



Camden Council

Business Paper

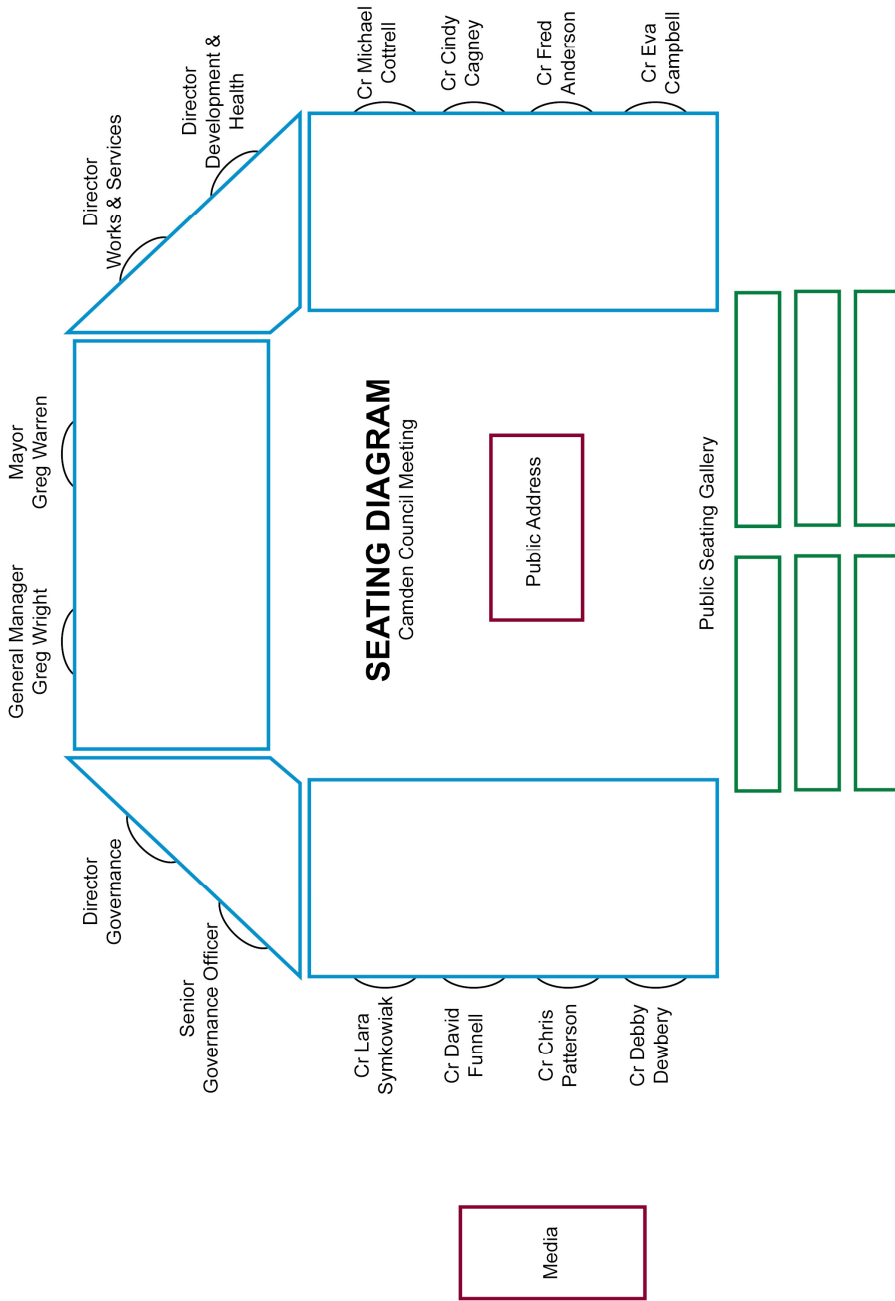
Ordinary Council Meeting
22 May 2012

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
RMS	Roads & Maritime Services (incorporating previous Roads & Traffic Authority)
SECTION 149 CERTIFICATE	Certificate as to zoning and planning restrictions on properties
SECTION 603 CERTIFICATE	Certificate as to Rates and Charges outstanding on a property
SECTION 73 CERTIFICATE	Certificate from Sydney Water regarding Subdivision
SEPP	State Environmental Planning Policy
SRA	State Rail Authority
SREP	Sydney Regional Environmental Plan
STP	Sewerage Treatment Plant
VMP	Vegetation Management Plan
WSROC	Western Sydney Regional Organisation of Councils



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



ORDINARY COUNCIL

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ORDINARY COUNCIL

SUBJECT: RECORDING OF COUNCIL MEETINGS

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



ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.



ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

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

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

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

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

RECOMMENDED

That the declarations be noted.

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

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

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

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

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

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

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

RECOMMENDED

That the public addresses be noted.



ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 8 May 2012.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 8 May 2012, copies of which have been circulated, be confirmed and adopted.

ORDINARY COUNCIL

ORD01

ORD01

**SUBJECT: SUPPLEMENTARY REPORT - NEW CENTRAL ADMINISTRATION
BUILDING SITE SELECTION**

FROM: Director Governance

BINDER: Council Properties

PURPOSE OF REPORT

The purpose of this report is to:

1. present supplementary information to Council on various matters raised by Councillors at a workshop held 10 April 2012;
2. present a response to issues raised by the Independent Commission Against Corruption (ICAC) in its letter dated 10 April 2012;
3. recommend to Council the preferred site for the new central administration building; and
4. outline the next steps in the process.

BACKGROUND

The findings of an assessment into the most appropriate site for a new central administration building were presented to Council in a report on 27 March 2012. However, Council deferred considering that report pending clarification of a number of matters raised by Councillors. These matters were subsequently discussed with Councillors at a workshop on 10 April 2012. Probity Auditor, Gary Clarke, was in attendance at the workshop to assist in the clarification of Councillor concerns.

A copy of the previous report to Council (27 March) and advice received from Probity Auditor, Gary Clarke, is attached at the end of this report (Attachments 1 & 2).

MAIN REPORT

This report should be read in conjunction with the report to Council dated 27 March 2012 which detailed the findings of an assessment into the most appropriate site for a new central administration building.

Advice From Independent Commission Against Corruption (ICAC)

Written advice from ICAC in relation to the potential gifting of land from the developers of Oran Park, Greenfields Development Corporation (GDC) was received on 10 April 2012. **A copy of the advice is attached at the end of this report (Attachment 3).**

The advice from ICAC is summarised below:

- Council should put in place a framework for maintaining the integrity of its regulatory functions to counter any perception that the acceptance of the gift of the site at Oran Park would motivate Council to deal more favourably with future development applications by GDC.

- The integrity of Council's regulatory functions can be maintained by separating this role from the negotiations over the gift of the site at Oran Park.
- ICAC endorsed the other measures that Council had proposed to implement to ensure the separation of its regulatory function such as the use of a peer review system and a greater reliance on the Joint Regional Planning Panel (where appropriate) for determination of development applications lodged by GDC as one of the options available to Council.
- ICAC recommended that Council ensure that it appreciates the significance of the gift of the site at Oran Park both from its own perspective and from that of GDC.
- As ICAC had not seen the findings of the assessment into the most appropriate site for a new central administration building that had been undertaken by Council, it made note of the need for Council to take into account:
 - the economic value of the site being gifted as well as the non-economic value and costs associated with the strategic location;
 - the costs and benefits of a range of alternative sites; and
 - the benefits that would flow to GDC from Council's new administration building being located at Oran Park.
- ICAC also noted that the awarding and management of large scale projects represents a significant corruption risk for government agencies.

It should be noted that ICAC did not consider the proposed gifting of land to Council to be an illegal transaction nor a transaction that could or should not be pursued.

This view was also endorsed by Council's legal advisors, Shaw, Reynolds, Bowen & Gerathy. **A copy of this advice is attached at the end of this report (Attachment 4).**

ICAC's advice focused on the steps that should be undertaken by Council in accepting the gift of the site at Oran Park and how to manage the perception that the acceptance of that gift would motivate Council to deal more favourably with future development applications by GDC.

In response to the advice from ICAC, Council proposes the following:

Separation of Council's regulatory function

Council will ensure that different officers are involved in the commercial and regulatory teams. In addition, the framework of the relationship and interaction of all other related parties in the Council decision-making process will be subjected to review by an external probity advisor to ensure that there is sufficient separation of Council's regulatory functions from the negotiations over the gift of the site at Oran Park.

Council has already proposed the use of a peer review system and a greater reliance on the Joint Regional Planning Panel (where appropriate) for determination of development applications lodged by GDC and this was endorsed by ICAC as being an appropriate response to this issue.

Advice from Gary Clarke (Probity Auditor) confirms there is no imperative to maintain an approval regime (beyond Council's normal practice), once assessment of the primary DA for the Commercial Centre is complete and Council has obtained title to the land for the Administration Centre.

Further, rigorous contract documentation, framing the agreement between Council and Oran Park, will ensure that there is no perception of a "gift of influence" built into any aspect of this proposal. Linking that with a transparent decision-making process and

on-going probity audits, will render any perception of undue influence, over any Council process, unsustainable.

Significance of the gift of the site at Oran Park

The Report to Council dated 27 March 2012 outlined the process undertaken and findings of an assessment into the most appropriate site for a new central administration building. This work considered matters such as the economic value of the site being gifted as well as the non-economic value and costs associated with the strategic location and the costs and benefits of a range of alternative sites.

In relation to the quantification of the benefits that would flow to GDC from Council's new administration building being located at Oran Park, Council has commissioned Jones Lang LaSalle (JLL) to undertake an independent assessment which concludes that it is *"highly probable that GDC would benefit from a net economic value of at least \$2.25m"*.

JLL's assessment was based on a combination of direct benefits derived from increased residential sales and retail consumption as well as indirect benefits derived from likely retail and commercial investment. The figure calculated was then discounted to a present value to GDC.

In fact, JLL calculate the total economic benefits at \$3.1m which is more than the gifted land value of \$2.25m. However, JLL note that many of the variables are flexible and state:

"Our key finding is that there are real economic benefits that will accrue to GDC and that the potential total net financial benefit is not materially in excess of the gifted land value."

It should be noted that the JLL assessment is qualified as it states *"the majority of the analysis undertaken in this report is based on our experience in the real estate development market."* That is, the results are based on a set of input variables that cannot be accurately verified and so the results can only ever be indicative. **A copy of Jones Lang LaSalle's advice is attached at the end of this report (Attachment 5).**

Corruption risk inherent in awarding and managing large scale projects

Council has commenced preliminary work on the framework for the procurement phase for the project (that is, the awarding and managing of the contract for the delivery of the new administration building) although it is premature to advance this work until a decision has been made on the location of the site for the new administration building.

MATTERS RAISED BY COUNCILLORS

Responses to the matters raised by Councillors are set out below.

Counterparty Risk

Entering into a transaction with any third party raises the spectre of counterparty risk. That is, the risk that the third party fails to fulfil its part of the transaction for any reason (for example, due to circumstances beyond that party's control, financial failure, negligence, incapacity, incompetence, etc.).

Matter raised

In the proposed transaction, Council is reliant upon GDC for the creation of the site at Oran Park and its gifting of that site to Council in a particular timeframe to enable Council to construct its new administration building. If there is a delay in the provision of the site to Council by GDC, then this would lead to the delay in delivery of the new administration building by Council. Such a delay might potentially cause a delay in Council's ability to expand its staffing to deliver services to residents of the LGA and an increase in costs due to the need to find alternative accommodation.

Response / Proposed course of action

The usual mitigants for counterparty risk are a combination of due diligence on the capacity of the third party to be able to fulfil its obligations and the provision by that third party of adequate guarantees of its performance.

Accordingly, Council, in order to mitigate the counter party risk inherent in entering into an arrangement with GDC, has:

- undertaken satisfactory due diligence on the capacity of GDC to fulfil its obligation to create and deliver a site at Oran Park to Council in the timeframe nominated;
- ensured that the timetable for the completion of the construction of the new administration building provides a contingency for delay in the provision of the site by GDC sufficient to enable Council to make alternative accommodation arrangements if required; and
- proposed that the legal documentation to be entered into with GDC contain requirements for GDC to provide specific guarantees of its performance (although the form of these guarantees are yet to be negotiated but are commonplace in contractual arrangements of this type) and a regime to compensate Council in the event of a delay or failure to deliver the site by GDC.

Reputational Risk

Reputational risk can be broadly described as the risk to an organisation from undertaking or participating in a transaction that leads to a loss of confidence in the integrity of that organisation or in the ability of that organisation to carry out its duties appropriately.

Matter raised

Concern has been raised that the gift of a parcel of land from the developer of Oran Park, GDC, elevates the potential for a perception in the community that the acceptance of such a gift gives GDC an entitlement to or expectation of influence or preferential treatment equal to the value of the gift now or at some later point in time. Put simply, the concern is that the integrity of or ability of Council to appropriately determine development applications lodged by GDC, or enter into other dealings in which GDC may be a party, is brought into question.

Response / Proposed course of action

As outlined above, Council will undertake a number of steps to ensure that it maintains the integrity of its regulatory functions to counter any perception that the acceptance of the gift of the site at Oran Park would motivate Council to deal more favourably with future development applications by GDC.

These steps include Council:

- ensuring that different officers are involved in the commercial and regulatory teams;
- subjecting the framework of the relationship and interaction of all other parties in the Council decision-making process to review by an external probity advisor to ensure that there is sufficient separation of Council's regulatory functions from the negotiations over the gift of the site at Oran Park;
- using a peer review system and the Joint Regional Planning Panel (where appropriate) for determination of development applications lodged by GDC.

It is important to note that ICAC, in its advice to Council, was of the opinion that the integrity of Council's regulatory functions could be maintained by separating this role from the negotiations over the gift of the site at Oran Park. In addition, ICAC endorsed the other measures that Council had proposed to implement to ensure the separation of its regulatory function such as the use of a peer review system and a greater reliance on the Joint Regional Planning Panel (where appropriate) for determination of development applications lodged by GDC.

Similarly, any other dealings with GDC will continue to be assessed on an individual basis, using appropriate probity (or other) measures to mitigate reputational risk.

Risk versus Return

The selection of a preferred site has taken into consideration both the opportunities presented by each of the sites investigated and the risks inherent in each site.

Matter raised

The findings from the site selection study and assessment process found that there is not a great deal of difference between Narellan and Oran Park as the preferred site for a new administration building. Accordingly, both the Oran Park and Narellan sites are more than capable of satisfying Council's future service delivery and accommodation needs.

Therefore, the question was raised as to why Council would choose to accept a gift of land at Oran Park given the risks identified above.

Response / Proposed course of action

The site specific risks and opportunities were taken into consideration in the site selection study and assessment process. Oran Park was considered the most appropriate site based on significantly greater opportunities which include:

- the land gift of a 1 hectare site fully warranted as "fit for purpose" including all services together with the opportunity to lease, develop or sell both the Narellan A and Narellan B sites (Total estimated current value \$7.25m); and
- the ability to construct the long term solution at the geographic centre of the Council's future population.

It was considered that the risks identified above (counter party and reputational risk) could be appropriately managed so that Council could accept the gift of the site from GDC in order to provide both Council and the community with the opportunity to realise not only the highest monetary value (a difference of some \$5M) but also allow the

Narellan sites to be developed for their “highest and best use” so as to add to the success of the Narellan CBD.

On this basis, it was considered that Oran Park should be recommended to Council as the preferred site for the new administration building.

CONCLUSION

This report summarises the matters raised by both Councillors and ICAC and provides a detailed response / proposed course of action for each matter. It is considered that each matter raised can be appropriately addressed so that the risks identified (counterparty and reputational) can be managed to ensure an acceptable outcome for Council and the community.

A comprehensive and thorough selection process has been undertaken by Council to ensure that the decision is made prudently and transparently in order to ensure that Council achieves its objectives.

The technical assessment reveals that there is very little that separates each of the options but once site specific risks and opportunities are included Oran Park is considered the most appropriate site for the reasons outlined in the Report to Council dated 27 March 2012.

RECOMMENDED

That Council:

- i. note the information presented in this report;**
- ii. endorse and accept the recommendation of Oran Park as the site for the new central administration building;**
- iii. pursue negotiations with the owners/developers of Oran Park to convert their proposal into a legally binding commitment on terms and conditions satisfactory to Council;**
- iv. not accept the leasing proposal put forward by the owners/developers of Oran Park;**
- v. investigate alternate opportunities and/or uses for the existing Camden and Narellan sites with a view to maximising economic opportunities for the community within those town centres; and**
- vi. proceed to formulate a project plan for the specification and design of the new central administration building.**

ATTACHMENTS

1. Council Report 27 March 2012
2. Probity Auditor Advice
3. ICAC Advice
4. Council's Legal Solicitor Advice
5. JLL's Assessment Advice



ORDINARY COUNCIL

ORD01

SUBJECT: SITE SELECTION - NEW CENTRAL ADMINISTRATION BUILDING
FROM: Director Governance
BINDER: Council Properties

PURPOSE OF REPORT

The purpose of this report is to present to Council the findings of an assessment into the most appropriate site for a new central administration building and to recommend a preferred site as well as outline the next steps in the process.

BACKGROUND

A review of the future office accommodation needs of Council commenced in the latter part of 2007 with a preliminary needs analysis which predicted that Council's office based accommodation needs would grow from approximately 3,000 square metres to 8,400 square metres of floor space over the next 30 years. This increase in the amount of future office space is required to accommodate the projected increase in staff required to service the needs of the Camden Local Government Area (LGA) as a result of the State Government's plans to concentrate a large proportion of development in the South West Sydney region. The Camden LGA population is forecast to increase from 55,000 to 275,000 over the next 30 years.

In late 2008, Council engaged independent experts to assist with the selection of the most appropriate site to accommodate a new central administration building. The scope of the investigation and assessment was limited to three (3) key sites; Camden (of which there was 2 options explored), Narellan and Oran Park.

In 2009, Council appointed consultants, Hassell in conjunction with Jones Lang LaSalle, Davis Langdon and Arup, to evaluate the suitability of each of the three (3) proposed sites being considered, to enable a recommendation of the most appropriate site for a new central administration building for Camden Council. The study covered technical, locational and feasibility aspects of each of the three (3) sites.

The findings from this review were presented to Councillors at a workshop in late 2009 and again in early 2011, culminating in a report to Council on 12 July 2011.

The results of the study review found that there was very little difference between Narellan and Oran Park as the preferred site for a new administration building but that Camden was the least preferred site of the 3 sites assessed.

At the meeting of Councillors on 12 July 2011, Council:

- A. endorsed the findings of the site selection study for the central administration centre;
- B. agreed that Council officers should pursue what opportunities might exist at Oran Park and explore alternative options for Narellan; and
- C. alternative opportunities and/or uses for the existing Camden site should be investigated.

ORD01

Attachment 1



MAIN REPORT

In order to pursue what opportunities might exist at Oran Park and explore alternative options for Narellan (essentially, Part B of Council's Resolution), a Project Plan was developed. This was to guide and assist Council through the selection process in order to ensure that the site selection process was undertaken prudently and transparently and to ensure that Council achieves its objectives.

Progress to Date

The timetable outlined in the Project Plan has been met to date with the following milestones having been achieved:

- a comprehensive selection process and governance framework (comprising a Project Plan, Probity Plan, Risk Management Plan, Communications Strategy and Financial Overview) were developed before any engagement with the proponents for Oran Park and Narellan commenced;
- the selection criteria along with an explanation of the evaluation and negotiation process was developed and then provided to each of the proponents;
- proposals were submitted by both proponents on the due date, 25 November 2011;
- detailed assessment of the proposals was undertaken and the results presented to the Executive Management Team on 7 February 2012; and
- a workshop with Councillors was held on 21 February 2012 at which each of the proponents made a presentation and the preliminary assessment was presented.

These steps are outlined in more detail below.

Process and Framework

A comprehensive selection process and governance framework was developed comprised of the following:

- **Project Plan** – this is the primary project control document covering: objectives, responsibilities, timeframes, assessment criteria and the decision making process.
- **Risk Management Plan** – analyses project risks and identifies appropriate treatment plans for each as well as identifies site specific opportunities.
- **Probity Plan** – to ensure ethical conduct of the project.
- **Communications Plan** – a set of strategies used to ensure clear communication of the project among stakeholders.
- **Financial Overview** – details the project cost and the various financing options available.

NOTE: A copy of the New Central Administration Building project package containing the above documents was distributed to Councillors at the workshop.

Primary Project Stakeholders – Site Selection Phase

The ultimate decision making body is Council with the Executive Management Team (Manex) acting as the Project Sponsor.



As outlined in the Project Plan, a Project Control Group (PCG) comprising the Director of Governance and 2 external consultants was established. In addition, the PCG engaged Council's Risk Management Officer to assist in relation to the risk assessment/management aspects.

The role of the PCG was to assess the proposals submitted and provide recommendations to Manex and, in turn, make recommendations to Council.

The proponents were as follows:

- **Landcom and Greenfield Development Corporation** – proponents for the Oran Park site; and
- **Camden Council Capital Works Branch (with the assistance of consultants, Hassell)** – acting as proponents for the site at Narellan.

Probity

In order to ensure that, in relation to the site selection process, Council and the PCG maintain the utmost level of integrity and observe the highest degree of probity, a comprehensive Probity Plan was prepared and has been strictly adhered to and enforced.

ASSESSMENT CRITERIA PACKAGE

Assessment Criteria

In order to select the site for the Project a competitive process has been undertaken based on the Site Assessment Criteria as set out in Table 6.2 of the *Camden Council - Central Administration Centre Report* prepared by Hassell Limited and dated September 2009.

The selection criteria were provided to both the proponents of the site at Oran Park (Landcom and Greenfield Development Corporation) and the site at Narellan (Camden Council Capital Works Branch). In addition to the selection criteria, an explanation of the evaluation and negotiation process was also provided to each of the proponents.

Costing Analysis

One component of the selection process was an analysis of the likely / expected costs for the project. Whilst no design work has been undertaken to date, indicative costs based on Council's office based accommodation needs of approximately 8,400 square metres were prepared using estimates provided by quantity surveying experts, David Langdon, and site specific differences identified and analysed.

In addition, various capital financing strategies were identified and preliminary analysis undertaken.

Risk and Opportunity Analysis

In order to ensure that Council is able to make a fully informed decision regarding the selection of the most appropriate site for Council's future administration building, a comprehensive Risk Management Plan has been prepared.

This work included the identification and analysis of:

ORD01

Attachment 1



-
- **General project risks** – those risks common to all sites and inherent in a project of this type;
 - **Site specific risks** – those risks particular to the sites being considered; and
 - **Site specific opportunities** – those opportunities particular to the sites being considered.

Oran Park Proposal

The proponents of the site at Oran Park, Landcom and Greenfield Development Corporation, submitted a proposal to Council which has the following key attributes:

- gifting to Council of a 10,000 square metre (1 ha) parcel of land which when combined with the existing Voluntary Planning Agreement (VPA) commitment for a new library provides Council with a 16,805 square metre (1.68 ha) 'civic precinct' (excluding the Town Park).
- a site fully warranted as "fit for purpose", including all services.
- roads completed to three frontages to facilitate construction of the Administration building.
- a proposal to bring forward certain VPA commitments such as the Library and Town Park to open in conjunction with the Administration building as well as acceleration of the Leisure Centre and Mick Doohan Reserve..

The proposal to gift land to Council was first documented in early 2011 with correspondence received from Landcom and Greenfields Development Corporation outlining a commitment to develop a Probity Plan to ensure the proposal was transparent and would not influence future development decisions within the Oran Park Town Centre. This Probity Plan has since been developed and reviewed by Council's external probity auditor.

Narellan Proposal

Camden Council's Capital Works Branch, with assistance from Hassell, submitted a proposal to Council which comprised two parts:

Narellan 'A' - Construction of a new building fronting Elyard Street. This proposal:

- Delivers the capacity to redevelop, lease or sell Narellan B site.
- Will require the accelerated relocation of the Parks Depot

Narellan 'B' - Adaptive re-use of the current building with capacity to expand in several directions. This proposal:

- Delivers the capacity to redevelop, lease or sell Narellan A site
- Is likely to require the relocation of the SES

Assessment Scoring

Each of these proposals (including the 2 options for Narellan) was assessed using the Site Assessment Criteria as set out in Table 6.2 of the *Camden Council - Central Administration Centre Report* prepared by Hassell Limited and dated September 2009 as set out below:



ORD01

Attachment 1

CRITERIA	Weighting
Site is sufficient size to accommodate an 8,400sqm building plus 250 car spaces (12,250sqm)	Y/N
1 TRANSPORT AND ACCESS	11
1.1 Minimal impact on surrounding road network.	2
1.2 Site location is accessible to current and future residents. Site easily accessed for private and service vehicles, as well as cyclists and	5
1.3 Site is in proximity (100m) to public transport	4
2 PHYSICAL, NATURAL & LANDSCAPE ATTRIBUTES	8
2.1 Site is not affected by flood	3
2.2 Development of the site will not impact any significant vegetation.	2
2.3 Site is not constrained by soil types, contamination, or sub-surface issues (i.e.	2
2.4 Site can take advantage of views and vistas	1
3 SITE ATTRIBUTES	15
3.1 Any current land uses can easily be relocated to alternate site.	2
3.2 Heritage significance of built form on the site (will it create an opportunity or constraint to development?).	3
3.3 Site contains all hard infrastructure services and IT and communication infrastructure including remote link capability.	6
3.4 Site is prominent and visible from surrounding road network.	3
3.5 Site provides an opportunity for co-location and shared usage with civic and community facilities.	1
4 SUSTAINABLE DESIGN	11
4.1 Orientation and layout of site provides solar access, to increase natural light into a future building	3
4.2 Orientation and layout of site enables natural ventilation.	3
4.3 Site has access to recycled water systems	3
4.4 There are existing buildings on site that can be reused	2
5 PLANNING CONSIDERATIONS	10
5.1 Compatible with current strategic or policy designations/requirements for each site.	4
5.2 Limited constraints to site amalgamation.	2
5.3 Opportunities to enhance site and surrounding environment.	2
5.4 Site interfaces with compatible uses; future building would be compatible with existing scale and pattern as well as create linkages with of surrounding built form.	2
6 COMMERCIAL and EXPANSION POTENTIAL	10
6.1 Site has good rental returns and attractive to prospective commercial tenants.	5
6.2 Site offers the opportunity to expand facilities in the future.	5
7 TIMING, OPERATIONS & COST	35
7.1 Total development costs are minimised.	13
7.2 Location minimises operational costs	13
7.3 Site provides certainty regards being able to be developed in the next 3-5 years.	6
7.4 Business interruption, relocation and temporary accommodation costs are minimal.	3
Total achievable points	100

However, as outlined to Councillors at the workshop held on 21 February 2012, criteria 6.1 was considered no longer applicable given the fact that this project will be staged and therefore no excess space will be leased to a third party. As such, the weighting for this criteria was reduced from five points to zero. Accordingly, there were 27 criteria assessed with differences in scores in 14 of those criteria.

The preliminary assessment reveals that there is very little that separates each of the options:

- Narellan Option A (new building) 76.0 / 95.0
- Narellan Option B (refurbish & extend) 77.5 / 95.0
- Oran Park (new building) 78.0 / 95.0

The above scores are considered high. These 'absolute' scores together with the closeness of the scores indicate that **both the Oran Park and Narellan sites are suitable to construct Council's future administration building.**



Financial Modelling

In order to inform Council about the financial implications of the proposal, preliminary financial modelling has been undertaken.

Limitations

There are a number of obvious limitations with the preliminary financial modelling as follows:

- the estimated costs have been based on a quantity surveyor's estimate but without a detailed design and those costs will need to be refined and updated as the building design or specification are being completed; and
- input assumptions have been based on estimates of market rates in many cases and need to be market tested in due course.

Indicative Results

The indicative construction costs show that:

- Narellan A has the highest cost and is slightly more expensive than for Oran Park due to the need to enhance existing services to the Narellan site; and
- Narellan B has the lowest cost.

The following table highlights the differences between the indicative construction costs associated with each of the options and a breakdown by stage. It is intended that the project be constructed in 2 stages – the first stage to be operational in 2016 and the second stage by 2031.

	Narellan A	Narellan B	Oran Park
Stage 1 (5,800 m ²)	\$29.4M	\$27.0M	\$28.9M
Stage 2 (2,581 m ²)	\$14.7M	\$15.3M	\$14.7M
Total Construction Cost	\$44.1M	\$42.3M	\$43.6M

Note: Construction estimates have been derived from Quantity Surveyors, David Langdon, using 2011 construction prices. All figures quoted in the above table have been inflated to 2014 dollars to coincide with the construction commencement date.

The indicative results are not based on Council disposing of other assets although the potential value of these has been reviewed as part of the analysis. In addition, the value of retaining the existing building at Narellan was also assessed. However, after investigation the benefits of retaining the existing building at Narellan (Narellan B) were not significant once the costs of refurbishment were taken into account.

Accordingly, the indicative results can be categorised as conservative and show the 'worst case' financial contribution required to be made by Council for this project.

In addition, indicative financial outcomes were modelled for 2 different financing strategies over a 30 year period – Council borrowing to build the new Administration building and Council being a tenant in an Administration building constructed and owned by a third party.



The indicative results showed that the strategy of Council borrowing and building had the lowest overall cost although there were a number of risks associated with that strategy, primarily in relation to interest rate risk management.

Leasing was more expensive although potentially provided more certainty to Council.

In particular, the leasing proposal put forward by the proponents for Oran Park was assessed and found to be significantly more expensive than the option of borrowing. Consequently, it is recommended that this alternative not be pursued further.

Project Risks

As outlined above, a comprehensive Risk Management Plan has been prepared in order to ensure that Council is able to make a fully informed decision regarding the selection of the most appropriate site for the project.

General Risks

The project has a number of inherent risks irrespective of the site chosen and these include:

- Size and scope of project and its impact on Council resources.
- Community response.
- Threat of amalgamation.
- Impact on other Council funded projects.
- Capacity to finance the project including a Special Rate Variation.
- Political cycle risks.

Site Specific Risks

In addition to the general risks, the risks associated with and particular to the sites being considered were identified.

Narellan

The risks identified as being specific to this site were as follows:

- Active construction site – impacts on community & disruption to staff.
- Increase in traffic congestion around Narellan CBD.
- Potential for soil contamination on existing Narellan site.
- Potential issues with retrofit quality (Narellan B).
- Loss of ability to re-develop, lease or sell the existing Narellan site.
- Passing up the proposal of gifted land at Oran Park (and acceleration of VPA commitments) – indirectly linked to Narellan.

Oran Park

The risks identified as being specific to this site were as follows:

- Alienation of current populated suburbs.
- Development at Oran Park not proceeding at the projected pace.
- Counter-party risk (the risk of being involved with a third party).

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Site Specific Opportunities

In addition to identifying the general and site specific risks, the opportunities afforded by and specific to each of the sites were identified and assessed.

Narellan

The opportunities identified as being specific to this site were as follows:

- Releases the existing Narellan site (A or B) for redevelopment, lease or sale. (estimated value \$2.5m)
- Provides capacity to act as a catalyst for change in Narellan.
- Council remains central to current populated suburbs (10 to 15 years maximum)

Oran Park

The opportunities identified as being specific to this site were as follows:

- The gift of a 10,000 square metre (1 ha) parcel of land with an estimated current value of \$2.25m.
- A site fully warranted as “fit for purpose”, including all services.
- Opportunity to lease, develop or sell both the Narellan A and Narellan B sites providing Council with an estimated current value of approximately \$5m.
- Ability to construct the long term solution in terms of proximity to future population.
- Ability to integrate new Administration Building & Library on one site.
- Capacity to act as a catalyst for the early delivery of certain Oran Park VPA commitments.

Outcome of assessment process

Given the findings from the study, it is clear that there is not a great deal of difference between Narellan A (76/95), Narellan B (77.5/95) and Oran Park (78/95) as the preferred site for a new administration building. Accordingly, both the Oran Park and Narellan sites are more than capable of satisfying Council's future service delivery and accommodation needs.

However, once the site specific risks and opportunities are taken into consideration, Oran Park is considered the most appropriate site based on significantly greater opportunities which include:

- the land gift of a 10,000 square metre (1 ha) site fully warranted as “fit for purpose” including all services together with the opportunity to lease, develop or sell both the Narellan A and Narellan B sites (Total estimated current value \$7.25m); and
- the ability to construct the long term solution at the geographic centre of the Council's future population.

In particular, acceptance of the Oran Park proposal provides both Council and the community with the opportunity to realise not only the highest monetary value (a difference of some \$5M) but also allows the Narellan sites to be developed for their “highest and best use” so as to add to the success of the Narellan CBD.

Attachment 1



Where to from here

It is recommended to Council that negotiations now take place with the owners/developers of Oran Park to convert their proposal into a legally binding commitment to provide the site for the new council administration building in the Oran Park Town Centre on terms and conditions satisfactory to Council. A timetable for these negotiations would be agreed with the proponents for Oran Park and reported back to Council at a future meeting.

It will be important to ensure that negotiations with the owners/developers of Oran Park are undertaken within a framework that can withstand public scrutiny. To this end, the primary governance documents (including Probity Plan) have been:

- reviewed by an external probity advisor;
- sent to and discussed with the Division of Local Government; and
- sent to and discussed with ICAC.

NOTE: Please refer to information provided to councillors dated 13 March 2012, titled 'Probity Matters relating to New Central Administration Building – Progress Report', attached at the end of this report.

Following the formalisation of the site negotiations, it will be necessary to proceed to the design phase of the building and further reports will be provided to Council on the process and timelines of that project, including necessary budgetary allocations.

With respect to the existing Council buildings at both Camden and Narellan, there exists the opportunity to explore the alternative uses for these sites. This was not part of the study brief but was contemplated by officers throughout the latter part of the project. Considerable work will be required to formulate appropriate plans to maximize the economic opportunities for the community of freeing up both sites. Those economic opportunities are not restricted to maximizing Council's financial return but also encompass generating alternate uses for the sites that contribute to the wellbeing of the two commercial centres of Camden and Narellan.

CONCLUSION

This report summarises the detailed analysis undertaken by the PCG. The study analysed three options on two sites from a technical, locational and feasibility viewpoint. A rigorous selection process and governance framework were developed along with a set of criteria and indicators upon which to base the analysis to determine the best possible site developed prior to any assessment being undertaken.

A comprehensive and thorough assessment and selection process has been undertaken by Council to ensure that the recommendation presented is made prudently and transparently in order to ensure that Council achieves its objectives.

The technical assessment reveals that there is very little that separates each of the options but once site specific risks and opportunities are included Oran Park is considered the most appropriate site for the reasons outlined above.

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Attachment 1



RECOMMENDED

That Council:

- endorse and accept the recommendation of Oran Park as the site for the new central administration building;
- pursue negotiations with the owners/developers of Oran Park to convert their proposal into a legally binding commitment on terms and conditions satisfactory to Council;
- not accept the leasing proposal put forward by the owners/developers of Oran Park;
- investigate alternate opportunities and/or uses for the existing Camden and Narellan sites with a view to maximising economic opportunities for the community within those town centres; and
- proceed to formulate a project plan for the specification and design of the new central administration building.

ATTACHMENTS

1. Councillor Memo Probity Issues - New Admin Building
2. Final Probity Report - New Building Site Selection

RESOLUTION

MOTION

Moved Councillor Cottrell, Seconded Councillor Patterson that the matter be delayed until a few things are clarified.

ORD64/12 THE MOTION ON BEING PUT WAS **CARRIED**.

(Councillors Cagney, Symkowiak, Warren, Cottrell and Patterson voted in favour of the Motion. Councillors Anderson, Campbell, Dewbery and Funnell voted against the Motion.)



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9 March 2012

Steven Kludass
Director Governance
Camden Council
PO Box 183
CAMDEN NSW 2570

Dear Steven

**PROBITY AUDITOR REPORT
CAMDEN COUNCIL NEW CENTRAL ADMINISTRATION BUILDING
PHASE 1 SITE SELECTION
(NARELLAN vs ORAN PARK)**

Introduction and Scope

Gary Clarke Consulting was engaged by Camden Council to conduct an independent desktop Probity Review of the framework established and processes followed in the assessment of site proposals for Camden Council's proposed new Central Administration Building.

The scope of this review was limited to the Camden Council New Central Administration Building Probity Plan and following documents, which are regarded as 'Commercial in Confidence' due to the content containing sensitive commercial and financial information:

- Councillor Workshop Package for 21 February 2012;
- Workshop presentation slides;
- Proposal for the Narellan Site dated 21 February 2012;
- Proposal for the Oran Park Site dated 21 February 2012; and
- Formal Offer to Camden Council in relation to the Oran Park Site dated 25 November 2011.

Focus areas in ensuring probity and promoting integrity, based on the ICAC best practice model are:

- obtaining best value for money;
- transparency of process;
- maintaining confidentiality;
- dealing with conflicts of interest;
- accountability; and
- monitoring and evaluating the process.

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Probity Review Findings

As Probity Auditor, I express my satisfaction with the conduct of the site selection process, as presented by the documentary evidence provided, from the probity perspective. The documentation provides clear evidence to support the establishment of a robust framework and conduct of a fair, equitable and impartial process with no party being given advantage over another or unfairly discriminated against. The comprehensive suite of supporting documents created effective probity and risk management controls providing accountability and transparency of process, and includes:

- Project Control Group (PCG) Report including a transparent record of scores and comments against each assessment criteria. The assessment criteria was established in September 2009 and has remained unchanged;
- Project Plan for Phase 1 – Site Selection;
- Risk Management Plan – Phase 1 Site Selection;
- Communication Plan – Phase 1 Site Selection;
- Evaluation/Negotiation Process for Site Selection; and
- other related reports/documents.

The site selection framework and process followed complied with probity requirements with no findings or deviations from the established framework or process noted. Processes and controls for managing probity risks have been implemented in accordance with the Probity Plan of October 2011 and related documents.

I am unaware of any outstanding probity consideration that would adversely affect the integrity of the site selection process.

Probity Management

Camden Council is to be commended for providing the NSW Division of Local Government and ICAC details of the site selection process and inviting comments/guidance to heighten the integrity and defensiveness of the project. I understand that a response from both organisations is due this month.

The following probity considerations are listed for Council's information and ongoing management of the process:

- There is no apparent gift of influence in the proposed dedication of the Oran Park site at no cost to Council. The offer is made with transparency and openness with no evidence of any obligation on Council or intent to win favour.
- Council must ensure that the proposed 'gifting' of the Oran Park site does not result in Council losing effective control of the process in any way and sacrifice its objective/plan by being locked in to the Developer's plan. This potential risk has been effectively addressed in the proposal and assessment considerations. Assurance against this risk will also need to be covered in the drafting of a legal agreement based on the formal offer.
- Any legal agreement drafted as a result of acceptance of a formal offer will need to ensure that there are no contractual arrangements which purport to guarantee outcomes that are subject to a separate regulatory process. There is no evidence of any such matters at this stage. Camden Council has established protocols for the clear separation of duties within Council staff in relation to the PCG headed by the Director Governance and the Assessments Team headed by the Director Development and Environment.

Attachment 2

-
- Council will need to ensure that any conditions precedent associated with the formal offer are achievable with reasonable contingency allowance and form an integral part of its Management Plan for budgeting purposes. I am advised that the proposed timeframes/milestones align well with Council's requirements.
 - Evidence was provided to demonstrate a heightened awareness of conflict of interest management. To further strengthen the established process, a standing order should be placed on PCG meetings to ensure that any changes to conflicts of interest status are raised and/or declared at the commencement of all such meetings.

On request, I would be happy to provide a more detailed response to any aspect of this report and review any further probity matters that may arise. As intended by Camden Council a Probity Review should be conducted at each key project milestone in order to provide independent scrutiny and probity assurance for Camden Council

Accountability and Responsibility

Gary Clarke Consulting takes responsibility for this report. The matters raised are only those which came to my attention during the course of my involvement. This report has been prepared solely for the use of Camden Council and should not be quoted in whole or in part without my prior written consent. No responsibility to any third party is accepted as this report has not been prepared, and is not intended, for any other purpose.



Gary Clarke
Probity Auditor
Gary Clarke Consulting

ORD01



Mr Tim Elliot
 Project Control Group
 Camden Council
 PO Box 183
 CAMDEN NSW 2570

*Received
 13/4/12
 JEB.*

Our Ref: Z12/0041

Attachment 3

Dear Mr Elliot

RE: Camden Council administrative centre

Thank you for your email of 3 April 2012 in which you seek the Commission's advice regarding Council's administrative centre. Council is currently considering options for the location of a new centre. The options include a site at Oran Park which the Greenfield Development Corporation (GDC) has offered to Council for nil consideration. I note that Council has a probity plan and various governance arrangements in place for the project.

Council is mindful that the acceptance of the site at Oran Park could give rise to perceptions that it will be motivated to deal favorably with future developments undertaken by GDC. For this reason, it is important that Council put in place a framework for maintaining the integrity of its regulatory functions. To this end Council should separate its regulatory role from any dealings with GDC that involve negotiations over the offer of free land. I understand that Council also intends to adopt a number of other options to help ensure its perceived regulatory impartiality. These include the use of peer review systems and a greater reliance on the Joint Regional Planning Panel for determinations.

The Commission also believes a critical probity and audit issue is whether Council appreciates the significance of the Oran Park land 'gift' from its own perspective and that of GDC. From a Council perspective this would include the economic value of the



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land as well the non-economic value and costs associated with the administration centre's strategic location. Council documents refer to studies that cover the technical, locational and feasibility aspects of the considered sites. The Commission is unaware whether these studies have taken into account the costs and benefits associated with a range of alternative sites within Oran Park and the wider local government area.

Any assessment of the significance of GDC's offer to Council should also take into account the value of the site to GDC based on its zoning and any environmental, social and economic constraints associated with the site. The ensuring benefits that will flow to other surrounding sites owned by GDC from the location of Council's administrative centre at Oran Park should also inform Council's negotiations with GDC.

On a separate note, I understand that the construction of the new administration centre is estimated to cost around \$40 million. In the Commission experience, the awarding and management of large scale projects represents a significant corruption risk for government agencies. The Commission runs specialised training that deals with the probity risks involved in procurement. Please contact the Commission's trainers by email at workshops@icac.nsw.gov.au if Council officers are interested in attending this training. Please also contact Ms Giselle Tocher, Principal Officer Local Government and Planning, on 02 8281 5884 if you would like to arrange a meeting to discuss the issues raised in this letter in more detail.

Thank you for seeking the advice of the Commission. This advice is based upon the information you have provided. It is not intended to be a ruling on this issue. It is provided to assist you to assess the relevant corruption risks and to choose a course of action. This advice does not constitute legal advice.

Yours sincerely

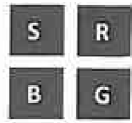


Dr. Robert Waldersee
Executive Director
Corruption Prevention

10 - April - 12.

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Attachment 4



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OUR REF: CHS:CHS:120096:CSM
YOUR REF: Steven Kludass

8 May 2012

The General Manager
Camden Council
PO Box 183
CAMDEN NSW 2570

By email: steven.kludass@camden.nsw.gov.au

Dear Mr Wright

ADVICE – SITE SELECTION FOR COUNCIL'S NEW ADMINISTRATION BUILDING

1. We understand that Council will soon make a decision as to the site to locate its future central administration building and that options in this regard include:
 - a 10,000m² site at Oran Park to be gifted to Council for nil consideration by the Greenfield Development Corporation ("GDC"); and
 - land near the Narellan Shopping Centre, owned by Council.
2. Council seeks our advice as to if it were to make a resolution to proceed with the Oran Park proposal, including accepting ownership of the 10,000m² site, whether such a resolution would represent a breach of any duty that the Council has.
3. Pursuant to s.8 of the *Local Government Act 1993* ("LG Act") Council's charter includes the following:
 - *to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively*
 - *to exercise community leadership*
 - ...
 - *to have regard to the long term and cumulative effects of its decisions*
 - *to bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible*
 - *to engage in long-term strategic planning on behalf of the local community*

The General Manager
Camden Council

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8 May 2012

...

- *to keep the local community and the State government (and through it, the wider community) informed about its activities*
- *to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected*

..."

4. Section 232 of the LG Act outlines the role of a Councillor as follows:

"(1) The role of a councillor is, as a member of the governing body of the council:

- *to provide a civic leadership role in guiding the development of the community strategic plan for the area and to be responsible for monitoring the implementation of the council's delivery program*
- *to direct and control the affairs of the council in accordance with this Act*
- *to participate in the optimum allocation of the council's resources for the benefit of the area*
- *to play a key role in the creation and review of the council's policies and objectives and criteria relating to the exercise of the council's regulatory functions*

...

(2) The role of a councillor is, as an elected person:

- *to represent the interests of the residents and ratepayers*

..."

5. As with all decisions that Council makes, any resolution in relation to the Oran Park site should be consistent with the Council's charter and consistent with the role of a Councillor under s.232. We are not aware of circumstances that would render a resolution to progress with the Oran Park site to be contrary to Council's charter or the role of a Councillor. That, however, remains a relevant consideration for each Councillor.
6. In accordance with s.439 of the LG Act, every councillor, member of staff of a council and delegate of a council must act honestly and exercise a reasonable degree of care and diligence in carrying out his or her functions under the LG Act or any other Act. Similarly, Councillors and members of the staff must comply with the applicable provisions of the Council's Code of Conduct (s.440). These obligations relate to both making decisions and any involvement in Council's activities that may influence the ultimate decision. We are not aware of any circumstances that would render staff advice or a resolution to progress with the Oran Park site to be contrary to duties imposed under s.439 or s.440.
7. We are comforted in our conclusions by the fact that Council has gone to considerable lengths to ensure the probity of its decision making process, including the obtaining of independent advice or review from the Independent Commission Against Corruption, the Department of Local Government, David Wing (Capital Finance consultant and lawyer), Tim Elliot (certified valuer and property consultant) and Gary Clarke (probity auditor).

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Attachment 4

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Attachment 4

The General Manager
Camden Council

-3-

8 May 2012

8. As a significant landholder within the local government area, it is highly probable that development applications and / or rezoning applications will be lodged by or on behalf of GDC in the future. Council has a duty to deal with GDC and treat such applications in a fair and unbiased manner. Council would also wish to maintain the confidence of its community by avoiding any perception of bias. In the case of *Ebner v Official Trustee in Bankruptcy* [2000] HCA 63; 205 CLR 337 the High Court confirmed that the test for the perception or appearance of bias is "*whether a fair-minded lay observer might reasonably apprehend that the judge might not bring an impartial and unprejudiced mind to the resolution of the question [he or she] is required to decide*". The same principal would apply to a Council as decision maker.
9. To avoid perceptions of bias associated with Council in some manner returning a favour to GDC for its donation of land, Council may wish to consider appropriate measures to keep its decision making regulatory functions at arms length. Ongoing independent probity advice may assist Council in formulating what such appropriate measures comprise and when / how they should be implemented. Council may also wish to keep agencies such as the Independent Commission Against Corruption and the Department of Local Government informed of the project as it unfolds so as to maintain a transparency in the process.

If Council requires clarification of this advice, please do not hesitate to contact us.

Yours faithfully

SHAW REYNOLDS BOWEN & GERATHY



Colin McFadzean
Solicitor
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Christopher Shaw
Partner
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Economic Considerations

Relocation of Camden Council
Administration Building to Oran Park

Prepared for Camden Council

ORD01

Attachment 5

May 2012

1 Executive Summary

1.1 Introduction

Jones Lang LaSalle has been engaged by Camden Council (Council) to provide advice on the economic implications associated with the 'gifting' of land for the development of Council administration facilities at Oran Park. Details of this offer are available in the document 'Relocation of Camden Council Central Administration Building to Oran Park Town – Formal Offer to Camden Council dated 25 November 2011' (Formal Offer) from Greenfields Development Corporation (GDC).

Jones Lang LaSalle notes the probity issues arising from situations where either Council or GDC may be perceived to be the beneficiaries of a significant financial / economic advantage. The objective of this report is to comment on the likely benefits (financial and non-financial) accruing to GDC as a result of Council's potential development at Oran Park.

1.2 Key Findings

Jones Lang LaSalle has spent a considerable amount of time researching town centre projects to use as case studies to examine the impacts of major commitment by a government authority that was at an early stage of the project and acted as a major catalyst for subsequent development. However, we have not identified any town centres with a directly comparable evolution or similar development structure. The primary issue with the projects analysed is that there is a difficulty in isolating the impacts of town centre development to a single catalyst component (i.e. Council offices being established). Additionally, we note that many examples analysed, the timing of development of a government authority was long after the initial establishment period of the town centre, further limiting the ability to isolate the economic impacts on the town centre of this component. As such, we have looked for anecdotal evidence of an economic benefit. Many case studies do show that a real economic benefit flows from investments such as Council or government authority facilities. This is a 'top down' approach.

Using this approach we consider it highly probable that GDC would benefit from a net economic value of at least \$2.25m.

Our 'bottom up' approach is to look at the cashflows generated from the Oran Park development and apply, as appropriate, variations to these cashflows based on the proposed relocation of Council. The difference between these cashflows (once discounted) reflects the value to GDC.

We consider it reasonable to assume;

Residential – Direct Benefit

That a small percentage of Council staff (say 2.5%) would consider relocating to Oran Park. This generates an economic benefit of \$0.2m

Residential – Indirect Benefit

The residential sales rate would be impacted positively, albeit nominally by the relocation of Council. Assuming an improvement of 1% in the sales rate relating to an increase in demand from buyers (non-Council staff) as a result of the presence of Council the difference between 370 vs. 373.7 sales per year has a net present value to the development of \$1.2m

Retail – Direct Benefit

Our analysis of the direct benefits on retail flowing from Councils staff being located at Oran Park can be seen to be limited. We have assessed an economic benefit of \$0.1m.

Retail – Indirect Benefit

We have considered the indirect economic benefit to GDC on retail uses. We have critically analysed the model provided by GDC. We consider each of the variables reasonable and have therefore adopted their derived economic benefit of \$1.6m.

Commercial – Direct and Indirect Benefit

We have considered the direct and indirect benefits that may flow to commercial (office) uses from Councils relocation to Oran Park. While we consider it likely there would be benefits these are difficult to quantify (and not necessarily guaranteed). For this reason we have not attributed a value.

Totalling the above economic benefits equals \$3.1m. While this is more than the gifted land value of \$2.25m we note that many of the variables are flexible. Our key finding is that there are real economic benefits that will accrue to GDC and that the potential total net financial benefit is not materially in excess of the gifted land value.

In addition to the above, we note there are associated costs to GDC of bringing forward the committed community infrastructure. Importantly, the first two components (Library / Community Resource Centre and Town Park) will not generate revenue for GDC and so represent a direct impact to the net present cost of these projects as they are brought forward by 3 years and 2 years respectively. However, we note that GDC would derive benefit in the form of stronger take-up rates for residential and town centre uses (retail and commercial), as these important community assets are delivered earlier and provide a strong level of amenity for future residents and workers.

Quantifying the net impacts of these has not been done, due to the indirect nature of this component of the offer, except to note that in the initial years after the completion of these works, the net financial impact to GDC would be expected to be negative rather than positive. This should be considered in the context of the accrued benefits to GDC for the gifting of land to Council.

1.3 Limitations

The majority of the analysis undertaken in this report is based on our experience in the real estate development market. Many of the individual assumptions could be argued however it has been our intention to provide 'reasonable market assumptions'.

1.4 Contact Details

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Jones Lang LaSalle
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02 8220 8440

Ben Koop
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ORD01

Attachment 5

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2 Overview of Oran Park & Council Facilities

2.1 Overview

We have provided only summary details below about the Oran Park Masterplan. As outlined in the Formal Offer Oran Park will accommodate;

- Up to 25,000 people
- Full time employment for approximately 10,000 people
- A walkable 30 hectares mixed use town centre
- Mall and main street shopping with up to 50,000 sqm of retail space
- Provision of three K-12 schools and one 6-6 primary school
- 12 children's playgrounds, local parks and recreation areas
- 40 hectares of re-vegetated riparian corridors
- 31 km's of cycleways.

2.2 Residential Uses

Oran Park has a target yield of 5,500 dwellings (of which approximately 500 lots have been sold to date. We understand the indicative mix of product is as follows;

Land ~ 375 sqm (10% of product)

Land ~ 450 sqm (25% of product)

Land ~ 540 sqm (30% of product)

Land 600+ sqm (35% of product)

In addition there is potential for a higher density product to be built (units) however this is still to be planned and approved.

2.3 Retail and Commercial Uses

Given the early stage Oran Park is difficult to predict the final make-up of the town centre inclusive of the retail uses. We have had consideration to both the masterplan of Oran Park and various details as provided from GDC which includes;

Stage 1

The Development approval from the Joint Regional Planning Panel is due for determination on the 24th May 2012. Construction is expected in 2013-14.

GDC has the plans for the following development;

- Supermarket: 4,616 (Binding Agreement with major retailer – largest supermarket/liquor footprint)
- Speciality: 5,184 (including mini-majors)
- Commercial: 4,380 (including 600 sqm mini-medical centre to the University of Western Sydney supported Integrated Health Care Facility)

Stage 2

Plans are still yet to be confirmed however the intention is for Construction in 2017. This will include;

- Discount department store: 7,431 sqm
- Speciality stores: 6,000 approx.

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- Commercial: 1,757 sqm

2.4 Proposed Council Facilities

Given the early stage detailed specifications of the Council facilities are not yet available. Broadly we understand the facilities will accommodate 180 jobs in 2016 with an eventual target of 420 jobs by 2040.

Attachment 5

3 Outline of Offer

3.1 Base Offer

As outlined in the Offer Formal Offer from GDC¹

GDC will create and dedicate at no cost to Council a minimum of 16,000 sqm site. This comprises of 10,000 sqm for the administration building and 6,000 for the branch library, as per the commitments contained with the VPA.

The site will be delivered fully serviced and with roads to three sides. It will be delivered by June 2014 and will enable Council to commence construction immediately. This will ensure Council is operational by 2016.

We are also aware that council has made undertakings to bring forward their requirements under the Voluntary Planning Agreement VPA however we have not specific regard to this.

3.2 Additional Offer

We are aware that GDC has also made an additional offer as summarised below.

GDC are also providing an additional offer, which involves GDC constructing Stage 1 of the administration building, the branch library and at grade parking at the rear of the site. The committed delivery date is 30 June 2016. This option involves the dedication of the branch library to Council and the leasing of the administration building to Council with a 15 year buyout option.

We understand that Council will not be pursuing the additional offer.²

3.3 Value of the Base Offer

As stated in the report to the Ordinary Council on 27 March 2012 'the gift of a 10,000 sqm (1 ha) parcel of land has estimated current value of \$2.25m. We have accepted this value on face value.

3.4 Consideration of VPA Impacts

We note that the offer to Council is also associated with the early delivery of key community infrastructure components by GDC. These components are:

- Branch Library and Community Resource Centre - \$8.56 million – brought forward from 2019 to 2016 to coincide with Council opening
- Town Centre Park - \$1.65 million – brought forward from 2018 to 2016
- Leisure Centre - \$22.27 million – brought forward from 2021 to 2018.

These factors have been taken into account in our assessment.

¹ Additional details are available in the Offer Document

² Per correspondence from the Director of Governance dated 27 March 2012 for the Ordinary Council

4 Benchmarking of Catalyst Projects

Jones Lang LaSalle has undertaken research into town centre projects that may provide evidence into the economic and financial benefit that will accrue to GDC from the gifting of the land to Council.

While we were unable to find directly comparable case studies that could isolate the benefits of a government authority catalyst project in the initial stage of development of a master planned town centre we have provided below summary details on examples we were able to source that can provide some insight as to the potential flow-on effects.

We are aware of only a limited number of examples of Council / Government facilities moving to generate economic development. These include;

- The co-location of some government tenants as part of a large masterplanned community at Caroline Springs, Victoria has provided a benchmark for effective planning of this type of development. This has some similarities to Oran Park.
- The Department of Planning and Community Development in Victoria focussed on the suburb of Broadmeadows which was a low socio-economic area with significant development potential
- Kempsey was considering moving their offices to help regenerate an area of the community however this has not progressed
- New Hume City Council offices in Broadmeadows in Melbourne's north – high-rise building in suburban centre, as part of general revitalisation
- Narre Warren (City of Casey)
- Pakenham (Shire of Cardinia)
- Joondalup (WA) – where council offices and other government offices founded the development of a Strategic Regional Centre in northern corridor.

Examples of decentralisation to promote economic growth in non CBD or non-metropolitan areas including;

- TAC Geelong relocating to Brougham Street, Geelong by the Victorian State Government from Melbourne's CBD primarily to drive employment growth
- Queensland State Government decentralisation to Ipswich CBD and to Carseldine Urban Village
- The Bendigo Bank major redevelopment and extension on its existing site which created the largest regional office occupancy in Australia.
- Australian Tax Office has a long history of decentralising offices (e.g. Box Hill in Melbourne, Chermside in Brisbane and Townsville in regional Queensland).
- Within the ACT there has been a push for decentralisation of Government agencies to Gungahlin to boost the Town centre but such a move appears a few years away.
- VicUrban (now Places Victoria) do a lot of work in the growth areas, acting as a developer to generate economic activity with some associated public sector government office commitments to stimulate additional development (e.g. Dandenong, Footscray)

Various NZ Examples where Council is driving development to promote growth;

- The Tank Farm at Wynyard Quarter, Britomart (public contribution of land)
- New Lyn City centre redevelopment plans (public contribution of land)
- Waitakere City Council - Henderson (tenanted a building) around a train station to ultimately drive a transport orientated development (TOD) for the revitalised town centre

4.1 Observations

We have provided limited details on the above case studies. We have instead focused on the key observations that we gained from more detailed discussions regarding the outcomes of these projects;

- Generally speaking, it appears that direct economic benefits attributable to individual government authority catalyst commercial projects are modest compared with the indirect benefits (community value etc.)
- Not all public sector investments are considered successful. Observations about why some projects have been considered less successful include;
 - Poor interest in additional flow-on development and investment from the private sector in lower socio economic areas (or limited to only residential development)
 - Softer economic conditions has the potential to delay financial benefits
 - Poor execution including poor management / role out, place management, ineffective investment frameworks
- Areas without solid supporting infrastructure have not performed as strongly (take-up rates and diverse flow-on investment and development) as those centres supported by good quality infrastructure. Examples include transport, (road, rail) as well as social infrastructure (schools, childcares, parks etc.)

5 Economic Implications of Council Relocation to Oran Park

5.1 Residential

The objective of this section is to analyse the value to GDC of increased demand for its residential product. The large amount of stock and comparatively homogenous nature of the residential product in South West Sydney means that any additional demand is very unlikely to be reflected in price increases. However it could be argued that Council's relocation to Oran Park will provide confidence and additional amenity that may reasonably provide an incremental improvement to selling rates.

5.1.1 Direct

As discussed above the Council facilities will accommodate 180 jobs in 2016 with an eventual target of 420 jobs by 2040.

We have considered the financial impact of the demand that may be derived from Council employees purchasing land within Oran Park primarily because they want to be located in close proximity to their place of work. We have discussed this situation with the Corporate Solutions Team of Jones Lang LaSalle who has a significant depth of experience in relocating private and public sector organisations. They have specifically identified issues that will impact the variability of take up which will include;

- The current location of employees (i.e. distance to Oran Park)
- Preference of the staff (rent vs. buy / drive vs. walk)
- Any financial incentive Council may give for relocation

With knowledge of the above the Corporate Solutions Team's opinion was that in the order of 2.5% of staff households may relocate to Oran Park Town Centre. This would equate to 4.5 dwellings in 2016 and eventually 10.5 dwellings in 2040. This equates to \$0.2m in value to GDC.

5.1.2 Financial Modelling (Indirect Demand)

We consider the indirect demand to GDC for residential uses will come in the form of;

- Confidence from purchasers who are aware of Council's commitment to Oran Park and consider it important in providing stability / certainty to the town centre.
- Demand for residential lots from employment uses (retail, commercial, industrial) that have located in the town centre again because of the confidence and certainty that council's location provides.

Summary details of our financial analysis are provided below.

Scenarios

As stated earlier it is difficult to find highly comparable evidence that allows derivation of an adjusted sales rate based on Council's relocation to Oran Park. We have therefore relied more on a subjective assessment informed by our experience in real estate development consulting, in combination with discussions with a variety of active market players (agents, valuers, developers etc.). We have specifically tested the following scenarios;

- Base case (assumes Council does not locate at Oran Park)
- 1% improvement in sales rates
- 2.5% improvement in sales rate

- 5% improvement in sales rates

Financial Inputs

We have constructed a 14 year Discounted Cashflow (DCF) Estate Master model that reflects the revenues and costs to GDC. Details of our assumptions are provided in the appendices however we have provided high level numbers below;

(a) Sales Rates

GDC anticipates an annual sales rate of 270 lots p.a. (30.8 lots per month). We have varied this as follows;

- A 1% improvement in sales rates reflects an improvement of 3.7 lots p.a.
- A 2.5% improvement in sales rates reflects an improvement of 9.5 lots p.a.
- A 5.0% improvement in sales rates reflects an improvement of 18.5 lots p.a.

(b) Development costs

We have assumed development costs of \$130,000 p.a.

In addition we have added project contingency, development management and professional fees.

All costs exclude GST and have been escalated at 2.5% p.a.

(c) Revenues

We have assumed an average lot size of 520 sqm with average revenues per lot of \$250,000 inclusive of GST. We have made specific assumptions about marketing and selling costs.

(d) Other costs

We have made specific assumptions regarding holding costs (council rates, water rates, land tax), stamp duty, legal costs and finance costs.

Financial Outputs

We note that this is not a valuation. It is more specifically a model set up to derive the impact on value to changes in the sales rate.

The impacts to value are outlined in the following table

	Residual Land Value	Difference to Base Case
Residential Base Case	\$150,925,094	\$0
Upside 1%	\$152,155,783	\$1,230,689
Upside 2.5%	\$154,002,533	\$3,077,440 (not likely achievable)
Upside 5.0%	\$156,978,581	\$6,053,487 (not likely achievable)

Implications

We are of the view that there would reasonably be uplift in sales rates based on Council's relocation to Oran Park. We consider that it would be a reasonable assumption that an uplift of 1.0% would be achieved. We are therefore of the view that there is insufficient evidence to suggest that a materially significant uplift of 2.5% or 5% in sales would be achieved. An economic benefit of approximately \$1.2m flows from this assumption.

5.1.3 Peer Review – GDC Analysis (Residential)

We have been provided with a copy of the financial analysis undertaken by GDC which we have commented on below:

Methodology

GDC have constructed a 14 year DCF which discounts the net profit from varied sales rates. This model varies significantly from the Jones Lang LaSalle model in that it only models the profit to GDC and JV partners and not to the landowner. In our opinion this does not fully reflect

the value to the 'developer'. We have not provided all of these details due to some of them being commercial in confidence.

GDC have then contrasted this base case with a 'with Council Admin Centre' model which varies the base model by assuming lot sales increase to 380 lots per year i.e. 2.7%

Outcome and Critique

GDC derived a net present value of \$0.8m from the above analysis. While we consider the assumed 2.7% increase in sales rates too aggressive we also consider their model does not take into account the full value to the developer.³ We have therefore not adopted the findings from the GDC model.

5.1.4 Impact on other land uses

It should be noted that any increase in residential demand will have a flow-on impact on other land uses (retail and commercial). We have factored this into our retail and commercial analysis.

5.2 Retail

Our analysis of the direct and indirect benefits to retail flowing from Council's relocation to Oran Park out discussed below.

5.2.1 Direct

We have considered the benefit that would come from 180 council employees being located in Oran Park in 2016 and a gradual increase to 420 jobs by 2040.

Jones Lang LaSalle has undertaken analysis that shows that there is approximately the following demand for retail on a per capita basis⁴.

- 1.91 sqm / per person Gross Lettable Area Retail (GLAR) in NSW
- 2.01 sqm / per person Gross Lettable Area Retail (GLAR) in Australia

The requirement for retail uses from an employee perspective is significantly less than these rates. Assuming employees have a requirement for 1 sqm per person then demand for 180 sqm would be created in 2016 rising to 420 sqm in 2040.

An alternative way to analyse this is to assume that Council employees spend an average of \$50 per week on retail goods and services in the town centre. This figure is considered realistic based on Jones Lang LaSalle's experience of analysis of retail spending trends for office workers. This would equate to a total spend of \$468,000 p.a. (\$50 p.w. x 52 weeks x 180 employees). Based on an average retail turnover rate of \$5,000/sqm⁵, this would support a tenancy of around 94 sqm.

Assuming a development value (land value) of \$750/sqm GLAR⁶ and demand for say 150 sqm (being between the two methods discussed above) reflects a value to GDC of \$112,500. We have rounded this to say \$0.1m.

5.2.2 Indirect

Our approach in quantifying the indirect benefits associated with retail was to peer review the work done by GDC given they have been front facing in their dealings with the market (tenants).

³ The GDC only account for the development profit that goes to this entity. It does not account to the value derived from the underlying land owner. The Jones Lang LaSalle model derives the value to both.

⁴ Includes all retail offerings i.e. Bulky goods, supermarket, strip etc.)

⁵ Urbis Retail Averages 2011

⁶ Gross Lettable Area Retail

Methodology

GDC have constructed a 14 year DCF which discounts the net profit from retail uses. We understand it is the intent of GDC to develop and own the assets therefore any increase in rent and or decrease in vacancy will be to the direct benefit of GDC. A summary of GDC's assumptions include⁷;

- Development of a 15,000 sqm retail and commercial development in 2014 – 2016. Development of 30,000 sqm from year 6 on.
- Net income has been used for the NPV of calculations for simplicity.
- The cashflow has been discounted at 8% p.a.

GDC have then contrasted this base case with a 'with Council Admin Centre' model which varies the base model by assuming lower vacancy rates. Specifically they have varied the vacancy rates as follows;

- 2016 3% vacancy rate with Council's relocation vs.4% without
- 2017 5% vacancy rate with Council's relocation vs.8% without
- 2018 3% vacancy rate with Council's relocation vs.5% without
- 2019 3% vacancy rate with Council's relocation vs.4% without
- 2020 1% vacancy rate with Council's relocation vs.2% without

Financial Output

A net present value of \$1.6m is derived from the GDC analysis.

Reasonableness of Assumptions and Implications

While arguments could be supported for lower and higher value to GDC we consider that the variables within this model are reasonable. A variance in vacancy of 1% to 3% over the period 2016 to 2019 is, in our view, reasonable. For this reason we have adopted this value of \$1.6m.

5.2.3 Impact on other land uses

It should be noted that any increase in GLAR⁸ will have a follow on impact on other land uses (commercial and residential). We have factored this into our analysis.

5.3 Commercial

While we consider the relocation of Council to Oran Park as being advantageous the extent of value derived by GDC is difficult to quantify. This is because the flow-on impacts of investment in new commercial office space will be materially impacted by a range of factors not related to the presence of Council. This will include market cycles, other town centre uses (presence of existing amenity), transport, rents, car parking availability, stage of development of the town centre and so on.

5.3.1 Direct

Based on the drivers for new office space in suburban locations, we do not see any direct benefits flowing from Councils relocation. Unlike retail space where a \$ per council employee spend can be analysed, no such metric applies to commercial. The metrics will be most directly be influenced by the occupier and developer rather than one single co-located occupier (Council).

⁷ Summary detail have been provided only due to commercial in confidence issues

⁸ Gross Lettable Area Retail

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5.3.2 Indirect

We consider that demand from commercial uses could be derived from;

- (a) Companies locating at Oran Park that have specifically set up to service Council.
- (b) Companies that locate at Oran Park because they have been influenced by the confidence factor discussed above.

Council's relocation would without doubt be positive however due to the key factors outlined above that influence office space development outcomes the magnitude of this benefit is considered to be materially insignificant to attribute and quantify a financial value. Commercial uses form a small part of the analysis undertaken by GDC in section 5.2.2 which we consider reasonable.

5.3.3 Impact on other land uses

It should be noted that any increase in commercial space will have a follow on impact on other land uses (retail and residential). We have factored this into our retail and residential analysis.

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5.4 Voluntary Planning Agreement – Community Infrastructure Works

There are associated costs to GDC of bringing forward the committed community infrastructure. Importantly, the first two components (Library / Community Resource Centre and Town Park) will not generate revenue for GDC and so represent a direct impact to the net present cost of these projects as they are brought forward by 3 years and 2 years respectively. However, we note that GDC would derive benefit in the form of stronger take-up rates for residential and town centre uses (retail and commercial), as these important community assets are delivered earlier and provide a strong level of amenity for future residents and workers.

Quantifying the net impacts of these has not be done, due to the indirect nature of this component of the offer, except to note that in the initial years after the completion of these works, the net financial impact to GDC would be expected to be negative rather than positive. This should be considered in the context of the accrued benefits to GDC for the gifting of land to Council.

6 Reconciliation of Benefits

6.1 Key Findings

Jones Lang LaSalle has spent a considerable amount of time researching town centre projects to use as case studies to examine the impacts of major commitment by a government authority that was at an early stage of the project and acted as a major catalyst for subsequent development. However, we have not identified any town centres with a directly comparable evolution or similar development structure. The primary issue with the projects analysed is that there is a difficulty in isolating the impacts of town centre development to a single catalyst component (i.e. Council offices being established). Additionally, we note that many examples analysed, the timing of development of a government authority was long after the initial establishment period of the town centre, further limiting the ability to isolate the economic impacts on the town centre of this component. As such, we have looked for anecdotal evidence of an economic benefit. Many case studies do show that a real economic benefit flows from investments such as Council or government authority facilities. This is a 'top down' approach.

Using this approach we consider it highly probable that GDC would benefit from a net economic value of at least \$2.25m.

Our 'bottom up' approach is to look at the cashflows generated from the Oran Park development and apply, as appropriate, variations to these cashflows based on the proposed relocation of Council. The difference between these cashflows (once discounted) reflects the value to GDC.

We consider it reasonable to assume;

Residential – Direct Benefit

That a small percentage of Council staff (say 2.5%) would consider relocating to Oran Park. This generates an economic benefit of \$0.2m

Residential – Indirect Benefit

The residential sales rate would be impacted positively, albeit nominally by the relocation of Council. Assuming an improvement of 1% in the sales rate relating to an increase in demand from buyers (non-Council staff) as a result of the presence of Council the difference between 370 vs. 373.7 sales per year has a net present value to the development of \$1.2m

Retail – Direct Benefit

Our analysis of the direct benefits on retail flowing from Councils staff being located at Oran Park can be seen to be limited. We have assessed an economic benefit of \$0.1m.

Retail – Indirect Benefit

We have considered the indirect economic benefit to GDC on retail uses. We have critically analysed the model provided by GDC. We consider each of the variables reasonable and have therefore adopted their derived economic benefit of \$1.6m.

Commercial – Direct and Indirect Benefit

We have considered the direct and indirect benefits that may flow to commercial (office) uses from Councils relocation to Oran Park. While we consider it likely there would be benefits these are difficult to quantify (and not necessarily guaranteed). For this reason we have not attributed a value.

Totalling the above economic benefits equals \$3.1m. While this is more than the gifted land value of \$2.25m we note that many of the variables are flexible. Our key finding is that there are real economic benefits that will accrue to GDC and that the potential total net financial benefit is not materially in excess of the gifted land value.

In addition to the above, we note there are associated costs to GDC of bringing forward the committed community infrastructure. Importantly, the first two components (Library / Community Resource Centre and Town Park) will not generate revenue for GDC and so represent a direct impact to the net present cost of these projects as they are brought forward by 3 years and 2

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years respectively. However, we note that GDC would derive benefit in the form of stronger take-up rates for residential and town centre uses (retail and commercial), as these important community assets are delivered earlier and provide a strong level of amenity for future residents and workers.

Quantifying the net impacts of these has not be done, due to the indirect nature of this component of the offer, except to note that in the initial years after the completion of these works, the net financial impact to GDC would be expected to be negative rather than positive. This should be considered in the context of the accrued benefits to GDC for the gifting of land to Council.

6.2 Limitations

The majority of the analysis undertaken in this report is based on our experience in the real estate development market. Many of the individual assumptions could be argued however it has been our intention to provide 'reasonable market assumptions'.

Attachment 5

7 Appendices

7.1 Financials – Residential Discounted Cashflow Model Outputs

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Attachment 5

Comparison of Options

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Attachment 5

ESTATEMASTER Development Feasibility		1	2	3	4	5	6	7	8
Residential Base Case		Upside 1%	Upside 2.5%	Upside 5.0%	Employees @ 2.5%				
Summary of Comparison of Options									
Oran Park Analysis									
5,000 Lots 5,000 GFA		5,000 Lots 5,000 GFA	5,000 Lots 5,000 GFA	5,000 Lots 5,000 GFA	5,000 Lots 5,000 GFA	5,000 Lots 5,000 GFA			
Miscellaneous Under Review		Miscellaneous Under Review	Miscellaneous Under Review	Miscellaneous Under Review	Miscellaneous Under Review	Miscellaneous Under Review			
REVENUE									
Total Sales Revenue	1,465,970,141	1,463,432,917	1,459,627,081	1,453,536,188	1,465,520,466				
Less Selling Costs	(53,214,716)	(53,122,615)	(52,984,463)	(52,763,364)	(53,198,393)				
Less Purchasers Costs									
NET SALE PROCEEDS	1,412,755,424	1,410,310,302	1,406,642,618	1,400,772,824	1,412,322,073				
Rental Income	-	-	-	-	-				
Less Outgoings & Vacancies	-	-	-	-	-				
Less Letting Fees	-	-	-	-	-				
Less Incentives (Rent Free and Fit Out Costs)	-	-	-	-	-				
Less Other Leasing Costs	-	-	-	-	-				
NET RENTAL INCOME	-	-	-	-	-				
Interest Received	-	-	-	-	-				
Other Income	-	-	-	-	-				
TOTAL REVENUE (before GST paid)	1,412,755,424	1,410,310,302	1,406,642,618	1,400,772,824	1,412,322,073				
Less GST paid on all Revenue	(133,270,013)	(133,039,356)	(132,693,371)	(132,139,653)	(133,229,133)				
TOTAL REVENUE (after GST paid)	1,279,485,412	1,277,270,946	1,273,949,247	1,268,633,171	1,279,092,940				
COSTS									
Land Purchase Cost	150,925,094	152,155,783	154,002,533	156,978,581	151,138,103				
Land Transaction Costs	8,286,370	8,354,058	8,455,629	8,619,312	8,298,086				
Construction (inc. Construct. Contingency)	762,304,473	760,985,117	759,006,082	755,838,818	762,070,642				
Professional Fees	52,121,542	52,037,622	51,911,734	51,710,471	52,106,647				
Statutory Fees	-	-	-	-	-				
Miscellaneous Costs 1	-	-	-	-	-				
Miscellaneous Costs 2	-	-	-	-	-				
Miscellaneous Costs 3	-	-	-	-	-				
Project Contingency (Project Reserve)	40,460,776	40,390,749	40,285,707	40,117,599	40,448,365				
Land Holding Costs	33,211,749	32,838,202	32,275,447	31,395,221	33,146,554				
Pre-Sale Commissions	-	-	-	-	-				
Finance Charges (inc. Line Fees)	-	-	-	-	-				
Interest Expense	53,891,329	53,953,477	54,047,095	54,247,303	53,889,324				
TOTAL COSTS (before GST reclaimed)	1,101,201,332	1,100,715,007	1,099,984,229	1,098,907,304	1,101,097,721				
Less GST reclaimed	(4,837,702)	(4,829,329)	(4,816,769)	(4,796,669)	(4,836,218)				
Plus Corporate Tax	-	-	-	-	-				
TOTAL COSTS (after GST reclaimed)	1,096,363,630	1,095,885,679	1,095,167,460	1,094,110,635	1,096,261,503				
PERFORMANCE INDICATORS									
¹ Gross Development Profit	183,121,781	181,385,267	178,781,787	174,522,536	182,831,436				
² Net Developer's Profit after Profit Share	183,121,781	181,385,267	178,781,787	174,522,536	182,831,436				
³ Development Margin (Profit/Risk Margin)	15.93%	15.79%	15.57%	15.22%	15.91%				
Target Development Margin	30.00%	30.00%	30.00%	30.00%	30.00%				
⁴ Residual Land Value (Target Margin)	75,403,801	75,665,389	75,997,031	76,555,133	75,453,630				
⁵ Breakeven Date for Cumulative Cash Flow	Jan-2020	Jan-2020	Jan-2020	Jan-2019	Jan-2020				
⁶ Discount Rate (Target IRR)	17.50%	17.50%	17.50%	17.50%	17.50%				
⁷ Net Present Value	-	-	-	-	-				
⁸ Benefit:Cost Ratio	1.000	1.000	1.000	1.000	1.000				
⁹ Project Internal Rate of Return (IRR)	17.50%	17.50%	17.50%	17.50%	17.50%				
¹⁰ Residual Land Value (NPV)	150,925,093	152,155,782	154,002,533	156,978,581	151,138,103				
Peak Debt Exposure	136,470,564	137,490,979	139,023,335	141,467,114	136,696,192				
Date of Peak Debt Exposure	Jan-2012	Jan-2012	Jan-2012	Jan-2012	Jan-2012				
¹¹ Breakeven Date for Project Overdraft	Jan-2020	Jan-2020	Jan-2020	Jan-2019	Jan-2020				
Total Equity Contribution	-	-	-	-	-				
Peak Equity Exposure	-	-	-	-	-				
Date of Peak Equity Exposure	N.A.	N.A.	N.A.	N.A.	N.A.				
¹² IRR on Equity	N.A.	N.A.	N.A.	N.A.	N.A.				
Weighted Average Cost of Capital (WACC)	8.50%	8.50%	8.50%	8.50%	8.50%				
YIELD ANALYSIS									
	Qty	Area	Qty	Area	Qty	Area	Qty	Area	Qty
SALES		SqM		SqM		SqM		SqM	
Residential - 1 Bedroom Units	5,000	0	5,000	0	5,000	0	5,000	0	5,000
TOTAL	5,000	0	5,000	0	5,000	0	5,000	0	5,000
TENANCIES		SqM		SqM		SqM		SqM	
TOTAL	0	0	0	0	0	0	0	0	0
Footnotes (based on current Preferences):									
1. Development Profit: is total revenue less total cost including interest paid and received									
2. Developer's Net Profit after distribution of profit share.									
3. Development Margin: is profit divided by total development costs (inc selling costs).									
4. Residual Land Value: is the maximum purchase price for the land whilst achieving the target development margin.									
5. Breakeven date for Cumulative Cash Flow: is the last date when total debt and equity is repaid (ie when profit is realised).									
6. Net Present Value: is the project's cash flow stream discounted to present value.									
It includes financing costs but excludes interest and corp tax.									
8. Benefit:Cost Ratio: is the ratio of discounted incomes to discounted costs and includes financing costs but excludes interest and corp tax.									
9. Internal Rate of Return: is the discount rate where the NPV above equals Zero.									
10. Residual Land Value (based on NPV): is the purchase price for the land to achieve a zero NPV.									
11. Payback date for the equity/debt facility is the last date when total equity/debt is repaid.									
12. IRR on Funds Invested is the IRR of the equity cash flow including the return of equity and realisation of project profits.									



Real value in a changing world

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Attachment 5

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ORD02

ORDINARY COUNCIL

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SUBJECT: SUBDIVISION TO CREATE 99 RESIDENTIAL LOTS AND 1 RESIDUE LOT ACROSS 3 STAGES AT NO 110A (LOT 2, DP 1132985) SPRINGS ROAD, SPRING FARM
FROM: Director, Development and Health
BINDER: Development Applications 2011

DA NO: 627/2011
OWNER: Cornish Group Pty Ltd
APPLICANT: Mr Paul Hume
ZONING: R1 General Residential

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a Development Application (DA) for a staged subdivision on this site. The application is referred to Council in accordance with its delegations due to unresolved issues in a submission and as the DA proposes a variation from Camden Development Control Plan 2011.

SUMMARY OF RECOMMENDATION

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

BACKGROUND

In July 2009 DA 594/2009 was lodged for the subdivision of land at 110 Springs Road to create 96 residential lots and 10 residue lots. The lot and road layout proposed by this DA was inconsistent with the Spring Farm Master Plan in the then adopted Camden Development Control Plan 2006.

At the Ordinary Council meeting of 25 January 2011, Council resolved to approve DA 594/2009 subject to a resolution stating that "...any future DAs within the south village which are inconsistent with the Spring Farm Master Plan must be supported by a formal amendment to the Spring Farm Development Control Plan."

On 19 May 2011, Cornish Group lodged a planning proposal with Council to amend Camden Local Environmental Plan 2010 (LEP) to rezone additional land for residential purposes in the south and west villages. This planning proposal also incorporated amendments to the Spring Farm Master Plan in Camden Development Control Plan 2011 (DCP).

This planning proposal was reported to the Ordinary Council meeting of 13 December 2011, where it was supported and referred to the Department of Planning and Infrastructure (DPI) for a gateway determination. In February 2012, DPI supported the planning proposal subject to further agency reviews, and the planning proposal has been publicly exhibited. The planning proposal is likely to be re-reported to Council for adoption in June 2012.

The DA the subject of this report was lodged on 3 June 2011 and has been publicly notified with one submission received. The DA, including the proposed DCP variation, has been assessed by Council staff.

At a workshop on 13 March 2012, Councillors were updated on the status and proposed timing of this DA and the planning proposal. Proceeding with this DA does not preclude development on adjoining land (ie. in different ownership) complying with the currently adopted DCP should the aforementioned planning proposal not proceed.

The DA is now able to be referred to Council for determination.

A copy of the current Spring Farm DCP Masterplan and the Cornish Group Planning Proposal Plan are provided with the Business Paper Supporting Documents.

THE SITE

The site is located on the southern side of Springs Road, south-west of the intersection with Richardson Road in Spring Farm (as shown in Figure 1 below). The site is irregular in shape and is vacant with the exception of Endeavour Energy electricity transmission lines which currently burden the site. The land south of Springs Road rises sharply before falling gradually across the subject site to the south-west.

The surrounding area is characterised by vacant land subject to bulk earthworks activities, the construction of new dwellings and roads together with the established areas of Spring Farm to the north.

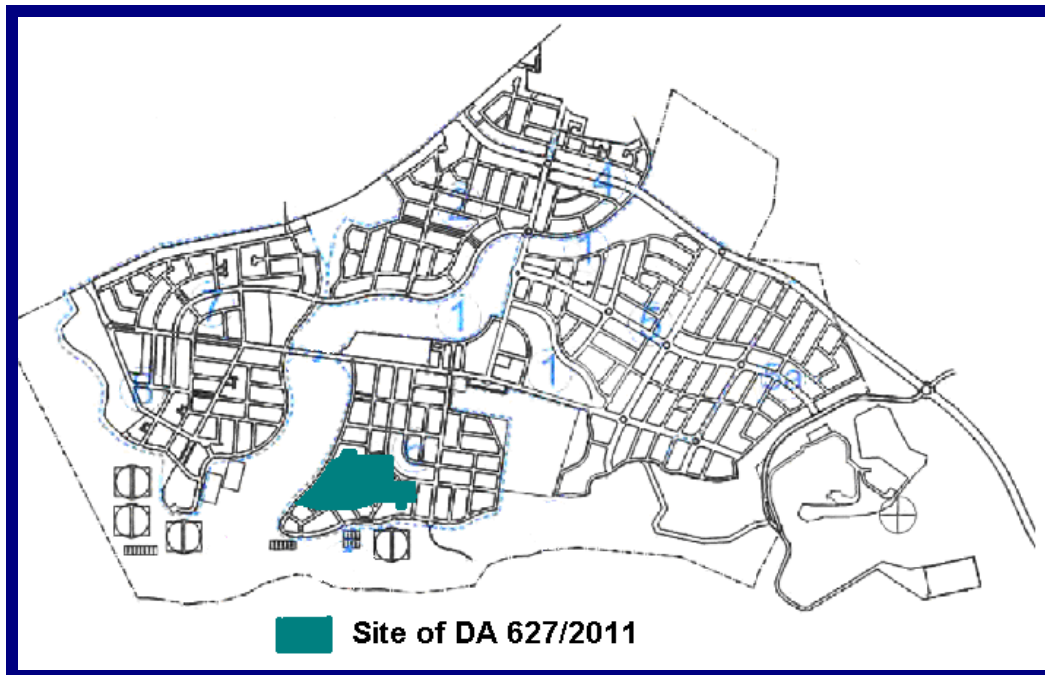


Figure 1: Site Plan

THE PROPOSAL

Development Consent is sought for the following development:

1. a staged subdivision of the site into 99 residential lots and 1 residue lot across the following 3 stages (as shown in Figure 2 below):

Stage 33A – 54 residential lots and 1 residue lot;

Stage 33B – 13 residential lots;

Stage 33C – 32 residential lots; and

2. construction of new roads, drainage and landscaping.

The proposed residential lots will be the subject of separate development applications for dwellings. These dwellings will need to comply with the site specific development controls in Camden Development Control Plan 2011 which address design and siting, etc.



Figure 2: Plan of Proposed Staged Subdivision (see additional plan in Attachment 2)

The development is classified as Integrated Development in that it requires a Bush Fire Safety Authority from the Rural Fire Service as it proposes the subdivision of bush fire prone land. The application was referred to the Rural Fire Service (RFS) who have provided development consent conditions which have been included in the draft development consent conditions at the end of this report.

NOTIFICATION

The application was publicly notified between 14 July and 12 August 2011. Notification letters were sent to surrounding properties and an advertisement was placed in the local press. One submission was received as a result of this notification.

The issues raised in the submission are assessed in the “1(d) 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:

1. State Environmental Planning Policy No 55 – Remediation of Land
2. State Environmental Planning Policy (Infrastructure) 2007
3. Deemed State Environmental Planning Policy No 20 – Hawkesbury/Nepean River
4. Camden Local Environmental Plan 2010
5. 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

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

This SEPP requires Council to be satisfied that the proposed site is suitable for its intended use (in terms of contamination) prior to granting development consent.

A remediation action plan for the site was approved as part of a previous development application (DA 593/2009) for bulk earthworks and remediation.

Subject to this remediation work being carried out, the site will be made suitable for its intended use. It is a recommended development consent condition that all remediation work on this site be completed prior to the issue of a Subdivision Certificate for this development.

State Environmental Planning Policy (Infrastructure) 2007 (SEPP)

Clause 45 of this SEPP requires the DA to be referred to Endeavour Energy for comment. Endeavour has not raised any objections to the proposed development. It is noted that a separate application to decommission and underground the overhead transmission line has been submitted to Endeavour. A draft development consent condition is recommended to ensure that all decommissioning and underground works be approved and carried out prior to the issue of a Subdivision Certificate for this development.

Deemed 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 there will be no detrimental impacts upon the Hawkesbury/Nepean River system as a result of it. It is a recommended development consent condition that water quality treatment basins are provided as part of the development.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The land on which this subdivision is proposed is zoned R1 General Residential. Subdivision of land is permissible with consent in the R1 zone.

Zone Objectives

In terms of the development's consistency with the zone objectives, the relevant objectives of the applicable zones include provisions to "provide for the housing needs of the community by providing a variety of housing types and densities whilst minimising conflict between land uses within the zone and land uses within adjoining zones."

It is considered that the proposal is generally compliant with these objectives. The development is for the staged subdivision of land and works including the construction of roads, drainage and landscaping to occur over R1 zoned land. The development has been assessed and it is not considered that it will cause any conflict upon any land uses in adjoining zones.

Lot Sizes

Pursuant to Clause 4.1 of the LEP, the site is subject to a 300m² minimum lot size. The proposed lot sizes range from 387.9m² through to 898.8m² and therefore comply with the minimum lot size.

Public utility infrastructure

In accordance with Clause 6.2 of the LEP, the development will have future access to existing utility infrastructure within the Springs Road corridor. The existing overhead transmission line easement currently burdening the site is to be decommissioned and re-routed underground. An application has been lodged with Endeavour to carry out these works. It is a recommended development consent condition that these works are completed prior to the issue of a Subdivision Certificate for this development.

Matters to be specifically considered for Residential Development at Spring Farm

Clause 6.5 of the LEP requires the Council to consider whether remnant vegetation and bush corridors will be protected, enhanced and managed, and that adverse odour impacts from the Macarthur Resource Recovery Park (MRRP) are mitigated.

The site is not located within or directly adjacent to the odour buffer area identified in the Spring Farm master plan. Furthermore, the potential for odour impacts has been considered by Council's Environmental Officers and are not considered to be detrimental given the site's separation distance from the MRRP, therefore an odour assessment report is not required for this DA.

It is a recommended development consent condition that the adjacent bush corridor be protected, maintained and regenerated in accordance with the Spring Farm Conservation Implementation Strategy.

(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

The Cornish Group Planning Proposal otherwise referred to as Amendment 7 of the Camden LEP 2010 has been exhibited. The development is consistent with this proposed instrument.

(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 - Environmental Management

Part B1.1 – Erosion and Sedimentation

The development has been designed to incorporate a number of erosion and sediment control measures including sediment boundary fences and stabilised stockpiles.

It is a recommended development consent condition that these erosion and sediment control measures be implemented in the construction of this development.

Part B1.9 – Waste Management Plan

A Waste Management Plan (WMP) has been submitted with this DA. The WMP details the types of material waste which will be generated as a result of the development and identifies the methods of disposal.

It is a recommended development consent condition that waste materials generated by the development be disposed of in accordance with the submitted WMP.

Part B 1.13 – Mine Subsidence

The site is located within the South Campbelltown Mine Subsidence District and requires approval from the NSW Mine Subsidence Board. The applicant has submitted an approval from the NSW Mine Subsidence Board with the development application.

Part B2 – Landscape Design

The applicant has submitted landscaping plans with the DA. These plans show the location of street tree planting and include a balanced mix of native and exotic tree types. Council staff have reviewed and support the proposed landscaping across the site.

It is a recommended development consent condition that the development be carried out in accordance with the approved landscaping plans.

Part C5 – Subdivision in Urban Release Areas

As identified previously in this report, the proposed development is inconsistent with the current Spring Farm Master Plan in the DCP. A planning proposal was lodged in June 2011 to reconfigure the road layout for the south village. The proposed development is consistent with this planning proposal which is yet to be formally adopted by Council.

The applicant has requested that Council support the reconfigured road layout on the basis that:

ORD02

- greater visual amenity and improved vistas will be provided throughout the subdivision due to the proposed grid subdivision pattern;
- the proposed grid subdivision pattern provides greater legibility and ease of access throughout the development;
- more direct access is provided to the adjacent bush corridor areas; and
- the modified subdivision layout can be carried out without adversely impacting upon the potential subdivision layouts of adjoining landowners.

Council staff have assessed the applicant's justification for the DCP variation. Notwithstanding the development's inconsistency with the adopted DCP, the development is consistent with the objectives and desired future character of Spring Farm in that:

- the grid road formation fits with the surrounding riparian corridors, allowing for increased sight lines of the corridors from future dwellings and improved access to passive open space;
- the adjoining bush corridor road provides pedestrian and cycle connections across Spring Farm at a regional level; and
- the reconfiguration of the road network will allow for improved vistas over the river corridor.

Council has previously approved residential subdivisions directly to the north of this site that did not comply with the adopted DCP on the basis that they did not preclude development on adjoining land from being carried out in accordance with the adopted DCP.

Approval of this development will not preclude development on adjoining land (ie. in different ownership) complying with the currently adopted DCP should the Cornish Group planning proposal not be adopted by Council.

Consequently the proposed DCP road layout reconfiguration is supported and it is recommended that Council approve the development as proposed.

Part C7 - Spring Farm

Part C7.1 – Staging of Development

The proposed development is within stage 6 of the Spring Farm staging plan. Stages 1 through 5, including riparian works, road construction and residential subdivision have generally been carried out in accordance with this staging plan throughout the development of Spring Farm.

In order to ensure the development's consistency with the staging plan it is a recommended development consent condition that a mechanism be put in place prior to the issue of a Subdivision Certificate to ensure that bush corridor regeneration works are carried out in conjunction with subdivision works.

Part C7.2 – Neighbourhood and Subdivision Design

The proposed development is considered to be acceptable in terms of the DCP's subdivision design controls in that:

- the proposed block dimensions do not exceed the maximum lengths or widths;
- no residential development is proposed below the 100 year ARI flood line;
- all electricity easements will be incorporated into public road reserves; and
- all minimum lot sizes are compliant.

Part C7.3 – Street Network and Design

The proposed road profiles are generally consistent with the DCP with the exception of a 21m wide road showing an off-road cycle path which is proposed in place of the 16m wide road profile shown in the DCP.

This wider road is supported, however it is a recommended development consent condition that an on-road cycle path be provided in place of the proposed off road cycle path which is compliant with the DCP.

Part C7.4 – Pedestrian and Cycle Network

The proposed development is consistent with the pedestrian and cycle network in the DCP.

Part C7.5 – Public Transport Network

The proposed development is consistent with the public transport network in the DCP.

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

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

(1)(a)(iv) The provisions of the Regulations – S79C (1)(a)(iv)

The Regulations prescribe several development consent conditions which are recommended as draft conditions and are provided at the end of this report.

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

The likely impacts of this development include:

1. Economic Impacts

The development will contribute to labour force employment during the development phase whilst the resident population will ultimately contribute to the viability of support services in the local economy.

2. Social Impacts

The proposed development will contribute to diversity through provision of housing stock, subject to future DAs for dwellings.

All other likely impacts of the proposed development have been assessed elsewhere in this report.

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

The proposal fits in with the locality in terms of its ability for future dwellings to conform to the relevant development controls, and the site attributes make it conducive to the development in relation to the connection of utility services and infrastructure. Therefore it is considered that this site is suitable for the proposed development.

(1)(d) Any submissions

As a result of public notification, one submission was received. The following issues were raised in the submission:

1. *The proposed grid road formation and connection points at the site boundaries will prohibit adjoining land owners from complying with the DCP Master Plan road layout.*

Officer comment:

The applicant has submitted layout plans which demonstrate how the proposed development can be carried out in isolation without adversely impacting on adjoining land owner's properties. It is considered that the proposed road layout would not preclude an outcome on adjoining land which could comply with the adopted DCP road layout.

2. *Council must consider whether or not the intersections created between the subject development and adjoining parcels are safe and efficient.*

Officer comment:

The connection points at the edge of the development can be slightly modified to connect into the DCP road layout on adjoining lands and still deliver a safe outcome. The location and orientation of these connection points have been assessed and will not adversely affect the potential for adjoining land owners to comply with the current DCP layout.

3. *Consideration must be given to the finished topographic levels of this development and how these will adversely affect adjoining land owners.*

Officer comment:

The carrying out of mining activities over the site for many years has resulted in the unnatural configuration of lands across the south village.

The previously approved bulk earthworks (DA 593/2009) approved the finished levels for the site which will produce drainage outcomes which are generally consistent with the Spring Farm Water Cycle Masterplan.

4. *The development of this site will adversely affect drainage capabilities on adjoining land to the east.*

Officer comment:

As noted above, the approved drainage plans approved under bulk earthworks (DA 593/2009) are a result of the finished ground levels which are generally

consistent with the Spring Farm Water Cycle Masterplan. The proposed development will drain to the south and will not adversely direct excess flows eastward onto adjoining land.

5. *The proposed development will result in road connections and services that are not brought to the boundary of the land owned by the Cornish Group and adjoining land owners.*

Officer comment:

The land between the edge of the subject DA boundary and the interface with land in separate ownership will be the subject of future subdivision applications. It is the responsibility of all land owners in the south village to negotiate the connection of utility services and infrastructure to and from their respective development sites.

(1)(e) The Public Interest

It is considered that the public interest will be positively served by the proposed subdivision as it is generally consistent with the relevant LEP and the desired future character of Spring Farm, and will not result in any unacceptable impacts upon the surrounding environment and adjoining land owners.

CONCLUSION

Council has received a DA for the staged subdivision of land within the south village in Spring Farm.

The DA has been assessed in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979* and the public submission received has been considered.

A planning proposal is currently being assessed by the Department of Planning and Infrastructure for the south and west villages in Spring Farm. It is considered that the development is acceptable on the basis that although it is inconsistent with the adopted DCP, it is consistent with the desired future character of the area and can be carried out without adversely impacting on adjoining properties should the planning proposal not be adopted by Council.

Consequently it is recommended that Council approve this DA subject to the draft development consent conditions provided below.

DRAFT CONDITIONS OF CONSENT

The following conditions apply to all stages of the approved development:

1.0 - General Requirements

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

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan / Development No.	Description	Prepared by	Dated
Drawing No. 76371.01.P24. Revision H	Plan of Proposed Subdivision – Option 1	Smec Urban	19 April 2012
Drawing No. LPDA 12 – 129/33. Issue B	Stage 33 Tree Planting Plan	Conzept Landscape Architects	19 October 2011
Drawing No. 76371.01.M33. Revision E	Cover Sheet – Locality Plan, Site Plan, Sheet Schedule & Notes	Smec Urban	19 April 2012
Drawing No. 76371.01.M34. Revision E	Proposed Site Regrading Plan	Smec Urban	19 April 2012
Drawing No. 76371.01.M35. Revision E	Site Regrading Cross Sections E, F, G & H	Smec Urban	19 April 2012
Drawing No. 76371.01.M36. Revision E	Site Regrading Cross Sections I & J	Smec Urban	19 April 2012
Drawing No. 76371.01.M37. Revision E	Concept Drainage & Catchment Plan	Smec Urban	19 April 2012
Drawing No. 76371.01.M38. Revision E	Soil and Water Management Concept Plan Details and Notes	Smec Urban	19 April 2012
Drawing No. 76371.01.M39. Revision E	Proposed Cut/ Fill Plan	Smec Urban	19 April 2012
Drawing No. 76371.01.M40. Revision E	Typical Cross Sections & Street Plan Views	Smec Urban	19 April 2012

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

- (2) **Protect the Bush Corridor Areas, Other Existing Vegetation and Natural Landscape Features** – Approval must be sought from Council prior to the removal, pruning, impact upon or any disturbance of any part of the Bush Corridor, any other existing vegetation and natural landscape features, other than any existing vegetation and/or natural landscape feature authorised for removal, pruning, impact or disturbance by this Consent.

The following procedures shall be strictly observed:

- No additional works or access/parking routes, transecting the protected vegetation shall be undertaken without Council approval.
- Pedestrian and vehicular access within and through the protected vegetation shall be restricted to Council approved access routes.

- (3) **Protection of Adjoining Bushland and/or Waterfront Areas** - To limit the potential for damage to the adjoining Bushland areas and/or Waterfront areas, the boundaries to these areas must be fenced prior to the commencement of any earthworks, demolition, excavation or construction works. As well as the fencing prior to any earthworks commencing, other protection measures must be completed in accordance with the standards as specified in AS 4970-2009 Protection of Trees on Development sites.

The fencing must be kept in place until the completion of development and maintenance works and be marked by appropriate signage notifying all site visitors that the subject trees and vegetation areas are protected. The fencing should be a minimum of a 1.8m high chain link or welded mesh fencing.

- (4) **Landscaping Maintenance and Establishment Period** - Commencing from the Date of Practical Completion (DPC), the Applicant will have the establishment and maintenance responsibility for all hard and soft landscaping elements associated with this Consent.

The 24 month maintenance and establishment period includes (but is not limited to) the Applicant's responsibility for the establishment, care and repair of all landscaping elements including all street tree installations, softscape elements such as plantings and lawn, hardscape elements including paths, walls, bins, seats, BBQ's, shelters, playground equipment, softfall treatments, associated water usage and electrical usage etc.

The Date of Practical Completion (DPC) is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting, turf installation, street tree installation and mulching.

It is the Applicant's responsibility to arrange a site inspection with the Principal Certifying Authority (PCA), upon initial completion of the landscaping works, to determine and agree upon an appropriate DPC.

Prior to Council accepting the maintenance responsibility, at the completion of the 24 month landscaping maintenance and establishment period, all hard and soft landscaping elements (including any nature strip and road verge areas, street trees, street tree protective guards and bollards) must be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

At the completion of the maintenance and establishment period, the landscaping works must comply with the approved Landscaping Plans.

- (5) **Approvals from Other Authorities** – It is the applicant's responsibility to acquire all other necessary approvals/permits from all other approval authorities as required.
- (6) **Planning for Bush Fire** – The development must comply with the NSW Rural Fire Service Planning for Bushfire Protection and AS 3959. For the purpose of this condition, AS 3959 means the Australian Standard: Construction of Buildings in Bushfire Prone Areas (AS3959) 2009.
- (7) **Salinity Management Plan** – All proposed works that includes earthworks, imported fill and landscaping, buildings and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance

with “Section 10 and Appendix J” in the report titled “*Geotechnical, Contamination & Salinity Assessment: 30 Spring Farm for the Cornish Group Spring Farm, Prepared by Lean & Hayward, Prepared by SMEC Testing Services Pty Ltd, Project No. 16726/6902B, Dated September 2010.*”

- (8) **Waste Disposal** – A waste bin collection point must be provided for each residential allotment and must be in accordance with the following requirements:
- (a) each residential allotment must be provided with a level area adjacent to the kerb suitable for the placement of bins for collection. This area must be on ground level; running parallel to the rear of the kerb and measured 3m long by 900mm wide and allow 3.9m clear vertical space to allow for the truck-lifting arm; and
 - (b) the collection vehicle must be able to approach parallel to the collection area either directly next to or within a car width of the kerb. The designated area must also be clear from the positioning of tree plantings (or tree canopies), street lighting or other fixtures.
- (9) **Staged Construction of Roads** – If the roads are constructed in a staged process, temporary turning heads must be constructed for heavy vehicle accessibility and manoeuvrability at the following proposed roads:
- i. Phoenix Boulevard adjacent to Lots 3388 or 3389
 - ii. Proposed road located at Lot 3395
 - iii. Riverside Road located at Lot 3399
- (10) **Temporary Turning Heads**- Temporary turning heads must meet Council's minimum requirements as detailed in Camden DCP 2011; Appendix B – 3. Turning Heads.
- (11) **Additional Works Required** – In accordance with the Spring Farm Conservation Implementation Strategy, the developer, within 12 months of the date of this consent, must lodge and have approved a development application for the bush corridor regeneration works required for the adjoining bush corridor No 4 as specified in table 9 of the Spring Farm Conservation Implementation Strategy.

Alternatively, the developer within 12 months of the date of this consent, must have **substantially commenced negotiations** with Council for the operation of a Voluntary Planning Agreement (VPA) which will facilitate the carrying out of the regeneration works within the subject bush / riparian corridor.

Note: ‘substantially commenced negotiations’ means that the VPA has been placed on exhibition.

- (12) **External Authorities** - General Terms of Approval (GTAs) and comments from the NSW Rural Fire Service are attached to and form part of this development consent. All requirements of these GTAs and comments must be fully complied with at all times.
- (13) **Noxious Weed Control** - Noxious Weed control must be in accordance with the Weed Management Plan prepared by Greening Australia. In addition to the weed management plan the Applicant must fully and continuously suppress and

destroy, by appropriate means, any noxious or environmentally invasive weed infestations that occur during or after subdivision and prior to sale of new lots. New infestations must be reported to Council.

As per the requirements of the Noxious Weeds Act 1993, the applicant must also ensure at all times any machinery, vehicles or other equipment entering or leaving the site must be cleaned and free from any noxious weed material, to prevent the spread of noxious weeds to or from property.

- (14) **Lighting** - On-site and on-street lighting will be required to satisfy the requirements of Australian Standard AS1158 - Lighting for Roads and Public Spaces.
- (15) **Sewer Access Chambers and Mains** –
 - (a) No sewer access chambers are to be constructed within the proposed Road Reserves, Public Reserves and Drainage Reserves without prior approval of the Principal Certifying Authority.
 - (b) No sewer mains are to be constructed within both proposed and existing Public Reserves and Drainage Reserves without prior approval of the Principal Certifying Authority.

2.0 - Construction Certificate Requirements

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

- (1) **Detailed Design of 21m Wide Road** - On-road cycle lanes and a median island must be provided for the 21m wide collector road design. Further details on the road cross section must be provided prior to the issue of a Construction Certificate.
- (2) **Detailed Road System Design** - Detailed designs of the internal road system must be submitted to Council for review and approval prior to the issue of a Construction Certificate.
- (3) **Detailed Landscaping Plans** - Prior to the issue of the Construction Certificate, detailed Landscaping Plans prepared by a qualified Landscape Architect or qualified Landscape Designer, must be submitted with the Construction Certificate application in accordance with Camden Council's current Engineering Design Specifications.

The following items listed must be included with the other landscaping elements, in the detailed Landscaping Plans.

- (a) Nature strip street trees are to be installed.

Note:

- (i) Ensure that the necessary street tree installation and their proposed establishment schedules are clearly shown in the detailed Landscaping Plans.
- (ii) that all street trees have at time of planting, well constructed tree guard protection installed. A minimum requirement is the

installation of at least 3 bollards per street tree. The bollards are to be installed approximately 1m from the main stem of the tree. The bollards are to be sourced in minimum 1.8m length, which will allow for 1.2m above ground exposure and .6m buried support. The bollards are to be timber (or other acceptable composite material) and a minimum 150mm x 150mm width. Timber bollards are to be a durability minimum of H4 CCA.

- (iii) Eucalyptus, Angophora, Araucaria and other very large trees are not to be installed in any median strip, road verge or nature strip planting without approval from the Consent Authority (i.e. Camden Council).
 - (iv) That all the street trees are sourced in a minimum 75 litre container size, are not multi-stemmed and can stand alone without the need for staking.
- (b) The detailed Landscaping Plans must mirror and be consistent with the approved Concept Landscaping Plans lodged with the Development Application for Consent.
 - (c) The detailed Landscaping Plans lodged for the issue of the Construction Certificate must include a planting schedule. The planting schedule must clearly detail the planting positioning, species by botanical and common names, quantities, planting sizes and the estimated size of the plant at approximately 12 years maturity. The planting schedule must also clearly show the proposed establishment and maintenance program to be applied to the installed landscaping.
 - (d) The Landscaping Plans lodged for the issue of the Construction Certificate must include all proposed Public Open Space Landscaping. The Landscaping Plans must detail all proposed recreational Park Landscaping and any proposed recreational or ornamental playground equipment, signage, paths, bins, seating, street art or other hard landscaping items, etc.
 - (e) The detailed Landscaping Plans must clearly show any proposed road verge estate entry feature, statement feature wall, or entry statement signage. These works are not to be positioned on any public open space areas such as the nature strip or other Council maintained area. Any entry statement wall or entry feature is to be positioned wholly within the boundaries of private property.
- (4) **Waterfront Construction Works** - A Construction Certificate will not be issued over any part of the site that requires a Controlled Activity Approval (CAA) issued by NSW Office of Water (NOW) until a copy of the CAA has been provided to the Consent Authority (i.e. Camden Council).
 - (5) **Civil Engineering Plans** - Indicating drainage, roads, access ways, earthworks, pavement design, details of line marking and traffic management details must be prepared strictly in accordance with Camden Council's Development Control Plan 2011 and Engineering Specifications, and are to be submitted for approval to the Principal Certifying Authority prior to the Construction Certificate being issued.

Note:

- (a) Under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve.
 - (b) Under section 109E of the Environmental Planning and Assessment Act 1997, Council must be nominated as the Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works.
- (6) **Environmental Site Management Plan** - An Environmental Site Management Plan must be submitted to the Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 – 2005 and must address, but not be limited to, the following:
- (a) all matters associated with Council's Erosion and Sediment Control Policy;
 - (b) all matters associated with Occupational Health and Safety;
 - (c) all matters associated with Traffic Management/Control; and
 - (d) all other environmental matters associated with the site works such as noise control, dust suppression and the like.
- (7) **Dilapidation Survey** - A photographic dilapidation survey of existing public roads, kerbs, footpaths, drainage structures and any other existing public infrastructure within the immediate area of the development site must be submitted to the Council prior to the issuing of the Construction Certificate.
- The survey must include descriptions of each photo and the date when each individual photo was taken.
- (8) **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 2m downstream of the prolongation of the lot corner with the lowest reduced level and to the requirements of the Principal Certifying Authority;
 - (b) constructed in accordance with Camden Council's current Engineering Specification/s; and
 - (c) indicated in any design plan submitted to the Certifying Authority for the purposes of obtaining a Construction Certificate.
- (9) **Performance Bond** - Prior to the issue of the Construction Certificate, a performance bond of 10% the value of works must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (10) **Works Adjacent to the Site** – Any proposed activity (not including those of any Public Utility Authority) within any existing public road associated with the site must be approved by Camden Council prior to the issue of any Construction Certificate.

Accordingly, a Public Road Activity (Roadworks) application for the above must be submitted to Camden Council. Public Road Activity application forms are available from Council's Customer Service Counter or from Council's internet site <http://www.camden.nsw.gov.au>.

The application shall:

- (a) include supporting information that addresses/details all proposed and related activities,
- (b) include associated plans/documentation:
- (c) be prepared by a persons with experience in civil and structural engineering design,
- (d) be endorsed by a Practising Engineer/s with National Professional Engineering Registration and associated General Areas of Practice in civil and structural engineering.

It should be noted that designs for line marking and regulatory signage for any proposed/existing public road associated with this subdivision must be:

- (a) included with this application, and
- (b) have prior approval from the Roads and Maritime Services and Camden Council.

(11) **Placement of Transmission Cabling Under the Road Pavement** - The following matters are to be considered should such works occur:

- (a) all the standards applied by Endeavour Energy or other utilities are complied with for safety purposes;
- (b) the crossing over (above) the trench by other services need to be avoided (to facilitate any road reconstruction without needing to deal with shallowly laid services);
- (c) services need to run parallel to the transmission cable trench, which may require services to run on both sides of the road;
- (d) where crossings are required, these should be laid to go under the transmission cable trench, preferably conduits;
- (e) service crossings should be minimised, and be well recorded and marked;
- (f) joint bays should be in parking bays/lanes to minimise the traffic lane deterioration likely to occur due to the shallower 'top of side wall' impact on the pavement;
- (g) specific quality assurance should be applied during construction, and require certification of construction/compliance with Endeavour specifications.

(12) **Turning Facilities** – All turning and manoeuvring facilities, including turning heads, cul-de-sac etc. shall be designed in accordance with the current edition of AS 2890.2 and in accordance with Camden Council's current Engineering Specifications.

(13) **Traffic Management Plan** – A Construction Traffic Management Plan is required in accordance with Camden Council's current Engineering Design Specifications.

- (14) **Public Risk Insurance Policy** - Prior to the issue of the Construction Certificate, the owner or contractor is to take out a Public Risk Insurance Policy in accordance with Camden Council's current Engineering Design Specifications.
- (15) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS 1742.3 1985 and to the requirements and approval of Council (and the Roads and Maritime Services). Plans and proposals must be approved by Council (and the Roads and Maritime Services where appropriate) prior to the Construction Certificate being issued.
- (16) **Drainage Design** - A Stormwater Management Plan is to be prepared prior to the issue of a Construction Certificate to ensure that the final stormwater flow rate off the site is no greater than the maximum flow rate currently leaving the development site for all storm events. This Plan must be submitted and approved by the Principal Certifying Authority. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties.
- (17) **Stormwater Disposal** - Stormwater runoff from the whole development must be properly collected and discharged to the Council drainage system. Surface discharge across the footpath to the road gutter is not permitted. Provision must be made to cater for existing stormwater overland flow from adjoining properties.
- (18) **Stormwater Detention** - The capacity of the existing stormwater drainage system must be checked to ensure its capability of accepting the additional runoff from this development. If necessary an on-site detention system must be provided to restrict stormwater discharges from the site to pre-development flows in accordance with Camden Council's current Engineering Design Specifications.

On completion of the on-site detention system, Works-as-Executed plans are to be prepared by a Registered Surveyor or the Design Engineer and submitted to the Principal Certifying Authority. If Camden Council is not the Principal Certifying Authority, a copy is to be submitted to the Council prior to the issue of the Subdivision Certificate. The plans are to be certified by the Designer and are to clearly make reference to:

- (a) the works having been constructed in accordance with the approved plans,
- (b) actual storage volume and orifice provided, and
- (c) the anticipated performance of the system with regard to the design intent.

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 indicating that the on-site detention basin must be maintained at all times to a level sufficient to ensure efficient operation of the basin, and that the Consent Authority (ie Camden Council) must have the right to enter upon the burdened lot with all necessary materials and equipment at all reasonable times and on reasonable

notice (but at any time and without notice in the case of an emergency) to:

- (i) view the state of repair of the basin;
 - (ii) to execute any work required to remedy a breach of the terms of this covenant if the proprietor has not within fourteen (14) days of the date of receipt by the proprietor of written notice from the Council requiring remedy of a breach of the terms of this covenant, taken steps to remedy the breach, and without prejudice to the Council's other remedies the Council may recover as a liquidated debt the cost of such remedial work from the proprietor forthwith upon demand.
- (b) Restriction as to user indicating that the on-site detention basin must not be altered, or removed in part, or structures erected thereon without the prior consent of Council.
- (19) **Water Quality Monitoring Plan** – Prior to the issue of a Construction Certificate a water quality monitoring plan (WQMP) must be submitted to the PCA for review and written approval. Where the PCA is Camden Council, the WQMP must be reviewed and approved by an Officer of the Environment and Health Branch and be approved in writing by the Branch prior to release of the Construction Certificate. The WQMP shall include monitoring (this extends to water quality sampling and laboratory analysis) for all completed water quality treatment systems that provide water quality treatment to service the development both during the construction and post development stages. Only relevant water quality treatment systems that drain the subdivision should be included in the WQMP.

The WQMP should be consistent with the requirements of Council's standard water quality conditions with respect to water sampling and will need to include, as a minimum, quarterly water sampling, reference to an approved sampling methodology, location of sampling, frequency of reporting of results to the Consent Authority, and nomination of suitable water quality criteria (ie. concentration values for pollutants expressed in mg/l) for the purpose of determining compliance.

- (20) **Location of the "Construction" On-site Detention/Sediment Control Basin** - A "construction" on-site detention/sediment control basin must be provided for within the site.
- (21) **Location of Temporary Water Quality Facilities** - A temporary water quality facility must be provided for the site. The facility may be provided in the following locations:
- (a) within any proposed public road and/or drainage reserve contained within the site,
 - (b) within any proposed residue lot contained within the site, and
 - (c) within any adjoining property that is privately owned. In this regard appropriate easements, pursuant to s.88B of the Conveyancing Act 1919, must be registered by the Department of Lands – Land and Property Information, prior to the issue of any Construction Certificate.
- (22) **Design of "Construction" On-site Detention/Sediment Control Basin** - The

design of the “construction” on-site detention/ sediment control basin and water quality facility must be prepared in accordance with the requirements of:

- (a) for sediment control generally, Managing Urban Stormwater – Soils and Construction, Volume 1, 4th Edition, March 2004 as produced by Landcom,
- (b) Camden Council’s current Engineering Design Specification, and
- (c) must not concentrate final discharge flows from the facility.

The construction of the on-site detention/sediment control basin must contain an impervious layer to provide water harvesting.

The design must be prepared and certified by an Accredited Certifier and must be submitted to the Certifying Authority for inclusion in any application for a Construction Certificate.

- (23) **Location of Permanent Water Quality Facilities** - A permanent water quality facility must be provided for the site. Such a facility must be located within proposed and/or existing public land.
- (24) **Design and Construction Standards** - All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with:
 - (a) Camden Council’s current Engineering Specifications, and
 - (b) Camden Council’s Development Control Plan 2011.

It should be noted that designs for line marking and regulatory signage associated with any proposed public road within this subdivision MUST be submitted to and approved by the Road Authority, Camden Council prior to the issue of any Construction Certificate.

- (25) **Completed In Stages** - Where the development must be completed in stages, a plan must be submitted showing details of subdivision boundaries for each stage and their relationship to adjoining buildings, together with details as to site works, landscaping works, road and drainage works and erosion and sediment control works to be undertaken in conjunction with each stage, and the expected timing of such development.

In addition, details must be shown as to any proposed reciprocal rights of access and rights of way or easement designed to ensure the effective future functioning, maintenance and use of common areas such as roadways and open spaces.

The above details must be submitted to the Consent Authority (i.e. Camden Council) prior to the construction certificate being issued.

- (26) **Inter-Allotment Drainage Construction** – Inter-allotment drainage lines must be installed in accordance with Camden Council’s current Engineering Specifications. Inter-allotment drains must be installed after Sydney Water sewerage lines have been installed where sewer is proposed adjacent to inter-allotment drains.
- (27) **Flood Line Identification** – The 1:100 year flood line (1% AEP) must be marked on the plan of subdivision.

3.0 - Prior To Works Commencing

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

- (1) **WorkCover** – The developer must comply with any requirements of the WorkCover Authority prior to commencement of the development.
- (2) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (3) **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.
- (4) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point
- (5) **Toilet Facilities** - Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet, plus one toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - (c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (6) **Notice of Commencement of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and clauses 103 and 104 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 or subdivision works.
 - (7) **Construction of the "Construction" On-site Detention/Sediment Control Basin** - Prior to the commencement of any other subdivision work, the "construction" on-site detention/sediment control basin and the associated immediate stormwater drainage system must be constructed:
 - (a) in accordance with the approved plans, and
 - (b) to the requirements of the Principal Certifying Authority.

Any earth batters associated with such a facility must be compacted and stabilised to ensure that the integrity of the batters is continually maintained.

- (8) **Signs to be Erected on 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 or demolition work is being carried out:
- (a) showing the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, and
 - (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.

Clause 327 of the Occupational Health and Safety Regulation 2001 must also be complied with.

- (9) **Pollution Warning Sign** – A sign must be erected at all entrances to the subdivision site prior to work commencing and maintained until the subdivision has reached 80% occupancy. The sign must be constructed of durable materials and be a minimum of 1200 x 900mm. The wording of the sign must be as follows:

“WARNING UP TO \$1,500 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) - Solution to Pollution.”

The warning and fine statement wording must be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details must be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

The location and details of the signage shall be shown on the soil and water management plan prior to the release of the construction certificate.

- (10) **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 distributed 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.

- (11) **Hoardings and Security Fencing** – The site must be enclosed with a suitable temporary hoarding and security fence of a type approved by Camden Council.

No site or demolition works must commence before the hoarding or fence is erected. Public thoroughfares must also not be obstructed in any manner whatsoever during demolition works.

All demolition works must comply with the requirements of AS2601:2001 – Demolition of structures.

4.0 - During Construction

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

- (1) **Civil Engineering Inspections** - Where Council has been nominated as the Principal Certifying Authority, inspections by Council's Engineer are required to be carried out at the following stages of construction:

- (a) prior to installation of sediment and erosion control measures;
- (b) prior to backfilling pipelines and subsoil drains;
- (c) prior to casting of pits and other concrete structures, including kerb and gutter, roads, access ways, aprons, pathways and footways, vehicle crossings, dish crossings and pathway steps;
- (d) proof roller test of subgrade and sub-base;
- (e) roller test of completed pavement prior to placement of wearing course;
- (f) prior to backfilling public utility crossings in road reserves;
- (g) prior to placement of asphaltic concrete;
- (h) final inspection after all works are completed and "Work As Executed" plans, including work on public land, have been submitted to Council.

Where Council is not nominated as the Principal Certifying Authority, documentary evidence in the form of Compliance Certificates stating that all work has been carried out in accordance with Camden Council's Development Control Plan 2011 and Engineering Specifications must be submitted to Council prior to the issue of the Subdivision Certificate.

- (2) **Fill Material – Prior to the importation and/or placement of any fill material** on the subject site a validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

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

For "Virgin Excavated Natural Material (VENM)":

- a) the Department of Land and Water Conservation publication “Site investigation for Urban Salinity”, and
- b) the Department of Environment and Conservation – Contaminated Sites Guidelines “Guidelines for the NSW Site Auditor Scheme (Second Edition) – Soil Investigation Levels for Urban Development Sites in NSW”.

For “Excavated Natural Material (ENM)”:

- c) the Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption Under Part 6, Clause 51 and 51A, “The excavated natural material exemption 2008”.
- iv) confirm that the fill material:
 - a) provides no unacceptable risk to human health and the environment;
 - b) is free of contaminants;
 - c) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication “Site investigation for Urban Salinity”);
 - d) is suitable for its intended purpose and land use, and
 - e) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

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

A minimum of 1 sample from each sampling location must be provided for assessment.

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

Classification of Fill Material	No. of samples per volume	Volume of fill (m³)
Virgin Excavated Natural Material	1 (see note 1)	1000
Excavated Natural Material	10 composite samples (See note 2)	4000 tonnes

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

Note 2: Each Composite sample consists of 5 samples. Therefore for 4000 tonnes 50 samples in total will be required, i.e. 1 sample per 80 tonnes.

- (3) **Fencing of the “Construction” On-site Detention/Sediment Control Basin** – Any “construction” on-site detention/ sediment control basin must be enclosed by a 2.1m high security fence of a type approved by the Consent Authority (Camden Council). Any such fence is to be continually maintained and is to remain in place until this facility is removed or reconstructed to a temporary/permanent water quality facility.
- (4) **Compaction (Allotments)** - Those proposed allotments which are subject to filling must be compacted in accordance with Camden Council’s current Engineering Construction Specifications. The applicant’s Geotechnical Engineer must supervise the placing of fill material and certify that the work has been carried out to level 1 responsibility in accordance with Appendix B of AS 3798-1990.
- (5) **Hours of Work** – The hours for all construction and demolition work are restricted to between:
 - (a) 7.00am and 6.00pm, Monday to Friday (inclusive);
 - (b) 7.00am to 4.00pm on Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8.00am to 4.00pm;
 - (c) work on Sunday and Public Holidays is prohibited.
- (6) **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).

- (7) **Survey Marks** – Permanent Survey coordination marks must be placed within the subdivision in accordance with the Surveyors Act and Regulations.
- (8) **Compaction (Roads)** – All filling on roadways must be compacted in accordance with Camden Council’s current Engineering Construction Specifications.
- (9) **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:
 - (a) the delivery of material shall only be carried out between the hours of 7am–6pm, Monday to Friday, and between 8am–4pm on Saturdays;

- (b) 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;
- (c) 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;
- (d) 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;
- (e) a waste control container shall be located on the development site.

5.0 - Subdivision Certificate

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

- (1) **Maintenance Bond** - A maintenance bond in the form of an unconditional bank guarantee or cash bond, being 10% of the value of civil works must be lodged with Council prior to the release of the Subdivision Certificate. This bond is to cover the maintenance of civil works constructed during subdivision works and any damage to existing roads, drainage lines, public reserves or other Council property or works required as a result of work not in accordance with Council's standards, and/or development consent conditions.

The maintenance bond shall be for (12) twelve months or such longer period as determined by Council's engineer, and shall commence on the date of release of the linen plan in the case of subdivision works or the date of the issue of the compliance certificate in the case of development works.

Note 1: In accordance with Council's current Fees and Charges an administration fee for processing of bonds in the form of cash or bank guarantees is applicable.

Note 2: It should be noted that Council will not refund/release the maintenance bond, unless a suitable replacement bond is submitted.

- (2) **Bond for Final Layer of Asphaltic Concrete** - Prior to the issue of the Subdivision Certificate the applicant is to lodge a monetary bond with Camden Council for the placement of the final layer of asphaltic concrete wearing course on all proposed public roads within this subdivision.

The bond is to be in the form of cash or an unconditional bank guarantee in favour of Camden Council, and must be equivalent to 130% of the value of the works, including the cost of all reinstatement works, with the estimated cost of such work being determined by reference to Council's current Schedule of Fees and Charges.

The work is to be completed within 5 years from the registration of the Subdivision Certificate/Plan of Subdivision or when Occupation Certificates for dwellings associated with 80% of the lots created by a subdivision adjoining such road have been issued.

Camden Council reserves the right to claim against the bond at any time.

Note 1: An administration fee, in accordance with Council's current Schedule of Fees and Charges, is applicable for the processing of bonds.

Note 2: It should be noted that Council will not refund/release the bond until:

- (a) the work has been completed to the requirements of Camden Council, and/or
 - (b) where applicable, a suitable replacement bond is submitted.
- (3) **Value of Works** - Prior to release of the Subdivision Certificate, the applicant must submit itemised data and value of civil works for the inclusion in Council's Asset Management System. The applicant is to provide this data in the form of Council's template and requirements which is available.
- (4) **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:

(a) Lot numbers:

- (i) White number on **Blue** background located on the prolongation of both common boundaries of each lot.

(b) House numbers:

- (i) **Blue** number on white background located adjacent the middle of the lot.

(c) Street names:

- (i) White lettering on **Blue** background at kerb and gutter tangent points or at such locations as directed by the Principal Certifying Authority.

- (5) **Works as Executed Plan** - Prior to the issue of any Subdivision Certificate, a works-as-executed plan in both hard copy and electronic form (.dwg files or equivalent) in accordance with Camden Council's current Engineering Construction Specifications.
- (6) **Stormwater Destination** – Prior to the issue of the Subdivision Certificate, pit lintels must be labelled with permanent stencilled signs in accordance with Camden Council's current Engineering Design Specifications.
- (7) **Services** - Prior to the issue of any Subdivision Certificate the following service authority certificates/documents must be obtained and submitted to the Principal Certifying Authority for inclusion in any Subdivision Certificate application:
- (a) a certificate pursuant to s.73 of the *Sydney Water Act 1994* stating that both water and sewerage facilities are available to each allotment. Application for such a certificate must be made through an authorised Water Servicing Coordinator;

- (b) a Notification of Arrangements from Endeavour Energy;
 - (c) 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.
- (8) **Show Easements on the Plan of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.
- (9) **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.
- (10) **Plot Watercourses** - The developer must chart the natural watercourse on the subdivision.
- (11) **Plot Piped Watercourse** - The developer must chart the piped natural watercourse on the plan of subdivision.
- (12) **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) Easement for services.
 - (b) Easement to drain water.
 - (c) Drainage easement over overland flow paths.
 - (d) Easement for water quality.
 - (e) Restriction as to user on all lots that stipulates that footings must be designed by a suitably qualified civil and/or structural engineer.
 - (f) **Salinity Management Plan** - All proposed works that includes earthworks, imported fill and landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with "Section 10 and Appendix J" in the report titled *"Geotechnical, Contamination & Salinity Assessment: 30 Spring Farm For The Cornish Group Spring Farm, Prepared for Lean & Hayward, Prepared by SMEC Testing Services Pty Ltd, No Project No 16726/6902B, Dated September 2010."*
- (13) **Subdivision Certificate Release** – The issue of a Subdivision Certificate is not to occur until:
- (a) all conditions of this consent have been satisfactorily addressed;
 - (b) all engineering works are complete; and
 - (c) an approval from Endeavour Energy has been issued and works have been carried out for the decommissioning and under grounding of the existing overhead electricity easement.

- (14) **Compliance Certificate** - Prior to the issue of the Subdivision Certificate the applicant must submit to Council documentary evidence/compliance certificate to confirm compliance of all conditions of the subject consent.
- (15) **Street Lighting** - Street lighting must be provided within the subdivision in accordance with the relevant Australian standards, Endeavour Energy approval and the satisfaction of the Principal Certifying Authority. All such work must be complete and operative prior to the issue of the Subdivision Certificate.
- (16) **Street Trees, Their Tree Root Barrier Guards, Protective Guards and Bollards** – During any earthworks and development works relating to this Consent, the Applicant is advised:
- (a) that any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred;
 - (b) any repairs, relocations, reinstallations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing root guard barriers, are to be completed with the same type, species, plant maturity, materials and initial installation standards and the works and successful establishment of the trees carried out prior to the issue of the Subdivision Certificate;
 - (c) an inspection must be arranged with Council's Landscape Development Officer to determine that the street trees and any protective or installation measures have been restored correctly, and some degree of reestablishment has occurred;
 - (d) the inspection must occur prior to the issue of the Subdivision Certificate.
- (17) **Compliance Certificate** - A Compliance Certificate from a suitably qualified and experienced Geotechnical Engineer must be submitted verifying that the works detailed in the geotechnical report have been undertaken under the Engineer's supervision and to the Engineer's satisfaction, and that the assumptions relating to site conditions made in preparation of the report were validated during construction. This certificate must accompany the "Works as Executed" drawings.
- (18) **Site Validation Report** – Consistent with DA Consent 593/2009, 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 and 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 for DA Consent 593/2009 and must be submitted to the Consent Authority for review and written approval by an Officer of the Environmental Health Branch prior to the issue of a Subdivision Certificate.
- (19) **Land Registration** – Prior to occupation or use of the development, the proposed allotments shall be created and registered with the NSW Department of Lands (Land and Property Information). Refer to the advice section attached to this consent.

- (20) **Update of Bush Fire Prone Land Maps** - Prior to the issue of the Subdivision Certificate, a revised draft Bush Fire Prone Land Map shall be produced showing all Asset Protection Zones and Bush Fire Prone Land within the subdivision and shall include the following:
- a. statement that clarifies and certifies that the changes to the maps are in accordance with the *Planning for Bush Fire Protection Guidelines* and *Guideline for Bush Fire Prone Land Mapping NSW Rural Fire Service*. See http://www.rfs.nsw.gov.au/dsp_content.cfm?CAT_ID=900. Such statement shall be undertaken by a suitably qualified and experienced consultant who has:
- experience in identifying bushfire prone land within NSW,
 - experience in assessing potential bushfire impact, and developing and submitting bushfire risk assessments and deemed to satisfy designs and plans for development in bushfire prone areas,
 - a detailed knowledge of, and experience with, the bushfire planning, design and construction guidelines requirements for NSW (such as Planning for Bushfire Protection and Australian Standards) for subdivisions, new buildings, modifications to existing buildings,
 - a detailed knowledge of, and experience with, the bushfire provisions and hierarchy within the Building Code of Australia,
 - a detailed understanding of, and experience with, the bushfire provisions within, and the operation of the NSW and Local Government planning systems,
 - a thorough understanding of the Macarthur District Bush Fire Risk Management Plan and Macarthur District Bush Fire Operations Plan,
 - public liability / professional indemnity insurance, each to a minimum of \$20 Million
- (Note: The above criteria has been adopted from the Certification Guides for Bushfire Planning and Design BPAD (A & D)- Certified Practitioners (as per the FPA (Fire Protection Australia) Certified Practitioner and Business Program) (see <http://www.fpaa.com.au/certification/index.php?certification=bpad>)
- b. maps to be provided shall include the final layout of the subdivision and as a separate layer in .dxf or .dwg format.
- (21) **Soil Classification** – A geotechnical report must be submitted detailing the classification of soil type generally found within the subdivision. A general classification for each lot within the subdivision must be provided and such classifications must be made by a Geotechnical Engineer in accordance with the provisions of SAA AS 2870 “Residential Slabs and Footings”. The classification reports must be submitted to Council prior to the release of the Subdivision Certificate.
- (22) **Surveyor’s Report** – Prior to the issue of the Subdivision Certificate a certificate from a registered surveyor must be submitted to the Certifying Authority, certifying that all drainage lines have been laid within their proposed easements. Certification is also to be provided stating that no services or accessways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.

- (23) **Burdened Lots to be Identified** – Any lots subsequently identified during construction of the subdivision as requiring restrictions must also be suitably burdened.

The following conditions apply to the first stage of the approved development, being Stage 33A only:

- (1) **Section 94 Contributions** - Pursuant to Contributions Plan No. 8 amended in September 1997, a contribution must be paid to Council of \$18.00 per additional lot or dwelling, total \$990.00, for Secondary Roundabout R6 (Richardson Road/Lodges Road).

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

- (2) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$7,110.00 per additional lot or dwelling, total \$391,050.00, for Open Space, Recreation & Community Land.

The contribution must be indexed by the methods set out in Paragraph 2.15.2 of the plan and paid prior to the issue of a 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. 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.

- (3) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$8,800 per additional lot or dwelling, total \$484,000.00, for Recreation & Community Facilities, Volunteer Emergency Services Facilities and Plan Preparation & Administration Services.

The contribution must be indexed by the methods set out in Paragraph 2.15.1 of the plan and paid prior to the issue of a Subdivision Certificate.

- (4) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$39,183 per additional lot or dwelling, total \$2,155,065.00 for Drainage, Roadworks, Traffic Facilities, Open Space Embellishment and Masterplan.

The contribution must be indexed by the methods set out in Paragraph 2.15.1 of the plan and paid prior to the issue of a Subdivision Certificate.

The monetary contribution for Drainage, Roadworks, Traffic Facilities, Open Space Embellishment 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.

The following conditions apply to the second stage of the approved development, being Stage 33B only:

- (1) **Section 94 Contributions** - Pursuant to Contributions Plan No. 8 amended in September 1997, a contribution must be paid to Council of \$18.00 per additional lot or dwelling, total \$204.00, for Secondary Roundabout R6 (Richardson Road/Lodges Road).

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

- (2) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$7,110.00 per additional lot or dwelling, total \$85,3.00, for Open Space, Recreation & Community Land.

The contribution must be indexed by the methods set out in Paragraph 2.15.2 of the plan and paid prior to the issue of a 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. 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.

- (3) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$8,800 per additional lot or dwelling, total \$105,600.00, for Recreation & Community Facilities, Volunteer Emergency Services Facilities and Plan Preparation & Administration Services.

The contribution must be indexed by the methods set out in Paragraph 2.15.1 of the plan and paid prior to the issue of a Subdivision Certificate.

- (4) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$39,183 per additional lot or dwelling, total \$470,196.00 for Drainage, Roadworks, Traffic Facilities, Open Space Embellishment and Masterplan.

The contribution must be indexed by the methods set out in Paragraph 2.15.1 of the plan and paid prior to the issue of a Subdivision Certificate.

The monetary contribution for Drainage, Roadworks, Traffic Facilities, Open Space Embellishment 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.

The following conditions apply to the third stage of the approved development, being Stage 33C only:

- (1) **Temporary Turning Facility** – A temporary turning/manoeuvring facility shall be provided at the end of proposed Norfolk Boulevard (Road No 10). The facility shall be designed in accordance with:
 - (a) the current edition of AS 2890.2 and more specifically the Heavy Rigid Vehicle (HRV) swept turning path contained within that document; and
 - (b) Camden Council's Development Control Plan 2011.

The manoeuvring area within the facility shall incorporate the pavement and wearing course design associated with the adjoining proposed public road and there shall be no kerb and gutter of any type within the facility. Any additional land required to accommodate the facility, adjacent to the proposed public road, shall be provided with such land being dedicated as a temporary public road in accordance with s.9, 39 and 40 of the *Roads Act 1993*.

The status of the facility shall remain as a temporary public road until such time as an alternative facility has been provided and dedicated as either:

- (i) public road, or
- (ii) temporary public road.

- (2) **Section 94 Contributions** - Pursuant to Contributions Plan No. 8 amended in September 1997, a contribution must be paid to Council of \$18.00 per additional lot or dwelling, total \$576.00, for Secondary Roundabout R6 (Richardson Road/Lodges Road).

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

- (2) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$7,110.00 per additional lot or dwelling, total \$227,520.00, for Open Space, Recreation & Community Land.

The contribution must be indexed by the methods set out in Paragraph 2.15.2 of the plan and paid prior to the issue of a 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. 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.

- (3) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$8,800 per additional lot or dwelling, total \$281,600.00, for Recreation & Community Facilities, Volunteer Emergency Services Facilities and Plan Preparation & Administration Services.

The contribution must be indexed by the methods set out in Paragraph 2.15.1 of the plan and paid prior to the issue of a Subdivision Certificate.

- (4) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$39,183 per additional lot or dwelling, total \$1,253,856.00 for Drainage, Roadworks, Traffic Facilities, Open Space Embellishment and Masterplan.

The contribution must be indexed by the methods set out in Paragraph 2.15.1 of the plan and paid prior to the issue of a Subdivision Certificate.

The monetary contribution for Drainage, Roadworks, Traffic Facilities, Open Space Embellishment 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 approve Development Application 627/2011 for a residential subdivision in 3 stages at No 110A (Lot 2, DP 1132985) Springs Road, Spring Farm subject to the draft development consent conditions shown above.

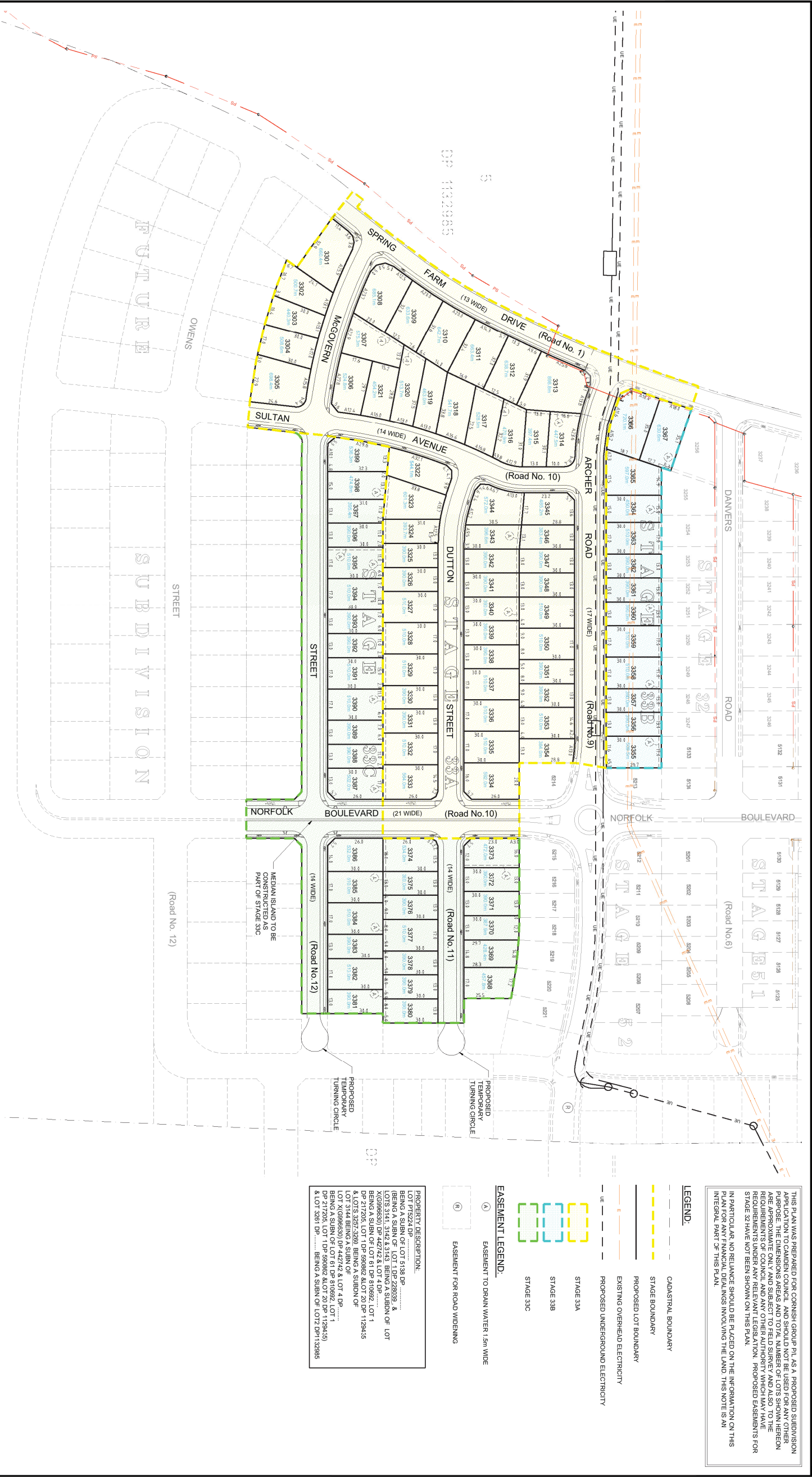
ATTACHMENTS

1. Location plan
2. Proposed plan of subdivision
3. Spring Farm DCP Masterplan - *Supporting Document*
4. Cornish Group Planning Proposal - *Supporting Document*
5. Submission - *Supporting Document*

ORD02

Attachment 1





PLAN OF PROPOSED SUBDIVISION - STAGE 33
SCALE 1:1000

REVISION	DATE	DESIGNER	APP'D
A. LOT LAYOUT REVISED	11/07/11	PS	---
B. STREET NAMES UPDATED	14/10/11	MS	---
C. REVISED LOT 313, 315, 335, 336, ARCHER ROAD ALIGNMENT	16/12/11	MS	---
D. UPDATED LOCATION OF UNDERGROUND CABLES	7/01/12	JH	---
E. SPILT INTO 3 STAGES, REVISE & RENUMBER LOTS	10/04/12	NM	DB
F. STAGE 33C MODIFIED, LOT ADDED	11/04/12	NM	DB
G. FOOTPATHS ADDED	11/04/12	JHMN	DB
H. MEDIAN ISLAND ADDED TO NORFOLK BOULEVARD & EASIMENT AMENDED LOT 3362	19/04/12	NM	DB

DESIGNED	LW/DK	DRWING	TH	CHECKED	D. BOB/REFF	AUTHORIZED	L. J. WARD	DATE	MAR 2011
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SPRING FARM - STAGE 33
CAMDEN COUNCIL
PLAN OF PROPOSED SUBDIVISION
OPTION 1
Drawing No. 76371.01.P24
Rev H

THIS PLAN WAS PREPARED FOR CORNISH GROUP P/L AS A PROPOSED SUBDIVISION APPLICATION TO CAMDEN COUNCIL AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE. THE DIMENSIONS AREAS AND TOTAL NUMBER OF LOTS SHOWN HEREON ARE APPROXIMATE ONLY AND SUBJECT TO FIELD SURVEY AND ALSO TO THE REQUIREMENTS OF COUNCIL AND ANY OTHER AUTHORITY WHICH MAY HAVE REQUIREMENTS UNDER ANY RELEVANT LEGISLATION. PROPOSED EASEMENTS FOR STAGE 33C HAVE NOT BEEN SHOWN ON THIS PLAN.
IN PARTICULAR, NO RELIANCE SHOULD BE PLACED ON THE INFORMATION ON THIS PLAN FOR ANY FINANCIAL DEALINGS INVOLVING THE LAND. THIS NOTE IS AN INTEGRAL PART OF THIS PLAN.

LEGEND:
--- CADASTRAL BOUNDARY
--- STAGE BOUNDARY
--- PROPOSED LOT BOUNDARY
--- EXISTING OVERHEAD ELECTRICITY
--- PROPOSED UNDERGROUND ELECTRICITY
--- STAGE 33A
--- STAGE 33B
--- STAGE 33C

EASEMENT LEGEND:
A EASEMENT TO DRAIN WATER 1.5m WIDE
N EASEMENT FOR ROAD WIDENING

PROPERTY DESCRIPTION:
LOT 1792/24 DP 1129885/2... BEING A SUBDN OF LOT 1 DP 2298339 & LOTS 3141, 3142 & 3143 BEING A SUBDN OF LOT X(G9986530) DP 442742 & LOT 4 DP... BEING A SUNB OF LOT 61 DP 810682, LOT 1 BEING A SUNB OF LOT 20 DP 1129445 & LOT 3144 BEING A SUBDN OF LOT X(G9986530) DP 442742 & LOT 4 DP... BEING A SUNB OF LOT 61 DP 810682, LOT 1 BEING A SUNB OF LOT 20 DP 1129445 & LOT 3251 DP... BEING A SUBDN OF LOT 2 DP 1529585 & LOT 3251 DP...

J:\76371\01\76371_01_P24.dwg

ORD02

Attachment 2

ORDINARY COUNCIL

ORD03

ORD03

SUBJECT: SUBDIVISION OF LAND TO CREATE 7 RESIDENTIAL LOTS, 1 RESIDUE LOT AND 1 ROAD AT 7A (LOT 36, DP 1115708) KOWALD STREET, ELDERSLIE
FROM: Director, Development and Health
BINDER: DA 1426/2011

DA NO: 1426/2011
OWNER: Australand Holding Pty Ltd
APPLICANT: John M Daly & Associates Pty Ltd
ZONING: R1 General Residential

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a Development Application (DA) for a residential subdivision on this site. The application is referred to Council in accordance with its delegations due to unresolved issues raised in submissions received from the public and a variation to Council's DCP.

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

This DA was lodged on 7 December 2011 and has been publicly notified with 15 submissions received. This subdivision proposes lot sizes which are not consistent with the Elderslie Masterplan average lot sizes and density targets, but which are compliant with the relevant LEP minimum lot size controls.

The proposal and the public submissions have been assessed and the application is now able to be referred to Council for determination.

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 enclosed 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 falls gradually from its southern boundary to the north.

The area of this subdivision is located on the north eastern corner of the intersection of Lodges Road and Franzman Avenue, to the east of Elderslie Primary School as depicted in **Figure 1** below.

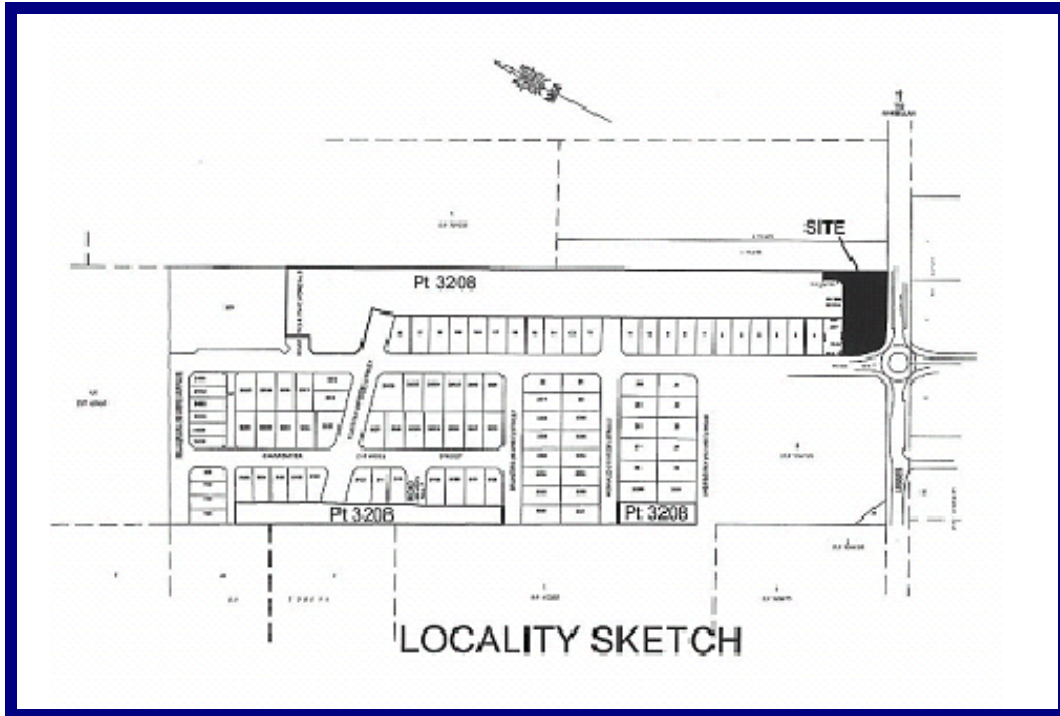


FIGURE 1: SITE IDENTIFICATION PLAN

THE PROPOSAL

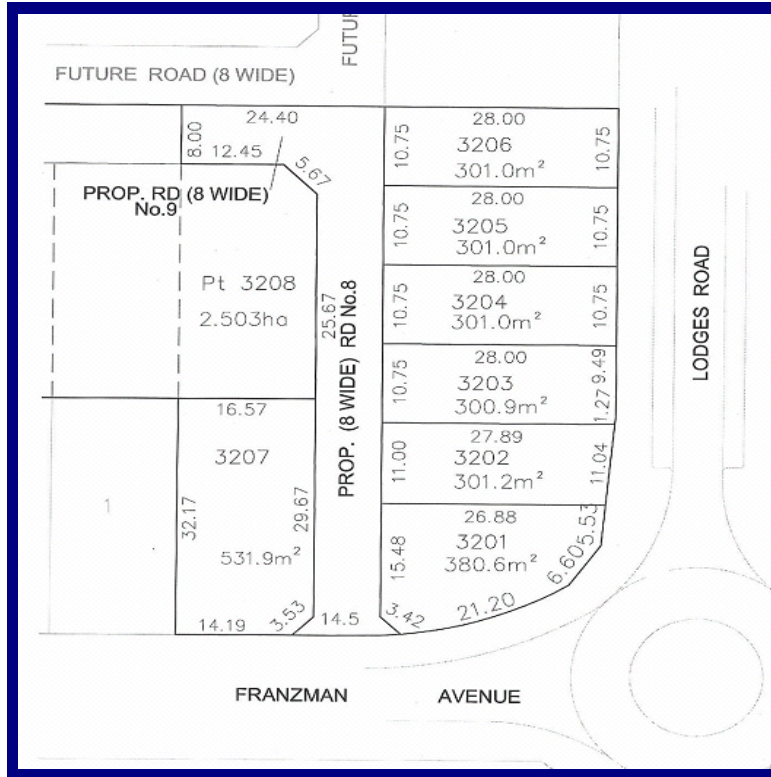
Development Consent is sought for the subdivision of land to create 7 residential lots, 1 residue lot and 1 road as depicted in **Figure 2** below.

All of the proposed lots are technically non-compliant with the DCP which requires an average lot size of 240m² for proposed Lots 3201 to 3206 (inclusive) and an average lot size of 375m² for proposed Lot 3207.

Proposed Lots 3201 to 3206 (inclusive) have an average size of 314m² and proposed Lot 3207 has a size of 532m².

Therefore all of the proposed lots are larger than the DCP requires, however comply with the minimum lot size control within the LEP.

The proposed residential lots will be the subject of separate development applications for dwellings. These dwellings will need to comply with the site specific development controls in Camden DCP 2011 which address design and siting, etc.



ORD03

FIGURE 2: PLAN OF PROPOSED SUBDIVISION

NOTIFICATION

The application was publicly notified between 16 February and 5 March 2012. Notification letters were sent to surrounding properties which resulted in 15 submissions being received by Council.

The issues raised in the submissions are assessed in the “1(d) Any Submissions” section of this report.

Copies of the submissions 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:

1. State Environmental Planning Policy No 55 – Remediation of Land
2. Deemed State Environmental Planning Policy No 20 – Hawkesbury/Nepean River
3. Camden Local Environmental Plan 2010
4. 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 provision of any Environmental Planning Instrument

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

This SEPP requires Council to be satisfied that the proposed site is suitable for its intended use (in terms of contamination) prior to granting development consent.

A contamination investigation and remediation was undertaken for the site as part of the parent lot subdivision approved under Development Consent 1113/2006. A site inspection by Council officers on 24 February 2012 identified that the site was suitably fenced and that no further signs of contamination were evident.

The site is therefore considered to have been made suitable for the proposed residential use.

Deemed 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 there will be no detrimental impacts upon the Hawkesbury/Nepean River system as a result of it. It is a recommended development consent condition that the existing water quality treatment basin located on the parent lot be utilised to cater for this development.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The land on which this subdivision is proposed is zoned R1 General Residential. Subdivision of land is permissible with consent in the R1 zone.

Zone Objectives

In terms of the development's consistency with the zone objectives, the relevant objectives of the applicable zone include provisions to "provide for the housing needs of the community by providing a variety of housing types and densities whilst minimising conflict between land uses within the zone and land uses within adjoining zones."

It is considered that the proposal is generally compliant with these objectives. The development is for the subdivision of land and works including the construction of a road, associated drainage and landscaping to occur over R1 zoned land. The development has been assessed and it is not considered that it will cause any conflict upon any land uses in other zones.

Lot Sizes

Pursuant to Clause 4.1 of the LEP, the site is subject to a 300m² minimum lot size. The proposed lot sizes range from 300.9m² through to 531.9m² and therefore comply with the minimum lot size.

Public Utility Infrastructure

Utility service connections including water and electricity are currently available to the site. It is a recommended condition of development consent that the site be connected to sewer prior to the issue of a Subdivision Certificate.

(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 proposed environmental planning instruments that are applicable to this site or 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 – Environmental Management

Part B1.1 – Erosion and Sedimentation

The development has been designed to incorporate a number of erosion and sediment control measures including sediment boundary fences and a portable gravel kerb inlet sediment trap.

It is a recommended development consent condition that these erosion and sediment control measures be implemented in the construction of this development.

Part B1.9 – Waste Management Plan

A waste management plan (WMP) has been submitted with this DA. The WMP details the types of material wastes and volumes which will be generated as a result of the development and identifies the methods of disposal.

It is a recommended development consent condition that waste materials generated by the development be disposed of in accordance with the submitted WMP.

Part B1.13 – Mine Subsidence

The site is located within the South Campbelltown Mine Subsidence District and requires approval from the NSW Mine Subsidence Board. The applicant has submitted an approval from the NSW Mine Subsidence Board with the development application.

Part B2 – Landscape Design

The applicant has submitted landscaping plans with the DA. These plans show the location of street tree planting and include a mix of exotic tree types. Council staff have reviewed and support the proposed landscaping across the site.

It is a recommended development consent condition that the development be carried out in accordance with the approved landscaping plans.

Part C6 – Elderslie Release Area

Part C6.2 – Neighbourhood and Subdivision Design

As identified previously in this report, the proposed development is inconsistent with the average lot size and densities in the Elderslie Master Plan.

All of the proposed lots are technically non-compliant with the DCP which requires an average lot size of 240m² for proposed Lots 3201 to 3206 (inclusive) and an average Lot size of 375m² for proposed Lot 3207.

Proposed Lots 3201 to 3206 (inclusive) have an average size of 314m² and proposed Lot 3207 has a size of 532m².

Therefore all of the proposed lots are larger than the DCP requires, however comply with the minimum lot size control in the LEP.

The applicant has requested that Council support the proposed lot size variation on the basis that:

- the proposed lots are marginally smaller than surrounding average lot sizes in the release area which is consistent with the objectives of the Masterplan given the site's proximity to the neighbourhood centre;
- the proposed lots will provide for a variety of housing types which can still achieve medium density targets; and
- the proposal is compliant with the LEP's minimum lot size controls.

Council staff have assessed the applicant's justification for the DCP variation. Notwithstanding the development's inconsistency with the adopted DCP, the development is consistent with the objectives and desired future character of the Elderslie release area in that:

- the proposed development is consistent with the urban village form envisaged in the Masterplan;
- the proposed lot sizes will allow for a variety of housing types and densities in close proximity to the neighbourhood centre; and
- appropriate forms of housing can be provided for across the site without adversely impacting on the amenity of the area.

In 2011 Council approved two DAs for residential subdivisions directly to the west of this site that did not comply with density targets in the adopted DCP.

Consequently the proposed lot size variation is supported and it is recommended that Council approve the development as proposed.

Part 6.3 – Street Network and Design

The proposed road profile is consistent with the design of a typical rear lane in the DCP.

Part 6.4 – Pedestrian and Cycle Network

The pedestrian and cycle network map in the DCP identifies the proposed rear laneway as containing a pedestrian path which is inconsistent with the road profile design.

This pedestrian path shown in the DCP is not needed or supported in the proposed rear laneway. Other pathways will be provided in the surrounding area that will achieve a high level of pedestrian connectivity.

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

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

(1)(a)(iv) The provisions of the Regulations – S79C (1)(a)(iv)

The Regulations prescribe several development consent conditions which are recommended as draft conditions and are provided at the end of this report.

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

The likely impacts of this development include:

1. Economic Impacts

The development will contribute to labour force employment during the development phase whilst the resident population will ultimately contribute to the viability of support services in the local economy.

2. Social Impacts

The proposed development will contribute to diversity through provision of medium density housing stock, subject to future DAs for dwellings.

All other likely impacts of the proposed development have been assessed elsewhere in this report.

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

The site is suitable for the proposed development in that it provides lot sizes appropriate for future housing in close proximity to the Elderslie Neighbourhood Centre.

The proposal fits in with the locality in terms of its ability for future dwellings to conform to the relevant development controls, and the site attributes make it conducive to the development in relation to the connection of utility services and infrastructure.

Therefore it is considered that this site is suitable for the proposed development.

(1)(d) Any submissions

As a result of public notification, 15 submissions were received. The following issues were raised in the submissions:

1. *Proposed Road No 8 is too close to the intersection of Franzman Avenue and Lodges Road. Movements into and out of this laneway will cause conflict with traffic entering Franzman Avenue from Lodges Road.*

Officer comment:

In accordance with the Masterplan, Road No. 8 is a one way exit only laneway at the intersection with Franzman Avenue as shown in the **Business Paper supporting documents**.

It is a recommended development consent condition that the full extent of Road No.7 (approved under DA 751/2007) be constructed prior to the release of the Subdivision Certificate. By requiring Road No. 7 to be constructed prior to the release of the Subdivision Certificate, the laneway will not be two way.

2. *The development will generate increased traffic which will amplify the number of right hand turns made by motorists into Road No 8 from Franzman Avenue. Motorists waiting to make this right hand turn will create a "bank back" of traffic at the intersection of Lodges Road.*

Officer comment:

The proposed laneway is approved as a one-way exit only to Franzman Avenue. Road No. 8 will be accessed through Road No. 7 approved under DA 751/2007, as shown on the Loop Road Plan **provided in the Business Paper supporting documents**. Therefore, no right hand turns will be made at the intersection of Franzman and the proposed laneway.

3. *There are unresolved traffic issues along Franzman Avenue including illegal u-turns made by parents picking up/dropping off their children before and after school. The new laneway will encourage drivers to make dangerous right hand turns in close proximity to the intersection with Lodges Road, threatening the safety of students.*

Officer comment:

Council officers have observed the location during before and after school times. The traffic volumes and movements in the area have been assessed by Council's Traffic Engineer and the proposed one-way exit only laneway is supported.

4. *Completion of the loop road is unknown and therefore residents won't potentially benefit from a one-way access for a long time.*

Officer comment:

It is a recommended condition of development consent that the full extent of Roads No. 7 and No. 8 be constructed prior to the issue of a Subdivision Certificate.

5. *Elderslie Public School's student population is expected to rise which will lead to increased traffic along Franzman Avenue.*

Office comment:

The development, containing only 7 residential lots, will not significantly affect the generation of traffic beyond what is currently experienced along Franzman Avenue during before and after school hours.

6. *Residents have had to endure works along Lodges Road, Hilder Street and Camden Acres Drive and are concerned about escalating issues in an area currently suffering unacceptable traffic conditions.*

Officer comment:

Given the small scale of the development, Council's Traffic Engineer has determined that traffic generation will not significantly increase beyond what is currently experienced in the area.

- 7. If these lots are developed as future commercial premises the generated demand for parking will overload the limited roadside parking in the area.*

Officer comment:

The site is zoned R1 General Residential which currently prohibits all forms of "commercial premises".

- 8. Road No 8 will also serve upwards of 24 additional lots, yet to be applied for. This will create a considerable amount of traffic at the intersection of the laneway and Franzman Avenue.*

Officer comment:

The proposed road design and location is consistent with the Masterplan. Road No. 8 will not be directly accessed from Franzman Avenue. Access to the proposed subdivision will be provided through Road No. 7 approved under DA 751/2007, as such no right hand turns are permitted into Road No. 8.

- 9. Council officers often fail to consider that what appears manageable on paper "bears no relationship to the reality on the ground", in particular the irresponsible driving behaviour of motorists encouraged by poor traffic conditions experienced in the area.*

Officer comment:

Council officers have observed the location during before and after school times. The traffic volumes and movements in the area have been assessed by Council's Traffic Engineer and the proposed development is considered suitable in that generated traffic volumes will be minimal.

- 10. Road No 8 should be accessed directly from Lodges Road in order to prevent traffic "bank backs" at the intersection of Franzman Avenue and Lodges Road.*

Officer comment:

The location and design of Road No 8 is consistent with the Elderslie Release Area Masterplan. The location of this laneway has been assessed by Council's Traffic Engineer and is considered suitable at the proposed location given its role in the street network hierarchy.

(1)(e) The public interest

It is considered that the public interest will be positively served by the proposed subdivision as it is generally consistent with the relevant LEP and the desired future character of the Elderslie Release Area and will not result in any unacceptable impacts upon the surrounding environment and adjoining land owners.

CONCLUSION

Council has received a DA for the residential subdivision of land at the corner of Franzman Avenue and Lodges Road in Elderslie.

The DA has been assessed in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979* and the 15 public submissions received have been considered.

The applicant has sought a variation to the DCP as the subdivision proposes the creation of lots which exceed the average lot sizes and densities specified in the Masterplan. It is considered that the development is acceptable on the basis that although it is inconsistent with the adopted DCP, it is consistent with the LEP lot size controls and desired future character of the area, and can be carried out without adversely impacting on adjoining properties.

The submissions received relate largely to traffic impacts associated with the school and short term road works in the area. Council is aware of these issues and will continue to try and work with residents to minimise impacts. This DA is for subdivision involving 7 additional lots and the proposed road design and location is consistent with the Masterplan.

Consequently it is recommended that Council approve this DA subject to the draft development consent conditions provided below.

DRAFT CONDITIONS OF CONSENT

1.0 - General Requirements

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

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan / Development No.	Description	Prepared by	Dated
Australand Stage 32, Lodges Road Elderslie. Ref 11118DA1	Plan of Subdivision of Lot 4105 (Resub Lot 36 in DP 1115708)	John M Daly & Associates Development Consultants Pty Ltd.	30 November 2011
Job No: 66_06, Plan No: 6606_1.0	Landscape Plan for proposed subdivision Lot 2 Elderslie	Distinctive Landscape Planning	September 2006, approved by Council 23 February 2008
Australand Stage 32, Lodges Road Elderslie. Ref 11118DA2	Plan Detailing Required Setbacks for Lot 3201 in Subdivision of Lot 4105 (Resub Lot 36 in DP 1115708)	John M Daly & Associates Development Consultants Pty Ltd.	14 February 2012
Subdivision of Lot 36 Ref: 11118E1 Sheets 1-5	Plan of proposed works	John M Daly & Associates Development Consultants Pty Ltd.	10 February 2012

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

- (2) **Works in Accordance with 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. JEO4210B-r4, dated September 2006.” Compliance with the Plan must be demonstrated for each residential Development Application.

2.0 - Construction Certificate Requirements

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

- (1) **Design and Construction Standards** - All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with:
- (a) Camden Council's current Engineering Specifications, and
 - (b) Camden Council's Development Control Plan 2011.

It should be noted that designs for line marking and regulatory signage associated with any proposed public road within this subdivision MUST be submitted to and approved by the Roads and Maritime Services, Camden Council prior to the issue of any Construction Certificate.

- (2) **Drainage Design** - A Stormwater Management Plan is to be prepared prior to the issue of a Construction Certificate to ensure that the final stormwater flow rate off the site is no greater than the maximum flow rate currently leaving the development site for all storm events. This plan must be submitted and approved by the Principal Certifying Authority. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties.
- (3) **Stormwater Disposal** - Stormwater runoff from the whole development must be properly collected and discharged to the Council drainage system. Surface discharge across the footpath to the road gutter is not permitted. Provision must be made to cater for existing stormwater overland flow from adjoining properties.
- (4) **Civil Engineering Plans** - Indicating drainage, roads, access ways, earthworks, pavement design, details of line marking and traffic management details must be prepared strictly in accordance with Camden Council's Development Control Plan 2011 and Engineering Specifications, and are to be submitted for approval to the Principal Certifying Authority prior to the Construction Certificate being issued.

Note:

- (a) Under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve.

- (b) Under section 109E of the Environmental Planning and Assessment Act 1997, Council must be nominated as the Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works.
- (5) **Performance Bond** - Prior to the issue of the Construction Certificate, a performance bond of 10% must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (6) **Environmental Site Management Plan** - An Environmental Site Management Plan must be submitted to the Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 – 2005 and must address, but not be limited to, the following:
 - (a) all matters associated with Council's Erosion and Sediment Control Policy;
 - (b) all matters associated with Occupational Health and Safety;
 - (c) all matters associated with Traffic Management/Control; and
 - (d) all other environmental matters associated with the site works such as noise control, dust suppression and the like.
- (7) **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 2m downstream of the prolongation of the lot corner with the lowest reduced level and to the requirements of the Principal Certifying Authority;
 - (b) constructed in accordance with Camden Council's current Engineering Specification/s; and
 - (c) indicated in any design plan submitted to the Certifying Authority for the purposes of obtaining a Construction Certificate.
- (8) **Road Design Criteria** - Dimensions and pavement design details for proposed roads must align with the following:

ROAD NO	ROAD RESERVE	CARRIAGEWAY	FOOTWAY	DESIGN E.S.A'S	COMMENTS
No 8	8.0m	6.0m	1.0m	5 x 10 ₅	No footpath required

(Measurements are in metres)

The pavement design/report shall be prepared by a person with experience in the geotechnical aspects of earthworks and endorsed by a Practising Engineer with National Professional Engineering Registration and a Specific Area of Practice in Subdivisional Geotechnics.

Design parameters shall also comply with the provisions of Camden Council's current Engineering Design Specification and be submitted to the Certifying Authority.

- (9) **Public Risk Insurance Policy** - Prior to the issue of the Construction Certificate, the owner or contractor is to take out a Public Risk Insurance Policy in accordance with Camden Council's current Engineering Design Specifications.
- (10) **Location of Drainage Pits** – The location of drainage pits shall be in accordance with Camden Council's current Engineering Design Specifications and Engineering Construction Specifications.
- (11) **Civil Engineering Details** - The developer must submit details of all engineering works on engineering plans to the Certifying Authority for approval prior to a Construction Certificate being issued.
- (12) **Cut and Fill Policy** - Any excavation or filling of any residential building site in excess of 1m cut and 600mm fill must only be carried out in accordance with Council's Development Control Plan 2011. The required details must be submitted to Council prior to the Construction Certificate being issued.
- (13) **Laneway Footpath Crossings** – Footpath crossings connecting the proposed laneway to Franzman Avenue and future Road No 9 must be designed in accordance with the provisions of:
 - i) the Heavy Rigid Vehicle (HRV) swept turning path associated with the current edition of AS2890.2; and
 - ii) Camden Council's current Engineering Design Specification.
- (14) **Permanent Road Signs** – Signage must be erected along Road No 8. The signs must be constructed of durable materials and be a minimum of 1200 x 900mm.

The sign must state that Road No 8 is a one-way laneway only and that it cannot be accessed from Franzman Avenue.

The location and design of the signage must be approved by the Camden Local Traffic Committee prior to installation.

The signage must be installed prior to the issue of a Subdivision Certificate for subdivision stage 3 as approved by Deferred Commencement Consent 751/2007.

3.0 - During Construction

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

- (1) **Vehicles Leaving the Site** - The contractor/demolisher/construction supervisor must ensure that:
 - (a) all vehicles transporting material from the site, cover such material so as to minimise sediment transfer;
 -

- (b) the wheels of vehicles leaving the site:
 - (i) do not track soil and other waste material onto any public road adjoining the site;
 - (ii) fully traverse the Stabilised Access Point (SAP).

(2) **Subdivision, Building and Demolition Work Hours** - All such work must be restricted to the following hours:

- a) between 7.00am and 6.00pm, Mondays to Fridays (inclusive);
- b) between 8.00am to 5.00pm on Saturdays,

Work is prohibited on Sundays and Public Holidays.

(3) **Civil Engineering Inspections** - Where Council has been nominated as the Principal Certifying Authority, inspections by Council's Engineer are required to be carried out at the following stages of construction:

- (a) prior to installation of sediment and erosion control measures;
- (b) prior to backfilling pipelines and subsoil drains;
- (c) prior to casting of pits and other concrete structures, including kerb and gutter, roads, access ways, aprons, pathways and footways, vehicle crossings, dish crossings and pathway steps;
- (d) proof roller test of subgrade and sub-base;
- (e) roller test of completed pavement prior to placement of wearing course;
- (f) prior to backfilling public utility crossings in road reserves;
- (g) prior to placement of asphaltic concrete;
- (h) final inspection after all works are completed and "Work As Executed" plans, including work on public land, have been submitted to Council.

Where Council is not nominated as the Principal Certifying Authority, documentary evidence in the form of Compliance Certificates stating that all work has been carried out in accordance with Camden Council's Development Control Plan 2011 and Engineering Specifications must be submitted to Council prior to the issue of the Subdivision Certificate.

(4) **Requirements of Noxious Weeds Act** – As per the requirements of the Noxious Weeds Act 1993, the applicant must also ensure at all times any machinery, vehicles or other equipment entering or leaving the site must be cleaned and free from any noxious weed material, to prevent the spread of noxious weeds to or from the property.

(5) **Maintenance Requirement** – Maintenance work is to be carried out, involving regular surveys to determine if any species are becoming established through time. Any noxious or environmental weed infestations that occur during subdivision, and prior to sale of the new lots, must be reported to Council and fully and continuously suppressed and destroyed by appropriate means.

(6) **Fill Material** – For importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

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

*For "Virgin Excavated Natural Material (VENM)":

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

Sampling of VENM for salinity of fill volumes:

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

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

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

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
Virgin Excavated Natural Material	1 <i>(see Note 1)</i>	1000

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

- (7) **Waste Bin Collection Point** – A waste bin collection point must be provided on each lot. This area must be on level ground, running parallel to the rear of the

kerb and measure 3m long x 0.9m wide and allow 3.9m clear vertical space to allow for the truck lifting arm.

- (8) **Mobile Garbage Bin Pad** – Mobile garbage bin pad collection locations measuring 3m x 0.9m in dimension are to be provided for properties 3201, 3202, 3203, 3204, 3205 and 3206 (the bin pad shall be permanently marked on the verge of the gutter, and include the dwellings numbers serviced at that location). These locations shall be located adjacent to the back of the kerb on proposed road No 8. They are to be identified by the developer during construction of the subdivision with a maximum of 3 lots permitted. They are to be clear of any obstructions up to a height of 3.9m above ground.
- (9) **Unexpected Finds Contingency (General)** - Should any further suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material etc) be encountered during any stage of earthworks/site preparation/construction, then such works must cease immediately until a qualified Environmental Consultant has been contacted and has conducted a thorough assessment. In the event that contamination has been identified as a result of this assessment and remediation is required, site works must cease in the vicinity of the contamination and the Consent Authority must be notified immediately.

Where remediation work is required, the Applicant will be required to comply fully with Council's Policy - Management of Contaminated Lands with regard to obtaining consent for the remediation works.

- (10) **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). 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.
- (11) **Construction Noise** - That noise from the construction/demolition activities associated with the development shall have regard to the guidelines contained in the NSW, EPA, Environmental Noise Control Manual chapter 17, that is:

Construction periods of 4 weeks and under:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed to any sensitive noise receiver.

Construction periods greater than 4 weeks and not exceeding 26 weeks:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10sB(A) when assessed to any sensitive noise receiver.

- (12) **Soil and Sediment Control** – The applicant and/or employees, agents or sub contractors may be liable to prosecution under the Environmental Planning and Assessment Act, 1979 for a breach of a condition, or Protection of the Environment Operations Act, 1997 for a pollution offence if sediment, including

soil, excavated material, building materials or other materials are allowed to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways or be placed in a position where any of the aforementioned may occur which shall result in, or is likely to result in pollution. The applicant shall ensure that its employees, agents or subcontractors provide and maintain sediment control measures and suitable site practices that protect the stormwater system or waterways from the ingress of sediment.

4.0 - Subdivision Certificate

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

- (1) **Bond for Final Layer of Asphaltic Concrete** - Prior to the issue of the Subdivision Certificate the applicant is to lodge a monetary bond with Camden Council for the placement of the final layer of asphaltic concrete wearing course on all proposed public roads within this subdivision.

The bond is to be in the form of cash or an unconditional bank guarantee in favour of Camden Council, and must be equivalent to 130% of the value of the works, including the cost of all reinstatement works, with the estimated cost of such work being determined by reference to Council's current Schedule of Fees and Charges.

The work is to be completed within 5 years from the registration of the Subdivision Certificate/Plan of Subdivision or when Occupation Certificates for dwellings associated with 80% of the lots created by a subdivision adjoining such road have been issued.

Camden Council reserves the right to claim against the bond at any time.

Note 1: An administration fee, in accordance with Council's current Schedule of Fees and Charges, is applicable for the processing of bonds.

Note 2: It should be noted that Council will not refund/release the bond until;

- (a) the work has been completed to the requirements of Camden Council, and/or
 - (b) where applicable a suitable replacement bond is submitted.
- (2) **Value of Works** - Prior to release of the Subdivision Certificate, the applicant must submit itemised data and value of civil works for the inclusion in Council's Asset Management System. The applicant can obtain from Council upon request, a template and requirements for asset data collection.
- (3) **Connection to Existing Public Roads** - The proposed road construction must connect with the existing public roads. The connection at such locations must be carried out in accordance with the provisions and requirements of Camden Council's issued Public Road Activity (Roadworks) approval. Further, all such work must be completed to the satisfaction of the Roads and Maritime Services, Camden Council, prior to the issue of any Subdivision Certificate.

- (4) **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:

- (a) Lot numbers:

- (i) White number on **Blue** background located on the prolongation of both common boundaries of each lot.

- (b) House numbers:

- (i) **Blue** number on white background located adjacent the middle of the lot.

- (c) Street names:

- (i) White lettering on **Blue** background at kerb and gutter tangent points or at such locations as directed by the Principal Certifying Authority.

- (5) **Works as Executed Plan** - Prior to the issue of any Subdivision Certificate, a works-as-executed plan in both hard copy and electronic form (.dwg files or equivalent) in accordance with Camden Council's current Engineering Construction Specifications.

- (6) **Final Layer Asphaltic Concrete (Roads)** - The final asphaltic concrete wearing course layer must not be placed on the carriageway of any road until:

- (a) a Subdivision Certificate has been issued by the Principal Certifying Authority, Camden Council;
- (b) the Subdivision Certificate/Plan of Subdivision has been registered with the Department of Lands - Land and Property Information;
- (c) the terms of any bond for such work have been confirmed to be satisfied by the Roads and Maritime Services, Camden Council; and
- (d) a Public Road Activity (Roadworks) application has been submitted to and approved by the Roads and Maritime Services, Camden Council.

- (7) **Soil Erosion and Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with Camden Council's current Engineering Design Specifications.

- (8) **Access Denial for Specific Lots** – The Principal Certifying Authority shall confirm the “access denied” location of any proposed lot adjacent to a proposed / existing public road. A description of the access denied section of the lot shall be noted in a restriction-as-to-user pursuant to s.88B of the Conveyancing Act 1919 and be included in any application for a Subdivision Certificate.

Access denial will be placed on the southern boundary of Lots 3201 – 3206.

- (9) **Delineation on Plan of Subdivision** – Prior to the issue of any Subdivision Certificate a draft Plan of Subdivision must be submitted to the Principal Certifying Authority (PCA) for approval. The plan shall:
- (a) indicate 1% AEP contour/s watercourses,
 - (b) indicate public reserves,
 - (c) indicate drainage reserves, the extent of which is determined by 1% AEP, and
 - (d) align with the approved work-as-executed plan.

The approved draft Plan of Subdivision shall form the basis for a final Plan of Subdivision associated with any application for a Subdivision Certificate.

- (10) **Stormwater Destination** – Prior to the issue of the Subdivision Certificate, pit lintels must be labelled with permanent stencilled signs in accordance with Camden Council's current Engineering Design Specifications.
- (11) **Surveyor's Report** - Prior to the issue of the Subdivision Certificate a certificate from a registered surveyor must be submitted to the Certifying Authority, certifying that all drainage lines have been laid within their proposed easements. Certification is also to be provided stating that no services or access ways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.
- (12) **Services** - Prior to the issue of any Subdivision Certificate the following service authority certificates/documents must be obtained and submitted to the Principal Certifying Authority for inclusion in any Subdivision Certificate application:
- (a) A certificate pursuant to s.73 of the *Sydney Water Act 1994* stating that both water and sewerage facilities are available to each allotment.
 - Application for such a certificate must be made through an authorised Water Servicing Co-ordinator.
 - (b) Notification of Arrangements from Endeavour Energy.
 - (c) 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.
- (13) **Show Easements on the Plan Of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.
- (14) **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.
- (15) **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) Easement for services.

- (b) Easement to drain water.
 - (c) Restriction as to user over any lots which stipulates that footings must be designed by a suitably qualified civil and / or structural engineer.
 - (d) Restriction as to user stating that access is denied on the southern boundary of Lots 3201 – 3206.
 - (e) 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.
 - (f) Restriction as to user stating that 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. JEO4210B-r4, dated September 2006.” Compliance with the Plan must be demonstrated for each residential Development Application.
 - (g) Restriction as to user stating that the dwellings on the proposed lots must be designed to front Lodges Road and the front yards facing Lodges Road must not be enclosed by large solid fences.
 - (h) Restriction as to user on Lots 3201 – 3206 stating that all future garages are to have a rear loaded access from the laneway (proposed road No 8).
- (16) **Sewer Connection** – Prior to the release of a Subdivision Certificate all approved lots shall be connected to Sydney Water Corporation reticulated sewer.
- (17) **Continuous Suppression of Weeds** – The applicant must fully and continuously suppress and destroy, by appropriate means, any noxious or environmentally invasive weed infestations that occur during or after subdivision and prior to the sale of new lots. New infestations must be reported to Council.
- (18) **‘No Stopping’ Signage** – Prior to the issue of any Subdivision Certificate ‘No Stopping’ signage is to be installed in the laneway. The details of such are to be provided on plans submitted for the issue of a Construction Certificate. It should be noted that such signage shall be approved by the Roads Authority, Camden Council, prior to installation.
- (19) **Infrastructure Contribution** - Prior to the issue of any Subdivision Certificate, the applicant must submit to the consent authority written evidence from the Department of Planning that a special infrastructure contribution has been made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

Information on the Special Infrastructure Contribution can be found on the Department of Planning and Infrastructure’s **Special** website:

www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/abid/75/language/en-US/Default.aspx

- (20) **Works As Executed Plan** - Prior to the issue of a Subdivision Certificate, a works-as-executed plan must be submitted to the Principal Certifying Authority in accordance with Camden Council's current Engineering Construction Specifications.

- (21) **Section 94 Contributions** - Pursuant to **Contributions Plan No 8** amended in September 1997, a contribution must be paid to Council of \$9.00 per additional lot or dwelling, total \$63.00, for **Secondary Roundabout R6 (Richardson Road/Lodges Road)**.

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

- (22) **Section 94 Contributions** - Pursuant to **Camden Contributions Plan 2011** adopted in April 2012, a contribution must be paid to Council of \$7,110.00 per additional lot or dwelling, total \$49,770.00, for **Open Space, Recreation & Community Land**.

The contribution must be indexed by the methods set out in Paragraph 2.15.2 of the plan and 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. 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 issue of a Subdivision Certificate.

- (23) **Section 94 Contributions** - Pursuant to **Camden Contributions Plan 2011** adopted in April 2012, a contribution must be paid to Council of \$8,800.00 per additional lot or dwelling, total \$61,600.00, for **Recreation & Community Facilities, Volunteer Emergency Services Facilities and Plan Preparation & Administration Services**.

The contribution must be indexed by the methods set out in Paragraph 2.15.2 of the plan and paid prior to issue of the Subdivision Certificate.

- (24) **Section 94 Contributions** - Pursuant to **Camden Contributions Plan 2011** adopted in April 2012, a contribution must be paid to Council of \$39,537.00 per additional lot or dwelling, total \$276,759.00, for **Drainage, Roadworks, Traffic Facilities, Open Space Embellishment and Masterplan**.

The contribution must be indexed by the methods set out in paragraph 2.15.2 of the plan and paid prior to the issue of a Subdivision Certificate.

The monetary contribution for Drainage, Roadworks, Traffic Facilities, Open Space Embellishment 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 issue of a Subdivision Certificate.

- (25) **Subdivision Certificate Release** - The issue of a Subdivision Certificate is not to occur until all conditions of this consent have been satisfactorily addressed and all engineering works are complete unless otherwise approved in writing by the Principal Certifying Authority.
- (26) **Construction of Road No. 7** – Prior to the issue of a Subdivision Certificate the full extent of Road No. 7 must be constructed and connect into the existing road network as shown on “Plan of Subdivision of Lot 2032 (Resub Lot 2 DP 1096138), prepared by JMD & Associates Pty Ltd, dated 24 July 2007” and as approved by the Deferred Commencement Consent DA 751/2007.

END OF CONDITIONS

RECOMMENDED

That Council approve Development Application 1426/2011 for a residential subdivision at No 7A (Lot 36, DP 1115708) Kowald Street, Elderslie, subject to the draft development consent conditions shown above.

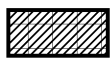
ATTACHMENTS

1. Location Plan
2. Proposed Plan of Subdivision
3. Submissions - *Supporting Document*
4. Plan of Loop Road - *Supporting Document*



SITE LOCATION MAP

7A Kowald St Elderslie
DA 1426 - 2012



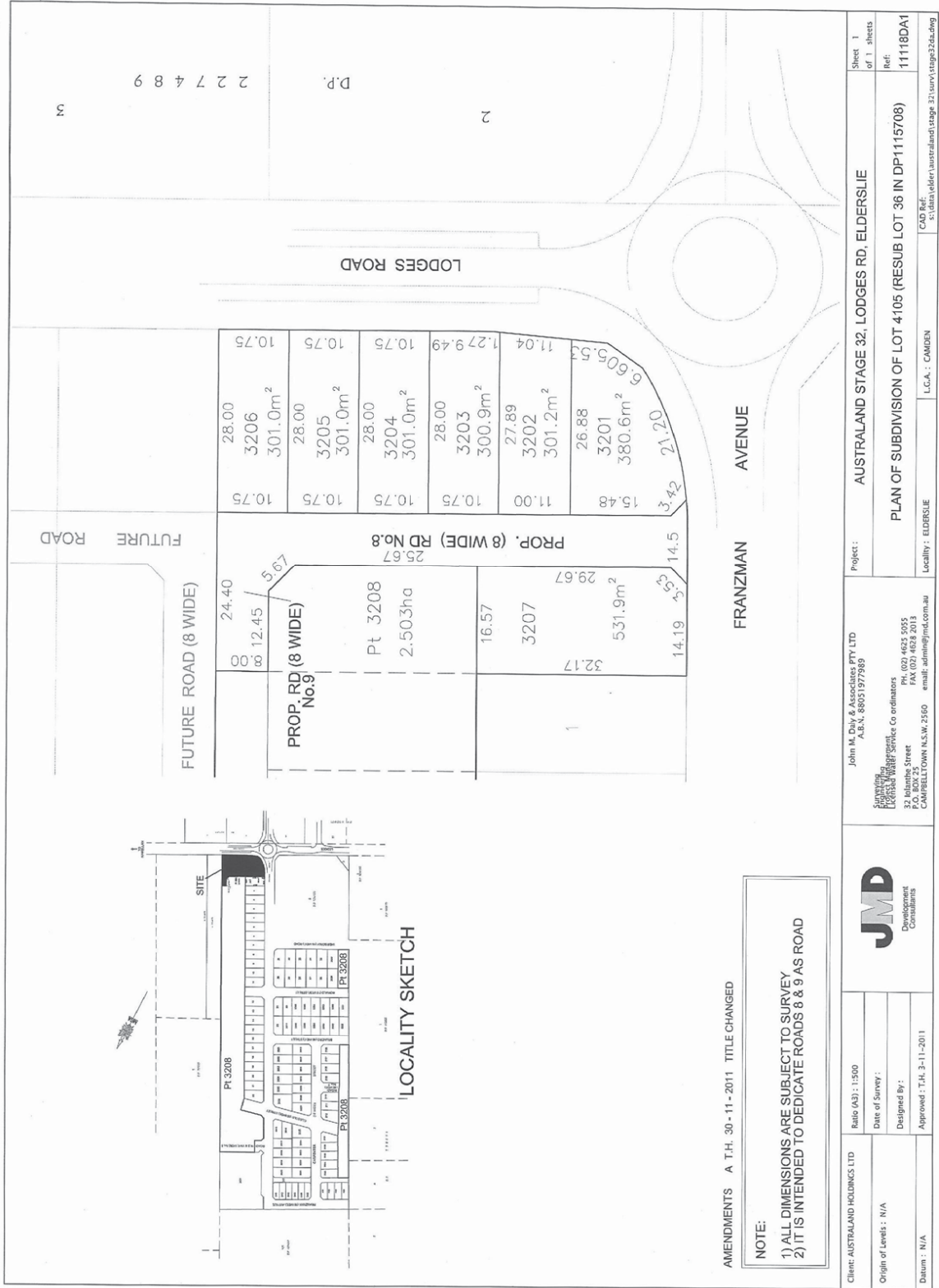
Subject Site



Scale 1:8000

ORD03

Attachment 2





ORDINARY COUNCIL

ORD04

ORD04

SUBJECT: PAWS IN THE PARK

FROM: Director, Development and Health

BINDER: E&H/Animals/Law& Enforcement/Standards/Companion Animals Act

PURPOSE OF REPORT

A report titled 'Adopt a Pet/Paws in the Park' was withdrawn from the Council business paper of 8 May 2012. The results of the Adopt a Pet trial will now be reported to Council under separate cover.

The purpose of this report is for Council to consider making Paws in the Park an annual community event which is sponsored 'in kind' by Council.

BACKGROUND

The Paws in the Park event was held at the Bicentennial Equestrian Park on 28 October 2011. The event was widely publicised and supported by non-for-profit groups, as well as businesses involved in the pet industry.

Prior to the day, participants were requested to register their interest with Council to participate in a 3km or 5km walk and they received a 'Royal Canin' show bag. A total of 382 people registered to walk their dogs, there were 35 stalls and it was estimated that over 1,000 people attended the event.

On the day there were numerous dog demonstrations combined with Dr Katrina Warren and her Golden Retriever welcoming everyone back from their walk, giving talks and judging dog competitions.

Council staff managed a 'scan your dog to win' competition. Dogs were scanned for microchips at stalls held by Camden Council, Sydney University Vet, Macarthur Vets and Renbury Farm. On the day, 304 dogs were scanned and animal owners were reminded of the importance of micro chipping and keeping those details up to date.

The Paws in the Park event raised approximately \$6,500 from donations, sponsorship and stall holder fees. Council provided support to the event in terms of staff planning the event, set up and helping on the day. The committee that comprised of local veterinarians, media, service clubs and the like, carried the event to fruition.

MAIN REPORT

This event succeeded in showing what an important part pets play in modern society, and within our local community. The event demonstrated the commitment of many groups and organisations to the notion of responsible pet ownership.

The public involvement with pets should not be undersold and Council should take every opportunity to facilitate events such as this, to show and educate the public what responsible pet ownership is about.

The role of pets in our society is at times understated. The benefits companion animals bring to individuals is well known and they have been used for a long time to lift the spirits of people in hospitals and nursing homes.

Companion animals also assist in building communities whilst promoting an active lifestyle. In an effort to minimise complaints about companion animals and ensure they strengthen our communities, it is vital to educate our residents and provide an opportunity to be involved in a community event. This type of event is one avenue in helping in this education.

Council provided support to the event in terms of staff assisting with planning the event, set up and helping on the day. Council also provided resources such as fencing to define areas on the park.

Council's costs for the event were:

- direct costs of \$3,155 - to be funded from stall holder fees etc;
- indirect costs (estimated at \$3,500) associated with staff time and salaries.

CONCLUSION

With Camden's changing and increasing population, consideration could be given in Council's future budget deliberations to preventative education programs and methods to promote a pet friendly community and to engender responsible pet ownership.

Council could consider preventative programs such as low cost desexing campaigns and the establishment of new leash free areas that are accessible and usable to the growing population. However this will be the subject of a future report to Council.

The Paws in the Park event demonstrated the importance of delivering positive messages to the public, and if it were to become an annual event could be a showcase of how responsible pet owners celebrate pets in society. The event brought together groups and individuals with a common interest and facilitated significant information transfer on the day.

RECOMMENDED

That Council endorse Paws in the Park to be an annual event on Council's calendar with in kind contribution by Council.



ORDINARY COUNCIL

ORD05

ORD05

SUBJECT: 1ST NARELLAN SCOUT GROUP - REQUEST TO
REFUND DA FEES
FROM: Director, Development and Health
BINDER: DA 1336/2011

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a request from 1st Narellan Scouts for a refund of development application (DA) and associated fees for the construction of a fire exit door at the Scout building on the corner of Elyard and Queen Street, Narellan.

BACKGROUND

Council received a DA and CC to provide an additional exit door from the building as the existing exit arrangements did not comply with current Building Code of Australia requirements.

Council is the owner of the land. The upgrading works were voluntary as the Scout Group identified the exit door as necessary to improve the level of fire safety within the building.

The request seeks a refund of the DA and associated application fees. The DA (DA 1336/2011) was applied for by Mr Stan Hanna on behalf of the 1st Narellan Scout Group and was approved under delegated authority on the 15 December 2011. The application fees have been paid to Council.

A copy of the request is provided in the Business Paper supporting documents.

MAIN REPORT

Council received the request for a refund of DA fees on 23 February 2012. Based on the estimated project value of \$1284, Council's fees are broken up as follows:

Fee	Purpose	Amount
Development Application fee	The assessment of the Development Application by Council	\$110.00
Construction Certificate fee	The assessment of the Construction Certificate application by Council	\$273.26
Inspection fee	The assessment of the Occupation Certificate application and the carrying out of 1 inspection by Council	\$124.00
Archiving fee	The physical and electronic storage of the applications by Council	\$27.00
		Total = \$534.26

At the Council meeting of 13 June 2006, Council considered an investigation into fee waiving for community based development. Council resolved to reaffirm that all fees associated with the assessment of DAs are payable by the applicant.

CONCLUSION

A request has been received by Council seeking the DA and associated fees for a proposed exit door to be refunded. The total amount of those fees is \$534.26.

The request is now able to be referred to Council for its consideration for refunding of the applicable application fees.

RECOMMENDED

A matter for Council, and that the applicant be advised of Council's decision.

ATTACHMENTS

1. Request for Refund - *Supporting Document*



ORDINARY COUNCIL

ORD06

ORD06

**SUBJECT: COUNCIL SEAL - PLAN OF CONSOLIDATION - NARELLAN
COMMUNITY HALL**

FROM: Director Governance

BINDER: Council Properties

PURPOSE OF REPORT

To obtain a Council resolution to affix the Council Seal to a plan of consolidation for the Narellan Community Centre site.

MAIN REPORT

Council, at its meeting on 23 August 2011, resolved to approve the redevelopment of the Narellan Community Hall as the location for a new community facility.

As the current community hall building will be upgraded as part of the redevelopment, development consent will be required for the proposed works.

The existing Narellan Community Hall site consists of three lots of land, being Lots 19A and 20 DP 758753 and Lot 201 DP 835003. The majority of the current building is situated within Lot 201; however it also encroaches over the boundaries of Lots 19A and 20. An aerial location view showing the current building and lot boundaries is shown in **attachment 1 at the end of this report**.

In order to be able to lodge a development application for the proposed works for the new facility and comply with fire safety requirements, the current building and any future works must be wholly located within one lot.

In order to rectify this issue, it is necessary to consolidate the three lots into one. A plan of consolidation has been prepared and a copy is **attached to the end of this report**. As the consolidation involves changes to property boundaries of Council owned land, the Council Seal must be affixed to the plan in order for registration with the Land and Property Information Authority.

This is a procedural requirement in order to obtain authorisation to affix the Council Seal to the plan of consolidation to allow for registration at the Land and Property Information Office.

RECOMMENDED

That the Council Seal be affixed to the Plan of Consolidation of Lot 201 DP 835003 and Lots 19A and 20 DP 758753.

ATTACHMENTS

1. Site Plan
2. Plan of Consolidation

ORD06

Attachment 1



Site plan - Lot 201 DP 835003 and Lots
19A and 20 DP 758753

This map has been prepared from Council records by the Land Information section. If you intend to rely on this information you should have this verified.
Camden Council accepts no responsibility for any errors or omissions. This map should not be reproduced without the permission of Camden Council.

Scale: 1:1200

Printed Date: 03:05:12

90RD00

Attachment 2

PLAN FORM 2

WARNING - CREASING OR FOLDING WILL LEAD TO REJECTION

Sheet 1 of 1 sheets

CONNECTION
 SSM 4434 2011/12/01 4230/16.437
 SSM 4434 2011/12/01 4230/16.437
 SSM 4434 2011/12/01 4230/16.437
 SSM 4434 2011/12/01 4230/16.437

MARK	EASTING	NORTHING	ZONE	CLASS	BORDER	SOURCE	DATE
SM 4434	291261.159	4230257.383	54	B	2	SCMS	21-01-2012
SM 4434	291172.901	4230416.437	54	B	2	SCMS	21-01-2012
SM 4434	290897.144	4231017.599	54	B	2	SCMS	21-01-2012

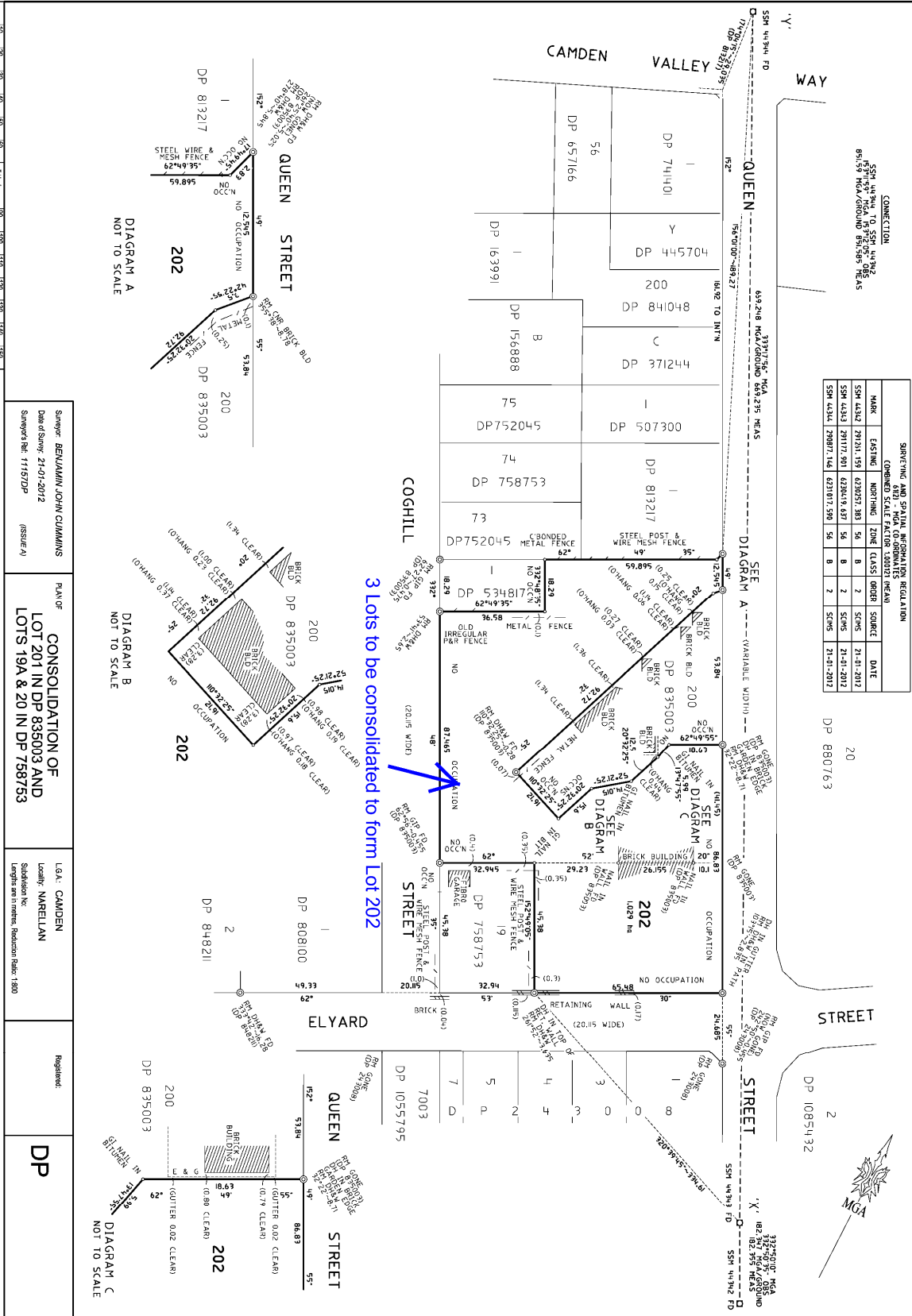


DIAGRAM A
 NOT TO SCALE

DIAGRAM B
 NOT TO SCALE

DIAGRAM C
 NOT TO SCALE

Supervisor: BENJAMIN JOHN CUMMINGS
 Date of Survey: 21-01-2012
 Surveyor's Ref: 11517DP
 (ISSUE A)

PLAN OF CONSOLIDATION OF
 LOT 201 IN DP 835003 AND
 LOTS 19A & 20 IN DP 758753

L.S.A.: CAMDEN
 Locality: NAREELAN
 Stationing No:
 Limits: see in notes, Reduction Ratio: 1:800

Registered:
DP

1

ORDINARY COUNCIL

ORD07

SUBJECT: LOCAL GOVERNMENT ASSOCIATION & SHIRES ASSOCIATION - "ONE ASSOCIATION"

FROM: Director Governance

BINDER: Local Government Association

PURPOSE OF REPORT

To seek nominations for voting delegates to take part in a forthcoming ballot in regards to the "One Association" proposal, being the proposal by the Local Government Association (LGA) and the Shires' Association (SA) to form one association.

MAIN REPORT

The issue of "One Association" to represent Local Government in NSW has been discussed over many years. In more recent times, the matter has been discussed at both Associations' annual conferences.

On 17 April 2012, the Shires Executive passed the formal resolutions required to progress the "One Association" matter to go to a vote of the members' delegates, unanimously resolving in favour of the resolutions.

On 20 April 2012 the Local Government Association Executive also voted on the matter. The Local Government Association Executive adopted the resolutions by a majority of 21 to 3.

As a result, formal documentation has been lodged with Fair Work Australia. Fair Work Australia will engage the Australian Electoral Commission to undertake the secret postal ballot of members' delegates. Two separate secret postal ballots will occur - one will be a ballot of LGA members' delegates, and the other will be a ballot of SA members' delegates. Both ballots need to achieve a majority of "yes" votes to enable the formation of One Association.

It is anticipated that the ballots will occur before the September 2012 Local Government general elections but exact timing will depend on Fair Work Australia.

To enable Councils to participate in voting on the matter, nominations of voting delegates must be provided to the Association by 31 May 2012. ***Camden is entitled to nominate four Councillors as voting delegates.***

Should the majority of delegates vote "yes", formation of One Association would not take place until after 1 March 2013, but no later than 2 June 2013. There would be significant work to be done in conjunction with Fair Work Australia as well as making provision for the numerous administrative changes which would have to take place, such as transferring assets and transitioning staff.

Given the extensive consultation that has occurred over many years, the fact that the vast majority of both Associations executives agree to the proposed merger and many staff essentially assist both Associations in many aspects of its operations, it is recommended that Council supports the view that both Associations merge to form One Association.

A Frequently Asked Questions information sheet in regards to this matter is included in **Attachment 1 to this report.**

RECOMMENDED

That Council:

- i. nominate four delegates to take part in the forthcoming secret postal ballot to deal with the matter of One Association; and**
- ii. forward the names and postal addresses of the delegates to the Associations to form the Roll of Voters.**

ATTACHMENTS

1. Frequently Asked Questions

ORD07

ORD07

Attachment 1

Frequently Asked Questions

Q: *Why is the ballot being held before the September elections?*

A: This process has been ongoing for many years. Current Councillors should be aware of the progress of the matter. If the ballot is held over until after the 2012 general elections new councillors will not be aware of the history or the process and would not be in a position to make an informed decision.

Q: *When would One Association take affect?*

A: Assuming that the majority of delegates vote "yes" forming One Association would not take place until after 1 March 2013, but no later than 2 June 2013. Even after a positive vote there is significant work to be done in conjunction with Fair Work Australia as well as making provision for the numerous administrative changes which would have to take place, such as transferring assets and transitioning staff. The transition however needs to take effect before 2 June 2013 otherwise the Shires Association would need to hold fresh Executive elections.

Q: *Why is the ballot a secret postal ballot?*

A: Because it is a requirement under the Fair Work (Registered Organisations) Act. The Associations have no choice in this decision.

Q: *Has there been enough consultation?*

A: The issue of One Association has been discussed over many years. In more recent times it has been discussed:

- At the 2003 LGA Conference
- At the 2004 SA Conference
- At the 2004 LGA Conference
- As part of the 2005 Woods/Wearne report titled "Options for One Local Government Association in NSW"
- At the 2005 SA Conference
- At the 2005 LGA Conference
- At the 2006 SA Conference
- At the 2006 LGA Conference
- At the 2007 SA Conference
- At the 2007 LGA Conference
- At the 2008 SA Conference
- At the 2008 LGA Conference
- At the 2009 SA Conference
- At the 2009 LGA Conference
- At the One Association Convention held in August 2010
- At the 2010 LGA Conference
- In February 2011 the Associations sent all Councils a draft Constitution requesting feedback and comments
- In February 2011 the SA held a Special Conference to discuss the Principles set out at the 2010 Convention
- At the 2011 SA Conference
- In November 2011 the Associations sent all Councils a further draft Constitution requesting feedback and comments

In addition there have been numerous presentations made to all Shires Divisional meetings at various times, and to various LGA ROC meetings and in other forums.

Q: *Why is there no "No" Case?*

A: There are two reasons, firstly the Fair Work (Registered Organisations) Act does not require a "No" case to be prepared because it presumes a process towards an amalgamation would not have started in the first place unless it had been directed by members – which is the case in this instance. The issue of One Association has arrived

at the stage of a ballot after repeated Conference resolutions calling for a single Association. It is not in the interests of the Association to prepare a case which cuts across the wishes and resolutions of the majority of our members.

Q: *How many voting delegates does my Council have for the secret postal ballot?*

A: The numbers are calculated under the current rules of each Association, so for:

- Shires Association members, each has one voting delegate, and for
- Local Government Association Members it depends on the member's population, and is calculated in accordance with the following scale:

Group No.	Population	Delegates
1	Less than 10,000	1
2	10,000 - 20,000	2
3	20,000 - 50,000	3
4	50,000 - 100,000	4
5	100,000 - 150,000	5
6	Over 150,000	7
7	County councils	2
8	Aboriginal Land Council	27

(To independently determine a Council's population see the latest release of Australian Bureau of Statistics publication 3218.0)

Q: *Can Associate members vote?*

A: No, only ordinary members can vote in the secret ballot. The Fair Work (Registered Organisations) Act treats this ballot the same as if it was a ballot for the election of members of the Executive.

Q: *How does voting work under One Association:*

A: One of the key principles to come from the One Association Convention held in August 2010 was to enshrine the concept that the overall voting numbers of the rural/regional area would be the same as the overall voting numbers of the Metropolitan/Urban areas. This was covered as Principles 4 and 5, and was, with the other Principles ratified by subsequent Conferences of both Associations. These Principles say:

- 4 *"For the purpose of voting for the Board of Directors, each region will have an equal number of votes, which will be distributed proportionally on a basis to be determined among those ordinary member councils who fall within that region, with all ordinary member councils receiving at least one vote."*
- 5 *"For the purpose of voting on motions at Conference, each region will have an equal number of votes, which will be distributed proportionally on a basis to be determined among those ordinary member councils who fall within that region, with all ordinary member councils receiving at least one vote."*

The voting arrangements satisfy the overarching requirements of equality among the regions. What this means in effect is that councils in the same region with similar populations will have the same number of votes, but this will not always be the case for similar sized councils in different regions. The reason for this is the difference in council numbers between the regions, the Rural/Regional Region has 114 general purpose Councils, 10 County Councils and 8 Regional Aboriginal Lands Councils. The Metropolitan/Urban Region has 38 general purpose Councils, 2 County Councils and 1 Regional Aboriginal Lands Council. Due to the larger number of Councils in the Rural/Regional Region additional votes needed to be allocated to the Councils in the Metropolitan/Urban Region to balance the overall voting numbers.

ORD07

Attachment 1

Q: *But is this "fair"*

A: The One Association rules have been developed to ensure equity across the membership in a number of ways. Importantly, the One Association rules provide that only Rural/Regional voting delegates are able to vote for the 10 Rural/Regional Board members and the Rural/Regional Vice President in the same way that only Metropolitan/Urban voting delegates are able to vote for the 10 Metropolitan/Urban Board members and the Metropolitan/Urban Vice President. It makes no difference if a Metropolitan/Urban Council with the same population has a different number of voting delegates to a Rural/Regional Council with a similar population as they won't be voting for the same candidates in the same elections.

For the positions of President and Treasurer both regions have the same number of votes in total. This will allow for these positions be popularly elected overall – however, the rules also ensures that the position of President must alternate between the Metropolitan/Urban and Rural/Regional areas. This further enhances the equity.

Similarly with Conference motions, both Regions have the same overall numbers. This provides for Association policy to be made which has the sanction of the majority of members, and ensures that no Region can dominate the other.

Q: *What about the Assets of my current Association?*

A: The assets of both Associations will be merged together on the amalgamation date. Neither Association will be financial detrimentally affected in any consequential way by this merger. To illustrate this we need to use the last full year's financial statements, 2010/2011 which showed the total equity of each Association as follows:

	Total Equity (\$)	% Equity	Subscriptions \$	% Subscriptions
LGA	19,015,275	66.19	2,876,208	65.77
SA	9,713,269	33.81	1,496,629	34.23
Total Combined	28,728,544	100.00	4,372,837	100.00

The Associations' Rules (and the rules for the new One Association) provide that if the Association is dissolved any surplus funds are paid to the members in the proportion which each member's subscription for the year bears to the total amount of subscriptions for that year.

What this means is that had the Associations dissolved at the end of the 2010/11 financial year the members of each Association would have received in total the complete equity of their Association, that is, for the LGA members 100% X \$19,015,275 and for the SA 100% X \$9,713,269.

If the Associations had merged and immediately dissolved at the end of the 2010/11 financial year:

LGA members would have received: 65.77% of \$28,728,544 = \$18,894,763
SA members would have received: 34.23% of \$28,728,544 = \$9,833,781

The overall affect would be:

	No Merge \$	Merge \$	Difference \$
LGA	19,015,275	18,894,763	(120,512)
SA	9,713,269	9,833,781	120,512
Total Combined	28,728,544	28,728,544	0

For this example, at this point in time, the LGA members combined would be "worse off" by \$120,512 on dissolution, and SA members combined would be "better off" by the same amount. On an individual Council basis Association's calculations have shown the "worse off" Councils range in dollar terms from (\$43.05) to (\$2,202.46) while the "better off" Councils range in dollar terms from \$165.47 to \$2,457.64. As the combined difference represents less than half a percent of overall total equity ($\$120,512/\$28,728,544 \times 100 = .419\%$) it is not considered significant.



ORD08

ORDINARY COUNCIL

ORD08

SUBJECT: INVESTMENT REPORT- APRIL 2012
FROM: Manager Corporate Services
BINDER: Investment Monies

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 2012 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 5.86% p.a. for the month of April 2012.

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 April 2012 be noted.**
- iii. the weighted average interest rate return of 5.86% p.a. for the month of April 2012 be noted.**

ATTACHMENTS

1. Investment Listing- April 2012

CAMDEN COUNCIL

Investments as at: 30 April 2012

INSTITUTION (Long term / short term credit ratings)	TYPE	IBD NO.	TERM	MATURITY DATE	INTEREST RATE (p.a.)	PORTFOLIO %	INVESTMENT AMOUNT
WESTPAC	TD	2502	147	12-Jul-12	5.82%		3,000,000
AA / A-1+	TD	2503	147	19-Jul-12	5.86%		1,500,000
	TD	2483	183	7-Jun-12	5.95%		1,000,000
	TD	2504	98	6-Jun-12	5.91%		1,500,000
	TD	2507	147	2-Aug-12	5.82%		3,000,000
						18%	<u>10,000,000</u>
BANK WEST	TD	2514	90	11-Jul-12	5.80%		2,000,000
AA / A-1+	TD	2508	148	9-Aug-12	5.78%		1,500,000
	TD	2515	105	1-Aug-12	5.80%		2,500,000
	TD	2517	90	25-Jul-12	5.60%		1,500,000
						13%	<u>7,500,000</u>
NAB	TD	2497	118	23-May-12	5.90%		1,500,000
AA / A-1+	TD	2500	147	28-Jun-12	5.80%		2,000,000
	TD	2512	161	6-Sep-12	5.90%		1,000,000
	TD	2495	125	17-May-12	6.05%		1,500,000
	TD	2494	111	3-May-12	6.05%		1,500,000
	TD	2496	121	24-May-12	5.89%		2,000,000
						17%	<u>9,500,000</u>
ING DIRECT	TD	2499	141	21-Jun-12	5.69%		1,500,000
A+ / A-1	TD	2506	141	26-Jul-12	5.95%		2,000,000
	TD	2511	211	18-Oct-12	6.10%		1,500,000
						9%	<u>5,000,000</u>
SUNCORP METWAY	TD	2505	118	27-Jun-12	5.92%		3,000,000
A+ / A-1	TD	2516	140	13-Sep-12	5.50%		1,000,000
	TD	2501	183	16-Aug-12	6.00%		1,500,000
	TD	2491	182	5-Jul-12	5.99%		2,000,000
	TD	2513	90	4-Jul-12	5.70%		1,500,000
	TD	2498	135	14-Jun-12	5.89%		2,500,000
	TD	2509	161	23-Aug-12	5.87%		2,000,000
	TD	2510	168	30-Aug-12	5.87%		2,000,000
						28%	<u>15,500,000</u>
ST GEORGE	TD	2473	183	10-May-12	5.81%		2,500,000
AA / A-1+	TD	2484	189	15-Jun-12	5.86%		2,000,000
	TD	2480	182	31-May-12	5.82%		2,000,000
						12%	<u>6,500,000</u>
CBA	CALL			Call	4.75%	3%	1,755,000
AA / A-1+							
TOTAL INVESTMENTS HELD						100%	<u>55,755,000</u>

ORD08

Attachment 1

CAMDEN COUNCIL

Investments as at: 30 April 2012

SOURCE OF FUNDS INVESTED	
SEC 94 DEVELOPER CONTRIBUTIONS	20,807,600
RESTRICTED GRANT INCOME	722,600
EXTERNALLY RESTRICTED RESERVES	13,504,500
INTERNALLY RESTRICTED RESERVES	15,996,600
GENERAL FUND	4,723,700
TOTAL	55,755,000

Council's investment portfolio has decreased by \$1.765 million since the March reporting period. The decrease primarily relates to payments for capital works and operational expenses.

NUMBER OF INVESTMENTS	29
AVERAGE DAYS HELD	144
AVERAGE PERCENTAGE	5.86% p.a.
WEIGHTED PORTFOLIO RETURN	5.86% p.a.
CBA CALL ACCOUNT *	4.75% p.a.
HIGHEST RATE	6.10% p.a.
LOWEST RATE	5.50% p.a.
BUDGET RATE	5.90% p.a.
AVERAGE BBSW (30 Day)	4.10% p.a.
AVERAGE BBSW (90 Day)	4.05% p.a.
AVERAGE BBSW (120 Day)	4.04% p.a.

***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

ORD09

ORD09

NOTICE OF MOTION

SUBJECT: NOTICE OF MOTION - ALLOCATION OF WARD FUNDS TO LEPPINGTON PROGRESS ASSOCIATION

FROM: Cr Symkowiak

BINDER: Leppington Progress Association

"I Councillor Lara Symkowiak hereby give notice of my intention to move the following at the Council Meeting of 22 May 2012:"

That Council approve the balance of Ward Funds (\$2,485.74) to Leppington Progress Association for the upgrade of their driveway, the total cost of the project being quoted at \$2,750 (incl GST)

RECOMMENDED

That Council approve the balance of Ward Funds (\$2,485.74) to Leppington Progress Association for the upgrade of their driveway, the total cost of the project being quoted at \$2,750 (incl GST)