



# Camden Council

## Business Paper

**Ordinary Council Meeting**  
**27 September 2011**

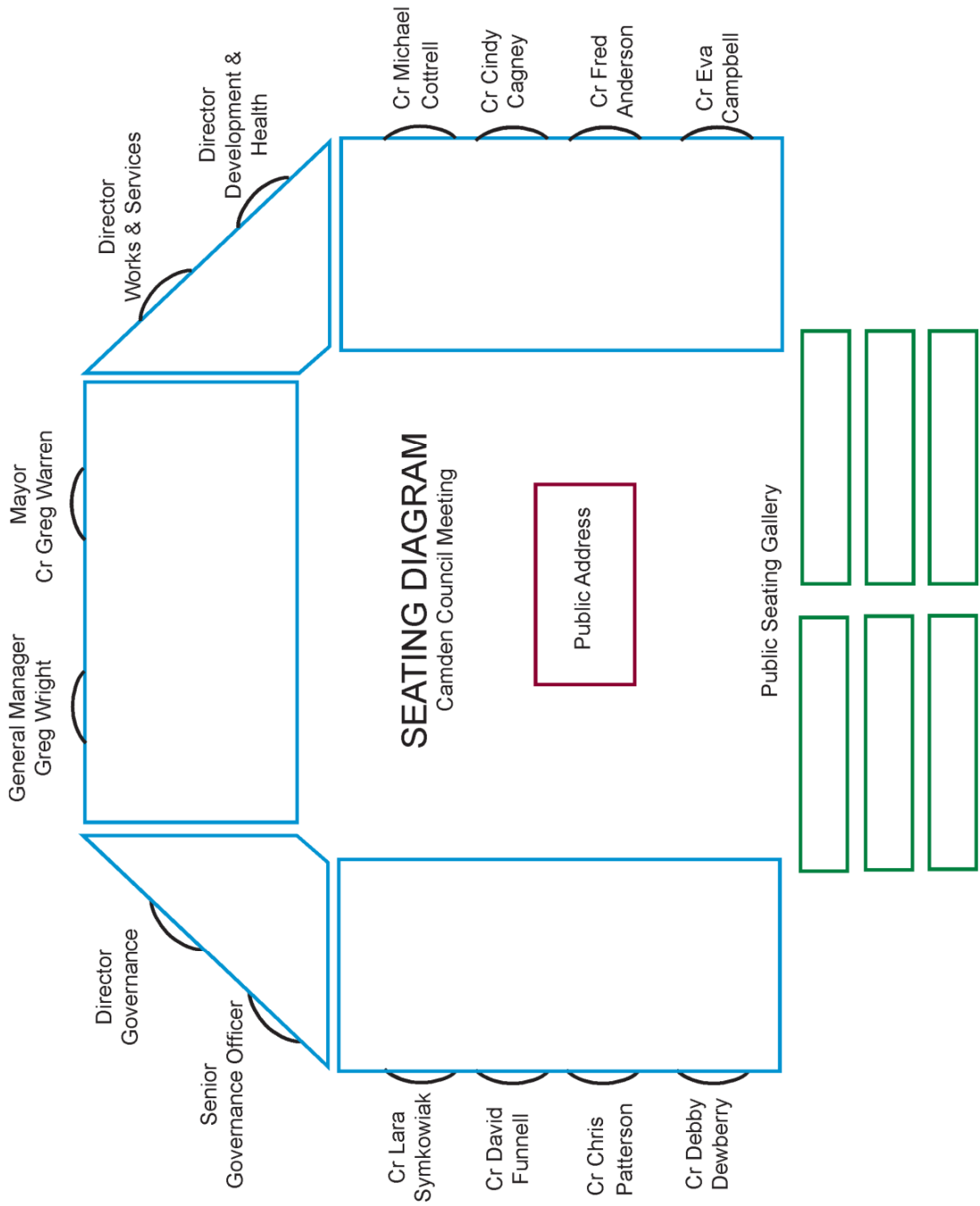
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**Camden Civic Centre**  
**Oxley Street**  
**Camden**



## COMMON ABBREVIATIONS

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



Media



# ORDINARY COUNCIL

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## ORDINARY COUNCIL

**SUBJECT: APOLOGIES**

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

**RECOMMENDED**

**That leave of absence be granted.**



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## ORDINARY COUNCIL

**SUBJECT:       DECLARATION OF INTEREST**

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

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

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

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

### **RECOMMENDED**

**That the declarations be noted.**

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## ORDINARY COUNCIL

**SUBJECT: PUBLIC ADDRESSES**

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

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

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

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

Public Addresses are 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 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.**



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## **ORDINARY COUNCIL**

**SUBJECT: CONFIRMATION OF MINUTES**

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Confirm and adopt Minutes of the Ordinary Council Meeting held 13 September 2011.

**RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting held 13 September 2011, copies of which have been circulated, be confirmed and adopted.**



## ORDINARY COUNCIL

ORD01

**SUBJECT:** ELECTION OF MAYOR - 2011/2012 TERM  
**FROM:** General Manager  
**BINDER:** Mayoral Elections

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The procedures to be followed in respect of the election of the Mayor are set out in Section 290 of the Local Government Act, 1993 (Timing), Clause 394 of the Local Government (General) Regulation 2005 (Method) and Schedule 7 of that Regulation.

To be nominated for election to the position of Mayor, a nomination form must be completed. The nomination form must be signed by two Councillors, one of whom may be the nominee and must indicate consent of the nominee. The forms must be delivered to the General Manager before 4.00pm on Tuesday 27 September 2011. To assist, a number of nomination forms have been issued under separate cover to each Councillor for this purpose.

If more than one nomination is received, Council will be required to resolve the method of voting. Three methods are available under the Regulation:

- Show of hands (self explanatory - open voting)
- Ordinary Ballot
- Preferential Ballot.

Once the method of voting is determined, with the exception of show of hands, voting ballot papers will be handed to each Councillor for completion. It is important that the ballot papers are completed correctly to ensure they are formal votes. Informal votes, i.e. those completed contrary to instructions, are excluded from the election count. In the event of a tied vote, i.e. two candidates with the same number of votes, the election is determined by the draw from a box. In the case of an exclusion to reduce the number of candidates to two, the first name drawn is excluded. In the case of a two candidate draw, the name drawn is declared the elected candidate.

Action required:

- (a) If only one candidate nominated - the General Manager will declare the candidate elected.
- (b) If more than one candidate nominated - Council to determine the method of voting as per the Report.

**RECOMMENDED**

**That :**

- i. Council determine the method of voting, if required; and**
- ii. an election be held at the Council Meeting of 27 September 2011 and once the result is known, the General Manager to declare the candidate with the majority, elected as Mayor for the 2011/2012 term.**



## ORDINARY COUNCIL

ORD02

ORD02

**SUBJECT: ELECTION OF DEPUTY MAYOR - 2011/12 TERM**  
**FROM:** General Manager  
**BINDER:** Mayoral Elections

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Unlike the position of Mayor, which is required by statute under Section 225 of the Local Government Act, 1993, the position of Deputy Mayor is optional (Section 231).

The position of Deputy Mayor does not involve any additional responsibilities or functional authorities beyond the normal role of a Councillor, except when requested by the Mayor or at times, when the Mayor is prevented by illness, absence or otherwise from carrying out the duties of office. In such times, the Deputy Mayor assumes the role and authorities of the Mayor as specified under Section 226 of the Act. Although optional, past practice has been to retain the position of Deputy Mayor each year.

The procedures required to be followed in respect of the election of Deputy Mayor are the same as that for the election of the Mayor. The same methods of voting apply and a decision is required to be made, if applicable.

To be nominated for election to the position, a nomination form must also be completed. The nomination must be signed by two Councillors, one of whom may be the nominee and must indicate the consent of the nominee. The form must be delivered to the General Manager by 4.00pm on Tuesday 27 September 2011. To assist, a number of nomination forms have been issued separately to each Councillor for this purpose.

Action required:

- (a) If only one candidate - the General Manager will declare the candidate elected.
- (b) If more than one candidate nominated - Council to determine the method of voting.

**RECOMMENDED**

**That:**

- i. Council determine the appointment of the position of Deputy Mayor;**
- ii. Council determine the method of voting, if required; and**
- iii. following the election at the Council Meeting of 27 September 2011 and once the result is known, the General Manager to declare the candidate with the majority, elected as Deputy Mayor for the 2011/2012 term.**

## ORDINARY COUNCIL

ORD03

**SUBJECT: ELECTION OF COMMITTEES - COUNCILLOR REPRESENTATION**  
**FROM:** General Manager  
**BINDER:** Councillor Committees

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Following the election of the Mayor and Deputy Mayor, it is normal procedure to re-appoint Councillor representatives to various internal Committees and external Government/Council Committees for the ensuing twelve (12) month period.

Due to the recent resignation of Councillor Cottrell as Council's representative from a number of Committees, it is necessary to appoint a replacement Councillor representative to the following Committees:

- Camden Festival Community Management Committee;
- Camden Senior Citizens Community Management Committee;
- Leppington Oval Community Management Committee;
- Flood Mitigation Authority of NSW;
- Macarthur Bush Fire Management Committee; and
- Rural Fire Service Macarthur Zone Liaison Committee.

MACROC have advised that under its constitution Council is able to appoint an alternate delegate to attend MACROC meetings. As such, it is appropriate that Council nominate an alternative representative for this position.

At this time, it is only necessary to review the representation on internal and external Committees. Ministerial appointments and "length of term" appointments do not require resolution at this time.

A list of the relevant Committees and Councillor representation is **attached to the report**.

### RECOMMENDED

**That Council identify Committee membership requiring change.**

### ATTACHMENTS

1. Councillor Committee Representative List

**CAMDEN COUNCIL 2010-2011  
COUNCILLOR REPRESENTATIVES ON COMMITTEES**

Adopted: Council Meeting 28/09/2010 Last Updated: 14/12/2010

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<u>INTERNAL COMMITTEES</u> .....	2
<u>ACCESS COMMUNITY ADVISORY GROUP</u> .....	2
<u>CAMDEN LOCAL GOVERNMENT AREA TREE PLANTING COMMITTEE</u> .....	2
<u>LOCAL EMERGENCY MANAGEMENT COMMITTEE</u> .....	2
<u>EXTERNAL GOVT/COUNCIL COMMITTEES</u> .....	2
<u>CAMDEN LOCAL TRAFFIC COMMITTEE</u> .....	2
<u>CAMPBELLTOWN ARTS CENTRE SUB COMMITTEE</u> .....	2
<u>COMMUNITY SAFETY COMMITTEE</u> .....	2
<u>COMMUNITY RELATIONS COMMISSION MACARTHUR-LIVERPOOL</u>	
<u>REGIONAL ADVISORY COUNCIL</u> .....	3
<u>DISABILITY ACTION PLAN - COMMUNITY ADVISORY GROUP</u> .....	3
<u>FLOOD MITIGATION AUTHORITY OF NSW</u> .....	3
<u>G.R.O.W. COMMITTEE</u> .....	3
<u>HAWKESBURY-NEPEAN LOCAL GOVERNMENT ADVISORY GROUP</u> .....	3
<u>JOINT REGIONAL PLANNING PANEL (JRPP)</u> .....	3
<u>MACARTHUR AREA HEALTH SERVICE PLANNING AND DEVELOPMENT</u>	
<u>COMMITTEE</u> .....	3
<u>MACARTHUR BUSH FIRE MANAGEMENT COMMITTEE</u> .....	3
<u>MACARTHUR REGIONAL ORGANISATION OF COUNCILS (MACROC)</u> .....	3
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<u>SYDNEY WATER CORPORATE CUSTOMER COUNCIL</u> .....	4
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<u>SOUTH WEST SYDNEY ACADEMY OF SPORT</u> .....	5
<u>COMMUNITY MANAGEMENT COMMITTEES</u> .....	5
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<u>CAMDEN SENIOR CITIZENS COMMUNITY MANAGEMENT COMMITTEE</u> .....	6
<u>CAMDEN TOWN FARM COMMUNITY MANAGEMENT COMMITTEE</u> .....	6
<u>LEPPINGTON OVAL COMMUNITY MANAGEMENT COMMITTEE</u> .....	6

ORD03

Attachment 1

ORD03

Attachment 1

**FULL COUNCIL**

(Determines strategy, policy, statutory and staff matters) (Meets 6pm on the second and fourth Tuesday of the Month)

**OTHER COMMITTEES****INTERNAL COMMITTEES****ACCESS COMMUNITY ADVISORY GROUP**

(Provide advice, support and direction in regard to disability access issues within local community.)(Meets monthly. Evening meetings.)

**Cr Symkowiak and Cr Dewbery**

**CAMDEN LOCAL GOVERNMENT AREA TREE PLANTING COMMITTEE**

(Actively involved in increasing community involvement in tree planting and landscaping projects to increase bio diversity, sustain native vegetation and protect and improve the natural landscape across the Camden Local Government Area.)(Meets Monthly. Daytime meetings.)

**Cr Anderson**

**LOCAL EMERGENCY MANAGEMENT COMMITTEE**

(Representatives of all emergency organisations prepare for emergencies within the Council Area.)(Meets Quarterly. Afternoon/evening meetings.)

**Director Works and Services**

**EXTERNAL GOVT/COUNCIL COMMITTEES****CAMDEN LOCAL TRAFFIC COMMITTEE**

(A technical committee meeting with RTA, Police and State Member Representative and other invited guests to consider traffic issues on local road system with the view of maintaining road safety, improve traffic flow and reduce accidents.)(Meets monthly. Daytime meetings.)

**Cr Warren, Cr Patterson and Cr Funnell (Alternatives)**

(ORD 270/08, CI Mtg 28/10/08)

**CAMPBELLTOWN ARTS CENTRE SUB COMMITTEE**

(Assists Campbelltown Arts Centre facilitate cultural programming across Macarthur Region. Daytime meetings.)

**Mayor of the Day**

**COHESIVE COMMUNITIES ADVISORY GROUP**

(Develop and comment on strategies, plans and help drive projects regarding issues of community cohesiveness aimed at increasing the social capital of the Camden LGA. Evening meetings.)

**Cr Symkowiak, Cr Warren**

**COMMUNITY SAFETY COMMITTEE**

(Police Committee to address issues of concern within the community)(Meets bi-monthly. Evening meetings.)

**Cr Dewbery, Cr Patterson (Alternate)**

### **COMMUNITY RELATIONS COMMISSION MACARTHUR-LIVERPOOL REGIONAL ADVISORY COUNCIL**

(Identify multicultural issues of local concern – government & community reps – Meets quarterly 6pm-8pm Liverpool, C/town and Camden Councils. Evening meetings.)

**Cr Cagney**

### **DISABILITY ACTION PLAN - COMMUNITY ADVISORY GROUP**

(Advisory Group for development and implementation of the Disability Action Plan 2008-2012. 6pm meetings.)

**Cr Symkowiak, Cr Warren (Alternate)**

### **FLOOD MITIGATION AUTHORITY OF NSW**

(Local Representative appointed to consider Flood Mitigation issues throughout NSW) (Meets quarterly. Daytime meetings in Sydney.) (Manager Environmentally Sustainable Design also a member)

### **G.R.O.W. COMMITTEE**

(Allocates State Government funding for community projects) (Meets as required, dependent on projects)

**Cr Warren, Mayor of the Day (Alternate)**

### **HAWKESBURY-NEPEAN LOCAL GOVERNMENT ADVISORY GROUP**

(Advisory capacity to implement the Statement of Intent guiding local government in natural resource management within the Hawkesbury Nepean catchment & to determine priority projects. Daytime meetings.)

**Cr Campbell, Manager Environmentally Sustainable Design (Alternate)**

### **JOINT REGIONAL PLANNING PANEL (JRPP)**

(To determine development proposals of regional significance) (Council Appt)

**Cr Campbell, Cr Anderson (Alternate) and Director of Development & Health, Manager Development (Alternate)** (26/5/2009 ORD120/09)

### **MACARTHUR AREA HEALTH SERVICE PLANNING AND DEVELOPMENT COMMITTEE**

(Oversees the implementation of the Macarthur Area Health Strategy. Meets as required.)

**Cr Funnell, Cr Campbell and Cr Warren (Alternates)**

### **MACARTHUR BUSH FIRE MANAGEMENT COMMITTEE**

(Coordinate Bush Fire Management in Macarthur area. Meets Quarterly at Bush Fire headquarters, Minto. Dates to be advised. Daytime meetings.)

### **MACARTHUR REGIONAL ORGANISATION OF COUNCILS (MACROC)**

(Regional Organisation of Councils made up of Camden, Campbelltown and Wollondilly Councils) (Meets Bi-Monthly. Evening meetings.) (4 year appointment)

**Cr Dewbery, Cr Symkowiak and Cr Patterson and Mayor of the Day**  
(ORD 270/08, CI Mtg 28/10/08)(ORD194/11, CI Mtg 23/08/11)

### **METROPOLITAN PUBLIC LIBRARIES ASSOCIATION NSW (MPLA)**

(Represent interest of LG Libraries in Sydney region to all levels of Govt. Daytime meetings.) Manager, Library Services also representative.

**Cr Campbell**

ORD03

**MACARTHUR DIVERSITY SERVICES INC (MDSI)**

(Provide services to the Macarthur Region)(Meets Monthly. Daytime meetings.)

**Cr Anderson**

**RURAL FIRE SERVICE MACARTHUR ZONE LIAISON COMMITTEE**

(Meets quarterly. Evening meetings. Monitor SLA & review Budgets & quarterly financial reports)

**SYDNEY GAS COMMUNITY CONSULTATIVE COMMITTEE**

(Community link to operations of Sydney Gas as required by Production lease. Meets Quarterly at Wollondilly and Campbelltown Cnls. Daytime meetings.)

**Cr Anderson** (as per CI Mtg 141210 ORD 282/10)

**SYDNEY WATER CORPORATE CUSTOMER COUNCIL**

(Sydney Water consults regularly with customer Cnls. Member of Corporate Customer Council. Meets in Sydney Head Office 6 times per year 9am-1pm)

**No representative elected**

Attachment 1

## **STATUTORY COMMITTEES (MINISTERIAL APPOINTMENTS)**

### **BELGENNY FARM TRUST**

(Representatives on board of management. Daytime meetings.)

**Cr Funnell**

### **SOUTH WEST SYDNEY ACADEMY OF SPORT**

(NSW Dept of Sport and Recreation Advisory Board. Daytime meetings.)

**Cr Anderson** (as per Mayoral Minute 26/05/09 ORD113/09)

## **COMMUNITY MANAGEMENT COMMITTEES**

(Community Committees operate Council facilities & provide services on Council's behalf including grounds and buildings.)

In relation to Section 355 Management Committees, the appointment and election of the committees is undertaken in accordance with the Section 355 Management Committee Manual, adopted by Council on 27 May 2002 and reviewed on 10 March 2009.

This manual states, under 'Committee Membership' that "Camden Council reserves the right to appoint one of its members to each Committee" (Clause 2.1.1 g).

In relation to the balance of members of a Section 355 Management Committee, the process to be followed as outlined in the Manual is summarised as follows:

- The committee needs to be formed at a public meeting in the district in which the facility is situated; preferably on site (Clause 2.1.1 c);
- Council or the Management committee may call the public meeting (Clause 2.1.1 d);
- All members, including new members, need to be appointed by Council before being able to vote or take part in the meetings (Clauses 2.1.1 e) and f);
- Committees are formally appointed by the Councillors in office (Clause 2.1.1 g);
- Three months after the General Election of Councillors, all community Committee Members will cease to hold office (Clause 2.1.1 g);
- Committee membership is on a quadrennial basis (Clause 2.1.1 a) – Committee Membership);
- Membership numbers are limited (Clause 2.1.1 b) – Committee Membership;
- The Management Committee membership should reflect the Community organisations which use the facility and must be open to representatives of user groups and interested community members (Clause 2.1.1 i) – Committee Membership);
- Membership make up and voting "rights" are set out in Manual (Clause 2.1.1 i) – Committee Membership);
- Provisions of the manual can be varied by a resolution of Council (Clause 3.3 (h))

It should be noted that the appointment of the Management Committee is entirely at the discretion of the Council (Clause 2.1.1).

**ORD03**

**Attachment 1**



ORD03

**BICENTENNIAL EQUESTRIAN PARK COMMUNITY MANAGEMENT COMMITTEE**

(Second Wednesday of the month. Evening meetings.)(CI Mtg 11102004, RS85/04)  
**Cr Funnell, Cr Dewbery, Cr Campbell (Alternate)**

**CAMDEN FESTIVAL COMMUNITY MANAGEMENT COMMITTEE**

(Daytime meetings.)(R&S 11 June 2002, ORD35/02)  
**Cr Campbell (Alternate)**

**CAMDEN INTERNATIONAL FRIENDSHIP ASSOCIATION COMMUNITY MANAGEMENT COMMITTEE**

(Evening meetings.)(CI Mtg 14/04/2009, ORD83/09)  
**Cr Warren**

**CAMDEN SENIOR CITIZENS COMMUNITY MANAGEMENT COMMITTEE**

(To address social and community issues. Daytime meetings.)(CI Mtg 14/04/2009, ORD83/09)  
**Cr Anderson**

**CAMDEN TOWN FARM COMMUNITY MANAGEMENT COMMITTEE**

(Evening meetings.)(CI Mtg 22082005, ORD111/05)  
**Cr Funnell**

**LEPPINGTON OVAL COMMUNITY MANAGEMENT COMMITTEE**

(Evening meetings.)  
**Cr Funnell**

Attachment 1



## ORDINARY COUNCIL

ORD04

ORD04

**SUBJECT:** TWO SUBDIVISIONS TO CREATE 12 RESIDENTIAL LOTS AT 7A (LOT 36, DP 1115708) KOWALD STREET, ELDESLIE  
**FROM:** Director Development and Health  
**BINDER:** Development Applications 2011

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**DA NO:** 1542/2010 and 1543/2010  
**OWNER:** Australand Holdings Pty Ltd  
**APPLICANT:** John M Daly and Associates  
**ZONING:** R1 General Residential

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of two development applications (DAs) to create a total of 12 residential lots at 7A Kowald Street, Elderslie. The applications are referred to Council in accordance with its delegations as there are unresolved objections to the proposal. Additionally, the DAs are non-compliant in part with Camden Development Control Plan 2011.

### SUMMARY OF RECOMMENDATION

It is recommended that the DAs be approved subject to the draft Development Consent Conditions provided at the end of this report.

### BACKGROUND

The subject applications were lodged with Council on 22 December 2010. The applications were publicly exhibited between 10 and 24 February 2011. Four submissions and one petition with 30 signatures were received as a result of this exhibition.

Subsequent to the identification of the non-compliance with the density controls and concerns raised in the submissions and petition, amended plans were lodged by the applicant that removed two lots from each of the two development applications the subject of this report.

The amended plans, the public submissions and petition have now been assessed and the applications are now able to be referred to Council for determination.

Both applications are being reported to Council together as the submissions received relate to both applications, the proposed subdivisions will adjoin each other and both have been assessed concurrently and are now ready to be determined.

### THE SITE

The site comprises a large vacant lot with an area of 7.88ha, known as Lot 36 in DP 1115708 and is located within the Elderslie release area. The site is enveloped by residential development to the south that is characterised by detached dwellings; Kirkham Park to the north; and other vacant land to the east and west that has been rezoned for future residential development, but remains currently undeveloped.

The site is generally cleared of vegetation with the exception of a cluster of mature vegetation around an old farm dam. The site has a gentle fall from south to north.

The area of the subdivisions which are the subject of these applications are located on Brunero and Kowald Streets, both of which run off Franzman Avenue, and one block to the north of Elderslie Primary School.

Whilst the existing description of the site is Lot 36 in DP 1115708, a subdivision approved by Council staff under delegated authority in February 2008 created three residue lots out of this existing lot. The subject subdivision applications are located within these proposed residue lots. **A location plan is provided at the end of this report (Attachment 1).**

### **THE PROPOSAL**

Development consent (through two separate development applications) is sought for the following developments on this site:

- a subdivision referenced by the applicant as Stage 22 (DA 1542/2010) for 6 residential lots (proposed lots 2201-2206 (inclusive)) (including 1 residue lot (proposed lot 2207) for future subdivision). The lot size for all 6 lots is 507.6m<sup>2</sup>. This is a paper subdivision only with no construction works being proposed as part of the application;
- a subdivision referenced by the applicant as Stage 23 (DA 1543/2010) for 6 lots (proposed lots 2301-2306 (inclusive)) (including a residue lot (proposed lot 2307) for future subdivision). The lot size for all 6 lots is 507.6m<sup>2</sup>. This is a paper subdivision only with no construction works being proposed as part of the application.

The public road frontage for Stage 23 has already been constructed whilst the public road that will provide access to the lots in Stage 22 was approved as part of the approved Stage 2 subdivision. **A copy of the proposed plans is provided at the end of the report (Attachment 2).**

### **NOTIFICATION**

Both applications were notified between 10 and 24 February 2011 for 14 days. Four submissions and one petition were received objecting to the proposal. The issues raised in these submissions and the petition are assessed in the "Any submissions" section of this report. **Copies of the submissions and petition are provided with the Business Paper supporting documents.**

### **PLANNING CONTROLS**

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

- Deemed State Environmental Planning Policy No 20 – Hawkesbury/Nepean River
- Camden Local Environmental Plan 2010
- Camden Development Control Plan 2011

### **ASSESSMENT**

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

**(1)(a)(i) The provisions of any Environmental Planning Instrument**

Deemed State Environmental Planning Policy No 20 – Hawkesbury/Nepean River (SEPP)

The overall aim of this plan is to protect the function of the Hawkesbury/Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. It is considered that the aims and objectives of this policy will not be prejudiced by this development and that there will be no detrimental impacts upon the Hawkesbury/Nepean River system.

Camden Local Environmental Plan 2010 (the LEP)

The land is zoned R1 General Residential. The proposal complies with the relevant zone objective which seeks to "provide for the housing needs of the community" and to "provide for a variety of housing types and densities."

The minimum lot size specified on the LEP's minimum lot size map is 300m<sup>2</sup>. All of the proposed lots exceed this minimum requirement.

Arrangements for designated state public infrastructure to be provided prior to the issue of a Subdivision Certificate for the proposed lots is a recommended development consent condition. This also is a requirement of the LEP.

**(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 applicable to this site or development.

**(1)(a)(iii) The provisions of any Development Control Plan**

Camden DCP 2011

Camden Development Control Plan 2011 (the DCP) came into force on 16 February 2011 and the subject DAs were lodged on 22 December 2010.

The DCP states that "it applies from the date of commencement. Development applications lodged prior to the commencement date (i.e. 16 February 2011) may, at the discretion of Council, be assessed under the provisions of the Camden Development Control Plan 2006 (Camden DCP 2006)."

It is considered appropriate that this development is assessed against the current DCP and not the now superseded Camden Development Control Plan 2006.

Part B1.1 – Erosion and Sedimentation

Appropriate erosion and sedimentation control measures are recommended as draft development consent conditions for this development.

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### Part B1.3 – Salinity Management

A salinity assessment was lodged and approved with the previous subdivision development application for this land. It is a recommended 88B restriction that future dwellings constructed on the proposed lots be constructed in accordance with the recommendations of that assessment.

### Part B1.13 – Mine Subsidence

The subdivisions are located within the South Campbelltown Mine Subsidence area and concurrence from the Mine Subsidence Board has been received.

### Part C5.1 – Neighbourhood Amenity and Subdivision Design

This part of the DCP seeks to achieve variety in lot frontages to ensure streetscape variation and visual interest for residents of the area. The DCP requires that for lots greater than 12.5m wide no more than three in a row must have the same frontage. In both of the proposed subdivisions, 5 of the 6 lots in a consecutive order have the same width.

Whilst it is noted that this subdivision pattern does not comply with this DCP control, the proposed subdivision layout is considered to be acceptable as the streetscape variation and visual interest for this area can still be achieved through a mixture of future dwellings to be constructed with features such as varied footprints and front setbacks by way of articulation of building elements. The intent of this DCP control is to achieve variation in streetscapes and it is considered that this will still be achieved through the above.

Therefore it is recommended that Council supports the proposed variation from this DCP control.

### Part C5.7 – Provision of Adequate Infrastructure and Facilities

Infrastructure such as roads and drainage will be provided as part of the previous development application approval.

### Part C6.2 – Neighbourhood and Subdivision Design

The two proposed subdivisions comply with the minimum lot size of 450m<sup>2</sup> within the DCP map titled "Elderslie Master Plan with all lots being 507.6 m<sup>2</sup>. However the DCP also specifies that the average lots should be 525 m<sup>2</sup>, therefore the subdivisions fall short of the average.

A variation from the average lot size is supported in this instance because:

- The average lot size complies with the DCP when taken for the entire Australand holdings within the Elderslie Master Plan, in that larger lot sizes are provided in other stages to increase the average.
- The lots satisfy the minimum lot size and therefore will provide sufficient building area for dwellings.
- The proposal allows for a balanced outcome as a reduction in 1 lot would result in an average lot size well in excess of the average (609 m<sup>2</sup>)

### **(1)(a)(iii) The provisions of any Planning Agreement**

There are no planning agreements that apply to this site or development.

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

The Regulations prescribe several development consent conditions that will be included in any development consent issued for this development.

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

The likely impacts of this development include:

#### Social impacts

The proposed development will potentially contribute to diversity through provision of a variety of housing stock, subject to future development applications for individual dwellings.

#### Built impacts

The size of the proposed lots compared to the lots that are already existing on Brunero Street has been addressed previously in this report and will not contribute to any negative impacts on the streetscape, as any future dwellings will still need to comply with the relevant DCP controls. The size and width of the proposed lots still enables a future dwelling bulk that will be in keeping with the existing streetscape.

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

The proposal is compatible with the locality, in terms of its ability for future dwellings to conform with the relevant development controls.

The site has good provision of service connection. In addition, salinity and mine subsidence are able to be managed and therefore it is considered that this site is suitable for the proposed development.

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

A total of 4 submissions and 1 petition were received to the two development applications, all objecting to the proposal. The following is a list of the issues raised and an officer assessment of them:

1. *The proposal involves the removal of a pond which is home to a number of wildlife species. It should be retained and incorporated within the subdivision design.*

*Officer comment:*

The pond that is being referenced is an old farm dam and has previously been granted a separate development consent for its removal.

2. *The proposal is not consistent with the Elderslie DCP density map, as the lot sizes are too small.*

*Officer comment:*

The proposal has been amended to increase the lot sizes. The lots now comply with the minimum lot size however don't comply with the lot average. See discussion in Camden DCP 2011 section of this report.

3. *There will be an increase in traffic and on-street parking.*

*Officer comment:*

The subdivision will ultimately contain standard residential dwellings on Torrens title lots and will result in traffic levels that are consistent with the other already established residential areas in the Elderslie Release Area.

The surrounding street network has been designed to cater for the additional traffic that will be generated by the proposed subdivision and the future roads will be wide enough to accommodate on street car parking if necessary.

4. *There will be a reduction in property values.*

*Officer comment:*

The potential loss of property values is not an issue that can be considered as part of this assessment. However, it is noted that no evidence has been provided to demonstrate that the proposed subdivisions will result in a loss of property values.

5. *The area will lose its semi-rural feel.*

*Officer comment:*

The proposed subdivisions are located within an area that has been rezoned for residential development. Over time, the land that was formerly farm land and other rural uses will be redeveloped into residential uses in accordance with Camden Development Control Plan 2011.

6. *House plans should be lodged for the lots that are under 450m<sup>2</sup>.*

*Officer comment:*

The application has been amended to increase the lots sizes therefore there are now no lots that are under 450 m<sup>2</sup>.

7. *It will not result in an "attractive and memorable" streetscape.*

*Officer comment:*

There is no reason to consider attractive streetscapes will not be achievable by the proposed subdivisions, provided that the future dwellings comply with the controls of Camden Development Control Plan 2011. It is anticipated that the future streetscape will contain a range of dwelling designs and styles that will result in an attractive streetscape.

8. *Width of the lots will limit housing type, driveway location and garage design.*

*Officer comment:*

This issue has been assessed in the "Provisions of any Development Control Plan" section of this report. Controls in Camden Development Control Plan 2011 relating to dwelling setbacks, minimum lot widths and depths and site coverage will not result in an unacceptable limitation of housing types.

9. *If these are rental properties, there will be a downward trend in maintenance.*

*Officer comment:*

These applications are for subdivision only, with dwellings to be subject to future applications upon the registration of the subdivisions. Council has no control over whether or not future dwellings on the proposed lots will be rental properties.

10. *It will not be safe for children.*

*Officer comment:*

This issue is addressed in the response to issue 3 in this section of the report. There will be a manageable increase in traffic as a result of these subdivisions and it is noted that this increase can be accommodated by the surrounding street network. Therefore it is not considered that the proposed subdivisions will not be safe for children.

11. *Residents were informed by Australand that only high density would be at the western end of Franzman Street.*

*Officer comment:*

Figure C12 of Camden Development Control Plan 2011 nominates higher densities at the western end of Franzman Avenue. The two proposed subdivisions collectively have an average lot size of 507.5m<sup>2</sup>, which is not classified as high density development. It is also noted that single dwellings will be constructed on each of these lots in the future.

**(1)(e) The public interest**

It is considered that the proposed development is generally consistent with the relevant objectives and controls of Camden Local Environmental Plan 2010 and the majority of the Camden Development Control Plan 2011. The proposed development represents the planned and orderly development of the site and will not result in any unacceptable impacts.

**CONCLUSION**

Council has received two development applications for two 6 lot residential subdivisions on this site.

The applications have been publicly exhibited and the submissions received have been considered. The applications have been assessed under Section 79C of the Environmental Planning and Assessment Act 1979.

The applications have been referred to Council because of the unresolved issues raised in the 4 submissions and 1 petition received.

It is considered that although not fully compliant with Camden Development Control Plan 2011, the proposed subdivision has been increased so the lots now comply with the minimum lot size. Whilst the lots do not comply with the average it is considered that on balance the proposal is acceptable.

Consequently the developments are able to be recommended to Council for approval, subject to the draft development consent conditions shown below.



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## **DRAFT CONDITIONS OF CONSENT FOR DA 1542/2010**

### **1.0 - General Requirements**

- (1) **Approved Plans** – The development must be carried out strictly in accordance with the following approved plans or other documentation:
- Plan of Proposed Subdivision of Lot 2028 and Part Lot 2113 (Resub Lot 36 in DP 1115708), Ref 10213DA1, Sheet 1 of 1, Issue D, dated 16/9/11

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

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

- (2) **Residential Lot Threshold** - Council has identified the current road capacity in Elderslie is 627 residential lots. Once this threshold is reached it will be necessary to provide alternate road access. This will require the provision of a signal controlled intersection at the Camden Bypass and construction of the associated connecting road linking Lodges Road to the Camden Bypass. In this regard the Principal Certifying Authority will not release any linen plan of subdivision until the required roadworks are complete and operational.

### **2.0 - Subdivision Certificate**

The following conditions of consent shall be complied with prior to the Council or an Accredited Certifier issuing a Subdivision Certificate.

- (1) **Subdivision Registration** – Prior to the issue of any Subdivision Certificate for this development, documentary evidence from the Department of Lands, Land and Property Information Section advising of the registration of the re-subdivision of Lot 36 DP 1115708 (DA 1113/2006) creating Lot 2028 & Pt Lot 2113, shall be submitted to the Principal Certifying Authority.
- (2) **Interim Land Release Contribution Deed** – Prior to the issue of any Subdivision Certificate, the applicant must submit to the consent authority written evidence from the Director-General of the Department of Planning which certifies the applicant is not in breach at that time of any of its obligations under the deed entitled “ILRC Deed” between the applicant and the Minister for Planning relating to the development.
- (3) **Services - Prior to the issue of any Subdivision Certificate** the following service authority certificates/documents must be obtained and submitted to the Principal Certifying/Certifying Authority for inclusion in any Subdivision Certificate application:
- a certificate pursuant to s.73 of the *Sydney Water Act 1994* indicating the status of availability of water and sewerage facilities for each allotment.  
  
Application for such a certificate must be made through an authorised Water Servicing Coordinator.
  - a Notification of Arrangements from Integral Energy.

- Written advice from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the subdivision/development.
- (4) **Show Easements on the Plan of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.
- (5) **Show Restrictions on the Plan of Subdivision** - The developer must acknowledge all existing restrictions on the use of the land on the final plan of subdivision.
- (6) **Section 88b Instrument** - The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user, where required:
- (a) Easement for services.
  - (b) Easement to drain water.
  - (c) Restriction as to user over any filled lots which stipulate that footings must be designed by a suitably qualified civil and/or structural engineer.
  - (d) Restriction as to user creating an easement for support and maintenance 900mm wide adjacent to the "zero" lot line wall.
  - (e) Restriction as to user over each proposed residential lot indicating that no combustion heaters or wood burning fireplaces are permitted in any proposed dwelling on the lots.
  - (f) Restriction as to user over each proposed residential lot stipulating that all waste and recycling bins shall be kept behind the building line, not visible from the road.
  - (g) All residential buildings, landscaping and associated infrastructure proposed to be constructed on the land must be built in accordance with the Salinity Management Plan as contained under "Section 6" and drawings 1, 2, 3" in report titled *Salinity Management Plan: Proposed Residential subdivision development lot 102 DP 631430, 150 Lodges Road, Elderslie NSW, prepared for Australand Holding Pty Ltd, Prepared by GeoEnviro Consultancy Pty Ltd, Ref No. JE04210B-r4, dated September 2006.* Compliance with the Plan must be demonstrated for each residential development Application.
- (7) **Burdened Lots to be Identified** - Any lots subsequently identified during construction of the subdivision as requiring restrictions must also be suitably burdened.
- (8) **Soil Classification** - A soil classification report must be submitted to the Principal Certifying Authority (PCA) for inclusion in any application for a Subdivision Certificate. The report must: -
- i) indicate the classification of soil type generally found within the subdivision,
  - ii) provide a lot classification for each lot within the subdivision,

- iii) be prepared: -
    - a) by a person with experience in geotechnical aspects of earthworks
    - b) in accordance with the requirements of the current editions of AS 2870 "Residential Slabs and Footings" and AS 3798 "Guidelines on Earthworks for Commercial and Residential Development"
  - iv) be endorsed by a practising engineer with National Professional Engineering Registration and a Specific Area of Practice in Subdivisional Geotechnics.
- (9) **Lot Numbers and Street Names - Prior to issue of a Subdivision Certificate** lot numbers, house numbers and street names must be stencilled on the face of kerb, or in such location as directed by the Principal Certifying Authority.

The stencil medium must be of a good quality UV stabilised paint and applied to the kerb accordingly:

1. Lot numbers:

White number on Blue background located on the prolongation of both common boundaries of each lot.

2. Street names:

White lettering on Blue background at kerb and gutter tangent points, or at such locations as directed by the Principal Certifying Authority.

- (10) **Vehicular Access Denial for Specific Lots** – The Principal Certifying Authority must confirm the “access denied” location of any proposed lot affected by drainage pits, service fixtures or the like, adjacent a proposed/existing public road. Such information must be reflected in an appropriate restriction-as-to-user pursuant to s.88B of the *Conveyancing Act 1919* and included in any application for a Subdivision Certificate.
- (11) **Provision of Kerb Outlets** – Where proposed lots grade to an existing/proposed public road, kerb outlets shall be provided in the kerb and gutter adjacent to those lots.

Such kerb outlets shall be:

- (a) located within two (2) metres downstream of the prolongation of the lot corner with the lowest reduced level and to the requirements of the Principal Certifying Authority. In that regard, where a location coincides with a stormwater drainage pit a connection to that pit shall be provided in lieu of the kerb outlet,
- (b) constructed in accordance with Camden Council's current Engineering Specification/s,
- (c) subject to prior approval by the Roads Authority by way of a Public Road Activity Approval, and
- (d) indicated in any design plan submitted to the Roads Authority for the purposes of obtaining a Public Road Activity Approval.

- (12) Pursuant to **Contributions Plan No. 8** amended in September 1997, a contribution must be paid to Council of \$8 per additional lot or dwelling, total \$40, for **Secondary Roundabout R6 (Richardson Road/Lodges Road)**.

The contribution must be indexed to the Road Cost Index, **paid prior to issue of the Subdivision Certificate.**

- (13) Pursuant to **Contributions Plan No. 20** adopted in October 1996, a contribution must be paid to Council of \$27 per additional lot or dwelling, total \$135, for **Fire and Other Emergency Facilities and Equipment**.

The contribution must be indexed to the Consumer Price Index, paid **prior to issue of the Subdivision Certificate.**

- (14) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$8,623 per additional lot or dwelling, total \$43,115, for **Community Facilities**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan paid **prior to issue of the Subdivision Certificate.**

The monetary contribution may, at the sole discretion of Council, be offset by the value of land transferred to Council or by works in kind at the discretion of Camden Council. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such an agreement is to be undertaken, it must be signed **prior to the release of a Subdivision Certificate.**

- (15) Pursuant to **Camden Contributions Plan** amended July 2004, a contribution must be paid to Council of \$383 per additional lot or dwelling, total \$1,915, for **s.94 Administration and Management**.

The contribution must be indexed by the methods set out in paragraph 2.4 of the plan and paid **prior to issue of the Subdivision Certificate.**

- (16) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be made to Council of 112.84m<sup>2</sup> per additional lot or dwelling, total 564.2m<sup>2</sup> for **s.94 Open Space Land Acquisition** and 3.68m<sup>2</sup> per additional lot or dwelling, total 18.4m<sup>2</sup>, for **s.94 Community Land Acquisition**.

The land must be dedicated free of charge in accordance with paragraph 5.1.6 of the plan and clearly identified on the plan of subdivision.

Alternatively, a contribution must be paid to Council of \$15,209 per additional lot or dwelling, total \$76,045.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan and paid **prior to issue of the Subdivision Certificate.**

- (17) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$32,250 per additional lot or dwelling, total \$161,250 for **Drainage, Roadworks, Traffic Facilities, Open Space Embellishment, Newcomers Programme and Masterplan**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan and paid **prior to issue of the Subdivision Certificate.**

The monetary contribution for Drainage, Roadworks, Traffic Facilities, Open Space Embellishment, Newcomers Programme and Masterplan may at the sole discretion of Council be offset by the value of land transferred to Council or by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such an agreement is to be undertaken, it must be signed **prior to the release of a Subdivision Certificate.**

\*\*\*\*\*

## **DRAFT CONDITIONS OF CONSENT FOR DA 1543/2010**

### **1.0 - General Requirements**

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

- Plan of Proposed Subdivision of Lot 2029 and Part Lot 2207 (Resub Lot 36 in DP 1115708), Ref 10214DA1, Sheet 1 of 1, Issue C, dated 16/9/11

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

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

- (2) **Residential Lot Threshold** - Council has identified the current road capacity in Elderslie is 627 residential lots. Once this threshold is reached it will be necessary to provide alternate road access. This will require the provision of a signal controlled intersection at the Camden Bypass and construction of the associated connecting road linking Lodges Road to the Camden Bypass. In this regard the Principal Certifying Authority will not release any linen plan of subdivision until the required roadworks are complete and operational.

### **2.0 - Subdivision Certificate**

The following conditions of consent shall be complied with prior to the Council or an Accredited Certifier issuing a Subdivision Certificate.

- (1) **Subdivision Registration** – Prior to the issue of any Subdivision Certificate for this development, documentary evidence from the Department of Lands, Land and Property Information Section advising of the registration of the re-subdivision of Lot 36 DP 1115708 (DA 1113/2006) creating Lot 2029 & Pt Lot 2208, shall be submitted to the Principal Certifying Authority.
- (2) **Interim Land Release Contribution Deed** – Prior to the issue of any Subdivision Certificate, the applicant must submit to the consent authority written evidence from the Director-General of the Department of Planning which certifies the applicant is not in breach at that time of any of its obligations under the deed entitled “ILRC Deed” between the applicant and the Minister for Planning relating to the development.
- (3) **Services - Prior to the issue of any Subdivision Certificate** the following service authority certificates/documents must be obtained and submitted to the

Principal Certifying/Certifying Authority for inclusion in any Subdivision Certificate application:

- a certificate pursuant to s.73 of the *Sydney Water Act 1994* indicating the status of availability of water and sewerage facilities for each allotment.

Application for such a certificate must be made through an authorised Water Servicing Coordinator.

- a Notification of Arrangements from Integral Energy.
  - Written advice from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the subdivision/development.
- (4) **Show Easements on the Plan of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.
- (5) **Show Restrictions on the Plan of Subdivision** - The developer must acknowledge all existing restrictions on the use of the land on the final plan of subdivision.
- (6) **Section 88b Instrument** - The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user, where required:
- (a) Easement for services.
  - (b) Easement to drain water.
  - (c) Restriction as to user over any filled lots, which stipulates that footings must be designed by a suitably qualified civil and/or structural engineer.
  - (d) Restriction as to user creating an easement for support and maintenance 900mm wide adjacent to the "zero" lot line wall.
  - (e) Restriction as to user over each proposed residential lot indicating that no combustion heaters or wood burning fireplaces are permitted in any proposed dwelling on the lots.
  - (f) Restriction as to user over each proposed residential lot stipulating that all waste and recycling bins shall be kept behind the building line, not visible from the road.
  - (g) **Salinity Management Plan**- All residential buildings, landscaping and associated infrastructure proposed to be constructed on the land must be built in accordance with the Salinity Management Plan as contained under "Section 6" and drawings 1,2,3" in report titled *Salinity Management Plan: Proposed Residential subdivision development lot 102 DP 631430, 150 Lodges Road, Elderslie NSW, prepared for Australand Holding Pty Ltd, Prepared by GeoEnviro Consultancy Pty Ltd, Ref No. JE04210B-r4, dated September 2006.* Compliance with the Plan must be demonstrated for each residential development Application.

- (7) **Burdened Lots to be Identified** - Any lots subsequently identified during construction of the subdivision as requiring restrictions must also be suitably burdened.
- (8) **Soil Classification** - A soil classification report must be submitted to the Principal Certifying Authority (PCA) for inclusion in any application for a Subdivision Certificate. The report must: -
- i) indicate the classification of soil type generally found within the subdivision,
  - ii) provide a lot classification for each lot within the subdivision,
  - iii) be prepared: -
    - a) by a person with experience in geotechnical aspects of earthworks
    - b) in accordance with the requirements of the current editions of AS 2870 "Residential Slabs and Footings" and AS 3798" Guidelines on Earthworks for Commercial and Residential Development"
  - iv) be endorsed by a practising engineer with National Professional Engineering Registration and a Specific Area of Practice in Subdivisional Geotechnics.
- (9) **Lot Numbers and Street Names - Prior to issue of a Subdivision Certificate** lot numbers, house numbers and street names must be stencilled on the face of kerb, or in such location as directed by the Principal Certifying Authority.
- The stencil medium must be of a good quality UV stabilised paint and applied to the kerb accordingly:
- 1. Lot numbers:  
  
White number on Blue background located on the prolongation of both common boundaries of each lot.
  - 2. Street names:  
  
White lettering on Blue background at kerb and gutter tangent points, or at such locations as directed by the Principal Certifying Authority.
- (10) **Vehicular Access Denial for Specific Lots** – The Principal Certifying Authority must confirm the “access denied” location of any proposed lot affected by drainage pits, service fixtures or the like, adjacent a proposed/existing public road. Such information must be reflected in an appropriate restriction-as-to-user pursuant to s.88B of the *Conveyancing Act 1919* and included in any application for a Subdivision Certificate.
- (11) **Provision of Kerb Outlets** – Where proposed lots grade to an existing/proposed public road, kerb outlets shall be provided in the kerb and gutter adjacent to those lots.

Such kerb outlets shall be:



- (a) located within two (2) metres downstream of the prolongation of the lot corner with the lowest reduced level and to the requirements of the Principal Certifying Authority. In that regard, where a location coincides with a stormwater drainage pit a connection to that pit shall be provided in lieu of the kerb outlet,
- (b) constructed in accordance with Camden Council's current Engineering Specification/s,
- (c) subject to prior approval by the Roads Authority by way of a Public Road Activity Approval, and
- (d) indicated in any design plan submitted to the Roads Authority for the purposes of obtaining a Public Road Activity Approval.

- (12) Pursuant to **Contributions Plan No. 8** amended in September 1997, a contribution must be paid to Council of \$8 per additional lot or dwelling, total \$40, for **Secondary Roundabout R6 (Richardson Road/Lodges Road)**.

The contribution must be indexed to the Road Cost Index, **paid prior to issue of the Subdivision Certificate.**

- (13) Pursuant to **Contributions Plan No. 20** adopted in October 1996, a contribution must be paid to Council of \$27 per additional lot or dwelling, total \$135, for **Fire and Other Emergency Facilities and Equipment**.

The contribution must be indexed to the Consumer Price Index, paid **prior to issue of the Subdivision Certificate.**

- (14) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$8,623 per additional lot or dwelling, total \$43,115, for **Community Facilities**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan paid **prior to issue of the Subdivision Certificate.**

The monetary contribution may, at the sole discretion of Council, be offset by the value of land transferred to Council or by works in kind at the discretion of Camden Council. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such an agreement is to be undertaken, it must be signed **prior to the release of a Subdivision Certificate.**

- (15) Pursuant to **Camden Contributions Plan** amended July 2004, a contribution must be paid to Council of \$383 per additional lot or dwelling, total \$1,915, for **s.94 Administration and Management**.

The contribution must be indexed by the methods set out in paragraph 2.4 of the plan and paid **prior to issue of the Subdivision Certificate.**

- (16) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be made to Council of 112.84m<sup>2</sup> per additional lot or dwelling, total 564.2m<sup>2</sup> for **s.94 Open Space Land Acquisition** and 3.68m<sup>2</sup> per additional lot or dwelling, total 18.4m<sup>2</sup>, for **s.94 Community Land Acquisition**.

The land must be dedicated free of charge in accordance with paragraph 5.1.6 of the plan and clearly identified on the plan of subdivision.



Alternatively, a contribution must be paid to Council of \$15,209 per additional lot or dwelling, total \$76,045.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan and paid **prior to issue of the Subdivision Certificate.**

- (17) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$32,250 per additional lot or dwelling, total \$161,250 for **Drainage, Roadworks, Traffic Facilities, Open Space Embellishment, Newcomers Programme and Masterplan.**

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan and **paid prior to issue of the Subdivision Certificate.**

The monetary contribution for Drainage, Roadworks, Traffic Facilities, Open Space Embellishment, Newcomers Programme and Masterplan may at the sole discretion of Council be offset by the value of land transferred to Council or by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such an agreement is to be undertaken, it must be signed **prior to the release of a Subdivision Certificate.**

#### END OF CONDITIONS

#### RECOMMENDED

That Council:

- i. **approve Development Application 1542/2010 for a 6 lot residential subdivision at 7A (Lot 36 in DP 1115708) Kowald Street, Elderslie, subject to the draft development consent conditions shown above; and**
- ii. **approve Development Application 1543/2010 for a 6 lot residential subdivisions at 7A (Lot 36, DP 1115708) Kowald Street, Elderslie, subject to the draft development consent conditions shown above.**

#### ATTACHMENTS

1. Location Plan
2. Proposed plans
3. Submissions - *Supporting Document*

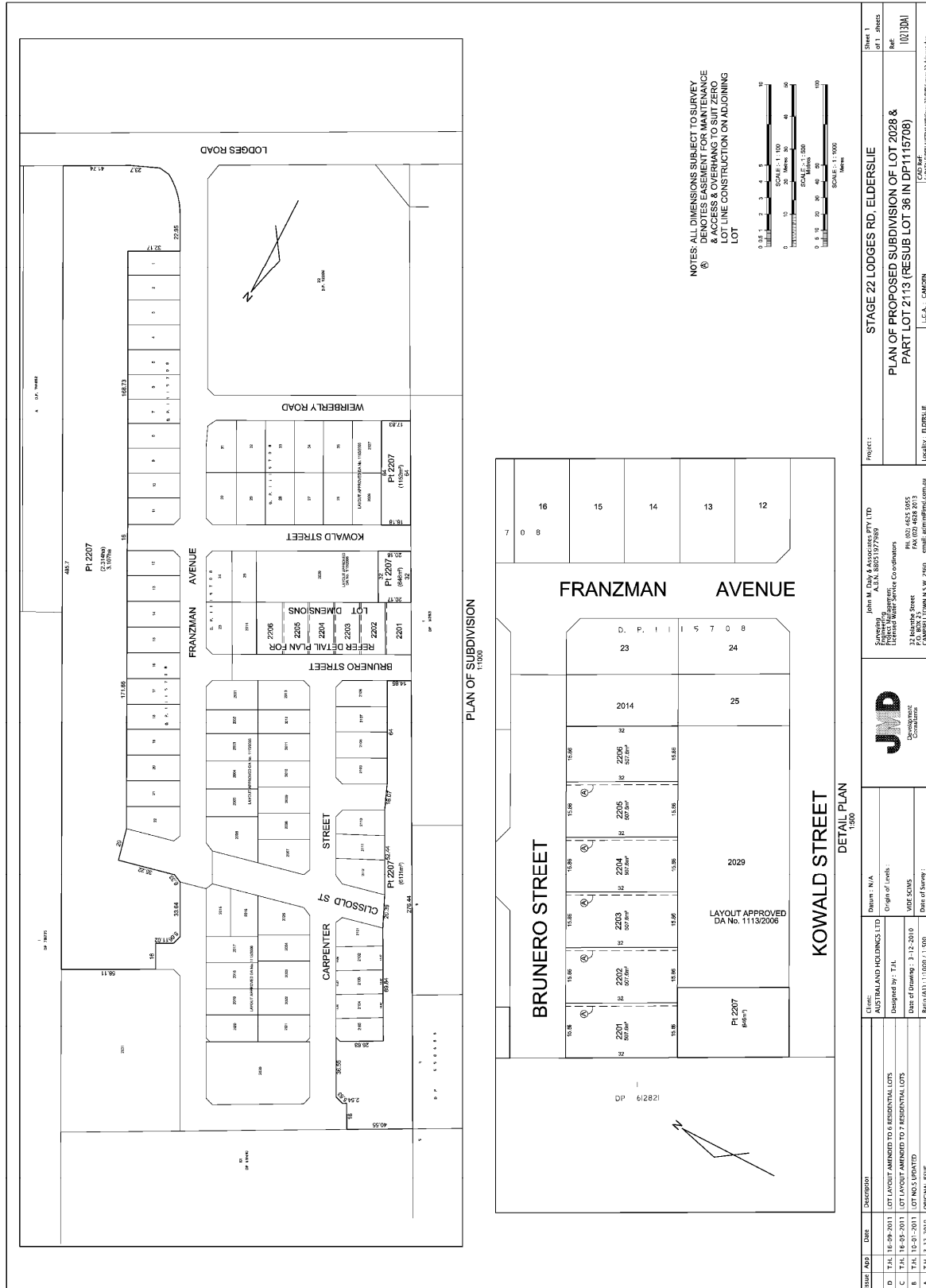


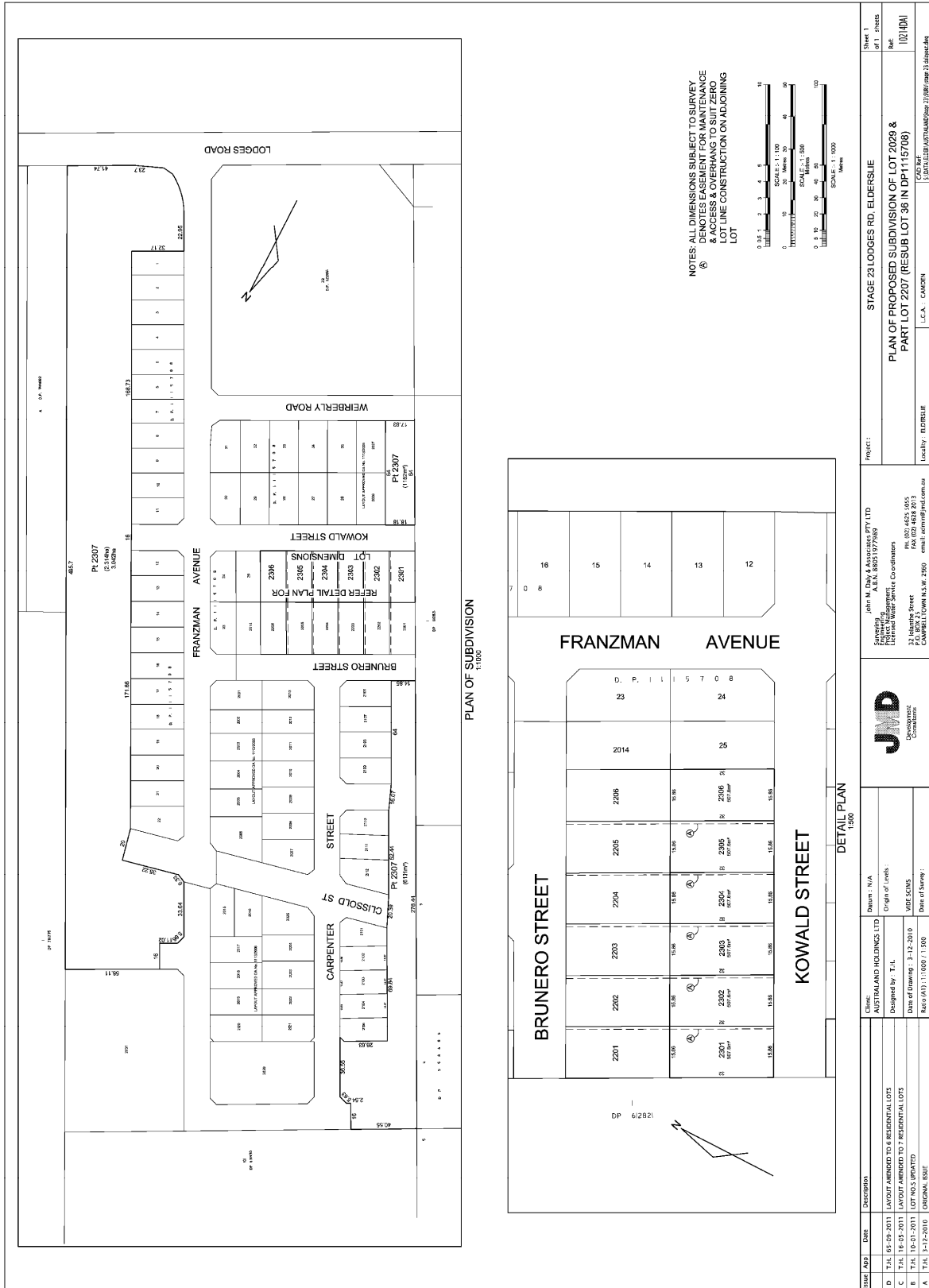
ORD04

Attachment 1

Attachment 2

ORD04





Sheet	NO	Date	30/05/2011
Author	JAD	Drawn	N/A
Client	AUSTRIAN HOLDINGS LTD	City of Levels	
Project	STAGE 23 LODGES RD, ELDERSLIE	Project	STAGE 23 LODGES RD, ELDERSLIE
Design	By T.H.L.	Project	PLAN OF PROPOSED SUBDIVISION OF LOT 2029 & PART LOT 2207 (RESUB LOT 36 IN DPT 1151/008)
Date of Drawing	3-12-2010	Project	Ref: 1031001
Date of Survey	1-10-2011	Project	L.C.A. - CADDPN
Scale	1:1000 / 1:500	Project	1:500 (L209) / 1:500 (L208) / 1:500 (L207) / 1:500 (L206) / 1:500 (L205) / 1:500 (L204) / 1:500 (L203) / 1:500 (L202) / 1:500 (L201)

Attachment 2

ORD04

## ORDINARY COUNCIL

ORD05

**SUBJECT:** MODIFICATION OF DEVELOPMENT CONSENT FOR CHILDCARE CENTRE, NO 64-66 (LOTS 9 & 10 DP 25787) MACARTHUR ROAD, ELDERSLIE  
**FROM:** Director Development and Health  
**BINDER:** Development Applications 2009

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**DA NO:** 1451/2009  
**OWNER:** Bazdaric Nominees Pty Ltd & Robyn Key  
**APPLICANT:** Camelot Homes Pty Ltd  
**ZONING:** R2 Low Density Residential – LEP 2010

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a Section 96 Modification application to a previously approved childcare centre at No 64-66 (Lots 9 & 10, DP 25787) Macarthur Road, Elderslie.

The application is referred to Council in accordance with its delegations as Council previously approved the original development application.

### SUMMARY OF RECOMMENDATION

It is recommended that Council approve the Modification application.

### BACKGROUND

On 10 August 2010 Council resolved to approve Development Application 1451/2009 for an 80 place childcare at No. 64-66 Macarthur Road, Elderslie, subject to the inclusion of the following condition:

'The plans are to be amended to show the northern driveway which is to be shown as the ingress driveway and is to be located at the northern limit of the carpark. The southern driveway which is to be shown as the egress driveway is to be located three car parking spaces from the southern limit of the car park. Each driveway is to be 3.1m wide. The plans are also to show a pedestrian pathway, to be located between the driveways and adjacent to the southern driveway.'

Since commencement of construction the applicant has identified concerns regarding the required relocation of the southern driveway and the internal pedestrian pathway. Following discussions with a traffic consultant, the applicant is now seeking to retain the carpark design as originally submitted. This request is supported by a traffic assessment prepared by the traffic consultant.

In addition to the Modification application, the applicant is also seeking consent to operate the childcare centre as an Out of School Hours Care (OOSH). At the time of the original development application, the zoning under Local Environmental Plan No 46 (LEP 46) did not permit OOSH. However, under the provisions of LEP 2010 gazetted in 2010, OOSH is now permissible in the zone with development consent.

This application has been assessed by Council staff and is now able to be referred to Council for determination.

### **THE SITE**

The site is identified as No 64-66 (Lots 9, 7 & 10 DP 25787) Macarthur Road, Elderslie, and currently contains a childcare centre under construction. Mawarra Public School is located adjacent to the southern and eastern boundaries of the land with residential development to the north and across the road. **A location plan is provided at the end of this report (Attachment 1).**

### **THE PROPOSAL**

The applicant seeks consent for a Modification for the following reasons:

- The deletion of Condition 1.0 (4) 'Driveway Location'. The purpose for the deletion of this condition of consent is to maintain the southern egress driveway and internal footpath location as originally designed.
- The use for Out of School Hours Care (OOSH) for up to but not exceeding 40 children. The application for the OOSH would not require a change in hours of operation or the placement for additional children.

**A copy of the amended plan is provided at the end of this report (Attachment 2).**

### **NOTIFICATION**

In accordance with Part A2 of Camden Development Control Plan 2011 the application was notified to surrounding residents, as well as the authors of all submissions received following the notification of the original development application. Upon completion of the notification period, 3 submissions were received. **A copy of the submissions are provided with the Business Paper supporting documents.**

### **PLANNING CONTROLS**

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

- Camden Local Environmental Plan 2010
- Camden Development Control Plan 2011

### **ASSESSMENT**

The application has been assessed in accordance with the Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act). The following comments are made with respect to the critical aspects of the application.

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

##### Camden Local Environmental Plan 2010

The land is zoned R2 Low Density Residential under Camden Local Environmental Plan 2010 (LEP 2010). The use as a childcare centre with OOSH is permissible with development consent.

The original development application was assessed under Council's Local Environmental Plan 46 (LEP 46) which was the prevailing LEP at the time. Under LEP 46 the OOSH use was inconsistent with the definition of a childcare centre which was *'fixed premises at which a childcare service is provided by a person for the purpose of educating, minding or caring for 4 or more children who are under 6 years of age and who do not ordinarily attend school'*.

Since the gazettal of Camden LEP 2010, OOSH is now permissible in the zone with development consent. Consequently the applicant has lodged a Modification application seeking consent for this use.

**(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 this site or development.

**(1)(a)(iii) The provisions of any Development Control Plan**

The original development application for the childcare centre was assessed against Council's adopted policy for Child Care Centres and was determined to meet the aims and objectives of Camden DCP 2006, applicable at that time. The application for the OOSH has been assessed against the relevant controls of the current Camden DCP 2011, D5.1 (Child Care Centres), and was determined to comply.

Part B4.9 Advertising and Signage - Child Care Centres

At this stage the developer has not proposed advertising signage. This would be subject to a separate development application. Any such application would need to comply with the requirements of DCP 2011. Internally illuminated signage would not be permitted.

Part D5.1, 5 – Building Design

The proposed development was determined to comply with relevant design requirements in terms of design and site area for the children and staff facilities.

Part D5.1, 10 - Access and Car Parking

The original application provided a site plan designed by a traffic consultant which showed ingress at the northern end of the carpark and egress two car parking spaces from the southern end with a pedestrian walkway into the site along the southern boundary.

At the Council meeting on 10 August 2010, Council determined to issue a development consent for the childcare centre. However, this consent required the inclusion of the following Condition 1.0 (4) 'Driveway Location':

'The plans are to be amended to show the northern driveway which is to be shown as the ingress driveway and is to be located at the northern limit of the car park. The southern driveway which is to be shown as the egress driveway is to be located three car parking spaces from the southern limit of the car park. Each driveway is to be 3.1m wide. The plans are also to show a pedestrian pathway, to be located between the driveways and adjacent to the southern driveway.'

Since commencement of construction, the applicant has identified safety concerns regarding the required change to the driveway and footpath location. Following consultation with a traffic consultant, the applicant has now lodged a S96 Modification application with a supporting traffic assessment requesting consideration for the deletion of the subject condition.

The traffic assessment has put forward the following observations:

- The original design located the pathway adjacent to the southern boundary so that it would not be crossed by the traffic moving through the car park.
- This pathway would be in alignment with the marked pedestrian crossing over Macarthur Road, making it a logical path for parents arriving from the western side of Macarthur Road.
- The required relocation of the pathway would obstruct the flow of traffic through the carpark due to patrons simultaneously using the pathway.
- The relocation of the driveway would result in the necessity for the relocation of major services such as electricity and communications, which would create disruption for local residents.

The applicant's traffic consultant therefore recommends the deletion of Condition 4 advising that the original design showed the most appropriate location of the driveways and pathways.

Council staff has assessed the advice provided by the applicant's traffic consultant and consider that this recommendation is the appropriate solution for traffic safety on the site. **A copy of the Traffic Consultant's advice is provided with the Business Paper supporting documents.**

#### Part D5.1, 16 - Hours of Operation

The application for the OOSH use does not seek any alteration to the approved hours of operation which would remain between 7am and 6pm, Monday to Friday.

The proposed OOSH hours would be 7am to 9am and 3pm to 6pm.

#### Part D5.1, 33 - Noise Control

The Noise Assessment Report prepared for the application considered the potential acoustic impact of children aged 0 to 6 years, as well as the impact of up to 40 school aged children.

The report found that the childcare centre should not detract from the present residential and school amenity subject to the implementation of the following noise mitigation measures:

- the proposed boundary fence along the northern side of the outdoor play area is to be increased to 2.1m in height. The remaining length of the northern boundary fence must be at least 1.8m in height. This must extend 15m to the west, then taper down to 1m for the last 3m where the fence extends to the front of the property;



## ORD05

- the eastern and southern boundary fences should have a minimum height of 1.8m;
- the boundary fences could be constructed from a durable material with sufficient mass to prevent direct noise transmission. A double skin 'colorbond' fence with an air gap of 50mm may be considered acceptable as a noise screen. Gaps should be fully sealed to create a solid barrier;
- restrict the number of children participating in external play at any one time to no more than 30;
- close windows and doors of playrooms while the children are inside;
- no amplified sound systems are to operate in the outdoor areas;
- Centre staff are to monitor and manage children when outside to limit noise generation from children's play activities;
- Centre staff are to supervise parents and children during drop off and pick up times to limit noise in the car park.

The two school buildings located on the eastern boundary are used for administration and as a library. As the buildings either have no openings or have fixed windows on the closest façade, it is determined that the noise criteria would be met.

Council staff assessed the methodology, results and recommendations by the acoustic consultant, and were satisfied that noise can be addressed, subject to the above recommendations which were included as conditions of the original consent.

### **(1)(a)(iia) The provisions of any Planning Agreement**

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

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

Assessment of the original application determined that the site design and management controls proposed for the childcare centre would alleviate potential impacts from traffic and noise. Further, the scale and form of the building is designed to blend with the surrounding school and residential development.

The additional use for OOSH is not anticipated to create any additional impact on the local environment.

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

The site is fully serviced with water, sewer, electricity and telephone available. The property presents itself well for the use of a childcare centre in terms of adequate land area and access to the road service and public transport.

It is considered that with proper management and appropriate controls, the additional use of OOSH would make a positive contribution to meeting the needs of both current and future members of the community.

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

Upon completion of the notification period Council staff were in receipt of 3 submissions. The issues raised are summarised as follows:

- additional impact on traffic;
- necessity for a new traffic study to be carried out;
- the potential for up to 180 children; and
- the requirement for approval from the Department of Community Services.

Each item of concern was investigated and assessed in the following manner:

##### Additional impact on traffic

‘The OOSH care will increase the number of car movements and parking requirements’

##### *Officer Comment*

The traffic impact assessment submitted by the applicant has concluded that the traffic and parking implications for both under school age and OOSH can be satisfactorily managed. The concerns of local residents with respect to traffic management issues have been recognised and addressed. Given that the application does not seek the placement of additional children, it is unlikely that the OOSH would generate additional traffic. It is suggested that the provision of an OOSH would moderate the traffic peaks associated with drop offs and pick ups for children under 6 years of age, especially where they are students of Mawarra School.

##### Necessity for new traffic study

‘A new traffic study must be done on the changed traffic conditions’

##### *Officer Comment*

The applicant has accompanied the Modification application with an addendum to the original traffic report. The traffic consultant has advised that the designed traffic management controls are sufficient and has recommended that Condition 4 ‘Driveway Location’ be deleted.

##### The potential for up to 180 children

‘The developer is using pupil numbers of ‘up to and not exceeding’ a total of 180 children’

##### *Officer Comment*

The applicant’s noise and traffic consultants have based their assessment on up to 180 children for modelling purposes only. The applicant does not propose placement in excess of the 80 approved places. Any increase in child placement would require a new development application.

##### The requirement for approval from the Department of Community Services

‘Does this variation require approval from the Department of Community Services?’

##### *Officer Comment*

Council staff contacted Children’s Services at the Department of Community Services, and were advised that the owner of the childcare centre must be licensed with

Children's Services prior to the commencement of any operation. The Department's consideration of the license application would include the provision of all children's services including OOSH.

#### **(1)(e) The public interest**

The application for the use of OOSH is considered to meet a need for both the current and future community. The deletion of Condition 1.0 (4) 'Driveway Location' is requested to maintain the level of safety designed by the traffic consultant. The provision of OOSH care at this site will be a move towards addressing a need for local families. At the 2006 ABS Census, 16.3% of the Elderslie and Spring Farm population were children aged between 0 and 12 years of age.

The suburb of Elderslie currently only has one other child care service operating, thus there exists demand for child care in the area. Elderslie and Spring Farm, being identified growth areas, are attracting more families who will increasingly need quality local child care services. Therefore the application is considered to be in the public interest, whilst having a positive social impact.

#### **CONCLUSION**

Council has received an application for a Modification seeking consent for the use of OOSH and the deletion of Condition 1.0 (4) 'Driveway Location'.

The application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*, and Camden Development Control Plan 2011. The proposal for OOSH is now permissible in the zone and is consistent with Camden DCP 2011.

The request for deletion of Condition 1.0 (4) is supported by a traffic report which was carefully assessed by Council staff and found to be appropriate for the site.

The applicant has put forward that the OOSH would allow greater flexibility to cater for the changing needs of the local community. There would not be a need for the placement of additional children or a change of approved hours of operation.

The issues raised by local residents, in particular regarding traffic, have been addressed by controls considered appropriate for the development.

Consequently, the development is recommended to Council for approval.

#### **RECOMMENDED**

**That Council: approve the S96 Modification Application 1451/2009(2) for deletion of Condition 1.0 (4) 'Driveway Location' and the amendment of the development description for the Child Care Centre to include Out of School Hours Care, at 64-66 (Lots 9 & 10, DP 25787) Macarthur Road, Elderslie.**

#### **ATTACHMENTS**

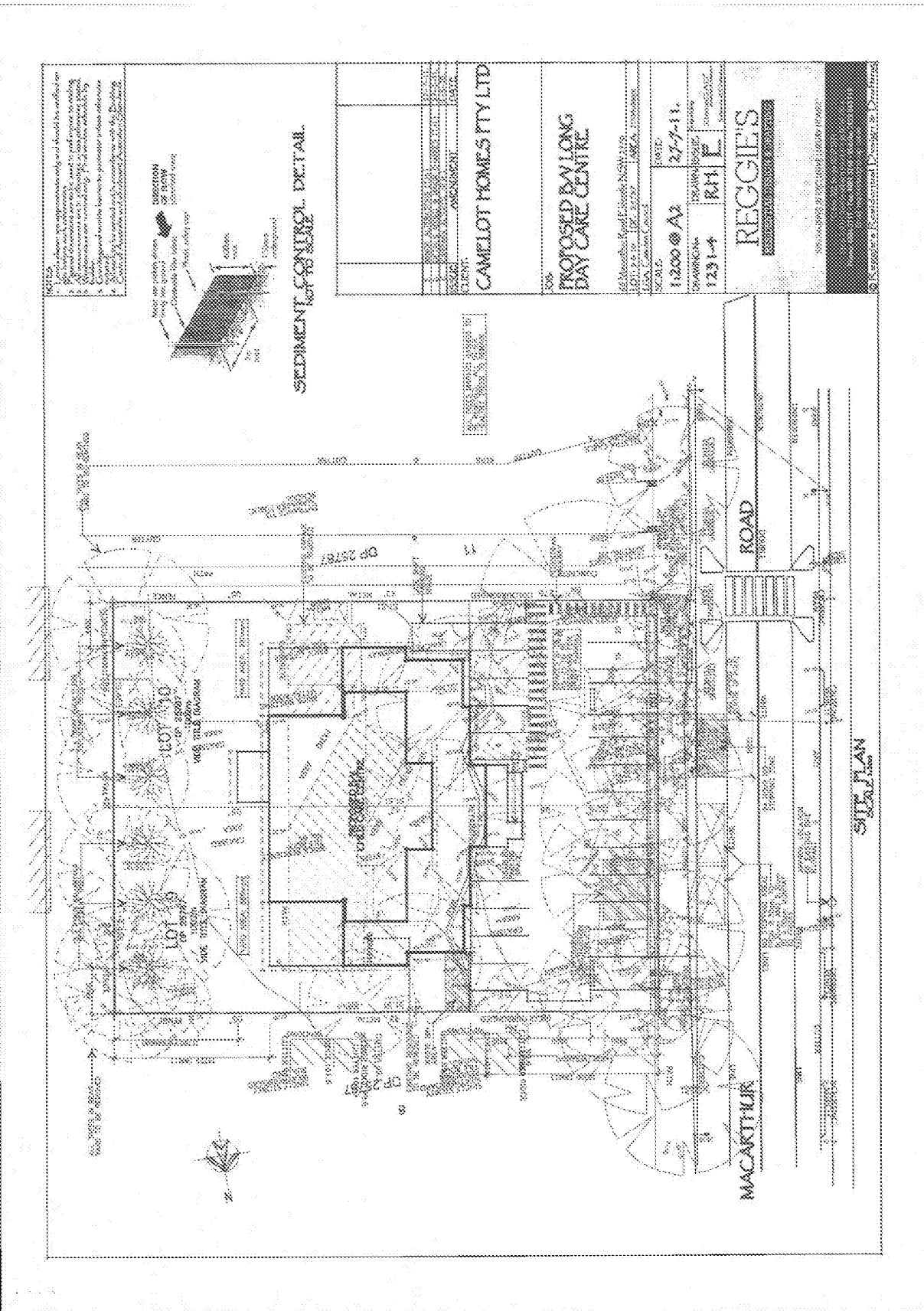
1. Location plan
2. Proposed plans
3. Traffic Assessment - *Supporting Document*
4. Submissions - *Supporting Document*

**ORD05**

ORD05

Attachment 1





Attachment 2

ORD05



ORD06

## ORDINARY COUNCIL

ORD06

**SUBJECT:** REMEDIATION OF CONTAMINATED LAND AND CREATION OF AN ASBESTOS ENCAPSULATION CELL AT NO 187 (LOT 6, DP 270613) THE NORTHERN ROAD, AND NO 730 (LOT 2, DP 1132348) COBBITTY ROAD, HARRINGTON PARK  
**FROM:** Director Development and Health  
**BINDER:** DA 271/2011

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**DA NO:** 271/2011  
**OWNER:** Dandaloo Pty Ltd  
**APPLICANT:** Dandaloo Pty Ltd  
**ZONING:** E2 Environmental Conservation

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a Development Application (DA) for the remediation of contaminated land and the creation of an asbestos encapsulation cell on this site. The application is referred to Council in accordance with its delegations as there are unresolved issues raised in a submission received from the public.

### SUMMARY OF RECOMMENDATION

It is recommended that Council approve this development application subject to the draft development consent conditions provided at the end of this report.

### BACKGROUND

Harrington Grove was identified for urban development by the NSW Government in 2002 for approximately 1500 lots. The sites known as Harrington Grove East (bounded by Camden Valley Way, Oran Park Drive and The Northern Road) and Harrington Grove West (bound by The Northern Road, Cobbitty Road and Macquarie Grove Road) were rezoned in September 2007.

Development Application 1051/2007 was approved on 27 February 2009 for a Community Title subdivision of Harrington Grove West (identified as Precincts L and M) into 491 residential lots, 1 community title lot containing a "Community Forest," 2 public reserves and associated road construction. The original application incorporated the remediation of contaminated land of residential purposes.

Conditions of the original consent require the developer to obtain the consent of Camden Council prior to any variation or modification to the approved Remediation Action Plan. The original development included the disposal of asbestos off site to licensed land fill facility.

It is proposed to form an encapsulation cell by the excavation of the natural soil. That excavation will form the cell for the depositing of the contaminated material. Once the contaminated material is in place, then a layer of geotextile fabric will be laid and then covered with clean material.

The subject development application was lodged on 9 March 2011. The application was publicly notified with one submission being received. The application has been assessed and is now recommended to Council for approval.

### THE SITE

The land to which this Development Application is located at the northern edge of Harrington Grove West area and known as Lot 6, DP 270613 and Lot 2, DP 1132348, 187 The Northern Road and 730 Cobbitty Road, Harrington Park respectively. The parcel has an area of 138ha.

The encapsulation cell is proposed to be located 38m from Cobbitty Road (to the north), 48m from the future release of Harrington Grove housing lots (to the east), 270m to the closest boundary of Macarthur Anglican School and 440m to the closest school building. The cell is proposed within the "Community Forest" which is in the approved community lot. The ownership and management of this land will remain with the community association of this subdivision. The community lot predominately consists of large stands of Cumberland Plain Woodland.

To the north of the site is located the Oran Park precinct of the South West Growth Centre and Macarthur Anglican School. Cobbitty village is located 2.1 kilometres to the west and Kirkham 800m to the south of the site. **A location plan is provided at the end of this report (Attachment 1).**

### THE PROPOSAL

Development consent is sought for the following development:

- an encapsulation cell to contain bonded asbestos material identified within Areas of Environment Concern (AEC) 2, 3, 4 and 29 in the Harrington Grove Development. The cell will contain approximately 5,000 cubic metres of material including approximately 1,100 cubic metres as a capping layer;
- remediation of bonded asbestos material identified within Area of Environment Concern (AEC) 2, 3, 4 and 29 in the Harrington Grove Development; and
- long term management of the encapsulation cell.

**A copy of the plans submitted is provided at the end of the report (Attachments 2 and 3) and a larger plan will be available at the meeting.**

### NOTIFICATION

This application was publicly notified for 30 days between 24 March and 27 April 2011. Notification letters were sent to 122 surrounding properties and an advertisement was placed in the Camden Advertiser.

One submission was received as a result of this. The issues raised in the submission are assessed in the "Any submissions" section of this report. **A copy of the submission is provided with the Business Paper supporting documents.**

### PLANNING CONTROLS

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



- State Environmental Planning Policy No 55 – Remediation of Land
- Deemed State Environmental Planning Policy No 20 – Hawkesbury/Nepean River
- Camden Local Environmental Plan 2010
- Camden Development Control Plan 2011

### **ASSESSMENT**

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

##### State Environmental Planning Policy No 55 – Remediation of Land (SEPP)

SEPP 55 provides state-wide planning controls for the investigation and remediation of contaminated land with the goal of reducing the risk of harm to human health and the environment.

Clause 7(1) of the SEPP requires Council to consider if the land is contaminated and if it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. The extent of contamination of the land was previously determined by Development Application 1051/2007. That development consent included the disposal of asbestos off site to a land fill facility. The applicant now seeks consent to remediate asbestos by way of an Encapsulation Cell.

The DA is supported by a Remediation Action Plan, Long Term Management Plan and Interim Advice Letter from an Accredited Independent Site Auditor stating that the proposed method of remediation is consistent with National Environmental Protection (Assessment of Site Contamination) Measure (NEPM) (prepared by the National Environmental Protection Council, 1999) and ongoing management is discussed in Commonwealth Department of Health and Ageing - Management of Asbestos in the Non-Occupational Environment (2005).

The NEPM states that isolating the bonded asbestos by covering with soil, together with a properly designed barrier, is an acceptable means of remediation.

Pursuant to Clause 12 of the SEPP, Council cannot refuse a DA to remediate land unless it is satisfied that there would be a more significant risk of harm to human health or some other aspect of the environment from the carrying out of the work, than there would be from the use of the land concerned (in the absence of the work) for any purpose for which it may lawfully be used. As aforementioned, the Remediation Action Plan states that bonded asbestos material has been identified in Areas of Environmental Concern (AEC) 2, 3, 4 and 29. In the absence of any remediation works the bonded asbestos material would remain in the environment. The development proposes to remove that risk.

Council's Environment and Health Branch has reviewed the DA and supporting information and has recommended approval of the application subject to appropriate development consent conditions requiring GPS coordinates of the cell to be provided to Council. A site remediation and validation report will be prepared at the completion of remediation and that Work Cover requirements have been met.

Subject to the above, the requirements of State Environmental Planning Policy No 55: Remediation of Land will have been satisfied.

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State Environmental Planning Policy No 20 – Hawkesbury/Nepean River

It is considered that the aims and objectives of this policy will not be prejudiced by this development and that there will be no detrimental impacts upon the Hawkesbury/Nepean River system.

Camden Local Environmental Plan 2010 (LEP)

The land is zoned E2 Environmental Conservation pursuant to the LEP. Remediation is not defined by the LEP, but is defined under State Environmental Planning Policy (SEPP) 55 – Remediation of Land.

The development is made permissible by virtue of Clause 8 - Remediation work permissible under SEPP 55. The consent of Camden Council is required under Clause 11 “Development Controls” and Deemed State Environmental Planning Policy No 20 – Hawkesbury/Nepean River.

The Land is zoned E2 Environmental Conservation. It is considered that the proposed development is consistent with the objectives of the E2 zone as it will remove bonded asbestos material from Area of Environment Concern (AEC) 2, 3, 4 and 29 and ensure its long-term management in an encapsulation cell.

The Orielson and Harrington Park Homesteads are in the vicinity of the proposal. Correspondence has been received from the NSW Office of Environment and Heritage confirming that the development site has been subject to previous archaeological assessments and environmental heritage approvals. The encapsulation cell is not inconsistent with those assessments and as such, no approvals from the NSW Heritage Council are required. It is therefore considered that the proposal satisfies Clause 5.10 – Heritage Conservation.

The earthworks associated with the proposal are considered to satisfy Clause 7.4 – Earthworks.

**(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 draft environmental planning instruments or planning proposals that relate to this development.

**(1)(a)(iii) The provisions of any Development Control Plan**

The following parts of Camden Development Control Plan 2011 (DCP) are relevant and the proposal has been assessed against:

Part B1.12 – Contaminated and Potentially Contaminated Land

The proposal has been assessed in accordance with this part of the DCP and found to be compliant.

Part C9 – Harrington Grove

This part of the DCP provides controls for the development of the surrounding land, including the subject site. There are no specific controls that relate to this application, however the proposal is not considered to be inconsistent with or to conflict with any

development controls. The subject site is located within a District Reserve – Conservation, as described by the DCP. No community facilities, cycleways or pedestrian paths are proposed in the immediate vicinity of the encapsulation cell.

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

A Voluntary Planning Agreement (VPA) has been entered into by Camden Council and the developer. Council's Strategic Planning Branch has reviewed the application and advises that the proposed remediation and ongoing management of the development is not inconsistent with the current VPA.

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

The Regulations prescribe several development consent conditions that will be included in any development consent issued for this development.

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

Previous contamination assessment under DA 1051/2007 has identified bonded asbestos material within Areas of Environment Concern (AEC) 2, 3, 4 and 29 in the Harrington Grove development. This application is to remediate land and remove asbestos material from the environment. The remediation of this asbestos is considered to be a positive long term impact for the area.

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

This site is considered to be suitable for the proposed development. The zoning of the land provides limited opportunities for the development and it is unlikely to be subject to encroachment by more sensitive development. Compliance with the relevant guidelines, the remediation action plan and long term management plan will not result in any unreasonable environmental impacts upon surrounding properties or the environment. There are no site specific constraints, subject to the imposition of the recommended development consent conditions that render this site unsuitable for this development.

**(1)(d) Any submissions**

This application was publicly notified for 30 days between 24 March and 27 April 2011. Notification letters were sent to 122 surrounding properties and an advertisement was placed in the Camden Advertiser.

One submission was received as a result of this. The issues raised in this submission are:

1. Agree that remediation of asbestos is essential; we are extremely concerned about the position of the containment cell.

*Officer comment:*

Bonded asbestos material has been identified to be present within Areas of Environment Concern (AEC) 2, 3, 4 and 29. This includes land approved for the development of residential housing. The development effectively seeks the consent of Council to remediate the land and encapsulate the material approximately 48m away from the nearest release of Harrington Grove housing lots (to the east).

There are no standards or guidelines that mandate the separation of remediation works from residential development. Based on the proposal consistency with the Commonwealth Department of Health and Ageing - Management of Asbestos in the Non-Occupational Environment (2005) guidelines, it is considered that the proposal is suitably located away from future development.

2. We do not understand why the asbestos cannot be removed from the site designated for this type of waste rather than “dumped” in the middle of a soon to be built area.

*Officer comment:*

Covering asbestos by way of an encapsulation cell is listed as a possible means of remediation according to the under National Environmental Protection (Assessment of Site Contamination), National Environmental Protection Council, (1999).

Following detailed assessment of the application, it is considered an appropriate form of remediation for this site that will not impact upon future development in the area.

3. The waste will only be protected by a geofabric material and half a metre of topsoil. This could easily be dug through by dogs, wombats and even children playing in the area.

*Officer comment:*

The depth of the proposed capping layer of soil and installation of a layer of a geotextile barrier is consistent with the acceptable solution described in the Commonwealth Department of Health and Ageing - Management of Asbestos in the Non-Occupational Environment (2005) guidelines.

The applicant has submitted a long term management plan, which proposes continued monitoring and maintenance of the capping layer including regular visual inspection of the site for disturbance and reinstating the capping layer to its original state, as required.

4. It only requires one fibre of asbestos to start mesothelioma. Having watched an uncle die of this disease we do not need to take the risk of this “cell” being into neighbourhood of housing.

*Officer comment:*

This concern is noted. As stated earlier in this report, bonded asbestos material is present on the land. Without remediation this risk will remain in the environment. The application is for the remediation of land. As outlined under Clause 12 of SEPP 55 Council consider that there would be less risk of harm to human health by carrying out the proposed remediation than there would from leaving material in the environment.

Commonwealth Department of Health and Ageing - Management of Asbestos in the Non-Occupational Environment (2005) guidelines recommend that if material is contained on-site, restrictions should be placed on the land by way of Section 88B Instruments and notifications made on Section 149 Planning Certificates, to alert prospective purchasers within the community title subdivision of the encapsulation cell and of long-term management plan and informing people when making

decisions about use of the land. It is therefore recommended that Council address these matters by the imposition of development consent conditions.

5. Macarthur Anglican School is only a short distance away.

*Officer comment:*

Bonded asbestos material has been identified to be present within Areas of Environment Concern (AEC) 2, 3, 4 and 29. This includes land located directly opposite Macarthur Anglican School on Cobbitty Road. The development effectively seeks the consent of Council to remediate the land and encapsulate the material approximately 510 metres from the school entrance. Again, as outlined under Clause 12 of SEPP 55 Council consider that there would be less risk of harm to human health, including school students, by carrying out the proposed remediation than there would be by leaving material in the environment.

It is noted that the application was widely notified to 122 adjoining and surrounding properties, including Macarthur Anglican School. The application was also advertised in the Camden Advertiser. Macarthur Anglican School did not object to the application.

6. The developer is proposing the cell for expediency, and in particular to lower their costs.

*Officer comment:*

As assessed above, on-site encapsulation is an acceptable method of remediation as outlined by the National Environmental Protection (Assessment of Site Contamination) 1999. Following detailed assessment of the application, it is considered an appropriate form of remediation for this site that will not impact upon future development in the area.

7. The developer should have considered their neighbours at Kirkham and those other areas before proposing this potentially dangerous dumpsite so close to them.

*Officer comment:*

As previously detailed, this application was widely notified, which included properties in Kirkham. As aforementioned, on site encapsulation is an acceptable method of remediation as outlined by the National Environmental Protection (Assessment of Site Contamination) 1999.

### **(1)(e) The public interest**

This development is considered to be in the public interest. It helps to achieve the objectives of the relevant environmental planning instruments and DCP for this site and is consistent with Government guidelines that apply to this form of remediation. These achievements are considered to be within the public interest.

### **CONCLUSION**

Council has received a development application for the remediation of contaminated land and the creation of an asbestos encapsulation cell on this site.

The application has been publicly exhibited and the submission received has been considered. The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979.

The proposal is in accordance with the objectives of the relevant environmental planning instruments and Camden Development Control Plan 2011. The proposal has been considered on its merits and is now able to be recommended to Council for approval subject to the draft development consent conditions shown below.

## **DRAFT CONDITIONS OF CONSENT**

### **1.0 - General Requirements**

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

- (1) **Approved Plans** – The development must be carried out strictly in accordance with the following approved plans or other documentation:
  - *“Encapsulation Cell Plan: Harrington Grove, Prepared by DPS, reference HARHP904-N, and stamped by Camden Council.”*

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

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

- (2) **Design and Construction and Location of Encapsulation Cell** – The design, construction and location of the encapsulation cell must be consistent with “Section 8” and “Drawing 2” and “Drawing 3” within the report known as “Asbestos Remediation and Management Plan: Harrington Grove, Prepared for Harrington Estates Limited, Prepared by Douglas Partners, Project No 34173.35/34173.41, dated May 2011 Version 3”.
- (3) **Remediation Works** - All works proposed as part of the Asbestos Remediation Action Plan (ARMP) that includes: remediation, excavation, stockpiling, onsite disposal into the encapsulation cell, offsite disposal of asbestos material, backfilling, general compaction, encapsulation cell compaction, monitoring, validations, site management and security, health and safety of workers, must be undertaken on the site in accordance with “Asbestos Remediation and Management Plan: Harrington Grove, Prepared for Harrington Estates Limited, Prepared by Douglas Partners, Project No 34173.35/34173.41, dated May 2011 Version 3” except as expressly provided by a separate condition of this consent.

Any variation or modification to the ARMP in terms of compliance work must be requested from the Consent Authority (Camden Council) in writing prior to variation. With regard to remediation work, any proposed variation of works must be approved by the Consent Authority (Camden Council) in writing prior to the works being undertaken.

- (4) **Work Cover Authority** - All remediation work must comply with relevant requirements of NSW Work Cover Authority.

- (5) **Remediation Works Inspection** – A qualified environmental consultant or scientist will be required to inspect the remediation works to confirm compliance with the RAP that includes all health and safety requirements.
- (6) **Compliance of Remediation Work** - All remediation work must also comply with the following requirements:
  - Contaminated Land Management Act 1997;
  - Department of Urban Affairs and Planning – Contaminated Land Planning Guidelines 1998;
  - SEPP55 – Remediation of Land;
  - Sydney Regional Plan No. 20 Hawkesbury Nepean River (No.2 –1997); and,
  - Camden Council's Adopted Policy for the Management of Contaminated Lands.
- (7) **Long Term Management Plan Implementation/Compliance/Reporting** – At the completion of the encapsulation cell works the site containing the cell must be maintained and managed in accordance with the report known as "Long Term Management Plan: Asbestos Encapsulation Cell, Prepared for Harrington Estates Pty Ltd, Prepared by Douglas Partners, Project No 34173.35-1, dated November 2010."

## 2.0 - Prior To Works Commencing

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

- (1) **Site Signage and Contact Numbers** - A sign displaying the contact details of the remediation contractor (and site supervisor if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.
- (2) **Community Consultation** - Owners and/or occupants of premises adjoining and across the road from the site should be notified at least seven (7) days prior to the commencement of remediation works.
- (3) **Site Security** - The site shall be secured to ensure against unauthorised access by means of an appropriate fence.
- (4) **Licenses** – It is the responsibility of the applicant / land owner / site operator to ensure that all relevant licenses are obtained from all appropriate authorities in accordance with relevant legislation requirements prior to the commencement of remediation works.
- (5) **Sedimentation and Erosion Control** - Sedimentation and erosion control measures are to be installed prior to any soil remediation or excavation activity and maintained for the full period of works.

## 3.0 - During Construction

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



- (1) **Material Permitted to be Placed in Encapsulation Cell** – Only material from the approved site that is contaminated with asbestos can be placed in the encapsulation cell. Other materials that contains chemicals or mobile contaminants identified within the AEC's to be remediated for asbestos must be remediated in accordance with other approved (Consented) RAP's applicable to each individual AEC.
- (2) **Prior to Commencement of Filling of Encapsulation Cell** – The cell must be surveyed and GPS coordinates of the cell obtained. This information must also be provided to Camden Council (Consent Authority) for reference.
- (3) **Capping of Encapsulation Cell** – The installation of the capping layer to the encapsulation cell must be consistent with "Section 8.1" of the "Asbestos Remediation and Management Plan: Harrington Grove, Prepared for Harrington Estates Limited, Prepared by Douglas Partners, Project No 34173.35/34173.41, dated May 2011 Version 3".
- (4) **Delivery Register** - In order to comply with the above condition, the applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Camden Council officers on request and be submitted to the Council at the completion of the development.
- (5) **Transport** - All haulage routes for trucks transporting soil, materials, equipment or machinery to and from the site must be selected to provide the shortest travel distance (or most appropriate) from the site to a road. Applicants may consult Council prior to selecting the most suitable transport route. All remediation work shall ensure that:
  - all soil, materials, equipment or machinery are delivered to or removed from the site shall be transported within the hours of operation specified in the development consent. All loads entering or leaving the site are securely covered;
  - all vehicles exiting the site are securely covered;
  - all vehicles exiting the site do so in a forward direction;
  - all vehicles exiting the site shall not track soil, mud or sediment onto the road.
- (6) **Location of Stockpiles** - Stockpiles of soil material should 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.
- (7) **Fencing and Signage of Contaminated Stockpiles** - all stockpiles of contaminated materials must be suitably fenced or cordoned off, with suitable signage to be provided warning of any potential danger.
- (8) **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.
- (9) **Hours of Operation** - All remedial work shall be conducted within the following hours:



Works shall be restricted to within the hours of 7.00am to 5.00pm, Monday to Friday, and on Saturday within the hours of 8.00am to 5.00pm inclusive, with no work on Sundays and Public Holidays.

The site supervisor and excavator shall display, on-site, their twenty-four (24) hour contact telephone number which is to be clearly visible and legible from any public place adjoining the site.

- (10) **Construction Noise Levels** – Noise levels emitted during remediation 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).

- (11) **Offensive Noise, Dust, Odour, Vibration** - Remediation work shall not give rise to offensive noise or give rise to dust, odour, vibration as defined in the Protection of the Environment Operations Act 1997" when measured at the property boundary of the closest sensitive receiver.
- (12) **Removal Of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill / rubbish / asbestos, this material will need to be assessed in accordance with the NSW DECC Waste Classification Guidelines (April 2008), (refer [www.environment.nsw.gov.au/waste/envguidlms/index.htm](http://www.environment.nsw.gov.au/waste/envguidlms/index.htm)). Once assessed, the materials will be required to be disposed to a licensed waste facility suitable for the classification of the waste with copies of tipping dockets supplied to Council.

#### 4.0 - Prior to Issue of Occupation Certificate

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

- (1) **Site Validation Report** – A validation report incorporating a notice of completion must be submitted to the Consent Authority in accordance with the requirements of clause 7.2.4 (a) - (d) and clause 9.1.1 of Council's adopted policy and clause 17 & 18 of SEPP 55 for the completed remediation works. The notice/s or report/s must confirm that all decontamination and remediation works have been carried out in accordance with the remediation plan and must be submitted to the Consent Authority within 30 days following the completion of the works and must be reviewed by an officer of Council's Environment and Health Branch, and approved in writing **prior to the issue of an Occupation Certificate**.

- (2) **Site Audit Statement** – At the conclusion of all asbestos remediation works, the applicant shall have all remediation work and validation documentation reviewed by an independent NSW Site Auditor, accredited by the Department of Environment and Conservation under the Contaminated Land Management Act 1997. The Auditor shall undertake a full site audit of the works and documentation and provide a Site Audit Statement (SAS) that clearly states, if the land where the remediation works were undertaken and where the encapsulation cell is located, is suitable for the intended use. The SAS must be submitted to the Consent Authority (Camden Council) within 30 days following the completion of the remediation works and must be reviewed by an officer of Council's Environment and Health Branch, and approved in writing **prior to the issue of an Occupation Certificate**.
- (3) **Works as Executed Plan** - A works as executed plan in paper and digital file format that identifies the areas requiring remediation and the extent of the works undertaken (that includes any encapsulation work) must be prepared by a registered surveyor and be submitted to the Consent Authority (Camden Council) with the final Site Validation Report.
- (4) **Section 88B Instrument** - The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user:
  - (a) Restriction as to user that the land containing the development shall be maintained and managed in accordance with the report known as "Long Term Management Plan: Asbestos Encapsulation Cell, Prepared for Harrington Estates Pty Ltd, Prepared by Douglas Partners, Project No 34173.35-1, dated November 2010."
- (5) **Compliance Reports** - a compliance report from a suitably qualified person must be provided to the Consent Authority (Camden Council) every twelve (12) months following completion of the encapsulation cell works. The compliance report must assess the performance of the capping layer to contain encapsulated asbestos material and ensure that corrective action is taken and completed where necessary to prevent possible escape of asbestos material.

**END OF CONDITIONS**

**RECOMMENDED**

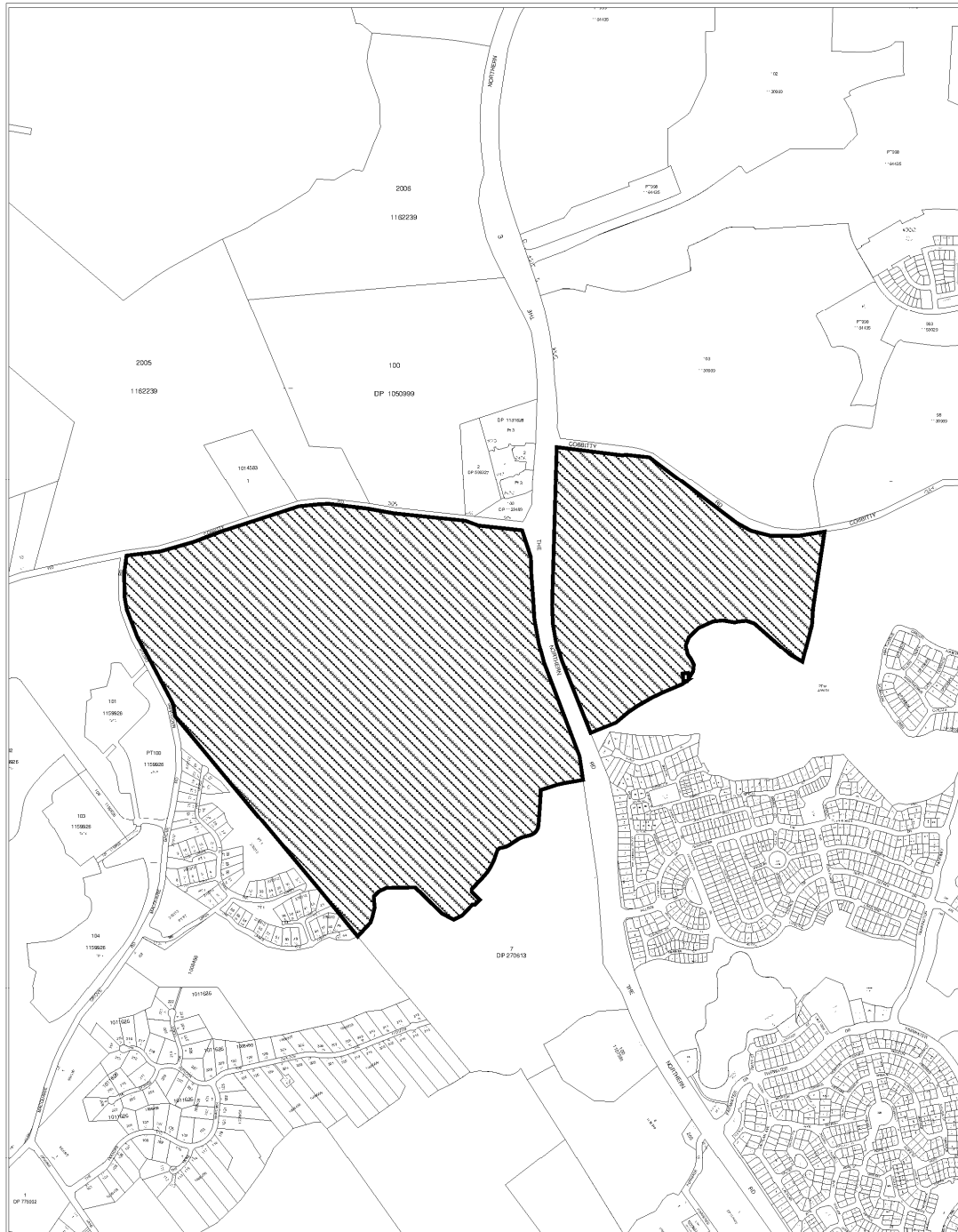
**That Council:**

- i. **approve Development Application 271/2011 for the remediation of contaminated land and the creation of an asbestos containment cell at No 187 (Lot 6, DP 270613) The Northern Road and No 730 (Lot 2, DP 1132348) Cobbitty Road, Harrington Park, subject to the draft development consent conditions shown above; and**
- ii. **place a notation on the Section 149 Certificate to alert prospective purchasers within the community title subdivision of the encapsulation cell and of the long-term management plan prepared by Douglas Partners dated November 2010.**

**ORD06**

**ATTACHMENTS**

1. Location Plan
2. Plan 1 - AEC
3. Plan 2 - Containment Cell
4. Submission - *Supporting Document*



# SITE LOCATION MAP

LOT 6 DP 270613 &  
LOT 2 DP 1132348  
The Northern Road, Harrington Park



Subject Sites

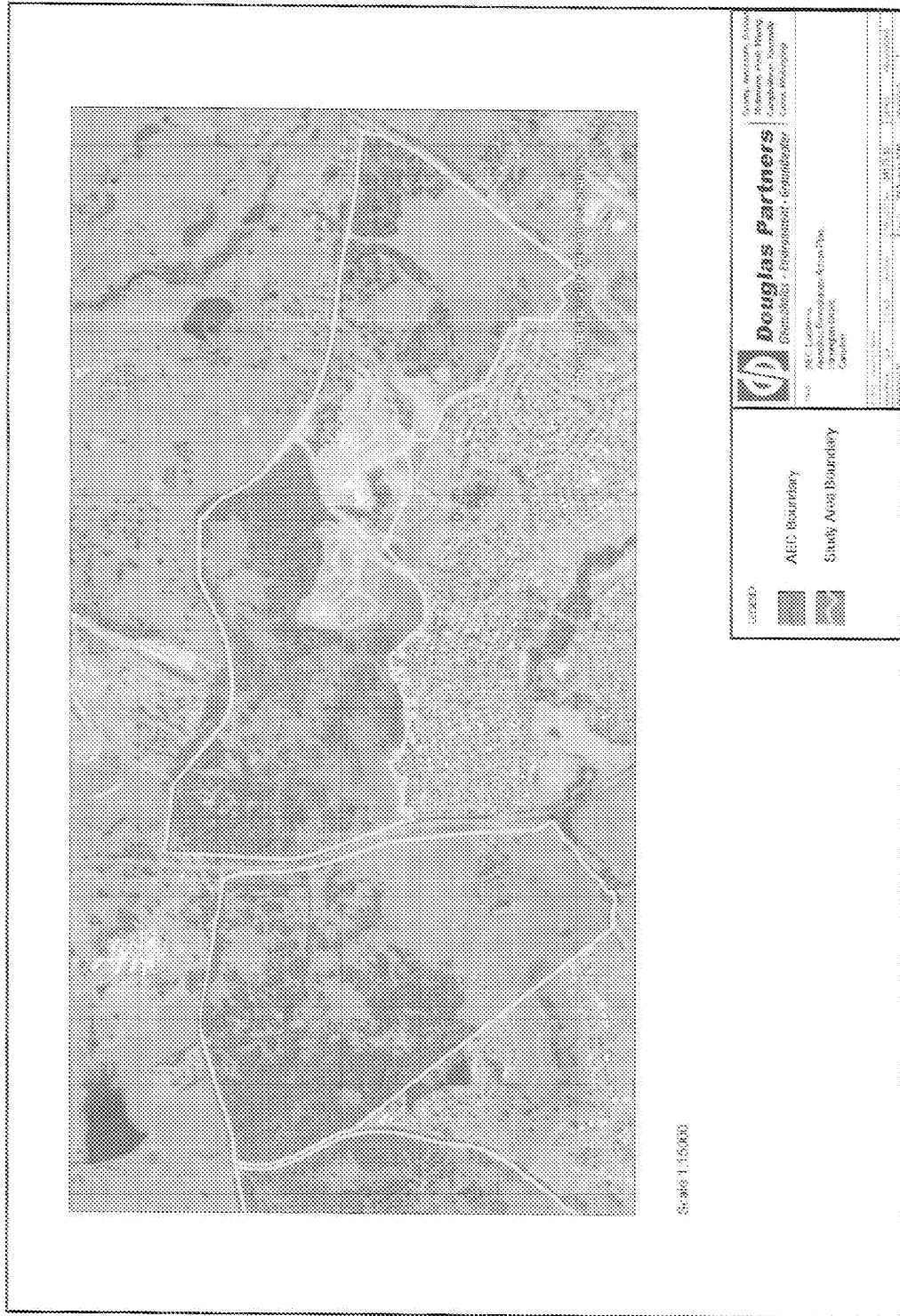
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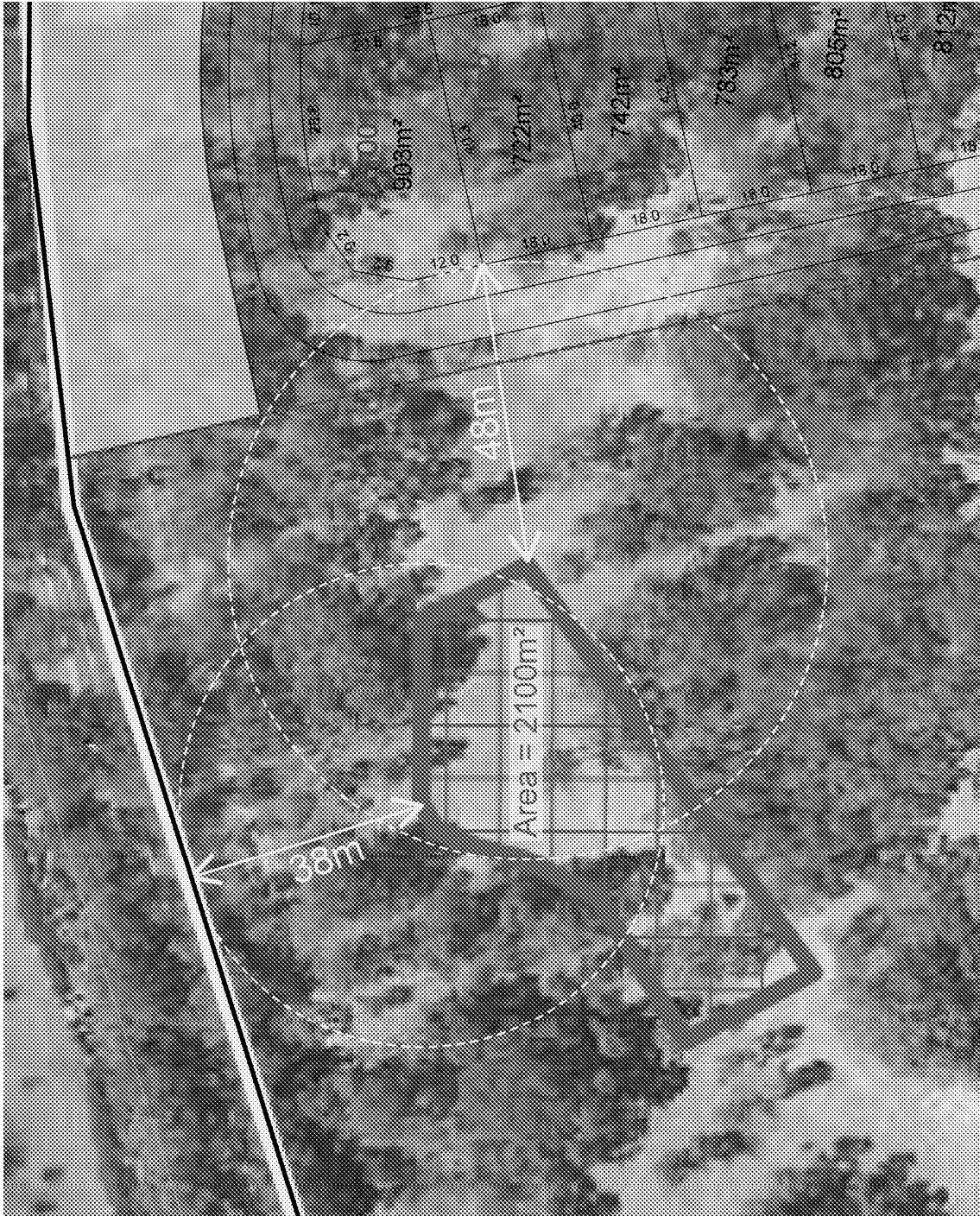


ORD06

Attachment 1

Attachment 2  
ORD06





ORD06

Attachment 3



## ORDINARY COUNCIL

ORD07

**SUBJECT: PROPOSED ROAD NAMING - SPRING FARM**  
**FROM:** Director Development and Health  
**BINDER:** Naming of Roads

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's resolution to endorse a proposed list of road names to be assigned to new roads within the Spring Farm release area and to place the proposed names on public exhibition seeking submissions. This follows the process required by the Geographical Names Board (GNB) for the naming of new roads.

### BACKGROUND

The developer Cornish Group, has put forward a list of names to be considered for approval within their development within Spring Farm.

The 185ha Spring Farm site features bushland reserve and fronts onto the Nepean River. The Cornish Group is now releasing a further 700 lots at the new Riverside development. **A location plan is provided at the end of the report.**

The developer has put forward a list of names to be considered for approval for roads in the Northern section of the Spring Farm area. The names have been based on breeds of chickens given the historical link of the former land use sites that involved breeding of chickens.

### MAIN REPORT

The GNB has advised Council that the following process is required to be followed by the relevant roads authority in respect of having new road names approved. In this instance, Council is the road authority:

1. The developer of the land provides to Council, a list of proposed road names.
2. These are checked by Council staff in accordance with the Guidelines published by the GNB.
3. The names that meet the Guidelines are referred to the GNB for comment.
4. A report is sent to Council by Council officers, seeking endorsement of the list of names that are able to be approved by the GNB.
5. The endorsed list is published in a proposed notice in a local newspaper, ensuring that the notice states that written submissions on the name/s may be made to Council.
6. Council concurrently serves notice of its proposal on Australia Post, the Registrar General, Surveyor General and, in the case of a classified road, on the RTA if it is not the authority involved.
7. All submissions are compiled and the list of road names is reviewed by officers.

8. The results of the notification period are reported back to Council, with any recommendation for approval.
9. The approved names are published in the NSW Government Gazette and in local newspapers.
10. Council informs Australia Post, the Registrar General, Surveyor General and the RTA, giving sufficient particulars to enable the road to be identified.

**Steps 1 to 3** of this process have been undertaken and this report has now been prepared in accordance with **Step 4**.

The proposed list of new road names to be used in the Spring Farm release area, for which endorsement is sought, is as follows.

**Chicken Names**

Archer	Orloff
Catalana	Pekin
Cornwell	Rosecomb
Daisy	Owens
Derbyshire	Rains
Danvers	Redcap
Dutton	Sands
Iowa	Sava
Kalinga	Sultan
Kale	Sheehan
Lamona	Spring Farm
La Nana	Vine
McGovern	Vincent
Nankin	
Norfolk	

The proposed road names listed below are those road names from the Spring Farm list that do not meet the GNB guidelines. The proposed exclusions listed below have been discussed with the developer and agreed to.

<b>Name</b>	<b>Reason</b>
Wattle	Duplication at Narellan Vale
Jersey	Duplication at Bringelly
Oates	Proposed for Gregory Hills
Buttercup	Duplication at Mt Annan
Phoenix	Duplication at Narellan Vale
Dominique	Similar to Domenics Pl, Grasmere
Malay	Similar to Mallee Cl, Narellan Vale
Scots	Similar to Scott St, Narellan
Sussex	Duplication at Sussex St, Narellan
Riverside	Similar to Riversdale Pl, Mt Annan

If Council endorses the above list of proposed new road names, the list will be published in a local newspaper and written submissions to Council will be invited for a period of 30 days.

The outcome of the notification period will then be reported to Council with recommendations and seeking further direction.

**CONCLUSION**



A request had been received by Council from the developer Cornish Group, to adopt a list of names to be used for new roads in the Spring Farm release area.

The proposed list of the road names has been considered by Council officers and the GNB, and is now able to be recommended to Council for endorsement and resolution to proceed with the required road name approval process detailed in this report.

If the list is endorsed, a 30 day submission period will be commenced and a further report provided to Council with the results of the exhibition.

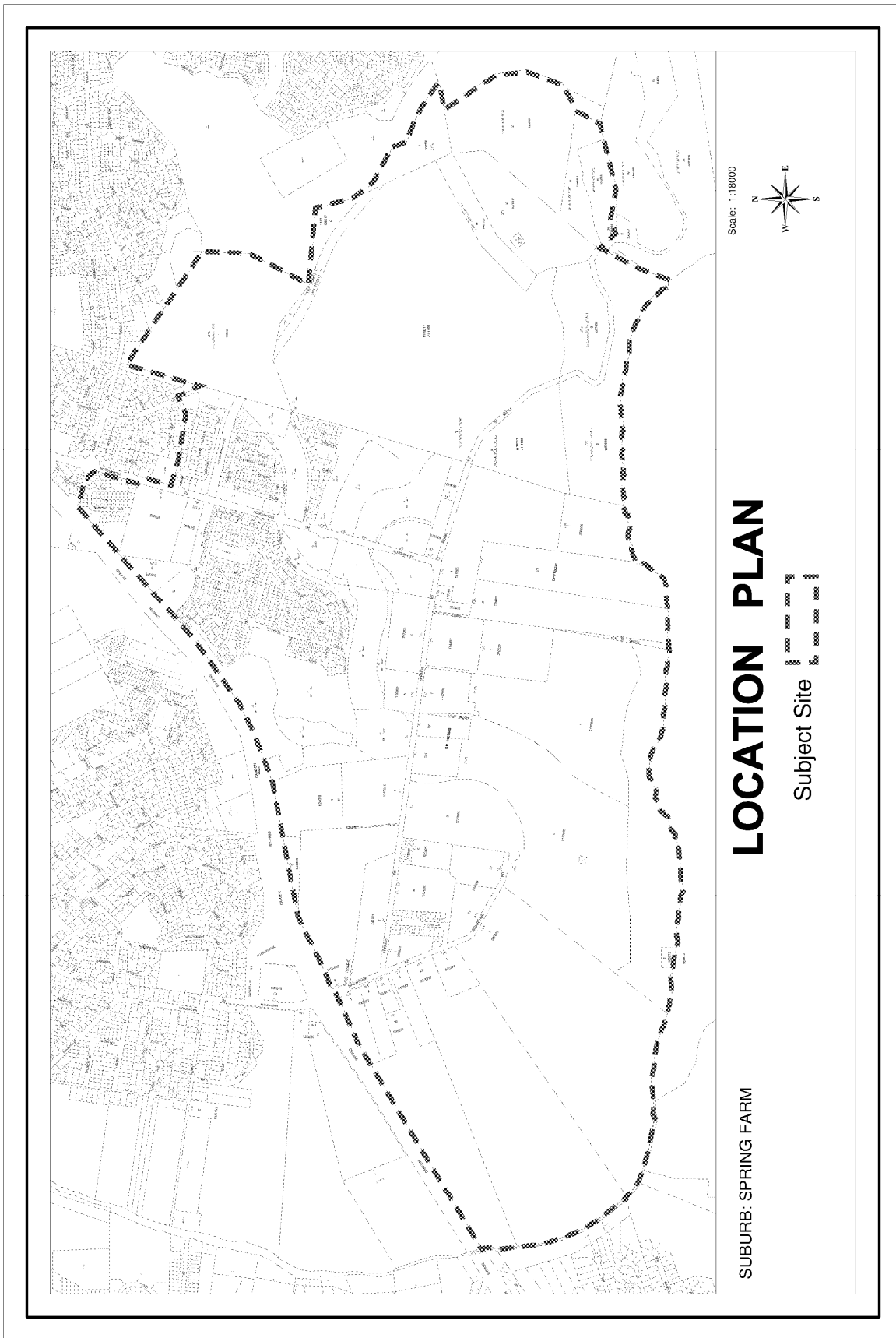
### **RECOMMENDED**

**That Council:**

- i. endorse the proposed list of new road names within this report, for exhibition;**
- ii. proceed with the new road naming process detailed in this report; and**
- iii. be provided with a further report detailing the results of the 30 day public exhibition period.**

### **ATTACHMENTS**

1. Location Plan - Spring Farm



ORD07

Attachment 1



ORD08

## ORDINARY COUNCIL

ORD08

**SUBJECT: PROPOSED ROAD NAMING - CENTRAL HILLS BUSINESS PARK, GREGORY HILLS**

**FROM:** Director Development and Health

**BINDER:** Naming of Roads

### PURPOSE OF REPORT

The purpose of this report is to seek Council's further direction in relation to a proposed list of street names within the "Central Hills Business Park", Gregory Hills.

### BACKGROUND

Dart West Developments Pty Ltd, the developers of Gregory Hills, have put forward a list of proposed road names to be considered for approval.

Gregory Hills was officially declared a new suburb by the Geographical Names Board (GNB) in August 2008 and is situated within the South West Area Growth Centre Turner Road Precinct. The new roads are part of the proposed subdivision within Lot 90 DP1137298, as approved under DA985/2009. **A location plan is provided at the end of this report.**

The names have been chosen as a tribute to St Gregory's College annual fundraising rodeo, which was held at the current Central Hills Business Park site.

At the meeting of 12 July 2011 Council resolved to endorse a list of new road names for use in the Central Hills Business Park release area; to proceed with the new road naming process; and be provided with a further report detailing the results of a 30 day public exhibition period.

The public exhibition period is now completed and the outcome is able to be reported.

### MAIN REPORT

Council has followed a process advised by the GNB of having new road names approved.

Council has notified in the local newspaper the list of names, and concurrently notified Australia Post, the Registrar General and Survey General.

During the notification period, no submissions were received.

The proposed list of new road names to be used in the Central Hill Business Park, Gregory Hills release area, for which adoption is sought by the developer is as follows:

CENTRAL HILLS DRIVE	BRONCO
RODEO	BULLOCK
STEER	CATTLE
LASSO	BRAZIER

If Council approves the above list of proposed new road names, the list will be published in the NSW Government Gazette and in the local newspapers. Also Council will inform Australia Post, the Registrar General, Surveyor General and the RTA.

The list will then be able to be used as street names within the Central Hills Business Park, Gregory Hills release area.

### **CONCLUSION**

A proposed list of road names for the Central Hills Business Park development has been assessed by Council officers in accordance with the criteria of the GNB. The list satisfies the guidelines for the naming of roads.

The list has been publicly exhibited for 30 days and no submissions were received raising concern over the names.

The list is now able to be referred to Council, with a recommendation for adoption.

### **RECOMMENDED**

**That Council:**

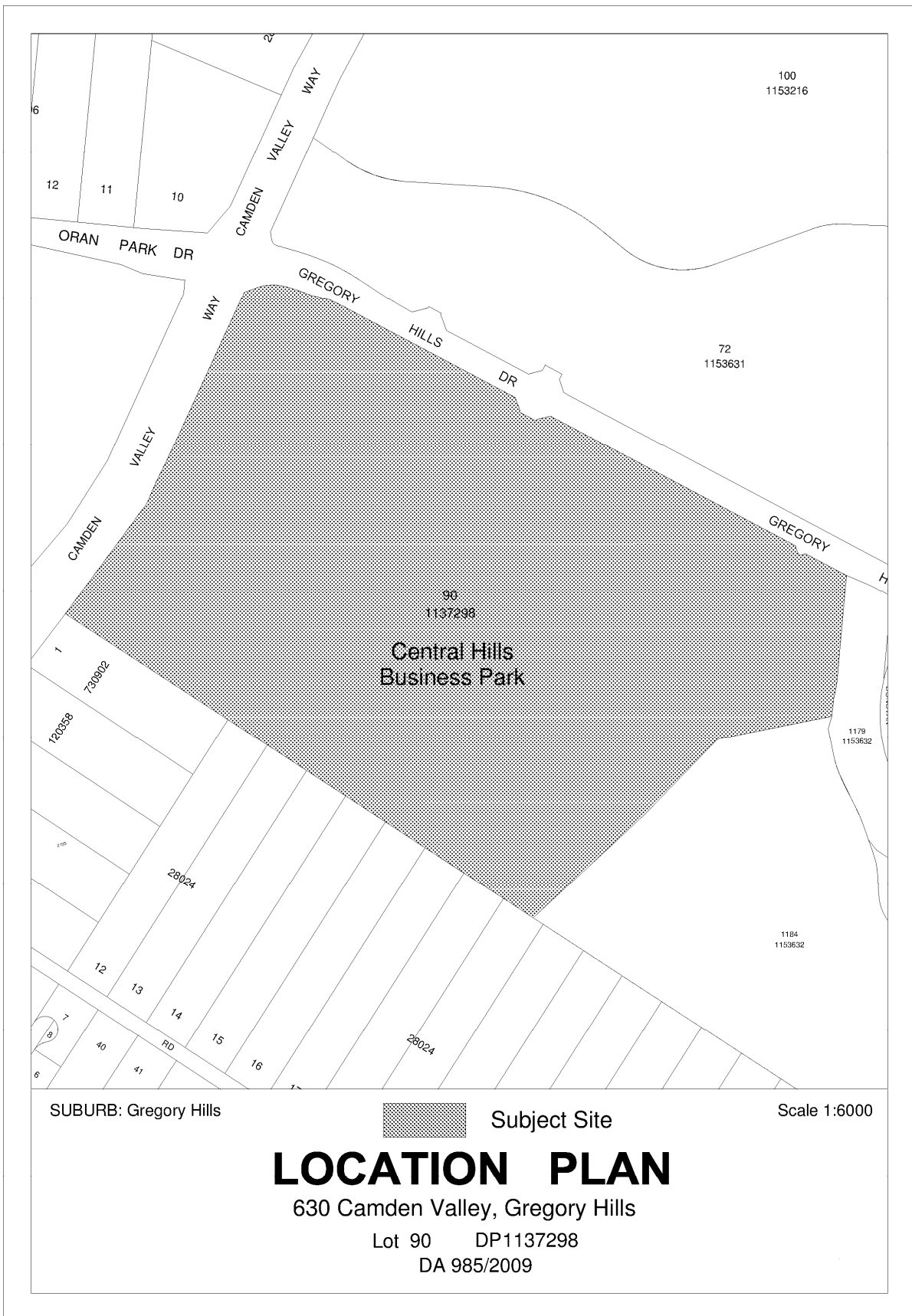
- i. approve the final list of new road names within this report, for use in the Central Hills Business Park, Gregory Hills release area;**
- ii. publish the approved names in the NSW Government Gazette and in the local paper; and**
- iii. inform Australia Post, the Registrar General, Surveyor General and the RTA of the approved names.**

### **ATTACHMENTS**

1. Proposed Road Naming - Central Hills Business Park, Gregory Hills

ORD08

Attachment 1



SUBURB: Gregory Hills



Subject Site

Scale 1:6000

# LOCATION PLAN

630 Camden Valley, Gregory Hills

Lot 90 DP1137298

DA 985/2009

## ORDINARY COUNCIL

ORD09

ORD09

**SUBJECT: PUBLIC INTEREST DISCLOSURES ACT AMENDMENTS AND INTERNAL PROCEDURES**

**FROM:** Director Governance

**BINDER:** Public Interest Disclosures

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### PURPOSE OF REPORT

To advise Council of recent amendments the *Public Interest Disclosures Act 1994* and to adopt the new Public Interest Disclosures Act Internal Procedures.

### MAIN REPORT

Formally named the *Protected Disclosures Act 1994*, the *Public Interest Disclosures Act 1994* (the Act) provides a comprehensive framework for protecting public officials who disclose wrongdoing in accordance with the Act.

The Act sets out the system under which people working within the NSW public sector (including Councils) can make complaints about the functioning of the public sector in a way that minimises the risk of reprisal. Disclosures may be made about such things as serious maladministration, corrupt conduct, serious and substantial waste and failure to properly fulfil functions under the Government Information (Public Access) Act 2009.

In an effort to strengthen protections for public officials who disclose wrongdoing, legislative amendments to the Act took effect on 1 July 2011.

Notable changes to the Act include:

- The threshold test for protection has changed. A disclosure will be protected by the Act if it is information that the person making it *honestly believes, on reasonable grounds, shows or tends to show* one of the types of conduct that disclosures can be made about (for example, corrupt conduct);
- Individuals engaged as contractors have been included in the new definition of a public official who can make a protected disclosure or be the subject of one;
- New provisions relating to retribution have been established. For example, if a person takes detrimental action against someone for making a protected disclosure, this will not only be a criminal offence but also constitutes misconduct that justifies taking disciplinary action. They also become liable for damages for any loss suffered by the person who made the protected disclosure;
- Agencies must adopt a policy for receiving, assessing and dealing with protected disclosures (Section 6D of the Act) prior to October 2011. As a result of this requirement, a new Public Interest Disclosure Act Internal Procedure has been developed based on the recommendations of the NSW Ombudsman. **A copy of the draft Procedure is attached to this report.**

The NSW Ombudsman has also been given a new oversight role with regard to the changes to the Act. As such, a Public Interest Disclosures Unit has been established to initially assist agencies with the implementation of the requirements of the new legislation. Further, as of 1 January 2012, agencies are required to prepare and lodge with the NSW Ombudsman an annual report regarding compliance with the Act.

## **CONCLUSION**

As a result of recent amendments to the *Public Interest Disclosures Act*, a new Public Interest Disclosures Act Internal Procedure has been developed for adoption by Council.

Council is committed to the continuous improvement of the integrity of its administrative systems, as well as supporting Councillors and members of staff who make disclosures about wrongdoing. The Public Interest Disclosures Act Internal Procedure is designed to assist in this process.

Once adopted, the Public Interest Disclosures Act Internal Procedure will be made readily available to all Council staff in order to increase awareness of the procedures for making protected disclosures, and of the protection provided by the Act.

## **RECOMMENDED**

**That Council:**

- i. note the information regarding amendments to the Public Interest Disclosures Act; and**
- ii. adopt the Public Interest Disclosures Act Internal Procedures.**

## **ATTACHMENTS**

1. [Public Interest Disclosures Act Internal Procedures](#)



ORD09

# PUBLIC INTEREST DISCLOSURES ACT INTERNAL PROCEDURES POLICY 5.25

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Attachment 1



ORD09

Attachment 1

## PUBLIC INTEREST DISCLOSURES ACT INTERNAL REPORTING PROCEDURES

**DIVISION:** GOVERNANCE

**PILLAR:** GOVERNANCE

**FILE / BINDER:**

### **POLICY STATEMENT:**

#### **1. Objective**

- 1.1 To provide a procedure under the Public Interest Disclosures Act 1994 for Councillors, members of staff or any other stakeholder that aims to encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration, serious and substantial waste and government information contravention within Camden Council and to ensure any disclosure is used to achieve efficiency and effectiveness of Council's operations.
- 1.2 This policy establishes an internal reporting system for the reporting of disclosures. The system enables such internal disclosures to be made to:
  - a Disclosure Co-ordinator (being the Senior Governance Officer);
  - the General Manager;
  - the Mayor.
- 1.3 Camden Council is committed to the objectives of the Public Interest Disclosures Act, 1994. It recognises the value and importance of contributions of staff to enhance administrative and management practices and strongly supports disclosures being made by Councillors, members of staff or any other stakeholder, which disclose corrupt conduct, maladministration, serious and substantial waste or government information contravention.
- 1.4 Camden Council will take all reasonable steps to provide protection to Councillors, staff or any other stakeholder who make such disclosures from any detrimental action in reprisal for the making of the disclosure.

#### **2. Definitions**

- 2.1 Four key concepts in the internal reporting system are "*corrupt conduct*", "*maladministration*", "*serious and substantial waste*" and "*government information contravention*". Definitions of these concepts are outlined below.
  - 2.1.1 **Corrupt Conduct** – is defined in the *Independent Commission Against Corruption Act 1988* and is intentionally quite broad – defined to include the dishonest or partial exercise of official functions by a public official. Conduct of a person who is not a public official, when it adversely affects the impartial or honest exercise of official functions by a public official, also comes within the definition. Corrupt conduct can take many forms, eg. taking or offering bribes, public officials dishonestly using influence, blackmail, fraud, election bribery and illegal gambling.

2.1.2 **Maladministration** – is defined in the *Public Interest Disclosures Act 1994* as conduct that involves action or inaction of a serious nature that is:

- contrary to law; or
- unreasonable, unjust, oppressive or improperly discriminatory; or
- based wholly or partly on improper motives.

2.1.3 **Serious and substantial waste** – the definition is provided by the Auditor-General as *serious or substantial waste refers to the uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in a loss/wastage of public funds/resources*. The following description of the definition of serious and substantial waste helps assist public officials and/or public authorities:

Types:

**Absolute** – serious and substantial waste might be regarded in absolute terms where the waste is regarded as significant, for example \$500,000.

**Systemic** – the waste indicates a pattern which results from a system weakness within the public authority.

**Material** – the serious and substantial waste is/was material in terms of the public authority's expenditure or a particular item of expenditure or is/was material to such an extent so as to effect a public authority's capacity to perform its primary functions.

**Material by nature not amount** – the serious and substantial waste may not be material in financial terms but may be significant by nature. That is it may be improper or inappropriate.

2.1.4 **Government information contravention** – is defined in the Public Interest Disclosures Act, 1994 as conduct of a kind that constitutes a failure to exercise functions in accordance with any provision of the *Government Information (Public Access) Act 2009*.

### 3. Internal Disclosures

3.1 Each disclosure is to be made (wherever possible) in writing addressed to:

- a) **in the case of staff** –  
to the General Manager or the nominated Disclosure Co-ordinator;
- b) **in the case of Councillors (including a disclosure concerning the Mayor)** -  
to either the Mayor or General Manager (for a complaint involving the Mayor) or relevant investigating authority;
- c) **in the case of the General Manager** –  
to the Mayor.

3.2 Upon receipt of a disclosure, the General Manager (or Mayor, in the case of a complaint against the General Manager) will carry out a comprehensive interview with the person making the disclosure.

3.3 Following the interview, an immediate investigation will be carried out -

ORD09

Attachment 1

- a) **in the case of staff** –  
by the General Manager or his nominee or the Disclosure Co-Ordinator;
  - b) **in the case of Councillors (including a disclosure concerning the Mayor)-**  
by the Mayor or General Manager (for a complaint involving the Mayor);
  - c) **in the case of the General Manager** –  
by the Mayor.
- 3.5 A report on the matter will be prepared by the General Manager (or the Mayor, in the case of a complaint against the General Manager) outlining the course of action recommended to be taken.
- 3.6 The General Manager (or the Mayor, in the case of a complaint against the General Manager) is to determine what, if any, action is to be taken in the matter and where necessary, refer the matter to an investigating authority, (ICAC, Ombudsman).
- 3.7 No detrimental action is to occur against persons making disclosures such as unwarranted transfer or demotion. Management and Councillors should act with integrity at all times and give a commitment to protecting any person who makes a protected disclosure and to ensure that the information results in action to improve efficiency and effectiveness.
- 3.8 Allegations of reprisals should be made direct to the General Manager who will immediately investigate the matter. (See Part 4 below.)
- 3.9 Where the investigation substantiates the fact relating to the disclosure, appropriate remedial action is to be taken to correct the situation. Information received by way of a protected disclosure will be used to enhance the efficiency and effectiveness of operations.
- 3.10 The General Manager (or the Mayor, in the case of a complaint against a Councillor or the General Manager) will provide feedback to the person who made the initial disclosure.
- 4. Protection available under the Act**
- 4.1 Disclosures are protected under the Act if they are made in accordance with the requirements of the Act as outlined below in 4.3 and made to the Mayor, the General Manager or to the Disclosure Coordinator in accordance with this policy. Camden Council will support any member of staff who makes a report under this process.
- 4.2 The Act provides protection by imposing penalties on a person who takes “detrimental action” against another person substantially in reprisal for a protected disclosure. Penalties can be imposed by means of fines and imprisonment.
- 4.3 What disclosures are protected:

Disclosures are protected under the Act, if they:

(i) are made:

- to one of the Disclosure Co-ordinators in accordance with this Policy;
- to the General Manager or Mayor; or
- to one of the investigating authorities nominated in the Act; AND

(ii) are made with an honest belief on reasonable grounds that information shows or tends to show corrupt conduct, maladministration, serious and substantial waste of public money or government information contravention by Camden Council or any of its staff, Councillors or independent contractors; AND

(iii) are made voluntarily.

#### 4.4 What disclosures are not protected:

A disclosure is not protected under the Act, if it is made by a public official in the exercise of a duty imposed by or under an Act.

Protection is also not available for disclosures that:

- are made frivolously or vexatiously;
- primarily question the merits of government policy; or
- are made solely or substantially with the motive of avoiding dismissal or other disciplinary action.

It is an offence to wilfully make a false or misleading statement when making a disclosure.

## 5. Confidentiality

5.1 The Act requires investigating authorities, public authorities and public officials to whom a protected disclosure has been made or referred to, not to disclose information that might identify or tend to identify the person who made the disclosures. Enquires concerning the Internal Reporting System and the Public Interest Disclosures Act to be made to the General Manager will ensure such enquires are received in confidence.

The exceptions to the confidential requirement are where:

- the person consents in writing to the disclosure of that information; or
- it is essential, having regard to the principles of natural justice that the identifying information be disclosed to a person whom the information provided by the disclosure may concern; or
- the investigating authority, public authority, officer or public official is of the opinion that disclosure of the identifying information is necessary to investigate the matter effectively; or
- disclosure is otherwise in the public interest.

5.2 Decisions about natural justice, effective investigation and public interest will be made by the General Manager. In all cases the person who made the disclosure will be consulted before such a decision is to be made.

ORD09

Attachment 1

## 6. Government Information (Public Access) Act Exemption

- 6.1 Under the Government Information (Public Access) Act 2009 (Schedule 1), a document is exempt from release if it contains material, the disclosure of which would disclose matters relating to a protected disclosure within the meaning of the Act – section 22 (Confidentiality Guidelines).

## 7. Support for the subject of a Report

Camden Council is committed to ensuring staff who are the subject of a report of wrongdoing are treated fairly and reasonably.

The person who is the subject of a report, will:

- Have their identity protected/maintained;
- Will be treated impartially, fairly and reasonably ;
- Be advised of their rights and obligations under the policy;
- Be kept informed during any investigation;
- Be given the opportunity to respond to any allegation; and
- Be advised of the result of any investigation.

## 8. Notification of action taken or proposed

A person who makes a protected disclosure must be notified by the General Manager, within 6 months, of the disclosure being made, of the action taken or proposed to be taken in respect of the disclosure.

## 9. Review

This policy will be reviewed by Council annually to ensure compliance with current objectives of the legislation.

\* \* \*

<b>RELEVANT LEGISLATION:</b>	Public Interest Disclosures Act
<b>RELATED POLICIES:</b>	n/a
<b>DELEGATIONS:</b>	Y / N
<b>SUSTAINABILITY ELEMENT:</b>	Y / N
<b>STAFF TRAINING REQUIRED?</b>	Y / N

**NEXT REVIEW DATE:**

**PREVIOUS POLICY**  
**ADOPTED:**  
**MINUTE:**

## ORDINARY COUNCIL

ORD10

ORD10

**SUBJECT:** 2011 LOCAL GOVERNMENT ASSOCIATION CONFERENCE -  
**NOMINATION OF DELEGATES**  
**FROM:** General Manager  
**BINDER:** Local Government Conference

---

### PURPOSE OF REPORT

To determine Council's voting delegate attendance to the 2011 Local Government Association Conference.

### MAIN REPORT

The 2011 Local Government Association Conference will be hosted by Shoalhaven City Council from Sunday 23 to Wednesday 26 October 2011.

Full Conference registration closes at 5.00pm on 10 October 2011. Full registration cost is \$1155.00 (GST inclusive) per delegate.

At its meeting of 23 August 2011, Council resolved that a further report be submitted to Council to endorse any Councillor wishing to attend the Conference, with any Councillor wishing to attend doing so at their own expense.

At this stage, no Councillor has nominated to attend.

### CONCLUSION

Council is entitled to nominate four (4) voting delegates to attend the Local Government Association Conference.

As no Councillor has nominated to attend the Conference, it is appropriate that Council note this information or alternatively nominate voting delegates to attend.

### RECOMMENDED

**That Council note that no delegates will be attending the 2011 Local Government Association Conference.**



ORD11

## ORDINARY COUNCIL

ORD11

**SUBJECT: RATES AND CHARGES WRITTEN OFF 2010/2011**  
**FROM:** Director Governance  
**BINDER:** Rates and Charges

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### PURPOSE OF REPORT

The purpose of this report is to advise Council of the 2010/11 Rates and Charges to be written-off as permitted under the Local Government Act.

### BACKGROUND

The Local Government Act (Clause 131) requires the General Manager to advise Council of all Rates and Charges to be written off in the previous financial year.

### MAIN REPORT

The amounts proposed in respect of the 2010/11 financial year are set out below and discussed.

#### 1. Postponed Rates

An owner of rural land or land used as a principal dwelling where the land is not being used for the purpose for which it is zoned, may apply to Council for postponed rates. The rating of land is on the basis of use, not zoning. The Valuer General approves and provides Council with a discounted land value to calculate the rates payable on these properties. The amount discounted is referred to as postponed rates. Under Section 595 of the Local Government Act on the 6th year the first year's postponed rates and interest are to be written off. Upon sale of the property the amount postponed (up to 5 years) is payable. There are currently 23 properties which qualify for postponed rates within the Camden LGA. The total amount of postponed rates and charges as at 30 June 2011 is \$105,166.58.

The amounts written off for the 2010/11 rating year are as follows:

Rates written off from 2006	\$1,417.50
Interest written off from 2006	\$ 583.64
Total	<b><u>\$2,001.14</u></b>

#### 2. Pensioner Rebates

Section 583 of the Act requires Council to write off amounts of Rates, Charges and Interest reduced or waived under Division 1 of Part 8 of Chapter 15 of the Act (concessions for pensioners).

Amount of Pension Rebates for 2010/11 - **\$556,547.97**

Council has claimed 55% reimbursement (\$306,101.38) from the DLG for the amount written off.

3. Accrued Interest (minor amounts outstanding)

Section 567 of the Local Government Act allows Council to write off accrued interest on amounts that would be uneconomical to recover.

Amounts written off under \$3.00 - **\$1,813.15**

**CONCLUSION**

In accordance with the relevant sections of the Local Government Act, the total amount to be written off in the 2010/11 financial year is \$560,362.26. The majority of the amount to be written off pertains to pensioner rebates, 55% of which is recovered from the DLG.

The amount to be written off each financial year is considered as part of the annual budget process and is reviewed at each quarterly budget review. Adjustments which arise as a result of exemptions or write-offs are included within budget projections to minimise the impact they may have on Council's budget position.

**RECOMMENDED**

**That all Rates and Charges outlined in this report totalling \$560,362.26 in respect of the 2010/11 financial year be noted and written off.**





ORD12

## ORDINARY COUNCIL

ORD12

**SUBJECT:** INVESTMENT MONIES  
**FROM:** Director Governance  
**BINDER:** Investment Monies

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### PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 31 August 2011 is provided.

### MAIN REPORT

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

The weighted average return on all investments was 5.88% p.a. for the month of August 2011.

The Principal Accounting Officer is the Manager Corporate Services.

### RECOMMENDED

**That Council:**

- i. Council note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act*, Regulations, and Council's Investment Policy.
- ii. The list of investments for August 2011 be noted.
- iii. The weighted average interest rate return of 5.88% p.a. for the month of August 2011 be noted.

### ATTACHMENTS

1. Investment Report August 2011

**CAMDEN COUNCIL**

Investments as at: 31st August 2011

INSTITUTION (Long term / short term credit ratings)	TYPE	IBD NO.	TERM	MATURITY DATE	INTEREST RATE (p.a.)	PORTFOLIO %	INVESTMENT AMOUNT
<b>WESTPAC</b>	<b>TD</b>	2436	210	28-Sep-11	5.92%		2,000,000
AA / A-1+	TD	2448	164	22-Dec-11	6.03%		1,000,000
	TD	2451	204	9-Feb-12	6.06%		2,500,000
	TD	2452	204	16-Feb-12	6.16%		1,000,000
	TD	2453	140	21-Dec-11	6.11%		1,000,000
	TD	2454	204	23-Feb-12	6.26%		1,000,000
						14%	<u>8,500,000</u>
<b>CITIBANK</b>	<b>TD</b>	2408	244	20-Sep-11	6.25%		3,000,000
A+ / A-1						5%	<u>3,000,000</u>
<b>BANK WEST</b>	<b>TD</b>	2455	58	6-Oct-11	5.85%		2,000,000
AA / A-1+	TD	2435	142	20-Oct-11	6.22%		1,000,000
	TD	2456	91	16-Nov-11	5.90%		2,000,000
	TD	2457	65	26-Oct-11	5.85%		1,500,000
	TD	2460	90	29-Nov-11	5.90%		3,000,000
						16%	<u>9,500,000</u>
<b>NAB</b>	<b>TD</b>	2432	120	14-Sep-11	5.85%		2,000,000
AA / A-1+	TD	2443	183	22-Dec-11	6.18%		2,000,000
	TD	2445	195	12-Jan-12	6.14%		1,500,000
	TD	2447	198	19-Jan-12	6.15%		1,400,000
	TD	2449	199	26-Jan-12	6.17%		1,500,000
	TD	2450	198	2-Feb-12	6.14%		2,000,000
						18%	<u>10,400,000</u>
<b>ING DIRECT</b>	<b>TD</b>	2442	156	24-Nov-11	6.00%		1,500,000
A+ / A-1	TD	2423	180	27-Sep-11	6.16%		2,000,000
	TD	2440	176	1-Dec-11	6.21%		2,000,000
						9%	<u>5,500,000</u>
<b>SUNCORP METWAY</b>	<b>TD</b>	2429	126	7-Sep-11	6.04%		3,000,000
A+ / A-1	TD	2431	125	15-Nov-11	6.26%		1,500,000
	TD	2433	140	5-Oct-11	6.11%		1,000,000
	TD	2434	142	13-Oct-11	6.14%		2,000,000
	TD	2437	146	27-Oct-11	6.14%		1,000,000
	TD	2438	149	3-Nov-11	6.15%		2,000,000
	TD	2439	183	8-Dec-11	6.21%		2,000,000
	TD	2441	148	10-Nov-11	6.07%		1,000,000
						24%	<u>13,500,000</u>
<b>ST GEORGE</b>	<b>TD</b>	2415	182	17-Aug-11	6.00%		1,500,000
AA / A-1+	TD	2444	188	5-Jan-12	6.13%		1,600,000
	TD	2446	167	15-Dec-11	6.00%		1,500,000
	TD	2459	93	30-Nov-11	5.86%		1,000,000
	TD	2462	93	7-Dec-11	5.80%		1,000,000
						11%	<u>6,600,000</u>
<b>CBA</b>	<b>CALL</b>			Call	5.25%	3%	1,839,000
AA / A-1+							
<b>TOTAL INVESTMENTS HELD</b>						<b>100%</b>	<b><u>58,839,000</u></b>

**CAMDEN COUNCIL**

Investments as at: 31st August 2011

SOURCE OF FUNDS INVESTED	
SEC 94 DEVELOPER CONTRIBUTIONS	23,753,000
RESTRICTED GRANT INCOME	1,082,000
EXTERNALLY RESTRICTED RESERVES	14,250,000
INTERNALLY RESTRICTED RESERVES	13,684,000
GENERAL FUND	6,070,000
<b>TOTAL</b>	<b>58,839,000</b>

Council's investment portfolio has increased by \$5,619,000 since the July reporting period. The increase primarily relates to the receipt of the first instalment of rate payments for the 2011/12 financial year. The source of funds invested are indicative only, due to Council's annual financial reports still being finalised for 30 June 2011.

<b>NUMBER OF INVESTMENTS</b>	<b>34</b>
<b>AVERAGE DAYS HELD</b>	<b>156</b>
<b>AVERAGE PERCENTAGE</b>	<b>6.07% p.a.</b>
<b>WEIGHTED PORTFOLIO RETURN</b>	<b>5.88% p.a.</b>
<b>CBA CALL ACCOUNT *</b>	<b>5.25% p.a.</b>
<b>HIGHEST RATE</b>	<b>6.26% p.a.</b>
<b>LOWEST RATE</b>	<b>5.80% p.a.</b>
<b>BUDGET RATE</b>	<b>6.30% p.a.</b>
<b>AVERAGE BBSW (30 Day)</b>	<b>4.82% p.a.</b>
<b>AVERAGE BBSW (90 Day)</b>	<b>4.87% p.a.</b>
<b>AVERAGE BBSW (120 Day)</b>	<b>4.85% p.a.</b>

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

**TD** - Term Deposit - This is a secure investment with a fixed interest rate for the term of the investment.

**BB** - Bank Bills - This is a negotiable security that is sold at a discount to face value with the full face value paid on maturity.

**NCD/TCD** - Negotiable/Transferable Certificate of Deposit - Very similar to Bank Bills but often have a higher minimum investment and can have longer maturity dates.

**CRI** - Committed Rolling Investment - For terms of 1-3 years. The interest rate is set at a margin above the bank bill swap rate for the term of the investment. The investment rolls monthly or quarterly and the BBSW is reset at roll date.

**FRN** - Floating Rate Note - Generally have 5-10 year terms but are tradable securities that can be bought & sold at prevailing market rates. The interest rate is set at a margin above the bank bill swap rate. Interest coupon is paid quarterly and the rate is reset on coupon date.

**BBSW** - Bank bill swap rate

**LONG-TERM AND SHORT-TERM CREDIT RATINGS AS ISSUED BY STANDARD & POOR'S**

A credit rating is a current opinion of an obligor's overall financial capacity (its creditworthiness) to pay its financial obligations.

**Long-Term Issuer Credit Ratings**

**AAA** - An obligor rated 'AAA' has an extremely strong capacity to meet its financial commitments. 'AAA' is the highest issuer credit rating assigned.

**AA** - An obligor rated 'AA' has very strong capacity to meet its financial commitments. It differs from the highest-rated obligors only to a small degree.

**A** - An obligor rated 'A' has a strong capacity to meet its financial commitments but is somewhat more susceptible to the adverse effects of changes in circumstance and economic conditions than obligors in higher rated categories.

**BBB** - An obligor rated 'BBB' has adequate capacity to meet its financial commitments. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitments.

**Short-Term Issuer Credit Ratings**

**A-1** - An obligor rated 'A-1' has strong capacity to meet its financial commitments. It is rated in the highest category.

**A-2** - An obligor rated 'A-2' has satisfactory capacity to meet its financial commitments. However, it is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligors in the highest rating category.

**Plus (+) or Minus (-)**

Both long-term and short-term ratings may be modified by the addition of a plus (+) or minus (-) sign to show relative standing within the rating categories.

## ORDINARY COUNCIL

ORD13

ORD13

**SUBJECT: RETAIL SUPPLY OF ELECTRICITY FOR SMALL COUNCIL FACILITIES**

**FROM:** Director Works & Services

**BINDER:** Environmental Management\Public Utilities

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### PURPOSE OF REPORT

To inform Council of the recent Local Government Procurement Tender LGP 0211 for Supply of Electricity for Camden's small sites facilities, and to gain Council approval to switch power suppliers for Council's "small sites".

### BACKGROUND

Local Government Procurement (LGP) is a company formed by the Local Government and Shires Association of New South Wales on behalf of its members to deliver a procurement operation dedicated to meeting specific needs of the Local Government Sector. LGP has been prescribed under section 55 of the Local Government Act, allowing Council to utilise supply arrangements coordinated by LGP, without the need to go to tender in its own right. This means that Council is able to buy, if it chooses, from LGP contracts in the same way Council can purchase from NSW State Government contracts.

### MAIN REPORT

In 2011 Local Government Procurement (LGP) conducted a very successful Electrical Tender for 31 councils in NSW. The tender covered Street Lighting, Large Sites and Green Energy. The savings achieved were exceptional – considered to average 22% pricing reductions, with some councils exceeding 43% savings on the electricity c/kWh rate over their existing contracts.

In January this year LGP conducted a survey of all NSW Councils seeking interest in a further tender process for:

- Street Lighting (un-metered)
- Large Sites - (Sites with a capacity greater than 160 MWh p.a.)
- Small Sites – (Sites with a capacity less the 160 MWh p.a.)
- Green Energy
- Natural Gas

Camden Council participated in the tender process for the supply of electricity for the Small Sites tender component due to the current contractual commitments for street lighting and large sites having some months to run.

Overall, 43 councils and five 'Not-for-profit' organisations participated in the tender process for the supply of electricity. LPG has advised that very competitive bids for the supply of electricity to councils were obtained despite normal market prices rising. The bids lodged showed a significant reduction over the benchmark pricing identified to Council in April 2011, which was approximately 5% below then current pricing. In regard to the tender offers being recommended for small sites <160mwh p.a., the

process significantly gained a further discount, in the order of 12% below retail prices in total.

Overall there were two retailers who submitted offers for small sites. These are Origin (former County Energy and Integral Energy) and AGL/Powerdirect. The AGL/Powerdirect offer is from Powerdirect which is 100% owned by AGL. The most competitive offer was received from AGL/Powerdirect with pricing set at 12.54% below rates set by IPART.

Council's power consumption for its small sites within the 2010/11 financial year was 804,583kw/h, costing in the order of \$733,233. These costs include all service, access and network charges, peak and off-peak rates etc. Factoring the new offer by Powerdirect, Council's expected saving will be in the order of 10.5% for the electricity component only, as Council already receives a 2% discount for this item.

The pricing structure means that the cost of electricity will still increase over time due to IPART approved increases. However, the rate paid will be about 10% lower than the cost which would otherwise apply under current arrangements.

AGL/Powerdirect provided the best overall 36 months tariff offer, with an average discount on electricity pricing of 12.54% on the IPART Regulated Tariff prices. Over the 36 month period AGL/Powerdirect was 1.5% better than the next retail energy provider.

The contracts Council has in place for large sites and street lighting have fixed pricing until the end of 2012.

### **CONCLUSION**

Earlier this year, following request from Councils, LGP sought tenders for electricity from a number of suppliers for Small Sites (<160mwh p.a.). Council currently purchases such electricity from Integral Energy (now Origin) at a discount of 2% below normal retail (IPART approved) pricing.

AGL/Powerdirect have provided the most competitive offer, with pricing at a 12.54% discount to IPART approved pricing. This discount represents a saving for Council and the discount level is held for 36 months to July 2014.

### **RECOMMENDED**

**That Council:**

- i. accepts Local Government Procurement's recommendation endorsing AGL/Powerdirect as Council's Small Sites energy retailer provider for the next 36 months; and**
- ii. write to AGL/Powerdirect accepting its tender and transferring Council's Small Sites.**

## ORDINARY COUNCIL

ORD14

ORD14

**SUBJECT:** TRADE TRAINING CENTRE AT THE CAMDEN TOWN FARM  
**FROM:** Director Works & Services  
**BINDER:** Community Planning and Development\Committees\Community Management Committees

---

### PURPOSE OF REPORT

To seek Council endorsement of a recommendation from the Camden Town Farm Community Management Committee to enter into a Funding Deed and License Agreement with the NSW Department of Education and Communities (DEC) to construct a component of the Macarthur Trade Training Centre at the Camden Town Farm.

### BACKGROUND

At the Camden Town Farm Committee meeting of 21 July 2011 the Committee was notified of the success of a funding application to construct a Primary Industry Training Facility in the area. The Facility includes components at Elderslie, Elizabeth Macarthur and Camden High Schools and a covered outdoor work area at the Camden Town Farm.

Whilst local high schools will be the primary users of the facility with priority bookings, it is anticipated that it will be available for community and private functions outside of school hours. The arrangements will be part of the licence agreement with DEC.

The project will enhance the vision for the farm to provide educational opportunities which is in keeping with the original aims for the gifting of the property to Council.

### MAIN REPORT

The DEC (the funding body) has requested that Council manage the design and construction of the Town Farm component of the facility. As a Section 355 Management Committee, the Camden Town Farm Community Management Committee does not have the authority to enter into a License Agreement. Any agreement is therefore required to be between Council and the DEC.

The Town Farm Community Management Committee will be represented on the project team established to oversee the design and construction of the Facility.

It is proposed that the Facility would be similar to a large open, covered area, similar to those currently located on the Camden Showground land, and will be in keeping with the feel of the farm. It is expected the Facility will cost around \$200,000 (based on the application information).

It is anticipated that design and construction will be completed by May 2012, and be managed by Council's Capital Works section.

## CONCLUSION

This facility has the potential to expand the variety of activities that can be offered at the Camden Town Farm. A covered area will not only benefit the schools currently using the Farm and running trade training, but will enable community and private users to plan events with lesser concerns about inclement weather and the need to hire shade structures etc.

The delegations provided by Council to the Town Farm Community Management Committee do not permit the Committee to enter into funding agreements for grants nor licence agreements for users, and hence DEC requires Council to be the body with whom such agreements are negotiated.

## RECOMMENDED

### **That Council:**

- (i) delegate authority to the General Manager to sign a Funding Deed and License with the Department of Education and Communities for the design and construction of a covered outdoor work area at the Camden Town Farm; and**
- (ii) authorise the seal of Council to be affixed to the documents required to make the agreements effective.**

## ORDINARY COUNCIL

ORD15

ORD15

### NOTICE OF MOTION

**SUBJECT:** NOTICE OF MOTION - SUSPENSION OF COUNCILLOR COTTRELL  
**FROM:** Councillor  
**BINDER:** Councillor Matters

---

“We, Councillors Chris Patterson and Debby Dewbery hereby give notice of our intention to move the following at the Council Meeting of 27 September 2011:”

That:

Given that Councillor Michael Cottrell has been found to be in breach of the Camden Council Code of Conduct (sections 6.1 and 6.3), recommended for censure for his behaviour by an independent committee and subsequently censured by Council on two (2) occasions for his behaviour, it is recommended that in accordance with section 440I(2)(a) of the Local Government Act that Council recommend to the Director of the Department of Local Government that the Department of Local Government engage its powers under the abovementioned Act to suspend the tenure of Councillor Michael Cottrell.

In the view of the Council, it is further recommended that Council believes that Councillor Cottrell's behaviour has been disruptive over a period (s440I(a)(i)) and involved more than one incident as outlined by the Independent Review Panel (s440I(1)(a)(ii)).

Given the nature of both incidents, the Council determines the demeanour and behaviour of Councillor Cottrell to be of such a serious nature that the suspension of the Councillor is warranted.

### RECOMMENDED

That:

**Given that Councillor Michael Cottrell has been found to be in breach of the Camden Council Code of Conduct (sections 6.1 and 6.3), recommended for censure for his behaviour by an independent committee and subsequently censured by Council on two (2) occasions for his behaviour, it is recommended that in accordance with section 440I(2)(a) of the Local Government Act that Council recommend to the Director of the Department of Local Government that the Department of Local Government engage its powers under the abovementioned Act to suspend the tenure of Councillor Michael Cottrell.**

**In the view of the Council, it is further recommended that Council believes that Councillor Cottrell's behaviour has been disruptive over a period (s440I(a)(i)) and involved more than one incident as outlined by the Independent Review Panel (s440I(1)(a)(ii)).**

**Given the nature of both incidents, the Council determines the demeanour and**



**ORD15**

**behaviour of Councillor Cottrell to be of such a serious nature that the suspension of the Councillor is warranted.**