
ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.

RESOLUTION

There were no leave of absence to be granted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD192/08

ACTIONS

ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

Council Policy requires Councillors who have a Pecuniary Interest in an item on the Agenda to declare the Interest at this stage and to leave the Meeting during consideration of the item.

Councillors may also use this opportunity to disclose any non-pecuniary interests and to identify how they will be dealing with those interests.

RECOMMENDED

That the declarations be noted.

RESOLUTION

There were no declarations to be noted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD193/08

ACTIONS

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

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

Speakers must book in with the Council office by 4.00pm on the day of the meeting and must advise the topic being raised. Only seven (7) speakers can be heard at any meeting.

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

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

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

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

RECOMMENDED

That the public addresses be noted.

RESOLUTION

Roy Kellaway addressed the Council in relation to Item ORD 06 "Camden Civic Centre Musical Fee Relief Polic - Application for Funding".

Mick Gunn addressed Council in relation to Item ORD 01 "Construction of a New 76 Place Childcare Centre at No 15 (Lot 116 DP31361) Elizabeth Macarthur Avenue, Camden South".

Noel Riordan addressed Council in relation to Item ORD 01 "Construction of a New 76 Place Childcare Centre at No 15 (Lot 116 DP31361) Elizabeth Macarthur Avenue, Camden South".

Moved Councillor Anderson, Seconded Councillor Campbell that the public addresses be noted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD194/08

ACTIONS

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of Ordinary Council Meeting held 8 July 2008.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 8 July 2008, copies of which have been circulated, be confirmed and adopted.

RESOLUTION

Moved Councillor Cagney, Seconded Councillor Funnell that the Minutes of the Ordinary Council Meeting held 8 July 2008, copies of which have been circulated, be confirmed and adopted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD195/08

ACTIONS

ORDINARY COUNCIL

ORD01

CONSTRUCTION OF A NEW 76 PLACE CHILDCARE CENTRE AT NO 15 (LOT 116 DP 31361) ELIZABETH MACARTHUR AVENUE, CAMDEN SOUTH

FROM:	Director Development and Health
FILE NO:	2725.140
DA NO:	951/2007
OWNER:	E & CP Zeglis
APPLICANT:	Australian Childcare Developments C/- Urbis Pty Ltd
ZONING:	2(a) Residential
APPLICABLE PLANNING INSTRUMENT:	LEP 46

PURPOSE OF REPORT

The purpose of this report is to allow Council to consider its inspection of the proposed development site, conducted prior to this meeting. Also, the report seeks Council's determination of a development application originally referred to it at the Council meeting of 8 July, 2008. The submissions have not been included in this report as they were made available in the supporting documents of the previous meeting.

SUMMARY OF RECOMMENDATION

It is recommended that Development Application 951/2007 be approved subject to conditions of consent.

BACKGROUND

On 10 October, 2007 Council received an application for the construction of a new single storey building for a 76 place childcare centre at 15 Elizabeth Macarthur Avenue, Camden South. The construction of the new building would be following the demolition of an existing dwelling on the site.

On 22 October, 2007 the application was notified to surrounding neighbours and an advertisement was placed in the local newspaper advising the general public of the proposed development.

Following an initial assessment of the proposal it was established that additional information would be required from the applicant to enable Council to make a well informed determination. The key dates associated with the process of obtaining this information are as follows:

- 29 October 2007 - A letter was sent to the applicant requesting additional

information within 21 days regarding acoustics, salinity, contamination and landscaping.

- 7 November 2007 - The applicant requested additional time of approximately 4 weeks to respond to Council's request for additional information. Council staff agreed to the extension of time.
- 10 December 2007 - The applicant advised Council staff that they were still in the process of obtaining the additional information requested by Council.
- 10 January 2008 – Council staff contacted the applicant again regarding the outstanding information and also discussed traffic issues which had become evident following further assessment of the application.
- January to April 2008 – Council staff and the applicant regularly corresponded with a view to resolving the outstanding issues regarding traffic, noise and contamination.
- 16 April 2008 – A meeting was held with Council staff and the applicant. The applicant concurred with Council's recommendations and agreed to provide additional information addressing the recommendations.
- 14 May 2008 – The applicant provided the remaining requested additional information.
- 13 June 2008 – The traffic issues which had been an ongoing matter during the assessment period were resolved.

On completion of the notification period Council was in receipt of 124 submissions and 1 petition containing 120 signatures. The issues raised in the submissions are unable to be resolved with mediation or consent conditions. Therefore the development application is referred to Council for consideration.

THE SITE

The subject site is identified as No 15 (Lot 116 DP 31361) Elizabeth Macarthur Avenue, Camden South, and is located on the southern side of the street between the Old Hume Highway and Bowman Avenue. The site is 2244.7m² in area and slopes down towards the street with a frontage of 42m.

The land is surrounded by traditional residential dwellings and currently contains a single storey dwelling, a swimming pool, a shed and approximately 10 trees of various heights. **A location plan is provided at the end of this report.**

THE PROPOSAL

The application proposes demolition of the existing dwelling and swimming pool, construction of a single storey childcare centre designed to accommodate 76 children and 12 staff, provision of a parking area for 19 vehicles and two advertising signs. The centre would operate for 13 hours per day, Monday to Friday, between the hours of 6.30am and 7:30pm.

It is intended to locate the building to the south western corner of the site with the play areas located to the eastern area. The provision for the 19 parking spaces would be along the front of the land with a forward in and forward out driveway. **Plans of the proposed development are provided at the end of this report.**

NOTIFICATION

In accordance with the requirements of Council's Development Control Plan (2006), the application was notified to surrounding residents and was also advertised in the local newspaper, appearing on 24 and 31 October, 2007. At the close of the exhibition period 124 submissions and a petition containing 120 signatures were received objecting to the proposed development. The submissions raised the following issues:

- adverse impact on traffic,
- adverse impact from noise,
- loss of property value,
- increased on-street parking,
- additional stormwater runoff from parking areas,
- inappropriate development in a residential area,
- use is prohibited in this zone,
- headlights of vehicles,
- unwarranted tree removal.

These issues have been carefully assessed and are addressed further in this report.

PLANNING CONTROLS

The following plans and policies have been considered in the assessment of the development application:

- Camden 2025
- Camden Local Environment Plan 46
- Camden Development Control Plan 2006.

ASSESSMENT

The application has been assessed in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act). The following comments are made with respect to the critical aspects of the applications.

(a) the provision of any environmental planning instrument

Camden 2025

The Camden 2025 Strategic Plan provides objectives to manage urban development in a planned and orderly way while including the provision of appropriate infrastructure. The plan seeks to maintain the historic, social and cultural values of Camden but also acknowledges the need to support new services and facilities for the community.

It is considered that with proper management and appropriate controls the proposed

development would make a positive contribution to meeting the needs of both current and future members of the community. As such, the application is considered consistent with the vision for Camden.

Camden Local Environmental Plan No 46

The subject site is zoned 2(a) Residential under Local Environmental Plan 46 (LEP 46). The use is permissible in the zone with development consent.

For future and some current land release precincts, Council has previously resolved to attempt to identify suitable locations for childcare centres as part of the early strategic land use planning of these areas.

Camden Development Control Plan 2006

The application has been assessed against Council's adopted policy for Child Care Centres. The aims and objectives of the Camden Development Control Plan 2006 (DCP 2006) are to provide childcare centres that are compatible with the local and residential environments. The DCP aims to minimise adverse impacts on the environment and the amenity of residential areas with particular regard to noise and traffic generation.

An assessment of the applicable controls follows:

Location of Child Care Centres

DCP 2006 states that Council will only consider sites which satisfy the location criteria. The proposal meets the criteria with exception to the following requirement:

'5. (c) (ii) sites which maintain a high degree of separation from residential development, ie with a centre located adjacent to public reserves, schools and other non-residential uses and only limited side frontage to residential lots if applicable (eg corner lots).'

The site adjoins six residential properties. The applicant has addressed this issue and proposes to implement traffic and noise mitigation measures. Following assessment by Council officers, those measures were considered adequate and are discussed further elsewhere in this report under the headings of 'Noise' and 'Traffic'.

Site Area and Outdoor Play Area

A minimum site area of 1,800m² is required for centres which allow placement for 50 or more children. The site area is 2,248m² which meets the criteria for the placement of 76 children.

Car Parking

Car parking for childcare centres is required at a rate of 1 space per four children. The development proposes placement for 76 children and is therefore required to provide 19 spaces. The proposal demonstrates compliance with this requirement.

Hours of Operation

Hours of operation are limited in DCP 2006 (the DCP) to between 7am and 6pm, Monday to Friday. The applicant seeks consent for operation hours between 6.30am and 7:30pm, Monday to Friday, which exceeds the DCP allowance. The applicant justifies the variation by proposing to minimise any impact on local amenity through site design and management procedures i.e. implementation of physical acoustic measures as well as control of children and parents activities through centre management.

The applicant advises that the requested hours exceeding the DCP controls would be outside the peak operating periods, therefore noise generation would be minimal. The hours are however in response to community need due to the commuter nature of many residents who travel long distances to and from work.

To further reduce any potential for impact on neighbours it is recommended that a condition be placed on the consent restricting outdoor activities to between 7am and 6pm.

Landscaping

A detailed plan submitted by the applicant indicates that the intended landscaping would enhance the proposed development and minimise impact on neighbours and the streetscape. The landscaping would be designed to provide screening for neighbours and to enable the development to blend with the existing environment.

Disabled Access

A condition of the consent would require that the development must comply with the requirements of section D3.3 of the Building Code of Australia 'Access for People with Disabilities' and Australian Standard 1428 'Design for Access and Mobility'.

Traffic

The development application was accompanied by a comprehensive traffic report providing findings as a result of local traffic assessment. This report was referred to Council's Traffic Section for consideration and comment. The Traffic Section was also advised of the concerns raised by local residents that the childcare centre would generate additional traffic in Elizabeth Macarthur Avenue, and in particular would increase the number of traffic movements at the intersection with the Old Hume Highway, thereby raising risk levels for motorists.

Elizabeth Macarthur Avenue functions as a local collector road and currently carries approximately 2,000 vehicles per day. This is based on the peak hour traffic counts undertaken by the applicant's traffic consultant.

Based on the generation estimates sourced from the RTA 'Guide to Traffic Generating Developments, 2002', the applicant's consultant indicates that the site could potentially generate up to 61 vehicle movements in a peak hour. The consultant then undertook traffic movement counts at the intersection of Old Hume Highway and Elizabeth Macarthur Avenue. A detailed movement analysis was provided in which the

consultant indicates that the intersection is expected to continue to operate well with minimal queues and delays on all approaches regardless of the new development.

Independent of the applicant's report, Council staff investigated the potential impact on traffic and it was concluded that the suitability of the site for the intended use could be achieved subject to specific conditions of consent. Such conditions would require installation of traffic signs, line marking, a new footpath and management controls. The traffic signs would restrict on-street parking in Elizabeth Macarthur Avenue and would advise users to utilise the provision for on-site parking.

Caution and stop signs within the site would control vehicles entering and leaving the centre. Line marking in Elizabeth Macarthur Avenue at the intersection of the Old Hume Highway would direct traffic into left turn or right turn lanes for entry into the Highway. Conditions imposing such traffic controls are recommended in the draft conditions of consent.

It is considered that subject to the recommended traffic controls, Elizabeth Macarthur Avenue and its intersection with the Old Hume Highway are designed to cater for development growth within the locality.

Noise

An acoustic report was submitted by the applicant providing an assessment of the potential noise impact to the adjacent residential properties associated with the operation of the proposed childcare centre. The report found that subject to the implementation of the following noise mitigation measures, the childcare centre should not detract from the present residential amenity:

- provision of a 1.8m timber acoustic fence on the property boundary adjacent to the eastern side of the play area. In addition, provide an internal timber acoustic screen 2.1m high, 2m in from the eastern boundary;
- provision of a 1.8m timber acoustic fence along the southern and western boundaries. **Diagrams of the proposed fences are referred to as F1 and F5 on page 9 of the architectural plans provided;**
- relocation of the air conditioning mechanical plant behind car space 6, within an enclosure;
- provision of a 2m buffer strip between the play areas and adjoining neighbour's boundaries.

Council staff generally agree with the acoustic mitigation proposals, however it is also recommended that the following administrative noise controls be adopted by the centre management :

- restrict the number of children participating in external play at any one time to no more than 36;
- close windows and doors of playrooms while the children are inside;

- centre staff are to monitor and manage children outside to limit noise emission from children playing;
- centre staff are to supervise parents and children during drop off and pick up times to limit noise in the car park;
- restrict outside playtime to a total of 3 hours per child (1.5hrs in both the morning and afternoon).

Contamination

A detailed investigation report was provided by the applicant which determined that the site was suitable for the proposed development of a childcare centre. However due to past building practices and the possibility of hazardous building materials or unexpected finds, the following measures are recommended:

- undertake a hazardous building materials survey prior to demolition of the existing buildings;
- preparation of a site management plan to manage contamination risks of unexpected finds during site demolition prior to demolition and removal of existing buildings; and
- undertake a detailed contaminated site assessment and prepare a contaminated site assessment report following removal of existing buildings.

Council staff have assessed the report and consider the above recommendations to be acceptable. The recommendations made in the contamination assessment are included as conditions of the draft development consent.

Design Requirements

The proposal would comply with the relevant design requirements in terms of internal design for the children and staff facilities. The outdoor play area is in excess of the amount set by the Children's Services Regulation and the DCP and would be provided with at least 50% summer shade. Fences and gates would be provided with childproof mechanisms to prevent passage by children.

Advertising Signs

The proposed signage is limited to two signs, one pylon and one wall sign located within the property boundary. The pylon sign would have an overall height of 3.3m. Neither sign would be internally illuminated. The applicant has aimed to provide signage to identify the site without cluttering or dominating the streetscape.

(b) the likely impacts on both the natural and built environment

The proposed site design and management controls for the childcare centre are anticipated to alleviate potential impacts from traffic and noise. The scale and form of the building would be consistent with surrounding residential development thereby maintaining the traditional residential character of the area. Stormwater and drainage

systems have been designed by hydraulic engineers to avoid impacting on the existing stormwater disposal system or adjoining properties.

(c) suitability of the site for development

The site is fully serviced with water, sewer, electricity and telephone being available. The property presents itself well for the use of a childcare centre in terms of adequate land area and access to the road system and public transport. The main concerns of the site relating to noise and traffic have been considered and addressed previously in this report. The site has sufficient frontage to accommodate easy access and egress for traffic while providing the required number of parking spaces.

(d) any submissions made in accordance with the Act or Regulation

Upon completion of the notification period 124 submissions and a petition containing 120 signatures were received. It was noted that several persons who signed the petition also provided individual submissions. The submissions raised issues which are summarised as follows:

- adverse impact on traffic,
- adverse impact from noise,
- loss of property value,
- increased on-street parking,
- additional stormwater runoff from parking areas,
- inappropriate development in a residential area,
- use is prohibited in this zone,
- headlights of vehicles,
- unwarranted tree removal.

Each item of concern was investigated and assessed in the following manner:

Adverse impact of traffic

'The childcare centre will increase the current level of traffic on Elizabeth Macarthur Avenue and will increase congestion at the intersection of Elizabeth Macarthur Avenue and the Old Hume Highway.'

Officer Comment:

The traffic impact assessment submitted by the applicant asserts '*there is adequate capacity in the surrounding road network to cater for the traffic generated by the proposed development*'.

The ongoing development of the community will result in increases in traffic levels, however Council staff have also recognised the concerns of local residents with respect to traffic management issues. It is suggested that the recommended conditions for traffic control previously discussed in this report would maintain effective operation of the surrounding road network.

Noise

'There will be an increase of noise in the area due to noise generated by children, air

conditioning units and traffic'.

Officer Comment:

Noise arising from the children on the site was assessed by the applicant's acoustic consultant and council staff. It is considered that the proposed noise mitigation measures together with management procedures would adequately address potential noise impact from traffic and children on the site.

Air conditioner noise would be addressed by the appropriate placement of the plant and providing it with an enclosure.

Loss of property value

'The childcare centre would result in a decrease in the value of local properties'.

Officer Comment:

The claim that the childcare centre would result in loss of property value is difficult to substantiate. The DCP controls are designed to enable new development to integrate with the existing local environment. Assessment of the proposal has established that the childcare centre generally meets the requirements of the DCP. Acoustic and traffic measures would be implemented to reduce any potential impact on the locality.

Section 79(C) of the Act does not provide for Council to consider the effect of development proposals on land values given that compliance with relevant legislation and planning controls would ensure that any proposed development is compatible with that of the local built and natural environment. Further, child care centres are an integral part of the community infrastructure and, as a conforming land use in this zone, have been considered under the relevant planning provisions for the area.

Finally, it is equally able to be argued that the availability of facilities such as child care in an area add to the total stock of community benefits of living in a particular locality and therefore, could enhance the value of that location.

On-Street parking

'The development will increase on-street parking, removing parking spaces for local residents.'

Officer Comment:

Council's DCP requires that parking spaces be provided at the rate of 1 space per 4 children. The proposal for a 76 place child care centre intends to provide the 19 spaces required for the site. This number is in accordance with the DCP. This includes staff parking which would be clearly marked and signed to indicate parking on site. Street signage would restrict on street parking within the immediate vicinity. In general drop off and pick ups are usually staggered and are considered in the calculation for the parking requirements. The availability of an adequate number of parking spaces in conjunction with signage would ensure parents park within the centre's grounds.

Stormwater runoff from parking areas

'Additional stormwater runoff will impact on neighbours and the existing stormwater drainage system.'

Officer Comment:

Stormwater and drainage systems have been designed by hydraulic engineers for the control of stormwater to avoid impacting on the existing stormwater disposal system or adjoining properties. This includes the provision of on-site detention storage. Those systems have been assessed and are recommended by Council staff.

Inappropriate development in a residential area

'The development is inappropriate for a residential area and will result in loss of amenity.'

Officer Comment:

The proposal is permissible in the zone and complies with the requirements of DCP 2006, and as a conforming land use in this zone has been considered under the relevant planning provisions for the area. The mitigation measures proposed are considered adequate for the reduction of impact on the neighbour's amenity. The building would have a similar form and scale to existing development in the locality.

It is considered that the overall design of the proposed childcare centre and the intended mitigation controls combine to form a development compatible with the surrounding residential area.

Use is prohibited in this zone

'The proposed development is not permitted in the residential zone'.

Officer Comment:

The land is zoned 2(a) Residential under Camden LEP 46. The LEP defines a childcare centre as:

'fixed premises at which a childcare service is provided by a person for the purpose of educating, minding or caring (but without providing residential care) for 4 or more children (disregarding any children who are related to the person providing the service) who are under 6 years of age and who do not ordinarily attend school.'

The use is not listed as prohibited and is therefore permissible with consent.

Headlights of vehicles

'Headlights from vehicles in the carpark facing the street will shine on the houses opposite.'

Officer Comment:

The application proposes the provision of a 2m wide landscaped buffer area between the carpark and the footpath. This would substantially reduce the effect of the headlights. The majority of use of the centre will occur during daylight hours, particularly during the warmer months of the year. In winter there would be some impact, however with the proposed closing hours it should not significantly impact on

any person's enjoyment of their property.

Tree removal

'The removal of 10 trees is unacceptable.'

Officer Comment:

The applicant has submitted an arborist report which submitted the following findings:

- One tree can be adequately retained;
- 6 trees will require removal to accommodate proposed works, 4 small trees can be replaced, 1 tree can be transplanted;
- 3 trees are considered poorly structured and/or hazardous trees. Those trees are recommended for removal.

Following investigation of the site and assessment of the arborist's appraisal Council staff have found the report's findings to be reasonable. It is considered that the removal of the hazardous trees is essential given the proposed use of the land and the potential risk to small children. Further, the proposed landscaping and replanting of the site has been designed to blend with the established environment of the locality and to reduce the visual impact on neighbours and the streetscape.

CONCLUSION

Council has received a development application for a new 76 place childcare centre at 15 Elizabeth Macarthur Avenue, Camden South. The application has been assessed with regard to the relevant legislation and has been found to generally comply with the controls. The proposal is permissible in the zone and is consistent with the relevant DCP guidelines with the exception of the control relating to operating hours, which has been addressed in this report.

As opposed to the conversion of an existing building, the new centre would be purpose built allowing optimisation of design measures. Noise and traffic control measures have been considered by Council staff and are considered appropriate for the proposed development and the surrounding environment. The proposal is considered acceptable and in the public interest.

The application has now been considered by Council officers on its merits and is now able to be recommended to Council for approval.

DETAILS OF CONDITIONS

1.0 - General Requirements

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

(1) **Landscaping Maintenance & Establishment Period** - All Landscaping works

associated with this Consent (Landscape Plan drawn by Iscape, dated Sept 2007, Job Draw No 67.07/145'A') are to be maintained for a period of 12 months from the Date of Practical Completion.

At the completion of the 12 month landscaping maintenance period, all areas of lawn and plantings, including any nature strip/road verge areas and garden bed areas, shall have signs of healthy and vigorous growth. Any trees, shrubs, grasses, nature strip/road verge areas, garden areas or lawn areas in a state of decline, damaged or missing are to be replaced or restored to a healthy and vigorous condition.

At the completion of the 12 month landscaping maintenance period, the landscaping works must comply with the Consent approved Landscaping plans.

Any landscaping that requires repair or replacement at the end of the 12 month maintenance period is to be repaired or replaced within 60 days following the end date of the 12 month maintenance period.

- (2) **Schedule of Finishes** – The development shall be completed in accordance with the schedule of finishes prepared by Raymond Design, dated 8/2/2008 and numbered RD-C5375.

Any changes to the external finishes shall be subject to development approval by the Consent Authority.

- (3) **Acoustic Fence Heights and Location** – The height and location of acoustic fences must be constructed and located on the proposed development site in accordance with the following approved plans:

- 'Fence plan - Pod 9, Issue P1, dated 06/05/08, Ref No. RD-C5375: Aug_2007, prepared by Raymond Design" and;
- 'Fence / signage details - Pod 10, Issue P4, dated 06/05/08, Ref No. RD-C5375: Aug_2007, prepared by Raymond Design".

- (4) **Illumination of Advertising Signs** – The advertising signs shall not be internally illuminated.

- (5) **Number of Children** – Approval is given for the use of the child care centre for the placement of 76 children and for the employment of 12 staff.

- (6) **Approved Plans** – The development must be carried out strictly in accordance with the following approved plans or other documentation:

Plans prepared by Raymond Design, numbered and dated as follows:

Pod 1 RD-C5375:aug_2007 Issue P1-19/9/07

Pod 2 RD-C5375:aug_2007 Issue P1-17/8/07

Pod 3 RD-C5375:aug_2007 Issue P2-19/9/07

Pod 4 RD-C5375:aug_2007 Issue P4-27/9/07

Pod 5 RD-C5375:aug_2007 Issue P3-19/9/07

Pod 6 RD-C5375:aug_2007 Issue P2-26/8/07

Pod 7 RD-C5375:aug_2007 Issue P2-19/9/07

Pod 8 RD-C5375:aug_2007 Issue P1-19/9/07
Pod 9 RD-C5375:aug_2007 Issue P2-14/9/07
Pod 10 RD-C5375:aug_2007 Issue P1-17/8/07

The development must also comply with the conditions of approval imposed by Council hereunder.

Amendments or modification of the approved development requires the prior approval of Camden Council.

- (7) **Building Code Of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia* .

2.0 - Construction Certificate Requirements

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

- (1) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$8.28 per square metre, total \$4,757.00, for **Community Facilities**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan paid prior to issue of the Construction Certificate.

The monetary contribution may be offset by the value of land transferred to Council or by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such an agreement is to be undertaken, it must be signed prior to the release of a Construction Certificate.

- (2) **Kitchen Fit-out Plans** – The proposed kitchen is required to be a commercial standard and a set of drawn to scale kitchen fit-out plans must be provided to reflect this higher standard. The plans must also demonstrate full compliance with Council's Food Premises Code, The Food Act 2003 and the Food Regulations 2004, and be provided to, and approved by, the Consent Authority. The fitout plans must be received **prior to the issue of the Construction Certificate**.

- (3) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$3,803.00 per hectare, total \$218.00, for **s.94 Administration and Management**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan and paid prior to issue of the Construction Certificate.

- (4) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with Camden Council's Development Control Plan 2006 and Engineering Specifications and are to be submitted **For Approval To The Principal Certifying Authority Prior To The Engineering Construction**

Certificate Being Issued.

- under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve.
- under section 109E of the Environmental Planning and Assessment Act 1997, Council must be nominated as the Principal Certifying Authority and has the option of undertaking inspection of physical construction works.

Note: the developer must obtain a Construction Certificate prior to commencement of any physical site works.

- (5) **Parking Spaces** - A minimum of 19 car parking spaces must be provided on site. These spaces, and associated access driveways and manoeuvring areas must conform with Camden Council's Car Parking Code (Development Control Plan No 97), and must be designed in accordance with a pavement design prepared by a Geotechnical Engineer and the Consent Authority's (ie Camden Council) standard. Documentary evidence of compliance from a Accredited Certifier/Suitably qualified person must be submitted to the Principal Certifying Authority **prior to the Construction Certificate being issued.**
- (6) **Design Standards** - Engineering design drawings are to be prepared strictly in accordance with Camden Council's Development Control Plan 2006 and Engineering Specifications.
- (7) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety minimise effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS1742.3 1985 and to the requirements and approval of Council. Plans and proposals **must be approved by Council prior to the Construction Certificate being issued.**

The Traffic Management Plan shall also include the relevant Traffic Management Plans for proposed activities to be carried out by the applicant under the development conditions with respect to internal and external works.

- (8) **Public Risk Insurance Policy - Prior to the release of the Construction Certificate**, the owner or contractor is to take out Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve. The Policy is to note Council as an interested party and a certificate of currency from the insurer of such policy must be submitted to the Council as evidence of such policy. Where the coverage of such policy expires during the period of construction of the works, the policy must be renewed prior to the expiration of the policy and a Certificate of Currency from the insurer provided to Council as evidence of the currency of the policy before the policy expires.

Failure to keep the works insured shall be reason for Council to make the works safe and all costs associated with making the works safe shall be a cost to the owner of the land. A Subdivision Certificate will only be issued where any amount required to be paid to Council is not outstanding in relation to this matter.

- (9) **Drainage Design** - A stormwater management plan is to be prepared **prior to the**

issue of a Construction Certificate to ensure that the final stormwater flow rate off the site is no greater than the maximum flow rate currently leaving the development site for all storm events. This plan must be submitted and approved by the Principal Certifying Authority. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties.

An overland flowpath shall be created over the landscape area to cater for the passage of the external storm water currently flowing through the subject site, to by-pass the OSD system.

(10) **Stormwater & Landscape Design** - The storm water design consisting of pipe flow and overland flow to cater for the external catchment proposed to be located in the landscape area shall be compatible with the landscape design. The detail design shall be carried out in consultation with the Landscape designers. All connections of all storm water discharge outlets to Council's road shall be approved and inspected by the Council.

(11) **Soil Erosion and Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with the Consent Authority's (ie Camden Council) "Soil Erosion and Sediment Control Policy".

Control measures must be maintained during the entire development procedure and can only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised.

Plans must be prepared and submitted to the Principal Certifying Authority for approval **prior to a Construction Certificate being issued**:

The cattle grid must be designed and constructed to Council's standard.

(12) **Salinity** – The Construction of any buildings on the land must be undertaken in accordance with Camden Council's current Policy – Building in Saline Prone Environments. Detailed design plans that demonstrate compliance with the policy must be provided to the Consent Authority for approval **prior to the issue of the Construction Certificate**.

Note: Consideration in the design and construction of the development should also be made to the following matters (where relevant):

- The provision of drainage to the building perimeter (including subsoil drainage), to prevent water ponding or soil water logging in the building vicinity;
- External finished ground levels, including pavements, should not be higher than the base of the first course of brickwork, or the brickwork and mortar below a damp proof course (DPC) should be exposure rated;
- DPC material must be carried through to the face of any applied finishes;
- Retaining walls should be built of salinity resistant materials;
- Porous pavement products such as cement and clay pavers may show permanent efflorescence and salt corrosion. The use of these products should be confirmed with the manufacturer as being suitable for use in a saline environment, prior to installation.

(13) **Sydney Water** - The Sydney Water Trade Waste section must be contacted

regarding their requirements for the installation of a grease trap and a trade waste agreement.

A written response must be submitted to the Consent Authority (ie: Camden Council) **prior to the Construction Certificate being issued.**

(14) **Fire Safety Measures** – Prior to the issue of the Construction Certificate, the following information is to be submitted to the certifying authority:

(a) A list of any fire safety measures that are **proposed** to be implemented in the building or on the land on which the building is situated, and

(b) If the application relates to a proposal to carry out any alteration or rebuilding of, or addition to, an existing building, a separate list of those measures **currently** implemented in the building or on the land on which the building is situated.

(15) **Access For People With Disabilities** - Access for people with disabilities shall be provided in accordance with the requirements of Part D3 of the Building Code of Australia.

The plans submitted with the application for the Construction Certificate shall indicate compliance the requirements.

(16) **Traffic committee approvals** - Any proposed traffic facilities, signs, lines and infrastructure require formal approval through the Camden Local Traffic Committee (CLIC). Any Traffic Management Plans for work on Public Roads will require CLIC approval prior to the issue of the Construction Certificate.

(17) **Traffic Management and Traffic Control Plans** – Traffic Management and Traffic Control Plans must be produced during construction in accordance with the RTA's requirements and AS1742. Traffic Management and Traffic Control Plans and proposals must be approved by Council **prior to the construction certificate being issued.**

On **special event days**, limited to 4 events maximum per year, the affected neighbours will be notified in advance and additional special parking and traffic arrangements will be provided under an approved Traffic Management & Traffic Control Plan.

The implementation of on road work that is carried out in association with access or road traffic requires an approved Traffic Management and Traffic Control Plan for each relevant part of the project.

3.0 - Prior To Works Commencing

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

(1) **Provide a Truck Shaker** - An approved truck shaker must be provided at the construction entry point in accordance with Council's standards **prior to commencement of work** to prevent dust, dirt and mud falling on roadways.

Ingress and egress from the site must be limited to this single access point only.

- (2) **Hazardous Building Materials Survey** – A hazardous building materials survey is to be undertaken prior to the demolition of any existing buildings and associated infrastructure. Where results of this assessment identify hazardous materials, an appropriate environmental site management plan must be prepared to address the risks of the identified hazards from impacting on human health and the environment.
- (3) **Unexpected findings Contingency** – Upon the identification of additional contamination or hazardous materials at any stage of the demolition / remediation/ construction process all works in the vicinity of the findings shall cease and the affected area must be made secure from access by personnel. A qualified environmental consultant must assess the extent of the contamination / hazard in accordance with the NSW DEC Guidelines. The assessment results must be provided to the Consent Authority (Camden Council) for written review and approval prior to the removal or treatment of such findings contamination / hazardous materials. Where contamination is required to be remediated, a Remediation Action Plan and a separate consent from Council must be obtained.
- (4) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (5) **Signs To Be Erected On Building And Demolition Sites** – Under Clause 98A of the *Environmental Planning and Assessment Regulation 2000* , a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, and
 - (b) showing the name of the 'principal contractor' (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work carried out inside an existing building that does not affect the external walls of the building.

Note: The PCA and principal contractor must ensure that signs required by this condition are erected and maintained.

- (6) **Toilet Facilities** - Toilet facilities must be provided at the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

- (7) **Notice Of Commencement Of Work** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act, 1979* and Clause 103 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building works.
- (8) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia* . Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (9) **Disconnection of Services** - All services (ie sewer, phone, gas, water and electricity) must be disconnected prior to commencement of demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (10) **Information Required by Council Prior to Demolition** - The demolisher shall lodge with Council at least forty-eight (48) hours prior to the commencement of work:
- (i) written notice indicating the date when demolition of the building is to commence;
 - (ii) details of name, licence, address and business hours contact number;
 - (iii) a copy of the demolishers current public liability/risk insurance policy indicating cover of at least \$5,000,000.
- (11) **Demolition (WorkCover Licence)** - Persons undertaking demolition work shall be licensed under the Occupational Health and Safety (Demolition Licensing) Regulation 1995. WorkCover issue demolition licences to applicants who successfully undertake the Demolition Supervision Course, and who can demonstrate their ability and experience in the field.
- (12) **Commencement Date** - The applicant shall give written notice to adjoining land owners and residents seven (7) days prior to the commencement of demolition, advising of the commencement date.
- (13) **Site Security** - The site shall be secured prior to the commencement of any works and to the satisfaction of the Council or the Accredited Certifier and in accordance with Clause 78H of the Environment Planning and Assessment (Amendment) Regulation 1998.
- (14) **Erosion Control Demolition** - Prior to demolition commencing, erosion control measures shall be provided on site eg. siltation fences etc.
- (15) **Sign to Restrict Entry** – Prior to commencement of any work a sign shall be

erected on the site stating that unauthorised entry is not permitted.

- (16) **Demolition (Footpath and Roadway Protection)** - All footpath reserves must be protected by the provision of suitable hoarding or fencing along the street alignment.
- (17) **Public Utilities and Services** - 'Dial before you dig' will apply to all site works and work associated with Public Utilities and Services to Authority requirements with adjustments at full cost to the developer, including notification and traffic management

4.0 - During Construction

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

- (1) **Nature Strip, Street Trees and Street Tree protective guards** - Where applicable, any nature strip area, street tree, tree guards if applicable, protective bollards if applicable which are disturbed, removed or damaged during the course of construction, or during the agreed maintenance period of the landscaping works, shall be repaired and the tree, bollards, tree guards, nature strip area repaired with the same type, species and maturity.
- (2) **Hours Of Work** – The hours for all construction and demolition work are restricted to between:
 - (a) 7am and 6pm Monday to Friday (inclusive);
 - (b) 7am to 4pm Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8am to 4pm;
 - (c) work on Sunday and Public Holidays is prohibited.
- (3) **Damaged Assets** – All engineering works and public utility relocation shall incur no cost to Camden Council. Any damage to Camden Council's assets shall be rectified prior to the commencement of use or occupation of a building.
- (4) **Civil Engineering Inspections** - Where Council has been nominated as the Principal Certifying Authority, inspections by Council's Engineer are required to be carried out at the following Stages of construction:
 - (a) prior to installation of sediment and erosion control measures;
 - (b) prior to backfilling pipelines and subsoil drains;
 - (c) prior to casting of pits and other concrete structures, including kerb and gutter, roads, accessways, aprons, pathways and footways, vehicle crossings, dish crossings and pathway steps;
 - (d) proof roller test of subgrade and sub-base;
 - (e) roller test of completed pavement prior to placement of wearing course;
 - (f) prior to backfilling public utility crossings in road reserves;
 - (g) prior to placement of asphaltic concrete;
 - (h) final inspection after all works are completed and "Work As Executed" plans have been submitted to Council.

Where Council is not nominated as the Principal Certifying Authority, documentary

evidence in the form of Compliance Certificates, stating that all work has been carried out in accordance with Council's Engineering Works DCP and associated Guidelines must be submitted to Council **prior to the issue of the Subdivision Certificate.**

- (5) **Air-Conditioner Plant Location** – The mechanical plant that operates the air-conditioner (condensor units) must be located at the front of the childcare centre building behind visitor carparking space number six (6). Noise emitted from the condensor units installed on the site shall not exceed LAeq, 15min 45 dB(A) when assessed within any residential property boundary.
- (6) **Construction Noise Levels** – Noise levels emitted during remediation works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends:

Construction period of 4 weeks and under:

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).

Construction period greater than 4 weeks:

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

- (7) **Stage 2 Detailed Investigation** - Following the demolition / removal of existing buildings and associated structures located on the site, a Stage 2-Detailed Contamination Investigation is to be undertaken on all land that forms the childcare centre. The investigation is to be undertaken in accordance with Council's Policy 'Management of Contaminated Lands' and NSW Department of Environment and Conservation's (DEC – formerly EPA) Guidelines For Consultants Reporting On Contaminated Sites and be submitted to and approved by Camden Council.
- a. As part of the investigation, soil sampling is required to fully comply with DEC's Sampling Design Guidelines for Contaminated Sites.
 - b. Should a detailed investigation indicated that the site is not suitable for the proposed use or remediation works is required, a Remedial Action Plan (RAP) will be required to be submitted to the Consent Authority (Camden Council) prior to the commencement of any remediation works. Further, as all remediation works within Camden are deemed to be "Category 1 Remediation Work", the works will require development consent prior to commencement of such works.
 - c. Following the completion of approved remediation works, a validation report will be required to be submitted to the consent Authority (Camden Council) for approval prior to other development works proceeding. The validation report must demonstrate compliance with the objectives stated in the RAP and any

other development consent conditions. Council may also require the applicant to refer the validation report to an independent site auditor for comment as per Council's Policy.

- d. All works must be undertaken in line with the requirements of Council's Policy (that incorporates principles of SEPP55) for the Management of Contaminated Lands.
- (8) **Removal Of Waste Materials** - Prior to the exportation of waste (including fill or soil) from the site the material should be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Environmental Guidelines Assessment, Classification and Management of Non-Liquid Wastes. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporter if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or group A liquid waste advice should be sought from the EPA.
- (9) **Wall Finish** - Walls in food preparation, service and scullery areas must be finished with glazed ceramic tiles, stainless steel or laminated plastics adhered directly to the wall, to a height of at least 2m above floor level and to the underside of canopy hoods. Walls that are not tiled or otherwise finished must be cement rendered to a smooth even surface and painted with a light coloured washable paint or sealed with other approved materials.
- (10) **Floor Finish** - Floors in the food preparation areas, sculleries and food storage areas shall be constructed of approved materials that are non-slip, impervious and meet the requirements of Council's Food Premises Code.
- (11) **Coving** - Intersections of the floor with walls and plinths shall be coved so that the area can be easily cleaned.
- (12) **Drop In Panels** - Drop in panels for ceilings are prohibited over food preparation areas.
- (13) **Storage Cupboards** - Adequate provision must be made for the storage of cleaning chemicals and staff personal belongings.
- (14) **Light Fittings** - Light fittings must be recessed into the ceiling or flush mounted and edges sealed. They must be enclosed in unbreakable diffuses.
- (15) **Service Pipes** - All service pipes and electrical conduits shall be concealed within the floor, plinths, walls or ceilings.

or

All service pipes and electrical conduits which are not capable of being concealed within walls shall be mounted on brackets so as to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe and

adjacent horizontal surface.

- (16) **Fixtures & Fittings** - All benches, fixtures, refrigeration cabinets and cooking appliances must be butted against walls or other equipment. Junctions with vertical surfaces must be sealed to eliminate the accumulation of grease and food particles. Alternatively, clearances are to be provided from vertical surfaces in accordance with Council's Food Premises Code.
- (17) **Closed Cupboards** - Closed cupboards are to be butted against walls or other equipment. Junctions with vertical surfaces must be sealed to eliminate the accumulation of grease and food particles. Cupboards are to be supported on plinths in accordance with Council's Food Premises Code.
- (18) **Shelving** - Shelving shall be constructed with at least 150mm clearance from the floor. Wall shelves must have at least 25mm clearance from vertical surfaces.
- (19) **Exhaust Ventilation** - Mechanical exhaust ventilation must be provided where cooking appliances are installed. Exhaust ventilation systems shall be installed in accordance with the requirements of Australian Standard 1668-1991 Parts 1 & 2.
- (20) **Gaps Sealed** - All gaps between shelves and vertical surfaces must be sealed to prevent the accumulation of grease and food particles. Alternatively 25mm clearance is required to allow the area to be cleaned.
- (21) **Survey Report (Peg Out)** - The building must be set out by a registered land surveyor. A survey report detailing the siting of the building in relation to the allotment boundaries shall be submitted to the Principal Certifying Authority (PCA) prior to the placement of any concrete.
- (22) **Building Platform** - This approval restricts excavation or fill for the purposes of creating a building platform. This area should not exceed 2 metres from the external walls of the building. Furthermore, any excavation or fill must not exceed 500mm in height and must in all other respects comply with *Camden Council Development Control Plan 2006 (DCP 2006)*, unless otherwise specifically approved by Camden Council.
- (23) **Retaining Walls** - If the soil conditions require it:
- retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
 - adequate provision must be made for drainage.

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

- (a) where the height of an approved retaining wall exceeds 600mm above or below natural ground level, structural engineering details must be obtained prior to any works commencing on the site. Manufacturers installation details may satisfy this requirement for treated timber products and some dry stacked masonry products;
- (b) adequate provisions must be made for surface and subsurface drainage of

retaining walls and all water collected must be diverted to, and connected to a stormwater disposal system within the property boundaries;

- (c) retaining walls shall not be erected within drainage easements;
- (d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited by the easement or entitled to release or vary the restrictions applying to the easement (electrical easement and the like), or if the erection of the retaining wall makes the purpose of the easement inconvenient or redundant (such as, easements for support and maintenance).

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

- The delivery of material shall only be carried out between the hours of 7am - 6pm Monday to Friday, and between 8am - 4pm on Saturdays.
- Stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site.
- Builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner.
- Waste must not be burnt or buried on site, nor should wind blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot.
- A waste control container shall be located on the development site.

(25) **Connect Downpipes** – All roofwater must be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The Principal Certifying Authority (PCA) must not permit construction works beyond the frame inspection stage until this work has been carried out.

(26) **Footpath Levels** - The ground levels of the footpath area within the road reserve (between the boundary of the subject site to the kerb and gutter) must not be altered (by cut or fill) as a consequence of building design and/or construction.

(27) **Building Inspections** - The Principal Certifying Authority (PCA) must determine when inspections of critical building components are necessary. The 'principal contractor' for the building works (as defined by the *Environmental Planning and Assessment Act, 1979*) must notify the PCA for the inspection of the building components. Where Camden Council has been nominated as the PCA, the following stages must be inspected and passed prior to proceeding to the subsequent stage of construction.

Note: If Council is appointed as the PCA, the Council agrees to the commencement inspection being combined with the first required inspection.

(a) **Commencement of Building Works** - When environmental controls are in place.

- (b) **Pier Holes** – Excavated pier holes prior to pouring of concrete.
- (c) **Strip Footings** – When foundation excavations have been undertaken and steel reinforcement provided, prior to footings being poured with concrete.
- (d) **Slab On Ground** – When steel reinforcement and associated formwork has been provided, prior to the slab being poured with concrete.
- (e) **Wall & Roof Framing** - When the wall and roof frame have been completed (with plumbing and electrical wiring installed), brick work complete and the roof covering fixed, prior to internal lining.
- (f) **Wet Area Flashing** - When wall and floor junctions have been flashed with an approved product, prior to installation of floor/wall coverings. Wet areas include bathrooms, laundries, sanitary compartments, en suites and the like.
- (g) **Drainage Line-work** - When roofwater or stormwater drainage lines have been laid and connection to a street kerb or, drainage easement, or rubble pit, prior to backfilling of lines.
- (h) **Occupation Certificate (final inspection)** - Upon completion of the development and before occupation or commencement of use.

The *Environmental Planning and Assessment Act 1979* and *Regulation* may prescribe other 'critical stage inspections' of the works. It is recommended that you discuss and confirm all required inspections with the PCA.

Missed critical stage inspections are an offence under the *Environmental Planning and Assessment Act, 1979* , and may prohibit the issue of an Occupation Certificate.

(28) **Protection Of Public Places** – If the work involved in the erection or demolition of a building:

- is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

(29) **Vehicles Leaving the Site** - The demolisher shall:

- (i) cause motor lorries leaving the site with demolition material and the like to have their loads covered;

- (ii) ensure the wheels of vehicles leaving the site do not track soil and other waste material onto the public roads adjoining the site.
- (30) **Demolition Australian Standard** - Demolition of the building shall be carried out in accordance with the requirements of Australian Standard 2601 - 1991 where applicable.
- (31) **Asbestos** - All material in the building which contains asbestos shall be removed in accordance with the guidelines of the WorkCover Authority (telephone 9370 5099) and requirements of the Environmental Protection Authority.
- (32) **Clear Footpath** - The footpath and roadway must be kept clear at all times and must not be obstructed by any demolition material or vehicle.

5.0 - Prior To Issue Of Occupation Certificate

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

- (1) **Parking Signs** – Signs and markings indicating the visitor, staff and disabled parking area shall be provided prior to the issue of the Occupation Certificate.
- (2) The following works must be constructed **prior to the issue of the Subdivision/Occupation Certificate** and under the Roads Act 1993 must be approved by Camden Council:
 - (a) provision of a gutter crossing at all points of ingress and egress
 - (b) provision of a light duty industrial gutter crossing at all points of ingress and egress
 - (c) provision of a heavy duty industrial gutter crossing at all points of ingress and egress
 - (d) provision of a residential footway crossing m wide at all points of ingress and egress
 - (e) provision of a light duty industrial footway crossing m wide at all points of ingress and egress.
 - (f) provision of a heavy duty industrial footway crossing m wide at all points of ingress and egress
 - (g) provision of a rural driveway crossing at all points of ingress and egress
 - (h) provision of concrete footpath m wide for the full road frontage of the property in
 - (i) reinstatement of redundant (gutter/vehicular crossing) as standard kerb and gutter.

All works must be carried out strictly in accordance with Camden Councils specifications. **Prior to works commencing** the applicant must contact Council on (02) 4654 7777 to arrange payment of fees and inspection of the works.

- (3) **Footpath Crossing** - Minimum of 5.0m wide light duty gutter crossings shall be provided. The footpath crossing is to be at the 4% grade and to be constructed subject to an approval, under a separate application pursuant to the Roads Act.

- (4) **Kerb & Gutter** - All redundant laybacks including Lot 1054 shall be reinstated with kerb and gutter to Council's standards.
- (5) **Footpath Crossing Construction – Prior to the issue of any Occupation Certificate** a footpath crossing must be constructed in accordance with Camden Council's issued footpath crossing information.

To obtain such information a Public Road Activity application must be submitted to Camden Council with the appropriate fee. Applications forms are available from Council's:

- Customer Service Centre, and/or
- Internet site – www.camden.nsw.gov.au

- (6) **Works as Executed Plan - Prior to the Occupation Certificate being issued**, a works-as-executed drawing signed by a registered surveyor must be submitted to the Principal Certifying Authority showing that the stormwater drainage and finished ground levels have been constructed as approved.
- (7) **Acoustic Attenuation Compliance Report** – A report from a qualified acoustic engineer that contains a certifying statement confirming that the provisions and noise criteria for the consent conditions: *Air- Conditioner Plant Location, Kitchen Exhaust Fans, Children at External Play, Vehicular Movements* have been implemented and are compliant must be submitted to the Principal Certifying Authority for inclusion in any application for an Occupation Certificate. The acoustic compliance assessment (that leads to the issue of the certifying statement) must be undertaken between 3 months and 6 months from the commencement of operation of the childcare centre.

The acoustic consultant must conduct sufficient inspections to verify that all construction aspects of the noise attenuation components/measures are being carried out in accordance with the final acoustic report recommendations.

Should the acoustic consultant confirm that:

- a) any specific construction aspect does not comply with the final acoustic report recommendations; or
- b) that the constructed noise attenuation components/measures do not achieve the criteria set by the approved report and the consent conditions;

the acoustic consultant must advise the applicant and the Principal Certifying Authority of such non-compliance. The applicant must arrange for the submission of an application pursuant to s.96 of the *Environmental Planning and Assessment Act 1979* for the modification of the issued development consent to the Consent Authority, Camden Council, for determination.

- (8) **Compliance Letter** - Where the consent authority is not the Principle Certifying Authority (PCA) an additional inspection of the commercial kitchen must be undertaken by the Consent Authority (involving an Environmental Health Officer from the Consent Authority) **prior to the issuing of an Occupation Certificate.** A

letter is to be issued from the Consent Authority certifying that the kitchen complies with the Food Codes and Regulations.

- (9) **Dishwashing Facilities** - The premises must be provided with a:
- (a) commercial dishwashing machine capable of achieving a hot water temperature of at least 77o celsius that is fitted with a temperature thermometer or gauge; and
 - (b) at least one single bowl cleaning sink or tub containing at least one compartment.
- (10) **Registration and Notification** - Proprietor/s of a business are required to register the business with Camden Council and complete a Food Business Notification Form. The registration form must be returned to Council, whereas the Notification Form may be completed on-line on the Internet (free of charge) or returned to Council with an administration processing fee of \$55 (inclusive of GST).
- (11) **Survey Report (Completion)** - A survey report prepared by a registered land surveyor shall be provided upon completion of the building. The survey report shall be submitted to the Principal Certifying Authority (PCA) upon completion of the building and prior to the issue of an Occupation Certificate.
- (12) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

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

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

- (13) **Fire Safety Certificates** – A Fire Safety Certificate is to be submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000* . The Fire Safety Certificate is to certify that each fire safety measure specified in the current fire safety schedule for the building to which it relates:
- (a) has been assessed by a properly qualified person; and
 - (b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

As soon as practicable after the Final Fire Safety Certificate has been issued, the owner of the building to which it relates must cause a further copy of the certificate

(together with a copy of the current fire safety schedule) to be prominently displayed in the building.

(14) **Component Certificates** - Where Camden Council is appointed as the Principal Certifying Authority (PCA) for the development, the following component certificates, as relevant to the development, shall be provided prior to the issued of a Final Occupation Certificate:

- (a) Termite management system installation certificates.
- (b) Survey certificate(s), prepared by a registered land surveyor, certifying that the building has been correctly and wholly located upon the subject allotment.
- (c) A certificate certifying that the wet areas have been waterproofed in accordance with the requirements of the *Building Code of Australia* .
- (d) All certificates relating to salinity, as required by conditions of the development consent. These include evidence of the required construction inclusions, such as evidence of concrete strength (MPa), membranes and damp proof course material used, and/or the use of saline resistant materials.

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

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

(15) **Car Parking - On Street Parking/Signposting**

Full time parking restrictions shall be provided in Elizabeth Macarthur Avenue as per the following:

Supply/Install No Parking signs and stems as follows:

- a) Sign and stem arrow left 10 m west of the footpath crossing of No 13 EMA
- b) Sign and stem double arrow midway between of the 2 new footpath crossings
- c) Sign and stem arrow right 5 m east of the footpath crossing of No 17 EMA.

(16) **Improvements to the Elizabeth Macarthur Avenue and Hume Highway Intersection**

The Applicant is to carry out improvements to the Elizabeth Macarthur Avenue / Hume Highway intersection to the Australian Standards, RTA and Austroads Guidelines as follows:

- a) Linemark and symbol mark the 2 existing lanes from Elizabeth Macarthur Avenue into the Hume Highway to provide a dedicated LI and RI lane (of 2)
- b) Adjust the intersection pavement and kerbs to the required Standards
- c) Install traffic sign posting to the required Standards
- d) All civil drawings and associated work with the intersection upgrade requires submission to and approval by Council prior to commencement.

(17) Sight Distance - New Exit / Elizabeth Macarthur Avenue

Conditions relating to sight distance are:

- a) On street parking restrictions as per Condition 'Car Parking – On Street Parking/Signposting'
- b) Landscaping/Footpath levels adjustments to Councils requirements and to improve sight distance for egress from site
- c) Sight distance in accordance with AS 2890.1 2004
- d) Council reserves its right to ask for 7 day auto counts at a later date to determine 85th percentile speed, if there are any difficulties determining the required sight distance or the site adjustments that accord with such determination.

(18) Internal footpath - A low level garden with kerb surrounds shall be provided to prevent persons from walking within the 620mm space with vehicle overhang.

(19) Public Footpath - An external footpath linking the site to the surrounding footpath network including any compliant landscaping or retaining walls shall be provided to Council's standards.

(20) Internal signposting and markings - The following internal signposting is required:

- a) EXIT WITH CARE or EXIT SAFELY signs.
- b) Car Park markings and signs as indicated in the submitted drawings
- c) ENTRY/EXIT signs
- d) STOP sign near the exit.

6.0 - Operational Conditions

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

(1) Control Noise from Children at Play – Centre staff are to supervise children to limit noise from children at play.

(2) Number of Children at Play – No more than 36 children are permitted to play outside at any one time.

(3) On-Site Parking Signs - Sign/s measuring 600mm x 900mm must be erected which are visible to persons driving along the street to indicate on-site parking is available. The sign/s shall be maintained in good repair at all times.

(4) Outdoor Activities – To minimise the likelihood of noise nuisance for surrounding neighbours outdoor play times shall be limited to between the hours of 7am and 6pm.

Outside these hours Staff shall ensure that parents and children are managed with consideration to surrounding neighbours.

(5) Graffiti - The finishes of the premises are to be maintained at all times and any

graffiti or vandalism removed or repaired within 48 hours.

- (6) **Vehicular Movements** - Noise emitted from carpark vehicular movements on the site shall not exceed LAeq, 15min 45 dB(A) when assessed within any residential property boundary.
- (7) **Kitchen Exhaust Fans** – noise emitted from the kitchen exhaust fans installed on the site shall not exceed LAeq, 15min 44 dB(A) when assessed within any residential property boundary.
- (8) **Children at External Play** – Noise emitted from activities associated with the outdoor playground activities shall not exceed the LAeq, 15min 49 dB(A) when assessed within any residential property boundary and shall not exceed 3 hours for any child.
- (9) **Kitchen Access** - Access to the kitchen whilst in use is to be restricted to staff only. Suitable doors shall be provided and fitted to all openings that lead into the kitchen with self closing devices fitted to ensure that access remains restricted.
- (10) **Cooking and Cleaning Appliances** - Cooking and cleaning appliances intended to be used for cooking or preparation of food or cleaning of food equipment must be of a commercial quality / standard.
- (11) **Hot Storage** - All equipment (including pie warmers, hot food display units, etc) used for the display or storage of hot food shall maintain the food at a temperature of not less than 60°C.
- (12) **Cold Storage** - All equipment used for the display or storage of cold food shall maintain the food temperature of not more than 5°C.
- (13) **Light Spillage** - The lighting of the premises must be directed so as not to cause nuisance to owners or occupiers of adjoining premises.
- (14) **Directional Traffic Flow Signs** - Both driveways must be suitably signposted and directional arrows painted on the internal roadway **prior to the Occupation Certificate being issued**. Sign/s shall be maintained in good repair at all times.
- (15) **No Additional Signs** - The approval of this sign application does not suggest that additional signs may be erected without the prior written approval of the Camden Council.
- (16) **No Signs on Public Land** - Sandwich boards including 'A' frame advertising panels and any other sign shall not be placed on a public footpath or road reserve.
- (17) **Hours of Operation** - The hours of operation for the approved land-use are:

Monday to Friday:	6.30am to 7:30pm
Saturday:	Closed
Sunday & Public Holidays:	Closed

All vehicle movements, deliveries and any other operations associated with the use

of the premises must be restricted to approved hours of operation. Any alteration to these hours will require the prior approval of the Consent Authority.

(18) The use of the subject premises with respect to mechanical plant and equipment installed thereon, must not give rise to any offensive noise within the meaning of the Protection of the Environment Operations Act, 1997.

(19) **Special Events** – No more than four 'special events' are permitted to be held at the Child Care Centre annually. Prior to a 'special event' adjoining neighbours shall be notified informing them of the date and time the event will be held.

END OF CONDITIONS

RECOMMENDED

That:

- i. **Development Application 951/2007 for the construction of a childcare centre at 15 Elizabeth Macarthur Avenue, Camden South, be approved, subject to the draft conditions shown above.**
- ii. **Those people making a submission to Council on this matter be advised of Council's determination.**

ATTACHMENTS

1. Location Plan
2. Proposed Plans



Location Plan 15 Elizabeth Macarthur Avenue.pdf Plans - 15 Elizabeth Macarthur Avenue.pdf

RESOLUTION

MOTION

Moved Councillor Funnell, Seconded Councillor Elliott that:

- i. Development Application 951/2007 for the construction of a childcare centre at 15 Elizabeth Macarthur Avenue, Camden South, be approved, subject to the draft conditions shown above, with the following amendments to those conditions and the additional conditions:
 - a. Condition 1.0 (2) Schedule of Finishes - the addition of '...apart from colours which shall be earthy brick tones similar to those of adjoining residential properties';
 - b. Condition 1.0 (1) Landscaping Maintenance & Establishment Period - the addition of 'The planting drawn on this plan is to be supplemented in the area between the front property boundary and carpark with hedge planting to a minimum height of 1m, planted to a density sufficient to stop headlight glare

from the site.';

- c. Condition 1.0 (5) Number of Children - to be altered to 'Approval is given for the use of the child care centre for the placement of 76 children aged from 0-6 years of age, and for the employment of 12 staff. No before and after school or vacation care places shall be made available at the centre under any circumstances.';
 - d. Condition 2.0 (17) Traffic Management and Traffic Control Plans - the addition of '....prepared in accordance with the requirements of the RTA.';
 - e. Condition 1.0 (19) Public Footpath - to be altered to 'An external footpath linking the site to the surrounding footpath network in Bowman Avenue and Remembrance Drive including any compliant landscaping or retaining walls shall be provided to Council's standards.';
 - f. Condition 6.0 (15) No Additional Signs - the addition of 'The maximum area of the pylon sign is to be 1m x 1m and this sign shall be non-reflective and shall not be illuminated in any way.';
 - g. Condition 6.0 (17) Hours of Operation - to be altered to read 'Monday to Friday: 7.00am to 6.00pm';
 - h. Condition 6.0 (19) Special Events - the addition of 'These events shall be held within the approved hours of operation outlined in Condition 6.0 (17) and in accordance with all conditions of the Traffic Management Plan approved under Condition 2.0 (17)';
 - i. New Condition 3.0 (18) - 'Liaise With Neighbours - Prior to the commencement of construction works, the builder is to liaise with all neighbours in relation to ensuring protection of the adjacent properties.';
 - j. New Condition 6.0 (20) 'Screening of Waste Bins - All waste bins shall be stored at all times in the area shown on plan Dwg No Pod 6 RD-C5375:aug_2007 Issue P2-26/8/07, and screened from view of a public place and adjoining properties. Adequate collection of bins shall be arranged to ensure no odour is discernable at adjoining premises.
- ii. Those people making a submission to Council on this matter be advised of Council's determination.

THE MOTION ON BEING PUT WAS **CARRIED**.

(Councillors Campbell, Cagney and Whiteman voted against the Motion).

ORD196/08

ACTIONS

[Link to CRMS document](#)

[CRMS: 6985836 24/07/2008, 10:15:21 AM](#)

ORDINARY COUNCIL

ORD02

SUBJECT: REVIEW OF CAMDEN'S RESIDENTIAL STRATEGY
FROM: Director Governance
FILE NO: Residential Strategy

PURPOSE OF REPORT

The purpose of this report is to seek approval for the public exhibition of Camden's Draft Residential Strategy which is **provided as Attachment 1**.

BACKGROUND

In September 2005, Council received funds from the Department of Planning through the Planning Reform Funds program to undertake a review of the Camden Residential Strategy.

The project was expected to commence in November 2005, but commencement was deferred in part awaiting the finalisation of the South West Growth Centre Structure Plans.

This review has now been completed and the draft strategy is ready for public exhibition.

MAIN REPORT

Draft Residential Strategy

The current Camden Residential Strategy was completed in 1997 and focussed on opportunities to provide a mix of housing opportunities in the developing urban communities of Camden and to promote increased densities in the new release areas of Elderslie and Spring Farm, to meet the State Government's housing targets. Many of the residential development opportunities identified in the current Residential Strategy have either been taken up or are currently in the process of being taken up.

Significantly for Camden, the Metropolitan Strategy for Sydney released in 2005 identified considerable population growth in the Camden Local Government area over the next 30 years. This targeted growth will largely be accommodated in new suburbs in the South West Growth Centre and in existing areas as identified and zoned for in the current planning program.

In addition to population growth, other significant changes have occurred, including growth in commercial and retail centres and changes in household make-up. Other matters that influence residential planning have also changed, including changes in planning concepts and principles and changes in the market response to housing. As a result of these changes, the 1997 Residential Strategy needs updating to respond to

this altered environment.

The review process of the Residential Strategy has been comprehensive and involved extensive input by internal staff in the form of background papers and review of the draft strategy. Additional studies were also commissioned where specific expert advice wasn't available within Council. These studies covered a Housing Market Assessment, an analysis of Drivers of Change in Residential Development, and an Infrastructure Analysis. **These background studies have been provided to Councillors under separate cover (CD).**

A key element of the review was the formation of a Steering Committee. This committee consisted of three Councillors, two industry specialists, two state government representatives and three community representatives. They are detailed as follows: Peter Johnson; Eva Campbell; Fred Anderson; Claire Larken; Kerrie Moore; Cho Cho Myint; Lance Rickert; Jack Estephan; Peter Standen; and Leonie Kelly;

In reviewing Camden's Residential Strategy, Council has an opportunity to find a way to house our growing population without destroying the special character and lifestyle of the area. It is an opportunity to help ensure that the needs and desires of the existing community and future community are understood and considered.

What the Residential Strategy Does

The Residential Strategy provides a new model for residential development, seeking to achieve: housing diversity; greater distribution of diverse housing; fine grained planning; and improved local character. The new Residential Strategy also reviews and provides recommendations for other issues related to housing policy that Camden is facing now and will continue to face in the future. These issues are: the planning framework; transport; Camden's economy; environmental issues; community development; community facilities; and infrastructure.

One of the recommendations outlined in the strategy is to prepare an Action Plan to allocate responsibility and timeframes for these recommendations. It should be noted some of the recommendations will require additional funding. The 2008/2009 Discretionary Project Bid list is considered the most appropriate mechanism to facilitate inclusion of projects that may come out of these recommendations.

It is important to note that the Camden Residential Strategy 2008 doesn't identify any areas for rezoning but is intended to provide a policy framework. This policy framework, together with a range of policy documents and planning instruments, will guide the form and character of housing in Camden in the future.

Public Exhibition Strategy

It is intended that the draft Residential Strategy will be publicly exhibited for a period of four (4) weeks. The exhibition will be conducted as follows:

1. Static displays will be available at:
 - Narellan Customer Service Centre, Queen Street, Narellan

- Narellan Library
- Camden Customer Service Centre, John Street, Camden
- Camden Library

The static displays will provide an information sheet outlining exhibition details and a brief outline of what a Residential Strategy is and what is intended to be achieved with the draft Residential Strategy, the draft Residential Strategy and the supporting studies. There will also be copies of these documents available for viewing and CDs of the draft Residential Strategy and the supporting studies available on request.

2. An advertisement will be placed in the Camden Advertiser for weeks 1 and 3 of the exhibition period.
3. The exhibition material will be available on the Council website for the length of the exhibition period.

At the conclusion of the four (4) week public exhibition period, a report will be submitted to Council detailing submissions received and providing recommendation to Council to adopt the draft Residential Strategy.

CONCLUSION

The draft Residential Strategy is an important step to achieve good residential development and a sustainable community within Camden LGA in the future. It will offer a means of providing a more diverse housing product, including affordable and adaptable housing while trying to balance the needs of existing and future residents. It also takes into consideration and offers recommendations for a range of issues relating to housing in Camden.

RECOMMENDED

That Council endorse the exhibition of the draft Residential Strategy for a period of four (4) weeks.

ATTACHMENTS

Attachment 1 - Camden Residential Strategy

Attachments under separate cover - housing market assessment; analysis of drivers of change in residential development; infrastructure analysis



Camden Residential Strategy V 2.doc

RESOLUTION

Moved Councillor Elliott, Seconded Councillor Anderson that Council endorse the exhibition of the draft Residential Strategy for a period of four (4) weeks.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD197/08

ACTIONS

[Link to CRMS document](#)

[CRMS: 6985960 24/07/2008, 10:15:33 AM](#)

ORDINARY COUNCIL

ORD03

SUBJECT: CODE OF CONDUCT - ADOPTION OF REVISED MODEL CODE
FROM: Director Governance
FILE NO: Code of Conduct

PURPOSE OF REPORT

To advise Council of the revised Model Code of Conduct (the Code), highlight changes to the Code and to adopt the new Code.

BACKGROUND

Council is required by the Local Government Act to adopt a Code of Conduct and to review such Code within 12 months of each Council election. The Code applies to Councillors, staff and delegates and was last adopted by Council in 2005.

Over the past 12 months, the Department of Local Government has been conducting a review of the Code. Advice has now been received, the review has been completed and the revised Code was gazetted on 20 June, 2008 and took effect from that date. Councils are nonetheless, obliged to adopt the new Code.

MAIN REPORT

A copy of the Code of Conduct is **attached at the end of this Report**. The major changes to the Code of Conduct include:

- The membership of a Council's Conduct Committee will no longer include the General Manager or the Mayor. Councils will now be required to have a sole Conduct Reviewer or Conduct Review Committee that is independent of Council - although the General Manager or Mayor are still responsible for assessing complaints and making enquiries or causing enquiries to be made into complaints that allege a breach of the Code. (Part 3 Procedures - Complaint Handling Procedures & Sanctions)
- Council must resolve to appoint independent persons to comprise the Conduct Review Committee or to act as sole Conduct Reviewers. (Clause 12.12)
- The Conduct Review Committee will have 3 or more appropriately qualified persons of high standing in the community. (Clause 14.3)
- The Code also contains operating guidelines which are the minimum requirements for the conduct of a Reviewer or Review Committee. Members of a Council Conduct Review Committee must be independent of Council. (Clause 14)
- The complaint handling function of the Conduct Review Committee is limited to enquiries into and reporting on complaints for breach of the Code of Conduct. Complaints regarding pecuniary interest matters are still reported to the Director General of the Department of Local Government. (Clause 14.1)

- There is now an obligation on the General Manager to report annually to Council on the number of complaints received, the nature and issues raised by the complainants and the outcome of the complaints.(Clause 12.33)
- A Council official who has a non-pecuniary conflict of interest will now have to decide whether the conflict of interest is significant or not significant. A significant non-pecuniary conflict of interest is one that involves a relationship between a Council Official and another person that is particularly close, including a family relationship, friendship or business relationship. (Clause 7.13 et seq)
- Political donations exceeding \$1,000 now give rise to a non-pecuniary interest (Clause 7.23) and a Councillor must have no involvement in the matter relating to the donor by absenting themselves from taking part in, any debate or voting on the matter. Political donations under \$1,000 may also give rise to a non-pecuniary conflict of interest depending on the significance of any conflict.
- The interests of a Councillor in their re-election is considered to be a private interest and no reimbursement of travel expenses incurred, use of Council letterhead, crests or other information on election matters is permissible - the use of such resources constitutes a breach of the Code. (Clause 10.16)
- A new clause requires Councillors to comply with a Council resolution requiring them to take action as a result of a breach.
- It is now made clear that any person is permitted to make a complaint of a breach of the Code to the General Manager or Mayor. (Clause 11.1)
- The Code now applies to Administrators.
- A breach of the Code will occur where a Councillor or Administrator makes personal attacks on Council staff in a public forum.

Guidelines to assist Councils interpret the revised Code have not yet been released.

The "Complaint Handling Procedures and Sanctions" section (Part 3) and the Complaint Assessment Criteria (Clause 13) now provide for the use of a range of methods for the resolution of complaints, gives clearer guidance about the referral of complaints to the Conduct Review Committee/Sole Reviewers, clarifies the role of the Mayor and General Manager and provides for annual reporting to Council of a summary of the complaints received.

The Code has been modified to incorporate particular provisions relating to Camden in order to supplement the Code to be of greater benefit to staff and delegates in interpreting and complying with the Code.

Council must resolve to appoint at least 3 persons, independent of Council, to comprise the Conduct Review Committee or to appoint Sole Reviewers. Members of the Committee should be appropriately qualified persons of high standing in the community, but need not be residents of the Camden LGA and may act as members of Committees in more than one Council.

The Code, as presented by the Department, reflects the worst case scenario in dealing with breaches of pecuniary interest and conflict of interest cases experienced by local government over the past 4 years with administrators being appointed to several Councils as a result of breaches. It should be highlighted that Camden Council has not had any instances of breaches of the Code.

The Conduct Review Committee provisions impose yet further additional costs to

Council in advertising, implementing and remunerating members of the Committee/Sole Reviewer. To date, no guidance has been provided on these matters by the Department nor has any funding source been identified.

It is, nonetheless, acknowledged an up to date and comprehensive Code of Conduct is required in order to provide sufficient guidance to Council Officials in satisfactorily managing this complex subject.

CONCLUSION

The new Code has made significant changes and impacts the manner in which Councillors deal with pecuniary interests, significant non-pecuniary interests, political donations, reporting breaches and procedures. It affects many key areas of Councillor conduct and Councillors should be fully conversant with the new requirements.

Council is required to adopt the new Code as soon as possible, notwithstanding the incoming Council will still be required to review the new Code within 12 months of the election. Training will be provided to Councillors on the Code and a workshop will be scheduled following the election, facilitated by an external party, to work through the changes in the Code. Council staff will also be made aware of the new Code by way of specific training with new staff being introduced to the Code during induction sessions.

Council is also required to resolve to appoint the Conduct Review Committee or Sole Reviewers. However, due to the imminent Local Government election and the delay by the Department in issuing the guidelines to expand and elaborate on the implementation of the Conduct Review Committee, it is appropriate to adopt the new Code, as required, and to call for Expressions of Interest for membership of the Conduct Review Committee with the appointment of representatives to be made by the new Council.

RECOMMENDED

That Council:

- i. adopt the Code of Conduct for application to Councillors, members of Staff and Delegates of Council, as attached to this Report to be applicable from 22 July 2008;**
- ii. call for Expressions of Interest from appropriately qualified persons of high standing in the community and independent of Council for appointment to the Conduct Review Committee, with a further report provided to Council on the response and the appointment of the Committee or Sole Reviewers;**
- iii. arrange a Councillor Workshop and re-adopt the Code of Conduct as soon as practicable following the 2008 Local Government Election;**
- iv. promote the requirements of the new Code of Conduct to all Council staff and delegates through appropriate training sessions.**

ATTACHMENTS



2008 Code of Conduct.doc

RESOLUTION

Moved Councillor Cagney, Seconded Councillor Elliott that Council:

- i. adopt the Code of Conduct for application to Councillors, members of Staff and Delegates of Council, as attached to this Report to be applicable from 22 July 2008;
- ii. call for Expressions of Interest from appropriately qualified persons of high standing in the community and independent of Council for appointment to the Conduct Review Committee, with a further report provided to Council on the response and the appointment of the Committee or Sole Reviewers;
- iii. arrange a Councillor Workshop and re-adopt the Code of Conduct as soon as practicable following the 2008 Local Government Election;
- iv. promote the requirements of the new Code of Conduct to all Council staff and delegates through appropriate training sessions.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD198/08

ACTIONS

[Link to CRMS document](#)

[CRMS: 6986055 24/07/2008, 10:15:43 AM](#)

ORDINARY COUNCIL

ORD04

SUBJECT: DETERMINATION OF COUNCILLOR FEES - 2008/2009 - LOCAL GOVERNMENT REMUNERATION TRIBUNAL
FROM: Director Governance
FILE NO:

PURPOSE

To advise Councillors of a determination by the Local Government Remuneration Tribunal of the level of Councillor and Mayoral fees payable for the 2008/09 year.

MAIN REPORT

The Local Government Remuneration Tribunal sets the range of fees for all Councillors and Mayors in NSW each year. The Tribunal has concluded the 2008 annual review and, having regard to key economic data and the views of the assessors, it has determined that an increase of 4% in fees for Councillors and Mayors is appropriate. The increases are effective on and from 1 July 2008. Camden Council is a Category 2 Council and the new annual fees payable are as follows:

	Councillor Annual Fee		Mayoral Fees	
	Minimum	Maximum	Minimum	Maximum
Category 2 Council	\$6,870	\$15,120	\$14,610	\$33,010

The current fee payable to Councillors is \$14,540 (current maximum per annum) and \$31,740 (current maximum per annum) for the Mayor and was set by Council in May, 2007 to be effective from 1 July, 2007.

The Tribunal again rejected linking Mayors and Councillors fees to those of MP's for the reasons expressed in its 2007 Report.

It is also interesting to note, the Tribunal stated in its report "... *that Councils spend a large proportion of their time on planning matters and that these are currently sible to the subject of reform by the State Government. The Tribunal will monitor the impact of these reforms on Councils' workloads and responsibilities over the coming year.*" The Tribunal also gave consideration to whether the level of fees payable to councillors and mayors is sufficient to attract good candidates to stand for election.

As part of the 2009 annual review, the Tribunal will be seeking detailed information from Councils in regard to categorisation in a review of categories of Councils.

It is now a matter for Council to determine the level of fees payable to Councillors and the Mayor for the 2008/09 year within the range set by the Tribunal. It is considered entirely appropriate for Council to resolve in accordance with the Tribunal's recommendation.

The 2008/09 Budget allocation for Mayoral and Councillor allowances can accommodate the maximum fee increase.

RECOMMENDED

That Council adopt the maximum Councillor and Mayoral allowance fees for 2008/09 being \$15,120 for Councillors and \$33,010 for the Mayor.

RESOLUTION

MOTION

Moved Councillor Dewbery, Seconded Councillor Johnson that Council defer the consideration of the determination of Councillor fees until after the Council election on 13 September 2008 and a report be brought back to Council at the end of October 2008.

THE MOTION ON BEING PUT WAS **CARRIED**.

(Councillors Campbell, Whiteman and Anderson voted against the Motion).

ORD199/08

ACTIONS

[Link to CRMS document](#)

[CRMS: 6986124 24/07/2008, 10:15:56 AM](#)

ORDINARY COUNCIL

ORD05

SUBJECT: SUBMISSION OF MOTIONS - 2008 LOCAL GOVERNMENT
ASSOCIATION ANNUAL CONFERENCE - BROKEN HILL
FROM: Director Governance
FILE NO: Local Government Conference

The 2008 LGA Conference will be held in Broken Hill from Saturday 25 October to Wednesday, 29 October 2008.

For the information of Councillors, details of Councillor representation and travel arrangements for the Conference will be determined after the 2008 September Local Government election. However, accommodation has been booked for 4 delegates to attend.

Advice has now been received seeking the following from Council:

Submission of Motions to the Conference

The Association seeks Motions for debate at the Conference. Motions seeking to alter existing policy or introduce new policies will be scheduled for debate. Motions seeking to vary existing policy or to address new or emerging policy issues will be classified as Category One. Motions reaffirming existing policy or calling for actions to be taken within existing policy, will be classified as Category Two.

Motions should be in a prescribed format and should also include detailed supporting notes.

Motions must be received **by the Local Government Association** by 5pm **MONDAY 11 AUGUST 2008** to be eligible for inclusion in the Conference Business Paper.

Due to the Council Meeting schedule and in order to meet the LGA deadline, it is suggested Councillors who wish to submit a motion to the 2008 LGA Conference should lodge the motion with the General Manager by Monday 1 August 2008. Any motions received by the General Manager will be reviewed by the General Manager in conjunction with the Mayor for approval and be lodged with the LGA by their deadline of 11 August, 2008 and Councillors advised by Memorandum.

RECOMMENDED

That:

- i. **any Councillor wishing to lodge a Motion to the 2008 LGA Annual Conference should submit the motion to the General Manager by Monday 1 August 2008.**
- ii. **any motions submitted to the General Manager will be considered by the**

General Manager and the Mayor for approval and to be lodged with the LGA by the deadline of 11 August, 2008.

- iii. a memorandum listing any motions submitted to the Local Government Conference be sent to all Councillors.

RESOLUTION

Moved Councillor Campbell, Seconded Councillor Anderson that:

- i. any Councillor wishing to lodge a Motion to the 2008 LGA Annual Conference should submit the motion to the General Manager by Monday 1 August 2008.
- ii. any motions submitted to the General Manager will be considered by the General Manager and the Mayor for approval and to be lodged with the LGA by the deadline of 11 August, 2008.
- iii. a memorandum listing any motions submitted to the Local Government Conference be sent to all Councillors.

THE MOTION ON BEING PUT WAS **CARRIED**.

(Councillor Johnson left the Chamber, the time being 7.30pm.

Councillor Johnson returned to the Chamber, the time being 7.32pm).

ORD200/08

ACTIONS

[Link to CRMS document](#)

[CRMS: 6986221 24/07/2008, 10:16:07 AM](#)

ORDINARY COUNCIL

ORD06

SUBJECT: CAMDEN CIVIC CENTRE MUSICAL FEE RELIEF POLICY -
APPLICATION FOR FUNDING

FROM: Director Works and Services

FILE NO: Community Services/Grants and Subsidies/Funding/Donations 2008

PURPOSE OF REPORT

To seek Council approval to allocate funding to two local groups under Council's Civic Centre Fee Relief for Musical Performance Policy.

The two requests are for:

- Fishers Gig - Heat Competition
- Opera Highlights – Macarthur Singers Inc.

BACKGROUND

Council provides a small amount of funds as fee relief for not-for-profit groups providing musical or performing arts performances at the Camden Civic Centre. These funds increase venue accessibility to groups wishing to provide performances for our community. One of the activities, Fishers Gig heats, will provide an opportunity for Camden's young people to participate in a regional music competition with heats held in Camden rather than in Campbelltown, which is where all the heats for the competition are usually held.

The funding rounds are usually open in March and September of each year. However, the current applications are for performances which fall in between the funding rounds and need to be considered.

Council provides an allocation of \$10,000 (excl GST) annually for consideration of fee relief under this policy. The amount was not fully expended in 2007/08.

MAIN REPORT

Objectives

The objectives of the policy are:

- to increase accessibility to the Civic Centre venue, providing improved opportunities for musical and performance groups to utilise the facility;
- to enhance community awareness and involvement in performance arts;
- to enhance community well-being, sense of belonging through exposure to high quality cultural events and activities.

Categories

Applications for Musical Performance Fee Relief are open to:

- local, not-for-profit musical groups;
- projects where there may be no other source of funding available; or
- performances which offer free entry or nominal entry fee.

Applicants and performances can include musical groups, individual performers, musical theatre, theatre plays and dance performances.

Eligibility

- Applications are specific to musical performances scheduled to be held at Camden Civic Centre and must coincide with the availability of the facility;
- Fee subsidy is available to non government organisations who are not for profit and/or community groups based in the Camden LGA or undertaking a performance of direct benefit to the community and people of Camden LGA; and
- Applications may be for a portion of venue costs up to the value of the cost and not exceeding \$1,320 (incl GST).

Applications

Council has received two applications for Musical Fee Relief:

- Fishers Gig Heat Competition being dually hosted by Camden and Campbelltown Councils. Fishers Gig is an annual event held on 1 November in conjunction with the Fishers Ghost Festival, attracting over 1000 young people Macarthur wide. Fishers Gig heats, to be held at the Camden Civic Centre on 29/8/08, 12/9/08 and 26/9/08 will allow bands to play and compete for their chance to play at Fishers Gig. Holding the activity at the Civic Centre will allow young people the opportunity to have access to live entertainment in the Camden LGA, as well as provide the opportunity for young musicians to perform locally. This activity is usually held in Campbelltown but organisers have been encouraged to hold heats locally. This will depend though on financial assistance being available to offset the costs. Amount requested: \$1320 (incl GST).
- Opera Highlights is an event planned for early September 2008 to be performed by Macarthur Singers Inc and Fishers Ghost Youth Orchestra. The Macarthur Singers choir of approximately 60 people will be performing highlights from operas with the Fishers Ghost Youth Orchestra who will also be performing musical pieces. Amount requested: \$1320 (incl GST).

Both applications were assessed against policy guidelines and both vary slightly from policy.

The Fishers Gig Heats are an activity of Campbelltown and Camden Councils and technically fall outside the policy guidelines which state that the funds are for non government organisations. The support by both Campbelltown and Camden Councils for these heats is in keeping with a number of other desirable objectives including local young performers accessing the venue and also providing entertainment within our LGA for young people. This application therefore is supported.

For the Macarthur Singers Inc performance of Opera Highlights on Sunday 14 September, the organisers have indicated an entry fee of \$20 will be charged. This entry fee is required to cover the expensive cost of musical equipment, scores and payment for a conductor for the performance. This fee is outside the policy requirement for the entry fee to be no more than \$10. This entry fee needs to be compared with the recent performances of the WIN Wollongong Symphony Orchestra, where tickets were \$40 per adult and students were \$20 per ticket. Macarthur Singers have advised that a fee less than \$20 would result in the organisation suffering a loss and them not being able to provide this performance at our venue.

CONCLUSION

Both applications will provide opportunities which meet the objectives of the Civic Centre Musical Fee Relief Policy by providing opportunities for local performers and local people to enjoy performances in Camden. The request for support of the Fishers Ghost Gig heats is recommended to Council for approval.

However, the performance by Macarthur Singers Inc and Fishers Ghost Youth Orchestra will have a fee attached which exceeds that envisaged within Council policy. Approval of this request would set a precedent regarding Council support and the level of fees still charged to the public. For this reason this application is submitted to Council for consideration of approval.

RECOMMENDED

That Council:

- i. provide funds under the Council's Civic Centre Musical Fee Relief Policy for the Fishers Gig Heat Competitions (\$1320 incl GST).**
- ii. consider the request from Macarthur Singers and Fishers Ghost Youth Orchestra for funds under Council's Civic Centre Musical Fee Relief Policy to support the event of Opera Highlights (\$1320 incl GST).**
- iii. write to the applicants to advise them of the outcome.**

ATTACHMENTS

RESOLUTION

MOTION

Moved Councillor Campbell, Seconded Councillor Funnell that Council:

- i. provide funds under the Council's Civic Centre Musical Fee Relief Policy for the Fishers Gig Heat Competitions (\$1320 incl GST).**

- ii. approve the request from the Macarthur Singers and Fishers Ghost Youth Orchestra for funds under Council's Civic Centre Musical Fee Relief Policy to support the event of Opera Highlights (\$1320 incl GST).
- iii. write to the applicants to advise them of the outcome.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD201/08

ACTIONS

[Link to CRMS document](#)

[CRMS: 6986330 24/07/2008, 10:16:17 AM](#)

ORDINARY COUNCIL

NOTICE OF MOTION OF RESCISSION

SUBJECT: NOTICE OF MOTION OF RESCISSION - WARD FUNDS
FROM: Cr Fred Whiteman , Cr Cindy Cagney , Cr Fred Anderson
FILE NO:

We, the undersigned Councillors of the Council of Camden, hereby give notice of our intention to move the following Notice of Motion of Rescission in regard to Minute ORD191/08 of the Ordinary Council Meeting 8 July 2008:

"That no further Ward Funds be allocated or allowed until after the Council elections held in September 2008".

RECOMMENDED

That the Council resolution "Notice of Motion - Ward Funds" of the Ordinary Council Meeting 8 July 2008 (Minute ORD191/08) that no further Ward Funds be allocated or allowed until after the Council elections held in September 2008 be rescinded.

RESOLUTION

Moved Councillor Whiteman, Seconded Councillor Cagney that the Council resolution "Notice of Motion - Ward Funds" of the Ordinary Council Meeting 8 July 2008 (Minute ORD191/08) that no further Ward Funds be allocated or allowed until after the Council elections held in September 2008 be rescinded.

THE MOTION ON BEING PUT WAS **LOST**.
(Councillors Elliott, Dewbery, Patterson, Funnell and Johnson voted against the Motion).

ORD202/08

ACTIONS

[Link to CRMS document](#)

CRMS: 6986469 24/07/2008, 10:16:29 AM