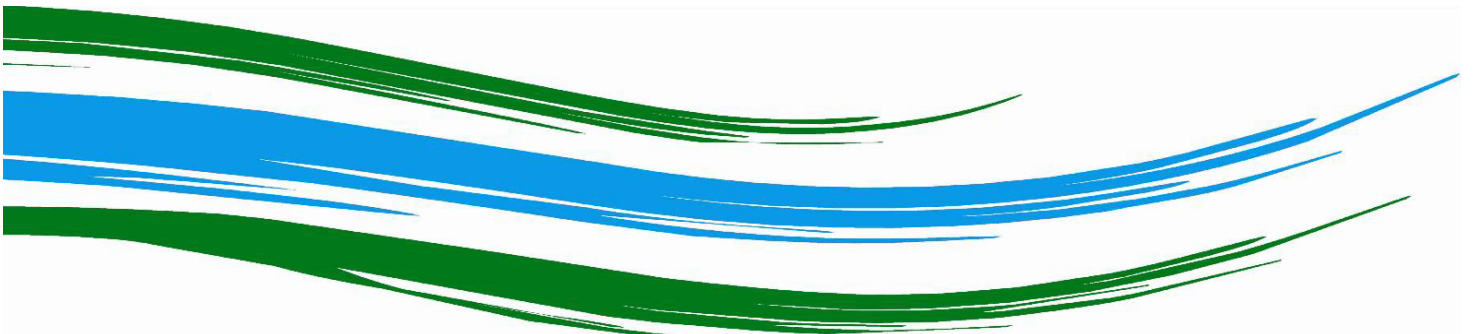




# Camden Council

## Business Paper

### Ordinary Council Meeting



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## ORDINARY COUNCIL

SUBJECT: APOLOGIES

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Leave of absence tendered on behalf of Councillor Cagney from this meeting.

### RECOMMENDED

That leave of absence be granted.

### RESOLUTION

Moved Councillor Dewbery, Seconded Councillor Symkowiak that Councillor Cagney  
be granted leave of absence.

THE MOTION ON BEING PUT WAS CARRIED.

ORD170/10

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## ORDINARY COUNCIL

**SUBJECT: DECLARATION OF INTEREST**

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

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

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

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

### **RECOMMENDED**

**That the declarations be noted.**

### **RESOLUTION**

There were no declarations to be noted.

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

ORD171/10

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## **ORDINARY COUNCIL**

### **SUBJECT: PUBLIC ADDRESSES**

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

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

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

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

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

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

### **RECOMMENDED**

**That the public addresses be noted.**

### **RESOLUTION**

Peter Kennedy addressed Council in relation to Item ORD02.  
David Taylor addressed Council in relation to Item ORD04.  
Alex Azzopardi addressed Council in relation to Item ORD03.  
Radd Richards addressed Council in relation to Item ORD02.

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

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

ORD172/10

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## **ORDINARY COUNCIL**

**SUBJECT: CONFIRMATION OF MINUTES**

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Confirm and adopt Minutes of the Ordinary Council Meeting held 10 August 2010, and the Minutes of the Local Traffic Committee Meeting, held 17 August 2010.

### **RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting held 10 August 2010, and the Minutes of the Local Traffic Committee Meeting held 17 August 2010, copies of which have been circulated, be confirmed and adopted.**

### **RESOLUTION**

Moved Councillor Symkowiak, Seconded Councillor Dewbery that the Minutes of the Ordinary Council Meeting held 10 August 2010, and the Minutes of the Local Traffic Committee Meeting held 17 August 2010, copies of which have been circulated, be confirmed and adopted.

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

ORD173/10

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## ORDINARY COUNCIL

**ORD01**

**CONSTRUCTION AND USE OF SHED TO HOUSE RACING PIGEONS, NO 8 (LOT 1368 DP853902) IRWIN COURT, NARELLAN VALE**

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<b>FROM:</b>	Director Development and Health
<b>FILE NO:</b>	Binder: Development Applications 2010
<b>DA NO:</b>	438/2010
<b>OWNER:</b>	Tony Centorrino
<b>APPLICANT:</b>	Tony Centorrino
<b>ZONING:</b>	Residential 2(D) - Residential Release Area
<b>APPLICABLE PLANNING INSTRUMENT:</b>	LEP 47

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### PURPOSE OF REPORT

The purpose of this report is to seek from Council a determination of a Development Application for the construction of a pigeon loft, and use of this loft for the keeping of racing pigeons. The application is referred to Council in accordance with its delegations as there are unresolved objections 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 include a 12 month trial period on the proposed use, and require that further approval must be granted from Council for the use to become permanent at the end of the trial period.

### BACKGROUND

The Development Application for the construction of a shed to house racing pigeons was received by Council on 5 May 2010. The application was publicly notified between 10 and 25 May 2010. Two submissions were received and are discussed later in the report.

The proposed loft was discussed further with the applicant and additional information sought and provided. Further assessment led to discussions with the applicant about the use of a twelve month trial period and a limitation on the number of birds able to be kept in the loft.

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

## **THE SITE**

The site is known as No 8 (Lot 1368 DP 853902) Irwin Court, Narellan Vale, and is located on the western side of Irwin Court. The site is on residential land and has an area of 728m<sup>2</sup>. The site is surrounded by residential development. **A location map is provided at the end of this report.**

## **THE PROPOSAL**

Development consent is sought to construct a shed (loft) to house racing pigeons. The details of the application as originally submitted in summary involve:

- The construction of a 3m x 10m pigeon loft in the rear yard of the subject site. The pigeon loft proposes construction on a raised framed floor (particle board floor sheeting) and a clad wall system (waterproof masonite shiplap on a pine frame). A Colorbond roof is proposed. Plans indicate a 2m wall height and 700mm roof height, while the open sub floor height would be approximately 300mm.
- Wall and ceiling sound insulation to the pigeon loft are proposed.
- The pigeon loft is proposed to be located a distance of 900mm from the rear boundary of the site, and 6.8m and 7.0m to the northern and southern boundary allotment boundaries respectively.
- A total of 80 birds are proposed, incorporating 20 breeders and 60 racing birds.

**A copy of the proposed plan is provided at the end of the report.**

## **NOTIFICATION**

Surrounding neighbours were notified of the application between 11 May and 25 May 2010. A total of two (2) submissions were received, both objecting to the proposal.

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

## **PLANNING CONTROLS**

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

- Camden LEP 47
- Draft Camden LEP 2010
- Camden DCP 2006.

## **ASSESSMENT**

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



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

Camden LEP 47

The land is zoned Residential 2d. The proposed development does not contravene any of the objectives of the zone and is not a prohibited use.

There are no relevant development standards or clauses in LEP 47 that apply to the intended development.

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

Draft Camden LEP 2010

Draft Camden LEP 2010 was endorsed by Council at the meeting of the 24 November 2009, but is however yet to be gazetted.

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

There are also no other relevant development standards or clauses in the Draft LEP that apply to the intended development.

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

Camden DCP 2006

There are no relevant sections or provisions within Camden DCP 2006 that apply or serve to control this type of development.

**(a) (iii) any planning agreements**

There are no planning agreements relating to this proposal.

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

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

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

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

Council officers raised a number of significant concerns that would need to be addressed by the applicant before the application could be recommended to Council. These were as follows:

- The size of the shed (30m<sup>2</sup>) and the number of birds (80 birds) is not in keeping

with the residential amenity of the area.

- Potential for damage from bird droppings on neighbouring property.
- A concern for the location of the structure in the vicinity of neighbours' properties.
- Concerns about impacts on the surrounding properties from factors such as:
  - risk of birds roosting on neighbouring residences/buildings;
  - noise from birds (both in flight and roosting);
  - odour;
  - attraction of vermin and other pests such as rats, cockroaches and maggots to pigeon faeces and left over food;
  - potential for ecto-parasites such as lice, mites and ticks.
- Potential of diseases that may be harmful to humans.

The applicant was advised of the above concerns and a reply to these concerns was requested. In addition to the above concerns, the applicant was also advised of other concerns expressed from the neighbour notification process (these are also further discussed in the "any submissions received" section of this report). These include, in addition to the above matters:

- a small lot size for the intended use;
- the spreading of weeds;
- loss of habitat for native birds and impact on native fauna;
- pigeons attracting other pigeons to the area; and
- loss of property value and financial compensation for this loss of value.

The applicant provided three supporting documents in order to address the above concerns.

Consequently, a meeting was arranged with the applicant and more information was provided by the applicant following this meeting. **A copy of all supporting information is provided with the Business Paper supporting documents.**

As a result of this meeting and of the additional information provided, Council officers assessed the development could be recommended to Council for approval, with conditions of development consent.

The initial main concerns of the development were considered to have been overcome with the additional information provided by the applicant. The concerns that were considered to be satisfied with the submission of additional information are as follows:

#### Bird numbers

The likely impacts of the development are considered to be significantly affected by bird numbers. Therefore a lower bird population is considered to have a lesser overall impact than that of a larger one. Accordingly a reduction in bird numbers from the original proposed 80 birds to 60 birds is now proposed by the applicant and forms part of the recommended conditions of development consent.

#### Bird keeping practices

The operational aspects of keeping racing pigeons is considered to be critical in reducing the impact on the surrounding neighbourhood.

Recommended conditions of the consent would not allow the practice of 'free lofting' or 'free non-flight time' as part of the operation of the development. Free lofting or free non-flight time is a term used where birds are allowed to range all day, leaving a door open for the birds to enter and leave of their own accord.

Hours of releasing birds for flight are also recommended as part of the conditions of consent. Feeding of birds prior to exercising of birds is also not permitted.

Compliance with these bird keeping practices would minimise impacts on neighbouring properties.

#### Loft construction and maintenance

The construction techniques of the pigeon loft are considered essential to minimising the impacts on neighbours, with the impact of noise being considered a critical factor in determination of the application.

Acoustic batts are required to be constructed within the walls and ceilings of the loft to reduce the impact of any noise on neighbours and neighbouring properties. Any offensive noise, within the meaning of the 'Protection of the Environment Operations Act, 1997', must also not occur with the development.

Maintenance of the pigeon loft for cleanliness and health is also a critical aspect in approving such a development. Draft conditions of consent would require practices to be implemented that include:

- cleaning the loft on a daily basis (twice daily);
- disinfecting the loft monthly;
- weekly disposing of manure off site (no stockpiling permitted on site);
- the collection and disposal of all pigeon feathers, bloom or droppings; and
- storing of food within sealed drums, raised off the floor in a separate garden shed.

#### Organisational membership / hobby use

Professional membership by the owner and operator of the pigeon loft of the Pigeon Fanciers Association Inc is also seen as a factor in the determination of the application. This Association provides for requirements and standards that their members must achieve to race pigeons in NSW. The applicant has also advised that they are a member of the Camden Racing Pigeon Club.

The use of the development as a pigeon racing hobby is also seen as an important factor in consenting to such a development. The development does not seek a commercial purpose from the intended land use, and is only intended as a personal/family hobby.

#### 12 month trial period

In the case of a development such as this which involves animals, there is the potential

for unreasonable negative impacts to arise should Council grant approval for such developments. For this reason it is considered critical that a twelve (12) month trial period, starting from the notice of commencement of use of the site, should be imposed for the development.

If it so chooses the developer would be able to submit a Section 96 Modification Application to Council, which if approved could make permanent the use of the pigeon loft.

Should that occur, Council officers would assess whether the development is considered to have operated in a suitable manner for the 12 month trial period, and whether any unreasonable impact on neighbours has occurred. If impacts were considered acceptable, operational consent for the development may be recommended to Council.

Development consent would, however, lapse if no Section 96 Modification application was made to Council.

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

The size, bulk and scale of the structure is considered to be satisfactory for the overall allotment size. There are no other risk factors associated with the site that would restrict the intended development.

The site is considered appropriate for the number of birds now proposed (60) and this would be able to be tested throughout the trial period.

#### **(d) any submissions received**

The development application was publicly notified in accordance with the provisions of Part C Chapter 2 of Camden DCP 2006.

Two (2) submission letters were received from the public when this application was publicly notified. The issues raised in the two submissions are as follows:

##### a) Small block size for development / inappropriate site location

###### *Officer comment:*

The sites within the surrounding locale, and especially to the rear of the subject site, are smaller lots. The allotment size of the development site is however considered to be satisfactory at 728m<sup>2</sup>.

The impacts of the development are reduced with the reduction in bird numbers, acoustic controls and management practices imposed as part of the draft conditions of consent.

The proximity of the pigeon loft to the 'ABC Development Centre' (childcare) on the corner of Irwin Court and Norris Place (Lot 1 DP 1040840 (No. 1) Irwin Court) is over 80m from the proposed pigeon loft building to the childcare centre building.

##### b) Rodent attraction

*Officer comment:*

Concerns with bird keeping and rodent attraction are valid. For this reason Council has sought to impose conditions of consent that will limit rodent attraction (by the keeping of food within suitable sealed and raised containers) and requiring the satisfactory maintenance and cleanliness of the pigeon loft as part of the operation of the development.

c) Disease to humans

*Officer comment:*

The concern relates to feral pigeon disease impacts on humans. In response to this concern, the development seeks a healthy bird keeping environment to enable the satisfactory racing of pigeons as an active hobby, and not the keeping of feral pigeons.

The potential of diseases transmitting to humans from the keeping of pigeons is however considered to be low, and the keeping of pigeons in New South Wales is not prohibited or regulated by Government health agencies.

d) Property damage

*Office comment:*

Pigeon droppings are noted as being acidic and may cause damage to property (such as to roofs, cars and other property). The recommended conditions of consent seek to limit this potential impact by not allowing free lofting or free non-flight time, limiting feeding times and limiting exercise times.

e) Devaluation of property / compensation from Council for costs

*Officer comment:*

Concerns have been received regarding the proposal's negative effect on property values and the issue of monetary compensation to affected neighbouring land holders (for loss of value and damage to property).

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 economic impact directly.

f) Weed control / Infestation

*Officer comment:*

The impacts of pigeons on weed control and infestation is not considered to be significant. The pigeons are directly fed and are not released to forage for food. The impact of pigeons spreading weeds within a surrounding built environment are therefore considered to be minimal.

g) Impact on native birds

*Officer comment:*

The impact of racing pigeons on native birds is considered to be minimal. Racing

pigeons will be housed in the proposed pigeon loft.

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

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

The interest of the public in such a development is a consideration that needs to be made.

It is recommended that the development consent be approved for a 12 month trial period only. This will allow Council to ensure that the development remains in the public interest and conditions have been complied with. 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.

Where the development is considered to have operated in a suitable manner for the 12 month trial period, and where no unreasonable impact on neighbours has occurred, an operational consent may be recommended to Council and may be granted.

## **CONCLUSION**

Council has received a development application for the construction of a shed to house racing pigeons at 8 Irwin Court, Narellan Vale. The application has been publicly notified and the two submissions received have been considered.

The application has also been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979.

It is considered that the proposed pigeon loft is an acceptable development of the site where compliance with the draft conditions of consent are fully met. This includes limiting the number of pigeons permitted, requiring appropriate construction of the pigeon loft to mitigate impacts on neighbours, and requiring the owner to follow appropriate management practices in the keeping of the pigeons.

In adopting these draft conditions of consent it is anticipated that the impacts on neighbours will be reduced from that originally proposed and originally notified. It is also recommended that a development consent condition be imposed to limit the approved use for a 12 month trial period only.

This development application is therefore able to be recommended to Council for approval, subject to the draft development consent conditions below:

## **DRAFT CONDITIONS OF CONSENT**

### **1.0 - General Requirements**

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

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

- architectural plans prepared by Tony Centorrino dated 3 May 2010;
- accompanying details supporting the development application.

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

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

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

(3) **Use of Pigeon Loft** – This approval relates to the activities identified in the Development Application

The pigeons shall be kept for private recreational/hobby purposes only and there shall be no commercial trade in pigeons kept on the subject property.

The pigeon loft shall not be used in a manner other than outlined in the application .

(4) **Free Lofting or Free Non-flight time** – Free Lofting or free Non-flight time, at any time, is not permitted.

Free Lofting or Free Non-flight time is a term used when owners who live in non-residential areas let their birds range all day, leaving a door open for the birds to enter and leave on their own accord.

This type of use is not suitable for residential areas and is not permitted with this development approval.

(5) **Pigeon Keeping Requirements** – The following requirements apply to the intended keeping of the pigeons as part of this development consent:

- a) Exercising of Pigeons - Pigeons may be released to fly in the vicinity of the loft for training and exercise flights for no more than 1 hour daily either between the hours of 6am and 8am or between the hours of 4pm and 6pm.
- b) Racing of Pigeons - Pigeons are permitted to be raced on weekends only.
- c) Feeding Before Exercise - Any pigeon released from the loft must not be fed within the 10 hour period prior to that release.
- d) Roof Sitting - Persistent fielding and or roof sitting habits are prohibited.
- e) Closure of Loft - The pigeon loft doors/gates shall not be left open and unattended at any time.
- f) General Requirement - Only pigeons owned by the owner shall be kept at any time in the loft.

(6) **Number of Pigeons** – The number of pigeons at any one time permitted within the approved pigeon loft is not to exceed sixty (60).

(7) **Pigeon Loft Cleaning and Maintenance** – The following requirements apply to the

cleaning, maintenance and operation of the pigeon loft:

- a) Cleaning of loft – The pigeon loft is to be cleaned on a daily basis, twice a day.
  - b) Disinfection of loft – The pigeon loft is to be disinfected at least monthly.
  - c) Air Space Under Loft – A clean air space of at least 300mm between ground level and the underside of any flooring timber is to be maintained at all times. This air space is to be kept clear and free of obstructions.
  - d) Maintenance of Loft - The pigeon loft and its surrounds are to be maintained, kept tidy and in good repair and condition at all times.
  - e) Stockpiling of Manure – Manure is not to be stockpiled on the site and shall be disposed of at least weekly to the reasonable satisfaction of Council.
  - f) Migration of Feathers – No pigeon feathers, bloom or droppings shall be permitted to escape from the subject land. All pigeon feathers, bloom or droppings shall be regularly collected and disposed of by the keeper/s of the pigeons.
- (8) **Storage of Feed** – All pigeon food will be stored in sealed drums, that are raised off the floor in a separate garden shed.

All food spillages shall be cleaned and collected on a regular basis to prevent the attraction of vermin or other birds.

- (9) **Twelve Month Trial Period** – The use of the pigeon loft is only approved for a trial period of twelve (12) months only.

The use shall cease after a period of 12 months from the date of notification of development consent commencement, and all structures are to be removed from the site.

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.

## 2.0 - Construction Certificate Requirements

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

- Nil

## 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) **Notice of Commencement of Building 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 building works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building works.
- (4) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

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

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

An Infringement Notice issued under the Environmental Planning and Assessment Act, 1979, which imposes a monetary penalty of \$600.00, may be initiated by the Principal Certifying Authority (PCA) and issued by Camden Council where the implementation or maintenance of measures is considered to be inadequate. In the event that a risk of environmental pollution occurs an Infringement Notice issued under the Protection of the Environment Operations Act 1997, which imposes a monetary penalty of \$750 for an individual or \$1500 for a corporation may be issued by Camden Council.

#### **4.0 - During Construction**

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

- (1) **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.
- (2) **Roofwater to Existing System** – All roofwater shall be connected to the existing stormwater or rainwater drainage system that drains to the street.

All roofwater must be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. Under no circumstances is any roofwater or stormwater from the development to impact on adjoining properties.

All stormwater and roofwater is to be protected from contamination from dust, feathers and faeces.

#### **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) **Occupation Certificate** – At the completion of a satisfactory 12 month trial period, a Final Occupation Certificate may be issued by the Principal Certifying Authority (PCA) subject to the successful application of a Section 96 Modification Application.

The issue of an Interim Occupation Certificate prior to the completion of the 12 month trial period is also permitted (but a Final Occupation Certificate is not).

#### **6.0 - Operational Conditions**

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

- (1) **Offensive Noise** – The use of the premises must not give rise to any offensive noise within the meaning of the Protection of the Environment Operations Act, 1997.
- (2) **Offensive Odour** – The use of the premises must not give rise to any offensive odours.
- (3) **Notice of Commencement of Use** – Council shall be notified of the date of commencement of use of the site for the purposes of keeping pigeons.

This notice to commence use of the site shall be provided in writing and shall be used to determine the commencement and completion of the 12 month trial period.

## END OF CONDITIONS

### RECOMMENDED

That Development Application 438/2010 for the construction and use of a shed to house racing pigeons at No 8 (Lot 1368 DP 853902) Irwin Court, Narellan Vale be approved, subject to the draft development consent conditions shown above.

### ATTACHMENTS

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



Location Plan 8 Irwin Court Narellan Vale.pdf



Proposed plans 8 Irwin Court.pdf



Supporting documentation 8 Irwin Court.pdf



Submissions 8 Irwin Court.pdf

### RESOLUTION

Moved Councillor Campbell, Seconded Councillor Anderson that Development Application 438/2010 for the construction and use of a shed to house racing pigeons at No 8 (Lot 1368 DP 853902) Irwin Court, Narellan Vale be approved, subject to the draft development consent conditions shown above.

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

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

No Councillor voted against the Motion).

ORD174/10

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## ORDINARY COUNCIL

ORD02

### SECTION 96 - ADDITIONAL ACCESS INTERSECTION - 90 WEROMBI ROAD, GRASMERE (CARRINGTON CENTENNIAL CARE)

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<b>FROM:</b>	Director Development and Health
<b>FILE NO:</b>	Binder: Development Application 2008
<b>DA NO:</b>	DA131/2008
<b>OWNER:</b>	GG Pascoe, BV Hanrahan, AJ Janowski and ME McEntree
<b>APPLICANT:</b>	Carrington Centennial Care Ltd
<b>ZONING:</b>	5a Special Uses
<b>APPLICABLE PLANNING INSTRUMENT:</b>	Camden LEP 48

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#### PURPOSE OF REPORT

The purpose of this report is to seek a determination from Council of a Development Modification Application for additional access to Carrington Centennial Care. In accordance with its delegations, the application is reported to Council as a number of unresolved objections exist as a result of notification of the application.

#### SUMMARY OF RECOMMENDATION

It is recommended that Council approve the Section 96 Application subject to draft conditions at the end of the report.

#### BACKGROUND

Carrington was opened on 20 April 1890 as a hospital for convalescents and incurables. In 1970 the hospital was converted to a nursing home and since then has developed other aged care facilities, support, recreational and service infrastructure.

Council approved the current Seniors Living development (DA131/2008) on 29 August 2008 with the exception of a proposed additional intersection to Werombi Road. The Council Report stated:

*'Access to the development will be conditioned to be via existing internal arrangements from the Smalls Road Roundabout. The applicant does seek a new intersection at the northern end of the site fronting Werombi Road, approximately 110m south of the property's northern side boundary, however Council has requested further justification to support an additional access.'*

The applicant was in the process of preparing the additional information at the time the report of 29 August 2008 was being prepared.

The developer ("Carrington") has lodged an application to construct the additional intersection and this is now able to be reported to Council for determination.

## **THE SITE**

Carrington occupies a site of 71.4ha and is bound by Nepean River to the east and Werombi Road to the west. The proposed intersection is located approximately 220m south of Centennial Lane.

The main vehicle access to Carrington is via the Werombi / Smalls Road roundabout, with a secondary egress point a further 230ms north. The proposed (third) intersection is 390m north again of this access point, making the proposed intersection 620m north of the Smalls Road roundabout.

The site directly adjoins existing rural/residential development to the north and west. The dwellings on these sites front Centennial Lane and Werombi Road and comprise freestanding dwellings. **A location plan and an intersection layout plan are provided at the end of the report.**

## **THE PROPOSAL**

A Development Modification Application by way of Section 96 of the Environmental Planning and Assessment Act, 1979, has been lodged to permit the construction and use of an additional intersection with Werombi Road. The application was supported by a traffic report and the application has been referred to Council's Traffic and Transport Section and Development Engineer for comment.

The proposed intersection includes south-bound left-turn bay and a north-bound passing lane.

## **NOTIFICATION**

Although Council's notification policy (Part C: Chapter 2 of Development Control Plan 2006) does not require a Section 96 (1A) Modification application to be notified, Council officers formed the opinion that there would be a public interest in notifying those properties informed of the original application, as allowed for in the policy.

The modification application was notified from 15 April 2010 to 29 April 2010. Following conclusion of the notification period Council received 18 submissions (12 supporting and 6 objecting) to the proposed third access driveway onto Werombi Road. The matters raised in all submissions are considered later in this report.

## **PLANNING CONTROLS**

The relevant planning controls in the development and assessment of this application are as follows:

- Camden Local Environmental Plan No 48
- Draft Camden Local Environmental Plan 2010
- Draft Camden LEP 149 – Heritage Schedules

- Camden Development Control Plan 2006

## **ASSESSMENT**

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

#### **Camden Local Environmental Plan No 48**

The subject site comprises one large parcel of land that is zoned part 1(c) Rural "C" (0.4ha) and part 5(a) Special Uses under the provisions of Camden Local Environmental Plan No 48.

Under the relevant zoning provisions, the modification is permitted with the consent of Council.

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

#### **Draft Camden Local Environmental Plan 2010**

The subject land is zoned R 5 Large Lot Residential under Draft Camden LEP 2010. The proposed modification is not inconsistent with the aims and objectives of the draft plan.

#### **Draft Camden LEP 149 – Heritage Schedules**

The proposal is consistent with the provisions of Camden LEP 149. The provisions of Draft Camden LEP 149 have been absorbed into Draft Camden LEP 2010 which seeks to reinforce heritage conservation in Camden.

#### **Camden Development Control Plan 2006**

##### **Chapter 1 Part D Car Parking**

The proposal is not considered to generate significant additional traffic volumes above existing car parking allocations. Subject to the imposition of conditions regarding intersection design treatments, it is considered that the site proposed for the intersection is consistent with 'Access Driveway Location Principles'.

The applicant's traffic report suggests that stopping sight distances are appropriate for a 80 km/h road and that the location, subject to design treatment, is unlikely to conflict with existing traffic.

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

As discussed previously in the report, the applicant sought an additional access to Werombi Road with the original development application, however Council resolved to provide opportunity to the applicant to provide further substantiating information to demonstrate an intersection could be constructed.

The original proposal was supported by a detailed Traffic Assessment report that was the subject of detailed traffic analysis by Council. The original assessment did not

highlight any particular concerns about the likely impacts of the intersection of traffic or surrounding developments, subject to the applicant providing further justification for the intersection and establishing stopping sight distances could be achieved.

The modification application is supported by a further traffic report which was referred to Council Traffic and Transport Section and Development Engineer for detailed analysis. No objection is raised from Council officers to the proposal on the grounds of suitability or safety, subject to the intersection being designed to RTA type BAR/ BAL (ie basic right-turn and basic left-turn) intersection as shown in RTA Road Design Guide, and provided:

- i) lighting is installed in accordance with AS 1158 – Lighting for Roads and Public Spaces;
- ii) an embankment and drainage is provided on the western side of the intersection; and
- iii) a safe road environment is provided without creating nuisance for adjoining properties and which provides for pedestrians using the eastern side of Werombi Road, including pram ramps and sufficient area for pedestrians to cross the proposed entry to Carrington.

The issue of amenity for residents within Carrington as well as those adjoining the development has been considered. An Acoustics report was submitted and assessed with the original application which demonstrated compliance with Road Noise criteria if the intersection was in place.

Conditions of consent would require the applicant to provide evidence that the acoustic criteria is complied with, prior to the use of the intersection.

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

The proposed modification remains generally consistent with the Council approved masterplan for the site and is suitable for access to existing independent aged care housing upon the site.

The location of the intersection has been assessed to be in accordance with relevant standards and corresponds well to the natural topography of the site and the surrounding environment.

### **(d) Any submissions**

The modification application was notified from 15 April 2010 to 29 April 2010. 18 Submissions (12 supporting and 6 objecting) were received. **A copy of the submissions are provided with the Business Paper supporting documents.**

The objections raised the following issues:

#### Speed, volume and type of vehicle using Werombi Road

##### *Officer comment*

The modification application is supported by a further traffic report, which was referred to Council's Traffic and Transport Section and Development Engineer for detailed

analysis. No objection was raised in regards to sign posted speed, traffic volumes and stopping sight distances.

#### Width, embankment, drainage and lack of lighting on Werombi Road

##### *Officer comment*

Conditions are proposed to ensure any works provide a safe, intersection with lane widening, appropriate lighting and guardrails near the embankment.

#### Existing roundabout provides safe entry and exit

##### *Officer comment*

The existing roundabout does provide safe entry and exit and therefore, this statement is also supported by Council Officers. However Carrington seeks approval for a third access point and the application has been made accordingly, and Council needs to assess and determine the application.

#### Reaction times

*Officer comments:* Assessment of the application has determined that the location of the proposed intersection complies with the stopping sight distances for an 80 km/h sign posted road.

#### **(e) Public interest**

It is considered that the proposal is not contrary to the public interest given it provides additional access for existing independent care dwellings. This has been assessed as being achievable without negatively impacting on the amenity and enjoyment of the area by residents.

### **CONCLUSION**

Council has received a Development Modification Application from Carrington Centennial Care requesting an additional access intersection to 90 Werombi Road, Grasmere.

The application has been notified and submissions received have been considered. The application has been assessed having regard to the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979.

Accordingly the proposal is considered to be satisfactory and approval is able to be recommended, subject to draft conditions of consent.

### **DRAFT CONDITIONS FOR MODIFIED CONSENT**

i) Delete 1.2 and under heading 'General Requirements' and replace with the following condition:

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



- Architectural Plans prepared by GHD (Ref: Drwg No. 21-16437, DA0001-DA 00011, DA 1101, DA 2101-2103, DA 3101, DA 4101-4102, DA 5101-5102, DA 6101-6102, DA 7101- 7105 Rev A dated 7 February 2008.
- Architectural plans titled “Type G (B27 &28)”, (Drwg Nos: 21-16437-CD 211-213 Rev 1, dated 17 October 2008.
- Landscape Master Plans prepared by EDAW/AECOM (Ref: Project No. 07502602) as listed below:
  - LA00, Issue B dated 4 February 2008
  - LA01, Issue A dated 12 December 2007
  - LA 02, Issue A dated 12 December 2007
  - LA 03, Issue C dated 12 December 2007
  - LA 04 Issue B dated 12 December 2007
  - LA 05 Issue B dated 12 December 2007
  - LA 06, Issue B dated 12 December 2007
  - LA 07, Issue B dated 12 December 2007
  - LA 08, Issue A dated 12 December 2007
  - LA 09, Issue A dated 12 December 2007

ii) Delete condition 1.6 under heading ‘General Requirements’.

iii) Delete condition 2.14 under heading “Construction Certificate Requirements” and replace with the following condition:

(14)New Intersection to Werombi Road – Prior to the release of a construction certificate, a Public Road Activity must be submitted to and approved by the Road Authority (Camden Council) for an intersection approximately 220 metres south of Centennial Lane and be designed to:

- RTA type BAR/ BAL intersection as shown in RTA Road Design Guide.
- Lighting being designed and installed in accordance with AS 1158 – Lighting for Roads and Public Spaces.
- Shoulder widening works, guard rail and drainage to provide for a safe road environment without creating nuisance for adjoining properties.
- Facilities for pedestrians using the eastern side of Werombi Road
- Letter of compliance from a qualified acoustic consultant that acoustic requirements recommended in Section 7 of the report titled “ Acoustic Logic Consultancy DA assessment ref: 2007938/0109A/R2/MN dated 29 January 2008” are complied with in the Carrington development in the vicinity of the intersection.

## END OF CONDITIONS

### RECOMMENDED

**That Council:**

- i. **approve the Section 96 Modification to DA131/2008 for an additional access intersection at 90 Werombi Road, Grasmere subject to the draft conditions provided above; and**

- ii. inform those who made a submission of Council's determination.

## ATTACHMENTS

1. Location plan
2. Intersection layout plan
3. Submissions (sup doc)



Submissions Carrington access.pdf Intersection layout.pdf Location plan 90 Werombi Road Grasmere.pdf

## RESOLUTION

### MOTION

Moved Councillor Funnell, Seconded Councillor Symkowiak that Council:

- i. approve the Section 96 Modification to DA131/2008 for an additional access intersection at 90 Werombi Road, Grasmere subject to the draft conditions provided above;
- ii. inform those who made a submission of Council's determination; and
- iii. the Traffic Committee be requested to consider a reduction of the speed limit from 80kph to 60kph along the section of Werombi Road to Ellis Lane.

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

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

No Councillor voted against the Motion).

ORD175/10

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## ORDINARY COUNCIL

**ORD03**

**ALTERATION & ADDITION TO EXISTING COMMERCIAL BUILDING, NO 38 (LOT 2 DP 718785) EDWARD STREET, CAMDEN**

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<b>FROM:</b>	Director Development and Health
<b>FILE NO:</b>	Binder: Development Applications 2010
<b>DA NO:</b>	236/2010
<b>OWNER:</b>	DW & MM Southwell
<b>APPLICANT:</b>	D Southwell
<b>ZONING:</b>	3(f) Town Centre Support
<b>APPLICABLE PLANNING INSTRUMENT:</b>	LEP 45

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### PURPOSE OF REPORT

The purpose of this report is to seek a determination from Council of a development application which is affected by flooding from the Nepean River and does not meet the requirements of the Flood Risk Management Policy. The application has been referred to Council in accordance with its delegations, as approval would require a variation from the provisions of the Flood Risk Management Policy.

### SUMMARY OF RECOMMENDATION

That the application be approved subject to draft conditions of consent.

### BACKGROUND

On 16 March 2010 Council received an application for an addition to an existing commercial building at No 38 Edward Street, Camden.

The land is affected by flooding from the Nepean River and is categorised as high hazard - floodway. Advice provided in the Flood Risk Management Policy (Flood Policy), adopted by the Council, indicates that the site may not be suitable for further commercial development.

The application has been considered on its merits and is able to be supported despite being outside of the provisions of the Flood Policy. Consequently it is now able to be referred to Council for determination.

### THE SITE

The land is located on the eastern side of Edward Street and is in the vicinity of the western bank of the Nepean River.

Along the northern and southern boundaries the site adjoins commercial properties and faces similar development directly opposite. The subject site currently contains showroom and workshop buildings and a sealed carpark area.

**A location plan is provided at the end of the report.**

## **THE PROPOSAL**

The applicant seeks approval for an addition to a workshop for the purpose of storing hydraulic equipment for use in the existing business. The proposed addition would measure 5.9m by 12.6m and would be constructed as a steel framed brick structure with metal roof to match the existing workshop.

## **NOTIFICATION**

The applicant seeks approval for a minor commercial development in keeping with the surrounding development and the local environment. In accordance with Council's Development Control Plan 2006, the development does not need neighbour notification.

## **PLANNING CONTROLS**

The following documentation has been considered with respect to Council's assessment of the subject application:

- SREP 20 Hawkesbury - Nepean River System
- Camden Local Environmental Plan 45
- Draft Camden Local Environmental Plan 149
- Development Control Plan 2006
- Flood Risk Management Policy

## **ASSESSMENT**

The subject application has been assessed in accordance with section 79C of the Environmental Planning & Assessment Act 1979. The following points are provided in relation to the critical aspects of Council's assessment:

### **SREP 20 Hawkesbury – Nepean River System**

SREP 20 provides that Council shall not grant consent to any application to carry out development which drains to the Hawkesbury – Nepean River system unless it has taken into consideration the effect that development will have on the river system. The proposed development would have suitable sedimentation control measures in place during the construction phase to ensure disturbed soil does not leave the site. All sanitary facilities associated with the building would be connected to the sewer of Sydney Water. Consequently the development is not expected to have any significant impact on the river system.

### **Camden Local Environmental Plan No 45**

The site is zoned 3(f) Town Centre Support under the provisions of Camden Local Environmental Plan No 45 (LEP 45). The use is permissible with development consent.

Clause 21 states that Council may refuse an application to carry out any development that is subject to flooding if in the opinion of Council it will:

- "(a) affect the flood level at any point above or below the development;*
- (b) increase, to a substantial degree, the flow of water on any adjoining flood liable lands;*
- (c) cause soil erosion, siltation or destruction of river bank vegetation;*
- (d) affect the water table of any adjoining land; or*
- (e) adversely affect river bank stability."*

Assessment of the application, with consideration to Clause 21 in the LEP, is discussed further in this report under Flood Risk Management Policy.

#### Draft Camden Local Environmental Plan 149

The subject land would be contained within the Camden Town Centre Conservation Area as identified under Draft Camden Local Environmental Plan 149 ( Draft LEP). Assessment of the proposed development included consideration to the provisions of the Draft LEP. It is considered that the new building would maintain the traditional character of the Camden Town Centre.

#### Development Control Plan 2006

The controls of Development Control Plan 2006 (DCP) Part D, Chapter 1 'Car Parking Requirements' and Chapter 5 'Heritage Conservation' apply to the site .

- Car parking  
The site has an existing parking area and is capable of supporting two additional parking spaces and manoeuvring area, which would be required as a result of the increase in floor area.
- Heritage  
The DCP requires heritage issues to be considered. As described above, under the Draft LEP the property would be located in a heritage conservation area. The design would maintain the character of the locality and integrate well with surrounding development.

#### Flood Risk Management Policy

Council's flood maps indicate the subject land is located within an area classified as High Hazard - Floodway. The 1% AEP (Annual Exceedence Probability) flood event level is predicted to be RL 71.5m AHD (Australian Height Datum). The applicant proposes to maintain the floor level of the addition at the same level as the existing workshop, which is lower than the 1% AEP flood event level. The development guidelines matrix provided in the Flood Risk Management Policy advises that land within the floodway may not be suitable for development as it may increase flood levels and/or redistribute flood flow which may in turn adversely affect other areas.

The applicant seeks merit based consideration and has therefore engaged the services of a consulting engineer. That work required two considerations. The first is the effect of the proposed building on flood levels.

The consulting engineer has determined that due to the minor nature of the new building and its location on the site, there would not be a discernible impact on flood levels upstream or downstream of the site.

The second consideration is the effect of a flood on the building. The new work would be masonry construction to match the existing building and would be certified by a structural engineer with regard to the structural stability of the building during periods of flooding and its ability to withstand the force of flood water, debris and buoyancy. It is recommended that the building be provided with hose-out facilities to clean out mud following a flood and grated openings in the walls to equalise water levels.

Based on previous advice from the State Emergency Services, it is anticipated that 6 to 8 hours notice of flooding would be provided, during which time potential pollutants, machinery and equipment could be removed to flood free storage if required. Should the Council determine to approve the application, it is recommended that an evacuation plan be required as a condition of any consent.

Council's Flood Risk Management Policy provides for consideration of an application for further development on flood affected land, subject to the application satisfactorily addressing flooding and evacuation and not increasing the risk to life or property. It is considered that this has been achieved and that the proposed works would not increase the flood risk to the site or adjoining land.

Further, the development is an existing one and the proposed building represents an incremental growth of that existing development. It is therefore possible to consider this application as distinct from a completely new development proposal.

Finally, the applicant has indicated the building would store agriculture equipment of the type that is not affected by water inundation. Therefore the equipment could potentially be stored within the building footprint, irrespective of the existence of the building and without further development consent. As a result the risk of flood damage is considered to not be increased due to the structural design of the building.

## **CONCLUSION**

Council has received an application for an addition to an existing commercial building located at No 38 (Lot 2 DP 718785) Edward Street, Camden.

The application has been assessed in accordance with the requirements of s79c of the Environmental Planning & Assessment Act 1979, the Local Environmental Plan No. 45, Draft Local Environmental Plan 149, Development Control Plan 2006 and the Flood Risk Management Policy.

Upon final assessment Council staff determined that the proposed development would comply with the relevant legislation.

The land is affected by flooding from the Nepean River and is categorised as high hazard - floodway. The matrix provided in the Flood Policy indicates that land within the floodway may be unsuitable for further development. However, as previously discussed, the Policy also advises that the Council may consider an application for the redevelopment of such land subject to the application satisfactorily addressing flooding and evacuation and does not increase the risk to life or property.

The applicant seeks a merit based assessment and has provided supporting documentation advising that due to the minor nature of the new building and its location on the site there would not be a discernible impact on the flood levels upstream or downstream of the site. The new building would also be certified by a structural engineer.

Particular consideration has been given to the flooding characteristic of the site and the impact on surrounding land. The applicant has demonstrated that the development is consistent with the approved use and is unlikely to increase the flood risk to the subject site or adjoining land.

The requirements of the Flood Policy have been addressed and the proposal otherwise complies with the relevant legislation. Therefore approval of the development application is recommended, subject to the following draft conditions of development consent.

## **DETAILS OF 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:

- Plans prepared by D & M Consulting Pty Ltd, numbered 09533, dated 2/2/10, Sheets 1 & 2.
- Statement of Environmental Effects.

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

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

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

### **2.0 - Construction Certificate Requirements**

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

- (1) **Parking Spaces** – An additional two car parking spaces must be provided on site. These spaces, and associated access driveways and manoeuvring areas must conform with Camden Council's Car Parking Code (Camden Development Control Plan (DCP) 2006), and must be designed in accordance with a pavement design prepared by a Geotechnical Engineer and the Consent Authority's (ie Camden Council) standard. Documentary evidence of compliance from an Accredited Certifier/Suitably qualified person must be submitted to the Principal Certifying Authority **prior to the Construction Certificate being issued.**
- (2) **Development Certification** - As the allotment is flood affected, the following information must be submitted **prior to the Construction Certificate being issued:**
  - (a) a survey report indicating the position and level of the 1:100 year flood level (1% AEP) affecting the allotment and the proposed floor level of the buildings in relation thereto.
  - (b) a Structural Engineer's Certificate or Compliance Certificate certifying that "the buildings as designed will withstand and resist the effects of water and water pressure due to possible flooding".
- (3) **Evacuation Plan** – Prior to the issue of the Construction Certificate a detailed evacuation plan must be submitted to the Principal Certifying Authority indicating that permanent, fail-safe maintenance free measures are incorporated in the development to ensure the timely, orderly and safe evacuation of people, equipment and potential pollutant material from the buildings on site, should a flood occur.
- (4) **Free Flow Of Water** - The location and design of the proposed doors must allow free access and escape of floodwaters without causing damage to the building.

The walls are to be provided with grated openings to allow water levels to equalize during a flood event.

Details shall be evident in the Construction Certificate application.
- (5) **Water Resisting Construction** - All external and internal partitions, framework, services and flooring must be constructed using flood compatible material.

Details shall be evident in the Construction Certificate application.
- (6) **Hose Out Facilities** – The building shall be provided with hose-out facilities to clean out mud following a flood and grated openings to equalise water levels. Details are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate

### **3.0 - Prior To Works Commencing**

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



(1) **Signs to be Erected on Building and Demolition Sites** – Under Clause 98A of the *Environmental Planning and Assessment Regulation 2000*, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, and
- (b) showing the name of the 'principal contractor' (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

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

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

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

(2) **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.

(3) **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.

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

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

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

occurring.

An Infringement Notice issued under the Environmental Planning and Assessment Act, 1979, which imposes a monetary penalty of \$600.00, may be initiated by the Principal Certifying Authority (PCA) and issued by Camden Council where the implementation or maintenance of measures is considered to be inadequate. In the event that a risk of environmental pollution occurs an Infringement Notice issued under the Protection of the Environment Operations Act 1997, which imposes a monetary penalty of \$750 for an individual or \$1500 for a corporation may be issued by Camden Council.

#### **4.0 - During Construction**

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

- (1) **Survey Report (Peg Out)** - The building must be set out by a registered land surveyor. A survey report detailing the siting of the building in relation to the allotment boundaries shall be submitted to the Principal Certifying Authority (PCA) prior to the placement of any concrete.
- (2) **Hours of Work** – The hours for all construction and demolition work are restricted to between:
  - (a) 7am and 6pm Monday to Friday (inclusive);
  - (b) 7am to 4pm Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8am to 4pm;
  - (c) work on Sunday and Public Holidays is prohibited.
- (3) **Damaged Assets** – All engineering works and public utility relocation shall incur no cost to Camden Council. Any damage to Camden Council's assets shall be rectified prior to the commencement of use or occupation of a building.
- (4) **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.
- (5) **Connect Downpipes** – All roofwater must be connected to a Council approved

disposal system immediately after the roofing material has been fixed to the framing members. The Principal Certifying Authority (PCA) must not permit construction works beyond the frame inspection stage until this work has been carried out.

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

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

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

(b) **Pier Holes** – Excavated pier holes prior to pouring of concrete.

(c) **Slab On Ground** – When steel reinforcement and associated formwork has been provided, prior to the slab being poured with concrete.

(d) **Wall & Roof Framing** - When the wall and roof frame have been completed (with plumbing and electrical wiring installed), brick work complete and the roof covering fixed, prior to internal lining.

(e) **Drainage Line-work** - When roofwater or stormwater drainage lines have been laid and connection to a street kerb or, drainage easement, or rubble pit, prior to backfilling of lines.

(f) **Occupation Certificate (final inspection)** - Upon completion of the development and before occupation or commencement of use.

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

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

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

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and

- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

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

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

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

## 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) **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.

(2) **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.

## 6.0 - Operational Conditions

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

- (1) **Historical Significance** – Given the location of the subject site and its proximity to other sites and buildings of historical significance, no alterations to the external appearance of the building including painting must be carried out unless the **prior written approval** of the Consent Authority has been obtained.
- (2) **Graffiti/Vandalism Management Plan** - A graffiti and vandalism management plan is to be incorporated into the maintenance plan for the site. All graffiti or vandalism shall be removed or repaired within 48 hours of the offence.

## END OF CONDITIONS

## RECOMMENDED

**That Development Application 236/2010 for an addition to an existing commercial building located at No 38 (Lot 2 DP 718785) Edward Street, Camden, be approved subject to draft conditions of consent provided above.**

## ATTACHMENTS

- 1. Location plan
- 2. Proposed plans



Location Plan - 38 Edward St Camden.pdf



Architectural Plans - 38 Edward St Camden.pdf

## RESOLUTION

Moved Councillor Campbell, Seconded Councillor Funnell that Development Application 236/2010 for an addition to an existing commercial building located at No 38 (Lot 2 DP 718785) Edward Street, Camden, be approved subject to draft conditions

of consent provided above.

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

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

No Councillor voted against the Motion).

ORD176/10

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## ORDINARY COUNCIL

ORD04

**SUBJECT:** PROPOSED ROAD NAMING - GREGORY HILLS  
**FROM:** Director Development and Health  
**FILE NO:** Binder: Naming of Roads

---

### PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement of a proposed cache of road names for new roads at Gregory Hills. A further purpose is to seek Council's endorsement of a proposal to name a new road under construction at Gregory Hills, as Gregory Hills Drive.

### BACKGROUND

The developers of Gregory Hills, Dart West Developments Pty Ltd, have put forward a list of names to be considered for approval and use within Gregory Hills.

They have also proposed to name a new road under construction, Gregory Hills Drive.

This new road currently commences at the Camden Valley Way/Cobbitty Road intersection and terminates within the Gregory Hills site. This road is planned to ultimately connect to Badgally Road, Campbelltown.

Gregory Hills was officially declared a new suburb by the Geographical Names Board in August 2008 and is situated in the South West Area Growth Centre Turner Road Precinct. The new roads are part of the proposed subdivision within Lot 91 DP 1137298 and is the first stage of development works as approved in DA 892/2009.

The proposed names have been considered by Council officers in respect of the Geographical Names Board (GNB) requirements and are now able to be referred to Council for endorsement.

### MAIN REPORT

#### Proposed cache of road names

##### **Major Roads**

The names below are regarded as influential Marist Brothers and are able to be recommended to Council.:

Duffy  
Dullea  
Fogarty  
Ludovic

Healy  
Power  
Redden  
Victor

Other influential names which Dart West have sought approval for and which are able to be recommended to Council are:

Fetterplace  
Marcellin

### Minor Roads

In addition, Dart West have sought approval for a number of minor road names and the following tabularised list is able to be recommended:

Alan	Elliott	Lancaster	Quinlan
Albert	Eric	Latty	Ralph
Alfred	Ernest	Laurence	Raymond
Andrew	Featherstone	Lenehan	Reginald
Aquilina	Felix	Leonard	Richard
Arnell	Fergus	Lennox	Robert
Barrington	Ferrer	Leon	Roderick
Bede	Fingal	Linus	Ronald
Beggs	Fintan	Luttrell	Rowley
Beninati	Flaherty	Mackey	Ryan
Bennett	Flanagan	Madeley	Rupert
Bernard	Fordyce	Mahon	Senan
Berrell	Gallagher	Mannes	Shears
Bingham	Galletta	Marcian	Simeon
Breen	Geaney	Maynard	Simon
Brendan	Geoffrey	McClelland	Slater
Brett	Gilmore	McColl	Slattery
Brian	Greenlees	McCullagh	Solan
Bulkin	Herman	McDonnell	Solomon
Burge	Honan	McGee	Speare
Butler	Hopkinson	McGonigle	Stafford
Callinan	Howlett	McKenzie	Sullivan
Carroll	Hubert	Michael	Sylvester
Columban	Hyacinth	Middleton	Theodore
Connell	Ian	Moraghan	Turnbull
Cooke	Inkston	Mullins	Vianney
Cuskelly	Isadore	Mundine	Wade
Daniel	Jordan	Murphy	Wighton
Darren	Jude	Neist	Wilfred
Darryl	Julian	Neville	
Davies	Kavanagh	Novak	



Delacour	Kelly	O'Connor	
Devlin	Kenneth	O'Donnell	
Dignam	Kenan	Ongley	
Dolahenty	Kevin	Prest	
Donald	Kieran	Quail	
Edmund	Kilian	Quentin	

**List of proposed street names from the master list which do not meet the GNB guidelines**

For information, the following tabularised list provides those names which were nominated by Dart West but which in the assessment of Council officers, do not meet the requirements of the GNB and are therefore not able to be recommended:

<b>Major Streets</b>	
Clement	Clematis Place, Mount Annan
Murray	Murray Street, Camden
Hill	Hill Street, Camden
Smyth	Smith Place, Mount Annan
<b>Minor Streets</b>	
Anthony	Anthony Road, Leppington
Bond	Potential street name for Oran Park
Bradley	Bradley Drive, Harrington Park
Burgess	Potential street name for Spring Farm
Burke	Bourke Place, Camden South
Carl	Carle (potential street name for Spring Farm)
Casimar	Casimir Place, Harrington Park
Charles	Charles Place, Mount Annan
Christopher	Christopher Avenue, Camden
Clark	Clarke Place, Mount Annan
Cunningham	Cunningham Place, Camden South
David	David Place, Mount Annan
Edgar	Elgar Place, Narellan Vale
Elvidge	Eldridge – Sekisui House list
Faber	Potential street name for Spring Farm
Fitzpatrick	Fitzpatrick Road, Mount Annan
Forster	Fosters Lane, Bickley Vale
Francis	Francis Place, Currans Hill/ Frances Street, Narellan
George	George Road, Leppington/ George Bransby Circuit, Harrington Park/ George Caley Place, Mount Annan, George Hunter Drive, Narellan
Gerald	Gerhard Street, Harrington Park
Graham	Graham Road, Rossmore/Leppington
Gregory	Gregory Road, Leppington
Hayes	Hayes Court, Harrington Park
Henry	Henry Place, Narellan Vale

Hogan	Hogan Place, Mount Annan
John	John Street, Camden
Lampard	Lambert, Gregory Hills (too similar)
Luke	Luker Street, Elderslie
Marsden	Marsden Avenue, Elderslie
Mark	Mark Road, Rossmore
Marshall	Marshall Avenue, Spring Farm
Mason	Mason Drive, Harrington Park
Matthew	Matthew Close, Mount Annan
McCann	McCann Road, Rossmore
McCombie	McConchie for Spring Farm – similar sounding
McDonald	Potential street name for Spring Farm
McEwan	McEwan Circuit, Mount Annan
McGrath	McGrath Place, Currans Hill
McLaughlin	Potential street name for Spring Farm
Owen	Owen Stanley Street, Narellan Vale (Owens – potential street name for Spring Farm)
Patrick	Patrick Place, Currans Hill
Paul	Paul Close, Camden
Peter	Peter Avenue, Camden
Rickard	Rickard Road, Leppington
Rigby	Rigney Place, Harrington Park
Robinson	Robinson Road, Bringelly
Roger	Rogers Way, Mount Annan
Rogers	Rogers Way, Mount Annan
Steele	Potential street name for Spring Farm
Stewart	Stewart Street, Harrington Park
Sykes	Potential street name for Spring Farm
Thompson	Thompson Place, Camden South
Vales	Vale Circuit, Narellan Vale
Watson	Watson Road, Mount Annan
William	William Street, Camden

### **Gregory Hills Drive**

The new road is situated between Camden Valley Way, Gregory Hills within the Camden LGA and Badgally Road, Blairmount in the Campbelltown LGA. It will follow the path of an existing private road within the Marist Brothers owned land known as Badgally Road. Upon dedication to Council, the road will become a public road. **A location plan is provided at the end of the report.**

Dart West believes there is significant merit in naming the new road as Gregory Hills Drive for the section between Camden Valley Way and the existing extent of publicly owned Badgally Road which ends at Eagle Vale Drive, Blairmount. **A copy of its submission is provided with the Business paper supporting documents.**

This report seeks Council's endorsement of the name Gregory Hills Drive, up to the

Camden/Campbelltown LGA boundary. Whilst it would be logical to apply the name to the road all the way to the existing intersection of Badgally Road and Eagle Vale Drive, Blairmount, the name of the road east of the LGA boundary is a matter for Campbelltown Council.

Campbelltown Council has previously resolved to defer a decision on this matter until a briefing of Council has occurred.

In summary, Dart West says the name Gregory Hills Drive will provide a clear and legible road through the centre of the new suburb, enabling existing and future residents and businesses of the area to easily locate Gregory Hills.

It will avoid confusion between the sections of Badgally Road which are currently located in Campbelltown LGA.

If the naming proposals (cache and proposed naming of Gregory Hills Drive) are endorsed by Council, the procedure to be followed is:

- a) Council must publish the proposal in the local newspaper and hold a 30 day exhibition.
- b) Council needs to ensure that the notice on this matter states that written submissions on the names may be made to Council.
- c) Council serves notice of the proposal on Australia Post, Registrar General, Surveyor General and in the case of a classified road, on the RTA.
- d) After the exhibition, if it is still proposed, Council writes to the Department of Lands with the outcome of the exhibition.
- e) If the names are approved, then they are published in the NSW Government Gazette and in local newspapers.
- f) Council informs the relevant authorities.

## **CONCLUSION**

Council has been asked to consider a list of names to be used in Gregory Hills.

The names listed, as being recommended by Council officers, 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. The list will reinforce the historical connection between St Gregory's College and its farm and the new suburb of Gregory Hills.

Council has also been asked to endorse the naming of a key road from Camden Valley Way to Badgally Road, Blairmount, and which generally follows an existing private road, as Gregory Hills Drive. This has also been assessed by Council officers.

The list and Gregory Hills Drive naming proposal are now able to be recommended to Council for endorsement, allowing the commencement of the road naming process detailed in the report.

## **RECOMMENDED**

That:

- i. the name Gregory Hills Drive be endorsed;
- ii. the proposed street names provided by Dart West Developments P/L be endorsed; and
- iii. the endorsed list and name Gregory Hills Drive be referred to the Geographical Names Board and the required road naming process commenced.

## **ATTACHMENTS**

1. Location plan
2. Dartwest submission (sup doc)



Location Plan 650 CVW Gregory Hills.pdf Dartwest submission re road naming Gregory Hills.doc

## **RESOLUTION**

### **MOTION**

Moved Councillor Funnell, Seconded Councillor Anderson that:

- i. the name Gregory Hills Drive be endorsed;
- ii. the proposed street names provided by Dart West Developments P/L be endorsed;
- iii. the endorsed list and name Gregory Hills Drive be referred to the Geographical Names Board and the required road naming process commenced; and
- iv. the following additional names be added to the list for consideration only for historic reasons being part of the Donovan family:

Jeremiah, Philomona, Thomas, Marjorie, Myra and Frank.

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

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

Councillor Campbell voted against the Motion).

ORD177/10

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# ORDINARY COUNCIL

ORD05

**SUBJECT:** AMENDMENTS TO THE HARRINGTON GROVE  
VOLUNTARY PLANNING AGREEMENT  
**FROM:** Director Governance  
**FILE NO:** Harrington Park 2 and Mater Dei

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## PURPOSE OF REPORT

The purpose of this report is to provide feedback to Council from the public exhibition of the proposed amendments to the Harrington Grove Voluntary Planning Agreement (VPA).

## BACKGROUND

At its meeting on 8 June 2010, Council resolved to exhibit amendments to the Harrington Grove VPA. These amendments were minor in nature and consisted of changes to layout and lengths of pathways, local open space, district open space and a new clause that permits variation to contribution works. All of these changes are considered to be consistent with the overall intent and objectives of the VPA.

## MAIN REPORT

The Harrington Grove VPA was exhibited for a four week period from 23 June 2010 to 22 July 2010 at the Narellan Customer Service Centre and Library, the Camden Customer Centre and Library, and Council website.

Exhibition material consisted of a tracked changes copy of the amended VPA, attached schedule 1, plans, and the Council report and resolution to exhibit the draft VPA amendments. No submissions were received.

These amendments were required as a result of more detailed work undertaken on the planning of each precinct in Harrington Grove as development progressed. This more detailed work meant that there were some minor changes required in the schedule and plans to the VPA. These changes are in layout and lengths of pathways, local open space and district reserves and were detailed in the previous report to Council.

A new clause (Clause 7.3) was also added to the VPA so that any variation to contribution works, that were consistent with the intent and objectives of the agreement, could be undertaken in future without need to formally amend the VPA. This addition of a new clause in the VPA was also detailed in the previous report to Council. The final VPA, with attached schedule 1 and plans are **provided as an Attachment to this report.**

## CONCLUSION

The amendments to the Harrington Grove VPA provide for necessary change to the agreement due to more detailed precinct planning. The intent and objectives of the VPA remain the same as does the financial obligations and continues to achieve a good level of community facilities within the development and wider community.

## **RECOMMENDED**

**That:**

- i. Council adopt the amended Harrington Grove Voluntary Planning Agreement; and**
- ii. Council's General Manager and Mayor be delegated to sign the amended Voluntary Planning Agreement and affix the Common Seal of Council.**

## **ATTACHMENTS**

Attachment - VPA Contract with schedule and plans



VPA word doc - accepted tracked changes copy 9 Aug 10.DOC Attachment 1 Amended VPA Plan - HG West\_.pdf



Attachment 1 Amended VPA Plan - HG East\_.pdf Attachment 1 Amended schedule HG VPA with adopted amendments.xls

## **RESOLUTION**

Moved Councillor Anderson, Seconded Councillor Symkowiak that:

- i. Council adopt the amended Harrington Grove Voluntary Planning Agreement; and
- ii. Council's General Manager and Mayor be delegated to sign the amended Voluntary Planning Agreement and affix the Common Seal of Council.

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

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

No Councillor voted against the Motion).

ORD178/10

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## ORDINARY COUNCIL

### ORD06

**SUBJECT:** 2009/10 BUDGET - QUARTERLY REVIEW AS AT 30 JUNE 2010  
**FROM:** Director Governance  
**FILE NO:**

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#### PURPOSE OF REPORT

The purpose of this report is to present Council with an interim review of the 2009/10 Budget as at 30 June 2010, in accordance with Part 9, Division 3, Section 203, of the Local Government (General) Regulation 2005.

#### INTERIM REVIEW OF THE 2009/10 BUDGET

At the time of preparing this report, the preparation of Council's 2009/10 Annual Financial Statements was nearing completion. It is prudent to complete the Statements before finalising the year-end budget result and as such this report provides an interim indication only.

The purpose of the interim report is to ensure that Council complies with the requirements of the Local Government Act, 1993. In other words, this report is purely a compliance report and not necessarily representative of the final budget result for 2009/10.

In adopting the March Review of the 2009/10 Budget, Council authorised a projected working funds surplus of \$24,231.

Since the adoption of the March Review of the 2009/10 Budget, Council has approved the following budget adjustments.

<b>COUNCIL AUTHORISED VARIATIONS</b>	<b>Expenditure Increase / (Decrease)</b>	<b>Income Increase / (Decrease)</b>	<b>Budget Impact Increase / (Decrease)</b>
Federal Government Infrastructure Grant (Rd 2)	\$265,000	\$265,000	\$0
Council Minute ORD 68/10 - 13/04/2010			
Garden Gates Estate - Tree Replanting	\$18,500	\$0	(\$18,500)
Council Minute ORD 91/10 - 11/05/2010			
<b>TOTAL COUNCIL AUTHORISED VARIATIONS</b>	<b>\$18,500</b>	<b>\$0</b>	<b>(\$18,500)</b>

These adjustments have led to a decrease in Council's budget surplus which is now \$5,731. This surplus is above Council's minimum working funds level of \$1,000,000.

A preliminary review of expenditure and income for the 2009/10 financial year indicates that Council can expect a significant improvement in the budget position. Expenditure savings across many of Council's operations have been realised through considerable cost restraint. The other major factor that has contributed to the forecast improvement in the budget position is the recovery of the local economy which has seen development income and interest on investment income significantly exceed budgeted expectations.

A further report is expected to go to Council on 28 September 2010 which will include the final budget position for 2009/10.

### **CONCLUSION**

The Local Government Act requires the quarterly review to be presented to Council within eight weeks of the reporting date. This report presents Council with an interim position only. Upon completion of the 2009/10 Financial Statements the final 2009/10 year-end review will be presented to Council for consideration.

### **RECOMMENDED**

**That Council note the interim review of the 2009/10 Budget as at 30 June 2010.**

### **RESOLUTION**

Moved Councillor Symkowiak, Seconded Councillor Funnell that Council note the interim review of the 2009/10 Budget as at 30 June 2010.

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

ORD179/10



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# ORDINARY COUNCIL

## ORD07

**SUBJECT:** 2009/10 BUDGET - EXPENDITURE REVOTES  
**FROM:** Director Governance  
**FILE NO:**

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's approval to revoke a list of specific projects that were incomplete or not commenced as at 30 June 2010.

### 2009/10 EXPENDITURE REVOTES

At the end of each financial year a review is undertaken to identify the status of specific projects with a view to having funds carried forward in order to complete the works.

Most of the projects had been committed but not yet commenced as at 30 June 2010. All projects submitted for revoke have satisfied the criteria outlined in Council's adopted 'Expenditure Revotes Policy' and have been determined as essential to meet either the strategic or operational requirements of Council.

As at 31 March 2010 Council had approved \$2,076,000 in revoted works. The total amount of additional works identified as revotes for the June quarter is \$3,290,923 resulting in a total expenditure revotes program of \$5,366,923 overall.

The following table shows a comparison of the combined September, December and March Review revoke estimates to the actual year-end revoke required. The middle column highlights the **additional revotes** requiring Council's authorisation:

<b>EXPENDITURE REVOTES (SOURCE OF FUNDS)</b>	<b>Revotes Approved to March 2010</b>	<b>Additional Revotes Requiring Approval</b>	<b>Actual Year-end Revoke Required</b>
Section 94 Contributions	\$505,000	\$699,787	<b>\$1,204,787</b>
Grants	\$1,189,000	\$1,369,517	<b>\$2,558,517</b>
Internal Reserves / Trust Amounts	\$312,000	\$351,314	<b>\$663,314</b>
General Revenue (i.e. Council Funds)	\$0	\$478,805	<b>\$478,805</b>
Other Sources	\$70,000	\$391,500	<b>\$461,500</b>
<b>TOTAL EXPENDITURE REVOTES</b>	<b>\$2,076,000</b>	<b>\$3,290,923</b>	<b>\$5,366,923</b>

For a detailed listing of all proposed revotes requiring Council's approval, please refer

to the **supporting documents** in the business paper.

It should be noted that Camden Pool Redevelopment and the lowering of Springs Road account for \$3,456,851 (64%) of the total \$5,366,923 revote. When taking this into account, the 2009/10 revote total compares very favourably with prior year's revote totals.

It should also be noted that \$478,805 (9% of total revotes) of this year's revote program relates to items funded from general fund. Whilst the final budget result for the 2009/10 budget is yet to be formally presented to Council, a preliminary review of expenditure and income, and all restricted cash reserves indicates sufficient monies are available to fund the general fund portion of the expenditure revotes program.

### **CONCLUSION**

Council is required to approve the list of expenditure revotes to be carried forward into the 2010/11 Budget. If approved by Council, the general fund portion will be transferred to the "revotes reserve" in accordance with Council's Expenditure Revotes Policy.

### **RECOMMENDED**

**That Council adopt the list of projects requiring revote as identified within supporting documents and endorse the inclusion of these projects in the 2010/11 Budget.**

### **ATTACHMENTS**



2009-10 Revotes Listing.pdf

### **RESOLUTION**

Moved Councillor Anderson, Seconded Councillor Dewbery that Council adopt the list of projects requiring revote as identified within supporting documents and endorse the inclusion of these projects in the 2010/11 Budget.

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

ORD180/10

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## ORDINARY COUNCIL

ORD08

**SUBJECT:** MANAGEMENT PLAN - JUNE 2010  
**FROM:** Director Governance  
**FILE NO:** Management Plan

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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 June 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 June 2010 Management Plan review be noted.

### ATTACHMENTS



Management Plan June 2010.xls

### RESOLUTION

Moved Councillor Warren, Seconded Councillor Anderson that the June 2010 Management Plan review be noted.

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

ORD181/10

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## ORDINARY COUNCIL

**ORD09**

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

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### **Purpose of Report**

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 30 June 2010 is provided.

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

The weighted average return on all investments was 5.62% p.a. for the month of June 2010.

### **RECOMMENDED**

**That:**

- i. Council note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the Local Government Act, Regulations, and Council's Investment Policy.**
- ii. the list of investments for June 2010 be noted.**
- iii. the weighted average interest rate return of 5.62% p.a. for the month of June 2010 be noted.**

### **ATTACHMENTS**



June 2010.xls

### **RESOLUTION**

**Moved** Councillor Warren, Seconded Councillor Anderson that:

- i. Council note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the Local Government Act,**

Regulations, and Council's Investment Policy.

- ii. the list of investments for June 2010 be noted.
- iii. the weighted average interest rate return of 5.62% p.a. for the month of June 2010 be noted.

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

ORD182/10

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## ORDINARY COUNCIL

**ORD10**

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

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

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

The weighted average return on all investments was 5.71% p.a. for the month of July 2010.

### RECOMMENDED

**That:**

- i. Council note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the Local Government Act, Regulations, and Council's Investment Policy.**
- ii. the list of investments for July 2010 be noted.**
- iii. the weighted average interest rate return of 5.71% p.a. for the month of July 2010 be noted.**

### ATTACHMENTS



July 2010.xls

### RESOLUTION

Moved Councillor Warren, Seconded Councillor Anderson that:

- i. Council note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the Local Government Act, Regulations, and Council's Investment Policy.**
- ii. the list of investments for July 2010 be noted.**

iii. the weighted average interest rate return of 5.71% p.a. for the month of July 2010 be noted.

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

ORD183/10

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# ORDINARY COUNCIL

## ORD11

**SUBJECT:** ROADS AND TRAFFIC AUTHORITY 2010/11 BLOCK GRANT AGREEMENT AND PROGRAM FUNDING  
**FROM:** Director Works and Services  
**FILE NO:** Grants and Subsidies/Programs/Road Grants/RTA Grants

---

### PURPOSE OF REPORT

To seek Council acceptance of the RTA Regional Road Block Grants, REPAIR Program and Road Safety funding for 2010/11, and to seek the allocation of the matching funds by Council for the REPAIR program.

The value of the grants are \$261,000 for the Block Grants, \$262,000 for the REPAIR program, and \$54,000 for the Road Safety program for the 2010/11 financial year.

### BACKGROUND

#### **2010/11 Block Grant Agreement**

The RTA provides funding assistance to Council each year via the Regional Road Block Grant Agreement. Regional Roads within the Camden LGA are Raby Road, Camden Valley Way from Old Northern Road, Narellan to Argyle Street Camden, Argyle Street, Cawdor Road, Murray Street, Broughton Street (along the Old Hume Highway) and the Old Hume Highway to the Camden Bypass Intersection.

The RTA's "Block Grant Agreement" outlines the terms and conditions for expenditure of these grant monies and requires the General Manager to sign the agreement on behalf of Council.

The expenditure of funds is at Council's discretion, but must be directed to "*the construction, upgrade or maintenance of roads*".

#### **2010/11 Program Funding**

The RTA seeks applications each year for projects under a number of program headings. Correspondence has been received from the RTA advising of financial support to Camden Council under two programs, these being:

1. REPAIR Program; and
2. Road Safety Program.

Funding available under each of the identified programs is subject to 50:50 matching funding from Council.



## **MAIN REPORT**

### **2010/11 Block Grant**

The RTA has advised Council the Regional Road Block Grant for 2010/11 is as follows:

Roads component	\$100,000 (2% increase on 2009/10)
Supplementary Road component	\$ 39,000 (Nil increase)
<b>Sub Total (<i>above 2 components only</i>)</b>	<b>\$139,000</b>

Traffic Facilities component	\$122,000 (9% increase on 2009/10)
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<b>Total (<i>incl. Traffic Facilities component</i>)</b>	<b>\$261,000</b>
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Expenditure of these funds is at Council's discretion within the following constraints:

- Roads component being spent on Regional Roads, for the routine maintenance of all Regional Roads within Camden LGA;
- Supplementary Roads components also being spent on Regional Roads, with this year's funds nominated to be spent on repairing the road surface along Cawdor Road between Burragorang Road and Sheathers Lane, Cawdor; and
- Traffic Facilities component on Regional and Local Roads, to be spent on maintenance of traffic facility devices (linemarkings, pavement markings, signs and raised pavement markers).

Block grant funds do not need to be match funded by Council. It is recommended that Council accept the \$261,000 Block Grant and complete the relevant documentation.

### **2010/11 Program Funding**

#### **REPAIR Program**

Council has successfully applied for funding under the REPAIR Program for rehabilitation work on the following roads;

- Argyle Street, Camden \$49,000 (total cost \$98,000); and
- Cawdor Road, Cawdor (Segment 1 from Westbrook Road to Camden High School, Cawdor) \$213,000 (total cost \$426,000).

This latter work was included in a previous grant approval from the RTA for 2009/10. However, due to urgent maintenance work required at the culvert on Cawdor Road, these previously received grant funds were reallocated to that work, with the concurrence of the RTA, via a resolution of Council on 23 June 2009. The original project has again been included in the RTA REPAIR Program grant for 2010/11.

In accepting each of the grant allocations under the REPAIR Program, Council is required to provide a matched funding. For 2010/11, this will total \$262,000. It is proposed this matching funding will be sourced from Capital Works Reserve. The current uncommitted balance of this Reserve is \$958,000.

### Road Safety Program

Council has received advice from the RTA that funding support to an amount of \$54,000 is available in 2010/2011 for recurrent operational costs. This represents a marginal increase from the RTA allocation in 2009/2010 (\$53,000).

Council has already allocated funding in the 2010/2011 budget to match the allocation of the RTA and to support the highly successful Community Road Safety Officer Program.

### **CONCLUSION**

The RTA has advised Council of several allocations of grant funding available to it under the 2010/2011 Programs, some of which require a matching Council contribution. These allocations and proposed sources of matching funding (where required) are:

- i. \$261,000 under the Regional Road Block Grant. Matching funding from Council is not required and the funds can generally be spent at Council's discretion, provided the 'Roads' portion is spent on Regional Roads;
- ii. \$262,000 for pavement rehabilitation works on Regional Roads under the REPAIR program. It is proposed the matched funding required for these grants of \$262,000 be sourced from the Capital Works Reserve, which has an uncommitted balance of \$958,000;
- iii. \$54,000 for the Community Road Safety Program with matching Council funding currently available within the adopted 2010/11 Budget.

### **RECOMMENDED**

**That Council:**

- i. accepts RTA funding of \$261,000 under the Regional Road Block Grant;**
- ii. accept RTA funding of \$262,000 for pavement rehabilitation works under the REPAIR Program with matching Council funding of \$262,000 being sourced from Capital Works Reserve;**
- iii. accept RTA funding of \$54,000 for the Road Safety Program with matching Council funding being currently available within the adopted 2010/2011 Budget; and**
- iv. agrees to execute documents and affix the Council seal as necessary.**

### **RESOLUTION**

Moved Councillor Warren, Seconded Councillor Symkowiak that Council:

- i. accepts RTA funding of \$261,000 under the Regional Road Block Grant;
- ii. accept RTA funding of \$262,000 for pavement rehabilitation works under the REPAIR Program with matching Council funding of \$262,000 being sourced from Capital Works Reserve;
- iii. accept RTA funding of \$54,000 for the Road Safety Program with matching Council

funding being currently available within the adopted 2010/2011 Budget; and  
iv. agrees to execute documents and affix the Council seal as necessary.

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

ORD184/10

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## ORDINARY COUNCIL

**ORD12**

**SUBJECT:** DECCW WASTE AND SUSTAINABILITY IMPROVEMENT  
PAYMENTS (WASIP) PROGRAM

**FROM:** Director Works and Services

**FILE NO:** Grants and Subsidies/External Grants/Sustainability-DECCW  
WaSIP

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### PURPOSE OF REPORT

To inform Council of the second year of funding from NSW Department of Environment, Climate Change and Water (DECCW) and to seek Council's approval for the program of works utilising this funding in the 2010/11 period.

### BACKGROUND

In 2009, DECCW introduced the Waste and Sustainability Improvements Payment (WaSIP) program. This is essentially a 'tied grant' program and requires Councils to nominate a range of sustainability and environmentally focussed initiatives which are to be completed with the funding. In 2009, Council received a total of \$201,000 through this program, with the amount received determined by DECCW and related to population statistics.

### MAIN REPORT

Through the WASIP program, money is available to all Councils in the Greater Sydney Metropolitan Area who contribute annually to the State Government's Waste Levy. In 2009/10 Council was levied more than \$673,000 under this Section 88 Levy. In the four years to June 2011, it is estimated that Council will have paid almost \$2.5 million via this levy.

The money received in 2009/10 has been spent on solar pool hot water heating and augmentation of the amenities' hot water system at Mount Annan Leisure Centre, as well as sustainable living programs delivered through the Macarthur Centre for Sustainable Living.

DECCW has indicated that the payment for 2010/11 will be approximately \$274,000, with the substantial increase due to an increase in the total pool of funds available through the WaSIP program. Council is not required to match the funding provided with either cash or 'in kind' contributions. The payment will be received by Council in October 2010, and will be tied to the completion of the sustainability initiatives which have to be submitted to DECCW by 31 August 2010. Initiatives undertaken must have clear and measurable sustainability targets so that the success of the projects can be monitored and reported on annually.

In order to qualify for the payments, Council must comply with a range of standards

and requirements set by DECCW. These requirements have increased considerably from the requirements to be met for funding under the 2009/10 arrangements.

For accessing the 2010/11 payments, Council must:

- develop and adopt a Strategic Waste Action Plan by April 2010 that contains performance milestones and contributes to Council reaching the 2014 Municipal Waste Target - this has been done;
- develop and adopt a Sustainability Action Plan by 31 August 2010 which includes measurable actions and targets to improve Council and the LGA's "environmental bottom line";
- provide a report on the progress and success of the actions and initiatives undertaken with the 2009 / 2010 WaSIP money;
- provide the Waste and Sustainability Improvement Payment Certificate by 31 August, committing Council to the annual program of works submitted for 2010/11; and
- complete by 30 June 2011, the following specific Sustainability Actions: -
  1. develop and adopt a Sustainable Purchasing and Procurement Policy (through consideration of inclusion of sustainability principles as part of our considerations in procurement);
  2. develop and implement a sustainable Fleet Management Policy (through inclusion of sustainability areas such as fuel consumption, recycled materials, safety, etc as part of our purchasing considerations);
  3. develop and implement a Sustainable Events Management Policy (through inclusion of requirements for recycling, minimal environmental impact, etc in our practices);
  4. commence reporting on environmental sustainability Key Performance Indicators in Council's annual report (already being included in Council's SOE reporting);
  5. conduct 4 yearly energy consumption audits on all Council facilities (to be done utilising the WaSIP funding);
  6. conduct 4 yearly water consumption audits on all Council facilities (to be done utilising the WaSIP funding); and
  7. develop a suite of waste management activities specifically targeting litter and illegal dumping and garden organics (to be included in Strategic Waste Management Plan).

Given the level of payments by Council under the Section 88 Waste Levy and the level of funds returned by DECCW from these funds to Council, the growing list of requirements from DECCW is considered to be somewhat onerous. However, these requirements and the associated funding does provide the opportunity for Council to demonstrate a commitment to improving sustainability actions.

For the initial year in 2009/10, environmental sustainability actions were considered which would generate both an environmental benefit as well as operational savings to Council. These projects were all costed for both capital and ongoing maintenance costs. Combined with estimates of the annual savings to Council (of both resources and money), project payback periods were calculated. Projects with the shortest payback periods as well as those projects required to meet DECCW's funding pre-requisites were then selected as the projects to be completed with DECCW's funding.

This process has again been adopted for the 2010/11 funding and is to be submitted to DECCW by 31 August, 2010. **A copy of the second year program of Sustainability Actions is attached.**

### **CONCLUSION**

The WaSIP funding program provided by DECCW presents an opportunity for Council to progress sustainability initiatives throughout its operations whilst at the same time achieving potentially significant operational savings and reductions in resource use. The projects contained within the attached table are recommended for adoption.

### **RECOMMENDED**

**That Council:**

- i. adopt the proposed 2010/11 program of Sustainability Actions for implementation through the available WaSIP funds;**
- ii. submit the proposed 2010/11 program of Sustainability Actions to DECCW for funding; and**
- iii. authorise the execution of appropriate documentation, including affixing the Council seal as appropriate, to accept the funding as approved by DECCW.**

### **ATTACHMENTS**



WaSIP Table 2010-11.xls

### **RESOLUTION**

Moved Councillor Symkowiak, Seconded Councillor Dewbery that Council:

- i. adopt the proposed 2010/11 program of Sustainability Actions for implementation through the available WaSIP funds;
- ii. submit the proposed 2010/11 program of Sustainability Actions to DECCW for funding; and
- iii. authorise the execution of appropriate documentation, including affixing the Council seal as appropriate, to accept the funding as approved by DECCW.

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

**THE MEETING CLOSED AT 7.03PM.**

ORD185/10

**THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 AUGUST  
2010 WERE ADOPTED AT AN ORDINARY COUNCIL MEETING HELD 14  
SEPTEMBER 2010. MIN. NO. ORD 189/10**

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized, cursive representation of the name.

**CHAIRPERSON**