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## **ORDINARY COUNCIL**

**SUBJECT: APOLOGIES**

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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**.

ORD200/10

### **ACTIONS**

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## ORDINARY COUNCIL

**SUBJECT: DECLARATION OF INTEREST**

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

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

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

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

### **RECOMMENDED**

**That the declarations be noted.**

### **RESOLUTION**

Councillor Funnell stated, in relation to Item ORD04, his Electrical Contracting company had completed work for Landcom in the Oran Park development, winning a contract through a competitive tender process and stated there is no conflict of interest.

Moved Councillor Symkowiak, Seconded Councillor Dewbery that the declarations be noted.

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

ORD201/10

### **ACTIONS**

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## **ORDINARY COUNCIL**

### **SUBJECT: PUBLIC ADDRESSES**

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

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

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

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

Public Addresses are 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**

Mr Jeff Boulous addressed Council in relation to Item ORD 04.  
Mr Peter Magpyo addressed Council in relation to Item ORD 05.  
Mr Nero Stipicic addressed Council in relation to Item ORD 04.  
Mr Greg Logan addressed Council in relation to Item ORD 04.

Moved Councillor Symkowiak, Seconded Councillor Warren that the public addresses be noted.

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

ORD202/10

## **ACTIONS**

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## **ORDINARY COUNCIL**

**SUBJECT: CONFIRMATION OF MINUTES**

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Confirm and adopt Minutes of the Ordinary Council Meeting held 14 September 2010, and the Minutes of the Local Traffic Committee Meeting, held 21 September 2010.

### **RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting held 14 September 2010, and the Minutes of the Local Traffic Committee Meeting held 21 September 2010, copies of which have been circulated, be confirmed and adopted.**

### **RESOLUTION**

Moved Councillor Cagney, Seconded Councillor Anderson that the Minutes of the Ordinary Council Meeting held 14 September 2010, and the Minutes of the Local Traffic Committee Meeting held 21 September 2010, copies of which have been circulated, be confirmed and adopted.

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

ORD203/10

### **ACTIONS**

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## ORDINARY COUNCIL

ORD01

**SUBJECT:** ELECTION OF MAYOR - 2010/2011 TERM  
**FROM:** General Manager  
**FILE NO:** Governance/General Council Meeting Issues

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The procedures to be followed in respect of the election of the Mayor are set out in Section 290 of the Local Government Act, 1993 (Timing), Clause 394 of the Local Government (General) Regulation 2005 (Method) and Schedule 7 of that Regulation.

To be nominated for election to the position of Mayor, a nomination form must be completed. The nomination form must be signed by two Councillors, one of whom may be the nominee and must indicate consent of the nominee. The forms must be delivered to the General Manager before 4.30pm on Tuesday 28 September 2010. To assist, a number of nomination forms have been issued under separate cover to each Councillor for this purpose.

If more than one nomination is received, Council will be required to resolve the method of voting. Three methods are available under the Regulation:

- Show of hands (self explanatory - open voting)
- Ordinary Ballot
- Preferential Ballot.

Once the method of voting is determined, with the exception of show of hands, voting ballot papers will be handed to each Councillor for completion. It is important that the ballot papers are completed correctly to ensure they are formal votes. Informal votes, i.e. those completed contrary to instructions, are excluded from the election count. In the event of a tied vote, i.e. two candidates with the same number of votes, the election is determined by the draw from a box. In the case of an exclusion to reduce the number of candidates to two, the first name drawn is excluded. In the case of a two candidate draw, the name drawn is declared the elected candidate.

Action required:

- (a) If only one candidate nominated - the General Manager will declare the candidate elected.
- (b) If more than one candidate nominated - Council to determine the method of voting as per the Report.

**RECOMMENDED**

**That :**

- i. Council determine the method of voting, if required; and**

- ii. an election be held at the Council Meeting of 28 September 2010 and once the result is known, the General Manager to declare the candidate with the majority, elected as Mayor for the 2010/2011 term.

## **RESOLUTION**

### **CHAIR OF MEETING.**

*The Mayor, Councillor Chris Patterson, vacated the Chair for the Election of the Mayor and Deputy Mayor and the General Manager assumed the role of the Chairperson, the time being 6.20pm.*

The General Manager, as Returning Officer stated three (3) valid nominations had been received for the position of Mayor, being Councillor Chris Patterson, Councillor Eva Campbell and Councillor Cindy Cagney, and as such the method of voting needed to be determined.

### **MOTION**

Moved Councillor Funnell, Seconded Councillor Cottrell that voting be by show of hands.

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

### **ELECTION OF MAYOR**

The General Manager then conducted the election and Councillors voted by way of show of hands. The General Manager stated Councillor Chris Patterson received five (5) votes, Councillor Anderson two (2) votes and Councillor Cagney two (2) votes. The General Manager then declared Councillor Chris Patteron to be elected to the position of Mayor for the 2010/2011 term.

ORD204/10

### **ACTIONS**

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## ORDINARY COUNCIL

ORD02

**SUBJECT:** ELECTION OF DEPUTY MAYOR - 2010/2011 TERM  
**FROM:** General Manager  
**FILE NO:** Governance/General Council Meeting Issues

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Unlike the position of Mayor, which is required by statute under Section 225 of the Local Government Act, 1993, the position of Deputy Mayor is optional (Section 231).

The position of Deputy Mayor does not involve any additional responsibilities or functional authorities beyond the normal role of a Councillor, except when requested by the Mayor or at times, when the Mayor is prevented by illness, absence or otherwise from carrying out the duties of office. In such times, the Deputy Mayor assumes the role and authorities of the Mayor as specified under Section 226 of the Act. Although optional, past practice has been to retain the position of Deputy Mayor each year.

The procedures required to be followed in respect of the election of Deputy Mayor are the same as that for the election of the Mayor. The same methods of voting apply and a decision is required to be made, if applicable.

To be nominated for election to the position, a nomination form must also be completed. The nomination must be signed by two Councillors, one of whom may be the nominee and must indicate the consent of the nominee. The form must be delivered to the General Manager by 4.30pm on Tuesday 28 September 2010. To assist, a number of nomination forms have been issued separately to each Councillor for this purpose.

Action required:

- (a) If only one candidate - the General Manager will declare the candidate elected.
- (b) If more than one candidate nominated - Council to determine the method of voting.

**RECOMMENDED**

**That:**

- i. Council determine the appointment of the position of Deputy Mayor;**
- ii. Council determine the method of voting, if required; and**
- iii. following the election at the Council Meeting of 28 September 2010 and once the result is known, the General Manager to declare the candidate with the majority, elected as Deputy Mayor for the 2010/2011 term.**

**RESOLUTION**

## **CHAIR OF MEETING**

The General Manager, as Chairperson of the Meeting and Returning Officer stated three (3) valid nominations had been received for the position of Deputy Mayor, being Councillor Eva Campbell, Councillor Cindy Cagney and Councillor Lara Symkowiak, and as such the method of voting needed to be determined.

At this stage, Councillor Cagney withdrew her nomination for Deputy Mayor.

## **MOTION**

Moved Councillor Funnell, Seconded Councillor Cottrell that voting be by show of hands.

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

## **ELECTION OF DEPUTY MAYOR**

The General Manager then conducted the election and Councillors voted by way of show of hands. The General Manager stated Councillor Lara Symkowiak received seven (7) votes and Councillor Campbell two (2) votes. The General Manager then declared Councillor Symkowiak elected Deputy Mayor for the 2010/2011 term.

## **CHAIRMANSHIP OF MEETING**

The Mayor, Councillor Chris Patterson, assumed the role of Chairperson for the remainder of the Meeting, the time being 6.30pm.

ORD205/10

## **ACTIONS**

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## ORDINARY COUNCIL

**ORD03**

**SUBJECT:** ELECTION OF COMMITTEES - COUNCILLOR REPRESENTATION  
**FROM:** General Manager  
**FILE NO:** Governance/General Council Meeting Issues

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Following the election of the Mayor and Deputy Mayor, it is normal procedure to re-appoint Councillor representatives to various internal Committees and external Government/Council Committees for the ensuing twelve (12) month period.

At this time, it is only necessary to review the representation on internal and external Committees. Ministerial appointments and "length of term" appointments do not require resolution at this time.

A list of the relevant Committees and Councillor representation is **attached to the report**.

### RECOMMENDED

**That Council identify Committee membership requiring change and make changes accordingly.**

### ATTACHMENTS

Councillor Representation



Clr Rep on Committees 2009\_10.doc

### RESOLUTION

#### MOTION

Moved Councillor Cagney, Seconded Councillor Anderson that Councillor representation on Committees remain unchanged and as identified in the attachment to the Report.

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

ORD206/10

#### **ACTIONS**

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## ORDINARY COUNCIL

ORD04

**SUBJECT:** PROPOSED RENAMING OF ROAD AND NAMING OF NEW  
ROADS IN ORAN PARK  
**FROM:** Director Development and Health  
**FILE NO:** Binder: Development/Land Use & Planning/GLIS/Land  
Information/Road Naming

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### PURPOSE OF REPORT

The purpose of this report is to allow Council to further consider a proposal to rename parts of Cobbitty Road (between Camden Valley Way and The Northern Road) to Oran Park Drive and Cobbitty Road East.

### BACKGROUND

The Greenfields Development Company requested that the part of Cobbitty Road between Camden Valley Way, Catherine Field and the new entrance to the suburb of Oran Park be renamed Oran Park Drive. Oran Park Drive would begin at Camden Valley Way and extend through to the Oran Park Town Centre.

The remaining section of the roadway was proposed to be renamed Cobbitty Road East and would begin at The Northern Road and end at the proposed Oran Park Drive. **A map showing the proposed locations at which the name changes would be applied is provided at the end of this report.**

Ongoing liaison has occurred with the developer partner via the Oran Park Development Working Group, which includes Council officers. The suggested name change related to the history of the use of part of the land as a raceway.

Initial advice was sought from the Department of Lands regarding the renaming of part of Cobbitty Road. That advice was that the Department of Lands raised objection to part of the proposal.

The reason for that objection was the proposal would leave Cobbitty Road East unconnected to the remainder of Cobbitty Road. This disconnection would be brought about by an existing small section of The Northern Road. The Department believed this may cause confusion.

It was considered by Council officers that this was not different to the present situation whereby Cobbitty Road is also broken at The Northern Road. Indeed, it is arguable that the proposed name change would actually reduce confusion as it recognises the discontinuity caused by The Northern Road.

In any event, if Council wishes to pursue the name change of the road between (proposed) Oran Park Drive and The Northern Road, to Cobbitty Road East, it has the

ability to seek further consideration by the Department of Lands, provided it states why it believes the name change is valid.

Alternatively, Council may resolve to endorse an alternative name for this section of Cobbitty Road, to be referred to the Geographical Names Board (GNB) for its consideration.

The proposed name change to part of Cobbitty Road was considered by Council at the Meeting of 10 August 2010.

At that time, Council resolved to:

- i. endorse the list of proposed road names for the Oran Park development, with the exception of those provided in this report;*
- ii. endorse the use of the name "Dick Johnson" for the Oran Park development; and*
- iii. refer the proposed road name list including the name "Dick Johnson" to the GNB, seeking its approval.*

The effect of this resolution was to not endorse any name changes to part of Cobbitty Road.

Subsequent to this resolution, Council received letters from a range of stakeholders in relation to the proposal.

At the meeting of 14 September 2010 Council considered a Notice of Motion that a further report be provided to Council on the proposed renaming of part of Cobbitty Road. Council resolved to seek this further report, which is now provided.

## **MAIN REPORT**

The proposed name change was originally notified last year. During the 30 day notification period, one submission was received. This submission was detailed in the report considered by Council on 10 August 2010.

The merits of the proposed name change of part of Cobbitty Road were also detailed in the report to the Council Meeting of 10 August 2010.

Subsequent to that meeting, a range of submissions were received from various stakeholders. **These submissions are included in the Business Paper supporting documents.**

During the original newspaper notification by Council last year, a submission was received. This submission objecting to the proposal was discussed in the report that was considered by Council on 10 August 2010.

Since that notification, e-mail correspondence has been received from a further objector to the proposal.

At a meeting with affected land owners on 1 June 2010, concerns about the proposal

were expressed. The meeting and the objections were also detailed in the previous report.

In addition, a resident spoke against the proposal at the previous meeting.

Since the meeting of 10 August 2010, eighteen letters have been received by Council in support of the proposed road name change. Two people have written two letters.

Nine of these letters were from businesses, two letters were from churches and seven letters were from residents.

The road naming authority in this circumstance is Council. The procedure to be followed if the proposed name change is to be endorsed by Council is:

- 1 Council must publish the proposal in the local newspaper and hold a 30 day exhibition.
- 2 Council needs to ensure that the notice on this matter states that written submissions on the names may be made to Council.
- 3 Council serves notice of the proposal on Australia Post, Registrar General, Surveyor General and in the case of a classified road, on the RTA.
- 4 After the exhibition, if it is still proposed, Council writes to the Department of Lands setting out reasons for seeking the renaming of part of Cobbitty Road.
- 5 If the names are approved, then they are published in the NSW Government Gazette and in local newspapers.
- 6 Council informs Australia Post, the Registrar General, Surveyor General and the RTA.

Steps 1 to 3 have been completed and it is now for Council to determine whether to proceed with the name changes.

Given the concerns raised by the GNB in relation to the proposal to rename that part of Cobbitty Road between The Northern Road and the new roundabout at the entrance to Oran Park as "Cobbitty Road East", Council may wish to consider an alternate name for that section.

If an alternate name is proposed, all of steps 1 to 6 above will need to be implemented. If Council wishes to proceed with the proposed name of "Cobbitty Road East" for this section, only Steps 4 to 6 would need to be progressed.

Of course if no name change is endorsed the steps outlined earlier will not be pursued any further.

## **CONCLUSION**

A request has been received to rename part of Cobbitty Road between The Northern Road to the new roundabout at the entrance to the Oran Park development as "Cobbitty Road East", and to rename that part of Cobbitty Road from the new roundabout to Camden Valley Way as Oran Park Drive.

Council did not resolve to support these proposals.

At a recent meeting, Council resolved to seek another report on the matter.

A report has been provided and Council is requested to resolve whether to endorse the proposed change of name of Cobbitty Road from The Northern Road, to Camden Valley Way.

## **RECOMMENDED**

**That Council:**

- i. resolve whether to give endorsement to the renaming of part of Cobbitty Road from the roundabout at the entrance to Oran Park to Camden Valley Way, to Oran Park Drive;**
- ii. resolve whether to give endorsement to the renaming of part of Cobbitty Road from The Northern Road, to the roundabout at the entrance to Oran Park, to Cobbitty Road East or some other name as endorsed; and**
- iii. proceed with the road renaming process outlined in this report.**

## **ATTACHMENTS**

1. Location plan
2. Submissions (sup doc)



Submission renaming Cobbitty Road.pdf



Submissions - renaming of part Cobbitty Road.pdf



Location Plan - Oran Park Drive.pdf

## **RESOLUTION**

### **MOTION**

Moved Councillor Dewbery, Seconded Councillor Cagney that Council:

- i. endorse the renaming of part of Cobbitty Road from the roundabout at the entrance to Oran Park to Camden Valley Way, to Oran Park Drive; and
- ii. proceed with the road renaming process outlined in this report.

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

(Councillors Dewbery, Funnell, Anderson, Cagney, Warren, Campbell and Cottrell voted in favour of the Motion.

Councillors Symkowiak and Patterson voted against the Motion).

### **FURTHER MOTION**

Moved Councillor Warren, Seconded Councillor Funnell that a further report to Council be prepared including a list of potential names for the renaming of the section of

Cobbitty Road from the Northern Road to the roundabout at the entrance of Oran Park.

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

(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Symkowiak, Patterson and Warren voted in favour of the Motion.

No Councillor voted against the Motion).

ORD207/10

## **ACTIONS**

[Link to CRMS document](#)

[CRMS: 12365536 29/09/2010, 11:23:26 AM](#)

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## ORDINARY COUNCIL

ORD05

**TWO STOREY DWELLING AT NO 18 (LOT 329 DP 1139677) LIZ KERNOHAN DRIVE, ELDERSLIE**

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<b>FROM:</b>	Director Development and Health
<b>FILE NO:</b>	Binder: Development Applications 2010
<b>DA NO:</b>	847/2010
<b>OWNER:</b>	P & L Magpayo
<b>APPLICANT:</b>	Macquarie Grove Constructions Pty Ltd
<b>ZONING:</b>	2d
<b>APPLICABLE PLANNING INSTRUMENT:</b>	LEP 117

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### PURPOSE OF REPORT

The purpose of this report is to seek a determination from Council of a Development Application for the construction of a two storey dwelling house. The application is referred to Council in accordance with its delegations as there are unresolved matters raised in submissions received from the public, as well as strict compliance with Camden Development Control Plan 2006 (the DCP) in relation to overshadowing/solar access not being achieved.

### SUMMARY OF RECOMMENDATION

It is recommended that Council approve the Development Application subject to the draft development consent conditions provided at the end of this report.

### BACKGROUND

The Development Application for the construction of a two storey dwelling house was received on 6 August 2010. The application was publicly notified between 12 August 2010 and 27 August 2010. Three submissions were received.

The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act (the Act) and is now able to be referred to Council for determination.

### THE SITE

The site is known as No 18 (Lot 329 DP 1139677) Liz Kernohan Drive, Elderslie, and is located on the corner of Rheinbergers Circuit. The site and surrounding area is part of the Camden Acres residential area. **A location map is provided at the end of this report.**

## THE PROPOSAL

Development consent is sought to construct a two storey dwelling house. The dwelling house is proposed to be constructed as a brick veneer and tiled roof dwelling on a concrete floor slab. The house is proposed to be setback 6m to Liz Kernohan Drive (to the front façade) with a front porch/balcony encroachment to 4.45m.

The secondary (Rheinbergers Circuit) setback is proposed to be a minimum of 2.70m. The setback for the rear open alfresco area is proposed at 4.033m, while the single storey portion of the house is proposed at a 7.33m setback. A rear setback of 11.96m to the two storey portion of the dwelling is proposed. The siting of the proposed dwelling complies with the relevant controls in the DCP.

The site is also encumbered by an easement for a pad-mount electrical substation located in the north-western corner of the site. The site is generally level. **A copy of the proposed plans are provided at the end of this report.**

## NOTIFICATION

Surrounding neighbours were notified of the application between 12 August and 27 August 2010. A total of three (3) submissions were received objecting to the proposal.

The submissions are assessed in the "Any submissions received" section of this report. **Copies of the submissions are provided with the Business Paper supporting documents.**

## PLANNING CONTROLS

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

- Camden LEP 117
- Draft Camden LEP 2010
- Camden DCP 2006

## ASSESSMENT

The application has been assessed in accordance with Section 79C of the EP & A Act, 1979. The following comments are made with respect to the critical aspects of the application.

### **(a) (i) the provisions of any environmental planning instrument**

#### Camden LEP 117

Camden LEP 2010 was endorsed by Council at the meeting of 24 November 2009 and gazetted on 3 September 2010.

Notwithstanding, the environmental planning instrument applying to the land at the time of lodgment of the application was Camden LEP 117 (the LEP). As such, this is the

relevant LEP to be used in the assessment of this application. The land under this planning instrument is zoned 'Residential 2d (Residential Zone)'. The proposed development does not contravene any of the objectives of the zone and is not a prohibited use.

The following relevant development standards or clauses in LEP 117 are considered to apply to the intended development:

*Clause 20 – Height of buildings*

The proposed dwelling house complies with the clause in the LEP that limits dwelling houses generally to a two storey height, or three stories where development occurs in the roof space.

There are no other relevant development standards or clauses applying to the site.

**(a) (ii) any draft environmental planning instrument**

Camden LEP 2010

Camden LEP 2010 was an exhibited draft environmental planning instrument at the time of lodgment of the application. Clause 1.8A of the Camden LEP 2010 titled 'Savings provision relating to development applications', states, inter alia, that 'any application received on or before 2 September 2010 and which has not yet been determined, must be determined as if this Plan had not commenced'. This means that for any DA received on or before Thursday 2 September 2010, the previous LEP applying to the site should be used as the primary planning instrument when determining the application, and the Camden LEP 2010 must be considered as a draft LEP.

In LEP 2010 the land is zoned 'R1 General Residential'. The proposed development does not contravene any of the objectives of the zone.

The only relevant development standard in the Draft LEP that applies to the intended development is Clause 4.3 – Height of Buildings. This clause limits development on the site to less than 9.5m in building height. The ridge height of the proposed dwelling house, being approximately 8.7m above natural ground level, complies with this clause.

**(a) (iii) any development control plan**

Camden DCP 2006

The following provisions of the DCP apply to the development application:

Part E Chapter 2 – Detached dwellings and multi-unit housing

The proposed two storey dwelling is considered to comply with all the relevant requirements of Part E Chapter 2 of the DCP. A summary of the compliance with this chapter is as follows:

- a. Rear setbacks – The proposed dwelling house complies with the rear setbacks by

providing for a minimum of 6m for two storey and 4m for single storey portions of the building. The setback for the rear open Alfresco is proposed at 4.03m, while the single storey portion of the house is proposed at a 7.33m setback. The two storey portion of the house is proposed to be setback 11.96m from the rear boundary. The rear setbacks are therefore satisfactory.

- b. Two storey wall lengths – The two storey wall lengths of the upper floors complies with the DCP requirements for wall lengths, with an appropriate stagger and overall length proposed for this two storey wall.

#### Part G Chapter 4 – Elderslie Release Area

The proposed two storey dwelling is considered to comply with all the relevant requirements of Part G Chapter 4 of Camden DCP 2006. A summary of the compliance with Part 3 'The Private Domain' is as follows:

- a. Front street setbacks – The 6m minimum (Link road) setback to the front façade is satisfactory. The front porch is allowed to encroach a further 2.5m closer, with the proposed 4.46m setback for the porch/balcony being satisfactory.
- b. Secondary street setbacks – The 2.70m proposed secondary street setback is greater than the 1m minimum to a 'General road'.
- c. Garage setbacks – The garage setback is required to be more than 5.5m, and behind the main wall of the house. The proposed garage setback is at a distance of more than 6m to Liz Kernohan Drive and behind front house wall.
- d. Solar access and overshadowing – Solar access and overshadowing is considered to comply with the objectives for these controls in the DCP.
- e. Side setbacks – The 1.3m, closest side setback is satisfactory and greater than the 1.2m required in the DCP.
- f. Private open space – 30% private open space is achieved, including a satisfactory principal private open space area and location.
- g. Privacy – The impacts of the development on privacy to neighbours is considered to comply with the DCP.
- h. Design for climate – The proposed design is considered to comply with DCP provisions, including the provision of eaves.
- i. Cut and fill – Due to the very flat nature of the allotment of land, cut and fill levels are not excessive and comply with the DCP.
- j. Parking and access – Car parking spaces and access to the development complies with the DCP requirements, with two parking spaces being provided. The proposed garage design is considered to be satisfactory and garage door widths are less than 40% of the front façade width.
- k. Streetscape and safety – The design of the dwelling house is considered to comply with the DCP. Passive surveillance of both street frontages is available through the proposed living/study windows.
- l. Fencing – The proposed fence design and locations are considered to comply with the requirements of the DCP.

The relevant controls set out under section 2.4.2 of the DCP as applying to development around Rheinbergers Hill (which requires certain heritage controls such as building height) does not apply to this site.

**(a) (iiia) any planning agreements**

There are no planning agreements relating to this proposal.

**(a) (iv) the regulations**

There are no provisions within the regulations that apply to the development.

**(b) the likely impacts of the development**

Section 79C requires Council to consider the likely impact of a development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality.

These impacts are considered to be satisfactory, as the dwelling house development involves a development which was intended as part of the original subdivision of the site.

The development will have minimal environmental impacts on both the natural and built environments, and the social impacts of a proposed dwelling house are of a positive and acceptable nature.

**(c) the suitability of the site for the development**

The site is considered to be suitable for the development.

A site restriction that needs to be noted is the pad-mount electrical substation that encumbers the northern corner of the site. The dwelling house is considered to be appropriately designed in relation to this significant site restriction which limits house designs for this allotment.

There are no other risk factors associated with the site that would restrict the intended development.

**(d) any submissions received**

The development application was publicly notified in accordance with the provisions of Part C Chapter 2 of the DCP.

Three (3) submission letters were received from the public when this application was publicly notified. The three submissions were from surrounding lots to the development site, being from the owners of Lot 308 and 309 Gunn Way, and Lot 328 Liz Kernohan Drive. The issues raised in the three submissions are as follows:

1. *No two storey homes are permitted in this area*

*Officer comment:*

All three submissions stated that at the time of purchase of their land they were advised that no two storey homes would be permitted in this area of Camden Acres.

Homes currently built along Liz Kernohan Drive are predominately single storey, however a number of two storey homes in the close vicinity of the allotment have been approved and are under construction.

It is noted that since the gazettal of Camden LEP 117, two storey development has always been permissible. There is no restriction in the 88b instrument applying to the land that limits the height of buildings on this allotment to single storey.

The DCP has a provision relating to single storey homes in certain areas of Elderslie. Section 3.2.2 of Part G Chapter 4 advises that “dwellings adjoining existing residences in Elderslie and Narellan are limited to a single storey”. This clause applies to dwellings existing outside of the new Elderslie release area. This allotment of land does not adjoin these existing residences in Elderslie and Narellan and therefore this control does not apply.

A letter of plan approval/endorsement from the land developer, ‘Crownland Developments’, also accompanies the development application.

## 2. *Privacy impacts*

### *Officer comment:*

The three objections relate to privacy impacts on neighbours from the upper floor of the proposed two storey dwelling house. The floor plans show that three windows are provided along the rear elevation, two from bedrooms and one from a bathroom (facing Lots 309/308).

One ensuite window faces the eastern neighbour (Lot 328). A balcony is proposed along the front elevation of the dwelling house, and provides access to a rumpus room that faces the street.

Generally, ‘low stay rooms’ such as bedrooms and bathroom windows are not considered to provide any impacts on privacy on neighbours, and Council’s general practice has been to recognise these windows as not impacting on neighbours’ privacy. Section 3.2.4 of Part G Chapter 4 of the DCP however has specific requirements that apply to ‘habitable room windows’, and bedrooms are habitable rooms.

The DCP requires that “habitable room windows with a direct outlook to the principal area of the private open space or habitable room windows of an adjacent dwelling within 9m”, are to be designed to minimise the likelihood that privacy for occupiers of adjacent dwellings will be negatively impacted.

The rear habitable room bedroom windows are 11.96m from the rear allotment boundary and this setback therefore offers an appropriate privacy separation as required by the DCP to the private open space and habitable room windows of an

adjacent dwelling.

Lot 328, which is closest neighbour to the proposed dwelling, has no requirement for privacy protection under the DCP as only a non-habitable window (ensuite) has a direct outlook to this lot. This window is also proposed to be of obscured glazing. This DCP section also does not have controls for balconies (which in any event, face the street).

The objection from Lot 328 also states that the proposed two storey dwelling will impact upon their swimming pool in respect to privacy. The DCP has no consideration for privacy to swimming pools. Council records also show that no swimming pool approval or application for this lot exists (at time of DA lodgement).

The owners of Lot 309 also object on the basis that the privacy impacts on their windows from the proposed dwelling house will cause an increase in their energy bills, as the current natural heating of the home that occurs will not be able to occur (as their plantation shutters will be closed due to loss of privacy). The DCP has no requirement for this kind of consideration.

### 3. *Overshadowing impacts and solar access impacts*

*Officer comment:*

Objections were received from all three adjoining owners regarding the impacts of overshadowing from the proposed two storey dwelling.

The DCP has a number of controls for shadowing in various sections. The following sections are to be noted:

- *All dwellings are to have at least one principal living area with windows facing predominately north and capable of receiving at least 3 hours sunlight between 9am and 3pm on 21 June (Part G Chapter 4 - 3.2.2).*
- *Solar access to at least 50% of the ground level principal private open space of neighbouring properties is not (to be) reduced to less than 2 hours between 9-3pm on 21 June (Part G Chapter 4 - 3.2.4).*
- *Part E Chapter 2 (Section 10) requires a minimum of 3 hours sunlight between 9/3pm on 21 June to the living zone windows and principal private open space of the dwelling and any adjacent dwelling.*

As is common practice with most Council plans and policies, solar access and shadowing impacts are determined on mid-winter shadow lengths, between the hours of 9am and 3pm.

Overshadowing objections received from the owners of both Lots 308 and 309 are not considered to warrant refusal of the application, as these lots are to the north-east of the development site. Shadowing of these lots will therefore not occur to any unreasonable extent, and mid-winter shadow lengths will not affect these lots.

The owners of both of these lots object to the loss of sunlight to their clothes lines, which will not occur. DCP 2006 also does not require dwelling houses to be redesigned for neighbouring clothes line impacts.

The owner of Lot 328 also objects to the impact on overshadowing from the proposed two storey dwelling, including the blocking out of sun to a future swimming pool and to existing yard areas. Clothes line impacts are also raised, but as stated above, not considered to be a determinative objection.

The approved dwelling house plans for Lot 328 show that the principal private open space (as nominated on the approved plans) would receive more than 2 hours of sunlight and the proposed two storey dwelling house would not affect this area.

In requiring 3 hours of sunlight to the living zone windows of an adjacent dwelling, the DCP does not distinguish between multiple living zone windows and single living zone windows. The approved dwelling house on Lot 328 has a family room that faces the rear north-east of the site and which the proposed dwelling house on Lot 329 would not impact upon.

North-western windows of the house on Lot 328, being windows to a meals and living room would, however, be partially shaded from the development on Lot 329 in the afternoon hours.

In requiring 3 hours of sunlight to the living zone windows of an adjacent dwelling, DCP 2006 also does not distinguish where solar access to these windows is limited or reduced by an existing building's design and orientation.

Thus, for example, the north-western meals and living windows of Lot 328 would only receive afternoon sunlight, due to their existing north-west orientation in any event. These windows therefore will only achieve a maximum of 3 hours sunlight, regardless of the type of building proposed on the neighbouring allotment (Lot 329). The proposed dwelling on Lot 329 will reduce the solar access on the north-west meals and living room windows in Lot 328 to less than 3 hours, and this is therefore a non-compliance with the DCP control.

In determining whether the solar access provisions and overshadowing impacts of the proposed two storey dwelling on neighbouring Lot 328 comply with the DCP, it is required to understand and determine whether the proposed development would contravene the 'objective' in the DCP for applying such controls.

Section 10.1 of Part E Chapter 2 states the following:

*"Objective – New dwelling development should optimise solar access and not unreasonably overshadow adjoining properties".*

In considering this Objective, it is concluded that the proposed two storey dwelling does not unreasonably overshadow adjoining properties, and in particular the existing house on Lot 328. This conclusion is based on the following:

- The two storey portion of the proposed dwelling house does not impact upon the existing dwelling on Lot 328. Only the single storey rear portion of the proposed dwelling house affects the solar access to the Lot 328 north-western

part living zone windows. It would not therefore benefit the solar access of the dwelling in Lot 328 if the proposed dwelling on Lot 329 was single story.

- The design and window location of the existing development on Lot 328, (ie by having windows on the north-western elevation) limits the potential for uninterrupted solar access to these windows, in that overshadowing will occur from an adjoining proposed house, fencing or landscaping.

Therefore, even a single storey building would impact on the solar access to these windows. Solar access to Lot 328 is available through the existing north-eastern living room windows. The living zone of the existing house, having multiple zones, therefore enjoys uninterrupted solar access to these north-eastern windows.

#### 4. *Incorrect setbacks proposed*

*Officer comment:*

Verbal objections have been also received from the owner of Lot 308 in relation to the setbacks proposed for the dwelling house, especially along the Rheinbergers Circuit frontage. This objection also relates to the setbacks that were required to be achieved for their dwelling design on Lot 308.

Section 3.2 of Part G Chapter 4 of the DCP requires a minimum 1.0m setback to the secondary frontage for a general road. The proposed 2.703m setback to Rheinbergers Circuit therefore complies with the DCP.

The setbacks required for the house approved on Lot 308 were also consistent with the requirements of the DCP in that Rheinbergers Circuit is the primary frontage for this site and development therefore required a 4m setback (there was no access permitted from Gunn Way).

#### **(e) the public interest**

The interest of the public in such a development is a consideration that needs to be made. The development proposal has received three objections from adjoining land holders.

The three objections are not considered to warrant refusal of this development on the subject land, which allows residential development complying with Council's planning restrictions.

Overall, this development is considered to be within the public interest, and the development of the site for residential purposes is in accordance with this interest.

#### **CONCLUSION**

Council has received a development application for the construction of a two storey dwelling house at No 18 Liz Kernohan Drive, Elderslie. The application has been publicly notified and the three submissions received have been considered in this report. The application has also been assessed in accordance with the provisions of

Section 79C of the Environmental Planning and Assessment Act, 1979.

It is considered that the proposed two storey dwelling is an acceptable development of the site. This development application is therefore able to be recommended to Council for approval, subject to the draft development consent conditions shown below.

## **DRAFT CONDITIONS OF CONSENT**

### **1.0 - General Requirements**

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

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

- Architectural plans prepared by 'Lifestyle Drafting and Design' Job No. 10-052M dated 7 July 2010, Sheets 1 to 6.
- Statement of environmental effects, BASIX Certificate and other information.

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

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

(2) **Slab Design** - The slab/footings/foundation shall be designed in accordance with the requirements of the 'Restriction on the Use of the Land' numbered five (5) on the 88b Instrument.

### **2.0 - Prior To Works Commencing**

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

(1) **Existing Retaining Wall** - Any excavation and associated retaining structure erected adjacent to the retaining wall easement (identified "H" on Deposited Plan 1139677), shall be designed and located to ensure that the integrity, structural adequacy and zone of influence of the wall is maintained. The structural engineer's details for the proposed dwelling house are therefore to address these requirements.

(2) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.

(3) **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.**

- (4) **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.

- (5) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

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

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

An Infringement Notice issued under the Environmental Planning and Assessment Act, 1979, which imposes a monetary penalty of \$600, may be initiated by the Principal Certifying Authority (PCA) and issued by Camden Council where the implementation or maintenance of measures is considered to be inadequate. In the event that a risk of environmental pollution occurs an Infringement Notice issued under the Protection of the Environment Operations Act 1997, which imposes a monetary penalty of \$750 for an individual or \$1500 for a corporation maybe issued by Camden Council.

### **3.0 - During Construction**

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

- (1) **Fill Quality** – Any fill material brought in for the construction of the dwelling must only contain uncontaminated soil, clay, shale or rock. No effluent, garbage or trade waste including building or demolition is to be included in the fill. The extent and depth of filling must only occur in accordance with the approved plans and any other conditions of the development consent. Evidence of the certification of the fill as uncontaminated shall be provided to the Principal Certifying Authority.
- (2) **Salinity** - The development site is located in an area likely to have, or has been confirmed as having soil salinity levels that will have a cumulative damaging effect on the building over time.

The following construction inclusions shall be incorporated in the building design to reduce/prevent any detrimental affect to the building from accumulative salt deposits:

- a) provide a damp proofing membrane with high impact resistance to the underside of concrete slabs in accordance with the NSW provisions of Part 3.2.2.6 of the *Building Code of Australia* ,
- b) concrete strength to bored piers, floor slabs and strip footings shall be a minimum of 32MPa and vibrated and adequately cured,
- c) drainage shall be provided to the building perimeter (including subsoil drainage) to prevent water ponding or soil water logging in the building vicinity,
- d) external finished ground levels, including paving, should not be higher than the base of the first course of brick work, or the brick work and mortar below the damp proof course (DPC) should be exposure rated,
- e) DPC material must be carried through to the face of any applied finishes,
- f) Retaining walls should be built of salinity resistant materials.

Porous pavement product 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.

- (3) **Works By Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works must be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (4) **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.
- (5) **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.

(6) **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).

(7) **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.

(8) **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.

(9) **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.

(10) **Surface Drainage** – To prevent surface water from entering the building:

- The floor level for slab on ground construction shall be a minimum of 150 mm above finished ground level for habitable rooms;
- Seepage and surface water shall be collected and diverted clear of the building by a sub-surface/surface drainage system;
- The control of surface water drainage shall in all respects comply with the *Building Code of Australia (Housing Provisions)* ;
- Where a rainwater tank is required on the site, all surface water drainage lines shall be connected to the outlet overflow drainage line from the rainwater tank.

(11) **Obscured Glazing** - All windows from bathrooms and water closets (except for street elevation windows) must be fitted with translucent or obscure glazing for the purposes of providing adequate privacy between adjoining residents.

(12) **Support For Neighbouring Buildings** - If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. In this condition, 'allotment of land' includes a public road and any other public place.

(13) **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.

- (14) **Drainage Easements** - No changes to site levels, or any form of construction shall occur within any drainage easements that may be located on the allotment.
- (15) **Roofwater to Street** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the street gutter.

Connection to the street gutter shall only occur at the existing drainage outlet point in the street gutter. New connections that require the rectification of the street gutter shall only occur with the prior approval of Camden Council.

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

#### **4.0 - Prior To Issue Of Occupation Certificate**

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

- (1) **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.
- (2) **Footpath Crossing Construction** – Prior to use or occupation of the development, 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](http://www.camden.nsw.gov.au)

#### **END OF CONDITIONS**

#### **RECOMMENDED**

That Development Application No 847/2010 for the construction of a two storey dwelling at No 18 (Lot 329 DP1139677) Liz Kernohan Drive, Elderslie be approved, subject to the draft development consent conditions shown above.

### ATTACHMENTS

1. Location plan
2. Proposed plans
3. Submissions (sup doc)



Location Plan 18 Liz Kernohan Drive Elderslie.pdf



Proposed plans 18 Liz Kernohan Drive.pdf



Submissions - Liz Kernohan Drive Elderslie.pdf

### RESOLUTION

Moved Councillor Funnell, Seconded Councillor Warren that Development Application No 847/2010 for the construction of a two storey dwelling at No 18 (Lot 329 DP1139677) Liz Kernohan Drive, Elderslie be approved, subject to the draft development consent conditions shown above.

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

(Councillors Anderson, Campbell, Cagney, Cottrell, Dewbery, Funnell, Symkowiak, Patterson and Warren voted in favour of the Motion.

No Councillor voted against the Motion).

ORD208/10

### **ACTIONS**

CRMS number , Finalised 29/09/2010 2:04:20 PM

Action: Finalised,

Completed

[Link to CRMS document](#)

[CRMS: 12365674 29/09/2010, 11:23:49 AM](#)

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## ORDINARY COUNCIL

ORD06

**ADVERTISING SIGN TO UNIT 2, NO 14 (LOT 31, DP 793860) BLACKMORE ROAD, SMEATON GRANGE**

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<b>FROM:</b>	Director Development and Health
<b>FILE NO:</b>	Binder: Development Applications 2010
<b>DA NO:</b>	916/2010
<b>OWNER:</b>	M Rover
<b>APPLICANT:</b>	Jaytee and Dylan P/L (Trading as Camden Crash & Restorations)
<b>ZONING:</b>	4(a) General Industrial
<b>APPLICABLE PLANNING INSTRUMENT:</b>	Camden Local Environmental Plan No 47

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### PURPOSE OF REPORT

The purpose of the report is to seek a determination from Council of a development application for erection of an outdoor advertising sign. The application is referred to Council in accordance with its delegations as the application proposes variations to controls contained in Camden Development Control Plan 2006 (the DCP).

### SUMMARY OF RECOMMENDATION

It is recommended that Development Application 916/2010 for a new advertising sign be approved, subject to the draft development consent conditions provided at the end of this report.

### BACKGROUND

Development consent (DA 636/2010) was granted on 8 July 2010 for the fit-out and use of the subject premises for a vehicle body repair and spray painting business.

A development application has now been received to erect an outdoor advertising sign on the front elevation of the premises. The application has been assessed on its merits and is now able to be referred to Council for determination.

### THE SITE

The subject site is known as Unit 2 No 14 (Lot 31, DP 793860) Blackmore Rd Smeaton Grange and is located on the south-eastern side of Blackmore Road in Smeaton Grange. The site slopes upwards toward the rear, and contains 2 industrial units previously approved by Development Consent 263/1996.

Also present on the site are driveways, car parking spaces, fencing and landscaping associated with the complex. This application relates specifically to Unit 2 which was granted development consent for fit-out and use for vehicle body repairs and spray painting (DA 636/2010).

The surrounding Smeaton Grange industrial estate comprises a range of factories, warehouses and other commercial/industrial uses. The north-east of the estate is bound by the Turner Road precinct of the South West Growth Centre.

Currans Hill residential suburb is located to the south-east, while Narellan Vale and the Narellan Town Centre lie to the south-west. The north-west is bound by Camden Valley Way with the Harrington Park residential suburb located on the opposite side. **A location plan is provided at the end of this report.**

## **THE PROPOSAL**

Development consent is sought for a building identification sign which is to be fixed to the front elevation of Unit 2. The sign measures 6.56m x 2.7m and comprises white vinyl stickers to be attached to the glass. The sign is proposed to read 'Camden Crash & Restorations.com.au 4648 5064'. **A copy of the proposed plan is provided at the end of this report.**

## **NOTIFICATION**

The application has not been notified. In accordance with Part C, Chapter 2, Clause 3 of the DCP, the development application is not required to be notified to adjoining land or property owners, nor is it required to be publicly advertised.

## **PLANNING CONTROLS**

- State Environmental Planning Policy No 64: Advertising and Signage
- Camden Local Environmental Plan No 47
- Draft Camden Local Environmental Plan 2010
- Camden Development Control Plan 2006

## **ASSESSMENT**

This application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979. The following comments are made with respect to the proposal:

### **(1)(a)(i) The provisions of any Environmental Planning Instrument**

#### **Camden Local Environmental Plan No 47 (LEP 47)**

Camden Local Environmental Plan 2010 was gazetted on 3 September 2010. Given that this DA was lodged before 2 September 2010, pursuant to Clause 1.8A, this application must be determined as if this Plan had been exhibited but had not commenced. Therefore, it must be assessed under (now repealed) Camden Local Environmental Plan No 47 which was in place before the gazettal of Camden LEP 2010.

This site is zoned 4(a) General Industrial by Camden Local Environmental Plan No 47. Advertisements are permitted in the zone subject to development consent. The size and scale of the proposed sign is not inconsistent with the objectives of the 4(a) zone.

There are no other development standards or clauses relevant to the proposal.

#### State Environmental Planning Policy No 64: Advertising and Signage (SEPP 64)

The aim of SEPP 64 is to ensure signage conforms to the visual character of an area, is provided in suitable locations and is of high quality.

For the purposes of SEPP 64, the sign is defined as a '*building identification sign*' in accordance with the definitions. Clause 8 specifies that consent shall not be granted until the proposal has been assessed against the "Schedule 1 - Assessment Criteria".

#### Schedule 1 – Assessment Criteria

##### *1. Character of the Area*

The proposed sign is compatible with the surrounding industrial area, being a sign of an appropriate scale and design that will identify the existing business. The sign is also consistent with other signage prevalent in Smeaton Grange.

##### *2. Special Areas*

The sign will not detract from the amenity or visual quality of any environmentally sensitive areas, heritage or conservation areas, rural landscapes and residential or open spaces.

##### *3. Views and Vistas*

The sign is below the parapet of the building and would not dominate or detract from the skyline or important views into, out of, or through the area.

##### *4. Streetscape, Setting or Landscape*

The sign is of an appropriate size and scale when considered in the context of the streetscape and is considered acceptable in this industrial setting.

It is not considered to dominate any important surrounding features and is simplistic in its design. Visual clutter is not exacerbated. The proposed sign would not protrude above buildings, structures or tree canopies in the locality.

##### *5. Site and Building*

The existing building has a wide frontage to Blackmore Road, and when considered in its context, the size and scale of the proposed sign is in proportion with the street elevation. As such, the sign would appear subservient to the existing building and would not obscure any architectural features.

##### *6. Associated Devices and Logos with Advertisements and Advertising Structures*

Given the sign is an adhesive and is specific to the business, no associated devices, logos or structures are required.

##### *7. Illumination*

No illumination is proposed.

#### *8. Safety*

Due to the location of the sign on the front elevation which is set back from the street, no safety implications for vehicles, pedestrians or cyclists would arise.

#### **(1)(a)(ii) The provisions of any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority**

##### Camden Local Environmental Plan 2010 (LEP 2010)

Given that this DA was lodged before 2 September 2010, this LEP can be considered in the assessment of this application. This site is zoned IN1 General Industrial by the Camden Local Environmental Plan 2010. Advertisements are permissible with development consent in this zone. Regard has been given to the objectives of the zone and the proposal is considered to comply with Camden LEP 2010.

#### **(1)(a)(iii) The provisions of any Development Control Plan**

##### Camden Development Control Plan 2006 (DCP)

###### *Part D, Chapter 4: Outdoor Advertising*

The proposed sign is defined as a building identification sign by the DCP and the type of sign is defined by the DCP as a window sign. It is considered that the proposed advertising sign is consistent with the general standards contained in Clause 5 and conforms to the objectives for Industrial Areas contained in Clause 6.3.

The DCP requires window signs shall be fixed to the inside of the window and not exceed 20% of the visible wall area. The proposed sign will not exceed 20% of the visible wall area of Unit 2, but it is proposed to be fixed externally rather than internally, contrary to the DCP.

The signage is unable to be fixed internally as the structural elements of the windows make it impossible. The sign is comprised of vinyl adhesive which would not protrude from the window or detract from the appearance of the building. As such the variation is considered acceptable.

The DCP controls the maximum total combined display area of all signage on the land to not exceed 20% of visible wall area or 10m<sup>2</sup> whichever is the lesser.

The total combined display area of all signage on site would not exceed 20% of visible wall area but would exceed 10m<sup>2</sup>. The sign proposed has a total area of 17.712m<sup>2</sup>. It is considered that the sign would not dominate the elevation or appear obtrusive when considered in the context of the two units. Further, the proposed sign is not inconsistent with other outdoor advertising in Smeaton Grange. As such, the variation is able to be supported.

Overall it is considered that the proposed sign is compliant with the objectives of

Section 6.3 as it would appear subservient to the parent building, would not be visually prominent in the streetscape or be out of character with the area, and will not result in visual clutter. The proposed sign is consistent with outdoor advertising throughout Smeaton Grange. Consequently the proposed variations are not considered to warrant refusal of the application and are therefore supported.

**(1)(a)(iii) The provisions of any Planning Agreement**

There are no relevant planning agreements applicable to this site or development.

**(1)(a)(iv) The provisions of the Regulations**

The Regulations do not specify any matters that are relevant to this development.

**(1)(b) The likely impacts of the development**

The proposed signage would not have any detrimental impacts upon the industrial area or the specific site. No other signage is proposed to Unit 2 and it is considered the sign is of an acceptable size and scale to appear secondary to the existing building. The sign would not be out of character with the area and would not be visually prominent in the streetscape.

**(1)(c) The suitability of the site for the development**

This site is considered to be suitable for this development. The proposal will not result in any negative visual impacts upon the setting of the approved building or the surrounding streetscape and is an appropriate form of signage that is reflective of similar existing signage throughout Smeaton Grange. There are no site specific reasons why this site would be unsuitable for the proposed signs.

**(1)(d) Any submissions**

As stated earlier in this report, notification of the application was not required under Camden DCP 2006.

**(1)(e) The public interest**

The proposed signage is not considered contrary to the public interest as it would not give rise to any detrimental impacts and is considered an acceptable design for the existing building.

**CONCLUSION**

Development consent is sought for the erection of a building identification sign to the front elevation of Unit 2, 14 Blackmore Road, Smeaton Grange.

The application has been assessed against Section 79C of the Environmental Planning and Assessment Act 1979, LEP 47, DCP 2006 and SEPP 64. and is considered to comply with the relevant legislation. The design and siting of the sign would have no significant visual impacts on the building or the streetscape and is consistent with the

character of the area.

The proposal is therefore recommended for approval subject to the draft conditions provided below.

## **DRAFT CONDITIONS OF CONSENT**

### **1.0 - General Requirements**

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

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

- Drawing No. DA001 'Front Elevation' received 25 August 2010.

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

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

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

### **2.0 - Operational Conditions**

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

(1) **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.

(2) **Maintenance** - The subject sign must be maintained in good order at all times. The approved design, colour scheme and wording of the sign must not be altered without the prior written approval of Camden Council.

(3) **Sign Dimensions and Location** - The approved signs shall be dimensioned and located as indicated on the approved plans.

The sign to be displayed on the building's Blackmore Road frontage must have maximum dimensions of 2.7m high by 6.57m long.

**END OF CONDITIONS**

## **RECOMMENDED**

**That Development Application 916/2010 for the erection of a sign to Unit 2, No 14**

**(Lot 31 DP 793860) Blackmore Road, Smeaton Grange, be granted consent subject to the draft conditions provided above.**

## **ATTACHMENTS**

1. Location plan
2. Proposed plan



Proposed Plan 14 Blackmore Road.pdf Location Plan - 14 Blackmore Road Smeaton Grange.pdf

## **RESOLUTION**

Moved Councillor Funnell, Seconded Councillor Symkowiak that Development Application 916/2010 for the erection of a sign to Unit 2, No 14 (Lot 31 DP 793860) Blackmore Road, Smeaton Grange, be granted consent subject to the draft conditions provided above.

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

(Councillors Anderson, Campbell, Cagney, Cottrell, Dewbery, Funnell, Symkowiak, Patterson and Warren voted in favour of the Motion.

No Councillor voted against the Motion).

ORD209/10

## **ACTIONS**

[Link to CRMS document](#)

[CRMS: 12365757 29/09/2010, 11:24:04 AM](#)

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# ORDINARY COUNCIL

## ORD07

**SUBJECT:** MODERNISING LOCAL GOVERNMENT - A DISCUSSION PAPER  
ISSUED BY THE NSW LGSA  
**FROM:** Director Governance  
**FILE NO:**

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### PURPOSE OF REPORT

To seek Council's endorsement of a submission prepared in response to a discussion paper issued by the NSW Local Government and Shires Association (LGSA) on 'Modernising Local Government'.

### MAIN REPORT

The discussion paper 'Modernising Local Government' aims to continue the dialogue about the future of NSW Local Government that was initiated at the Local Government Association Conference in 2009. Feedback will be accepted in response to the discussion paper up until 30 September 2010.

The discussion paper poses a series of broad questions about the future of NSW local government in the 21st century. These broad questions are then dissected into a number of specific questions. In responding to these questions, it is not proposed to address every single question but rather address the more contentious ones or the ones where it is considered value might be added to an existing argument or position.

#### **1. Looking to the future - a goal for 2030.**

The paper outlines a possible goal for NSW local government which includes:

- a. *Democratic (representative of local diversity, connected to and cognisant of local communities of interest and/or identity)*
- b. *Long term integrated planning (economic, social, environmental and governance)*
- c. *Financially viable (free of rate pegging, more State and Federal Government funding and inter agency agreements)*
- d. *Working with a mutually agreed set of functions (functions agreed between the 3 spheres of government)*
- e. *Part of mature institutions (which require Australian and/or NSW constitutional adjustments)*
- f. *Employers of choice*

#### **Question:**

Is this proposed goal reasonable for the future shape of NSW Local Government?

**Response:**

The multilayered goal appears reasonable and covers a variety of bases, each of which have been the subject of much debate over the past decade but remain relevant today and indeed into the future. However, the stated goal may benefit with the addition of the following

- Local Government is relevant - ensuring local government is responsive to the emerging needs of its community through sophisticated consultation and technologies
- Local Government is progressive - ensuring local government is innovative, adaptable to change and competitive.

**2. Reforms that would assist NSW Local Government remain democratic**

One of the points in the overall goal is 'to reach a point where we have a NSW Local Government system in which councils are democratic'. Democratic was taken to mean it was elected, it was representative of local diversity, and it was connected to and cognisant of local communities of interest and/or identity.

**Question:**

Is it important for the future of NSW Local Government for there to be better guarantees of democratic Local Government in NSW legislation?

**Response:**

Yes. The lack of constitutional recognition for local government has been a long standing issue. The NSW Constitution Act, 1902 (s51) makes reference to local government in various forms but is tokenistic in the sense that local government is still only an agency of the State Government, an agency with its own legislation (Local Government Act) but one lacking any real independence of the State.

Whilst the purpose, frameworks and language of the Local Government Act, 1993 are clearly democratic and enabling, there are still situations, for example, where councils can be dismissed and administrators appointed for considerable periods. This sits uneasily with local government and more importantly with local residents concerned about local representative democracy.

**3. Reforms that would assist NSW Local Government maintain long-term plans that integrate environmental sustainability, social justice and economic viability**

The DLG introduced new integrated planning and reporting requirements in 2009 which are now embedded in legislation and regulations. This is seen as a positive step for NSW Local Government and one which is long overdue. Legislation provides transitional provisions for phasing in new legislative requirements over 3 years. Council elected to become compliant by 30 June 2011.

**Question:**

Is it important for the future of NSW Local Government for there to be Government start up funding and support in the immediate future term to say 2012 to implement integrated planning and reporting?

**Response:**

Yes, it is very important. In 2006, when discussions were first held about the notion of introducing these new requirements many local government officials raised concern about the resources required to implement the Government's direction. Since this time there have been repeated calls for financial assistance in implementing this significant reform.

By the time Council becomes compliant in June 2011 it is estimated that in excess of \$200,000 will have been spent on implementing the new integrated planning and reporting requirements (estimate includes salary expenditure).

The DLG have already indicated there are no funds available within their own budget to support Councils. Council's view is that the NSW State Government Premier should make available a pool of funds to assist Council implement its mandate. Additionally, the LGSA should be continuing to lobby a similar cause.

Equally as important is the need for the State Government to recognise that it is never as simple as putting in place a 10 year Community Strategic Plan and associated Resource Strategies (assets, workforce planning and long term financial plans) and sitting back.

The nature of community demand on governments generally, means you cannot set and forget. Without recurrent funding assistance the cost of maintaining this system and the need to continually engage State Government agencies will unfortunately fall wholly and solely on the local community through increased rates or service level reductions.

It is interesting to note that similar integrated planning and reporting reforms have been introduced in Western Australia, though not mandated at this stage. Despite no mandate existing, the Western Australian Government has made available a pool of funds for those Councils wanting to implement the reforms. Clearly, the Western Australian Government support not only good practice at the local government level but also an opportunity to use this information to better understand what local communities expect and can aggregate some of these expectations in developing State Plans.

**4. Reforms that would assist NSW Local Government remain or become financially viable?**

It is now established that NSW Councils are

- burdened with a huge infrastructure renewal backlog;
- struggling with a narrow and constrained revenue base; and
- increasingly becoming financially unviable or vulnerable in the long run under current policy settings and fiscal arrangements

In turn, the more immediate elements of financial viability involve:

- an end to rate pegging;
- significantly better financial assistance grants and other Federal Government funding;
- mutually agreed charging regimes for co-regulatory roles;
- transfer payments from Federal and State Government for any Federal or State government mandated community service obligation (cost-shifting)
- greater use of debt financing for long term infrastructure projects; and

- better financial and asset management

**Question:**

Is it important for the future of NSW Local Government to develop additional revenue mechanisms?

**Response:**

Broadly speaking, it is more important to fix existing revenue mechanisms than it is introducing new ones. Councils are far too dependent on rates income and need to explore other avenues to assist meeting the cost of services provided to the community.

With respect to grants, there needs to be greater certainty of what can be expected in any given year and a fairer share of the Australian and NSW taxes guaranteed to local government. It should also be noted there is great inefficiencies associated with the distribution of grants to local government and the effort required to secure such grants is often a significant but hidden cost that should be recognised.

With respect to fees and charges, councils need to be mindful that most non-statutory fees and charges accommodate an element of subsidisation (community service obligation), are price sensitive and typically only make up less than 15% of total revenue.

With respect to rates, an overhaul of the current rating legislation is required. Whilst there have been a number of amendments over recent decades, the legislation is still largely as it stood over a century ago. Whilst some rate exemptions may be appropriate, many others (eg religious institutions) require at least an independent review to assess the nature of their undertakings.

**5. Reforms that would assist NSW Local Government work with mutually agreed set of functions continuously adapting to community demand**

One of the points in the overall goal is 'to reach a point where we have a NSW Local Government system in which councils are working with mutually agreed set of functions with levels of service continuously adapting in line with evolving community demand.

It is important to note that the LGSA does not seek to impose a new framework on the work of individual councils. Councils choose their respective frameworks for planning and reporting in their Community Strategic Plans.

**Question:**

Is it important for the future of NSW Local Government for all services and regulatory functions to be mutually agreed?

**Response:**

Yes. Local Government has long suffered a fate of inheriting services and functions from other spheres of government without adequate consultation and appropriate recurrent funding. In 2005, Inter-Agency Agreements were promoted as a solution to this problem but five (5) years on we still see a proliferation of functions being thrust upon councils. Many of these additional functions/activities are seen as 'best practice' in the eyes of other spheres of government and therefore don't fit the Inter-Agency

Agreement argument. In some cases, local government view these functions/activities as compliance centric with little to no community value or benefit.

A vigorous debate about what services and functions should rest with local government needs to take place with other spheres of government. Once a mutually acceptable set of functions and services have been agreed upon, a mechanism needs to be put in place that enables local government to have its say on what additional services and functions it might take on. Other spheres of government need to be respectful of local government's (and its community's) decision to say no when that particular function or service is not warranted or does not add value to the community.

## **6. Functions that are potential candidates to negotiate about**

Many functions that local government perform are relatively stable with communities, councils and central governments basically satisfied with the overall design and implementation of these functions.

Some functions, however, are always going to be obvious candidates for negotiations with central governments no matter what has happened to date. These are functions where there are deeply held convictions that recent reforms have missed the point - eg, land use planning and developer contributions.

Local Government's role in the planning system has declined due to:

- decision making powers becoming increasingly centralised in the hands of the Minister and state appointed planning panels
- local environmental plans now being required to conform to standard templates
- the introduction of uniform, state-wide development codes (such as the NSW Housing Code) overriding local development controls and planning objectives

### **Question:**

Is it important for the future of NSW Local Government to negotiate with the NSW State Government for a revised role in land use planning?

### **Response:**

The Growth Centre model that was adopted in 2006 represented an appropriate balance of State Government and Local Government cooperative effort to achieve good land use planning outcomes.

Key to this was adequate State Government resourcing of broad scale Local Environmental Studies, catchment-wide land constraint mapping and coordination of State Government agencies.

Similarly, Local Government commitment to providing key personnel and information to support and facilitate the study process was paramount.

This model is able to be adopted in other settings where State Government is proposing amendments to legislation, regulation and policy pertinent to land use planning, particularly where the proposed amendments have a localised affect on one or more, smaller number of Local Government areas.

The importance of a close, symbiotic relation between State and Local Government of

this type can not be overstated. Only in this way can the local knowledge of Local Government be effectively utilised with the resources of State Government.

This will also serve to develop healthy relationships between these two tiers of government which will auger well for future jointly faced land use planning challenges that emerge.

From a local democracy viewpoint, it is essential that whatever reforms are proposed that they promote community engagement in the planning process, regardless of the sphere of government involved or the proposal in question.

**Question:**

Is it important for the future of NSW Local Government for councils to be completely removed from Fire Protection and Emergency Services?

**Response:**

The comments within the discussion paper indicate that the Associations have done considerable work and validated the need to have three (3) emergency services funded by a broad based property levy.

The three relevant services discussed are NSW Fire Brigade, Rural Fire Service (RFS) and State Emergency Service (SES). Up until recently, each emergency service has been funded in a different way (the SES and RFS are now in a transition phase so that they will be aligned).

In the case of NSW Fire Brigades, apart from the contributions made by Council, funding is based on a levy on insurances, resulting in only those people insuring property contributing, while those without such insurance still receive protection. There is also a certain expectation of some degree of 'make good' based on community goodwill, despite there being no comparable contribution toward the cost of the emergency service involved.

In recent years it could be argued that the increasing cost to council of co-funding the operations of the RFS and SES is disproportionately more than the increase in council's rate base. Financially, this is not sustainable longer term.

In relation to the RFS and SES, there is an increasing expectation from full time members of the services, sectors of the community and regulators to increase the professionalism of these services, despite their largely volunteer status. This brings with it higher cost, which Councils are needing to carry whilst ever the funding model is based on Councils sharing in most of the operating and capital equipment costs and are expected to provide premises.

As part of this, these latter two services are also becoming increasingly driven from the centre and are regularly treated as a resource for the community beyond the local boundaries, and there is very little involvement in the way of direction setting or resource allocation by councils.

These developments are mostly very positive. However, they also result in differential levels of service and support, often based on the financial capacity of the local council. As a result, levels of service varies between areas, and the local area capability is

being supplemented from outside the area, or is supplementing capacity outside the area.

However, one other outcome is that there is much less sharing and combining of resources across areas and across the various services than may otherwise occur if there was a stronger and more consistent approach to directing and funding the various emergency services elements.

These comments therefore talk much more to modernising the approach for direction and management of the services provided, not simply limiting this to the local government component of the issue.

**Question:**

Is it important for the future of NSW Local Government for a renewed mandate and enhanced funding for Noxious Plants to be negotiated?

**Response:**

There is a great need for a renewed mandate and enhanced funding for Noxious Plants eradication for Local Government at this time.

The mandate has for some time been in place. This has not been eroded per se. Rather the ability to deliver in accordance with the mandate has been limited due to a lack of community awareness and education and a similar lack of Local Government resources in the areas of enforcement and weed eradication.

For some time, Local Government agencies have been attempting to grow community cooperation and action in relation to the eradication of Noxious Plants. This has been somewhat challenged by the inability for Local Government to adequately resource eradication of Noxious Plants on their own land holdings.

Enhanced funding would enable Council to provide two key outcomes. The first would be an educative program, to assist land owners within the community to understand and appreciate the importance of Noxious Plants management and eradication.

The second outcome would be an ability for Councils to better resource the management of Noxious Plants on their own landholdings, thereby providing a level of responsible leadership to the community in relation to flora pests.

**7. Reforms that would assist NSW Local Government remain or become functioning cohesive geographic units**

The costs and benefits of amalgamations are explored at length in this chapter of the discussion paper. When it comes to amalgamation, there are varied schools of thought from "review and statistical analysis would suggest that amalgamating smaller councils may not be the panacea that many imagine it to be" to "you can't find anyone involved in Victorian Local Government these days who would disagree that local government is much improved these days based upon current boundaries than it was on pre-Kennett boundaries".

Fifteen (15) years on since the first wave of amalgamations took place in Victoria there is little literature available on the pros and cons of amalgamations in Australia. One of

the few bodies of work available is a study carried out by Allan, Darlison and Gibbs (2006) on the merits of amalgamations and more specifically, whether economies of scale in local government can be substantially achieved and used to support the notion of amalgamation.

Interestingly, the results concluded little correlation between population size of councils and unit costs for urban councils. There is a slightly higher correlation for rural councils but not to the extent that amalgamation could be justified on this basis alone.

**Question:**

Is there contemporary or emerging evidence supporting amalgamations based on economies of scale?

**Response:**

No. Quite the contrary, there is a growing body of evidence to suggest amalgamations in South Australia, Victoria and Queensland are not yielding the cost savings or economies of scale originally contemplated by their respective State Government's. Amalgamations in themselves are not the silver bullet to making local government more effective and efficient, much of the statistical analysis undertaken in South Australia and Victoria by Allen, Darlison and Gibbs (2006) prove this beyond reasonable doubt.

Options such as regional resource sharing are viable alternatives that have up until now not been given the full support of the State Government (both in an operational and financial sense). It has been left up to individual councils to pursue, administer and fund up front start up costs.

Clearly, in some instances, this has been too onerous a task for councils who are already swamped with compliance activities, dealing with trying to satisfy other broader community expectations in an environment where the State Government has been relentlessly cost shifting services to local government and all the while imposing a crippling rate pegging regime.

**Question:**

Do councils and communities need to respond systematically to capital city strategic planning initiatives?

**Response:**

Local Government could quite easily argue it has long responded to capital city strategic planning initiatives such as the State Plan and the various iterations of the Sydney Metropolitan Strategy. Certainly in Camden's case this is evidenced by the drafting of the new Community Strategic Plan: Camden 2040. The very foundation of this plan is how Council will respond to the aspirations of the State Government's plans for growth (ie, land release and the provision of new housing).

What Camden is finding disappointing is that the State Government (and its agencies) is not buying in and responding to the aspirations of local communities. This is another example of the State Government making strategic policy decisions without consulting, understanding and accommodating what the people of NSW really want, nor compelling its own agencies to deliver to the local community's expectations.

## **8. Reforms that would assist NSW Local Government become and remain employers of choice to support directions proposed over the next 20 years**

One of the points of the overall goal is "to reach a point where we have a NSW Local Government system in which councils are part of a flexible and just industrial system". Local Government is facing key workforce planning issues and challenges. Whatever their size and location, councils are finding it difficult to attract and retain skilled staff. Councils are also facing the ramifications of an aging workforce.

### **Question:**

What does a diverse Local Government workforce look like?

### **Response:**

Ideally, a diverse Local Government workforce is one that reflects the varied needs and makeup of its community. Just as councils profile their communities through demographic analysis, so too should council's profile their workforce to ensure the services they provide the community are relevant, connecting and representative of the needs and makeup of its community.

Many workforce diversity strategies typically concentrate on the employment of people with disabilities, indigenous Australians and people from culturally and linguistically diverse backgrounds. Whilst these are plausible concentrations, a diverse workforce also accommodates age, gender, skills, knowledge and transition to retirement opportunities.

Whilst the local government workforce profile continues to evolve it will need to accelerate this evolution if it is to remain competitive in the labour market and relevant in the eyes of its community.

## **CONCLUSION**

In releasing a discussion paper on Modernising Local Government, the LGSA has called for submissions from councils to ensure the views and attitudes of its members are represented.

This initiative by the LGSA is considered to be proactive and may be used to not only raise the importance of local government reform in the presence of other spheres of government but also secure a commitment for reform. No doubt the LGSA will invest considerable energy in taking this proposal to both parties in the two other spheres of government over the coming months.

## **RECOMMENDED**

**That Council endorse a submission to the LGSA consistent with the comments made in this report.**

## **RESOLUTION**

Moved Councillor Campbell, Seconded Councillor Anderson that Council endorse a submission to the LGSA consistent with the comments made in this report.

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

ORD210/10

**ACTIONS**

[Link to CRMS document](#)

CRMS: 12365878 29/09/2010, 11:24:14 AM

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## ORDINARY COUNCIL

ORD08

**SUBJECT:** CAMDEN 2040 - A STRATEGIC PLAN FOR THE  
COMMUNITY AND PLACE OF THE CAMDEN AREA  
**FROM:** Director Governance  
**FILE NO:** Camden 2040

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### PURPOSE OF REPORT

To seek Council's approval to place the draft Community Strategic Plan, *Camden 2040* on public exhibition, and to inform Council of the proposed methods of community consultation on the draft.

### BACKGROUND

Under the Integrated Planning and Reporting amendments to the Local Government Act, which came into effect in October 2009, all NSW councils are required to prepare a long term Community Strategic Plan for their local areas, on behalf of their local communities.

Council endorsed a community engagement strategy for the preparation of this plan on 11 August 2009 and considered the results of this community engagement process at its meeting of 9 February 2010.

*Camden 2040*, **as attached at the end of this report**, has been drafted in response to this community engagement process, in which 1400 residents were involved in considering their vision for the future of the Camden area and the key priorities that need to be addressed in order to realise this vision.

*Camden 2040* will replace *Camden 2025* which was prepared in 1999 and has served as Council's overarching strategic direction since that time. Notwithstanding the different environment that the people of Camden find themselves within, most particularly the magnitude of planned urban growth, many of the issues and priorities contained within the previous plan remain relevant today, and these continue to feature in *Camden 2040*. In addition to these ongoing issues, *Camden 2040* responds to current and emerging issues and community priorities. Most particular of these is the challenge of balancing urban growth with maintaining the character and feel of Camden that is so valued by this community.

### MAIN REPORT

#### ***Local Government Act - Integrated Planning and Reporting***

The essential elements of the Integrated Planning and Reporting requirements under the Local Government Act are as follows:

### Community Strategic Plan (CSP)

- Each local government area is to have a CSP developed and endorsed by the community; one that is a partnership between council, state agencies, community groups and individuals addressing the broad range of issues that are relevant to the whole community.
- The CSP is to identify the main priorities and aspirations for the future of the area and must cover a minimum timeframe of 10 years.
- The CSP must address social, environmental, economic and civic leadership issues and be based on the social justice principles of equity, access, participation and rights.
- The CSP must give due regard to the State Plan and other relevant state and regional plans, and due consideration to the expected levels of service expressed by the community.
- The CSP must be developed through engagement with the local community, and be reviewed every four years following each council election.

### Resourcing Strategy

- Each council must have a long term Resourcing Strategy to achieve the objectives established by the CSP for which Council is responsible.
- The Resourcing Strategy must include a Long Term Financial Plan of a minimum 10 years, a Workforce Management Strategy of a minimum 4 years, and an Asset Management Strategy and Plans covering a minimum of 10 years.

### Delivery Program and Operational Plan

- Each council must prepare and adopt a four year Delivery Program that addresses the objectives and strategies of the CSP and identify the activities that council will undertake in response to the objectives and strategies.
- The Delivery Program replaces the current Management Plan requirements.
- The Delivery Program must inform, and be informed by, the Resourcing Strategy and address the full range of council operations.
- Council must consider priorities and expected levels of service expressed by the community during the engagement process for the CSP when preparing the Delivery Program.
- Council must have an annual Operational Plan, adopted before the beginning of each financial year, outlining the activities to be undertaken that year as part of the Delivery Program.

### Annual Report

- Council must prepare an annual report within five months of the end of the financial year outlining the achievements in implementing its Delivery Program.
- The Annual Report in the year of the ordinary election must include a report as to the state of the environment in the local government area in relation to the objectives for the environment established by the Community Strategic Plan.

All councils were to determine whether they would comply with the new requirements by 30 June 2010, 2011 or 2012. Camden Council selected the compliance date of end June 2011.

## ***Camden Council Integrated Planning and Reporting Framework***

*Camden 2040* will be the long term Community Strategic Plan for the Camden Local Government Area. It is important to note that whilst Council has the responsibility for preparing the plan on behalf of the Camden area, its progress and success will rely on the commitment and partnership from a range of agencies, organisations and individuals, including state government agencies, community groups, businesses and residents. This is the intent of the Integrated Planning and Reporting legislation, given that much of the plan covers issues that are beyond the scope of Council's responsibility.

The CSP is to be reviewed every four years, following each council election. The planning period is then rolled forward four years.

Staff are currently in the process of preparing a Delivery Program that identifies the actions that Council will be responsible for implementing over the coming four year period. It is intended that this Delivery Program be considered by Council and then placed on public exhibition early in the new year, in order to meet the compliance requirement of 30 June 2011. The Delivery Program will include the annual Operational Plan for 2011/12.

The Delivery Program is to be reviewed annually during the preparation of the annual Operational Plan. A new Delivery Program is to be prepared after each election to cover the principal activities of the council for the four year period commencing 1 July following the election.

Council's Resourcing Strategy is also being prepared concurrently with the Delivery Program. This will identify the resources required for the implementation of the CSP and Delivery Program, and how these resources will be managed.

The Resourcing Strategy is to be reviewed in detail every four years.

Council's first annual report under the new legislative requirements will be completed for November 2012 following the implementation of the first Operational Plan. Annual reports for the financial years of 2009/10 and 2010/11 will be prepared in accordance with the existing requirements.

### ***Camden 2040 Overview***

*Camden 2040* has been developed following two important processes. The first of these was the preparation of a set of background papers analysing the key issues and challenges facing the Camden area in the coming years from external factors such as government policy and global and national trends, and internal factors such as current financial and workforce constraints.

The second, and most critical, element that informed the drafting of *Camden 2040* was the engagement with 1,400 residents during September and October 2009. The results of this process were reported to Council on 9 February 2010. In summary, the key points raised by the community were:

1. *What do people like most about the Camden area?*

Camden's rural setting and country town feel and lifestyle; the friendly people and community; and trees, parks and open space.

2. *What are the priorities for today?*

*For the area:* Development and population growth, and keeping the area as it is; and lack of public transport, and the condition and congestion of roads.

*For Council services:* maintenance of local roads; asset management; and urban and rural planning.

3. *What is the vision for the future?*

Rural setting/ country town; sense of community; development that has been managed well; community, health and recreation services and facilities; and trees, parks and open space.

4. *What are the priorities for the future?*

Public transport, roads and parking; keeping the area as it is, development and population growth; recreation, community, health and education services and infrastructure.

*Camden 2040* responds to the community's priorities and aspirations, within the context of the State Government's growth strategy, and within the structure determined by the Integrated Planning and Reporting legislation. As such, the plan contains the following elements:

1. A Vision for the Future of the Camden Area

The central theme of the vision is that Camden maintains its country town feel and rural character in the face of large scale urban growth. In so doing, Camden is a place that has healthy urban and natural environments, a prosperous local economy, effective and sustainable transport, an enriched and connected community, and is represented by strong local leadership.

2. A Sustainability Approach

As per the legislation, *Camden 2040* is based on sustainability principles whereby a careful balance is sought between the environment, community and economy, and where decisions made today are not compromising of the ability of future generations to meet their needs. As such *Camden 2040* deals comprehensively with Camden's environment, economy, community and local leadership.

3. Six Key Directions

*Camden 2040* addresses the community's aspirations for the future through the building of a sustainable place, and is thus divided into six Key Directions or focus areas. These are:

1. Actively Managing Camden's Growth
2. Healthy Urban and Natural Environments
3. A Prosperous Local Economy
4. Effective and Sustainable Transport
5. An Enriched and Connected Community
6. Strong Local Leadership

Each of these Key Directions contains a vision statement, outcomes, objectives, measures, an explanation of the key responsibilities of various agencies and groups, and the community's expectations in relation to local services.

The Outcomes have been developed using the existing Sustainability Indicators that Council has been measuring for many years. Given that these Indicators are really statements of what needs to be achieved in relation to the many aspects of sustainability, they are effective as Outcomes Statements, for example "we have the best of both worlds" and "there is community pride". By using indicators which have been measured over many years, the process of measuring the progress of *Camden 2040* and progress towards the community's vision will be simple.

#### ***Proposed Consultation on the Draft Camden 2040***

Under the Integrated Planning and Reporting requirements, Council is required to place the CSP on public exhibition for a period of at least 28 days and consider comments from the community prior to the endorsement of the plan.

It is proposed that the formal public exhibition of *Camden 2040* commence on Monday 11 October and run through until Monday 8 November 2010. This provides a 29 day exhibition period which avoids the September/October school holidays and long weekend.

In order to enable sufficient time for government agencies, community groups and committees to consider and comment on the plan, it is further proposed that the draft be placed on Council's website following this meeting (from 29 September 2010). Communication to agencies and groups would immediately follow to inform them of the availability of the draft, the closing date for comments, and the activities available during the formal public exhibition period.

The consultation process will involve seeking feedback as to whether the draft plan adequately reflects the community's priorities and aspirations for the future of the Camden area.

The following communication and consultation activities are proposed for the public exhibition process:

1. *Advertising* - there will be an article in the October - December edition of Let's Connect, advertising in local papers, and communication with agencies and groups via letter and email. Council's Facebook page will also be utilised to inform people of the draft plan and consultation opportunities. Information will be available and distributed at libraries, Council front counters and Narellan Rhythms Festival

2. *Website* - reuse of the domain name [www.camden2040.com.au](http://www.camden2040.com.au) to exhibit the draft and provide opportunity for feedback via simple online surveys.
3. *Telephone survey* - Council undertakes an annual telephone survey during September / October and the survey this year will measure the Sustainability Indicators. It is also intended to use the survey to gather a random selection of residents interested in participating in a focus group.
4. *Standard exhibition points* - in addition to Council's website, copies of the draft will be available for viewing at the customer service counters and libraries at both Camden and Narellan.
5. *Open House sessions* - staffed information displays will be set up during "Open House Week" of Monday 25 October to Monday 1 November. These will provide open community sessions, advertised through the local media, and will also be used to host a range of forums and focus groups. This should enable better value from the Open House approach than open community sessions only, which are not always well attended.
6. *Presentations to community and special interest groups* - groups and interagencies that were consulted during the initial community consultation process will be given short information presentations to inform them of the exhibition of the draft and the Open House sessions, and to encourage feedback.
7. *Agency forums* - forums will be held during Open House Week to engage a range of specific agency groups, including state government agencies, non-government organisations, developers, and business groups. These will enable targeted discussion on the issues within the plan relevant to these different groups.
8. *Resident focus groups* - should sufficient interest be established, a small number of randomly selected focus groups will be held during Open House Week to enable discussion with residents who might not otherwise participate in consultations with Council.
9. *Staff consultation* - a number of sessions for staff will be held during Open House Week to enable their input into the draft plan.

### ***Process Following Public Exhibition***

Following the exhibition period, all comments and submissions will be carefully considered and necessary amendments made to the draft *Camden 2040*. It is intended that the draft be brought before Council for formal adoption prior to the end of 2010. Once the plan is adopted by Council it must be submitted to the Division of Local Government within 21 days.

The other aspects of the Integrated Planning and Reporting Framework will be brought before Council, and placed on public exhibition, in early 2011.

All elements of the framework must be adopted by Council no later than 30 June 2011 and submitted to the Division of Local Government.

### **CONCLUSION**

As per the Integrated Planning and Reporting Requirements under the Local

Government Act, a draft Community Strategic Plan, *Camden 2040*, has been prepared following extensive consultation with the local community.

*Camden 2040* is a long term plan for the future of the Camden area, and will involve a range of stakeholders in its delivery, resourcing strategies and plans, consisting of workforce, asset management and long term financial plans are being developed which support the delivery of the Community Strategic Plan .

A Delivery Program is in the process of being developed that identifies Council responsibilities and actions over the coming four years in response to the Community Strategic Plan.

The draft *Camden 2040* needs to be publicly exhibited as per the Local Government Act, and it is proposed that this occur from 11 October to 8 November 2010, with the draft available on Council's website from 29 September 2010.

### **RECOMMENDED**

**That Council approve the draft *Camden 2040* for public exhibition from 11 October to 8 November 2010, with the draft available on the website from the 29 September 2010.**

### **ATTACHMENTS**

Draft Camden 2040



Draft Camden 2040 September 2010.doc

### **RESOLUTION**

Moved Councillor Warren, Seconded Councillor Campbell that Council approve the draft Camden 2040 for public exhibition from 11 October to 8 November 2010, with the draft available on the website from the 29 September 2010.

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

ORD211/10

### **ACTIONS**

[Link to CRMS document](#)

[CRMS: 12366036 29/09/2010, 11:24:33 AM](#)

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# ORDINARY COUNCIL

ORD09

**SUBJECT:** REZONING OF PRECINCT D ON THE MATER DEI  
RESIDENTIAL DEVELOPMENT SITE  
**FROM:** Director Governance  
**FILE NO:** Harrington Park 2 and Mater Dei

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## PURPOSE OF REPORT

The purpose of this report is to seek resolution from Council to exhibit the Mater Dei Seniors Living Village (Precinct D) planning proposal and associated studies.

## BACKGROUND

Currently Precinct D on the Mater Dei Site is zoned E4 Environmental Living. At its meeting on 8 June 2010, Council resolved to send a revised planning proposal, to rezone Precinct D to R2 Low Density Residential to permit a seniors living village, to the (DoP) for Gateway Determination. This rezoning will not involve a change to the footprint of precinct D. Comprehensive studies were completed for the previous rezoning and have been updated to support the planning proposal for a seniors living village.

## MAIN REPORT

### Gateway Determination

Council received Gateway Determination, to proceed with the planning proposal for Precinct D, on 16 July 2010. A range of conditions were attached to this Determination and included a timeframe for completing the LEP within 6 months and a requirement to consult with a range of public authorities. The Gateway Determination is provided as **Attachment 1**.

### Supporting Studies

As part of the progress of this planning proposal further studies specific to seniors housing have been undertaken by the proponent and submitted to Council. These include: Wivenhoe Village (Seniors Living Village) Services Plan; traffic assessment; aircraft noise assessment; development control plan analysis table; and a SEPP Seniors Living assessment. These studies have been reviewed internally and help support the planning proposal. The studies have been provided as **Attachment 2 to this report** and are discussed further below.

The Wivenhoe Village Services Plan outlines the services and facilities that will be available onsite and offsite. The onsite facilities include: a pool; gym and changing rooms; lounge and media room; kitchen and bar; cinema; cafe seating/dining area, kiosk and outdoor seating; library and reading lounge; reception; craft room; offices;

consulting rooms; workshop; and village bus parking. The onsite services will include: waste disposal and recycling; home personal and nursing care; medical care; cleaning and laundry services; village bus and bus driver contracted on a part time basis; and meals. A range of offsite facilities and services are available at Camden and Narellan Town Centres.

The traffic assessment indicates that the proposed land use change will result in a reduction of vehicles entering the site during peak hours and therefore the impact will be no worse as a result of the proposed land use change. Access to the development will remain unchanged and is shown in the planning proposal in **Attachment 4 to this report**.

An updated aircraft noise assessment was required because ANEF (Australian Noise Exposure Forecast) zones have changed and seniors housing has different requirements to normal residential development. The aircraft noise assessment shows that based on the ANEF zones there is no impact that will require changes to the development.

A DCP analysis table has been provided and shows that generally the development will comply with the existing DCP. This has been provided to show that any urban design for the site will be in keeping with the original vision. However, because the proposal is for seniors housing it will be assessed under the Seniors Housing SEPP. A Seniors Housing SEPP assessment is provided for Council's information in **Attachment 2 to this report**.

A document with a compilation of the conclusions of previous studies undertaken for the original rezoning and how/if these conclusions are changed because of a seniors housing development, is also provided as **Attachment 3 to this report**.

#### Public Authority Consultation

Consultation with public authorities has begun and will continue over the exhibition period. Public authorities to be consulted for the planning proposal are:

- Hawkesbury/Nepean Catchment Management Authority;
- Department of Environment, Climate Change and Water;
- Integral Energy
- NSW Rural Fire Service
- Roads and Traffic Authority
- State Emergency Service
- Sydney Water.
- Department of Community Services

All submissions will be reported to Council at the end of the exhibition period.

#### Public Exhibition

Should Council resolve to exhibit the planning proposal (provided as **Attachment 4**) it will be exhibited for 28 days, along with the Gateway Determination and the further studies, as follows:

- Static displays available at:  
Narellan Customer Service Centre and Narellan Library, Queen Street, Narellan  
Camden Customer Service Centre and Camden Library, John Street, Camden
- The exhibition material will be available on the Council website for the length of the exhibition period.
- A notice of exhibition will be placed in a local paper
- Letters to adjoining land owners of the development will be sent out.

All submissions will be reported to Council at the end of the exhibition period.

## CONCLUSION

The planning proposal to rezone Precinct D on the Mater Dei site to a seniors housing village is within the footprint of one of the previously rezoned residential precincts. Documentation has been provided that compares this proposed development with the previous rezoning to allow assessment of its impact. The exhibition of the planning proposal to rezone Precinct D to permit seniors housing on the Mater Dei development site is the next step in the rezoning process.

## RECOMMENDED

That:

- Council resolve to put the Seniors Living planning proposal, Gateway Determination and associated studies on exhibition for 28 days.**
- A further report be provided to Council detailing the results of the exhibition and making further recommendation in relation to rezoning proposal.**

## ATTACHMENTS

Attachment 1 - Gateway determination

Attachment 2 - Further studies

Attachment 3 - Compilation of Previous Report Conclusions

Attachment 4 - Revised Planning Proposal



attachment 2 further studies.pdf



Attachment 1 Gateway Determination.pdf



Attachment 3 compilation of previous report conclusions.pdf



Attachment 4 Revised Planning Proposal.doc

## RESOLUTION

Moved Councillor Cagney, Seconded Councillor Campbell that:

- Council resolve to put the Seniors Living planning proposal, Gateway Determination and associated studies on exhibition for 28 days; and
- a further report be provided to Council detailing the results of the exhibition and making further recommendation in relation to rezoning proposal.

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

(Councillors Anderson, Campbell, Cagney, Cottrell, Dewbery, Funnell, Symkowiak, Patterson and Warren voted in favour of the Motion.  
No Councillor voted against the Motion).

ORD212/10

### **ACTIONS**

[Link to CRMS document](#)

[CRMS: 12366236 29/09/2010, 11:24:47 AM](#)

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## ORDINARY COUNCIL

**ORD10**

**SUBJECT:** INVESTMENT MONIES  
**FROM:** Director Governance  
**FILE NO:** Investment Business Papers

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In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 31 August 2010 is provided.

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

The weighted average return on all investments was 5.72% p.a. for the month of August 2010.

The Principal Accounting Officer is the Manager Corporate Services.

### **RECOMMENDED**

**That:**

- i. Council note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the Local Government Act, Regulations, and Council's Investment Policy.**
- ii. the list of investments for August 2010 be noted.**
- iii. the weighted average interest rate return of 5.72% p.a. for the month of August 2010 be noted.**

### **ATTACHMENTS**



Report August 2010.xls

### **RESOLUTION**

Moved Councillor Dewbery, Seconded Councillor Cottrell that:

- i. Council note that the Principal Accounting Officer has certified that all investments**

held by Council have been made in accordance with the Local Government Act, Regulations, and Council's Investment Policy.

- ii. the list of investments for August 2010 be noted.
- iii. the weighted average interest rate return of 5.72% p.a. for the month of August 2010 be noted.

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

ORD213/10

### **ACTIONS**

[Link to CRMS document](#)

[CRMS: 12366304 29/09/2010, 11:25:01 AM](#)

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## ORDINARY COUNCIL

ORD11

**SUBJECT:** REQUEST FOR WARD FUNDS  
**FROM:** Director Works and Services  
**FILE NO:** Governance/Councillors

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### PURPOSE OF REPORT

To seek a resolution on the request for the allocation of ward funds to the Camden Churches Board of Christian Education (CCBCE) for the amount outstanding for their event staged on 1 August 2010 at the Civic Centre.

### BACKGROUND

CCBCE applied for a Civic Centre Cultural Performance Subsidy in the July funding round. The amount requested was \$1,320 (GST inclusive) which is the maximum amount and similar to previous requests and would cover the hire of the Civic Centre auditorium. Following consideration of all requests, Council granted the amount of \$660 (GST inclusive). This was half of the requested amount, and therefore did not fully cover CCBCE's hire costs.

The goal of the Cultural Performance Subsidy, when it was reviewed, was to secure at least six events for the community that met the profile of the demographics of the LGA. This year, processing of applications was delayed for the 2010 funding round due to the number of applicants not responding to the change in policy. As a result, an extension on the closing date was granted to enable applicants to lodge their applications for consideration. This resulted in the requests being considered by Council in August, rather than earlier in July.

This year, the funding round attracted 12 requests, including a number of repeat applicants and a number of new events. Each offered the opportunity for the community to enjoy cultural performances locally. The events recognised as the most likely to appeal to a larger audience, provide higher quality entertainment and clearly meet each of the criteria, were recommended to received the highest level of funding. Those which had been successful in previous rounds and met the funding criteria to an appropriate level received \$660, while those which have received funding more frequently and met the criteria to a lesser level were in some cases encouraged to work in partnership with others and funded the minimum amount of \$440.

When assessing the application made by the CCBCE it was established that the event involved two cultural performances by local schools, reflecting the event's Education Week focus. The application did not strictly fit the cultural performance framework, but did however provide the two groups the opportunity to showcase to a broad community audience.

Council's consideration of the requests for subsidies was at its meeting of 10 August

2010, after the time of CCBCE's Education Week event.

Whilst every applicant was recommended for funding in order to broaden the 2010/11 cultural calendar, it should be noted that the next funding round will be managed to secure six significant cultural performances to provide high quality events for the community.

## **MAIN REPORT**

Following the holding of CCBCE's event on 1 August, an invoice was issued by the Civic Centre for the balance of the hiring fee (the balance is \$660, GST inclusive). Councillors received a request from CCBCE on 7 September 2010 seeking to have this balance waived or alternatively, to allow CCBCE to pay the money back at \$50 per week.

This request was raised on the basis that CCBCE does not have sufficient funds immediately available to cover the debt. It has been outlined that the only funds held by CCBCE are donations from churches and individuals which are used to pay the four Special Religious Education teachers in Camden and Elderslie High Schools, and reserves are necessary to pay these people.

CCBCE has stated that it acted on the basis of previous successful requests, and has acknowledged that if was aware of the outcome earlier would have made a different decision about the Education Week event.

It is recognised that the Art Gallery would have been a more suitable and lesser cost venue and that, prior to consideration by Council, no event is guaranteed support.

There are no unallocated funds available from the Cultural Performance Subsidy. It is therefore requested Council resolve whether funds to cover the balance of the outstanding invoice be made available from an allocation of Councillor Ward Funds in this instance.

## **CONCLUSION**

Acting on previous years' experiences, CCBCE arranged and presented an Education Week event for which they had requested Council support under the Cultural Performance subsidy. The event was scheduled before Council had considered the applications for support. The amount of support approved by Council fell short of the amount received in previous years and that required for the Civic Centre booking. As a result, CCBCE has found itself short of funds to cover this difference.

CCBCE relies on donations from churches and individuals to fund the cost of four Special Religious Education teachers at local schools, and does not have sufficient reserves to cover this cost.

It is recommended that Council determine whether an allocation of Councillor Ward funds be made available to cover the shortfall.

## **RECOMMENDED**

That Council determine whether to:

- i. allocate an amount of \$660 (GST inclusive) from Councillor Ward Funds to cover the difference in cost between the hire of the Civic Centre auditorium and the subsidy granted by Council under the Cultural Performance Subsidy for the Camden Churches Board of Christian Education event held on 1 August 2010; and
- ii. send a letter to CCBCE advising that the CCBCE event may not be eligible for funding under the policy in 2011 as the event in its current form is not predominantly a cultural performance.

## **RESOLUTION**

Moved Councillor Symkowiak, Seconded Councillor Funnell that Council determine whether to:

- i. allocate an amount of \$660 (GST inclusive) from Councillor Ward Funds to cover the difference in cost between the hire of the Civic Centre auditorium and the subsidy granted by Council under the Cultural Performance Subsidy for the Camden Churches Board of Christian Education event held on 1 August 2010; and
- ii. send a letter to CCBCE advising that the CCBCE event may not be eligible for funding under the policy in 2011 as the event in its current form is not predominantly a cultural performance.

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

THE MEETING CLOSED AT 7.40PM.

ORD214/10

## **ACTIONS**

[Link to CRMS document](#)

[CRMS: 12366419 29/09/2010, 11:28:50 AM](#)