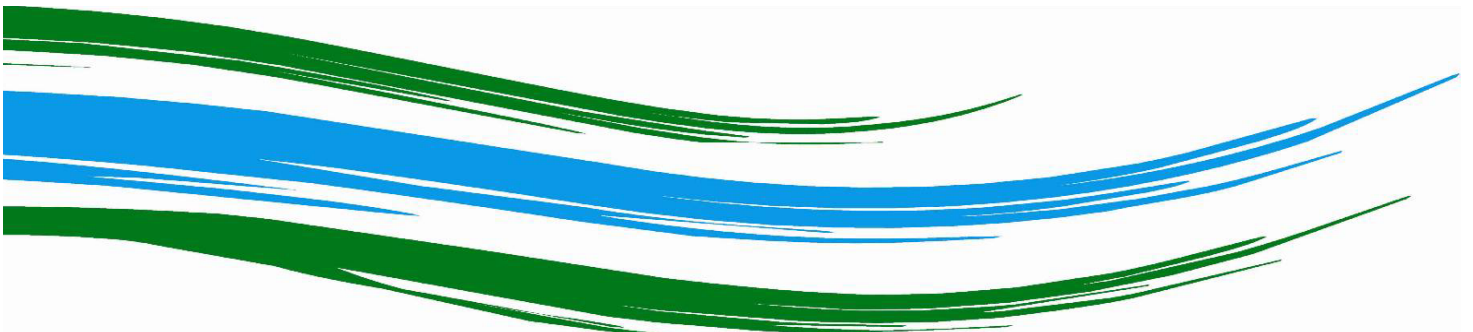




Camden Council

Business Paper

Ordinary Council Meeting



ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Dewbery that Councillors Anderson and Symkowiak be granted a leave of absence.

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

CONDOLENCE - SHIRLEY WINN

The Mayor brought to Council's attention the recent passing of former Councillor and long time Camden resident, Shirley Winn.

Shirley Winn was a Councillor for two terms, from 1995/99 and 1999/2004 and was Deputy Mayor for the 2001/2002 term. Shirley was extremely active in numerous community groups, including the Camden Chamber of Commerce, Camden Quota, Mainstreet Committee and was a passionate member of the Tree Planting and Tidy Towns Committee for many years.

All those present stood and observed one (1) minute silence in respect for Shirley Winn.

ORD78/10

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

Councillor Patterson stated in respect of Item ORD 01 no conflict of interest exists and there is no financial impact on his parents business in Camden. However, as in the past, whilst he did not consider the matter to be a pecuniary interest, he would not participate in the debate on the matter and would leave the Chamber.

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

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

ORD79/10

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

Jason Heffernan addressed the Council in relation to Item ORD09.

CHAIRMANSHIP OF MEETING

The Mayor, Councillor Patterson, having previously declared his intention to leave the

Chamber during Item ORD01, vacated the Chair and left the Chamber, the time being 6.08pm.

The Deputy Mayor, Councillor Warren assumed the role of Chairperson.

Chris Weston addressed the Council in relation to Item ORD01.

CHAIRMANSHIP OF MEETING

The Mayor, Councillor Patterson returned to the Chamber and resumed the Chair, the time being 6.11pm.

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

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

ORD80/10

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 27 April 2010.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 27 April 2010, copies of which have been circulated, be confirmed and adopted.

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Cottrell that the Minutes of the Ordinary Council Meeting held 27 April 2010, copies of which have been circulated, be confirmed and adopted.

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

ORD81/10

MAYORAL MINUTE
ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE - NSW LOCAL GOVERNMENT CULTURAL AWARDS
FROM: Mayor
FILE NO:

On 29 April 2010, the Local Government and Shires Association announced the winners of the 2010 NSW Local Government Cultural Awards. I am pleased to advise Council of the succes of Angela Pasqua, our Cultural Development Coordinator who was named the joint winner of the Brendan Hartnett Award.

The Brendan Hartnett Award acknowledges pivotal cultural staff within Councils. It is named after Brendan Hartnett who left the LGSA in 2008 after 28 years of service. He is recognised as having played a vital role in supporting the association and members in increasing Local Government's capacity to undertake cultural development acitivities.

The Brendan Hartnett Award is recognised in cultural development circles as important recognition both from the industry and peers. The judges commented that, "through dedication, tenacity and sheer hard work, Angela has truly put art and culture 'on the map', not only in Camden but throughout her working life".

I am sure all Councillors join me in congratulating Ms Pasqua on this well deserved recognition.

RECOMMENDED

That this item be noted.

RESOLUTION

Moved Councillor Patterson that this item be noted.

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

ORD82/10

ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE - RESIGNATION OF DIRECTOR DEVELOPMENT AND HEALTH
FROM: Mayor
FILE NO:

It is with some sadness that I recognise that tonight will be the last Council meeting attended by Council's Director of Development and Health, Mrs Sue Morris before she leaves Council's service on Friday 14 May.

Sue's departure comes after more than 10 years with Camden Council and 34 years in the local government industry. Sue leaves us to take up a very prestigious appointment as a Commissioner of the NSW Land & Environment Court.

Sue joined us in 1999 and has been Director for all of that time, during some significant development-driven growth for the Council and its community. She has always been focussed on the job at hand and provided great support to her staff.

Ms Morris's appointment to the Court is a tremendous achievement for her, personally, and also in some ways for the Council. To have a member of our management team selected for this role speaks volumes for the integrity and professionalism of Sue and the other members of the team.

In fact, there is certain irony in Sue being appointed to preside at the Court when she has spent the last ten years working hard to keep Camden Council out of the Court.

I'm sure that you will all join with me in congratulating Sue on this prestigious appointment, thanking her for her dedicated service to Camden Council and wishing her well in this new phase of her career.

RECOMMENDED

That the information be noted.

RESOLUTION

Moved Councillor Patterson that the information be noted.

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

ORD83/10

ORDINARY COUNCIL

ORD01

**FIT OUT AND USE OF UNITS 2 AND 3 OF THE CURRANS HILL
NEIGHBOURHOOD CENTRE AS A LIQUOR SHOP AT NO 9 (LOT 18, DP 880682)
IANDO WAY, CURRANS HILL**

FROM:	Director Development and Health
FILE NO:	Binder: Development Applications 2009
DA NO:	1264/2009
OWNER:	Australasian Commercial Property Group Pty Ltd
APPLICANT:	Mr B Liapis
ZONING:	2(d) Residential
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 fit out and use of units 2 and 3 of the Currans Hill neighbourhood centre as a liquor shop. The application is referred to Council in accordance with its delegations as there are unresolved matters raised in submissions received from the public.

SUMMARY OF RECOMMENDATION

It is recommended that Council approve the Development Application subject to the draft development consent conditions provided at the end of this report. These conditions impose a 12 month trial period on the proposed use, and require that further development consent must be granted from Council for the use to become permanent at the end of the trial period.

BACKGROUND

On 26 April, 2007 Council staff (under delegated authority) approved Development Application 1163/2006 for an expansion of the existing Currans Hill neighbourhood centre on this site. This involved the construction of a commercial complex containing 10 commercial tenancies, an ancillary car park and associated site works including lighting and landscaping.

This development approval was subsequently modified in July and August 2008. The modifications included consolidating and reducing the overall number of tenancies, the erection of an acoustic wall and the inclusion of a loading bay. Council also resolved to implement alcohol free zones applying to the roads adjacent to the development.

A further development application to fit out and use one of the tenancies as an IGA supermarket was approved by Council staff under delegated authority on 13 August, 2009.

This current development application for a liquor shop was received on 13 November, 2009. It was publicly exhibited between 27 November and 11 December, 2009. Five submissions were received. The application was also referred to the Camden Local Area Command for comment. As a result the applicant was asked to submit a detailed community impact statement to Council for assessment, the preparation of which involved further public consultation carried out by the applicant. Aside from a submission received from the Police, no issues were raised during this further public consultation.

The application has been assessed and is now able to be referred to Council for determination.

THE SITE

The site is known as No 9 (Lot 18, 880682) Iando Way, Currans Hill and is located on the corner of Currans Hill Drive and Iando Way. The site comprises two tenancies that are part of the approved Currans Hill neighbourhood centre expansion previously described in the "Background" section of this report. The expansion is currently at an advanced stage of construction.

The surrounding area is mostly residential in character with low density single storey dwellings being the dominant land use and built form. Opposite the subject site to the north-east is an existing ground floor shop with first floor residence which also forms part of the Currans Hill neighbourhood centre. Further to the north-east is an existing community centre building. To the east and south/south-east exist a child care centre and Currans Hill Public School respectively.

Several public open spaces lie in close proximity to this site including a gazebo directly opposite this complex off Iando Way and Council's Jack Nash Reserve to the south/south-west. **A location map is provided at the end of this report.**

THE PROPOSAL

Development consent is sought to fit out and use units 2 and 3 of this complex as a liquor shop. This will involve:

- the consolidation of both units and the internal fit out of those units which includes shelving, counters and display areas;
- the installation of a CCTV system;
- the employment of two staff; and
- operating hours of 10.00am -10.00pm, seven days a week.

It should be noted that the proposed use is a take-away liquor shop only and that no products would be consumed on the premises at any time. **A copy of the proposed plans is provided at the end of this report.**

NOTIFICATION

Surrounding neighbours were notified of this application between 27 November and 11 December, 2009. Five submissions were received. The application was also referred to the Camden Local Area Command for comment. This resulted in a written reply from the Police which is assessed in the "likely impacts of the development" section of this report.

The applicant was subsequently asked to submit a detailed community impact statement to Council for assessment, the preparation of which involved further public consultation carried out by the applicant. Apart from the Police comment, no issues were raised during this further public consultation. The submissions are assessed in the "Any submissions" section of this report. **A copy of the submissions and community impact statement is provided with the Business Paper supporting documents.**

PLANNING CONTROLS

The following are relevant planning controls that have been considered in the assessment of this development application:

- Camden Local Environmental Plan No 47
- Draft Camden Local Environmental Plan 2010
- Camden Development Control Plan 2006

ASSESSMENT

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

(1)(a)(i) The provisions of any environmental planning instrument

Camden Local Environmental Plan No 47 (LEP)

This site is zoned 2(d) Residential pursuant to the LEP. The proposed use is defined as a "shop" which is permissible with development consent in this zone, provided that it is consistent with the relevant objectives of this zone.

The relevant objective of this zone seeks to "ensure the provision of accessible and convenient commercial, social, recreational, community and employment facilities...to serve the needs of the residential district for educational, recreational, religious, community service and welfare activities."

It is considered that the proposed development is generally consistent with this objective in that it will provide an accessible and convenient retail service to the surrounding residential area that is located within an already approved neighbourhood centre.

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

(1)(a)(ii) The provisions of any proposed instrument that is or has been the

subject of public consultation under the Act and that has been notified to the consent authority

Draft Camden Local Environmental Plan 2010 (draft LEP)

This site is zoned B1 Neighbourhood Centre pursuant to the draft LEP, and "shops" remain permissible with development consent in this replacement zone, provided that it is consistent with the relevant objectives of this zone.

The relevant objectives of this zone seek to "provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood," to "encourage mixed use developments to present an active frontage to the street by locating business, retail and community uses at ground level" and to "minimise conflict between land uses within the zone and land uses within adjoining zones."

It is considered that the proposed development is consistent with these objectives in that the development represents a relatively small-scale retail use that will serve the retail needs of people who live in the surrounding neighbourhood. It is also located at ground floor level and will provide an active frontage to Lando Way.

It is recommended as a development consent condition that the development be approved for a 12 month trial period in order to allow Council to further evaluate any impacts that may occur on land uses in other zones (ie. the surrounding residential area).

Trialing the use is considered the most effective way to gauge any actual potential anti-social behaviour, noise and litter impacts. This is in the context of sensitive residential land uses in close proximity to the site and nearby public spaces, including the gazebo opposite this complex and Council's Jack Nash Reserve to the south/south-west.

When combined with nearby liquor shops such public spaces can often become areas where anti-social behaviour, noise and litter occur. This is particularly relevant in this area as there are known anti-social behaviour problems in these public spaces.

The proposed trial period will allow Council to gauge if any negative impacts will occur by having the liquor shop operating and will allow a more informed decision to be made about whether or not to grant the use permanent approval.

A trial use is also considered reasonable here in that the proposed development is a shop fit out and as such, the subject tenancies can be easily fitted out and converted to another use should Council not grant permanent approval to the proposed liquor shop.

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 Camden Development Control Plan 2006 (DCP) are relevant to the proposed development:

Part D, Chapter 1: Car Parking

When originally approved this complex provided a shared off-street car parking area for use by staff and patrons of each of its tenancies. This car park is located off Lando Way at the rear of the complex and provides sufficient car parking spaces to service the proposed liquor shop.

The complex also provides an off-street unloading bay adjacent to this car park at the rear of the complex. It is a recommended development consent condition that all deliveries to the proposed liquor shop are undertaken only in this loading bay.

Part G, Chapter 3: Currans Hill

The proposed development is consistent with the land use objectives for the Currans Hill neighbourhood centre in that it is consistent with the concept of a neighbourhood centre and provides a retail service to the surrounding area.

No other parts of the DCP are relevant to the proposed development.

(1)(a)(iii) The provisions of any planning agreement

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

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

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

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

The likely impacts of this development include:

Design Safety (Safer by Design Considerations)

The application was referred to the Camden Local Area Command for comment. The NSW Police has advised Council that the crime risk of the whole area will increase from the rating of medium to high given when the complex was originally considered "a very high to extreme risk" as a result of this development and provided several security related recommendations. These recommendations have previously been considered during the assessment of the original development application for the neighbourhood centre expansion and have been incorporated into a development consent condition requiring the submission of a centre management plan for this complex.

However development consent conditions are also recommended for the proposed liquor shop development that require CCTV and intruder alarm systems to be installed. It is also noted that reasonable passive surveillance of the site will be available from Currans Hill Drive and Lando Way. These design and site features will help improve the shop's security and are considered reasonable to address the concerns raised by the NSW Police.

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

This site is considered to be suitable for the proposed development. The proposed liquor shop will form part of an approved neighbourhood centre and complement the previously approved IGA supermarket and other future tenancies in the complex. It will also provide for the needs of residents in the surrounding area.

Whilst it is not anticipated that the proposal will have any unreasonable impact upon the surrounding environment, and that the site is suitable, it is a recommended development consent condition that the development be approved for a 12 month trial period only. This will allow Council to further evaluate any negative impacts that may occur to the surrounding area.

The applicant will be able to lodge a Section 96 Development Consent Modification Application seeking to delete the condition setting a 12 month trial towards the end of the trial period.

(1)(d) Any submissions

Five (5) submission letters were received from the public when this application was publicly notified. No submissions were received during the preparation of a community impact statement for the development. The issues raised in the five submissions are:

1. *Increased anti-social behaviour including vandalism, noise and litter etc.*

Officer comment:

Concerns have been raised regarding the potential for the proposed development to increase anti-social behaviour, noise and litter in the surrounding area as it will involve the sale of liquor.

It is not anticipated that the development will result in a substantial increase in anti-social behaviour due to the more convenient availability of alcohol in this area. This takes into consideration the submitted community impact statement that assessed the development's anticipated impact upon the surrounding community.

The statement advises that the Currans Hill area is significantly more advantaged than the state average based on the Socioeconomic Index for Areas (SEIFA) which scores areas based on their degree of social and economic disadvantage. It also indicates that as liquor is already available to residents from other liquor shops in the surrounding area, liquor is not being newly introduced by this shop. It is also noted that liquor will only be taken away from and not consumed on the premises.

Potential noise impacts from plant associated with the use will be mitigated by the installation of an acoustic screen around the shop's roof-mounted equipment. It is also a recommended development consent condition that the liquor shop staff perform litter patrols of the area around the shop including along Lando Way and around the gazebo area to remove any resultant litter.

However as the proposed development is located in close proximity to sensitive residential land uses and nearby public spaces, including the gazebo opposite this complex and Council's Jack Nash Reserve to the south/south-west, it is considered appropriate to approve the development for a 12 month trial period only. This will

allow Council and the community to further evaluate the impacts of the proposed liquor shop while operating and then determine whether to grant permanent approval to the development. Council can also regulate to prevent the taking and consumption of liquor onto these areas and it is considered appropriate that this occurs. This will give the Police the ability to control any anti-social behaviour that may occur.

2. *Loss of property value*

Officer comment:

Concerns have been raised regarding the proposal's negative effect on property values in the surrounding area, however no evidence has been provided or is available to substantiate this assertion.

Whilst this issue is a valid concern for the submitter, Section 79C of the Environmental Planning and Assessment Act which lists the heads of consideration when assessing a development application, does not make provision for Council to consider such an impact.

3. *There are already many other liquor shops in the wider area such as in Campbelltown, Mount Annan and Narellan*

Officer comment:

It is a fact that there are other liquor premises in the wider area including liquor shops and hotels at Mount Annan and Narellan. However the existence of other premises at these locations is not in itself justification to refuse approval of a liquor shop on this site.

The existence of other liquor shops also supports the assertion in the community impact statement that liquor is already available to residents from other outlets in the wider area and is not being newly introduced here.

It is noted that the proposed use will provide a convenient retail service to local residents, allowing them to purchase liquor products without having to travel outside of the Currans Hill suburb.

It should be noted that obtaining Council consent is the first of a two stage process with the applicant still requiring the grant of a liquor licence. The need for the facility will be assessed as part of that decision by the state agency responsible.

4. *Concerns that children can break into the adjoining residential properties in McGrath Place from the site*

Officer comment:

This complex is separated from the properties on McGrath Place by walkways that lead between and along the side of two of the centre's buildings. The fencing along these boundaries was previously considered during the assessment of the original development application for the centre's expansion.

The developer of the neighbourhood centre building has advised that the existing 1.8m high (approximately) boundary fence along the south-western boundary of the

site (adjoining the residential properties) will be increased to 2.1m high. However as the neighbourhood centre site slopes down towards Currans Hill Drive, the resulting level difference means that some sections of the walkway along the neighbourhood centre side of the boundary will be less than the optimal 2.1m from the top of the augmented fence.

When previously approved this neighbourhood centre was subject to a development consent condition that a centre management plan be lodged with Council prior to the issue of an Occupation Certificate. This management plan is to address security issues including lighting, graffiti removal, access denial to many parts of the walkways, the operation of the rear loading dock and trolley collection.

To date this has not been lodged but it must still be approved by Council prior to the completion and occupation of the neighbourhood centre buildings.

The above fence augmentation and management plan are considered acceptable measures to minimise opportunities for unauthorised access to the properties on McGrath Place.

5. *The liquor shop will be located in close proximity to a child care centre and Currans Hill Public School*

Officer comment:

The liquor shop is in relatively close proximity to a child care centre and Currans Hill Public School. However it is not anticipated that it will have any significant impacts upon these uses given its physical separation from them (a minimum of approximately 40m) and the noise attenuation and security measures that are proposed for this development.

It is noted that during the public notification of this application and the further public consultation undertaken during the preparation of the community impact statement, no submissions were received from either the child care centre or the primary school.

The proposed 12 month trial period for this shop will help to further evaluate its impact on these and other nearby properties.

(1)(e) The public interest

This proposed development is considered to be within the public interest. It represents the further development of a neighbourhood centre and will provide for the needs of the surrounding residential area. It is not considered that the proposed use will necessarily result in any negative impacts including anti-social behaviour, noise and litter.

However to allow Council to further evaluate the use, it is a recommended development consent condition that it be approved for a 12 month trial period only. This will allow further consideration of the use whilst operational to help ensure that it remains in the public interest. The applicant will be able to lodge a Section 96 modification application seeking to delete the condition setting a 12 month trial towards the end of the trial period.

CONCLUSION

Council has received a development application for the fit out and use of units 2 and 3 of the Currans Hill neighbourhood centre as a liquor shop. The application has been publicly notified and the five submissions 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 the proposed liquor shop represents an appropriate form of development for the Currans Hill neighbourhood centre in that it will provide for the needs of the surrounding residential area and is not anticipated to have any significant impacts upon safety and amenity. However, to further evaluate potential impacts, it is a recommended development consent condition that the use be approved for a 12 month trial period only.

Consequently this development application is able to be recommended to Council for approval, subject to the draft development consent conditions shown below.

DRAFT CONDITIONS OF CONSENT

1.0 - General Requirements

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

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

- Sheet no. A01 issue B dated 3 December 2009 by Algorry Zappia & Associates Pty. Ltd.
- Sheet no. A02 issue A dated 3 December 2009 by Algorry Zappia & Associates Pty. Ltd.
- Statement of Environmental Effects dated November 2009 by C.C. Weston & Associates.
- External noise impact assessment ref. 2010171/0102A/R0/GW by Acoustic Logic Consultancy.
- Community Impact Statement dated December 2008 and lodged by Tony Schwartz.

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

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

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

(2) **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 Camden Development Control Plan (DCP) 2006.

Note: This Development Consent does not approve the display of any advertising or business/building identification signs.

- (3) **Vermin Proofing** - All openings in the walls and ceilings/roof throughout the premises shall be made proof against vermin.
- (4) **Coving** – Intersections of the floor with walls in the cool room shall be coved so that the area can be easily cleaned.
- (5) **Hand Washing Facilities** – The hand basin shall be provided in an accessible location. The hand basin must be:
 - a. Provided with water at least 40°C from a mixed hot and cold supply;
 - b. Supplied with a sufficient supply of liquid soap and single-use towels or other suitable hand drying facilities located adjacent to the hand basin;
 - c. Kept in a clean and sanitary condition and in good repair at all times;
 - d. Not used for any other purpose other than the washing of hands.
- (6) **Acoustic Measures** – The recommendations as outlined in the addendum titled 'External Noise Impact Assessment' prepared by *Acoustic Logic Consultancy dated 1 February 2010 ref: 2010171/0102A/R0/GW* shall be implemented.
- (7) **Food Codes and Regulations Compliance** - The construction and fit-out of the premises or any part thereof to be used for the manufacture, preparation or storage of food for sale, must comply with Camden Council's Food Premises Code, the Food Act, 2003 and the Food Regulations 2004 (incorporating the Food Standards Code).
- (8) **Wall Tiles** - The walls behind the benches, sinks, tubs, hand basins, cupboards and similar fittings shall be tiled for a height of 450mm with glazed ceramic tiles.
- (9) **Partition Walls** - All timber partition walls must be vermin-proofed by the provision of flat galvanised iron or similar material under the bottom plates and extending at least 450mm up from the floor on both sides of the wall. Alternatively, where practical, such partitions or screen walls must be supported on round metal supports at least 200mm above the floor level.
- (10) **Coolroom Shelving** - Shelving within the low temperature freezer/coolroom must be constructed of galvanised pipe, angle iron, "T" iron, channel iron, flat metal or other approved materials, all of which should be treated to prevent corrosion.
- (11) **Clothing** - Persons engaging in any food handling operations must be appropriately attired in clothing and footwear that is clean and relevant to their task.

- (12) **Wall Construction** - All walls must be of a solid impervious construction and closed jointed. Walls may be constructed of brick, concrete, concrete blocks, structural fibrous cement or other similar homogenous material.
- (13) **Cleaner's Sink** - Premises where floors are wet washed must have a suitable cleaner's sink to be located in an area away from where food is prepared.
- (14) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia* .
- (15) **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.

- (16) **12 Month Trial Period** – These units are only approved to be used as a liquor shop for a trial period of 12 months only. This use shall cease after a period of 12 months from the date of this Development Consent. It is recommended that a further development application be lodged with Council for assessment and determination at least 3 months prior to this expiry date.
- (17) **Acoustic Barrier** – The acoustic barrier as required by condition 1-6 of this development consent must have a colour finish that matches the colour finish of the acoustic barrier approved by Development Consent 205/2009.
- (18) **Safer by Design Requirements** – The following security features must be provided as part of this development:
- CCTV cameras must be installed around the premises to maximise surveillance opportunities. These cameras must cover all boundaries of the liquor shop including the rear walkway between the subject shop and the IGA supermarket as approved by Development Consent 205/2009.
 - Footage must be retained for a minimum of 7 days and stored on hard disk to ensure it is clear and concise. Recording equipment must be installed in a secure location on site to avoid tampering. Access must be made available to all recordings where offences are detected.
 - Cameras at entrances and exits must be positioned at a height to obtain facial recognition of any offenders detected.
 - All external cameras must have night vision.
 - All legal requirements in relation to CCTV and recording must also be adhered to.
 - An intruder alarm system must installed in the approved liquor shop.

2.0 - Construction Certificate Requirements

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

- (1) **Wall Finish** - Walls in food preparation, service and scullery areas must be finished with glazed ceramic tiles, stainless steel or laminated plastics adhered directly to the wall, to a height of at least 2m above floor level and to the underside of canopy hoods. Walls that are not tiled or otherwise finished must be cement rendered to a smooth even surface and painted with a light coloured washable paint or sealed with other approved materials.
- (2) **Floor Finish** - Floors in the food preparation areas, sculleries and food storage areas shall be constructed of approved materials that are non-slip, impervious and meet the requirements of Council's Food Premises Code.
- (3) **Storage Cupboards** - Adequate provision must be made for the storage of cleaning chemicals and staff personal belongings.
- (4) **Service Pipes** - All service pipes and electrical conduits shall be concealed within the floor, plinths, walls or ceilings.
or
All service pipes and electrical conduits which are not capable of being concealed within walls shall be mounted on brackets so as to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe and adjacent horizontal surface.
- (5) **Fixtures & Fittings** - All benches, fixtures, refrigeration cabinets and cooking appliances must be butted against walls or other equipment. Junctions with vertical surfaces must be sealed to eliminate the accumulation of grease and food particles. Alternatively, clearances are to be provided from vertical surfaces in accordance with Council's Food Premises Code.
- (6) **Closed Cupboards** - Closed cupboards are to be butted against walls or other equipment. Junctions with vertical surfaces must be sealed to eliminate the accumulation of grease and food particles. Cupboards are to be supported on plinths in accordance with Council's Food Premises Code.
- (7) **Shelving** - Shelving shall be constructed with at least 150mm clearance from the floor. Wall shelves must have at least 25mm clearance from vertical surfaces.
- (8) **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.

3.0 - Prior To Works Commencing

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

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

- (3) **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.

- (4) **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.
- (5) **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.
- (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.

4.0 - During Construction

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

(1) **Gaps Sealed** - All gaps between shelves and vertical surfaces must be sealed to prevent the accumulation of grease and food particles. Alternatively 25mm clearance is required to allow the area to be cleaned.

(2) **Hours of Work** – The hours for all construction and demolition work are restricted to between:

- (a) 7am and 6pm Monday to Friday (inclusive);
- (b) 7am to 4pm Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8am to 4pm;
- (c) work on Sunday and Public Holidays is prohibited.

(3) **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.

(4) **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.

(5) **Construction Noise Levels** – Noise levels emitted during all construction 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).

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) **Registration and Notification** - Proprietor/s of a business are required to register the business with Camden Council and complete a Food Business Notification Form. The registration form must be returned to Council, whereas the Notification Form may be completed on-line on the Internet (free of charge) or returned to Council with an administration processing fee of \$55 (inclusive of GST).
- (2) **Thermometers** - Any appliance used for the storage of hot and cold food must be provided with a numerically scaled and accurate thermometer.
- (3) **Compliance Letter** - Where the consent authority is not the Principal Certifying Authority (PCA), an additional inspection of the commercial kitchen must be undertaken by the Consent Authority **prior to the issue of an Occupation Certificate**. A letter is to be issued from the Consent Authority certifying that the kitchen complies with the Food Codes and Regulations.
- (4) **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.

- (5) **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.

(6) **Base Building Occupation Certificate - Prior to the issue of an Occupation Certificate**, an Occupation Certificate must be issued for the overall neighbourhood centre complex as approved by Development Consent 1163/2006.

6.0 - Operational Conditions

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

(1) **Waste Management** - A suitable waste contractor(s) must be engaged for the removal of wastes generated at the premises. You are also encouraged to recycle waste materials where possible.

Note: All bins and waste storage facilities at the premises are to be sealed and emptied on a regular basis to prevent odour, vermin and fire hazards from occurring.

(2) **Vehicle Movements** – There shall be no vehicle movements between the hours of 10pm and 7am.

(3) **Plant and Operational Noise Restriction** – The level of total continuous noise emanating from operation of all plant or processes in the building (LAeq)(measured for at least 15 minutes) must not exceed the following criteria when measured at any point on any residential boundary:

Noise Objective Leq dB(A)	Time
47	Day
45	Evening

- (4) **No Noise Nuisance** - All refrigeration equipment and associated fittings must be installed so that they operate without causing a vibration nuisance or offensive noise within the meaning of the Protection of the Environment Operations Act 1997.
- (5) **Cold Storage** - All equipment used for the display or storage of cold food shall maintain the food temperature of not more than 5°C.
- (6) **Storage Of Stock** – Floors throughout the premises must be maintained free of stored stock so as to allow cleaning and removal of waste.
- (7) **Graffiti Removal** – All graffiti must be removed within 48 hours of occurring.
- (8) **Deliveries** – All deliveries to the approved shop must only take place within this complex's approved loading bay at all times.
- (9) **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.
- (10) **Hours of Operation** - The hours of operation for the approved liquor shop are:

7 days a week: 10.00am to 10:00pm.

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

- (11) **Litter Patrols** – Litter patrols to collect all litter must be carried out daily. The area to be patrolled must include both sides of the entirety of lando Way, the gazebo and surrounding public open space opposite the site and the access way between the car park at no. 5 lando Way and the child care centre at no. 2 Tramway Drive. All litter must be collected and disposed of.
- (12) **Storage of Trade Waste Bins** – All waste bins must be stored within this complex's designated garbage rooms. No bins are to be stored permanently outside in the car parking areas or driveways.

END OF CONDITIONS

RECOMMENDED

That Development Application 1264/2009 for the fit out and use of units 2 and 3 of the Currans Hill neighbourhood centre as a liquor shop at No 9 (Lot 18, DP 880682) lando Way, Currans Hill, be approved subject to the above development consent conditions.

ATTACHMENTS

1. Location plan
2. Proposed plans
3. Submissions (sup doc)
4. Community impact statement (sup doc)



Location Plan - 9 Iando Way Currans Hill.pdf



Proposed Plans - Iando Way.pdf



Submissions - Iando Way.pdf



Community Impact Statement - Iando Way.pdf

RESOLUTION

CHAIRMANSHIP OF MEETING

The Mayor, Councillor Patterson, having previously declared his intention to leave the Chamber in Item ORD01 vacated the Chair and left the Chamber, the time being 6.25pm.

The Deputy Mayor, Councillor Warren assumed the role of Chairperson.

Moved Councillor Funnell, Seconded Councillor Dewbery that Development Application 1264/2009 for the fit out and use of units 2 and 3 of the Currans Hill neighbourhood centre as a liquor shop at No 9 (Lot 18, DP 880682) Iando Way, Currans Hill, be approved subject to the above development consent conditions.

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

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

Councillor Cagney voted against the Motion).

CHAIRMANSHIP OF MEETING

The Mayor, Councillor Patterson returned to the Chamber and resumed the Chair, the time being 6.41pm.

ORD84/10

ORDINARY COUNCIL

ORD02

SUBJECT: PROPOSAL TO REZONE LAND AT 11 IRONBARK AVENUE, CAMDEN (OLD CAMDEN BUS DEPOT SITE)
FROM: Director Governance
FILE NO: Binder: Old Camden Bus Depot

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement to rezone the subject land to permit multi dwelling housing.

A Planning Proposal to support this rezoning is **provided in Supporting Documents of the Business Paper**

BACKGROUND

Council initially resolved to prepare a draft LEP to permit medium density residential development on the subject land on 9 October 2006. The Department of Planning (DoP) LEP Review panel subsequently advised Council on 2 January 2007 it would not support the rezoning at that stage as it considered the land to be in isolation from the adjoining land in Ironbark Avenue which is also zoned 3(d) Business Automotive.

Council was, during that time, commencing the preparation of the draft Camden LEP. Council on 25 September 2007 resolved to defer the Ironbark Avenue precinct from the draft LEP due to the difficulty in finding a compatible template zone to the current 3(d) Business Automotive zone. Following lengthy discussions with the DoP it was agreed that the closest "template" zone to the 3(d) was IN2 Light Industrial. Accordingly, the IN2 zoning was applied to the Ironbark Avenue precinct when the draft Camden LEP was placed on public exhibition during September and October 2009.

Council also commenced further investigations into the entire 3(d) zone in Ironbark Avenue and engaged external planning expertise to undertake a Planning Review which was completed in October 2009. A copy of the review **is provided in Supporting Documents of the Business Paper**. The findings of that review are outlined in this report.

The owners of the subject property made a submission during the exhibition of draft Camden LEP 2009 requesting that Council proceed with rezoning the land to permit medium density development. Council, in its consideration of submissions to the exhibition at its meeting held on 24 November 2009 resolved in relation to this matter to;

"reaffirm its resolution of 9 October 2006 to rezone the former bus depot site at 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."

The owners have subsequently prepared a planning proposal in accordance with the new "Gateway" process requesting Council to rezone the land to R3 Medium Density.

MAIN REPORT

Subject property

The subject property is described as Lot B DP 409715 and Lots A & B DP 399965 being Nos 5 - 13 Ironbark Avenue, South Camden. The land has an area of 7430m² and has three street frontages. The site was formerly used as a bus depot and a contamination report has been provided and will be discussed further in this report. **A copy of the site plan is attached at the end of this report.**

Findings of the Planning Review for Ironbark Avenue, South Camden

The purpose of this Review was to ascertain the most appropriate template zone for the current 3(d) Business Automotive zone that applied to land at Ironbark Avenue, South Camden and to also analyse the preferred land use scenario for the former bus depot site.

The review recommended that the IN2 light industrial zone was the most appropriate 'template' zone. It further recommended that the land on the western side of Ironbark Avenue, which included the former bus depot site, has potential to be redeveloped for medium density housing.

The Review also established design principles for multi-unit housing. These address issues such as on-site parking, landscaping, building articulation and driveway access. These would need to form the basis of a development control plan which would also address interface issues with the adjoining residential area and the existing mixed use area opposite.

There are two other properties on the western side of Ironbark Avenue currently zoned 3(d) in addition to the former bus depot site. These are 1A Ironbark Avenue - owned by Adet Pty Ltd which currently contains a preschool and 1 - 3 Ironbark Avenue - owned by Safajach Pty Ltd and currently contains a truck servicing business. Both these owners were contacted and advised that Council was exploring the suitability of their properties as having potential for future multi dwelling housing. Both owners indicated that in the long term they may be interested however they have no intention of moving their businesses in the short to medium term.

Given the above, it is proposed to proceed with only the rezoning of the former bus depot site at this stage. There will still be an option, at some time in the future, to revisit the rezoning of the other two properties should circumstances change.

Detail of the Planning Proposal

The Planning Proposal has been prepared to comply with the guidelines of the DoP's Gateway process. The purpose of a planning proposal is to explain the intended effect

of the proposed LEP and to provide justification for making it. This includes:

1. Statement of intended outcomes
2. Explanation of provisions
3. Justification
4. Proposed community consultation.

The intended outcome is to rezone the subject land to R3 - Medium Density Residential. The submission states that while there are no development plans at this stage they have acknowledged the design principles espoused in the Planning Review for both the public realm and private lands and that these will provide development criteria. It is proposed that such criteria should be developed into a development control plan (DCP) which would accompany the rezoning.

Site Contamination

Given the previous landuse of the site a detailed analysis of the contamination will need to be undertaken. A desktop analysis was undertaken by Environmental & Earth Sciences and submitted by the proponent when they lodged their previous rezoning application in 2006. As reported to Council on 9 October 2006 the key outcomes of the initial desktop analysis included:

- *Identification of asbestos cement sheeting and asbestos in electrical backing boards and vinyl tiles.*
- *Aluminium cases electrical capacitors containing PCBs*
- *Possible lead paint due to building age*
- *The remnant infrastructure from the historical site usage identified three underground storage tanks and four above ground storage tanks, two walk in service pits and three fuel dispensing bowsers.*
- *A petroleum hydrocarbon impact has been identified in the ground-water analysis.*

Given the large number of potential sources that need to be removed the consultants have recommended that a site specific Remediation Action Plan (RAP) will need to be prepared.

Prior to rezoning occurring Council will require a Phase 2 contamination report to be conducted which may require a RAP to be developed. In addition, Council will only agree to the rezoning proceeding if the site can be made suitable for residential development without the need for any ongoing management of the site.

DCP

Council will require the proponent to fund the preparation of a DCP which will be placed on exhibition with the Planning Proposal. The DCP is to address all of the existing Ironbark Avenue precinct and is to incorporate the design principles espoused in the Planning Review for both the public realm and private lands.

Process from here

Should Council resolve to proceed with the rezoning then the Planning Proposal will be forwarded to the DoP Gateway for determination. Further reports will be submitted to

Council prior to and following the community consultation stages. It is not envisaged that the proposal will be placed on public exhibition until after the gazettal of Camden LEP 2010.

CONCLUSION

The Planning Proposal to rezone the former bus depot site in Ironbark Avenue, South Camden provides an opportunity to enable appropriate infill development, generally in keeping with the surrounding landuses. It also will provide a buffer between the current light industrial uses on the eastern side of Ironbark Avenue and the adjoining residential development.

RECOMMENDED

That Council:

- i. not proceed with the rezoning of lot 48 DP 31406 (1A) Ironbark Avenue and Lots 1 and 2 DP 516829 (1-3) Ironbark Avenue to R3 Medium Density Residential, at this stage;**
- ii. support the Planning Proposal for land at 11 Ironbark Avenue, South Camden known as lot B DP 409715 and Lots A & B DP 399965 to be rezoned to R3 Medium Density Residential;**
- iii. advise the applicant that before agreeing to the gazettal of the LEP Council must be satisfied that the land can be remediated to make the site suitable for residential development without the need for any ongoing management of the site.**
- iv. forward the Planning Proposal to the Department of Planning for Gateway determination and**
- v. prepare a DCP, funded by the proponent for the land to provide appropriate development controls.**

ATTACHMENTS

Attachment - site plan



Supporting Doc Ironbark Ave Planning Reviewpdf.pdf Attachment 1 site plan Ironbark Avenue.doc

RESOLUTION

Moved Councillor Dewbery, Seconded Councillor Funnell that Council:

- i. not proceed with the rezoning of lot 48 DP 31406 (1A) Ironbark Avenue and Lots 1 and 2 DP 516829 (1-3) Ironbark Avenue to R3 Medium Density Residential, at this stage;**
- ii. support the Planning Proposal for land at 11 Ironbark Avenue, South Camden known as lot B DP 409715 and Lots A & B DP 399965 to be rezoned to R3 Medium Density Residential;**
- iii. advise the applicant that before agreeing to the gazettal of the LEP Council must**

be satisfied that the land can be remediated to make the site suitable for residential development without the need for any ongoing management of the site.

- iv. forward the Planning Proposal to the Department of Planning for Gateway determination and
- v. prepare a DCP, funded by the proponent for the land to provide appropriate development controls.

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

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

No Councillor voted against the Motion).

ORD85/10

ORDINARY COUNCIL

ORD03

SUBJECT: COURT PROCEEDINGS IN RELATION TO ILLEGAL TREE
REMOVAL, NO 90 (LOT 28 DP 247884) MARK ROAD,
ROSSMORE - SUCCESSFUL PROSECUTION OF LAND
OWNER AND CONTRACTOR

FROM: Director Development and Health

FILE NO: Binder: Private Trees & Complaints

PURPOSE OF REPORT

The purpose of this report is to advise Council of successful legal proceedings against the land owner Laila Tarabay and excavator operator Faid Fram in relation to unauthorised tree removal at No 90 (Lot 28 DP 247884) Mark Road, Rossmore.

BACKGROUND

At the meeting of 26 May, 2009 Council considered a report concerning unauthorised tree removal at the Mark Road property and resolved to commence legal action against the owner Ms Laila Tarabay and contractor Mr Faid Fram for unauthorised tree removal.

This matter was unusual insofar as there was a dispute of facts over who engaged the excavator operator and who gave instructions for work to be done. The land owner claimed that her uncle arranged for the operator to work on her property without her knowledge, however the operator Mr Fram reported that he was instructed to do the tree felling by Ms Tarabay on the assumption that a development consent existed.

There is however no dispute over the fact 70 trees were felled within a few hours of the operator arriving at the site, and that greater environmental harm was averted by Council's response to the initial complaint.

MAIN REPORT

In accordance with Council's resolution the matter was referred to Council's solicitor, Pikes Lawyers, to commence separate but jointly run Local Court proceedings against Ms Tarabay and Mr Fram. Both matters were set aside for first mention at Camden Court on 11 August, 2009 but a number of procedural delays ensued due to Ms Tarabay's initial decision not to enter a plea, then later enter a plea of not guilty.

Mr Fram pleaded guilty and expressed a wish for the matter to be dealt with, which consequently separated the two matters. Mr Fram's sentence hearing took place at Camden on 27 October, 2009. The prosecution tendered a statement of facts, witness statements, record of interview with Mr Fram and photographs, including before and after aerial photographs, and an overlay identifying various categories of Cumberland Plain Woodland affected by the clearing works.

Mr Fram's legal representative asked the Court to have regard to his personal circumstances. The Council, as Prosecutor, conceded that Mr Fram was an agent of the owner of the land and that he had been cooperative with the Council.

In considering a penalty, Magistrate O'Brien balanced these matters against the obvious seriousness of the environmental consequences and noted that Mr Fram entered an early guilty plea. His Honour convicted Mr Fram and handed down the following:

Penalty	\$ 10,000
Court Costs	\$ 70
Professional Costs	\$ 3,500

Ms Tarabay's hearing was listed in the Campbelltown Court on 4 February, 2010. It was considered that her not guilty plea would result in a two day hearing and require additional resource and preparation and the calling of witnesses, including the subpoena of Mr Fram.

On the day before the hearing Ms Tarabay's legal representative advised that Ms Tarabay had elected to plead guilty, however she disputed the evidence of Council's witnesses, Mr Fram and Mr Rahme (Ms Tarabay's uncle), and alleged that it was her uncle who engaged Mr Fram to attend the property and remove trees for the purpose of putting some landfill on the site. Mr Fram and Mr Rahme both alleged that Ms Tarabay had approached them to carry out the works and had directed which trees ought be removed.

By coincidence the matter came before Magistrate O'Brien who stood the matter down to allow for further discussions between parties concerning the disputed facts. After approximately two hours Ms Tarabay's legal representative advised she no longer disputed Council's facts and that the matter could proceed to sentencing.

Defence submissions put on behalf of Ms Tarabay included that there was no evidence that the offence was carried out for financial gain, that any fine should not be too far out of step with the fine imposed on Mr Fram, any fine should take into account the cost of any remediation order, estimated at \$7,000. In addition, consideration of personal circumstances was raised. The remediation required is the subject of an Order applying to the land.

Magistrate O'Brien then proceeded to sentence. In summary he felt that the offence was somewhere below the mid range of seriousness, that a 10% discount on sentence ought be given reflecting the late guilty plea made effectively on the day of the hearing and that Ms Tarabay had no prior convictions, was of good character and was unlikely to reoffend.

The Magistrate highlighted the importance of the integrity of the planning system, the environmental harm that had occurred to an endangered ecological community and the community abhorrence to such offences.

His Honour convicted Ms Tarabay and imposed the following:

Penalty	\$ 18,000 (initially \$20,000 reduced by 10%)
Court Costs	\$ 70
Professional Costs	\$ 9,750
Remediation Order	To plant replacement trees including payment of a performance bond of \$7,000 to be held by the Council

The outcome of this case shows that the Court has a consistent view of the seriousness of uncontrolled tree removal. The imposition of a Remediation Order is an excellent result and imposes significant obligations upon Laila Tarabay to restore the cleared area in accordance with a stringent program.

Council's legal action in both matters resulted in fines and awarded costs in the order of \$41,250. Council's legal costs incurred total \$19,229 (GST exclusive).

Therefore, the net financial impact on the community after the award of the fines and costs is an addition of funds in the amount of \$22,021.

CONCLUSION

In accordance with a resolution of Council, officers have pursued the illegal removal of trees at No 90 Mark Road, Rossmore. Fines, costs and a comprehensive remediation order have been handed down as a consequence of these actions.

The penalties imposed send an important message to the community that Council is committed to appropriate tree preservation and that serious penalties exist in terms of fines, legal costs and stringent orders for the original damage to be restored and maintained.

RECOMMENDED

Council note the successful outcome of the Local Court action against Ms Laila Tarabay and Mr Faid Fram in relation to the unauthorised removal of trees from No 90 Mark Road, Rossmore.

RESOLUTION

Moved Councillor Warren, Seconded Councillor Campbell that Council note the successful outcome of the Local Court action against Ms Laila Tarabay and Mr Faid Fram in relation to the unauthorised removal of trees from No 90 Mark Road, Rossmore.

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

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

ORD86/10

ORDINARY COUNCIL

ORD04

SUBJECT: PROPOSED STREET NAMES - CATHERINE FIELD
FROM: Director Development and Health
FILE NO: Binder: Landuse & Planning/Naming of Roads

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement of a proposal to assign suitable names to the proposed new roads within land owned by Sekisui House Development Services Pty Ltd (Sekisui), in the South West Sydney Growth Centre's Turner Road Precinct.

BACKGROUND

The developer, Sekisui, has put forward a list of names to be considered for approval within its land holdings situated in the Turner Road Precinct. This is part of a proposed development / subdivision of Lots 2 & 3 DP 360116, Lot 1 DP 795836, Lot 3 DP 619850 and Lot 1 DP 54127, No 668-812 Camden Valley Way, Catherine Field. Council is yet to assign a name to this area which is immediately to the north of the new suburb of Gregory Hills. **A location plan showing this land is provided at the end of this report.**

MAIN REPORT

The names to be considered have been submitted by Sekisui and are based on an Australian Wines theme. They include the names of Australian wines, Australian wineries, equipment and wine makers. The link to the wine industry is associated with the Gledswood property which has been used for wine production for many years.

The name Hermitage Way is sought by Sekisui as the name for the main north-south road through the subdivision (**see the attached location plan**).

The proposed list is:

Name	Location
Grampians	Victoria
Langhorne	South Australia
Mornington	Victoria
Pemberton	Western Australia
Strathbogie	Victoria
Watervale	South Australia
Wines	

Name	Location
Heyetesbury	Western Australia
Fordwich	Hunter Valley New South Wales
Aberfeldy	Clare Valley South Australia
Braemore	Hunter Valley New South Wales
Ravenswood	Adelaide Hills South Australia
McCutcheon	Mornington Peninsula Victoria
Fairbank	Bendigo Victoria
Jaluka	Grampians Victoria
Chalambar	Grampians Victoria
Salinger	Grampians Victoria
Pepperjack	Barossa South Australia
Other	
Name	Location
Roseworthy	South Australia
Wineries	
Name	Location
Ainsworth	Various
Amberley	Margaret River Western Australia
Amherst	Pyrenees Victoria
Ashbrook	Margaret River Western Australia
Ballandean	Granite Belt Queensland
Barretts	Henty Victoria
Barwick	Margaret River Western Australia
Beckworth	Ballarat Victoria
Belgravia	Orange New South Wales
Bellarine	Geelong Victoria
Beresford	Langhorne Creek South Australia
Bethany	Barossa Valley South Australia
Bleasdale	Langhorne Creek South Australia
Bluestone	Yarra Valley Victoria
Bowen	Coonawarra South Australia
Boynton	Alpine Victoria
Brewerton	Langhorne Creek South Australia
Briarose	Margaret River Western Australia
Bundaleera	North Tasmania
Burton	Mclaren Vale South Australia
Caledonia	Gippsland Victoria
Capel Vale	Geographe Western Australia
Chambers	Rutherglen Victoria
Channon	Granite Belt Queensland
Cloverhill	Northern Tasmania
Coldstream	Yarra Valley Victoria

Coliban	Heathcote Victoria
Coriole	Mclaren Vale South Australia
Craiglee	Strathbogie Ranges Victoria
Crittenden	Mornington Peninsula Victoria
Cullen	Margaret River Western Australia
Curlewis	Geelong Victoria
Dalrymple	North Tasmania
Darlington	South Tasmania
Devlin	Heathcote Victoria
Downing	Heathcote Victoria
Eaglerange	Alpine Victoria
Eldridge	Mornington Peninsula Victoria
Elmswood	Yarra Valley Victoria
Elysium	Hunter New South Wales
Fenwick	Geelong Victoria
Fontaine	Gippsland Victoria
Freycinet	East Coast Tasmania
Glenholme	South Flinders Ranges South Australia
Golding	Adelaide Hills South Australia
Goundrey	Mt Barker Western Australia
Gracedale	Yarra Valley Victoria
Grosset	Clare Valley South Australia
Hackett	Mclaren Vale South Australia
Halifax	Mclaren Vale South Australia
Hanson	Yarra Valley Victoria
Haselgrove	Mclaren Vale South Australia
Hennings	Heathcote Victoria
Herriot	Manjimup Western Australia
Hewitson	Various
Hoffman	Mclaren Vale South Australia
Hollick	Coonawarra South Australia
Houghton	Swan Valley Western Australia
Howland	Hunter New South Wales
Hungerford	Hunter New South Wales
Huntington	Mudgee New South Wales
Jamiesons	Coonawarra South Australia
Jardine	Pyrenees Victoria
Jindalee	Geelong Victoria
Karina	Mornington Peninsula Victoria
Katnook	Coonawarra South Australia
Kelman	Hunter New South Wales
Kersbrook	Adelaide Hills South Australia
Killara	Yarra Valley Victoria
Kingsdale	South New South Wales
Kingston	Various
Kinloch	Upper Goulburn Victoria

Kirrihill	Clare Valley South Australia
Koonara	Coonawarra South Australia
Kooyong	Mornington Peninsula Victoria
Lambert	Yarra Valley Victoria
Laurelbank	South Tasmania
Leconfield	Coonawarra South Australia
Leeuwin	Margaret River Western Australia
Lenton	Margaret River Western Australia
Lillydale	Yarra Valley Victoria
Longview	Adelaide Hills South Australia
Mandalay	Geographe Western Australia
Mansfield	Mudgee New South Wales
Martins	Mudgee New South Wales
McKinnon	Macedon Ranges Victoria
Melton	Barossa Valley South Australia
Mentelle	Margaret River Western Australia
Merrick	Mornington Peninsula Victoria
Merrill	Mclaren Vale South Australia
Minya	Geelong Victoria
Mitchelton	Nagambie Lakes Victoria
Moondarra	Gippsland Victoria
Mountadam	Eden Valley South Australia
Murchison	Goulburn Valley Victoria
Oakridge	Yarra Valley Victoria
Palandri	Margaret River Western Australia
Paramoor	Macedon Ranges Victoria
Paringa	Mornington Peninsula Victoria
Parker	Coonawarra South Australia
Paxton	Mclaren Vale South Australia
Pearwood	Adelaide Hills South Australia
Peregrine	Heathcote Victoria
Peterson	Hunter New South Wales
Picardy	Pemberton Western Australia
Pierrepoint	Henty Victoria
Pipersbrook	Northern Tasmania
Portsea	Mornington Peninsula Victoria
Printhie	Orange New South Wales
Providence	North Tasmania
Rangemore	Darling Downs Queensland
Ravensworth	Cambene District New South Wales
Redbank	King Valley Victoria
Riggs	Mclaren Vale South Australia
Rochford	Yarra Valley Victoria
Rosemount	Mclaren Vale South Australia
Rymill	Coonawarra South Australia
Sandhurst	Bendigo Victoria

Seville	Yarra Valley Victoria
Shelmerdine	Heathcote Victoria
Shottesbrooke	Mclaren Vale South Australia
Silverwood	Mornington Peninsula Victoria
Sinclair	Ballarat Victoria
St Michaels	Heathcote Victoria
Standish	Barossa Valley South Australia
Stanton	Rutherglen Victoria
Stonehaven	Padthaway South Australia
Stonier	Mornington Peninsula Victoria
Tamburlaine	Hunter New South Wales
Taranga	Mclaren Vale South Australia
Tarrawarra	Yarra Valley Victoria
Tulloch	Hunter New South Wales
Warburn	Riverside New South Wales
Wattlebrook	Hunter New South Wales
Whitfield	Great Southern Western Australia
Willunga	Mclaren Vale South Australia
Wolseley	Geelong Victoria
Wovenfield	Geographe Western Australia
Xanadu	Margaret River Western Australia
Yaldara	Barossa Valley South Australia

It is proposed the designation or road, street, avenue, place etc will be determined at the time of ongoing subdivision and on an as-needs basis.

Council is not required to refer any endorsement to the Geographical Names Board (GNB), rather Council is only required to ensure the naming conventions and guidelines of the GNB are adhered to. The names listed are in accordance with those guidelines in that they are appropriate to the physical, historical and cultural character of the area. Whilst many of the names reflect commercial products, those names are drawn from the historical association with a particular vineyard as detailed in the list above.

The names have been considered by Council officers and are able to be recommended to Council for endorsement and use by the developer in the subject land as and when required.

CONCLUSION

Council has been provided with a list of road names by Sekisui, which it seeks to apply to land subdivisions in the Turner Road Growth Centre Precinct land holdings.

The names listed have been assessed and are in accordance with the guidelines as set by the GNB in that it is appropriate to the physical, historical and cultural character of the area.

Consequently the list is able to be recommended to Council for endorsement.

RECOMMENDED

That Council:

- i. endorse the name Hermitage Way for the main north-south route in the Sekisui House Pty Ltd land within the Turner Road precinct of the South-West Growth Centre, and
- ii. endorse the proposed road name list shown in this report, provided by Sekisui House Pty Ltd, for application to its land within the Turner Road South-West Growth Centre.

ATTACHMENTS

1. Location plan



Location plan - road names Sekisui.pdf

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Dewbery that Council:

- i. endorse the name Hermitage Way for the main north-south route in the Sekisui House Pty Ltd land within the Turner Road precinct of the South-West Growth Centre, and
- ii. endorse the proposed road name list shown in this report, provided by Sekisui House Pty Ltd, for application to its land within the Turner Road South-West Growth Centre.

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

ORD87/10

ORDINARY COUNCIL

ORD05

SUBJECT: PROPOSED RESERVE NAME - THOMAS DONOVAN PARK,
TURNER ROAD PRECINCT, GREGORY HILLS
FROM: Director Development and Health
FILE NO: Binder: Landuse & Planning/Naming of Reserves

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement of the name "Thomas Donovan Park" for a future park, in the Turner Road Precinct, Gregory Hills.

BACKGROUND

Council has been requested by Dart West Developments Pty Ltd (Dart West) and the owners to consider naming a proposed park, which will be the first major public open space to be implemented within Gregory Hills, 'Thomas Donovan Park'.

The proposed park is located within Lot 92 DP1137298, which forms part of the Turner Road Precinct, Gregory Hills and is zoned R1 General Residential under the provisions of SEPP (Sydney Region Growth Centres) 2006 Amendment No 1. The park will comprise a number of passive and recreational elements such as children's playground equipment, shelters, barbecue facilities, seating, bubblers, paved pathways, pedestrian lighting, exercise stations and landscaping.

It is part of the first stage of development works as approved under consent to DA892/2009 - Open Space embellishments. **A location plan showing the location of the park is provided at the end of this report.**

MAIN REPORT

Thomas Donovan's name was put forward by Dart West in recognition of his involvement and generosity within St Gregory's College, the Catholic Church and the community. The following is an extract from a biography on Mr Donovan.

Thomas Joseph Donovan (1843-1929) was born on 26 April, 1843 in Sydney, son of Jeremiah Donovan, merchant, and his wife Mary (nee Dolan). He was educated at St Mary's Seminary, at WT Capes school, and at Sydney Grammar School. Donovan worked for the Bank of Australasia until 1872.

After a short and successful period as a vigneron at Albury he settled in Europe where for twenty five years he wintered in the Mediterranean and spent the summer months in England. He studied Law, but although admitted in 1884 to the Middle Temple in London and to the New South Wales Bar, he seems never to have practised.

Around 1900 Donovan retired to New South Wales and lived as a gentleman at

Darling Point. Little is known of him until 1914 when an endowment of £30,000 to St John's college, the University of Sydney, was announced. In 1915 the money went instead towards the foundation of Newman College at the University of Melbourne in the form of bursaries for the children of members of the Australian Imperial Force.

Among other benefactions were the erection of a chapel for the Marist Brothers at Mount St Gregory near Campbelltown and the gift of land for a farm school for boys in the same area.

Source: B G Andrews Donovan Thomas Joseph (1843-1929) Australian Dictionary of biography, on-line Edition Copyright 2006.

History of the site is obtained from the school's website as follows:

St Gregory's College began on 3 February, 1926. The five Brothers on the staff had only two students to care for at the end of the first day.

By the end of the year the student numbers had climbed to ten. Mr Donovan was a very generous benefactor to the Catholic Church. In the early 1920's he contacted the Marist Brothers about starting a school for boys to help them learn the skills to have careers on the land. The ideal suited the Brothers whose philosophy was grounded in the education of young people in rural areas. Donovan gave the Campbelltown property to the Brothers as well as the name 'St Gregory's'.

Source: <http://www.stgregs.nsw.edu.au/node/21>.

The Geographical Names Board (GNB) is the naming authority in this circumstance and has the role of assigning names to places and natural features. The GNB's guidelines and procedures are aimed at ensuring community input, giving all parties a say in a naming decision, and avoiding duplication of names.

If Council endorses the proposed park name, the application prepared by Dart West and a copy of Council's report and resolution will be forwarded to the GNB. The GNB will undertake a 30 day consultation. If approved by the GNB, the park name will be formally included in the official Place Names register.

The proposed park name has been considered by Council officers to be appropriate, taking into account the history of the area being developed by Dart West at Turner Road, as well as the contribution made locally by Thomas Joseph Donovan. Consequently, the proposed name is now able to be recommended to Council for endorsement.

CONCLUSION

Dart West has submitted an application and background information in support of a park name to be forwarded to the GNB upon Council's endorsement.

The proposed name 'Thomas Donovan Park' is in accordance with guidelines as determined by GNB which seek to recognise outstanding achievement in the community by commemoratively naming relevant geographical features. Acts of bravery, community service and exceptional accomplishment by both individuals and groups are grounds for this recognition.

The application and supporting information have been considered and Council officers are able to recommend that Council approve the proposed naming of the currently unnamed proposed park located at Gregory Hills (within the Turner Road Precinct).

RECOMMENDED

That:

- i. Council endorse the name 'Thomas Donovan Park' for the identified park land site within Lot 92 DP 1137298, within the Turner Road Precinct, Gregory Hills,**
- ii. upon the endorsement of the name 'Thomas Donovan Park', the application prepared by Dart West Pty Ltd be forwarded to the Geographical Names Board for 30 days consultation, to be considered for formal inclusion in the official Place Names register, and**
- iii. a further report be submitted to Council advising of the outcome of the GNB's decision.**

ATTACHMENTS

1. Location plan



Location Plan - Thomas Donovan Park.pdf

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Campbell that:

- i. Council endorse the name 'Thomas Donovan Park' for the identified park land site within Lot 92 DP 1137298, within the Turner Road Precinct, Gregory Hills,**
- ii. upon the endorsement of the name 'Thomas Donovan Park', the application prepared by Dart West Pty Ltd be forwarded to the Geographical Names Board for 30 days consultation, to be considered for formal inclusion in the official Place Names register, and**
- iii. a further report be submitted to Council advising of the outcome of the GNB's decision.**

THE MOTION ON BEING PUT WAS CARRIED.

ORD88/10

ORDINARY COUNCIL

ORD06

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

PURPOSE OF REPORT

This report presents the March 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 December Review and to consider other changes put forward for determination.

SUMMARY OF BUDGET REVIEW

In adopting the December Review of the 2009/10 Budget, Council authorised a projected working funds surplus of \$110,185.

As part of the adoption of the 2010/11 budget \$106,600 of this surplus was utilised to balance the 2010/11 budget and \$3,000 to fund the distribution of the 2010/11 Special Rate Variation newsletter. This resulted in a working funds surplus before the March Budget Review of \$585.

Budget adjustments identified at the March Review represent an increase in the projected working funds surplus of \$878,646. This results in a projected working funds surplus of \$879,231 as at 31 March 2010. The improvement in Council's working funds surplus predominately relates to an increase in development activity and higher than expected returns on Council's investment portfolio. The increases are a direct result of better market conditions in an improving economy.

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

This report recommends that the budget surplus be allocated as follows:

1. Transfer to Plant Replacement Reserve - \$475,000

The 2010/11 Plant Replacement Program was reduced by \$275,000 due to insufficient cash funds in the Plant Replacement Reserve. The re-instatement of these funds means that major plant required to be replaced in 2010/11 can now proceed. The balance of \$200,000 is required for future plant replacement. This will reduce the Plant Replacement Reserve shortfall from \$1.5 million to \$1.3 million. The shortfall in the reserve means that future year's budgets will have to fund the replacement of plant or plant will need to be retained past its replacement date, increasing maintenance costs

and reducing the trade-in value. The plant replacement program is reviewed yearly as part of the budget process.

2. Transfer to ELE Reserve - \$380,000

The Employees Leave Entitlement (ELE) Reserve ensures that Council has enough long term cash for the payment of leave entitlements to employees upon their retirement, termination or long term leave. As at 31 March a total of \$173,200 had been transferred from the reserve to fund employees leave entitlements. The transfer of \$380,000 will reinstate the cash balance of the ELE reserve and increase the reserve to 27% of Council's total ELE liability. Camden Council has an aging workforce and it would be prudent to maintain this reserve above the industry benchmark of 20% to ensure the impact on future year's budgets is minimised.

Should Council endorse these allocations the projected working funds surplus at the March Review will be \$24,231.

NOTE 1 – VARIATIONS TO THE BUDGET

Variations between the adoption of the December Review for 2009/10 and the March Review for 2009/10 led to an increase in working funds of \$878,646. A list of these variations (greater than \$10,000) is provided in the following table and brief explanations below.

PROPOSED VARIATIONS TO BUDGET	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. Development Fees & Charges Income Increase	\$445,108
2. Land Valuation Objections - Rate Income Shortfall	(\$219,365)
3. Subdivision Fees Income Increase	\$135,000
4. General Fund Interest on Investments Income Increase	\$130,256
5. Easement Access Compensation Income Increase	\$38,500
6. Gundungurra Reserve Lease Income Increase	\$28,172
7. Section 603 Certificate Income Increase	\$27,400
Variations under \$10,000 - Various Increases	\$17,893
Sub Total - Income Adjustments	\$602,964
EXPENDITURE ADJUSTMENTS	
Note: Increase in expenditure is a decrease in working funds	
Savings in expenditure is an increase in working funds	
8. Corporate Salaries & Overheads Savings	\$70,746
9. Asset Planning & Data Capture Savings	\$70,000
10. Electricity Costs Increase	(\$47,900)
11. Vehicle Expense Savings	\$46,690
12. Road Reconstruction Program Savings	\$37,947
13. Telecommunication Expense Savings	\$23,920
14. Internal Audit Expense Savings	\$21,200
15. Traineeship Program Savings	\$20,000
16. Rates Notice Printing Savings	\$20,000
Variations under \$10,000 - Various Savings	\$13,079
Sub Total - Expenditure Adjustments	\$275,682
TOTAL PROPOSED VARIATIONS TO BUDGET	\$878,646

1. Development Fees & Charges - Increase in Income of \$445,108

There has been a significant number of Development Applications of high value received this quarter as a result of strong development activity in the release areas of Spring Farm, Elderslie, Oran Park and Turner Road. Also individual dwelling application numbers have increased as a result of the first home owners scheme and the greater availability and hence affordability of ready-to-build residential lots in

Camden. The income received from development activity is difficult to budget for as the level of income is determined by market conditions.

2. Land Valuation Objections - Rate Income - Decrease in Income of \$219,365

Council has been advised by the Valuer General that as a result of successful land valuation objections some land values within the LGA have decreased. This will result in a rate income reduction for 2009/10 of \$219,365. Although this is a reduction in income in 2009/10 under the Local Government Act Council is allowed to recover the shortfall the following year by spreading the shortfall over the entire LGA. The valuing of land is the responsibility of the Valuer General, Council has no input into this process.

3. Subdivision Fees - Increase in Income of \$135,000

Subdivision Fee increases reflect increased Construction Certificate and Subdivision Certificate activity a direct result of increased development activity. This also means that Council continues to be competitive in the market place with developers continuing to use Council as opposed to private certifiers.

4. General Fund Interest on Investments - Increase in Income of \$130,256

The third quarter performance of Council's investment portfolio is above budget expectations. The 2009/10 December budget review projected an average weighted return for the third quarter of 5.00%. Council has been able to achieve more competitive rates with an actual weighted average return for this period of 5.30%. Investment returns for the remainder of 2009/10 have been revised to 5.50%, as a result of the improved economic outlook and increases in the official cash rate by the Reserve Bank.

5. Easement Access Compensation Income - Increase in Income of \$38,500

Integral Energy has requested access to a number of easements in the Mount Annan and Harrington Park areas for the placement of substations. This additional income represents compensation to Council for access to these easements.

6. Gundungurra Reserve Lease Income - Increase in Income of \$28,172

Council recently entered into an access and compensation agreement for the extraction of gas on Gundungurra Reserve. This additional income represents the annual licence fee payable to Council in accordance with the agreement.

7. Section 603 Certificate Income - Increase in Income of \$27,400

The increase in Section 603 certificate income represents the influx of applications generated by the first home owners grant scheme.

8. Corporate Salaries and Overheads - Decrease in Expenses of \$70,746

Savings have resulted primarily from a reduction in Council's superannuation expense as a result of vacancies within Council's staff structure, and as a result of minor

adjustments to salary estimates through staffing appointments.

9. Asset Planning and Data Capture - Decrease in Expense of \$70,000

Council has a statutory requirement to value its roads, bridges and drainage at "fair value" by 30 June 2010. As part of this process Council is also implementing an asset management system for infrastructure assets throughout the LGA. The project requires detailed data capture about the components of assets and their condition. Savings have been realised in the first phase of this project.

10. Electricity Costs - Increase in Expense of \$47,900

Current electricity estimates for Council's major sites are insufficient. The provisions made for increases in electricity charges in the Original Budget for 2009/10 were too low. These estimates have been adjusted in the 2010/11 Adopted Budget.

11. Vehicle Expenses - Decrease in Expense of \$46,690

A reduction in corporate vehicle expenses has been achieved through staff vacancies and the ongoing conversion of the fleet to 4 cylinder vehicles.

12. Road Reconstruction Program - Decrease in Expense of \$37,947

Savings have been achieved in the reconstruction of Cobbitty Road, Rose Drive and Mt Annan Drive Roundabout. Savings are primarily a result of the effective management of design and reconstruction works.

13. Telecommunication Expenses - Decrease in Expense of \$23,920

A review of Council's current budget allocation for land lines and mobile phone usage projects savings of \$23,920 for the 2009/10 financial year. This is in part due to the telecommunications contract Council entered into to last year which identified savings as a result of the contract pricing negotiated.

14. Internal Audit Expenses - Decrease in Expense of \$21,200

The scope of this program has been reduced and no expenditure is anticipated in the fourth quarter of 2009/10.

15. Traineeship Program - Decrease in Expense of \$20,000

Savings have resulted from vacancies within Council's traineeship program. The saving reflects the timing in appointing replacement trainees and leave taken by trainees currently employed.

16. Rates Notice Printing - Decrease in Expense of \$20,000

As part of an ongoing expenditure review Council has recently changed its rate notice printing supplier, resulting in a significant saving to the 2009/10 and futures years' budgets.

NOTE 2 – COUNCIL AUTHORISED VARIATIONS

Council has authorised three (3) budget variations since the adoption of the December Review of 2009/10 Budget (which are detailed in the following table).

COUNCIL AUTHORISED VARIATIONS	Expenditure Increase/ (Decrease)	Income Increase/ (Decrease)	W/Funds Impact Increase/ (Decrease)
Grant Reserve - Transfer to Reserve	\$75,000		\$0
2010 Cultural Arts Program Funding (Arts NSW)		\$75,000	
Council Minute ORD 11/10 - 19/01/2010			
Residents Newsletter - 2010/11 Proposed Community Infrastructure Renewal Program	\$3,000		(\$3,000)
Council Minute EX 04/10 - 16/02/2010			
2010/11 Budget Deficit - Transfer to Working Funds Reserve	\$106,600		(\$106,600)
Council Minute ORD 52/10 - 23/03/2010			
TOTAL COUNCIL AUTHORISED VARIATIONS	\$184,600	\$75,000	(\$109,600)

NOTE 3 – 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 January 2010 to the 31 March 2010, a number of contra adjustments have taken place amounting to a total of \$11,923,157 (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 4 – 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 were six (6) proposed revotes submitted by Managers and Directors at the March Review which are tabled below:

PROPOSED EXPENDITURE REVOTES	Total Revote	General Fund	Other Funds
Swimming Pools - Camden Pool Redevelopment (Grant Reserve)	\$1,189,000	\$0	\$1,189,000
Swimming Pools - Mount Annan Leisure Centre Phased Improvement Program (Capital Works Reserve)	\$60,000	\$0	\$60,000
Camden Town Centre Strategy - Town Square Development (Capital Works Reserve)	\$52,000	\$0	\$52,000
Transport Systems - Springs Rd Realignment (S94 Developer Contributions)	\$50,000	\$0	\$50,000
Swimming Pools - Mount Annan Leisure Centre Stage 2 Design (S94 Developer Contributions)	\$40,000	\$0	\$40,000
Community Facilities - Narellan Family & Childrens Centre Investigation (S94 Developer Contributions)	\$15,000	\$0	\$15,000
TOTAL EXPENDITURE REVOTES	\$1,406,000	\$0	\$1,406,000

The total revotes identified since the adoption of the 2009/10 budget is \$2,076,000. For a detailed explanation of the revotes identified at the March Quarterly Review, please refer to the supporting documents in the business paper.

NOTE 5 – 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 adjustment on the Discretionary List during the period 1 January 2010 to the 31 March 2010.

- River Road Reserve - Fencing of Leash Free Area
Increase funding request to \$60,000

The increase in funding request from \$25,000 to \$60,000 is to match funds for the Metropolitan Greenspace Program grant application.

A copy of the proposed Discretionary List has been included in the Business Paper Supporting Documents.

NOTE 6 – 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 outside the projected working funds surplus of \$879,231 as advised in this report. It should be noted that any unspent Ward Funds as at 30 June will lapse unless revoked by Council.

CONSOLIDATED WARD FUNDS		
2009/10 Budget Allocation	\$30,000	
Addback: Savings from lighting RSL Cenotaph	\$2,631	
Total Funds Available 2009/10		\$32,631
Projects Funded to date in 2009/10		
Skate Park Seating at Kirkham Park Council Minute ORD 246/09 - 13/10/2009.	\$1,000	
Camden RSL Youth Hall Polish Scrubber Council Minute ORD 291/09 - 24/11/2009.	\$1,500	
Light Up Camden Donation Council Minute ORD 53/10 - 23/03/10	\$3,000	
Total Projects Funded 2009/10		\$5,500
TOTAL FUNDS AVAILABLE AS AT 31/03/2010		\$27,131

SUMMARY OF MARCH REVIEW ADJUSTMENTS

The following table is a summary of budget adjustments up to 31 March 2010.

SUMMARY OF BUDGET ADJUSTMENTS	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
LESS: Minimum Desired Level of Working Funds			(\$1,000,000)
LESS: 2009/10 Budget Surplus - Transfer to Reserve (2010/11 Budget Deficit)			(\$258,800)
Available Working Funds 01/07/2009			\$0
2009/10 Quarterly Review Adjustments	\$2,547,531	\$2,657,716	\$110,185
Total Available Working Funds as at 31/12/2009			\$110,185
2009/10 March Review Adjustments			
NOTE 1: Proposed Variations	(\$275,682)	\$602,964	\$878,646
NOTE 2: Authorised Variations	\$184,600	\$75,000	(\$109,600)
NOTE 3: Contra Adjustments	\$11,923,157	\$11,923,157	\$0
NOTE 4: Revotes	\$1,406,000	\$1,406,000	\$0
Total March Review Adjustments			\$769,046
TOTAL AVAILABLE WORKING FUNDS			\$879,231

CONCLUSION

The March Quarterly Budget Review provides for an increase in working funds of \$769,046, resulting in a total projected working funds surplus of \$879,231. This is predominately due to an increase in development fee income and interest on investments as a result of better market conditions and an improving economy.

It is recommended that Council transfer \$475,000 to the Plant Replacement Reserve and \$380,000 to the Employee Leave Entitlements Reserve. If Council decides to transfer these amounts to reserve the uncommitted working funds surplus will be \$24,231. It is recommended that this amount remain uncommitted for consideration at future quarterly budget reviews.

It should be noted that the uncommitted balance in Council's Capital Works Reserve is \$958,000.

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 authorise the budget surplus to the following allocations as identified in the table below:**

Allocation of 2009/10 Budget Surplus		
Budget Surplus Available for Allocation		\$879,231
Transfer to Plant Replacement Reserve	\$475,000	
Transfer to ELE Reserve	\$380,000	
Total Allocation		\$855,000
Budget Surplus Balance After Allocation		\$24,231

- iii. Council approve the balance of the working funds surplus of \$24,231 remain uncommitted for consideration at future quarterly budget reviews.**
- iv. Council approve the Discretionary List amendment as identified in this report.**

ATTACHMENTS



March 2010 Discretionary List.pdf



2009-10 March Budget Result Appendix.pdf

RESOLUTION

Moved Councillor Warren, Seconded Councillor Dewbery 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 authorise the budget surplus to the following allocations as identified in the**

table below:

Allocation of 2009/10 Budget Surplus		
Budget Surplus Available for Allocation		\$879,231
Transfer to Plant Replacement Reserve	\$475,000	
Transfer to ELE Reserve	\$380,000	
Total Allocation		\$855,000
Budget Surplus Balance After Allocation		\$24,231

iii. Council approve the balance of the working funds surplus of \$24,231 remain uncommitted for consideration at future quarterly budget reviews.

iv. Council approve the Discretionary List amendment as identified in this report.

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

ORD89/10

ORDINARY COUNCIL

ORD07

SUBJECT: MANAGEMENT PLAN - MARCH 2010
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 March 2010 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 March 2010 Management Plan review be noted.

ATTACHMENTS



Management Plan March 2010.xls

RESOLUTION

Moved Councillor Warren, Seconded Councillor Dewbery that the March 2010 Management Plan review be noted.

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

ORD90/10

ORDINARY COUNCIL

ORD08

SUBJECT: WHITE CEDAR TREES – GARDEN GATES ESTATE,
MOUNT ANNAN
FROM: Director Works and Services
FILE NO:

PURPOSE OF REPORT

To provide Council with an update on matters and concerns regarding White Cedar Trees within the Garden Gates Estate at Mount Annan, and further to present Council with options for the ongoing management of these trees.

BACKGROUND

Since 2000 Landcom has been developing residential land at Garden Gates Estate, Mount Annan South. Over that time the community has continued to grow steadily, complimented by infrastructure and services.

An essential component of the residential precincts has been the development and implementation of detailed landscape masterplans. These landscape masterplans informed the creation of urban streetscapes, with street trees being a critical component of those streetscapes.

In consultation with Council, Landcom developed a detailed street tree planting masterplan which included species reflective of the natural environment and ecology. Species selected as street trees for the Garden Gates Estate included;

- '*Brachychiton populneus*' (Kurrajong);
- '*Melia azedarach*' (White Cedar);
- '*Lophostemon confertus*' (Brush Box);
- '*Waterhousea floribunda*' (Weeping Lilly Pilly); and
- '*Syzygium paniculatum*' (Brush Cherry).

The White Cedar trees (which are the focus of this report) were proposed by the Landscape Architect at the time as it suited the overall design and was an indigenous native tree that would accompany the native plantings in the adjoining Regional Park and other native themed landscaping. Subsequently the White Cedar trees were planted in following streets within Mount Annan South;

- Olearia Road (14 White Cedar trees which have since been removed);
- Decora Street (18 White Cedar trees);
- Laurina Street (14 White Cedar trees);
- Alisma Road (12 White Cedar trees);
- Dodonea Circuit (40 White Cedar trees); and
- Telopea Circuit (6 White Cedar trees).

Setting aside Olearia Road for the moment, which is covered in more detail below, ninety (90) White Cedar trees currently grow within five streets. The trees were planted as advanced specimens and are at various stages of maturity.

In addition, Council is aware that White Cedar trees were used as street trees within a section of George Caley Place, Mount Annan. This subdivision, which is just over 15 years old, includes a small cul-de-sac in which five (5) significant white cedar trees currently grow.

MAIN REPORT

White Cedar trees have been the subject of much debate over the past two years, primarily focussed in the first instance on resident concerns over the White Cedar street trees which previously grew in Olearia Road, Mount Annan.

Councillors will recall various items of correspondence between May 2008 and April 2009, which ultimately resulted in the removal of approximately fourteen (14) White Cedar street trees from Olearia Road, Mount Annan.

The concerns raised and considered at that time in relation to the White Cedar Trees in Olearia Road, and which led to their removal, included berries, toxicity, caterpillars and allergies and reactions to the caterpillars

There are many and varied documents and sources of information in relation to White Cedar trees and in particular the effects of the caterpillars and the berries. From Council's review, there does not appear to be a consensus on the true impacts and effects. What has been established, however, through community feedback, is that the caterpillars have become a nuisance to adjoining property owners with infestations within residential buildings, and that individuals from time to time may be affected by the caterpillars in terms of some allergies or reactions.

In considering this issue at the time and resulting from enquiries by a resident of Olearia Road through the NSW Ombudsman, the Ombudsman's office originally found that "*Council has taken into account the various points of view about the trees as well as expert advice from staff*" and "*The Ombudsman does not decide whether ... the Council's views and research are correct*" and "*I do not consider there is clear evidence of wrong conduct by Council in relying on its own research into the trees. Wrong conduct involves more than the disagreement with the opinion of Council officers*" .

Following further subsequent complaints to the Ombudsman from that resident, the Ombudsman sought further information from Council, and a full and detailed response was provided by Council to the Ombudsman. In response the Ombudsman made suggestions which included the removal of the White Cedar trees from Olearia Road, or if the trees were not removed, the Council implements a management plan to conduct regular inspections of all White Cedar trees to identify and, where necessary, treat infestations of the White Cedar moth and caterpillar.

The management regime suggested by the Ombudsman was considered unsustainable given the extent of the trees and the costly and resource intensive actions which would need to be implemented on a regular and ongoing basis for the full life of the trees. In considering this, it was resolved to remove the White Cedar trees

(14 in total) from with Olearia Road, Mount Annan.

With seasonal changes, White Cedar trees have recently (again) been the focus of increasing debate and concern within the community. A number of residents have corresponded with Council seeking the removal of the White Cedar trees. The focus, at this stage, is on George Caley Place, Dodonea Circuit and Laurina Street. The concerns raised have again been focussed on similar concerns and reiterate those of the original discussions with residents in Olearia Road.

Management Options

There are a number of options for management of these trees and the concerns raised by residents.

Option 1 – Do nothing

Council could choose to continue to simply manage these trees in the same way as it manages all of its street trees, through simply trimming trees from time to time and removing dead or dying limbs when there is a clear risk of injury or damage to the public. However, it is expected that this option would readily draw criticism from residents who have already raised issues regarding these trees and time will need to be expended in managing the enquiries and other contacts from residents.

Ultimately, Council may be placed in the same position it encountered previously when responding to the issues raised by the resident in Olearia Road. On this basis, a 'do nothing' approach is not considered appropriate.

Option 2 – Ongoing Management

Research indicates that there are several means by which to seek to control the caterpillars, which produce two generations per year, one in spring and one in autumn.

The caterpillars tend to congregate at or near the base of the tree during the day and spread out to feed on the foliage at night. When they have defoliated one tree, they will walk in a single file in search of another White Cedar tree.

One control method is to tie a sack or piece of hessian around the tree, which then provides a place for the caterpillars to congregate during the night. Examination of the "band" and destruction of caterpillars would need to occur on a daily basis. Destruction may involve the use of chemicals such as carbaryl dust.

Another method involves the spraying of the trunk and lower leaves in the evenings with quality garden insecticides such as carbaryl, maldison or trichlorfon. Other pyrethroid products may also be effective. Spraying would typically need to occur at dawn and dusk

The methods described above are considered unsustainable given the extent of the trees and the costly and resource intensive actions which would need to be implemented on a regular and ongoing basis for the full life of the trees. Accordingly, the ongoing and active management by Council of the caterpillar is not recommended in this instance as a viable alternative.

Option 3 – Removal of White Cedar Trees

The urban streetscape is valued highly by the community and by Council. As such, every effort is made to retain vegetation throughout our urban environment. However given the prevailing circumstances, the removal and replacement of the White Cedar trees throughout this area must be considered. In fact, for the effective and efficient management of the residents' concerns and the White Cedar trees, it is recommended that all (95) White Cedar trees be removed at this time.

Council is in receipt of a quotation from its tree management contractor for the removal of 95 White Cedar trees currently located in the six streets identified above. Total cost for the removal and stump grinding is approximately \$8,000. The replacement costs are unknown at this stage and will be dependant upon the species selection and maturity of the specimens.

The cost estimate above includes the removal of all (95) White Cedar trees and, as a one- off project, is considered appropriate. An alternative may be to canvas the opinion of all adjoining residents to determine those trees which need to be removed and those where retaining the tree is supported. At this stage Council has not written to residents within these streets. However, in developing this report, Council has relied on the resident feedback received to date and our experience with dealing with these matters elsewhere. Of course, should the total removal be supported, Council would write to all adjoining residents outlining the determination and proposed actions.

It is acknowledged that to remove, and not replace, these street trees would have a detrimental effect on the streetscape, environment and amenity of these precincts. Accordingly, Council wrote to Landcom and respectfully requested its consideration as to whether or not it would be prepared to undertake the replacement works, to possibly coincide with landscaping as it proceeds through adjoining precincts of the Garden Gates Estate.

Landcom has subsequently responded to Council offering to undertake the replanting works at a subsidised cost to Council. Landcom estimate the replacement works will cost in the order of \$15,000 and has offered to undertake the works at a cost to Council of \$5,500.

In providing the above-mentioned offer, Landcom note *"that these White Cedar trees were planted in accordance with Council's Indicative Planting list and approved by Council. Landcom is concerned that the removal of the trees without funding in place for replacement trees is likely to lead to resident objections and detract from the established quality streetscapes in Garden Gates which we continue to actively market"*.

That said, Landcom have stated that all initial maintenance of the trees will be the responsibility of Council. Typically, Council seeks a two year maintenance period from developers to help ensure the trees have the best possible chance of survival. It is appropriate in this instance to rely on the existing community to take some ownership and care for the replacement trees during this initial phase. Nevertheless, it is estimated that the initial maintenance by Council of the 95 replacement trees would still cost \$5,000 (for a six month period). After this time, community ownership and ongoing

care and watering would be sought.

Council has removed the White Cedar Tree from its Indicative Planting list as a recommended species.

CONCLUSION

The issue of White Cedar trees in the urban landscape, particularly as street trees within the Garden Gates Estate, has been the subject of much debate and concern from residents. In the past Council has removed White Cedar trees from within Olearia Road, and has now been requested to remove many more in several other streets of Mount Annan.

The removal and replacement of the White Cedar trees is considered a more viable and sustainable approach than adopting an ongoing, costly management regime for the remainder of the trees' natural life.

It is recommended that Council supports the removal of ninety five (95) White Cedar trees from those streets identified within Mount Annan. It is further recommended that Council continue to liaise with Landcom seeking its support for the reinstatement of appropriate street trees through these same streets.

Total cost to Council is estimated to be \$18,500; being \$8,000 for removal, \$5,500 for subsidised re-planting and \$5,000 for initial maintenance.

RECOMMENDED

That Council;

- i. approves the removal ninety five (95) White Cedar trees in total from Decora Street, Laurina Street, Alisma Road, Dodonea Circuit, Telopea Circuit and George Caley Place, Mount Annan;**
- ii. accepts the offer made by Landcom for the replacement of the ninety five (95) trees at a subsidised cost to Council of \$5,500.**
- iii. allocates \$18,500 towards this project with the source of funds being savings identified through the March quarterly review; and**
- iv. writes to all residents of the above mentioned streets advising of Council's resolution and impending actions.**

RESOLUTION

Moved Councillor Warren, Seconded Councillor Dewbery that Council:

- i. approves the removal ninety five (95) White Cedar trees in total from Decora Street, Laurina Street, Alisma Road, Dodonea Circuit, Telopea Circuit and George Caley Place, Mount Annan;
- ii. accepts the offer made by Landcom for the replacement of the ninety five (95) trees at a subsidised cost to Council of \$5,500.
- iii. allocates \$18,500 towards this project with the source of funds being savings identified through the March quarterly review; and

iv. writes to all residents of the above mentioned streets advising of Council's resolution and impending actions.

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

ORD91/10

ORDINARY COUNCIL

ORD09

SUBJECT: PROPOSED LOCATION OF THE NEW RURAL FIRE SERVICE STATION FOR THE RURAL FIRE SERVICE, CAMDEN WEST BRIGADE
FROM: Director Works and Services
FILE NO:

PURPOSE OF REPORT

To seek Council's endorsement to relocate the existing fire station for the Rural Fire Service (RFS) Camden West Brigade from Ellis Lane to a new location along Werombi Road, Grasmere.

BACKGROUND

The Camden West brigade of the RFS has occupied a fire station on Ellis Lane for a number of years. This station currently has the ability to house two RFS vehicles, but has limited other facilities and space. Members of the Camden West Brigade therefore find this present fire station inadequate, as there is insufficient space and facilities to conduct regular required training and inadequate facilities for storage of vehicles and equipment, support of staff and parking for members when they attend training and fires.

During the last two years, the Camden West RFS Brigade has been increasing its membership, adding to the pressure on the existing site.

The station needs to be upgraded to meet current needs, standards and Brigade expectations.

In the last few years, the RFS has been seeking a new site for a new station which meets its need for now and some years into the future. The RFS has now agreed that the site recommended in this report is suitable for support of its operations.

MAIN REPORT

The Camden West RFS Brigade has been seeking a site to build a new fire station which will consist of a three-bay brigade station (a Category 3 Brigade Station with area 274 sqm). In addition, the site needs to have off street parking for at least 8 vehicles and sufficient room for safe fire truck manoeuvring around the station, plus room for the rain water tanks and poles for drying fire hoses.

In 2009 the cost for constructing a new facility was estimated to be \$500,000, excluding any cost for acquiring land. Sufficient funding for this work has been made available within the budget. However, the project has not been able to proceed until a new site is available.

Under Emergency Services legislation, Council is required to provide a site for RFS stations. There is not any vacant land owned by Council in the Camden West area, and discussions to lease an area either from Carrington Centennial Care or Sydney Water were undertaken.

However, these discussions did not result in an outcome that allowed the project to progress due to the proposed sites being located within the current odour buffer zone of the West Camden Sewage Treatment Plant (STP) and/or potential occupancy/lease conditions, which could impact on longer term operations.

It has been identified that, instead of acquiring suitable land or lease, Council could utilise an excess road reserve situated alongside Carrington Hospital. The area between Werombi Road roadway and the old disused road is suitable for such an infrastructure development. The location of the site is shown in the **attachment to this report**.

This site has been reviewed by the RFS and has been confirmed as having sufficient area within the excess road reserve to accommodate the proposed fire station and is situated outside the STP odour buffer zone. The location also offers good visibility by road users, which would provide surveillance of the often unattended site. Even though there is expected to be a number of trees which will soften the view from the road, the visibility of the station will also provide some community promotion of the RFS.

The RFS has also confirmed that the location can support facilities which fit with the long-term proposals being developed for the RFS Macarthur Zone Strategic Plan and its requirements for the next 15-20 years.

To allow the development to take place, Council has to make an application to close part of the excess road reserve (part road closure) and classify the land as operational land. At present the excess road reserve is not serving any specific function other than providing an open space. However, its location means that it has very little use by surrounding residents.

CONCLUSION

Camden West RFS Brigade has outgrown its current accommodation in Ellis Lane, and requires larger premises to be able to operate effectively and meets the needs of a growing membership.

As Council does not own vacant unutilised land that can accommodate the new fire station for the Camden West Brigade and there issues in utilising sites on land owned by other entities, it is now considered appropriate utilise part of the excess road reserve at the front of Carrington Hospital. This site has been reviewed by the RFS and will meet their needs.

Council will need to make application for closing part of the excess road reserve to allow the development of the new fire station to proceed at this site.

RECOMMENDED

That Council:

- i. endorse the relocation of the Rural Fire Service Camden West Brigade, from the existing RFS fire station in Ellis Lane to a new site at Werombi Road, Grasmere;
- ii. make an application to close part of Werombi Road as indicated in this report;
- iii. classify the newly created lot as Operational Land; and
- iv. support the development of the fire station on the newly created lot in Werombi Road.

ATTACHMENTS



RFS Station Map.pdf

RESOLUTION

MOTION

Moved Councillor Funnell, Seconded Councillor Campbell that:

- i. further consideration of this matter be deferred to allow further negotiations and be reported back to Council in 2 meetings; and
- ii. all relevant information on the matter be circulated to Councillors during this time.

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

ORD92/10

**THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 MAY
WERE ADOPTED AT AN ORDINARY COUNCIL MEETING HELD 25 MAY 2010.
MIN. NO. ORD 96/10**

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CHAIRPERSON