



Camden Council

Attachments

Ordinary Council Meeting
12 April 2016

Camden Civic Centre
Oxley Street
Camden



ORDINARY COUNCIL

ATTACHMENTS - ORDINARY COUNCIL

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ATTACHMENT 1 - RECOMMENDED CONDITIONS

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Issue 5 - Page 1	Site Plan/ Sediment Control	Big Plans By Adam	15 September 2015
Issue 5 - Page 2	Stormwater/Landscape/Shadow Plan	Big Plans By Adam	15 September 2015
Issue 5 - Page 3	Ground Floor Plan	Big Plans By Adam	15 September 2015
Issue 5 - Page 4	First Floor Plan	Big Plans By Adam	15 September 2015
Issue 5 - Page 5	Elevations/Section	Big Plans By Adam	15 September 2015
Issue 5 - Page 6	Elevations/Window Schedule	Big Plans By Adam	15 September 2015

Document Title	Prepared by	Date
BASIX Certificate No. 631594S_03	Big Plans by Adam	15 September 2015
Waste Management Plan	Big Plans by Adam	26 May 2015

- (2) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate for the development to which this consent applies.
- (3) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Home Building Act** - Pursuant to Section 80A(11) of the *EP&A Act 1979*, residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the PCA for the development to which the work relates:
- a) in the case of work for which a principal contractor has been appointed:
 - i. has been informed in writing of the name and licence number of the principal contractor; and
 - ii. where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
 - b) in the case of work to be carried out by an owner-builder;

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- i. has been informed in writing of the name of the owner-builder; and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.
- (5) **Excavation for Residential Building Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
- a) protect and support the adjoining premises from possible damage from the excavation; and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.
- This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying, and a copy of that written consent is provided to the PCA prior to the excavation commencing.
- (7) **Landscaping Maintenance and Establishment Period** - Commencing from the Date of Practical Completion (D of PC) of the Landscaping Works, the Applicant will have, for a 12 month period, the establishment and maintenance responsibility for all landscaping associated with this Consent.

The Date of Practical Completion (D of PC) is taken to mean completion of all civil works, soil preparation, planting, turf installation and mulching installation.

At the completion of the 12 month landscaping maintenance and establishment period, all landscaped areas detailed in the CC Landscaping Plans, must be in an undamaged, safe and functional condition and all planting's have signs of healthy and vigorous growth.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any Geotechnical Report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.
- (2) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2.0m from the external walls of the building. Where the external walls are within 2.0m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

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- (3) **Driveway Gradients and Design** - For all driveways that relate to development for the purposes of a dwelling house, the driveway gradient and design shall comply with AS 2890.1-2004 'Off street car parking' and:
- the driveway shall comply with Council's Engineering Specifications;
 - the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
 - the level for the driveway across the footpath area shall achieve a gradient of 4%; and
 - a Public Road Activity approval must be obtained prior to the commencement of any works.

Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.

- (4) **Salinity (Dwellings & Outbuildings)** - The proposed dwelling, landscaping and associated works for the development shall comply with the requirements of the Salinity Management Plan proposed residential development titled "Salinity Investigation and Management Plan Proposed Subdivision Tranches North Oran Park, prepared by Douglas Partners, Ref 34272.06, dated May 2013".

Alternatively, a site specific analysis including recommendations, prepared by a suitably qualified consultant and referencing Australian Standard AS2870-2011 and Council's Building in a Saline Prone Environment Policy shall be submitted to the Certifying Authority.

Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

- (5) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work that cost \$25,000 or more..
- (6) **Dilapidation Report – Council Property** - A Dilapidation Report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the subject site. Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.
- (6) **Screening** – Prior to the issue of an construction certificate, a 1.7m high screen must be shown on plans which is to be erected along the southern end of the elevated concrete platform which can adequately obscure the view to the south.

3.0 - Prior to Commencement of Works

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

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- (1) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.
- (2) **Notice Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (3) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Consent Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;



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- d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
- the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- that unauthorised entry to the work site is prohibited;
 - the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours;
 - the name, address and telephone number of the PCA.
- The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.
- (5) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction (the blue book)' and any Sediment and Erosion plans approved with this Development Consent.
- Soil erosion and sediment control measures shall be maintained during construction works and shall 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).
- (6) **Performance Bond** - Prior to commencement of works a performance bond of \$5,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.

4.0 - During Works

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

- Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:

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- a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - c) retaining walls shall not be erected within drainage easements;
 - d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.
- (4) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the (select option a, b or c):
- a) street gutter;
 - b) drainage easement; and
 - c) existing drainage system.

Connection to the drainage easement or kerb shall only occur at the designated connection point for the allotment. New connections that require the rectification of an easement pipe or kerb shall only occur with the prior approval of Camden Council.

All roofwater shall be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The PCA shall not permit construction works beyond the frame inspection stage until this work has been carried out.

- (5) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (6) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (7) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.

5.0 - Prior to Issue of an Occupation Certificate

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

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- (1) **Occupation Certificate Required** - An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (3) **Footpath Crossing Construction** - A footpath crossing and driveway shall be constructed in accordance with this consent and the approved Construction Certificate prior to use or occupation of the development.
- (4) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (5) **Protection of Street Trees** - During development works relating to this Consent, the applicant is advised:
 - (a) That any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred.
 - (b) Any repairs, relocations, reinstallations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing rootguard barriers, are to be completed on a like for like basis with the same species, plant maturity, street alignment with existing street trees, materials and initial installation standards and works for the successful establishment of the tree/s must be carried out prior to the issue of the Occupation Certificate.
 - (c) An inspection must be arranged with Council's Landscape Development Officer, to determine that the Street Trees and any protective or installation measures have been restored correctly and some degree of reestablishment has occurred.
 - (d) The inspection must occur prior to the issue of the Occupation Certificate.
- (6) **Screening** – Prior to the issue of an occupation certificate, a 1.7m high screen must be erected along the southern end of the elevated concrete platform which can adequately obscure the view to the south.

6.0 – Ongoing Use

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

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
 - a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays; and

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ORD01



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- b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute; and

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Attachment 1

SEDIMENT CONTROL LEGEND		HOUSE AREAS	
TEMPORARY CONSTRUCTION AREAS (SEE DET 1)	TEMPORARY CONTROL BARRIERS (SEE DET 1)	GROUND FLOOR	155.32m ²
MATERIALS STORAGE AREA (SEE DET 1)	STYRENE CONTROL FENCING (SEE DET 1)	BASEMENT	38.07m ²
WASTE STORAGE AND DISPOSAL	1.5m HIGH ALUMINUM SHALIV FENCING	BUILDING FOOTPRINT - TOTAL	193.39m ²
		FIRST FLOOR	132.87m ²
		FIRST BALCONY	10.74m ²
		REAR BALCONY	13.16m ²
		TOTAL AREA	357.86m ²

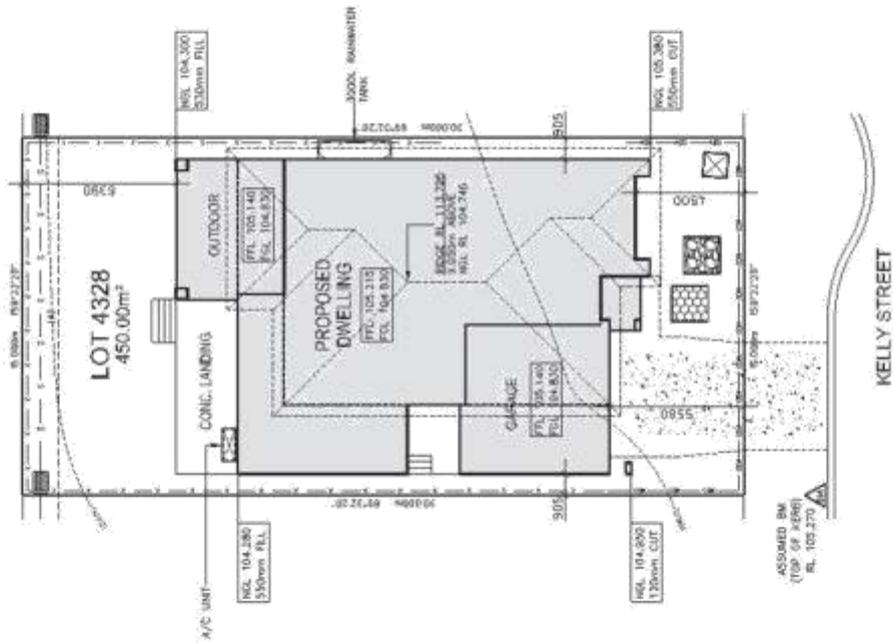
SITE CALCULATIONS	
OVERALL SITE (OPP 100270)	450.00m ²
DRIVEWAY (PATH)	28.80m ²
BUILT UP ON	49% @ 22.13m ²
LANDSCAPING	39% @ 17.53m ²
PRIVATE OPEN SPACE	39% @ 17.53m ²

BASIX COMMITMENTS	
CERTIFICATE NUMBER	6012945-03
NO. OF BEDROOMS	3
ROOF AREA	250.80m ²
CONDITIONED FLOOR AREA	250.80m ²
UNCONDITIONED AREAS	22.80m ²
GARDEN & LAWN	101.81m ²

WATER SAVING COMMITMENTS	
WATER FIXTURES	3 STAR (4.8, 5.1, 4.7, 5.0, 4.9)
SHOWERHEADS	3.00L
TOILETS	3.00L
KITCHEN TAP	3.00L
BATH TAP	3.00L
RAINWATER TANK SIZE	AT LEAST 3000 LITRES
RAINWATER TANK COLLECTION	100% @ 250.80m ²
USAGE	ALL TOILETS AND 1 OUTDOOR TANK

THERMAL COMFORT COMMITMENTS	
WALL INSULATION	MINIMUM R2.0
FLAT ROOF INSULATION	CEILING R2.0 / ROOF SERRING
FAT ROOF INSULATION	CEILING R2.0 / ROOF BLANKET

ENERGY SAVING COMMITMENTS	
HOT WATER SYSTEM	5 STAR GAS INSTANTANEOUS
COOLING	3-PHASE AC (EER 2.8 TO 3.0)
HEATING	3-PHASE AC (EER 3.0 TO 3.5)
VENTILATION	DICTED FAN IN SWITCH
KITCHEN	DICTED FAN IN SWITCH
LAUNDRY	NATURAL
COOKING	GAS COOKTOP, ELECTRIC OVEN

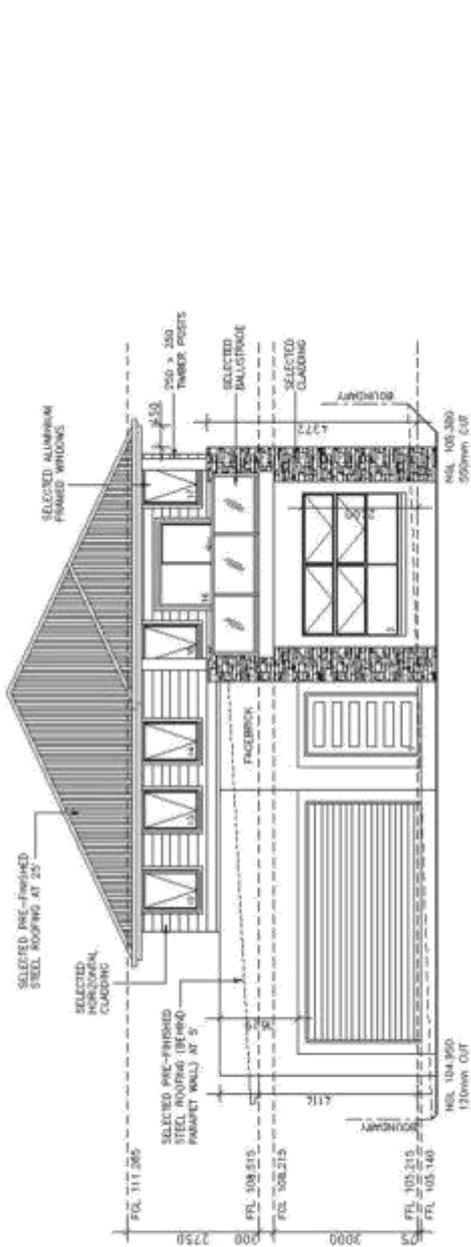


SITE PLAN
1:200

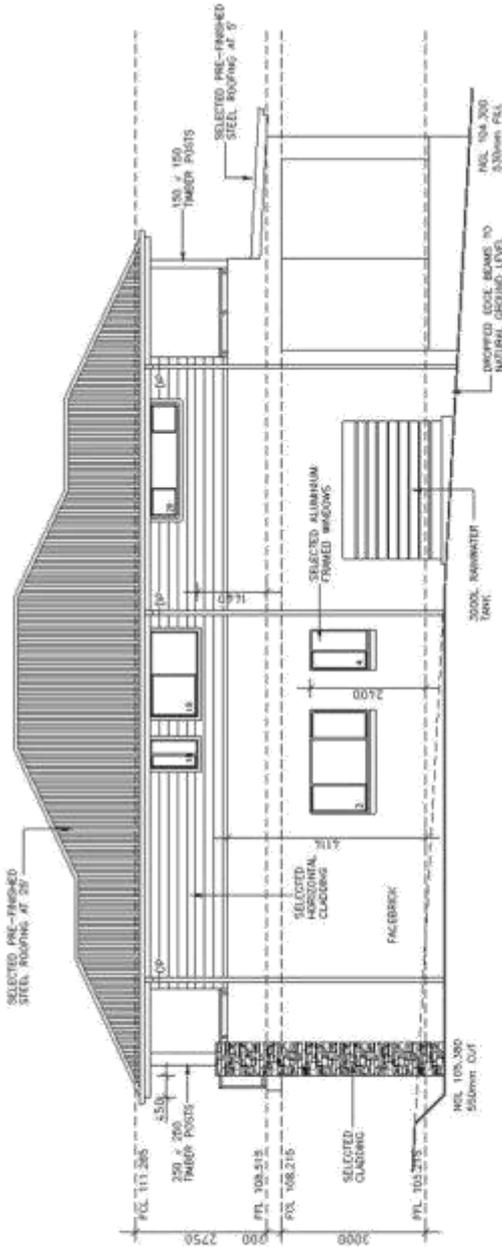
PROJECT	NEW DWELLING FOR	ADDRESS	10 KELLY STREET	LOCALITY	ORAN PARK	STATE	NSW
CLIENT	NEW DWELLING FOR	ADDRESS	10 KELLY STREET	LOCALITY	ORAN PARK	STATE	NSW
DATE		PROJECT NO.		SCALE		DATE	



WINDOW / DOOR SCHEDULE				
No.	TYPE	HEIGHT	WIDTH	CLADDING
D-01	HUNG DOOR	2142	1000	-
W-02	AWNING WINDOW	2000	3010	6.5mm
W-03	SLIDING WINDOW	1300	2170	2.0mm
W-04	SLIDING WINDOW	1300	650	1.0mm
D-05	SLIDING DOOR	2400	4000	6.5mm
W-07	FIXED WINDOW	700	3010	2.1mm
W-08	FIXED WINDOW	700	1310	6.5mm
D-09	HUNG DOOR	2100	900	-
D-11	PANEL/DOOR	2400	5000	-
W-12	AWNING WINDOW	1900	650	1.0mm
W-13	AWNING WINDOW	1900	850	1.0mm
W-14	AWNING WINDOW	1900	850	1.0mm
W-15	AWNING WINDOW	1300	650	1.0mm
D-16	SLIDING DOOR	2100	1810	6.5mm
W-17	AWNING WINDOW	1300	650	1.0mm
W-18	SLIDING WINDOW	1900	610	6.5mm
W-19	SLIDING WINDOW	1900	1810	1.8mm
W-20	SLIDING WINDOW	600	2410	1.0mm
W-21	SLIDING DOOR	2100	2410	6.5mm
W-22	SLIDING WINDOW	400	1310	6.5mm
W-23	SLIDING WINDOW	600	1310	6.5mm
W-24	FIXED WINDOW	1900	1310	2.1mm
W-25	SLIDING WINDOW	600	2410	1.8mm
TOTAL:				66.0mm



① EASTERN ELEVATION
SCALE 1:100



② NORTHERN ELEVATION
SCALE 1:100



BIG PLANS

NOTE: ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED

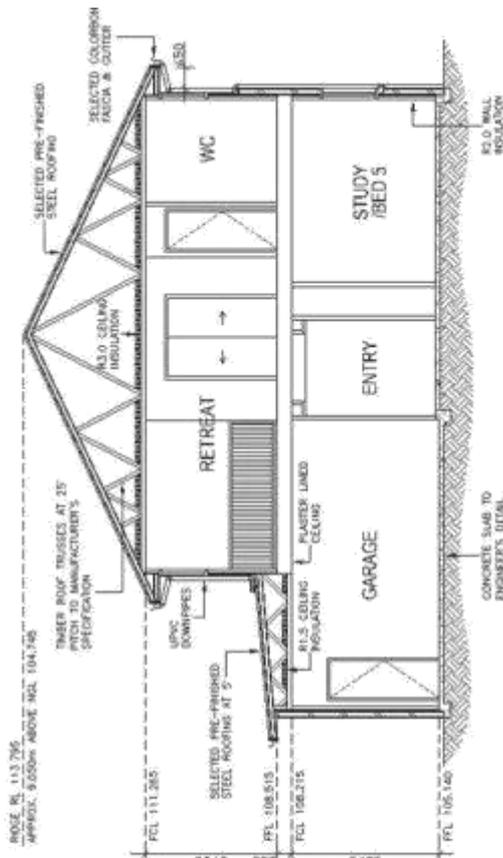
PROJECT: NEW DWELLING FOR 10 KELLY STREET

CLIENT: ORAN PARK COUNCIL

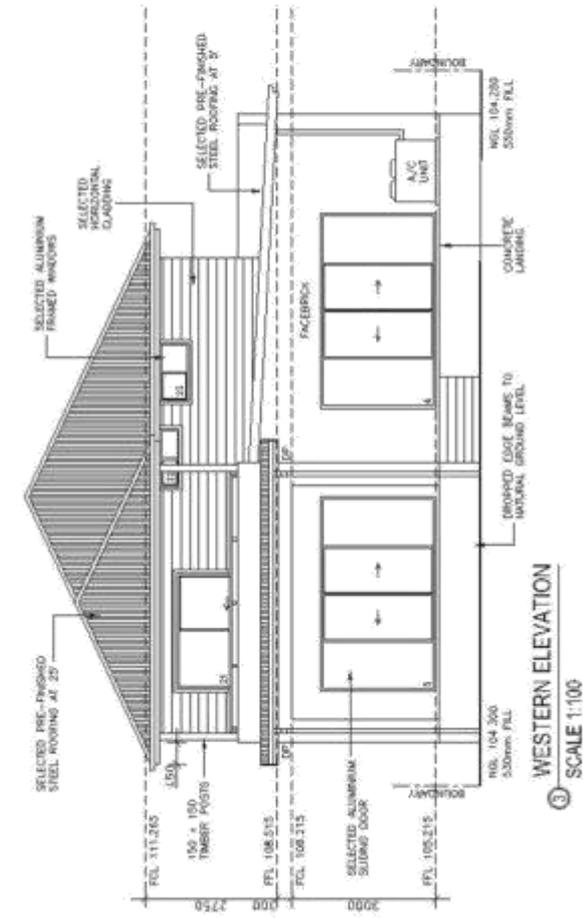
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DATE: 12/04/16

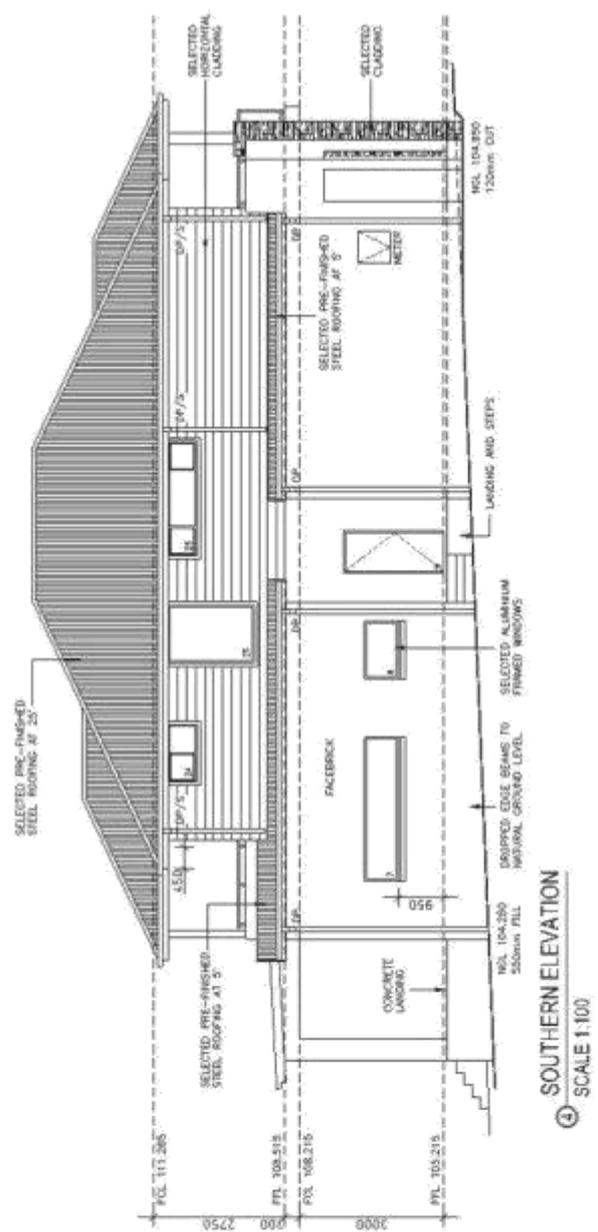
HEET: ELEVATIONS / WINDOW SCHEDULE



SECTION
SCALE 1:100



WESTERN ELEVATION
SCALE 1:100



SOUTHERN ELEVATION
SCALE 1:100



PROJECT NEW DWELLING	ADDRESS 10 KELLY STREET	SUBURB ORAN PARK	SHEET	
			NO.	OF
NOTE: DO NOT SCALE DIMENSIONS. SEE RELEVANT DRAWINGS FOR EXACT DIMENSIONS AND FINISHES		ELEVATIONS / SECTION		DATE
BIG PLANS		SCALE	DATE	BY

Details of Conditions:**1.0 - General Conditions of Consent**

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

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
150904A3 Issue 2 Page 1 of 14	Site Plan	J.A Anzini Drafting and Building Services Pty Ltd	20/01/2016
150904A3 Issue 2 Page 2 of 14	Ground Floor Plan	J.A Anzini Drafting and Building Services Pty Ltd	20/01/2016
150904A3 Issue 2 Page 3 of 14	First Floor Plan	J.A Anzini Drafting and Building Services Pty Ltd	20/01/2016
150904A3 Issue 2 Page 4 of 14	Elevations	J.A Anzini Drafting and Building Services Pty Ltd	20/01/2016
150904A3 Issue 2 Page 5 of 14	Elevations	J.A Anzini Drafting and Building Services Pty Ltd	20/01/2016
150904A3 Issue 2 Page 6 of 14	Section A-A	J.A Anzini Drafting and Building Services Pty Ltd	20/01/2016
150904A3 Issue 2 Page 7 of 14	Roof Plan	J.A Anzini Drafting and Building Services Pty Ltd	20/01/2016
150904A3 Issue 2 Page 8 of 14	Pool Facilities Plan & Elevations	J.A Anzini Drafting and Building Services Pty Ltd	20/01/2016
150904A3 Issue 2 Page 9 of 14	Pool Plan & Sections	J.A Anzini Drafting and Building Services Pty Ltd	20/01/2016
150904A3 Issue 2 Page 10 of 14	Concept Drainage Plan	J.A Anzini Drafting and Building Services Pty Ltd	20/01/2016
150904A3 Issue 2 Page 11 of 14	Site Analysis & Sediment and Waste Management Plan	J.A Anzini Drafting and Building Services Pty Ltd	20/01/2016
150904A3 Issue 2	Shadow Diagram	J.A Anzini	20/01/2016

Page 12 of 14		Drafting and Building Services Pty Ltd	
150904A3 Issue 2 Page 13 of 14	Concept Landscape Plan	J.A Anzini Drafting and Building Services Pty Ltd	20/01/2016
150904A3 Issue 2 Page 14 of 14	Schedule of BASIX Commitments	J.A Anzini Drafting and Building Services Pty Ltd	20/01/2016

Document Title	Prepared by	Date
BASIX Certification	Design Concepts Sydney	17/12/2015
Waste Management Plan	Submitted with DA Documentation	Submitted with DA Documentation
Bushfire Attack Level Assessment	Local Group	28/01/2016

- (2) **Modified Documents and Plans** - The development shall be modified as follows:
- a) Amended plans must be prepared to show the pool facilities/outbuilding setback a minimum of 1.5m from the side boundary.
- Amended plans or documentation demonstrating compliance shall be provided to the Certifying Authority and Council prior to the issue of a Construction Certificate.
- (3) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.
- (4) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (5) **Home Building Act** - Pursuant to Section 80A(11) of the *EP&A Act 1979*, residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the PCA for the development to which the work relates:
- a) in the case of work for which a principal contractor has been appointed:
- i. has been informed in writing of the name and licence number of the principal contractor; and
 - ii. where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
- b) in the case of work to be carried out by an owner-builder:
- i. has been informed in writing of the name of the owner-builder; and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.
- (6) **Excavation for Residential Building Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building on

adjoining land, the person having the benefit of the consent shall, at the person's own expense:

- a) protect and support the adjoining premises from possible damage from the excavation; and
- b) where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying, and a copy of that written consent is provided to the PCA prior to the excavation commencing.

(7) **Swimming Pools and Spas** - The swimming pool/spa shall comply with:

- a) the *Swimming Pools Act 1992*;
- b) the *Swimming Pools Regulation 2008*;
- c) AS 1926.1-2012 'Swimming Pool Safety' Part 1: Safety barriers for swimming pools;
- d) AS 3500.2-2003 'Plumbing and drainage – Sanitary plumbing and drainage';
- e) AS1926.3 'Water recirculation systems'; and
- f) the BCA 2014.

(8) **External Finishes** – The colours, materials and finishes are to consist of a predominately neutral palette of colours, except for architectural features. Bright and highly reflective colours are to be avoided.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any Geotechnical Report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.
- (2) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2.0m from the external walls of the building. Where the external walls are within 2.0m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (3) **Driveway Gradients and Design** - For all driveways that relate to development for the purposes of a dwelling house, the driveway gradient and design shall comply with AS 2890.1-2004 'Off street car parking' and:
 - a) the driveway shall comply with Council's Engineering Specifications;

- b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
- c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
- d) a Public Road Activity approval must be obtained prior to the commencement of any works.

Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.

- (4) **Salinity (Dwellings & Outbuildings)** - The proposed dwelling, landscaping and associated works for the development shall comply with the requirements of the Salinity Management Plan proposed residential development titled "Salinity Management Plan: Stages 1 and 2, Lot 12 DP 1041381 Manooka Valley Currans Hill NSW, Prepared for Wolin Investments Pty Ltd, by GeoEnviro Consultancy Pty Ltd, Ref JC06054A-r4, dated January 2010.

Alternatively, a site specific analysis including recommendations, prepared by a suitably qualified consultant and referencing Australian Standard AS2870-2011 and Council's Building in a Saline Prone Environment Policy shall be submitted to the Certifying Authority.

Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

- (5) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work that cost \$25,000 or more.
- (6) **Surface Water Collection from Swimming Pools and Spas** - Swimming pool surrounds and/or paving shall be constructed so as to ensure water from the pool overflow or surge does not discharge onto neighbouring properties. Details demonstrating compliance shall be provided to the Certifying Authority.

3.0 - Prior to Commencement of Works

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

- (1) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;

- e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.
- (2) **Notice Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (3) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Consent Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
- the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and

- c) the name, address and telephone number of the PCA.

The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.

- (5) **Sydney Water Approval** - The approved development plans shall be approved by Sydney Water.
- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this Development Consent.

Soil erosion and sediment control measures shall be maintained during construction works and shall 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).

4.0 - During Works

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

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:
- a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - c) retaining walls shall not be erected within drainage easements; and
 - d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.
- (4) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the (select option a, b or c):
- a) street gutter;
 - b) drainage easement; or

- c) existing drainage system.

Connection to the drainage easement or kerb shall only occur at the designated connection point for the allotment. New connections that require the rectification of an easement pipe or kerb shall only occur with the prior approval of Camden Council.

All roofwater shall be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The PCA shall not permit construction works beyond the frame inspection stage until this work has been carried out.

- (5) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (6) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (7) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (8) **Swimming Pool Fence Design** - The swimming pool or spa must be fenced so that the pool is effectively isolated from the dwelling and adjoining lands. The swimming pool fence must comply with the following requirements:
- The swimming pool safety fencing must strictly adhere to the design and location approved with the development consent, and any conditions of the development consent;
 - Fences and gates must strictly comply with AS1926-2012 – Swimming pool safety – Part 1: Safety barriers for swimming pools;
 - Fencing shall have a minimum effective height of 1.2m;
 - All swimming pool gates shall be self-closing and self-latching. All gates must open outwards from the swimming pool enclosure;
 - The filtration equipment including any cover, housing or pipe work, must not be located within a distance of 900mm from the outside face of the swimming pool safety fencing enclosure, nor within 300mm from the inside of the swimming pool safety fencing enclosure (where footholds are possible); and
 - Boundary fencing forming part of the swimming pool safety fencing shall maintain a minimum effective height of 1.8m and a 0.9m non climbable zone (measured from the top of the inside of the barrier).

The swimming pool safety fencing must be installed prior to the swimming pool being filled with water. The Principal Certifying Authority (PCA), or an accredited certifier must inspect the swimming pool safety fencing.

- (9) **Waste Water from Swimming Pools and Spas** - All swimming pool waste water shall be disposed of as follows:
- a) Where a Sydney Water sewer is available – waste water shall be drained or pumped to the sewer; and
 - b) Where a Sydney Water sewer is not available (such as rural areas) – waste water shall be disposed of as follows:

Chlorinated pool waste water:

- i) Discharging to a rubble pit measured 600mm wide x 600mm deep x 3m long, located not less than 3m from any structure or property boundary; or
- ii) Discharging to a tail out drain to disperse the water over a large grassed area or paddock, provided that the land fall does not direct water to buildings on the subject or adjoining properties, or create a nuisance to an adjoining property owner.

Saltwater pool waste water:

- iii) Discharging as per point (ii) above.

All pool types:

- iv) Shall not be discharged to a septic tank or an on-site sewage management installation or disposal area; and
 - v) Shall not be discharged into a reserve, watercourse, easement or storm water drainage system.
- (10) **Building Platform** - This approval restricts excavation or fill for the purposes of creating a building platform for the swimming pool. This area should not exceed 2 metres from the footprint of the swimming pool. Furthermore, any excavation or fill must not exceed 500mm in height and be placed closer than 500mm to the boundary, unless otherwise specifically approved by Council.

5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Occupation Certificate Required**- An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (3) **Footpath Crossing Construction** - A footpath crossing and driveway shall be constructed in accordance with this consent and the approved Construction Certificate prior to use or occupation of the development.

- (4) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (5) **Filter & Recirculation Systems** - Prior to issue of an Occupation Certificate, a certificate of compliance, or other documentary evidence confirming that the proposed recirculation system and filtration system complies with AS1926.3, must be provided to the PCA.
- (6) **Swimming Pool Register** - In accordance with Part 3A of the *Swimming Pools Act 1992* all swimming pools (including spas) are required to be registered on the NSW Swimming Pools Register. You can register your Swimming Pool online at www.swimmingpoolregister.nsw.gov.au

Prior to the issue of any occupation certificate you are required to provide evidence in the form of the Certificate of Registration to the PCA.

- (7) **Warning Notice** - A warning notice complying with the provisions of Clause 10 of the *Swimming Pools Regulation 2008*, must be displayed and maintained in a prominent position in the immediate vicinity of the swimming pool, in accordance with Section 17 of the *Swimming Pools Act, 1992*.

The PCA shall ensure that this warning notice is provided and displayed prior to the issue of the Occupation Certificate.

Council also recommends that all owners and/or users of swimming pools obtain a copy of the 'Cardiopulmonary Resuscitation Guideline' known as "Guideline 7: Cardiopulmonary Resuscitation" published in February 2010 by the Australian Resuscitation Council (available through www.resus.org.au).

- (8) **Swimming Pool Landscaping** - Landscaping of the swimming pool enclosure and surrounds including the provision of outdoor furniture, construction of barbecues and pergolas must not reduce the effectiveness of the swimming pool safety fencing. All landscaping, furniture, and other similar structures shall be located at least 900mm from the outside of the pool safety fencing.

6.0 – Ongoing Use

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

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
 - a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays;
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute; and
 - c) not discharge any condensate or moisture onto the ground surface of the premises or into stormwater drainage system in contravention of the requirements of the *Protection of the Environment Operations Act 1997*.

- (2) **Noise Nuisance Prevention** - The motor, filter, pump, and all sound producing equipment associated with or forming part of the swimming pool filtration system must be located so as not to cause a nuisance to adjoining property owners.

Should a noise nuisance arise, Council may serve Orders issued pursuant to the *Environmental Planning and Assessment Act, 1979* requiring remedial works to be carried out. Action may also be initiated by the PCA where the PCA is not Council.

The location of equipment that causes offensive noise may require the equipment to be located within a suitable acoustic enclosure, or the relocation of such equipment.

- (3) **Prohibitions Within Swimming Pool Enclosure** - The area contained within the swimming pool safety fencing enclosure must not be used for other non related activities or equipment, such as the installation of children's play equipment or clothes drying lines.
- (4) **Swimming Pool Water Health Standards** - To maintain hygienic conditions, the swimming pool must be maintained in a clean and healthy condition at all times. For this purpose the following health standards must be maintained:

- a) Chlorination without Cyanurate Sun Stabiliser
Free chlorine concentration must be maintained within the following range:

Outdoor swimming pools - not less than 1mg per litre;

Indoor swimming pools - water temperature 26 degrees C or below, not less than 1.5mg per litre;

water temperature above 26 degrees C not less than 2mg per litre;

Note: Cyanurate compounds must not be used in the disinfecting of indoor swimming pools and spa water.

- b) Chlorination with Cyanurate (Sun Stabiliser Added)
Free residual chlorine concentration must be not less than 3mg per litre.
The Cyanurate concentration must be maintained within the range 25 to 50mg per litre;

- c) pH must be maintained within the range of 7.5 and 8.1;

- d) Reserve Alkalinity

Where sodium or calcium hypochloride is used, must be not less than 60mg per litre; and

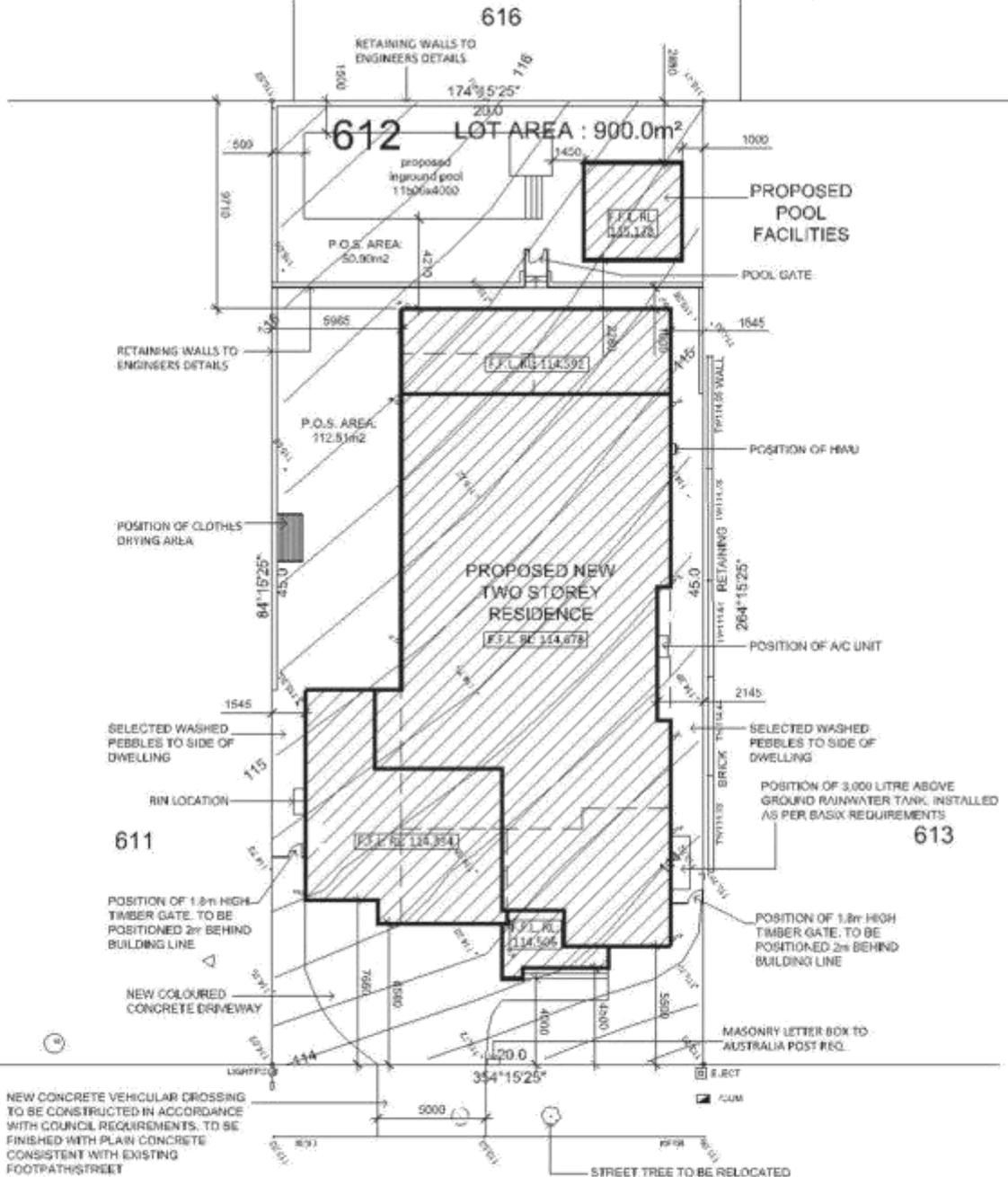
- e) Sodium hypochloride – liquid chlorine
Calcium hypochloride - granulated chlorine

Note: The above information is supplied by the NSW Department of Health.

- (5) **Outbuildings to be used for ancillary purposes only** – In accordance with the controls regarding outbuildings contained within D2.1.11 of the Camden DCP 2011, unless otherwise approved by Council, the use of the outbuilding must be of

domestic storage and hobby use only, which is ancillary to the use of the dwelling onsite.

Area Calculations		Site Coverage Requirements	
Site Area:	900m ²	Ground Floor Max.:	450m ² = 50%
Ground Floor:	277.88m ²	Ground Floor Pro.:	423.48m ² = 47.05%
First Floor:	260.58m ²	First Floor Max.:	270m ² = 30%
Garage:	75.22m ²	First Floor Pro.:	260.58m ² = 28.95%
Porch:	10.08m ²	Landscaped Calculations	
Balcony:	21.80m ²	Min. Required:	270m ² = 30%
Airfresco:	49.88m ²	Proposed:	283.83m ² = 31.53%
Total:	695.24m ² = 74.83 SQ	Private Open Space	
Pool Facilities:	20.70m ²	Min. Required:	180m ² = 20%
		Proposed:	229.36m ² = 25.48%



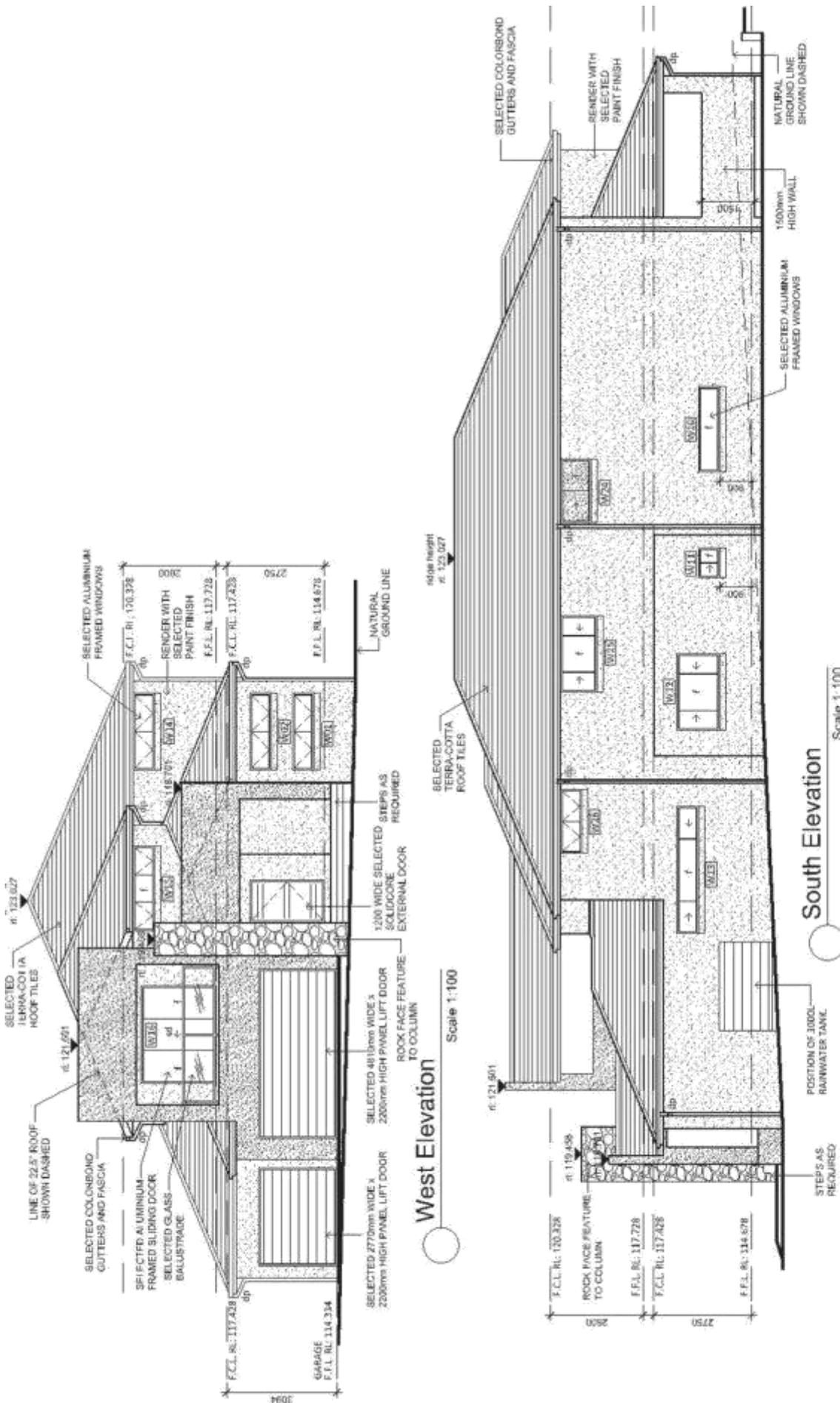
NEWMARKET STREET
Site Plan
Scale 1:200

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Issue	Description	Date
1	Issued for Review	14/11/2015
2	Issued for the Submission	17/12/2015
3	Issued for DA Submission	20/01/2016

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10/2015 14/11/15
10/2015 14/11/15

Proposed New Two Storey Residence & Inground Pool / Pool Facilities
Location: Lot 612 D/P 1163903 No. 8
Newmarket Street, Currans Hill
Paul Vako
Council: Camden Council
Job No: 150904A3
Date: 20/01/2016
Page: 1 of 14
Scale: 1:200



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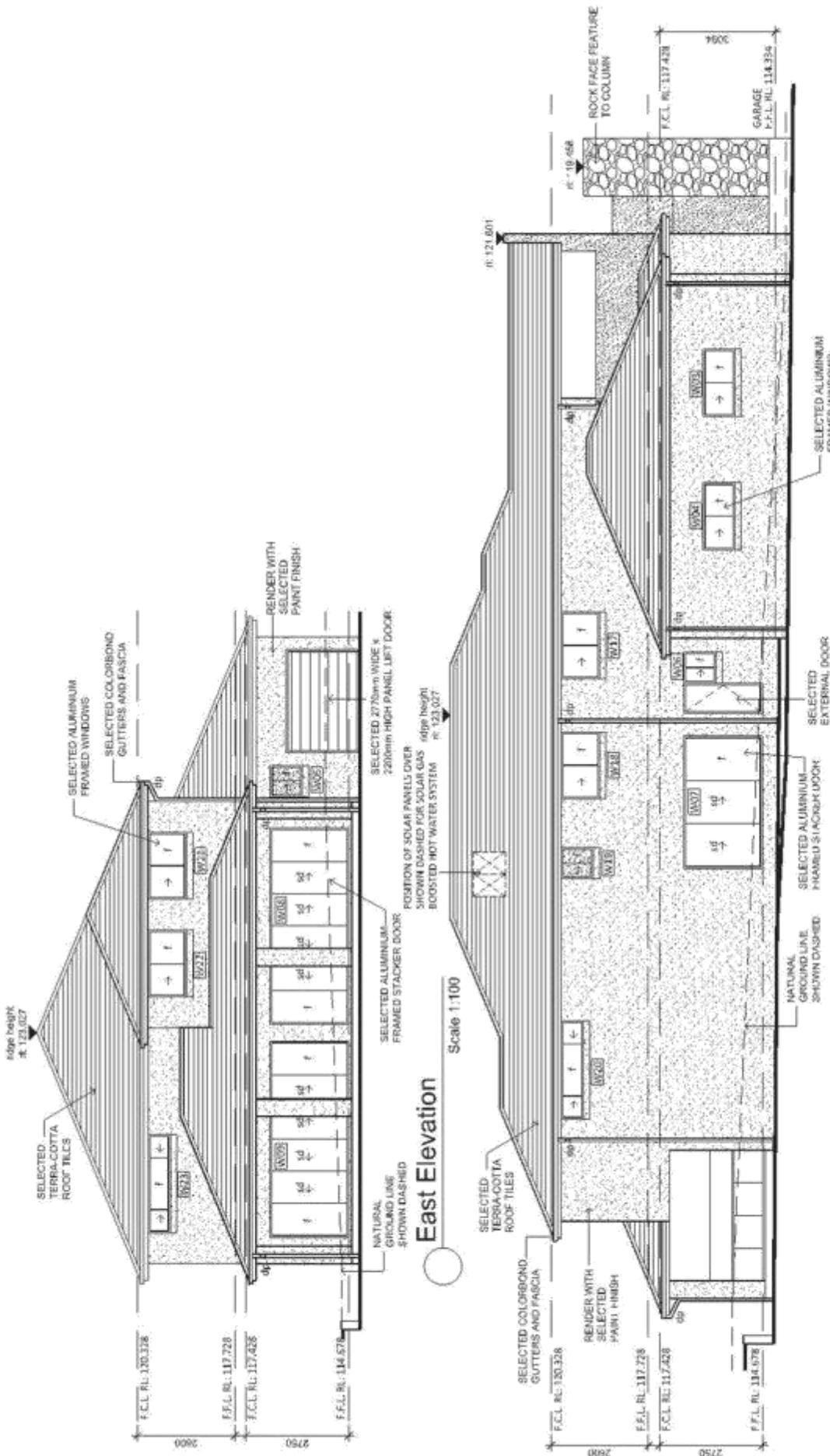
Proposed New Two Storey Residence & Inground Pool / Pool Facilities
Location: Lot 612 D P 1163903 No.8
Newmarket Street, Currans Hill
For: Paul Yako

Date: 20/01/2016
Page: 4 of 14
Scale: 1:100
Issue: 7

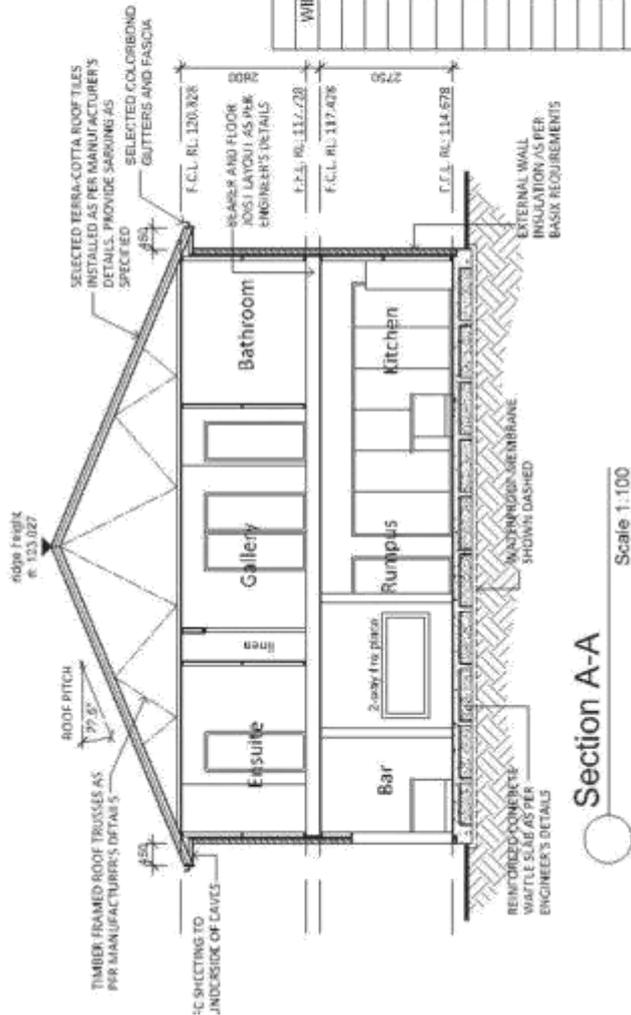
Council: Camden Council Job No: 150904A3
Professional Association (P.A.): P.A.D. 1 E 1 307

Issue	Description	By	Date
1	Issued for Review	M.B.	14/12/2015
2	Issued for DA Submission	M.B.	17/12/2015
3	Issued for DA Submission	M.B.	20/01/2016

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By:	Date:									
M.B. 14/12/2015										
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<p>Proposed New Two Storey Residence & Inground Pool / Pool Facilities Location: Lot 612 D P 1163903 No.8 Newmarket Street, Currans Hill For: Paul Yako</p>		<p>Date: 20/01/2016 Page: 5 of 14 Scale: 1:100 Issue: 7</p>								
<p>J.A. Anzini Drafting And Building Services PTY LTD A.C.N. 060 907 860 ES. 9897 2947 MOBILE: 0415 967 707 FMS: 0837 4873</p>		<p>Council: Camden Council Job No: 150904A3 P.A.O. No. 12 1307</p>								



WINDOW #	HEIGHT	WIDTH	COMMENT
W01	600	2170	awning window - special - 300mm sill
W02	600	2170	awning window - special - 1500mm sill
W03	860	1810	sliding window
W04	860	1810	sliding window
W05	860	850	sliding window - obscure glass
W06	860	850	sliding window
W07	2110	3676	sliding stacker door - 3 panel, 1 fixed, 2 sliding
W08	2110	5302	sliding stacker door - 6 panel, 2 fixed, 4 sliding
W09	2110	5302	sliding stacker door - 6 panel, 2 fixed, 4 sliding
W10	600	2410	fixed splash back window to kitchen, 900mm sill height to bench
W11	600	850	sliding splash back window to pantry, 900mm sill height to bench
W12	1200	2170	sliding window
W13	600	3610	sliding highlight window
W14	600	2170	awning window
W15	600	2410	awning window
W16	2100	2710	sliding door 3 panels - 2 fixed, 1 slide
W17	1030	1810	sliding window
W18	1030	1810	sliding window
W19	860	850	sliding window - obscure glass
W20	600	2650	highlight window sliding window
W21	1030	1810	sliding window
W22	1030	1810	sliding window
W23	600	2650	sliding window
W24	860	1810	sliding window - obscure glass
W25	1030	2170	sliding window
W26	600	1810	awning window
W27	2095	3460	4 panel bi-fold door
W28	2095	1730	2 panel bi-fold door
W29	860	610	sliding window - obscure glass

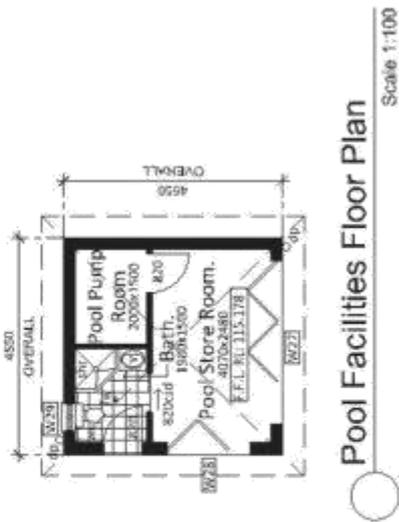
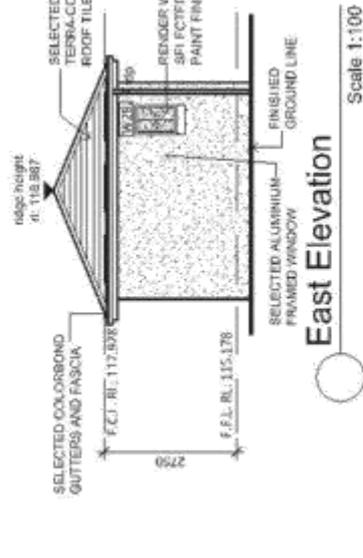
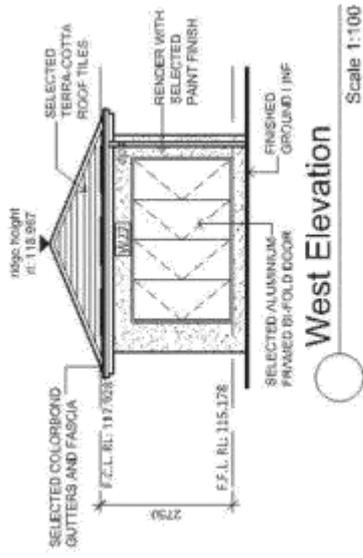
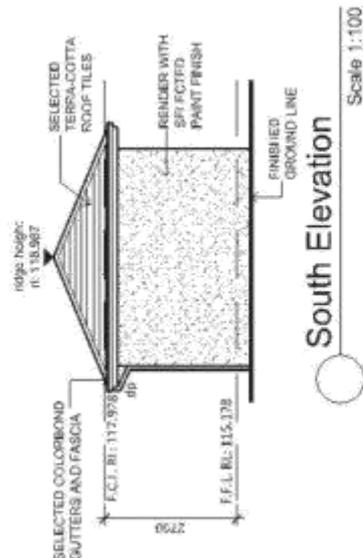
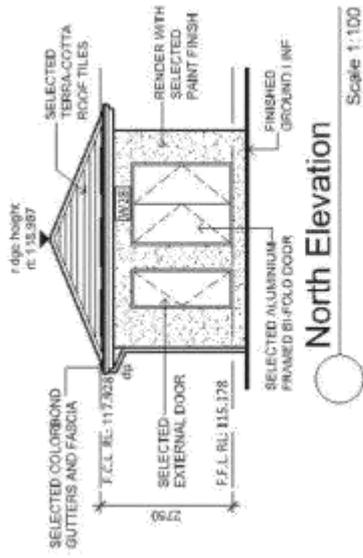
Note:
 1 All windows are aluminium framed sliding & awning type.
 2 Confirm all windows with builder and center prior to ordering.
 3 Builder and owner to comply with relevant BASIX commitments in regards to glazing requirements.
 4 All bedroom windows more than 2m above natural ground with sill height <1.7m must provide either crimsafe screening to opening portion or fixed to open max. 125mm in accordance with BCA requirements

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 A.C.N. 060 907 860
 Tel: 08 9497 2947 Fax: 08 9497 4713
 302/2/2, 3411 Sturt St, Adelaide SA 5000

Issue	Description	By	Date
1	Issued for Review	M.B.	14/12/2015
2	Issued for DA Submission	M.B.	31/12/2015
3	Issued for DA Submission	M.B.	20/01/2016

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Proposed New Two Storey Residence & Inground Pool / Pool Facilities
 Location: Lot 612 D P 1163903 No.8
 For: Paul Yako
 Council: Camden Council
 Job No: 150904A3
 Date: 20/01/2016
 Page: 6 of 14
 Scale: 1:100
 Issue: 3



Issue:	Description:	By:	Date:
1	Issued for Review	M.B.	14/12/2015
2	Issued for DA Submission	M.B.	17/12/2015
3	Issued for DA Submission	M.B.	20/01/2016

Proposed New Two Storey Residence & Inground Pool / Pool Facilities Location: Lot 612 D P 1163903 No.8 Newmarket Street, Currans Hill For: Paul Yako		Date: 20/01/2016
Council: Camden Council Job No: 150904A3		Page: 8 of 14
Scale: 1:100		Issue: 3

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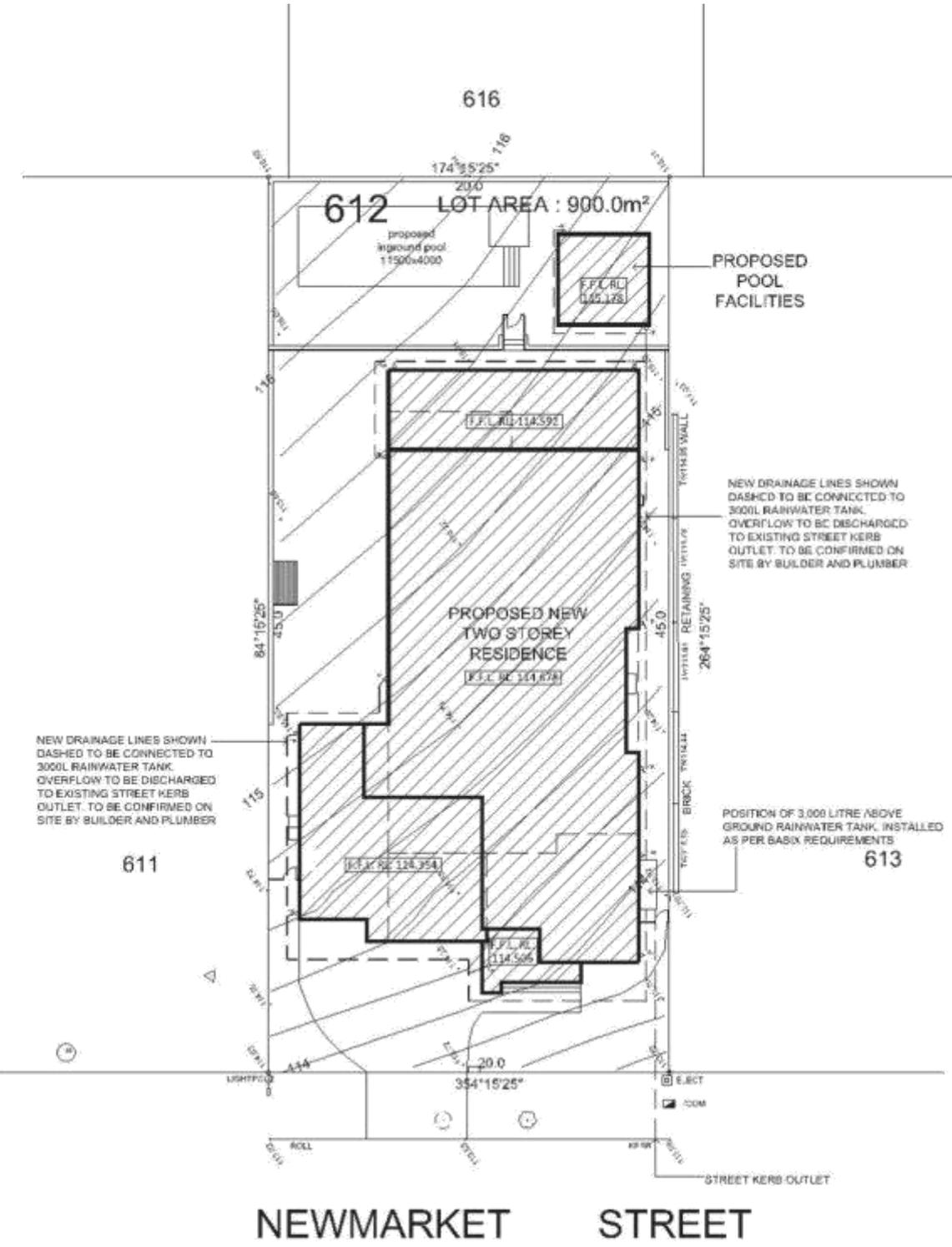
**J.A. Anzini Drafting
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Proposed New Two Storey Residence & Inground Pool / Pool Facilities Location: Lot 612 D/P 1163903 No. 8 Newmarket Street, Currans Hill For: Paul Vako	Council: Camden Council	Job No: 150904A3	Date: 20/01/2016
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			Issue: 2



NEWMARKET STREET
 Concept Drainage Plan
 Scale 1:200

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 Builder/Consultants must notify the designer of any discrepancies in the drawings prior to any construction works.
 DUL 1160 BEFORE YOU DIG prior to any earth excavation.
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Issue	Description	By:	Date:
1	Issued for Review	M.B.	14/11/2015
2	Issued for DA Submission	M.B.	17/12/2015
3	Issued for DA Submission	M.B.	20/01/2016

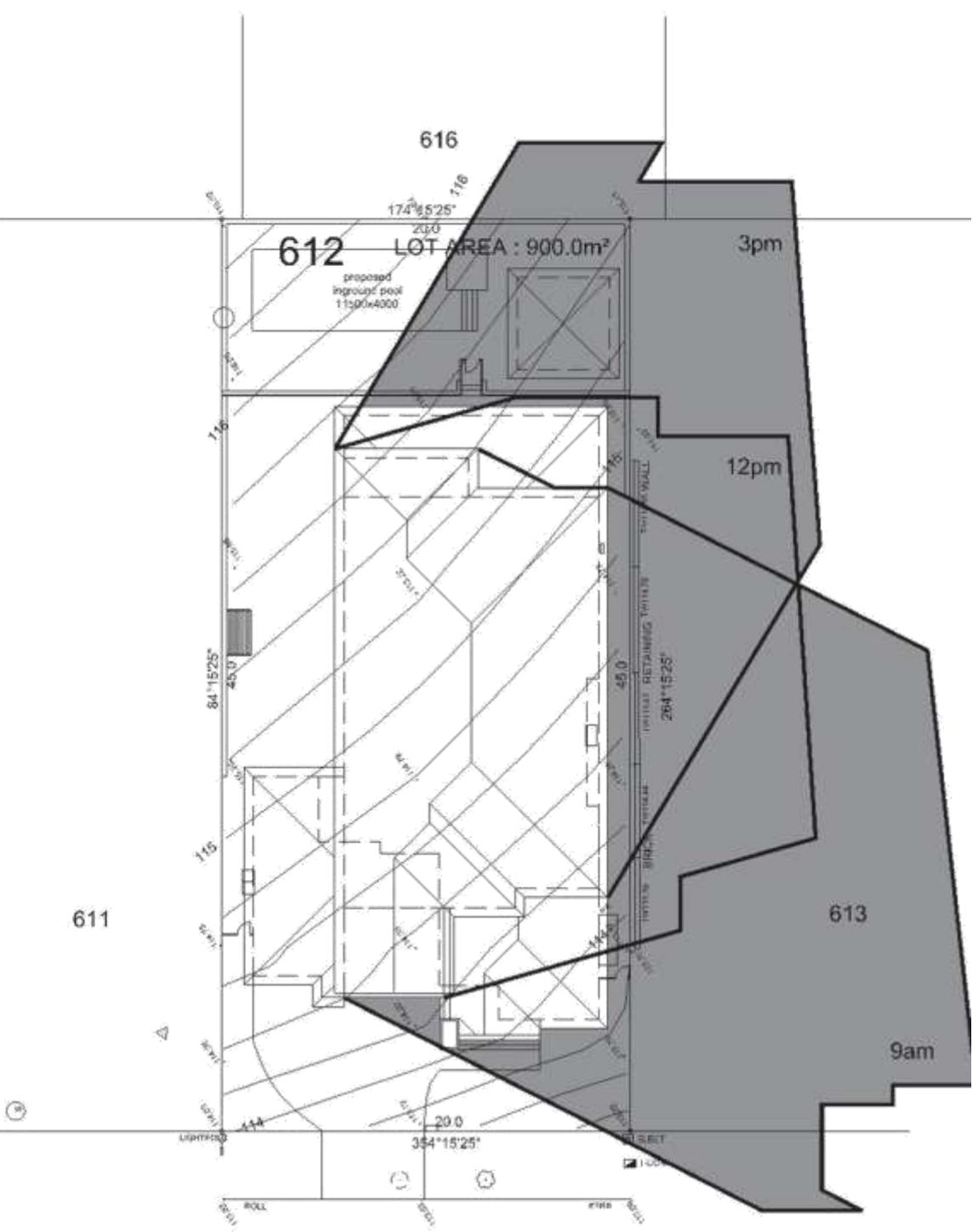
**J.A. Anziri Drafting
 And Building
 Services PTY LTD**
 A.C.N. 060 907 860
 TEL: 9497 2947
 MOBILE: 9419 4777
 FAX: 9497 4293



Proposed New Two Storey Residence & Inground Pool / Pool Facilities
 Location: Lot 612 D.P. 1163903 No.8
 Newmarket Street, Currans Hill
 Paul Yako

Council: Camden Council
 Job No: 150904A3

Date: 20/01/2016
 Page: 12 of 14
 Scale: 1:200
 Issue: 3

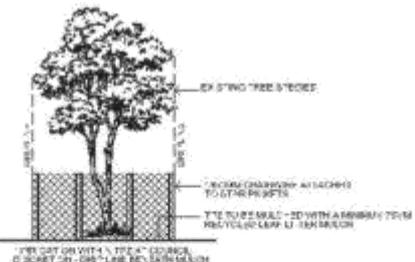


NEWMARKET STREET
 21st June Shadow Diagram
 Scale 1:200

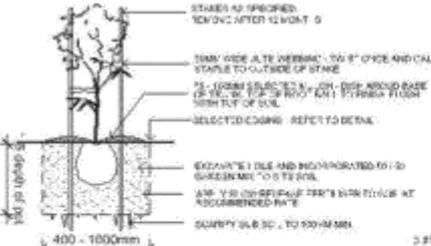
ORD02

Attachment 2

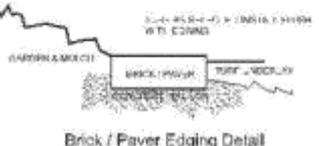
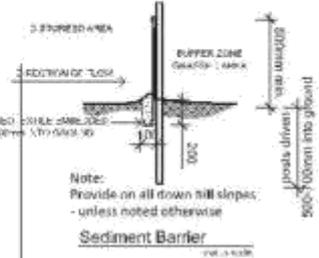
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Tree Protection Detail



Typical Planting for 25-75 litre Plants



Brick / Paver Edging Detail

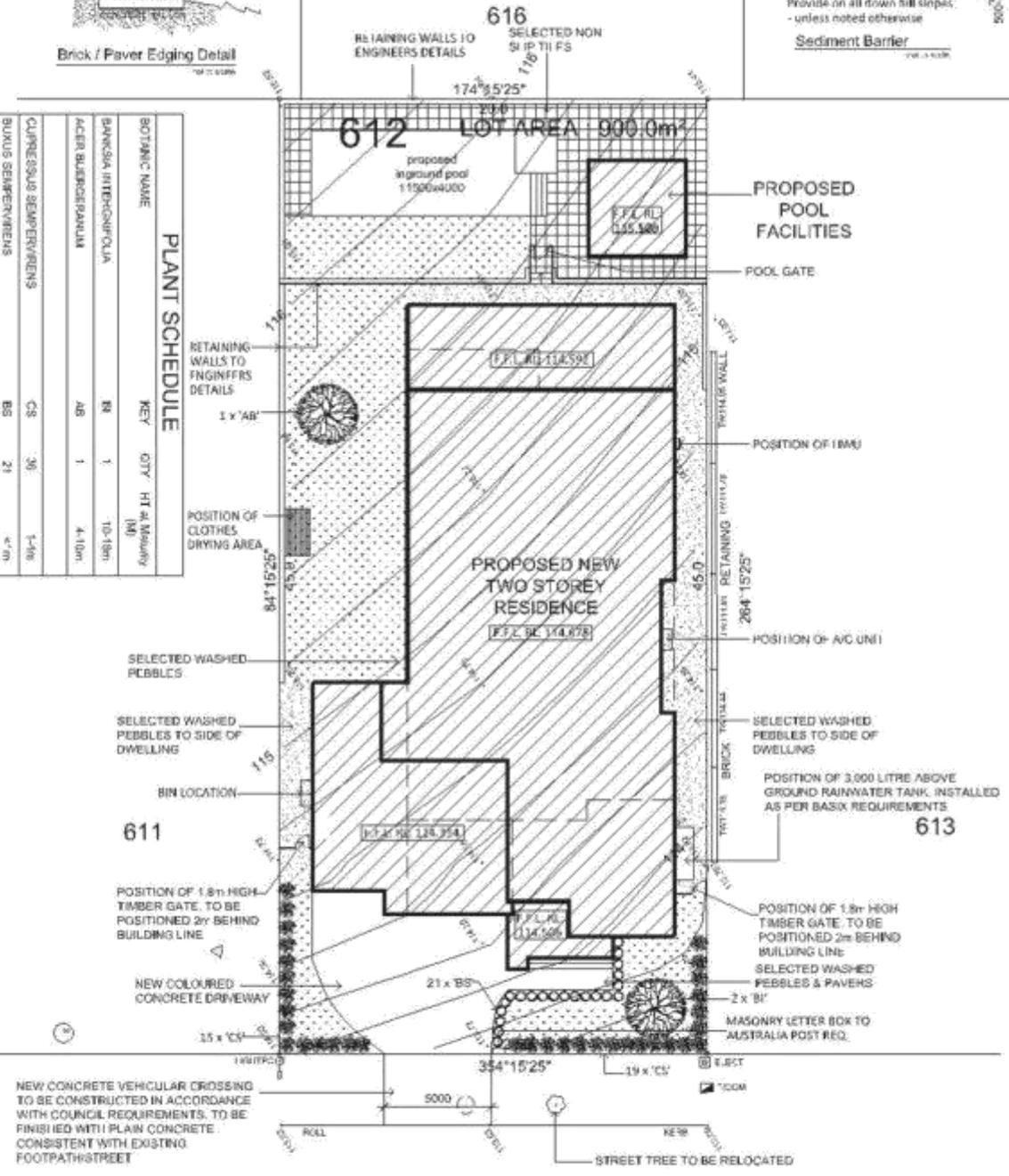
Issue	Description	Date
1	Issued for Review	14/11/2015
2	Issued for Submission	17/12/2015
3	Issued for DA Submission	20/01/2016

BOTANICAL NAME	KEY	QTY	HT. at Maturity (M)
BANQUISA INTERMEDIOLA	BR	1	10-15m
ACER RUBROCAROLIN	AB	1	4-10m
CUPRESSUS SEMPERVERENS	CS	36	1-4m
BUXUS SEMPERVERENS	BS	21	4-7m

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 Services Pty Ltd
 A.C.N. 060 907 860
 10/11/2015
 17/12/2015
 20/01/2016



Proposed New Two Storey Residence & Inground Pool / Pool Facilities
 Location: Lot 612 D/P 1163903 No 8
 Newmarket Street, Currans Hill
 For: Paul Vako
 Council: Camden Council
 Job No: 15090A/3
 Date: 20/01/2016
 Page: 13 of 14
 Scale: 1:200
 Issue:



NEWMARKET STREET
 Concept Landscape Plan
 Scale 1:200



RECOMMENDED CONDITIONS**1.0 - General Conditions of Consent**

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

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
1494 Rev J	Cover Sheet	3d Evolution	31/3/2016
1494 Rev J	Site Plan/ Site Demo	3d Evolution	31/3/2016
1494 Rev J	Area Plan/ Site Analysis Plan	3d Evolution	31/3/2016
1494 Rev J	Subdivision Proposed	3d Evolution	31/3/2016
1494 Rev J	Shadows	3d Evolution	31/3/2016
1494 Rev J	Finishes Schedule	3d Evolution	31/3/2016
1494 Rev J	Ground Floor Plan	3d Evolution	31/3/2016
1494 Rev J	Elevations	3d Evolution	31/3/2016
2015.0808DA1-1	Landscape Plan	TGS Landscape Architects	14/3/2016
2015.0808DA1-2	Landscape Plan	TGS Landscape Architects	14/3/2016
ST01	Site Stormwater Drainage Plan	Danmor Consulting	29/1/2016
ST02	Site Stormwater Drainage Details	Danmor Consulting	29/1/16
ST03	Erosion and Sediment Control Plan	Danmor Consulting	29/1/2016

Document Title	Prepared by	Date
Noise Impact Assessment - Report 150205R0 Revision 3	Rodney Stevens Acoustics	14 February 2016

- (2) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.

- (3) **Compliance with NSW Police Force Conditions** – The development must comply with the conditions of consent dated 18 November 2015.
- (4) **Outdoor Lighting** - All lighting shall comply with AS 1158 and AS 4282.
- (5) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications and the relevant DCP.
- (6) **Car Park** - The carpark must be constructed in accordance with AS 2890.1 and 2890.6.
- (7) **Salinity Management Plan** - All proposed works that includes earthworks, imported fill and landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with the *"Mandatory Building Requirements" contained within Camden Council's policy – "Building In A Saline Prone Environment"*.
- (8) **Commercial Waste Contract** - The applicant shall enter into a commercial contract for the collection of trade waste and recycling. A copy of this agreement shall be held on the premises at all times.
- (9) **Waste Disposal** - The building owner shall ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way (e.g. footpaths, roadways, plazas, reserves) at any time.
- (10) **Operational Waste Management Plan (WMP)** – An Operational Waste Management Plan must be provided for the site operation to address all waste generated. A copy of the plan must be kept on site.
- (11) **Elevations** – The elevation numbered 4 on the approved elevation plan relates to the western elevation of the child care building not the east as noted on the plan.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

Note. Under the Roads Act 1993, only the Council can approve commencement of works within an existing road reserve.

- (2) **Traffic Management Plan** - A Traffic Management Plan (TMP) shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (3) **Soil, Erosion, Sediment and Water Management** - An Erosion and Sediment Control Plan (ESCP) shall be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (4) **Dilapidation Report – Council Property** - A Dilapidation Report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the subject site. Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.
- (5) **Environmental Management Plan** - An Environmental Management Plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the Certifying Authority.

The Environmental Management Plan shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining landuses and the natural environment is not unacceptably impacted upon by the proposal. The Environment Management Plan shall include but not be necessarily limited to the following measures:

- a) Measures to control noise emissions from the site;
 - b) Measures to suppress odours and dust emissions;
 - c) Soil and sediment control measures;
 - d) Measures to control air emissions that includes odour;
 - e) Measures and procedures for the removal of hazardous materials that includes waste and their disposal;
 - f) Any other recognised environmental impact; and
 - g) Community Consultation.
- (6) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any Geotechnical Report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.
 - (7) **Retaining Walls** - All retaining walls shall be designed and certified by a suitably qualified structural engineer, in accordance with Council's Engineering Specifications.
 - (8) **Long Service Levy** - In accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work that cost \$25,000 or more.

- (9) **Pollutants** - Discharge of pollutants is strictly forbidden. Measures to prevent the pollution of waters, air and land shall be incorporated into the development to comply with the requirements of the Protection of the Environment Operations Act 1997. Where there is potential for pollutant discharge, a report by a suitably qualified expert shall be provided to the PCA detailing the pollution mitigation measures incorporated into the building design so that any discharges comply with the requirements of the Protection of the Environment Operations Act 1997.
- (10) **Mechanical Exhaust System** - Mechanical exhaust system(s) shall comply with the BCA and AS 1668 Parts 1 and 2 (including exhaust air quantities and discharge location points). Details demonstrating compliance shall be provided to the Certifying Authority.
- (11) **Food Premises** - The design, construction, fit-out, use and ongoing operation of the food premises and/or food storage area shall comply with all applicable Acts, Regulation, codes and standards including:
- the Food Act 2003;
 - the Food Regulation 2004;
 - Food Standards Australia and New Zealand – Food Standards Code 2003;
 - Council's Food Premises Code;
 - AS 1668 'The use of ventilation and air conditioning in buildings';
 - the BCA; and
 - AS 4674-2004. Design, construction and fitout of food premises

Details demonstrating compliance shall be provided to the Certifying Authority.

- (12) **Median Construction** – The applicant shall extend the existing concrete median across the frontage of the site in Somerset Avenue to limit vehicular access to the subject site to left in/left-out only. The median construction shall be designed and constructed in accordance with Council's Specification. Detailed plans of the median construction shall be forwarded to Council for approval by Council's Traffic Section prior to the issue of the Construction Certificate.

All costs associated with the design and construction of the median shall be borne by the applicant.

- (13) **Section 94 Contributions – Monetary** - A contribution pursuant to the provisions of Section 94 of the EP&A Act 1979 for the services and amounts detailed below.

Plan Name	Contribution Type	Indexed Rate	Amount Payable
Contributions Plan No. 3	Trunk Drainage, Water Quality Facilities and Professional Services	\$12,129 per	\$2,366.00

		hectare	
	Total		\$2,366.00

A copy of the Section 94 Contributions Plan may be inspected at Council's Camden office at 37 John Street, Camden or can be accessed on Council's website at www.camden.nsw.gov.au.

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the applicable Index.

- (14) **Garbage Room** - Plans showing the location and details of garbage room(s) and room(s) used for the washing and storage of garbage receptacles shall be provided to the Certifying Authority for approval. Garbage room(s) are to be constructed of solid material, cement rendered and trowelled to a smooth even surface. Floors are to be impervious, coved, graded and drained to an appropriate floor waste. Walls are to be smooth impervious surfaces. Ventilation, pest proofing and a hose tap to be provided.
- (15) **Post Building Demolition Contamination Assessment** – Following the approved demolition and removal of structures from the site a contamination assessment of soils beneath the footprint of all buildings is required. The assessment must be undertaken prior to the issue of a construction certificate for the building work and be undertaken by a qualified environmental consultant in accordance with Camden Council's "Management of Contaminated Lands Policy".

Where soil testing results identify contamination that requires remediation, all construction works must cease on the development site and a Remedial Action Plan (RAP) be provided to the consent authority for review and issue of a separate consent. A new application for remediation or application to modify the existing consent to include remediation is required prior to the commencement of any remediation work.

3.0 - Prior to Commencement of Works

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

- (1) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this Development Consent.

Soil erosion and sediment control measures shall be maintained during construction works and shall 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).

- (2) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.
- (3) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
 - a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes
- (4) **Notice Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
 - a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.

- (5) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the EP&A Act 1979, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Consent Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the EP&A Act 1979;
 - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (6) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours;
 - c) the name, address and telephone number of the PCA.
 - d) The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.
- (7) **Performance Bond** - Prior to commencement of works a performance bond of \$5,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (8) **Site is to be Secured** - The site shall be secured and fenced to the satisfaction of the PCA. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.
- (9) **Sydney Water Approval** - The approved development plans shall be approved by Sydney Water.
- (10) **Demolition Work** - Consent is granted for the demolition of all buildings currently existing on the site, subject to compliance with the following conditions:
- a) The developer shall notify adjoining residents of demolition works seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite, the demolition site.

- b) Written notice shall be given to the PCA for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following inspection shall be undertaken by the PCA:
 - i) a pre-commencement inspection when all the site works are installed on the site and prior to demolition commencing;
 - ii) a final inspection when the demolition works have been completed.
 - c) Prior to demolition, the applicant shall erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
 - d) Prior to demolition, the applicant shall erect a 1.8m high temporary fence and hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site shall be restricted to authorised persons only and the site shall be secured against unauthorised entry when work is not in progress or when the site is otherwise unoccupied.
 - e) Suitable erosion and sediment control measures in accordance with an approved ESCP shall be installed prior to the commencement of demolition works and shall be maintained at all times.
 - f) A Work Plan prepared by a suitably qualified person in accordance with AS 2601 'Demolition of Structures' shall be provided to the PCA for approval prior to demolition works commencing. The Work Plan shall identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
 - g) If the property was built prior to 1987, an asbestos survey shall be carried out by a suitably qualified person prior to demolition. If asbestos is found, a WorkCover Authority licensed contractor shall remove all asbestos in accordance with the requirements of the WorkCover Authority, including notification of adjoining neighbours of asbestos removal.
 - h) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
 - i) Care shall be taken during demolition to ensure that existing services on the site (i.e. sewer, electricity, gas, phone, etc) are not damaged. Any damage caused to existing services is to be repaired by the relevant authority at the expense of the applicant.
- (11) **Hazardous Building Materials Assessment** - A Hazardous Building Material Assessment (HBMA) shall be undertaken on all buildings and structures to be demolished that identifies all hazardous components on site. A HBMA report shall be provided to the PCA and Council.

Once hazardous components are identified, all demolition works that involve the demolition and removal of the hazardous materials shall ensure that all site personnel are protected from risk of exposure in accordance with relevant NSW

WorkCover Authority and NSW Demolition Guidelines. Premises and occupants on adjoining land shall also be protected from exposure to any hazardous materials.

4.0 - During Works

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

- (1) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines (2008) (refer to:

www.environment.nsw.gov.au/waste/envguidlms/index.htm)

Once assessed, the materials shall be disposed to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.
- (2) **Noise** - All work shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act (1997). All work shall comply with the requirement of the NSW Industrial Noise Policy and the Environment Protection Authority' Environmental Noise Manual.
- (3) **Location of Stockpiles** - Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.
- (4) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (5) **Fill Material** - Importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

- be prepared by a person with experience in the geotechnical aspects of earthworks, and
- be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics, and
- be prepared in accordance with:

Virgin Excavated Natural Material (VENM):

- the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
 - the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".
- d) confirm that the fill material:
- provides no unacceptable risk to human health and the environment;
 - is free of contaminants;
 - has had salinity characteristics identified in the report, specifically the aggressiveness of
 - is suitable for its intended purpose and land use; and
 - has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

- e) less than 6000m³ - 3 sampling locations,
- f) greater than 6000m³ - 3 sampling locations with 1 extra location for each additional 2000m³ or part thereof.

For e) and f) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of VENM for Contamination and Salinity should be undertaken in accordance with the following table:

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
Virgin Excavated Natural Material	1 (see Note 1)	1000 or part thereof

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

- (6) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the property boundary.
- (7) **Additional Approvals Required** - Where any works are proposed in the public road reservation, the following applications shall be made to Council, as applicable:

- a) For installation or replacement of private stormwater drainage lines or utility services, including water supply, sewerage, gas, electricity, etc, an application shall be made for a Road Opening Permit and an approval under Section 45 of the *Roads Act 1993*;
- b) For construction / reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application shall be made for a Roadworks Permit under Section 138B of the *Roads Act 1993*.

Note: Private stormwater drainage is the pipeline(s) that provide the direct connection between the development site and Council's stormwater drainage system, or street kerb and gutter.

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

Construction period of 4 weeks and under:

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

Construction period greater than 4 weeks:

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

- (9) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be installed and maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the Soils and Construction – Managing Urban Stormwater manual (Blue Book).
- (10) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc) be encountered during any stage of works (including earthworks, site preparation or construction works, etc), such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

- (11) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (12) **Traffic Management Plan Implementation** - All construction traffic management procedures and systems identified in the approved Construction Traffic Management Plan shall be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (13) **Site Management Plan** - The following practices shall be implemented during construction works:
- a. a sign shall be erected at all entrances to the subdivision site and be maintained until the subdivision has reached 80% occupancy. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:
 - b. "WARNING UP TO \$1,500 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) – Solution to Pollution."
 - c. The wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.
- (14) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (15) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (16) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:
- a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - c) retaining walls shall not be erected within drainage easements;
 - d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.

- (17) **Site Management Plan** - The following practices are to be implemented during construction:
- a) 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 site;
 - b) 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;
 - c) waste shall not be burnt or buried on site, nor shall wind blown rubbish be allowed to leave the site. All waste shall be disposed of at an approved waste disposal depot;
 - d) a waste control container shall be located on the site;
 - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
 - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - be a standard flushing toilet connected to a public sewer; or
 - have an on-site effluent disposal system approved under the Local Government Act 1993; or
 - be a temporary chemical closet approved under the Local Government Act 1993.
- (18) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.

5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Occupation Certificate Required**- An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the PCA in accordance with the requirements of the EP&A Regulation 2000.
- (3) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (4) **Food Premises** - The following notifications shall occur:

Council shall be notified that the premises is being used for the preparation, manufacture or storage of food for sale and an inspection of the completed fit out is to be conducted. A 'Food Business Registration' form can be found on Council's website.

The NSW Food Authority shall be notified and a copy of the notification shall be provided to Council. Notification can be completed on the NSW Food Authority website.

- (5) **Mechanical Exhaust System** - A Certificate of Compliance prepared by a suitably qualified engineer confirming that the mechanical exhaust systems have been designed, constructed and installed in accordance with the relevant requirements of Clause F4.12 of the BCA and AS1668 Parts 1 and 2, shall be provided to the PCA. Certification shall be provided that the air handling system as installed has been tested and complies with the approved plans and specifications, including ventilation requirements and fire precautions.
- (6) **Median Construction** - Median Construction required by Condition 2.0 (12) shall be constructed and completed to the satisfaction of Council prior to the issue of an Occupation Certificate.
- (7) **No Stopping Restrictions** – No stopping restrictions shall be implemented across the full frontage of the site at Somerset Avenue. In this regard, appropriate signage shall be installed at the applicant's expense. A PRA application shall be made to Council and approved by Council's Local Traffic Committee prior to the issue of an Occupation Certificate.
- (8) **Staff Access Only Signage** – A sign restricting access to staff only shall be erected at the entrance to the staff carpark on Doncaster Avenue. In this regard, appropriate signage shall be installed at the applicant's expense.
- (9) **Pick Up/ Drop Off Spaces** – Signage must be erected clearly showing 12 pick/up drop off spaces within the main car park.
- (10) **Secure Access** - Access to the building from Doncaster Avenue must be restricted to staff only. Security access is to be provided to prevent unauthorised access.
- (11) **Acoustic Barrier Servicing Outdoor Play Area and Mechanical Plant**- A solid acoustic fence at least 2.1 metre high (relative to ground levels of the outdoor play area) is to be constructed around the perimeter of the outdoor play area and also alongside the location of mechanical plant consistent with "Figure 7-1 Location of boundary fence" in report titled "*Noise Impact Assessment Child Care Centre: 25-27 Somerset Street Narellan NSW: Prepared by Rodney Stevens Acoustics, Report No 150205Ro (revision 4), Dated 22 February 2016.*"
- (12) **Treatment of Boundary Fence** – The acoustic perimeter fence around the external play ground is to have 25mm thick "whisper acoustic external insulation" fitted to the fence that covers at least 20 % of the entire fence area.

- (13) **Mechanical Plant Attenuation** – The perimeter acoustic fence is to extend past the location of mechanical plant with the internal side of the fence (beside the plant) to be lined with 12mm FC sheeting and with the FC sheeting covered with 25mm “whisper acoustic external insulation”. The air-conditioner/s compressors are to be fitted with an acoustic blanket.
- (14) **Window Glazing** – The windows on the western façade of the building are required to be upgraded with glazing of 6mm.
- (15) **Compliance Letter** - Where the consent authority is not the Principle Certifying Authority (PCA) an additional inspection of the commercial kitchen must be undertaken by the Consent Authority (involving an Environmental Health Officer from the Consent Authority) prior to the issuing of an Occupation Certificate. A letter is to be issued from the Consent Authority certifying that the kitchen complies with the Food Codes and Regulations.
- (16) **Operational Plan of Management** – The applicant must prepare an Operational Plan of Management. A copy of the finalised Operational Plan of Management must be submitted with the Application for an Occupation Certificate and must include measures to address the following matters:
- i. Numbers of staff;
 - ii. Staff working hours;
 - iii. The minimisation of impact on the nearby residents by traffic and parking associated with the development;
 - iv. Child drop off and pick up procedures by vehicle;
 - v. Child check in and check out procedures;
 - vi. Common area use;
 - vii. Noise control;
 - viii. Internal security procedures;
 - ix. Public access to building and surrounds on site;
 - x. Delivery and service tradespeople access and their functioning within and around the building;
 - xi. Emergency evacuation;
 - xii. Measures to minimise / address littering;
 - xiii. Neighbourhood complaint management, including:
 - xiv. Maintaining and operating a complaints procedure and policy to deal with neighbour complaints;
 - xv. Maintaining a neighbour complaints register, which is accessible to neighbours on a regular basis;
 - xvi. Ensure that any complaints management register is updated and
 - xvii. maintained to ensure up to date contact details for the benefit of neighbours;
 - xviii. Procedure for dealing with neighbour complaints reasonably and efficiently; and
 - xix. Regular evaluation and improvement of the complaints register and complaints management generally.
 - xx. Compliance with relevant conditions of approval.

6.0 – Ongoing Use

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

- (1) **Amenity** - The business shall be conducted and customers controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations and residential or business premises.
- (2) **Offensive Noise** - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the Protection of the Environment Operations Act 1997 and shall comply with the NSW Industrial Noise Policy 2000 (as amended).
- (3) **Amplified Music** – The use of amplified music in outdoor areas of the centre is prohibited.
- (4) **Operational Plan of Management** – The owner or manager of the child care centre must ensure all parents/visitors are advised of the operational management plan procedures specifically regarding:
 - a) The minimisation of impact on the nearby residents by traffic and parking associated with the development;
 - b) Child drop off and pick up procedures by vehicle;
 - c) Noise control;
- (5) **Manoeuvring of Vehicles** – All staff and patron vehicles shall enter and leave the site in a forward direction.
- (6) **Removal of Graffiti** – The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.
- (7) **Hours of Operation** – The property is only to be open for business and used for the purpose approved between 7.00am and 7.00pm, Monday to Friday.
- (8) **Maximum Number of Children in Playground** – In order to control noise a maximum number of 45 children are permitted to occupy or participate in external play in the outdoor playground/s at the one time.
- (9) **Children at External Play** – Noise emitted from children participating in outdoor playground activities shall not exceed the (LAeq, 15 minute), 48 dB(A) when assessed within the rear yard of any adjoining residential property.
- (10) **Windows To Be Closed** – Whilst children are participating in indoor activities the windows of the building are to be closed.
- (11) **Alternative Ventilation for Rooms** – where rooms require windows to be closed (but not necessarily sealed) to meet internal noise criteria, the provision of alternative

ventilation (possibly mechanical provided there is a fresh air intake) that meets the requirements of the Building Code of Australia (BCA) will need to be provided to ensure fresh airflow inside the building. Consultation with a mechanical engineer to ensure that BCA and AS1668 are achieved may be required.

- (12) **Kitchen Exhaust Noise Operating Restriction** – Any kitchen exhaust fan must have suitable noise controls fitted on the outlet of the kitchen exhaust and must not exceed the LAeq, 15 minute, 43 dB(A) when assessed within any existing residential property boundary. Selection of suitable mechanical plant must be undertaken with the involvement of a suitably qualified acoustic consultant.
- (13) **Air Conditioner Plant Noise Restriction** – The noise level from the combined use and operation of mechanical plant must not exceed 43dB(A) LAeq 15 minutes when measured at a distance of one meter inside the nearest affected residential boundary.
- (14) **Mechanical Plant Noise Restriction** -The use and operation of all mechanical plant shall be restricted to only operate between the hours of 7.00am to 7.00pm, Monday to Friday.
- (15) **Landscaping Maintenance Establishment Period** - Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain all hard and soft landscaping elements associated with this consent.

The 12 month maintenance and establishment period includes the applicant's responsibility for the establishment, care and repair of all landscaping elements including all street tree installations, plantings, lawn and hardscape elements including paths, walls, bins, seats, BBQs, shelters, playground equipment and soft fall treatments.

The date of practical completion is taken to mean completion of all civil works, soil preparation and treatment and initial weed controls, and completion of all planting, turn installation, street tree installation and mulching.

At the completion of the 12 month landscaping maintenance and establishment period, all hard and soft landscaping elements (including any nature strip and road verge areas, street trees, street tree protective guards and bollards, etc) shall be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

At the completion of the maintenance and establishment period, the landscaping works shall comply with the approved landscape plans.

- (16) **Food Premises** - All equipment (including pie warmers, hot food display units, etc) used for the display or storage of hot food shall maintain the food at a temperature of not less than 60°C.

All equipment used for the display or storage of cold food shall maintain the food at a temperature of not more than 5°C.

A food business must, at food premises where potentially hazardous food is handled, have a temperature measuring device (eg probe thermometer) that:

- a) Is readily accessible; and
- b) Can accurately measure the temperature of potentially hazardous food to +/-1oC

A suitable waste contractor(s) must be engaged for the removal of wastes generated at the premises. All bins and waste storage facilities at the premises are to be sealed and emptied on a regular basis to prevent odour, vermin and fire hazards from occurring.

- (17) **Hand Washing Facilities** - Hand basins shall be provided in accessible locations within each food preparation and food service area. (Note: AS4674-2004 requires that hand basins are accessible and no further than 5 m from any place where food handlers are handling open food). The hand basins must be:
- a) Provided with water at least 40oC from a mixed hot and cold supply;
 - b) Supplied with a sufficient supply of liquid soap and single-use towels or other suitable hand drying facilities located adjacent to the hand basin;
 - c) Kept in a clean and sanitary condition and in good repair at all times;
 - d) Not used for any other purpose other than the washing of hands.
- (18) **Bottle Preparation Room** – This room must have a separate equipment washing sink and a dedicated hand washing basin. Both sink and basin are to be supplied with hot and cold water through a common spout
- (19) **Acoustic Compliance Report** - An acoustic assessment report based on noise monitoring of the site shall be submitted to Camden Council (Consent Authority). The assessment can only be undertaken when attendance at the centre is sufficient to allow a maximum of 45 children to participate in outdoor play at the same time. The acoustic monitoring shall be undertaken by an independent qualified acoustic (not the same consultant who conducted the original assessments) for the purpose of demonstrating compliance with the following:
- a) Noise from a maximum of 45 children participating in outdoor play with:
 LAeq, 15min 48 dB(A) Day period 7.00am – 7.00pm,
 when assessed one metre inside the rear boundary of the nearest affected residence/s.
 - b) Mechanical plant noise (air-conditioner and kitchen exhaust) complies with:
 LAeq, 15min 43 dB(A) Day period 7.00am – 7.00pm

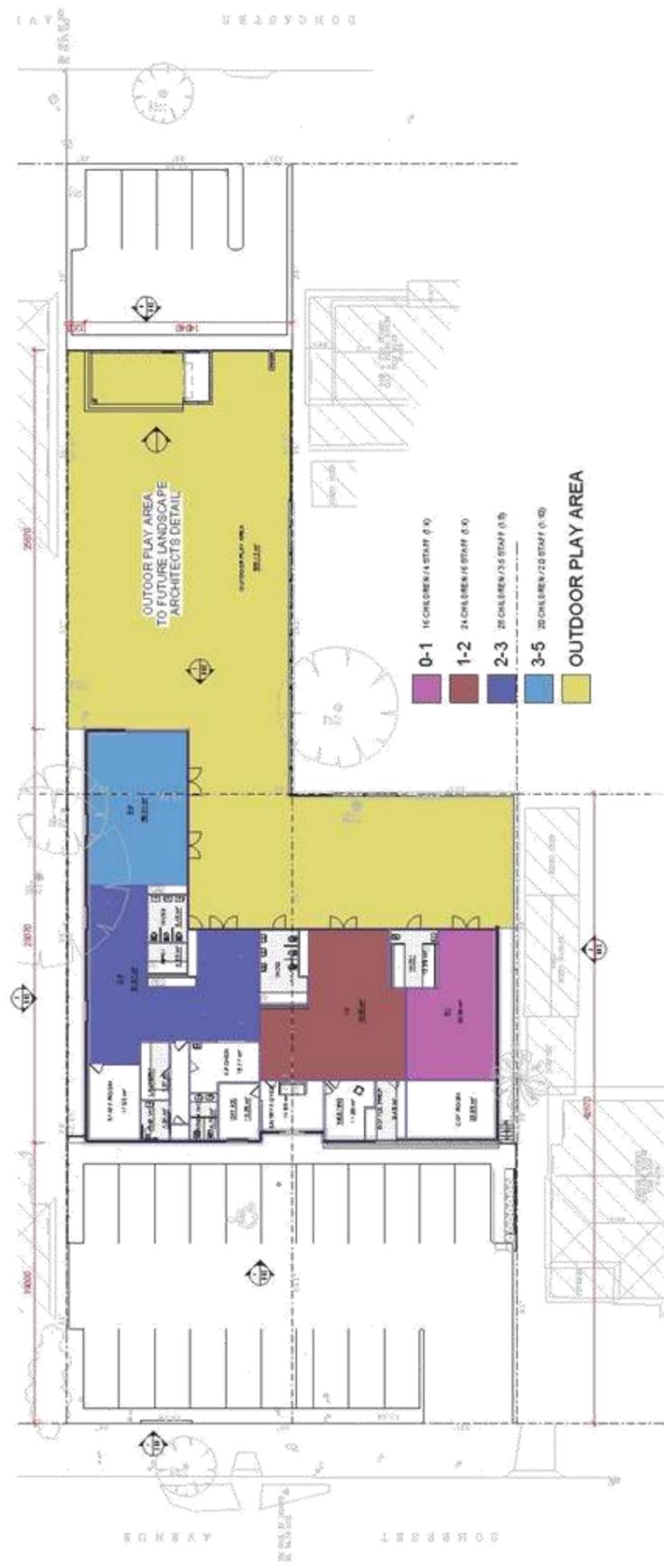
when assessed one metre inside any boundary of the nearest affected residence.

c) Materials and Mitigation Controls

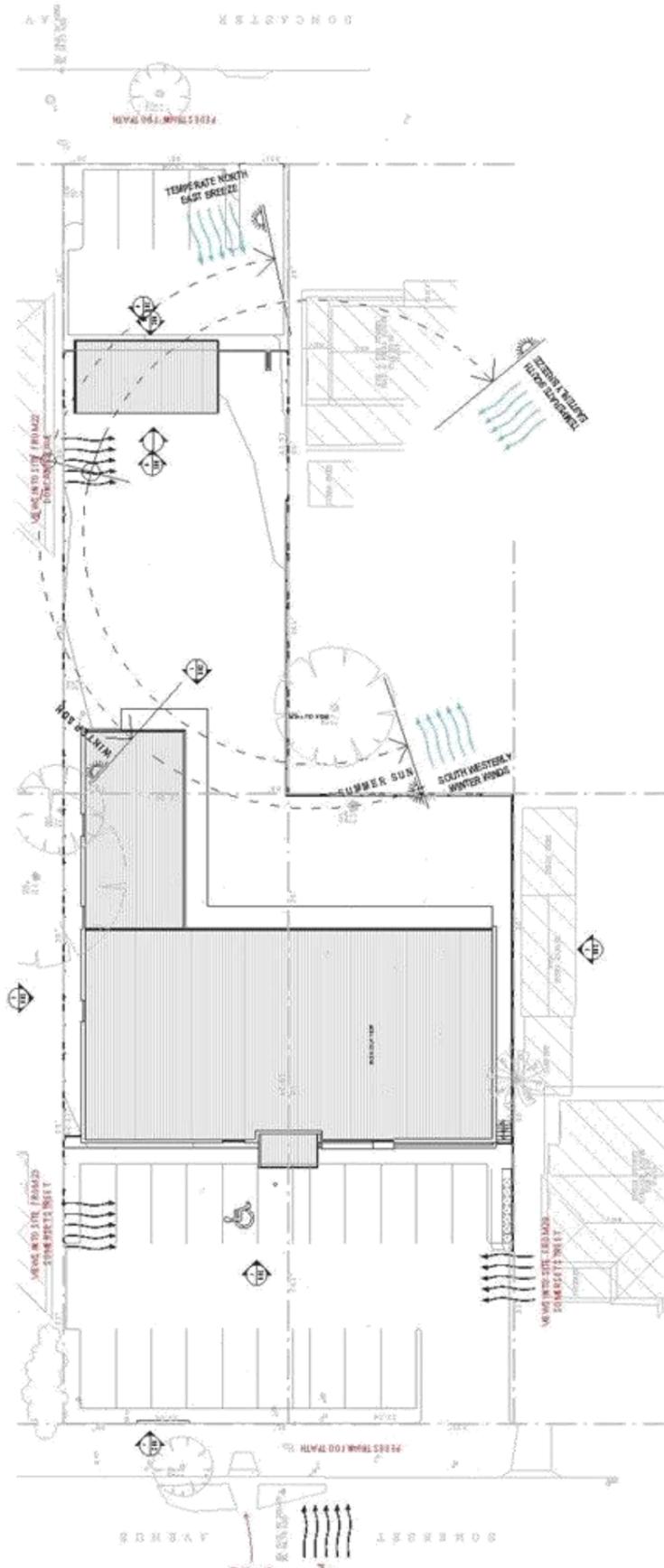
that all noise attenuation materials and structures used for the mitigation / control of noise is compliant with the conditions of the consent.

For any non-compliance with conditions, the acoustic compliance report must make recommendations for compliance or further attenuation of noise sources and these recommendations will be enforced by Council at the cost of the owner / occupier. An application pursuant to s.96 of the EP&A Act for the modification of the issued development consent must be submitted to the consent authority (Camden Council) for determination, with the recommended amendments to be implemented following Council Consent.

The owner / occupier must then provide a supplementary acoustic assessment and report to the consent authority certifying that all compliance works have been completed and that noise levels comply with the above criteria.



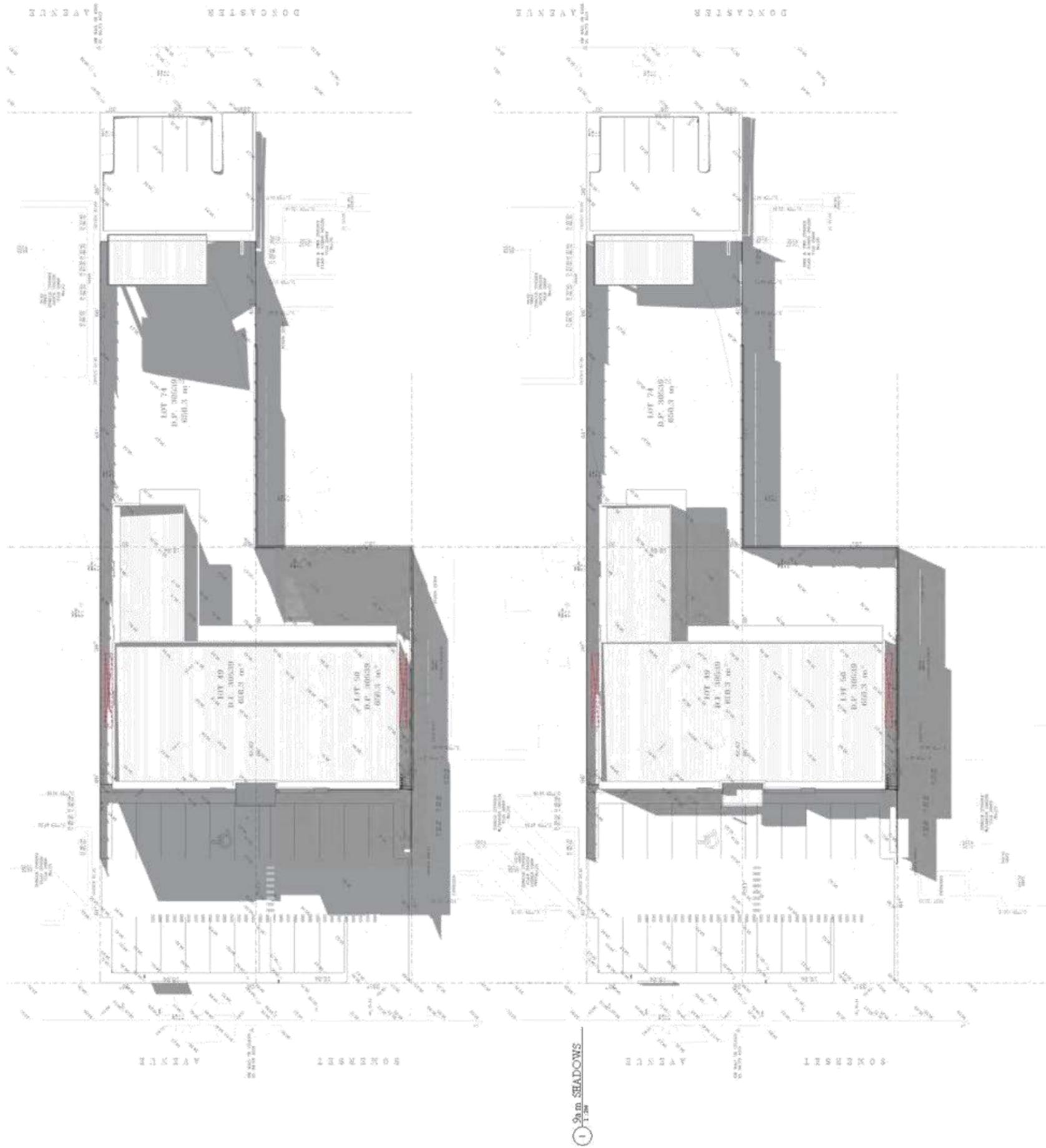
1 AREA PLAN 1:100



2 SITE ANALYSIS PLAN 1:100

AREA SCHEDULE	
INDOOR PLAY:	TOTAL PLAY SPACE
MARKET	4
TOTAL	16
OUTDOOR PLAY:	TOTAL PLAY SPACE
MARKET	4
TOTAL	16
AREA	NO. OF CHILDREN
MARKET	16
TOTAL	64

Client: MI NATHAN STAMATIS, CAMDEN
 Date: 11/06/15
 Scale: 1:100 @ A1
 Drawing No: DA_ID1
 Date: 02/11/2015
 Project: 25-27 SOMERSET ST/24
 Drawing No: LL
 Job No: 1494

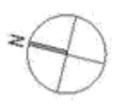
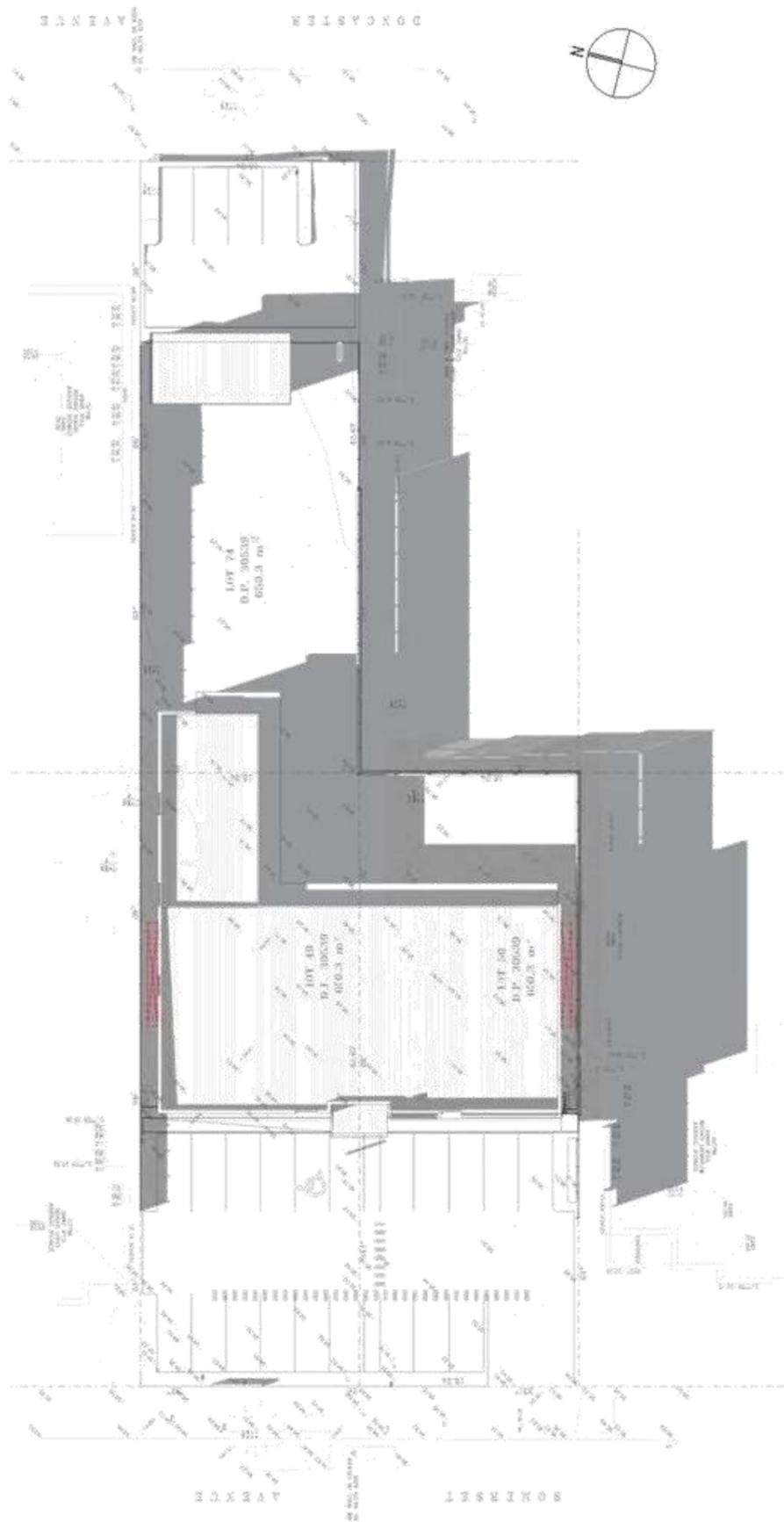


ALL SHADOWS HAVE BEEN TAKEN FROM 21.06.2015

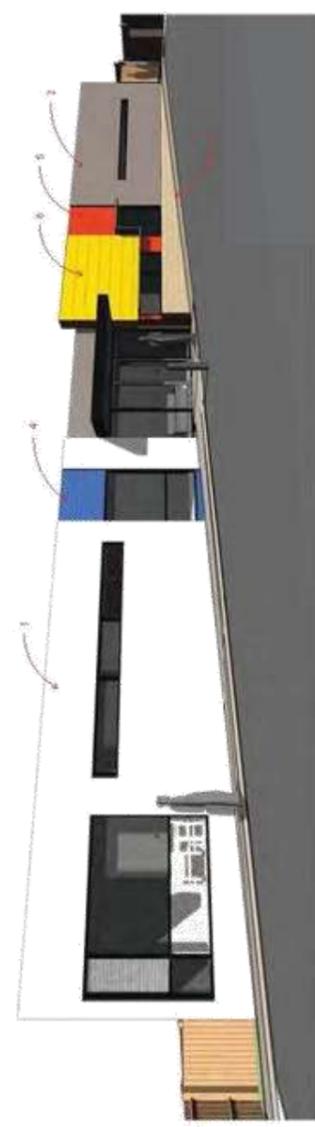


Client: Mr NATHAN STAMATIS, 25-27 SOMERSET ST 724, DUNEDIN, 9013
 Date: 11/06/2015
 Scale: 1:100 @ A2
 Drawn By: LL
 Checked By: LL
 Job No: 1494





1 3m SHADOWS



1 WESTERN PERSPECTIVE 1



1 EASTERN PERSPECTIVE

FINISHES SCHEDULE

NO.	SPECIFICATION	SAMPLE
1	ACRYLIC RENDER (R10) COLOUR: WINDUP WHITE/TEGA (SML06)	
2	FACE BRICK (R) BORRAL BRICK TYPE: 'ORIENTAL SILVER'	
3	WINDOW FINISH COLOUR: DULUX POWERCOAT - BLACK MATT	
4	CLASSING (TYPE: M40) SPEC: 'M40' 130 COLOUR: DULUX 'ATLANTIC MIST/TEGAN'	
5	CLASSING (TYPE: 200) SPEC: 'M40' 130 COLOUR: DULUX 'RED BOY/TE'	
6	CLASSING (TYPE: M40) SPEC: 'M40' 130 COLOUR: DULUX 'OLD PICK/ASB'	
7	CLASSING (TYPE: K50) SPEC: 'M40' 130 COLOUR: DULUX 'TRIM U/L BE/TE/TE/TE'	
8	SLICING (R10/R10) SPEC: 'M40' 130 TYPE: 'M40' 130 COLOUR: BONDILIND	
9	GRAVITATE CARPARK COLOUR: ASPHALT	
10	ROOF (METAL) TYPE: LIGHT GALVANIZED COLOUR: GALVANIZED	



CONSULT: [illegible]
 DRAWN BY: [illegible]
 CHECKED BY: [illegible]
 APPROVED BY: [illegible]
 DATE: 02/11/2015
 PROJECT: 25-27 SOMERSET ST/24
 DRAWING: LL
 JOB NO: 1494
 CLIENT: M/NATHAN STAMATIS
 OFFICE: CAMDEN
 SCALE: 1:100 @ A2
 SHEET: DA_ID4
 DATE: 02/11/2015

RECOMMENDED CONDITIONS

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
15/869	Site Plan	Phillip Spiros & Associates	16 September 2015
15/869	Landscape Plan	Phillip Spiros & Associates	16 September 2015
15/869	Ground Floor Plan	Phillip Spiros & Associates	16 September 2015
15/869	First Floor Plan	Phillip Spiros & Associates	16 September 2015
15/869	North-East Elevation and South-West Elevation	Phillip Spiros & Associates	16 September 2015
15/869	North-West Elevation and South-East Elevation	Phillip Spiros & Associates	16 September 2015
15/869	Section a-a	Phillip Spiros & Associates	16 September 2015
15/869	Stormwater Plan	Phillip Spiros & Associates	16 September 2015
15/869	Material and Colour Scheme	Phillip Spiros & Associates	16 September 2015

Document Title	Prepared by	Date
BASIX Certificate No. 667636S	Phillip Spiros & Associate	18 September 2015
BASIX Certificate No. 667696S	Phillip Spiros & Associate	18 September 2015
Waste Management Plan	Phillip Spiros & Associates	16 September 2015
Soil and Erosion Control	Phillip Spiros & Associates	16 September 2015

- (2) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.
- (3) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Home Building Act** - Pursuant to Section 80A(11) of the *EP&A Act 1979*, residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the PCA for the development to which the work relates:
- a) in the case of work for which a principal contractor has been appointed:
 - i. has been informed in writing of the name and licence number of the principal contractor; and
 - ii. where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
 - b) in the case of work to be carried out by an owner-builder:
 - i. has been informed in writing of the name of the owner-builder; and

- ii. if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.
- (5) **Excavation for Residential Building Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
- a) protect and support the adjoining premises from possible damage from the excavation; and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying, and a copy of that written consent is provided to the PCA prior to the excavation commencing.

- (6) **Boundary Fencing** - A 1.8m high lapped and capped fence must be constructed along both side boundaries to within 4.5m of the front boundary.
- (7) **Landscaping Maintenance and Establishment Period** - Commencing from the Date of Practical Completion (D of PC) of the Landscaping Works, the Applicant will have, for a 12 month period, the establishment and maintenance responsibility for all landscaping associated with this Consent.

The Date of Practical Completion (D of PC) is taken to mean completion of all civil works, soil preparation, planting, turf installation and mulching installation.

At the completion of the 12 month landscaping maintenance and establishment period, all landscaped areas detailed in the CC Landscaping Plans, must be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any Geotechnical Report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.
- (2) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2.0m from the external walls of the building. Where the external walls are within 2.0m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (3) **Driveway Gradients and Design** - For all driveways that relate to development for the purposes of a dwelling house, the driveway gradient and design shall comply with AS 2890.1-2004 'Off street car parking' and:
- a) the driveway shall comply with Council's Engineering Specifications;
 - b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
 - c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
 - d) a Public Road Activity approval must be obtained prior to the commencement of any works.

Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.

- (4) **Salinity (Dwellings & Outbuildings)** - The proposed dwelling, landscaping and associated works for the development shall comply with the requirements of the Salinity Management Plan proposed residential development titled "Salinity Investigation and Management Plan Proposed Subdivision Tranches North Oran Park, prepared by Douglas Partners, Ref 34272.06, dated May 2013".

Alternatively, a site specific analysis including recommendations, prepared by a suitably qualified consultant and referencing Australian Standard AS2870-2011 and Council's Building in a Saline Prone Environment Policy shall be submitted to the Certifying Authority.

Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

- (5) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work that cost \$25,000 or more.
- (6) **Section 94 Contributions – Monetary (Turner Road and Oran Park)** - A contribution pursuant to the provisions of Section 94 of the *EP&A Act 1979* for the services and amounts detailed below.

Plan Name	Contribution Type	Indexed Rate	Amount Payable
OP & TR Contributions Plan	Open Space & Recreation – Land Acquisition	\$13,599.00 per lot or dwelling	\$13,599.00
OP & TR Contributions Plan	Open Space & Recreation - Works	\$8,790.00	\$8,790.00
OP & TR Contributions Plan	Open Space & Recreation - Project Management	\$194.00 per lot or dwelling	\$194.00
OP & TR Contributions Plan	Community Facilities – Land Acquisition	\$155.00 per net developable hectare	\$155.00
OP & TR Contributions Plan	Community Facilities - Works	\$1,709.00 per net developable hectare	\$1,709.00
OP & TR Contributions Plan	Community Facilities – Project Management	\$38.00 per net developable hectare	\$38.00
	Total		\$24,485.00

A copy of the Oran Park and Turner Road Precincts Section 94 Contributions Plan may be inspected at Council's Camden office at 37 John Street, Camden or can be accessed on Council's website at www.camden.nsw.gov.au.

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the applicable Index.

- (7) **Dilapidation Report – Council Property** - A Dilapidation Report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees

and any other existing public infrastructure within the immediate area of the subject site. Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.

- (8) **Privacy Screen** – A privacy screen to a height of 1.7m is to be installed to the entire length of the south eastern side of alfresco area associated with dwelling 2. Details are to be shown on the plans and documentation associated with the Construction Certificate.
- (9) **Special Infrastructure Levy** - The applicant shall make a special infrastructure contribution (SIC) in accordance with the determination made by the Minister administering the EP&A Act 1979 under Section 94EE of that Act and as in force on the date of this consent. This contribution shall be paid to the DP&E.

Evidence of payment of the SIC shall be provided to Council and the Certifying Authority.

3.0 - Prior to Commencement of Works

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

- (1) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a description of the work to be carried out;
 - the address of the land on which the work is to be carried out;
 - the registered number and date of issue of the relevant development consent;
 - the name and address of the PCA, and of the person by whom the PCA was appointed;
 - if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - a telephone number on which the PCA may be contacted for business purposes.
- (2) **Notice Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- the name and address of the person by whom the notice is being given;
 - a description of the work to be carried out;
 - the address of the land on which the work is to be carried out;
 - the registered number and date of issue of the relevant development consent and construction certificate;
 - a statement signed by or on behalf of the PCA to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - the date on which the work is intended to commence.
- (3) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a Construction Certificate has been issued by a Consent Authority;
 - a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
 - the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - the PCA is notified in writing of the name and contractor licence number of the owner/builders intending to carry out the approved works.
- (4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:

- a) that unauthorised entry to the work site is prohibited;
- b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours;
- c) the name, address and telephone number of the PCA.

The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.

- (5) **Sydney Water Approval** - The approved development plans shall be approved by Sydney Water.
- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction (the blue book)' and any Sediment and Erosion plans approved with this Development Consent.

Soil erosion and sediment control measures shall be maintained during construction works and shall 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).
- (7) **Performance Bond** - Prior to commencement of works a performance bond of \$5,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.

4.0 - During Works

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

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:
 - a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - c) retaining walls shall not be erected within drainage easements;
 - d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.
- (4) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the (select option a, b or c):
 - a) street gutter;
 - b) drainage easement;
 - c) existing drainage system.

Connection to the drainage easement or kerb shall only occur at the designated connection point for the allotment. New connections that require the rectification of an easement pipe or kerb shall only occur with the prior approval of Camden Council.

All roofwater shall be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The PCA shall not permit construction works beyond the frame inspection stage until this work has been carried out.

- (5) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the

principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.

- (6) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (7) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.

5.0 - Prior to Issue of an Occupation Certificate

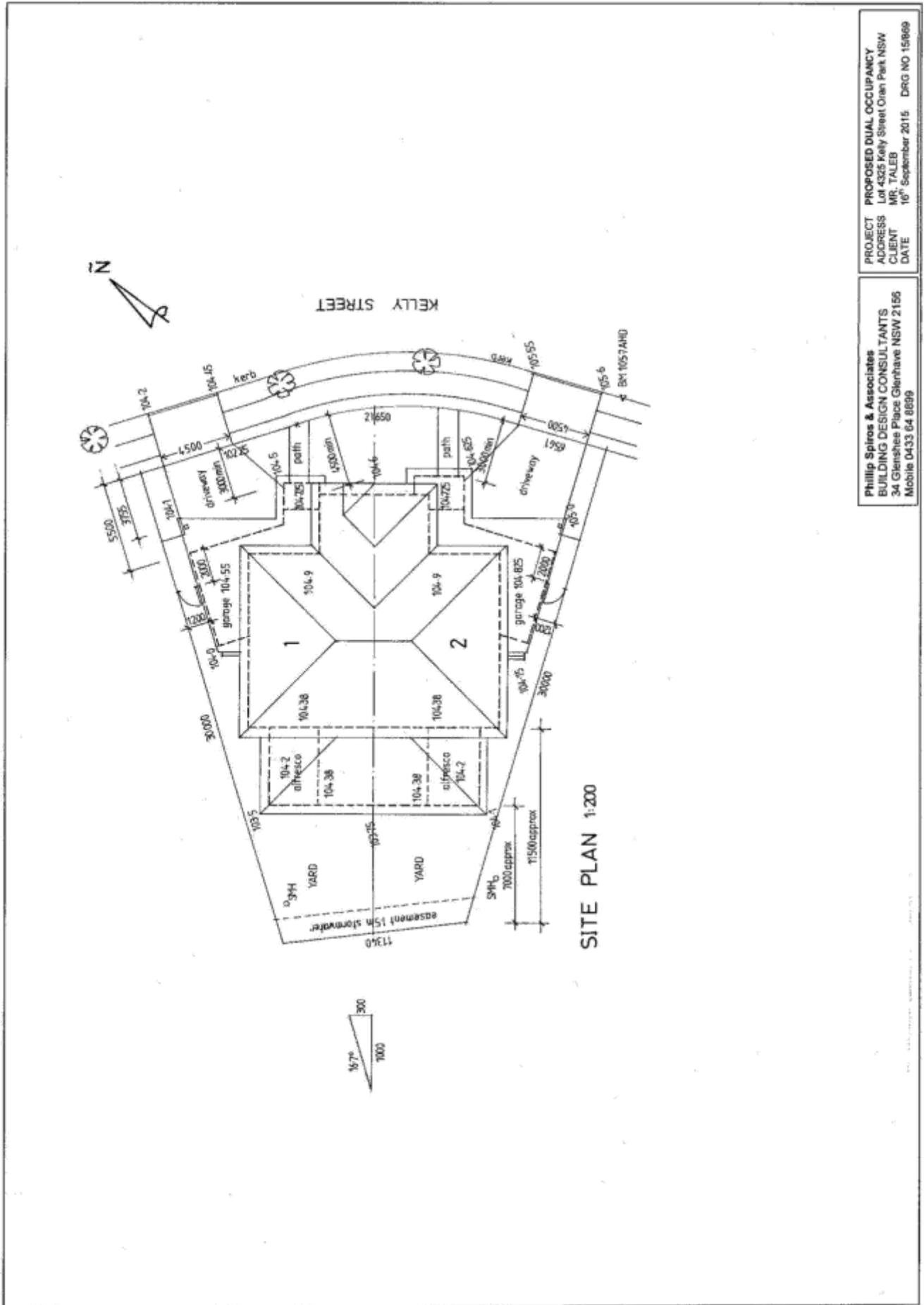
The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Occupation Certificate Required** - An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (3) **Footpath Crossing Construction** - A footpath crossing and driveway shall be constructed in accordance with this consent and the approved Construction Certificate prior to use or occupation of the development.
- (4) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (5) **Protection of Street Trees** - During development works relating to this Consent, the applicant is advised:
 - (a) That any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred.
 - (b) Any repairs, relocations, reinstallations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing rootguard barriers, are to be completed on a like for like basis with the same species, plant maturity, street alignment with existing street trees, materials and initial installation standards and works for the successful establishment of the tree/s must be carried out prior to the issue of the Occupation Certificate.
 - (c) An inspection must be arranged with Council's Landscape Development Officer, to determine that the Street Trees and any protective or installation measures have been restored correctly and some degree of reestablishment has occurred.
 - (d) The inspection must occur prior to the issue of the Occupation Certificate.

6.0 – Ongoing Use

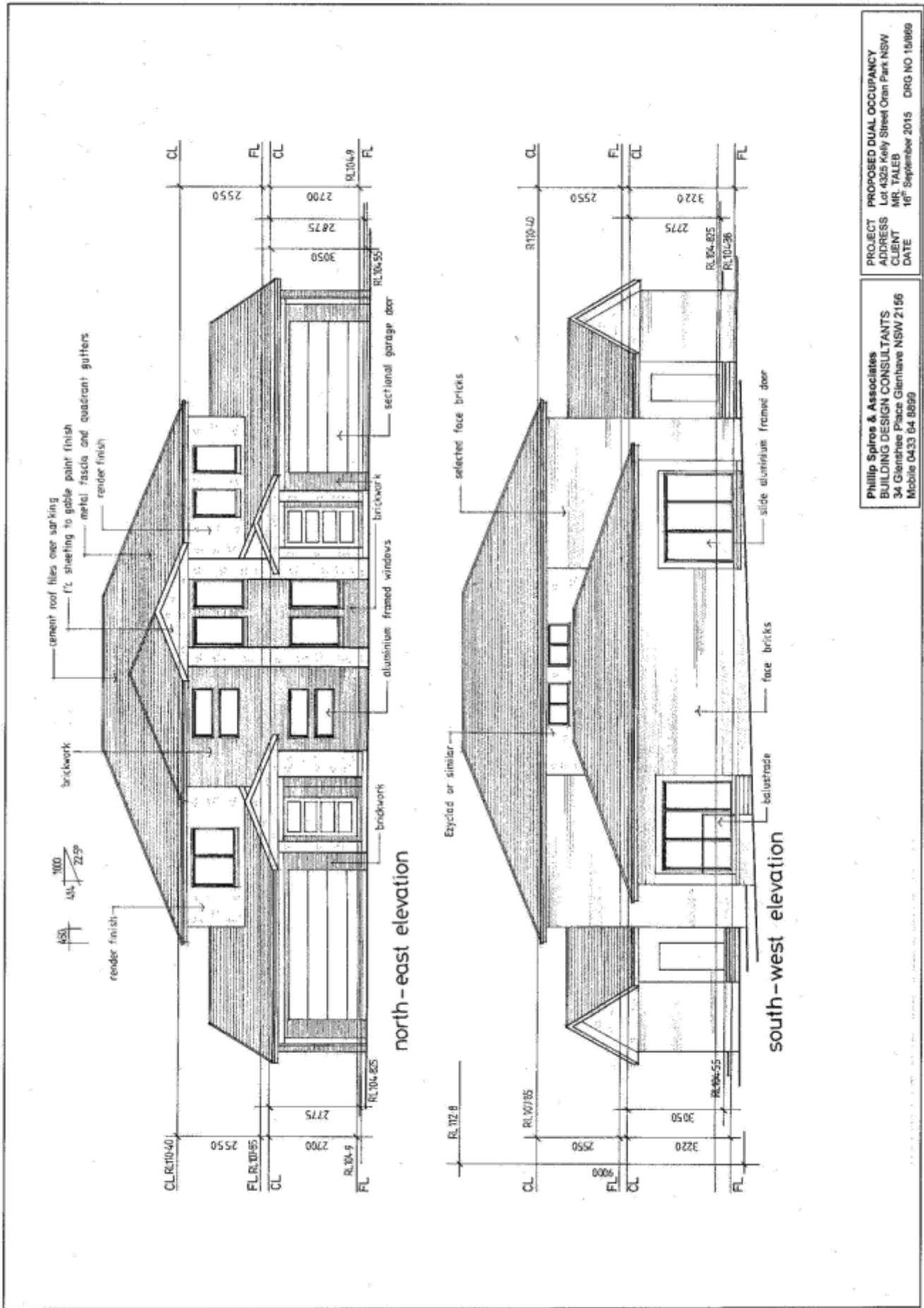
The following conditions of consent are operational conditions applying to the development.

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
 - a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays;
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute.



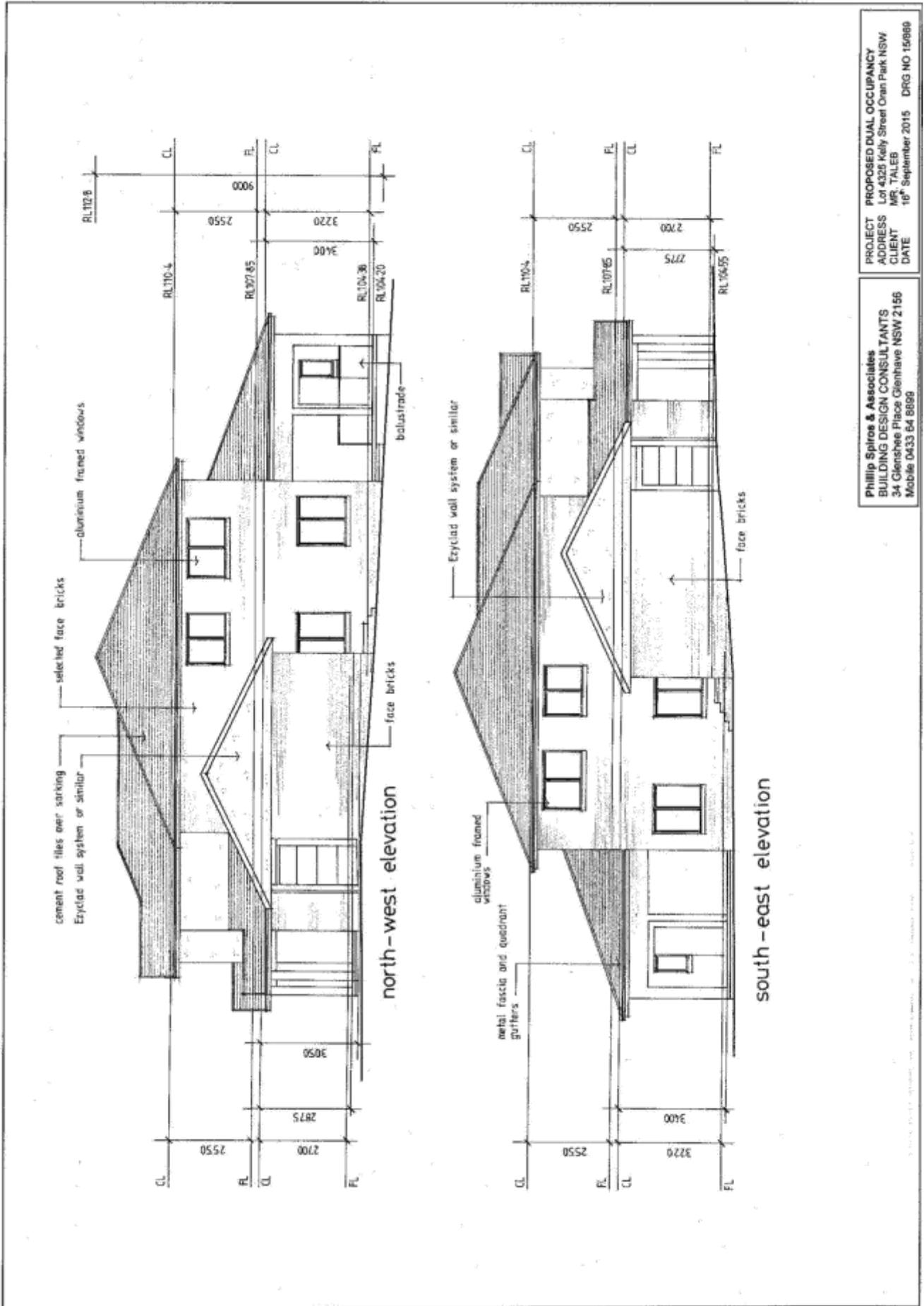
Phillip Spiros & Associates
 BUILDING DESIGN CONSULTANTS
 34 Glenshee Place Glenshee NSW 2156
 Mobile 0433 64 8899

PROJECT PROPOSED DUAL OCCUPANCY
ADDRESS Lot 4323 Kelly Street Oran Park NSW
CLIENT Mr. TALEB
DATE 16th September 2015 DRG NO 15/869



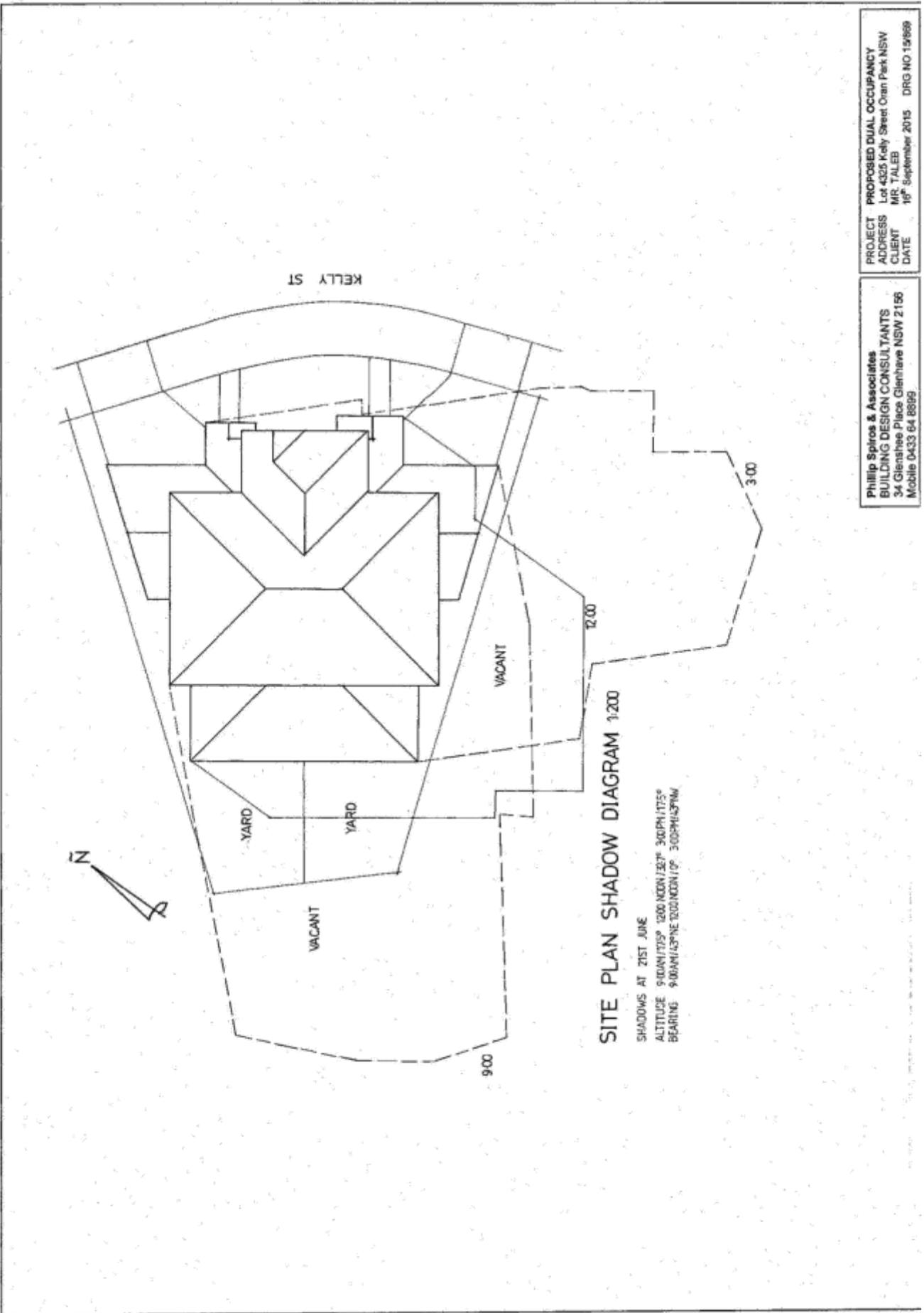
PHILIP SCIROES & ASSOCIATES
 BUILDING DESIGN CONSULTANTS
 34 Glenelg Place Glenelg NSW 2166
 Mobile 0433 64 8899

PROJECT PROPOSED DUAL OCCUPANCY
 ADDRESS Lot 4325 Kelly Street Oran Park NSW
 CLIENT MR. TALEB
 DATE 18th September 2015 DRG NO 15/889



Phillip Spiro & Associates
 BUILDING DESIGN CONSULTANTS
 34 Glenshee Place Glenhaven NSW 2156
 Mobile 0433 64 8899

PROJECT PROPOSED DUAL OCCUPANCY
 ADDRESS Lot 4328 Kelly Street Cran Park NSW
 CLIENT Mr. TALEB
 DATE 16th September 2015 DRG NO 15/889



Philip Spiros & Associates
 BUILDING DESIGN CONSULTANTS
 34 Glenahive Place Glenahive NSW 2156
 Mobile 0433 64 8899

PROJECT PROPOSED DUAL OCCUPANCY
 ADDRESS Lot 4235 Kelly Street Oran Park NSW
 CLIENT MR TALEB
 DATE 16th September 2015 DRG NO 15/659

Attachment 2

ORD04



CODE OF MEETING PRACTICE

5.8

**Note: inserted amendments are shown in red and deletions are shown in the right hand column/balloons.*

CODE OF MEETING PRACTICE

DIVISION: CUSTOMER AND CORPORATE SERVICES

BRANCH: CUSTOMER SERVICE & GOVERNANCE

CATEGORY: 1

PREAMBLE / BACKGROUND:

This Code of Meeting Practice has the following objectives:

1. to ensure that all members of Council and its Committees are conducted in an orderly, consistent and effective manner;
2. to ensure that all meetings of Council and its Committees are conducted according to the principles of procedural fairness and due process;
3. to ensure that all Councillors have an equal opportunity to participate in the meeting to the fullest extent possible, with respect being accorded to the expression of differing views;
4. to ensure that all Councillors fully understand their rights and obligations as participants in meetings of Council; and
5. to ensure that proceedings are transparent and understandable to all persons participating in and observing meetings of Council and its Committees;
6. to ensure that members of the public are aware of the values and behaviours that must be upheld in meetings of Council.

This Code shall be interpreted in a manner which is consistent with the *Local Government Act 1993*, the *Local Government General Regulation 2005* and the Objectives of this Code. The Code includes relevant references to sections of the *Local Government Act* and Regulations, as well as supplementary provisions adopted by Council.

Before adopting a Code of Meeting Practice, Council must prepare a draft code. Council must give public notice of the draft code after it is prepared. The period of public exhibition must not be less than 28 days. The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to Council. Council must publicly exhibit the draft code in accordance with its notice.

After considering all submissions received by it concerning the draft code, Council may decide:

- i. to amend those provisions of its draft code that supplement the regulations made for the purposes of section 360; or
- ii. to adopt the draft code as its code of meeting practice.

If Council decides to amend its draft code, it may publicly exhibit the amended draft, or, if the Council is of the opinion that the amendments are not substantial, it may

Comment [CW1]: Deleted.

The Code of Meeting Practice sets out the manner in which meetings of the Council are to be convened and conducted. Meeting procedures contribute to good public decisionmaking and increases Council's transparency and accountability to the Camden community. The Code incorporates the requirements of the *Local Government Act 1993* (as amended) (Chapter 12, Part 2, Division1), the *Local Government (General) Regulation 2005* and Council policies with respect to meeting procedure. The Code should also be read in conjunction with the Meetings Practice Note (Practice Note No 15) issued by the Office of Local Government in August 2009. This Code has been structured to assist the user to easily understand what is required in the conduct of meetings. The various Clauses contained in the Code have been cross referenced in brackets to the relevant Section of the Act, Regulation or Council Policy for clarity. The Code will be adopted following an exhibition period and will be reviewed on the date listed below. In adopting the Code, Council seeks to ensure all Councillors, staff and community members participating in Council Meetings of any form, act with good intentions and behave to the standard of conduct expected by the community at large.

adopt the amended draft code without public exhibition as its Code of Meeting Practice (section 362 of the *Local Government Act*).

Council authorises the General Manager to reissue the Code without public exhibition to incorporate any amendments to relevant Acts, Regulations or formal advice received from the NSW Office of Local Government.

The various clauses contained in the Code have been cross referenced in brackets to the relevant section of the Act, Regulation or supplementary policy provision of Council, where applicable.

This Code will be regularly reviewed in accordance with the requirements for public exhibition and consultation. Council will endeavour to review the Code every 2 years.

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1.0 PRELIMINARY

1.1 DEFINITIONS

In this Code:

Amendment: in relation to an original motion, means a motion moving an amendment to that motion.

Chairperson:

- a. in relation to a meeting of Council—means the person presiding at the meeting as provided by section 369; and
- b. in relation to a meeting of a Committee — means the person presiding at the meeting as provided by clause 5.9.

Committee: means a committee established under clause 5.2, or Council when it has resolved itself into a committee of the whole.

Cf: refers to the relevant clause in the *Local Government (General) Regulation 2005*, as amended.

Clause: refers to a clause in this Code, unless otherwise specified.

Closed Council: is a meeting of Council or a Committee from which the media and public has been excluded by a resolution carried in accordance with section 10A of the Act.

Councillor: means a person elected or appointed to civic office and includes a Mayor.

Council Chamber: shall mean that area comprising the formal meeting floor and its meaning may be expanded in the following circumstances:

- a. For a Councillor expelled in accordance with this Code from a meeting, the Council Chamber shall mean that area comprising the formal meeting floor, the public gallery area, and the Civic Centre Foyer area when those areas are open to the public for use during the conduct of any Council or Committee meeting.
- b. For another person expelled in accordance with this Code from a meeting, the Council Chamber shall mean that area comprising the formal meeting floor, the public gallery area, and Civic Centre Foyer area when those areas are open to the public for use during the conduct of any Council or Committee meeting.
- c. For the purpose of Council undertaking business in Closed Council to consider matters of a confidential nature, Council Chamber shall include at the Chair's discretion, the room or any area used for those considerations.

Personally Present:	being within an area comprising the formal meeting floor of the Council Chamber.
Policy:	refers to adopted Council Policy.
Quorum:	means a majority of members who are not suspended and are personally present (Section 368)
Regulation:	refers to the <i>Local Government (General) Regulation 2005</i> , as amended.
Section:	refers to the relevant section in the Act, unless otherwise specified.
The Act:	refers to the <i>Local Government Act 1993</i> , as amended.

2.0 CONVENING OF, AND ATTENDANCE AT, COUNCIL MEETING

2.1 NOTICE OF MEETING

(CI 232)

- 2.1.1 This clause prescribes the manner in which the requirements outlined in section 9(1) are to be complied with.
- 2.1.2 A notice of a meeting of Council or of a Committee must be published in a newspaper circulating in the area before the meeting takes place.
- 2.1.3 The notice must specify the time and place of the meeting. **Generally Council meets on the second and fourth Tuesday of each month at 6.00pm in Council's Civic Centre. This may vary for particular meetings if Council so resolves.**
- 2.1.4 Notice of more than one meeting may be given in the same notice.
- 2.1.5 **At least 3 calendar days before a Council or Committee meeting, Council's General Manager must send each Councillor a notice of the time, place and business on the agenda at the meeting.**
- 2.1.6 **The notice and business proposed for the meeting may be given to Councillors in electronic form.**
- 2.1.7 **If a notice of a meeting has been given, it must be held or at least opened. (Clause 4.2.8 of OLG Practice Note 16)**
- 2.1.8 **Council is required to meet at least 10 times each year, each time in a different month. (Section 365)**

2.1.9 The day of issue and the day of the meeting are not to be counted as days of notice. (Section 36 of the Interpretation Act 1987)

2.2 QUORUM (CI 233)

Comment [CW2]: Deleted 'WHAT HAPPENS WHEN A ... IS NOT PRESENT'

2.2.1 A meeting of Council must be adjourned if a quorum is not present

- a. within half an hour after the time designated for the holding of the meeting, or
- b. at any time during the meeting.

2.2.2 In either case, the meeting must be adjourned to a time, date and place fixed:

- a. by the chairperson; or
- b. in his or her absence — by the majority of the Councillors present; or
- c. failing that, by the General Manager.

2.2.3 The General Manager must record in Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of Council, together with the names of the Councillors present.

2.2.4 If Council is unable to form a quorum due to pecuniary interests, the Councillors affected may apply to the Minister to allow them to participate in the discussion and vote on that matter. (Section 458)

2.3 MINISTER TO CONVENE MEETINGS IN CERTAIN CASES (CI 234)

2.3.1 Whenever an area is constituted or reconstituted, the Minister is required.

- a. to convene the first meeting of Council; and
- b. to nominate the business to be transacted at the meeting; and
- c. to give the Councillors notice of the meeting.

2.3.2 If there is no quorum at that meeting, the Minister may convene meetings in the same manner until a quorum is present.

2.3.3 Council must transact the business nominated by the Minister for a meeting convened under this clause.

2.4 PRESENCE AT COUNCIL MEETINGS

2.4.1 A Councillor cannot participate in a meeting of Council unless personally present at the meeting. (CI 235)

2.4.2 The General Manager is entitled to attend, but not vote at, a meeting of Council or a meeting of a Committee of which all the members are Councillors. (Section 367(1))

2.4.3 The General Manager is entitled to attend a meeting of any other Committee and may, if a member of the Committee, exercise a vote. (Section 376(2))

2.4.4 The General Manager may be excluded from a meeting of Council or a Committee while Council or the Committee deals with a matter relating to the standard of performance of the General Manager or the terms of the employment of the General Manager. *(Section 376(3))*

2.4.5 Everyone is entitled to attend a meeting of Council and those of its Committees of which all the members are Councillors, and Council must ensure that all meetings of Council and of such Committees are open to the public. However, a person (whether a Councillor or another person) is not entitled to be present at a meeting of Council or of such a Committee if expelled from the meeting by a resolution of the meeting, or by the person presiding at the meeting if Council has, by resolution, authorised the person presiding to exercise the power of expulsion. *(Section 10)*

2.5 LEAVE OF ABSENCE

2.5.2 A Councillor who intends to attend a Council meeting despite having been granted leave of absence should, if practicable, give the General Manager at least 2 days' notice of his or her intention to attend. *(CI 235A(2))*

2.5.3 A resolution passed by Council or a Committee to accept an apology tendered by a Councillor for non-attendance at the meeting shall be deemed to be a grant of leave of absence to the Councillor for that meeting.

2.5.4 The civic office of a Councillor becomes vacant if the Councillor is absent from 3 consecutive Ordinary meetings of Council without:

- a. prior leave of Council; or
- b. leave granted by Council at any of the meetings concerned. *(Section 234(1))*

2.5.5 A Councillor who seeks leave of absence from 3 consecutive Ordinary meetings of Council should forward any application for leave of absence to the General Manager in writing either by email, facsimile or letter by no later than 5.00pm on the Monday preceding the first Ordinary meeting from which the Councillor intends to be absent, and include the meeting dates on which the Councillor intends to be absent. *(CI 235A(1))*

2.5.6 A Councillor applying for a leave of absence from a meeting of Council does not need to make the application in person and Council may grant such leave in the absence of that Councillor. *(Section 234(2))*

2.5.7 If a Councillor attends a Council meeting (whether or not an Ordinary meeting) despite having been granted leave of absence, the leave of absence is taken to have been rescinded as regards any future council meeting. *(Section 234(3)-(4))*

2.6 EXTRAORDINARY MEETINGS

- 2.6.1 Council may resolve to hold additional meetings as considered necessary. Additional meetings of Council convened by resolution of Council are subject to 3 days' notice and must also be advertised in accordance with this Code.
- 2.6.2 If the Mayor receives a request in writing signed by at least 2 Councillors (one of whom may be the Mayor), the Mayor must call an extraordinary meeting of Council to be held as soon as practicable but in any event within 14 days after receipt of the request.
- 2.6.3 Notice of less than 3 days may be given of an extraordinary meeting called in an emergency. (Sections 366 & 367(2))

3.0 PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

3.1 COUNCILLOR TO BE ELECTED TO PRESIDE AT CERTAIN MEETINGS

(CI 236)

In the absence of the Mayor, the Deputy Mayor shall be the deputy chairperson of a Council or Committee Meeting. *(Council Policy)*

- 3.1.1 If no chairperson or deputy chairperson is present at a meeting of Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.¹
- 3.1.2 The election must be conducted:
- a. by the General Manager or, in his or her absence, an employee of Council designated by the General Manager to conduct the election; or
 - b. if neither of them is present at the meeting or there is no General Manager or designated employee — by the person who called the meeting or a person acting on his or her behalf.
- 3.1.3 If, at an election of a chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 3.1.4 For the purposes of clause 3.1.3, the person conducting the election must:
- a. arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and
 - b. then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 3.1.5 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

3.2 CHAIRPERSON TO HAVE PRECEDENCE

(CI 237)

- 3.2.1 When the chairperson rises during a meeting of Council:
- a. any Councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat, and
 - b. every Councillor present must be silent to enable the chairperson to be heard without interruption.

¹ Note: Section 369(2) provides for a Councillor to be elected to chair a meeting of Council when the Mayor and Deputy Mayor are absent.

3.3 CHAIRPERSON'S DUTY WITH RESPECT TO MOTIONS (CI 238)

- 3.3.1 It is the duty of the chairperson at a meeting of Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 3.3.2 The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
- 3.3.3 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.
- 3.3.4 The chairperson must ensure that a division is called for all decisions so that the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision are identified in the Minutes.

3.4 ORDER OF BUSINESS (CI 239)

- 3.4.1 The general Order of Business at a meeting of Council, (other than an extraordinary meeting) shall be:
- Prayer;
 - Acknowledgment of Country;
 - Apologies;
 - Declaration of Interest;
 - Public Addresses;
 - Confirmation of Minutes;
 - Mayoral Minute;
 - Agenda Reports;
 - Motions of Rescission;
 - Notice of Motion;
 - Closed Council;
 - Diary.
- 3.4.2 The Order of Business fixed under clause 3.4.1 may be altered if a motion to that effect is passed. Such a motion can be moved without notice.
- 3.4.3 Despite clause 3.16, only the mover of a motion referred to in clause 3.4.2 may speak to the motion before it is put.

3.5 AGENDA AND BUSINESS PAPERS FOR COUNCIL MEETINGS (CI 240)

- 3.5.1 The General Manager must ensure that the agenda for a meeting of Council states:
- a. all matters to be dealt with arising out of the proceedings of former meetings of Council; and
 - b. if the Mayor is the chairperson—any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting; and
 - c. subject to clause 3.5.2, any business of which due notice has been given.
- 3.5.2 The General Manager must not include in the agenda for a meeting of Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business

would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of Council.

- 3.5.3 The General Manager must cause the agenda for a meeting of Council or a Committee of Council to be prepared as soon as practicable before the meeting. *(CI 240)*
- 3.5.4 The General Manager must ensure that the details of any item of business to which section 9(2A) of the Act applies are included in a business paper for the meeting concerned.
- 3.5.5 Nothing in this clause limits the powers of the chairperson under clause 3.9. (Official Minutes (Mayoral Minutes)).
- 3.5.6 Business papers that have been included in the agenda of the meeting that have been sent to Councillors cannot be removed prior to the meeting. If it is proposed that the item of business not be dealt with at the meeting, Council must resolve to:
- defer the business at the meeting; or
 - not consider the matter.

3.6 PUBLIC ADDRESSES AT COUNCIL MEETINGS *(Policy)*

- 3.6.1 The public address session at a Council Meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper agenda.
- ~~3.6.2~~ The public address session at a Council meeting will be conducted in accordance with the Public Address Guidelines which are included in Appendix C to this Code.
- 3.6.3 A list of applicants speaking at the public address segment of the Council meeting, together with any information supplied by applicants, will be made available to Councillors at the meeting.

3.7 GIVING NOTICE OF BUSINESS & NOTICE OF MOTION *(CI 241)*

- 3.7.1 Council must not transact business at a meeting of Council:
- unless a Councillor has given notice of the business in writing (Notice of Motion) no less than 7 days prior to the meeting date; and
 - unless notice of the business has been sent to the Councillors in accordance with section 367 – the Notice of Meeting/Business Paper is to be delivered to Councillors 3 days before each Meeting.
- 3.7.2 Clause 3.7.1 does not apply to the consideration of business at a meeting if the business:
- is already before, or directly relates to a matter that is already before, Council; or
 - is the election of a chairperson to preside at the meeting as provided by clause 3.1.1; or
 - is a matter or topic put to the meeting by the chairperson in accordance with clause 3.9; or
 - is a motion for the adoption of recommendations of a Committee of Council.

Comment [CW3]: Deleted.

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 or (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.

- 3.7.3 Despite clause 3.7.1, business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- a. a motion is passed to have the business transacted at the meeting; and
 - b. the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice.

- 3.7.4 Despite clause 3.16, only the mover of a motion referred to in clause 3.7.3 can speak to the motion before it is put.

3.8 AGENDA FOR EXTRAORDINARY MEETINGS *(Cl 242)*

- 3.8.1 The General Manager must ensure that the agenda for an extraordinary meeting of Council deals only with the matters stated in the notice of the meeting.

- 3.8.2 Despite clause 3.8.1, business may be transacted at an extraordinary meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- a. a motion is passed to have the business transacted at the meeting; and
 - b. the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.

- 3.8.3 Despite clause 3.16, only the mover of a motion referred to in clause 3.8.2 can speak to the motion before it is put.

3.9 OFFICIAL MINUTES (MAYORAL MINUTE)*(CI 243)*

- 3.9.1 If the Mayor is the chairperson at a meeting of Council, the chairperson is, by minute signed by the chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of Council or of which Council has official knowledge.
- 3.9.2 Such a minute, when put to the meeting, takes precedence over all business on Council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of the minute without the motion being seconded.
- 3.9.3 A recommendation made in a minute of the chairperson (being the Mayor) or in a report made by a Council employee is, so far as adopted by Council, a resolution of Council.
- 3.9.4 In accordance with clause 3.9.1, a Councillor may, by way of information, have included in any Mayoral Minute, an item of general interest to be drawn to the attention of Council.

3.10 REPORT OF A DEPARTMENTAL REPRESENTATIVE TO BE TABLED AT COUNCIL MEETING*(CI 244)*

- 3.10.1 When a report of a Departmental representative has been presented to a meeting of Council in accordance with section 433 of the Act, Council must ensure that the report:
- is laid on the table at that meeting; and
 - is subsequently available for the information of Councillors and members of the public at all reasonable times

3.11 NOTICE OF MOTION — ABSENCE OF MOVER AND GENERAL REQUIREMENTS*(CI 245)*

- 3.11.1 In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of Council:
- any other Councillor may move the motion at the meeting; or
 - the chairperson may defer the motion until the next meeting of Council at which the motion can be considered.
- 3.11.2 Notices of motion are to be in writing and are to be delivered, posted, emailed or faxed to the General Manager so that they are received by the General Manager no less than 7 days prior to the meeting date.
- 3.11.3 If the notice of motion to be moved is in relation to donations, a Councillor may move for donations up to a maximum of \$500. Any donations above that amount should be subject to a report to a future meeting of Council on the matter.
- 3.11.4 For the avoidance of doubt, the Mayor may also lodge a notice of motion in accordance with these provisions.

3.12 MOTIONS TO BE SECONDED*(CI 246)*

- 3.12.1 A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 3.9.2 and 3.16.5.

3.13 HOW SUBSEQUENT AMENDMENTS MAY BE MOVED (CI 247)

3.13.1 If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before Council at any one time.

3.13.2 An amendment is a proposition to alter a motion that is being considered at a meeting.

An amendment must relate solely to the subject matter of the motion and not to something else. The chairperson shall reject an amendment if the proposed amendment:

- a. is a direct negative, or contradiction, of the motion or has that effect; or
- b. is beyond the scope of the motion; or
- c. does not relate to the motion; or
- d. is irrelevant; or
- e. appears designed to prevent the meeting coming to a decision on the matter; or
- f. is inconsistent with a resolution passed earlier at the meeting; or
- g. is of such nature that the original motion loses its identity.

An amendment must be moved and seconded.

Each amendment is separately considered and voted on.

3.13.3 It is permissible during the debate on an amendment for a further amendment to be foreshadowed. However, any such foreshadowed amendment shall not be moved and debated until the amendment is dealt with first.

3.13.4 The seconder of a motion or of an amendment may reserve the right to speak later in the debate.

3.13.5 To ensure the accuracy of decisions, Councillors should hand a copy of any lengthy motions or amendments in writing to the chairperson and minute taker.

3.14 MOTIONS OF DISSENT*(CI 248)*

- 3.14.1 A Councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 3.14.2 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 3.14.3 Despite clause 3.1.6, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

3.15 QUESTIONS MAY BE PUT TO COUNCILLORS AND COUNCIL EMPLOYEES*(CI 249)*

- 3.15.1 A Councillor:
- a. may, through the chairperson, put a question to another Councillor; and
 - b. may, through the General Manager, put a question to a Council employee.
- 3.15.2 However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
- 3.15.3 The Councillor must put every such question directly, succinctly and without argument. Questions shall not call for action to be taken nor be used for political expedience (ie questions without notice). **Each Councillor is permitted a maximum of 1 minute per item to put questions or a series of related questions.**
- 3.15.4 The chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this clause.

3.16 LIMITATION AS TO NUMBER OF SPEECHES*(CI 250)*

- 3.16.1 A Councillor who, during a debate at a meeting of Council, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
- 3.16.2 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 3.16.3 A Councillor must not, without the consent of Council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than 5 minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

- 3.16.4 Despite clauses 3.16.1 and 3.16.2, a Councillor may move that a motion or an amendment be now put:
- if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it; or
 - if at least 2 Councillors have spoken in favour of the motion or amendment and at least 2 Councillors have spoken against it.
- 3.16.5 The chairperson must immediately put to the vote, without debate, a motion moved under clause 3.16.4. A seconder is not required for such a motion.
- 3.16.6 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under clause 3.16.1.
- 3.16.7 If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 3.16.8 Councillors must not interrupt another Councillor during debate unless they have a point of order.**

3.17 VOTING AT COUNCIL MEETINGS

(Cl 251)

- 3.17.1 A Councillor who is present at a meeting of Council, is entitled to one vote. *(section 370)* Any Councillor who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 3.17.2 If a Councillor has voted against a motion put at Council meeting, the General Manager must ensure that the Councillor's dissenting vote is recorded in Council's minutes. *(Policy)*
- 3.17.3 When a decision is put to a Council or Committee meeting, including meetings closed to the public, **a division shall take place immediately** and the General Manager shall record in the minutes of the meeting, the names of the Councillors who voted for and against the decision *(Policy and section 375A (planning decisions))*.
- 3.17.4 The chairperson of a Council or Committee meeting in the event of an equality of votes, shall have a casting vote, as well as an original vote *(Section 370)*.
- 3.17.5 Voting at a Council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, Council may resolve that the voting in any election by Councillors for Mayor or deputy Mayor is to be by secret ballot.
- 3.17.6 A decision supported by a majority of the votes at a meeting of Council at which a quorum is present is a decision of Council. *(Section 371)²*

Comment [CW4]: Deleted 'planning'

² Note: Part 11 of the Regulation provides that Council is to resolve whether an election by the Councillors for Mayor or Deputy Mayor is to be by preferential ballot, ordinary ballot or open voting. Ballot has its normal meaning of secret ballot. *(Section 394 and Clause 3 of Schedule 7 of the Regulation)*

3.18 RESCINDING OR ALTERING RESOLUTIONS *(s372)*
 (See Appendix for Pro Forma "Notice of Motion of Rescission")

- 3.18.1 A resolution passed by Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with this Code
- 3.18.2 If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.
- 3.18.3 If a motion has been negated by Council, a motion having the same effect, must not be considered unless notice of it has been duly given in accordance with this Code.
- 3.18.4 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by Council, must be signed by 3 Councillors, if less than 3 months has elapsed since the resolution was passed, or the motion was negated, as the case may be. Such notice of motion to alter or rescind must be received by the General Manager within 2 working days following the meeting of Council at which the resolution was carried.
- 3.18.5 If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within 3 months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.
- 3.18.6 A motion to which this section applies may be moved on the report of a Committee of Council and any such report must be recorded in the minutes.
- 3.18.7 The provisions of this clause 3.18 concerning negated motions do not apply to motions of adjournment.

3.19 REPRESENTATIONS BY MEMBERS OF THE PUBLIC — CLOSURE OF PART OF MEETING *(Cl 252)*

- 3.19.1 A representation at a Council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a 4 minute period immediately after the motion to close the part of the meeting is moved and seconded.
- 3.19.2 Any member of the public may make representations about the closure of part of a meeting on the following basis:
 - a. in writing to the General Manager prior to the commencement of the meeting; or
 - b. verbally when requested by the chairperson to indicate whether anyone would like to make representations about the closure of part of the meeting.

3.20 CLOSING A MEETING

- 3.20.1 All meetings of Council will be held in public session, unless Council resolves that certain business should be conducted in closed session, with the press and public excluded.
- 3.20.2 Council may only conduct its business in closed session where the matter to be discussed meets the requirements of the Act.
- 3.20.3 If a part of a meeting of Council or a Committee is closed to the public in accordance with the Act, a person must not, without the authority of Council or the Committee, disclose (otherwise than to Council or a Councillor of Council) information with respect to the discussion at, or the business of the meeting unless authorised to do so by section 664.
- 3.20.4 A person must not, without the authority of Council or the Committee, disclose (otherwise than to Council or a Councillor of Council) information with respect to a discussion at a Councillor briefing.

3.21 WHICH PARTS OF A MEETING CAN BE CLOSED

- 3.21.1 Council, or a Committee of which all the members are Councillors, may close to the public so much of its meeting as comprises:
- the discussion of any of the matters listed in clause 3.21.2; or
 - the receipt or discussion of any of the information so listed in section 10A(2).
- 3.21.2 The matters and information are the following:
- personnel matters concerning particular individuals other than Councillors; or
 - the personal hardship of any resident or ratepayer; or
 - information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; or
 - commercial information of a confidential nature that would, if disclosed:
 - prejudice the commercial position of the person who supplied it; or
 - confer a commercial advantage on a competitor of the Council; or
 - reveal a trade secret;
 - information that would, if disclosed, prejudice the maintenance of law;
 - matters affecting the security of Council, Councillors, Council staff or Council property; or
 - advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege; or
 - information concerning the nature and location of a place or an item of Aboriginal significance on community land. (*Section 10A(2)*)
 - alleged contraventions of any Code of Conduct requirements under section 440.

3.22 FURTHER LIMITATIONS RELATING TO CLOSURE OF PARTS OF MEETINGS TO THE PUBLIC

- 3.22.1 A meeting is not to remain closed during the discussion of anything referred to in section 10A:
- a. except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
 - b. if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret, or unless Council or the Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest. (*Section 10B(1)*)
- 3.22.2 A meeting is not to be closed during the receipt and consideration of information or advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege unless the advice concerns legal matters that:
- a. are substantial issues relating to a matter in which Council or the Committee concerned is involved; and
 - b. are clearly identified in the advice; and
 - c. are fully discussed in that advice. (*Section 10B(2)*)
- 3.22.3 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- a. a person may misinterpret or misunderstand the discussion; or
 - b. the discussion of the matter may:
 - i. cause embarrassment to Council or the Committee concerned, or to Councillors or to employees of Council; or
 - ii. cause a loss of confidence in Council or the Committee concerned. (*Section 10B(4)*)
- 3.22.4 In deciding whether part of a meeting is to be closed to the public, Council or the Committee concerned must have regard to any relevant guidelines issued by the Office of Local Government.

3.23 NOTICE OF LIKELIHOOD OF CLOSURE NOT REQUIRED IN URGENT CASES

- 3.23.1 Part of a meeting of Council, or of a Committee of which all members are Councillors, may be closed to the public while Council or the Committee considers a matter that has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if:
- a. it becomes apparent during the discussion of a particular matter that the matter is a matter referred to section 10A;
 - b. Council or the Committee, after considering any representations made by the public:
 - i. should not be deferred (because of the urgency of the matter); and
 - ii. should take place in a part of the meeting that is closed to the public. (*Section 10C*)

3.24 GROUNDS FOR CLOSING PART OF A MEETING TO BE SPECIFIED

3.24.1 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. (Section 10D(1))

3.24.2 The grounds must specify the following:

- a. the relevant provisions of section 10A;
- b. the matter that is to be discussed during the closed part of the meeting; and
- c. the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personnel hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest. (Section 10D(2))

3.25 RESOLUTIONS PASSED AT CLOSED MEETINGS TO BE MADE PUBLIC

(Cl 253)

3.25.1 If Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended.

3.26 MATTERS TO BE INCLUDED IN MINUTES OF COUNCIL MEETING

(Cl 254)

3.26.1 The General Manager must ensure that the following matters are recorded in Council's minutes:

- a. details of each motion moved at a Council meeting and of any amendments moved to it;
- b. the names of the mover and seconder of the motion or amendment;
- c. whether the motion or amendment is passed or lost.³

3.27 DISCLOSURE OF INTERESTS (PECUNIARY INTERESTS/CONFLICTS OF INTEREST)

(Cl 451)

3.27.1 A Councillor who has a pecuniary interest or conflict of interest in any matter with which Council is concerned and who is present at a meeting of Council or a Committee at which the matter is being considered must disclose the interest and the nature of the interest to the meeting as soon as practicable.

3.27.2 Where a pecuniary interest has been declared by a Councillor in a matter at a Council or Committee meeting, that Councillor must leave the meeting, be out of sight of the meeting and not participate in discussion or voting on the matter.

3.27.3 Where a non-pecuniary interest has been declared by a Councillor in a matter at a Council or Committee meeting and that non-pecuniary interest is considered by the Councillor to be significant, the Councillor must leave the meeting, be out of sight of the meeting and not participate in discussion or voting on the matter.

³ Note: Section 375(1) requires Council to ensure that full and accurate minutes are kept of the proceedings of a meeting of Council (other provisions of this Code and of the Act require particular matters to be recorded in a Council's minutes). This Section also requires the General Manager to record which Councillors vote for and against each planning decision of Council and to make this information publicly available. (See clause 3.17)

3.27.4 Where a non-pecuniary conflict of interest has been declared by a Councillor in a matter at a Council or Committee meeting and that non-pecuniary interest is considered by the Councillor to be less than significant and not requiring further action, the Councillor should provide an explanation of why he/she believes the conflict requires no further action in the circumstances. The Councillor is therefore not required to leave the meeting and may participate in discussion and voting on the item.

3.28 WHAT IS A PECUNIARY INTEREST

3.28.1 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

3.28.2 A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448.

3.29 INTERESTS THAT DO NOT REQUIRE DISCLOSURE *(Section 442)*

3.29.1 A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448.

3.30 WHO HAS A PECUNIARY INTEREST?

3.30.1 For the purposes of this Code and the Act, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:

- the person; or
- the person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, or
- a company or other body of which the person, or a nominee, partner or employer of the person, is a member.

3.30.2 However, a person is not taken to have a pecuniary interest in a matter as referred to in this clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest. *(Section 457)*

3.30.3 However, a person is not taken to have a pecuniary interest in a matter as referred to in this clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest. *(Section 457)*

3.31 REPORTABLE POLITICAL DONATIONS

3.31.1 Matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interest. Where a Councillor has received or knowingly benefitted from a reportable political donation made by a major political donor in the previous four years, where the major political donor has a matter before council, then the Councillor must declare a non-pecuniary

conflict of interest, disclose the nature of the interest, and absent themselves from consideration of the matter. For these purposes:

- a. a "reportable political donation" is a "reportable political donation" for the purposes of section 86 of the *Election Funding, Expenditure and Disclosures Act 1981*;
- b. "major political donor" is a "major political donor" for the purposes of section 84 of the *Election Funding, Expenditure and Disclosures Act 1981*.

3.31.2 Political donations below \$1,000, or political donations to a registered political party or group by which a Councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them. If a Councillor has received or knowingly benefitted from a reportable political donation, that Councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff through the general manager or appointing another person or body to make the decision in accordance with the law.

3.32 PROCEDURAL MOTION

- 3.32.1 Procedural motions are moved with one of a number of objectives as follows:
- a. to affect the way in which proceedings are conducted;
 - b. to bring about an immediate vote to achieve a prompt decision on an issue;
 - c. to postpone or defer a decision for the time being.

Examples of procedural motions under the Act and Regulations are shown on the following table:

MOTION	MOVED WITHOUT NOTICE	REQUIRES SECONDER	SPEAKERS/ DEBATE PERMITTED	RIGHT OF REPLY
Change the order of business	Yes	Yes	Mover of motion only	No
Business without notice (matter of urgency)	Yes	Yes	Mover of motion only	No

MOTION	MOVED WITHOUT NOTICE	REQUIRES SECONDER	SPEAKERS/ DEBATE PERMITTED	RIGHT OF REPLY
Dissent from chairperson's ruling on Point of Order	Yes	Yes	Only mover and chairperson may speak	No
Adjournment of meeting	Yes	Yes	No debate permitted	No
Limitation to number of speakers (matter to be put)	Yes – after at least 2 speakers have spoken in favour of motion or amendment and at least 2 against motion or amendment.	No	No debate permitted. Question may be put immediately.	No
Deferment of a matter	Yes	Yes	Yes	Yes

3.32.2 A procedural motion, once moved and seconded where required, shall take precedence over all other questions before the Chair.

4.0 KEEPING ORDER AT MEETINGS

4.1 QUESTIONS OF ORDER

(CI 255)

- 4.1.1 The chairperson, without the intervention of any other Councillor, may call any Councillor **or any other person present** to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 4.1.2 A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 4.1.3 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of Council.
- 4.1.4 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

4.2 ACTS OF DISORDER

(CI 256)

- 4.2.1 A Councillor commits an act of disorder if the Councillor, at a meeting of Council or a Committee:
 - a. contravenes the Act or any regulation in force under the Act; or
 - b. assaults or threatens to assault another Councillor or person present at the meeting; or
 - c. moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of Council or a Committee, or addresses or attempts to address Council or the Committee on such a motion, amendment or matter; or
 - d. insults or makes personal reflections on or imputes improper motives to any other Councillor; or
 - e. says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring Council or the Committee into contempt;
- 4.2.2 The chairperson may require a Councillor:
 - a. to apologise without reservation for an act of disorder referred to in clause 4.2.1 a. or b.; or
 - b. to withdraw a motion or an amendment referred to in clause 4.2.1 c. and, where appropriate, to apologise without reservation; or
 - c. to retract and apologise without reservation for an act of disorder referred to in clause 4.2.1 d. or e.
- 4.2.3 A Councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of Council for having failed to comply with a requirement under clause 4.2.2. The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.
- 4.2.4 **Councillors, in the course of debate, shall not introduce material that is irrelevant to the item under discussion. If a Councillor is called to order for introducing irrelevant material, he or she shall immediately cease speaking to that irrelevant material.**

4.3 HOW DISORDER AT A MEETING MAY BE DEALT WITH (Cl 257)

- 4.3.1 If disorder occurs at a meeting of Council, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. Council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.
- 4.3.2 A member of the public may, as provided by section 10(2)(a) or (b), be expelled from a meeting of Council for engaging in or having engaged in disorderly conduct at the meeting.

4.4 POWER TO REMOVE PERSONS FROM MEETING AFTER EXPULSION (Cl 258)

- 4.4.1 If a Councillor or a member of the public fails to leave the place where a meeting of Council is being held:
- a. immediately after Council has passed a resolution expelling the Councillor or member from the meeting, or
 - b. where Council has authorised the person presiding at the meeting to exercise the power of expulsion—immediately after being directed by the person presiding to leave the meeting,
 - c. a police officer, or any person authorised for the purpose by Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member from that place and, if necessary, restrain the Councillor or member from re-entering that place.

4.5 DEFAMATORY STATEMENT AT A COUNCIL MEETING

- 4.5.1 Councillors acting within their official capacity at meetings of Council or Council Committees may be protected from defamation claims by the defence of 'qualified privilege,' but only to enable them to speak freely and publicly in undertaking their duties in council meetings.⁴

4.6 BEHAVIOUR OF MEMBERS OF THE PUBLIC ATTENDING A COUNCIL MEETING

- 4.6.1 All Councillors, staff and community members participating in Council meetings must act with good intentions and behave to the standard of conduct expected by the community. (*Office of Local Government, Practice Note 16*)

⁴The NSW Ombudsman publication *Better Service and Communication for Councils*, available at www.ombo.nsw.gov.au, provides information about defamation and it states: "A statement may be defamatory of a person if it is likely to cause an ordinary reasonable member of the community to think less of a person or to shun or avoid the person". Councillors, staff and members of the public can seek legal compensation apology etc. if they are defamed however qualified privilege needs to be treated with great caution. It only covers statements made at a Council or Committee meeting when you are carrying out your duties and on business relevant to the Council. Statements also need to be made with good intentions, not malice. Statement made outside a Council or Committee meeting will not be protected by qualified privilege, but may be protected under the *Defamation Act 1974* (NSW).

- 4.6.2 Members of the public must act in a way that is in keeping with Council's duty under the *Work Health and Safety Act (2011) No.10* (as amended), to provide, as far as reasonably practicable, a safe place of work for its staff and a safe environment for other persons present during the Council meeting. This includes not placing Councillors, other members of the public or visitors at risk.
- 4.6.3 Members of the public attending meetings of Council are required to observe the following:
- a. addressing the chairperson courteously by their official title of "Mr Mayor", "Madam Mayor", "Mr Chairperson" or "Madam Chairperson" as appropriate, and not addressing other Councillors or staff directly unless requested to do so;
 - b. allowing all speakers to speak without interruption, heckling or comment;
 - c. avoiding threatening, aggressive, insulting or demeaning statements or actions, and defamatory statements;
 - d. leaving and entering the Council Chamber quietly and without disturbing others, and minimising unnecessary noise while in the Council Chamber;
 - e. complying with reasonable instructions from the chairperson or staff,
 - f. not engaging in behaviour that is bullying, harassing or discriminatory in nature;
 - g. generally behaving in a courteous and respectful manner to all attendees at meetings of Council including Councillors, staff and members of the public.
- 4.6.4 The chairperson may in their discretion determine, or seek the advice of Councillors on whether to determine, that a contravention of the requirements of clause 4.6.2 constitutes disorderly conduct.

5.0 COUNCIL COMMITTEES

5.1 COMMITTEE OF THE WHOLE

(CI 259)

- 5.1.1 Council may resolve itself into a Committee to consider any matter before Council (Section 373).
- 5.1.2 All the provisions of this Code relating to meetings of Council, so far as they are applicable, extend to and govern the proceedings of Council when in Committee of the whole, except the provision limiting the number and duration of speeches.
- 5.1.3 The General Manager or, in the absence of the General Manager, an employee of Council designated by the General Manager is responsible for reporting to Council proceedings in Committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the Committee must be reported.
- 5.1.4 Council must ensure that a report of the proceedings (including any recommendations of the Committee) is recorded in Council's minutes. However, Council is not taken to have adopted the report until a motion for adoption has been made and passed.

5.2 COUNCIL MAY ESTABLISH COMMITTEES

(CI 260)

- 5.2.1 A Council may, by resolution, establish such Committees as it considers necessary.
- 5.2.2 A Committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by Council.
- 5.2.3 The quorum for a meeting of a Committee is to be:
- a. such number of members as Council decides; or
 - b. if Council has not decided a number — a majority of the members of the Committee.

5.3 FUNCTIONS OF COMMITTEES

(CI 261)

- 5.3.1 Council must specify the functions of each of its Committees when the Committee is established, but may from time to time amend those functions.

5.4 NOTICE OF COMMITTEE MEETINGS TO BE GIVEN

(CI 262)

- 5.4.1 The General Manager of Council must send to each Councillor, at least 3 days before each meeting of the Committee, a notice specifying:
- a. the time and place at which and the date on which the meeting is to be held; and
 - b. the business proposed to be transacted at the meeting.
- 5.4.2 However, notice of less than 3 days may be given of a Committee meeting called in an emergency.

5.5 NON-MEMBERS ENTITLED TO ATTEND COMMITTEE MEETINGS

(CI

263)

- 5.5.1 A Councillor who is not a member of a Committee is entitled to attend, and to speak at, a meeting of the Committee.

- 5.5.2 However, the Councillor is not entitled:
- a. to give notice of business for inclusion in the agenda for the meeting, or
 - b. to move or second a motion at the meeting, or
 - c. to vote at the meeting.

5.6 REPRESENTATIONS BY MEMBERS OF THE PUBLIC—CLOSURE OF PART OF MEETING *(CI264)*

- 5.6.1A representation at a Committee meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a 4 minute period immediately after the motion to close the part of the meeting is moved and seconded.
- 5.6.2 Any member of the public may make representations about the closure of part of a meeting on the following basis:
- a. in writing to the General Manager prior to the commencement of the meeting; or
 - b. verbally when requested by the chairperson to indicate whether anyone would like to make representations about the closure of part of the meeting.

5.7 PROCEDURE IN COMMITTEES *(CI 265)*

- 5.7.1 Subject to clause 5.7.3, each Committee may regulate its own procedure.
- 5.7.2 Without limiting clause 5.7.1, a Committee may decide that, whenever the voting on a motion put to a meeting of the Committee is equal, the chairperson of the Committee is to have a casting vote as well as an original vote.
- 5.7.3 Voting at a Committee meeting is to be by open means (such as on the voices or by show of hands).

5.8 COMMITTEES TO KEEP MINUTES *(CI 266)*

- 5.8.1 Each Committee must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, a Committee must ensure that the following matters are recorded in the Committee's minutes:
- a. details of each motion moved at a meeting and of any amendments moved to it;
 - b. the names of the mover and seconder of the motion or amendment;
 - c. whether the motion or amendment is passed or lost.
- 5.8.2 As soon as the minutes of an earlier meeting of a Committee have been confirmed at a later meeting of the Committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.
- 5.8.3 In relation to planning decisions in Committee, refer to clause 3.17.3 for the recording of voting.

5.9 CHAIRPERSON AND DEPUTY CHAIRPERSON OF COMMITTEES *(CI 267)*

- 5.9.1 The chairperson of each Committee must be:

- a. the Mayor; or
- b. if the Mayor does not wish to be the chairperson of a Committee — a member of the Committee elected by Council; or
- c. if Council does not elect such a member — a member of the Committee elected by the Committee.

5.9.2 Council may elect a member of a Committee of Council as deputy chairperson of the Committee. If Council does not elect a deputy chairperson of such a Committee, the Committee may elect a deputy chairperson.

5.9.3 If neither the chairperson nor the deputy chairperson of a Committee of Council is able or willing to preside at a meeting of the Committee, the Committee must elect a member of the Committee to be acting chairperson of the Committee.

5.9.4 The chairperson is to preside at a meeting of a Committee. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

5.10 ABSENCE FROM COMMITTEE MEETINGS *(CI 268)*

- 5.10.1 A member (other than the Mayor) ceases to be a member of a Committee if the member:
- a. has been absent from 3 consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absences, or
 - b. has been absent from at least half of the meetings of the Committee held during the immediately preceding year without having given to the Committee acceptable reasons for the member's absences.⁵
- 5.10.2 Subclause 5.10.1 does not apply in respect of a Committee that consists of all of the members of Council.

5.11 REPORTS OF COMMITTEES *(CI 269)*

- 5.11.1 If in a report of a Committee distinct recommendations are made, the decision of Council may be made separately on each recommendation.
- 5.11.2 The recommendations of a Committee are, so far as adopted by Council, resolutions of Council.
- 5.11.3 If a Committee passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the chairperson must:
- a. make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and
 - b. report the resolution or recommendation to the next meeting of Council.

5.12 DISORDER IN COMMITTEE MEETINGS *(CI 270)*

⁵ Note: The expression year means the period beginning 1 July and ending the following 30 June. See the Dictionary to the Act.

- 5.12.1 The provisions of the Act and of this Code relating to the maintenance of order in Council meetings apply to meetings of Committees of Council in the same way as they apply to meetings of Council.

5.13 CERTAIN PERSONS MAY BE EXPELLED FROM COUNCIL COMMITTEE MEETINGS *(Cl 271)*

- 5.13.1 If a meeting or part of a meeting of a Committee is closed to the public in accordance with section 10A, any person who is not a Councillor may be expelled from the meeting as provided by section 10(2)(a) or (b).
- 5.13.2 If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by Council, a Committee or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.

6.0 MISCELLANEOUS

6.1 INSPECTION OF THE MINUTES OF A COUNCIL OR COMMITTEE

(CI 272)

- 6.1.1 An inspection of the minutes of Council or a Committee is to be carried out under the supervision of the General Manager or an employee of Council designated by the General Manager to supervise inspections of those minutes.
- 6.1.2 The General Manager must ensure that the minutes of Council and any minutes of a Committee are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

6.2 RECORDING OF MEETING OF COUNCIL OR COMMITTEE BY MEMBERS OF THE PUBLIC PROHIBITED WITHOUT PERMISSION

(CI 273)

- 6.2.1 A person may use a recorder to record the proceedings of a meeting of Council or a Committee only with the authority of Council or the Committee.
- 6.2.2 A person may, as provided by section 10(2)(a) or (b), be expelled from a meeting of Council or a Committee for using or having used a recorder in contravention of this clause.
- 6.2.3 If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.
- 6.2.4 In this clause, **recorder** includes a video camera, **still camera** and any electronic device capable of recording speech, **moving images or still images**. In this clause, **recording** means making a temporary or permanent record in any medium, or engaging in or facilitating internet or local streaming of, or otherwise capturing, speech or images.

Comment [CW5]: Deleted 'TAPE'

6.3 RECORDING OF MEETING OF COUNCIL OR COMMITTEE BY COUNCIL STAFF FOR ADMINISTRATIVE PURPOSES

Council Meetings are recorded in accordance with the following principles:

- 6.3.1 Recordings of meetings are only used for verifying the accuracy of minutes;
- 6.3.2 Recording of meetings are not made available to the public or disclosed to any third party, except as allowed under section 18(1)(c) or section 19(1) of the *Privacy and Personal Information Protection Act 1988* or where Council is compelled to do so by court order, warrant or subpoena or by any other law.
- 6.3.3 Recordings of meetings are to be destroyed as soon as their original purpose is served or three months after their creation (whichever is the later) except where retention for a longer period is otherwise required or recommended under the *State Records Act 1998*.

- 6.3.4 Appropriate signage is displayed in the public gallery or at the public entrance to Council Meetings and verbal statements made at the commencement of each meeting to notify the public of the matters required under IPP3. (*Section 10(a)-(e) of the Privacy and Personal Information Protection Act 1988*)

6.4 RECEIPT OF PETITIONS

- 6.4.1 A petition will only be valid if the General Manager is satisfied that the following have been complied with:
- The petition contains a written statement requesting Council to do something or to refrain from doing something.
 - The petition contains a covering letter addressed to the General Manager containing a clear and concise statement identifying the subject matter of the petition along with the number of signatures contained and the full name, address, phone number and signature of the principal petitioner.
 - Each person who completed the petition has included their full name, address, signature and date of signature.
 - Electronic/online petitions will also be considered valid on the basis that they comply with (a-c) above except for the requirement to sign the petition. Electronic/online petitions do not need to be signed, but must include the email address of each person who has completed the petition along with the other required information set out above in (a-c).
- 6.4.2 A person may not sign a petition on behalf of anyone else, except in cases of incapacity or sickness. Upon receiving a valid or invalid petition, the General Manager will advise all Councillors of its receipt including the subject matter and the number of signatures.
- 6.4.3 On receipt of a valid petition, a report will be submitted to the next available meeting of Council. The report is to note the nature of the petition and number of signatories. The Chairperson must not permit discussion or debate on the petition with the petition being noted for further consideration in conjunction of the subject matter.
- 6.4.5 Councillors will be made aware of additional signatures to already reported petitions if they are received.
- 6.4.6 A submission is not a petition. A submission is a comment on an issue or a proposal that Council is considering or has on public exhibition. Submissions are usually requested from interested parties such as neighbours. Submissions do not have a minimum signature requirement and are considered as part of the planning process

Comment [CW6]: Deleted.

On receipt of a petition, a report noting its receipt of the petition shall be submitted to the next available Council Meeting. The report is to note the nature of the petition and number of signatories. The Chairperson must not permit discussion or debate on the petition with the petition being noted for further consideration in conjunction of the subject matter.

6.5 CONDUCT OF COUNCILLOR BRIEFINGS

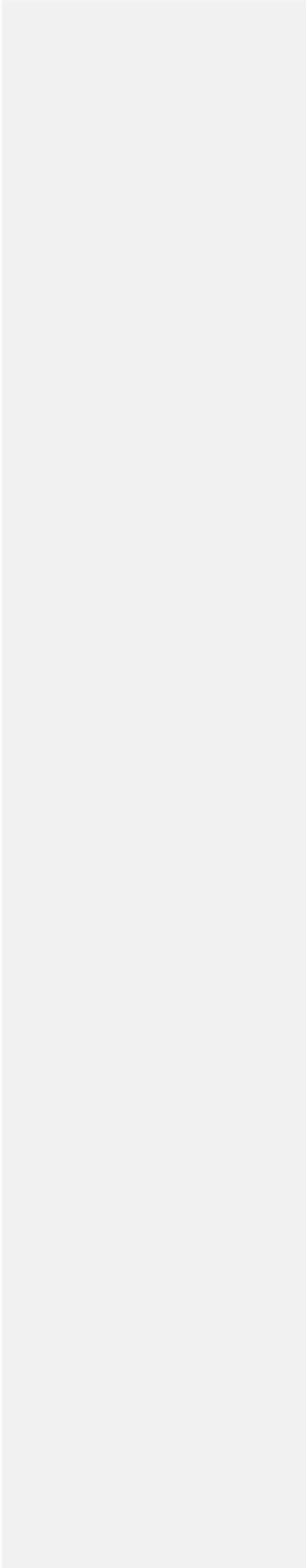
- 6.5.1 Council may hold regular briefings in accordance with its adopted meeting timetable. Councillor briefings are informal gatherings or briefing sessions and may involve Councillors, Council staff and invited participants. Such briefings shall be chaired by the General Manager or another senior Council officer and should not be used for detailed or advanced discussions where agreement is reached. In conducting such briefings, Council is cognisant of its obligations and responsibilities in terms of open decision making and transparency of process.

Comment [CW7]: Deleted

'WORKSHOPS' from title. References in this clause have been changed from workshop to briefings.

ORD05

Attachment 1



□ * *

RELEVANT LEGISLATIVE INSTRUMENTS:	<i>Local Government Act 1993 (Chapter 12, Part 2, Division1);</i> <i>Local Government (General) Regulation 2005;</i> Meetings Practice Note (Practice Note No 16) issued by the Office of Local Government in August 2009.
RELATED POLICIES, PLANS AND PROCEDURES:	Code of Conduct (5.3)
RESPONSIBLE DIRECTOR:	Director Customer & Corporate Services
APPROVALS:	Council
ATTACHMENTS:	Notice of Motion of Recession Notice of Motion Public Address Session Guidelines
NEXT REVIEWDATE:	March 2018
RECORD KEEPINGNOTES:	All records relating to the policy are to be recorded in TRIM in accordance with Council's Records Management Policy

□
HISTORY:

Issue	Approved by	Changes made	Date	TRIM Number
1	Council	Adopted ORD 002/01	22 January 2001	486.01
2	Council	Minor amendments ORD271/08;	28 October 2008	DM349051
3	Council	Minor amendments ORD158/10	27 July 2010	DM350542
4	Council	Minor amendments ORD37/12	14 February 2012	13/17377



**APPENDIX A
NOTICE OF MOTION OF RESCISSION**

(S 3.18)

We, the undersigned Councillors, hereby give notice of our intention to move that the Council resolution relating to Item No _____ of Council Meeting of the

(date of meeting):

(title of report):

BE RESCINDED.

(Minute No. _____)(extract of Resolution)

Should the above Motion of Rescission be carried, it is our intention to move the following further motion:

.....
(signature)

.....
(signature)

.....
(signature)

Date received by Council:



**APPENDIX B
NOTICE OF MOTION**

(Clause 3.7)

I, Councillor hereby give
(name)

notice of my intention to move the following at the Council meeting of

.....
(date)

.....
.....
.....
.....
.....
.....
.....

.....
(signature)

.....
(date)

Date received by Council:

APPENDIX C PUBLIC ADDRESS SESSION GUIDELINES

Persons wishing to participate in the Public Address Session, must complete the required form by no later than 5.00pm on the working day prior to the day of the meeting. (see attached "Public Address – Application Form")

Council's policy guidelines in relation to the Public Address Session at Council Meetings are as follows:

- i. Residents of the Camden Council area and ratepayers (or a representative nominated on behalf of a resident or ratepayer) are permitted to make submissions to Council subject to these guidelines. Applications must be in respect of current meeting agenda items.
- ii. The General Manager or the Director Customer & Corporate Services may amend the required form from time to time.
- iii. All speakers are limited to 4 minutes, with a 1 minute warning given to speakers prior to the 4 minute time period elapsing.
- iv. Council may by resolution extend the time provided to any one speaker by up to 2 minutes on only one occasion.
- v. Speakers are limited to one topic per Public Address Session. Only 7 speakers can be heard at any meeting. A limitation of 1 speaker for and 1 speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' or should only be considered where the total number of speakers does not exceed 7 at any given meeting.
- vi. Speakers must:
 - a. restrict their statements and comments to the subject of debate and topic of the address;
 - b. must only speak in relation to the subject stated on their application;
 - c. only speak on matters listed on the agenda/business paper for the Council meeting date stated on their application.
- vii. Speakers must not debate any issue with Councillors and/or staff.
- viii. The chairperson is able to ask questions of the speaker on a point of clarification at any time.
- ix. 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. Questions should not:
 - (a) seek legal opinion to be provided by Council;
 - (b) contain any names of persons unless they are necessary;
 - (c) contain argument, inferences, or imputation;
 - (d) refer to confidential matters that have or will be discussed by Council in closed session, or refer to any confidential matter as identified in section 10A(2) of the Act.
- x. Speakers at the Public Address Session may be stopped by a point of order ruling from the Mayor/Chairperson for any breach of the Public Address Session Guidelines.
- xi. Speakers should exercise particular care to comply with the Code of Meeting Practice.
- xii. Speakers must refrain from making personal criticisms and revealing the identity of staff members.
- xiii. 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.

An Officer of Council will be available any working day to assist intending participants in completion of the forms (excluding the day of the meeting).

PUBLIC ADDRESS SESSION APPLICATION FORM

Note: Applications must be received by Council's Governance Team by 5.00pm on the last working day prior to the Council meeting.

In submitting this application, I understand and agree to abide by the conditions of the Public Address Session in Council's Code of Meeting Practice.

Council Meeting Date: _____ Name of Applicant: _____
Telephone: _____ Address: _____
Email: _____
Name of Speaker & Organisation (if applicable) _____
Business Paper Agenda Item No _____ Subject _____

I am for the recommendation in the report; OR
I am against the recommendation in the report.

- If I am permitted to speak at a Council meeting, I acknowledge that:
1. my name will be recorded in the minutes of the meeting;
 2. Council meetings are recorded for minute taking purposes and I consent to my public address being recorded as part of the Council meeting;
 3. I have read the Code of Meeting Practice, Public Address Session Guidelines and agree to abide by the Code and the Guidelines;
 4. I agree to comply with all directions of the chairperson regarding my address to Council and shall withdraw from the Council Chamber upon his/her direction;
 5. I shall restrict my statements and comments to the subject of debate and topic of my address;
 6. I shall be personally liable for my behaviour and all statements made by me in the course of my address to Council;
 7. I shall refrain from revealing the name of any Council staff members and any personal criticisms of staff when addressing Council.

This form can be lodged –

1. Via email to publicaddress@camden.nsw.gov.au; or
2. Online at www.camden.nsw.gov.au; or
3. Dropped off at the Customer Service Desk, Ground Floor, 37 John Street, Camden; or
4. Posted to PO Box 183, Camden NSW 2570.

If posting, you need to allow sufficient time for your application to be received by Council, before the close off time of 5.00pm on the working day prior to the Council meeting.

Signature of Applicant _____
Signature not required when emailing document

Privacy Notification:

The personal information that Council is collecting from you on this application form is personal information for the purposes of the Privacy and Personal Information Protection Act 1998 ("the Act"). The intended recipients of the personal information are officers within Council and any person wishing to inspect the application in accordance with the *Local Government Act 1993*. The supply of the information by you is not voluntary and if you cannot provide or do not wish to provide the information sought, Council will be unable to process your application. You may make application for access or amendment to information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the Act. Council is to be regarded as the agency that holds the information. Enquiries concerning this matter can be addressed to Council by telephoning 4654 7798.

OFFICE USE ONLY

Does the application relate to a matter on the agenda/business paper before Council?	
Has the application form been correctly completed?	

Approved: Yes No _____

Applicant advised by: Phone Email In person Time/Date: _____ Officer: _____



**Section 358 Application
Camden Region Economic Taskforce**

9 November 2015

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Attachment 1 – Constitution of Camden Region Economic Taskforce Pty Limited

Attachment 2 – Statement of Corporate Intent of Camden Region Economic Taskforce Pty Limited

Attachment 3 – Board Charter of Camden Region Economic Taskforce Pty Limited

Attachment 4 – Board Governance Policies of Camden Region Economic Taskforce Pty Limited

Attachment 5 – Service Level Agreement of Camden Region Economic Taskforce Pty Limited

1 Executive Summary

The Camden Region Economic Taskforce's (The Taskforce) main purpose is to drive and facilitate the economic growth of the Camden Local Government Area through leadership, advocacy and coordination. Key focuses of the Taskforce will be the creation of jobs, attraction of investment, securing the timely delivery of infrastructure and creating the right environment to support the growth of business and industry (both existing and future).

The Taskforce's intent is to bring together key local leaders to identify, secure and realise opportunities for the economic growth of the area.

Camden is experiencing significant growth. The Local Government Area is part of the South West Growth Centre and the fastest growing sub-region in Sydney. The population will grow from an estimated 63,000 currently to over 256,000 by 2040, and the Badgerys Creek airport will be built in the vicinity. On any measure the growth is significant and the opportunities available to the businesses and people of Camden equally significant.

Council is committed to ensuring that economic growth opportunities are proactively seized and maximised. This is a key part of the Camden Community Strategic Plan, Camden 2040 as well as the Camden Economic Development Strategy.

Council's purpose in establishing the Taskforce as a separate company is to harness and maximise the skills, expertise and independence of local community business leaders. Council is of the view that a company structure:

- will enable the Taskforce to act on opportunities more quickly outside of Council's usual decision making process
- provides the most effective mechanism for attracting high calibre, independent business professionals as Directors of the board while adequately managing Council's risk.

Section 358 of the Local Government Act requires the formation of a company by a Council to have the approval of the Minister of Local Government. The Act requires that the formation of the company be in the 'public interest' and DLG Circular 07-49 sets out four key questions on which such an application will be assessed.

A summary of these is set out below with the detail further set out in this application.

1. *Is the proposal consistent with the functions of the council or an existing service that the council provides?*

Economic development is currently a function undertaken by Council, in line with its Economic Development Strategy. The establishment of an Economic Taskforce will complement and supplement the implementation of the Strategy by Council providing an effective and independent means of maximising economic opportunities.

2. *Will the proposed entity be legally separated from the council?*

As a company established under the Corporations Act, the proposed entity will be legally separated from Council. Its governance and control will be managed through the range of controls that Council is proposing, including Service Level Agreement, Company Constitution, Statement of Corporate Intent, Charter and policies.

3. *Is the council currently financially viable?*

Council's financial viability has continually been noted by external agencies including the NSW Treasury Corporation and Office of Local Government. Its response to Fit for the Future is underpinned by detailed financial modelling and assumptions and shows that Council will continue to be in a strong financial position in the face of managing rapid development and population growth. Council has been declared Fit for The Future by IPART.

4. *What is the impact of the proposal on existing council staff?*

There will be no impact on existing staff. No staff will be transferred to the Taskforce and no existing roles are impacted. Any staff employed by the Taskforce will be new staff.

Council considered a range of structural options for the Taskforce and resolved that the use of a company structure would provide the greatest opportunity to achieve the desired objectives. Council identified a range of risks that would arise from the formation and ongoing operations of the Taskforce and has put in place a range of governance controls based on the best practice for governing council owned companies, taking into account experiences and learnings in NSW and more widely across Australasia.

2 Background

On 12 August 2014, Council resolved to establish a Business Taskforce as a company limited by guarantee, subject to Ministerial Approval under Section 358 of the Local Government Act.

Given the region's rapid growth as part of the South West Growth Centre, Council is committed to ensuring that economic growth opportunities are proactively seized and maximized. This is a key part of the Camden Community Strategic Plan, Camden 2040, along with the Camden Economic Development Strategy.

The Camden Region Economic Taskforce's (The Taskforce) main purpose is to drive and facilitate the economic growth of the Camden Local Government Area through leadership, advocacy and coordination. Key focuses of the Taskforce will be the creation of jobs, attraction of investment, securing the timely delivery of infrastructure and creating the right environment to support the growth of business and industry (both existing and future).

Council's purpose in establishing a separate company is to harness and maximise the skills, expertise and independence of local community business leaders. Council believes that the company structure provides for Directors of the Company to have responsibility and accountability, and the independence of having a separate company will allow the Taskforce to respond quickly to opportunities as they arise without being constrained by Council's usual decision-making processes.

3 Strategic Context

The Sydney Metropolitan Strategy, South West Subregional Plan notes that the South West subregion is the fastest growing subregion in Sydney. The Badgerys Creek Airport will be a catalyst for investment in infrastructure and jobs in the subregion, enhancing connections to other cities across Australia and around the world. Liverpool, Campbelltown-Macarthur, Leppington and the Western Sydney Employment Area will also contribute to the growth and diversification of the subregion's economy. The South West Growth Centre will continue to play a key role in providing housing and jobs for future residents. The subregion will benefit from improved access including a potential extension of the South West Rail Link.

Under the NSW State Government's Metropolitan Strategy, the population of the Camden Local Government Area is planned to increase from the current population of approximately 63,000 people, to over 256,000 by the year 2040. This growth is already being delivered and can be seen in the rapid development of residential areas such as Oran Park and Gregory Hills, with numerous other precincts well-advanced in the planning and rezoning process. The most significant of these is the North Leppington Precinct which will house a major centre, railway station with the extension of the South West Rail Link, and residential development. Retail and industrial development will feature as part of many of these precincts, including Oran Park and Gregory Hills, and a range of key infrastructure upgrades have already commenced and been committed to through developer agreements and by Council and the State Government.¹

The Camden LGA will see significant change from its rural and agricultural beginnings and will become a thriving city in its own right. The ongoing challenge for Council and its partners is to manage this growth in such a way as to maximise the many opportunities this growth will bring.

3.1 NSW 2021 & State Priorities

The State Plan, NSW 2021, has as the NSW Government's number one priority the rebuilding of the NSW economy. Maximising the opportunities that will arise through the rapid urban growth of the Camden area will have a significant positive flow-on effect to the NSW economy.

The outcomes of the Taskforce in harnessing and maximising opportunities for the economic growth of the Camden area and the businesses within Camden will contribute to the following NSW 2021 goals under the strategy of Rebuilding the Economy:

- Improve the performance of the NSW economy
- Increase the competitiveness of doing business in NSW
- Place downward pressure on the cost of living
- Strengthen the NSW skill base

The State Government's priorities for South Western Sydney related to economic and social wellbeing, as stated within the Regional Action Plan, are:

- Promote an economic powerhouse
- Deliver a well-connected region
- Support a strong and inclusive region

¹ Camden 2040, Camden Council, 2013

The leadership and advocacy of the Taskforce will have a strong positive influence in facilitating the development of this significant and growing part of South Western Sydney.

More recently the Premier has announced 30 State priorities with 12 of these being considered as the Premier's Priorities. The outcomes of the Taskforce directly align to the delivery of two of these key priorities:

- Creating jobs
- Building infrastructure

3.2 Sydney Metropolitan Strategy – South West Subregion

To implement the directions in A Plan for Growing Sydney, the following priorities will be considered and addressed in subregional planning for the South West subregion.

A competitive economy

- Investigate the long-term potential to locate a major enterprise corridor between Leppington and Bringelly, linked to the extension of the South West Rail Link
- Protect infrastructure of metropolitan significance including freight corridors, intermodal terminals, Sydney's drinking water supply catchment, key water storage facilities and the Upper Canal
- Further develop the subregion's productive agricultural and mineral resources
- Protect land to serve Sydney's future transport needs, including intermodal sites and associated corridors
- Recognise and strengthen the subregion's role in Sydney's manufacturing, construction and wholesale/logistics industries by maximising existing employment lands particularly in Fairfield and Liverpool
- Investigate pinch-point connections between north-south and east-west road links
- Identify and protect strategically important industrial-zoned land
- Strengthen the diverse benefits to the economy proposed by Badgerys Creek Airport
- Accelerate housing supply, choice and affordability and build great places to live
- Identify suitable locations for housing, employment and urban renewal – particularly around established and new centres and along key public transport corridors including the Cumberland Line, the South Line, the Bankstown Line, the South West Rail Link and the Liverpool-Parramatta T-Way
- Continue delivery of the South West Growth Centre through greenfield housing development and the expansion of local employment
- Capitalise on the subregion's vibrant cultural diversity and global connections
- Implement the Western Sydney Parklands Plan of Management

The Camden area already faces an employment gap, with 61% of working residents currently travelling outside the area for work. The latest Hill PDA report commissioned by MACROC indicates that the South West subregion is planned to accommodate 36% of Sydney's population growth but only 21% of jobs growth².

² Employment Prospects in South West Sydney, MACROC, Revised June 2013

Key focuses of the Taskforce will be the creation of jobs, attraction of investment, securing the timely delivery of infrastructure and creating the right environment to support the growth of business and industry (both existing and future).

3.3 Camden 2040 – Camden Community Strategic Plan

The Camden community's vision, as expressed in Camden 2040, is:

In the year 2040, the Camden Local Government Area is a dynamic, modern, urban place which is defined by its unique history and rural backdrop, and has realised the many opportunities presented by urban development and population growth.

The prosperity of the local economy is a key priority and principal activity within the plan, with the vision of a **"prosperous local economy, with thriving local businesses, local employment, and vibrant town centres"**.

In addition, Camden 2040 recognises the importance of strong local leaders in the delivery of balanced social, economic and environmental outcomes throughout Camden's growth period and beyond.

3.4 Camden Economic Development Strategy

Camden Council adopted an Economic Development Strategy in 2013. The strategy is built around maximising and seizing opportunities from growth while supporting and encouraging local business. Council is of the view that the Taskforce will be ideally placed to quickly respond to opportunities as they arise, and is better placed than Council acting alone to strongly advocate on behalf of the region for the attraction and creation of new opportunities.

Focusing on eight target sectors, the following key activity areas and goals create the basis for the actions within the strategy:

Council's Operating Environment - in order to help develop business and grow jobs the Council will actively promote, coordinate and market economic development, positioning Camden LGA as an economic centre within a wider economic region.

Goals

1. Activate public and private underutilised spaces through planning and development
2. Support the expansion of existing businesses and industry
3. Attract new businesses and industry to grow employment in the LGA consistent with the community's vision, including a focus on the development of associated executive housing requirements for new residents
4. Maintain and develop the rural lifestyle setting which is an important part of the place, and therefore the economy, of Camden

Advocacy and Engagement - Council will act as an advocate and partner to ensure that community and business groups are able to be active participants in the area's economic success. The area's unique qualities will be promoted at every opportunity to attract business investment and skilled workers.

Goals

1. Attract new investment and more skilled people to Camden by working with the business community and other key stakeholders
2. Communicate more regularly and effectively with the business community and key stakeholders
3. Develop Camden's position as the region's professional services hub and encourage networking, events and other activities that support the ongoing development of this sector
4. Work closely with State and Federal government to meet our desired economic outcomes, including finding and attracting the desired residents

Support Business -Broaden the area's economic base, the Council will provide strong support and encouragement, including economic and business information, for target sectors.

Goals

1. Create an environment that supports a modern economy and encourages business interactions and the exchange of ideas
2. Support business growth and attract new industry through the provision of economic and business information
3. Encourage entrepreneurs to develop projects that will increase business and employment opportunities for the area
4. Ensure that small businesses and emerging industries are supported and help them to prosper

4 Governance

Council considered a range of delivery models and governance structures including visiting examples of other Council initiatives such as the Penrith Business Alliance before deciding to form a Company Limited by Guarantee.

Council has developed a set of draft foundation documents that would establish and govern the operation of the Taskforce including guiding the relationship between Council and the Taskforce and ensuring a high degree of control to Council.

The documents were prepared by Morrison Low Consultants based on their experience of what is best practice for council owned companies in both Australia and New Zealand, and these were independently peer reviewed by HWL Ebsworth Lawyers.

The following is a summary of the key governance and control mechanisms set out by this governance framework.

4.1 The Constitution

This document is the legal foundation of the Taskforce and is contained in Attachment 1. The key aspects of the constitution are

- The Taskforce must operate in accordance with objectives stated in the constitution
"The objective of the Camden Region Economic Taskforce is to drive the economic growth of the Camden local government area through leadership and coordination."
- The Taskforce is established as a not-for-profit organisation
- Camden Council is the sole member and there is no provision for additional members

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- Council can appoint and remove Directors at any time should the need arise
- The Taskforce is not able to borrow money without Council and the Minister's approval
- Council's liability is limited to (\$50) in the event the company is wound up
- The Board is made up of between 5 and 8 Directors and must have an Independent Chair
- Independent Directors (4 – 6) are expected to be recruited for skills and expertise from across the business community
- Council will have up to 2 duly elected Councillors on this board
- No Directors' fees are expected to be payable
- The Taskforce has been structured so that an Executive Officer/Chief Executive may be employed by the Board to run the Taskforce. This position will be employed by the Board and needs to have the skills and expertise appropriate to the role

4.2 Statement of Corporate Intent

This document provides the framework for Council to manage the performance of the Taskforce, and is contained in Attachment 2. It essentially provides a 'contract' between the Council as the owner and the Taskforce, it is updated annually and includes the mutually agreed KPIs.

A Statement of Corporate Intent is considered best practice and is mandatory in some other jurisdictions where Council owned companies are more prevalent than NSW.

Specifically the Statement of Corporate Intent:

- restricts the contracts that can be entered into (by value, longevity)
- restricts the amount of assets that can be sold
- sets KPIs to measure performance (to be finalised once the Board is appointed)
- establishes a reporting regime (quarterly and annual)
- requires media statements that mention the Council, any policy, business or asset of the Council to be approved by Council first
- defines the Dividend Policy (none to be paid)
- establishes the governance relationship between Council and the Taskforce.

4.3 Board Charter

The Board Charter provides for a transparent approach to governance consistent with the requirements of a public sector owned not-for-profit company but does not replicate the Council approach. The Charter is contained in Attachment 3. It draws on best practice from the Australian Institute for Company Directors and sets a governance framework including the:

- Company Goals
- Roles and Responsibilities of the Board
- Board - Management relationship
- Director and Officer Code of Conduct.

4.4 Board Governance Policies

A suite of Board policies and procedures have also been developed to ensure an effective relationship between the Board and Council. The Board Governance Policies are contained in Attachment 4 and include the following:

- Board Consultation
- Board Subcommittees
- Board Member Induction
- Board Powers
- Risk Management
- Board Expenditure and Procurement
- Ethics and Conduct
- Conflicts of Interest
- Independent Professional Advice
- Board Meetings
- Board and Member Evaluation
- EO/Board Relationship
- Governance Policy on Setting and Reviewing a Policy

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4.5 Service Level Agreement

All support services required for the Taskforce to operate, such as HR, IT, Legal etc. are to be provided by Council under a service level agreement. This reduces the level of funding required for the Taskforce and helps Council maintain a level of oversight of the Taskforce. The Service Level Agreement is contained in Attachment 5. This will be finalised and KPIs determined by Council and the Board once it is appointed.

5 Financial

Taskforce

The Taskforce will maintain its own accounts and will be responsible for meeting all financial requirements under the Corporations Act and other relevant legislation.

Council has allocated the Camden Region Economic Taskforce a recurrent budget allocation in the 2015/2016 budget of \$77,300 which is to be indexed by CPI each year.

The Taskforce will have responsibility for decisions regarding the expenditure of these funds in accordance with the objectives and requirements of the Constitution and Statement of Corporate Intent.

Any further funding from Council will be determined through the Integrated Planning and Reporting process in the development of the Delivery Program and Budget, according to alignment with Council's strategic objectives and priorities.

The Taskforce will be expected to seek and obtain additional external funding in accordance with further the objectives and requirements of the Constitution and Statement of Corporate Intent.

Council

Camden Council has been assessed as one of only nine out of 38 metropolitan councils to be fit for the future. The financial commitment incurred through the formation and ongoing operation of the Taskforce is minor and has not impact on Council's financial position or financial sustainability.

The 2013 TCorp rating of Camden Council was moderate with a neutral outlook. Council's recent projections for the Fit for the Future show meeting the Operating Performance Ratio by 2020/21 based on a three year rolling average and 2019/20 based on a single year result.

6 Operational and Staffing

The Taskforce will be responsible for employing any staff to undertake its administration and operation.

There will be no impact on existing Council staff. Any staff employed by the Taskforce will be new staff. The existing economic development staff will be retained by Council.

7 Risks

Council has considered the key risks arising from the formation and operation of the Taskforce. These have then been addressed through the proposed governance framework established for the Taskforce and associated governing documents and agreements.

Key risks have been identified below with the mitigation and management measures implemented.

Risk	Mitigation, Management and Control
Reputational	<ul style="list-style-type: none"> • Taskforce is not-for-profit • Taskforce must operate in accordance with objectives of the Constitution • Council can remove Directors at any time should the need arise • Media statements that refer to Council require the approval of Council • Council will have up to two representatives on the Board • Directors are not paid • Camden Council is the sole member • The Statement of Corporate Intent restricts the contracts that can be entered into (by value, longevity) including sponsorship contracts • Conflicts of interest are addressed in Board Policies and Board Charter
Financial	<ul style="list-style-type: none"> • The Taskforce will retain its own finances and accounts separate to Council • Council is exposed to minimal financial risk • Liability is limited to \$50 in the event the Taskforce is wound up • Council has budgeted \$77,300 in 2015/16 which is to be indexed by CPI annually • The Taskforce will not be able to borrow money without Council and the Minister's approval • The Statement of Corporate Intent restricts the contracts that can be entered into (by value, longevity) as well as restricts the amount of

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Risk	Mitigation, Management and Control
	assets that can be sold
Existing staff	<ul style="list-style-type: none"> There will be no impact on existing Council staff The Taskforce will be responsible for the employment of any staff and these will be new positions
Performance	<ul style="list-style-type: none"> The operation and performance of the Taskforce will be governed and monitored through a Service Level Agreement and KPIs to be developed following commencement of the Board Camden Council is the sole member

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8 Key Performance Indicators

The performance indicators will be agreed by the Board upon establishment of the Taskforce, however draft KPIs have been set to guide what those should be. Importantly they are expected to be both quantitative and qualitative (i.e. the extent to which the Taskforce has impacted the measure). Council has considered a range of indicative performance measures to understand how the performance of the Taskforce may be monitored, as follows:

Performance Area	Measure
Economic Growth – Quantitative (Camden LGA)	
Increase in Gross Regional Product	TBC - %
Value of investment	TBC - \$
Number of new jobs	TBC
Number of new businesses	TBC
Economic Growth – Qualitative (Camden LGA)	
Increase in Gross Regional Product	TBC
Value of investment	TBC
Number of new jobs	TBC
Number of new businesses	TBC
Total annual sponsorship	TBC
Compliance with the Camden Region Economic Taskforce procurement policy	100%
Variance of costs to agreed budget	<5%
Workplace, Health and Safety	TBC

9 Summary of how the formation of the Camden Region Economic Taskforce complies with the assessment criteria

1. Consistency of Proposal with the Functions or Services of the Council	
Demonstration of the link between the proposal and community or public needs	<p>The economic development of the Camden area, particularly maximising the opportunities that will arise through rapid population growth and development, is a priority for the Camden area community. It is also aligned with the economic priority contained within the NSW 2021 State Plan and South West Subregional Strategy.</p> <p>See Section 4 for more detailed strategic alignment.</p>
Detail on the general appropriateness of the Council's involvement in the corporation or other entity	<p>Economic Development is a key function of Council. Council's Economic Development Strategy identified a need to maximise and seize opportunities from growth while supporting and encouraging local business.</p> <p>Council is of the view that the company structure of the Taskforce will be ideally placed to quickly respond to opportunities as they arise, and will enable a better partnership with the local business community to be created. As a result the Taskforce will be better placed than Council acting alone to strongly advocate on behalf of the region for the attraction and creation of new opportunities.</p> <p>Council is proposing a range of governance and control mechanisms to ensure the effective operation of the Taskforce, and will be involved through representation on the Board.</p>
Explanation as to how corporatisation or involvement in the entity would improve the economic performance and ability of the Council to carry out its responsibilities	<p>The formation of a corporation of this kind provides the most effective engagement mechanism to harness and maximise skills and expertise of local business leaders as Directors of the Board. The greater decision-making capacity and influence of the Board will attract high calibre Directors which will improve the effectiveness of the Taskforce in delivering its objectives for the economic growth of the Camden region.</p> <p>Separating the activity from the usual decision-making processes of council means that opportunities can be acted on quickly, ensuring that they are not missed and can be maximised.</p> <p>With the Taskforce providing a lead in the advocacy and facilitation role Council can continue to focus on other key activities to ensure that the growth of the region is effectively managed and delivered for optimum outcomes for the community.</p>
Explanation of what measures will be employed to ensure that the activities of the corporation or entity will be accountable	<p>Section 4 details the range of governance and control measures that will dictate the functioning of the Taskforce, including Council representatives on the Board, Service Level Agreement, Company Constitution, Statement of Corporate Intent, Board Charter and policies. These are based on best practice from within NSW and more widely across Australasia in governing Council owned companies.</p> <p>In addition, Council will agree on Key Performance Indicators that will be used to monitor the performance of the Taskforce. An indicative set of these are contained in Section 8.</p> <p>Council as the sole member retains the right to appoint and remove Directors at any time should the need arise.</p>

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<p>2. Legal Separation of the Entity from Council</p>	<p>The establishment of a Company Limited by Guarantee ensures that the legal structure of the Taskforce is separate from Council. Council is the owner but liability is limited to \$50. See section 4 for full details of the legal structure.</p> <p>The Taskforce will maintain separate accounts and be responsible for all aspects of its financial management.</p>
<p>Legal structure (including liability of the Council, councillors and council staff)</p> <p>Financial separation (confirmation that the accounting for the corporation or other entity is separate to the Council's accounts)</p> <p>Management separation (details of the management structure of the corporation or other entity)</p>	<p>The Taskforce has been structured so that an Executive Officer/Chief Executive may be employed by the Board to run the Taskforce. This position will be employed by the Board and needs to have the skills and expertise appropriate to the role. Support services (HR, IT, Finance) will be provided by Council under a Service Level Agreement with the Taskforce.</p> <p>3. Is the council currently financially viable?</p> <p>Council received a moderate (neutral outlook) rating in 2013 by the NSW Treasury Corporation (TCorp) for the assessment of Council's financial capacity and its future sustainability. This rating was an excellent outcome when considering the cost of rapid growth and the stage at which Council is, in this growth phase. The NSW TCorp's report indicated that Council will remain financially sustainable with continued prudent financial management.</p> <p>Council has been through a further two financial assessments by the NSW TCorp as part of successfully acquiring interest subsidies for rounds two and three of the Local Infrastructure Renewal Scheme. This demonstrates Council's exceptional long term financial planning and its repayment capacity.</p> <p>Council also received a 'strong' rating from the Office of Local Government (OLG) for Infrastructure Management as part of the Local Government Infrastructure Audit released in June 2013. The assessment indicated that Camden Council has a greater capacity in managing infrastructure from both a management sense and a financial perspective. The OLG's <i>Strengthening Local Government – Promoting Better Practice</i> report of February 2015 stated of Council "strategic capacity, excellent foundation in financial management with superior cash management practices, financial health monitoring systems and sound governance framework". Council's Fit for the Future response is underpinned by detailed financial modelling which demonstrates the organisation's financial viability.</p> <ul style="list-style-type: none"> • Operating Performance Ratio – met in 2020/21 based on 3 year average, and 2019/20 using annual result. Due to its high rate of growth, rates and annual charges income is expected to more than double over the next 10 years. Depreciation has been reviewed and Council historically adopts a balanced cash budget and is in a strong cash position. • Own Source Revenue Ratio – Council does not meet the benchmark for this ratio due to high levels of non-cash capital income for development infrastructure, which is a product of its high rate of development. However, as noted above, rates and annual charges are projected to increase significantly over the next 10 years. If non-cash income is excluded from the calculation, Council comfortably meets the benchmark.

- **Building and Infrastructure Asset Renewal Ratio** – this ratio is again impacted by Council's high development rate and the large level of assets expected to be constructed over the next 10 years. Over 40% of Council's total assets are new or less than 10 years old and this will grow. Council allocates funds to an Asset Renewal Reserve and the transfer of funds to reserve cannot be included in the calculation of this ratio. Council has also adopted a number of renewal programs accessing an interest free loan from the NSW State Government, has received two Local Infrastructure Renewal Scheme loans and currently has a Special Rate Variation in place for infrastructure renewal.
- **Infrastructure Backlog Ratio** – Council meets the benchmark over the 10 year modelling period, primarily because of the significant proportion of new assets constructed each year.
- **Asset Maintenance Ratio** – Council projects to meet the IPART assessment criteria of 'improving' by 2016/17 and meet the benchmark in 2020/21 based on an annual result (as opposed to a 3 year average).
- **Debt Service Ratio** – Council is projected to continue to meet the benchmark over the 10 year modelling period.
- **Real Operating Expenditure Per Capita** – Council projected to meet this benchmark in 2014/15.

Camden Council is financially sustainable and has been assessed by IPART as one of only nine out of 38 metropolitan councils to be Fit for the Future. PriceWaterhouseCoopers (PwC) validates Council's financial position and states "PwC have reviewed the long term financial projections and Fit for the Future benchmarks included in this submission and are satisfied that they are reasonable and consistent with the underlying assumptions".

4. What is the impact of the proposal on existing council staff?

There will be no impact on existing Council staff.

Camden Region Economic Taskforce

Summary of Draft Constitution Amendments

CLAUSES	ACTION	REASONS
TABLE OF CONTENTS	Minor numbering amendments and addition of new Clause 43	Revised clauses
DEFINITION AND INTERPRETATION	Inclusion of Council's ABN	Identification of Member
	Minor re-wording of 'Secretary' definition	Clarification that Secretary is appointed
	Addition of 'Special Resolution' definition	Clarification that same as Corporations Act
3. NOT FOR PROFIT COMPANY	Inclusion of Clause 3.1	Statement of non-profit status
	Clause 3.1 becomes Clause 3.2	New Clause 3.1
	Clause 3.2 becomes Clause 3.3	New Clause 3.1
	Clause 3.3 re-wording	Improved description of allowed payments
5. LIABILITY OF MEMBER	Clause 5.2 amended	Simplification as there is only 1 member
6. MEMBERSHIP	Clause 6.1 amended to delete reference to consent of the Minister for Local Government	Consent is not the Minister's role
9. ANNUAL GENERAL MEETING	Clause 9.3 amended	Clarification of business that can be conducted
17. BOARD OF DIRECTORS	Clause 17.3 amended	Clarification that independent chair must be elected
18. APPOINTMENT OF COUNCIL NOMINATED DIRECTORS	Reference to 'Member' replaced by Camden Council as body politic	Clarification of the separate role of Council when appointing directors

CLAUSES	ACTION	REASONS
19. APPOINTMENT OF INDEPENDENT DIRECTORS	Clause 19.1 amended from 'elected' to 'appointed'	Clarification that independent directors are not elected
	Clause 19.2 removed	Removal of election provisions
	Clause 19.3 becomes Clause 19.2	Deletion of Clause 19.2
	Clause 19.2 amended to include additional information	Addition of eligibility criteria for independent Directors
25. REMUNERATION AND EXPENSES OF DIRECTORS	'Expenses' added to title	Clarification that expenses are included
	Clause 25.1 re-worded to add prohibition on fees	Extension of restriction on directors
	Clause 25.2 amended to qualify expenses as 'reasonable'	Clarification of claimable amounts
	Clause 25.3 added to apply payment conditions for services rendered by directors	Clarification of claimable amounts
35. BORROWING AND INVESTMENTS	Clause 35.1 amended to delete reference to the Minister for Local Government's written approval	Approval is not the Minister's role
41. WINDING UP	Re-worded and split into 2 clauses:	
	Clause 41.1 – added reference to 'debts and liabilities' and grammatical changes	Clarification that distribution is of net assets
	Clause 41.2 – added references to Acts and court orders	Clarification that other restrictions may apply to distribution

CLAUSES	ACTION	REASONS
42. OBLIGATIONS AND RESTRICTIONS	Clause added to prohibit membership of other corporations	Restriction to core purpose
43. AMENDING THIS CONSTITUTION	Clauses 43.1 and 43.2 added to allow amendment of the constitution subject to the Corporations Act and the consent of the Minister for Local Government	Clarification that changes are subject to government approval



**Constitution
of
Camden Region Economic Taskforce
Pty Limited
ACN XXXXXX**

A Company Limited by Guarantee

Prepared by Morrison Low Consultants Pty Ltd

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Introduction

1 Definitions and Interpretation

1.1 Definitions

In this Constitution:

"Annual General Meeting" means the meeting held each year as required by the Corporations Act.

"Board" means the whole or any number of the Directors assembled at a duly convened meeting of the Directors, being not less than a quorum or a majority, as the case may require.

"Board Charter" means the document entitled "Board Charter" adopted by the Company and the Member and as amended from time to time by written agreement between the Company and the Member.

"Company" means Camden Region Economic Taskforce Pty Limited ACN xxxxxxxx.

"Constitution" means this Constitution

"Corporations Act" means the Corporations Act 2001 (Cwth).

"Director" means a director of the Company.

"Member" means Camden Council [ABN 31 117 341 764](#) and "Membership" has an equivalent meaning.

"Member's Meeting" and "Meeting" means an Annual General Meeting or a Special Meeting.

"Month" means calendar month.

"Register" means the Register of Member kept pursuant to the Corporations Act [2001 \(Cth\)](#).

"Secretary" means the person appointed as the Company secretary.

Deleted: means the secretary of the Company

"Special Meeting" means any meeting of the Company that is not an Annual General Meeting

"Special Resolution" has the meaning given in the Corporations Act.

"Statement of Corporate Intent" means the document entitled "Statement of Corporate Intent" adopted by the Company and the Member and as amended from time to time by written agreement between the Company and the Member.

1.2 Interpretation

In this Constitution, unless the contrary intention appears:

- (a) words importing the singular include the plural and vice versa
- (b) person includes an individual, a body corporate, a partnership, a firm, unincorporated associations or institution and a government body
- (c) headings do not affect the interpretation of this Constitution.

2 Objective

The objective of the Camden Region Economic Taskforce is to drive the economic growth of the Camden local government area through leadership and coordination.

3 Not for Profit Company

~~3.1 The Company is a not-for-profit entity and its activities are not to be carried on for the profit or gain of the Member.~~

3.2 The income and property of the Company must be applied solely towards the promotion of the objects of the Company.

3.3 No part of the income or property of the Company may be paid, except as:

- ~~(a) proper remuneration to any employees of the Company in return for services rendered to the Company,~~
- ~~(b) payment to the Member in relation to any contract right or claim in which the Member is interested or which arises other than by virtue of the Member's membership,~~
- ~~(c) payment of reasonable interest on any money lent to the Company by the Member,~~
- ~~(d) payment of reasonable or proper rent for premises let by the Member to the Company, or~~
- ~~(e) payment of reasonable expenses to the Directors as permitted in this Constitution.~~

~~Deleted: to, or distributed among, Member~~

4 Powers of the Company

Subject to this Constitution, the Company, may exercise, in a manner permitted by the Corporations Act, any power which a company limited by guarantee may exercise under the Corporations Act.

~~Deleted: proper remuneration to a Member employed by the Company return for services actually rendered Company.
-payment to a Member or Director return for goods or services supplied Company for fair value and in the or course of business.~~

5 Liability of Member

5.1 The liability of Member is limited.

~~5.2 If the Company is wound up the Member of the Company must contribute a sum not exceeding fifty dollars (\$50) to the property of the Company, for:~~

- ~~(a) payment of the debts and liabilities of the Company contracted before the time at which the Member ceased to be a Member, and~~
- ~~(b) the costs, charges and expenses of winding up the Company.~~

~~Deleted: payment of out of pocket expenses of a kind authorised by resolution of the Board and reasonably incurred Member, the Secretary, or any employee in the course of carrying out his or his duties in relation to the Company.
-interest, at a rate agreed by the Member, on money borrowed by the Company from a Member, or
-reasonable and fair market rent if premises let by a Member or Director the Company.~~

~~Deleted: if the Company is wound up each Member of the Company and a Member who had been a Member within 12 months of the Company being wound up must contribute a sum not exceeding fifty dollars (\$50.00) to the property Company~~

Membership of the Company

6 Membership

6.1 Camden Council shall be the sole Member of the Company.

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 The Member must not transfer, or otherwise dispose of any share in the Company without the Minister for Local Government written consent ¶

7 Register of Member

7.1 The Secretary must establish and maintain a Register of Members. The Register must set out, for the Member:

Deleted: each

- (a) the full name of the Member, and
- (b) the address.

8 Cessation of Membership

8.1 Cessation of Membership cannot occur unless the Company is wound up.

8.2 Cessation of Membership does not extinguish the Member's liability for any amount owing to the company at the date of cessation or for the Member's liability in the event of winding up or dissolution of the Company.

Member's Meetings

9 Annual General Meeting

9.1 A general meeting called the Annual General Meeting or AGM must be held at least once in every calendar year:

- (a) within five (5) months of the end of the Company's financial year, and
- (b) in addition to any other meetings held in the year.

9.2 The Board will determine the date, time and place of the Annual General Meeting of the Company.

9.3 The ordinary business of the Annual General Meeting may include any of the following, even if not referred to in the notice of meeting:

Deleted: ¶
 The ordinary business of the Annual General Meeting shall be:
 confirm the minutes of the Annual General Meeting and any Special Meeting held in the previous year¶
 present a copy of the accounts, statements and reports prescribed by Law to be presented at an Annual General Meeting¶
 elect the Directors to the Board¶
 consider any resolution of which sufficient notice has been given, and
 appoint an auditor, if required, and the remuneration of the auditor.¶

- (a) the confirmation of the minutes of the Annual General Meeting and any Special Meeting held in the previous year,
- (b) the consideration of the annual financial report, Directors' report and auditor's report,
- (c) the election of Directors,
- (d) the appointment of the auditor, or
- (e) the fixing of the auditor's remuneration.

9.4 The Chairperson of the AGM must allow a reasonable opportunity for the Member to ask questions about, or make comments on, the management of the Company.

9.5 If the Company's auditor is at the meeting, the Chairperson must allow a reasonable opportunity for the Member to ask the auditor questions relevant to the conduct of the audit and the preparation and content of the auditor's report.

10 Special Meetings

- 10.1 A Special Meeting must be called at the request of two or more Directors.
- 10.2 A Special Meeting must be called at the request of the Member.
- 10.3 The request for a Special Meeting must be in writing, state any resolution to be proposed at the meeting, be signed by the Directors or Member making the request, and be given to the Company.
- 10.4 The Special Meeting must be held not later than two (2) months after the request is given to the Company.
- 10.5 The Company must pay the reasonable expenses incurred by the Company in calling this meeting.

11 Notice of Meetings

- 11.1 Written notice of a meeting must be given to the Member and each Director twenty one (21) days before the date fixed for the meeting.
- 11.2 The notice of meeting must specify:
 - (a) the place, day and hour of the meeting
 - (b) the nature of the business to be transacted at the meeting.

12 Quorum at Meetings

- 12.1 The Member must be present for there to be a quorum at a Meeting.
- 12.2 If a quorum is not present within half an hour after the appointed time for the commencement of the meeting:
 - (a) the meeting, if an Annual General Meeting, is to be adjourned to a time, date and place specified by the Chairperson at the time of adjournment, or
 - (b) the meeting, if a Special Meeting, is to be dissolved and need not be reconvened.

13 Chairing Meetings

The Chairperson or, in his or her absence, a Director appointed by the Board shall preside as Chairperson at a meeting.

14 Adjourned Meetings

- 14.1 The Chairperson may with the consent of the meeting, adjourn the meeting to be reconvened at another time and place.
- 14.2 No business can be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

15 Voting at Meetings

- 15.1 The Member may be present in person or by proxy.
- 15.2 A motion put to the vote of the meeting shall be decided by the Member.
- 15.3 If the Member (or the Member's proxy) has signed a document containing a statement that the Member is in favour of the resolution in terms set out in the document, a resolution in those terms is to be treated as having been passed as a resolution (unless the Law otherwise requires or permits) at a meeting.

16 Voting by Proxy

- 16.1 A Member may appoint a proxy to attend and vote for the Member at a meeting.
- 16.2 An appointment of a proxy is valid if it is in the form set out in Appendix 1 and received by the Company at least twenty-four (24) hours before the time for commencement of the meeting at which the proxy is to be exercised.
- 16.3 A proxy appointed to attend and vote for a Member has the same rights as the Member.

The Board of the Company

17 Board of Directors

- 17.1 A Board of Directors shall oversee and control the affairs of the Company.
- 17.2 The Board must comprise no less than five (5) and no more than eight (8) Directors and shall be comprised of:
- (a) up to two (2) Directors appointed by Camden Council in accordance with clause 18.1, and
 - (b) between four (4) and six (6) independent Directors appointed for their skills and expertise.

~~17.3 The directors must elect one of the independent directors as the Company's elected chairperson.~~

Deleted: One of the independent Directors shall be the Chairperson of Board.

17.4 The Company may from time to time, by resolution passed at an Annual General Meeting, increase or decrease the number of Directors.

18 Appointment of Council Nominated Directors

~~18.1 Camden Council (acting in its capacity as a body politic and not as the Member) may appoint the following people in accordance with clause 17.2(a):~~

- (a) Up to two (2) people who have been duly elected to Camden Council following a local government election.

18.2 The Member may at any time terminate the appointment of a Director made in accordance with clause 18.1 and replace that person with another Director in accordance with clause 18.1.

Deleted: <#>The Member may appoint the following people in accordance with clause 17.2(a):
<#>Up to two (2) people who have been duly elected to Camden Council following local government election.

18.3 A Director appointed in accordance with clause 18.1 shall only be a Director of the Company as long as they continue to hold the relevant position at Camden Council as provided in clause 18.1.

19 Appointment of Independent Directors

19.1 Independent Directors shall be appointed by the Member at the Annual General Meeting or a Special Meeting called to fill a vacancy caused by the end of a Director's term, retirement or fill any vacancies not previously filled.

Deleted: elected

~~19.2 An independent Director must be eligible to be a director under the Corporations Act.~~

~~An independent Director must, in the opinion of the Member:~~

- (a) be experienced in business administration and finance, and
- (b) demonstrate an active interest and leadership in driving the economic growth of the Camden Local Government Area.

Deleted: <#>Where the number of nominations for vacant positions does exceed the vacancies then no ballot shall be held and the Chairperson shall decide that all candidates are appointed.
<#>Where the number of nominations for vacant positions exceeds the vacancies then the Member shall duly vote for number of candidates up to the number of vacancies.

20 Appointment of the Chairperson

20.1 The Chairperson shall be elected by the Member at the Annual General Meeting or a Special Meeting called to fill a vacancy caused by the end of the Chairperson's term or retirement.

21 Term of Directors

- 21.1 The term of office of a Director shall be three (3) years.
- 21.2 No Director may hold office for more than three (3) consecutive terms.

22 Resignation of Directors

A Director may resign as a Director by giving written notice of resignation to the Company at its registered office.

23 Casual Vacancies**23.1** If any Director:

- (a) vacates his or her office under section 224 of the Corporations Act,
- (b) becomes bankrupt or makes any arrangement or composition with his or her creditors,
- (c) becomes prohibited from being a Director by reason of any order made under the Corporations Act,
- (d) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health,
- (e) resigns his or her office,
- (f) is absent, without permission of the Directors, from meetings of the Directors held during a period of three months or for more than half of the meetings of the Directors held during a period of six months,
- (g) is directly or indirectly interested in any contract or proposed contract with the Company and fails to declare the nature of his or her interest in the manner required by the Corporations Act,
- (h) dies, or
- (i) is removed from office by resolution of the Company,

his or her office must be declared vacant by the Board and he or she will cease to be a Director. The Board may appoint a successor to hold office until the next election by the Member at the Annual General Meeting, and until such appointment is made the continuing Directors may act despite such vacancy.

24 Alternate Directors

- 24.1 With the other Directors' prior approval, a Director may appoint an alternate to exercise some or all of the Director's powers for a specified period.
- 24.2 If the Director requests the Company give the alternate notice of Directors' meetings, the Company may do so.
- 24.3 Where an alternate exercises the Director's powers, the exercise of the powers is just as effective as if the powers were exercised by the Director.
- 24.4 The Director may terminate the alternate's appointment at any time.
- 24.5 An appointment or termination must be in writing. A copy must be given to the Company.

25 Remuneration and Expenses of Directors

~~25.1 The Company is not permitted to pay any remuneration or fees to the Directors.~~

25.2 ~~The Company may pay the Directors' reasonable travelling and other expenses that they properly incur:~~

- (a) in attending Directors' meetings or any meetings of committees of Directors,
- (b) in attending any Member' Meetings, and
- (c) in connection with the Company's business

~~25.3 All other payments to the Directors must be approved by the Directors including for a service rendered to the Company by a Director in a professional capacity or technical capacity or as an employee, other than in the capacity as Director of the Company, where:~~

- ~~(a) The provision of the service has the prior approval of the Directors, and~~
- ~~(b) The amount payable is not more than an amount which commercially would be reasonable payment for the service.~~

Deleted: <P>The Directors shall not paid any remuneration.</P>

26 Powers of Directors

- 26.1 The business of the Company is to be managed by, or under the direction of, the Directors.
- 26.2 The Directors may exercise all the powers of the Company except any power that the Corporations Act or this Constitution requires the Company to exercise in a meeting of the Member.

27 Duties of Directors

- 27.1 The Duties of Directors are as set out in the Corporations Act and specifically include:
- (a) a duty to act in the best interests of the Company and its Member,
 - (b) a duty of care and diligence,
 - (c) no improper use of inside information,
 - (d) no gain by improper use of the position,
 - (e) declare all conflicts of interest and to not act in a way, perceived or real, that brings the Director or Company into conflict, and
 - (f) not to trade while insolvent.
- 27.2 The Directors shall at all times also comply with the Statement of Corporate Intent.

28 Role of the Board

- 28.1 The Board oversees the management of the Company and directs and controls its affairs.
- 28.2 The Board has power, subject to the Corporations Act and the Constitution, to perform all such acts as appear to the Board to be necessary for the proper management of the Company in accordance with the Statement of Corporate Intent. Such acts may include:
- (a) setting the strategic direction and determining the strategies for the Company,
 - (b) monitoring and evaluating the performance of the Company,
 - (c) supervising the financial performance of the Company, and
 - (d) developing governance-level policies and overseeing their implementation.
- 28.3 The Board may exercise all the powers of the Company except those powers that by:
- (a) an Act of Parliament,
 - (b) the Constitution, or
 - (c) a resolution of the Member in a Meeting,
- require the Member of the Company to exercise that power in a Member's meeting.
- 28.4 Subject to the provisions of the Corporations Act and the Constitution, the Board may, by resolution, authorise any person as the Board thinks fit to exercise any powers of the Board, which are delegable by law.
- 28.5 The Board may establish committees and may prescribe their functions and Membership.

29 Board Meetings

- 29.1 The Board shall meet at least six (6) times in each year or as required by the Board.
- 29.2 Board Meetings shall be chaired by the Chairperson and in his or her absence a Director selected by the Board shall preside.
- 29.3 The quorum for a Board Meeting is more than half the number of Directors.
- 29.4 No business shall be transacted at a Board Meeting unless a quorum is present. If no quorum is present the Chairperson shall adjourn the meeting to a time and date specified by the Chairperson.
- 29.5 All resolutions at a Board Meeting must be passed by a majority vote. The Chairperson has a casting vote if necessary in addition to any vote he or she has in their capacity as a Director.

- 29.6 A Board Meeting may be called by a Director, or by the Secretary on the request of a Director, giving reasonable notice individually to every other Director and the Secretary.
- 29.7 A Board Meeting may be conducted electronically by phone, video, facsimile, email or other means as determined by the Chairperson.

30 Board Committees

- 30.1 The Board may establish any committee and delegate any powers of the Board to that committee.
- 30.2 Board committees must report regularly and openly to the board on their actions and decisions.

31 Directors' Interests

- 31.1 Any Director who is, or becomes directly or indirectly, interested in a contract or proposed contract with the Company must disclose his or her interest at a meeting of Directors.
- 31.2 The Secretary must record this declaration in the minutes of that meeting.
- 31.3 A Director who has an interest in a matter being considered at a Board Meeting must not be present while the matter is being considered at the meeting or vote on the matter.
- 31.4 This clause does not apply where the interest is solely an interest that a Director appointed in accordance with clause 18.1 holds as a result of being an elected Member or staff member of Camden Council.

32 Validity of Directors' Acts

The acts of a Director or the Secretary are valid despite any defect that may afterwards be discovered in his or her appointment or qualification.

Operation of the Company

33 Appointment of Secretary

The Board must appoint a Secretary for such a term and in such a manner as it sees fit.

34 Minutes

- 34.1 The minutes of any meeting, Board Meeting or meeting of any committee established by the Board must be confirmed by the subsequent meeting and signed by the Chairperson of that meeting.
- 34.2 The minutes shall record:
- names of persons present at the meeting, and
 - all resolutions and proceedings at all meetings of Member and of the Board or committees of the Board.

35 Borrowing and Investments

- 35.1 The Company shall not borrow money or grant any mortgage, charge, security or interest or other encumbrance over any of the Company's property or assets without the written approval of the Member.
- 35.2 The Company shall not make any investments outside of holding a bank account for working capital purposes without the written approval of the Member.

Deleted: and the Minister for Local Government.

36 Executive Officer

- 36.1 The Board shall appoint a person as Executive Officer of the Company.
- 36.2 The Executive Officer must, on behalf of the Board make appropriate arrangements for the recording of minutes of meetings, Board meetings and Board committee meetings.
- 36.3 Subject to the direction of the Board, the Executive Officer is responsible for:

- (a) the day to day management of the Company,
 - (b) supervision of staff, and
 - (c) dealing with the correspondence of the Company and for the custody of books, records, documents and securities of the Company.
- 36.4 The Board may decide to have the same person perform the role of Executive Officer and Secretary.
- 36.5 The Executive Officer, acting within delegations determined by the Board, from time to time:
- (a) is responsible for the collection and receipt of all monies due to the Company,
 - (b) shall ensure that all funds are paid into a bank account in the name of the Company and are held for the Company,
 - (c) must ensure that all expenditure is in accordance with a protocol agreed by the Board,
 - (d) shall present to the Board at each Board Meeting a financial statement that reflects an accurate record of the Company's finances to that point in time,
 - (e) must ensure that proper accounts are kept for the Company and that the accounts of the Company are audited each year in accordance with the Act and any requirement imposed by Government policy or law and submitted to the Annual General Meeting as required by the Corporations Act,
 - (f) must make available for inspection by Member during business hours the accounts and books showing the financial affairs of the Company and any document of the Company to which a Member is legally entitled (but excluding information of a personal nature regarding employees),
 - (g) must ensure that all returns and reports are prepared and lodged in accordance with the Corporations Act,
 - (h) must ensure that the Company complies with any requirement of any Government grant or funding authority, and
 - (i) must ensure that the Company complies with all relevant laws, in particular the Corporations Act.
- 37 Seal**
- 37.1 The Executive Officer must keep the Company seal safe.
- 37.2 The seal may only be used after the Board has given authority for the seal to be used.
- 37.3 Every instrument to which the seal is affixed must be signed by two Directors or by one Director and the Secretary, or some other person appointed by the Directors for that purpose.
- 38 Indemnity**
- 38.1 Every Director, auditor and other officer of the Company is entitled to be fully indemnified out of the property and assets of the Company against any and all liabilities incurred by them in that capacity:
- (a) in successfully defending any proceedings, whether civil or criminal, or in which judgement is given in favour of the Director, auditor or officer, or in which the Director, auditor or officer is acquitted, and
 - (b) in connection with any application in relation to those proceedings in which relief is granted to the Director, auditor or officer by the Court.
- 38.2 The Company may effect adequate policies of Directors' and officers' insurance against liability of its Directors, auditor and other officers of the Company.

39 Notices

39.1 Notices must be in writing and may be given:

- (a) personally,
- (b) by sending by post to the address for the Member in the Register or the alternative address nominated by the Member in writing, or
- (c) by sending to the fax number, email or other electronic address nominated by the Member.

39.2 Notice of meeting is deemed to have been received three (3) days after posting or on the business day after having been faxed or emailed.

39.3 Any period of notice is exclusive of the day on which notice is served but inclusive of the day on which the meeting is to be held.

40 Maintenance of Books, Registers and Records

40.1 The Company must keep written financial records which correctly record and explain its transactions and financial position and performance and which would enable true and fair financial statements to be prepared and audited.

40.2 The Register of Member must be kept at the principal place of administration of the Company and be open for inspection, free of charge, by any Member on reasonable prior notice at any reasonable hour.

41 Winding up

~~41.1 If the Company is wound up, any surplus assets or property that remain after the satisfaction of all its debts and liabilities must not be paid or distributed to the Member.~~

~~41.2 Subject to the Corporations Act and any other applicable Act, or any court order, any surplus assets that remain after the company is wound up must be paid or distributed to an organisation which:~~

- ~~(a) has objectives or purposes similar to those of the Company, and~~
- ~~(b) prohibits distribution of its income and property among its members or employees.~~

Deleted: The Company may only wound up or dissolved by resolution Member. Any surplus assets or property must be given or transferred to an organisation which:
1) has objectives or purposes similar those of the Company, and
2) prohibits distribution of its income or property among its Member or empl

42 Obligations and restrictions

~~The Company must not become a member of another corporation.~~

43 Amending this constitution

~~43.1 Subject to the Corporations Act, and clause 43.2, the Company may modify or repeal this constitution or a provision of this constitution by Special Resolution.~~

~~43.2 No addition, alteration or amendment can be made to this constitution, without first obtaining the consent of the Minister for Local Government in the State of New South Wales, or if no such office exists, then the member of the New South Wales Parliament who is primarily responsible for the Local Government in New South Wales.~~

Appendix 1

Appointment of Proxy

Camden Region Economic Taskforce Pty Limited

ACN XXXXXX

.....
being a Member of Camden Region Economic Taskforce Pty Limited, appoint

.....
(insert name of proxy)

of
(insert address of proxy)

or

The person holding the office of (insert office held) (insert Member's name).

as its proxy for the whole or/part of the Annual General Meeting/Special Meeting* of the Camden Region Economic Taskforce Pty Limited to be held on (insert date and time) at (insert location) and any adjournment of the meeting.

The proxy is authorised to vote in favour/against the resolution in item (insert number) of the Agenda.*

The Proxy is authorised to vote at his or her discretion.*

.....
Signature of Member Date

*Strike out whichever is not desired.



Monthly Report

Camden Council

February 2016

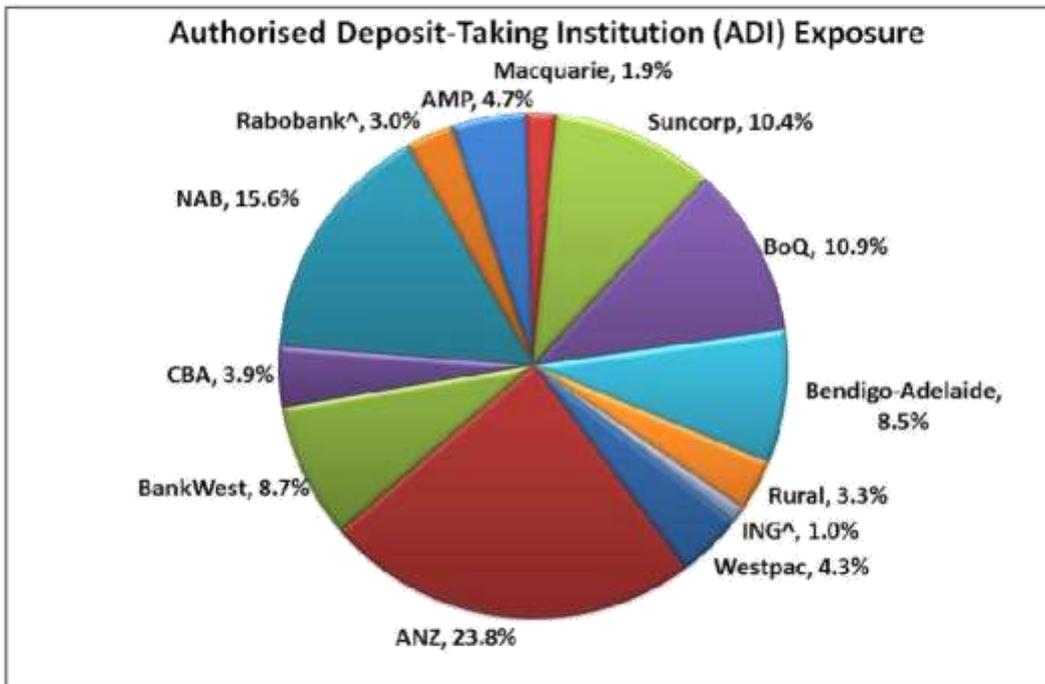
Investment Exposure

Council's investment portfolio is mainly directed to the higher rated ADIs. Council will continue to diversify the investment portfolio across the higher rated ADIs (A1 or higher).

ADI	Exposure \$M	Rating	Policy Limit	Actual	Capacity
Westpac	\$4.50M	A1+	25.0%	4.3%	\$21.93M
ANZ	\$25.20M	A1+	25.0%	23.8%	\$1.23M
BankWest	\$9.20M	A1+	25.0%	8.7%	\$17.23M
CBA	\$4.10M	A1+	25.0%	3.9%	\$22.33M
NAB	\$16.50M	A1+	25.0%	15.6%	\$9.93M
Rabobank [^]	\$3.20M	A1	5.0%	3.0%	\$2.09M
AMP	\$5.00M	A1	15.0%	4.7%	\$10.86M
Macquarie	\$2.00M	A1	15.0%	1.9%	\$13.86M
Suncorp	\$11.00M	A1	15.0%	10.4%	\$4.86M
BoQ	\$11.50M	A1	15.0%	10.9%	\$4.36M
Bendigo-Adelaide	\$9.00M	A1	15.0%	8.5%	\$6.86M
Rural	\$3.50M	A1	15.0%	3.3%	\$12.36M
ING [^]	\$1.00M	A2	5.0%	1.0%	\$4.23M
Total	\$105.70M			100.0%	

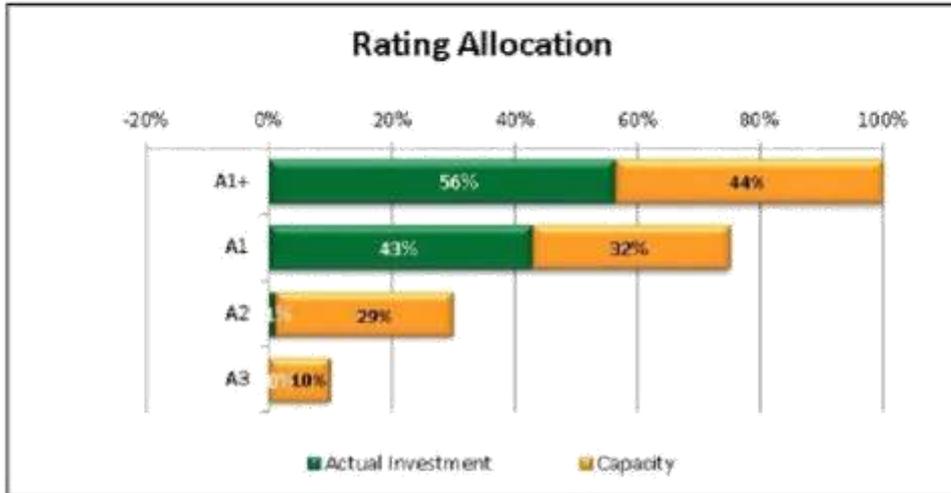
[^]Foreign subsidiary banks are limited to 5% of the total investment portfolio as per Council's investment policy.

The investment portfolio is predominately directed to the higher rated entities led by ANZ and NAB.



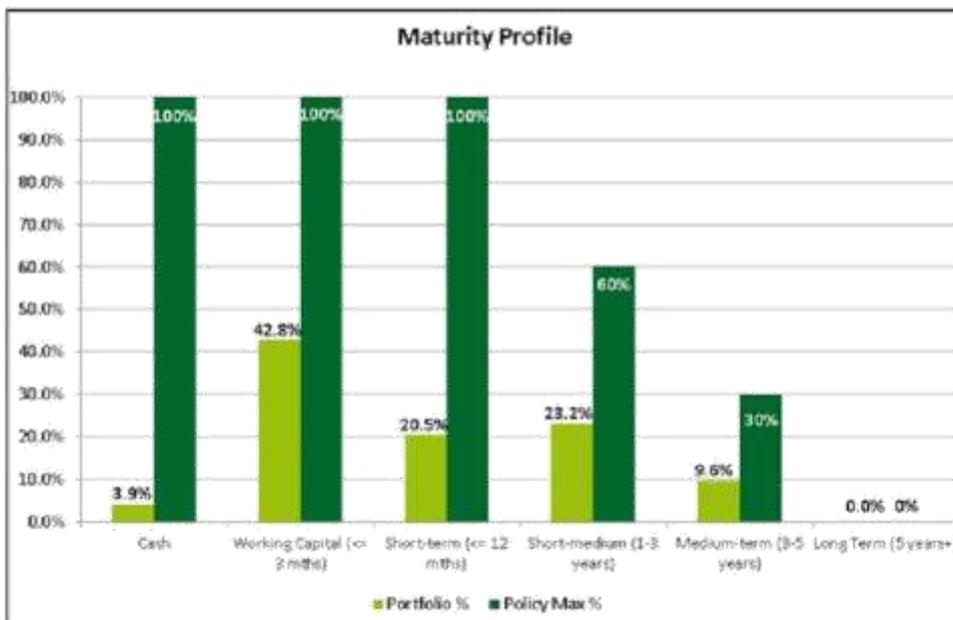
Credit Quality

A1+ (the domestic majors) and A1 (the higher rated regionals) rated ADIs are the largest share of Council's investments. There is still capacity to invest across the entire credit spectrum.



Term to Maturity

The portfolio remains adequately liquid with approximately 3.9% of investments at-call and another 42.8% of assets maturing within 3 months. There is still capacity to invest in terms greater than 1 year. In consultation with its investment advisors, Council has strategically diversified its investments across various maturities up to 5 years over recent years.



In the historic low interest rate environment, as existing deposits mature, they will generally be reinvested at much lower rates than preceding years. A larger spread of maturities in medium-term assets would help income pressures over future financial years. This is becoming increasingly difficult with the RBA's pair of rate cuts in 2015, coupled with deposit margins contracting. The futures market continues to factor in another rate cut in 2016.

2015-16 Budget

Current Budget Rate	3.00%
Source of Funds Invested	
Section 94 Developer Contributions	\$45,695,922
Restricted Grant Income	\$1,461,800
Externally Restricted Reserves	\$9,525,317
Internally Restricted Reserves	\$37,515,525
General Fund	\$11,501,436
Total Funds Invested	\$105,700,000

Council's investment portfolio has decreased by \$840,000 since the January reporting period. The decrease primarily relates to payments for capital works and operational expenses for the February period.

INTEREST RECEIVED DURING 2015/16 FINANCIAL YEAR					
	February	Cumulative	Original Budget	*Revised Budget	Projected Interest
General Fund	\$134,232	\$953,261	\$1,000,400	\$1,374,000	\$1,410,000
Restricted	\$154,760	\$1,231,179	\$951,200	\$1,646,200	\$1,820,000
Total	\$288,992	\$2,184,440	\$1,951,600	\$3,020,200	\$3,230,000

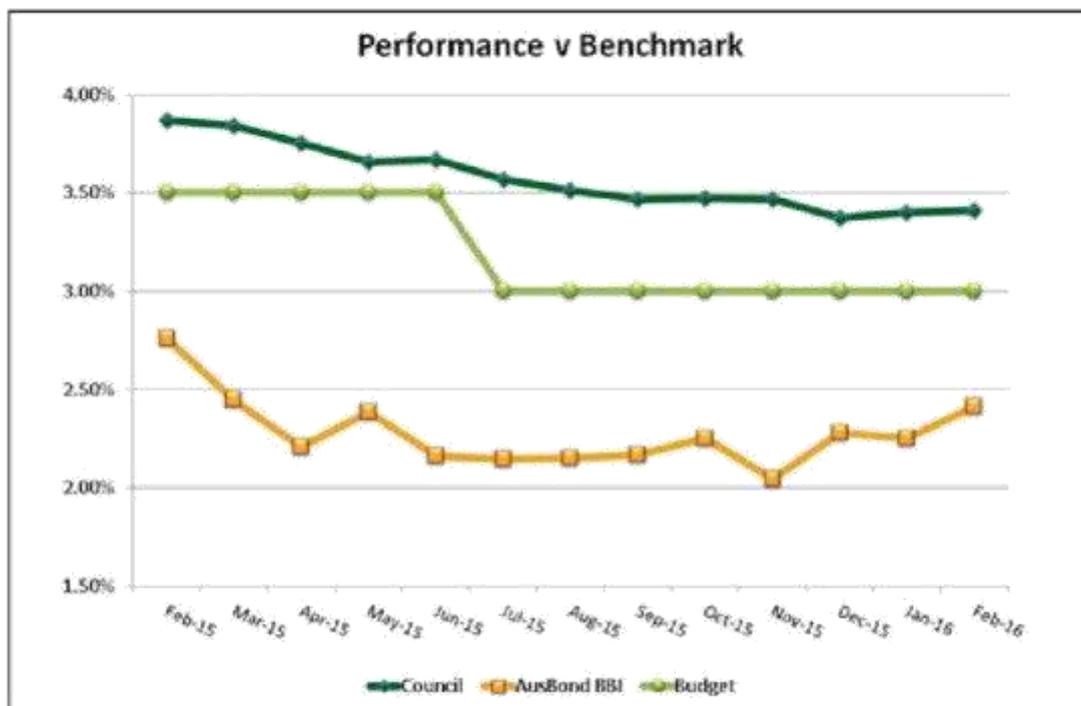
*The Revised Budget is reviewed on a quarterly basis as part of the Budget Process

Interest Summary

The portfolio's interest summary as at 29 February 2016 is as follows:

NUMBER OF INVESTMENTS	69
AVERAGE DAYS TO MATURITY	378
AVERAGE PERCENTAGE	3.47% p.a.
WEIGHTED PORTFOLIO RETURN	3.41% p.a.
CBA CALL ACCOUNT *	1.70% p.a.
HIGHEST RATE	5.10% p.a.
LOWEST RATE	2.80% p.a.
BUDGET RATE	3.00% p.a.
AVERAGE BBSW (30 Day)	2.08% p.a.
AVERAGE BBSW (90 Day)	2.28% p.a.
AVERAGE BBSW (180 Day)	2.40% p.a.
OFFICIAL CASH RATE	2.00% p.a.
AUSBOND BANK BILL INDEX	2.41% p.a.

*Note: CBA call account is not included in the investment performance calculations



The portfolio's outperformance over the benchmark (AusBond Bank Bill Index) will continue to be attributed to the longer-dated deposits in the portfolio. Deposits invested close to or above 4% will contribute strongly to outperformance over future financial years. As existing deposits mature, performance will generally fall as deposits will be reinvested at much lower prevailing rates. Future budgets maybe adjusted to reflect a longer period of low interest rates.

Appendix A – List of Investments

Camden Council Investment Portfolio as at 29 February 2016								
Institution	Type	Amount	Interest Rate	Date Invested	Maturity Date	Original Term of Investment (days)	Days to Maturity	Interest Accrued as at 29/02/2016
NAB	TD	\$1,000,000.00	3.15%	26/02/2015	2/01/2016	371	2	\$431.51
ANZ	TD	\$1,000,000.00	2.90%	28/08/2015	2/03/2016	187	2	\$14,778.68
Suncorp Metway	TD	\$1,500,000.00	2.85%	27/05/2015	2/03/2016	188	2	\$21,902.65
ANZ	TD	\$2,500,000.00	2.90%	20/09/2015	9/01/2016	194	9	\$16,945.21
ANZ	TD	\$3,000,000.00	3.05%	10/12/2015	9/03/2016	90	9	\$20,556.16
ANZ	TD	\$1,500,000.00	2.90%	1/05/2015	16/03/2016	197	16	\$21,800.41
ANZ	TD	\$1,500,000.00	2.90%	1/09/2015	22/03/2016	203	22	\$21,090.41
ANZ	TD	\$1,000,000.00	2.90%	1/09/2015	30/03/2016	211	30	\$14,460.27
Suncorp Metway	TD	\$1,000,000.00	2.95%	23/03/2015	30/03/2016	180	30	\$12,931.51
Bankwest	TD	\$1,500,000.00	3.00%	27/11/2015	30/03/2016	124	30	\$11,717.33
ANZ	TD	\$2,000,000.00	2.90%	2/09/2015	5/04/2016	217	37	\$28,761.64
ANZ	TD	\$3,500,000.00	3.06%	10/12/2015	8/04/2016	120	39	\$24,060.82
ANZ	TD	\$1,000,000.00	2.90%	9/09/2015	13/04/2016	217	44	\$13,874.66
Suncorp Metway	TD	\$1,500,000.00	2.90%	21/10/2015	13/04/2016	175	44	\$15,731.51
NAB	IU	\$1,000,000.00	2.90%	14/10/2015	20/04/2016	180	51	\$11,043.84
NAB	TD	\$1,500,000.00	2.85%	28/13/2015	20/04/2016	175	51	\$14,560.41
ANZ	TD	\$1,500,000.00	2.80%	11/11/2015	27/04/2016	168	58	\$12,772.60
Bankwest	IU	\$2,000,000.00	3.00%	20/11/2015	27/04/2016	98	58	\$6,733.73
Bankwest	TD	\$1,000,000.00	3.00%	7/01/2016	4/05/2016	118	65	\$4,438.36
ANZ	TD	\$3,700,000.00	3.10%	11/01/2016	4/05/2016	114	65	\$15,712.33
ANZ	IU	\$2,000,000.00	3.0%	10/12/2015	8/05/2016	120	67	\$14,738.57
ANZ	TD	\$1,000,000.00	2.90%	13/09/2015	11/05/2016	272	72	\$15,906.66
NAB	TD	\$1,000,000.00	2.85%	18/11/2015	11/05/2016	175	72	\$8,120.55
ANZ	IU	\$2,000,000.00	2.90%	19/08/2015	18/05/2016	273	73	\$20,706.30
Suncorp Metway	TD	\$2,500,000.00	3.00%	27/12/2015	18/05/2016	149	79	\$11,736.99
Westpac	TD	\$500,000.00	4.55%	12/05/2013	18/05/2016	1068	80	\$18,013.01
Suncorp Metway	IU	\$1,000,000.00	3.00%	2/12/2015	25/05/2016	175	89	\$7,357.26
NAB	TD	\$1,500,000.00	3.00%	22/01/2016	25/05/2016	119	85	\$4,991.70
Bankwest	TD	\$2,000,000.00	3.00%	13/01/2016	1/06/2016	140	93	\$7,860.41
NAB	IU	\$1,500,000.00	3.00%	17/02/2016	8/06/2016	126	100	\$4,328.77
NAB	TD	\$1,500,000.00	3.00%	9/02/2016	15/06/2016	127	107	\$2,709.04
NAB	TD	\$1,500,000.00	3.00%	24/02/2016	15/06/2016	112	107	\$739.73
NAB	IU	\$1,500,000.00	3.00%	9/02/2016	22/06/2016	134	114	\$4,289.04
Bankwest	TD	\$1,700,000.00	2.95%	10/02/2016	22/06/2016	133	114	\$2,747.95
Bankwest	TD	\$1,000,000.00	2.95%	17/02/2016	22/06/2016	126	114	\$1,050.68
Suncorp Metway	IU	\$1,200,000.00	3.10%	11/12/2015	25/06/2016	201	123	\$8,255.44
Suncorp Metway	TD	\$1,300,000.00	3.07%	11/12/2015	27/07/2016	229	148	\$9,212.40
BOQ	TD	\$1,500,000.00	3.10%	3/02/2016	3/08/2016	182	156	\$3,439.73
Suncorp Metway	IU	\$1,500,000.00	3.05%	11/11/2015	24/08/2016	257	177	\$10,152.74
BOQ	TD	\$1,500,000.00	4.50%	7/11/2013	2/11/2016	1091	267	\$21,207.12
BOQ	TD	\$1,000,000.00	4.50%	28/11/2013	24/11/2016	1092	266	\$12,082.19
ANZ	IU	\$1,000,000.00	2.85%	9/12/2015	7/12/2016	364	262	\$6,980.82
ANZ	TD	\$2,000,000.00	2.80%	4/11/2015	8/02/2017	462	345	\$18,104.11
NAB	TD	\$1,000,000.00	3.15%	27/02/2015	1/03/2017	733	366	\$31,738.60
Bendigo Adelaide Bank	IU	\$1,500,000.00	4.05%	22/03/2014	24/03/2017	1058	400	\$47,298.40
Bendigo Adelaide Bank	TD	\$1,000,000.00	4.05%	27/05/2014	31/05/2017	1160	407	\$30,937.53
Bendigo Adelaide Bank	TD	\$2,000,000.00	4.05%	30/05/2014	31/05/2017	1067	457	\$61,248.32
NAB	IU	\$2,000,000.00	4.00%	5/06/2014	7/06/2017	1058	464	\$90,148.08
Macquarie Bank	TD	\$1,000,000.00	4.00%	1/08/2014	31/07/2017	1095	518	\$23,342.47
Bendigo Adelaide Bank	TD	\$1,000,000.00	3.00%	14/10/2015	18/10/2017	735	597	\$11,424.66
Bendigo Adelaide Bank	IU	\$2,000,000.00	3.00%	20/11/2015	22/11/2017	735	602	\$16,767.12

Camden Council Investment Portfolio as at 29 February 2016								
Institution	Type	Amount	Interest Rate	Date Invested	Maturity Date	Original Term of Investment (days)	Days to Maturity	Interest Accrued as at 29/02/2016
ING Bank	TD	\$1,000,000.00	4.63%	28/11/2013	28/11/2017	1056	633	\$12,558.08
BOQ	TD	\$1,000,000.00	4.85%	28/11/2013	29/11/2017	1056	633	\$13,251.79
BOQ	TD	\$1,000,000.00	3.05%	25/11/2015	29/11/2017	735	630	\$8,105.18
Rural Bank	TD	\$2,000,000.00	3.70%	9/01/2015	9/01/2018	1065	690	\$10,512.47
Rural Bank	TD	\$1,500,000.00	3.70%	14/01/2015	15/01/2018	1067	696	\$7,145.58
BOQ	TD	\$1,000,000.00	4.65%	27/02/2014	27/02/2018	1455	724	\$382.19
BOQ	TD	\$1,000,000.00	4.15%	5/08/2014	1/08/2018	1457	894	\$25,763.01
BOQ	TD	\$2,500,000.00	5.00%	4/11/2013	1/11/2018	1823	976	\$40,410.56
BOQ	TD	\$1,000,000.00	5.10%	25/11/2013	22/11/2018	1823	997	\$13,553.42
Rabobank	TD	\$1,000,000.00	5.00%	28/02/2014	28/02/2019	1826	1065	\$273.97
Rabobank	TD	\$1,200,000.00	5.00%	3/03/2014	6/03/2019	1829	1101	\$50,835.62
Westpac	TD	\$1,500,000.00	4.95%	15/05/2014	15/05/2019	1826	1171	\$36,413.01
Westpac	TD	\$1,500,000.00	4.95%	21/05/2014	22/05/2019	1827	1178	\$35,291.10
Rabobank	TD	\$1,000,000.00	4.10%	27/11/2014	27/11/2019	1826	1367	\$10,671.29
Resign Adelaide Bank	TD	\$1,500,000.00	4.25%	28/11/2014	4/12/2019	1812	1374	\$16,417.81
NAB	TD	\$1,500,000.00	4.00%	10/12/2014	11/12/2019	1821	1381	\$12,493.15
Macquarie Bank	TD	\$1,000,000.00	3.85%	19/12/2014	19/12/2019	1825	1389	\$2,703.00
Westpac	TD	\$1,000,000.00	3.90%	2/02/2015	2/02/2020	1826	1434	\$2,991.78
# TD Investments	09	\$101,600,000.00	3.41%					\$1,174,114.94
COA	Call Account	\$4,100,000.00	1.70%					
		\$105,700,000.00						



Appendix B – Ratings Definitions

Standard & Poor's Ratings Description

Standard & Poor's (S&P) is a professional organisation that provides analytical services. An S&P rating is an opinion of the general credit worthiness of an obligor with respect to particular debt security or other financial obligation – based on relevant risk factors.

Credit ratings are based, in varying degrees, on the following considerations:

- Likelihood of payment
- Nature and provisions of the obligation
- Protection afforded by, and relative position of, the obligation in the event of bankruptcy, reorganisation or other laws affecting creditors' rights
- The issue rating definitions are expressed in terms of default risk.

S&P Short-Term Obligation Ratings are:

- **A-1:** This is the highest short-term category used by S&P. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.
- **A-2:** A short-term obligation rated A-2 is somewhat more susceptible to the adverse changes in circumstances and economic conditions than obligations in higher rating categories. However the obligor's capacity to meet its financial commitment on the obligation is satisfactory.
- **A-3:** A short-term obligation rated A-3 exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.

S&P Long-Term Obligations Ratings are:

- **AAA:** An obligation/obligor rated AAA has the highest rating assigned by S&P. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.
- **AA:** An obligation/obligor rated AA differs from the highest rated obligations only in small degree. The obligor's capacity to meet its financial commitment on the obligations is very strong.
- **A:** An obligation/obligor rated A is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations/obligors in higher rated categories. However the obligor's capacity to meet its financial commitment on the obligation is strong.
- **BBB:** A short-term obligation rated BBB exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.
- **Unrated:** Financial Institutions do not necessarily require a credit rating from the various ratings agencies such as Standard & Poor's and these institutions are classed as "Unrated". Most Credit Unions and Building societies fall into this category. These institutions nonetheless must adhere to the capital maintenance requirements of the Australian Prudential Regulatory Authority (APRA) in line with all authorised Deposit Taking Institutions (Banks, Building societies and Credit Unions).
- **Plus (+) or Minus(-):** The ratings from "AA" to "BBB" may be modified by the addition of a plus or minus sign to show relative standing within the major rating categories

Fitch and Moody's have similar classifications.

Appendix C – Recently Invested ADIs

Rural Bank

Historically, the Bank was formed as Elders Rural Bank and received its banking licence in 2000. In August 2009, Elders Rural Bank Limited changed its name to Rural Bank Limited and, in December 2010, Rural Bank became a fully-owned subsidiary of the Bendigo and Adelaide Bank Group.

In December 2010, Bendigo and Adelaide Bank announced that it would increase its shareholding in Rural Bank from 60% to 100% for \$165m, or approximately 1.2 times book value. As such, Rural Bank takes on its parent's company's long-term credit rating of A- by S&P.

Over the years, the bank's business model has expanded, but its core business has not changed. They specialise in lending to the agricultural sector in rural and regional centres across the country. Rural Bank's products and services are now available at more than 400 locations nationally.

Financial Results

As at 30 September 2015, Bendigo-Adelaide Bank's Tier 1 Capital Ratio stood at 10.48% and its Total Capital Ratio at 12.46%, well above Basel III minimum capital requirements.

At a group level, Bendigo-Adelaide Bank Ltd announced a statutory profit after tax of \$191.6 million for the 6 months ending 30 June 2014, an 6.0% decrease on the prior corresponding period. The cash earnings result is \$196.4 million for the 6 months ending 30 June 2014, a 5.7% increase on the prior corresponding period. Retail deposits stood at \$44.84 billion (up from \$42.65 billion in December 2013), an increase of 5.0%.

Rabobank Australia

With over 110 years of history, the Rabobank Group is a leading provider of financial services around the world and has a strong historical presence for the global food and agriculture industry. Headquartered in Utrecht, the Netherlands, Rabobank is a cooperative bank with over AUD\$926.4 billion in assets (€732 billion)¹, approximately 10 million clients, more than 59,000 employees, and a presence in 48 countries. Rabobank is one of the 30 largest financial institutions in the world based on Tier 1 Capital.

Rabobank established an office in Australia in 1990 and acquired the Primary Industry Bank of Australia (PIBA) operating in Australia and New Zealand in 1994. With headquarters in Sydney, Rabobank has 61 branches throughout Australia and 32 branches in New Zealand. As at December 2011, the Group employed more than 1,000 people in Australia and New Zealand, with more than half based in regional locations.

In early November 2014, ratings agency Standard & Poor's downgraded the Dutch Rabobank group, and therefore Australia's long-term credit rating from AA- to A+ (short-term rating from A-1+ to A-1). Rabobank Australia itself remains financially solid with a Tier 1 Capital of 11.27% and Total Capital Ratio of 12.99% as at September 2015.

¹ As a comparison, CBA has approximately AUD\$750 billion in total assets and 45,000 employees

From May 2015, new Rabobank Australia deposits will not be guaranteed by the global group, but existing deposits will have their guarantee grandfathered.

BankWest

Bankwest is an ADI based in Perth, Western Australia. Formerly a wholly owned subsidiary of HBOS plc but was sold in October 2008 to the Commonwealth Bank of Australia (CBA) for \$2.1 billion. BankWest continues to operate independently of its parent company but has the same long-term credit rating of CBA, being "AA-" by ratings agency S&P.

At a group level, as at 30/09/2015, CBA had a Tier 1 Capital of 11.8% and Total Capital Ratio of 13.3%.