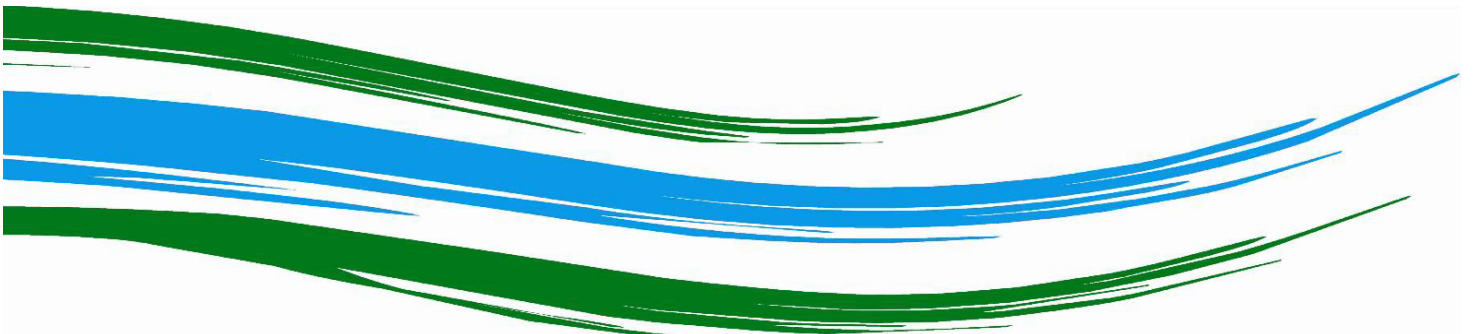




Camden Council

Business Paper

Ordinary Council Meeting



ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.

RESOLUTION

Moved Councillor Campbell, Seconded Councillor Anderson that Councillor Symkowiak be granted a leave of absence.

THE MOTION ON BEING PUT WAS CARRIED.

ORD106/10

ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

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

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

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

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

RECOMMENDED

That the declarations be noted.

RESOLUTION

Councillor Patterson stated in dealing with the request relating to Item ORD 09 and in talking with the organising Committee, it is noted certain members of the Committee are members of the Liberal Party and some are members of the Labor Party. The Mayor stated there is no conflict of interest or pecuniary interest in this matter due to various party memberships.

Councillor Dewbery declared membership of the Liberal Party in relation to Item ORD 09.

Councillor Cottrell declared membership of the Liberal Party in relation to Item ORD 09.

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

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

ORD107/10

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

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

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

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

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

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

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

RECOMMENDED

That the public addresses be noted.

RESOLUTION

Mrs Sue Lane addressed Council in relation to Item ORD 09.
Mr Paul Hillbrick addressed the Council in relation to Item ORD09.

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

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

ORD108/10

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 25 May 2010.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 25 May 2010, copies of which have been circulated, be confirmed and adopted.

RESOLUTION

Moved Councillor Anderson, Seconded Councillor Warren that the Minutes of the Ordinary Council Meeting held 25 May 2010, copies of which have been circulated, be confirmed and adopted.

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

ORD109/10

MAYORAL MINUTE

ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE - MAYORAL RECEPTION INAUGURAL CITY V
COUNTRY SOCCER MATCH 2010
FROM: Mayor
FILE NO:

Last Tuesday night I hosted a Mayoral Reception for players and officials who participated in the inaugural City v Country soccer match held on 27 March at Lynwood Park, St Helens Park.

The match was organised by the Macarthur District Football Soccer Association and will be held each year as part of the Association's program. Funds from this match were raised with proceeds going to the Breast Cancer Foundation.

Teams of both men and women played for either City or Country with players from each team represented by the various soccer clubs from the Macarthur region.

The General Manager of the Macarthur District Football Soccer Association, Mr Glenn Armstrong, proposed a friendly wager between the Mayor of Camden and the Mayor of Campbelltown to which both Mayors were agreeable.

It was agreed that the losing side was to fly the winning Council's flag above their Chamber for a day and the winning side agreeing to host a reception in the winning teams' honour.

It was my pleasure to attend the match on the day and I am pleased to report that Country won both the Men's and Women's games with the following results: Men's: Country 3 v City 2, Women's: Country 3 v City 1.

I was delighted to meet and congratulate over 50 guests from both teams along with members from the Macarthur District Soccer Football Association. In honour of Country's win I was presented with a framed Country jersey at the Mayoral reception.

The reception was well received with positive comments from all who attended.

I believe it is important that we continue to celebrate the achievements of our sports men and women and I congratulate all involved and the Macarthur District Football Soccer Association on this initiative which will help to further promote, foster and develop the game of soccer in our local area.

RECOMMENDED

That the information be noted.

RESOLUTION

Moved Councillor Patterson that the information be noted.

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

ORD110/10

ORDINARY COUNCIL

ORD01

SECTION 96 MODIFICATION TO MOTOR SHOWROOM - AMENDED BUILDING FACADES, MINOR BUILDING RELOCATION, AMENDED CAR PARKING SPACE LAYOUT AND REDUCED FILL LEVEL, NO 45 (LOT 1, DP 1134512) ANDERSON ROAD, SMEATON GRANGE

| | |
|--|---------------------------------------|
| FROM: | Director Development and Health |
| FILE NO: | Binder: Development Applications 2009 |
| DA NO: | 907(2)/2009 |
| OWNER: | Paul Wakeling Property Ltd |
| APPLICANT: | Paul Wakeling Pty Ltd |
| ZONING: | 4(a) General Industrial |
| APPLICABLE PLANNING INSTRUMENT: | LEP 47 |

PURPOSE OF REPORT

The purpose of this report is to seek a determination from Council of a Section 96 modification application for amended building facades, minor building relocation, amended car parking space layout and reduced fill level related to Development Consent 907/2009 for a motor showroom. The application is referred to Council in accordance with its delegations as Council previously approved the original development application for this motor showroom development at the meeting of 24 November 2009.

SUMMARY OF RECOMMENDATION

It is recommended that Council approve the Section 96 modification subject to the modified development consent conditions provided at the end of this report.

BACKGROUND

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

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

Council subsequently granted operational Development Consent to DA907/2009 for a

similar motor showroom development on this site at the meeting of 24 November 2009.

The current modification application was received on 28 April 2010. The application has been assessed and is now able to be referred to Council for determination.

THE SITE

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

The site generally slopes upwards from Anderson Road with the land becoming relatively steep on its north-eastern side. The site has been cleared of all vegetation and is currently vacant of any existing development, although the previously approved motor showroom development is under construction.

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

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

THE PROPOSAL

A Section 96 Modification to Development Consent 907/2009 is sought for the following modifications:

- alterations to the main building's facade around its south-west corner to include a continuous fascia and modified support columns;
- relocated car parking spaces;
- relocation of the main building 2m to the north-west;
- reduced fill level in the south-east corner only of the site by approximately 1m;
- amended north-east retaining wall details resulting in a single rise reinforced block wall with a painted finish to a maximum height of 2.5m; and
- changing the materials of the rear wash and detailing bays to brickwork.

It is noted that the approved number of car parking spaces for this development will remain unchanged despite the proposed modifications. **A copy of the amended plans is provided at the end of the report.**

NOTIFICATION

Public notification was not carried out for this modification application as this is not required by Council's DCP. It is noted that the proposed modifications do not exacerbate any of the issues previously raised in the one submission received during the notification of the original development application.

PLANNING CONTROLS

The following is the relevant planning control that has been considered in the assessment of this development application:

- Camden Development Control Plan 2006

ASSESSMENT

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

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

There are no relevant environmental planning instruments that are applicable to the proposed modifications or this site.

(1)(a)(ii) The provisions of any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority

There are no relevant draft environmental planning instruments that are applicable to the proposed modifications or this site.

(1)(a)(iii) The provisions of any development control plan

The following parts of Camden Development Control Plan 2006 (DCP) are relevant to the proposed development:

Part G, Chapter 16: Smeaton Grange

Setbacks & Landscaping

The proposed building as modified still complies with the DCP's minimum building setbacks to each of the site's street frontages, ie Camden Valley Way, Anderson Road and Simpson Close.

Building Appearance and Materials

The proposed design and material modifications to the building facades are relatively minor (affecting only the south-west corner of the main building and the rear wash and detailing bays).

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

The overall design of the modified development is still considered acceptable for this site in that it will present a high quality appearance on what is a very prominent corner

site and is generally reflective of the existing industrial style character of the surrounding estate. It will still provide visual interest in the streetscape and be compatible with surrounding existing and future development.

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

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

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

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

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

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

The proposed modifications to this development will not result in any impacts additional to those that were previously considered during the assessment of the original development application for this motor showroom development.

The proposed relocation of the building will not place it any nearer to the location of the existing poultry sheds within the property to the north/north-east. Therefore risk to livestock there is not exacerbated.

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

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

(1)(d) Any submissions

Public notification was not carried out for this modification application as this is not required by Council's Development Control Plan.

(1)(e) The public interest

This modified development is considered to be within the public interest. As per the originally approved development proposal, the modified development will further the economic development of the area and has been appropriately designed to respect and be compatible with this site and surrounding area.

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

CONCLUSION

Council has received a Section 96 modification application for amended building facades, minor building relocation, amended car parking space layout and reduced fill level on this site. The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

It is considered that the modified proposal is substantially the same as the originally approved development will not result in any additional impacts and is still an appropriate form of development for this site.

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

DRAFT MODIFIED CONDITIONS OF CONSENT

Deletion of Condition No 1 under the heading “1.0 – General Requirements” in Stage 1 and replacement with the following condition:

Landscaping Maintenance & Establishment Period - All Landscaping works associated with this Consent (Landscape Plan: Drawing No 128_07_10D; dated 22.5.2009; drawn by Distinctive; Project No 128_07; Revision D) are to be maintained for a period of 12 months from the date of issue of the Occupation Certificate.

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

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

Any landscaping that requires repair or replacement at the end of the 12 month maintenance period is to be repaired or replaced within 60 days following the end date of the 12 month maintenance period.

Deletion of Condition No 5 under the heading “1.0 – General Requirements” in Stage 1 and replacement with the following condition:

Approved Plans – The development must be carried out strictly in accordance with the approved plans from De Angelis Taylor & Associates:

- WD01 amendment U by De Angelis Taylor & Associates.
- WD02 amendment V by De Angelis Taylor & Associates.
- WD03 amendment V by De Angelis Taylor & Associates.
- WD04 amendment V by De Angelis Taylor & Associates.
- WD05 amendment U by De Angelis Taylor & Associates.
- WD06 amendment U by De Angelis Taylor & Associates.

- WD07 amendment U by De Angelis Taylor & Associates.
- WD08 amendment U by De Angelis Taylor & Associates.
- WD09 amendment U by De Angelis Taylor & Associates.
- WD10 amendment V by De Angelis Taylor & Associates.
- WD11 amendment V by De Angelis Taylor & Associates.
- Elevation finishes dwg. No. 01 amendment D by De Angelis Taylor & Associates.
- Elevation and wash bay finishes dwg. No 02 amendment D by De Angelis Taylor & Associates.
- Landscaping plan 128_07.10D by Distinctive Gardens & Interiors.
- Hydraulic services plans H-1, H-2, H-3, H-4 and H-5 all amendment D by Neville Brown & Associates.

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

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

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

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

Deletion of Condition No 25 under the heading “6.0 – Operational Conditions” in Stage 1 and replacement with the following condition:

Display of Vehicles for Sale – All vehicles for sale must only be displayed within the approved display areas (bitumen paved areas to the north-east, east and south-east of the showroom building) as shown on the approved plans. Vehicles for sale must **never** be stored/displayed within the staff/customer car parking areas shown on the approved plans, on any of the site’s internal driveways, landscaped areas or any public road reserves.

Deletion of Condition No 2 under the heading “1.0 – General Requirements” in Stage 2 and replacement with the following condition:

Approved Plans – The development must be carried out strictly in accordance with the approved plans from De Angelis Taylor & Associates:

- WD02 amendment V by De Angelis Taylor & Associates.
- WD07 amendment U by De Angelis Taylor & Associates.
- WD08 amendment U by De Angelis Taylor & Associates.
- WD10 amendment V by De Angelis Taylor & Associates.
- Hydraulic services plans H-1, H-2, H-3, H-4 and H-5 all amendment D by Neville Brown & Associates.
- Stormwater Concept Plan H-1 Revision A by Neville Brown & Associates.

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

hereunder.

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

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

Inclusion of additional Condition under the heading “1.0 – General Requirements” in Stage 2 as follows:

Car Wash Finishes – The coloured finishes of the approved carwash bay must be Dulux – Vivid White.

All other conditions of development consent 907/2009 issued on 24 November, 2009 are to remain valid and applicable.

RECOMMENDED

That Council approve Section 96 Modification 907(2)/2009 for amended building facades, minor building relocation, amended car parking space layout and reduced fill level at No 45 (Lot 1, DP 1134512) Anderson Road, Smeaton Grange subject to the draft development consent conditions shown above.

ATTACHMENTS

1. Location plan
2. Amended plans



DA 907(2)-2009 Plans.pdf Location plan DA907(2)-2009.pdf

RESOLUTION

Moved Councillor Warren, Seconded Councillor Anderson that Council approve Section 96 Modification 907(2)/2009 for amended building facades, minor building relocation, amended car parking space layout and reduced fill level at No 45 (Lot 1, DP 1134512) Anderson Road, Smeaton Grange subject to the draft development consent conditions shown above.

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

(Councillor Campbell voted in favour of the Motion.

Councillors Funnell, Warren, Patterson, Anderson, Dewbery, Cottrell voted against the Motion).

MOTION

Moved Councillor Funnell, Seconded Councillor Warren that further consideration of this report be deferred pending a site inspection.

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

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

No Councillor voted against the Motion).

ORD111/10

ORDINARY COUNCIL

ORD02

SUBJECT: PETITION RE PROPOSED SUBDIVISION FOR 22 TORRENS TITLE LOTS, CONSTRUCTION OF A NEW ROAD AND PEDESTRIAN ACCESS AREA AT 39 (LOT 26 IN DP 270551) FAIRWATER DRIVE, HARRINGTON PARK

FROM: Director Development and Health

FILE NO: DA1325/2006

The purpose of this report is to advise Council that it is in receipt of a petition with 10 signatures regarding a Development Application (DA1325/2006) for a proposed subdivision for 22 Torrens Title lots, construction of a new road and pedestrian access at No 39 (Lot 26 DP 270551) Fairwater Drive, Harrington Park.

In accordance with Council policy, this report brings the petition before Council for information purposes. **A copy of the petition is provided with the Business Paper supporting documents.**

If the applicant is not able to address the concerns expressed in the petition, then following staff's assessment of the proposed development application, the application will be referred to Council for determination.

RECOMMENDED

That:

- i. the petition be noted; and
- ii. the lead petitioner be provided with a copy of Council's resolution on this matter.

ATTACHMENTS

1. Petition (sup doc)



Petition for Harrington Park subdivision DA1325-2006.PDF

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Dewbery that:

- i. the petition be noted; and
- ii. the lead petitioner be provided with a copy of Council's resolution on this matter.

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

ORD112/10

ORDINARY COUNCIL

ORD03

SUBJECT: PETITION RE PROPOSED SUBDIVISION FOR 43 TORRENS TITLE LOTS, 1 SUPERLOT, 1 RESIDUE LOT FOR FUTURE DRAINAGE FACILITY AND CONSTRUCTION OF NEW ROADS, NO 2A (LOT 2992 DP 1121800) GREENFIELD CRESCENT, ELDERSLIE

FROM: Acting Director Development and Health

FILE NO: DA305/2007

The purpose of this report is to advise Council that it is in receipt of a petition with 19 signatures regarding a Development Application for a proposed subdivision for 43 Torrens Title lots, 1 superlot, 1 residue lot for future drainage facility and construction of new roads at 2A Greenfield Crescent, Elderslie.

In accordance with Council policy, this report brings the petition before Council for information purposes only. **A copy of the petition is provided with the Business Paper supporting documents.**

Following staff's assessment of the proposed development application, the application will be referred to Council for determination if the objections remain unresolved.

RECOMMENDED

That:

- i. the petition be noted; and**
- ii. the lead petitioner be provided with a copy of Council's resolution on this matter.**

ATTACHMENTS

1. Petition (sup doc)



Petition for Elderslie subdivision DA305-2007.PDF

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Dewbery that:

- i. the petition be noted; and
- ii. the lead petitioner be provided with a copy of Council's resolution on this matter.

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

(Councillor Cagney arrived in the Chamber during discussions of this item but took no part in voting, the time being 6.36pm) .

ORD113/10

ORDINARY COUNCIL

ORD04

SUBJECT: SALE OF COUNCIL LAND - LOT 18 DP 30539 (NO 32) SOMERSET AVENUE NARELLAN
FROM: Director Governance
FILE NO: Council Properties/Disposal/Sale of Land

PURPOSE OF REPORT

To obtain a Council resolution to sell, by Open Tender, Council owned land located in Somerset Avenue, Narellan.

BACKGROUND

The subject property, 32 Elyard Street, Narellan (Lot 18 DP 30539) has been in Council's possession for many years and had been used as a small "pocket park" on the corner of Somerset Avenue and Elyard Street, Narellan. **A site plan is attached to this Report indicating the location of the subject property.**

The land was previously categorised as "community" land under the Local Government Act, 1993. The property was identified in the Narellan LEP as surplus to requirements due to the development of the Narellan Urban Forest project, just 200 metres along Elyard Street. The LEP, which was adopted in 2008, re-classified the land to "operational", paving the way for its ultimate disposal. The construction of a substantial new playground within the Narellan Urban Forest was completed in October 2009. The playground equipment on the pocket park has since been removed and the land is now vacant.

The land is zoned "3(a) – General Business" under LEP 136 and comprises an area of 651.3 m2.

During 2009, several discussions were held with Councillors concerning Council's Operational Land Portfolio and this property was identified as a possible sale site following the completion of the new playground within the Narellan Urban Forest.

MAIN REPORT

Methods of Disposal

Section 55 of the Local Government Act, 1993 and Local Government (General) Regulation set out the circumstances in which various methods of disposal might be considered as well the requirements for conducting the various methods of disposal available. The primary methods of disposal under the Regulation available to Council are:

- Open Tender;
- Auction;
- Expression of Interest; or
- Private Treaty.

Though each method has its own merits subject to market climate and the desired outcome, it is recommended that Open Tender is the most appropriate method in this instance.

Open Tender, though necessarily time consuming, is the only available option to allow Council to impart some degree of control over the development of what is regarded a "gateway" site in Narellan.

Chapter 22 of the Camden Development Control Plan 2006 discusses the Elyard Civic Precinct development. In the "*Statement of Desired Future Character*" it is stated, inter alia, - "*The Elyard Street place will be the civic heart of Narellan. The civic function will be supported by a range of activities, including commercial, retail and residential.*"

In relation to the subject site – "*In a comprehensive redevelopment of the Place, the existing small park at the corner of Somerset Avenue and Elyard Street may be developed with a signature building (emphasis added)*".

As can be seen, this site is considered significant. Proceeding to sale via Open Tender will allow Council (as much as is possible) to direct the outcome on this site in a manner that is consistent with the planning objectives for the Elyard Street place precinct.

Open Tender also ensures all interested parties have access to identical information relating to the site, information which will clearly detail Council's expectations while maintaining every opportunity to gain maximum value for the land.

A Tender Package has been developed and will be available for interested parties to peruse before submitting their offer. The only expenses incurred using the Open Tender method of disposal will be advertising costs in the Sydney Morning Herald and local newspapers. These expenses can be accommodated within existing budget allocations.

Probity

The standards of probity surrounding Council land sales are necessarily high.

As the custodian and trustee of public assets Council has an obligation to ensure it obtains best value for money from any dealing in Council land, to act fairly and to be seen to be acting fairly in relation to any dealings. Evaluation of the merits of any dealings with Council land is to be based not only on the potential to generate income but also to the facilitation of future development opportunities that are deemed to be in the public interest. In particular, Council must endeavour to ensure that the dealing is conducted in a manner that is fair, open and demonstrates the highest levels of integrity.

When taking all matters into consideration, it is recommended Council offer this

property for sale by Open Tender in accordance with the requirements of the Act and Regulation. Council's Solicitor has been consulted on this matter and concurs with the Open Tender as the best method of disposal in this instance.

Allocation of net proceeds from the sale of land

In the event Council's land is sold, it is recommended that the net proceeds from the sale be placed in a reserve to be used to fund the construction/acquisition of a new Central Administration Building.

CONCLUSION

The land in question has recently been identified as surplus to Council's needs, has been re-classified as 'Operational' and is available to be placed on the market. The site is one which is considered integral to the Narellan town centre and pivotal in the desired future character of Narellan.

The most appropriate method of disposal of the land is by Open Tender to ensure a transparent and accountable process while seeking the best return for Council and the community, and maintaining some degree of control as to the future development of the site.

RECOMMENDED

That Council:

- i. resolve to sell Lot 18 DP 30539 (No 32) Somerset Avenue, Narellan via the process of Open Tender as detailed in this report;**
- ii. conduct the tender in accordance with Section 55 of the Local Government Act, 1993 and the Local Government (General) Regulation, 2005;**
- iii. be presented with a further report at the close of the tender as provided by Section 55;**
- iv. endorse that the net proceeds of the sale be allocated to the Central Administration Building Reserve; and**
- iv. endorse the Mayor and General Manager to authorise and sign, under the Council Seal, all documents relating to the sale.**

ATTACHMENTS



somerset ave location plan.pdf

RESOLUTION

MOTION

Moved Councillor Warren, Seconded Councillor Anderson that Council:

- i. resolve to sell Lot 18 DP 30539 (No 32) Somerset Avenue, Narellan via the process of Open Tender as detailed in this report;
- ii. conduct the tender in accordance with Section 55 of the Local Government Act, 1993 and the Local Government (General) Regulation, 2005;
- iii. be presented with a further report at the close of the tender as provided by Section 55;
- iv. endorse that the net proceeds of the sale be allocated to the Central Administration Building Reserve;
- v. endorse the Mayor and General Manager to authorise and sign, under the Council Seal, all documents relating to the sale; and
- vi. erect an appropriate sign on the site indicating to the public the land is currently for sale under an Open Tender process.

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

ORD114/10

ORDINARY COUNCIL

ORD05

SUBJECT: DETERMINATION OF COUNCILLOR FEES - 2010/2011 - LOCAL GOVERNMENT REMUNERATION TRIBUNAL
FROM: Director Governance
FILE NO: Councillor fees

PURPOSE

To advise Councillors of a determination by the Local Government Remuneration Tribunal for the level of Councillor fees payable for the 2010/2011 financial year.

MAIN REPORT

The Local Government Remuneration Tribunal sets the range of fees for all Councillors and Mayors in NSW each year. The Tribunal has concluded its annual review and, having regard to key economic data and the views of the assessors, it has determined that an increase of 3.0% in fees for Councillors is appropriate. The increases are effective on and from 1 July 2010.

Camden Council is a Category 2 (Metropolitan) Council and the revised fees payable for a Category 2 Council are as follows for 2010/2011:

| COUNCILLORS | MAYOR |
|------------------------------------|-------------------------------------|
| Minimum \$7,250 - Maximum \$15,970 | Minimum \$15,430 - Maximum \$34,860 |
| | |

However, Council at its meeting held on 23 June, 2009 resolved that no increase in the level of fees payable to the Mayor or Councillors be payable in the 2009/2010 financial year. As a result, the fees payable to Councillors have remained at the 2008/2009 level and are below the maximum amount for a Category 2 Council.

In the 2009/10 financial year, Councillor fees are \$15,120 per annum and the Mayoral fees are \$33,010 per annum.

Based on the present level of fees payable to the Mayor and Councillors as above, a 3% increase would amount to an increase of \$453.60 per annum for Councillors, bringing the total to \$15,573.60 per annum and \$990.30 for the Mayor, totalling \$34,000.30 per annum.

A 3% increase to Councillors fees would result in additional expenditure totalling \$5,072.70 which has been budgeted for in the 2010/2011 Budget.

RECOMMENDED

That Council determine the level of fees payable to Councillors and Mayor for

2010/2011 financial year.

RESOLUTION

MOTION

Moved Councillor Warren, Seconded Councillor Cottrell that Councillors fees for 2010/11 financial year be increased by 3% as determined by the Local Government Remuneration Tribunal and be set at \$15,573.60 per annum for Councillors and \$34,000.30 per annum for the Mayor.

THE MOTION ON BEING PUT WAS **CARRIED**.
(Councillor Campbell voted against the Motion).

ORD115/10

ORDINARY COUNCIL

ORD06

SUBJECT: REZONING OF PRECINCT D ON THE MATER DEI
RESIDENTIAL DEVELOPMENT SITE
FROM: Director Governance
FILE NO: Harrington Park 2 and Mater Dei

PURPOSE OF REPORT

The purpose of this report is to inform Council of the Gateway determination for the planning proposal for Seniors Living within the Mater Dei residential area and consider Gateway recommendations.

BACKGROUND

At its meeting on 8 December 2009 Council resolved to prepare an LEP amendment to permit Seniors Living as an additional permissible use in Precinct D at Mater Dei, and forward the planning proposal to the Department of planning for Gateway Determination. The planning proposal was lodged for Gateway determination on 3 February 2010.

On 13 May 2010 Council received Gateway Determination on the Mater Dei Seniors Living planning proposal. While the Department of Planning generally support the concept of Seniors living, it has indicated that in its view, it is considered inappropriate to allow Seniors Housing on land which is proposed to be zoned E4 Environmental Living; an that a zone which better reflects the future development of this site should be considered.

MAIN REPORT

Planning Proposal Mechanism for Rezoning

The planning proposal for the Seniors Living Village requires no change to the development footprint, rather to the development type. The mechanism outlined in the planning proposal was to achieve this by adding an additional permitted use in Schedule 1 of the draft Camden LEP 2010. Seniors Living SEPP 2004 does not apply to land zoned Environmental Protection. Because of this it was proposed that appropriate Development Controls would be developed, incorporating the development standards contained within the SEPP and form an amendment to the Camden DCP.

The LEP Review Panel contacted Council officers during the assessment of the planning proposal to discuss the mechanism to achieve the Seniors Living Village. The LEP Review Panel did not consider that an additional permitted use in Schedule 1 was an appropriate mechanism and suggested that a rezoning to a low density residential (R2) zone may be appropriate.

It is now proposed to resubmit an altered planning proposal for the Seniors Living Village. **This is provided as Attachment 1 to this report.** Part 2 of the planning proposal template requires an explanation of provisions, which are an explicit statement of how the objectives or intended outcomes are to be achieved, that is the mechanism for the rezoning. It is proposed that this section of the planning proposal will now state that Precinct D be rezoned to an R2 zone - Low Density Residential. The Seniors Living SEPP will apply to the Seniors Living Village under this zone. Changes have been made on pages 6 & 8 of the proposal and are highlighted in yellow.

Department of Planning

The Mater Dei Seniors Living planning proposal was the first proposal submitted for Gateway Determination by Council. It is Council officers' intention to provide feedback to the Department about the Gateway Determination process. While the LEP Review Panel contacted Council officers to discuss the proposal, it is considered a presentation of the proposal to the Panel would have been beneficial and may have helped in getting a speedier determination.

CONCLUSION

The revised planning proposal to rezone Precinct D on the Mater Dei development site to a Seniors Living Village has merit for a number of reasons highlighted in a previous report. The change in the mechanism to achieve the Seniors Living Village (ie rezoning to a Residential 2 rather than an additional permitted use to Schedule 1) will not change the intent of the proposal and is therefore consistent with Council's previous resolution.

RECOMMENDED

That Council:

- i. submit a revised planning proposal to the Department of Planning for Gateway Determination stating that Precinct D be rezoned to R2 - Low Density Residential; and**
- ii. write to the Department of Planning offering feedback on the Gateway Determination process.**

ATTACHMENTS

Attachment 1 - revised planning proposal



Revised Planning Proposal Mater Dei.doc

RESOLUTION

Moved Councillor Anderson, Seconded Councillor Dewbery that Council:

- i. submit a revised planning proposal to the Department of Planning for Gateway Determination stating that Precinct D be rezoned to R2 - Low Density Residential;

and

- ii. write to the Department of Planning offering feedback on the Gateway Determination process.

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

ORD116/10

ORDINARY COUNCIL

ORD07

SUBJECT: PUBLIC EXHIBITION OF AMENDMENTS TO THE
HARRINGTON GROVE VOLUNTARY PLANNING
AGREEMENT

FROM: Director Governance

FILE NO: Harrington Park 2 and Mater Dei

PURPOSE OF REPORT

The purpose of this report is to seek approval for the public exhibition of the amended Voluntary Planning Agreement (VPA) for Harrington Grove.

BACKGROUND

At its meeting on 22 April 2008 Council resolved to adopt the exhibited draft VPA for Harrington Grove. The developers obligations to the heritage homesteads (Harrington Park Homestead and Orielton), bushland conservation, contribution works and financial contributions are outlined in the Agreement.

MAIN REPORT

VPA Amendments

Since the development of the VPA more detailed work has been undertaken on the planning of each precinct in Harrington Grove as development progresses. This more detailed work has meant there are some minor changes required. These are in layout and lengths of pathways, local open space and to district reserves. These changes are detailed below and shown in red in Schedule 1 and revised VPA Plans **are provided in Attachment 1.**

- Playground P8 has been moved from Precinct M to Precinct L. This is because the Local Open Space has been removed from Precinct M. The developer is still providing more than is required for the population based on Council's standard threshold.
- Minor changes to the areas of Local Open Spaces LS1-LS5. The overall decrease in Local Open Space is 1.82 ha. The developer is still providing more open space than is required for the population.
 - Local Open Space LS1 has been decreased from 0.25 ha to 0.2 ha
 - Local Open Space LS2 has been increased from 0.32 ha to 0.33 ha
 - Local Open Space LS3 has been decreased from 1.77 ha to 0.52 ha
 - Local Open Space LS4 has been decreased from 0.95 ha to 0.68 ha
 - Local Open Space LS5 has been decreased from 0.49 ha to 0.47 ha
 - Local Open Space LS6 has been removed, was originally 0.24 ha

- Minor changes to the areas of District Public Reserve land DR1 and DR2. DR4 has been removed. The overall decrease in District Public Reserves is 0.3 ha. The developer is still providing more district reserves than is required for the population based on Council's standard threshold.
 - District Public Reserve DR1 has been increased from 33 ha to 33.1 ha
 - District Public Reserve DR2 has been increased from 4.5 ha to 6.9 ha
 - District Public Reserve DR4 has been removed, was originally 2.8 ha.

- Minor changes to pathway lengths for P1-P2, P5-P7 and P11-P13. Overall pathway lengths have increased by 291m.
 - Pathway P1 increased from 216m to 430m. This Pathway has been removed from District Reserve DR4 and included within Cobbitty Road Reserve.
 - Pathway P2 increased 540m to 611m. This Pathway has been removed from District Reserve DR4 and included within the internal collector road reserve.
 - Pathway P3 decreased from 225m to 118m. Pathway P3 and District Reserve DR3 have been realigned.
 - Pathway P5 decreased from 320m to 317m
 - Pathway P6 increased from 266m to 288m
 - Pathway P7 increased from 575m to 610m
 - Pathway P9 decreased from 228m to 226m
 - Pathway P11 increased from 635m to 667m
 - Pathway P12 increased from 330m to 353m
 - Pathway P13 increased from 1020m to 1026m

While the changes proposed are considered minor in nature, given the legal nature of a VPA, any change requires a final amendment process. In order to facilitate such amendments in future in a more timely fashion legal advice was sought in regards to inserting the following new clause to permit variations in the Harrington Grove VPA. This clause is as follows:

Clause 7.3 Variation to Contribution Works

"The Contribution Works may be varied without the need for variation to this agreement provided that the Council is satisfied that the variations to scope of the Contributions Works are consistent with the intent and objectives of this agreement."

The amendments to Schedule 1 and VPA Plans and the addition of a new Clause within the VPA (Clause 7.3) do not change the intent or the objectives of the Agreement. The developer's heritage and bushland obligations, and financial contributions remain the same as the current VPA.

Public Exhibition

The tracked changes copy of the amended VPA, attached Schedule 1 and Plans will be publicly exhibited for a period of 4 weeks once resolution to exhibit is received. The exhibition will be conducted as follows:

1. Displays at Narellan and Camden Customer Service Centres, and Narellan and Camden Libraries;

2. An advertisement will be placed in the Camden Advertiser for weeks 1 and 3 of the exhibition period;
3. The exhibition material will be available on the Council's website for the length of the exhibition period.

At the conclusion of the 4 week exhibition period a report will be submitted back to Council detailing submissions received.

CONCLUSION

The proposed amendment to the Harrington Grove VPA provides for necessary change to the Agreement due to more detailed Precinct Planning. The intent and objectives of the VPA will remain the same as does the financial obligations and continues to achieve a good level of community facilities within the development and the wider community.

RECOMMENDED

That:

- i. **Council resolve to exhibit the amended Harrington Grove Voluntary Planning Agreement (VPA); and**
- ii. **a report be bought back to Council at the conclusion of the public exhibition period.**

ATTACHMENTS

Attachment 1 - Amended Schedule, Amended VPA Plans Harrington Grove East & West



Attachment 1 Amended schedule HG VPA.xls



Attachment 1 Amended VPA Plan - HG East_.pdf



Attachment 1 Amended VPA Plan - HG West_.pdf

RESOLUTION

Moved Councillor Anderson, Seconded Councillor Cagney that:

- i. Council resolve to exhibit the amended Harrington Grove Voluntary Planning Agreement (VPA); and
- ii. a report be bought back to Council at the conclusion of the public exhibition period.

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

ORD117/10

ORDINARY COUNCIL

ORD08

SUBJECT: PROPOSED AMENDMENT TO CAMDEN DCP 2006 -
ELDERSLIE PEDESTRIAN BRIDGE PARK
FROM: Director Governance
FILE NO: Elderslie Release Area

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement to publicly exhibit an amendment to Camden DCP 2006 to alter the size and shape of the Elderslie Pedestrian Bridge Park.

BACKGROUND

The Elderslie Pedestrian Bridge Park will serve the Camden By-Pass pedestrian bridge linking Spring Farm and Elderslie when constructed. It will facilitate improved connection between the communities of Elderslie and Spring Farm separated by the Camden By-Pass.

The park and bridge will be funded from Section 94 (Camden Contribution Plan 2004). Following the Department of Planning's statewide review of Council Section 94 levies, on 31 May 2009 the then Minister for Planning directed Council to further review infrastructure requirements, particularly in Elderslie and Spring Farm. The intention of this review was to examine if there is potential or otherwise to reduce the order of magnitude of Section 94 levies.

The subject park was considered by Council as part of the Section 94 review project for Elderslie and Spring Farm during 2009. It was noted that in the absence of technical investigations being completed (that were beyond the scope of the review project), the park size could not be reduced.

Crownland Developments Pty Ltd (Crownland) has since approached Council seeking to pursue a reduction in the park size with a resulting increase in development land. Crownland was advised that consideration could be given to the proposal subject to technical assessment being completed to demonstrate that the pedestrian bridge and reduced park size will integrate with each other and the park's intended character and function can still be achieved. A further consideration has been to ensure that a reduced park size in Elderslie will not hamper the ability for the pedestrian bridge to align with it and the future park on the Spring Farm side.

A subdivision proposal adjacent to the park was lodged with Council on 18 March 2010 (DA249/2010), seeking consent for subdivision comprising of 19 residential lots, 1 residue lot and 1 public reserve. This public reserve is the park which is the subject of this report, nominated at the size of 921m², which is a reduction from the 4,173m² as specified in the Camden Contribution Plan 2004 map.

MAIN REPORT

When constructed the park will provide an attractive gateway where the pedestrian overpass bridge will land in Elderslie and link to the pedestrian/cycle network within the release area. The park is intended to have a limited number of facilities such as seating, bins, lawn and landscaped areas that reflect its specialised function. The Elderslie release will be served by other local parks which have a broader range of facilities such as the park being constructed by AV Jennings located between Higgins Avenue and Kerrigan Crescent.

An extract of the Elderslie Masterplan that shows the location of the park/bridge is provided as **Attachment A to this report**. Figure 18 of Camden DCP 2006 Part G Chapter 4 shows the concept plan for the park that was prepared as part of the Elderslie Landscape Masterplan. **This is shown as Attachment B to this report**. The current park shape was informed by the need for the park to allow pedestrian/cyclists to change direction between the shared pathway to be located within the southern side verge of the proposed road and the bridge.

Crownland has commissioned a park concept design, **shown as Attachment C to this report** - Proposed DCP Figure 18) and Structural Engineering Report that is proposed to be placed on exhibition as a supporting document to the DCP amendment.

Council staff have completed mapping analysis and consulted with the Spring Farm Development Consortium Project Managers and landowner to confirm bridge alignment, design and landing requirements on the Spring Farm side are adequate and will integrate with the Elderslie side.

Revised park design

Staff have reviewed the technical reports and considered them in light of Camden DCP 2006 requirements and provided comment to Crownland on a range of matters. The park concept design has been amended to take into account staff comment. Among other things, the concept design has had regard to safety/security issues such as clear sight lines, surveillance opportunity, lighting and landscaping and cyclist speed management. Detailed assessment of these issues is appropriate at the future detailed park design/construction stage.

The current park size would provide a substantial setback to the future houses that will be located next to it and opposite it. It is reasonable to expect that the houses will be constructed and occupied prior to the park and bridge being constructed. With this in mind staff advised Crownland that careful design consideration of these houses is required so that they complement and enclose the park, provide passive surveillance to the park and minimise nuisance potential to residents arising from the park and its users (eg. noise, light spillage). Crownland was asked to consider an appropriate mechanism to make prospective purchasers of the adjoining lots aware of the future pedestrian overpass bridge and park.

Crownland has indicated these requirements can be addressed by the inclusion of an appropriate Restriction on Use or Positive Covenant registered on title for these lots. Subject to endorsement of the altered park size, these matters will be determined by staff under delegation when considering the subdivision Development Application.

Camden DCP 2006

The proposed reduction to the park size from 4,173 m² to 921m² and increase in development land are matters that fall within a DCP amendment. Elderslie DCP Control 2.5.1(a) nominates a minimum size of a park is 0.3 ha (3000m²). While it could be considered a significant reduction in open space, satisfactory levels of open space will be provided across the remainder of the release area. This park will serve the purpose of a landing space for the future bridge rather than any other open space function. Therefore, if this can be facilitated via a smaller site then it is considered appropriate that the abovementioned DCP control be amended in this instance.

Subject to Council endorsement, amended DCP Figure 18 (park concept plan), and engineering report will be placed on public exhibition for 28 days with the matter further reported to Council for determination at the conclusion of the exhibition period.

Variations to the masterplan road and block pattern as a consequence of the revised park size/shape will be referred to a comprehensive update of the Elderslie masterplan that will reflect Council approved masterplan variations dealt with at the DA level.

CONCLUSION

The altered park size and shape is assessed to be consistent with the park's intended character and function. The completed technical assessments have demonstrated the park is able to integrate with the pedestrian bridge that will link Elderslie and Spring Farm when constructed. The reduced park size is consistent with the Minister for Planning's direction to Council to reduce the order of magnitude of Section 94 levies for Elderslie.

RECOMMENDED

That:

- i. Camden Development Control Plan 2006 as amended be endorsed by Council and placed on public exhibition accompanied by supporting documents for a period of 28 days; and**
- ii. on completion of the exhibition period a report on any submissions received be referred back to Council for consideration and ultimate adoption.**

ATTACHMENTS

Attachment A - Elderslie Masterplan

Attachment B - DCP figure

Attachment C - Proposed DCP figure



Attachment A Elderslie Masterplan.pdf Attachment B Elderslie - DCP Figure 18.pdf



Attachment C Elderslie Proposed DCP Figure 18.pdf

RESOLUTION

Moved Councillor Anderson, Seconded Councillor Cagney that:

- i. Camden Development Control Plan 2006 as amended be endorsed by Council and placed on public exhibition accompanied by supporting documents for a period of 28 days; and
- ii. on completion of the exhibition period a report on any submissions received be referred back to Council for consideration and ultimate adoption.

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

ORD118/10

ORDINARY COUNCIL

ORD09

SUBJECT: COUNCILLOR WARD FUND REQUESTS
1. 2010 PENGANA GOULBURN TO CITI CYCLING CLASSIC
2. MACARTHUR PRE SCHOOL CARPARK
3. CAMDEN MEN'S SHED

FROM: Director Governance

FILE NO: Ward Fund Allocations

PURPOSE OF REPORT

To submit to Council for consideration three (3) requests for allocation of Councillor Ward Funds for community projects or events.

MAIN REPORT

Council has received three (3) written requests for funding from community groups and the suggested source of funding is Councillor Ward Funds. A summary of the requests is outlined below.

1. 2010 Pengana Goulburn to Citi Cycling Classic

The Macarthur Collegians Cycling Club Inc has requested Council give consideration to providing financial support for the Goulburn to Citi Cycle Classic by allocating funding of \$4,500 (\$3,000 cash support and \$1,500 in kind support). The funding will be used to assist in meeting some of the marketing costs of the event. **A copy of the letter is provided in Supporting Documents.**

The Club advises the event will be held 11 and 12 September, 2010 which is during the Camden Festival period.

The Club advises Council's funding, if approved, will be allocated to promoting Camden locally and nationally through all forms of media, including television, radio and print media.

It should be noted that Council has traditionally contributed a total of \$3,000 towards this event, \$1,500 of 'in kind' support and \$1,500 cash contribution.

2. Macarthur Pre School - Construction and Sealing of Car Park

Council on 23 February, 2010, resolved to enter into an agreement with the Department of Education and Training to lease a 648 square metre area of land adjacent to the Macarthur Preschool in Crookston Drive for use as a carpark.

The Preschool have now requested Council assistance in funding the construction of the carpark to create 10 carparking spaces.

The cost of the works is estimated by Council staff to be \$21,500. The Preschool has offered a contribution of \$11,000 from their own funds, approximately half of the cost, and has requested Council contribute \$7,000 towards the project. Depending on the level of Council support, the balance of funds (\$3,500) will be sought from the wider parental community of the Preschool.

In support of the request, the Preschool have stated - "*...As you know parking at Macarthur Preschool has been an ongoing problem since 1996 with the first complaints of dust and traffic congestion..... We need Camden Council's financial support to ensure the quick construction of this car park and to let the Preschool get on with what they do best and that is providing preschoolers with an excellent learning environment and a fun place to be.*" **A copy of the letter is provided in Supporting Documents.**

3. Camden Men's Shed - Camden Bicentennial Equestrian Park Community Management Committee - Sheathers Lane Park Beautification.

A request for Council financial assistance has been received from the Bicentennial Equestrian Park Community Management Committee. The request highlights a proposal to carry out earthworks, drainage, provision of water service and tree planting in the Bicentennial Equestrian Park at the Sheathers Lane/Cawdor Road entrance to Camden.

The work will be undertaken by volunteers of the Camden Men's Shed group.

The estimated cost of the project is \$1,940 and includes construction of open drain from an existing culvert at Matahil Creek \$740, supply and instal water service (part donated) \$50 and the purchase of 50 advanced trees with stakes \$1,150. **A copy of the proposal is provided in Supporting Documents.**

Funding

Funding for these projects is available from the Consolidated Councillor Ward Fund Allocation. The current balance of funds available is \$27,131 (as reported in the 2010 March Quarterly Budget Review).

If Council were to support all three (3) projects/events as requested, the revised balance available in Councillor Ward Funds would be \$16,691.

CONCLUSION

The projects proposed are either enhancements to Council and community assets or the annual event calendar. The projects can be supported, funding has been allocated and is available from Councillor Ward Funds without any need to vary the 2009/10 Budget.

RECOMMENDED

A matter for Council.

ATTACHMENTS



BEP Men's Shed Sheathers Lane Beautification Funding Request.doc Macarthur Preschool Funding Request.doc



Letter from Macarthur Collegians.pdf

RESOLUTION

Moved Councillor Campbell, Seconded Councillor Cagney that the following amounts be allocated from Councillor Ward Funds for community projects or events:

- i. 2010 Pengana Goulburn to Citi Cycling Classic - \$3,000 plus \$1,500 'in kind' support;
- ii. Macarthur Pre School - Carpark construction - \$10,500; and
- iii. Camden Men's Shed - Sheathers Lane Park Beautification - \$2,000.

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

(Councillors Funnell, Patterson, Warren, Dewbery and Cottrell voted against the Motion).

MOTION

Moved Councillor Warren, Seconded Councillor Campbell that \$3,000 plus \$1,500 'in kind' support be allocated from Councillor Ward Funds to the 2010 Pengana Goulburn to Citi Cycling Classic.

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

(Councillors Funnell, Anderson, Warren, Dewbery, Cottrell, Patterson and Cagney voted against the Motion).

FURTHER MOTION

Moved Councillor Funnell, Seconded Councillor Cagney that \$1,500 plus \$1,500 of 'in kind' support be allocated from Councillor Ward Funds to the 2010 Pengana Goulburn to Citi Cycling Classic.

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

(Councillor Campbell voted against the Motion).

MOTION

Moved Councillor Funnell, Seconded Councillor Cottrell that \$7,000 be allocated from Councillor Ward Funds to the Macarthur Preschool - Carpark construction.

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

(Councillors Anderson, Cagney, Patterson, Campbell, Dewbery, Warren voted against the Motion).

At this stage, Councillor Campbell left the Chamber, and took no part in voting on the matter, the time being 7.29pm.

FURTHER MOTION

Moved Councillor Anderson, Seconded Councillor Dewbery that \$10,500 be allocated from Councillor Ward Funds to the Macarthur Preschool - Carpark construction.

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

MOTION

Councillor Campbell returned to the Chamber, the time being 7.35pm.

Moved Councillor Anderson, Seconded Councillor Funnell that \$2,000 be allocated from Councillor Ward Funds to the Camden Men's Shed - Sheathers Lane Park Beautification.

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

ORD119/10

ORDINARY COUNCIL

ORD10

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

PURPOSE OF REPORT

To seek Council's endorsement to relocate the existing fire station for the Rural Fire Service (RFS) Camden West Brigade from Ellis Lane to a new location along Werombi Road, Grasmere, and to gain authorisation to progress negotiations to secure a site which best meets the needs of Council and the RFS.

BACKGROUND

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

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

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

In the last few years, the RFS has been seeking a new site for a new station which meets its need for now and some years into the future. The RFS had agreed with a possible location suitable for support of its operations.

At its meeting on 11 May 2010, Council considered a recommendation to relocate the existing fire station for the Rural Fire Service (RFS) Camden West Brigade from Ellis Lane to a new location along Werombi Road, Grasmere.

At that meeting, Council resolved that:

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

Since that time, there have been a number of discussions with the RFS and Carrington

Centennial Care (Carrington) regarding options for the location of this station and related arrangements.

MAIN REPORT

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

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

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

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

Following the resolution by Council on 11 May 2010 for further negotiations, additional discussions have been held with the RFS and Carrington. These discussions have focused around the options of utilising the road reserve on Werombi Road (the subject of the recommendation to Council at the 11 May 2010 meeting) and the site originally identified in Carrington's master plan of 2006 on the corner of Ferguson Lane and Werombi Road. This location is shown in **Attachment 1 at the end of this report**.

Council has been advised that following a discussion with Carrington after the Council meeting on 11 May, the board of Carrington has further considered Council's and RFS' requirements and has agreed to provide the site at the corner of Ferguson Lane for:

- A lease term of 25 years with a 5 year option (a longer term than earlier indicated); and
- A lease cost of \$5,000 pa indexed to CPI.

The lease term generally fits with a preferred minimum for the RFS, which gives the RFS and Council a period of tenure which provides some surety of continuity and a sound basis for investment in the building and other improvements to be located on the site.

The lease cost is a cost to Council which, on the basis of a CPI increase of 2.5% pa, would result in an approximate cost to Council of \$170,800 over 25 years and \$219,500 over 30 years. It is considered that this cost is not acceptable to Council.

Alternatively, Council could locate the proposed RFS brigade station in the road reserve on Werombi Road as proposed in the report on 11 May 2010. The area between Werombi Road roadway and the old disused road is suitable for such an infrastructure

development. The location of this site is shown in **Attachment 2 at the end of this report**. At present the excess road reserve is not serving any specific function other than providing an open space. However, its location means that it has very little use by surrounding residents (however see later comments regarding Carrington discussions).

To access this location would require closure of the unutilised portion of the road reserve under the Roads Act. This Act also outlines the options for Council in dealing with the land made available to it under the road closure provisions of the Act. Under those provisions, Council is able to make the land 'operational land', and hence be available for use by Council, including using it for the location of a RFS Brigade. However, there are constraints on disposal of the land and application of proceeds of disposal, which are required to be re-directed to roads and road work.

Nevertheless, it is clear from the discussions that Carrington believes that this location would be detrimental to the presentation of their property facing Werombi Road and that Carrington would strongly oppose the location of the brigade on that site. In Carrington's view, this area should not be developed in such a way as to detract from the future development plans for the Carrington facility.

Both sites have been reviewed by the RFS and have been confirmed as having sufficient area to accommodate the proposed fire station and support facilities which fit with the long-term proposals being developed for the RFS Macarthur Zone Strategic Plan and its requirements for the next 15-20 years. The locations also offer good visibility by road users, which would provide surveillance of the often unattended site. Even though there is expected to be a number of trees which may soften the view from the road, the visibility of the station will also provide some community promotion of the RFS.

However, the site on the corner of Ferguson Lane and Werombi Road is within the STP odour buffer zone. RFS members have indicated that their occupation frequency of the building is such that this would not present an insurmountable constraint on their operations. On the other hand, this site has acceptance from Carrington and would be expected to provide better construction conditions.

In an effort to identify alternatives, consideration has been given to the possibilities of entering into arrangements such as a land swap for leasing arrangement which provide for access to land which may be mutually beneficial to Council, the RFS and Carrington. Such an arrangement would need to satisfy the requirements of both the Local Government Act and the Roads Act. The Carrington representative has indicated that this would be an acceptable outcome, provided the appropriate legal and survey arrangements can be completed. Such an arrangement would be framed to allow Council to construct the RFS brigade accommodation at the corner of Ferguson Lane and Werombi Road, and Carrington could improve the area of land through landscaping (but no building construction) resulting from the partial road closure of Werombi Road.

Such an outcome would still require the closure of the excess road reserve (part road closure), for that part of the road reserve to vest in Council and to be classified as 'operational land', and for appropriate legal and survey actions to be able to be completed. Based on previous experiences, road closure involves the NSW Department of Lands' process and can take around 12 months to complete. However, wherever possible, parallel activity could occur which may speed up the necessary project planning and implementation.

However, should issues arise which would prevent the satisfactory finalisation of an agreement which provides Council and the RFS with the required certainty of tenure or involves Council with increased ongoing costs, Council has the option of locating the RFS brigade on the unutilised road reserve site, subject to the part road closure being completed.

CONCLUSION

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

Council does not own vacant unutilised land that can accommodate the new fire station for the Camden West Brigade and there are issues in utilising sites on land owned by other entities.

While it has been proposed that an opportunity exists to utilise part of the excess Werombi Road road reserve at the front of Carrington, there is an alternative location which was identified previously, in Carrington's master plan, on the corner of Ferguson Lane and Werombi Road. This site would also meet the general requirements of the RFS, but would result in an ongoing cost to Council.

However, Carrington has indicated that it would be prepared to consider an alternate arrangement which could provide benefits to the Council, Carrington and the RFS, with no ongoing costs to Council. Such an arrangement still requires closure of the unutilised portion of the road reserve.

Council will need to make application for closing part of the excess road reserve and to pursue the legal and survey actions necessary to achieve such an outcome. However, should this not be achievable within a timely manner, the option of proceeding with the development of the new fire station at this site can still be pursued.

RECOMMENDED

That Council:

- i. make an application to close part of Werombi Road as indicated in this report;**
- ii. classify the newly created lot as Operational Land;**
- iii. at the same time, proceed to obtain legal and survey advice to reach agreement on an arrangement whereby the RFS West Camden Brigade location can be accommodated at the corner of Ferguson Lane and Werombi Road and Carrington can be provided access and the right to carry out landscaping improvements and maintenance (no building construction) on the unutilised portion of Werombi Road subject to the road closure application;**
- iv. support the location of the proposed RFS Camden West location within the newly created lot in Werombi Road in the event that an agreement outlined in iii. above cannot be achieved by the end of 2010 (with a report back to Council at that time);**

v. write to all stakeholders advising them of this decision.

ATTACHMENTS



Attach 1 Site Location - Carrington Masterplan.pdf Attach 2 Proposed Location - RFS Camden West Brigade.pdf

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Dewbery that Council:

- i. make an application to close part of Werombi Road as indicated in this report;
- ii. classify the newly created lot as Operational Land;
- iii. at the same time, proceed to obtain legal and survey advice to reach agreement on an arrangement whereby the RFS West Camden Brigade location can be accommodated at the corner of Ferguson Lane and Werombi Road and Carrington can be provided access and the right to carry out landscaping improvements and maintenance (no building construction) on the unutilised portion of Werombi Road subject to the road closure application;
- iv. support the location of the proposed RFS Camden West location within the newly created lot in Werombi Road in the event that an agreement outlined in iii. above cannot be achieved by the end of 2010 (with a report back to Council at that time);
- v. write to all stakeholders advising them of this decision.

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

ORD120/10

ORDINARY COUNCIL

ORD11

SUBJECT: AFFIX SEAL OF COUNCIL TO SERVICE AGREEMENT
COMMUNITY SERVICES, DEPARTMENT OF HUMAN
SERVICES

FROM: Director Works and Services

FILE NO:

PURPOSE OF REPORT

To gain Council approval to attach the Seal of Council to the NSW Community Services, Department of Human Services - Service Agreement in relation to the provision of funding for the Community Project Officer (Children and Families) and Community Project Officer (Generalist) Positions.

BACKGROUND

NSW Community Services, (formerly DoCS) has provided recurrent funding contributions to the position of Community Projects Officer (Children and Families) since 1993 through Children's Services funding. The Department has also provided recurrent funding towards the Community Projects Officer (Generalist) position since 1994 through the Community Services Grants Program.

MAIN REPORT

The Community Project Officer (Children and Families) position provides community groups supporting children and families with resources, timely dissemination of information, training opportunities and funding submission assistance as well as ongoing support and advocacy on a day to day basis. The current work focus has been on the development of the Camden Kids website.

The Community Project Officer (Generalist) position works with the local community in assisting with the development of community capacity building and general community work to benefit the Camden Community.

Prior to receiving funding for the 2010 - 2011 financial year, Council is required to enter into a service agreement with NSW Community Services, Department of Human Services.

The funding agreement is for the period 1 July 2010 to 30 June 2011. Through the funding agreement, Council will receive \$13,452 (excluding GST) for the Community Project Officer (Children and Families) position and \$ 60,302 (excluding GST) for the Community Project Officer (Generalist) position, contributing to Council's costs for these two positions.

The grant amounts have been included in calculations for the 2010/11 budget and are

a small CPI increase in the value of grants received in 2009/10.

CONCLUSION

This funding will enable the Community Project Officer (Children and Families) position and the Community Project Officer (Generalist) position to continue to provide valuable support to community organisations and residents in the Camden LGA.

RECOMMENDED

That:

- i. Council enter into the service agreement with NSW Community Services, Department of Human Services for the provision of funds for the Community Project Officer (Children and Families) and Community Project Officer (Generalist) positions; and**
- ii. authority be granted for the relevant documentation to be completed under the seal of the Council.**

RESOLUTION

Moved Councillor Warren, Seconded Councillor Anderson that:

- i. Council enter into the service agreement with NSW Community Services, Department of Human Services for the provision of funds for the Community Project Officer (Children and Families) and Community Project Officer (Generalist) positions; and
- ii. authority be granted for the relevant documentation to be completed under the seal of the Council.

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

ORD121/10

ACTIONS

CRMS number , Finalised 10/06/2010 10:59:48 AM

Action: Finalised,

document and memo to governance on 9/6/10

[Link to CRMS document](#)

[CRMS: 11594435 10/06/2010, 08:30:36 AM](#)

ORDINARY COUNCIL

ORD12

SUBJECT: PETITION CONCERNING ANTI-SOCIAL BEHAVIOUR IN
JOHN OXLEY RESERVE
FROM: Director Works and Services
FILE NO: Council Parks and Reserves Complaints and Requests 2010

PURPOSE OF REPORT

To note receipt of a petition from residents in The Lanes Estate, Kirkham regarding concerns with anti social behaviour on John Oxley Reserve and a request for a post and rail fence to restrict access.

BACKGROUND

Council has received a letter and an accompanying petition containing 77 signatures from a resident in The Lanes, Kirkham. A copy of the letter and petition is provided with the **business paper supporting documents**.

MAIN REPORT

A letter received from a resident of The Lanes Kirkham, in May 2010 raises concerns about various anti-social behaviours occurring at John Oxley Reserve, Kirkham. The letter states that:

'The anti-social behaviour includes cars doing burnouts at all hours of the day and night, drug taking (evidenced) the multiple number of bongs that litter (sic) the area, fast food wrappers everywhere and unregistered motorcycles using the area'

The letter suggests that:

'a post and rail fence with pedestrian access to the reserve from Macquarie Grove Road joining to the fence entering the Lanes estate'

Council has received complaints relating to the unauthorised use of this reserve over the years. Inspections indicate that these activities, as described, may be occurring on the reserve. Further investigations are currently underway.

CONCLUSION

Concerns have been raised by several residents relating to activities occurring on John Oxley Reserve. These have been documented in a petition received from a number of these residents.

RECOMMENDED

That Council note the petition regarding activities occurring on John Oxley Reserve and advise the lead petitioner that the matters are being investigated.

ATTACHMENTS



Petition & Complaint John Oxley Reserve.pdf

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Dewbery that Council note the petition regarding activities occurring on John Oxley Reserve and advise the lead petitioner that the matters are being investigated.

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

ORD122/10

**THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 8 JUNE 2010
WERE ADOPTED AT AN ORDINARY COUNCIL MEETING HELD 22 JUNE 2010.
MIN. NO. ORD 126/10**

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

CHAIRPERSON