

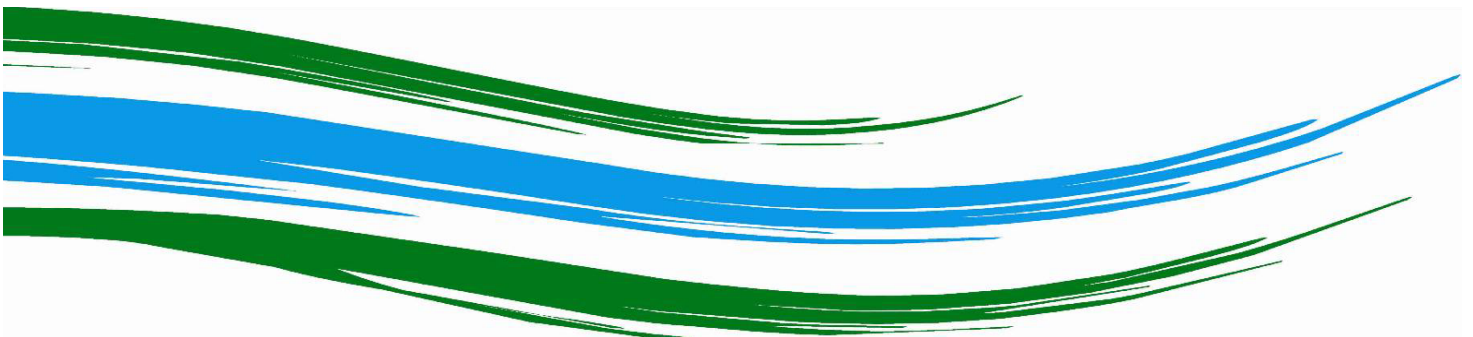


Camden Council

Business Paper

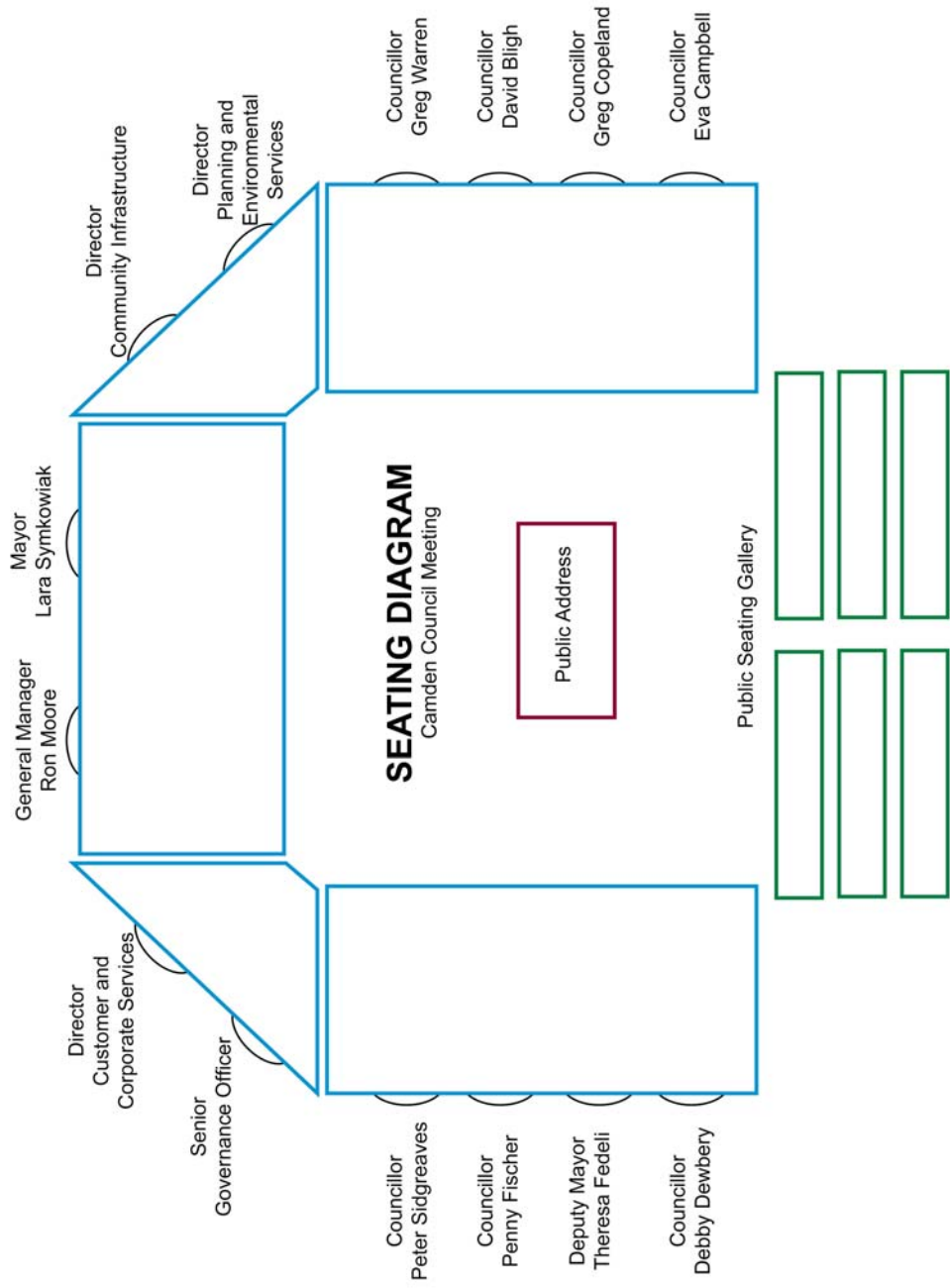
Ordinary Council Meeting
24 February 2015

Camden Civic Centre
Oxley Street
Camden



COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BCA	Building Code of Australia
CLEP	Camden Local Environmental Plan
CP	Contributions Plan
DA	Development Application
DECCW	Department of Environment, Climate Change & Water
DCP	Development Control Plan
DDCP	Draft Development Control Plan
DoPE	Department of Planning & Environment
DWE	Department of Water and Energy
DoH	Department of Housing
DoT	NSW Department of Transport
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning & Assessment Act
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FPL	Flood Planning Level
GCC	Growth Centres Commission
LAP	Local Approvals Policy
LEP	Local Environmental Plan
LGA	Local Government Area
MACROC	Macarthur Regional Organisation of Councils
OLG	Office of Local Government, Department of Premier & Cabinet
OSD	Onsite Detention
REP	Regional Environmental Plan
PoM	Plan of Management
RL	Reduced Levels
RMS	Roads & Maritime Services (incorporating previous Roads & Traffic Authority)
SECTION 149 CERTIFICATE	Certificate as to zoning and planning restrictions on properties
SECTION 603 CERTIFICATE	Certificate as to Rates and Charges outstanding on a property
SECTION 73 CERTIFICATE	Certificate from Sydney Water regarding Subdivision
SEPP	State Environmental Planning Policy
SRA	State Rail Authority
SREP	Sydney Regional Environmental Plan
STP	Sewerage Treatment Plant
VMP	Vegetation Management Plan
WSROC	Western Sydney Regional Organisation of Councils



*Please do not talk during Council Meeting proceedings.
Recording of the Council Meeting is not permitted by members of the public at any time.*



ORDINARY COUNCIL

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ORDINARY COUNCIL

SUBJECT: PRAYER

PRAYER

Almighty God, bless all who are engaged in the work of Local Government. Make us of one heart and mind, in thy service, and in the true welfare of the people we serve: We ask this through Christ our Lord.

Amen

Almighty God, give thy blessing to all our undertakings. Enlighten us to know what is right, and help us to do what is good: We ask this through Christ our Lord.

Amen

Almighty God, we pause to seek your help. Guide and direct our thinking. May your will be done in us, and through us, in the Local Government area we seek to serve: We ask this through Christ our Lord.

Amen

AFFIRMATION

We affirm our hope and dedication to the good Government of Camden and the well being of all Camden's residents, no matter their race, gender or creed.

We affirm our hope for the sound decision making by Council which can improve the quality of life in Camden.

Either – "So help me God" or "I so affirm" (at the option of councillors)

We pledge ourselves, as elected members of Camden Council, to work for the provision of the best possible services and facilities for the enjoyment and welfare of the people of Camden.

Either – "So help me God" or "I so affirm" (at the option of councillors)



ORDINARY COUNCIL

SUBJECT: ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the traditional custodians of this land on which we meet and pay our respect to elders both past and present.



ORDINARY COUNCIL

SUBJECT: RECORDING OF COUNCIL MEETINGS

In accordance with Camden Council's Code of Meeting Practice and as permitted under the Local Government Act this meeting is being audio recorded by Council staff for minute taking purposes.

ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.

ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

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

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

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

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

RECOMMENDED

That the declarations be noted.

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

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

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

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

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

Public Addresses are 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.

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.



ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 10 February 2015.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 10 February 2015, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE

Consideration of Mayoral Minute (if any).



ORD01

ORDINARY COUNCIL

ORD01

SUBJECT: PUBLIC EXHIBITION OF REVISED SWIMMING POOL INSPECTION PROGRAM

FROM: Director Planning & Environmental Services

TRIM #: 15/6455

PURPOSE OF REPORT

The purpose of this report is to inform Council of the 12 month review of the Swimming Pool Inspection Program, and seek Council's endorsement to the public exhibition of the Revised Swimming Pool Inspection Program (the program).

BACKGROUND

The *Swimming Pools Amendment Act 2012* (the Act) required Council to develop a pool inspection program in consultation with their community.

On the 8th October 2013 Council resolved to adopt the Swimming Pool Program, and to review the program after 12 months.

The program has been implemented since the 29 October 2013, and a review of the program has now been completed. Based on the findings of the review a number of amendments are recommended which are discussed in the main report.

MAIN REPORT

Update on State Wide Pool Register

By 29 October 2013 all pool owners were required to have their pool registered online. As part of this process they are required to conduct a self-assessment of their pool barrier using check sheets linked to the register.

Council has placed information on its website that explains the process of registering pools and assisted many residents to register their pools. To date 4346 swimming pools have been registered in the Camden Local Government Area.

Swimming Pool Inspection Program Review

Council's Swimming Pool Inspection Program has been in place since 29 October 2013. The purpose of inspections is to ensure that pool barriers comply with the pool safety legislative requirements.

Once Council is satisfied that the barrier complies, a Certificate of Compliance is issued pursuant to the Act.

The adopted program commits Council to undertaking a minimum of 750 swimming pool inspections per year, to be reviewed at the end of 12 months.

Since the adoption of the program there has been a number of developments which have influenced the number of swimming pool inspections Council has been requested to undertake.

Properties being Sold or Rented / Leased

When the program was initially adopted by Council, all properties with a pool being sold or rented / leased after 29 April 2014 were required to have a current Pool Compliance Certificate. The State Government later amended this legislation, postponing this requirement until the 29 April 2015 on the basis that Councils and industry were not appropriately resourced to deal with the changes at that time.

As a result of these changes, Council has not received the volume of pool compliance certificate applications forecast, during the first 12 months of the program.

The Role of Accredited Certifiers

The Act enables a pool owner to engage either their local council or an accredited certifier to carry out a pool inspection.

In December 2014 the Building Professionals Board (the BPB) introduced a new category of accreditation (E1), to facilitate an increase in the number of accredited persons available to inspect swimming pool barriers in NSW. Subject to completing a recognised training course, licenced builders, contractors, pre purchase inspectors and other building industry professionals can become accredited for the purpose of inspecting swimming pool barriers and the issuing of swimming pool compliance certificates.

It is envisaged that the likely increase to the number of accredited swimming pool inspectors providing this service will reduce the number of swimming pool inspections Council is requested to perform.

It should be noted however, it is Council's responsibility to take enforcement action related to non-compliant swimming pool barriers. Where an accredited certifier carries out an inspection that is found to be unsatisfactory, the certifier must give a written notice which is forwarded to Council who must pursue the matter. In these circumstances Council is not able to charge for the necessary inspections associated with any compliance action.

Number of Swimming Pools to be Inspected Each Year

As a result of these changes, Council has not received the volume of pool compliance certificate applications forecast. The current program specifies that Council shall inspect a minimum of 750 swimming pools per year, however approximately 100 pools were inspected during the first 12 months of the program, 70 of which were compliance certificate applications with the remainder resulting from complaints or compliance action by Council.

The program review has also revealed that a much higher percentage of pools are non-compliant than initially estimated. Statistics collected indicate that only 20% of pools complied with the relevant standards when inspected, and over 50% of pools require 3 inspections or more before compliance is achieved. It should be noted that Council can only charge for the first 2 inspections.

Inspection Fees

Inspection fees are set by the Act and remain unchanged. Council may charge a maximum fee of \$150 for an initial inspection and \$100 for a second inspection. No further fee may be charged regardless of the number of inspections conducted. Council's current Fees & Charges includes these fees.

Education

Pool owner education and awareness is essential in contributing to the success of the inspection program.

An ongoing community education and awareness program will be delivered through community publications, media releases, website information, owner self-assessment pool fence checklists and pool safety officer interaction with the public.

The importance of pool barrier maintenance and adult supervision are key messages to be delivered in the program.

Recommended Changes of Council's Swimming Pool Inspection Program

As a result of the review process, the following amendments to the program are recommended:

- Part 9.1 (page 4) of the program should be amended to indicate that properties being sold or leased from **29 April 2015** require a Pool Certificate of Compliance.
- Part 10.1 (page 4) of the program should be amended to indicate that Council will inspect a minimum of **400** swimming pools per year.
- Part 10.1 (page 4) of the program should be amended to include High Risk pools, *any other pools where Council has reasonable concern regarding the safety of a pool barrier.*

A copy of the Draft Amended Swimming Pool Program is provided as attachment 1 to this report. Proposed amendments are shown in red.

FINANCIAL IMPLICATIONS

The revised program proposes the inspection of a minimum of 400 swimming pools annually. Based on data collected over the last 12 months of the program:

- 20% of pools require one (1) inspection
- 80% of pools require two (2) or more inspections to achieve compliance.

Council's Fees & Charges includes a \$150 fee for an initial inspection and \$100 for one subsequent inspection. Council is unable to charge an additional fee for further inspections.

It is estimated that 1 inspection officer will be required to ensure the program is implemented. This has been revised down from 1.5 officers in response to the number of pools inspected per year being revised down from 750 to 400.

It is noted that no additional staff resources have been employed to date, and that all inspections completed over the last 12 months have been undertaken using existing staff resources

Below is a table outlining the projected income and expenditure for the program.

Projected Income	
Initial Inspection Fees (400 Inspections)	\$60,000
Re-Inspection Fees (320 or 80% Inspections)	\$32,000
Total Projected Income	\$92,000
Projected Expenditure	
Staffing Costs (1 Staff Member)	\$88,500
Total Projected Expenses	\$88,500

The cost of the program will be monitored and reviewed at the end of 12 months.

CONCLUSION

In order to meet its obligations under the *Swimming Pools Amendment Act 2012*, Council must inspect swimming pools in the community in accordance with the adopted Swimming Pool Program.

A review of the program after 12 months indicates that a number of changes are required to ensure Council can meet this obligation. In accordance with the Swimming Pools Regulation 2008, the community must also be consulted regarding any review of the program.

It is proposed that the program be reviewed annually.

RECOMMENDED

That Council:

- i. endorse the Revised Swimming Pool Inspection Program for a 30 day exhibition period;**
- ii. be provided with a further report detailing the results of the 30 day exhibition period; and**
- iii. review the program again in 12 months.**

ATTACHMENTS

1. Swimming Pool Inspection Program - revised

ORDINARY COUNCIL

ORD02

SUBJECT: SIGNS AND BANNERS POLICY
FROM: Director Planning & Environmental Services
TRIM #: 15/15890

PURPOSE OF REPORT

The purpose of this report is for Council to consider the adoption of the revised Signs and Banners Policy.

BACKGROUND

The Signs and Banners Policy was first adopted by Council on 27 August 2001. At its meeting on 23 September 2014, Council resolved to place a revised Policy on exhibition and invite submissions from the public. The Policy enables not for profit community groups and charitable organisations to seek approval from Council to erect signs and or banners on public land which would otherwise be prohibited.

MAIN REPORT

Council grants approval under Section 68 of the *Local Government Act* for the erection of signs in a public place. The locations, size and period for which they may be displayed are controlled by this Policy. Council does not levy any fees for the administration of this service or the issuing of the approval.

The revised Policy provides additional sites (from 5 to 13) including in the northern parts of the LGA, as well as a provision to permit the same sign or banner to be placed at three locations instead of two at the same time.

As part of the public exhibition process Council notified all applicants who have utilised the Policy within the previous 12 months advising them of the revised Policy and how to make a submission. Council received one submission during the 28 days of the public consultation period. This submission reads "*I am very pleased you have broadened your area and the number of sites and the number of signs per organisation.*" **A copy of the submission is provided in the Business Paper supporting documents.**

There is one change proposed to the Policy that was placed on exhibition. That is the temporary suspension and possible removal of the Camden Valley Way, Leppington site (opposite Denham Court Road). This is due to the road works by RMS in the immediate area. It is recommended that should the site be found to be not suitable at the completion of the road works, then delegation be given to the General Manager to remove the site from the Policy dispensing with the need for the matter to be referred to Council. Given the significant increase in the number of sites available it is considered that the loss of this one site will not prejudice the community outcomes of the Policy however further consideration will be given in future Policy updates should an additional site be identified.

It is recommended that the revised Policy be adopted. Existing approvals will remain valid as there are no changes to the existing sites.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council and Council does not levy any fees for granting approvals under this Policy.

CONCLUSION

The revised Signs and Banner Policy provides for an increase in the number of sites available from 5 to 13, in recognition of our growing community. If adopted, the revised Policy will be available on Council's website. The revised Policy will have no impact on existing approvals or the current booking system. It is proposed that Council will erect banners at each of the new sites to advertise to the community that applications will be accepted to advertise community not for profit events via the Policy. Letters will also be sent to existing users advising that the revised Policy has been adopted.

RECOMMENDED

That Council:

- i. adopt the revised Signs and Banners Policy as attached;**
- ii. should the site at Camden Valley Way Leppington (opposite Denham Court Road) be found not suitable at the completion of the road works, then the General Manager be delegated authority to remove that site from the Policy.**

ATTACHMENTS

1. Signs and Banner Policy Version 2.8
2. Comments on New Signs & Banners Draft - *Supporting Document*

ORDINARY COUNCIL

ORD03

SUBJECT: NOT FOR PROFIT SCHOOL CANTEENS FOOD INSPECTIONS - FEES & CHARGES

FROM: Director Planning & Environmental Services

TRIM #: 15/15861

PURPOSE OF REPORT

The purpose of this report is to advise Council of the outcome of the exhibition of the revised Fees and Charges Schedule for not-for-profit school canteens from being required to pay both food premises administration fees and routine food shop inspection fees.

BACKGROUND

At the Council meeting of 14 October 2014, Council considered a request from Camden Public School to refund the inspection fees for the school canteen and considered amending its Fees and Charges for not-for-profit school canteens. **A copy of the previous report is provided in Attachment 1.**

It was resolved, *“That Council:*

- i. Waive the food inspection fees for Camden Public School for 2013/2014 and refund any food inspection fees received from all other not-for-profit school canteen for 2013/14 from Ward Funds;*
- ii. Exempt food inspection fees for not-for-profit schools as of 2014/2015;*
- iii. Place a revised Fees and Charges Schedule on public exhibition for a period of 28 days to exempt not-for-profit school canteens from being required to pay both food premises administration charges and routine food shop inspection fees;*
- iv. Consider a further report at the conclusion of the exhibition period taking into account any submissions received”*

MAIN REPORT

In 2014, Camden Public School sought a refund of its food inspection fees for its not-for-profit school canteen. As stated above, Council resolved that the food inspection fees and the associated administration fees be exempt for not-for-profit school canteens.

To amend the Fees and Charges, Council must place the revised schedule on public exhibition.

The revised Fees and Charges schedule was placed on Public Exhibition for a period of 28 days, concluding 9 January 2015.

No submissions were received in respect of the Public Exhibition.

In accordance with Council’s resolution, all not-for-profit school canteens have had invoices withdrawn or refunds given for the 2013/2014 year.

FINANCIAL IMPLICATIONS

Council previously considered the financial implications of exempting food inspection fees for not-for-profit school canteens as of 2014/15 and there is no change to the financial implications as a result of the exhibition period.

CONCLUSION

The revised Fees and Charges Schedule has been placed on public exhibition and no submissions were received. It is recommended that Council adopt the revised Fees and Charges Schedule for not-for-profit school canteens.

It is noted that only Annual Administration Fees and Routine Food Premises Fees are exempt from payment. Reinspection and Improvement Notice Administration Fees will be charged should it be necessary for a school canteen to be reinspected or for an Improvement Notice to be issued.

RECOMMENDED

That Council adopt the revised Fees and Charges Schedule exempting not-for-profit school canteens from administration charges and routine food inspection fees in accordance with this report.

ATTACHMENTS

1. Previous report

ORDINARY COUNCIL

ORD04**SUBJECT: NARELLAN TOWN SHOPPING CENTRE - VOLUNTARY PLANNING AGREEMENT****FROM:** Director Planning & Environmental Services**TRIM #:** 15/8865**PREVIOUS ITEMS:** ORD04 - Narellan Town Shopping Centre - Voluntary Planning Agreement Offer - Ordinary Council - 11 Nov 2014 6.00pm

PURPOSE OF REPORT

The draft Voluntary Planning Agreement (VPA) for the Narellan Town shopping centre expansion has been publicly notified and no public submissions were received. A late submission was received from the developer identifying that they expect difficulties in implementing the registration of the Agreement on the title of the existing shopping centre land. A workable solution has been identified, but necessitates amendments to the administrative provisions and re-notification of an amended Agreement.

The purpose of this report is to consider the proposed amendments and to seek a Council resolution to re-notify the draft Narellan Town Centre VPA.

BACKGROUND

In 2013, the land known as the 'triangle site' in Narellan was rezoned to allow a proposed expansion of the Narellan Town Shopping Centre. Council's Contribution Plans No. 17 (Narellan Streetscape and Traffic) and No. 3 (Trunk Drainage and Water Quality) apply to the site, but did not anticipate the type of development proposed. As a result, it was considered that a VPA was the appropriate mechanism to ensure provision of local infrastructure and facilities that will meet the demands generated by this development.

At its meeting on 11 November 2014, the Council resolved to:

- i. accept the Voluntary Planning Agreement offer made in relation to the Narellan Town shopping centre expansion;*
- ii. allow the Joint Regional Planning Panel to impose a condition of consent, if approved, to require the developer to enter into a Voluntary Planning Agreement in accordance with the developer's offer prior to the release of a Construction Certificate for any part of the development;*
- iii. place the draft Voluntary Planning Agreement on public notification in accordance with the provisions of the relevant legislation and for an extended period of 6 weeks due to the Christmas holiday period; and*
- iv. receive a further report at the conclusion of the public notification period to consider any submissions received.*

The Joint Regional Planning Panel provided development consent (DA167/2014) for the shopping centre expansion at its meeting on 27 November 2014 and imposed a

condition of consent requiring the developer to enter into a VPA in accordance with their offer.

A draft VPA was drafted by Council's solicitor consistent with the offer received from the developer and was publicly notified from 17 December 2014 until 20 January 2015, being an extended period due to the Christmas holidays. No submissions were received from the public. However, a late submission was received from the developer identifying that they will have difficulty in registering the VPA on the titles of land that forms part of the existing shopping centre. This is due to the significant number of parties (approximately 155) noted on title including leaseholders that would need to give their approval to the registration. A copy of the VPA that was publicly notified **is provided as Attachment 1 to this report**. A copy of the late submission from the developer **is provided as Attachment 2 to this report**.

It is important to note that there is no change being proposed to the package of works being delivered. The only changes proposed relate to the registration of the VPA on the property title. Where registration cannot occur, a caveat will be registered on title to restrict any future sale of that land until such time as an appropriate agreement is entered into with the proposed purchaser. The proposed changes have been prepared with Council's solicitor, they are materially similar to registration on the title and do not generate any greater risk for Council (see Supporting Document). As a result of the VPA offer being amended, there is a subsequent need to amend the condition of consent applying to DA 167/2014 relating to the shopping centre expansion.

MAIN REPORT

A development application (DA 167/2014) has been approved by the Joint Regional Planning Panel on 27 November 2014 to allow the Narellan Town Shopping Centre to expand from its current Gross Lettable Area (GLA) of approximately 35,000 sqm to 68,500 sqm. The site may be developed up to a possible 95,000sqm GLA in the future under the planning controls that apply to the site.

The VPA will apply to the entire triangle site and the expansion of the shopping centre on its existing site, shown in **Figure 1 below**. This will include the previously approved Dan Murphy's site (shown in blue), a future commercial site on the corner of The Northern Road and Camden Valley Way (shown in red) and any further expansion of the shopping centre on the triangle site.

When the VPA is executed, the relevant consent for the Dan Murphy's development will need to be amended to replace the conditions to make monetary contributions under Council's contributions plans with a requirement to satisfy the obligations under the VPA.

ORD04

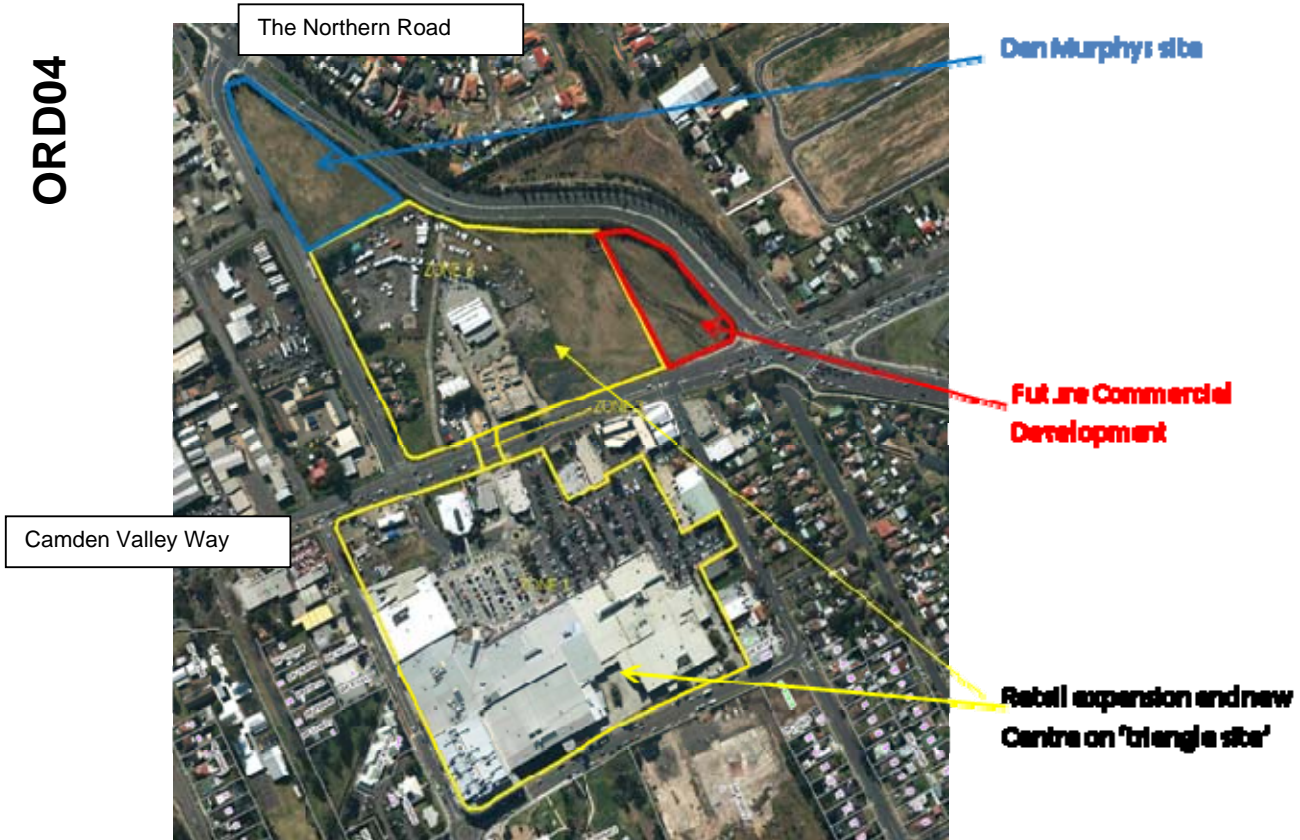


Figure 1: The VPA will apply to allow land showed coloured above.

VPA Offer

The package of works offered in the VPA has not been changed. The value of works in the VPA is the cost to construct the proposed works (high quality finishes and standards expected for the Town Centre location) less the value of the works that Council would have required as a condition of consent.

The VPA offer of approximately \$6.7M is comprised of:

- \$2.8M streetscape works on Camden Valley Way and The Old Northern Road, including embellishment of two plaza areas that will be focal points of activity on Camden Valley Way;
- \$1.8M road works to Camden Valley Way and The Old Northern Road that will improve traffic circulation within the local area;
- \$210K drainage works that will improve drainage within the Narellan Town Centre more broadly; and
- \$1.7M public access to plaza areas facilitated by a public positive covenant over the land.

The VPA offer includes two plaza areas that will be privately owned, but will be publicly accessible via a public positive covenant to be registered on the title of the land. This means the public will have access to high quality, urban open spaces that will be maintained by the developer. The access will have some limitations, such as due to emergencies or maintenance, but is being provided in perpetuity.

The VPA value of \$6.7M is an accurate reflection of the 'material public benefit' that is over and above what would have been provided as a minimum standard, but cannot be directly compared to what a Section 94 contribution would have been. This is because the approach taken to value the offer excludes the cost of some works that could typically have been included in the Contributions Plan.

An analysis of what Council would have collected under CP 17 and CP 3 for the type of development contemplated by those plans (ie bulky goods) has been undertaken to understand the amount of funds that Council had reasonably expected to collect to fund the provision of public infrastructure. This amount is approximately \$4.7M.

The VPA offer delivers all of the works that Council would typically have provided via a Contributions Plan and demonstrates provision of material public benefit that is fitting for the Town Centre character of this development.

Post-Exhibition Changes

The VPA was to be registered on all of the relevant land titles. The purpose of this is to ensure that both current and any future land owners are legally required to comply with the Agreement. This form of security provides some protection for Council and the public where the land to which the VPA relates could be sold.

During the exhibition period an issue was identified by the proponent that will make registration on the existing shopping centre over all of the land difficult to achieve as registration on the title requires the consent of all parties with an interest in the land. In the case of the existing shopping centre, every person with an interest in the land (including all tenants) must agree to registration and there are some 155 leases on some of the land. It is acknowledged that it would accordingly be very difficult to obtain such written consents to the registration of the VPA on all of the land for this reason. However, with the assistance of the solicitor for Council and the solicitor for the developer, what is considered to be a workable solution has been found that will continue to offer the Council and public a satisfactory level of security. The proposed arrangements are materially similar to registration of the VPA on the property titles and provide no greater risk to Council as a result of accepting this approach, which involves:

1. An amended VPA which requires registration of the VPA on all of the property titles except Lot 20 DP 880763 and Lot 21 DP 880763 (the existing shopping centre site);
2. Provision enabling a caveat to be registered on the property title of Lot 20 DP 880763 and Lot 21 DP 880763 referring to Clause 34 – Restriction on Dealings – this clause prevents the developer selling any of the land over which the VPA is not registered from time to time;
3. A Section 96 Modification to Development Consent 167/2014 to:
 - a. amend the current condition which requires the developer to enter into the original form of the VPA with a requirement to enter into the modified VPA;
 - b. impose an additional condition requiring the modified VPA to be complied with at all times.

To give effect to these arrangements, the developer has provided a new letter of offer dated 13 February 2015, which is **provided as Attachment 3 to this report**.

The proposed arrangements will ensure that despite the VPA not being registered over all of the land (ie Lots 20 and 21), any future developer of any part of the land will be

obligated to ensure compliance with the VPA whether or not that person is bound by the VPA as a party or due to registration. This is an additional security provision that does not currently exist in the VPA. Were there to be a foreclosure or mortgagee sale of the land over which the VPA will not be registered (Lots 20 and 21), that new owner would still be bound to comply with the VPA to the extent that it carries out the development to which the consent relates.

Further, despite the VPA not being registered on some of the land (existing shopping centre), the lodging by Council of a caveat over that land will provide a legal mechanism to ensure that any future proposed purchaser of the shopping centre land becomes aware of the VPA and the restriction on sale of that land (Lots 20 and 21) contained within it. The caveat will provide the Council with an opportunity to seek an injunction against any vendor sale if an appropriate deed is not entered into with the Council by the incoming purchaser as required by the VPA.

The developer has provided an undertaking to lodge a Section 96 modification to amend the conditions of consent to update the reference to the date of the revised letter of offer and impose the additional condition. This modification is required before Council would enter into the VPA and the developer could receive a Construction Certificate for the development.

Council has sought legal advice on this matter. Having regard to the above, it is considered that the public interest will continue to be protected under the proposed amended arrangements. It is noted that the changes do not have any impact on the package of works and public benefits that are to be delivered. However, in the interests of ensuring that the Agreement is legally valid and could not be the subject of appeal, it is considered necessary to re-notify the amended offer.

A copy of the amended Voluntary Planning Agreement is **provided as Attachment 4 to this report**.

Other Security Arrangements

The works within the VPA are tied to the stages of the development and the release of Interim Occupation Certificates. This means that retailers will not be able to trade until the works are complete for the relevant stage and the Interim Occupation Certificate has been released. The developer has further undertaken that they will not seek the release of the Final Occupation Certificate until all of the VPA works are complete.

In the event that the developer is unable to meet their VPA obligations, this would likely include a subsequent sale of the site. As outlined previously, future owners would be similarly obligated to satisfy the VPA obligations by a combination of registrations on title, caveat and VPA obligations relating to the sale of the land, in addition to a condition of development consent on the shopping centre expansion (DA 167/2014).

A financial security will also be provided so that in the event of a breach, Council has funds available to step in to rectify or make safe any incomplete works. The developer will provide a bank guarantee of \$2.1M prior to entering into the VPA as an additional security for this purpose. Council is to progressively release the security in the sequence outlined below:

- \$1.1M released following the completion of the roads and drainage works first; then

- \$600K released following the completion of the streetscape works on the northern side of Camden Valley Way; followed by
- \$400K released following the completion of the streetscape works on the southern side of Camden Valley Way.

The financial security amount has been assessed in relation to the works that may be undertaken within public land (ie footpaths, road works, drainage works) where Council may be required to step in and make safe or complete the works. The security amount is the equivalent of the VPA value of the roads and drainage works, being the highest risk of exposure to Council if the works were not completed. The amount of security offered is considered reasonable having given consideration to the risk of incomplete works on public land and the staged nature of the works program.

In addition, the offer being made by the developer authorises Council to use the full amount of the security it holds to complete or make safe any incomplete VPA works. If Council is required to draw down on the security amount it holds, then the developer will provide additional security to top it back up.

It should be noted that there has been no change proposed to the financial security arrangements.

FINANCIAL IMPLICATIONS

The VPA offer made by the developer represents a material public benefit in the order of \$6.7M, which is representative of the value of the works that are 'over and above' what would have been required by Council as conditions of development consent. The offer delivers on the works that would have been required by a Contributions Plan and is in excess of the amount that was expected to be collected under the Contributions Plans applying to this area.

CONCLUSION

The VPA offer made by the developer represents a material public benefit in the order of \$6.7M, which is representative of the value of the works that are 'over and above' what would have been required by Council as conditions of development consent. This offer also excludes the works that will be delivered that are required to facilitate the development. The streetscape and plaza embellishment works include high standards of finishes and materials suitable for the town centre character of this area. The shopping centre expansion and associated improvements to the streetscape will provide the Narellan Town Centre with a major facelift, appropriate for the growing population of Camden. There has been no change to the works offered under the VPA.

The VPA is considered an appropriate method for securing development contributions for this site, given that the development form was not anticipated by the existing Contributions Plans. The VPA also contains appropriate security including registration of the agreement on title, registration of a caveat and provision of bank guarantees to ensure that the obligations will be satisfied.

The draft VPA was publicly notified from 17 December 2014 to 20 January 2015, which was extended beyond the statutory requirement of 28 days due to the Christmas holiday period. During this time, no submissions were received from the public. One late submission was received from the developer identifying administrative difficulties for them related to registration of the VPA on the existing shopping centre land. Amendments have been proposed with the assistance of the solicitors for Council and

the developer that provide a workable solution to this issue that continues to protect Council and the public interest. However, these amendments require re-notification of the VPA offer.

It is proposed to re-notify the amended VPA for a period of 28 days in accordance with the relevant legislation. At the conclusion of the notification period, if there are no unresolved objections, it is proposed to enable the VPA to be executed using the Power of Attorney arrangements.

Upon execution of the VPA, it will be necessary to amend the relevant consent for the Dan Murphy's development to replace the conditions to make monetary contributions under Council's contributions plans with a requirement to satisfy the obligations under the VPA. The applicant is aware of this requirement and will submit a Section 96 modification request accordingly.

RECOMMENDED

That Council:

- i. accept the post-exhibition changes outlined in this report made to the draft Planning Agreement in relation to registration of the Planning Agreement on property titles;**
- ii. subject to receipt of a Section 96 modification for the shopping centre expansion (DA 167/2014) to update the reference to the date of their letter of offer, place the Planning Agreement on public notification for a period of 28 days in accordance with the provisions of the *Environmental Planning and Assessment Act and Regulations*;**
- iii. subject to there being no unresolved submissions as a result of the public notification of the Voluntary Planning Agreement and the Section 96 modification to DA 167/2014 being determined:**
 - a. execute the Narellan Town Centre Planning Agreement pursuant to Council's Power of Attorney granted on 27 August 2013, Minute Number ORD215/13, or by affixing the Common Seal of Council and subject to the provision of documents required by Clause 33 of the Agreement;**
 - b. notify the Minister of Planning and provide a copy of the Narellan Town Centre VPA in accordance with the *Environmental Planning and Assessment Act and Regulations*; and**
 - c. request that the applicant submits a Section 96 modification for the Dan Murphy's development, after the Planning Agreement has been executed, to replace conditions of consent relating to Section 94 Contributions with a requirement to satisfy the obligations of the Planning Agreement.**

ATTACHMENTS

1. Attachment 1 NTC VPA as exhibited
2. Attachment 2 late submission_Dart West
3. Attachment 3 A4 Revised VPA Offer 13 Feb 2015
4. Attachment 4 Revised VPA
5. Supporting Document NTC VPA - *Supporting Document*

ORD04



ORD05

ORDINARY COUNCIL

ORD05

**SUBJECT: PROPOSED ROAD NAMING FOR TRIBECA HOMES RELEASE AREA
AT COBBITTY**

FROM: Acting Director Customer & Corporate Services

TRIM #: 15/25709

PURPOSE OF REPORT

To advise Council of the naming of a new road in the Tribeca Homes release area of Cobbitty.

BACKGROUND

At the Council meeting of 27 January 2015, Council resolved to name 5 roads in the Tribeca Homes release area in the suburb of Cobbitty. One of these names was in honour of Mr. William Boardman, a farmer of the area who took up residence at a property known as Lynn Farm in 1841 and raised a large family.

The proposed road names were exhibited for 30 days and no submissions were received. However following notification, as per Council's resolution, Council Officers were contacted by a member of the Boardman family requesting that the name Boardman only be used on the south side of the Nepean River as this was where the farming activities of the Boardman family had primarily been located. It was explained that it could be sometime before an opportunity arose to allocate the name of Boardman to a street on the south side of the Nepean River and this was acknowledged and the family member indicated they were prepared to wait.

In order to respect the wishes of this long standing local family, it is recommended that a new name be allocated and placed on exhibition for public comment.

MAIN REPORT

Following the Council meeting on the 27 January 2015, it was resolved to name 5 new roads in the Tribeca Homes release area with one of the new roads being named Boardman Road. On 9 February 2015, a member of the Boardman family contacted Council and advised that the Boardman family had a preference to have their family name honoured on the south side of the Nepean River rather than the suburb of Cobbitty. In respecting the Boardman family's request, the following name is recommended to replace the Boardman name as part of the Tribeca Homes release area in Cobbitty.

The proposed road name to be placed on exhibition is:

Street Name	Street Type	Meaning
Bibb	Avenue	John Bibb (1810-1862), architect, was born in Liverpool, England, the son of Samuel Bibb and his wife Phoebe, née Rogers. He arrived in Sydney in 1832 on the <i>Marianne</i> . St Paul's church at Cobbitty is built of stone and was designed by colonial Architects John Verge and John Bibb in the 1830's.

ORD05

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The proposed road name has been selected from the approved list of road names and has been assessed by Council staff in accordance with the GNB criteria and Council's road naming policy.

Following Council's endorsement of the proposed name, a 30 day exhibition period will commence and a further report provided to Council with the results of exhibition.

RECOMMENDED

That Council

- i. endorse the name of Bibb Avenue for the Tribeca Homes release area in the suburb of Cobbitty; and**
- ii. be provided with a further report detailing the results of the 30 day public exhibition period.**



ORD06

ORDINARY COUNCIL

ORD06

SUBJECT: DECEMBER REVIEW OF THE 2014/15 OPERATIONAL PLAN (BUDGET)

FROM: Acting Director Customer & Corporate Services

TRIM #: 15/5144

PURPOSE OF REPORT

This report presents the December Quarterly Operational Plan (budget) Review for the 2014/15 financial year in accordance with Part 9, Division 3, Clause 203 of the *Local Government (General) Regulation 2005*.

Its purpose is to inform Council of the necessary changes to the 2014/15 Operational Plan since the September Review of the 2014/15 Operational Plan (budget), and to consider other changes put forward for determination.

SUMMARY OF BUDGET POSITION

In adopting the September Review of the 2014/15 Operational Plan (budget), Council approved a balanced budget position. Budget adjustments identified at the December Review represent a projected budget surplus for the 2014/15 financial year of \$311,403.

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

The improvement in the projected surplus is predominately a result of higher than expected development activity which has led to development income exceeding budget expectations for the second quarter of 2014/15.

ALLOCATION OF THE 2014/15 PROJECTED SURPLUS

It is recommended that the projected surplus of \$311,403 be allocated as follows.

BUDGET SURPLUS ALLOCATION		
Budget Surplus Available for Allocation		\$311,403
Capital Works Reserve – Transfer to Reserve	\$311,403	
Total - Allocation of Budget Surplus		\$311,403
Budget Surplus Balance After Allocation		\$0

CURRENT RESERVE BALANCES

Central Administration Building Reserve

The Central Administration Building Reserve was established as part of the planning for a new central administration building.

The balance of the Central Administration Building Reserve is as follows:

CENTRAL ADMINISTRATION BUILDING RESERVE	
Current Reserve Balance	\$7,116,596
Less: Specialist Consultancy Fees	(\$80,000)
Proposed Reserve Balance	\$7,036,596
Future Reserve Balance Adjustments	
Less: Design & Construction Works (13/14 Revote)	(\$2,057,567)
Less: Design & Construction Works	(\$5,333,700)
Add: 2013/14 – 2016/17 Revised Delivery Program Funding	\$2,700,000
Projected Reserve Balance – Revised Delivery Program	\$2,345,329

Council has recently engaged a consultant to assist in the review of financing options (including proposed loan borrowings) for the Oran Park administration building. It is recommended that this strategy be funded from the Administration Building Reserve.

The current balance of the Administration Building Reserve has been fully committed to the 2013/14 – 2016/17 Revised Delivery Program to assist with funding the design and construction costs for the new administration building.

Capital Works Reserve

The Capital Works Reserve is predominately used to fund emergency capital works or to match grant funding as part of a capital grant funding agreement. The balance of the Capital Works Reserve is as follows:

CAPITAL WORKS RESERVE	
Current Reserve Balance	\$598,340
Add: Proposed Surplus Transfer	\$311,403
Proposed Reserve Balance	\$909,743
Council Approved Changes	
Add: Western Sydney Infrastructure Plan Grant Funding*	\$304,835
Less: Camden Memorial Pool – Outdoor Fitness Equipment	(\$3,409)
Projected Reserve Balance – Revised Delivery Program	\$1,211,169

**funds returned to Capital Works Reserve as a result of successful grant application, please refer to explanation provided below.*

At its meeting 27 January 2015, Council resolved to accept grant funding of \$1,904,835 from the NSW State Government under the Western Sydney Infrastructure Plan. This grant funding is to assist funding Stage 1 of the Camden Town Centre works. As a result of receiving the funding Council is now able to return \$304,835 to the Capital Works Reserve and \$1,000,000 to the Asset Renewal Reserve. Both reserves were identified as the funding source if the grant was unsuccessful. The balance of the grant funding (\$600,000) has allowed the scope of stage 1 works in the Camden Town Centre to be increased as detailed in the report to Council 27 January 2015.

Asset Renewal Reserve

Council approved the creation of the Asset Renewal Reserve as part of adopting the 2013/14 – 2016/17 Delivery Program. The balance of the Asset Renewal Reserve is as follows:

ASSET RENEWAL RESERVE	
Current Reserve Balance	\$1,322,388
Future Reserve Balance Adjustments	
Add: 2013/14 – 2016/17 Delivery Program Funding	\$796,800
Less: Camden Town Centre Renewal Works	(\$1,759,500)
Less: Narellan Tennis Complex – Court Resurfacing	(\$50,000)
Add: Western Sydney Infrastructure Plan Grant Funding*	\$1,000,000
Projected Reserve Balance – Revised Delivery Program	\$1,309,688

**funds returned to Asset Renewal Reserve as a result of successful grant application, please refer to explanation provided on page 33 of this report for funds also returned to the Capital Works Reserve.*

Funds from this reserve should only be used for the replacement and/or maintenance of existing assets. The reserve should not be used for asset upgrades, the building of new assets or for operational purposes. A further report will be provided to Council to determine where the balance of these funds could be allocated.

Working Funds Reserve

The balance of the Working Funds Reserve is as follows:

WORKING FUNDS RESERVE	
Current Reserve Balance	\$165,500
Add: September Review – Asset Maintenance	\$500,000
Add: December Review - Fast Tracked Positions for funding required in 2015/16 – refer page 38 of report under Contra Adjustments.	\$145,100
Revised Reserve Balance	\$810,600
Future Reserve Balance Adjustments	
Less: Funding Required for future Budgets (2015/16)	(\$165,500)
Less: Fast Tracked Positions Funding Transfer (2015/16)	(\$145,100)
Projected Reserve Balance – Revised Delivery Program	\$500,000

As part of the September Review of the 2014/15 Budget, Council approved a \$500,000 transfer to working funds reserve for future asset maintenance works.

The 2013/14 year-end financial health ratios (assets) indicated that Council was not spending enough money annually on asset maintenance. Council's asset management section is currently undertaking a major review of the current condition of Council's asset base, depreciation expense and the asset renewal works required to better inform Council's annual works programs and external reporting. The current balance of funds held in the Asset Renewal Reserve and Working Funds Reserve (asset maintenance) will be used to address funding shortfalls in maintenance or renewal

works. A further report will be presented to Council in May recommending how these reserve funds should be utilised.

MAIN REPORT- DECEMBER REVIEW OF THE 2014/15 BUDGET

Further information and explanation of the increase in the projected budget surplus for 2014/15 is detailed below:

PROPOSED VARIATIONS TO BUDGET

Variations identified during the second quarter of 2014/15 have led to a projected budget surplus of \$311,403. A list of the variations (greater than \$15,000) is provided in the following table and brief explanations below.

DECEMBER REVIEW OF THE 2014/15 BUDGET PROPOSED VARIATIONS	Budget Impact Increase / (Decrease)
INCOME ADJUSTMENTS	
Note: Increase in income is an increase in working funds	
Shortfall in income is a decrease in working funds	
1. Development Fees and Charges Income Increase	\$573,000
2. Section 603 Certificate Income Increase	\$84,100
3. Gundungurra Reserve Access Income Increase	\$16,076
Variations under \$15,000 - Various Increases	\$22,121
Sub Total - Income Adjustments	\$695,297
EXPENDITURE ADJUSTMENTS	
Note: Increase in expenditure is a decrease in working funds	
Savings in expenditure is an increase in working funds	
4. Corporate Legal Expenditure & Specialist Advice Increase	(\$301,818)
5. Corporate Technology Fibre Network Charges Increase	(\$60,000)
6. Corporate Salaries & Oncost Adjustments Savings	\$55,055
7. Council Building & Furniture Cost Increase	(\$50,660)
8. Customer Service Procedures & Standards Review Increase	(\$30,000)
9. NSW Rural Fire Service Statutory Contribution Savings	\$20,191
10. Corporate Management - Rates Valuations Savings	\$17,955
Variations under \$15,000 - Various Savings	\$15,383
Sub Total - Expenditure Adjustments	(\$333,894)
Council Authorised Variations to Budget (Refer to Page 37)	(\$50,000)
TOTAL - PROPOSED VARIATIONS TO BUDGET	\$311,403

- 1. Development Fees & Charges Income – Increase in Income of \$573,000**
Development income continues to exceed budget expectations during 2014/15. This is due to the high volume and high value of Development Applications received during the second quarter of 2014/15. This increase reflects the ongoing high development activity in the release areas of Spring Farm, Elderslie, Oran Park and Gregory Hills. The level of income received from development activity is primarily dependent on the receipt of applications from developers, and as such is somewhat difficult to project given the unprecedented growth Council is experiencing.
- 2. Section 603 Certificate Income – Increase in Income of \$84,100**
Income from processing Section 603 Certificate applications is exceeding budget expectations. The increase in Section 603 Certificate income represents the influx of applications generated by the continued development activity in new release areas within the LGA.
- 3. Gundungurra Reserve Access Income – Increase in Income of \$16,076**
Following State Ministerial approval for a gas well to be located in Gundungurra Reserve in 2008, Council resolved to enter into an access and compensation agreement with AGL in October 2009 (ORD 255/09). The additional income represents the licence fee payable to Council in accordance with the agreement and is above original budget projections of \$35,000.
- 4. Corporate Legal Expenditure & Specialist Advice – Increase in Expense of \$301,818**
Corporate legal expenditure (including specialist legal advice) has exceeded original budget allocations. Council has been required to seek legal advice on a range of extraordinary planning, property and corporate governance matters. This budget has been increased to allow for estimated legal costs to 30 June 2015. The increase in legal costs has considered anticipated legal fees reimbursed as part of any court proceedings.
- 5. Corporate Technology Fibre Network Charges – Increase in Expense of \$60,000**
Council has recently installed a fibre network at its Narellan administration site. The upgrade of Council's network to fibre was required to gain greater consistency and reliability in Council's network. This upgrade also provides the best platform for technology improvements and expansion to the network. This budget increase represents the annual operating costs of the network. It is important to note that upon relocating to Oran Park, the network and internet connection at Narellan will transfer to Oran Park.
- 6. Corporate Salaries & Oncost Adjustments – Decrease in Expense of \$55,055**
A number of adjustments to salary estimates have been required as a result of staff turn-over and the recruitment of staff into new positions approved as part of the 2014/15 budget. Budget savings have been realised where these positions have been filled by new staff at an introductory level.
- 7. Council Building & Furniture Costs – Increase in Expense of \$50,660**
Further office alterations have been required to provide office accommodation for the additional staff approved as part of the 2014/15 budget and the staff relocation required as part of the organisation restructure.

8. Customer Service Procedures & Standards Review – Increase in Expense of \$30,000

As part of the Business Improvement Plan, Council officers have commenced a review of existing customer service procedures and service standards. Additional funding is required for specialist advice and for the coordination of the customer service review.

9. NSW Rural Fire Service Statutory Contribution – Decrease in Expense of \$20,191

Council recently received confirmation of its annual contribution to the NSW Rural Fire Service which is required under Part 5 of the Rural Fires Act 1997. The revised contribution amount is lower than original budget expectations. The decrease is primarily due to a lower than expected increase in district charges, corporate support and volunteer costs.

10. Corporate Management Rate Valuations – Decrease in Expense of \$17,955

The Land and Property Management Authority provides rating valuation services on behalf of the Office of the NSW Valuer General to enable Council to levy ad valorem rates. The fee payable for this service for the 2014/15 financial year has resulted in savings to the budget of \$17,955.

COUNCIL AUTHORISED VARIATIONS

Council has authorised four (4) budget variations since the adoption of the September Review of the 2014/15 Budget. A list of these approved variations is provided in the following table:

COUNCIL APPROVED VARIATIONS	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	Budget Impact Increase / (Decrease)
Park Improvements - Narellan Sports Hub Design Council Resolution - 212/14 - 14/10/2014	\$200,000	\$200,000	\$0
Road Improvements - Dan Cleary Drive 2014/15 Roads to Recovery Works Program Council Resolution - 232/14 - 28/10/2014	\$113,700 (\$113,700)	\$0	\$0
Camden Town Centre - Deckerd Carpark Design Council Resolution - 250/14 - 25/11/2014	\$100,000	\$100,000	\$0
Park Improvements - Nott Oval Lighting Upgrade Council Resolution - 22/15 - 27/01/2015	\$50,000	\$0	(\$50,000)
TOTAL - COUNCIL APPROVED VARIATIONS	\$350,000	\$300,000	(\$50,000)

CONTRA ADJUSTMENTS

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

During the period 1 October 2014 to 31 December 2014, a number of contra adjustments have taken place amounting to a total of \$987,727. A detailed list of the adjustments is an **attachment to this report**.

Positions Fast-Tracked into the 2014/15 Budget

The Executive Leadership Group (ELG) has identified seven key positions within Council's adopted Workforce Plan that could be fast tracked into the 2014/15 budget. These positions will be funded from April 2014 rather than July 2015 (one quarter of the budget). The positions are considered essential to manage urban development and current service expectations. The positions will be funded from vacancy savings within Council's existing staff structure and discretionary budget allocations available within each division. As a result no additional funds are being sought for approval from Council.

EXPENDITURE REVOTES

To assist Council in framing a realistic and accurate 2015/16 Budget, Managers were encouraged to identify any programmed works/projects that will not commence or be completed by 30 June 2015. There were three (3) proposed revotes submitted at the December Review.

PROPOSED EXPENDITURE REVOTES	Total Revote	General Fund	Other Funds
PCYC Building Construction (Section 94 Developer Contributions)	\$1,800,000	\$0	\$1,800,000
Merino Drive Roundabout (Section 94 Developer Contributions)	\$600,000	\$0	\$600,000
Camden Valley Way / Macarthur Rd Intersection (Section 94 Developer Contributions)	\$500,000	\$0	\$500,000
TOTAL EXPENDITURE REVOTES	\$2,900,000	\$0	\$2,900,000

For an explanation of these adjustments, **please refer to the attachment to this report**.

2014/15 LIST OF UNFUNDED PROJECTS AND SERVICES

As part of the adoption of the 2013/14 – 2016/17 Revised Delivery Program, Council endorsed the List of Unfunded Projects and Services. This list identifies projects or services that Council is unable to fund or commence at this point in time. Items are added or deleted from the list via Council reports or by Council officers as a result of Councillor or community feedback.

There are no changes proposed to the Unfunded Projects and Services List as part of the December Review. A copy of the list has been included as an **attachment to this report**.

It should be noted that as part of the 2015/16 budget process an organisational review of the Unfunded Projects & Service List will be undertaken. This review will ensure the projects identified remain representative of Council's current unfunded projects and services.

COUNCILLOR CONSOLIDATED WARD FUNDS

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

It should be noted that the balance of Consolidated Ward Funds is over and above the projected budget surplus of \$311,403 as advised in this report.

CONSOLIDATED WARD FUNDS	
2014/15 Budget Allocation	\$30,000
2013/14 Ward Funds Revote	\$36,013
TOTAL FUNDS AVAILABLE	\$66,013
PROJECTS FUNDED IN 2014/15	
Rotary Club of Camden (DA Fees) Council Resolution - 175/14 - 09/09/2014	\$916
Not-For-Profit Schools (Refund Inspection Fees) Council Resolution - 206/14 - 14/10/2014	\$2,541
Rotary Club of Macarthur (Sponsorship) Council Resolution - 21/15 - 27/01/2014	\$3,500
TOTAL PROJECTS FUNDED IN 2014/15	\$6,957
BALANCE OF CONSOLIDATED WARD FUNDS 31 DECEMBER 2014	\$59,056

SUMMARY OF DECEMBER REVIEW ADJUSTMENTS

The following table is a summary of budget adjustments up to 31 December 2014.

SUMMARY OF BUDGET ADJUSTMENTS	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	Budget Impact Increase / (Decrease)
2013/14 Carried Forward Working Funds Balance			\$1,000,000
2014/15 Adopted Budget Position			\$0
LESS: Minimum Desired Level of Working Funds			(\$1,000,000)
Total Available Working Funds 01/07/2014			\$0
2014/15 September Review Adjustments	\$3,520,441	\$3,520,441	\$0
2014/15 December Review Adjustments			
NOTE 1: Proposed Variations	\$410,076	\$771,479	\$361,403
NOTE 2: Authorised Variations	\$350,000	\$300,000	(\$50,000)
NOTE 3: Contra Adjustments	\$987,727	\$987,727	\$0
NOTE 4: Revotes (Budget Carry-Overs)	(\$2,900,000)	(\$2,900,000)	\$0
Total - December Review Adjustments	(\$1,152,197)	(\$840,794)	\$311,403
TOTAL AVAILABLE WORKING FUNDS			\$311,403

STATEMENT BY RESPONSIBLE ACCOUNTING OFFICER

The following statement is made in accordance with Clause 203(2) of the *Local Government (General) Regulations 2005*:

It is my opinion that the Quarterly Budget Review Result for Camden Council for the period ending 31 December 2014 indicates that Council's projected financial position is satisfactory. No remedial actions are required based on the financial position presented within this report.

CONCLUSION

The December Quarterly Budget Review Surplus of \$311,403 is a pleasing result. Council continues to benefit from increased income through development. It is recommended that the budget surplus be allocated to the Capital Works Reserve for future allocation by Council. The normal minimum or desired balance of the Capital Works Reserve is \$1.5 million; this transfer will bring the reserve to a balance of \$1.2 million.

This budget review has also allowed the fast tracking of seven (7) new positions from the 2015/16 budget as a result of savings realised within the adopted 2014/15 salary budget. The positions had already been identified by Council in its adopted Workforce Plan. When you consider that Council is welcoming on average 100 new residents per week, resourcing service delivery is an essential part of Council's operations.

RECOMMENDED

That Council:

- i. approve the necessary budget adjustments as identified in the categories of 'Proposed Variations', 'Contra Variations' and 'Expenditure Revotes' of this report.**
- ii. approve the transfer of the projected surplus for 2014/15 of \$311,403 as follows;**

BUDGET SURPLUS ALLOCATION		
Budget Surplus Available for Allocation		\$311,403
Capital Works Reserve – Transfer to Reserve	\$311,403	
Total - Allocation of Budget Surplus		\$311,403
Budget Surplus Balance After Allocation		\$0

ATTACHMENTS

- 1. QBRS Statement - 31 December 2014
- 2. Budget Appendix - 31 December 2014
- 3. Unfunded Projects and Services - as at 31 December 2014



ORD07

ORDINARY COUNCIL

ORD07

SUBJECT: INVESTMENT MONIES - JANUARY 2015
FROM: Acting Director Customer & Corporate Services
TRIM #: 15/25167

PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 31 January 2015 is provided.

MAIN REPORT

The weighted average return on all investments was 3.92% p.a. for the month of January 2015. The industry benchmark for this period was 3.00% (Ausbond Bank bill Index).

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 Principal Accounting Officer is the Manager Finance & Corporate Planning.

Council's Investment Report is an **attachment to this report**.

RECOMMENDED

That Council:

- i. **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. **note the list of investments for January 2015; and**
- iii. **note the weighted average interest rate return of 3.92% p.a. for the month of January 2015.**

ATTACHMENTS

1. Investment Monies - January 2015

ORDINARY COUNCIL

ORD08

ORD08

SUBJECT: TREE MANAGEMENT POLICY
FROM: Director Community Infrastructure
TRIM #: 15/5122

PURPOSE OF REPORT

The purpose of this report is to inform Council of the results from the public exhibition of the Draft Tree Management Policy and to recommend that Council adopt the Policy.

BACKGROUND

On 14 October 2014 Council considered a report on the Draft Tree Management Policy and resolved to:

- i. agree to publicly exhibit the draft Tree Management Policy for a period of 28 days; and*
- ii. be provided a further report detailing the results of the exhibition of the draft Tree Management Policy.*

The public exhibition is now complete and the issues were considered and are listed below.

MAIN REPORT

In accordance with Council's resolution, the Draft Tree Management Policy was advertised in local newspapers and on Council's website, from 24 October to 21 November 2014 with a copy of the draft Tree Management Policy held at Council's Customer Service areas and the Camden and Narellan Libraries.

One submission was received and is provided in the Supporting Documents of this report. However the main issues raised are provided below, together with an officer comment.

Issue Raised

Princeton Elm (*Ulmus americana 'Princeton'*) is not listed for new street tree planting

Officer Comment

This species was listed on the Replacement Planting List and has been added to the New Street Planting List.

Issue Raised

Confusion with the difference between New Street Tree Planting and Replacement Planting

Officer Comment

The customer has been contacted to explain the difference between New Street Tree Planting and Replacement Planting as defined in the brief description for each planting list in Appendix A – Tree and Landscape Species List.

Other Matters

The London Plane Tree (*Platanus x acerifolia*) has been removed from the Tree and Landscape Species List, as it is not considered practical for the Camden environment.

FINANCIAL IMPLICATIONS

Funding is provided in existing budgets for the management and maintenance of Council's Public Tree assets. There will be no direct financial implications to Council to endorse the Tree Management Policy.

CONCLUSION

The draft Tree Management Policy has been publicly exhibited. One written response was received by Council, in which the matters were considered and an amendment made to Appendix A – Trees and Landscape Species List.

The London Plane Tree (*Platanus x acerifolia*) has been deleted from the planting list.

It is recommended that Council adopt the draft Tree Management Policy.

RECOMMENDED

That Council:

- i. note the submission received during the public exhibition period;**
- ii. endorse the adoption of the draft Tree Management Policy; and**
- iii. write to the respondent thanking them for their submission.**

ATTACHMENTS

1. Draft Tree Management Policy
2. Appendix A - Tree and Landscape Species List
3. Appendix B - History of Camden Tree and Landscape
4. Submission - Tree Management Policy - *Supporting Document*

ORDINARY COUNCIL

ORD09

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NOTICE OF MOTION

SUBJECT: NOTICE OF MOTION - CAMDEN MEMORIAL POOL OPENING TIMES
FROM: Cr Fischer
TRIM #: 15/29312

"I Councillor Penny Fischer hereby give notice of my intention to move the following at the Council Meeting of 24 February 2015:

That the public opening hours for Camden Memorial Pool be changed as follows:

November through to February

*Monday to Friday 6am to 7pm
Weekends and Public Holidays 8am to **6pm***

October and March

*Monday to Friday **7am** to 7pm
Weekends and Public Holidays 8am to **6pm.**"*

RECOMMENDED

That the public opening hours for Camden Memorial Pool be changed as follows:

(i) November through to February

**Monday to Friday 6am to 7pm
Weekends and Public Holidays 8am to 6pm**

(ii) October and March

**Monday to Friday 7am to 7pm
Weekends and Public Holidays 8am to 6pm.**