters outside the scope of an ordinary meeting. A meeting must be requested in writing to the Executive Committee by two (2) members of the Committee.
- 7.5.2. An agenda for the Extraordinary General Meeting of matters to be considered by the Committee will be prepared and circulated to all members of the Committee with at least three (3) business days notice.

- 7.5.3. Only matters included in the agenda will be considered at an Extraordinary General Meeting.
- 7.5.4. Minutes of an Extraordinary General Meeting will be kept of the proceedings and a copy forwarded to Council outlining the reason for the meeting and for storage in its electronic document management system.
- 7.5.5. An Extraordinary General Meeting will be conducted in accordance with Council's adopted Code of Meeting Practice.

7.6. Minute Format

General Meeting minutes of the CTF Management Committee will be forwarded to Council for storage in its electronic document management system.

Items to be addressed in the minutes should include:

- Attendance – records of attendees and apologies
- Declaration of pecuniary interests
- Previous minutes and matters arising
- Executive and operational reports
- Correspondence and matters arising
- Agenda items with notice
- Project reports
- Action log/Register
- Member reports
- General business

8. FINANCIAL MANAGEMENT

8.1. Introduction

Council Community Management Committees and their members are appointed under 355 of the *Local Government Act 1993*. As such, they are subject to the same standards of financial accountability as Council and its employees. It is imperative that Committees manage their finances prudently and with transparency.

At all times, any funds and assets held by the Committee ultimately remain the property of Council. The Committee is responsible for the care and management of the funds and assets held on behalf of Council.

Where necessary Council will provide the committee with advice and support to comply with Council and the Committees financial management obligations.

8.2. Financial Records

8.2.1. Bank Accounts

- 8.2.1.1. All bank accounts operated by a Committee will be established by Council with a banking provider of Council's choice. Establishment of bank accounts by committees are not permitted.
- 8.2.1.2. Council will establish a transaction bank account on behalf of the Committee which will serve to operate for the Committee's operational transactions. Council may establish

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other accounts (interest bearing, term deposits etc) if requested in writing by a Committee.

8.2.2. Financial Record Keeping

- 8.2.2.1. Financial records will be kept in accordance with Council's financial policies. Training will be provided by Council's Finance section following the election of a Treasurer as required.
- 8.2.2.2. Committees of Council operate under a financial year from 1 July to 30 June. Council will consolidate the Committee's accounts into Council's general accounts as required under the *Local Government Act 1993*.

8.2.3. Financial Documents

If a Committee does not use Council's accounting software to record its financial transactions, each Committee should maintain the following records:

- Receipt Book - supplied by Council
- Bank Deposit Book – if applicable
- Petty Cash Book and Tin – if applicable
- Bond Register (electronic) – if applicable
- Key Deposit Register (electronic) – if applicable
- Booking diary (electronic) – if applicable

It is essential that these records are maintained and reconciled monthly.

8.3. Receiving Payments

- 8.3.1. Payments of hire fees, bonds or other services provided by Management Committees can only be made by Cheque, EFT or bank deposit. Cash may not be used.
- 8.3.2. The following process should be followed:
- Ensure that the correct amount has been paid by either cheque, EFT or bank deposit.
 - Write out a receipt from the Receipt Book.
 - Give the original receipt to the payer (tear out of book).
 - Ensure that the duplicate receipt is kept in the Receipt Book.
 - Provide any cheques within 1 week to Council's Committee Liaison Officer to process.

8.4. Making Payments

- 8.4.1. The Committee is empowered to make purchases up to the value of \$10,000 (ex GST) expending sums as necessary from amounts received from fees and charges to meet costs arising out of the delegation function. All purchases should comply with Council's Purchasing and Procurement Policies and requirements set out in this Manual. All purchases should be for goods and services required for the exercise of the responsibilities of the Management Committees.

- 8.4.2. Purchases for goods and services above \$10,000 (ex GST) require written approval from [the General Manager or relevant sub-delegated Director in compliance with Council's Purchasing Attachment - Amended S355 Manual - Version 5 - Camden Town Farm - 20190813 Final Draft - S355 Manual - CTF - 12072019](#) Page | 26 of 33

[and Procurement Policies Council](#). For any purchases which are considered to be related or to be used in relation to the same Project, their combined value must not exceed \$10,000 (ex GST) without the prior written approval ~~from the General Manager or relevant sub-delegated Director in compliance with Council's Purchasing and Procurement Policies of Council~~.

8.4.3. It is not appropriate or permissible to:

- Split invoices from the same or similar Projects to avoid the requirement for Council approval under Clause 8.4.2; or
- Intentionally mislead Council representatives in any way about the cost associated with a Project.

Any member engaging in behaviour described above may be subject of disciplinary action under clause 3.1.7 of this Manual (Suspension and Revocation of membership of a Management Committee).

8.4.4. Any payments over \$82.50 (GST-inclusive) must be supported by an official Tax Invoice from the supplier. This enables the Committee to claim back the GST portion of the payment when the monthly Business Activity Statement (BAS) is completed and is a requirement of the Australian Taxation Office (ATO). Without a Tax Invoice, the GST portion is unable to be claimed.

8.4.5. All Committee expenditure will be processed by Council in accordance with Council's financial policies.

8.4.6. All procurement and payments should be made in accordance with Council's Purchasing and Procurement Policies with additional steps appropriate for a Committee as outlined below:

8.4.6.1. A committee member requests approval from the Management Committee for the procurement and/or supply of service or goods (e.g. engage a contractor, purchase timber supplies).

8.4.6.2. The Committee considers the request, checks that documents and quotes provided are suitable, adequate, and compliant with Council policies and if deemed appropriate approves the procurement and/or supply.

8.4.6.3. The Committee member requests a purchase order be raised for the procurement of goods or services, then engages the vendor for the service or goods providing the supplier with a purchase order number who then issues a tax invoice.

8.4.6.4. Where the invoice matches (or is below) the amount approved by the Committee, the Committee member and an Executive Committee member confirms the goods/services have been received and the invoice is consistent with the quote accepted and approved by the Committee. The Committee member advises in writing Council's admin officer or Committee Liaison Officer that the goods/services have been received and payment can be processed.

8.4.6.5. Payment of the invoice is made in accordance with Council's financial policies.

8.4.6.6. Where the invoice is above the amount approved by the Committee, the Committee member must table the invoice at a Committee meeting for consideration.

8.4.6.7. The Committee reviews the invoice and associated endorsement and if deemed appropriate approves payment of the invoice by resolution. The Committee member in

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writing advises the Council's admin officer or Committee Liaison Officer that the goods/services have been received and payment can be processed, providing Council with a copy of the Committees resolution.

- 8.4.7. Where payment of an invoice is required prior to a meeting being convened an "electronic show of hands (eVote)" as described elsewhere in this Manual may be used. Ratification of the payment should be tabled at the next General Meeting of the Committee.
- 8.4.8. In extreme cases where payment of an invoice is required urgently the Executive Committee may consider an invoice for payment. Ratification of the payment and record of the vote should be tabled at the next General Meeting of the Committee.
- 8.4.9. If prior approval from the Executive Committee is received, a Committee member may expend up to \$500 ex GST for the purchase of goods and/or services for the facility and be reimbursed by the Committee on presentation of the appropriate invoices/dockets/receipts.
- 8.4.10. Capital Assets**
- Committees will follow Council's policy and procedures in relation to Capital Asset management & reporting.
 - For all asset purchases (including project expenses) Council will identify those assets that require capitalisation through Council's purchase order system, the Committee should provide all appropriate paperwork for capitalisation and reporting purposes within the financial year of purchase.

8.5. Grant Seeking & Administration

- 8.5.1. All Management Committees must seek approval from the General Manager or relevant sub-delegated Director before submitting an application for any grant.
- 8.5.2. If a grant application is successful, a report will need to go to an Ordinary Council Meeting for acceptance, prior to the funding agreement being signed.
- 8.5.3. Delegation to sign funding agreements largely depends on the funding body and will typically involve Council's General Manager or relevant sub-delegated Director or Manager.
- 8.5.4. In some cases, the funding body may require the seal of Council, which can only be made under resolution of Council.
- 8.5.5. Grants need to be administered by Council's Finance section as the acquittal process usually requires audit certification. There is also a need to report to Council any commitment of Council's own source of funding, including Management Committee funds, towards grant funded projects.
- 8.5.6. Members of the Management Committee are accountable for expending and acquitting the grant in accordance with the service agreement.

8.6. Refund of Bond Money

- 8.6.1. Following the conclusion of hire, the Booking Officer or a delegate of the Committee will undertake an inspection of the facility.

8.6.2. If the hirer leaves the facility in a clean and undamaged condition, notification will be forwarded to the Council Committee Liaison Officer to process the refund of bond money, in accordance with payment procedures outlined in Section 8.4.

8.6.3. If the hirer leaves the facility in an unclean or damaged condition, the matter will be referred to the next Committee meeting to discuss the retention of the bond money in accordance with Section 8.7.

8.7. Retention of Bond Money

8.7.1. If the bond is forfeited, it is treated as if it was part of the supply. Hence GST is payable on the amount forfeited. A bond register must be maintained to record the movements of bonds received and refunded. Any forfeited bonds should be highlighted within the cash book and appropriate GST noted at the financial records.

8.7.2. If a hirer leaves the facility in an unclean or damaged condition, a portion of the bond may be forfeited and retained by the Committee. The amount forfeited is to be resolved by the Committee and must include an allowance for GST under the taxable supply rules applicable to upkeep the facility as a result of a function. The payment entry in the Cash Book would be written up to show the bond was refunded but a portion was taken in income.

8.8. Bank Reconciliations

8.8.1. At the end of each month, the Council will obtain a Bank Statement for the Committees bank account to be reconciled with the Cash Book.

8.9. Budgets

8.9.1. A budget will be prepared for the period 1 July to 30 June each year.

8.9.2. The Budget is to be prepared in conjunction with the Management Plan and must be completed by the end of February for the next reporting period. The budget is to be prepared in consultation with the relevant Committee Liaison Officer.

8.9.3. A copy of the budget is to be submitted to the relevant Director, Manager and Council's Finance section.

8.9.4. The budget should be reviewed quarterly with the revised financial position reported to the Committee.

8.10. Annual Financial Statements

8.10.1. Goods & Services Tax (GST) Compliance

8.10.1.1. GST Basics

- All of Council's Committees must use Camden Council's Australian Business Number (ABN) 31 117 341 764.
- Committees are responsible for administering the requirements of GST Legislation i.e charging GST on taxable supplies and correctly identifying input tax credits claimable from the Australian Taxation Office (ATO). Accordingly, each Committee must supply Council's Finance section with details of GST applicable to all financial transactions for inclusion in Council's monthly Business Activity Statements (BAS).

- All suppliers for purchases exceeding \$82.50 (GST-inclusive) must supply a valid Tax Invoice to the Committee prior to payment. If the supplier does not have an ABN and is registered for GST, the Committee must obtain a Statement by a Supplier declaration from the supplier. This must be obtained and completed before any payments can be made to that supplier. The completed form must then be kept on record for audit purposes.

8.10.1.2. Monthly Business Activity Statements (BAS)

Council is required to lodge its BAS within 21 days after the end of each month.

8.10.2. Committee Settlement of GST Obligations

- Each quarter Camden Council will issue each Committee with an invoice or a refund in accordance with GST applicable to the transactions for the past three months. Reconciliations will be sent with the invoice or payment.

8.11. Funds Held In Bank Accounts

- Funds held in bank accounts which are in excess of current operational needs should be invested with the assistance of Council in order to achieve a return on funds, rather than leaving balances in low interest-bearing accounts.

8.12. Debt Management

- Committees will follow Council's policy in relation to debt management.
- Council's Finance branch will undertake debt recovery on the Committees behalf.

9. PLANS OF MANAGEMENT

9.1. Formal Plan of Management

- 9.1.1. Council will prepare and update a formal Plan of Management for the facility every 4 years aligning as close as possible with the Council terms.
- 9.1.2. All activities conducted within the facility must conform to the Plan of Management issued by Council.

9.2. Development Plan for Facility

- 9.2.1. The Management Committee will prepare a Development Plan for the facility that covers future improvements for the facility for consecutive 2 year periods.
- 9.2.2. The Development Plan proposals will be prioritised by the Management Committee and referred to Council for endorsement.
- 9.2.3. Upon gaining endorsement from Council, the prioritised list will be considered in conjunction with Council's Annual Budgets.

9.3. Minor Improvements for Facility

- 9.3.1. The Management Committee will determine each year a Minor Improvement schedule for the facility and prioritise the items in the schedule.
- 9.3.2. This Program will be referred to Council's Asset Management and Building Maintenance teams.

9.3.3. The Management Committee will carry out approved improvement works to the limit of its Improvement Budget in accordance with conditions within the Manual covering purchasing and contracting.

10. RISK MANAGEMENT AND INSURANCE

10.1. Risk Management

Risk management is a method of identifying and prioritisation of risks, followed by preventative and precautionary measures to avoid injury, loss and damage, to either persons or property.

As a Committee of Council, the Management Committee has a duty of care to ensure the health, safety and welfare of persons using the facility. This involves regular maintenance, to keep the facility and grounds safe, clean and tidy, as well as a system of inspection to detect faults and hazards at an early stage.

10.1.1. General

Council and Committees of Council have a wide range of potential liability.

Liabilities can be based on statute and common law duties of care. To ensure compliance there must be appropriate policies, procedures and practices in place.

The Committee are to use documentation provided by Council to evidence the due diligence process and ensure all responsible steps are being taken to identify the risk to the Committee and users of the facility.

10.1.2. Hazards

A hazard is a situation which could potentially cause injury to a person or damage to property. If a hazard requires urgent attention a warning sign should be placed near the hazard to alert users of the facility to the danger. The Management Committee must contact Council to advise.

Committees are to apply some rules for hirers of facilities such as restacking of tables and chairs, cleaning spills from floors, rubbish removal eg "chairs must be stacked in sets of no higher than 8 and placed against the wall".

A routine inspection process undertaken by the Committee will identify possible dangers or faults, fire or accident risks to users of the facility, and can be carried out periodically using the Workplace Inspection form. Copies must be forwarded to Council for action if required and inclusion in its electronic document management system.

10.1.3. Fire Protection

All Council facilities should be supplied with fire and safety equipment and information on its correct use. If this is not available Council must be notified immediately. Equipment will be inspected twice annually by a professionally qualified person. This is organised by Council's Fire Protection Officer. If the equipment is used irresponsibly by a hirer this should be deducted from the hirer's bond.

10.1.4. Emergency Exits (Buildings)

All exits must be identified by an illuminated exit sign and inspected by Council's Fire Protection Officer. Emergency exit routes must be kept clear at all times. Exit doors should not be barred or locked at any time while the facilities are in use. An Emergency Management Plan (EMP) should be developed for any group who regularly uses a building. Council has a template that will assist Committees with this task.

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10.1.5. Building Inspections

Regular inspections are essential to identify potential risks, and to assist in the defence of claims brought against Council. Inspections must be thoroughly documented. The Committee will be responsible for inspection of the facilities under their control.

Inspections may be either formal or informal.

a. Formal Inspections

Inspection of the facilities under the Committee's control must occur and be documented using checklists provided by Council at least once every 6 months. Copies of these inspections must be forwarded to Council for inclusion in its electronic document management system.

b. Informal Inspections

Informal inspections are incidental in the course of Committee business. Any defect or problem discovered must be dealt with.

c. Safety Inspections by Hirers

It is the responsibility of the user groups/hirers to ensure that any field or facility is safe for the use immediately before and during its use. This will include but not be limited to ensuring there are no holes likely to cause injury, and that any broken glass or other hazardous matter is removed. Hirers are to be notified of this obligation as part of the hire agreement.

10.2. Insurance

10.2.1. General

Council is required to take out insurance policies to cover Council's liability as a consequence of Council's business activities. These policies include:

- Public Liability Insurance to cover Council for its liability to third parties for personal injury or property damaged caused by Council's business activities;
- Professional Indemnity Insurance to cover Council for professional negligence claims (e.g. caused by incorrect specialist advice);
- Personal Accident Insurance provides specified benefits for registered volunteers following accidental injury, disability or death while carrying out their duties on behalf of Council;
- Motor Vehicle Comprehensive Insurance to cover Council vehicles driven by volunteers or staff for damage to the vehicle or to third party property; and
- Casual Hirers covers against public liability claims arising from the casual hiring of a member Council facility.

10.2.2. Notification

Management Committees and hirer/user groups are instructed that any matter or incident which may give rise to a claim against Council must be reported to Council as soon as practicable. This will ensure that investigations and remedial actions can be undertaken to protect Council's interests.

Council has a responsibility to notify its insurer as soon as a potential claim is known. Management Committees may receive advice regarding claims via writing or telephone call or by observation. Once the Committee becomes aware of potential claim they are to notify Council immediately. If Council

does not notify of claims which they could reasonably have known about indemnity may be denied by the insurer.

10.2.3. Volunteer Labour

For projects involving volunteer labour Council's policy relating to use of volunteers is to be referenced and all process and procedures contained therein must be followed.

10.2.4. Child Protection

Children and Young Persons (Care and Protection) Act 1998 - under this legislation Community Management Committee members accompanying children on trips or participating in activities conducted by the Committee involving contact with children, must complete and pass a Working with Children Check.

Working with Children's Checks are provided by the NSW Children's Guardian. There is no cost for a Volunteer Check. For more information or to make an application please visit: www.kidsguardian.nsw.gov.au

Procedural Manual for Community Management Committees 2019

Camden International Friendship Association

Version ~~draft~~ 032

1. INTRODUCTION

The *Local Government Act 1993* allows Council to delegate authority to committees to manage some of Council's facilities or functions. Council has resolved to delegate responsibility to four Community Management Committees. These Committees are:

- **Camden Bicentennial Equestrian Park Committee**
- **Camden Town Farm Committee**
- **Camden International Friendship Association Committee**
- **Camden Seniors Programs Committee**

Community Management Committees play an important role in the local community, and the volunteers who become members provide a valuable contribution to the local community.

Camden Council recognises the contributions made by volunteers appointed to Community Management Committees and provides advice and direction to assist with their effective operation through Procedural Manuals.

This Manual outlines the responsibilities; functions and operations of the Camden Bicentennial Equestrian Park Community Management Committee; and clarifies Council's role in this partnership.

Upon Council's formal approval of a Camden International Friendship Association Community Management Committee, its members are required to adopt and adhere to the conditions set out in this Manual.

Councillors may on occasion attend the regular meetings of the Committee to enable them to develop an awareness and/or understanding of the operation of the Committee.

Council Contacts

Council's contact information is outlined below:

Contact with Council Officers can be made by contacting Camden Council, 70 Central Avenue, Oran Park - Phone (02) 4654 7777.

Business Hours (8.30am – 5.00pm) Monday – Friday

Contact can also be made via Council's After Hours Emergency Number (02) 4654 7777 which is a 24 hour service. This service should only be used for emergency situations. All other contact should be made during business hours.

Council will also appoint a Council Liaison Officer to act as the key point of contact within the Council for the Committee. This information will be provided directly to the Committee.

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2. DEFINITIONS

In this Manual:

- a. "CIFA" is an abbreviation for Camden International Friendship Association
- b. "Committee", or "Management Committee" or "Community Management Committee" shall mean that body of persons appointed in accordance with Section 3 of this Manual.
- c. "Community Representative" shall mean those individuals that are ~~not specifically~~ representative of ~~any User Group~~ the Camden LGA.
- d. "Council" shall mean the Council of Camden.
- e. "Council Liaison Officer" refers to an officer of Council assigned to be the key liaison point between a Management Committee & Council. The officer will not have voting rights on the Committee.
- f. "Delegate" refers to "Delegate & Alternate Delegate" as representatives nominated by an organisation to represent their group on the committee.
- g. "Manual" means this Community Management Committee Manual and its appendices.
- h. "Member" shall mean a person and/or organisation appointed to a Management Committee by Council.
- i. "Relative" means the spouse, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or the person's spouse.

3. ROLES AND RESPONSIBILITIES OF MANAGEMENT COMMITTEES

3.1. Appointment & Election of Management Committees

3.1.1. Formation of the Management Committee

- The appointment of Management Committees is at the discretion of the Council. Management Committees are appointed and reappointed in accordance with the provisions of the Local Government Act 1993 every four years.
- Council aims to appoint Committees that are representative of the local community or interest group of the Committee.
- Council will call a public meeting to enable any interested person to find out about the committees available and the responsibilities of committees.
- Council may call the public meeting by advertising in local newspapers and/or by advertisement on Councils' website.
- To hold office and be responsible for the management of a Council facility or function, all committee members must be appointed by Council before they are able to vote or take part in the meetings of the Committee.
- Committees are formally appointed by the Councillors in office, therefore as soon as practicable after the General Election of Councillors, all Community Committee Members will cease to hold office and new Management Committees appointed.
- Existing Committees will maintain a caretaker role until the new committees are formally appointed by Council. The caretaker role permits the outgoing Management Committee to continue with the routine operational business of management & control of their facility and/or program. If clarification is required, the Committee should consult with their Council Liaison Officer.
- All nominations for Community Committees are formally submitted in writing to Council for consideration of appointment.
- Following the appointment of committees by Council, Council will issue a Deed of Delegation to each committee. This Deed must be signed by Committee members within one month of the appointment to acknowledge their role and responsibilities. The Committee continue to operate in a caretaker capacity until the Deed of Delegation is signed by all members.
- Where members are appointed to the Committee after the original Deed of Delegation is signed an appendix Deed of Delegation will be issued and signed by the new members to acknowledge their role and responsibilities.
- Council will provide a structured induction programme for Committee members to ensure they understand the Committee's policies, processes and practices and become effective Committee members as soon as practicable. Induction may comprise a combination of face to face sessions, online and printed resources and mentoring/buddy system with other Committee members. The Committee Liaison Officer will also be available to provide information to members as required.

3.1.2. Management Committee Membership

3.1.2.1. CIFA Management Committee Membership Composition

- CIFA Committee membership is on a quadrennial basis for the term of Camden Council.
- The CIFA Committee will comprise those people and organisations appointed to it by Camden Council. CIFA Committee membership will not number less than 7 persons and not more than 15 persons.
- Camden Council may appoint Councillors to the committee however due to the operational nature of the Committee Councillors will act in an ex-officio capacity only unless upon appointment they elect to be considered part of the Quorum (see comment in Quorum).
- Management Committee membership should reflect the community of Camden and is open to community members and representatives of groups from within the local area.
- Staff of Camden Council may not be members of the CIFA Committee except with the approval of the General Manager. Approval will only be given where it can be demonstrated that membership of the Committee will not conflict with the employee's duties and responsibilities and does not pose a conflict of interest, or a perceived conflict of interest.
- Camden Council will appoint an appropriate staff member to the position of Council Liaison Officer for the Committee with the agreement of the General Manager.

3.1.2.3 Leave of Absence

- A Committee member who is temporarily unable to fulfil their obligations on the Committee may request a leave of absence from the Committee.
- Typical reasons for needing to take a period of leave include but are not limited to personal health, family health, work or family commitments.
- A leave of absence may be granted by the Committee for a period of up to 6 months.
- A leave of absence can only be approved by a vote of 75% of members entitled to vote present at a properly convened meeting of the Committee.
- During a leave of absence, a member may not participate in votes of the Committee and the member will not be counted when calculating the quorum.
- A leave of absence may be requested by the member of the Committee or on behalf of a member by a relative of the member or by another member of the Management Committee.

3.1.2.4 CIFA Committee Voting

- A motion is required to be moved and seconded prior to being put to a vote of the committee.
- All Committee members (individuals and groups) shall carry 1 vote at Committee meetings and other times where voting is required. The chairperson/presiding officer also carries a casting vote to resolve any deadlocks for votes undertaken in meetings.
- When a member declares an interest in an item being discussed and voted on by the Committee, the Committee will act in accordance with section 5.5

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- Voting at CIFA Committee meetings is by default undertaken by a show of hands.
- A motion may be passed to conduct votes by secret ballot using written votes. If a secret ballot is to be undertaken 2 scrutineers will be selected from those in attendance ((not necessarily voting members) at the meeting to conduct and tally the votes.
- A member may request to have their voting intention recorded in the meeting minutes immediately after the result of a vote is announced by the chairperson.
- Proxy votes or absentee votes are not permitted at any General Meeting, Annual General Meeting or Extraordinary General Meeting of the Committee.
- Members on approved leave of absence or suspended are not included in votes of the Committee during their period of absence.

3.1.2.5 Electronic Show of Hands (eVote)

- On occasion it may be necessary to seek agreement among the Committee between Committee meetings. Examples of this include but are not limited to important operational matters, approval to engage a contractor, approval to make a payment or approval to undertake repairs. On these occasions an Electronic Show of Hands (eVote) may be used.
- The Executive Committee and/or the CIFA Committee may request an eVote to be conducted either by the Secretary or Council Liaison Officer.
- An eVote requires that all Committee members are requested to respond electronically in writing (email, SMS etc) to a proposition within a defined period of time.
- Normal rules for a quorum and voting apply to eVotes where a response of more than 50% of committee members is required (Quorum) and a majority of those responses received in the affirmative are required for the proposition to be approved.
- Records of eVotes should be tabled at the next General Meeting and included in the official record of the meeting using a proforma template provided by Council.
- All decisions made by eVote are binding on the CIFA Committee and are to be tabled at the next General Meeting for ratification by the BEP Committee.
- Members on approved leave of absence or suspended are not included in eVotes of the Committee during their period of absence.
- Secret ballots are not permitted for an eVote and all eVotes are public.

3.1.3. CIFA Management Committee Membership Recruitment

3.1.3.1. No particular qualifications are necessary to be considered for membership of the Committee, however the general duties and expectations of being a member of the Management Committee are as follows:

- commitment to the community activities of the Committee;

- willingness and ability to give adequate time and energy to the duties of being a Committee member, including the ability to attend monthly meetings and other meetings as required from time to time;
 - **willingness to be actively involved in and contribute to Committee activities;**
 - willingness to work collaboratively, cooperatively and respectfully with other community volunteers and Council staff;
 - willingness to uphold the values and objectives of the Committee;
 - ability to act with integrity and avoid or declare conflicts of interest;
 - willingness to contribute to the strategic direction, including agreeing and monitoring Project Plan; and
 - willingness to ensure that risks to the organisation, staff, volunteers and service users are at an acceptable level and are effectively managed.
- 3.1.3.2 Management Committee members must be aged 18 years or older at the time of nomination.
- 3.1.3.3 Council will advertise and call for membership nominations at the time of, or soon after the quadrennial local government elections.
- 3.1.3.4 For casual vacancies Council may advertise and call for membership nominations at the time of the vacancy, provided there is more than 12 months until the next quadrennial local government elections.
- 3.1.3.5 Council will seek membership nominations using an application form designed to address the job description and an outline of relevant skills and experience that is beneficial to the Committee. The application may also require character references and other screening appropriate to the role.
- 3.1.3.6 Membership nominees and their written nominations will be screened and assessed by a selection panel comprised of Council staff. Other suitably experienced individuals may be invited to participate in the selection panel.
- 3.1.3.7 Membership nominees may be interviewed by the selection panel to further assess their suitability to serve on the Management Committee.
- 3.1.3.8 Nominees who have been members on previous committees will also be assessed on their previous performance with regard to their demonstrated contribution, attendance, behaviour, and their ability to collaborate as part of the Committee.

3.1.4. Management Committee Office Bearers

3.1.4.1. Election of Office Bearers

- The Committee will elect from its membership an Executive Committee comprising the Executive Office Bearers to fulfil the activities and responsibilities of the Executive roles.
- The Committee may elect from its membership other non-executive positions and/or sub-committees to coordinate programs.

- Elections for office bearers are undertaken at the Annual General Meeting and/or as required to fill casual vacancies.

3.1.4.2. CIFA Executive Committee

- The CIFA Executive Committee will comprise of the Executive Office Bearers, namely the positions of:
 - President
 - Secretary
 - Treasurer
 - Vice President
- The Executive Committee is charged with both setting the direction for the General Committee and for considering, deciding and approving actions in the context of control and management.
- All decisions made by the Executive Committee are binding on the CIFA Committee and are to be tabled at the next General Meeting for ratification by the BEP Committee. The CIFA Committee may only overturn a decision of the Executive Committee by resolution.
- The Executive Committee should operate in an agile manner. Decisions of the Executive Committee can be achieved by formal meetings, phone calls and informal meetings. Minutes of Executive meetings must be kept and provided to the next General Meeting of the Committee for ratification. Matters containing confidential items may be reported to the Committee as resolution only.
- A member may not hold an Executive Position on more than one Council Community Management Committee at one time.
- Where there is more than one person from a family, only one member of the family can be an Executive Office bearer on the same Committee at the same time.
- Only one (1) of those related office bearers is to approve individual payments (sign cheques/approve EFT payments).
- The Executive Committee may request an eVote (as described elsewhere in this document).

3.1.4.3 Executive Officer Bearer Position Descriptions

President/Chairperson

The President shall be the Executive head of the Management Committee. The President will:

- Ensure all necessary tasks for day to day running of the activities of the BEP Committee are carried out;
- Chair Committee and General Meetings ensuring that correct meeting procedures are followed and control of the meeting is maintained;
- Serve as a spokesperson and representative for the BEP Committee when required;
- Prepare and distribute the agenda (in consultation with the Secretary and Council Liaison Officer), setting out the items of business to be considered;

- Ensure Committee meetings are properly convened in accordance with this manual i.e. proper notice of a meeting is given and a quorum is present;
- Act impartially and use discretionary powers in the best interests of members and in accordance with the agreed standing orders and ensure all statutory regulations and organisational rules are observed; and
- Provide assistance to all members of the Management Committee to help ensure that they fulfil their respective roles.

Secretary

The Secretary is the administrative manager of the Management Committee and is responsible for coordination of all administrative tasks. The Secretary will:

Before a meeting

- Draw up the agenda in consultation with the Chairperson;
- Make copies of the agenda if required.

During the meeting

- Maintain an attendance register;
- Take minutes of Committee meetings;
- Read minutes of previous meeting if necessary;
- Provide a list of correspondence in order and summarise any important points;
- Record any motions and/or decisions of the meeting including, mover and seconder.

After the meeting

- Forward minutes of Meetings to the BEP Committee and to Council;
- Keep a register of inward and outward correspondence and file copies of all letters written;
- Forward copies of all correspondence to Council for inclusion in its electronic document management system.

In between meetings

- Inform all other committee members of any correspondence requiring urgent attention.

Treasurer

The Treasurer is the financial manager of the Management Committee and holds responsibility for the all financial matters. The Treasurer will:

- Ensure that all financial records of the Committee are kept in a proper manner;

- Prepare and present monthly a treasurer's reports to the Management Committee. The report must include a bank reconciliation, income statement, balance sheet and cash flow statement as a minimum;
- Prepare and bring to audit all financial records of the Management Committee;
- Prepare and present proposed annual budget to the Management Committee;
- Keep financial records for all incoming and outgoing transactions;
- Bank all monies received by the Committee in an approved bank account;
- Present to each Committee meeting a current financial statement;
- Present to each Committee meeting all invoices received on behalf of the Committee and follow up on payments of invoice; and
- Prepare and submit the financial books of the Committee to Council as required.
- Where the committee requests council to take on the role of Treasurer on behalf of the committee. Council will appoint a staff member to undertake the tasks above.

Vice President

The Vice President is the Deputy Executive head of the Management Committee. The Vice President will:

- Act as President in the event of the President being unable to fulfil his or her duties;
- Support the President and Executive Committee in fulfilling the requirements of their roles;
- Ensure that the Committee activities are in accordance with the rules, regulations & guidelines required for the Management Committee;
- Ensure the committees procedures and documents are in order;
- Ensure action items and resolutions are carried out;
- Oversee Work Health and Safety matters and report any matters to the Committee; and
- Fulfil such other duties as the committee may request.

3.1.5. Council Committee Liaison Officer

- 3.1.5.1 Council, through the General Manager, may appoint a staff member to the role of Committee Liaison Officer. The Officer is authorised to participate in committee discussions, activities and deliberations but is without any voting rights at any time.
- 3.1.5.2 The Committee Liaison Officer reports to the relevant Council Director/Manager, not the Committee.
- 3.1.5.3 Council Directors/Managers may direct the Committee Liaison Officer to communicate certain advice relating to Council policies, legislation, operational matters and adherence to the controls of this manual to the Committee.

- 3.1.5.4 The Committee Liaison Officer may provide services such as professional advice and administrative duties as agreed between the relevant Director/Manager and the Committee.
- 3.1.5.5 The Officer may be temporarily appointed by the Committee to any of the Office Bearer roles except the role of President. The Officer may be elected by the Committee to chair meetings.
- 3.1.5.6 Where appropriate, the Committee Liaison Officer will provide advice to the Committee with regards to Council policies, legislation, operational matters and adherence to the controls of this manual. The Committee Liaison Officer may also seek guidance and/or instruction from Council to assist in the provision of advice to the Committee with regards to Council policies, legislation, operational matters and adherence to the controls of this manual.
- 3.1.5.7 The Committee Liaison Officer will monitor the Committee's compliance with the manual and report any instances of non-compliance as well as performance, activities and operation of the Committee to their Director/Manager as required.
- 3.1.5.8 The Committee Liaison Officer is not to request or receive any payment from the Committee for provision of services.
- 3.1.5.9 The Committee Liaison Officer will coordinate the logging of any requests for assistance from Council into Council's CRM system on behalf of the Committee.

3.1.6. Dissolution of Management Committee

- 3.1.6.1 Council may dissolve a Management Committee at any time. Council may wish to dissolve a Management Committee to carry out the control of the program itself.
- 3.1.6.2 Council may also dissolve a Management Committee if that Committee is not complying with the roles and responsibilities of the Committee outlined in this Manual.
- 3.1.6.3 The Management Committee shall be dissolved in the event of it becoming unviable where membership drops to less than seven (7) members.
- 3.1.6.4 The Committee can by resolution recommend to Council that the Committee be dissolved by a vote of 75% of members entitled to vote present at an Extraordinary Meeting of the Committee properly convened to consider this option. Council has established the following policy to address this issue:
- if a committee chooses to remain active it is given 6 months to re-establish a viable membership as above (i.e. minimum of 7 members); or
 - if a committee, facility or function becomes inoperable or inactive, the Committee will be dissolved and all responsibilities will be taken over by Council.
- 3.1.6.5 Upon a resolution to dissolve the Committee being passed and confirmed by Council, all assets and funds of the Management Committee shall, after payment of all expenses and liabilities, be handed over to Council.

3.1.7. Suspension and Revocation of membership of a Management Committee

3.1.7.1 Revocation of Membership

- A member (individual or organisation) shall have their membership on the Management Committee revoked and cease to be a member of a Management Committee when Council passes a resolution to remove the member from the Committee.
- If an individual or organisation has their membership of the CIFA Management Committee revoked that member may not be reappointed to the CIFA Management Committee during the same term of Council.

3.1.7.2 Suspension of Membership

- An individual or organisation may be suspended from the Management Committee. During a period of suspension the member may not participate in any activities of the Committee and as far as is practicable be excluded from all intra-Committee communication.
- Suspension of a member occurs to either allow time for Council to process the revocation of a membership, or as a punitive action against improper behaviour.

3.1.7.3 Automatic Suspension of membership

A member of the Management Committee will be automatically, immediately and indefinitely suspended if:

- Council passes a resolution to suspend a member;
- The member resigns from the Committee by notification in writing to the Committee and/or Council;
- The member is deceased;
- The member is bankrupt;
- The member holds any office of profit under the Committee;
- The member fails to disclose any pecuniary interest in any matter with which the Committee is concerned and takes part in the consideration, discussion or votes on any question relating to the matter;
- The member while holding that office is convicted of an offence under Part 4 of the Crimes Act 1900 which includes offences relating to property; or
- The member intentionally disobeys the manual, Council policies, procedures and/or Council direction.

Where a member is automatically suspended the Management Committee will provide advice to Council of the reasons for the suspension without prejudice.

A letter will be provided to the member by Council advising their membership has been suspended.

3.1.7.4 Suspension by resolution of the Management Committee

A member of the Management Committee may be suspended for a period of up to 3 months by the passing of a vote by 75% of members entitled to vote present at a properly convened General or Extraordinary General meeting for the following reasons:

- the member is absent for 3 or more consecutive general meetings without a leave of absence granted from the Committee;

- the member is absent for more than 50% of general meetings in a 12 month period without a leave of absence granted from the Committee;
- the member seeks to overturn a decision of the Committee by making representations to Councillors or other third parties. This does not include contacting Council or making representations through formal mechanisms such as submissions to exhibited materials where council is seeking community feedback;
- the member uses or distributes information attained whilst undertaking their duties on the committee to lobby against a decision of the committee or to lobby Councillors or other third parties;
- the member undertakes actions that defy and/or are contrary to a decision of the Management Committee;
- the member brings the reputation of the Management Committee and/or Council into disrepute;
- the member acts in a manner unbecoming of an officer of a Council Committee; or
- The member directly or indirectly threatens or menaces other Committee members;

Where a member is suspended by resolution the Management Committee will provide advice to Council of the reasons for the suspension and may forward a recommendation for Council to consider removing the member from the Management Committee permanently without prejudice.

3.2. Duties and Responsibilities of Management Committees and Council

The duties and responsibilities of Management Committees and Council varies between committees.

3.2.1. Deed of Delegation

Council sets out the delegation of the committee in a Deed of Delegation. This Deed sets out the specific function delegated by Council and is accompanied by a Schedule of Delegation and a copy of this Manual.

3.2.2. Responsibilities of Council

3.2.2.1 Council's Overriding Authority

Management of the facility is delegated to the Management Committee by Council. Whilst the Committee has control over the program, Council may exercise overriding authority and may revoke the powers of the Committee or otherwise direct the Committee as Council sees fit.

3.2.2.2 Insurance of Committee Members

The Council shall insure the Committee in respect of Public Liability Insurance, Professional Indemnity Insurance, and Personal Accident Insurance and Motor Vehicle Insurance (for Council registered vehicle's only)

3.2.2.3 Training of Committees

Council will provide compulsory training to advise members and the Executive of the Committee of the requirements of their positions. Training will be arranged by Council. Additional training may be requested by the Committee.

3.2.2.4 Customer Service Charter

Council will respond to requests of the Committee in accordance with its Customer Service Charter.

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3.2.2.5 Legal Expenses

Council may consider the payment of legal expenses in relation to matters involving the Committee and members when acting in their capacity as members of the Committee.

3.2.3 Responsibilities of Management Committees

3.2.3.1 Responsibilities

The Community Management Committee will be responsible for the care, control, and management of the program (including organising, operating and implementing).

3.2.3.2 Care, control and management

Care includes:

- Duty of care to ensure the health, safety and welfare of persons participating in a program of the Committee; including contractors or volunteers;
- Advising Council of any potential insurance risk that may arise in regard to buildings and/or users;
- Attaining sufficient funds to maintain the program as a going concern;
- Ensuring sufficient and equitable access of the program by the community; and
- Ensuring that all users of the program conform to the insurance requirements as set out in this Manual.

Control includes:

- Holding regular meetings with recorded minutes;
- Monitoring and maintaining financial records;
- Submitting an annual report and all records to Council for an annual audit;
- Submitting monthly financial reports in accordance with GST requirements;
- Clearly defining the role of office bearers and Committee members;
- Submitting a current list of all contents belonging to the Committee (not User Groups) for inclusion in Council's Insurance Policy, by 31 January each year;
- Maintaining a post office box or public postal address to which all physical correspondence will be forwarded;
- Maintaining a public email address to which all email correspondence will be forwarded;
- Submitting a current list of all Committee members including the address and phone number and emergency contact details to Council immediately following nominations of the Committee, and where there are changes; and
- Submitting officer bearers names and an audited financial report to Council following the Annual General Meeting each year.

Management includes:

- Ensuring that all monies received will be used for the benefit of the activity in an equitable, honest and consistent manner;
- Ensuring that the organisation is not used for the financial gain of individual members;
- Being aware of and involved in, appropriate community activities, which are compatible with the goals of the program;
- Developing and updating Project Plans;

- Recommending policies and procedures which contribute to the effective management of the program; and
- Being accountable to the community and the Council for the Committees actions and initiatives in respect of the program.

3.2.3.3 Limitations of powers

The Committee may not make decisions concerning the following:

- Fixing of charges or fees. The Committee may submit recommendations for approval to Council in relation to the fixing of charges and fees for the use of the facility under its control;
- Borrowing any monies without the express written consent of Council on each occasion;
- The sale, lease or surrender of any land or other property vested in its care under the provision of the *Local Government Act 1993* (as amended);
- The acceptance of tenders which are required to be called by Council;
- The purchase of goods and services of a value exceeding \$10,000 (ex GST) without the prior written approval ~~from the General Manager or relevant sub-delegated Director in compliance with Council's Purchasing and Procurement Policies of Council~~. For any purchase which are considered to be related or to be used in relation to the same Project, their combined value must not exceed \$10,000 (ex GST) without the prior written approval ~~from the General Manager or relevant sub-delegated Director in compliance with Council's Purchasing and Procurement Policies of Council~~.
- Formation of submissions to government without the prior written consent of Council;
- The payment or making of any profit, gain or gift, to or by its members as well as allowance or travelling expenses incurred whilst attending Committee meeting;
- As a voluntary Committee, members do not receive payment for their services. The Committee may by resolution reimburse the Committee members for reasonable expenses incurred in the completion of official Committee activities. No other payment is to be made to Committee members without the prior written approval of Council;
- The Committee is not permitted to vote monies for expenditure on the works, services or operations of Council;
- The Committee is not permitted to enter into any legal action;
- The Committee is not permitted to loan or donate funds for any purpose
- The Committee is not permitted to set or charge fees for Membership of the Management Committee.

The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/ function under its management and control.

If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or their representative.

4. DISPUTES

4.1. General & External:

- 4.1.1 Where a citizen(s) of the local government area that is not a member of the Management Committee disagrees with a resolution of the Management Committee these persons may refer their grievances in writing to the Committee for reconsideration.
- 4.1.2 Where the Management Committee chooses not to alter its decision, the citizen(s) or citizens may present their grievance to Council in writing, for reconsideration.
- 4.1.3 Where such notice in writing is referred to Council, Council will request a report on the issue from the Management Committee. Upon receipt of the report the matter will be referred to Council for resolution.
- 4.1.4 Upon Council adopting a resolution, the details of Council's deliberations will be advised to the Management Committee and the citizen(s) who referred the matter to Council.
- 4.1.5 A member may not seek to ~~amend, change or~~ overturn a decision of the Committee by making representations ~~to Councillors or third parties. This does not include contacting Council or making representations through formal mechanisms such as submissions to exhibited materials where council is seeking community feedback, directly or indirectly to Council and / or Councillors or other officials and / or organisations.~~

4.2. Disputes - Internal

- 4.2.1 All disputes between members of the Committee are to be attempted to be resolved within the Committee where possible.
- 4.2.2 Where a dispute occurs within a Committee the resolution of the majority of the Committee as a whole will determine the outcome. Where this is not possible the Chairperson/President will have the casting vote.
- 4.2.3 There will be no right of appeal when the Management Committee has determined its resolution of a dispute.
- 4.2.4 A member may not seek to ~~amend, change or~~ overturn a decision of the Committee by making representations ~~to Councillors or third parties. This does not include contacting Council or making representations through formal mechanisms such as submissions to exhibited materials where council is seeking community feedback directly or indirectly to Council and/or Councillors or other officials and/or organisations.~~

5 LEGAL ISSUES

5.2 Delegation from Council

- 5.2.1 From a legal perspective, it is important that Management Committees of Council and their members be aware that they are acting on Council's behalf. Legally, the committee is 'Council' and any action that the Committee undertakes is Council's responsibility.
- 5.2.2 Council delegates its authority to the Committee to act on Council's behalf.

5.3 Record Keeping

- 5.3.1 All documents and records relating to the program of Management Committees, e.g. minutes of meeting, financial reports, correspondence etc. should be kept in accordance with the *State Records Act 1998*. Committees should provide copies of all records to their Council Liaison Officer to be archived in Councils electronic document management system.
- 5.3.2 Management Committees need to be aware of the importance of minutes, because of their legal status and their liability to be subpoenaed in court cases.
- 5.3.3 Minutes are required to be kept for all formal meetings of the Committee. These include General meetings, Annual General meetings and Extraordinary General meetings.
- 5.3.4 Meeting minutes must record all motions and amendments put to the meeting, and the results. Minutes should include the mover and seconder of motions. There is no need to record what members say at a meeting, however, there may be occasions when it is appropriate to record the general content of discussions.
- 5.3.5 The Chairperson/President and the Secretary are responsible for the form of the minutes for proper confirmation and must check that there have been no unauthorised alterations to those minutes.

- 5.3.6 Where electronic minutes are used as the sole record of proceedings a motion accepting the minutes as a true record of proceedings of the meeting is required. This includes any amendments required and accepted by the Committee. The Chairperson/President is not required to sign the minutes.
- 5.3.7 Electronic minutes must be stored in Council's electronic document management system as soon after the meeting being held as is practicable in a read-only state prohibiting any changes or updates.
- 5.3.8 The motion to confirm the minutes can only be moved and seconded by persons who were in attendance at that meeting to which the minutes relate. Should there be insufficient members present from the previous meeting the Chairperson may exercise their right to move and/or second the motion to confirm previous minutes.

5.4 Pecuniary Interest

- 5.4.1 A pecuniary interest is one of financial benefit by a Committee person or other person with whom the person is associated (that is, spouse, de-facto partner or relative of a Committee person) from an interest that a Committee person has in a Council matter.
- 5.4.2 A pecuniary interest does not exist where the interest is so remote or insignificant that it could reasonably be regarded as unlikely to influence any decision.
- 5.4.3 The obligation to disclose a pecuniary interest is a strict duty, and the person's motives for participation are irrelevant if an interest is said to exist.
- 5.4.4 Chapter 14 of the *Local Government Act 1993* includes a framework for the handling of alleged breaches of the pecuniary interest provision of the Act. The Act is about openness, accountability and transparency in decision-making by councils and any Committees representing the Council.
- 5.4.5 It is the responsibility of members of Management Committees:
- To disclose to the meeting any pecuniary interest in a matter before the meeting;
 - Not to participate in the discussion of the matter before the Committee in which the member has a pecuniary interest; and
 - Not to vote on the matter before the Committee meeting in which the member has a pecuniary interest.
- 5.4.6 Pecuniary interest provisions are not breached if the person did not know or could not have reasonably been expected to know that the matter under consideration was a matter in which the person had a pecuniary interest.

5.5 Conflict of Interest

5.5.1 A conflict of interest can arise when a member of the Committee has other involvements or interests that make it difficult for them to always remain impartial when involved in discussions and decision makings. These can include:

- Business or professional activities;
- Employment or accountability to other people or organisations;
- Membership of other community organisations or service providers; or
- Ownership of property or other assets.

The conflict may lead to:

- Financial benefit e.g. sale of goods or privileged knowledge;
- Political benefit e.g. gaining or losing electoral support; or
- Personal benefit e.g. career advancement or increased standing in the community.

5.6 Declaration of Interests

5.6.1 It is the responsibility of Committee members:

- To disclose to the meeting any pecuniary interest in a matter before the meeting, and
- Not participate in the discussion of the matter before the Committee in which the member has a pecuniary interest, and
- Not to vote on the matter before the Committee meeting in which the member has a pecuniary interest.

A pecuniary interest does not exist where the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision. The obligation to disclose is a strict duty and the persons motives to participate are irrelevant if an interest is said to exist.

5.6.2 Pecuniary interest provisions are not breached if the person did not know or could not have reasonably been expected to know that the matter under consideration was a matter in which the person had a pecuniary interest.

5.6.3 Committee members are also required to lodge an annual written pecuniary interest declaration in accordance with the section 440AAA of the *Local Government Act 1993*. Committee members are strongly advised to declare any interests they may have in this written declaration to ensure transparency, accountability and protection for individual members.

5.7 Code of Conduct

- 5.7.1 Committee Members are required to adhere to Council's Code of Conduct. Compulsory training on the Code of Conduct will be provided to all Committee members.

5.8 Privacy and Personal Information Protection Act

- 5.8.1 Committee members are required to abide by the *Privacy and Personal Information Protection Act, 1998* (PPIPA). The Act provides for the protection of personal information and the privacy of individuals generally. Training will be provided to all Committee members.

6 MEETINGS

The Management Committee should meet on a regular basis to discuss relevant business, and make decisions affecting the facility/program operation. The time, scheduling and location of meetings will be decided by the Committee.

6.2 Agenda

- 6.2.1 An agenda should be sent out to all Management Committee members at least 5 days prior to any meeting giving notice of the proposed meeting and of any items for discussion and notices of motion.
- 6.2.2 The format of the agenda will be agreed on from time to time by the Committee but will include as a minimum:
- Time, date and date and venue of the meeting;
 - Matters to be discussed / considered; and
 - Means for members to submit apologies.

Written reports for the President, Treasurer will be sent out with the agenda to allow Committee appropriate time to review the report prior to the meeting.

6.3 Quorum

- 6.3.1 A quorum of any meeting (General, Annual General, Executive or Extraordinary General) will consist of more than half the total number of entitled voting members (i.e. greater than 50%). Should a quorum not be present:

- At commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
- Within half an hour after the meeting time designated for the meeting, or
- At any time during the meeting,

the meeting will be adjourned to a date determined by the Executive Committee.

- 6.3.2 Members who are absent or have submitted an apology for their non attendance to a meeting will be counted when calculating the quorum.
- 6.3.3 Members who have been granted leave of absence or who have been suspended from the committee will not be counted when calculating the quorum.

- 6.3.4 Councillors who are appointed to a Management Committee in an ex-officio role will not be counted when calculating the quorum. A Councillor may advise the Committee that they wish to be included in the quorum and if so they will be included in the quorum calculation for the remaining term of the Management Committee.
- 6.3.5 Where a meeting commences with a quorum any members who wish to depart the meeting prior to its formal adjournment must seek leave from the meeting by resolution. If leave is granted the time of the members departure will be noted in the minutes and the quorum will not be adjusted. If leave is not granted and the member departs the member will be removed from the calculation of the quorum.

6.4 Ordinary/General Meetings

- 6.4.1 There should be no less than six (6) Ordinary/General meetings held each year, however it is recommended that Ordinary/General Meetings of the Committees occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.
- 6.4.2 A calendar of when general meetings are to be held in the ensuing 12 months should be drafted at the Annual General Meeting.
- 6.4.3 General meetings of the Management Committee are required to address correspondence, management and control matters, finance matters, risk management matters and general matters relating to the program.
- 6.4.4 An agenda for a General Meeting should be sent out to all Management Committee members at least 5 days prior giving notice of the proposed meeting and of any items for discussion and notices of motion.
- 6.4.5 Minutes of a General Meeting will be kept of the proceedings and a copy forwarded to Council for storage in its electronic document management system.
- 6.4.6 General meetings will be conducted in accordance with Council's adopted Code of Meeting Practice.

6.5 Annual General Meeting

- 6.5.1 The Annual General Meeting will report on the activities of the Committee for the year, to conduct elections for Committee positions and to receive the annual financial report.
- 6.5.2 The Annual Financial Report will be presented to the Committee for adoption and for forwarding to Council for auditing purposes.
- 6.5.3 An agenda for the Annual General Meeting will be sent out no less than 21 days prior to the meeting.
- 6.5.4 Minutes of an Annual General Meeting will be kept and a copy forwarded to Council for storage in its electronic data management system.
- 6.5.5 The Annual General Meeting will be conducted in accordance with Council's adopted Code of Meeting Practice.

6.6 Extraordinary General Meetings

- 6.6.1 An Extraordinary General Meeting of a Committee may be called to discuss urgent business and matters outside the scope of an ordinary meeting. A meeting must be requested in writing to the Executive Committee by two (2) members of the Committee.
- 6.6.2 An agenda for the Extraordinary General Meeting of matters to be considered by the Committee will be prepared and circulated to all members of the Committee with at least three (3) business days notice.
- 6.6.3 Only matters included in the agenda will be considered at an Extraordinary General Meeting.
- 6.6.4 Minutes of an Extraordinary General Meeting will be kept and a copy forwarded to Council outlining the reason for the meeting and for storage in Council's electronic document management system.
- 6.6.5 An Extraordinary General Meeting will be conducted in accordance with Council's adopted Code of Meeting Practice.

6.7 Minute Format

General Meeting minutes of the CIFA Management Committee will be forwarded to Council for storage in its electronic document management system.

Items to be addressed in the minutes should include:

- Attendance – records of attendees and apologies
- Declaration of pecuniary interests
- Previous minutes and matters arising
- Executive and operational reports
- Correspondence and matters arising
- Agenda items with notice
- Project reports
- Action log/register log
- Member reports
- General business

7 FINANCIAL MANAGEMENT

7.2 Introduction

Council Community Management Committees and their members are appointed under Section 355 of the *Local Government Act 1993*. As such, they are subject to the same standards of financial accountability as Council and its employees. It is imperative that Committees manage their finances prudently and with transparency.

At all times, any funds and assets held by the Committee ultimately remain the property of Council. The Committee is responsible for the care and management of the funds and assets held on behalf of Council.

Where necessary Council will provide the committee with advice and support to comply with Council and the Committees financial management obligations.

7.3 Financial Records

7.3.1 Bank Accounts

- 7.3.1.1 All bank accounts operated by a Committee will be established by Council with a banking provider of Council's choice. Establishment of bank accounts by committees are not permitted.
- 7.3.1.2 Council will establish a transaction bank account on behalf of the Committee which will serve to operate for the Committee's operational transactions. Council may establish other accounts (interest bearing, term deposits etc) if requested in writing by a Committee.
- 7.3.1.3 All bank accounts will require dual (2) approval for any payments. These approvals can be dual signatures on cheques or dual EFT approval.
- 7.3.1.4 The signatories of all accounts will include the Committee Executive, as well as at least two Council Finance staff members. Committee signatories require approval at the time of their election to an Executive role.

7.3.2 Financial Record Keeping

- 7.3.2.1 Financial records must be kept in accordance with this Manual. Training will be provided by Council's Finance section following the election of a Treasurer as required.
- 7.3.2.2 Committees of Council operate under a financial year from 1 July to 30 June. Each Committee's accounts need to be completed and submitted to Council by 15 July each year, following their adoption at a Committee meeting. This will enable Council to consolidate the Committee's accounts into Council's general accounts as required under the *Local Government Act 1993*.

7.3.3 Financial Documents

If a committee does not use Council's accounting software to record its financial transactions, each Committee should maintain the following records:

- Cheque Book - supplied by Council
- Receipt Book - supplied by Council
- Bank Deposit Book – if applicable
- Bank Statement Folder – if applicable
- Petty Cash Book and Tin – if applicable
- Cash-book (electronic version available)
- Business Activity Statement Forms for GST records (electronic)
- Bank Reconciliation Forms (electronic)

It is essential that these records are maintained and reconciled monthly.

7.4 Receiving Payments

- 7.4.1 Payments of hire fees or other services provided by Management Committees can only be made by cheque, EFT or bank deposit. Cash may not be used.
- 7.4.2 The following process should be followed:
- Ensure that the correct amount has been paid by either cheque, EFT or bank deposit.

- Write out a receipt from the Receipt Book.
- Give the original receipt to the payer (tear out of book)
- Ensure that the duplicate receipt is kept in the Receipt Book.
- Store any cheques in an appropriate location until they can be banked.
- Ensure that any cheques on hand are banked weekly.

7.5 Making Payments

7.5.1 The Committee is empowered to make purchases up to the value of \$10,000 (ex GST) expending sums as necessary from amounts received from fees and charges to meet costs arising out of the delegation function. All purchases should comply with Council's Purchasing and Procurement Policies and requirements set out in this Manual. All purchases should be for goods and services required for the exercise of the responsibilities of the Management Committee.

7.5.2 Purchases for goods and services above \$10,000 (ex GST) require written approval ~~from the General Manager or relevant sub-delegated Director in compliance with Council's Purchasing and Procurement Policies of Council~~. For any purchases which are considered to be related or to be used in relation to the same Project, their combined value must not exceed \$10,000 (ex GST) without the prior written approval ~~from the General Manager or relevant sub-delegated Director in compliance with Council's Purchasing and Procurement Policies of Council~~.

7.5.3 It is not appropriate or permissible to:

- Split invoices from the same or similar Projects to avoid the requirement for Council approval under clause 8.4.2; or
- Intentionally mislead Council representatives in any way about the cost associated with a Project.

Any member engaging in behaviour described above may be the subject of disciplinary action under Clause 3.1.6 of this Manual (Suspension and Revocation of membership of a Management Committee).

7.5.4 Any payments over \$82.50 (GST-inclusive) must be supported by an official Tax Invoice from the supplier. This enables the Committee to claim back the GST portion of the payment when completing their monthly Business Activity Statement (BAS) and is a requirement of the Australian Taxation Office (ATO). Without a Tax Invoice, the GST portion is unable to be claimed.

7.5.5 All Committee expenditure must only be paid by cheque or Electronic Funds Transfer (EFT). Under no circumstances should a blank cheque be signed.

7.5.6 All procurement and payments should be made in accordance with Council's Purchasing and Procurement Policies with additional steps appropriate for a Committee as outlined below:

7.5.6.1 A committee member requests approval from the Management Committee for the procurement and/or supply of service or goods (e.g. engage a contractor, purchase timber supplies).

- 7.5.6.2 The Committee considers the request, checks that documents and quotes provided are suitable and adequate and compliant with Council policies and if deemed appropriate approves the procurement and/or supply.
- 7.5.6.3 The Committee member engages the vendor for the service or goods and the supplier issues a tax invoice.
- 7.5.6.4 Where the invoice matches (or is below) the amount approved by the Committee, the Committee member and an Executive Committee member notes the invoice advising that the goods/services consistent with the quote accepted and approved by the Committee is presented to the Committee have been provided.
- 7.5.6.5 The Treasurer and one other cheque signatory confirms that the amount and invoice details and other calculations are correct (including GST, etc)
- 7.5.6.6 The Treasurer pays the invoice by cheque or EFT.
- 7.5.6.7 The invoice and any supporting documentation is stored for future reference.
- 7.5.6.8 Payment of the invoice is then recorded either in the cashbook or accounting software.
- 7.5.6.9 Where the invoice is above the amount approved by the Committee, the Committee member must table the invoice at a Committee meeting for consideration.
- 7.5.6.10 The Committee reviews the invoice and associated endorsement and if deemed appropriate approves payment of the invoice by resolution. If approved, the payment of the invoice is to done in accordance with clause 8.4.4.5 – 8.4.6.8
- 7.4.6.11 Where payment of an invoice is required prior to a meeting being convened an “electronic show of hands (eVote)” as described elsewhere in this Manual may be used. Ratification of the payment should be tabled at the next General Meeting of the Committee.
- 7.5.7 In extreme cases where payment of an invoice is required urgently the Executive Committee may consider an invoice for payment. Ratification of the payment and record of the vote should be tabled at the next General Meeting of the Committee.
- 7.5.8 If prior approval from the Executive Committee is received a Committee member may expend up to \$500 ex GST for the purchase of goods and services for the program and be reimbursed by the Committee on presentation of the appropriate invoices/dockets/receipts.

7.6 Grant Seeking & Administration

- 7.6.1 All Management Committees must seek approval from the General Manager or relevant sub-delegated Director before submitting an application for any grant.
- 7.6.2 If a grant application is successful, a report will need to go to an Ordinary Council Meeting for acceptance, prior to the funding agreement being signed.
- 7.6.3 Delegation to sign funding agreements largely depends on the funding body and will typically involve Council’s General Manager or relevant sub-delegated Director or Manager.

- 7.6.4 In some cases, the funding body may require the seal of Council, which can only be made under resolution of Council.
- 7.6.5 Grants need to be administered by Council's Finance section as the acquittal process usually requires audit certification. There is also a need to report to Council any commitment of Council's funds, including Management Committee funds, towards grant funded projects.
- 7.6.6 Members of the Management Committee are accountable for expending and acquitting the grant in accordance with the service agreement.

7.7 Maintaining the Cash Book

- 7.7.1 A Cash Book is used to record the Committee's receipts and payments.
- 7.7.2 The Cash Book will be kept either electronically using the Council preferred accounting software or other agreed method.

7.8 Using the Cash Book

- 7.8.1 Every time the Committee receives or pays money, the Treasurer records the date, source, amount, and receipt/cheque/payment number in the Cash Book.
- 7.8.2 Receipts and payments are entered consecutively in date and receipt number/cheque number order in the appropriate location of the cash book.
- 7.8.3 If using the electronic version, all columns will total automatically.
- 7.8.4 If using the accounting software income should be allocated against the appropriate item (e.g. Ground Hire, Building Hire, Bins, Bonds etc.).
- 7.8.5 If using the accounting software the system will collate all income and expenditure.
- 7.8.6 If using the electronic version, save the file for that month, e.g. January 2019, and start a new file for each month.

7.9 Bank Reconciliations

- 7.9.1 At the end of each month, the Committee will obtain a Bank Statement for its Bank Account. This needs to be reconciled with the Cash Book.

7.10 Preparing a Bank Reconciliation

- 7.10.1 Review the Cash Book, checking to see if all cheques have been presented and deposits confirmed at the Bank (ie. noted on the Bank Statement as having been paid or received). Check that the dollar amounts are the same.
- 7.10.2 Enter into the Cash Book any entries on the Bank Statement which are not already recorded, ie. there are likely to be bank charges and interest to add to the Cash Book.
- 7.10.3 For electronic Cash Books, you must save the file for that month, and start a new file for the next month.

7.11 Balancing the Bank Reconciliation

- 7.11.1 Write down the amount in the bank at the time of the last reconciliation (generally the amount at the beginning of the month). Add the total amount of money received (according to the Cash Book) since the last reconciliation. Subtract the total amount paid (according to the Cash Book).
- 7.11.2 Add the total amount for unpresented cheques and subtract the total of any outstanding deposits in the Cash Book (the last banked amount should be recorded in the Banking column, and all receipts after that should not yet have been banked). This will all calculate automatically if using the electronic Cash Book spreadsheets.
- 7.11.3 Check that the amount you have calculated is the same as the amount on the bottom of your Bank Statement. If not, check all figures and repeat this process.
- 7.11.4 If the amount is unable to be reconciled, this shall be reported to the Committee Liaison Officer to seek assistance from Council's Finance section.

7.12 Annual Financial Statements

Goods & Services Tax (GST) Compliance

7.12.1 GST Basics

- All of Council's Committees must use Camden Council's Australian Business Number (ABN) 31 117 341 764.
- Committees are responsible for administering the requirements of GST legislation i.e charging GST on taxable supplies and correctly identifying input tax credits claimable from the Australian Taxation Office (ATO). Accordingly each Committee must supply Council's Finance section with details of GST applicable to all financial transactions for inclusion in Council's monthly Business Activity Statements (BAS).
- All suppliers for purchases exceeding \$82.50 (GST-inclusive) must supply a valid Tax Invoice to the Committee prior to payment. If the supplier does not have an ABN and is registered for GST, the Committee must obtain a Statement by a Supplier declaration from the supplier. The completed form must then be kept on record for audit purposes.

7.12.2 Monthly Business Activity Statements (BAS)

Council is required to lodge its BAS within 21 days after the end of each month. To enable the Finance section to meet this deadline, Committees are requested to submit a photocopy of the following Cash Book entries within 10 days after the end of each month:

- Income transactions
- Expenditure transactions
- BAS Report (if using electronic cash books this is automatically generated)

7.12.3 Committee Settlement of GST Obligations

- At the end of six months Camden Council will issue each Committee with an invoice or a refund in accordance with GST applicable to the transactions for the past six months. Reconciliations will be sent with the invoice or payment.

7.13 Funds Held In Bank Accounts

- Funds held in bank accounts which are in excess of current operational needs should be invested with the assistance of Council in order to achieve a return on funds, rather than leaving balances in low interest-bearing accounts.

7.14 Debt Management

- Committee will follow Council policy in relation to debt management
- Where debt recovery action is required Committees will engage Council Finance Branch to undertake the debt recovery on their behalf.

8 PROJECT PLAN

- 8.1 Council will prepare a Project Plan for the Committee annually, all activities must conform to the Project Plan.**

9 RISK MANAGEMENT AND INSURANCE

9.2 Risk Management

Risk management is a method of identifying and prioritisation of risks, followed by preventative and precautionary measures to avoid injury, loss and damage, to either persons or property.

As a Committee of Council, the Management Committee has a duty of care to ensure the health, safety and welfare of persons using the program.

9.2.1 General

Council and Committees of Council have a wide range of potential liability.

Liabilities can be based on statute and common law duties of care. To ensure compliance there must be appropriate policies, procedures and practices in place.

The Committee are to use documentation provided by Council to evidence the due diligence process and ensure all responsible steps are being taken to identify risks to the Committee and users of the facility.

9.3 Insurance

9.3.1 General

Council is required to take out insurance policies to cover Council's liability as a consequence of Council's business activities. These policies include:

- Public Liability Insurance to cover Council for its liability to third parties for personal injury or property damaged caused by Council's business activities;
- Professional Indemnity Insurance to cover Council for professional negligence claims (e.g. caused by incorrect specialist advice);
- Personal Accident Insurance provides specified benefits for registered volunteers following accidental injury, disability or death while carrying out their duties on behalf of Council;
- Motor Vehicle Comprehensive Insurance to cover Council vehicles driven by volunteers or staff for damage to the vehicle or to third party property; and

- Casual Hirers Insurance covers against public liability claims arising from the casual hiring of a member Council facility.

9.3.2 Notification

Management Committees and hirer/user groups are instructed that any matter or incident which may give rise to a claim against Council must be reported to Council as soon as practicable. This will ensure that investigations and remedial actions can be undertaken to protect Council's interests

Council has a responsibility to notify its insurer as soon as a potential claim is known. Management Committees may receive advice regarding claims via writing or telephone call or by observation. Once the Committee becomes aware of potential claim they are to notify Council immediately. If Council does not notify of claims which they could reasonably have known about indemnity may be denied by the insurer.

9.3.3 Child Protection

Children and Young Persons (Care and Protection) Act 1998 - under this legislation Community Management Committee members accompanying children on trips or participating in activities conducted by the Committee involving contact with children, must complete and pass a Working with Children Check.

Working with Children's Checks are provided by the NSW Children's Guardian. There is no cost for a Volunteer Check. For more information or to make an application please visit:

www.kidsguardian.nsw.gov.au

Procedural Manual for Community Management Committees 2019

Camden Seniors Program Committee

Version 03

1. INTRODUCTION

The *Local Government Act 1993* allows Council to delegate authority to committees to manage some of Council's facilities or functions. Council has resolved to delegate responsibility to four Community Management Committees. These Committees are:

- **Camden Bicentennial Equestrian Park Committee**
- **Camden Town Farm Committee**
- **Camden International Friendship Association Committee**
- **Camden Seniors Programs Committee**

Community Management Committees play an important role in the local community, and the volunteers who become members provide a valuable contribution to the local community.

Camden Council recognises the contributions made by volunteers appointed to Community Management Committees and provides advice and direction to assist with their effective operation through Procedural Manuals.

This Manual outlines the responsibilities; functions and operations of the Camden Seniors Program Management Committee; and clarifies Council's role in this partnership.

Upon Council's formal approval of a Seniors Program Committee, its members are required to adopt and adhere to the conditions set out in this Manual.

Councillors may on occasion attend the regular meetings of the Committee to enable them to develop an awareness and/or understanding of the operation of the committee.

Council Contacts

Council's contact information is outlined below:

Contact with Council Officers can be made by contacting Camden Council, 70 Central Avenue, Oran Park - Phone (02) 4654 7777.

Business Hours (8.30am – 5.00pm) Monday – Friday

Contact can also be made via Council's After Hours Emergency Number (02) 4654 7777 which is a 24 hour service. This service should only be used for emergency situations. All other contact should be made during business hours.

Council will also appoint a Council Liaison Officer to act as the key point of contact within the Council for the Committee. This information will be provided directly to the Committee.

2. DEFINITIONS

In this Manual:

- a. "Committee", or "Management Committee" or "Community Management Committee" shall mean that body of persons appointed in accordance with Section 3 of this Manual.
- b. "Community Representative" shall mean those individuals that are ~~not specifically~~ representative of ~~any User Group~~ the Camden LGA.
- c. "Council" shall mean the Council of Camden.
- d. "Council Liaison Officer" refers to an officer of Council assigned to be the key liaison point between a Management Committee & Council. The officer will not have voting rights on the Committee.
- e. "CSPC" is an abbreviation for Camden Seniors Program Committee
- f. "Delegate" refers to "Delegate & Alternate Delegate" as representatives nominated by an organisation to represent their group on the committee.
- g. "Manual" means this Community Management Committee Manual and its appendices.
- h. "Member" shall mean a person and/or organisation appointed to a Management Committee by Council.
- i. "Relative" means the spouse, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or the person's spouse.

3. ROLES AND RESPONSIBILITIES OF MANAGEMENT COMMITTEES

3.1. Appointment & Election of Management Committees

3.1.1. Formation of the Management Committee

- 3.1.1.1. The appointment of Management Committees is at the discretion of the Council. Management Committees are appointed and reappointed in accordance with the provisions of the Local Government Act 1993 every four years.
- 3.1.1.2. Council aims to appoint Committees that are representative of the local community or interest group of the Committee.
- 3.1.1.3. Council will call a public meeting to enable any interested person to find out about the committees available and the responsibilities of committees.
- 3.1.1.4. Council may call the public meeting by advertising in local newspapers and/or by advertisement on Councils' website.
- 3.1.1.5. To hold office and be responsible for the management of a Council facility or function, all committee members must be appointed by Council before they are able to vote or take part in the meetings of the Committee.
- 3.1.1.6. Committees are formally appointed by the Councillors in office, therefore as soon as practicable after the General Election of Councillors, all Community Committee Members will cease to hold office and new Management Committees appointed.
- 3.1.1.7. Existing Committees will maintain a caretaker role until the new committees are formally appointed by Council. The caretaker role permits the outgoing Management Committee to continue with the routine operational business of management & control of their facility and/or program. If clarification is required the Committee should consult with their Council Liaison Officer.
- 3.1.1.8. All nominations for Community Committees are formally submitted in writing to Council for consideration of appointment.
- 3.1.1.9. Following the appointment of committees by Council, Council will issue a Deed of Delegation to each committee. This Deed must be signed by Committee members, within one month of their appointment to acknowledge their role and responsibilities. The Committee continue to operate in a caretaker capacity until the Deed of Delegation is signed by all members.
- 3.1.1.10. Where members are appointed to the Committee after the original Deed of Delegation is signed an appendix Deed of Delegation will be issued and signed by the new members to acknowledge their role and responsibilities.
- 3.1.1.11. Council will provide a structured induction programme for Committee members to ensure they understand the Committee's policies, processes and practices and become effective Committee members as soon as practicable. Induction may comprise a combination of face to face sessions, online and printed resources and mentoring/buddy system with other Committee members. The Committee Liaison Officer will also be available to provide information to members as required.

3.1.2. Management Committee Membership

3.1.2.1. CSP Management Committee Membership Composition

- CSP Committee membership is on a quadrennial basis for the term of Camden Council.
- The CSP Committee will comprise those people and organisations appointed to it by Camden Council. CSP Committee membership will not number less than 7 persons and not more than 15 persons.
- Camden Council may appoint Councillors to the committee however due to the operational nature of the Committee Councillors will act in an ex-officio capacity only unless upon appointment they elect to be considered part of the quorum (see comment in Quorum).
- Management Committee membership should reflect the community of Camden and is open to community members and representatives of groups from within the local area between the ages of 18 and 90 years.
- Staff of Camden Council may not be members of the CSP Committee except with the approval of the General Manager. Approval will only be given where it can be demonstrated that membership of the Committee will not conflict with the employee's duties and responsibilities and does not pose a conflict of interest, or a perceived conflict of interest.
- Camden Council will appoint an appropriate staff member to the position of Council Liaison Officer for the Committee with the agreement of the General Manager.

3.1.2.2. Leave of Absence

- A Committee member who is temporarily unable to fulfil their obligations on the Committee may request a leave of absence from the Committee.
- Typical reasons for needing to take a period of leave include but are not limited to personal health, family health, work or family commitments.
- A leave of absence may be granted by the Committee for a period of up to 6 months.
- A leave of absence can only be approved by a vote of 75% of members entitled to vote present at a properly convened meeting of the Committee.
- During a leave of absence, a member may not participate in votes of the Committee and the member will not be counted when calculating the quorum.
- A leave of absence may be requested by the member of the Committee or on behalf of a member by a relative of the member or by another member of the Management Committee.

3.1.2.3. CSP Committee Voting

- A motion is required to be moved and seconded prior to being put to a vote of the Committee.
- All Committee members shall carry 1 vote at Committee meetings and other times where voting is required. The chairperson/presiding officer also carries a casting vote to resolve any deadlocks for votes undertaken in meetings.

- When a Member declares an interest in an item being discussed and voted on by the Committee, the Committee will act in accordance with Section 5.5.
- Voting at CSP Committee meetings is by default undertaken by a show of hands.
- A motion may be passed to conduct votes by secret ballot using written votes. If a secret ballot is to be undertaken 2 scrutineers will be selected from those in attendance ((not necessarily voting members) at the meeting to conduct and tally the votes.
- A member may request to have their voting intention recorded in the meeting minutes immediately after the result of a vote is announced by the chairperson.
- Proxy votes or absentee votes are not permitted at any General Meeting, Annual General Meeting or Extraordinary General Meeting of the Committee.
- Members on approved leave of absence or suspended are not included in votes of the Committee during their period of absence.

3.1.2.4. Electronic Show of Hands (eVote)

- On occasion it may be necessary to seek agreement among the Committee between Committee meetings for administrative matters affecting the immediate program. On these occasions an Electronic Show of Hands (eVote) may be used.
- The Executive Committee and/or the CSP Committee may request an eVote to be conducted either by the Secretary or Council Liaison Officer.
- An eVote requires that all Committee members are requested to respond electronically in writing (email, SMS etc) to a proposition within a defined period of time.
- Normal rules for a quorum and voting apply to eVotes where a response of more than 50% of committee members is required (Quorum) and a majority of those responses received in the affirmative are required for the proposition to be approved.
- Records of eVotes should be tabled at the next General Meeting and included in the official record of the meeting using a proforma template provided by Council.
- All decisions made by eVote are binding on the CSP Committee and are to be tabled at the next General Meeting for ratification by the CSP Committee.
- Members on approved leave of absence or suspended are not included in eVotes of the Committee during their period of absence.
- Secret ballots are not permitted for an eVote and all eVotes are public.

3.1.3. CSP Management Committee Membership Recruitment

- 3.1.3.1. No particular qualifications are necessary to be considered for membership of the Committee, however the general duties and expectations of being a member of the Management Committee are as follows:
- commitment to the community activities of the Committee;

- willingness and ability to give adequate time and energy to the duties of being a Committee member, including the ability to attend monthly meetings and other meetings as required from time to time;
 - willingness to be actively involved in and contribute to Committee activities;
 - willingness to work collaboratively, cooperatively and respectfully with other community volunteers and Council staff;
 - willingness to uphold the values and objectives of the Committee;
 - ability to act with integrity and avoid or declare conflicts of interest;
 - willingness to contribute to the strategic direction, including agreeing and monitoring the Project Plan; and
 - willingness to ensure that risks to the organisation, staff, volunteers and service users are at an acceptable level and are effectively managed.
- 3.1.3.2. Management Committee members must be aged 18 years or older at the time of nomination.
- 3.1.3.3. Council will advertise and call for membership nominations at the time of, or soon after the quadrennial local government elections.
- 3.1.3.4. For casual vacancies Council may advertise and call for membership nominations at the time of the vacancy, provided there is more than 12 months until the next quadrennial local government elections.
- 3.1.3.5. Council will seek membership nominations using an application form designed to address the job description and an outline of relevant skills and experience that is beneficial to the Committee. The application may also require character references and other screening appropriate to the role.
- 3.1.3.6. Membership nominees and their written nominations will be screened and assessed by a selection panel comprised of Council staff. Other suitably experienced individuals may be invited to participate in the selection panel.
- 3.1.3.7. Membership nominees may be interviewed by the selection panel to further assess their suitability to serve on the Management Committee.
- 3.1.3.8. Nominees who have been members on previous committees will also be assessed on their previous performance with regard to their demonstrated contribution, attendance, behaviour, and their ability to collaborate as part of the Committee.

3.1.4. Management Committee Office Bearers

3.1.4.1. Election of Office Bearers

- The Committee will elect from its membership an Executive Committee comprising the Executive Office Bearers to fulfil the activities and responsibilities of the Executive roles.
- The Committee may elect from its membership other non-executive positions and/or sub-committees to coordinate programs.

- Elections for office bearers are undertaken at the Annual General Meeting and/or as required to fill casual vacancies.

3.1.4.2. CSP Executive Committee

- The CSP Executive Committee will comprise of the Executive Office Bearers, namely the positions of:
 - President
 - Secretary
 - Treasurer
 - Vice President
- The Executive Committee is charged with both setting the direction for the General Committee and for considering, deciding and approving actions in the context of control and management.
- All decisions made by the Executive Committee are binding on the CSP Committee and are to be tabled at the next General Meeting for ratification by the CSP Committee. The CSP Committee may overturn a decision of the Executive Committee by resolution.
- The Executive Committee should operate in an agile manner. Decisions of the Executive Committee can be achieved by formal meetings, phone calls and informal meetings. Minutes of Executive meetings must be kept and provided to the next General Meeting of the Committee for ratification. Matters containing confidential items may be reported to the Committee as resolution only.
- A member may not hold an Executive Position on more than one Council Community Management Committee at one time.
- Where there is more than one person from a family, only one member of the family can be an Executive Office bearer on the same Committee at the same time.
- Only one (1) of those related office bearers is to approve individual payments (sign cheques/approve EFT payments).
- The Executive Committee may request an eVote (as described elsewhere in this document).

3.1.4.3. Executive Officer Bearer Position Descriptions

President/Chairperson

The President shall be the Executive head of the Management Committee. The President will:

- Ensure all necessary tasks for day to day running of the activities of the CSP Committee are carried out;
- Chair Committee and General Meetings ensuring that correct meeting procedures are followed and control of the meeting is maintained;
- Serve as a spokesperson and representative for the CSP Committee when required;
- Prepare and distribute the agenda (in consultation with the Secretary and Council Liaison Officer), setting out the items of business to be considered;

- Ensure Committee meetings are properly convened in accordance with this manual i.e. proper notice of a meeting is given and a quorum is present;
- Act impartially and use discretionary powers in the best interests of members and in accordance with the agreed standing orders and ensure all statutory regulations and organisational rules are observed; and
- Provide assistance to all members of the Management Committee to help ensure that they fulfil their respective roles.

Secretary

The Secretary is the administrative manager of the Management Committee and is responsible for coordination of all administrative tasks. The Secretary will:

Before a meeting

- Draw up the agenda in consultation with the Chairperson;
- Make copies of the agenda if required.

During the meeting

- Maintain an attendance register;
- Take minutes of Committee meetings;
- Read minutes of previous meeting if necessary;
- Provide a list of correspondence in order and summarise any important points;
- Record any motions and/or decisions of the meeting including, mover and seconder.

After the meeting

- Forward minutes of Meetings to the CSP Committee and to Council;
- Keep a register of inward and outward correspondence and file copies of all letters written;
- Forward copies of all correspondence to Council for inclusion in its electronic document management system.

In between meetings

- Inform all other committee members of any correspondence requiring urgent attention.

Treasurer

The Treasurer is the financial manager of the Management Committee and holds responsibility for the all financial matters. The Treasurer will:

- Ensure that all financial records of the Committee are kept in a proper manner;

- Prepare and present monthly a treasurer's report to the Management Committee. The report must include a bank reconciliation, income statement, balance sheet and cash flow statement as a minimum;
- Prepare financial records of the Management Committee for audit at the end of financial year;
- Keep financial records for all incoming and outgoing transactions;
- Bank all monies received by the Committee in an approved bank account;
- Present to each Committee meeting a current financial statement;
- Present to each Committee meeting all program invoices received on behalf of the Committee; and
- Prepare and submit the financial books of the Committee to Council as required.

Where the committee requests council to take on the role of Treasurer on behalf of the committee. Council will appoint a staff member to undertake the tasks above.

Vice President

The Vice President is the Deputy Executive head of the Management Committee. The Vice President will:

- Act as President in the event of the President being unable to fulfil his or her duties;
 - Support the President and Executive Committee in fulfilling the requirements of their roles;
 - Ensure that the Committee activities are in accordance with the rules, regulations & guidelines required for the Management Committee;
 - Ensure the committees procedures and documents are in order;
 - Ensure action items and resolutions are carried out;
 - Oversee Work Health and Safety matters and report any matter to the Committee; and
 - Fulfil such other duties as the committee may request.
- 3.1.5.1. Council, through the General Manager, may appoint a staff member to the role of Committee Liaison Officer. The Officer is authorised to participate in committee discussions, activities and deliberations but is without any voting rights at any time.
- 3.1.5.2. The Committee Liaison Officer reports to the relevant Council Director/Manager, not the Committee.
- 3.1.5.3. Council Directors/Managers may direct the Committee Liaison Officer to communicate certain advice relating to Council policies, legislation, operational matters and adherence to the controls of this manual to the Committee.
- 3.1.5.4. The Committee Liaison Officer may provide services such as professional advice and administrative duties as agreed between the relevant Director/Manager and the Committee.

- 3.1.5.5. The Officer may be temporarily appointed by the Committee to any of the Office Bearer roles except the role of President. The Officer may be elected by the Committee to chair meetings.
- 3.1.5.6. Where appropriate, the Committee Liaison Officer will provide advice to the Committee with regards to Council policies, legislation, operational matters and adherence to the controls of this manual. The Committee Liaison Officer may also seek guidance and/or instruction from Council to assist in the provision of advice to the Committee with regards to Council policies, legislation, operational matters and adherence to the controls of this manual.
- 3.1.5.7. The Committee Liaison Officer will monitor the Committee's compliance with the manual and report any instances of non-compliance as well as performance, activities and operation of the Committee to their Director/Manager as required.
- 3.1.5.8. The Committee Liaison Officer is not to request or receive any payment from the Committee for provision of services.
- 3.1.5.9. The Committee Liaison Officer will coordinate the logging of any requests for assistance from Council into Council's CRM system on behalf of the Committee.
- 3.1.6.1. Council may dissolve a Management Committee at any time. Council may wish to dissolve a Management Committee to carry out the control of the program itself.
- 3.1.6.2. Council may also dissolve a Management Committee if that Committee is not complying with the roles and responsibilities of the Committee outlined in this Manual.
- 3.1.6.3. The Management Committee shall be dissolved in the event of it becoming unviable where membership drops to less than seven (7) members.
- 3.1.6.4. The Committee can by resolution recommend to Council that the Committee be dissolved by a vote of 75% of members entitled to vote present at an Extraordinary Meeting of the Committee properly convened to consider this option. Council has established the following policy to address this issue:
- if a committee chooses to remain active it is given 6 months to re-establish a viable membership as above (i.e. minimum of 77 members); or
 - if a committee, facility or function becomes inoperable or inactive, the Committee will be dissolved and all responsibilities will be taken over by Council.
- 3.1.6.5. Upon a resolution to dissolve the Committee being passed and confirmed by Council, all assets and funds of the Management Committee shall, after payment of all expenses and liabilities, be handed over to Council.
- 3.1.7. Suspension and Revocation of membership of a Management Committee**
- 3.1.7.1. Revocation of Membership**
- A member (individual or organisation) shall have their membership on the Management Committee revoked and cease to be a member of a Management Committee when Council passes a resolution to remove the member from the Committee.

- If an individual or organisation has their membership of the CSP Management Committee revoked that member may not be reappointed to the CSP Management Committee during the same term of Council.

3.1.7.2. Suspension of Membership

- An individual may be suspended from the Management Committee. During a period of suspension the member may not participate in any activities of the Committee and as far as is practicable be excluded from all intra-Committee communication.
- Suspension of a member occurs to either allow time for Council to process the revocation of a membership, or as a punitive action against improper behaviour.

3.1.7.3. Automatic Suspension of membership

A member of the Management Committee will be automatically, immediately and indefinitely suspended if:

- Council passes a resolution to suspend a member;
- The member resigns from the Committee by notification in writing to the Committee and/or Council;
- The member is deceased;
- The member is bankrupt;
- The member holds any office of profit under the Committee;
- The member fails to disclose any pecuniary interest in any matter with which the Committee is concerned and takes part in the consideration, discussion or votes on any question relating to the matter;
- The member while holding that office is convicted of an offence under Part 4 of the *Crimes Act 1900* which includes offences relating to property; or
- The member intentionally disobeys the manual, Council policies, procedures and/or Council direction.

Where a member is automatically suspended the Management Committee will provide advice to Council of the reasons for the suspension without prejudice.

A letter will be provided to the member by Council advising their membership has been suspended.

3.1.7.4. Suspension by resolution of the Management Committee

A member of the Management Committee may be suspended for a period of up to 3 months by the passing of a vote by 75% of members entitled to vote present at a properly convened General or Extraordinary General meeting for the following reasons:

- the member is absent for 3 or more consecutive general meetings without a leave of absence granted from the Committee;
- the member is absent for more than 50% of general meetings in a 12 month period without a leave of absence granted from the Committee;
- the member seeks to overturn a decision of the Committee by making representations to Councillors or third parties. This does not include contacting Council or making representations through formal mechanisms such as submissions to exhibited materials where council is seeking community feedback;

- the member uses or distributes information attained whilst undertaking their duties on the committee to lobby against a decision of the committee to lobby Councillors or third parties;
- the member undertakes actions that defy and/or are contrary to a decision of the Management Committee;
- the member brings the reputation of the Management Committee and/or Council into disrepute;
- the member acts in a manner unbecoming of an officer of a Council Committee; or
- The member directly or indirectly threatens or menaces other Committee members;

Where a member is suspended by resolution the Management Committee will provide advice to Council of the reasons for the suspension and may forward a recommendation for Council to consider removing the member from the Management Committee permanently without prejudice.

3.2. Duties and Responsibilities of Management Committees and Council

The duties and responsibilities of Management Committees and Council varies between committees.

3.2.1. Deed of Delegation

Council sets out the delegation of the committee in a Deed of Delegation. This Deed sets out the specific function delegated by Council and is accompanied by a Schedule of Delegation and a copy of this Manual.

3.2.2. Responsibilities of Council

3.2.2.1. Council's Overriding Authority

Management of the program is delegated to the Management Committee by Council. Whilst the Committee has control over the program, Council may exercise overriding authority and may revoke the powers of the Committee or otherwise direct the Committee as Council sees fit.

3.2.2.2. Insurance of Committee Members

The Council shall insure the Committee in respect of Public Liability Insurance, Professional Indemnity Insurance, and Personal Accident Insurance and Motor Vehicle Insurance (for Council registered vehicle's only)

3.2.2.3. Training of Committees

Council will provide compulsory training to advise members and the Executive of the Committee of the requirements of their positions. Training will be arranged by Council. Additional training may be requested by the Committee.

3.2.2.4. Customer Service Charter

Council will respond to requests of the Committee in accordance with its Customer service Charter

3.2.2.5. Legal Expenses

Council may consider the payment of legal expenses in relation to matters involving the Committee and members when acting in their capacity as members of the Committee.

3.2.3. Responsibilities of Management Committees

3.2.3.1. Responsibilities

The Community Management Committee will be responsible for the care, control, and management of a program (including organising, operating and implementing).

3.2.3.2. Care, control and management

Care includes:

- Duty of care to ensure the health, safety and welfare of persons participating in a program of the Committee; including contractors or volunteers;
- Advising Council of any potential insurance risk that may arise in regard to programs and participants;
- Attaining sufficient funds to maintain the program as a going concern;
- Ensuring sufficient and equitable access to the program by the community; and
- Ensuring that all users of the program conform to the insurance requirements as set out in this Manual.

Control includes:

- Holding regular meetings with recorded minutes;
- Monitoring and maintaining financial records;
- Submitting an annual report and all records to Council for an annual audit;
- Submitting monthly financial reports in accordance with GST requirements;
- Clearly defining the role of office bearers and Committee members;
- Maintaining a post office box or public postal address to which all physical correspondence will be forwarded;
- Maintaining a public email address to which all email correspondence will be forwarded;
- Submitting a current list of all Committee members including the address and phone number and emergency contact details to Council immediately following nominations of the Committee, and where there are changes; and
- Submitting officer bearers names and an audited financial report to Council following the Annual General Meeting each year.

Management includes:

- Ensuring that all monies received will be used for the benefit of the activity in an equitable, honest and consistent manner;
- Ensuring that the organisation is not used for the financial gain of individual members;
- Being aware of and involved in, appropriate community activities, which are compatible with the goals of the program;
- Developing and updating Project Plans;
- Recommending policies and procedures which contribute to the effective management of the program; and
- Being accountable to the community and the Council for the Committees actions and initiatives in respect of the program.

3.2.3.3. Limitations of powers

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The Committee may not make decisions concerning the following:

- Borrowing any monies without the express written consent of Council on each occasion;
- The purchase of goods and services of a value exceeding \$10,000 (ex GST) without the prior written approval ~~from the General Manager or relevant sub-delegated Director in compliance with Council's Purchasing and Procurement Policies of Council~~. For any purchase which are considered to ~~be related or to be used~~ in relation to the same Project, their combined value must not exceed ~~—~~\$10,000 (ex GST) without ~~the~~ prior written approval ~~from the General Manager or relevant sub—delegated Director in compliance with Council's Purchasing and Procurement Policies of Council~~.
- Formation of submissions to government without the prior written consent of Council;
- The payment or making of any profit, gain or gift, to or by its members as well as allowance or travelling expenses incurred whilst attending Committee meeting;
- As a voluntary Committee, members do not receive payment for their services. The Committee may by resolution reimburse the Committee members for reasonable expenses incurred in the completion of official Committee activities. No other payment is to be made to Committee members without the prior written approval of Council;
- The Committee is not permitted to vote monies for expenditure on the works, services or operations of Council;
- The Committee is not permitted to enter into any legal action;
- The Committee is not permitted to loan or donate funds for any purpose
- The Committee is not permitted to set or charge fees for Membership of the Management Committee.

The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/ function under its management and control.

If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or their representative.

4. DISPUTES

4.1. General & External:

- 4.1.1. Where a citizen(s) of the local government area that is not a member of the Management Committee disagrees with a resolution of the Management Committee these persons may refer their grievances in writing to the Committee for reconsideration.
- 4.1.2. Where the Management Committee chooses not to alter its decision, the citizen(s) or citizens may present their grievance to Council in writing, for reconsideration.
- 4.1.3. Where such notice in writing is referred to Council, Council will request a report on the issue from the Management Committee. Upon receipt of the report the matter will be referred to Council for resolution.
- 4.1.4. Upon Council adopting a resolution, the details of Council's deliberations will be advised to the Management Committee and the citizen(s) who referred the matter to Council.
- 4.1.5. A member may not seek to ~~amend, change or~~ overturn a decision of the Committee by making representations ~~to Councillors or third parties. This does not include contacting Council or making representations through formal mechanisms such as submissions to exhibited materials where council is seeking community feedback directly or indirectly to Council and / or Councillors or other officials and / or organisations.~~

4.2. Disputes - Internal

- 4.2.1. All disputes between members of the Committee are to be attempted to be resolved within the Committee where possible.
- 4.2.2. Where a dispute occurs within a Committee the resolution of the majority of the Committee as a whole will determine the outcome. Where this is not possible the Chairperson/President will have the casting vote.
- 4.2.3. There will be no right of appeal when the Management Committee has determined its resolution of a dispute.
- 4.2.4. A member may not seek to ~~amend, change or~~ overturn a decision of the Committee by making representations ~~to Councillors or third parties. This does not include contacting Council or making representations through formal mechanisms such as submissions to exhibited materials where council is seeking community feedback directly or indirectly to Council and/or Councillors or other officials and/or organisations.~~

5. LEGAL ISSUES

5.1. Delegation from Council

- 5.1.1. From a legal perspective, it is important that Management Committees of Council and their members be aware that they are acting on Council's behalf. Legally, the committee is 'Council' and any action that the Committee undertakes is Council's responsibility.
- 5.1.2. Council delegates its authority to the Committee to act on Council's behalf.

5.2. Record Keeping

- 5.2.1. All documents and records relating to the delivery of the Management Committees, e.g. minutes of meeting, financial reports, correspondence etc. should be kept in accordance with the State Records Act.1998. Committees should provide copies of all records to their Council Liaison Officer to be archived in Council's electronic document management system.
- 5.2.2. Management Committees need to be aware of the importance of minutes, because of their legal status and their liability to be subpoenaed in court cases.
- 5.2.3. Minutes are required to be kept for all formal meetings of the Committee. These include General meetings, Annual General meetings and Extraordinary General meetings.
- 5.2.4. Meeting minutes must record all motions and amendments put to the meeting, and the results. Minutes should include the mover and seconder of motions. There is no need to record what members say at a meeting, however, there may be occasions when it is appropriate to record the general content of discussions.
- 5.2.5. The Chairperson/President and the Secretary are responsible for the form of the minutes for proper confirmation and must check that there have been no unauthorised alterations to those minutes.

- 5.2.6. Where electronic minutes are used as the sole record of proceedings a motion accepting the minutes as a true record of proceedings of the meeting is required. This includes any amendments required and accepted by the Committee. The Chairperson/President is not required to sign the minutes.
- 5.2.7. Electronic minutes must be stored in Council's electronic document management system as soon after the meeting being held as is practicable in a read-only state prohibiting any changes or updates.
- 5.2.8. The motion to confirm the minutes can only be moved and seconded by persons who were in attendance at that meeting to which the minutes relate. Should there be insufficient members present from the previous meeting the Chairperson may exercise their right to move and/or second the motion to confirm previous minutes.

5.3. Pecuniary Interest

- 5.3.1. A pecuniary interest is one of financial benefit by a Committee person or other person with whom the person is associated (that is, spouse, de-facto partner or relative of a Committee person) from an interest that a Committee person has in a Council matter.
- 5.3.2. A pecuniary interest does not exist where the interest is so remote or insignificant that it could reasonably be regarded as unlikely to influence any decision.
- 5.3.3. The obligation to disclose a pecuniary interest is a strict duty, and the person's motives for participation are irrelevant if an interest is said to exist.
- 5.3.4. Chapter 14 of the *Local Government Act 1993* includes a framework for the handling of alleged breaches of the pecuniary interest provision of the Act. The Act is about openness, accountability and transparency in decision-making by councils and any Committees representing the Council.
- 5.3.5. It is the responsibility of members of Management Committees:
- To disclose to the meeting any pecuniary interest in a matter before the meeting;
 - Not to participate in the discussion of the matter before the Committee in which the member has a pecuniary interest; and
 - Not to vote on the matter before the Committee meeting in which the member has a pecuniary interest.
- 5.3.6. Pecuniary interest provisions are not breached if the person did not know or could not have reasonably been expected to know that the matter under consideration was a matter in which the person had a pecuniary interest.

5.4. Conflict of Interest

- 5.4.1. A conflict of interest can arise when a member of the Committee has other involvements or interests that make it difficult for them to always remain impartial when involved in discussions and decision makings. These can include:
- Business or professional activities;

- Employment or accountability to other people or organisations;
- Membership of other community organisations or service providers; or
- Ownership of property or other assets.

The conflict may lead to:

- Financial benefit e.g. sale of goods or privileged knowledge;
- Political benefit e.g. gaining or losing electoral support; or
- Personal benefit e.g. career advancement or increased standing in the community.

5.5. Declaration of Interests

5.5.1. It is the responsibility of Committee members:

- To disclose to the meeting any pecuniary interest in a matter before the meeting, and
- Not participate in the discussion of the matter before the Committee in which the member has a pecuniary interest, and
- Not to vote on the matter before the Committee meeting in which the member has a pecuniary interest.

A pecuniary interest does not exist where the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision. The obligation to disclose is a strict duty and the persons motives to participate are irrelevant if an interest is said to exist.

5.5.2 Pecuniary interest provisions are not breached if the person did not know or could not have reasonably been expected to know that the matter under consideration was a matter in which the person had a pecuniary interest.

5.5.3 Committee members are also required to lodge an annual written pecuniary interest declaration in accordance with the section 440AAA of the *Local Government Act 1993*. Committee members are strongly advised to declare any interests they may have in this written declaration to ensure transparency, accountability and protection for individual members.

5.6. Code of Conduct

5.6.1. Committee Members are required to adhere to Council's Code of Conduct. Compulsory training on the Code of Conduct will be provided to all Committee members.

5.7. Privacy and Personal Information Protection Act

5.7.1. Committee members are required to abide by the *Privacy and Personal Information Protection Act, 1998* (PPIPA). The Act provides for the protection of personal information and the privacy of individuals generally. Training will be provided to all Committee members.

6. MEETINGS

The Management Committee should meet on a regular basis to discuss relevant business, and make decisions affecting the facility/program operation. The time, scheduling and location of meetings will be decided by the Committee.

6.1. Agenda

- 6.1.1. An agenda should be sent out to all Management Committee members at least 5 days prior to any meeting giving notice of the proposed meeting and of any items for discussion and notices of motion
- 6.1.2. The format of the agenda will be agreed on from time to time by the Committee but will include as a minimum:
 - Time, date and date and venue of the meeting;
 - Matters to be discussed / considered; and
 - Means for members to submit apologies.
- 6.1.3. Written reports for the President, Treasurer will be sent out with the agenda to allow Committee appropriate time to review the report prior to the meeting.

6.2. Quorum A quorum of any meeting (General, Annual General, Executive or Extraordinary General) will consist of more than half the total number of entitled voting members (i.e. greater than 50%). Should a quorum not be present:

- at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
- within half an hour after the meeting time designated for the meeting, or
- at any time during the meeting,

the meeting will be adjourned to a date determined by the Executive Committee.

- 6.2.2. Members who are absent or have submitted an apology for their non attendance to a meeting will be counted when calculating the quorum.
- 6.2.3. Members who have been granted leave of absence or who have been suspended from the committee will not be counted when calculating the quorum.
- 6.2.4. Councillors who are appointed to a Management Committee in an ex-officio role will not be counted when calculating the quorum. A Councillor may advise the Committee that they wish to be included in the quorum and if so they will be included in the quorum calculation for the remaining term of the Management Committee.
- 6.2.5. Where a meeting commences with a quorum any members who wish to depart the meeting prior to its formal adjournment must seek leave from the meeting by resolution. If leave is granted the time of the members departure will be noted in the minutes and the quorum will not be adjusted. If leave is not granted and the member departs the member will be removed from the calculation of the quorum.

6.3. Ordinary/General Meetings

- 6.3.1. There should be no less than six (6) Ordinary/General meetings held each year, however it is recommended that Ordinary/General Meetings of the Committees occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.
- 6.3.2. A calendar of when general meetings are to be held in the ensuing 12 months should be drafted at the Annual General Meeting.
- 6.3.3. General meetings of the Management Committee are required to address correspondence, management and control matters, finance matters, risk management matters and general matters relating to the program.
- 6.3.4. An agenda for a General Meeting should be sent out to all Management Committee members at least 5 days prior giving notice of the proposed meeting and of any items for discussion and notices of motion.
- 6.3.5. Minutes of a General Meeting will be kept of the proceedings and a copy forwarded to Council for storage in its electronic document management system.
- 6.3.6. General meetings will be conducted in accordance with Council's adopted Code of Meeting Practice.

6.4. Annual General Meeting

- 6.4.1. The Annual General Meeting will report on the activities of the Committee for the year, to conduct elections for Committee positions and to receive the annual financial report.
- 6.4.2. The Annual Financial Report will be presented to the Committee for adoption and for forwarding to Council for auditing purposes.
- 6.4.3. An agenda for the Annual General Meeting will be sent out no less than 21 days prior to the meeting.
- 6.4.4. Minutes of an Annual General Meeting will be kept and a copy forwarded to Council for storage in its electronic data management system.
- 6.4.5. The Annual General Meeting will be conducted in accordance with Council's adopted Code of Meeting Practice.

6.5. Extraordinary General Meetings

- 6.5.1. An Extraordinary General Meeting of a Committee may be called to discuss urgent business and matters outside the scope of an ordinary meeting. A meeting must be requested in writing to the Executive Committee by two (2) members of the Committee.
- 6.5.2. An agenda for the Extraordinary General Meeting of matters to be considered by the Committee will be prepared and circulated to all members of the Committee with at least three (3) business days notice.
- 6.5.3. Only matters included in the agenda will be considered at an Extraordinary General Meeting.
- 6.5.4. Minutes of an Extraordinary General Meeting will be kept and a copy forwarded to Council outlining the reason for the meeting and for storage in Council's electronic document management system.

6.5.5. An Extraordinary General Meeting will be conducted in accordance with Council's adopted Code of Meeting Practice.

6.6. Minute Format

General Meeting minutes of the CSP Management Committee will be forwarded to Council for storage in its electronic document management system.

Items to be addressed in the minutes should include:

- Attendance – records of attendees and apologies
- Declaration of pecuniary interests
- Previous minutes and matters arising
- Executive and operational reports
- Correspondence and matters arising
- Agenda items with notice
- Project reports
- Action log/register log
- Member reports
- General business

7. FINANCIAL MANAGEMENT

7.1. Introduction

Council Community Management Committees and their members are appointed under Section 355 of the *Local Government Act 1993*. As such, they are subject to the same standards of financial accountability as Council and its employees. It is imperative that Committees manage their finances prudently and with transparency.

At all times, any funds and assets held by the Committee ultimately remain the property of Council. The Committee is responsible for the care and management of the funds and assets held on behalf of Council.

Where necessary Council will provide the committee with advice and support to comply with Council and the Committees financial management obligations.

7.2. Financial Records

7.2.1. Bank Accounts

- 7.2.1.1. All bank accounts operated by a Committee will be established by Council with a banking provider of Council's choice. Establishment of bank accounts by committees are not permitted.
- 7.2.1.2. Council will establish a transaction bank account on behalf of the Committee which will serve to operate for the Committee's operational transactions. Council may establish other accounts (interest bearing, term deposits etc) if requested in writing by a Committee.
- 7.2.1.3. All bank accounts will require dual (2) approval for any payments. These approvals can be dual signatures on cheques or dual EFT approval.

- 7.2.1.4. The signatories of all accounts will include the Committee Executive, as well as at least two Council Finance staff members. Committee signatories require approval at the time of their election to an Executive role.

7.2.2. Financial Record Keeping

- 7.2.2.1. Financial records must be kept in accordance with this Manual. Training will be provided by Council's Finance section following the election of a Treasurer as required.
- 7.2.2.2. Committees of Council operate under a financial year from 1 July to 30 June. Each Committee's accounts need to be completed and submitted to Council by 15 July each year, following their adoption at a Committee meeting. This will enable Council to consolidate the Committee's accounts into Council's general accounts as required under the *Local Government Act 1993*.

7.2.3. Financial Documents

If a committee does not use Councils accounting software to record its financial transactions, each Committee should maintain the following records:

- Cheque Book - supplied by Council
- Receipt Book - supplied by Council
- Bank Deposit Book – if applicable
- Bank Statement Folder – if applicable
- Petty Cash Book and Tin – if applicable
- Cash-book (electronic version available)
- Business Activity Statement Forms for GST records (electronic)
- Bank Reconciliation Forms (electronic)

It is essential that these records are maintained and reconciled monthly.

7.3. Receiving Payments

- 7.3.1. Payments of program fees or other services provided by Management Committees can only be made by cheque, EFT or bank deposit. Cash may not be used.
- 7.3.2. The following process should be followed:
- Ensure that the correct amount has been paid by either cheque, EFT or bank deposit.
 - Write out a receipt from the Receipt Book
 - Give the original receipt to the payer (tear out of book)
 - Ensure that the duplicate receipt is kept in the Receipt Book.
 - Store any cheques in an appropriate location until they can be banked.
 - Ensure that any cheques on hand are banked weekly.

7.4. Making Payments

- 7.4.1. The Committee is empowered to make purchases up to the value of \$10,000 (ex GST) expending sums as necessary from amounts received from fees and charges to meet costs

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arising out of the delegation function. All purchases should comply with Council's Purchasing and Procurement Policies and requirements set out in this Manual. All purchases should be for goods and services required for the exercise of the responsibilities of the Management Committee.

7.4.2. Purchases for goods and services above \$10,000 (ex GST) require written approval ~~from the General Manager or relevant sub-delegated Director in compliance with Council's Purchasing and Procurement Policies of Council~~. For any purchases which are considered to be related or to be used in relation to the same Project, their combined value must not exceed \$10,000 (ex GST) without the prior written approval ~~from the General Manager or relevant sub-delegated Director in compliance with Council's Purchasing and Procurement Policies of Council~~.

7.4.3. It is not appropriate or permissible to:

- Split invoices from the same or similar Projects to avoid the requirement for Council approval under Clause 8.4.2; or
- Intentionally mislead Council representatives in any way about the cost associated with a Project.

Any member engaging in behaviour described above may be the subject of disciplinary action under Clause 3.1.6 of this Manual (Suspension and Revocation of membership of a Management Committee).

7.4.4. Any payments over \$82.50 (GST-inclusive) must be supported by an official Tax Invoice from the supplier. This enables the Committee to claim back the GST portion of the payment when completing their monthly Business Activity Statement (BAS) and is a requirement of the Australian Taxation Office (ATO). Without a Tax Invoice, the GST portion is unable to be claimed.

7.4.5. All Committee expenditure must only be paid by cheque or Electronic Funds Transfer (EFT). Under no circumstances should a blank cheque be signed.

7.4.6. All procurement and payments should be made in accordance with Council's Purchasing and Procurement Policies with additional steps appropriate for a Committee as outlined below:

7.4.6.1. A committee member requests approval from the Management Committee for the procurement and/or supply of service or goods (e.g. engage a contractor, purchase timber supplies).

7.4.6.2. The Committee considers the request, checks that documents and quotes provided are suitable, adequate and compliant with Council policies and if deemed appropriate approves the procurement and/or supply.

7.4.6.3. The Committee member engages the vendor for the service or goods and the supplier issues a tax invoice.

7.4.6.4. Where the invoice matches (or is below) the amount approved by the Committee, the Committee member and an Executive Committee member notes the invoice advising that the goods/services consistent with the quote accepted and approved by the Committee is presented to the Committee have been provided. The invoice is then presented to the Treasurer for payment.

- 7.4.6.5. The Treasurer and one other cheque signatory confirms that the amount and invoice details and other calculations are correct (including GST, etc)
 - 7.4.6.6. The Committee member provides certification/endorsement that the service or goods have been supplied consistent with the quote provided.
 - 7.4.6.7. Treasurer pays the invoice by EFT. If EFT is not available, payment may be made by cheque
 - 7.4.6.8. The invoice and any supporting documentation is stored for future reference.
 - 7.4.6.9. Payment of the invoice is then recorded either in the cashbook or accounting software.
 - 7.4.6.10. Where the invoice is above the amount approved by the Committee, the Committee member must table the invoice at a Committee meeting for consideration.
 - 7.4.6.11. The Committee reviews the invoice and associated endorsement and if deemed appropriate approves payment of the invoice by resolution. If approved, the payment of the invoice is to be done in accordance with clause 7.4.4.5 – 7.4.6.8
- 7.4.7. Where payment of an invoice is required prior to a meeting being convened an “electronic show of hands (eVote)” as described elsewhere in this Manual may be used. Ratification of the payment should be tabled at the next General Meeting of the Committee.
- 7.4.8. In extreme cases where payment of an invoice is required urgently the Executive Committee may consider an invoice for payment. Ratification of the payment and record of the vote should be tabled at the next General Meeting of the Committee.
- 7.4.9. If prior approval from the Executive Committee is received a Committee member may expend up to \$500 ex GST for the purchase of goods and services for the program and be reimbursed by the Committee on presentation of the appropriate invoices/dockets/receipts.

7.5. Maintaining the Cash Book

- 7.5.1. A Cash Book is used to record the Committee’s receipts and payments.
- 7.5.2. The Cash Book will be kept either electronically using the Council preferred accounting software or other agreed method.

7.6. Using the Cash Book

- 7.6.1. Every time the Committee receives or pays money, the Treasurer records the date, source, amount, and receipt/cheque/payment number in the Cash Book.
- 7.6.2. Receipts and payments are entered consecutively in date and receipt number/cheque number order in the appropriate location of the cash book.
- 7.6.3. If using the electronic version, all columns will total automatically.
- 7.6.4. If using the accounting software income should be allocated against the appropriate item (e.g. Ground Hire, Building Hire, Bins, Bonds etc.).
- 7.6.5. If using the accounting software the system will collate all income and expenditure.

- 7.6.6. If using the electronic version, save the file for that month, e.g. January 2019, and start a new file for each month.

7.7. Bank Reconciliations

- 7.7.1. At the end of each month, the Committee will obtain a Bank Statement for its Bank Account. This needs to be reconciled with the Cash Book.

7.8. Preparing a Bank Reconciliation

- 7.8.1. Review the Cash Book, checking to see if all cheques have been presented and deposits confirmed at the Bank (ie. noted on the Bank Statement as having been paid or received). Check that the dollar amounts are the same.
- 7.8.2. Enter into the Cash Book any entries on the Bank Statement which are not already recorded, ie. there are likely to be bank charges and interest to add to the Cash Book.
- 7.8.3. For electronic Cash Books, you must save the file for that month, and start a new file for the next month.

7.9. Balancing the Bank Reconciliation

- 7.9.1. Write down the amount in the bank at the time of the last reconciliation (generally the amount at the beginning of the month). Add the total amount of money received (according to the Cash Book) since the last reconciliation. Subtract the total amount paid (according to the Cash Book).
- 7.9.2. Add the total amount for unpresented cheques and subtract the total of any outstanding deposits in the Cash Book (the last banked amount should be recorded in the Banking column, and all receipts after that should not yet have been banked). This will all calculate automatically if using the electronic Cash Book spreadsheets.
- 7.9.3. Check that the amount you have calculated is the same as the amount on the bottom of your Bank Statement. If not, check all figures and repeat this process.
- 7.9.4. If the amount is unable to be reconciled, this shall be reported to the Committee Liaison Officer to seek assistance from Council's Finance section.

7.10. Annual Financial Statements

Goods & Services Tax (GST) Compliance

7.10.1 GST Basics

- All of Council's Committees must use Camden Council's Australian Business Number (ABN) 31 117 341 764.
- Committees are responsible for administering the requirements of GST legislation i.e charging GST on taxable supplies and correctly identifying input tax credits claimable from the Australian Taxation Office (ATO). Accordingly each Committee must supply Council's Finance section with details of GST applicable to all financial transactions for inclusion in Council's monthly Business Activity Statements (BAS).
- All suppliers for purchases exceeding \$82.50 (GST-inclusive) must supply a valid Tax Invoice to the Committee prior to payment. If the supplier does not have an ABN and is registered for GST, the Committee must obtain a Statement by a Supplier declaration from the supplier. This must be obtained and completed before any payments can be made to that supplier. The completed form must then be kept on record for audit purposes.

~~Attachment - Amended - S355 Manual - Version 3 - Camden Seniors Programs Committee - 20190813 Final Draft - S355 Manual - Seniors - April 2019~~

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7.10.2 Monthly Business Activity Statements (BAS)

Council is required to lodge its BAS within 21 days after the end of each month. To enable the Finance section to meet this deadline, Committees are requested to submit a photocopy of the following Cash Book entries within 10 days after the end of each month:

- Income transactions
- Expenditure transactions
- BAS Report (if using electronic cash books this is automatically generated)

7.10.3 Committee Settlement of GST Obligations

- At the end of six months Camden Council will issue each Committee with an invoice or a refund in accordance with GST applicable to the transactions for the past six months. Reconciliations will be sent with the invoice or payment.

7.11. Funds Held In Bank Accounts

- Funds held in bank accounts which are in excess of current operational needs should be invested with the assistance of Council in order to achieve a return on funds, rather than leaving balances in low interest-bearing accounts.

7.12. Debt Management

- The Committee will follow Council's policy in relation to debt management
- Where debt recovery action is required Committees will engage Council Finance Branch to undertake the debt recovery on their behalf.

8. RISK MANAGEMENT AND INSURANCE

8.1. Risk Management

Risk management is a method of identifying and prioritisation of risks, followed by preventative and precautionary measures to avoid injury, loss and damage, to either persons or property.

As a Committee of Council, the Management Committee has a duty of care to ensure the health, safety and welfare of persons using the program.

8.1.1. General

Council and Committees of Council have a wide range of potential liability.

Liabilities can be based on statute and common law duties of care. To ensure compliance there must be appropriate policies, procedures and practices in place.

The Committee are to use documentation provided by Council to evidence the due diligence process and ensure all responsible steps are being taken to identify risks to the Committee and users of the facility.

8.2. Insurance

8.2.1. General

Council is required to take out insurance policies to cover Council's liability as a consequence of Council's business activities. These policies include:

- Public Liability Insurance to cover Council for its liability to third parties for personal injury or property damaged caused by Council's business activities;
- Professional Indemnity Insurance to cover Council for professional negligence claims (e.g. caused by incorrect specialist advice);
- Personal Accident Insurance provides specified benefits for registered volunteers following accidental injury, disability or death while carrying out their duties on behalf of Council;
- Motor Vehicle Comprehensive Insurance to cover Council vehicles driven by volunteers or staff for damage to the vehicle or to third party property; and
- Casual Hirers Insurance covers against public liability claims arising from the casual hiring of a member Council facility.

8.2.2. Notification

Management Committees are instructed that any matter or incident which may give rise to a claim against Council must be reported to Council as soon as practicable. This will ensure that investigations and remedial actions can be undertaken to protect Council's interests


Council has a responsibility to notify its insurer as soon as a potential claim is known. Management Committees may receive advice regarding claims via writing or telephone call or by observation. Once the Committee becomes aware of potential claim they are to notify Council immediately. If Council does not notify of claims which they could reasonably have known about indemnity may be denied by the insurer.

8.2.3. Child Protection

Children and Young Persons (Care and Protection) Act 1998 - under this legislation Community Management Committee members accompanying children on trips or participating in activities conducted by the Committee involving contact with children, must complete and pass a Working with Children Check.


Working with Children's Checks are provided by the NSW Children's Guardian. There is no cost for a Volunteer Check. For more information or to make an application please visit www.kidsguardian.nsw.gov.au.





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70 Central Ave
ORAN PARK NSW 2570
Telephone: 02 4664 7777
Fax: 02 4664 7920
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Projection: GDA94 / MGA zone 56
Date: 26/10/2017 1:24 PM

Richardson Road - Pedestrian Refuges

Map Scale: 1:1000 at A4