
ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.

RESOLUTION

There were no leave of absence to be granted.

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

ORD274/09

ACTIONS

ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

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

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

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

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

RECOMMENDED

That the declarations be noted.

RESOLUTION

In relation to Item ORD01, Councillor Funnell stated that he knows Paul Wakeling and has worked for him but did not have a conflict of interest and would be taking part in voting.

In relation to Item ORD 05, Councillor Patterson stated that he is a resident of Kirkham but did not have any compensation claims and does not live in the effected streets and would therefore be taking part in voting.

In relation to the Notice of Motion, Councillor Warren stated that he is a non executive member of the RSL Sub Branch but did not have a conflict of interest and would be taking part in voting.

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

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

ORD275/09

ACTIONS

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

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

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

Pat Smith addressed the Council in relation to the Notice of Motion.
Mark Hambling addressed the Council in relation to Item ORD 05.
Patricia Thirrup addressed the Council in relation to Item ORD 03.
Walter Di Qual addressed the Council in relation to Item ORD 05.
Kai Love addressed the Council in relation to Item ORD 03.

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

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

ORD276/09

ACTIONS

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 10 November 2009 and the Minutes of the Local Traffic Committee Meeting held 9 November 2009.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 10 November 2009 and the Minutes of the Local Traffic Committee Meeting held 9 November 2009, copies of which have been circulated, be confirmed and adopted.

RESOLUTION

Moved Councillor Warren, Seconded Councillor Anderson that the Minutes of the Ordinary Council Meeting held 10 November 2009 and the Minutes of the Local Traffic Committee Meeting held 9 November 2009, copies of which have been circulated, be confirmed and adopted.

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

ORD277/09

ACTIONS

ORDINARY COUNCIL

ORD01

**ERECTION OF MOTOR SHOWROOM, ANCILLARY SERVICE CENTRE,
EXTERNAL DISPLAY AREA AND ASSOCIATED SITE WORKS AT NO 45 (LOT 1,
DP 1134512) ANDERSON ROAD, SMEATON GRANGE**

FROM:	Director Development and Health
FILE NO:	Binder: Development Applications 2009
DA NO:	907/2009
OWNER:	Investa Commercial Developments Pty Ltd
APPLICANT:	Paul Wakeling Pty Ltd
ZONING:	4(a) General Industrial
APPLICABLE PLANNING INSTRUMENT:	LEP 47

PURPOSE OF REPORT

The purpose of this report is to seek from Council a determination of a development application for the erection of a motor showroom development on this property. The application is referred to Council in accordance with its delegations, as there are non-compliances with Council's Development Control Plan and unresolved matters raised in submissions received from the public.

SUMMARY OF RECOMMENDATION

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

BACKGROUND

Council granted Deferred Commencement Consent to DA1000/2007 for a similar motor showroom development on this site at the Ordinary Meeting of 26 August, 2008.

The applicant was given 6 months in which to provide Council with environmental reports relating to noise, lighting and construction management before this consent became operational. This time limit was later extended to 12 months by Council staff under delegated authority. The required information was not received within the 12 month time limit and so Deferred Commencement Consent 1000/2007 now remains permanently inoperative.

The current development application was received on 11 September, 2009. It was publicly exhibited between 18 September and 2 October, 2009. One submission was received from the public. This has been assessed and is detailed in the "Any submissions" section of this report. The application has been assessed and is now recommended to Council for approval.

THE SITE

This site is known as No 45 (Lot 1, DP 1134512) Anderson Road, Smeaton Grange. The site is generally rectangular in shape and has frontage to the Camden Valley Way road reserve, Anderson Road and the recently constructed Simpson Close cul-de-sac.

The site generally slopes upwards from Anderson Road with the land becoming relatively steep on its north eastern side, has been cleared of all vegetation and is currently vacant.

The Camden Valley Way road reserve bounds the site to the north-west with Anderson Road bounding it to the south-west. To the north-east is an existing poultry farm comprising several large poultry sheds and a dwelling.

The wider area consists of the Smeaton Grange industrial estate to the south and east. To the west/north-west lies the Harrington Park residential suburb. The Turner Road precinct of the South West Growth Centre is located to the north-east between Camden Valley Way and the Camden/Campbelltown LGA boundary. **A site location map is provided at the end of this report.**

THE PROPOSAL

Development consent is sought to erect a motor showroom and ancillary service centre in 2 stages on this site. This will involve:

Stage 1

- the erection and operation of a motor showroom comprising 3 vehicle dealerships;
- ancillary facilities including a customer lounge and children's play area;
- an ancillary service centre providing 18 vehicle workbays, parts store and offices;
- car detailing and wash bays near the northern corner of the site;
- a 2,940m² external vehicle display area with 527m² of internal display area within the 3 vehicle dealerships;
- car parking for 117 vehicles; and
- landscaping, lighting and earthworks.

Gross floor area of the proposed development is 2,339m².

Stage 2

- the construction and operation of an ancillary automatic car wash bay on the eastern side of the site. The applicant advises that this will only occur when client demand and service loads require it.

This second stage will also involve the removal of 3 on-site car parking spaces.

Signage for each of the dealerships is not proposed as part of this development and will be subject of separate development applications. All signage shown on the proposed plans is indicative only.

The proposed hours of operation for this development are:

Vehicle service workshop

Monday to Friday: 7.00am – 6.00pm

Vehicle dealerships:

Monday to Friday: 8.30am – 6.00pm

Saturday and Sunday: 8.00am – 5.00pm

A copy of the proposed plans is provided at the end of the report.

Under Council's Development Control Plan the development requires 135 onsite car parking spaces. Once stage 2 is completed only 114 spaces will be provided, creating a shortfall of 21 spaces. The applicant has asked Council to consider a reduced level of parking for this development and this request is assessed later in this report.

When compared to the motor showroom development Council previously approved by granting Deferred Commencement Consent 1000/2007, the following changes are evident:

- minor repositioning of the overall building;
- revised external appearance including a vehicle customer hand-over bay and a raised roof profile in the building's south-west corner;
- revised building fascia design;
- 3 used car offices in the showroom building;
- internal alterations including rearranged amenities, lunch room, service reception and parts display area;
- removal of 2 service bays for a new wheel alignment bay;
- new car detailing and wash bays near the northern corner of the site;
- a new automatic car wash bay; and
- a reduction in the previous car parking space deficit of 39 to 21.

Overall the new motor showroom proposal is similar to that which was previously granted Deferred Commencement Consent.

NOTIFICATION

Surrounding neighbours were notified of this development application between 18 September and 2 October, 2009. One submission was received in response to the notification. Council's assessment officer has conducted mediation with the objector, however the issues raised remained unresolved. These issues are assessed later in the "Any submissions" section of this report. **A copy of the submission is provided with the Business Paper supporting documents.**

PLANNING CONTROLS

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

- State Environmental Planning Policy (Infrastructure) 2007
- Deemed State Environmental Planning Policy No 20: Hawkesbury/Nepean River
- Camden Local Environmental Plan No 47
- Draft Camden Local Environmental Plan 2009
- 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

State Environmental Planning Policy (Infrastructure) 2007 (SEPP)

Pursuant to Clause 104 of the SEPP, this proposal is a traffic generating development in that it has a combined vehicle display and parking capacity for more than 200 motor vehicles. Consequently the application was referred to the Roads and Traffic Authority (RTA) for consideration. The RTA has made a written submission on the development asking Council to consider several issues including:

- access to the site by heavy vehicles;
- linemarking/signage plans;
- restricting vehicles for sale from being displayed in designated staff/customer car parking areas;
- parking spaces, driveways and turning paths must comply with the relevant Australian Standards;
- all vehicles must enter and exit the site in a forward direction; and
- loading and unloading arrangements.

No concerns have been raised regarding the traffic generation aspects of this development.

The issues raised by the RTA have been considered during the assessment of this application. Appropriate development consent conditions have been recommended where necessary in order to address the issues raised.

Deemed State Environmental Planning Policy No 20: Hawkesbury/Nepean River (SEPP)

It is considered that the aims and objectives of this policy will not be prejudiced by this development and that the development can be constructed so that there will be no detrimental impacts upon the Hawkesbury/Nepean River system as a result of the proposal.

It is a recommended development consent condition that gross pollutant traps be provided to treat all stormwater before it leaves the site and enters Council's stormwater drainage system. These traps will remove gross pollutants such as cans, wrappers and papers as well as hydrocarbons and heavy metals from the substantial car parking and driveway areas on the site.

This will help ensure that the integrity of the Hawkesbury/Nepean River system is protected.

Camden Local Environmental Plan No 47 (LEP)

The site is zoned 4(a) General Industrial under Camden Local Environmental Plan No 47. Motor showrooms are permissible with development consent in this zone. The proposal is therefore acceptable in principle under the LEP provided it meets the objectives of the zone.

The objectives of this zone include provision for "the expansion of existing industry and the establishment of new industry in order to expand the local economic base and local employment opportunities..." and "to minimise any adverse effect of industry on the

activities in other zones..."

It is considered that the proposal is generally compliant with these objectives. Whilst it is not a wholly industrial use, the proposed motor showroom will help to expand the local economic base and create additional employment opportunities. It is also considered that the recommended development consent conditions will minimise any adverse impacts the showroom would have on any surrounding uses or activities.

Overall the proposed development is considered acceptable in terms of the LEP.

(1)(a)(ii) The provisions of any Draft Environmental Planning Instrument

Draft Camden Local Environmental Plan 2009 (draft LEP)

Pursuant to the draft LEP, the replacement zone for this site's current 4(a) General Industrial zone is the IN1 General Industrial zone. The proposed development would be defined as a "vehicle sales or hire premises" under the draft LEP which is a prohibited use in the IN1 General Industrial zone. This has been shown to be an error in the draft plan, which is to retain the status quo, and accordingly will be rectified before the plan is referred to the Department of Planning for finalisation. However as Council's current LEP remains in force and permits the development of motor showrooms on this site, it is considered the primary environmental planning instrument of the two. Therefore motor showrooms are still a permissible use in the current 4(a) General Industrial zone.

The development is also considered to be consistent with the relevant objectives of the IN1 General Industrial in that the works will encourage employment opportunities and will minimise its own impacts on other land uses through the recommended development consent conditions.

No other parts of the draft LEP are relevant to the proposed development.

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

The following parts of Council's Development Control Plan (DCP) are relevant to this proposal:

Part D, Chapter 1: Car Parking

Council's DCP requires 1 on-site car parking space per 130m² of site display area and 6 spaces per service centre workbay.

As detailed in "The Proposal" section of this report, the applicant proposes to stage this development into 2 stages as follows:

Stage 1: Erection and operation of motor showroom, ancillary service centre, external display area, earthworks, drainage and landscaping

This development will have 3,467m² of site display area and 18 work bays in the ancillary service centre. Therefore the number of car parking spaces required in accordance with Council's DCP is:

$3,467\text{m}^2 / 130 = 26.6$ (27) spaces, and

18 proposed workbays: $18 \times 6 = 108$ spaces.

The total number of required car parking spaces is therefore 135. Only 117 in stage 1 have been provided, resulting in a shortfall of 18. This assessment is on the basis that the car wash will be used by patrons of the facility only and not open to the general public. A condition of consent to this effect has been included in the recommended conditions.

Stage 2: Erection and operation of an ancillary automatic car wash bay

The total number of required car parking spaces for the stage 1 and 2 developments remains 135.

The proposed automatic car wash bay will involve the removal of 3 onsite car parking spaces. Therefore only 114 will be provided, resulting in an overall shortfall of 21 spaces when both stage 1 and 2 of the development are in operation.

The applicant has asked Council to consider a reduced level of parking for this development. The applicant has made a written submission regarding the proposed reduced level of car parking and has attempted to justify it on the following basis:

- increased modern motor vehicle reliability and longer service intervals will result in less trips to this motor showroom;
- modern car buyers will often seek car information using the internet and are less likely to visit a dealership for their first enquiry;
- the proposed showroom will provide a high standard of customer facilities including customer lounges, television and a children's play area. This will result in customers being more likely to wait in the showroom whilst their vehicles are being serviced rather than making multiple trips to and from the site.

The applicant has also compared this development to their existing motor showroom at Campbelltown which provides only 102 car parking spaces for a service centre with 40 work bays. Further information has also been provided regarding average customer numbers and sales from the Campbelltown showroom.

This information has been assessed and it is considered that there may be merit in this argument. In assessing any development it is appropriate to look at site and industry specific conditions when determining what level of car parking is satisfactory and in particular access to public transport, proximity to employment and residences and means of travel to those facilities. Notwithstanding the DCP, it is recognised that the above factors may reduce the level of parking that this motor showroom would need in reality, however it is considered that Smeaton Grange is not as accessible as Campbelltown and accordingly it is appropriate to assess the impact of the development once it is operational.

It is a recommended development consent condition that the applicant must provide the required 135 car parking spaces on this site, however the condition provides that the applicant may construct and operate the development with only the proposed 117 spaces for stage 1 for a trial period of 12 months from the date of an Occupation Certificate being issued for the development. A similar condition was imposed on the original consent issued by Council in 2008.

After this trial period the required 135 spaces must be fully constructed and permanently retained on the site. Prior to the expiry of this 12 month trial period the applicant may lodge a Section 96 Modification application with Council which would seek to alter this condition and allow the proposed reduced level of car parking (114

spaces taking into account the stage 2 development) to become permanent. Once this is lodged Council can consider the performance of the site in terms of cars being forced to park on-street due to a lack of onsite parking and other operational difficulties. If the applicant can demonstrate that the site can operate satisfactorily for approximately 12 months with the reduced level of parking, Council may consider allowing this arrangement to become permanent. If however it is clear that the reduced parking has resulted in unreasonable on-street parking levels and operational difficulties then Council may refuse the Section 96 Modification, resulting in the required 135 spaces having to be constructed and permanently retained.

This arrangement is considered to be acceptable in these circumstances, principally because this site is capable of providing the additional car parking spaces and so the directions of the condition can be carried out if required. This could be done by altering part of the approved landscaping areas or ideally converting part of the external vehicle display area into an extra staff/customer car park. The applicant's argument for the reduced level of parking has merit and it is considered that a 12 month trial period will allow the impacts of the reduced parking to be properly gauged. Council will also retain the ability to require the applicant to provide the DCP required number of car parking spaces on the site if necessary.

Vehicle deliveries to the site will be unloaded within the site and a loading bay has been specifically provided at the front of the site for this purpose. It is a recommended condition of consent that all loading/unloading activities associated with the development take place within the site and that onsite car parking spaces are not used to display vehicles for sale but kept free for staff/customer car parking. This is consistent with the requirements of the RTA.

Part D, Chapter 2: Cut and Fill, Landforming Operations and Erosion and Sediment Control

This proposal will involve substantial earthworks to the site, including cutting into the site up to approximately 2.5m, which is far in excess of what is permitted under the provisions of Camden DCP 2006 whereby a maximum of 500mm cut and fill is permitted. However the proposed levels of cut and fill are considered acceptable in this context of industrial land with large footprints.

It is recognised that this is a zoned industrial area and that both small and large scale industrial/commercial developments require generally flat sites in order to operate effectively. The proposed earthworks are extensive but reasonable given the proposed use of the site as a motor showroom. It is noted that the development will also incorporate substantial landscaping which will help soften and screen the impact of the development and its associated earthworks. As development proceeds further north in Smeaton Grange toward Turner Road, it is likely that similar proposals to cut and fill the land to obtain more level building platforms will be received.

It is a recommended development consent condition that the applicant prepare and implement soil and sediment control plans and measures to mitigate soil erosion, dust and sediment dispersal whilst carrying out landforming works. Salinity considerations are also appropriate development consent conditions.

Part D, Chapter 3: Energy Conservation and Stormwater Runoff Use

This section of the DCP requires that development for new industrial/commercial buildings provide stormwater tank/s with a minimum volume of 5,000 litres. The tank/s must capture 80% of the stormwater runoff from the development's roof area and not

impact on car parking spaces, accesses or driveways. The stored stormwater must also be reticulated across the site as needed. This requirement has been made a recommended development consent condition and the required tanks can be readily accommodated within the site.

Part G, Chapter 16: Smeaton Grange

Setbacks & Landscaping

The DCP requires that the motor showroom has a 22.5m building line setback from Anderson Road with 10.0m of landscaping. The showroom building has a setback of 32.0m and landscaping ranging from 5.6m and 15.7m in width.

The DCP similarly requires that the showroom has a 30.0m building line setback from Camden Valley Way with 15.0m of landscaping. The showroom building has a setback of 36.5m with landscaping that varies between 22.0m and 5.0m wide. The proposed building setback complies with the DCP and although the landscaping widths do not comply at all points it is still considered to be acceptable for this site and area.

The submitted landscaping design is of a high standard and at several points is much wider than the required 10.0m and 15.0m to make up for its deficiencies in other areas. The variation in landscaping widths will also help to add some visual interest to the site's major frontage whilst still providing a high level of softening and screening for the showroom building and associated car parking/display areas at the same time maintaining the exposure of display areas.

Building Appearance and Materials

The showroom building is to be constructed of a mix of precast concrete panels and colorbond metal cladding with glazing. These materials are considered to be acceptable in that they are reflective of the materials used in the majority of buildings in the existing Smeaton Grange estate.

Additionally, the overall design of the building is considered acceptable for this site in that it will present a high quality appearance on what is a very prominent corner site and is generally reflective of the existing industrial style character of the surrounding estate. It will provide visual interest in the streetscape and 'fit in' well with surrounding existing and future development.

Building Height

Buildings in the Camden LGA are generally restricted to a maximum of two storeys in height. The proposed showroom is a single storey building with a maximum height of approximately 7.5m. This height is considered to be acceptable for this site and complies with the maximum two storey height limit.

Landscaping

As part of this proposal, the applicant has prepared landscaping plans for Council assessment. These have been considered and are found to be acceptable as they will provide a high level of softening and screening to the site and will help to integrate the development into its surroundings. It is a recommended development consent condition that additional landscaping be provided to soften and screen the appearance of the proposed 2.1m high acoustic barrier along the north-east boundary of the site.

Access and Car Parking

Access to the site from Simpson Close has been designed to Council's standards and can cater for deliveries to and from the site. The internal site accesses and manoeuvring areas are considered acceptable and it is a recommended condition of consent that these will comply with the relevant Australian Standards.

An assessment of the proposal's parking provision has been provided previously in the "Part D, Chapter 1: Car Parking" section of this report.

External Storage

Although no external storage of any goods or materials is proposed as part of this development, a large external display area for vehicles for sale is proposed within the front setback area of this site. This is considered reasonable given the use of the site as a motor showroom and service centre and it is considered that the proposed landscaping will complement these areas.

Noise

The potential for noise generation from this development is a critical issue, particularly given the existence of a very sensitive poultry farm directly to the north of the site and residential properties to the north-west in Harrington Park. An acoustic report addressing the potential noise impacts from this development has been submitted with and assessed as part of this application. Supplementary information was lodged during the assessment process to address concerns in relation to the initial information.

The acoustic report demonstrates that with appropriate acoustic controls, including the erection of a 2.1m high acoustic barrier along the north-east boundary of the site, the noise impacts from this development are not unreasonable. This takes into consideration the adjacent poultry farm and dwelling at No 536 Camden Valley Way and the existing residential areas to the east/north-east.

Waste Storage and Removal

It is a recommended development consent condition that the applicant properly stores all trade waste and refuse within the site and that this storage does not interfere with car parking spaces and access driveways.

Hazardous Goods and Chemicals

It is a recommended development consent condition that areas where chemicals are stored/used are bunded where appropriate to ensure that they do not contaminate the rest of the site or surrounding area.

Fencing

No fencing apart from the acoustic wall is proposed as part of this development. The only type of barrier proposed is a continuous line of bollards that will ring the site. These are considered to be acceptable to enhance security and prevent vehicle theft from the site. It is also noted that the proposed bollards will have much less visual impact than a typical 2.0m high security fence.

Overall it is considered that the proposed development is generally compliant with the objectives and controls of the relevant parts of Council's DCP and where departure

occurs, these variations can be justified or assessed during a trial period.

(1)(a)(iiia) 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 likely impacts of this development have been assessed and include:

Traffic generation

The applicant has submitted a traffic report for consideration as part of this application. This report has been assessed and it is not considered that the proposal will generate an unreasonable amount of additional vehicular traffic. The traffic report demonstrates that the local street network, including the intersection of Camden Valley Way and Anderson Road, will operate adequately in spite of any additional traffic introduced by this development. It is also noted that the RTA has not raised any concerns with regard to the development's traffic generation. Therefore the development's traffic generation is not considered to have any significant impacts.

Safer by Design considerations

The showroom's design and layout is considered to be acceptable in terms of Safer by Design principles. Glazing used in the showroom building will create passive surveillance opportunities throughout the site. The use of a significant part of the site's frontage as a vehicle display area will ensure that the area is regularly observed by passing vehicles, pedestrians and also customers viewing the display vehicles within the site. It is noted that the entrance and exit to this site are both positioned along the south-eastern frontage and will be provided with appropriate line marking and signage to further enhance territorial control.

Additional safety features include a continuous line of bollards around the perimeter of the site to prevent vehicle theft and external lighting that will be subject to further Council assessment.

Ventilation impacts upon the adjacent poultry farm

As the motor showroom building and ancillary structures are located at a lower level than, and generally have a significant separation distance from, the adjacent poultry farm, it is not anticipated that the development will reduce the current level of ventilation afforded to the sheds.

The proposed 2.1m high acoustic barrier matches the height of an existing barrier along part of the shared boundary between the sites and will not significantly reduce ventilation to the sheds given its limited height.

Noise, dust and environmental impacts during construction

The potential for noise, dust and other environmental nuisance caused by the construction of this development has been considered. This is particularly important

with this development as the adjacent poultry farm is a very sensitive land use with regard to noise, dust and light spillage. To address this it is recommended that a construction and environmental management plan be prepared, submitted to the certifying authority issuing the construction certificate for this development and be fully implemented. This will ensure that the construction impacts from constructing the development are properly managed and protect the ongoing operations of the adjacent poultry farm and the amenity of the area.

All other likely impacts of this development have been assessed elsewhere in this report, including the "Any submissions" section of this report.

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

This site is considered to be suitable for the proposed motor showroom development. The zoning of the land provides for development such as this, and subject to the recommended development consent conditions the development will not have any unreasonable environmental impacts upon surrounding properties of the environment. There are no other site specific reasons why this site is not suitable for this development.

(1)(d) Any submissions

One submission letter was received from the public when this application was publicly exhibited. The issues raised in this submission include:

1. Noise impacts upon the adjacent poultry farm

Officer comment:

The applicant has submitted an acoustic report to Council in support of this application and revised this report during the assessment process so that it has now been demonstrated that the proposed development will comply with Council's Industrial Noise Policy and its maximum noise level of 70dB(A) at the shared boundary between the sites. The report also demonstrates that the installation of a 2.1m high acoustic barrier along part of this shared boundary will reduce noise levels to below 65dB(A). However the applicable residential noise criteria relating to the existing dwelling on the poultry farm site will be exceeded.

This level of noise is considered a reasonable balance between both the existing and proposed developments, taking into consideration the industrial zoning of both sites, compliance with Council's Industrial Noise Policy and the existing dwelling on the poultry farm site. It is considered that this is an appropriate level of protection to afford the existing poultry farm and ancillary dwelling in these circumstances.

It is noted that during mediation conducted by the assessment officer, the submission writer generally agreed that the proposed noise levels were acceptable and that this was no longer an issue.

2. The installation of the proposed 2.1m high acoustic barrier along the north-eastern boundary of the site will block views from the adjacent poultry farm and is not supported

Officer comment:

It is recognised that the installation of the proposed acoustic fence may block some views from the adjacent poultry farm site, however it is considered the need to properly attenuate noise impacts from the proposed development and safeguard

the residential amenity of the dwelling located on the poultry farm site and the viability of the poultry farm outweighs the objector's desire to maintain these existing views from the property. Therefore the installation of the acoustic barrier is still recommended. It must be noted that the poultry farm remains within the existing industrial area as an existing use and accordingly, whilst it should be considered as part of the assessment of the application, the weight issues such as views are given are low.

3. Lighting impacts upon the adjacent poultry farm

Officer comment:

Concerns have been raised regarding the impact of the proposed motor showroom site lighting upon the operations of the adjacent poultry farm.

The applicant has submitted a lighting assessment to Council in support of this application. This assessment demonstrates that the proposed lighting will comply with AS 4282-1997 "Control of the obtrusive effects of outdoor lighting." Whilst the standard's strictest criterion applies to residential uses and not poultry farms, it is the most sensitive criteria in existence and requires that the proposed lighting achieve a maximum level of 1 Lux at the boundary between the subject site and adjacent poultry farm (during night time hours).

The submission writer has forwarded Council information regarding lighting and its potential impacts upon poultry. This information, whilst not an official lighting standard, suggests a maximum external light level of 0.4 Lux be provided for poultry during night time hours. The proposed lighting not only complies with AS 4282-1997 but also demonstrates that a light level of 0.5 Lux is achievable at the boundary between the two sites. Taking into account the setback of the poultry sheds from the shared boundary, it is considered likely that a lighting level of approximately 0.4-0.5 Lux can be achieved with the proposed lighting. Consent conditions are recommended to address this issue.

This is considered an acceptable light level to both minimise impacts on the adjacent poultry farm and to allow the motor showroom site to have appropriate security lighting.

4. Land use conflict between the proposed development and the adjacent poultry farm

Officer comment:

The potential for land use conflict between two such different uses with different environmental needs and impacts is recognised. As assessed throughout this report, potential land use conflict can be reduced to a reasonable minimum by the installation of a 2.1m high acoustic barrier and by reducing lighting to a minimum along the shared boundary of the sites. The wall will also mitigate issues of dust, however at times odour from the poultry farm will be noticeable beyond the farm's boundaries.

In this circumstance involving an existing poultry farm operation within a zoned and rapidly developing industrial area, the above is considered a reasonable outcome for both the existing and proposed land uses.

(1)(e) The public interest

This development is considered to be within the public interest. It will further the economic development of the area and has been appropriately designed to respect

and fit in with this site and surrounding area. The zoning of the land supports this use and it is judged that this development is best located in such an area as opposed to a residential or commercial area. It is considered that this development represents the properly managed and controlled development of the land.

CONCLUSION

Council has received a development application for the erection of a motor showroom and ancillary service centre on this site. The application has been publicly exhibited and the submission received have been considered. The application has also been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

It is considered that whilst the proposal is not fully compliant with Council's Development Control Plan, it represents an appropriate form of development for the site that will have minimal environmental impacts upon surrounding properties.

Consequently the development is recommended to Council for approval, subject to the draft conditions of consent shown below.

DRAFT CONDITIONS OF CONSENT

Approved Development Stages:

Stage 1: Erection and operation of motor showroom, ancillary service centre, external display area, earthworks, drainage and landscaping

Stage 2: Erection and use of an automatic car wash bay ancillary to the motor showroom development approved by Stage 1 of this Development Consent.

Conditions relating to stage 1 of this approved development

1.0 - General Requirements

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

- (1) **Landscaping Maintenance & Establishment Period** - All Landscaping works associated with this Consent (Landscape Plan: Drawing No 128 07_10C; Dated 22.5.2009; Drawn by Distinctive; Project No 128 07; Revision C) are to be maintained for a period of 12 months from the date of issue of the Occupation Certificate.

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

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

Any landscaping that requires repair or replacement at the end of the 12 month

maintenance period is to repaired or replaced within 60 days following the end date of the 12 month maintenance period.

- (2) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia* .
- (3) **Disability Discrimination Act** - This approval does not necessarily guarantee compliance with the Disability Discrimination Act 1992, and the applicant/owner is therefore advised to investigate their liability under the Act.
Your attention is drawn to AS1428 parts 2, 3 and 4 inclusive. This may be used as a comprehensive guide for disability access.
- (4) **Additional Landscaping** – Additional landscaping must be provided along the north east boundary of the site as marked in red on the approved landscaping plans. This additional landscaping must be maintained in accordance with Condition 1 (1) in Stage 1 of this Development Consent.
- (5) **Approved Plans** – The development must be carried out strictly in accordance with the approved plans: from De Angelis Taylor & Associates:
 - DA01 Revision A by De Angelis Taylor & Associates.
 - DA02 Revision A by De Angelis Taylor & Associates.
 - DA03 Revision A by De Angelis Taylor & Associates.
 - DA04 Revision A by De Angelis Taylor & Associates.
 - DA05 Revision A by De Angelis Taylor & Associates.
 - Exterior colour & finishes schedule by De Angelis Taylor & Associates.
 - Landscaping plan 128_07.10C by Distinctive Gardens & Interiors.
 - Stormwater concept plan H-1, Revision A by Neville Brown & Associates.

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 conditions of consent, the conditions of consent take precedence to the extent of the inconsistency.

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

Note: Although shown on the approved landscaping and stormwater concept plans, the automatic car wash bay approved by Stage 2 of this Development Consent is not approved as part of Stage 1 of this Development Consent.

- (6) **Advertising Signs Application** - Outdoor advertising structures require prior development consent. A development application must be submitted and approval granted by the Consent Authority (ie. Camden Council) prior to the erection of any advertising signs.

The design, style, colour, height and type of any advertising sign must have regard to the character of the development, any existing advertising theme and Council's Development Control Plan 2006.

Note: All advertising signs shown on the approved plans are indicative only and are not approved as part of this development application. A separate development application/s must be lodged with and approved by Camden Council prior to the

erection of any advertising signs on this site.

- (7) **Trial Period for Car Parking Spaces** – As part of this approved development consent, the applicant shall fully construct and permanently retain 135 car parking spaces, designed in accordance with AS 2890.1, on this site.

Notwithstanding this, the applicant may construct 117 car parking spaces in the arrangement shown on the approved plans. The applicant may operate the approved motor showroom for a maximum period of 12 months from the date of the issue of a final Occupation Certificate for this development. After the expiration of this trial period the applicant must construct and permanently retain the balance of the 135 car parking spaces on this site (ie. an additional 18 car parking spaces).

Prior to the expiry of this 12 month trial period, the applicant may lodge a Section 96 Modification to this development consent with Camden Council in order to remove the requirement to construct and retain the balance of the 135 car parking spaces. This Section 96 Modification must be accompanied with details regarding the performance of the approved motor showroom during its operational lifespan for a minimum of nine months. These details must fully justify that having only 114 on-site car parking spaces (taking into account the approved stage 2 development) has not resulted in on-street parking on the surrounding local street network by users of this development.

In determining such a Section 96 Modification Council will have regard to the performance of the approved motor showroom during its operational lifespan to date and any complaints received from the public regarding on-street parking by users of this development.

The applicant is advised to lodge such a Section 96 Modification with Council at least 2 months prior to the expiry of this 12 month trial period.

- (8) **Stormwater Tanks** - As per Part D, Chapter 3 of Council's Development Control Plan, a stormwater tank/s with a minimum volume of 5,000 litres must be provided for this development. The tank/s must capture a minimum of 80% of the stormwater runoff from the development's roof area and not impact on car parking spaces, accesses, driveways or landscaping areas. The stored stormwater must also be reticulated across the site as needed.
- (9) **Lighting Plan, Levels and Operation** – The construction of lighting fixtures and the operation of lights must be in accordance with the provided “Paul Wakeling Motor Group Exterior Lighting Calculation – Site Plan Design Information, Issue D (Final), Dated 10/11/09” and the “Paul Wakeling Motor Group Exterior Lighting Calculation – Design Information, Issue D (Final), Dated 10/11/09”.

Lighting lux levels when assessed at the northern boundary where the boundary is parallel with the poultry sheds located on the adjoining land must achieve compliance with “Table 2.1 of Australian Standard 4282-1997 Control of the obtrusive effects of outdoor lighting” for “Residential – Dark Surrounds” with a “1 lux” level with “curfew hours” of between 9.00pm and 7.00 am.

- (10) **Mechanical Plant Selection** – The selection of all externally located mechanical plant must include the involvement of a qualified acoustic consultant to ensure that the mechanical plant/s will “individually” and “cumulatively” be compliant with acoustic noise criteria as contained within the Acoustic Assessment Report titled “*Proposed Car Dealership DA Acoustic Assessment 522 & 528 Camden Valley*”

- (11)**Bundling of Work and Storage Areas** - All works and storage areas (excluding the service pits) where spillage may occur must be bunded or suitably grated. Where bunding is provided, the size of the area to be bunded must be calculated as being equal to 110% of the total volume stored or equal to the largest storage container, whichever is the greater. All bunded or grated areas must be graded to a pit/sump so as to facilitate emptying and cleansing. All pipe work from any enclosed tanks and/or pumps must be directed over the bund wall and not through the wall. Hose couplings for the tanks enclosed within the bund must be placed such that all leaks and spillages are contained within the bund. Where possible all bunded and grated areas should be roofed.
- (12)**Spill Prevention and Control** - To ensure compliance with the *Protection of the Environment Operations Act, 1997* the Environment Protection Authority or Council must be notified immediately should a pollution incident occur.
- (13)**Chemical Storage** - The storage and handling of flammable and combustible liquids must be in accordance with Australian Standard AS 1940 "the Storage and Handling of Flammable and Combustible Liquids."

All chemicals and materials associated with the use of the site, including empty containers, are to be stored within the building.

- (14)**Wash Bay Floor** – The wash bay floor must be graded or grated to drain waste water into a Sydney Water approved collection, treatment / filtration system. The operation and maintenance of such treatment systems must be in accordance with manufacturer's instructions and recommendations.
- (15)**Bundling of Treatment Devices** – All sewer pre-treatment devices that are located external to buildings must be covered and bunded.
- (16)**Waste Management** - Ensure that all wastes disposed off-site are documented and transported by licensed waste transporters for disposal in licensed facilities. All waste disposal must be in accordance with the EPA's waste tracking requirements.

Under the waste tracking requirements all documentation relating to waste disposal must be kept for 4 years. This documentation should be made available at the request of a Council officer.

2.0 - Construction Certificate Requirements

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

- (1) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$8.74m2, total \$20,443 for **Community Facilities**.

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

The monetary contribution may be offset by the value of land transferred to Council or by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such an agreement is to be

undertaken, it must be signed **prior to the release of a Construction Certificate.**

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

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

(3) **Access for People with Disabilities** - Access for people with disabilities shall be provided in accordance with the requirements of Part D3 of the Building Code of Australia. Prior to the issue of a construction certificate, the plans shall be amended to reflect the above.

(4) **Disabled Toilets** - Plans and details of the disabled toilet complying with the provision of AS1428.1 - 2001, shall be submitted to Council or an Accredited Certifier **prior to issue of a Construction Certificate.**

(5) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with Camden Council's Development Control Plan 2006 and Engineering Specifications and are to be submitted for approval to the Principal Certifying Authority **prior to the Engineering Construction Certificate being issued.**

- under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve.

- under section 109E of the Environmental Planning and Assessment Act 1979, Council must be nominated as the Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works.

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

(6) **Compaction** – All proposed filling on the site must be compacted to 95% standard compaction and be tested in accordance with Camden Council's Engineering Construction Specification and AS 1289 by a NATA registered laboratory. The validation of the fill material must be done prior to use of any fill material and validation report must be submitted to the Certifying Authority prior to the issue of the Construction Certificate. All test results shall be provided to the PCA prior to the occupation of the building

(7) **Environmental Management Plan** - An Environmental Site Management Plan must be submitted to the Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 - 2005 and must address, but not be limited to, the following issues:

- (a) All matters associated with Council's Erosion and Sediment Control Policy.
- (b) All matters associated with Occupational Health and Safety.
- (c) All matters associated with Traffic Management/Control.
- (d) All other environmental matters associated with the site works such as noise control, dust suppression, waste management and the like.

- (8) **Parking Spaces** – All approved car parking spaces, and associated access driveways and manoeuvring areas must conform with Camden Council's Car Parking Code (Camden Development Control Plan (DCP) 2006, and must be designed in accordance with a pavement design prepared by a Geotechnical Engineer and the Consent Authority's (ie Camden Council) standard. Documentary evidence of compliance from an Accredited Certifier/Suitably qualified person must be submitted to the Principal Certifying Authority **prior to a Construction Certificate being issued.**
- (9) **Car Parking Design** - The design, construction details of the parking spaces, access thereto and all other external hardpaved areas must conform to the Consent Authority's (ie Camden Council) standard, and documentary evidence of compliance of above condition must be submitted by a Accredited Certifier/suitably qualified person/Council or the Principal Certifying Authority **prior to a Construction Certificate being issued.**

A work-as-executed plan and/or documentary evidence of compliance with the above conditions must be provided by an Accredited Certifier or Council **prior to an Occupation Certificate being issued.**

For the purpose of this condition a parking space must only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.

Wheel stops are to be provided for all parking spaces.

The proposed batters on the northern boundary must not impact on the stability of the boundary fence on the adjoining property.

- (10) **Design Standards** - Engineering design drawings are to be prepared strictly in accordance with Camden Council's Development Control Plan 2006 and Engineering Specifications.
- (11) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS1742.3 1985 and to the requirements and approval of Council (and the Roads and Traffic Authority). Plans and proposals must be approved by Council **prior to a Construction Certificate being issued.**

The Traffic Management Plan must address the construction process and construction access for the development for all stages of the development, the storage of materials, import of the fill materials, location of site offices, turning area for the delivery vehicles, parking for construction staff, any casting and erection of building components. Appropriate Traffic Control Plan shall be submitted for all stages of construction including the use of Council's road and footpath for construction purposes.

Prior to commencement of any work on public roads an approval under the Roads Act should be obtained from the Council and such application must include an appropriate Traffic Control Plans which provides details of Traffic Control measures to be installed to ensure the safety and unobstructed flow of vehicular and pedestrian traffic and such control plan must be prepared by a RTA Accredited Certifier.

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

Failure to keep the works insured shall be reason for Council to make the works safe and all costs associated with making the works safe shall be a cost to the owner of the land.

- (13)**Stormwater Disposal** - Stormwater run-off from the whole development must be properly collected and discharged to the Council drainage system. Surface discharge across the footpath to the road gutter is not permitted. Provision must be made to cater for existing stormwater overland flow from adjoining properties.

In this development no OSD is required but overland flow paths must be designed to cater for the 1% AEP storm. The stormwater from all display areas shall be properly collected for pre-treatment prior to discharging the water to the drainage system.

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

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

Plans containing a minimum of four (4) sets of the undermentioned information must be prepared and submitted to the Principal Certifying Authority for approval **prior to a Construction Certificate being issued:**

- (a) existing and final contours
- (b) the location of all earthworks including roads, areas of cut and fill and re-grading
- (c) location of impervious areas other than roads
- (d) location and design criteria of erosion and sediment control structures
- (e) location and description of existing vegetation
- (f) site access (to be minimised)
- (g) proposed vegetated buffer strips
- (h) catchment area boundaries
- (i) location of critical areas (vegetated buffer strips, drainage lines, water bodies, unstable slopes, flood plains and seasonally wet areas)
- (j) location of topsoil or other stockpiles
- (k) signposting
- (l) diversion of uncontaminated upper catchment around areas to be disturbed
- (m) proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground
- (n) procedures for maintenance of erosion and sediment controls
- (o) details for staging of works
- (p) details and procedures for dust control.

(15)**Pre-Treatment of Surface Water** - The external ground surface of the site must be graded to a collection system and covered with a suitable hard surface. The drainage system must flow to a suitable pre-treatment device prior to discharge. The applicant is advised to contact the Appropriate Regulatory Authority for the design criteria.

The pre-treatment device must collect all stormwater and dispose of all hydrocarbons and heavy metals before discharging to Council's system.

(16)**Dilapidation Survey** - A photographic dilapidation survey of existing public roads, kerbs, foot paths, drainage structures and any other existing public infrastructure within the immediate area of the development site must be submitted to the Council prior to the issuing of the Construction Certificate.

The survey must include descriptions of each photo and the date when each individual photo was taken.

(17)**Retaining Walls** – The detail design of the retaining walls and appropriate consent from the adjoining landowner shall be obtained and submitted to the Certifying Authority prior **to the issue of a Construction Certificate**. All retaining walls including the footing for the same shall be located wholly within the subject property.

(18)**Roads Act 1993 Consent** - Prior to the issue of any Construction Certificate consent pursuant to s.138 of the Roads Act 1993 must be obtained from the roads authority, Camden Council for the design and construction of all the proposed work in, on or over the road reserves adjacent to the subject site.

The design must include, but not be limited to, plans/documents associated with:

- i) the construction of kerb and gutter, road shoulder and drainage
- ii) footway formation
- iii) public utility service adjustment or installation
- iv) an Environmental Site Management Plan.

Further all such plans and documents associated with the design must be certified by:

- i) persons who are suitably accredited by a scheme approved by the N.S.W Department of Planning or where no scheme exists
- ii) persons who are suitably qualified, are specialists and in that regard, currently practising in that specialist area, or
- iii) in the case of a Public Utility Authority, an appropriately delegated officer of that Authority or accredited person by that Authority, and

be prepared in accordance with Camden Council's current Engineering Specifications.

(19)**Service Authority Approvals – Prior to the issue of a Construction Certificate**, the following service authority clearances must be obtained and submitted to the Principal Certifying Authority:

- A Section 73 Compliance certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneypwater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

- A letter from Integral Energy stating that all its requirements and any conditions of this consent have been satisfied.
- A letter from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the subdivision/development.

If the applicant proposes to provide services within public reserves or laneways, written permission must be received by Camden Council **prior to commencing construction**.

(20)**Construction & Environmental Management Plan** - A detailed Construction Environmental Management Plan (CEMP) shall be prepared and submitted to the Consent Authority for written approval **prior to the issue of a Construction Certificate**. The CEMP must address how all potential negative impacts of the construction works upon the adjoining poultry farming operation being part Lot 9, DP 28024 will be controlled / mitigated. The CEMP must be approved in writing by the Certifying Authority and shall include:

- (a) details of how noise and vibration impacts from all construction operations, that includes earth moving machinery, will be controlled to eliminate any negative impact upon the poultry farming operations.
- (b) details of how all dust impacts during the construction stage will be minimised to eliminate any negative impacts upon the poultry farming operations. The use of dust screens shall be incorporated into the CEMP.
- (c) details of how light impacts during the construction stage, that includes the delivery of construction machinery and all associated equipment, will be minimised to eliminate any negative impacts upon the poultry farming operations.
- (d) Daily monitoring of all CEMP control / mitigation measures will be required with monitoring results to be recorded and kept on site for review. The monitoring results are to be made available to Council Officers for review when requested.

All requirements of the approved CEMP must be fully implemented.

(21)**Sydney Water Requirements - Prior to a Construction Certificate being issued**, written evidence from Sydney Water stating that they agree to accept the following wastewater must be obtained:

- (a) waste liquids and solids being discharged to sewer;
- (b) waste from the proposed pre-treatment facilities being discharged to sewer.

You are advised to contact Sydney Water for further advice in relation to this matter.

(22)**Drainage for Mechanical Work Areas** - Covered, bunded work areas, including workshops and lube bays, shall be graded into collection sumps and/or grated drains so that surface effluent generated within the workshop area is directed into a dedicated drainage system for treatment, storage and disposal or reuse.

(23)**Garage Workshop Floor Design** - The entire floor area of the proposed garage workshop must be graded and drained to approved silt traps and grease/oil arrestors and must be constructed to the Standards of Council, Sydney Water and the Department of Environment Climate Change and Water.

All recovered wastewater must be discharged to Sydney Water sewer. Details of the construction of the required drainage system must be submitted to the Principal Certifying Authority for approval **prior to a Construction Certificate being issued**

(24)**Trade Waste Bins** – Provision must be made for the storage of all trade waste bins. These bins must be emptied on a regular basis.

The location of the trade waste bins and other recycling bins must be clearly indicated on building plans and submitted to the Certifying Authority for written approval prior to a construction certificate being issued.

(25)**Car Wash Facility** - An approved vehicle wash bay must be provided to service the proposed development. All water used in the car wash bay must drain to Sydney Water sewer following treatment in an oil plate separator or other system as approved by Sydney Water. Full details of the proposal must be submitted to the Principal Certifying Authority for approval **prior to the Construction Certificate being issued**.

All wash bays must be roofed and bunded.

3.0 - Prior To Works Commencing

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

(1) **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.

- (2) **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.

- (3) **Notice of Commencement of Work** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act, 1979* and Clause 103 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building works.

- (4) **Construction Certificate before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.

- (5) **Access from Public Places** - Construction access from public places (reserves, parks, walkways and the like) other than roads shall not occur without the prior consent of Camden Council. Bonds or legal agreements may be required to protect Council's assets if access from these places is approved.

- (6) **WorkCover Approval** - It is the responsibility of the owner to contact WorkCover Authority with respect to any demolition work or use of any crane, hoist, plant or scaffolding prior to any work commencing on the site.

- (7) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point

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

- (9) **Sign Posting/Line Marking** – Prior to any works commencing, a comprehensive sign posting and linemarking plan, in accordance with all relevant Australian

Standards, must be prepared for this development. This plan must be submitted to and approved by the Certifying Authority prior **to any works commencing**.

- (10)**Acoustic Fencing** – The construction of a 2100mm high solid acoustic fence is to be constructed along the northern boundary to be located as per “Figure 5” of the Acoustic Assessment Report titled *“Proposed Car Dealership DA Acoustic Assessment 522 & 528 Camden Valley Way Smeaton Grange, Prepared for Paul Wakeling Motor Group, Prepared by RSA Acoustics, Report No 4122 (Revision 12), Dated October 2009.”* The acoustic fence is to be constructed **prior to other development works commencing** on the site. The fence must be joined to the existing 2100mm high colourbond fence on the northern boundary and extend further north to the first carparking space at the north west of the development site. There should be no gaps at the base of the fence where it meets the ground level.

The extended 2.1m high fence must match the colour of the existing 2.1m high fence referred to above.

- (11)**WorkCover** - The developer must comply with any requirements of the WorkCover Authority **prior to commencement of the development**.

4.0 - During Construction

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

- (1) **Nature Strip/Road Verge, Street Trees and Street Tree protective guards** - Any nature strip/road verge area, street tree, lawn area, tree guards if applicable, protective bollards if applicable which are disturbed, removed or damaged during the development and maintenance works, shall be repaired and the tree, lawn area, bollards, tree guards, nature strip/road verge area repaired or replaced with the same type, species and maturity.
- (2) **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.
- (3) **Survey Report (Finished Floor Level)** - A survey report prepared by a registered land surveyor must be submitted to Principal Certifying Authority (PCA) verifying the finished floor level of the building. Finished floor levels must conform to levels approved by the development consent.
- (4) **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.
- (5) **Damaged Assets** – All engineering works and public utility relocation shall incur no cost to Camden Council. Any damage to Camden Council’s assets shall be rectified prior to the commencement of use or occupation of a building.

A security deposit of \$10,000 shall be lodged with the Construction Certificate.

(6) **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.

(7) **Excavation and Backfilling** – All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(8) **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.

(9) **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.

- (10)**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.
- (11)**Construction Standards** - All civil engineering work associated with the development must be carried out strictly in accordance with Camden Councils Development Control Plan 2006 and Engineering Specifications for roadworks drainage and other works associated with subdivisions and other developments.
- (12)**Civil Engineering Inspections** - Where Council has been nominated as the Principal Certifying Authority, inspections by Council's Engineer are required to be carried out at the following Stages of construction:
- (a) prior to installation of sediment and erosion control measures;
 - (b) prior to backfilling pipelines and subsoil drains;
 - (c) prior to casting of pits and other concrete structures, including kerb and gutter, roads, accessways, aprons, pathways and footways, vehicle crossings, dish crossings and pathway steps;
 - (d) proof roller test of subgrade and sub-base;
 - (e) roller test of completed pavement prior to placement of wearing course;
 - (f) prior to backfilling public utility crossings in road reserves;
 - (g) prior to placement of asphaltic concrete;
 - (h) final inspection after all works are completed and "Work As Executed" plans including work on public land have been submitted to Council.

Where Council is not nominated as the Principal Certifying Authority, documentary evidence in the form of Compliance Certificates, stating that all work has been carried out in accordance with Camden Council's Development Control Plan 2006 and Engineering Specifications must be submitted to Council **prior to the issue of the Subdivision/Occupation Certificate.**

- (13)**Gutter Crossings** – All redundant gutter and footpath crossings must be reinstated to existing standards on the road reserve.
- (14)**Roads & Traffic Authority Easement (RTA)** – No. 45 Anderson Road is subject to an existing RTA easement along its frontage with Camden Valley Way. The integrity of this easement must be maintained at all times and any works within or affecting the easement will require the prior written approval of the RTA.
- (15)**Construction Noise Levels** – Noise levels emitted during remediation works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends:

Construction period of 4 weeks and under:

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

Construction period greater than 4 weeks:

The L10 level measured over a period of not less than 15 minutes when the

construction site is in operation must not exceed the background level by more than 10 dB(A).

(16) Fill Material for Development Site – Prior to the importation and/or placement of any fill material on the subject site a validation report and sampling location plan for such material must be submitted to the Principal Certifying Authority for approval and concurrence.

The validation report and sampling location plan must be prepared: -

- i) by a practising engineer with National Professional Engineering Registration and with a Specific Area of Practice in Subdivisional Geotechnics, and
- ii) in accordance with:
 - a) the Department of Land and Water Conservation publication “Site investigation for Urban Salinity”, and
 - b) The Department of Environment and Conservation – Contaminated Sites Guidelines “Guidelines for the NSW Site Auditor Scheme (Second Edition) – Soil Investigation Levels for Urban Development Sites in NSW”.
- iii) and confirm that the fill material:
 - a) provides no unacceptable risk to human health and the environment;
 - b) is free of contaminants;
 - c) has had salinity characteristics identified in the report;
 - d) is suitable for its intended purpose and land use, and
 - e) has been lawfully obtained.

The sampling for salinity of fill volumes less than 6000m³ must provide for 3 sampling locations; fill volumes exceeding 6000m³, require one sampling location for each additional 2000m³. A minimum of 1 sample from each sampling location must be provided for assessment.

The sampling for Contamination should be undertaken in accordance with the following table:

Classification of Fill Material	No. of samples per volume or part thereof	Volume of fill (m ³)
Virgin Excavated Natural Material	1 (see note 1)	1000

Note 1: Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.

(17) Vibration – All potential vibration impacts (that includes impacts on the poultry farm land) during the construction and operation phases for the development must comply with the requirements of the NSW DECC’s Environmental Noise Management: Assessing Vibration : A Technical Guideline (2006).

- (18) **Salinity Management Plan** - All construction of buildings, landscaping and associated infrastructure proposed to be constructed on the land must be built in accordance with the Salinity Management Plan in the report titled Landcom Smeaton Grange Industrial Area Stage 3: *Salinity Hazard Assessment and Salinity Management Plan*, Prepared by SMEC, Project No. 31342.038, Dated March 2004”.

5.0 - Prior To Issue Of Occupation Certificate

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

- (1) **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) **Structural Certification (Completed Building)** – Prior to the issue of an Occupation Certificate, a certificate prepared by a practising structural engineer, certifying the structural adequacy of the building, shall be submitted to the Principal Certifying Authority (PCA).
- (3) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

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

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

- (4) **Fire Safety Certificates** – A Fire Safety Certificate is to be submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000* . The Fire Safety Certificate is to certify that each fire safety measure specified in the current fire safety schedule for the building to which it relates:

- (a) has been assessed by a properly qualified person; and
- (b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

As soon as practicable after the Final Fire Safety Certificate has been issued, the owner of the building to which it relates:

- (a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades, and

(b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

(5) **New Gutter Crossing** - The following works must be constructed **prior to the issue of an Occupation Certificate** and under the Roads Act 1993 must be approved by Camden Council:

(a) provision of a heavy duty industrial gutter crossing at all points of ingress and egress.

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

All services within 1.0m of the crossing and all affected services due to the approved works shall be adjusted in consultation with the appropriate Service Authority.

(6) **Works as Executed Plan - Prior to an Occupation Certificate being issued**, a works-as-executed drawing signed by a registered surveyor must be submitted to the Principal Certifying Authority showing that the stormwater drainage and finished ground levels have been constructed as approved.

(7) **Management Plan – Prior to the issue of an Occupation Certificate**, a management plan for this development must be prepared and submitted to the Certifying Authority. This management plan must address, but not be limited to:

- Loading and unloading of vehicles **within the site** and strategies to minimise pedestrian/vehicle conflicts within the site.
- Restricting vehicles for display to be located within the approved display area and not within any of the approved staff/customer car parking areas.
- Regular maintenance of all building elements both internal and external.

(8) **Acoustic Report Compliance** - A report (from the author of the approved Acoustic Report) that contains a certifying statement confirming that the acoustic recommendations of the approved Acoustic Report have been implemented and are compliant must be submitted to the Certifying Authority for inclusion in any Occupation Certificate application.

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

Should the acoustic consultant confirm that:

a) any specific construction aspect does not comply with the report recommendations; or

b) that the constructed noise attenuation /control components or measures do not achieve the criteria set by the approved report and this policy;

the acoustic consultant must advise the applicant and the Certifying Authority of such non-compliance. The applicant must arrange for the submission of an application pursuant to Section 96 of the *Environmental Planning and Assessment*

Act 1979 for the modification of the issued Development Consent to the Consent Authority, Camden Council, for determination.

(9) **Waste Management Plan (WMP)** – A waste management plan shall be provided that addresses all waste generated from the operation of the business. The plan should include provisions for recycling of all products and materials and identify suitable locations within the premises for Trade Waste bins. The WMP is to be signed off by a Company Director and should be resubmitted to the Principle Certifying Authority **prior to the Occupation Certificate Being Issued.**

(10) **Environment Management Plan (EMP)** – An EMP shall be required for all internal and external operations and include the maintenance and service of provided infrastructure. The plan must be completed by a suitably qualified person or organisation. The plan shall be submitted to the Certifying Authority **prior to an Occupation Certificate being issued.**

(11) **Compliance Letter** - Where the consent authority is not the Principal Certifying Authority (PCA) an additional inspection of the site must be undertaken by an Environmental Health Officer from the Consent Authority **prior to the issuing of an occupation certificate.** A letter is to be issued from the Consent Authority certifying that the site complies with all environmental conditions.

(12) **Dangerous Goods Store / Cabinet** – The storage of dangerous goods must fully comply with the relevant Australian Standard which may include AS 1940 –2004.

Certification of full compliance with the relevant standard (that includes any exemptions) will be required from a qualified dangerous goods consultant and this will be required to be submitted to the Consent Authority **prior to an Occupation certificate being issued.**

(13) **Storage of Waste Oil** - The premise shall contain adequate holding facilities for the reception of waste oil, and a contract for the recycling of this oil must be sighted by the PCA **prior to the issue of the Occupation Certificate.**

(14) **Water Cycle Management of Waste Water** - All waste water including waste water from the approved wash bay must be collected and stored for treatment.

Treatment of waste water must occur via the proposed and Sydney Water approved (VGS) stand mounted oil water separator. The operation and maintenance of such treatment systems must be in accordance with manufacturer's instructions and recommendations.

Where any waste water is destined for disposal to sewer this must occur via a trade waste permit approved by Sydney Water.

Full details of the final water treatment system and a copy of the trade waste permit must be provided to the Consent Authority **prior to the issue of the Occupation Certificate.**

(15) **Recycle Wastewater** - Liquid waste from any vehicular, mechanical work bay or wash bay must not discharge to the street water table or natural watercourse. All waste must be discharged to the sewer and comply with the requirements of Sydney Water, or where possible be recycled. Details of the proposed method/s for such liquid waste must be submitted to the Principal Certifying Authority for

approval **prior to an Occupation Certificate being issued.**

6.0 - Operational Conditions

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

- (1) **Offensive Noise** - The use and occupation of the premises, including all plant and equipment installed thereon, must not give rise to any offensive noise within the meaning of the Protection of the Environment Operations Act, 1997.
- (2) **Plant Noise Restriction** - The level of total continuous noise emanating from operation of all the plant or processes in all buildings (LAeq) (measured for at least 15 minutes) or in, the above premises must not exceed the background level by more than 5dB(A) when measured at any point on any residential boundary.
- (3) **Air Conditioning Units** – All air conditioning units that include those located on the roof and their use must operate at all times so:
 - as to be inaudible in neighbouring dwellings during the hours of 10.00pm to 7.00am on weekdays and 10.00pm to 8.00am on weekends and public holidays;
 - as not to discharge any condensate or moisture onto the ground surface of the premises or into stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act, 1997; and
 - as to comply with the relevant noise criteria as contained within the New South Wales Environment Protection Authority's Industrial Noise Policy.
- (4) **Liquid Wastes** - All liquid wastes other than stormwater generated on the premises must be discharged to the sewer in accordance with the requirements of Sydney Water.
- (5) **General Requirements** – The storage of goods and materials must be confined within the building. At no time must goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve.
- (6) **Ancillary Office Area** - The use of the office area shall be ancillary to the use of the premises at all times.
- (7) **Pollutants** - The use of the premises shall incorporate facilities that will prevent the discharge of any pollutant, which may degrade the environment or be prejudicial to its inhabitants.
 - a) All pollution control devices (Including drainage systems, sumps and traps) shall be regularly maintained.
 - b) All liquid wastes shall be collected and disposed of in a manner, which does not pollute the stormwater system.
 - c) The repair, servicing and maintenance of all vehicles shall take place in a bunded work bay drained holding tank or like device so that any liquid wastes produced from such repair, servicing and maintenance can either be:

- retained for recycling or;
- disposed of in accordance with the requirements of Sydney Water.

All paints chemicals and other liquids shall be stored in approved receptacles which are to be housed in a suitably constructed bunded area.

Appropriate equipment and absorbent material shall be provided and maintained in a prominent position in order to combat any spill.

- (8) **Compliance with POEO Act 1997** – Ensure that all business and operational activities are carried out in accordance with the provision of the Protection of the Operations Act (POEO) 1997 at all times.
- (9) **Handling Hazardous Materials** - To ensure correct handling of hazardous materials, Material Safety Data Sheets (MSDS) are required to be held at the premises for all hazardous materials.
- (10) **Storage of Mechanical Parts** - Automotive parts in contact with any automotive fluid shall be stored in a covered, bunded area.
- (11) **Disposal of Waste Oil and By Products** - All waste oil, grease and associated products must be stored in suitable containers and be transferred to a waste disposal depot or recycling facility, approved for the reception of such materials by a licensed waste transporter. All waste disposal must be in accordance with the EPA's waste tracking requirements. Under the waste tracking requirements all documentation relating to waste disposal must be kept for 4 years. This documentation must be made available at the request of Council's Officer.
- (12) **Spill Response Kits** – An appropriate spill response kit is to be installed in the workshop, and any chemical storage area. Kits shall contain at a minimum, a ready supply of spill control and clean up absorbent materials.
- (13) **Waste Storage and Labelling** – Ensure all waste containers are labelled and that waste is stored in a manner that prevents the escape of pollutants to the environment. Where liquid wastes and batteries await collection for recycling or disposal by a licensed contractor these are to be stored within a sealed, bunded, ventilated, and covered area.
- (14) **Vehicle Display Yard** - Under no circumstances are vehicles to be washed in the vehicle display yards or any other area on the property that is outside of any approved vehicle wash bay.

Note: Any company or individual washing any vehicle outside of approved wash bays will incur an on the spot fine or have legal action taken against them in accordance with environmental legislation of the day.

- (15) **Dishwashing Facilities** – Where staff or customers are permitted to use non-disposable crockery or cutlery the premises must be provided with a:
- (a) commercial dishwashing machine capable of achieving a hot water temperature of at least 77 degrees Celsius that is fitted with a temperature thermometer or gauge; and
 - (b) at least one single bowl cleaning sink or tub containing at least one

compartment.

- (16)**Bunting** - Bunting must not be used to attract customers.
- (17)**Flashing or Revolving Lights** - Flashing or revolving lights must not be used to attract customers.
- (18)**No Signs on Public Land** - Sandwich boards including 'A' frame advertising panels and any other sign shall not be placed on a public footpath or road reserve.
- (19)**Inflatable Balloons** - The use of inflatable balloons for advertising purposes must not be erected without prior development consent. In any case the use of such balloons will only be permitted for promotional purposes for a limited duration.
- (20)**General Requirements** – The storage of goods and materials must be confined within the building. At no time must goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve.
- (21)**Amenity** - The business shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, adjoining occupations, and residential premises.
- (22)**Loading and Storage** - All loading and storage of motor vehicles, goods or materials, or any industrial activity whatsoever shall take place wholly within the site in a manner that does not interfere with parking areas, driveways or landscaping.
- (23)**No Panel Beating or Spray Painting** - Panel beating or spray painting operations are prohibited upon the subject site. Should you wish to undertake such activities you must lodge a separate development application with the Consent Authority for determination. Any such application must include full details of the spray booth and associated air quality control measures.
- (24)**Loading/Unloading** – All loading/unloading activities, including the loading/unloading of cars from car carrying vehicles, must **at all times** take place entirely within the site and **not** on any public road reserves.
- (25)**Display of Vehicles for Sale** – All vehicles for sale must only be displayed within the approved display areas as shown on the approved plans. Vehicles for sale must **never** be stored/displayed within the staff/customer car parking areas shown on the approved plans, on adjoining roadways or within landscaped areas.
- (26)**Compliance with Management Plan** – The management plan referred to in Condition No. 5 (7) of Stage 1 of this Development Consent must be fully complied with at all times.
- (27)**Hours of Operation** - The hours of operation for the approved land-use are:

Vehicle service workshop

Monday to Friday: 7.00am - 6.00pm

Note: The site entrance along the south east boundary of the site (bounding

Simpson Close) can be opened at 6.30am and customer vehicles can be dropped off at the site from this time. However no vehicle servicing must occur until 7.00am.

Vehicle Dealerships

Monday to Friday: 8.30am - 6.00pm

Saturday and Sunday: 8.00am - 5.00pm

All vehicle movements, deliveries and any other operations associated with the use of the premises must be restricted to approved hours of operation. Any alterations to these hours will require the prior written approval of Camden Council.

- (28) **Degreasing of Machinery** - The degreasing of motor vehicle machinery and/or parts thereof must only be undertaken within the confines of the building where an Industry approved recycling/total recovery degreasing facility has been provided and is being used.

Conditions relating to stage 2 of this approved development

1.0 - General Requirements

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

- (1) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia* .
- (2) **Approved Plans** – The development must be carried out strictly in accordance with the approved plans: from De Angelis Taylor & Associates:
 - DA01 Revision K by De Angelis Taylor & Associates.
 - Stormwater Concept Plan H-1 Revision A by Neville Brown & Associates.

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 conditions of consent, the conditions of consent take precedence to the extent of the inconsistency.

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

- (3) **Advertising Signs Application** - Outdoor advertising structures require prior development consent. A development application must be submitted and approval granted by the Consent Authority (ie. Camden Council) prior to the erection of any advertising signs.

The design, style, colour, height and type of any advertising sign must have regard to the character of the development, any existing advertising theme and Council's Development Control Plan 2006.

- (3) **Mechanical Plant Selection** – The selection of all externally located mechanical

plant must include the involvement of a qualified acoustic consultant to ensure that the mechanical plant/s will “individually” and “cumulatively” be compliant with acoustic noise criteria as contained within the Acoustic Assessment Report titled “Proposed Car Dealership DA Acoustic Assessment 522 & 528 Camden Valley Way Smeaton Grange, Prepared for Paul Wakeling Motor Group, Prepared by RSA Acoustics, Report No 4122 (Revision 12), Dated October 2009.”

- (4) **Bundling of Work And Storage Areas** - All works and storage areas (excluding the service pits) where spillage may occur must be bunded or suitably grated. Where bunding is provided, the size of the area to be bunded must be calculated as being equal to 110% of the total volume stored or equal to the largest storage container, whichever is the greater. All bunded or grated areas must be graded to a pit/sump so as to facilitate emptying and cleansing. All pipe work from any enclosed tanks and/or pumps must be directed over the bund wall and not through the wall. Hose couplings for the tanks enclosed within the bund must be placed such that all leaks and spillages are contained within the bund. Where possible all bunded and grated areas should be roofed.
- (5) **Wash Bay Floor** – The wash bay floor must be graded or grated to drain waste water into a Sydney Water approved collection, treatment / filtration system. The operation and maintenance of such treatment systems must be in accordance with manufacturer’s instructions and recommendations.
- (6) **Bundling of Treatment Devices** – All sewer pre-treatment devices that are located external to buildings must be covered and bunded.
- (7) **Spill Prevention and Control** - To ensure compliance with the *Protection of the Environment Operations Act, 1997* the Environment Protection Authority or Council must be notified immediately should a pollution incident occur.
- (8) **Chemical Storage** - The storage and handling of flammable and combustible liquids must be in accordance with Australian Standard AS 1940 “the Storage and Handling of Flammable and Combustible Liquids.”

All chemicals and materials associated with the use of the site, including empty containers, are to be stored within the building.

2.0 - Construction Certificate Requirements

- (1) **Fire Safety Measures** – Prior to the issue of the Construction Certificate, the following information is to be submitted to the certifying authority:
 - (a) A list of any fire safety measures that are **proposed** to be implemented in the building or on the land on which the building is situated.
- (2) **Access for People with Disabilities** - Access for people with disabilities shall be provided in accordance with the requirements of Part D3 of the Building Code of Australia. Prior to the issue of a construction certificate, the plans shall be amended to reflect the above.
- (3) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with Camden Council’s Development Control Plan 2006 and Engineering Specifications and are to be submitted for approval to the Principal Certifying Authority **prior to the Engineering Construction Certificate**

being issued:

- under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve.
- under section 109E of the Environmental Planning and Assessment Act 1979, Council must be nominated as the Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works.

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

- (4) **Environmental Management Plan** - An Environmental Site Management Plan must be submitted to the Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 - 2005 and must address, but not be limited to, the following issues:
- a) all matters associated with Council's Erosion and Sediment Control Policy;
 - b) all matters associated with Occupational Health and Safety;
 - c) all matters associated with Traffic Management/Control;
 - d) all other environmental matters associated with the site works such as noise control, dust suppression, waste management and the like.
- (5) **Design Standards** - Engineering design drawings are to be prepared strictly in accordance with Camden Council's Development Control Plan 2006 and current Engineering Specifications.
- (6) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS1742.3 1985 and to the requirements and approval of Council (and the Roads and Traffic Authority). Plans and proposals must be approved by Council **prior to the Construction Certificate being issued**.

The Traffic Management Plan must address the construction process and construction access for the development for all stages of the development, the storage of materials, import of the fill materials, location of site offices, turning area for the delivery vehicles, parking for construction staff, any casting and erection of building components. Appropriate Traffic Control Plans shall be submitted for all stages of construction including the use of Council's road and footpath for construction purposes.

Prior to commencement of any work on public roads an approval under Roads Act should be obtained from the Council and such application must include an appropriate Traffic Control Plans which provides details of Traffic Control measures to be installed to ensure the safety and unobstructed flow of vehicular and pedestrian traffic and such control plan must be prepared by a RTA Accredited Certifier.

- (7) **Public Risk Insurance Policy - Prior to the issue of the Construction Certificate**, the owner or contractor is to take out Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve. The Policy is to note Council as an interested party and a

certificate of currency from the insurer of such policy must be submitted to the Council as evidence of such policy. Where the coverage of such policy expires during the period of construction of the works, the policy must be renewed prior to the expiration of the policy and a Certificate of Currency from the insurer.

Failure to keep the works insured shall be reason for Council to make the works safe and all costs associated with making the works safe shall be a cost to the owner of the land.

- (8) **Stormwater Disposal** - Stormwater run-off from the whole development must be properly collected and discharged to the Council drainage system. Surface discharge across the footpath to the road gutter is not permitted. Provision must be made to cater for existing stormwater overland flow from adjoining properties.
- (9) **Soil Erosion and Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with the Consent Authority's (ie. Camden Council) "Soil Erosion and Sediment Control Policy".

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

Plans containing a minimum of four (4) sets of the undermentioned information must be prepared and submitted to the Principal Certifying Authority for approval **prior to a Construction Certificate being issued:**

- (a) existing and final contours
 - (b) the location of all earthworks including roads, areas of cut and fill and re-grading
 - (c) location of impervious areas other than roads
 - (d) location and design criteria of erosion and sediment control structures
 - (e) location and description of existing vegetation
 - (f) site access (to be minimised)
 - (g) proposed vegetated buffer strips
 - (h) catchment area boundaries
 - (i) location of critical areas (vegetated buffer strips, drainage lines, water bodies, unstable slopes, flood plains and seasonally wet areas)
 - (j) location of topsoil or other stockpiles
 - (k) signposting
 - (l) diversion of uncontaminated upper catchment around areas to be disturbed
 - (m) proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground
 - (n) procedures for maintenance of erosion and sediment controls
 - (o) details for staging of works
 - (p) details and procedures for dust control.
- (10) **Pre-Treatment of Surface Water** - The external ground surface of the site must be graded to a collection system and covered with a suitable hard surface. The drainage system must flow to a suitable pre-treatment device prior to discharge. The applicant is advised to contact the Appropriate Regulatory Authority for the design criteria.
- (11) **Service Authority Approvals – Prior to the issue of a Construction Certificate**, the following service authority clearances must be obtained and submitted to the Principal Certifying Authority:

- A Section 73 Compliance certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

- (12) **Sydney Water Requirements - Prior to a Construction Certificate being issued**, written evidence from Sydney Water stating that they agree to accept the following wastewater must be obtained:

- a) waste liquids and solids being discharged to sewer;
- b) waste from the proposed pre-treatment facilities being discharged to sewer.

You are advised to contact Sydney Water for further advice in relation to this matter.

- (13) **Car Wash Facility** - An approved vehicle wash bay must be provided to service the proposed development. All water used in the car wash bay must drain to Sydney Water sewer following treatment in an oil plate separator or other system as approved by Sydney Water. Full details of the proposal must be submitted to the Principal Certifying Authority for approval **prior to the Construction Certificate being issued**.

All wash bays must be roofed and bunded.

- (14) **Stage 1 Completion - Prior to the issue of a Construction Certificate** for this Stage 2 development, the Stage 1 development approved by this Development Consent must be fully completed with an Occupation Certificate issued.

3.0 - Prior To Works Commencing

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

- (1) **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.

- (2) **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.

- (3) **Notice of Commencement of Work** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act, 1979* and Clause 103 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building works.

- (4) **Construction Certificate before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia* . Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.

- (5) **Access from Public Places** - Construction access from public places (reserves, parks, walkways and the like) other than roads shall not occur without the prior consent of Camden Council. Bonds or legal agreements may be required to protect Council's assets if access from these places is approved.

- (6) **WorkCover Approval** - It is the responsibility of the owner to contact WorkCover Authority with respect to any demolition work or use of any crane, hoist, plant or scaffolding prior to any work commencing on the site.

- (7) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point

- (8) **Sydney Water Approval** – Prior to works commencing, the approved development

plans must also be approved by Sydney Water.

4.0 - During Construction

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

- (1) **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.
- (2) **Survey Report (Finished Floor Level)** - A survey report prepared by a registered land surveyor must be submitted to Principal Certifying Authority (PCA) verifying the finished floor level of the building. Finished floor levels must conform to levels approved by the development consent.
- (3) **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.
- (4) **Damaged Assets** – All engineering works and public utility relocation shall incur at no cost to Camden Council. Any damage to Camden Council's assets shall be rectified prior to the commencement of use or occupation of a building.
- (5) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
 - 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.
- (6) **Excavation and Backfilling** – All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (7) **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.

(8) **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.

(9) **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.

(10) **Construction Standards** - All civil engineering work associated with the development must be carried out strictly in accordance with Camden Councils Development Control Plan 2006 and current Engineering Specifications for roadworks drainage and other works associated with subdivisions and other developments.

(11) **Construction Noise Levels** – Noise levels emitted during remediation works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends;

Construction period of 4 weeks and under:

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

Construction period greater than 4 weeks:

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

10 dB(A).

(12)**Fill Material for Development Site** – Prior to the importation and/or placement of any fill material on the subject site a validation report and sampling location plan for such material must be submitted to the Principal Certifying Authority for approval and concurrence.

The validation report and sampling location plan must be prepared:

- i) by a practising engineer with National Professional Engineering Registration and with a Specific Area of Practice in Subdivisional Geotechnics, and
- ii) in accordance with:
 - a) the Department of Land and Water Conservation publication “Site investigation for Urban Salinity”, and
 - b) the Department of Environment and Conservation – Contaminated Sites Guidelines “Guidelines for the NSW Site Auditor Scheme (Second Edition) – Soil Investigation Levels for Urban Development Sites in NSW”.
- iii) and confirm that the fill material:
 - a) provides no unacceptable risk to human health and the environment;
 - b) is free of contaminants;
 - c) has had salinity characteristics identified in the report;
 - d) is suitable for its intended purpose and land use, and
 - e) has been lawfully obtained.

The sampling for salinity of fill volumes less than 6000m³ must provide for 3 sampling locations; fill volumes exceeding 6000m³, require one sampling location for each additional 2000m³. A minimum of 1 sample from each sampling location must be provided for assessment.

The sampling for Contamination should be undertaken in accordance with the following table:

Classification of Fill Material	No. of samples per volume or part thereof	Volume of fill (m3)
Virgin Excavated Natural Material	1 (see note 1)	1000

Note 1: Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.

(13)**Vibration** – All potential vibration impacts (that includes impacts on the poultry farm land) during the construction and operation phases for the development must comply with the requirements of the NSW DECC’s Environmental Noise Management: Assessing Vibration: A Technical Guideline (2006).

(14)**Salinity Management Plan** - All construction of buildings, landscaping and associated infrastructure proposed to be constructed on the land must be built in accordance with the Salinity Management Plan in the report titled Landcom

5.0 - Prior To Issue Of Occupation Certificate

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

- (1) **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) **Structural Certification (Completed Building)** – Prior to the issue of an Occupation Certificate, a certificate prepared by a practising structural engineer, certifying the structural adequacy of the building, shall be submitted to the Principal Certifying Authority (PCA).
- (3) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

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

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

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

As soon as practicable after the Final Fire Safety Certificate has been issued, the owner of the building to which it relates:

- (a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades, and
- (b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

- (5) **Works as Executed Plan - Prior to the Occupation Certificate being issued**, a works-as-executed drawing signed by a registered surveyor must be submitted to the Principal Certifying Authority showing that the stormwater drainage and finished ground levels have been constructed as approved.
- (6) **Environment Management Plan (EMP)** – An EMP shall be required for all internal and external operations and include the maintenance and service of provided infrastructure. The plan must be completed by a suitably qualified person or organisation. The plan shall be submitted to the Certifying Authority **prior to an Occupation Certificate being issued**.
- (7) **Compliance Letter** - Where the consent authority is not the Principal Certifying Authority (PCA) an additional inspection of the site must be undertaken by an Environmental Health Officer from the Consent Authority **prior to the issuing of an occupation certificate**. A letter is to be issued from the Consent Authority certifying that the site complies with all environmental conditions.
- (8) **Water Cycle Management of Waste Water** - All waste water including waste water from the approved wash bay must be collected and stored for treatment.

Treatment of waste water must occur via the proposed and Sydney Water approved (VGS) stand mounted oil water separator. The operation and maintenance of such treatment systems must be in accordance with manufacturer's instructions and recommendations.

Where any waste water is destined for disposal to sewer this must occur via a trade waste permit approved by Sydney Water.

Full details of the final water treatment system and a copy of the trade waste permit must be provided to the Consent Authority **prior to the issue of the Occupation Certificate**.

- (9) **Recycle Wastewater** - Liquid waste from any vehicular, mechanical work bay or wash bay must not discharge to the street water table or natural watercourse. All waste must be discharged to the sewer and comply with the requirements of Sydney Water, or where possible be recycled. Details of the proposed method/s for such liquid waste must be submitted to the Principal Certifying Authority for approval **prior to an Occupation Certificate being issued**.
- (10) **Waste Management Plan (WMP)** – A waste management plan shall be provided that addresses all waste generated from the operation of the business. The plan should include provisions for recycling of all products and materials and identify suitable locations within the premises for Trade Waste bins. The WMP is to be signed off by a Company Director and should be resubmitted to the Principle Certifying Authority **prior to an Occupation Certificate Being Issued**.

6.0 - Operational Conditions

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

- (1) **Offensive Noise** - The use and occupation of the premises, including all plant and equipment installed thereon, must not give rise to any offensive noise within the

meaning of the Protection of the Environment Operations Act, 1997.

- (2) **Plant Noise Restriction** - The level of total continuous noise emanating from operation of all the plant or processes in all buildings (LAeq) (measured for at least 15 minutes) or in, the above premises must not exceed the background level by more than 5dB(A) when measured at any point on any residential boundary.
- (3) **Liquid Wastes** - All liquid wastes other than stormwater generated on the premises must be discharged to the sewer in accordance with the requirements of Sydney Water.
- (4) **Pollutants** - The use of the premises shall incorporate facilities that will prevent the discharge of any pollutant, which may degrade the environment or be prejudicial to its inhabitants.
 - a) All pollution control devices (Including drainage systems, sumps and traps) shall be regularly maintained.
 - b) All liquid wastes shall be collected and disposed of in a manner, which does not pollute the stormwater system.
 - c) The repair, servicing and maintenance of all vehicles shall take place in a bunded work bay drained holding tank or like device so that any liquid wastes produced from such repair, servicing and maintenance can either be:
 - retained for recycling or;
 - disposed of in accordance with the requirements of Sydney Water.

All paints chemicals and other liquids shall be stored in approved receptacles which are to be housed in a suitably constructed bunded area.

Appropriate equipment and absorbent material shall be provided and maintained in a prominent position in order to combat any spill.

- (5) **Compliance with POEO Act 1997** – Ensure that all business and operational activities are carried out in accordance with the provision of the Protection of the Environment Operations Act (POEO) 1997 at all times.
- (6) **Handling Hazardous Materials** - To ensure correct handling of hazardous materials, Material Safety Data Sheets (MSDS) are required to be held at the premises for all hazardous materials.
- (7) **Spill Response Kits** – An appropriate spill response kit is to be installed in the workshop, and any chemical storage area. Kits shall contain at a minimum, a ready supply of spill control and clean up absorbent materials.
- (8) **Waste Storage and Labelling** – Ensure all waste containers are labelled and that waste is stored in a manner that prevents the escape of pollutants to the environment. Where liquid wastes and batteries await collection for recycling or disposal by a licensed contractor these are to be stored within a sealed, bunded, ventilated, and covered area.
- (9) **Bunting** - Bunting must not be used to attract customers.
- (10) **Flashing or Revolving Lights** - Flashing or revolving lights must not be used to

attract customers.

(11)**No Signs on Public Land** - Sandwich boards including 'A' frame advertising panels and any other sign shall not be placed on a public footpath or road reserve.

(12)**Inflatable Balloons** - The use of inflatable balloons for advertising purposes must not be erected without prior development consent. In any case the use of such balloons will only be permitted for promotional purposes for a limited duration.

(13)**Amenity** - The business shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, adjoining occupations, and residential premises.

(14)**Loading and Storage** - All loading and storage of motor vehicles, goods or materials, or any industrial activity whatsoever shall take place wholly within the site in a manner that does not interfere with parking areas, driveways or landscaping.

(15)**Hours of Operation** - The hours of operation for the approved automatic wash bay are:

Monday to Friday: 7.00am - 6.00pm
Saturday and Sunday: 8.00am - 5.00pm

All vehicle movements, deliveries and any other operations associated with the use of the premises must be restricted to approved hours of operation. Any alterations to these hours will require the prior written approval of Camden Council.

(16)**Ancillary Automatic Wash Bay** – The automatic wash bay is approved to operate only as ancillary to the motor showroom development as approved by Stage 1 of this Development Consent, ie. only patrons already present on the site for other services are permitted to use the wash bay.

END OF CONDITIONS

RECOMMENDED

That Council approve Development Application 907/2009 for the erection of a motor showroom development at No 45 (Lot 1, DP 1134512) Anderson Road, Smeaton Grange subject to the draft development consent conditions shown above.

ATTACHMENTS

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



Site Map DA 907-2009.pdf



DA Plan 907-2009.pdf



Submission DA 907-2009.pdf

RESOLUTION

MOTION

Moved Councillor Warren, Seconded Councillor Funnell that Council approve

Development Application 907/2009 for the erection of a motor showroom development at No 45 (Lot 1, DP 1134512) Anderson Road, Smeaton Grange subject to the draft development consent conditions shown above with the following amendments:

- (14) **Vehicle Display Yard** - Under no circumstances are vehicles to be washed using detergents or cleaning agents in the vehicle display yards or any other area on the property that is outside of any approved vehicle wash bay.
- (27) **Hours of Operation** - The hours of operation for the approved land-use are:

Vehicle service workshop

Monday to Friday: 7:00am - 6.00pm

Saturday: 7.00am - 2.00pm

Note: The site entrance along the south east boundary of the site (bounding Simpson Close) can be opened at 6.30am and customer vehicles can be dropped off at the site from this time. However no vehicle servicing must occur until 7.00am.

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

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

No Councillor voted against the Motion).

ORD278/09

ACTIONS

[Link to CRMS document](#)

[CRMS: 10251501 26/11/2009, 11:07:11 AM](#)

ORDINARY COUNCIL

ORD02

SUBJECT: DEVELOPER FUNDED STAFF RESOURCES
FROM: Director Development and Health
FILE NO: Binder: Development Procedures

PURPOSE OF REPORT

The report is to allow Council to consider whether it supports the use of developer funded staff or contract positions to assist with workloads in the Development Branch as a result of the high number of development and construction certificate applications lodged with Council, primarily due to the growth occurring in Council's urban release areas. Probity issues are also considered.

BACKGROUND

Camden Council experienced a slow growth rate until the 1990s when land was released for housing in the Narellan Vale, Currans Hill, Harrington Park and Mount Annan areas. Up until this time population had increased slightly each year, however the increases were around 500 persons each year. Census data indicated that Camden's population increased from 17,096 to 18,870 or by 1774 persons between 1981 and 1986. A higher level of growth occurred during the next period with the population being increased by a further 3,598 people by 1991. More rapid growth coincided with the release areas with the population growing by a further 9,036 people to 1996 (population 31,504), an additional 11,778 by 2001 and reaching 49,646 at the 2006 census, a further 6,364 people.

The growth slowed after this time due to the exhaustion of land within these release areas and the fact that the Spring Farm and Elderslie release areas had not been rezoned. The rezoning of these areas, along with the State Government's announcement of the SW Growth Centre and release of the Oran Park and Turner Road precincts, is now resulting in an upturn in land supply. Accordingly this has also resulted in an increase in the number of development and construction certificate applications for both subdivision work and housing approvals along with supporting developments such as retail, industrial and commercial development. Currently there are approximately 2250 lots in various stages of development which would provide for a further 6,500-7,000 people.

In the current year Council has received development applications for around 500 dwellings which represents an increase of approximately 75% on last year. This significant increase has meant that the timeliness of determination times has reduced and prompts complaints from Council's customers. Budget constraints prevent employment of additional staff or contractors to address the backlogs and this has led to offers by developers to provide financial assistance to supplement Council's staff resources.

Whilst there are no current offers on the table, demand fluctuates, and accordingly it is intended to establish Council's position in relation to the use of developer funded staff resources.

MAIN REPORT

Camden Council prides itself in being one of the State's best councils in terms of development assessment, and annually ranks highly in the reports issued by the Department of Planning comparing performance of all councils in NSW. The last report showed that Camden determined more than twice the state average of applications valued at over 14 times the state average in a timeframe that was 24% faster. In addition, its staff processed twice the number of DAs than their counterparts with significantly less appeals, showing the performance is both effective and efficient. The continued increase in applications without the ability to supplement resources will see current performance levels decrease. This has a flow on effect to developers and pending home purchasers of cost increases due to higher holding costs and, particularly in relation to first home buyers, the threat to missing out on grants available from the State and Federal governments. Staff have been endeavouring to meet the demands of the increase, however with current budget constraints, continued ability to service the needs is severely compromised.

One solution that has been suggested on a number of occasions is the funding of resources by developers. Council has, in the past, been approached by various members of the development industry with offers of financial assistance to employ contract staff at times where demands for determination of applications exceeds Council's ability to deliver in the timeframes sought by those developers.

Council charges a development application fee which in part covers the costs of determining the application. The fees are prescribed by the State Government and in no way cover the true cost of running Council's Assessment Team. The DLG and DoP have mandated that it is not possible to charge an additional fee for expediting determination. The offers made by developers are seen as a way of supplementing Council's existing staff complement in a legal way provided appropriate probity and reporting mechanisms are put in place.

One way of ensuring probity would be to use the funds to employ a contractor to determine applications that are outside the area in which the developer paying for the resource is involved. An example would be that the developers of Oran Park could fund a person who would determine applications in Elderslie. Council's regular staff would then work on applications in Oran Park. The numbers of applications determined would be reported to show that the developer is getting value from its contribution and that the regular applicants are not disadvantaged in terms of processing times.

The proposal was referred to the Departments of Planning and Local Government and the Independent Commission against Corruption seeking an opinion of the probity issue and any other concerns that should be addressed. All agencies have provided responses to Council's request which are generally supportive of the proposal and procedures outlined above. **Copies of the responses are provided with the Business Paper Supporting Documents.**

CONCLUSION

Given the financial constraints faced by Council in the early years of the upcoming major growth cycle, the option of using developer funded staff resources is considered an appropriate option. The relevant state agencies have provided the appropriate levels of support to the proposal and have not identified any concerns in relation to the proposed probity plan that would be implemented in the event of a formal offer being made to Council.

Whilst there are no current offers of funding from developers, if in the future one is made, it is appropriate that Council determine whether it would accept the funding.

As Camden Council is on the verge of high growth levels, having over 2,000 lots in the pipeline, land rezoned for over 20,000 lots and a new precinct released at Leppington, it is necessary to explore all avenues available to ensure timely determination of development applications. It will be some time before rate income reaches a level that can support higher staff levels and in the interim, the use of developer funded resources is a mechanism that can assist in dealing with the increased demands. At all times it would be necessary to ensure that appropriate probity and reporting is in place and the methods outlined in this report have been supported by State Government agencies charged with ensuring compliance and minimising risk of corruption.

RECOMMENDED

That Council support the use of developer funded staff resources to assist in the processing of development and construction certificate applications subject to the implementation of appropriate probity and reporting procedures.

ATTACHMENTS

1. Letters from DoP, DLG & ICAC (sup docs)



Ltr from DoP - response re developer funding.pdf



Ltr from ICAC - response to developer funded resources.pdf

RESOLUTION

Moved Councillor Warren, Seconded Councillor Funnell that Council support the use of developer funded staff resources to assist in the processing of development and construction certificate applications subject to the implementation of appropriate probity and reporting procedures.

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

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

No Councillor voted against the Motion).

ORD279/09

ACTIONS

[Link to CRMS document](#)

[CRMS: 10251657 26/11/2009, 11:07:28 AM](#)

ORDINARY COUNCIL

ORD03

SUBJECT: REPORT ON EXHIBITION OF DRAFT CAMDEN LEP 2009
FROM: Director Governance
FILE NO: Binder: Camden LEP 2009

PURPOSE OF REPORT

The purpose of this report is to inform Council of the submissions received during the recent public exhibition of draft Camden Local Environmental Plan (LEP) 2009.

BACKGROUND

The Standard Instrument (Local Environmental Plans) Order was gazetted on 31 March 2006. This instrument is the template to be used by all New South Wales Councils in the preparation of their new draft principal LEP.

Council initially resolved to commence work on a consolidated LEP in the template format on 11 September 2006. The draft LEP was subsequently prepared and reported to Council on 25 September 2007. It was resolved at that meeting to adopt the draft LEP and to request the Department of Planning (DoP) to issue a section 65 certificate to enable exhibition. In addition Council also resolved to proceed directly to exhibition following receipt of the section 65 certificate.

Since that time Council staff have been in regular contact with staff from the DoP to finalise a number of aspects of the draft plan and to ensure compliance with continuous changes made by Government to the Standard Instrument. The section 65 certificate was finally issued by the DoP on 3 August 2009. The draft LEP was subsequently placed on exhibition commencing 2 September 2009.

MAIN REPORT

Draft Camden LEP 2009

As indicated above, there have been numerous changes made by the DoP to the Standard Instrument since the matter was previously reported to Council. In addition to changes to the LEP template there have also been refinements to the LEP mapping template. It has taken a great deal of time to reflect these ongoing changes into Council's draft plan.

The central focus of the draft LEP is to consolidate Council's 8 existing LEPs into one document based on the standard instrument template. There have been no rezonings contained within the LEP except for situations where the transfer of some existing zones into new template zones required variations, such as in the case of some special use zones. The draft LEP did contain the reclassification of land at Narellan Vale which is reported below. This LEP has therefore been considered a status quo LEP, with all existing zoning and controls transferred into a new format.

The draft Camden LEP 2009 has undergone a series of alterations to the draft LEP that was presented to Council to its meeting on 25 September 2007. The DoP requested

the removal of a number of clauses contained in Camden draft LEP 2007. In some instances suitable clauses will now be placed in Camden DCP 2006. Other clauses are no longer required due to changes to some definitions, effects of new State Planning Policies being introduced or matters already being addressed by the heads of consideration under Section 79C of the EP&A Act.

Accordingly the following clauses were subsequently removed from draft LEP 2007, at the direction of the DoP:

- Cl. 26 Development on proposed classified road
- Cl. 29 Community use of educational establishments
- Cl. 30 Classified roads
- Cl. 31 Development in proximity to a rail corridor
- Cl. 37 Development for group homes
- Cl. 43 Development within mine subsidence district
- Cl. 45 Salinity
- Cl. 46 Water sensitive urban design
- Cl. 48 Dual occupancy
- Cl. 51 Retail premises within land zones B4 Mixed Use
- Cl. 52 Exhibition homes and villages
- Cl. 54 Child care centres
- Cl. 56 Rural worker's dwellings on land within Zone RU1 Primary Production Agriculture
- Cl. 57 Semi permanent crop structures and land within Zone RU4
- Cl. 58 Landscape and garden supplies
- Cl. 60 Control of materials used on buildings and amenity within certain areas
- Cl. 62 Control of materials used within the vicinity of Harrington Park House
- Cl. 63 Refreshment rooms on certain land in Harrington Park
- Cl. 64 Location of housing on land within Zone E3 - Harrington Park
- Cl. 65 Village centre - Harrington Park
- Cl.70 Development principles - Camden Town Centre
- Cl. 71 Development principles - Narellan CBD and Environs
- Cl. 73 Environmentally sensitive land - Grasmere

Exhibition

The public exhibition was undertaken between 2 September and 14 October 2009. Notice of the exhibition was published on two separate occasions in the local press. Included in the newspaper advertisement was reference to the currently zoned "Special uses" properties and their proposed new zone in the draft LEP. The following matters were also listed in the advertisement:

- 'Restricted premises' (includes sex shops but not brothels) being a permissible use wherever 'retail premises' are permitted,
- 'Neighbourhood shops' being a mandated permissible use in R3 Residential Medium Density zones, and
- 'Retail premises' being a mandated permissible use in all Business zones.

Letters advising of the exhibition were sent to all owners of land adjoining the "Special Uses School" site in Crookston Drive, South Camden, the Narellan Public School and the former Anglican School and cemetery land on Richardson Road Narellan, relevant government authorities, Liverpool, Campbelltown and Wollondilly Councils were notified of the exhibition. In addition, copies of the exhibition documentation were provided to the Camden Historical Society, Camden Residents Action Group (CRAG)

and the Wilson Crescent Richardson Road Area Residents group (WRARG).

The draft LEP and all supporting information was placed on Council's web site and hard copies displayed at Council's Libraries and Customer Service Centres.

'Open Houses' were held at the Camden Civic Centre on Wednesday 23 September and Saturday 26 September and at the Narellan Library on Wednesday 30 September and Saturday 3 October 2009. The open houses provided the community with an opportunity to meet informally with Council planning staff to discuss the new LEP.

Reclassification of Lot 1342 DP 864613 Waterworth Drive Narellan Vale

The draft LEP included the reclassification of Lot 1342 DP 864613 Waterworth Drive, Narellan Vale, from 'community' to 'operational'. This land is located between the Narellan Vale Public School and Elizabeth Macarthur High School. Council, at its meeting held on 8 May 2006 resolved to reclassify the land and that a further report be presented to Council on the matter following the finalisation of the rezoning process.

Pursuant to legislative requirements, a public hearing was held on 21 October, 2009, which was conducted by an 'independent person, Mr John Mullane. Four members of the public attended together with two Council staff members. Mr Mullane has subsequently submitted a report on the hearing with a recommendation that the reclassification can proceed. Mr Mullane's report on the hearing is **provided as attachment 1 to this report.**

Issues raised during the exhibition

A total of 40 submissions were received by Council. These comprised 20 from, or on behalf of, land owners, 3 from community organisations, 2 from adjoining Councils and 15 from public authorities. Copies of all submissions received have been forwarded to Councillors under separate cover and a schedule detailing each submitter's comments, together with staff comment, is **provided as attachment 2 to this report.**

Matters raised in the submissions have been dealt with in the schedule. The methodology adopted in reviewing the submissions has been to list the issues raised, provide an appropriate comment and then determine what action, if any, is required. A number of matters raised in the submissions required clarification with no further action necessary. Some submissions highlighted omissions or errors which have been acknowledged and amendments to the LEP have been recommended. There were a number of submissions that raised matters that were beyond the scope of the LEP. These have been listed elsewhere in this report.

There were a number of other matters raised in the submissions which have some significance and are discussed below in more detail.

Environmentally Sensitive Land (ESL)

Six submissions were received regarding the ESL mapping. The main concern was with the accuracy of the mapping and how it related to their particular land. The ESL maps were based on the existing conservation mapping contained within Council's Natural Assets Policy 2003. This mapping was recently updated using a desktop technique based on the interpretation of recent digital aerial photography. There was no provision for extensive groundtruthing or verification.

The Camden Natural Assets Policy currently provides criteria to accompany

development applications to *"fully describe the nature and magnitude of the impact of the proposal upon natural assets"* . Where development is proposed which is within an area identified as being ecologically significant or within a riparian corridor additional information is required. Applicants are currently requested to meet with Council staff to discuss these requirements prior to lodging a development application.

Clause 7.2 (3) of the draft LEP requires, where the land is identified as environmentally sensitive land on the ESL map, that a report be prepared which identifies the impact of the development and measures to ameliorate such impacts. This requirement is prescriptive and would place an unnecessary financial burden on an applicant if it was later found that their land was not environmentally sensitive land. This may also undermine the credibility of the rest of the ESL mapping.

The original purpose of clause 7.2 and the accompanying mapping, was to act as a trigger to alert an applicant to areas of environmental concern. As the mapping has not been 'groundtruthed' it does not have the rigour necessary for the LEP and potentially has unintended consequences on development such as additions to existing dwellings where environmental assessment had been previously undertaken.

It was always intended to incorporate the Natural Assets Policy into the review of the Camden DCP 2006. It will be now recommended that clause 7.2 and the accompanying mapping be removed from the LEP and placed in the DCP as part of the incorporation of the Natural Assets Policy. This clause will then alert proponents and assessment officers to the need for environmental assessment rather than a blanket requirement if inserted in the LEP. Developments will be considered on a case by case basis.

Rezoning of neighbourhood centres in Currans Hill, Mount Annan South and Elderslie to B1 Neighbourhood Centre

The exhibited LEP proposed to rezone the neighbourhood centres in Currans Hill, Mount Annan South and Elderslie as R1 General Residential. To ensure consistency with other centres and to provide for a wider range of land use opportunities it is proposed to apply the zoning B1 Neighbourhood Centre for each of these centres.

Heritage listings for Camden, Cobbitty, Narellan and Rossmore Public Schools

Cobbitty and Rossmore public schools have been listed as heritage items in Camden LEP 48. Camden and Narellan public schools were added to the list and exhibited as part of draft LEP 149 in February 2008. The Department of Education and Training, in its submission raised no objection to the inclusion of individual school buildings however it expressed concern with the general nature of the listings. In the report on the outcomes of the exhibition of draft LEP 149, to Council on 25 March 2008, it was advised that staff would meet with officers from the Department to discuss this aspect further.

A joint inspection by Council officers, Council's heritage advisor and a representative from the Department was subsequently undertaken of each of the schools together with detailed analysis. Agreement has now been reached as to the agreed listing for each of the schools.

Replacing the proposed E3 zone with E4 zone

The draft LEP contains the zone E3 Environmental Management. Land that is covered by this zone includes Manooka Valley, part of Harrington Park and Mater Dei which

provides for eco-residential type development. Following a request in a submission and the fact that the E4 Environmental Living zone has been adopted for similar type lands in Oran Park and Turner Road, it is now proposed to change land shown as zoned E3 Environmental Management in the draft LEP to E4 Environmental Living.

While there is relatively little difference between the zones, dwellings are mandated as permissible use in both zones, it is considered that the E4 zone is the more appropriate as it focuses more on the residential component. This will also ensure consistency with the Oran Park and Turner Road areas which currently have E4 zones, especially when the Growth Centres SEPP is incorporated into the Camden LEP in the future.

Wivenhoe, Orielton and Harrington Park Homestead

Each of the above heritage properties are contained within a Special Uses - Cultural Landscape zone. The template zone that was considered to be the most compatible was E3 Environmental Management. It is now agreed that the SP1 Special Activities - Cultural Landscapes, is a more appropriate zone as it focuses more on the incidental or ancillary development which reflects on the unique heritage characteristics of the sites as opposed to the environmental focus of the E2 zone.

Properties adjoining Camden Airport

Nos 101, 103 and 109 Macquarie Grove Road, Cobbitty are located and adjoin the Camden Airport. Although they are not associated with the airport they are currently zoned 'Special Uses Airport' under Camden LEP 48. In the exhibited draft LEP the Airport is shown as SP2 Air Transport Facility. This zoning extends over the abovementioned properties. Council has supported an owners request that these properties be zoned RU1 rural.

Other matters to be included in the Camden LEP

Ironbark Avenue, South Camden

Council, at its meeting held on 25 September 2007, resolved to defer the Ironbark Avenue land at South Camden from the draft LEP. This was due to the difficulty in finding a compatible template zone with the current 3(d) Business Automotive zone. The DoP has subsequently directed Council to apply the 'closest' compatible zone, which is the IN2 Light industrial, for the exhibition. Prior to the commencement of the exhibition, a planning consultant was engaged by Council to review the proposed IN2 zone and to determine whether it was the most appropriate zone for the Ironbark Avenue precinct. A copy of the Planning Review for Ironbark Avenue is **provided as attachment 3 to this report**.

The report makes the following recommendations:

- The IN2 Light industrial zone is considered to be the 'best fit' for the precinct.
- The land on the eastern side of Ironbark Avenue has potential to be redeveloped for medium density residential.
- Design principles have been developed for both the 'service industrial park' and 'multiunit housing'.
- Car parks, vehicle showrooms, (vehicle hire or sales premises - template definition) and veterinary hospitals are uses which should be permitted in all IN2 Light Industrial zones.

Council had previously resolved to prepare a draft LEP to rezone the old bus depot site

to permit medium density development. The DoP subsequently advised Council to undertake a broader review of the potential land to be included in any rezoning. The above review suggests that all the land on the western side of Ironbark Avenue (this includes the former bus depot site and land adjoining to the north being the truck sales yard and the preschool) could be considered for future medium density development. Any rezoning for medium density must include the preparation of development controls to ensure that a high level of residential amenity is achieved and that the interface with both the residential and light industrial are addressed appropriately.

Accordingly it is recommended that the IN2 Light Industrial zoning, for the Ironbark Avenue, South Camden precinct, remain. The issue of the rezoning of land on the eastern side of Ironbark Avenue to permit medium density residential development is discussed separately in this report.

Yamba

The rezoning of the Yamba land at Elderslie, which was adopted by Council at its meeting held on 26 May 2009 has been incorporated into the Camden LEP 2010. It should be noted that this rezoning is currently with the DoP and its gazettal is expected in the next month or so.

El Caballo Blanco/Gledswood

It was originally intended that the El Caballo Blanco/Gledswood draft LEP 151, which was exhibited earlier this year, would be incorporated in the Camden LEP 2010. However delays have occurred due to ownership changes, therefore it is not expected that a report recommending the rezoning to proceed will be presented to Council until early in 2010. Accordingly the exhibited draft Camden LEP 151 - El Caballo Blanco/Gledswood will not be incorporated into the Camden LEP.

Dual Occupancies

The definition for 'dual occupancy' in the draft LEP means 2 dwellings, whether attached or detached. The provisions for dual occupancies in residential areas in the draft LEP are the same as in the existing Camden LEPs. They are able to be strata or community titled however they can only be subdivided if the individual lots comply with the lot size shown on the Lot Size map.

To ensure consistency with Council's existing requirements for dual occupancies in rural zones (i.e. only attached dual occupancies are permissible with the exception of detached dual occupancies in the Bringelly area) clause 4.2B has been amended to reflect this.

State Planning Policy (SEPP) No 1 - Development Standards

State Planning Policy No. 1 - Development Standards does not apply to draft Camden LEP 2009. Clause 4.6 will provide for variations to development standards subject to appropriate justification as to why the standard should be varied, effectively incorporating the provisions of SEPP1 into the Camden LEP. Councils are required to provide the DoP with a quarterly report on all variations pursuant to clause 4.6 as is currently the case with variations pursuant to SEPP1.

The Director-General of Planning has notified Councils of his assumed concurrence for clause 4.6 except for subclause (6) which relates to subdivision. Council can vary a development standard, without concurrence, only if:

- a. *"only one allotment does not comply with the minimum area, and*
- b. *that allotment has an area equal to or greater than 90% of the minimum area specified in the development standard."*

Agricultural igloos are now permitted in RU4 Rural Small Holdings zones

RU4 Rural small holdings zones were previously Rural 1(b). In the RU4 zone 'horticulture' is a mandated use. Accordingly agriculture igloos are now a permissible use. Previously they were only permissible in Rural 1(a) zones. Development controls for the erection of agricultural structures, including igloos, will be developed as part of the amendments to Camden DCP 2006, to address concerns relating to impacts etc.

Concessional Allotments

The DoP has directed Councils to remove concessional lot provisions. This has been a DoP policy for some time. Camden LEP 48 is the only Camden LEP which has a provision for concessional allotments. Clause 13 in Camden LEP 48 permits subdivision for the purposes of a dwelling in Rural zone 1(a), below the minimum 40ha requirement, subject to certain criteria. The main criteria is that the land must have been owned by one person, or held by the same persons as joint tenants or as tenants in common, on 18 July 1973. These are commonly referred to as concessional allotments. There are no provisions for concessional allotments in the draft LEP.

There are 18 properties that currently satisfy the above criteria with a possible lot potential of 29 lots. A number of these properties are not suitable for subdivision or are within areas of future urban release. Two properties have recently lodged subdivision applications with Council and these will be processed under the existing provisions.

Special Purpose Zones

The exhibited draft LEP proposed to rezone a number of properties currently zoned "Special Uses" to that of the adjoining zone in accordance with the DoP's directive. This mainly applied to schools, churches, ambulance stations, cemeteries and the like. While no submissions were received from the community, Sydney Water has requested that water storage sites at Leppington and Mount Annan South together with the West Camden Sewerage Treatment Plant be zoned SP 2 Infrastructure. In addition it is also proposed to now zone the electricity sub station at Spring Farm to SP 2 as it was not considered appropriate to adopt the adjoining zone. It has also been determined to zone existing cemeteries to SP1 Special Activities rather than adopt the adjoining zone. This is especially evident where they adjoin residential zones. It is understood that this approach will be supported by the DoP.

Matters contained in submissions unable to be dealt with in Camden LEP 2009

Former Bus Depot site Ironbark Avenue, South Camden

The owners of the former bus depot site have, in their submission, requested that Council proceed with the rezoning of the land to permit medium density development as previously resolved by Council on 9 October 2006. As indicated above the report on Ironbark Avenue has recommended that this land together with the other land on the eastern side of Ironbark Avenue is suitable for medium density residential development subject to appropriate development controls being developed. The rezoning will also require any contamination issues to be identified and addressed together with studies relating to traffic, infrastructure and community facilities. All costs

associated with the rezoning are to be funded by the proponent.

Accordingly Council is now in a position to request the DoP to review its previous position on the rezoning of the land. The proposal will now include the land to the north being lot 48 DP 31406 and Lots 1 & 2 DP 516829 Ironbark Avenue. **This map is provided as Attachment 8 to this report.** Should the DoP support the proposal proceeding, a further report will be presented to Council.

Land zoned RE2 Private Recreation in Harrington Street, Elderslie

A consultant, on behalf of the owner of 23 Harrington Street Elderslie, has made a submission comprising two issues. The first requests consideration be given to the rezoning of the property and adjoining lands which are RE2 Private Recreation under the draft LEP. They were previously zoned 6(c) Open Space Private under LEP 46.

The other issue relates specifically to 23 Harrington Street. The land currently has consent for serviced apartments which have been deemed to be substantially commenced. Work on the development has not progressed for some period of time and the owner would like to discuss other possible development options with Council.

While the above requests have merit they are considered to be beyond the scope of the draft LEP. However the owner will be advised that he should meet with Council to discuss both matters however they cannot form part of this draft LEP.

Land at Narellan (known as Landturn)

A submission was made regarding land at Narellan bounded by Narellan Road, The Northern Road and Camden Valley Way. The submission raised a number of issues which were able to be dealt with. However one of their requests was for the current retail floorspace to be increased from 11,300m² to 25,000m². Such an increase is substantial and will require a separate application with supporting material for Council to give due consideration to the proposal. This is clearly beyond the scope of the draft LEP.

Land at Harrington Park

A request was received in relation to a portion of land, having an area of 4.34 ha between Precincts D & F in Harrington Park. This land is not currently zoned for residential purposes. The submission indicates that the land has now been identified as having "no natural assets with environmental significance". The submission requests that the land, which is zoned E2 Environmental Conservation in the draft LEP, be zoned R1 General residential. The request to amend the draft LEP is not supported as it is beyond the scope of the LEP. However the submitter should be advised that this matter should be followed up as a separate application to amend the LEP.

Should the owners of any of the above properties choose to lodge a rezoning proposal, the matter would be formally reported to Council to determine if the matter is to proceed.

Acquisitions for road widening

The Roads and Traffic Authority (RTA) lodged a late submission (dated 11 November 2009 and received by Council on 12 November). One of its requests was for the LEP to indicate several parcels of land required for acquisition for road widening. These parcels are located throughout the Camden LGA. This is the first time that this matter

has been raised with Council. Dealing with road acquisitions is complex as it requires a great deal of investigation and notification of affected owners. In addition, given that this is a significant change to the draft LEP it will require re-exhibition.

Given the above, it is considered that the inclusion of properties to be acquired by the RTA is beyond the scope of the LEP. Council officers will contact the RTA and work with it to determine the most appropriate way to progress with listing properties required for future acquisition for road widening purposes.

Proposed amendments to exhibited draft LEP

In addition to matters raised in the submissions, Council staff have undertaken several workshops during the exhibition period, to review various technical aspects of the draft LEP. A table of amendments to the exhibited draft LEP has been compiled from the public submissions and staff comments and is **provided as attachment 4 to this report**. A copy of the Camden LEP which incorporates the amendments is **provided as attachment 5 to this report**. It should be noted that the LEP is now referred to as Camden LEP 2010 as gazettal is now expected in 2010.

The LEP maps have also been reviewed and a number of amendments proposed. These have been as a result of the actions from submissions and also staff review. A schedule listing amendments to the exhibited LEP maps is **provided as attachment 6 to this report**.

Amendments to Camden Development Control Plan 2006

Following DoP guidelines on the format and content of the Standard LEP template a number of clauses, previously contained within Camden's existing LEPs will now be transferred to the Camden DCP. A table listing the clauses is **provided as attachment 7 to this report**. In addition to these amendments the Camden DCP needs to be fully reviewed to ensure that it complies with the Camden LEP 2010 and to ensure it reflects the current best practices. This will include such matters as references to the LEP, zone names, clause numbers and definitions.

The process from here

Should Council adopt draft Camden LEP, it will then be forwarded to the DoP for gazettal. As part of the process, the DoP is required to refer the LEP to Parliamentary Counsel for comment prior to preparing a report, to the Minister for Planning recommending that the LEP be made. It is expected that the LEP will be made early to mid 2010. It should be noted that the timing of gazettal is an estimate only and not within the control of Council.

Work has commenced on the review of the DCP and a report will be presented to Council in early 2010. The amended DCP will need to be exhibited prior to Camden LEP 2010 being made.

Those submitters who raised matters that were not able to be dealt with in the draft LEP, as they were considered to be beyond the scope of the LEP, will be advised of the most appropriate course of action to undertake, as indicated in this report.

Future amendments to Camden LEP 2010

It is envisaged that the Camden LEP will be reviewed on a regular basis. Staff will be putting in place a program for future amendments. These are likely to initially occur at

6 monthly intervals then extending to 12 months.

CONCLUSION

The preparation of the draft Camden LEP has been a long process mainly due to numerous changes to the standard instrument by the Department of Planning and the preparation of the LEP mapping which was extremely taxing on staff resources. However the Camden LEP has provided an opportunity to consolidate the existing 8 Camden LEPs into one standardised planning instrument which will make it easier for all stakeholders to understand and access. Changes have been made to the exhibited plan to reflect errors, clarify issues and address these issues raised in submissions which do not affect the status quo intent of the plan nor substantially alter the plan. It is now appropriate to refer the plan to the DoP for making.

RECOMMENDED

That Council resolve to:

- i. adopt the draft Camden LEP, as exhibited, with the inclusion of the amendments listed in the report and forward to the DoP requesting that the plan be made.**
- ii. reaffirm its resolution of 9 October 2006 to rezone the former bus depot site Ironbark Avenue, South Camden to permit medium density development and to now include the land to the north being lot 48 DP 31406 and Lots 1 & 2 DP 516829 subject to the requirements outlined in this report including all costs associated with the proposal being borne by the applicant.**
- iii. prepare a report on the amendments to Camden DCP 2006 that are required to ensure compliance with Camden LEP 2010.**
- iv. write to all submitters to the exhibition advising of Council's resolution.**

ATTACHMENTS

PLEASE NOTE: ATTACHMENTS ARE PROVIDED ON A SEPARATE CD

Attachment 1 - Report on Public Hearing
Attachment 2 - Schedule of submissions
Attachment 3 - Report on Ironbark Avenue
Attachment 4 - Schedule showing amendments to exhibited LEP
Attachment 5 - Amended LEP showing track changes
Attachment 6 - Schedule showing amendments to exhibited maps
Attachment 7 - Schedule listing amendments to DCP
Attachment 8 - locality map Ironbark Avenue

ATTACHMENTS



Attachment 2 Schedule of Submissions.doc



attachment 1 LEP Template.pdf



Attachment 3 Report on Ironbark Ave.pdf



Attachment 4 Schedule of amendments to exhibited LEP.doc



Attachment 5 Amended LEP with tracked changes.doc



Attachment 6 schedule of amendments to LEP maps.doc



Attachment 7- DCP amendments.doc



Attachment 8 locality map Ironbark Ave.pdf

RESOLUTION

MOTION

Moved Councillor Funnell, Seconded Councillor Dewbery that Council:

- i. adopt the draft Camden LEP, as exhibited, with the inclusion of the amendments listed in the report and forward to the DoP requesting that the plan be made;
- ii. reaffirm its resolution of 9 October 2006 to rezone the former bus depot site Ironbark Avenue, South Camden to permit medium density development and to now include the land to the north being lot 48 DP 31406 and Lots 1 & 2 DP 516829 subject to the requirements outlined in this report including all costs associated with the proposal being borne by the applicant;
- iii. prepare a report on the amendments to Camden DCP 2006 that are required to ensure compliance with Camden LEP 2010;
- iv. write to all submitters to the exhibition advising of Council's resolution; and
- v. include the following additional permitted uses in Schedule 1 for land zoned B1 Neighbourhood Business at Spring Farm:

Attached dwellings, dual occupancies, dwelling houses, multi dwelling housing, recreation area (indoor).

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

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

No Councillor voted against the Motion).

ORD280/09

ACTIONS

[Link to CRMS document](#)

[CRMS: 10251742 26/11/2009, 11:07:39 AM](#)

ORDINARY COUNCIL

ORD04

SUBJECT: WORKS IN KIND AGREEMENTS POLICY AND TEMPLATE
FROM: Director Governance
FILE NO: Works in Kind Agreements

PURPOSE OF REPORT

The purpose of this report is for Council to resolve to place the Draft Works In Kind Agreements Policy and the Template on public exhibition.

BACKGROUND

Under the provisions of Section 94 of the *Environmental Planning and Assessment Act 1979*, Council has the power to require development contributions towards the cost of providing services and facilities to meet the demand generated by the development. Council has a number of contributions plans that require contributions toward the provisions of open space, recreation facilities, community facilities, roads, drainage and other community infrastructure. At its meeting on the 10 November 2009, Council considered the Draft Camden Contributions Plan 2010, which is a draft revision of the main plan applying to development in the Camden Local Government Area.

In some instances, a developer may seek to construct public infrastructure in lieu of making a monetary contribution. This is known as 'works in kind'.

Works in Kind Agreements provide opportunities for developers to deliver infrastructure for the community much earlier than Council would often be able to achieve, as they are already constructing works on site. By constructing works, developers can offset development contributions they would otherwise be required to pay to Council.

Camden Council currently does not have a policy or template in place for works in kind. Council has however entered into numerous Works In Kind Agreements with developers over a number of years. A Works In Kind Agreement Policy and Template would provide a clear and consistent framework to consider Works In Kind proposals and a standardised agreement format.

An investigation of other Works In Kind policies around New South Wales found few examples. Council drew on the results of this research as a foundation to form the Camden Draft Works In Kind Agreements Policy. The Works In Kind Agreements Policy will provide guidelines for Works In Kind Agreements in lieu of the part or full payment of a monetary contribution under Council's Section 94 Plan. The policy will work in conjunction with the template, which will provide consistency, continuity and reduce the time taken to negotiate and prepare agreements.

MAIN REPORT

The Camden Local Government Area is facing significant growth over the next 20-30 years. A Contributions Plan contains a Schedule of Works, which identifies the infrastructure to be provided as part of this growth and includes an estimate of the cost. The cost of providing the infrastructure is then shared across an area or type of

development. These contributions may be satisfied by the payment of money, the dedication of land free of cost, or both. In accordance with section 94(5)(b) of the *Environmental Planning and Assessment Act*, Council may accept the provision of a material public benefit (other than land or money) in full or in part satisfaction of a condition of consent. The most common form of material public benefit is the construction of Works In Kind, which are works that have been identified on the Schedule of Works in the Contributions Plan.

Draft Works In Kind Agreements Policy

Developers are becoming more inclined to enter into works in kind agreements with Council for greenfield developments. In order to implement a more streamlined assessment process, a Works In Kind Agreements Policy is needed. The draft policy can be found as **Attachment 1 to this report**. The following is a summary of the information provided in the draft policy:

- If a developer wishes to construct works identified in a Contributions Plan, it will need agreement from Council that it will accept the provision of the works in kind. Council will then allocate relevant credit against contributions that would otherwise be required.
- There are six steps in the approval process for agreements:
 1. Initial discussions with Council's Section 94 Planner;
 2. Written Application including a completed application form to Council explaining their intentions;
 3. applications considered may be referred to the Development Contributions Committee (committee of Council staff)
 4. A determination is made as to whether or not it will accept the provision of works in kind;
 5. Applicant must obtain all necessary approvals for the works; and
 6. Only upon completion of first five stages may construction begin in accordance with the agreed contract.
- It is important to note that any WIK agreement is at the discretion of Council.
- Council will only offset the value of works in kind against the development contribution required for that particular type of work. Also it is at Council's discretion whether it will accept the provision of works in kind where the value of the works exceeds the value of development contribution required by conditions of consent.
- Satisfactory security arrangements need to be in place which falls into two main categories: works that will be completed prior to a Subdivision Certificate being issued and works that will be completed after a Subdivision Certificate is issued.
- Works will become the intellectual property of Council upon handover of the work. Credit will only be given to developers once all works have been completed or all plans and other relevant documentation have been handed over to Council.
- Council will require the developer to pay all legal costs of modifying the Template Agreement if changes are required.
- Council has obligations under the Local Government Act to seek tenders for the construction of works. However, for works constructed under Works In Kind and Voluntary Planning Agreements the tender process would not provide a positive

result as there are no competitive tenderers available. Therefore under Section 55(3) of the Local Government Act Council may resolve not to invite tenders for Works In Kind and Voluntary Planning Agreements. Council's legal adviser recommended that Council include a statement in the policy and make an appropriate resolution so that this exception can apply to all future agreements.

Draft Works In Kind Agreement Template

A Works In Kind Agreement Template was prepared by Lindsay Taylor Lawyers on behalf of Camden Council. This template forms **Attachment 2 to this report**. This Works In Kind Agreement Template is a contract between Council and a developer. It records the terms of agreement by outlining the scope of works, credit arrangement and other provisions such as a rectification of defects.

The template will be a standard contract which aims to facilitate transparent and expedient resolution of such agreements. Standardising the template will bring various benefits such as reducing legal fees in preparing contracts for each works in kind proposal.

Council may insert new or altered provisions from time to time as the need arises.

Exhibition Period

While Council is not required by legislation to publicly exhibit the Draft Policy and Template, public exhibition is recommended to seek comment from the development industry and to ensure that the proposed approach best addresses the needs of all parties.

The Draft Works In Kind Agreement Policy and Works In Kind Agreement Template will be placed on public exhibition with the draft Camden Contributions Plan (considered by Council at its meeting of 10 November 2009) for a minimum of 28 days once approval for the exhibition of the Contributions Plan has been issued by the DoP.

The Works In Kind Template and Policy is a key element in the successful implementation of the contributions plan. It is therefore appropriate that they be exhibited concurrently.

Copies of the Draft Policy and Template will be available at the Camden and Narellan libraries and the Camden and Narellan Customer Service Centres. In addition, all documentation will be available on Council's website.

Councillors will be notified under separate cover prior to the exhibition commencing. The matter will then be reported back to Council at the conclusion of the exhibition period.

CONCLUSION

Section 94 Contributions, in particular, Works In Kind Agreements need more direction and guidance in administration and assessment. A Works In Kind Agreement Policy will provide clear guidance to the development industry regarding when Council will enter into a Works In Kind Agreement. The template agreement will standardise the contract for works in kind reducing staff costs associated with the negotiation process and legal costs for drafting agreements.

RECOMMENDED

That:

- 1. Council place the Draft Works in Kind Agreements Policy and Template on public exhibition in conjunction with the draft Camden Contributions Plan 2010.**
- 2. Council does not invite tenders in respect of Works In Kind Agreements or Voluntary Planning Agreements on the grounds that a satisfactory result will not be achieved due to the unavailability of competitive tenderers in accordance with the provisions of s55(3) of the Local Government Act.**

ATTACHMENTS

- 1 Draft Works In Kind Agreement Policy
- 2 Draft Works In Kind Agreement Template



Attachment 1 WIK Policy.doc Attachment 2 Template WIK Agreement.doc

RESOLUTION

Moved Councillor Warren, Seconded Councillor Funnell that:

- i. Council place the Draft Works in Kind Agreements Policy and Template on public exhibition in conjunction with the draft Camden Contributions Plan 2010.
- ii. Council does not invite tenders in respect of Works In Kind Agreements or Voluntary Planning Agreements on the grounds that a satisfactory result will not be achieved due to the unavailability of competitive tenderers in accordance with the provisions of s55(3) of the Local Government Act.

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

ORD281/09

ACTIONS

Links to CRMS documents

[CRMS: 10251968 26/11/2009, 11:07:51 AM](#)

[CRMS: 10252063 26/11/2009, 11:08:47 AM](#)

ORDINARY COUNCIL

ORD05

SUBJECT: EXHIBITION OF CAMDEN AIRPORT PRELIMINARY DRAFT
MASTER PLAN 2010
FROM: Director Governance
FILE NO: Camden Airport

PURPOSE OF REPORT

The purpose of this report is to seek Council's resolution to submit the attached submission to the Camden Airport Preliminary Draft Master Plan (PDMP) 2010.

BACKGROUND

Camden Airport is operated by Camden Airport Limited (CAL) on behalf of BAC Airports (BACA) who purchased the Airport lease from the Commonwealth Government on 15 December 2003.

In accordance with the Airports Act 1996, a draft Master Plan and associated Environment Strategy were developed and the Master Plan was adopted in March 2005. A further requirement of the Airports Act is to update the Master Plan and Environment Strategy every 5 years. These draft updated documents are now on public exhibition until 18 December 2009. The exhibition documents have been supplied to Councillors under separate cover in CD format. A Draft submission has been prepared which forms **Attachment 1 to this report**.

MAIN REPORT

Proposed Changes PDMP

Aircraft Movements

Currently there are 63,390 aircraft movements per annum at Camden Airport. The historical high for aircraft movements was in 1992/93 at 134,000 movements. The forecast in the current Master Plan is for 136,143 movements by 2024/25. The forecast in the PDMP is for 146,000 movements by 2029/30.

This growth is expected to be initially strong up to 20 percent over the next 4 years. Then medium growth is expected between 2014/15 and 2018/19 of 3 percent per year. Growth is expected to slow beyond 2019/20 initially to 2 percent, then to 1.5 percent beyond 2024/25. The majority of aircraft movements forecast to occur at the Airport is expected to be generated by a growth of existing general aviation traffic, especially in the sports and recreational flying sector.

Aircraft movements capacity of Camden Airport runway and taxiway system is estimated by Airservices Australia to be approximately 210,000 movements per annum, but this has never been approached.

While aircraft movement capacity has never been reached and there have been much

higher aircraft movements in the past, it is important to note that the forecast movements are much higher than aircraft movements currently. Council suggests that CAL undertake an awareness program to alert the community of the increase and establish appropriate management strategies to limit the impact on residents.

Aircraft Noise

The Airports Act 1996 requires that aircraft noise is modelled and forms part of the Airport Master Plan. The aircraft noise modelling undertaken for the PDMP 2010 is based on the forecast levels of aircraft movements for 2029/30.

Aircraft noise is an important issue in Camden, particularly for residents who live close to the airport. A number of residents from the Cobbitty area have recently met with the Mayor and Council staff to express their concerns with increases in aircraft movements and noise over their homes, particularly over recent months. They were advised to make individual submissions to the exhibition. Council is seeking assurances from CAL that there are appropriate mechanisms for resident complaints and that, where possible, actions taken to address such complaints.

For the PDMP the model was set to produce two forms of output: ANEF contours and N60 contours. Both models show an increase in noise levels which effect an increased number of residents.

ANEF Contours

The Australian Noise Exposure Forecast (ANEF) is a contour map showing forecast noise levels, taking into account components of noise such as intensity, duration, number of noise events, as well as aircraft type and flight paths.

ANEFs play a major role in land use planning in communities surrounding airports. Residential dwellings are considered not acceptable in any ANEF contours over 25. Any land effected by ANEFs must have this noted on 149 certificates applicable to each property.

Changes to the ANEF contours around the Camden Airport have occurred in all directions. CAL advises that this is due to:

- higher traffic forecasts for 2029/30, due in part to the closure of the Hoxton Park Airport and the resultant traffic increases at Camden;
- more accurate modelling of traffic patterns;
- inclusion of the glider strips (and associated activity) and helicopter movements in the ANEF analysis for the first time;
- advances in the Integrated Noise Model version, including improved noise profile information for aircraft and helicopters, and
- improved modelling techniques.

Proposed 2029/30 ANEF contours (as sent to Council on 27 October 2009) are shown in **Attachment 2 to this report**.

It is important to note that these ANEF contours are based partly on projected growth of aircraft movements and will be reviewed every 5 years. The impact of this growth is potentially more significant given that the projected growth in aircraft movements in the current Master Plan has not been reached.

N60 Contours

In addition to ANEF contour based noise modelling, CAL has also undertaken modelling of noise metrics based on the number of aircraft events which is based on recommendations from the Department of Infrastructure, Transport, Regional Development and Local Government (DITRDLG). N60 noise modelling measures the number of noise events by aircraft movements over a specific period of time over particular flight paths. This allows the community to interpret aircraft noise issues based on actual counts of aircraft with a noise profile greater than 60 decibels over a range of flight paths. The proposed 2029/30 N60 contours showing number of events on an average day (as sent to Council on 27 October 2009) **as Attachment 3 to this report.**

Noise Impact Management Measures

Measures currently in place at Camden Airport to restrict the impact of aircraft noise:

- restriction of circuit training to the hours of 6.15am and 11.00pm Monday through Friday, and 6.15am and 8.00pm Saturday and Sunday;
- the utilisation of the 06 (South West) direction when aircraft take off or land for noise abatement;
- aircraft operating in the 24 and 28 (North East) direction are required to fly right hand circuits; and
- the tracking of aircraft and helicopters over rural rather than residential land.

Reports from residents suggest these measures are not working adequately to mitigate noise impacts.

Ramifications for Properties now within ANEF Zones

- All properties affected by ANEF zones will now have this information noted on Council's 149 certificates.
- No new dwellings in ANEF contour areas greater than 25 will be permitted. This will now affect 40 lots that are currently not affected.
- Council records show that 3 lots in the 25+ ANEF contour area have yet to be built on. This potentially would mean that dwellings could not be built on these blocks and thereby decreasing the value of the lots.
- Any new dwellings or extensions to existing dwellings within the 20 to 25 ANEF contour area will now have to have noise attenuation measures included in the building. An acoustic report may be needed to assess the type of measures that will be required. This will now affect 143 lots that are currently not affected and will be an additional expense borne by the landowner.

CAL advise that it traditionally do not offer compensation for those affected by changes in ANEF contours. The Federal Government has had a noise abatement program for the Sydney and Adelaide airports for those buildings within significant contours. Significant contours are considered to be above 30 ANEF contours. However, given the impact on the residents affected within Camden, Council believes compensation is required. This compensation should provide for attenuation costs and preparation of acoustic reports for dwellings in the 20+ contour areas and offers of purchase to the owners of the lots that have not been built on in the 25+ ANEF area and assist owners of affected lands to provide acoustic treatment to their dwellings.

Land Development Concept

The PDMP has identified 96 ha of land surplus to aviation requirements. **Attachment 4 to this report** shows the current Master Plan zones and **Attachment 5 to this report** shows the proposed Master Plan zones. Current zoning for Camden Airport in LEP 48 is 5(a) Special Uses Aerodrome and in the draft Camden LEP 2009 is SP2 Air Transport Facility. It should be noted that where zones are used in the PDMP they are not the same as Council land use zones. It should also be noted that Camden Airport comes under Federal Legislation and Council's controls do not apply.

Extension to Mixed Use Zone

Previously a small area in the eastern part of the Airport (3.9 ha) was zoned Mixed Use (M). The proposal in the PDMP is to increase this Mixed Use area to 13.5 ha. Currently this proposed addition to the Mixed Use area is zoned Business Support (S). This area is above the 1 in 100 year flood plain.

Many of the current uses and some of the proposed uses are considered inappropriate for this site given aircraft noise, limited access to the site and the character of the area. The submission outlines uses that are considered to be inappropriate.

Change of Rural Zone to Airport Support Zone

Currently an area of 82.5 ha is zoned Rural (R) and is proposed to be zoned Airport Support (AS). This area is below the 1 in 20 and 1 in 100 year flood plain and is unserviced. The objective of this zone as stated in the PDMP is to provide areas of employment or tourist related development. Currently the north western part of this area is used for limited rural activity. The area adjacent to this is zoned Environmental Protection and adjoins the Nepean River.

Any further development or use (besides overflow parking of aircraft) of this area is considered inappropriate, and therefore the zone should remain rural for the following reasons:

- The area is unserviced. Any increased development would create problems with disposing of septic waste;
- The area is below the 1 in 100 year flood plain and therefore unsuitable for more intensive development. Any development in this area is contrary to Council and State Government Policies;
- Proximity to the Environmental Protection Zone and Nepean River would mean that any development would compromise this environmentally sensitive zone; and
- Access to the area is constrained.

How Development at Camden Airport is Controlled

The Camden Airport is controlled by the following Federal legislation:

- The Airports Act 1996
- The Airports (Environment Protection) Regulations 1997
- The Airports (Building Control) Regulations 1996
- Air Navigation (Aircraft Engine Emissions) Regulations
- Air Navigation (Aircraft Noise) Regulations 1984

Development at Camden Airport must be in accordance with the Camden Airport Master Plan and must comply with the Camden Airport Environment Strategy.

Development proposals for the airport require the concurrent approval of CAL and the Airport Controller (ABC) and the Airport Environment Officer (AEO) (and in some cases DITRDLG and/or the DEWHA). The process to consider a development proposal is shown on the Development Approvals Flowchart which forms **Attachment 6 to this report**.

The PDAES states that CAL will continue to liaise with Camden Council on relevant development proposals. However, it should be noted that the development process does not come under the NSW Environmental Planning and Assessment Act and therefore there is no provision for Council to have an approval or concurrence role.

No mention is made in the PDMP of future development contributing by way of a levy to infrastructure that will be needed off site as a result of further development to the Airport site.

Other Issues Associated with Increased Development

Access

Access to the airport site is along Aerodrome Road off Macquarie Grove Road which is a narrow rural road subject to flooding during heavy rainfall periods. The PDMP states that as development occurs there will be an upgrading of Aerodrome Road which will, to the extent possible, address the periodic flooding issue. The PDMP also states that CAL are continuing to seek alternate access points to the airport.

If further development of the site occurs the following is required:

- Flood free access;
- Development assessed in terms of traffic generation;
- The capacity of the existing intersection on Macquarie Grove Road assessed; and
- Provision of appropriate traffic management facilities to accommodate ultimate traffic generation from the site.

Heritage

The whole of the airport site is listed as an item of Environmental Heritage. Two separate items of environmental heritage are also on the site, these being Hassall Cottage and Macquarie Grove Cottage. These items are listed in draft LEP 149 and draft LEP 2009. Macquarie Grove Cottage is also listed on the NSW State Heritage Register.

The PDMP states that:

"A Heritage Management Strategy has been prepared for the Airport. Specific heritage management plans will be prepared for those developments which involve areas containing aspects identified as having significance".

Camden Airport is considered to be a site of high heritage significance. This heritage value should be conserved and impact on items of significance minimised. Care should be taken to avoid disturbance of aboriginal sites and artifacts.

It should be noted that the airport exists as part of a greater historical site. Any development in the Mixed Use (M) zone should be low scale, rural structures sensitively located, with consideration given to issues such as scale, form, siting, material and colours.

Sewer

The airport site has a pumping station that connects into a 150mm diameter gravity main along Macquarie Grove Road that discharges into the Sydney Water Pump Station on the corner of Macquarie Grove Road and Exeter Street. The PDMP identifies that an additional gravity system will be required to service any proposed development.

The airport currently does not have Sydney Water sewer on the site and is only linked by a private main to the Sydney Water System. In the past there have been problems with sewerage leaking into the Nepean River from a broken pipe.

While the current on site system is mostly adequate for the site, problems may occur during flood and if there are power blackouts. This will be exacerbated if further development occurs, therefore the current system is considered inadequate to support any significant increase in activity on the site.

Further, any development below the 1 in 20 year flood plain is contrary to Council's Flood Plain Management Policy and the State Government's Policy.

Salinity

The PDMP makes no reference to salinity. However, much of Western Sydney, including Camden, is affected by salinity. Salinity can develop naturally, but where the landscape has been cleared or disturbed for development the flow and quantity of both water and salt through the environment can change. Over time the salts can concentrate to a level where they are detrimental to soils, vegetation and built structures. A salinity investigation of the site would assist in determining the level of affectation.

Biodiversity/Natural Resources

The PDAES has identified the biodiversity resources at the Airport as containing remnant River-Flat Eucalypt Forest which is an endangered community under the NSW legislation and two flora species in the remnant vegetation which are listed at the national level as threatened species under the EPBC Act. A Management Plan is in place to help protect the endangered community and threatened species. However, long term funding for the works identified in the Management Plan is an issue. It is also unclear what impact further development would have on these natural resources, therefore this would need to be further assessed if development was to be considered.

Water Quality

If further development occurs on the site there will be increased stormwater. This could impact on the bushland and the Nepean River. This hasn't been addressed adequately in the PDMP.

CONCLUSION

The PDMP 2010 and the PDAES 2010 provide a comprehensive overview for the future growth and development of Camden Airport for the next 20 years.

Council acknowledges the importance of Camden Airport and should support its continuation as a general/recreation aviation airport, subject to strict compliance with environmental requirements and the impact on surrounding areas minimised.

However, there are some specific issues of concern. These are:

1. The projected increase in aircraft movements, specifically that these are a large increase from current actual aircraft movements.
2. The 96 hectares of land identified as surplus to aviation requirements: the 13.5 ha Mixed Use (M) land - many of the current uses and some of the proposed uses are considered inappropriate; 82.5 hectares of Airport Support land - this area should remain as a Rural (R) zone.
3. Changes to ANEF contours, especially where the revised ANEF contours indicate an environment unacceptable for residential dwellings, and the associated cost of reports and attenuation measures to be borne by residents;
4. Reports from residents indicating the current mitigation strategies are not satisfactorily addressing noise impacts.
5. Limited access to the site and capacity of intersection on Macquarie Grove Road;
6. The capacity of the existing sewerage system to support further development; and
7. The heritage of the site and its broader context.

Comments relating to these issues form part of the submission to the exhibition of the PDMP as shown as **Attachment 1 to this report**.

RECOMMENDED

That:

- i. **Council forward the attached submission to the exhibition of the Preliminary Draft Airport Masterplan; and**
- ii. **a further report go to Council when the Draft Master Plan is finalised to advise Council of the final Master Plan and what changes have been incorporated.**

ATTACHMENTS

Attachment 1 - Submission to the PDMP

Attachment 2 - Proposed and current ANEF contours

Attachment 3 - Proposed N60 contours

Attachment 4 - Current Master Plan

Attachment 5 - Proposed Master Plan

Attachment 6 - Development Flowchart



Attachment 1 submission.doc



Attachment 2.pdf



Attachment 3.pdf



Attachment 4.pdf



Attachment 5.pdf



Attachment 6.pdf

RESOLUTION

MOTION

Moved Councillor Funnell, Seconded Councillor Dewbery that:

- i. Council forward the attached submission to the exhibition of the Preliminary Draft

Airport Masterplan strengthening points on various areas, and

- ii. a further report go to Council when the Draft Master Plan is finalised to advise Council of the final Master Plan and what changes have been incorporated.

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

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

No Councillor voted against the Motion).

ORD282/09

ACTIONS

[Link to CRMS document](#)

[CRMS: 10252339 26/11/2009, 11:13:16 AM](#)

ORDINARY COUNCIL

ORD06

SUBJECT: LAND PURCHASE - LOT 431 GRIMES AVENUE ELDERSLIE
FROM: Director Governance
FILE NO: Stat Planning/Land Use/Release Area-Elderslie

PURPOSE OF REPORT

To obtain a Council resolution to purchase an area of land within the Elderslie Release area required for road purposes.

BACKGROUND

The subject land is located in Elderslie and forms a link between the constructed portion of Grimes Avenue and a yet to be constructed road in Elderslie. The land has an area of 650 square metres and will form part of a future road. Council's Contributions Plan 2004 identifies this land as being required for public road purposes. **A plan of the land is attached to this report.**

REPORT

Council's Valuer has conducted a market assessment of the land based on current land sales and the zoning of the land. Council staff have negotiated a market price at \$125 per square metre which equates to a total purchase price of \$81,250 and Council has also undertaken to pay all survey, legal and statutory charges, where applicable. This is standard practice in the instance where Council is acquiring land. The agreed amount is less than the \$200 per square metre which is provided in the Contributions Plan for the purchase. The owners of the land, Mr. Ivory Pty Limited have accepted Council's offer.

CONCLUSION

The land is required to complete the road network within the Camden Acres Estate and has been earmarked for purchase. The purchase price represents a considerable saving to the allocation provided in the Contributions Plan and will be funded from collections for local transport infrastructure provision in the Elderslie Release area.

Whilst the acquisition of this land is not a current priority, the proposed acquisition is a unique opportunity that is the result of successful negotiations and provides significant savings. Therefore, it is appropriate to act now to acquire the land.

RECOMMENDED

That Council:

- i. Purchase Lot 431 DP 1106634 Grimes Avenue, Elderslie for road purposes from Mr. Ivory Pty Limited, at a purchase price of \$81,250, exclusive of GST, together with any survey, legal and statutory costs, with the purchase to be funded from the Camden Section 94 Contributions Plan;**

- ii. The Council Seal be affixed to any documents associated with the purchase.

ATTACHMENTS



mister ivory location plan.jpg

RESOLUTION

Moved Councillor Warren, Seconded Councillor Dewbery that Council:

- i. purchase Lot 431 DP 1106634 Grimes Avenue, Elderslie for road purposes from Mr. Ivory Pty Limited, at a purchase price of \$81,250, exclusive of GST, together with any survey, legal and statutory costs, with the purchase to be funded from the Camden Section 94 Contributions Plan;
- ii. the Council Seal be affixed to any documents associated with the purchase.

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

ORD283/09

ACTIONS

[Link to CRMS document](#)

[CRMS: 10252585 26/11/2009, 11:13:30 AM](#)

ORDINARY COUNCIL

ORD07

SUBJECT: MANAGEMENT PLAN - SEPTEMBER 2009
FROM: Director Governance
FILE NO: Management Plan

Council prepares a Management Plan and Budget annually, which sets out strategies and actions for the next three years. The Local Government Act requires quarterly reports to be submitted to Council showing progress to date on each of the strategies and actions within the Management Plan for the current 12 months.

The September 2009 review has been completed and is **provided in the Business Paper Supporting Documents**. The attachment highlights the progress of Council's adopted strategies and provides comments on each of the items.

RECOMMENDED

That the September 2009 Management Plan review be noted.

RESOLUTION

Moved Councillor Warren, Seconded Councillor Dewbery that the September 2009 Management Plan review be noted.

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

ORD284/09

ACTIONS

CRMS number , Finalised 26/11/2009 3:46:10 PM

Action: Finalised,

[Link to CRMS document](#)

[CRMS: 10252631 26/11/2009, 11:13:49 AM](#)

ORDINARY COUNCIL

ORD08

SUBJECT: SEPTEMBER REVIEW OF THE 2009/10 BUDGET
FROM: Director Governance
FILE NO:

PURPOSE OF REPORT

This report presents the September Quarterly Budget Review for the 2009/10 financial year in accordance with Part 9, Division 3, Clause 203 of the Local Government (General) Regulation 2005.

Its purpose is to inform Council of the necessary changes to the 2009/10 Budget since the adoption of the 2009/10 Management Plan and Budget, and to consider other changes put forward for determination.

SUMMARY OF BUDGET REVIEW

In adopting the 2009/10 Management Plan, Council authorised a projected working funds surplus of \$258,800.

In adopting the 2008/09 Year End Budget Result, Council authorised the restriction of this surplus to fund the 2010/11 Budget. This resulted in a balanced budget position for the 2009/10 financial year.

Budget adjustments identified at the September Review represent a projected working funds surplus for the 2009/10 financial year of \$306,676.

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

In summary, the working funds result for this quarter is the result of higher than expected returns on Council's investment portfolio (\$128,200) and a reduction in Council's superannuation liability for the Defined Benefits Scheme (\$117,713).

This report will recommend that \$200,000 of the budget surplus be allocated to reducing the Vacancy Discount Factor. This is further explained below.

NOTE 1 - 2009/10 BUDGET CUTS & SERVICE REDUCTIONS

The table below identifies the budget cuts and service reductions made by Council to fund the 2009/10 and future budgets. The expenditure reductions have been prioritised by senior management as a recommendation to Council on those items that could be funded first by the September Budget Review Surplus of \$306,676.

Of concern to management is the level of the Vacancy Discount Factor.

Vacancy Discount Factor

Each year Council includes a Vacancy Discount Factor (VDF) in its budget. The VDF is an estimation of the budget savings realised through the time it takes to replace an existing employee upon the vacating of a position. This allows Council to maximise its budget capacity at the time of adopting the original budget. Council adopted a VDF of \$301,100 in 2009/10.

Upon being advised by the DLG that Council's Special Rate Variation application was unsuccessful, Council was forced to reduce operational expenditure in 2009/10 by \$929,000. As part of the expenditure reductions, \$200,000 was added to Council's VDF target for 2009/10. The only way to achieve this target is by not replacing employees who had resigned until the target amount of \$501,100 is realised. The replacement of staff is at the discretion of the General Manager.

Not replacing staff in a growing organisation places great strain on existing staff and reduces the service level Council provides to its community. There is currently seven vacant positions within Council existing staff establishment. It is for this reason that senior management highly recommend that \$200,000 of the working funds surplus be allocated to the replacement of staff in existing positions. If adopted by Council the VDF will be reduced to a budget target that could be realised through natural staff vacancies.

Should Council adopt management's recommendation the remaining balance of the working funds surplus is \$106,676. It is recommended that this balance remain uncommitted for consideration at future quarterly budget reviews.

Other budget cuts or service reductions

Officers will continue to monitor the impact of budget cuts and service reductions to our community. Where officers can identify reductions in service having a greater impact than expected, a report will come before Council to consider the allocation of further funding from the available working funds surplus.

2009/10 BUDGET CUTS & SERVICE REDUCTIONS	Budget Reduction 2009/10
MANEX Recommended Priorities	
1. Replacement of Departing Staff	\$200,000
2. Staff Amenities	\$11,900
3. OH&S Tree Trimming Works	\$14,900
4. Divisional Support Funding	\$60,000
5. Landscape Maintenance & Mowing	\$250,000
6. General Expense Reductions (10%)	\$36,200
7. Street Tree Planting	\$10,100
8. Cycleway Tree Planting	\$12,300
9. Heritage Advisory Services	\$5,000
	\$600,400
Not Recommended for Inclusion at this time	
Ward Committee Meetings	\$2,100
Coal Association Membership	\$6,500
Councillors Special Project Allowance	\$120,000
Street Sweeping Services	\$100,500
Printing of Annual Report	\$15,500
SMT Remuneration Package Reductions	\$35,900
Mayoral / Councillor Allowance Reductions	\$6,700
Councillor Training & Conferences	\$17,800
Information Tech. Technical Assistance	\$23,600
	\$328,600
TOTAL BUDGET CUTS & REDUCTIONS	\$929,000

NOTE 2 – PROPOSED VARIATIONS TO BUDGET

Variations between the adoption of the 2009/10 Budget and the September Review for 2009/10 led to an increase in working funds of \$275,076. A list of these variations (greater than \$10,000) is provided in the following table and brief explanations below.

DESCRIPTION	W/Funds Impact Increase / (Decrease)
INCOME ADJUSTMENTS	
Note: Increase in income is an increase in working funds	
Shortfall in income is a decrease in working funds	
1. General Fund Interest on Investments Increase	\$128,200
2. Financial Assistance Grant Shortfall	(\$55,047)
3. Risk Management Incentives Rebate Increase	\$24,420
4. DLG Dog Registration Income Increase	\$20,000
5. Property Insurance Rebate Increase	\$11,593
Variations under \$10,000 - Various Increases	\$38,817
Sub Total - Income Adjustments	\$167,983
EXPENDITURE ADJUSTMENTS	
Note: Increase in expenditure is a decrease in working funds	
Savings in expenditure is an increase in working funds	
6. Corporate Superannuation Expense Savings	\$117,713
7. Risk Management Insurance Premium Savings	\$34,759
8. Corporate Fringe Benefits Tax Increase	(\$34,600)
9. Stormwater Maintenance Program Savings	\$25,100
10. Principal & Interest Loan Repayments Increase	(\$11,400)
Variations under \$10,000 - Various Increases	(\$24,479)
Sub Total - Expenditure Adjustments	\$107,093
TOTAL PROPOSED VARIATIONS TO BUDGET	\$275,076

1. General Fund Interest on Investments - Increase in Income of \$128,200

The first quarter performance of Council's investment portfolio is above budget expectations. The 2009/10 budget projected a weighted average return for the first quarter of 3.25%. Council has been able to achieve more competitive rates with an actual weighted average return for this period of 4.00%. Investment returns for the remainder of 2009/10 have been revised to 4.00%, as a result of the improved economic outlook and increases in the official cash rate by the Reserve Bank.

2. Financial Assistance Grant - Decrease in Income of \$55,047

Please refer to the detailed analysis provided at the end of this section.

3. Risk Management Incentive Rebate - Increase in Income of \$24,420

Council has recently been rewarded with a rebate from its insurer (Statewide) for implementing risk minimisation practices. The bonus payment is an incentive for Council's to take a pro-active approach in its risk management program.

4. DLG Dog Registration Commission - Increase in Income \$20,000

The current budget allocation for dog registration commission income is considered too low in comparison to income received in previous years. Income received through commissions during 2008/09 were approximately \$15,000 per quarter. This adjustment reflects a similar income trend for the 2009/10 financial year.

5. Property Insurance Rebate - Increase in Income of \$11,593

The performance of Council's property insurance scheme resulted in a surplus position for the claims fund and a rebate has been issued to all policy holders. Rebates are not paid to member Councils until all claims have been settled and the surplus position can be accurately calculated.

6. Corporate Superannuation Expenses - Decrease in Expense of \$117,713

This reduction is predominantly a result of reviewing Council's superannuation liability under the Defined Benefits Scheme. In March 2009, Council was advised that the revised rates for this scheme for 2009/10 would be 5% of superable salary and 3.8 times the member contribution rate. This required a \$547,000 increase in the budget provision for 2009/10. The original budget for 2009/10 for the Defined Benefits Scheme was \$1,060,100.

Council was advised at that time that the increase was not applicable to employees who met certain criteria, such as employee membership length. The rate to be applied to these members is 13.4% of superable salary. At the time of advising Council of the increase of \$547,000, it was unknown which staff met this criteria. The members who meet this criteria have now been identified, and the subsequent budget impact is a saving of \$100,000.

Savings have also been realised through the resignation and retirement of employees in the Defined Benefit Scheme. The scheme was closed to new employees in 1992.

7. Risk Management Insurance Premiums - Decrease in Expense of \$34,759

Savings primarily relate to a reduction in Council's Public Liability insurance premium compared to the adopted budget.

8. Corporate Fringe Benefits Tax - Increase in Expense of \$34,600

The current budget allocation for Fringe Benefits Tax for 2009/10 is considered too low. This is a consequence of comparing the existing allocation against the actual cost of Fringe Benefits Tax payable on Council's fleet of corporate vehicles in 2008/09.

9. Stormwater Maintenance Program - Decrease in Expense of \$25,100

Since the introduction of the Stormwater Management Levy in 2007/08 Council's total expenditure on Stormwater Management (general fund) had been indexed. Under the legislation Council is only required to maintain expenditure on stormwater management at the level it was before the introduction of the scheme. The indexation amount is being returned to the budget as uncommitted working funds.

10. Principal & Interest Loan Repayments - Increase in Expense of \$11,400

Council authorised loan borrowings of \$1,600,000 for the 2008/09 financial year (23 June 2009 - ORD 149/09) at a fixed rate of 8.55%. Council's original budget forecasted

a borrowing rate of 7.50%. This adjustment represents the additional principal and interest repayments for 2009/10.

FINANCIAL ASSISTANCE GRANT

Financial Assistance Grants are an allocation of federal tax revenue (e.g. income taxes and GST) distributed to the various States and Territories of Australia. The Local Government Grants Commission is the State body that calculates the financial assistance payable to each Local Government Council.

Council recently received notice from the Local Government Grants Commission advising the financial assistance grant allocation for 2009/10. Of concern to Council is the diminishing financial assistance from this body over the past five years, in particular the general purpose component of the financial assistance grant.

The Financial Assistance Grants paid to Council over the past five years (including the 2009/10 grant) is outlined in the following table:

Year	General Purpose	Local Roads	Total Grant
2005/06	1,425,666	545,002	1,970,668
2006/07	1,400,466	573,979	1,974,445
2007/08	1,375,166	598,762	1,973,928
2008/09	1,409,482	638,087	2,047,569
2009/10	1,362,835	670,618	2,033,453

An analysis of these figures reveals the following:

- In absolute terms, the total financial assistance has increased by \$62,785 (3.1%) over the past 5 years.
- In real terms (assuming avg 3.2% inflation p.a), the total financial assistance has fallen by \$201,829 (9.9%) over the past 5 years.
- In absolute terms, the general purpose component has fallen by \$62,831 (4.4%) over the past 5 years.
- In real terms (assuming avg 3.2% inflation), the general purpose component has fallen by \$254,264 (18.7%) over the past 5 years.

Council officers recently met with representatives of the Local Government Grants Commission to express Council's concern in the diminishing financial assistance from this body over the past several years and to explain Camden's unique growth situation.

Whilst Camden does receive a "unique growth" factor in the calculation of its financial assistance grant, it is considered that this fails to address the real increase in costs experienced by substantial urban development.

In the 2009/10 Budget, Council estimated it would receive \$2,088,500 in total financial assistance grant (a 2.0% increase on the 2008/09 grant allocation). This estimate needs to be revised downwards to \$2,033,453, representing a budget shortfall of \$55,047.

NOTE 3 – COUNCIL AUTHORISED VARIATIONS

Council has authorised twelve (12) budget variations since the adoption of the 2009/10 Original Budget.

DESCRIPTION	Expenditure Increase/ (Decrease)	Income Increase/ (Decrease)	W/Funds Impact Increase/ (Decrease)
Lodges Road Reconstruction Council Minute ORD 195/09 - 25/08/2009	\$777,000	\$777,000	\$0
Springs Road - Transfer from S94 Reserve Council Minute ORD 226/09 - 22/09/2009	\$0	(\$340,000)	\$0
Springs Road - Sand Extraction Agreement Council Minute ORD 226/09 - 22/09/2009	\$0	\$340,000	
Old Hume Highway - Asphalt Improvements Council Minute ORD 196/09 - 25/08/2009	\$96,000	\$96,000	\$0
Council Properties - Sale of Easements Council Minute ORD 212/09 - 08/09/2009	\$0	\$37,900	\$37,900
Planning Studies - South Creek Flood Study Council Minute ORD 216/09 - 08/09/2009	\$27,273	\$27,273	\$0
RTA Block Grant Program Council Minute ORD 196/09 - 25/08/2009	\$18,000	\$18,000	\$0
Cawdor Rd Culvert Repairs Council Minute ORD 196/09 - 25/08/2009	(\$5,000)	(\$5,000)	\$0
Youth Café Artstart Program Council Minute ORD 198/09 - 25/08/2009	\$4,200	\$4,200	\$0
Alcohol Free Zones Signage Council Minute ORD 228/09 - 22/09/2009	\$4,200	\$0	(\$4,200)
Alcohol Prohibited Signage Council Minute ORD 170/09 - 14/07/2009	\$2,100	\$0	(\$2,100)
Running Your Club Program Council Minute ORD 163/09 - 14/07/2009	\$2,020	\$2,020	\$0
Tidy Towns Committee LGA Tree Planting Committee Council Minute ORD 171/09 - 14/07/2009	(\$900) \$900	\$0 \$0	\$0
TOTAL COUNCIL AUTHORISED VARIATIONS	\$925,793	\$957,393	\$31,600

NOTE 4 – CONTRA ADJUSTMENTS

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

During the period 1 July 2009 to the 30 September 2009, a number of contra adjustments have taken place amounting to a total of \$1,111,969 (an increase in both income and expenditure). For a detailed list of these adjustments, **please refer to the**

supporting documents in the business paper.

NOTE 5 – EXPENDITURE REVOTES

To assist Council in framing a realistic and accurate 2010/11 Budget, Managers and Directors were encouraged to identify any programmed works/projects that will not commence or be completed by 30 June 2010. There was one proposed revote submitted by Managers and Directors at the September Review.

- Springs Road Realignment - \$400,000

The realignment of Springs Road has been delayed primarily due to the preparation and signing of the sand extraction agreement and issues regarding the temporary relocation of power. Works will commence this year but will not be completed by 30 June 2010 so part of the funding is being revoted to 2010/11.

NOTE 6 – 2009/10 BUDGET DISCRETIONARY LIST

In adopting the 2009/10 Management Plan and Budget, Council endorsed the Budget Discretionary List. The Discretionary List identifies works or services that Council is unable to fund or commence at this point in time. Items are added or deleted from the list via Council reports or by Council officers as a result of Councillor or community feedback.

There was one item recommended for deletion, and one item recommended for inclusion on the Discretionary List during the period 1 July 2009 to the 30 September 2009.

DISCRETIONARY LIST ADJUSTMENTS		
Discretionary List Deletions:		
RSL Memorial Cenotaph Lighting <i>(Funded Councillor Ward Funds 2008/09)</i>	\$4,000	
Sub Total - Discretionary List Deletions		\$4,000
Discretionary List Additions:		
Narellan Traffic Studies <i>(Deleted from the 2008/09 Budget)</i>	\$14,500	
Sub Total - Discretionary List Additions		\$14,500
TOTAL DISCRETIONARY LIST ADJUSTMENTS		\$10,500

A copy of the proposed Discretionary List has been included as an attachment to this report.

NOTE 7 – COUNCILLOR CONSOLIDATED WARD FUNDS

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

been spent in this financial year.

It should be noted that the balance of Consolidated Ward Funds is over and above the projected working funds surplus of \$306,676 as advised in this report.

CONSOLIDATED WARD FUNDS		
2009/10 Budget Allocation	\$30,000	
Total Funds Available 2009/10		\$30,000
Projects Funded to date in 2009/10		
Seating for Skate Park at Kirkham Park Council Minute ORD 246/09 - 13/10/2009	\$1,000	
Total Projects Funded 2009/10		\$1,000
TOTAL FUNDS AVAILABLE AS AT 30/09/09		\$29,000

SUMMARY OF SEPTEMBER REVIEW ADJUSTMENTS

The following table is a summary of budget adjustments up to 30 September 2009.

DESCRIPTION	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	W/funds Impact Increase / (Decrease)
2008/09 Carried Forward Working Funds Balance			\$1,000,000
2009/10 Adopted Budget Surplus			\$258,800
Available Working Funds 01/07/2009			\$1,258,800
LESS: Minimum Desired Level of Working Funds			(\$1,000,000)
LESS: 2009/10 Budget Surplus - Transfer to Reserve (2010/11 Budget Deficit)			(\$258,800)
Total Available Working Funds as at 30/09/2009			\$0
2009/10 September Review Adjustments			
NOTE 2: Proposed Variations	(\$107,093)	\$167,983	\$275,076
NOTE 3: Authorised Variations	\$925,793	\$957,393	\$31,600
NOTE 4: Contra Adjustments	\$1,111,969	\$1,111,969	\$0
NOTE 5: Revotes	(\$400,000)	(\$400,000)	\$0
Total - September Review Adjustments			\$306,676
TOTAL AVAILABLE WORKING FUNDS			\$306,676

CONCLUSION

As explained in this report, the September Budget Review provides for an increase in projected working funds for 2009/10 of \$306,676. It is recommended that \$200,000 of the working funds surplus be utilised to reduce the Vacancy Discount Factor. This will allow for the earlier replacement of staff who have resigned or retired.

It is also recommended that the balance of the working funds surplus \$106,676 remain uncommitted for consideration at future quarterly budget reviews.

It should be noted that the uncommitted balance in Council's Capital Works Reserve is \$884,900.

RECOMMENDED

That:

- i. Council approve the necessary budget adjustments as identified in the categories of 'Proposed Variations', 'Contra Variations' and 'Expenditure Revotes' of this report.**
- ii. Council approve the reduction of the Vacancy Discount Factor by \$200,000.**
- iii. the balance of the working funds surplus of \$106,676 remain uncommitted for consideration at future quarterly budget reviews.**
- iv. Council approve the Discretionary List amendments as identified in this report.**

ATTACHMENTS



Budget Result Appendix.pdf



2009-10 Discretionary List.pdf

RESOLUTION

Moved Councillor Symkowiak, Seconded Councillor Funnell that:

- i. Council approve the necessary budget adjustments as identified in the categories of 'Proposed Variations', 'Contra Variations' and 'Expenditure Revotes' of this report.
- ii. Council approve the reduction of the Vacancy Discount Factor by \$200,000.
- iii. the balance of the working funds surplus of \$106,676 remain uncommitted for consideration at future quarterly budget reviews.
- iv. Council approve the Discretionary List amendments as identified in this report.

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

ORD285/09

ACTIONS

CRMS number , Finalised 26/11/2009 3:48:48 PM

Action: Finalised,

Completed

Budget Adjustments loaded on the 25/11/2009.

Link to CRMS document [CRMS: 10252799 26/11/2009, 11:13:59 AM](#)

ORDINARY COUNCIL

ORD09

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

Purpose of Report

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 31 October 2009 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 4.36% p.a. for the month of October 2009.

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 October 2009 be noted.**
- iii. the weighted average interest rate return of 4.36% p.a. for the month of October 2009 be noted.**

ATTACHMENTS



Investment Report October 09.xls

RESOLUTION

Moved Councillor Warren, Seconded Councillor Funnell 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 October 2009 be noted.
- iii. the weighted average interest rate return of 4.36% p.a. for the month of October 2009 be noted.

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

ORD286/09

ACTIONS

CRMS number , Finalised 26/11/2009 3:47:29 PM

Action: Finalised,

[Link to CRMS document](#)

[CRMS: 10252900 26/11/2009, 11:14:10 AM](#)

ORDINARY COUNCIL

ORD10

SUBJECT: FEE RELIEF FOR MUSICAL PERFORMANCE 2009
FROM: Director Works and Services
FILE NO:

PURPOSE OF REPORT

To seek Council approval to allocate funding to The Wollongong Symphony Orchestra Foundation under the existing Council's Civic Centre Fee Relief for Musical Performance Policy

BACKGROUND

Under the policy Council provides a small amount of funds as fee relief for not-for-profit groups providing musical or performing arts performances at the Camden Civic Centre.

As the recent funding round timing coincided with the Fee Relief policy review, notification of the round was placed on the Civic Centre website and information provided to previous applicants. The round attracted a sole applicant - The Wollongong Symphony Orchestra.

MAIN REPORT

The application is for the staging of a community concert and Children's proms session on 27 November 2009. The concert is particularly for family entertainment and includes both performance and visual arts with an anticipated audience of 300 to 500.

Eligibility

The table provided with business paper supporting documents provides a summary of the application received with an assessment against criteria.

The request for assistance from Wollongong Symphony Orchestra meets the majority of the eligibility criteria and will add to the range of cultural performances available to the people of Camden LGA.

Support has been provided by Council to performances by the Wollongong Symphony Orchestra in recent years. However, this application relates to a performance focused on children and in the form of a proms performance, a combination not previously provided.

The nature of the orchestra, its expenses and the quality of performances attracts an entry fee higher than suggested by the policy. However, as a special concession, children's entry has been reduced to \$10. The requested subsidy helps contain the entry fees.

Performances by the orchestra are generally well supported by the community. In turn, the orchestra and its promotion always acknowledges the contribution and support of Council.

CONCLUSION

The performance provided by Wollongong Symphony Orchestra is always of high quality and attracts good support from the community. The combination of children's music and proms format has not been delivered previously to the LGA. Council has received positive promotion from its association with past performances.

RECOMMENDED

That Council provide funds of \$1200 (excl. GST) under the Council's Civic Centre Musical Fee Relief Policy to the Wollongong Symphony Orchestra.

ATTACHMENTS



Civic Centre Musical Fee Relief-Table.doc

RESOLUTION

Moved Councillor Campbell, Seconded Councillor Dewbery that Council provide funds of \$1200 (excl. GST) under the Council's Civic Centre Musical Fee Relief Policy to the Wollongong Symphony Orchestra.

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

ORD287/09

ACTIONS

[Link to CRMS document](#)

[CRMS: 10252967 26/11/2009, 11:14:18 AM](#)

ORDINARY COUNCIL

ORD11

SUBJECT: REVIEW OF COMMUNITY FINANCIAL ASSISTANCE
POLICIES
FROM: Director Works and Services
FILE NO:

PURPOSE OF REPORT

To recommend changes to the existing policies 4.3 Community Financial Assistance Policy; 4.29 Civic Centre Musical Fee Relief, 4.2 Community Support Policy Donations to Gifted Persons and 4.3 Donations Policy.

BACKGROUND

As reported to Council at its meeting on 10 November 2009, the need for ongoing policy review has been identified by the DLG as an important element of the Promoting Better Practice Program.

The DLG has identified the absence of a rigorous policy review regime as being the single biggest shortcoming of Councils who have been subject to reviews under the program to date. In nearly every case, policies had not been reviewed for many years, were obsolete or lacked relevance, or staff knew very little about their existence and hence provided limited effective direction.

The review of these policies is part of the ongoing policy review process.

MAIN REPORT

Council currently has a number of policy documents which relate to the provision of financial assistance to groups and individuals. These are:

- 4.3 Community Financial Assistance Policy (which covers some, but not all, of the current annual subsidies and recipients made to groups in the current budget as well as annual grants program to community groups);
- 4.2 Community Support Policy Donations to Gifted Persons;
- 4.3 Donations Policy; and
- 4.29 Civic Centre Musical Fee Policy.

The aims of a number of these policies tend to overlap, and the current policy documents include a mixture of the reasons why the support is being made available by Council and the mechanisms and processes by which the support is assessed and processed.

Following this review, it is recommended that all of these policies become programs under the Community Financial Assistance Policy rather than stand alone policies. This will simplify and streamline the current policy and remove potential separate for overlap and sometimes confusion by members of the community. It is also recommended that an additional Annual Subsidy Program be included as a separate program. This program is currently included as part of the Community Financial Assistance Policy,

which can be confusing for applicants. Each of the programs has guidelines and operating procedures attached which form part of the policy document.

The actual programs have been the subject of internal and Councillor workshops and require only minor changes.

The policy and program guidelines are included **as an attachment to this report**.

The following changes are highlighted:

1. Current Community Financial Assistance Policy:
 - name change to Community Small Grants Program;
 - inclusion of "Camden base" in eligibility criteria;
 - more information given on assessment;
 - conditions on reporting specified; and
 - annual subsidy clause removed to separate program.

2. Current Community Support Policy - Donations to Gifted and Talented Persons:
 - name change to Support for Gifted and Talented Young People. Support only applies to those under 23 years of age and the name should reflect this as many older people apply;
 - the inclusion of a merit based selection clause. The program has had many applications from people who are touring as members of groups, (e.g. a dance squad going to perform at Disneyland where every member of the group can attend) rather than as representatives of an elite group and who has been selected to become a member of that elite group;
 - the inclusion of young people with disabilities; and
 - increase maximum support from \$250 to \$500.

3. Current Donations Policy:
 - name change to Donations for Charitable Purposes to better reflect the aims of the program; and
 - inclusion of the clause that applicant must demonstrate direct benefit to Camden residents. This will assist managing the large state and national charity program requests.

4. Annual Subsidy Program:
 - change to a separate program for clarity.

5. Current Civic Centre Musical fee Relief Policy:
 - name change to Civic Centre Cultural Performance Subsidy;
 - change to one funding round each year calling for applications in June for the following financial year; and
 - centre management will also source events to complement the program to help ensure all key demographic groups in the community are catered for.

CONCLUSION

The suite of existing Policies, guidelines, applications and operating procedures for Council's support for community members and groups have been reviewed, simplified and updated. The Policy (the why) is renamed the Community Financial Assistance Policy and contains five programs which are the mechanisms (the how) Council uses to deliver the policy aims.

RECOMMENDED

That Council adopts the updated Community Financial Assistance Policy which replaces existing policies 4.3 Community Financial Assistance Policy 4.2 Community Support Policy Donations to Gifted Persons, 4.3 Donations policy and 4.29 Civic Centre Musical Fee Policy.

ATTACHMENTS



Review of Community Financial Assistance Policies.pdf

RESOLUTION

MOTION

Moved Councillor Dewbery, Seconded Councillor Funnell that Council adopts the updated Community Financial Assistance Policy which replaces existing policies 4.3 Community Financial Assistance Policy 4.2 Community Support Policy Donations to Gifted Persons, 4.3 Donations policy and 4.29 Civic Centre Musical Fee Policy with the following amendments:

- i. 'gifted and talented young people' be changed to read 'young persons special achievers';
- ii. the Civic Centre Cultural Performance Guidelines - in regards to eligibility, we note that large organisations may provide a broad variety of performance types that may still be eligible although they are submitted by the same organisation .

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

ORD288/09

ACTIONS

[Link to CRMS document](#)

[CRMS: 10253062 26/11/2009, 11:14:28 AM](#)

ORDINARY COUNCIL

ORD12

SUBJECT: TENDER 2009/12 – PARKLAND MOWING FOR THE
SUBURBS OF MOUNT ANNAN, CURRANS HILL,
NARELLAN VALE, HARRINGTON PARK AND SMEATON
GRANGE

FROM: Director Works and Services

FILE NO:

PURPOSE OF REPORT

To provide details of tenders received for contract 2009/12, for Parkland Mowing for the suburbs of Mount Annan, Currans Hill, Narellan Vale, Harrington Park and Smeaton Grange and to recommend that Council accept the tender submitted by Standby Property Maintenance.

BACKGROUND

Every two or three years Council calls tenders for parkland mowing for the suburbs of Mount Annan, Currans Hill, Narellan Vale and Harrington Park.

The current parkland mowing contract is held by Standby Property Maintenance for the suburbs of Mount Annan, Currans Hill, Narellan Vale, and Harrington Park for three years. This contract expired in June 2009 and was extended on a month by month basis for a further four months until tenders were called. The delay in calling tenders was due to uncertainty as to budget provisions which in turn affect the terms to be used in the new contract.

The 2009/10 contract mowing budget was reduced by \$120,000 to \$293,200 and the remaining balance available after four months is \$187,000.

To comply with the reduced budget, the Contract terms were revised to allow for passive parks and reserves to be:

- mown six (6) times between December 2009 and June 2010 (i.e. for the balance of 2009/10 financial year);
- mown ten (10) times per annum (for the 2010/11 financial year), this is reduced from the standard thirteen (13) times per annum, with eight (8) cuts to be concentrated during the peak time from September to April;
- the contract period was adjusted to commence 1 December 2009 and terminate 30 June 2011; and
- sports field mowing is removed from the contract as this will be undertaken by Council's day labour staff.

An allowance is made for any supplementary mowing of key district parks in this contract. This would only be activated during periods of extreme seasonal turf growth and typically can be up to three (3) times per annum.

Unlike previous years, the mowing work in Smeaton Grange is now identified as a separable portion in the new contract as the amount of contract work in this area has

increased considerably.

MAIN REPORT

Invitation to Tender

The Tender for the Parkland Mowing for the suburbs of Mount Annan, Currans Hill, Narellan Vale, Harrington Park and Smeaton Grange was advertised in the local press and Sydney Morning Herald. Tenders opened on 13 October 2009 and closed on 2 November 2009. During the Tender period twelve copies of the tender documents were issued.

Tenderers were asked to provide a lump sum for the proposed mowing works for each of the suburbs.

Tender Submissions

Six tenders were received for Parkland Mowing for the suburbs of Mount Annan, Currans Hill, Narellan Vale, Harrington Park and Smeaton Grange.

Tenders were received from the following companies:

<u>Name of Tenderer</u>	<u>Location</u>
1) Standby Property Maintenance	Narellan
2) Quality Lawns and Groundcare	Helensburgh
3) Casha's Cleaning, Lawn & Handyman Services	Penrith
4) Luhrmann Environment Management	Thornleigh
5) Marsupial Landscapes	Belrose
6) Concrete Civil & Landscape Maintenance	Plumpton

A summary of tender pricing is contained in the supporting documents.

Tender Evaluation

The aim of the tender evaluation process is to assess the capability of tenderers to provide the best value and quality services to Council and to recommend the preferred tenderer.

A tender evaluation panel was established and the submissions were assessed on price and non-price factors as agreed by the evaluation panel. Price was given a weighting of 60% and non-price factors a weighting of 40%.

Non-price factors included:

- Understanding of the extent and scope of Council's service requirements;
- Compliance with Council's Occupational Health and Safety and Environmental Protection obligations;
- Demonstrated capacity to meet Council's service requirements; and
- Appropriately qualified to undertake the works.

The financial aspects of the tender included:

- Cost per service of contract areas;

- Cost for additional service to contract areas; and
- Cost for inclusion of additional areas (per square metre).

Tenders were assessed by comparing the tendered amounts against the capability, capacity and management systems of the contractor to undertake the work.

Project Budget

The works associated with this tender will be completed within a period of 19 months, spanning two financial years, 7 months in 2009/10 and 12 months in 2010/11. The remaining 2009/10 budget is \$187,000 and the 2010/11 proposed budget is \$302,000.

Luhrmann Environment Management, Marsupial Landscapes and Concrete Civil & Landscape Maintenance tendered amounts well above Council's financial allocation for the contract. They also did not provide a works program, as required in the tender; their tenders were deemed non-conforming and not considered further.

Based on the assessment of the remaining three tenders the assessment panel members all agreed that Standby Property Maintenance offered Council the best combination of value for money, capacity to undertake the contract by the start date and capability to appropriately maintain each of the separable portions.

Relevant Legislation

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

Critical Dates/Time Frames

Should Council resolve to accept this tender, works are to commence subject to the finalisation and execution of the deed of agreement for the Parkland Mowing.

The works associated with this tender are required to commence immediately as restricted mowing works in the suburbs of Mount Annan, Currans Hill, Narellan Vale, Harrington Park and Smeaton Grange has taken place since the beginning of November when the period of more rapid turf growth began.

CONCLUSION

Standby Property Maintenance has provided a conforming tender which is within Council's approved budget. The tender assessment concludes that the offer by Standby Property Management represents the best value for money and the company has a proven track record of performance.

RECOMMENDED

That:

- 1. Council accept the tender provided by Standby Property Maintenance; for Parkland Mowing for the suburbs of Mount Annan, Currans Hill, Narellan Vale, Harrington Park and Smeaton Grange; and**
- 2. authority be granted to the General Manager to execute under the seal of Council the contract agreement with Standby Property Maintenance for the separable portions detailed below:**

- i. Mount Annan at a cost of \$120,044 (excl GST).
- ii. Currans Hill at a cost of \$81,714 (excl GST).
- iii. Narellan Vale at a cost of \$110,752 (excl GST).
- iv. Harrington Park at a cost of \$81,328 (excl GST).
- v. Smeaton Grange at a cost of \$8,914 (excl GST).

ATTACHMENTS

SUPPORTING DOCUMENTS



Tender 200912 Parkland Mowing Supporting Document.pdf

RESOLUTION

Moved Councillor Warren, Seconded Councillor Symkowiak that:

- i. Council accept the tender provided by Standby Property Maintenance; for Parkland Mowing for the suburbs of Mount Annan, Currans Hill, Narellan Vale, Harrington Park and Smeaton Grange; and
- ii. authority be granted to the General Manager to execute under the seal of Council the contract agreement with Standby Property Maintenance for the separable portions detailed below:
 - i. Mount Annan at a cost of \$120,044 (excl GST).
 - ii. Currans Hill at a cost of \$81,714 (excl GST).
 - iii. Narellan Vale at a cost of \$110,752 (excl GST).
 - iv. Harrington Park at a cost of \$81,328 (excl GST).
 - v. Smeaton Grange at a cost of \$8,914 (excl GST).

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

ORD289/09

ACTIONS

CRMS number , Finalised 26/11/2009 5:18:03 PM

Action: Finalised,

Completed

Contract document is being prepared for execution by both parties, contract work will then commence immediately following the agreement has been executed.

Unsuccessful tenderers will be notified.

[Link to CRMS document](#)

[CRMS: 10253185 26/11/2009, 11:14:41 AM](#)

ORDINARY COUNCIL

ORD13

SUBJECT: RETAIL SUPPLY OF ELECTRICITY FOR LARGE COUNCIL FACILITIES AND FOR STREET LIGHTING
FROM: Director Works and Services
FILE NO:

PURPOSE OF REPORT

To confirm Council's intention to participate in a competitive tender process for the supply of electricity to Council's large sites and for street lighting.

BACKGROUND

The retail supply of electricity for all of Council's facilities was historically provided through Integral Energy, which itself has taken many forms over the years.

In 1998, the (then) State Minister for Energy announced the timetable for the deregulation of the electricity market and the introduction of contestability thresholds (i.e. sites consuming in excess of 160MWH per annum). Since June 1999, Council has been party to a Retail Electricity Supply Agreement with Energy Australia, which sets electricity charges for Council's four "contestable" sites; being John Street Camden, Civic Centre, Camden Pool and Queen Street Narellan. The contract was established and available through the (Department of Commerce) NSW State Contracts Control Board (Contract 777).

Over time, this agreement was extended to include electricity supply for street lighting (2003), Narellan Library and Mount Annan Leisure Centre (2008) so it now covers 6 large sites.

Since 1999 the pricing structure which has been secured through a competitive process by Department of Commerce, and offered to councils, has steadily increased. The table below tracks the increases since 1999;

Contract Term	Peak c/kWh		Shoulder c/kWh		Off Peak c/kWh	
Year 1 (Jul 99 – Jun 00)	3.18 7	-	3.276	-	2.20 2	-
Year 2 (Jul 00 – Jun 01)	3.40 8	+7%	3.514	+7%	2.24 3	+2%
Year 3 (Jul 01 – Jun 02)	4.15 5	+22%	4.311	+22%	2.55 5	+14%
Year 4 (Jul 02 – Jun 03)	4.17 3	+0.4%	4.317	+0.1 %	2.67 2	+4.5%
Year 5 (Jul 03 – Jun 04)	4.25 4	+1.9%	4.391	+1.7 %	2.80 6	+5.0%
Year 6 (Jul 04 – Jun 05)	4.84 5	+13%	5.244	+19%	2.58 8	-7.8%
Year 7 (Jul 05 – Jun 06)	5.00	+3.3%	5.426	+3.5	2.66	+3.1%

	3			%	9	
Year 8 (Jul 06 – Jun 07)	5.93 6	+18.6%	5.500	+1.4 %	2.72 5	+2.1%
Year 9 (Jul 07 – Jun 08)	5.93 6	0%	5.500	0%	2.72 5	0%
Year 10 (Jul 08 – Jun 09)	5.93 6	0%	5.500	0%	2.72 5	0%
Year 11 (Jul 09 – Jun 10)	8.65 3	+46%	8.653	+57%	3.37 9	+24%

Since 2003 the Retail Electricity Charges for Street Lighting have also increased through the State Contract (777);

Year	Electricity for Street Lighting c/kWh	% increase
2003/04	2.996	-
2004/05	3.065	2.3%
2005/06	3.156	3.0%
2006/07	3.316	5.1%
2007/08	3.316	-
2008/09	3.316	-
2009/10	8.653 (Peak & Shoulder) 3.379 (Off Peak)	25.0% (est)

(Note: Peak is 7am to 9am and 5pm to 8pm, Shoulder is 9am to 5pm and 8pm to 10pm, and Off peak is 10pm to 7 am weekdays and all day on weekends and public holidays).

Council's expenditure on electricity associated with all of its facilities, operations and services is approximately \$960,000 per annum. The contestable component (including 6 large sites and street lighting) which is the subject of this report represents approximately \$785,000 (82%).

The Local Government Act requires all councils to tender for services where the cost exceeds \$150,000. Acceptance of tenders cannot be delegated.

MAIN REPORT

The current 777 Contract expires in June 2010. As such it is proper and timely for Council to pursue an appropriate contract for the retail supply of electricity beyond that date for six sites plus street lighting.

An opportunity exists to once again participate in the Department of Services, Technology & Administration process. Council has recently received correspondence from the Department of Services, Technology & Administration advising that the NSW State Contracts Control Board (SCCB) has awarded a new contract to Energy Australia, the existing supplier, for the Electricity Contract 069/777 covering Large Sites, Street lighting and Traffic Signals in NSW and the ACT.

The new contract period is for supply from 1 July 2010 to 30 June 2011 (twelve months). Contract rates obtained for the period 1 July 2010 to 30 June 2011 are lower than the current financial year's rates by **up to 12%** approximately. No other detail has

been provided. Councils are invited to participate in this contract but were required to commit within a short timeframe, which limited the sourcing of any alternative supply quotes.

Given the circumstances and comparative rates demonstrated as being achieved by other Councils, it is recommended that Council pursue alternate opportunities at this time in an effort to realise the best possible contract rates for Camden.

Councillors will recall recent discussions regarding options for the future retail supply of electricity to our six large sites and street lighting. This report seeks to reconfirm the established in-principle support to proceed with a competitive tendering process through the Regional Procurement initiative.

Regional Procurement (a division of Hunter Councils Inc.), in association with Energy Action, has successfully undertaken similar processes for several other councils within the State, achieving significant reductions on the existing Department of Commerce's 777 Contract rates. Essentially, the adopted process tests the market by means of a reverse auction tender (an online platform), initially establishing a bench mark price and inviting tenderers (electricity retailers) to "bid" on line and in real time, in a time restricted open forum until the lowest price is realised. The "reverse auction" process facilitated through Regional Procurement and their partners Energy Action, complies with the Local Government Tendering guidelines and Council's Purchasing and Procurement Policy. These tenders must be accepted (or otherwise) by Council and cannot be delegated.

At this stage, and subject to Council approval, Regional Procurement has advised that Camden's "reverse auction" is scheduled for Monday 14 December, 2009.

Council will be inviting electricity retailers to submit tenders for the supply of electricity to the six large sites and street lighting for a period of 30 months from 1 July 2010. This timeframe, as recommended by Regional Procurement, has proven to be attractive to retail suppliers and provides an optimum timeframe for retailers to be competitive in what is an ever changing market. This period also provides longer term certainty of pricing which assists in forecasting future budget requirements.

Tenders will be assessed against price as well as a set of pre-determined criteria including referees, quality assurance, customer service and Ecologically Sustainable Development. It is intended that the payment terms and mix of "green power", both of which can affect pricing, be the same as are applied to existing purchases.

Due to the nature of the electricity market, energy retailers can only hold firm on prices for a short period of time and acceptance of the tendered prices must be actioned within 5 to 7 working days of the close of the tender, which is effectively the close of the "reverse auction". The auction is scheduled for 14 December 2009 which is after the last scheduled Council meeting for 2009. Accordingly, a special Council meeting will be required for consideration of the tender.

Should the pricing and any conditions available through the "reverse auction" process not be beneficial to Council, Council may still be able to procure power via the NSW SCCB arrangements, but until such an arrangement is made, that option is without any guarantee of savings from existing pricing.

CONCLUSION

Council currently purchases power for six large sites and street lighting through the

State 777 Contract which expires in June 2010. While Council has been invited to participate in a 12 month extension of this contract, the terms attaching to the extension are less attractive than evidenced by alternative purchasing approaches.

It is recommended that Council engage Regional Procurement, and their partners Energy Action, to undertake the tender process for the procurement of electricity for a 30 month period commencing 1 July, 2010.

Due to the nature of the electricity market, and limited timeframe in which to accept tender prices, it is further recommended an Extraordinary Council Meeting be held on Tuesday 15 December 2009 commencing at 6.00pm to consider the tendered prices.

RECOMMENDED

That Council:

- i. engage Regional Procurement (a division of Hunter Councils Inc.) and their partners Energy Action, to tender for the retail supply of electricity to Council's six large sites as described in this report and for street lighting for a period of 30 months, commencing 1 July 2010; and**
- ii. note that an Extraordinary Meeting of Council to be held on 15 December 2009 to consider the outcome of this tender.**

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Symkowiak that Council:

- i. engage Regional Procurement (a division of Hunter Councils Inc.) and their partners Energy Action, to tender for the retail supply of electricity to Council's six large sites as described in this report and for street lighting for a period of 30 months, commencing 1 July 2010; and**
- ii. note that an Extraordinary Meeting of Council to be held on 15 December 2009 to consider the outcome of this tender.**

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

ORD290/09

ACTIONS

[Link to CRMS document](#)

[CRMS: 10253201 26/11/2009, 11:14:52 AM](#)

ORDINARY COUNCIL

NOTICE OF MOTION

SUBJECT: NOTICE OF MOTION - WARD FUNDS FOR CAMDEN RSL YOUTH CLUB
FROM: Cr Chris Patterson
FILE NO:

I, Councillor Patterson, hereby give notice of our intention to move the following Motion at the Council Meeting on 24 November 2009:

"That the Camden RSL Youth Club be allocated \$1500 from Ward Funds to provide for the purchase of a polish scrubber required to maintain the floor at the Camden RSL Youth Hall".

RECOMMENDED

That the Camden RSL Youth Club be allocated \$1500 from Ward Funds to provide for the purchase of a polish scrubber required to maintain the floor at the Camden RSL Youth Hall.

RESOLUTION

Moved Councillor Patterson, Seconded Councillor Campbell that the Camden RSL Youth Club be allocated \$1500 from Ward Funds to provide for the purchase of a polish scrubber required to maintain the floor at the Camden RSL Youth Hall.

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

ORD291/09

ACTIONS

[Link to CRMS document](#)

[CRMS: 10253314 26/11/2009, 11:15:07 AM](#)