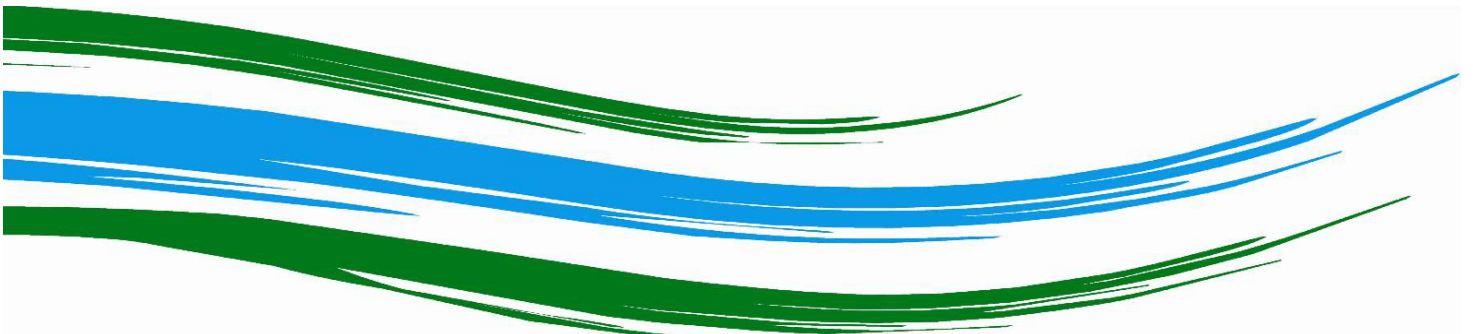




# Camden Council

## Business Paper

### Ordinary Council Meeting



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## **ORDINARY COUNCIL**

**SUBJECT: APOLOGIES**

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

### **RECOMMENDED**

**That leave of absence be granted.**

### **RESOLUTION**

There was no leave of absence to be granted.

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

ORD99/11

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## ORDINARY COUNCIL

**SUBJECT: DECLARATION OF INTEREST**

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

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

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

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

### **RECOMMENDED**

**That the declarations be noted.**

### **RESOLUTION**

There were no declarations to be noted.

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

ORD100/11

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## ORDINARY COUNCIL

**SUBJECT: PUBLIC ADDRESSES**

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

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

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

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

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

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

### **RECOMMENDED**

**That the public addresses be noted.**

### **RESOLUTION**

That the public addresses be noted.

Moved Councillor , Seconded Councillor that:  
THE MOTION ON BEING PUT WAS CARRIED/LOST

ORD101/11

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## **ORDINARY COUNCIL**

**SUBJECT: CONFIRMATION OF MINUTES**

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Confirm and adopt Minutes of the Ordinary Council Meeting held 10 May 2011.

### **RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting held 10 May 2011, copies of which have been circulated, be confirmed and adopted.**

### **RESOLUTION**

Moved Councillor Anderson, Seconded Councillor Cagney that the Minutes of the Ordinary Council Meeting held 10 May 2011, copies of which have been circulated, be confirmed and adopted.

THE MOTION ON BEING PUT WAS **CARRIED**

ORD102/11

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**MAYORAL MINUTE**  
**ORDINARY COUNCIL**

**SUBJECT: MAYORAL MINUTE - EEL-ATHON HARRINGTON PARK LAKE**  
**FROM: Mayor**  
**FILE NO:**

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The very first Eel-athon was held at Harrington Park Lake on Sunday 15 May and was an outstanding success with 157 families registered to fish.

The idea of the event was to help rebalance the wildlife within the Lake after residents and the Macarthur Chronicle approached Councillor Funnell about the effect of the overpopulation of eels on baby swans and other birdlife within the Lake.

Prize money was offered to the four people who caught the most eels on the day with the winner taking home \$150.

The eels caught on the day were disposed of humanely. Some fisher men and women decided to take their eels home to smoke and eat.

The day was more than just an Eel-athon, it was a community day out with over 500 people attending to either fish or join in the fun and excitement of the day. As well as reducing the number of Eels in the Lake all fisher men and women who were there on the day were issued with a garbage bag to collect rubbish around the Lake. This resulted in a clean and beautiful Harrington Park Lake.

There are still plenty of eels in Harrington Park Lake and people are able to fish for the eels to help continue the ecological balance of the Lake.

**RECOMMENDED**

**That Council promote upcoming Fishing Events through the website, media releases and the Event Calendar.**

**RESOLUTION**

Moved Councillor Patterson that Council promote upcoming Fishing Events through the website, media releases and the Event Calendar.

THE MOTION ON BEING PUT WAS **CARRIED**

ORD103/11

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## ORDINARY COUNCIL

**SUBJECT: MAYORAL MINUTE - RESIGNATION OF MAYOR**  
**FROM: Mayor**  
**FILE NO:**

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It is with great sadness that I give notice tonight that I will be standing down from my position as Mayor at the next Council meeting on the 14 June, 2011.

Since first being elected in September 2006, I would like to say what an honour and privilege it has been to have been Mayor in that time. I would like to thank all of the staff that I have worked with and sincerely say that you have not only made my job easier but more enjoyable.

To Councillors Dewbery and Funnell that have supported me over the last five years, I thank you very much for your support and friendship. To Councillors Symkowiak and Warren that have offered that same support over the last three years, I thank you for that support and friendship.

Being Mayor is not a job that is easy and the four Councillors I have mentioned have been an invaluable support along the way and I truly thank you for your help and efforts.

The last three years as Mayor have certainly been a lot more trying than the first two and it is only with the support of Councillors Funnell, Dewbery, Warren and Symkowiak that I have been able to achieve anything in that position.

I will miss the community involvement that comes with the job of being Mayor. I ask all Councillors that when I stand down in two weeks, that you support the new Mayor and afford him or her the respect and courtesy that comes with the job.

I look forward to seeing the unity that is so alluded to under new leadership. So as this is my last meeting in the chair, I would like to reiterate thanks to all of the staff at Council and Councillors Funnell, Dewbery, Warren and Symkowiak, for all your help, support and friendship over the last 5 years.

Thank you.

### **RECOMMENDED**

**That the information be noted.**

### **RESOLUTION**

Moved Councillor Patterson that the information be noted.

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

ORD104/11



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## ORDINARY COUNCIL

### ORD01

#### SECTION 82A REVIEW - PROPOSED EXTENSIONS TO EXISTING SHED, NO 156 (LOT 72 DP 260492) GRAHAM ROAD, ROSSMORE

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<b>FROM:</b>	Director Development and Health
<b>FILE NO:</b>	DA 1452/2010
<b>DA NO:</b>	DA 1452/2010
<b>OWNER:</b>	J and J Grima
<b>APPLICANT:</b>	J and J Grima
<b>ZONING:</b>	RU4 Rural Small Holdings
<b>APPLICABLE PLANNING INSTRUMENT:</b>	Camden Local Environmental Plan 2010

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#### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a Section 82A review of a DA determination of proposal for extensions to an existing shed and a 10,000 litre above ground water tank at No 156 (Lot 72 DP 260492) Graham Road, Rossmore.

This report is provided to Council in accordance with its delegations, which require that all Section 82A applications be referred to Council for determination.

#### SUMMARY OF RECOMMENDATION

It is recommended that Council approve DA 1452/2010 , subject to draft conditions of consent which are provided at the end of the report.

#### BACKGROUND

The existing shed on the site was approved by Council on 12 February 1990 (*Building Permit No 731/1989*). The stamped approved plans indicate the dimensions of the shed as being 18.2m long and 12.8m wide (233m<sup>2</sup>). A mezzanine and additional storage has been added to the existing shed subsequent to the 1990 consent , bringing the total area of the existing shed to 294.4m<sup>2</sup>, although there is no record of any consents being sought for these additions.

DA 1452/2010 sought approval for an extension to the existing shed and a 10,000 litre above ground water tank. The application was refused under delegation on 17 January 2011 for the following reasons:

- The proposal is not consistent with the provisions of Camden Local Environment Plan 2010 (Section 79C (1)(a)(i)).
- The proposed development is likely to impact on the desired future character of the area (Section 79C (1)(b)).
- The proposed development is considered to be unsuitable for the site (Section 79C (1)(c)).
- The proposed development is not in the public interest (Section 79C (1)(e)).

A review has been sought of the original refusal under Section 82A of the Environmental Planning and Assessment Act, 1979 (the Act). Section 82A of the Act allows an applicant to seek a review of a determination of a DA or a review of one or more of the conditions of consent associated with an application approval.

Under the Act that review must be undertaken by a more senior officer of the Council. This has been done. Under Council's delegations, the determination of the review must be undertaken by the elected Council. It is this determination that is the subject of this report.

## THE SITE

The property is known as No 156 (Lot 72 DP 260492 ) Graham Road, Rossmore . The site is situated 600m south of Bringelly Road. The land is 2.3ha in area and comprises an existing dwelling-house with a roof area of 630m<sup>2</sup>, as well as a shed with an area of 294.4m<sup>2</sup>. The dwelling-house and shed are setback approximately 160m from Graham Road.

The shed is approximately 12m off the rear boundary of the property and is light green in colour. It is obscured from view by a stand of significant vegetation, which according to (the former) Department of Environment Climate Change and Water mapping, is regionally significant Cumberland Plain Woodland. Hedge planting screens the dwelling-house and shed from adjoining rural residential properties to the north and south.

The area is characterised by predominantly rural-residential properties with substantial dwellings, outbuildings, tennis courts and swimming pools. Properties in the area are generally 2ha in area, with the subject land sharing a boundary to the rear of a 45ha property. **A location plan is provided at the end of this report.**

## THE PROPOSAL

This Development Application (1425/2010 ) sought the consent of Council for additions to the existing shed on the site. The addition was proposed to occur in the form of a "lean-to" structure with a sloping roof extending the shed structure a further 8m west, towards Graham Road. **A copy of the proposed plans is provided at the end of this report.**

The proposed extension area measures 184m<sup>2</sup> with dimensions of 23m x 8m. If erected, this would give the shed a total area of 478.4m<sup>2</sup>.

The applicant's Statement of Environmental Effects and letter requesting the current Section 82A review submits that the entire shed including the proposed extension, will be used for domestic purposes being the storage of collectible cars and machinery used on the land, and to secure work utilities, tools and expensive equipment, all used off-site.

The application also seeks to install a Leighton Green conifer hedge and other species to further screen the shed extension. As the 82A Application is recommended to be approved, the proposed domestic use and landscaping screen would be imposed as conditions to be complied with prior to the release of an Occupation Certificate.

## NOTIFICATION

In accordance with Part C, Chapter 2, of the Camden Development Control Plan 2006 the application was not required to be publicly advertised or notified to adjoining residents. Camden DCP 2011 came into affect prior to this Section 82A review being requested. Section A2 "Notification Requirements" does not require this Section 82A review to be notified.

## **PLANNING CONTROLS**

- Camden Local Environmental Plan 2010
- Camden Development Control Plan 2006
- Camden Development Control Plan 2011.

## **ASSESSMENT**

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

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

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

Pursuant to the Camden LEP 2010, the subject site is zoned RU4 – Rural Small Holdings. The proposed development applied for under this application is considered permissible with the consent of Council in the RU4 zone. The objectives of the RU4 zone are as follows:

- *To enable sustainable primary industry and other compatible land uses.*
- *To maintain the rural and scenic character of the land.*
- *To ensure that development does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*

As part of the review of the application and the reasons for refusal, it has been determined that although no sustainable primary pursuits have been observed in the locality, the proposed shed extension is considered to be compatible with this form of land use. Hence on balance, the proposal is considered to be consistent with the provisions of Camden LEP 2010 to the extent intended within the criteria set for such consistency.

As per the original assessment, the proposed shed when completed will be large in numerical terms and therefore inconsistent with what one would envisage for a rural area. However the review considered that character must be assessed in the content of its built environment. On this test the proposed extension is not out of character with the size and placement of dwellings and outbuildings in the area. Hence, on review, it is considered the proposal is consistent with the prevailing character of the area.

Given the shed will be setback back from Graham Road by 160m and that additional screen planting is proposed, the structure is unlikely to impact upon rural or scenic character of the land. A 10,000 litre rainwater tank is proposed as part of this application and the structure will be setback 12m from the closest boundaries. As stated above, as this application is recommended to be approved, the proposed domestic use and landscaping screen will be imposed as conditions.

Although 'Outbuildings' and 'Sheds' are undefined uses in the Camden LEP 2010, the

proposed extensions are not defined as any use that would be prohibited in the Rural RU4 Small Holdings Zone.

The shed extension is proposed to have a height of 4.2m, complying with the development standard for the land. 9.5m

#### State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The land is located in the unreleased Rossmore Precinct within the South West Sydney Growth Centre. Before consent can be granted, consideration must be given to Clause 16 of the Growth Centres SEPP until finalisation of precinct planning for the land.

The proposed shed extension is not considered to preclude urban development of the precinct and not considered to alienate future land uses. The proposed shed extension will not contribute to fragmented land holdings. There are no draft environmental planning instruments under Appendix 1 or Clause 7A of the Growth Centres SEPP that apply to the land, and the land is not transitional lands as defined on the Development Control Map.

Based on the above comments, the proposal is considered to be consistent with Clause 16 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

#### **(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 proposed or draft environmental planning instruments applying to the assessment of this particular development application.

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

##### Camden Development Control Plan 2006

There are no provisions contained in Camden DCP 2006 that directly relate to the proposed shed extension.

##### Camden Development Control Plan 2011

Camden DCP 2011 came into force on 16 February 2011, repealing DCP 2006. Part D1.1 applies to Rural Dwellings and Outbuildings. It is considered that the development complies with all setback, construction and environmental controls with the exception of total floor area. The DCP limits floor areas of non-agricultural uses to 100m<sup>2</sup>. As stated earlier in this report, the existing shed has an area of 294.4m<sup>2</sup> with an extension of 184m<sup>2</sup> proposed, taking the development to a total 478.4m<sup>2</sup>.

Notwithstanding, it is considered that the proposed development is in keeping with the rural-residential character of the locality. The development is significantly setback from the road frontage and is consistent with all other controls and the objectives for Rural Outbuildings. As such it is recommended to Council that variation from the control, in this case, is appropriate.

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

There are no Planning Agreements applicable to this development application.

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

There are no provisions of the Environmental Planning & Assessment Regulations 2000 which are applicable to the assessment of this development application.

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

Subject to the imposition of conditions that the shed be used for domestic purposes, as outlined in the applicant's Statement of Environmental Effects and request for a Section 82A Review, and that screen landscaping is planted, it is considered that the extension is unlikely to have any significant impacts.

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

The review considered a number of important factors including:

- the site is situated a considerable distance of 600m south of the highest volume road (and hence highest volume of people viewing the shed), being Bringelly Road;
- the dwelling-house and shed are setback a significant distance of approximately 160m from the secondary traffic and viewer source of Graham Road;
- the land is 2.3ha in area and comprising predominantly 2ha in site area. Therefore in general, the site is big or bigger than surrounding sites;
- the existing primary building, being an existing dwelling-house, has the dominant floor plate of 630m;
- the shed is obscured from view by a stand of significant vegetation;
- hedge planting screens the dwelling-house and shed from adjoining rural-residential properties to the north and south; and
- the subject land is sharing a boundary to the rear of a 45ha property.

The area is characterised by predominantly rural-residential properties with substantial dwellings, outbuildings, tennis courts and swimming pools. On review, the proposed shed extension is considered to be consistent with this established character and the site to be suitable for the development.

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

In accordance with Camden DCP 2011 the application was not required to be publicly advertised or notified to adjoining residents.

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

As per the original assessment, the public interest is not expected to be enhanced by the proposed shed extension and no further opportunities present themselves to the community.

However the review considers the proposed extension, 10,000 rainwater tank and screen tree planting is not contrary to the public interest, and the public interest would be suitably protected if the 82A Review application was approved.

### **CONCLUSION**

A Section 82A Review Application under the Act has been lodged with Council, in respect of a previous refusal of an extension to a shed in a rural setting.

It is considered that whilst the proposed development is large, the shed extension is considered to be compatible with surrounding development. The proposed shed will be setback from Graham Road by 160m, and with additional screen planting proposed the structure is unlikely to impact upon the rural or scenic character of the land.

Subject to suitable conditions ensuring its domestic use and with landscape screening, the proposed development is recommended for approval, subject to the draft conditions of development consent 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:

- Plans marked DA01 except where amended in red and DA 02 dated 11/11/2010 and DA 03 except where amended in red and dated 18/12/2010.

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

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

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

### **2.0 - Prior To Works Commencing**

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

(1) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.

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

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

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

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

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

- (3) **Notice of Commencement of Work** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act, 1979* and Clause 103 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building works.
- (4) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (5) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

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

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

An Infringement Notice issued under the *Environmental Planning and Assessment Act, 1979*, which imposes a monetary penalty of \$600, may be initiated by the Principal Certifying Authority (PCA) and issued by Camden Council where the implementation or maintenance of measures is considered to be inadequate. In the event that a risk of environmental pollution occurs, an Infringement Notice issued under the *Protection of the Environment Operations Act 1997*, which imposes a monetary penalty of \$750 for an individuals or \$1,500 for a corporation, may be issued by Camden Council.

### **3.0 - During Construction**

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

- (1) **Hours of Work** – The hours for all construction and demolition work are restricted to between:
  - (a) 7am and 6pm, Monday to Friday (inclusive);
  - (b) 7am and 4pm Saturday (if construction noise is inaudible to adjoining residential

properties), otherwise 8am and 4pm;  
(c) work on Sunday and Public Holidays is prohibited.

(2) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:

- The delivery of material shall only be carried out between the hours of 7am - 6pm, Monday to Friday, and between 8am - 4pm on Saturday.
- Stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site.
- Builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on-site and disposed of in an appropriate manner.
- Waste must not be burnt or buried on-site, nor should wind blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot.
- A waste control container shall be located on the development site.

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

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

(4) **Roofwater to Existing System** – All roofwater from the subject building(s) shall be connected to the existing stormwater or rainwater drainage system.

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

(5) **Rainwater Tank** - Its associated drainage, plumbing and supporting structure must be of suitable appearance, design and location, compatible with the immediate environment. Water collected therein must be used for domestic purposes only in the interest of conservation. The entire system must be maintained in a sound and healthy state.

#### 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) **Landscaping – Prior to the issue of an Occupation Certificate** a landscape screen of species shown on the approved plans shall be planted to screen the shed extension.
- (2) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

The PCA must submit a copy of the Occupation Certificate to Camden Council (along with the prescribed lodgement fee) within two (2) days from the date of determination, and include all relevant documents and certificates that are relied upon in issuing the certificate.

The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with.

## 5.0 - Operational Conditions

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

- (1) **Use Limitations** - Garden sheds, carports, garages, outbuildings, rural sheds and the like must not be adapted, converted or used for commercial, industrial or residential purposes without the prior written approval of Camden Council.

## END OF CONDITIONS

## RECOMMENDED

That Council approve DA 1452/2010 for extensions to an existing shed at No 156 (Lot 72 DP 260492 ) Graham Road, Rossmore, subject to draft conditions of consent which are provided above.

## ATTACHMENTS

1. Location plan
2. Proposed plans



Location Plan - 156 Graham Rd Rossmore.pdf Proposed Plans.pdf

## RESOLUTION

Moved Councillor Funnell, Seconded Councillor Symkowiak that Council approve DA 1452/2010 for extensions to an existing shed at No 156 (Lot 72 DP 260492) Graham Road, Rossmore, subject to draft conditions of consent which are provided above.

THE MOTION ON BEING PUT WAS **CARRIED**

ORD105/11

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# ORDINARY COUNCIL

ORD02

**SUBJECT:** REVIEW OF DELEGATIONS FOR DEVELOPMENT APPLICATIONS  
**FROM:** Director Development and Health  
**FILE NO:** Binder: Development & Building/Development Procedures

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## PURPOSE OF REPORT

The purpose of this report is to review Council officer's delegations in relation to the assessment of Development Applications and Section 96 modifications in accordance with the Environmental Planning and Assessment Act, 1979 (the Act).

## BACKGROUND

Camden Council officers currently only need to refer a relatively small percentage of Development Applications to Council for determination. This figure is currently around 1% of all applications.

However there have been instances where, but for a relatively minor amendment to Council's staff delegations, some Development Applications or Section 96 Development Application modifications, could have been determined by officers without referral to Council, saving applicants time and potential expense.

A number of options have been considered to assist the determination of applications by officers, in the context of four scenarios:

1. determination of dwelling DAs where objections are received;
2. determination of DAs where minor policy variation is sought;
3. determination of Modification of Development Consent (Section 96);
4. rejection of DAs under Section 82B of the Act.

Recommended options for each of these scenarios is now able to be referred to Council, seeking direction.

## MAIN REPORT

There are four areas where Council officers may be given delegation to determine development applications and Section 96 modifications under the Act. These are:

### **1 Determination of dwelling DAs where objections are received**

#### **Current Situation**

There are no general provisions in current delegations allowing single one or two storey dwellings to be approved under officer delegation, notwithstanding objections, provided the application is in accordance with the Local Environmental Plan and Development Control Plan.

The ability to do this would be of great benefit, as it would mean DAs for single dwellings could still be approved, provided they meet all of Council's requirements,

even where objections have been received.

**Option 1**

Make no change.

**Option 2**

Single residential dwellings (single and double storey) in land zoned R1 and R2 can be approved anywhere in the LGA under officer delegation, notwithstanding objections, provided the application is in accordance with the Local Environmental Plan and Development Control Plan.

**Option 3**

Single residential dwellings in land zoned R1 (only) can be approved anywhere in the LGA under officer delegation, notwithstanding objections, provided the application is in accordance with the Local Environmental Plan and Development Control Plan.

**Option 4**

Any other option considered appropriate.

**Recommendation**

It is recommended that Council staff delegation be modified in accordance with Option 2. Option 2 would allow DAs to be determined in a timely manner in accordance with Council's policies, notwithstanding objections.

This would potentially limit any vexatious or frivolous objections being lodged with Council.

If this option is adopted, there will however be circumstances where objecting neighbours feel they have not been listened to. In these circumstances it will be incumbent upon the assessing officer to be able to clearly demonstrate that Council's DCP and policies have been complied with.

**2. Determination of Development Applications where minor policy variation is sought**

**Current Situation**

Approve applications which vary only to a minor extent from Council's Planning Instruments, Policies and Codes and where a submission by way of objection can be satisfied by conditions of consent.

**Option 1**

Make no change.

**Option 2**

Approve applications which vary from Council's Planning Instruments, Policies and Codes provided that:

- a submission by way of objection can be satisfied by conditions of consent and,
- the development would not result in a material (major) adverse impact on members of the community.

**Option 3**

Any other option considered appropriate.

## **Recommendation**

Although there are circumstances where such a delegation would be of assistance in expediting applications to Council, the issue of a definition of material (major) variation is a significant one.

An officer's interpretation of a major variation may not be in accordance with that of Council, and therefore it is recommended that Option 1 is adopted and no change is made. This maintains the importance of Councillors seeing applications that vary significantly from Council's policies and which may include unresolved objections.

### **3. Determination of Application for Modification of Development Consent (Section 96)**

#### **Current Situation**

The current delegations are a function of the three types of Section 96 modification as described in the Act. These are:

- (a) Section 96(1) - modification of (on application) a development consent to correct minor error, misdescription or miscalculation, can be approved under delegation.
- (b) Section 96(1A) - determination of applications for modifications of minimal environmental impact, can be approved under delegation.
- (c) Section 96(2) - determination of applications for other modifications for consents subject to restrictions of the Act, provided that: the original application was not determined by Council.

#### **Option 1**

Make no change.

#### **Option 2**

Approve applications in accordance with:

- (a) Section 96(1) - modification of (on application) a development consent to correct minor error, misdescription or miscalculation, can be approved under delegation.
- (b) Section 96(1A) - determination of applications for modifications of minimal environmental impact, can be approved under delegation.
- (c) Section 96(2) - to determine applications for other modifications for consents subject to restrictions of the Act, including those that vary from Council's Planning Instruments Policies and Codes, notwithstanding that the original application was referred to Council, provided that:
  - i. any submission by way of objection can be satisfied by conditions of consent and,
  - ii. the development would not result in a material adverse impact on members of the community, and
  - iii. the Section 96 modification does not impact negatively on an issue that required the initial referral to Council.

Otherwise, the Section 96 application must be referred to Council for determination.

#### **Option 3**

Any other option considered appropriate

## **Recommendation**

It is recommended that Council staff delegation be modified in accordance with Option 2. This gives staff the ability to determine Section 96 applications in a timely manner which have no negative impact on the reason the original DA was referred to Council.

It will also ensure construction activities, which are often commenced when Section 96 applications are lodged, are not delayed more than is necessary while applications are being determined.

## **4. Rejection of Development Applications under Section 82B of the Act**

### **Current Situation**

On 28 February 2011, the State Government introduced amendments to the Environmental Planning and Assessment Regulation 2000 which changed the way DAs may be rejected.

A rejected application is one that is not accepted by the Council for assessment. Typically this is because the application is incomplete and as a result it is rejected (as opposed to refused) and sent back to the applicant.

Under Section 82B of the Act an applicant may, having had a DA rejected by Council, seek to have the rejection reviewed.

Under the Act, if the elected Council have rejected the application, the Council must undertake that review. If a delegated officer rejected the application, that review must be undertaken by someone not subordinate to the original officer who rejected the application.

### **Option 1**

Require all DA rejections for which an 82B review has been sought, to be reported to the elected Council and reviewed by the Council.

### **Option 2**

Allow all Development Application rejections for which an 82B review has been sought, to be reviewed by a more senior Council officer.

### **Option 3**

Any other option considered appropriate

## **Recommendation**

It is recommended that Council staff delegation be modified in accordance with Option 2. This allows staff to review the request in a timely manner and will not result in delays for the applicant in being able to re-lodge their applications while they await the determination of a Council resolution on the matter

## **CONCLUSION**

Whilst only a relatively small percentage of DAs are referred to Council for determination, there have been instances where some DAs or DA modifications could have been determined by officers under delegation, where those delegations exist, without referral to Council, saving applicants time and potential expense.

The recommended changes balance the need for the public interest to be protected, whilst determining DAs in a timely manner and with minimal expense.

This will also ensure construction activities awaiting a modification application determination are not delayed unnecessarily.

Notwithstanding these changes, in accordance with an existing resolution of Council, Councillors will still have the ability to call-in applications with 3 or more signatures should they seek to have a DA or S96 modification application considered and determined by them.

### **RECOMMENDED**

**That Council amend its staff delegations for the assessment of Development Applications and Section 96 Applications in the following manner:**

- i. Staff be given delegation to determine single residential dwellings (single and double storey) in land zoned R1 and R2 anywhere in the LGA under officer delegation, notwithstanding objections, provided the application is in accordance with the Local Environmental Plan and Development Control Plan.**
- ii. No change be made to the delegation which allows for an officer to approve applications which vary only to a minor extent from Council's Planning Instruments, Policies and Codes and where a submission by way of objection can be satisfied by conditions of consent.**
- iii. Staff be given delegation to determine:**
  - (a) Section 96(1) applications**
  - (b) Section 96(1A) applications**
  - (c) Section 96(2) applications, provided that:**
    - any submission by way of objection can be satisfied by conditions of consent; and**
    - the development would not result in a material adverse impact on members of the community; and**
    - the Section 96 modification does not impact negatively on an issue that required the initial referral to Council.**

**Otherwise, the Section 96 application must be referred to Council for determination.**

- iv. Allow all DA rejections (as opposed to refusals) for which an 82B review has been sought, to be reviewed and determined by a more senior council officer.**

### **RESOLUTION**

### **MOTION**

**Moved Councillor Warren, Seconded Councillor Cagney that Council amend its staff delegations for the assessment of Development Applications and Section 96**

Applications in the following manner:

- i. Staff not be given delegation to determine single residential dwellings (single and double storey) in land zoned R1 and R2 anywhere in the LGA under officer delegation, notwithstanding objections, provided the application is in accordance with the Local Environmental Plan and Development Control Plan.
- ii. No change be made to the delegation which allows for an officer to approve applications which vary only to a minor extent from Council's Planning Instruments, Policies and Codes and where a submission by way of objection can be satisfied by conditions of consent.
- iii. Staff be given delegation to determine:
  - (a) Section 96(1) applications
  - (b) Section 96(1A) applications
  - (c) Section 96(2) applications, provided that:
    - any submission by way of objection can be satisfied by conditions of consent; and
    - the development would not result in a material adverse impact on members of the community; and
    - the Section 96 modification does not impact negatively on an issue that required the initial referral to Council. Otherwise, the Section 96 application must be referred to Council for determination.
- iv. Allow all DA rejections (as opposed to refusals) for which an 82B review has been sought, to be reviewed and determined by a more senior council officer.

THE MOTION ON BEING PUT WAS **CARRIED**

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

Councillor Anderson and Cottrell voted against the Motion).

ORD106/11



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# ORDINARY COUNCIL

ORD03

**SUBJECT:** MARCH REVIEW OF THE 2010/11 BUDGET  
**FROM:** Director Governance  
**FILE NO:**

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## PURPOSE OF REPORT

This report presents the March Quarterly Budget Review for the 2010/11 financial year in accordance with Part 9, Division 3, Clause 203 of the Local Government (General) Regulation 2005.

Its purpose is to inform Council of the necessary changes to the 2010/11 Budget since the adoption of the December Review of the 2010/11 Budget, and to consider other changes put forward for determination.

## SUMMARY OF BUDGET REVIEW

In adopting the December Review of the 2010/11 Budget, Council authorised a projected budget surplus of \$58,158.

Budget adjustments identified at the March Review represent an increase in the projected budget surplus of \$1,587,483. This results in a total projected budget surplus of \$1,645,641.

This projected surplus is in addition to Council's minimum working funds level of \$1,000,000.

The improvement in the projected budget position is primarily a result of staff vacancies, a continuation of high levels of development activity and an increase in investment income.

## BUDGET SURPLUS ALLOCATION

It is recommended that the projected budget surplus be allocated as follows:

PROJECTED BUDGET SURPLUS ALLOCATION		
<b>Budget Surplus Available for Allocation</b>		<b>\$1,645,641</b>
2011/12 Budget - Transfer to Working Funds Reserve	\$283,000	
<b>Total - Funded Projects / Resources</b>		<b>\$283,000</b>
<b>Budget Surplus Balance After Allocation</b>		<b>\$1,362,641</b>

### Transfer to Working Funds Reserve

The 2011/12 Delivery Program includes a transfer from reserve of \$283,000. It is recommended that the \$283,000 be funded from the projected budget surplus identified as part of this review.

### Uncommitted Budget Surplus

It is recommended that \$1,362,641 of the projected budget surplus remain uncommitted, to be considered as part of Council's adoption of the 2011/12 Integrated Planning and Reporting (IP&R) Package "Transforming Community Vision into Action".

Council is currently seeking public comment on its four year Delivery Program and Budget. The funds could be used to support additional projects or priorities identified during the exhibition period. It should be noted that the funds are not recurrent. Any uncommitted funds remaining after the adoption of the 2011/12 Delivery Program could be transferred to the Central Administration Building Reserve.

### **MAIN REPORT- MARCH REVIEW OF THE 2010/11 BUDGET**

Further information and explanation of the increase in the projected budget surplus for 2010/11 is detailed below:

#### **NOTE 1 – PROPOSED VARIATIONS TO BUDGET**

Variations between the adoption of the December Review for 2010/11 and the March Review for 2010/11 led to a projected budget increase \$1,587,483. A list of these variations (greater than \$10,000) is provided in the following table and brief explanations below.

<b>MARCH REVIEW OF THE 2010/11 BUDGET PROPOSED VARIATIONS TO BUDGET</b>	<b>Budget Impact Increase / (Decrease)</b>
<b>INCOME ADJUSTMENTS</b>	
Note: Increase in income is an increase in working funds	
Shortfall in income is a decrease in working funds	
1. Development Fees & Charges Income Increase	\$150,000
2. General Fund Interest on Investments Increase	\$148,900
3. Property Insurance Scheme Rebate Increase	\$33,926
4. Easement Access Compensation Income Increase	\$15,000
5. Septic Tank Installations - Application Fee Income Increase	\$12,930
Variations under \$10,000 - Various Increases	\$45,529
<b>Sub Total - Income Adjustments</b>	<b>\$406,285</b>

MARCH REVIEW OF THE 2010/11 BUDGET PROPOSED VARIATIONS TO BUDGET (Continued)	Budget Impact Increase / (Decrease)
<b>EXPENDITURE ADJUSTMENTS</b>	
Note: Increase in expenditure is a decrease in working funds	
Savings in expenditure is an increase in working funds	
6. Corporate Salaries Adjustments Savings	\$816,210
7. Asset Management Planning & Data Capture Savings	\$87,800
8. Workers Compensation Premium Savings	\$71,095
9. Road Maintenance & Repairs Savings	\$60,000
10. Hilder Reserve Carpark Upgrade Savings	\$38,586
11. Rezoning Studies & Plans Savings	\$34,387
12. Corporate Traineeship Program Savings	\$30,000
13. Fleet Management Vehicle Expenses Savings	\$24,375
14. Parks & Gardens Maintenance Savings	\$20,000
15. Corporate Superannuation Expense Savings	\$11,477
Variations under \$10,000 - Various Increases	(\$12,732)
<b>Sub Total - Expenditure Adjustments</b>	<b>\$1,181,198</b>
<b>TOTAL - PROPOSED VARIATIONS TO BUDGET</b>	<b>\$1,587,483</b>

### **1. Development Fees & Charges Income - Increase in Income of \$150,000**

Development income continues to exceed budget expectations. Individual dwelling application numbers remain above expectations, primarily due to the greater availability and hence affordability of ready-to-build residential lots in Camden. This has been reflected in the substantial increase in fee income generated from occupation certificates. The level of income received from development activity is primarily dependent on the receipt of application from developers, and as such is somewhat difficult to project given the unprecedented growth Council is experiencing.

### **2. General Fund Interest on Investments - Increase in Income of \$148,900**

The third quarter performance of Council's investment portfolio was in line with budget expectations. The primary reason investment returns for the remainder of 2010/11 have been revised upwards is due to delays in some capital works projects. This has led to Council maintaining a higher than expected pool of funds available for investment for the remainder of the financial year.

### **3. Property Insurance Scheme Rebate - Increase in Income of \$33,926**

Council is a member of its property insurance fund, and as such is entitled to a rebate when all claims in a financial year have been finalised. This amount relates to the rebate due to Council after all claims from the 2007/08 and 2008/09 financial years had been finalised.

### **4. Easement Access Compensation - Increase in Income of \$15,000**

Council has permitted access to a number of easements in the Smeaton Grange and Kings Bush (Camden) areas. These matters were reported and approved by Council on the 14 December 2010 and 5 April 2011 respectively. This amount represents compensation in accordance with the access agreements.

#### **5. Septic Tank Installations Application Fees - Increase in Income \$12,930**

Council has received a substantially higher number of septic tank installation applications than in previous years. This increase is largely a result of failing systems which require replacement in rural areas of the LGA. Council is required to approve and inspect the installation of all new septic tanks in the LGA.

#### **6. Corporate Salaries Adjustments - Decrease in Expense of \$816,210**

At the September Review of the 2010/11 Budget, Council approved an additional ten (10) positions to Council's staffing structure (\$750,000). The time required to identify, prepare job descriptions and the recruitment process for these additional positions has led to savings. Savings have also been identified as a result of vacancies within Council's existing staff structure. The savings are not recurrent as all positions are expected to be filled before the commencement of the 2011/12 budget period.

#### **7. Asset Management Planning & Data Capture - Decrease in Expense of \$87,800**

Council has recently implemented an Asset Management System, and undertaken data collection and condition assessment of community infrastructure which allows Council to records its assets at "fair-value". Council has been able to minimise the cost of managing the system implementation and data collection by using internal resources to complete the works to date.

#### **8. Workers Compensation Premium - Decrease in Expense of \$71,095**

A recent review of Council's Workers Compensation Premium has identified further savings when compared to the original budget. Council's premium is based on a number of external, and Council specific, performance factors. This saving is primarily a result of a reduction in Council's projected claims expenditure when compared to actual claims expenditure for the first three (3) quarters of 2010/11.

#### **9. Road Maintenance & Repairs - Decrease in Expense of \$60,000**

Savings primarily relate to the inclusion of Hilder Street in the 2010/11 Road Reconstruction Program. A number of general and programmed maintenance works are not expected to be completed due to the reallocation of resources to complete the priority works at Hilder Street. Hilder Street is funded from the DOP Local Infrastructure Loan resulting in a \$60,000 saving in the road maintenance & repairs program.

#### **10. Lowe Crescent Carpark Upgrade - Decrease in Expense of \$38,586**

Council was requested to undertake carpark improvements at Lowe Crescent Carpark, Elderslie. The works were required as part of a development application condition of consent. Savings have resulted from design efficiencies and the use of recycled materials.

### **11. Rezoning Studies & Plans - Decrease in Expense of \$34,387**

Savings have been realised through a reduction in the number of pre-development application and rezoning planning studies required to be paid for by Council.

### **12. Corporate Traineeship Program - Decrease in Expense of \$30,000**

Savings have resulted from vacancies within Council's Traineeship Program. The saving reflects the timing in appointing replacement trainees and the leave taken by trainees currently employed.

### **13. Fleet Management Vehicle Expenses - Decrease in Expense of \$24,375**

This savings primarily represents vacant positions within Council staffing structure where a vehicle is required to perform work duties.

### **14. Parks & Gardens Maintenance - Decrease in Expense of \$20,000**

Parks maintenance will realise a projected savings of \$20,000 based on current expenditure trends. This amount represents a 1.50% reduction in the parks maintenance expenditure budget for the 2010/11 financial year.

### **15. Corporate Superannuation Expense - Decrease in Expense of \$11,477**

Reduction in Council's superannuation expense is primarily due to vacant positions within Council's staffing structure, and the replacement of staff who were members of the defined benefits scheme.

## **NOTE 2 – COUNCIL AUTHORISED VARIATIONS**

Council has authorised two (2) budget variations since the adoption of the December Review of the 2010/11 Budget.

<b>COUNCIL AUTHORISED VARIATIONS</b>	<b>Expenditure Increase / (Decrease)</b>	<b>Income Increase / (Decrease)</b>	<b>Budget Impact Increase / (Decrease)</b>
Art NSW 2011 Program Funding Council Minute ORD 14/11 - 25/01/2011	\$20,000	\$20,000	\$0
Sport & Recreation Participation Grant Council Minute ORD 13/11 - 25/01/2011	\$10,000	\$10,000	\$0
<b>TOTAL COUNCIL AUTHORISED VARIATIONS</b>	<b>\$30,000</b>	<b>\$30,000</b>	<b>\$0</b>

## **NOTE 3 – CONTRA ADJUSTMENTS**

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

During the period 1 January 2011 to the 31 March 2011, a number of contra adjustments have taken place amounting to a total of \$6,346,767 (an increase in both income and expenditure). For a detailed list of these adjustments, **please refer to the supporting documents in the business paper.**

#### **NOTE 4 – EXPENDITURE REVOTES**

To assist Council in framing a realistic and accurate 2011/12 Budget, Managers and Directors were encouraged to identify any programmed works/projects that will not commence or be completed by 30 June 2011.

There were fourteen (14) revotes submitted by Managers and Directors at the March Review which are tabled below:

<b>PROPOSED EXPENDITURE REVOTES</b>	<b>Total Revote</b>	<b>General Fund</b>	<b>Other Funds</b>
Springs Road Realignment (Section 94 Developer Contributions)	\$1,384,500	\$0	\$1,384,500
Lodges Road & Hilder Street Reconstruction (Dept of Planning Loan Reserve)	\$650,000	\$0	\$650,000
Road Reconstruction - Catherine Field Road (General Fund)	\$193,800	\$193,800	\$0
Camden Pool Redevelopment (Grant Income)	\$180,000	\$0	\$180,000
Belgenny Reserve - Irrigation Improvements (Grant Income)	\$153,000	\$0	\$153,000
Wandarrah Reserve - Landscaping Improvements (Section 94 Developer Contributions)	\$105,000	\$0	\$105,000
Road Reconstruction - Templeton Road (General Fund)	\$85,000	\$85,000	\$0
Mount Annan Leisure Centre Rectification Works (Capital Works Reserve)	\$50,000	\$0	\$50,000
Kirkham Pedestrian Bridge Replacement (Grant Income)	\$40,000	\$0	\$40,000

<b>PROPOSED EXPENDITURE REVOTES (Continued)</b>	<b>Total Revote</b>	<b>General Fund</b>	<b>Other Funds</b>
Lake Annan Rehabilitation Studies (Stormwater Levy)	\$18,320	\$0	\$18,320
WaSIP - Energy & Water Audit (Grant Income)	\$10,000	\$0	\$10,000
WaSIP - Energy Options Study (Grant Income)	\$8,000	\$0	\$8,000
Sport & Recreation Participation Program (Grant Income)	\$5,945	\$0	\$5,945
Camden Town Farm - Community Garden (Grant Income)	\$5,000	\$0	\$5,000
<b>TOTAL EXPENDITURE REVOTES</b>	<b>\$2,888,565</b>	<b>\$278,800</b>	<b>\$2,609,765</b>

The total revotes identified since the adoption of the 2010/11 budget is \$8,649,823. For a detailed explanation of the revotes identified at the March Quarterly Review, **please refer to the supporting documents in the business paper.**

#### **NOTE 5 – 2010/11 BUDGET DISCRETIONARY LIST**

As part of preparing the Integrated Planning & Reporting Resource Strategies (Long Term Financial Plan, Workforce Plan and Asset Management Plans), the current Discretionary List of unfunded works and services was divided into the relevant plans which they supported.

Council Officers then undertook a review of all funding requests and identified all works and services which supported the delivery of Camden 2040. These items were then prioritised and have been included within Council's ten (10) year long term financial plan, based on Council's capacity to fund the works.

Council is currently seeking public comment on its Integrated Planning & Reporting Package "Transforming Community Vision Into Action". The final list of unfunded works and services will not be known until the adoption of this package.

Council will be provided with a list of unfunded works and services as part of the adoption of the 2011/12 Delivery Program and Budget.

#### **NOTE 6 – COUNCILLOR CONSOLIDATED WARD FUNDS**

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

It should be noted that the balance of Consolidated Ward Funds is over and above the projected working funds surplus of \$1,645,641 as advised in this report.

<b>CONSOLIDATED WARD FUNDS</b>	
<b>TOTAL FUNDS AVAILABLE</b>	<b>\$30,000</b>
<b>PROJECTS FUNDED IN 2010/11</b>	
Camden Churches Board of Christian Education Council Minute ORD 214/10 - 28/09/2010	\$600
St John's Anglican Church Community Carols Council Minute ORD 255/10 - 23/11/2010	\$200
Camden Cricket Club Application Fee Waiver Council Minute ORD 08/11 - 25/01/2011	\$846
Macarthur Lions ANZAC Run Sponsorship Council Minute ORD 31/11 - 22/02/2011	\$2,273
World's Longest Quilt Project Donation Council Minute ORD 46/11 - 08/03/2011	\$300
Camden Show Assistance Council Minute ORD 68/11 - 05/04/2011	\$3,000
<b>TOTAL PROJECTS FUNDED IN 2010/11</b>	<b>\$7,219</b>
<b>BALANCE OF CONSOLIDATED WARD FUNDS</b>	<b>\$22,781</b>

### **CREATION OF NEW INTERNAL RESERVES**

The establishment of an internal reserve requires a resolution of Council. In addition to reporting budget variations up to 31 March 2011, this report recommends the creation of a number of additional internal reserves.

#### **Department of Planning Loan Repayment Reserve**

In accepting the \$11.8 million interest free loan to fund the upgrade of Lodges Road and Hilder Street, Council resolved to fund the repayment of the loan as follows:

<b>LODGES RD LOAN REPAYMENT</b>	
General Fund	\$3,800,000
Section 94 Contribution	\$8,000,000
<b>Total Loan Repayment Funding</b>	<b>\$11,800,000</b>

Council has secured the general fund liability of \$3.8 million through the following sources:

<b>General Fund Liability</b>	
2010/11 Infrastructure Renewal Program	\$283,000
2009/10 Year End Budget Surplus	\$1,182,729
2010/11 Budget Provision	\$889,371
2011/12 & 2012/13 Infrastructure Renewal Program	\$566,000
2011/12 & 2012/13 Budget Provisions	\$878,900
<b>Total Funds Committed</b>	<b>\$3,800,000</b>



It is recommended that a separate reserve be established to clearly identify the funding which Council has allocated to meet this liability. The opening balance of this reserve upon creation would be \$2,355,100.

#### Central Administration Building Reserve

Council recently sold two (2) parcels of land within the Narellan Precinct. In accordance with Council's resolution, the net proceeds are to be allocated to the Central Administration Building Reserve.

It is recommended that this reserve be created to clearly identify the funding available to commence construction of a new central administration building. The opening balance of the reserve would be \$925,000.

#### Camden Town Centre Improvements Reserve

In adopting the Camden Town Centre Strategy, Council approved the redirection of \$1.6 million from the Capital Works Reserve to assist with the implementation of the Town Centre Strategy. To date \$410,000 has been spent, primarily towards the Argyle Street median strip improvements.

It is recommended that a separate reserve be established to clearly identify the funding available to Council to fund future works within the Camden Town Centre. The opening balance of this reserve would be \$1.190 million.

#### Water Savings Action Plan Reserve

Council adopted the Water Savings Action Plan in December 2006. The Plan included a list of identified works which would improve water usage efficiency across a wide range of Council's facilities. The adoption of the strategy was supported by a recurrent allocation of approx. \$20,000. Council has completed all works contained within the Plan which could be funded within this annual allocation.

The current budget allocation is insufficient to allow for the completion of the outstanding works contained within the Water Savings Action Plan. It is recommended that the current 2010/11 allocation (and future allocations) be transferred to reserve until sufficient funds have accumulated to undertake other works identified within the Plan.

The opening balance of this reserve would be \$18,600.

### **SUMMARY OF MARCH REVIEW ADJUSTMENTS**

The following table is a summary of budget adjustments up to 31 March 2011.

<b>SUMMARY OF BUDGET ADJUSTMENTS</b>	<b>Expenditure Increase / (Decrease)</b>	<b>Income Increase / (Decrease)</b>	<b>Budget Impact Increase / (Decrease)</b>
2009/10 Carried Forward Working Funds Balance			\$1,000,000
2010/11 Adopted Budget Position			\$0
LESS: Minimum Desired Level of Working Funds			(\$1,000,000)
<b>Total Available Working Funds 01/07/2010</b>			<b>\$0</b>
September Review Adjustments	\$12,573,206	\$12,624,986	\$51,780
December Review Adjustments	(\$1,925,966)	(\$1,919,588)	\$6,378
<b>Total Available Working Funds as at 31/12/2010</b>			<b>\$58,158</b>
<b>2010/11 March Review Adjustments</b>			
NOTE 1: Proposed Variations	(\$1,181,198)	\$406,285	\$1,587,483
NOTE 2: Authorised Variations	\$30,000	\$30,000	\$0
NOTE 3: Contra Adjustments	\$6,346,767	\$6,346,767	\$0
NOTE 4: Revotes (Budget Carry-Overs)	(\$2,405,820)	(\$2,405,820)	\$0
<b>Total March Review Adjustments</b>	<b>\$2,789,749</b>	<b>\$4,377,232</b>	<b>\$1,587,483</b>
<b>TOTAL AVAILABLE WORKING FUNDS</b>			<b>\$1,645,641</b>

## **CONCLUSION**

The March Review has identified a surplus of \$1,645,641. As explained in the report \$283,000 of the surplus is committed to the 2011/12 Delivery Program. It is recommended that the uncommitted balance of \$1,362,641 remain uncommitted for consideration as part of the adoption of the 2011/12 Delivery Program and Budget. This will provide Council with an opportunity to fund works or services that may be identified by our community as a priority during the Integrated Planning and Reporting consultation process.

Any uncommitted funds remaining after the adoption of the 2011/12 Delivery Program could be transferred to the Central Administration Building Reserve.

The uncommitted balance of the Capital Works Reserve is \$504,900.

## **RECOMMENDED**

**That Council:**

- i. approve the necessary budget adjustments as identified in the categories of 'Proposed Variations', 'Contra Variations' and 'Expenditure Revotes' of this report.**
- ii. approve the allocation of the budget surplus as follows:**

<b>PROJECTED BUDGET SURPLUS ALLOCATION</b>		
<b>Budget Surplus Available for Allocation</b>		<b>\$1,645,641</b>
2011/12 Budget - Transfer to Working Funds Reserve	\$283,000	
<b>Total - Funded Projects / Resources</b>		<b>\$283,000</b>
<b>Budget Surplus Balance After Allocation</b>		<b>\$1,362,641</b>

iii. approve the balance of the projected budget surplus of \$1,362,641 remain uncommitted for consideration upon adoption of the 2011 /12 Delivery Program and Budget.

iv. approve the creation of the following reserves:

- Department of Planning Loan Repayment Reserve
- Central Administration Building Reserve
- Camden Town Centre Improvements Reserve
- Water Savings Action Plan Reserve

## ATTACHMENTS



Budget Appendix.pdf

## RESOLUTION

Moved Councillor Dewbery, Seconded Councillor Symkowiak that Council:

- i. approve the necessary budget adjustments as identified in the categories of 'Proposed Variations', 'Contra Variations' and 'Expenditure Revotes' of this report.
- ii. approve the allocation of the budget surplus as follows:

<b>PROJECTED BUDGET SURPLUS ALLOCATION</b>		
<b>Budget Surplus Available for Allocation</b>		<b>\$1,645,641</b>
2011/12 Budget - Transfer to Working Funds Reserve	\$283,000	
<b>Total - Funded Projects / Resources</b>		<b>\$283,000</b>
<b>Budget Surplus Balance After Allocation</b>		<b>\$1,362,641</b>

iii. approve the balance of the projected budget surplus of \$1,362,641 remain uncommitted for consideration upon adoption of the 2011/12 Delivery Program and Budget.

iv. approve the creation of the following reserves:

- Department of Planning Loan Repayment Reserve
- Central Administration Building Reserve
- Camden Town Centre Improvements Reserve
- Water Savings Action Plan Reserve

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

ORD107/11

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## ORDINARY COUNCIL

ORD04

**SUBJECT:** MANAGEMENT PLAN - MARCH 2011  
**FROM:** Director Governance  
**FILE NO:** Management Plan

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Council prepares a Management Plan and Budget annually, which sets out strategies and actions for the next three (3) years. The *Local Government Act* requires quarterly reports to be submitted to Council showing progress to date on each of the strategies and actions within the Management Plan for the current twelve (12) months.

The March 2011 review has been completed and is **provided in the Business Paper Supporting Documents**. The attachment highlights the progress of Council's adopted strategies and provides comments on each of the items.

### RECOMMENDED

**That the March 2011 Management Plan review be endorsed.**

### ATTACHMENTS



Management Plan Jan 2011.xls

### RESOLUTION

Moved Councillor Symkowiak, Seconded Councillor Dewbery that the March 2011 Management Plan review be endorsed.

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

ORD108/11

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# ORDINARY COUNCIL

ORD05

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

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## **PURPOSE OF REPORT**

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

It should be noted that a recent change to the Minister's Investment Order no longer authorises Councils to invest funds with Local Government Financial Services (LGFS). Council currently has \$8.2 million with LGFS which will be re-invested with other institutions upon maturity. Council's last investment with LGFS matures 16 June 2011.

The removal of LGFS from the Minister's Order has nothing to do with the financial health of the institution, Council's funds are completely safe and secure. LGFS was removed from the Order as a result of its sale by the Local Government and Shires Association to Local Government Super. The sale means that LGFS is no longer considered a Local Government owned enterprise and therefore should not qualify for special inclusion within the Minister's Investment Order.

The weighted average return on all investments was 5.95% p.a. for the month of April 2011.

The Principal Accounting Officer is the Manager Corporate Services.

## **RECOMMENDED**

**That:**

- i. Council note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the Local Government Act, Regulations, and Council's Investment Policy.**
- ii. the list of investments for April 2011 be noted.**
- iii. the weighted average interest rate return of 5.95% p.a. for the month of April 2011 be noted.**

## **ATTACHMENTS**



Report April 2011.pdf Report April 2011.xls

## **RESOLUTION**

Moved Councillor Symkowiak, Seconded Councillor Dewbery that:

- i. Council note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the Local Government Act, Regulations, and Council's Investment Policy.
- ii. the list of investments for April 2011 be noted.
- iii. the weighted average interest rate return of 5.95% p.a. for the month of April 2011 be noted.

THE MOTION ON BEING PUT WAS **CARRIED**

ORD109/11

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## ORDINARY COUNCIL

ORD06

**SUBJECT:** LIGHT UP CAMDEN 2011 FESTIVAL  
**FROM:** Director Governance  
**FILE NO:** Light Up Camden Festival

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### PURPOSE OF REPORT

The purpose of this report is to advise Councillors of correspondence received from Camden Light Up Committee expressing appreciation of the monetary support provided for the 2010 Light Up Camden Celebrations and to consider the Committee's request for additional funding towards this year's Light Up Camden Celebrations.

### BACKGROUND

Each year Argyle Street plays host to the annual Light Up Camden event which celebrates the start of the Christmas season by turning on the main street Christmas Tree lights. Council annually donates \$5,500 (including GST) from the Public Relations budget towards this event which is organised by Camden Chamber of Commerce. Last year Council also donated an additional \$3,000 from Ward Funds.

### MAIN REPORT

Last year's Light Up Camden Festival was an outstanding success with an estimated 9,000 people in attendance (estimate provided by Camden Police and Camden SES). It is expected that this year's event will exceed that number as a result of increased advertising, with Channel 7 having already made enquiries regarding the event.

The Chamber of Commerce (the Chamber) has expressed appreciation of the annual generous donation of \$5,500 (including GST) from Council, however rising costs associated with insurance, advertising, signage and security have prompted the Chamber to request an additional donation towards this year's event, **(refer to Business Paper Supporting Documents)**.

Correspondence has been received from the Chairperson of the Light Up Camden Committee, a sub committee of the Chamber, **(refer to Business Paper Supporting Documents)**, requesting an additional donation from Council through Ward Funds to cover the increased expenses of this year's event. After making contact with the Chairperson, it has been confirmed that the Committee is seeking the same level of additional support, an amount of \$3,000 which is essential to ensure the success of the event and its continual growth.

In considering the above request from the Light Up Camden Committee, it is worth noting, as at 13 May 2011 there is \$22,781 available for use from Consolidated Ward Funds in the current 2010/2011 budget.



## CONCLUSION

The Light Up Camden Celebrations require additional funding to cover increased essential costs. It should be noted that no money has been allocated in the budget for this additional cost. Council may wish to utilise monies from their Consolidated Wards Funds, of which \$22,781 was available for use as at 13 May 2011.

## RECOMMENDED

**That Council consider making an additional donation of \$3,000 from Consolidated Ward Funds to assist the Chamber of Commerce stage the Light Up Camden 2011 Festival.**

## ATTACHMENTS

Supporting document - Donation Request  
Supporting document - Ward Funds Request



Donation Request - Light Up Camden Committee.pdf    Ward Funds Request - Light Up Camden Committee.pdf

## RESOLUTION

Moved Councillor Symkowiak, Seconded Councillor Dewbery that Council make an additional donation of \$3,000 from Consolidated Ward Funds to assist the Chamber of Commerce stage the Light Up Camden 2011 Festival.

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

ORD110/11

**THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 MAY 2011  
WERE ADOPTED AT AN ORDINARY COUNCIL MEETING HELD 14 JUNE MIN.  
NO. ORD 114/11**

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

**CHAIRPERSON**