



Camden Council

Business Paper

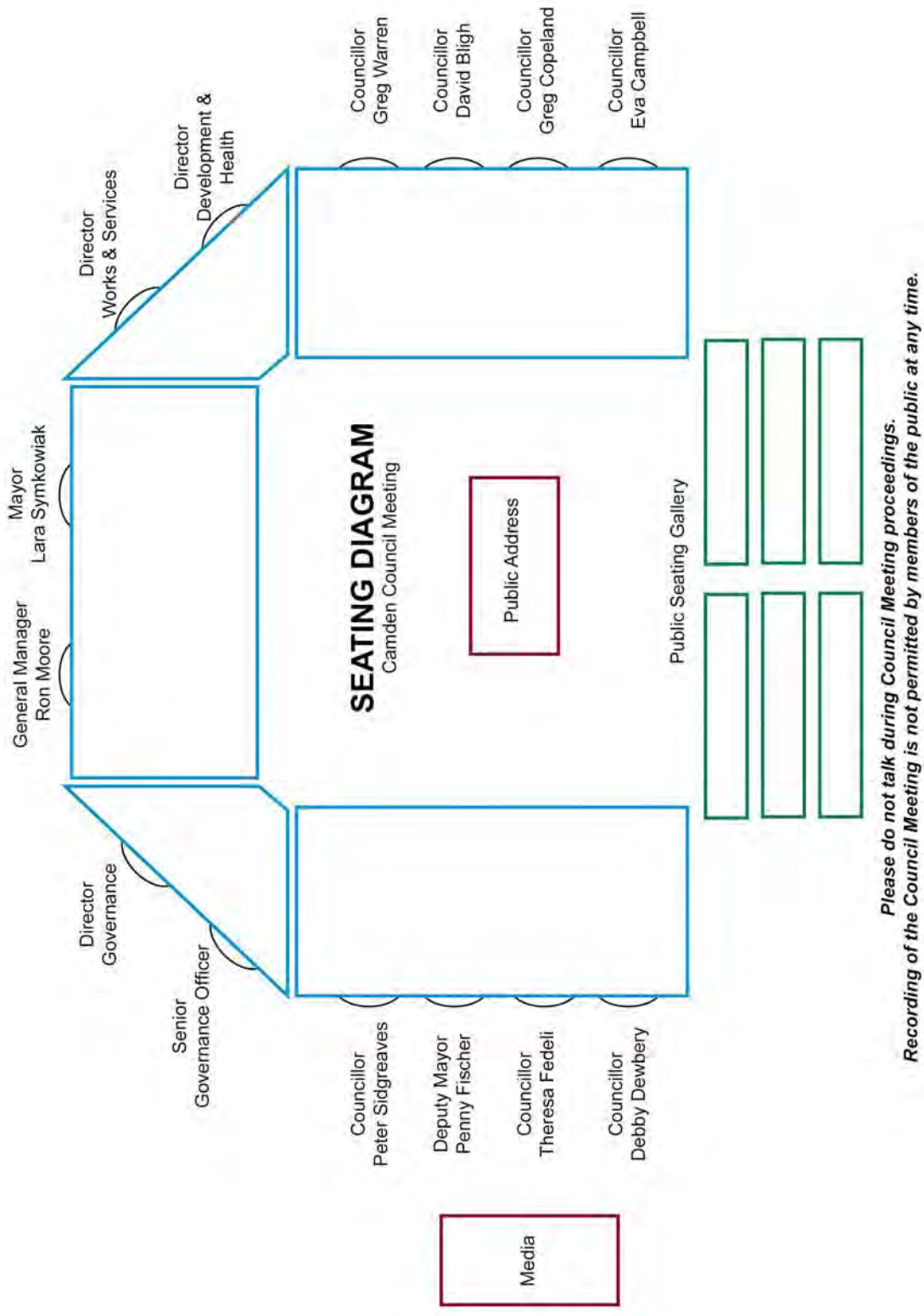
Ordinary Council Meeting
24 September 2013

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: PRAYER

PRAYER

Almighty God, bless all who are engaged in the work of Local Government. Make us of one heart and mind, in thy service, and in the true welfare of the people we serve: We ask this through Christ our Lord.

Amen

Almighty God, give thy blessing to all our undertakings. Enlighten us to know what is right, and help us to do what is good: We ask this through Christ our Lord.

Amen

Almighty God, we pause to seek your help. Guide and direct our thinking. May your will be done in us, and through us, in the Local Government area we seek to serve: We ask this through Christ our Lord.

Amen

AFFIRMATION

We affirm our hope and dedication to the good Government of Camden and the well being of all Camden's residents, no matter their race, gender or creed.

We affirm our hope for the sound decision making by Council which can improve the quality of life in Camden.

Either – "So help me God" or "I so affirm" (at the option of councillors)

We pledge ourselves, as elected members of Camden Council, to work for the provision of the best possible services and facilities for the enjoyment and welfare of the people of Camden.

Either – "So help me God" or "I so affirm" (at the option of councillors)



ORDINARY COUNCIL

SUBJECT: ACKNOWLEDGMENT OF COUNTRY

I would like to acknowledge the traditional custodians of this land on which we meet and pay our respect to elders both past and present.



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 10 September 2013

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 10 September 2013, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

ORD01

ORD01

SUBJECT: CONSTRUCTION OF 19 SENIORS DWELLINGS, TREE REMOVAL AND ASSOCIATED SITE WORKS AT 34 AND 90 WEROMBI ROAD, GRASMERE
FROM: Director, Development & Health
TRIM #: 13/32819

APPLICATION NO: 1185/2012
PROPOSAL: Construction of 19 seniors dwellings, tree removal and associated site works
PROPERTY ADDRESS: 34 and 90 Werombi Road, Grasmere
PROPERTY DESCRIPTION: Lot 1, DP 1174315 and Lot 10, DP 845472
ZONING: R5 Large Lot Residential
OWNER: Camden Council and Carrington Centennial Trust
APPLICANT: Mr R Richards

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of 19 seniors dwellings, tree removal and associated site works at 34 and 90 Werombi Road, Grasmere.

A recommendation by Council staff to approve this DA subject to conditions was previously considered at the Ordinary Council meeting of 10 September 2013.

SUMMARY OF RECOMMENDATION

That Council determine DA 1185/2012 for the construction of 19 seniors dwellings, tree removal and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in Attachment 1 of this report, and the two additional conditions and one amended condition listed in this report.

BACKGROUND

The DA was referred to Council for determination at the Ordinary Council meeting of 10 September 2013 due to there being unresolved issues raised in submissions from the public. At this meeting Council resolved to:

"defer the matter to the next Council meeting and Councillors have a site inspection on Tuesday 17 September 2013."

A copy of the Council report and Council's resolution from the above meeting is provided as Attachment 1 to this report.

A series of site inspections occurred with Councillors on Tuesday 17 and Wednesday 18 September 2013.

MAIN REPORT

Following the site inspections and consultation with the applicant, it is recommended that, in addition to the conditions contained in Attachment 1 of this report, the following two additional conditions and one amended condition be imposed on the proposed development for the following reasons:

New condition to be inserted in Section 1.0 – General Requirements

Amended Landscaping – *The landscaping palette for the proposed development must include the following:*

Melaleuca linariifolia
Melaleuca decora
Melaleuca styphelioides
Hardenbergia violacea
Dodonaea viscosa sp.
Pandorea pandorana
Juncus usitatus

The above species must constitute 30% of all the landscaping provided for this development.

This condition will ensure that additional Cumberland Plain Woodland landscaping is provided for the proposed development which will provide a positive ecological and visual amenity outcome for the site.

New condition to be inserted in Section 1.0 – General Requirements

Permeable Material for an Internal Access Road – *The internal access road adjacent to proposed seniors dwellings 17, 18 and 19, near the site's eastern boundary with 26 Werombi Road, must be constructed of a permeable material.*

This condition requires this section of the internal access road to be constructed of a permeable material instead of the previously proposed non-permeable concrete. This will help ensure the continued survival of existing trees and proposed landscaping adjacent to this area.

Modification of condition (5) in Section 6.0 – Operational Conditions of the conditions listed in Attachment 1 of this report

Access – *All access to the site must be from the roundabout located at the entry to the site (Werombi Road and Smalls Road). No access to the site for vehicles is permitted directly from the Werombi Road access way adjacent to 22, 24 and 26 Werombi Road.*

This condition will ensure that no vehicle access will be obtained from or to the access way adjacent to 26 Werombi Road and will help protect the amenity of adjoining residents. The applicant has clarified that access for emergency vehicles is not required at this location.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

In accordance with Council's resolution at the Ordinary Council meeting of 10 September 2013, a series of site inspections have been held with Councillors on Tuesday 17 and Wednesday 18 September 2013.

Following the site inspections and consultation with the applicant, it is recommended that Council approve this DA subject to the conditions contained in Attachment 1 of this report, and the two additional conditions and one amended condition listed in this report.

RECOMMENDED

That Council approve DA 1185/2012 for the construction of 19 seniors dwellings, tree removal and associated site works at 34 and 90 Werombi Road subject to the conditions contained in Attachment 1 of this report, and the two additional conditions and one amended condition listed in this report.

ATTACHMENTS

1. Previous Council Report
2. Proposed Plans
3. Full Landscape Plans - *Supporting Document*
4. Site Plan and Internal Floor Plans - *Supporting Document*
5. Submissions - *Supporting Document*

ORD01

Attachment 1



ORDINARY COUNCIL

ORD04

SUBJECT: CONSTRUCTION OF 19 SENIORS DWELLINGS, TREE REMOVAL AND ASSOCIATED SITE WORKS AT 34 AND 90 WEROMBI ROAD, GRASMERE
FROM: Director, Development & Health
TRIM #: 13/2530

APPLICATION NO: 1185/2012
PROPOSAL: Construction of 19 seniors dwellings, tree removal and associated site works
PROPERTY ADDRESS: 34 and 90 Werombi Road, Grasmere
PROPERTY DESCRIPTION: Lot 1, DP 1174315 and Lot 10, DP 845472
ZONING: R5 Large Lot Residential
OWNER: Camden Council and Carrington Centennial Trust
APPLICANT: Mr R Richards

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of 19 seniors dwellings, tree removal and associated site works at 34 and 90 Werombi Road, Grasmere.

The DA is referred to Council for determination as there remain unresolved issues received in 6 submissions from the public.

SUMMARY OF RECOMMENDATION

That Council determine DA 1185/2012 for the construction of 19 seniors dwellings, tree removal and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the construction of 19 seniors dwellings, tree removal and associated site works at 34 and 90 Werombi Road, Grasmere.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The DA was publicly exhibited in accordance with Camden Development Control Plan 2011. 6 submissions were received (all objecting to the proposed development). **A copy of the submissions is provided with the Business Paper Supporting Documents.**

The issues raised in the submissions relate to the proposed tree removal, loss of fauna habitat, noise, traffic, general amenity impacts and design/heritage concerns.

This is the report submitted to the Ordinary Council held on 10 September 2013 - Page 1



The DA was accompanied by an ecological assessment that assessed the proposed tree removal and its impacts. The assessment concluded that the removal of 84 trees from this site will not have a significant impact upon the biodiversity of the site. This is due to there already being extensive vegetation on the site and most of the trees to be removed are damaged, suppressed or unhealthy. 52 existing trees, including a significant fig tree, will be retained and replacement Cumberland Plain Woodland landscaping will be provided where appropriate. 138 new trees will also be planted in the vicinity of the proposed development. Council staff have reviewed the ecological assessment and agree with its recommendations.

The ecological assessment also assessed the potential impacts upon fauna known to inhabit the site. These impacts are not deemed to be significant, particularly given that of the site's 4 hollow bearing trees only 1 will be removed.

The concerns regarding noise, traffic and general amenity impacts have also been considered. Given the scale of the proposed development, being for only 19 single storey dwellings, it is not considered that there will be significant additional noise or traffic impacts generated. Standard conditions that will control construction noise and work hours are recommended to protect the amenity of nearby residents during the construction of the proposed development.

It is a recommended condition that the access driveway along the south eastern boundary of the site from Werombi Road be limited to emergency vehicle access only. It is also a recommended condition that this access be gated, that the gate be kept closed at all times and that signage be provided on the gate that clearly advises that it can only be opened for emergency vehicle access.

A landscape buffer will be provided between the proposed access driveway and the nearest existing residential property to the south east to soften the development's visual impacts and safeguard the neighbouring property's amenity.

The development has been appropriately designed to not have significant impacts upon the visual amenity and character of the site and area. The form of the proposed development is small, detached, single storey dwellings set within existing trees and appropriate replacement landscaping that will complement but not detract from the overall Carrington complex.

The DA was accompanied by a statement of heritage impact that was prepared by a heritage consultant. Council staff have reviewed this statement and considered the potential heritage impacts of the proposed development (as the entire site is identified as a local heritage item and contains several buildings of heritage significance). The proposed development will not have negative impacts upon the heritage significance of the overall Carrington complex due to its proposed layout and design.

The proposed development **fully complies** with all applicable planning controls.

Based on the assessment, it is recommended that the DA be approved subject to the conditions contained in this report.



AERIAL PHOTO



THE SITE

The site involves two properties that are commonly known as 34 and 90 Werombi Road, Grasmere and are legally described as Lot 1, DP 1174315 and Lot 10, DP 845472.

34 Werombi Road has a frontage of approximately 175m to Werombi Road, a maximum depth of 37m and an overall area of approximately 4,896m². The land is largely vacant except for some scattered vegetation and is owned by Council.

90 Werombi Road has a frontage of approximately 1.3km to Werombi Road, an approximate depth of 930m and an overall area of approximately 71ha. The entire site is identified as a local heritage item by Camden Local Environmental Plan 2010 and is known as "Carrington Centennial Care."

90 Werombi Road contains an extensive seniors living development including independent living units and residential aged care facilities. The site also contains a dam, native vegetation including remnant Cumberland Plain Woodland, introduced exotic landscaping and several buildings of heritage significance.

The exact portion of 90 Werombi Road on which the proposed development will be located is to the south east of the roundabout that allows entry from Werombi Road into the Carrington complex. This land slopes steeply downwards from north-west to south-east.

This is the report submitted to the Ordinary Council held on 10 September 2013 - Page 3



The surrounding area is largely characterised by low density detached residential dwellings on large lots.

To the north/north-east lies the Nepean River and Camden Airport. To the east lies the town of Camden, to the south the rural residential suburb of Grasmere and to the west the Wollondilly LGA.

HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
Circa 1870s onwards	The establishment of Carrington Hospital including the Grasmere cottage, the Gardener's cottage, the Masonic cottage and the morgue building
14 April 1993	Additions to an aged persons housing complex (50 bed hostel and 78 self contained units) approved by DA 250/1992
13 August 1993	Modification of the existing car park and landscape embellishment approved by DA 702/2011
11 July 2007	Stage 1 concept masterplan DA for the ultimate development of the Carrington Centennial care site approved by DA 639/2006
21 December 2012	Demolition of an existing residential aged care facility and replacement with a new 132 bed residential aged care facility, realigned internal access roads, construction of car parking, drainage, services, landscaping and tree removal approved by DA 642/2012. This DA was determined by the Sydney West Joint Regional Planning Panel

THE PROPOSAL

DA 1185/2012 seeks approval for the construction of 19 seniors dwellings and associated site works.

Specifically the proposed development involves:

- construction of 19 seniors dwellings. All of the proposed dwellings are detached, single storey and contain 3 bedrooms. The dwellings will be finished with timber composite material (having a weatherboard like appearance) and have corrugated metal roofs. 3 of the units will have double garages with the rest having single garages. The gross floor areas of the dwellings range between approximately 145 and 149m².
- construction of a new internal access road and 10 visitor car parking spaces;
- removal of 84 existing trees, retention of 53 existing trees and replacement planting of 138 new trees;
- construction of drainage, paths, landscaping and associated site works including minor earthworks; and
- the works proposed on Council's land include the construction of a path, drainage and landscaping.

This is the report submitted to the Ordinary Council held on 10 September 2013 - Page 4

ORD01

Attachment 1



The value of the works is \$5,700,000.

PROPOSED PLANS



PROPOSED ELEVATIONS



This is the report submitted to the Ordinary Council held on 10 September 2013 - Page 5



3D VIEW



ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Camden Local Environmental Plan 2010

An assessment of the proposed development against these Environmental Planning Instruments is detailed below.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP)

Relevant Clauses

The DA was assessed against the following relevant clauses of the SEPP:

Clause	Requirement	Provided	Compliance
2	The aim of the SEPP	The proposal is well	Yes

This is the report submitted to the Ordinary Council held on 10 September 2013 - Page 6

ORD01

Attachment 1



Clause	Requirement	Provided	Compliance
Aims of this Policy	is to encourage the provision of housing that is well designed to meet the needs for seniors and people with disabilities whilst utilising existing infrastructure and services	designed and will utilise existing infrastructure that services the site to ensure that the needs of residents will be met	
4 Land to which this Policy Applies	This policy applies to land within New South Wales that is zoned primarily for urban purposes	The proposed site is zoned R5 Large Lot Residential. The SEPP identifies such land as non-urban land, however permissibility for the proposed development is established under Camden Local Environmental Plan 2010	Permissibility is established under Camden Local Environmental Plan 2010
18 Restrictions on occupancy of seniors housing allowed under this chapter	Development may only be carried out for the accommodation of seniors or people who have a disability, people who live within the same household with seniors or people who have a disability or staff employed to assist in the administration of and provisions of services to housing provided under this policy	A condition is recommended that requires that a covenant is registered against the title of the property limiting the use of the proposed units in accordance with this clause	Yes
25 Application for site compatibility certificate	The consent authority must consider Clauses 5 (b) (i), (iii) and (v). This clause requires that the natural environment and existing uses on site and surrounding area are considered, adequate access to services and infrastructure is available or can be made available to meet the needs of the proposal, the impact of the bulk,	The proposed development is compatible with its surroundings (being on a site that already contains an extensive seniors living development) and will complement the site. It is considered that the development will not produce any unreasonable impacts on the existing character or services available to the site and nor will it have any potential future negative impacts	Yes

This is the report submitted to the Ordinary Council held on 10 September 2013 - Page 7



Clause	Requirement	Provided	Compliance
	scale, built form and character from the proposal and the potential future impacts on the site or the surroundings as a result		
26 Location and Access to Facilities	The consent authority needs to be satisfied that the development provides for access to services and facilities	The DA proposes 19 seniors dwellings to be situated on a site for which consent has been given by DA 642/2012 to construct a residential aged care facility which includes services such as a GP, clinic, pharmacy, coffee shop, beauty salon and an allied health clinic. Access to other services in the nearby town of Camden will be provided by the operation of a village bus service. Access to the above will be facilitated by appropriate paths in accordance with this clause	Yes
27 Bush Fire Prone Land	The proposal must be designed to comply with "Planning for Bush Fire Protection 2006"	A bush fire protection assessment forms part of this DA and was referred to the Rural Fire Service (RFS) as the proposal is Integrated Development. The RFS have reviewed the assessment and issued a bush fire safety authority without any specific conditions	Yes
28 Reticulated Water and Sewer	The consent authority must be satisfied that the development has access to reticulated water and adequate facilities for the disposal of sewerage	The site has access to reticulated water and Sydney Water has confirmed that they can accept sewerage at a rate of 27 litres per second into their existing system from the proposed development which is acceptable	Yes

This is the report submitted to the Ordinary Council held on 10 September 2013 - Page 8

ORD01

Attachment 1



Clause	Requirement	Provided	Compliance
29 Consent authority to consider certain site compatibility criteria for development applications to which Clause 24 does not apply	In determining an application to which this clause applies must consider the criteria referred to in clause 25 (5) (b) (i), (iii) and (v).	The proposed development has been assessed against Clause 25 above and it is considered that the site is suitable for it	Yes
30 Site Analysis	The consent authority must not grant consent unless they are satisfied that a site analysis has been undertaken	A site analysis has been prepared including an assessment of the site topography, existing vegetation, existing heritage and other built structures	Yes
33 Neighbourhood Design and Streetscape	Maintain and recognise reasonable local character, neighbourhood amenity and appropriate residential character whilst complementing any heritage items in the vicinity	The proposed development has been designed and sited to ensure minimal impact on the existing local character whilst maintaining neighbourhood amenity. The proposed development has been designed to limit any impact on the heritage significance of the site	Yes
34 Visual and Acoustic Privacy	Development needs to consider visual and acoustic privacy for neighbours and residents	The proposed development will be sited in a location that will result in only minimal overlooking on the adjacent residential properties on the boundary. The dwellings have been designed with living rooms and outdoor terrace areas away from neighbouring living areas and adjoining properties to protect the privacy of those residents. The applicant has submitted acoustic reports addressing aircraft and road traffic noise. Subject to compliance with the recommendations	Yes

This is the report submitted to the Ordinary Council held on 10 September 2013 - Page 9



Clause	Requirement	Provided	Compliance
		contained therein, it is considered that the proposed development is acceptable in terms of acoustic privacy	
35 Solar Access and Design for Climate	Ensure adequate daylight to main living areas and open space. Building to be designed to be energy efficient	The dwellings have been designed to maximise the use of natural daylight and ventilation and are consistent with the requirements of this clause	Yes
36 Stormwater	Control and minimise impacts from storm water run off due to development on site	The DA was accompanied by stormwater plans identifying how stormwater run-off will be managed post development. The development will provide an on-site detention system with water to be reused on site where possible	Yes
37 Crime Prevention	Design that encourages/allows for observation approaches, safety and secure of both residence and visitors	The DA was accompanied by a crime risk assessment report. The proposed development is considered to be consistent with Safer by Design principles and achieves the objectives of this clause	Yes
38 Accessibility	Provide links for pedestrians to access public transport or local facilities that are both attractive and safe. Provide access to parking for both visitors and residents	The development proposes formalised access through this part of the site and provides a legible network for pedestrians and vehicles. Sufficient parking is provided both in proposed garages and at grade, with a village bus service also available to residents	Yes
39 Waste Management	Manage waste in appropriate facilities and maximise recycling	The proposed development provides adequate facilities to store waste. Each dwelling has a bin storage area to accommodate household	Yes

This is the report submitted to the Ordinary Council held on 10 September 2013 - Page 10

ORD01

Attachment 1



Clause	Requirement	Provided	Compliance
		waste and recycling bins	
40 Development Standards – Minimum sizes and Building Heights	The site must have a minimum lot size of 1,000m ²	The site area is approximately 71ha	Yes
	The proposal must provided a minimum frontage 20m at the building line	The site has a frontage of approximately 1.3km to Werombi Road	Yes
41 Hostels and Self Contained dwellings – standards concerning accessibility and useability	A consent authority must not consent to a development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development	An address of Schedule 3 is detailed below. The proposed development has been assessed and conditions to comply with the requirements set out in Schedule 3	Yes
50 Development standards that cannot be used to refuse development for self contained dwellings	The proposed dwellings are 8m high or less	The proposed dwellings are single storey and range in height from 6.6m-9.45m	No, however the DA is recommended for approval
	The proposal does not exceed a density and scale of 0.5:1 or less	The floor space ratio of the proposed development is 0.13:1 and will not result in a density of greater than 50% over the entire site when considering the existing seniors development thereon	Yes
	A minimum of 30% of the area of the site is to be landscaped	A minimum of 30% of the site will be landscaped	Yes
	An area of no less than 15% of the area of the site must accommodate deep soil planting	It is a recommended condition that a minimum of 15% of the site accommodate deep soil planting	Yes
	A minimum of 70% of the dwellings are to receive a minimum of 3 hours of solar access between 9am and 3pm in mid winter	73% of the dwellings receive a minimum of 3 hours of solar access between 9am and 3pm in mid winter	Yes

This is the report submitted to the Ordinary Council held on 10 September 2013 - Page 11



Clause	Requirement	Provided	Compliance
Schedule 3 Part 1 and 2 - Standards applying to hostels and self-contained dwellings	Private open space of 15m ² or an area of 3m x 3m long accessible from living area located on ground floor	A minimum of 15m ² or 3m x 3m of private open space will be provided for each dwelling	Yes
	0.5 car parking spaces for each bedroom, 29 spaces are required in total	The proposed development will provide 32 spaces available in garages (3 double garages and 16 single garages) and 10 spaces at grade within the site.	Yes
	Compliance with requirements of siting standards, security, letterboxes, private car accommodation, accessibility entry, interior, bedroom, bathroom, toilet, surface finished, door hardware, ancillary items, living room and dining room, kitchen, access to kitchen, main bedroom, bathroom and toilet, lifts in multi-storey buildings, laundry and storage for linen	The applicant has provided an address of the schedule which demonstrates compliance with all applicable requirements. It is a recommended condition that the proposed development complies with these requirements	Yes

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP)

Pursuant to Clause 6 of the SEPP, BASIX certificates have been lodged in support of this DA. These certificates have been assessed and Council staff are satisfied that the proposed development is consistent with the requirements of the SEPP.

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

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

This site has been subject to a preliminary contamination assessment with low rate sampling. The assessment concludes that the risk of potential contamination is low.

Council staff are satisfied with the findings of the assessment and therefore consider the site to be suitable for the proposed development.

This is the report submitted to the Ordinary Council held on 10 September 2013 - Page 12



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

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. A condition is recommended to provide water pollution control devices as part of the development.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned R5 Large Lot Residential under the provisions of the LEP. The proposed development is defined as “residential care facility.”

Pursuant to Schedule 1, Clause 8 of the LEP, “seniors housing” (which includes residential aged care facilities) is an additional permitted use on this site.

Zone Objectives

The objectives of the R5 Large Lot Residential zone are as follows:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.

Officer comment:

The proposal is for a seniors housing development and it is not considered to have a negative impact on environmentally sensitive locations and scenic quality as described throughout this report.

- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for seniors housing.

- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.

Officer comment:

The proposed development will not result in an unreasonable increase in required public facilities and the overall site already provides a range of on-site services for residents.

- To minimise conflict between land uses within this zone and land uses within adjoining zones.



Officer comment:

The proposed development is consistent with this objective as it provides a largely self-contained development that will not produce unreasonable impacts on other development in this or in adjoining zones.

Relevant Clauses

The DA was assessed against the following relevant clauses of the LEP.

Clause	Requirement	Provided	Compliance
4.3 Height of Buildings	Maximum building height of 9.5m	The proposed units range in height from 6.6m to 9.45m	Yes
5.9 and 5.9AA Trees or Vegetation	Maintain amenity and biodiversity values through the preservation of trees	The DA was accompanied by an ecological assessment and tree report. Council staff have reviewed these reports and it is considered that the site's amenity and biodiversity values will be retained by compliance with their recommendations which include the retention of most hollow bearing trees	Yes
5.10 Heritage Conservation	Conserve environmental heritage, including views, settings and fabrics. The site is identified as local heritage Item I118	The proposed development has been designed to limit impacts on the site's existing heritage structures, heritage fabrics and view corridors. A statement of heritage impact has been submitted and the design of the proposed development is not considered to cause any impact on the heritage significance of the site	Yes
7.1 Flood Planning	To minimise flood risk to life and property	The overall site is identified as being flood affected, however the proposed development area is located above the 1% annual exceedence probability level. It is not considered that the development will generate any additional risk to life or property on the site	Yes

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Clause	Requirement	Provided	Compliance
7.2 Airspace Operations	Before granting consent to development shown on the Obstacle Limitation Surface Map (OLSM) the consent authority must notify the relevant authority of the proposal and take into account any comments received. The consent authority also needs to consider whether the proposal will compromise the operation of Camden Airport	<p>The proposed development is located within the OLSM. The DA was referred to Camden Airport who has raised no objection subject to compliance with recommendations that include limiting the maximum height of any structure to 100.65m Australian Height Datum and requesting consideration of the use of low reflective surfaces.</p> <p>The proposed development will be consistent with the above and therefore it is not considered that it will interfere with the operations of the airport</p>	Yes
7.3 Development in Areas subject to Airport Noise	Council must consider whether proposed development within the Aircraft Noise Exposure Forecast (ANEF) contour will meet AS 2021-2000, Acoustics-Aircraft noise intrusion-building siting and construction	<p>The proposed development will be located outside the ANEF however is within the airport movements plan. The application was referred to Camden Airport who has raised no objection with regard to noise.</p> <p>Acoustic reports were submitted in support of this DA and recommend several construction measures including thicker glazing and acoustic seals in order to protect future residents of these dwellings from aircraft noise. Subject to the above Council staff are satisfied that the proposed development will comply with AS 2021-2000</p>	Yes
7.4 Earthworks	Consider the likely disturbance and impact on existing drainage, soil stability, future uses or redevelopment, the sources and quality	The proposed development will require minor earthworks to facilitate the development. Sediment and erosion controls will be put in place to reduce any sediment and erosion impacts. Subject to the	Yes

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Clause	Requirement	Provided	Compliance
	of fill, vegetation, amenity of adjoining properties, the likelihood of disturbing relics and adverse impacts on watercourses, drinking water catchments or environmentally sensitive areas	conditions contained within this report, all other development impacts, including construction noise, dust and stormwater run-off will be mitigated and not produce the adverse impacts listed for consideration by this clause	

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instruments applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposed development's compliance with the controls in the DCP.

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion and sediment control measures	Appropriate erosion and sedimentation controls measures have been provided	Yes
B1.2 Earthworks	To ensure development takes into account the topography of the site and minimises disturbance	The proposed dwellings and associated works are designed to minimise the need for cut and fill on the site and respond to the natural topography to ensure minimal disturbance	Yes
B1.3 Salinity Management Plan	Salinity resistant construction	The DA was accompanied by a salinity report which has been reviewed by Council staff. The site is situated in a saline prone environment and the report recommends management strategies, compliance with which is a recommended condition	Yes

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Control	Requirement	Provided	Compliance
B1.4 Water management	Demonstrate how stormwater will be managed in accordance with Council's Engineering Specifications	The DA was accompanied by stormwater plans and a report outlining how stormwater will be managed on-site including the proposed storage, treatment and detention procedures to be undertaken. This is consistent with Council's Engineering Specifications	Yes
B1.5 Trees and Vegetation	Protect trees and vegetation that contribute to the ecological, botanical, cultural, heritage and aesthetic amenity of Camden	The DA was accompanied by an ecological assessment and tree report. Council staff have reviewed the report and it is not considered that the amenity, aesthetics or character of the site will be lessened by the proposed tree removal	Yes
B1.6 Environmentally Sensitive Land	Ensure that new development considers and maximises the protection of existing natural features, protects, manages, restores and enhances as much environmentally sensitive land as possible	The DA was accompanied by an ecological assessment and tree report. Council staff have reviewed these reports and it is considered that the proposed development achieves a reasonable balance between the protection of significant trees and development	Yes
B1.9 Waste minimisation and management	A waste management plan (WMP) be provided outlining how waste will be managed throughout the demolition, construction and operation stage of the development	The DA was accompanied by a WMP addressing demolition, construction and operational waste generation by outlining how waste will be managed, stored and transported	Yes
B1.10 Bush Fire Risk Management	Prevent loss of damage to life, property and the environment and ensure that future development does not increase bushfire risk	A bush fire protection assessment formed part of the DA and was referred to the Rural Fire Service (RFS) as the proposal Integrated Development. The RFS have reviewed the assessment and	Yes

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Control	Requirement	Provided	Compliance
		issued a bush fire safety authority without any specific conditions	
B1.11 Flood hazard Management	Minimise flood risk to life and property	The site is identified as flood affected, however the proposed development area is located above the 1% annual exceedence probability level. It is not considered that the development will generate any additional risk to life or property on the site	Yes
B1.12 Contaminated and Potentially contaminated land management	To evaluate the risk to public health and the environment and that the site is suitable for the intended use.	A preliminary contamination assessment was submitted with the DA identifying the potential for contamination on the site to be low. Based on this report Council staff consider the site to be suitable for its intended residential use	Yes
B1.15 Development near Camden Airport	Ensure the operation of Camden Airport is not hindered or compromised. Protect internal acoustic comfort to new residents	The proposed development will be located outside the ANEF however is within the airport movements plan. The application was referred to Camden Airport who has raised no objection with regard to noise Acoustic reports were submitted in support of this DA and recommend several construction measures including thicker glazing and acoustic seals in order to protect future residents of these units from noise. Subject to the above Council staff are satisfied that the proposed development will comply with AS 2021-2000	Yes
B1.16 Acoustic Amenity	To ensure the acoustic amenity of residents is mitigated (existing and new residents) both during	The applicant has submitted acoustic reports addressing aircraft and road traffic noise. Subject to compliance with the recommendations	Yes

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Control	Requirement	Provided	Compliance
	construction and operation of developments and compliance with Council's Environmental Noise Policy	contained therein, it is considered that the proposed development is acceptable in terms of acoustic privacy. The above is also consistent with Council's Environmental Noise Policy	
B2 Landscaping	Landscaping is to be designed to integrate new development within the existing character of the street and be sensitive to site attributes, existing landscape features, streetscape views and vistas	The DA was accompanied by a landscape plan demonstrating the integration of the new dwellings into the site. The retention of many existing trees and proposed new landscaping is also proposed	Yes
B3 Environmental heritage	To retain and conserve heritage items and their significant elements and settings	The proposed development has been designed to limit impacts on the site's existing heritage structures, heritage fabrics and view corridors. A statement of heritage impact has been submitted and the design of the proposed development is not considered to cause any impact on the heritage significance of the site	Yes
B5 Off-street Car Parking Rates and Requirements	As per the Seniors SEPP: 0.5 car parking spaces for each bedroom 19 dwellings with 3 bedrooms each $19 \times 3 = 57$ $57 \times 0.5 = 28.5$ (29) spaces are required	The development will provide 22 spaces available in garages (3 double garages 16 single garages) and 10 spaces at grade. The above results in 32 spaces being provided which is in excess of the DCP's requirements	Yes

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(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No relevant agreement exists or has been proposed as part of this application.

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained in this report.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

Heritage Impacts

This entire site is identified as a local heritage item by the LEP. The site contains several buildings of heritage significance including Carrington Hospital, Grasmere cottage, the Gardener's cottage, the Masonic cottage and the morgue building.

A statement of heritage impact has been submitted by the applicant. Following assessment by Council staff, it is considered that the design of the proposed development will not negatively impact upon the heritage significance of the site due to its proposed layout and design.

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

(d) Any submissions made in accordance with this Act or the Regulations

The DA was publicly exhibited in accordance with the DCP. The exhibition period was from 29 January to 12 February 2013. 6 submissions from 4 properties were received (all objecting to the proposed development).

One of the submissions was received from the Bureau of Meteorology (Australian Government) who owns an adjoining property. The issue raised by the Bureau of Meteorology and Council staff response is provided below.

1. *Objection on the basis that a neighbouring property will not accept the imposition of Asset Protection Zones (APZs) on their property as suggested by the DA.*

Officer comment:

The DA was referred to NSW Rural Fire Service for review as Integrated Development. The RFS has reviewed the DA and issued a bush fire safety authority without any specific conditions. This removes the requirement for the imposition of APZs on adjoining properties.

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The following discussion addresses the issues and concerns raised in the remaining 5 submissions.

2. *Concerns are raised over a significant tree on the boundary with 22 Werombi Road and the impacts the proposed development will have on it.*

Officer comment:

Following discussions with the applicant, the proposed development has been amended to reduce the width of a proposed perimeter road along the site's south eastern boundary. This has allowed for a landscape buffer to be provided and the significant tree identified above to be retained. Conditions are also recommended that require the existing trees on the site, which are proposed to be retained, to be protected during construction works.

3. *Concerns are raised over the assessment undertaken on the removal of vegetation on site and the potential impact of the removal of Cumberland Plain Woodland (identified as a threatened species). The large number of trees removed will significantly damage the biodiversity and natural character of the woodlands and grasslands on site.*

Officer comment:

The DA was accompanied by an ecological assessment that assessed the proposed tree removal and its impacts. The assessment included that the removal of the 84 trees from this site will not have a significant impacts upon the biodiversity of the site. This is due to there already being extensive vegetation on the site and that most of the trees to be removed are either damaged suppressed or unhealthy. Replacement landscaping with Cumberland Plain Woodland species were appropriate will also be undertaken. Council staff have reviewed this report and agree with its recommendations.

4. *The proposal has not been undertaken in accordance with Council's natural asset policy and this policy needs to be considered.*

Officer comment:

The proposed development has been reviewed by Council staff and is consistent with Council's Natural Assets Policy. The applicant will provide appropriate replacement landscaping using Cumberland Plain Woodland species where appropriate.

5. *Concerns over the lack of address given to the displacement of birds and animals within this area from the assessment conducted.*

Officer comment:

The DA was accompanied by a detailed ecological assessment undertaken by an ecological consultant. The various species known to inhabit the area were identified. The report concludes that there will not be any significant impacts on fauna on the site, particularly as only 1 hollow bearing tree will be removed and 3 others will be retained. Council staff have reviewed this report and agree with its findings.



6. *The current landscape plans show a limited number suitable trees, shrubs and grasses for exotic birds, animals and insects that are currently living on the site.*

Officer comment:

The proposed landscape plans shows a mixture of endemic species, ornamental natives and exotic species considered culturally significant in the Camden LGA. 138 trees will be planted in the vicinity of the proposed development. The proposed landscaping has been designed to respond to the land and water flow throughout the site with plantings being of a hardy, low maintenance nature. Council staff have reviewed the proposed landscaping and consider it appropriate for the site and existing fauna.

7. *The DA does not identify all the flora and fauna that have inhabited this area for many years. A comprehensive list was provided with the submission.*

Officer comment:

Council staff have reviewed the submission writer's list of flora and fauna, however the applicant has advised that these species do not exist on the site.

8. *Concerns over the proposal's consistency with the open space character present in the surrounding suburb of Grasmere, the development's proposed scale and character and separation from adjoining properties.*

Officer comment:

The proposal is not considered to be inconsistent with the open space character present in the surrounding area. The proposed dwellings have been designed to blend in with the site and surrounding area and will utilise a single storey form with timber composite and verandahs.

The overall scale of the proposed development, taking into account the proposed landscape embellishment and the presence of an existing extensive, multi-storey seniors living complex on the site, is not inconsistent with the surrounding area.

The proposed development will have a setback of between 10 and 27.5m and will provide a landscape buffer to help further soften the appearance of the new dwellings and protect the privacy of nearby dwellings to the south east.

9. *The number of proposed dwellings should be reduced and the development contained to the unwooded areas of the site to reduce disturbance, environmental impact and loss of amenity to both Carrington and surrounding residents.*

Officer comment:

It is considered that the proposed development represents an appropriate balance between conserving existing trees on the site and allowing it to be further developed for seniors housing. It is not considered that the proposed development will result in a significant loss of amenity to either Carrington or surrounding residents, given its overall design, existing tree retention and proposed landscaping.

10. *Concerns over the proximity of the development to the adjoining boundary (on the east) and its proximity to existing residents.*

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Officer comment:

The proposed development will include the construction of 7 dwellings near the site's south eastern boundary. The dwellings will be set back between 10 and 27.5m from this boundary. Council staff have assessed the proposed development and consider this distance to be sufficient, particularly given that in rural and rural residential areas a minimum side set back of only 5m is required.

11. *Concerns are raised over road traffic noise and the location of the dwellings directly adjacent to Werombi Road. The DCP requires that development for residential purposes near roads shall include noise attenuation measures. The proposed development does not make mention of noise barriers (attenuation measures) along Werombi Road and this requires further investigation.*

Officer comment:

The DA was accompanied by acoustic reports demonstrating compliance with Council's Environmental Noise Policy and recommending several noise attenuation measures including thicker glazing and acoustic seals for the dwellings. It is a recommended condition that the proposed development complies with these recommendations.

12. *Concerns that traffic will increase with this development and the previously approved Paling Court development DA 642/2012.*

Officer comment:

Council staff have reviewed the traffic impacts of both this development and the previously approved Paling Court redevelopment that was approved in December 2012. The traffic impacts of both developments combined are considered to be acceptable and can be suitably managed by the existing surrounding road network.

13. *Potential of trade cars and machinery utilising access from Werombi Road (not the entrance to Carrington but the access closer to the access road for 22, 24 and 26 Werombi Road) and the potential impacts and blocking of the access for adjacent residents.*

Officer comment:

The applicant has clarified that they are not proposing to utilise the access road adjacent to 22, 24 and 26 Werombi Road during construction. It is a recommended condition that this access point not be used during construction other than via emergency vehicles. It is also a recommended condition that this access be gated, that the gate be kept closed at all times and that signage be provided on the gate that clearly advises that it can only be opened for emergency vehicle access.

14. *The proposal will increase demand on public facilities such as rubbish, impact on water resources, sewerage and power. Potential impacts on road maintenance and traffic control.*

Officer comment:

The applicant will enter into a commercial agreement for the collection of residents' waste. The applicant will also be required to pay Section 94 Contributions to



Council which will assist in meeting the additional demands on local services. It is however noted that as the proposed development is only for an additional 19 dwellings, the impacts upon surrounding infrastructure and services will be minimal.

15. *The proposal doesn't minimise conflict between land uses.*

Officer comment:

It is not considered that the proposed development will conflict with surrounding land uses as described throughout this report.

16. *The proposed perimeter road will have severe negative impacts on adjoining residents as well as the flora and fauna in the vicinity. No explanation on the need for the road has been given, and no explanation of how the "proposed perimeter road" will service low volumes of traffic and provide a buffer distance between adjoining residences and the proposed dwellings" has been provided. The DA proposes 7 dwellings along this perimeter road and there are concerns over the loss of views and vistas, acoustic amenity and privacy for existing residents.*

Officer comment:

The perimeter road, along the south eastern boundary of the site, is required to service the proposed development in accordance with the Rural Fire Service's (RFS) Planning for Bush Fire Protection 2006 publication as the majority of the site is mapped as being bush fire prone. For this DA the RFS have issued a bush fire safety authority for the proposed development without specific conditions, which has allowed the applicant to amend the proposal and reduce the width of the perimeter road. This will decrease the potential impacts on vegetation along the site's south eastern boundary as well as provide a landscaped buffer between the road and the adjoining property.

It is noted that the perimeter road will only provide access to 7 dwellings and so noise generated from it will be minimal. It is a recommended condition that it is a no through road and can only be accessed from Werombi Road by emergency vehicles.

17. *Concerns over water run-off from the development site, and diversion of the run-off will result in land currently benefiting from the run-off not benefiting any more.*

Officer comment:

The proposed development will not significantly alter the drainage characteristics of the site, rather it formalises the current drainage pattern taking place on site. This involves stormwater flowing north-west before being collected in an existing dam on the site.

18. *The DA proposes to direct stormwater from a drainage pipe around the spring using a rock flow channel to allow for the construction of 3 dwellings over the spring and 2 more down the swale. Increase in water run off from the roofs, driveways and paved areas will increase stormwater encroachments on land in the spring/swale areas. The proposed development is contrary to Section B1.4 of the DCP which seeks to protect water catchments from potential pollution sources and enhance natural watercourses.*

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Officer comment:

The proposed development was referred to the NSW Office of Water (NOW) for comment. NOW has advised that this section of the overall site does not contain a natural watercourse and raised no objection to the proposed development.

Council staff have considered the proposed development and subject to conditions requiring compliance with Council's engineering specifications, it is considered that the natural overland flow directed onto the site from Werombi Road can be sufficiently captured, treated and detained on site therefore satisfying the relevant controls of the DCP.

19. *Concerns are raised over the noise and management of the construction phased associated with the development (both works and tree removal). The application has not been staged and the proponent offers no attempt to mitigate noise during the construction stage.*

Officer comment:

Conditions are recommended to limit the amount of noise and that can be made and the hours in which work can be carried out during construction. These are standard conditions that are applied to all developments proposing construction works in the Camden LGA and are considered appropriate to mitigate these concerns.

20. *Loss of heritage. The boundary of the proposal was formerly known as Brownlow Hill Road, leading to the original Mcleary property on Mt Hunter Rivulet. Brownlow Hill Road was later renamed to Werombi Road and realigned in its current position. The driveway to WH Paling's homestead (Grasmere villa) leaves former Brownlow Hill Road near the Moreton Bay fig tree on the boundary. The historical driveway is visible from the villa to the fig tree. Can this driveway be maintained in some form and not lost as a result of this proposal?*

Officer comment:

It is a recommended condition that the retention of the alignment of the original alignment of Brownlow Hill Road (within the Council land at 34 Werombi Road) is interpreted in a paving colour that differs to the rest of the paving material of the proposed paths. It is also a recommended condition that the applicant provide an information plaque along the path with suitable wording referring to the original road alignment as determined by a heritage consultant.

There is no evidence of any original driveway to Grasmere cottage on the site and it is considered that the key heritage matter to be addressed is the interpretation of the original Brownlow Hill Road alignment as described above.

21. *The fig tree is marked for removal. Although its not indigenous to the area it is assumed it was planted to mark the entrance gate to Paling's Homestead. Further investigation of this fig tree is sought.*

Officer comment:

This proposed removal of the fig tree was discussed with the applicant who has amended the proposed development plans to retain it.



22. *Concerns that the proposed site was not part of the 2006 Masterplan (DA 639/2006) and concerns over the inclusion of this area for development.*

Officer comment:

The DA site for this application was not part of the aforementioned 2006 concept stage 1 Masterplan DA. The site's exclusion from this 2006 DA does not inhibit Council from considering the proposed development in its merits at this time.

23. *Concerns are raised over the land swap and when this was undertaken with Council. The agreement between Council and Carrington for the land adjoining the road has resulted in a change in the landscape with old trees being destroyed and replaced by gravel, seeing a loss of habitat for birds animals and insects, destroying the pleasant rural and typical "Aussie" bush vista in that patch of land. The proposed plans show 17 trees to be retained on the 'Council land' adjoining the dwellings; however 12 of these trees have already been destroyed.*

Officer comment:

Council entered into a lease agreement which allowed Carrington Centennial Trust to use the Council land fronting Werombi Road for landscape embellishment.

The applicant has clarified that the proposed plans were drawn prior to the removal of the trees on the Council land. In April 2012 Council staff undertook works on the Council land as part of necessary drainage works. Any tree removal was undertaken at that time.

24. *Traffic management issues are highlighted as this site forms part of the parking area for the Carrington Fair. Consideration of how traffic management will be implemented for visitors at the time of this event is required.*

Officer comment:

The management of traffic at the Carrington Fair is not a relevant consideration in the assessment of this DA as this site has never been approved to be used as parking for it. There are other areas within the site on which parking may be able to be provided.

25. *Loss of amenity currently provided to Carrington residents by the site's use as a golf course.*

Officer comment:

The applicant has advised that a replacement chip and putt area will be provided adjoining the site's existing dam.

(e) The public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, *Environmental Planning Instruments*, *Development Control Plans* and policies. Based on the above assessment, the proposed development is consistent with the public interest.



EXTERNAL REFERRALS

Rural Fire Service (RFS)

The DA was referred to the RFS as the development is a special bush fire protection purpose pursuant to Section 100B of the *Rural Fires Act 1997*. The proposed development is therefore classed as Integrated Development.

The RFS has reviewed the DA and granted a bush fire safety authority without any specific conditions.

Camden Airport

The proposed development is outside the ANEF however is within the airport movements plan. The site is also within the obstacle limitation surface map. The acoustic reports submitted with the DA has been referred to Camden Airport who has raised no objection subject to compliance with recommendations on the maximum height of structures and reflective surfaces. Noise impacts from the airport and associated aircraft will not impact upon the proposed development subject to several construction measures including thicker glazing and acoustic seals which are a recommended condition.

NSW Office of Water (NOW)

The DA was referred to NOW for comment. NOW has advised that this section of the overall site does not contain a natural watercourse and raised no objection to the proposed development.

FINANCIAL IMPLICATIONS

At the Ordinary Council meeting of 27 November 2012, Council resolved:

Pursuant to clause 2.13.3 of Camden CP 2011, vary the contribution for the remaining development on Lot 10 DP 845472 Werombi Road, Grasmere to require a total contribution of \$465,219, indexed in accordance with the provisions of Camden CP 2011.

Request Carrington to advise as to the final number of independent living units proposed for development on Lot 10 DP 845472 and if this number is not 230 then a new rate per dwelling needs to be determined.

Carrington have advised that they do not intend on developing an additional 230 independent living units and now intend on developing approximately 46. Therefore a new Contribution rate needs to be determined.

Council's Current Camden Contributions Plan 2011 (CP) adopts a rate for seniors living units of \$8,265 per dwelling. Therefore it is considered appropriate that this rate apply to the proposed development of 19 seniors dwellings.

Pursuant to Clause 2.17 of the CP, the timing of this contribution payment will be prior to the issue of a Construction Certificate for the proposed development.

However Clause 2.18 of the DCP provides that Council may accept the deferred or periodic payment of part or all of a monetary contribution subject to a written request and can satisfy the Council that non-compliance with the payment provisions is

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justified. Acceptance of any request for deferred or periodic payment is entirely at the discretion of the Council. Generally acceptance of deferred or periodic payments will only be accepted in exceptional circumstances and will be assessed on a case-by-case basis

Should the applicant seek the deferred or periodic payment they can do so by lodging a Section 96 Modification application with Council for consideration.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 1185/2012 is recommended for approval subject to the conditions contained in this report.

Details of Conditions

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
Project no 2011114 Drwing no DA 002 Issue B	Site Plan	Jackson Teece	July 2013
Project no 2011114 Drwing no DA 003 Issue B	Site Roof Plan	Jackson Teece	July 2013
Project no 2011114 Drwing no DA 300 Issue B	Street Elevations	Jackson Teece	July 2013
Project no 2011114 Drwing no DA 100 Issue B	Type 2 ILU Plan and elevations	Jackson Teece	July 2013
Project no 2011114 Drwing no DA 101 Issue B	Type 3 ILU Plan and elevations	Jackson Teece	July 2013
Project no 2011114 Drwing no DA 102 Issue B	Type 5 ILU Plan and elevations	Jackson Teece	July 2013
Project no 2011114 Drwing no DA 103 Issue B	Type 1 ILU Plan and elevations	Jackson Teece	July 2013
Project no 2011114 Drwing no DA 104 Issue B	Type 4 ILU Plan and elevations	Jackson Teece	July 2013
Project no 2011114 Drwing no DA 105 Issue B	Type 6 ILU Plan and elevations	Jackson Teece	July 2013
Project no 2011114 Drwing no DA 106 Issue B	Type 7 ILU Plan and elevations	Jackson Teece	July 2013

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Drawing no DA1235 Rev A sheet 1 of 7	General Arrangements Plan	Stefani Group	29/11/12
Drawing no DA1235 Rev A sheet 2 of 7	Entry Road Long Section and Cross sections	Stefani Group	29/11/12
Drawing no DA1235 Rev A sheet 3 of 7	Perimeter Road Long Section and Cross sections	Stefani Group	29/11/12
Drawing no DA1235 Rev A sheet 4 of 7	Driveway Long Section and Cross sections	Stefani Group	29/11/12
Drawing no DA1235 Rev A sheet 5 of 7	Waterway Long Section and details	Stefani Group	29/11/12
Drawing no DA1235 Rev A sheet 6 of 7	Waterway cross sections	Stefani Group	29/11/12
Drawing no DA1235 Rev A sheet 7 of 7	Typical pavement and section detail	Stefani Group	29/11/12
Stormwater report	Waterway design report for Carrington gateway housing 90 Werombi Road Grasmere	Stefani Group	June 2013
Ecological Assessment	Centennial Care Gateway site	Ecological Australia	28 Novem ber 2012
Tree Report	Tree Report Gateway site	Ecological Australia	29 Novem ber 2012
Arboricultural impact assessment	Arboricultural impact assessment	Horticultural Management Services	26 Novem ber 2012
Report No. 610.07939.05885	DA Road Traffic Noise Assessment	SLR Global Environmental Solutions	27 Novem ber 2012
Report No. 610.07939.05885	DA Road Traffic Noise Assessment - Addendum	SLR Global Environmental Solutions	11 March 2013
Drw no NL/MP/JM Revision G Sheet 2 of 8	Carrington Gateway Master plan	Distinctive Living Design	4 July 2013
Drw no NL/MP/JM Revision G Sheet 3 of 8	Landscape Palette	Distinctive Living Design	4 July 2013
Drw no NL/MP/JM Revision G Sheet 4 of 8	Typical Housing Lot	Distinctive Living Design	4 July 2013
Drw no NL/MP/JM Revision G Sheet 5 of 8	Conceptual Flow Channel	Distinctive Living Design	4 July 2013
Drw no NL/MP/JM Revision G Sheet 6 of 8	Street Scape Concept	Distinctive Living Design	4 July 2013
Drw no NL/MP/JM Revision G Sheet 7 of 8	Community Entrance	Distinctive Living Design	4 July 2013
Statement of	Various	Various	Various

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Environmental Effects			
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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) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (3) **Environmental Requirement** – All activities associated with the development must be carried out within the development, and must be carried out in an environmentally satisfactory manner as defined under Section 95 of the *Protection of the Environment Operation Act 1997*.
- (4) **Salinity** - That all earthworks, roads, buildings and services shall be constructed in accordance with section 9.2 "Management Strategies, contaminated within the report titled " Preliminary Contamination, Geotechnical, and Salinity Investigation, proposed Senior Housing- Carrington Gateway Site Lot 10 DP 845472, No 90 Werombi Road, Grasmere NSW prepared by GeoEnviro Consultancy Pty Ltd, Ref: JC 12114A June 2012.
- (5) **Reflective Surfaces** – Reflective surfaces used in the construction of the proposed development must be minimised and were used they must be of low reflectivity.
- (6) **Noxious Weeds** -
 - (a) The applicant must fully and continuously suppress and destroy, by appropriate means, any noxious or environmentally invasive weed infestations that occurs during or after subdivision and prior to sale of new lots. New infestations must be reported to Council.
 - (b) 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.
 - (c) 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 occurs during subdivision, and prior to sale of new lots. These must be reported to Council and fully and continuously suppress and destroy, by appropriate means.
- (7) **Landscaping Maintenance and Establishment Period** - have the establishment and maintenance responsibility for all hard and commencing from the Date of Practical Completion (DPC), the Applicant will soft landscaping elements associated with this Consent.

The 12 month maintenance and establishment period includes (but not limited to) the Applicant's responsibility for the establishment, care and repair of all landscaping elements.

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 and mulching.

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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.

At the completion of the 12 month landscaping maintenance and establishment period, all hard and soft landscaping elements must be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth

- (8) **Fig Tree** - The fig tree shown on Plan DA002 issue B is to be retained. The fig tree must be protected from damage throughout the construction on the site.
- (9) **Original Road Alignment** - The original alignment of the former Brownow Hill Road is to be interpreted in a paving colour that differs to the rest of the paving material of the proposed paths at 34 Werombi Road. An information plaque shall be placed along the path with suitable wording referring to the original road to be determined by a heritage consultant.

Minimal surface disturbance is to occur to the sections of land in the vicinity of the original road alignment, that is outside of the accessible path, so that original road fabric remains insitu.
- (10) **Heritage Requirements** - The recommendations of the *Statement of Heritage Impact*, prepared by Archaeological and Heritage Management Solutions dated 28 November 2012 (ref 121026-2) shall be carried out, in accordance with the relevant Aboriginal Heritage legislation.
- (11) **Aboriginal Items** - The discovery of Aboriginal items must be reported immediately to the NSW Office of Environment and Heritage and any relevant permits be obtained in accordance with the *National Parks and Wildlife Act 1974*.
- (12) **Relics** - In accordance with Section 147 of the *NSW Heritage Act 1977* the discovery of archaeological relics must be reported immediately to the NSW Office of Environment and Heritage.
- (14) **Hollow Bearing Trees** - All hollow bearing trees that are to be retained are clearly identified and mapped on any site plans and suitable measures are to be in place to ensure that these trees are protected from demolition and construction activities on site. This may involve the fencing off of the trees.
- (15) **Hollow Bearing Tree Removal** - Any hollow bearing trees that are proposed for removal must be checked for any fauna, (especially threatened fauna such as the Powerful Owl (*Ninox strenua*), Eastern Freetail – bat (*Mormopterus norfolkensi*) and the Gang Gang Cockatoo (*Callocephalon fimbriatum*) that have been identified as potentially using this site) by a suitably qualified person to ensure that there are no fauna utilising them for nesting or roosting purposes.

If a fauna species is utilising the hollow bearing trees, the preferred option is that the tree(s) are **to remain** until the fauna have finished nesting and or roosting. Consideration should be given to providing suitable alternative nesting and roosting habitats on-site or nearby within the Carrington Care complex.

If the only feasible option is to relocate the fauna from the proposed development site, then the Office of Environment and Heritage's *Policy for the Translocation of*



Threatened Fauna in NSW must be complied with. This policy clearly states that 'translocation should not be used as a substitute for the protection of high quality natural areas and conservation of wild populations in insitu' and that translocations should only be undertaken under strict guidelines.

- (16) **Site Arborist** - Prior authorisation by a site arborist is required if access, encroachment or incursion into the Tree Protection Zone is deemed essential. Council must also be notified of these changes and have the opportunity to assess these changes and provide feedback.
- (17) **Tree Protection Zones** - Any tree protection zones must be clearly indicated on any maps or plans associated with this proposed development. In addition, the recommendations that have been made in *the Arboricultural Impact Assessment Proposed Residential Development Carrington Gateway Site Werombi Road, Grasmere NSW – Annexure "J"* report written by Horticultural Management Services must be complied with.
- (18) **Rehabilitation Works** - The rehabilitation works proposed for the Shale Hills Woodland must comply with the former Department of Environment and Conservation's 2005 document titled *Recovering Bushland on the Cumberland Plain – Best Practice Guidelines for the Management and Restoration of Bushland*. It may also be necessary to refer to the former Department of Environment, Climate Change and Water's Approved Recovery Plan *Cumberland Plain Recovery Plan January 2011*.
- (19) **Footpath Provision** – All footpaths must be provided in accordance with AS 1428.1 and in accordance with the requirement of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.

2.0 - Construction Certificate Requirements

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

- (1) **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.
- (2) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with the relevant Development Control Plan and Engineering Specifications, and are to be submitted for approval to the Principal Certifying Authority prior to the Construction Certificate being issued.

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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.
- (4) **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
- (5) **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.
- (6) **Performance Bond** - Prior to the issue of a Construction Certificate, a performance bond of \$20,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (7) **Public Risk Insurance Policy** - Prior to the issue of a 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.
- (8) **Traffic Management Plan** – A construction traffic management plan is required in accordance with Camden Council's current Engineering Design Specifications.
- (9) **Sydney Water** - Prior to the issue of a Construction Certificate the applicant must submit to the PCA written confirmation of Sydney Water Corporation's acceptance of the additional wastewater loading from the proposed "Gateway development."
- (10) **Section 73 Certificate** - Prior to the issue of a Construction Certificate the applicant must submit to the PCA section 73 Certificate and Notice of Requirements from Sydney Water Corporation for the upgrading of the existing wastewater service provisions necessary to accommodate the "Gateway" Precinct Development.
- (11) **Section 68** - Prior to the issue of a Construction Certificate the applicant must submit to Council an application under Section 68 of the *Local Government Act 1993* detailing the works specifically relating to the alteration or upgrading of the "Paling Court" Catchment wastewater system to accommodate the proposed "Gateway" Precinct Development.

Approval of any required works specifically relating to the alteration or upgrading of the "Paling Court" Catchment wastewater system to accommodate the

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"Gateway" Precinct Development shall be obtained in writing prior to a Construction Certificate being issued.

- (12) **Design Assessment Report** – The development must fully comply with the requirements set out under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, Schedule 3. Details of compliance with Schedule 3 must be submitted to the certifying authority prior to the issue of a Construction Certificate for the approved development.
- (13) **Section 94 Contributions** – The applicant must pay a Section 94 Contribution of \$8,265 per additional dwelling for an overall total of \$157,035.
- (14) **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.
- (15) **Water Quality Measures** - The proposed surface water collection and disposal systems must incorporate adequate silt trap and grit and oil arrestors. Only uncontaminated stormwater must be discharged to the stormwater drainage system. Details of the silt traps and grit arrestors must be shown on the submitted engineering plans prior to a Construction Certificate being issued.
- (16) **Car Parking Design** - The design, construction details of the parking spaces, access thereto and all other external hardpaved areas must conform to the Consent Authority's (i.e. Camden Council) standard, and documentary evidence of compliance of above condition must be submitted by an Accredited Certifier/suitably qualified person/Council or the Principal Certifying Authority prior to a Construction Certificate being issued.

A work-as-executed plan and/or documentary evidence of compliance with the above conditions must be provided by an Accredited Certifier or Council prior to the Occupation Certificate being issued.

For the purpose of this condition a parking space must only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.

All disabled parking must be designed and constructed to comply with AS2890.6.

- (17) **Detailed Landscaping Plan** – Prior to the issue of a Construction Certificate, a detailed landscaping plan must be prepared and submitted to the certifying authority. The detailed landscaping plan must reflect the concept landscaping plan submitted with the DA and provide for the planting of 138 trees in the vicinity of the approved development as detailed in the concept landscaping plan.

3.0 - Prior To Works Commencing

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

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- (1) **Notice of 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.
- (2) **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.
- (3) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (4) **Erection of Signs** – Shall be undertaken in accordance with Clause 98A of the *Environmental Planning and Assessment Regulation 2000*.
- (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) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

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

Soil erosion and sediment control plans must be designed and installed in accordance with Camden Council's current Engineering Design Specifications.
- (7) **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
- (8) **Protection for Existing Trees and Other Landscape Features On-site** - The protection of existing trees and other landscape features, other than any existing trees and natural landscape features authorised for removal, pruning, impact upon or disturbance by this Consent, must be carried out as specified in the

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Australian Standard AS 4970-2009 Protection of Trees on Development Sites and adjoining sites.

All initial procedures for the protection of existing trees and landscape features as detailed in AS 4970-2009, must be installed prior to the commencement of any earthworks, demolition, excavation or construction works on the development site and any adjoining site boundary.

The works and procedures involved with the protection of existing trees and other landscape features are to be carried out by suitable qualified and experienced persons or organisations. This work should only be carried out by a fully insured and qualified Arborist.

Suitable qualifications for an Arborist are to be a minimum standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture for the actual carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.

4.0 - During Construction

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

- (1) **Conditional Approval for Tree Removal/Pruning** - Consent is granted for the removal of trees and/or pruning of trees as indicated within the lodged Tree Report, prepared by Eco logical Australia, dated 29 November 2012, Project No 11WOLBUS-0014, version 1, status final, prepared on behalf of Carrington Centennial Care.

This work should only be carried out by a fully insured and qualified Arborist. Suitable qualifications for an Arborist are to be a minimum standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture for the actual carrying out of tree works and AQF Level 5 in Arboriculture for any Hazard and Health Reports and Risk Assessments.

- (2) **Fill Quality** – Any fill material brought in for the construction of the development must only contain uncontaminated soil, clay, shale or rock. No effluent, garbage or trade waste, including building or demolition waste, must be included in the fill. The extent and depth of filling must only occur in accordance with the approved plans and any other conditions of the Development Consent. Evidence of the certification of the fill as uncontaminated shall be provided to the Principal Certifying Authority.
- (3) **Works By Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works must be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (4) **Survey Report (Peg Out)** - The building must be set out by a registered Land Surveyor. A Survey Report detailing the siting of the building in relation to the allotment boundaries shall be submitted to the Principal Certifying Authority (PCA) prior to the placement of any concrete.
- (5) **Building Platform** - This approval restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2m from the

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external walls of the building. Where the external walls are within 2m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level must be used.

- (6) **Retaining Walls** - If the soil conditions require it:
- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
 - (b) retaining walls must be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property.

The following restrictions apply to any retaining wall erected within the allotment boundaries:

- (a) where the height of an approved retaining wall exceeds 600mm above or below natural ground level, structural engineering details must be provided to the Principal Certifying Authority, prior to any works commencing on the site. Manufacturers' installation details may satisfy this requirement for treated timber products and some dry stacked masonry products;

Note: Where Council is nominated as the Principal Certifying Authority, construction of the retaining wall must be inspected at critical stages as nominated in the Mandatory Inspection Notice. Prior to issue of an Occupation Certificate, certification will also be required attesting that the wall has been built in accordance with the relevant standard.

- (b) adequate provisions must be made for surface and subsurface drainage of retaining walls and all water collected must be diverted to, and connected to, a stormwater disposal system within the property boundaries;
- (c) retaining walls shall not be erected within drainage easements;
- (d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited by the easement or entitled to release or vary the restrictions applying to the easement (electrical easement and the like), or if the erection of the retaining wall makes the purpose of the easement inconvenient or redundant (such as easements for support and maintenance).

- (7) **Hours of Work** – The hours for all 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.
- (8) **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 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 4.00pm 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.
- (9) **Footpath Levels** - The ground levels of the footpath area within the road reserve (between the boundary of the subject site to the kerb and gutter) must not be altered (by cut or fill) as a consequence of building design and/or construction.
- (10) **Surface Drainage** – To prevent surface water from entering the building:
- (a) the floor level for slab on ground construction shall be a minimum of 150mm above finished ground level for habitable rooms;
 - (b) seepage and surface water shall be collected and diverted clear of the building by a sub-surface/surface drainage system;
 - (c) the control of surface water drainage shall in all respects comply with the *Building Code of Australia (Class 1 and Class 10 Buildings)*;
 - (d) where a rainwater tank is required on the site, all surface water drainage lines shall be connected to the outlet overflow drainage line from the rainwater tank.
- (11) **Shoring and Adequacy of Adjoining Property** - Shall be in accordance with Clause 98E of the Environmental Planning and Assessment Regulation 2000.
- (12) **Protection of Public Places** – If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to

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persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

- (13) **Drainage Easements** - No changes to site levels, or any form of construction shall occur within any drainage easements that may be located on the allotment.
- (14) **BASIX Certificate** – Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

In this condition:

- (a) relevant BASIX Certificate means:
- (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and
- (b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.
- (15) **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;

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- (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 (see Note 1)	1000 or part thereof

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

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

Construction period of 4 weeks and under:

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

Construction period greater than 4 weeks:

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

- (17) **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;

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- (c) prior to casting of pits and other concrete structures, including kerb and gutter, roads, accessways, 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 an Occupation Certificate.

- (18) **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.

- (19) **Compaction** - All filling on the site must be compacted in accordance with Camden Council's current Engineering Design Specifications.
- (20) **No Nuisance Creation** - The developer must carry out work at all times in a manner which will not cause a nuisance by the generation of unreasonable noise dust or other activity, to owners and occupiers of adjacent properties.
- (21) **Dust Control** - Potential dust sources on-site must be minimised through the maintenance of vegetation cover and the use of water sprays to suppress dust from exposed areas during periods of dry and/or windy weather.
- (22) **No Offensive Noise, Dust, Odour or Vibration** - Construction work shall not give rise to offensive noise or give rise to dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (23) **Services** - All services affected due to the proposed work shall be adjusted in consultation with the appropriate Service Authority at no cost to Council.

5.0 - Prior To Issue Of Occupation Certificate

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



- (1) **Seniors Living Covenant** - A covenant prepared pursuant to Section 88E of the *Conveyancing Act 1919* must be placed on the title of the land occupied by the seniors living development to prohibit the occupation of the premises by residents other than those described in Clause 18 of State Environmental Planning Policy (Housing for Seniors or people with a Disability) 2004.
- (2) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

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

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

- (3) **Component Certificates** - Where Camden Council is appointed as the Principal Certifying Authority (PCA) for the development, the following component certificates, as relevant to the development, shall be provided prior to the issued of a Final Occupation Certificate:
 - (a) Insulation installation certificates.
 - (b) Termite management system installation certificates.
 - (c) Smoke alarm installation certificate from installing licensed electrician.
 - (d) Survey certificate(s), prepared by a registered land surveyor, certifying that the building has been correctly and wholly located upon the subject allotment.
 - (e) Certification attesting that retaining walls have been constructed in accordance with Engineer's details or manufacturer's specifications as applicable.
 - (f) All certificates or information relating to BASIX compliance for the development.
 - (g) An 'Approval to Operate a Sewage Management System' issued by Camden Council (for areas that are not serviced by a Sydney Water sewer).
 - (h) A certificate certifying that the wet areas have been waterproofed in accordance with the requirements of the *Building Code of Australia*.
 - (i) All certificates relating to salinity, as required by conditions of the development consent.

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- (j) Any other certificates relating to the development (for example, engineering certification for foundations, piers, reinforcing steel or hydraulic certification for all stormwater drainage works).

Where the appointed PCA is not Camden Council, the matters listed in this condition should be regarded as advisory only.

Note: The above certification does not override any requirements of the *Environmental Planning and Assessment Act, 1979* with respect to any required critical stage inspections.

- (4) **General Waste Service Contract** - The business proprietor must enter into a commercial contract for the collection of waste. A copy of this agreement shall be held on the premises at all times
- (5) **Survey Report (Completion)** - A survey report prepared by a registered land surveyor shall be provided upon completion of the building. The survey report shall be submitted to the Principal Certifying Authority (PCA) upon completion of the building and prior to the issue of an Occupation Certificate.
- (6) **Stormwater Detention** - 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 an Occupation 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,
 - (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:

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:

- (a) view the state of repair of the basin;
- (b) 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.



- (c) 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.

- (7) **Fire Safety Certificates** – A Fire Safety Certificate is to be submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*. The Fire Safety Certificate is to certify that each fire safety measure specified in the current fire safety schedule for the building to which it relates:

- (a) has been assessed by a properly qualified person; and
- (b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

As soon as practicable after the Final Fire Safety Certificate has been issued, the owner of the building to which it relates:

- (a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of Fire & Rescue New South Wales, and
- (b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

- (8) **Village Bus** – A village bus service must be provided for residents within the subject site. Details of the bus route and timetable of the service (frequency) are to be provided to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate. If Council is not the PCA, a copy of the information must be submitted to Council prior to issue of an Occupation Certificate.

The timetable and frequency of the bus service must, as a minimum, comply with Clause 26 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

- (9) **Paths at 34 Werombi Road** – Prior to the issue of an Occupation Certificate, works as executed plans for the approved paths on Council's land at 34 Werombi Road must be submitted to Council.

These paths must be fully maintained at no cost to Council at all times.

6.0 - Operational Conditions

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

- (1) **Residential Air Conditioning Units** - The operation of the approved air conditioning units must operate at all times so:
- (a) as to be inaudible in a habitable room during the hours of 10.00pm to 7.00am on weekdays and 10.00pm to 8.00am on weekends and public holidays; and

This is the report submitted to the Ordinary Council held on 10 September 2013 - Page 44



- (b) as to emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.
 - (c) as not to discharge any condensate or moisture onto the ground surface of the premises or into stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act, 1997.
- (2) **Offensive Noise** - The use and occupation of the premises including all plant and equipment must not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997*.
 - (3) **Plant Noise Restriction** - The level of total continuous noise emanating from operation of all the plant or processes in all buildings (LA_{eq}) (measured for at least 15 minutes), the above premises must not exceed the relevant criteria contained within Councils "Environmental Noise Policy" when measured at any point on the boundary.
 - (4) **Liquid Wastes** - All liquid wastes other than stormwater generated on the premises must be discharged to the sewer in accordance with the requirements of Sydney Water.
 - (5) **Access** - All access to the site must be from the roundabout located at the entry to the site (Werombi Road and Smalls Road). No access to the site for vehicles is permitted directly from the Werombi Road access way adjacent to 22, 24 and 26 Werombi Road. The only exception is emergency service vehicles. This access must be gated and the gate kept closed at all times. Signage must be provided on the gate that clearly advises that it can only be opened for emergency vehicle access.

RECOMMENDED

That Council approve DA 1185/2013 for the construction of 19 seniors dwellings, tree removal and associated site works at 34 and 90 Werombi Road subject to the conditions listed above.

ATTACHMENTS

1. Proposed Plans
2. Full Landscape Plans - *Supporting Document*
3. Site Plan and internal floor plans - *Supporting Document*
4. Submissions - *Supporting Document*



AMENDMENTS		APPROVED	DRAWN	DATE
ISSUE	DESCRIPTION	CA	ED	DD
A	ISSUE			06-12-2012

DESIGNER AND DEVELOPER TO PROVIDE:
 1. A COPY OF THIS DRAWING TO THE LOCAL AUTHORITY.
 2. A COPY OF THIS DRAWING TO THE LOCAL AUTHORITY.
 3. A COPY OF THIS DRAWING TO THE LOCAL AUTHORITY.
 4. A COPY OF THIS DRAWING TO THE LOCAL AUTHORITY.
 5. A COPY OF THIS DRAWING TO THE LOCAL AUTHORITY.
 6. A COPY OF THIS DRAWING TO THE LOCAL AUTHORITY.
 7. A COPY OF THIS DRAWING TO THE LOCAL AUTHORITY.
 8. A COPY OF THIS DRAWING TO THE LOCAL AUTHORITY.
 9. A COPY OF THIS DRAWING TO THE LOCAL AUTHORITY.
 10. A COPY OF THIS DRAWING TO THE LOCAL AUTHORITY.

THIS DRAWING HAS BEEN
 REVIEWED FOR
 COMPLIANCE WITH
 THE LOCAL AUTHORITY
 REQUIREMENTS.
 DATE: 06-12-2012
 SIGNATURE: [Signature]

CLIENT / PROJECT
 CARRINGTON
 CENTENNIAL CARE
 CARRINGTON
 GATEWAY HOUSING

DRAWING TITLE
 PHOTOMONTAGE

**Lot 1, Plot 8-9, 23 Hickson Road
 Walsh Bay New South Wales 2040 Australia
 T 61 2 9290 2722 F 61 2 9290 1120
 ABB 3 000 838 796
 Stantec Architects Inc. Brisbane (4275)**
JACKSON TEECE

DATE OCT 2012
SCALE @ A3 NTS
DRAWN AT
PROJECT NUMBER 2011114
DRAWING No. ISSUE
A

ORD01

Attachment 2



01 STREET ELEVATION
1:500



02 STREET ELEVATION
1:500



AMENDMENTS

NO.	DATE	DESCRIPTION
1	13/09/13	ISSUED FOR TENDER
2	13/09/13	ISSUED FOR TENDER
3	13/09/13	ISSUED FOR TENDER
4	13/09/13	ISSUED FOR TENDER
5	13/09/13	ISSUED FOR TENDER
6	13/09/13	ISSUED FOR TENDER
7	13/09/13	ISSUED FOR TENDER
8	13/09/13	ISSUED FOR TENDER
9	13/09/13	ISSUED FOR TENDER
10	13/09/13	ISSUED FOR TENDER

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 ARCHITECTURAL CONSULTANTS
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 STATION, WILSON, VIC 3083
 TEL: 03 9450 1234
 WWW.ABSX.COM.AU
 PROJECT NO: 2011114
 SHEET NO: DA300
 DATE: 13/09/13

CLIENT
 CARRINGTON CENTENNIAL CARE
 STREET ELEVATIONS

PROJECT
 CARRINGTON GATEWAY HOUSING
 90 WERONGIRO, GRASMERE

SCALE
 SCALE OF A1
 DRAWING NO: DA300
 PROJECT NUMBER: 2011114

DATE
 13/09/13

DESIGNER
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ORD01

Attachment 2



01 SITE ROOF PLAN

SCALE: 1:500

CLIENT
CARRINGTON CENTENNIAL CARE

PROJECT
CARRINGTON GATEWAY HOUSING
80 WILLOW RD, GRASMEERE

DATE
JULY 2013

PROJECT NUMBER
2011114

DESIGNED BY
DA003

ISSUED BY
B

ARCHITECT
JACKSON TEECE

CONSULTANTS:

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ORDINARY COUNCIL

ORD02

ORD02

SUBJECT: USE OF LAND AS A MARKET GARDEN AND ASSOCIATED SITE WORKS AT 122 BARRY AVENUE, CATHERINE FIELD

FROM: Director, Development & Health

TRIM #: 13/25434

APPLICATION NO: 366/2013

PROPOSAL: Use of land as a market garden and associated site works

PROPERTY ADDRESS: 122 Barry Avenue, Catherine Field

PROPERTY DESCRIPTION: Lot 106, DP 204127

ZONING: RU4 Primary Production Small Lots

OWNER: J R Huang and H X Cai

APPLICANT: H X Cai

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the use of land as a market garden and associated site works at 122 Barry Avenue, Catherine Field.

The DA is referred to Council for determination as there remain unresolved issues received in two submissions from the public.

SUMMARY OF RECOMMENDATION

That Council determine DA 366/2013 for the use of land as a market garden and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the use of land as a market garden and associated site works at 122 Barry Avenue, Catherine Field.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The DA was publicly exhibited for a period of 30 days in accordance with Camden Development Control Plan 2011 (DCP). Two submissions were received (both objecting to the proposed development). **A copy of the submissions is provided with the Business Paper supporting documents.**

The issues raised in the submissions relate to the location of a proposed dam, that the dam should have a water tight lining, that the site plan provided with the notification letter was not sufficient, potential chemical overspraying, odour/air quality impacts, that two market gardens in close proximity will have detrimental impacts and water run-off.

The location of the proposed dam shown on the plan is less than 3m from the northern side boundary which is not in accordance with the DCP's detailed design requirement for dams.

The DCP requires that dams be located at least 3m away from adjoining property boundaries. The location of the proposed dam has also been discussed with the NSW Office of Water and the applicant.

It is a recommended condition that the dam be located at least 3m away from the site's side boundaries and 40m from the top of bank of Rileys Creek at the rear of the site. This will ensure compliance with the DCP, preserve the site's existing vegetation and minimise impacts upon Rileys Creek. **These amendments are shown marked in red on a proposed plan provided with the Business Paper supporting documents.**

It is a recommended condition that the proposed dam utilises a water tight lining in its base and sides.

Due to the size of the site, the applicant provided plans in support of the DA at an A1 scale. Plans of this scale were too large to be mailed out to surrounding properties with Council's notification letters. Consequently smaller A4 plans were mailed out which is in accordance with the DCP. However the full size plans were made available at Council's offices and libraries for a 14 day period as outlined in the notification letter.

The proposed market garden will be located 5m from both of the site's side boundaries. A condition is recommended to minimise the potential of overspraying by only permitting chemical spraying during calm weather conditions.

Market gardening can produce odour from the use of chemicals, however it is considered that the proposed application of pesticides and chemicals can be appropriately managed by only permitting their spraying during calm weather conditions. This will minimise any potential odour impacts upon neighbouring residents. In addition, conditions are recommended that prohibit the stockpiling of manure, and should Council receive any complaints regarding odour from this development, that the applicant mitigate these impacts to Council's satisfaction.

The site is zoned RU4 Primary Production Small Lots and intensive plant agriculture is a permissible land use in this zone. The proposed market garden is also consistent with the zone objectives. Having assessed its potential impacts, it is considered that the site is appropriate for the proposed market garden and will not have detrimental effects upon the surrounding area subject to the conditions contained in this report.

The potential for water run-off from the existing dam onto adjacent properties will be mitigated due to the proposed construction of a new dam. This dam will be located on the north eastern portion of the site and will have a capacity of 0.162 mega litres. This dam is designed to capture any additional stormwater during periods of heavy rainfall. It is therefore considered that there will be no significant impacts from excess water run-off onto adjacent properties as a result of the proposed development.

Subject to changes required through the recommended conditions of consent, the proposed development will comply with all applicable planning controls.

Based on the assessment, it is recommended that the DA be approved subject to the conditions contained in this report.

AERIAL PHOTO



THE SITE

The site is commonly known as 122 Barry Avenue, Catherine Field and is legally described as Lot 106, DP 204127.

The site has a frontage of 100m to Barry Avenue, a depth of 248m and an overall area of 2.35ha. The site slopes downwards from Barry Avenue towards the rear of the property and has a level difference of approximately 8m from front to rear. The site currently accommodates a two storey brick dwelling, carport, swimming pool, two sheds and mature vegetation. Much of the works proposed by this DA, excluding the proposed dam, have already been undertaken without consent from Council.

The majority of the site is mapped as bush fire prone land and Rileys Creek flows through its rear. This site is located in the future Catherine Fields Precinct of the South West Growth Centre.

The surrounding area is characterised by similar rural residential properties and a range of agricultural uses. A similar agricultural use is currently being undertaken directly opposite this site at 125 Barry Avenue.

To the north-east the South West Rail Link and the future Leppington train station are under construction. To the south lies Catherine Field village, whilst to the south-west is the Oran Park precinct of the South West Growth Centre. From north-west to north-east lie the existing rural residential suburbs of Bringelly, Rossmore and Leppington respectively.

HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
2 November 1999	Removal of trees approved by DA 2279/1999
15 October 2012	Removal of Radiata Pines and Gum trees approved by DA 83/2012
24 October 2012	New shed/outbuilding approved by DA 923/2012

THE PROPOSAL

DA 366/2013 seeks approval for the use of land as a market garden and associated site works.

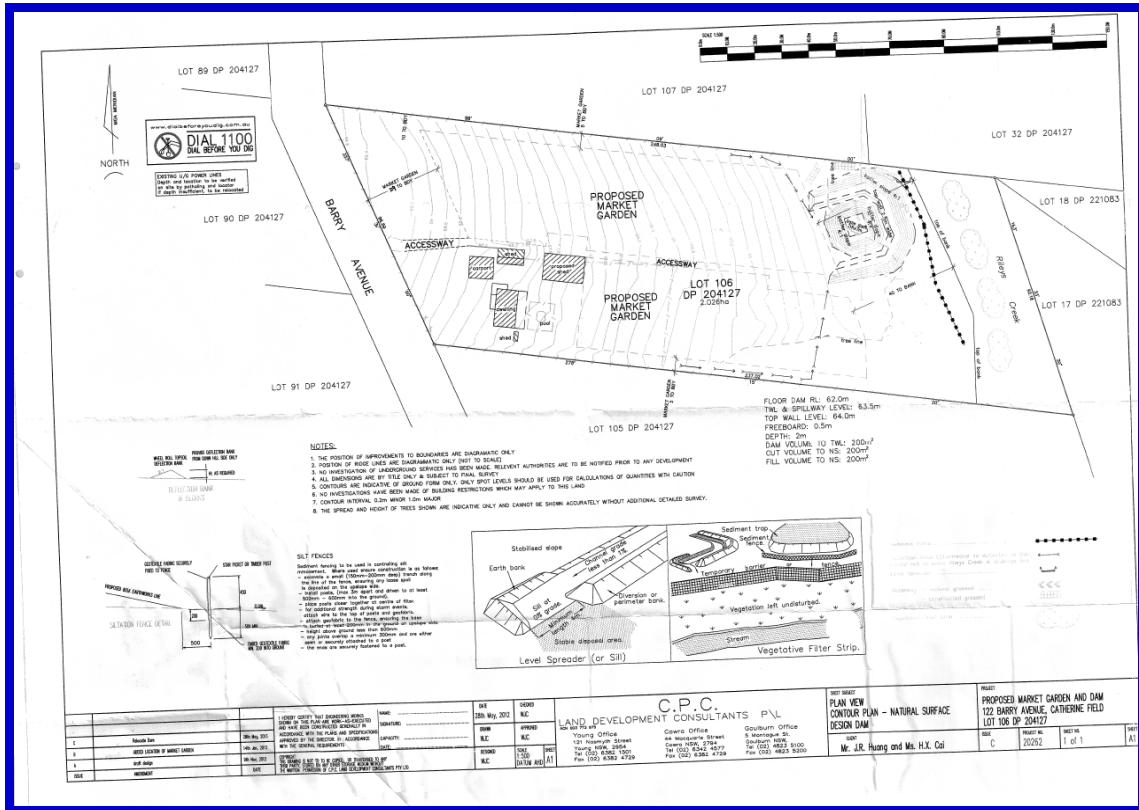
Specifically the proposed development involves:

- the establishment of a series of vegetable and herb growing beds covering approximately 8,950m² of the site. The vegetables and herbs to be grown include shallots, English spinach and coriander.
- construction of a dam near the north eastern corner of the site with a capacity of 0.162 mega litres;
- minor cut and fill; and
- the employment of 2 staff.

The value of the works is \$7,000.

A copy of the proposed plan is provided as attachment 1 to this report.

PROPOSED PLAN



ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Camden Local Environmental Plan 2010

An assessment of the proposed development under the Environmental Planning Instruments is detailed below.

State Environmental Planning Policy (Sydney Region Growth Centre) 2006 (SEPP)

This site is located in the future Catherine Fields Precinct of the South West Growth Centre.

Pursuant to Clause 16 of the SEPP, consent is not to be granted to the carrying out of development on land within a growth centre unless the consent authority has taken into

consideration a number of matters. These matters include whether the proposed development will preclude the future urban and employment development land uses identified in the relevant growth centre structure plan and whether the extent of the investment in, and the operational and economic life of, the proposed development will result in the effective alienation of the land from those future land uses.

It is considered that the proposed development will not preclude the future redevelopment of the site in accordance with the relevant growth centre structure plan. Additionally, as no structures are proposed, only minimal investment from the applicant is required and consequently the proposed development will not alienate the land from future surrounding uses.

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

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. All water run-off will be collected by the proposed dam. In addition, soil erosion and sediment controls are recommended as a condition which will help protect the integrity of the Hawkesbury-Nepean River system.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned RU4 Primary Production Small Lots under the provisions of the LEP. The proposed development is defined as "intensive plant agriculture" and a "waterbody (artificial)" by the LEP which are permissible land uses in this zone.

Objectives

The objectives of the RU4 Primary Production Small Lots are as follows:

- To enable sustainable primary industry and other compatible land uses.

Officer comment:

The proposed development is for a primary industry involving intensive plant agriculture. This is a sustainable activity and is consistent with this objective.

- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.

Officer comment:

The proposed development will generate primary industry employment opportunities for 2 staff and is consistent with this objective.

- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Officer comment:

Subject to the conditions contained in this report, it is not considered that the proposed development will negatively impact upon the existing dwellings or any other land uses in the surrounding area or adjoining zones.

Relevant Clauses

The DA was assessed against the following relevant clauses of the LEP.

Clause	Requirement	Provided	Compliance
7.4 Earthworks	Earthworks must not have detrimental impacts	The proposed earthworks are minor in nature and are required to construct the proposed garden beds and dam. Appropriate erosion and sediment control measures are proposed to ensure no adverse impacts occur as a result of the earthworks that will be undertaken	Yes

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instruments applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposed development's compliance with the controls in the DCP.

Control	Requirement	Provided	Compliance
B1.1 Erosion and sediment	Erosion and sedimentation control measures	Appropriate erosion and sediment control measures have been provided	Yes
B1.2 Earthworks	All land forming shall comprise of clean fill	It is a recommended condition that should any fill be required that only clean fill is to be used	Yes
B1.4 Water	Water management in accordance with	Overflow and used water from the garden	Yes

Control	Requirement	Provided	Compliance
Management	Council's Engineering Specifications	beds will be disposed of into the proposed dam and reused on the site. It is a recommended condition that the proposed development complies with Council's Engineering Specifications	
B1.9 Waste Management and minimisation	Waste management plan	It is a recommended condition that all waste facilities are sealed and that waste is disposed of via a suitable waste contractor. This satisfies the requirements of this DCP control	Yes
B1.10 Bush Fire Risk Management	Bush fire assessment in accordance with NSW Rural Fire Service (RFS) guidelines	The majority of the site is mapped as being bush fire prone; however following discussions with RFS, it was determined that bush fire risk was not an issue. The rationale for this is that no structures are proposed and the addition of a dam reduces the risk	Yes
B1.17 Air Quality	Appropriate levels of air quality for amenity of residents	Pesticides and chemicals will be used on site. It is a recommended condition that these only be sprayed during calm weather conditions to minimise spray drift. This is considered to be acceptable and consistent with the objectives of the DCP	Yes
D1.3.1 Intensive Plant Agriculture	Minimum lot size is 2ha	The lot size is 2.35ha	Yes
	Front boundary setback of 20m, side and rear setback of 5m, setback	It is a recommended condition that the market garden be set	Yes – subject to conditions of consent

Control	Requirement	Provided	Compliance
	from watercourse of 40m	<p>back 32m from the front boundary to allow a sufficient buffer from the existing onsite wastewater disposal area. 5m side setbacks will be provided and it is a recommended condition that the proposed dam be relocated 40m from the top of bank of Rileys Creek at the rear of the site.</p> <p>This will ensure compliance with the DCP, preserve the site's existing vegetation and minimise impacts upon Rileys Creek</p>	
	On unsewered sites effluent and household wastewater is to be disposed of in accordance with Council's Sewage Management Strategy	It is a recommended condition that the market garden be setback 32m from the front of the site to allow a sufficient buffer from the existing onsite wastewater disposal area	Yes
	Watercycle management plan	The DA was accompanied by appropriate information detailing how water will be stored, used and recycled on the site in accordance with the DCP's requirements. Water run-off will be captured by the proposed dam and pumped back to the market garden area for reuse	Yes
	Buffer distances from onsite wastewater disposal areas must comply with Council's	It is a recommended condition that the market garden be set back 32m from the	Yes

Control	Requirement	Provided	Compliance
	Sewage Management Strategy	front boundary to allow a sufficient buffer from the existing onsite wastewater disposal area	
	Odour must be contained within the site and must not be offensive to surrounding properties	The proposed use of pesticides and chemicals has been assessed by Council staff. Due to their types, volumes and frequency of use, it is considered that there will be minimal odour impacts as a result of the proposed development	Yes
D1.5.1 Earth Dams	Compliance with the DCPs detail design controls for earth dams	Subject to the conditions contained in this report, the proposed dam will comply with the DCP	Yes – subject to conditions of consent

(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No relevant agreement exists or has been proposed as part of this DA.

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained in this report.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

Use of Pesticides and Chemicals

The pesticides and chemicals proposed to be used include the standard products Ambush and Roundup. Ambush is a pesticide that will be sprayed once a fortnight whilst roundup will be used to kill grass as needed. These will be stored in accordance with the relevant Australian Standard (AS 1940) in one of the existing sheds.

It is a recommended condition that pesticide and chemical spraying only occur during calm weather. In addition, the proposed dam will minimise any adverse impacts in terms of water run-off on adjacent properties as a result of the proposed development.

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

(d) Any submissions made in accordance with this Act or the Regulations

The DA was publicly exhibited for a period of 30 days in accordance with the DCP. Two submissions were received (both objecting to the proposed development). **A copy of a public notification and submissions map is provided with the Business Paper supporting documents.**

The following discussion addresses the issues and concerns raised in the submissions.

1. *The proposed dam is far too close to the northern boundary fence.*

Officer comment:

The location of the proposed dam shown on the plan is less than 3m from the northern side boundary which is not in accordance with the DCP's detailed design requirement for dams. The DCP requires that dams be located at least 3m away from adjoining property boundaries.

The location of the proposed dam has been discussed with the NSW Office of Water and the applicant. It is a recommended condition that the proposed dam be located at least 3m away from the northern side boundary and 40m from the top of bank of Rileys Creek at the rear of the site. This will ensure compliance with the DCP, preserve the site's existing vegetation and minimise impacts upon Rileys Creek.

2. *If the dam is to be approved after its relocation, it must have its entire base and sides constructed with a water tight lining.*

Officer comment:

It is a recommended condition that the proposed dam utilises a water tight lining in its base and sides.

3. *There should be no market gardens or dam within 40m of the watercourse.*

Officer comment:

The location of the proposed dam has been discussed with the NSW Office of Water and the applicant. It is a recommended that conditions be imposed that the dam and market garden be located 40m from the top of bank of Rileys Creek at the rear of the site. This will preserve the site's existing vegetation and minimise impacts upon Rileys Creek.

4. *The site plan provided to us from Council is not sufficient. It is not printed to scale.*

Officer comment:

Due to the size of the site the applicant provided plans in support of the DA at an A1 scale. Plans of this scale were too large to be mailed out to surrounding properties with Council's notification letters. Consequently smaller A4 plans were

mailed out which is in accordance with the DCP. However the full size plans were made available to view at Council's offices and libraries for a 14 day period as outlined in the notification letter.

5. *Concerns about overspraying of chemicals to neighbouring properties.*

Officer comment:

The proposed market garden will be located 5m from both of the site's side boundaries. A condition is recommended to minimise the potential of overspraying by only permitting chemical spraying during calm weather conditions.

6. *The smell from fertilisers/chemicals is not suitable for domestic acre properties.*

Officer comment:

Market gardening can produce odour from the use of chemicals however it is considered that the proposed application of pesticides and chemicals can be appropriately managed by only permitting their spraying during calm weather conditions. This will minimise any potential odour impacts upon neighbouring residents.

In addition, conditions are recommended that prohibit the stockpiling of manure and that should Council receive any complaints regarding odour from this development, that the applicant mitigate these impacts to Council's satisfaction.

7. *Two market gardens in close proximity will have detrimental effects to the whole street.*

Officer comment:

The site is zoned RU4 Primary Production Small Lots and intensive plant agriculture is a permissible land use in this zone and is consistent with the zone objectives. Having assessed its potential impacts, it is considered that the subject site is appropriate for the proposed market garden, subject to the conditions recommended in this report. This is notwithstanding that there is a similar agricultural use currently being undertaken directly opposite the site at 125 Barry Avenue, Catherine Field.

8. *Water run-off impacts*

Officer comment:

The potential for water run-off from the existing dam onto adjacent properties will be mitigated due to the proposed construction of a new dam. This dam will be located on the north eastern portion of the site and will have a capacity of 0.162 mega litres. This dam is also designed to capture any additional stormwater during periods of heavy rainfall. It is therefore considered that there will be no significant impacts from excess water run-off onto adjacent properties as a result of the proposed development.

(e) *The public interest*

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and

Assessment Regulation 2000, Environmental Planning Instruments, Development Control Plans and policies. Based on the above assessment, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

NSW Office of Water (NOW)

The DA was referred to NOW for assessment as the development proposes works within 40m of the top of bank of Rileys Creek.

NOW advised that the location of the dam should be moved at least 40m from the top of the bank of Rileys Creek. This advice has been discussed with the applicant who has agreed to relocate the dam. The proposed dam's relocation is a recommended condition.

NSW Rural Fire Service (RFS)

The majority of the site is mapped as being bush fire prone, however following discussions with RFS it was determined that bush fire risk was not an issue. The rationale for this is that no structures are proposed and the addition of a dam reduces the risk.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 366/2013 is recommended for approval subject to the conditions contained in this report:

CONDITIONS

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
Project 20262, Issue C Sheet A1	Plan View contour plan – Natural surface design dam	C.P.C Land Development Consultants Pty. Ltd.	28 May 2013
Statement of environmental effects	Statement of environmental effects	Paul Bayliss	-

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) **Development Modifications** – The development must be modified to incorporate the following amendments:
- a) The market garden beds must be located no closer than 32m from the front property boundary.
 - b) The proposed dam, including all associated works such as battering and the like, must be relocated to be at least 3m from both of the site's side boundaries and 40m from the top of bank of Rileys Creek.
 - c) No market gardening is to take place within 40m from the top of bank of Riley's creek.

The market garden areas must be adjusted to accommodate the above amendments whilst ensuring that all water run-off is directed into the proposed dam.

Prior to works commencing, amended plans reflecting the above must be prepared and submitted to Council.

- (3) **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.
- (4) **Proposed Dam** - The proposed dam must be designed and constructed in accordance with Council's Engineering Specifications and Section D1.5.1 Earth Dams of Camden Development Control Plan 2011. The dam must utilise a water tight lining in its base and sides.

2.0 - Prior To Works Commencing

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

- (1) **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
- (2) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

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

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.

Provide a stabilised entry/exit point. The access should be a minimum of 2.5m wide and extend from the kerb to the building line. The access should consist of aggregate at 30-40mm in size.

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

- (3) **Public Risk Insurance Policy** - The owner or contractor is to take out a Public Risk Insurance Policy in accordance with Camden Council's current Engineering Design Specifications.
- (4) **Erection of Signs** – Shall be undertaken in accordance with Clause 98A of the Environmental Planning and Assessment Regulation 2000.
- (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) **Environmental Site Management Plan** - An Environmental Site Management 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.
 - (d) all other environmental matters associated with the site works such as noise control, dust suppression and the like.

3.0 - During Construction

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

- (1) **Hours of Work** – The hours for all construction 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.
- (2) **Fill Quality** – Any fill material brought in for the construction of the development must only contain uncontaminated soil, clay, shale or rock. No effluent, garbage or trade waste, including building or demolition waste, must be included in the fill. The extent and depth of filling must only occur in accordance with the approved plans and any other conditions of the Development Consent. Evidence of the certification of the fill as uncontaminated shall be provided to the Principal Certifying Authority.
- (3) **Compaction** – Any filling on the site must be compacted in accordance with Camden Council's current Engineering Design Specifications.
- (4) **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 or part thereof

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

- (5) **Removal of Waste Materials** – Where there is a need to remove any identified waste materials, including fill material, from the site, the materials will be required to be disposed to a licensed waste facility or licensed recycling facility with copies of tipping/recycling receipts to be supplied to Council.
- (6) **Damaged Assets** – Any work and public utility relocation within a public place shall incur no cost to Council.
- (7) **Construction Noise Levels** – Noise levels emitted during construction works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA’s Environmental Noise Control Manual.

This manual recommends:

Construction period of 4 weeks and under;

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

Construction period greater than 4 weeks;

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

- (8) **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 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 4.00pm 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.

4.0 - Operational Conditions

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

- (1) **Certification** – Following completion of the proposed dam and prior to the operation of the development, certification that the proposed dam has been designed and constructed in accordance with Council's Engineering Specifications and Section D1.5.1 Earth Dams of Camden Development Control Plan 2011, must be obtained from a suitably qualified engineer. A copy of this certification must be submitted to Council.
- (2) **Chemical Storage** – All chemicals and other liquids shall be stored in approved receptacles, which shall be housed in a suitably constructed impervious bunded area.
- (2) **Washing of Vegetables** – Wastewater from vegetable washing water is to be contained on site at all times so as not to impact on adjoining properties or cause water pollution as defined in the *Protection of the Environment Operations Act 1997*.
- (3) **Spill Response Kit** – An appropriate spill response kit is to be installed into the store room where the storage of chemicals occurs. Kits shall contain at a minimum, a ready supply of spill control and clean up materials.
- (4) **Handling of Hazardous Materials** – To ensure the correct handling of hazardous materials, Material safety data sheets are required to be held at the premises for all hazardous materials.
- (5) **Prevention of Nuisance** – All possible and practical steps must be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind blown dust, debris, noise, odour and the like.
- (6) **No Open Burning** – The open burning of trade waste and other refuse is prohibited throughout Camden. No incinerators must be installed at the premises.

-
- (7) **Dust Control** – Potential dust sources on-site must be minimised through the maintenance of vegetation cover and the use of water sprays to suppress dust from exposed areas during periods of dry and/or windy weather
 - (8) **Offensive Noise** – The use and occupation of the premises including all plant and equipment must not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997*.
 - (9) **Plant Noise Restriction** - The level of total continuous noise emanating from operation of all processes (LAeq) (measured for at least 15 minutes) at the above premises must not exceed the relevant criteria contained within Council's Environmental Noise Policy when measured at any point on the boundary.
 - (10) **Management of Stored Goods** - The storage of goods, materials, equipment, machinery, refuse or refuse bins (including industrial waste containers) must:
 - (a) not take place between the building and the street alignment, nor on the road reserve;
 - (b) be confined to the area specifically designed for that purpose; and
 - (c) be screened by an approved structure with a minimum height of 2m, so that such stored items are not visible from the public street.
 - (11) **Spraying of Pesticides and Chemicals** – The spraying of pesticides and chemicals is to only occur during calm weather conditions to minimise drift to adjoining properties.
 - (12) **Dam Water** – Dam water is to be monitored for salinity, sodicity, pH, nitrates and phosphates on a quarterly basis and must meet the requirements of ANZECC guidelines Chapter 4 Irrigation.
 - (13) **Irrigation Water** – Irrigation water is to be contained on site at all times so as not to impact on adjoining residences or cause water pollution as defined in the *Protection of the Environment Operations Act 1997*.
 - (14) **Reuse of Water** - All nutrient rich water run-off generated by the market garden must be collected within the existing and proposed dams and reused within the site.
 - (15) **Chemical Storage** - The storage and handling of flammable and combustible liquids must be in accordance with AS 1940. All pesticides and chemicals must be stored in one of the existing sheds on the site.
 - (16) **Waste Management** - A suitable waste contractor(s) must be engaged for the removal of wastes generated at the premises.

All bins and waste storage facilities at the premises are to be sealed and emptied on a regular basis to prevent odour, vermin and fire hazards from occurring.
 - (17) **Odour Impacts** – Should Council receive complaints regarding any odour impacts from the proposed development, Council staff will investigate the complaints and require the applicant to mitigate these impacts to Council staff

satisfaction. This may require the preparation of an odour impact assessment at the applicant's expense.

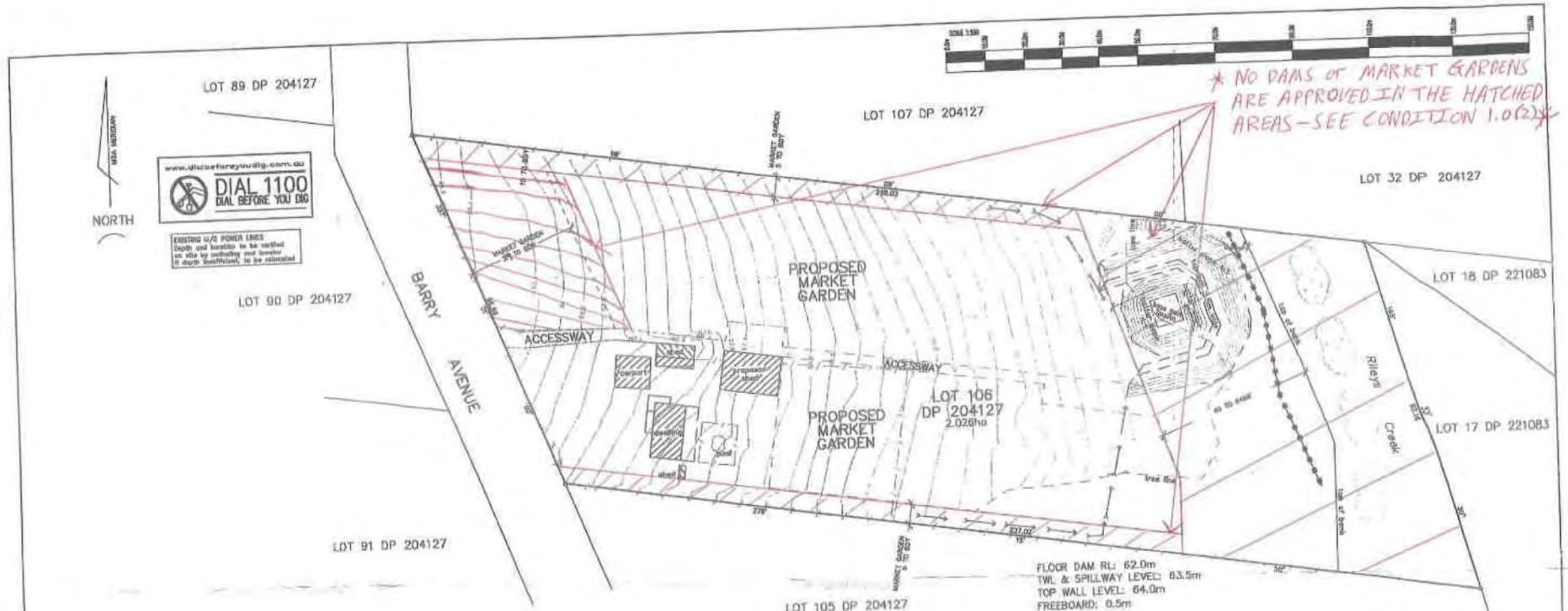
- (18) **Use of Sheds** – The use of sheds and other outbuildings for residential purposes is prohibited.
- (19) **Stockpiling of Manure** – No stockpiling of manure is permitted on the site.

RECOMMENDED

That Council approve DA 366/2013 for use of land as a market garden and associated site works at 122 Barry Avenue, Catherine Field subject to the conditions listed above.

ATTACHMENTS

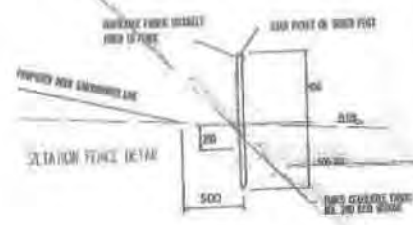
1. Site Plan
2. Public notification and submissions map - *Supporting Document*
3. Submissions - *Supporting Document*



www.dialbeforeyoudig.com.au
DIAL 1100
 DIAL BEFORE YOU DIG
 EXISTING U/O POWER LINES
 Depth and location to be verified on site by including and locating if depth insufficient, to be relocated

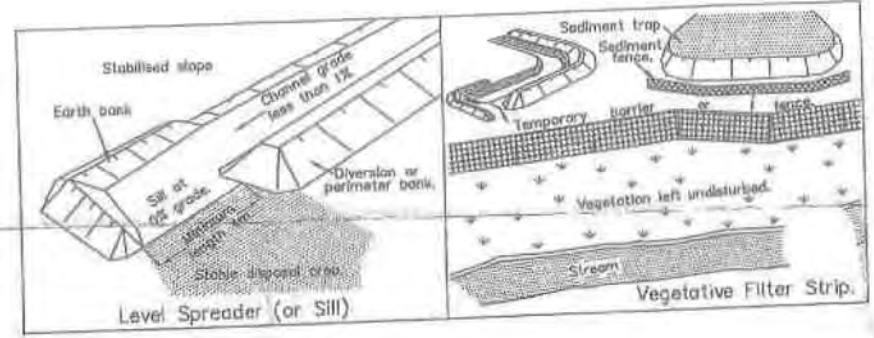
NOTES:

1. THE POSITION OF IMPROVEMENTS TO BOUNDARIES ARE DIAGRAMATIC ONLY
2. POSITION OF RIDGE LINES ARE DIAGRAMATIC ONLY (NOT TO SCALE)
3. NO INVESTIGATION OF UNDERGROUND SERVICES HAS BEEN MADE. RELEVANT AUTHORITIES ARE TO BE NOTIFIED PRIOR TO ANY DEVELOPMENT
4. ALL DIMENSIONS ARE BY TITLE ONLY & SUBJECT TO FINAL SURVEY
5. CONTOURS ARE INDICATIVE OF GROUND FORM ONLY. ONLY SPOT LEVELS SHOULD BE USED FOR CALCULATIONS OF QUANTITIES WITH CAUTION
6. NO INVESTIGATIONS HAVE BEEN MADE OF BUILDING RESTRICTIONS WHICH MAY APPLY TO THIS LAND
7. CONTOUR INTERVAL 0.2m MINOR 1.0m MAJOR
8. THE SPREAD AND HEIGHT OF TREES SHOWN ARE INDICATIVE ONLY AND CANNOT BE SHOWN ACCURATELY WITHOUT ADDITIONAL DETAILED SURVEY.



SILT FENCES

Sediment fencing to be used in controlling soil movement. Shows used areas construction to be as follows:
 - extends a small (100mm-300mm deep) trench across the top of the fence, opening any loose soil to deposited on the outside side.
 - install posts, (over 2m apart and driven to at least 600mm - 600mm into the ground).
 - place posts closer together at ends of fence.
 - for additional strength during storm events, attach wire to the top of posts and geotextile.
 - attach geotextile to the fence, meeting the base to the bottom of trench/ground on water side.
 - height above ground less than 500mm.
 - any silt overtop a maximum 200mm and are either level or secured attached to a post.
 - the gate are securely fastened to a post.



<p>1. I HEREBY CERTIFY THAT ENGINEERING WORKS SHOWN ON THIS PLAN ARE IN ACCORDANCE WITH THE ACT AND RULES AND HAVE BEEN CONSTRUCTED OR TO BE CONSTRUCTED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE DIRECTOR IN ACCORDANCE WITH THE GENERAL REQUIREMENTS.</p>		<p>DATE: 28th May, 2012</p> <p>DRAWN BY: [Signature]</p> <p>CHECKED BY: [Signature]</p>		<p>C.P.C. LAND DEVELOPMENT CONSULTANTS P/L 424 943 779 878</p> <p>Young Office 122 Northey Street Young NSW, 2894 Tel (02) 9302 1001 Fax (02) 6382 4728</p> <p>Cowra Office 44 Macquarie Street Cowra NSW, 2794 Tel (02) 6542 4577 Fax (02) 6382 4728</p> <p>Goulburn Office 5 Montague St. Goulburn NSW Tel (02) 4823 5100 Fax (02) 4823 8300</p>			<p>PROJECT: PROPOSED MARKET GARDEN AND DAM 122 BARRY AVENUE, CATHERINE FIELD LOT 106 DP 204127</p>		<p>CLIENT: Mr. J.R. Huang and Ms. H.X. Cai</p>		<p>PROJECT NO: 20262</p>		<p>SHEET NO: 1 of 1</p>		<p>SHEET: A1</p>								
<p>REVISIONS:</p> <table border="1"> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> <tr> <td>1</td> <td>ISSUED FOR PERMIT</td> <td>28th May, 2012</td> </tr> <tr> <td>2</td> <td>ISSUED FOR CONSTRUCTION</td> <td>14th Jun, 2012</td> </tr> <tr> <td>3</td> <td>ISSUED FOR AS-BUILT</td> <td>14th Jun, 2012</td> </tr> </table>		NO.	DESCRIPTION	DATE	1	ISSUED FOR PERMIT	28th May, 2012	2	ISSUED FOR CONSTRUCTION	14th Jun, 2012	3	ISSUED FOR AS-BUILT	14th Jun, 2012										
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ORDINARY COUNCIL

ORD03

ORD03

SUBJECT: CONSTRUCTION OF SINGLE STOREY PRINCIPAL DWELLING, CONVERSION OF EXISTING DWELLING INTO SECONDARY DWELLING AT 16 CHITTICK LANE, COBBITTY

FROM: Director, Development & Health

BINDER: 13/24803

APPLICATION NO: 584/2013
PROPOSAL: Construction Single Storey Principal Dwelling, Conversion of Existing Dwelling into Secondary Dwelling and Removal of Seven (7) Trees
PROPERTY ADDRESS: 16 Chittick Lane, Cobbitty
PROPERTY DESCRIPTION: Lot 21 DP610574
ZONING: RU1 Primary Production
OWNER: LJ Gelder
APPLICANT: Urban Grand Designs

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a single storey principal dwelling and conversion of the existing dwelling into a secondary dwelling at 16 Chittick Lane, Cobbitty.

The DA is referred to Council for determination as there remain unresolved issues received in three submissions from the public.

SUMMARY OF RECOMMENDATION

That Council determine DA/2013/584 for the construction of a single storey principal dwelling and conversion of the existing single storey dwelling into secondary dwelling pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the construction of a single storey principal dwelling and conversion of an existing single storey dwelling into a secondary dwelling at 16 Chittick Lane, Cobbitty.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, relevant *Environmental Planning Instruments*, *Development Control Plans* and policies. The outcome of this assessment is detailed further in this report.

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. Two submissions were received (objecting to the proposed development. A further late submission has also been received (objecting to the proposed development) from one of the two original objectors. **A copy of these submissions are provided with the Business Paper supporting documents.**

The issues raised in the submissions relate to the integration of zones, reduction of rural uses for agricultural or primary industry purposes, permissibility of the development, overdevelopment of the site, design of the principal dwelling, historical impacts of development on locality, impact of development on flora and fauna, lack of landscaping and proposed fencing, privacy, loss of views, and noise from the development.

The DCP provides for greater setback requirements in order to facilitate a smooth integration of adjoining zones. The setbacks of the proposed development exceed the setback requirements of the DCP. The proposed development is a permissible land use under the Camden LEP.

The proposed development is considered consistent with similar dwellings situated on acreage sites within the Cobbitty area. The proposed development will not create any adverse heritage impacts on the locality.

The secondary dwelling complies with the maximum floor area restrictions of the LEP. The Cobbitty Village and surrounding rural area comprises a diversity of residential housing designs and the proposed development is compatible with the surrounding area.

The proposed landscaping plan complies with the compensatory replacement planting required by Council which consists of species having a natural and/or cultural connection to the area to offset the proposed tree removal.

The proposal has been appropriately designed through the use of small roof forms, wall articulation and single storey development form, so as to not have significant impacts upon the visual amenity and character of the site and area. The dwelling complies with the setbacks and has been orientated to provide privacy between neighbours.

It is not considered that there will be significant additional noise impacts generated from the development. Standard conditions that will control construction noise and work hours are recommended to protect the amenity of nearby residents during the construction of the proposed development.

The proposed development **fully complies** with all applicable planning controls.

Based on the assessment, it is recommended that the DA be approved subject to the conditions contained in this report.

AERIAL PHOTO



THE SITE

The site is commonly known as 16 Chittick Lane, Cobbitty and is legally described as Lot 21 DP 610574.

The subject site has an irregular configuration with a frontage to Chittick Lane of 48.635m, a maximum depth to the northern boundary of 171.45m and an approximate land area of 1.89 hectares.

The site currently accommodates an existing single storey residential dwelling setback 20m from Chittick Lane with the remaining site area consisting of open paddocks. The site is mapped as being bushfire prone.

The surrounding properties are characterised by single and two storey residential dwellings, together with associated driveways, landscaping and fencing.

The land to the north consists of a rural dwelling having a similar dwelling footprint as the proposed principal dwelling. Cobbitty village lies to the south of the development with land to the south zoned R5 large lot residential having a mixture of allotment sizes and residential development designs.

The surrounding area has several items of local heritage significance including Chalkers Cool Room, St Paul's Rectory, St Pauls Church complex and Pomare Grove (Teen Ranch).

Chalkers Cool Room (357 Cobbitty Road) is a small single storey building currently used as a shop. There is an existing modern dwelling located on a battle-axe lot situated between Chalkers Cool Room and the proposed dwelling.

St Paul's Rectory (335 Cobbitty Road) is visible from the driveway into the site, however the dwelling is screened from the Rectory by existing dwellings and landscaping along Chittick Lane.

St Paul's Church complex (330-344 Cobbitty Road) and Pomare Grove (352-356 Cobbitty Road) are located on the opposite side of Cobbitty Road, approximately 150m from the proposed development.

HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
20 June 1980	Creation of this lot approved by Subdivision Certificate No. 15/1980.
4 December 1990	Single storey brick veneer dwelling with tiled roof approved by BA917/1990.

THE PROPOSAL

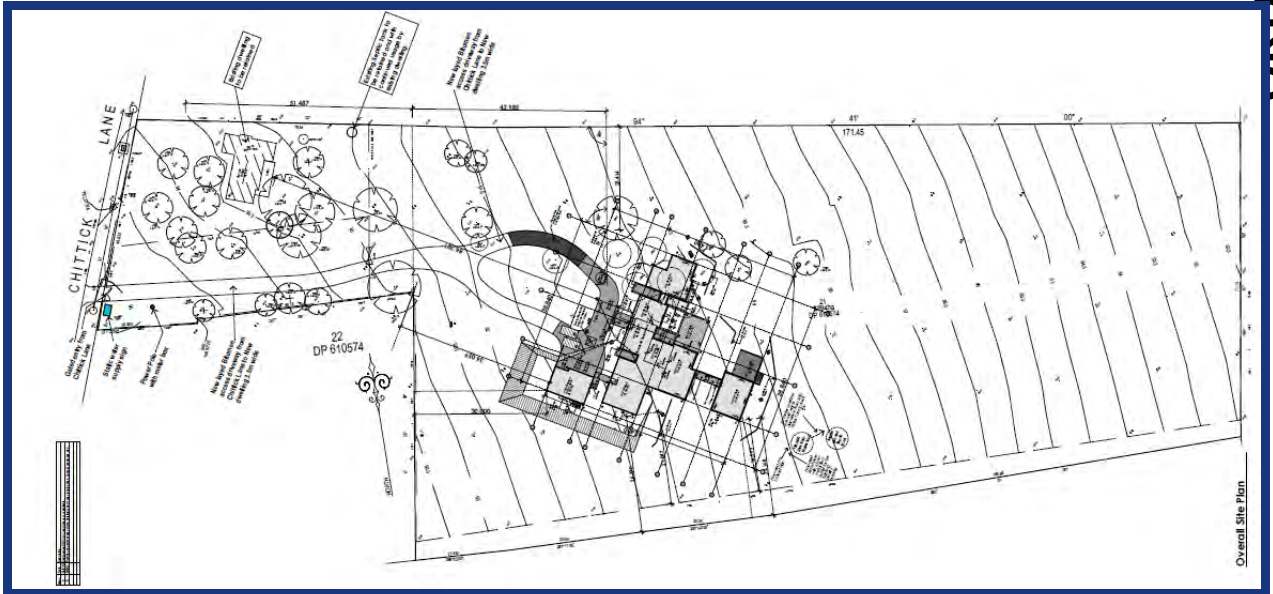
DA584/2013 seeks approval for the construction of a single storey principal dwelling and conversion of the existing dwelling into a secondary dwelling. Specifically the development involves:

- construction of a single storey principal four bedroom dwelling and triple garage consisting of brick veneer construction, having a rendered and painted finish and colorbond roof. The proposed development has an overall floor area of 625m², with the principal dwelling having a floor area of 426m², triple garage having an area of 57m² and an alfresco and verandah area of 141m²;
- conversion of an existing dwelling into a secondary dwelling. This dwelling is a single storey brick veneer dwelling having a tiled roof and a total floor area of 98m²;
- the removal of seven (7) *Pyrus Ussuriensis* (Manchurian Pear) trees located within and in close proximity to the proposed building footprint.

The value of the proposed development works is \$720,000.00

A copy of the proposed plans is provided as an attachment to this report.

PROPOSED SITE PLAN



PROPOSED PERSPECTIVE



ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Camden Local Environmental Plan 2010

An assessment of the proposed development against these Environmental Planning Instruments is detailed below.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP)

The SEPP aims to encourage sustainable residential development and requires DAs for such development to be accompanied by a list of BASIX commitments outlining the manner in which the development will be carried out.

Council staff have reviewed the BASIX certificate for the proposed development and are satisfied that it has been designed to achieve the minimum targets for water, thermal comfort and energy. It is a recommended condition that the proposed development is carried out in accordance with the commitments described in the BASIX certificate.

State Environmental Planning Policy No 20 - Hawkesbury-Nepean River (SEPP)

The proposed development is consistent with the aims of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned RU1 Primary Production under the provisions of the LEP. The proposed development is defined as a “principal dwelling” and “secondary dwelling” by the LEP which are permissible land uses in this zone.

Zone Objectives

The objectives of the RU1 Primary Production are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

Officer comment:

The proposed development will not interfere or negatively impact upon the existing natural resource base of the site or surrounding area and therefore complies with this objective.

- To encourage diversity in primary industry enterprises and systems appropriate for the area.

Officer comment:

This objective is not relevant to the proposed development in that it is for a principal and secondary dwelling are not for a primary industry enterprise or system.

- To minimise the fragmentation and alienation of resource lands.

Officer comment:

No subdivision is proposed and therefore no resource lands will be fragmented or alienated as a result of the proposed development.

- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Officer comment:

The proposed development is consistent with adjoining developments and the predominate uses in the surrounding locality.

- To permit non-agricultural uses which support the primary production purposes of the zone.

Officer comment:

The proposed development is for a non-agricultural use that will not detract from the primary production purposes of the zone. The proposed development is not considered to be inconsistent with this objective.

- To maintain the rural landscape character of the land.

Officer comment:

The separation distance between the proposed development, landscaping quality are consistent with the landscape character of the area. The proposed development is in keeping with and will maintain the existing rural landscape character of the land.

Relevant Clauses

The DA was assessed against the following relevant clauses of the LEP:

Comment:

Clause	Requirement	Provided	Compliance
4.2A	Erection of dwelling houses on land in certain rural and environmental zones	Clause 4.2A controls rural land which requires an allotment to comply with one of the following in order to enable a dwelling to	Yes

Clause	Requirement	Provided	Compliance
		<p>be erected (benefit from a dwelling entitlement):</p> <p>Clause 4.2A(3)(a) requires a minimum lot size of 40ha, with the proposed development having a site area of approximately 1.89 hectares. <i>or</i></p> <p>Clause 4.2(3)(b) permits a dwelling to be erected where a lot was created before 3 September 2010. The subject lot was created on 17th July 1980 (registration of deposited plan DP 610574), therefore the land has a dwelling entitlement.</p> <p>Clause 4.2A(4)(a) permits the replacement of an existing lawfully erected dwelling.</p> <p>Council's records identify the existing dwelling was approved on the 4th December 1990 (Building Approval No. 917/1990) and as such is benefited by an existing dwelling house.</p> <p>The proposed development intends to replace the existing dwelling house with a principal dwelling and convert the existing dwelling house into a secondary dwelling.</p>	

Clause	Requirement	Provided	Compliance
		Therefore the subject site is benefited by an existing building entitlement and as such the proposed development is permitted in the zone.	Yes
4.3 Height of Buildings	Maximum 9.5m building height	The proposed principal dwelling has a maximum ridge height of 7 metres.	Yes
5.4 Controls Relating to Miscellaneous Permissible Uses	<p>Maximum floor area of a secondary dwelling.</p> <p>The total floor area (excluding areas used for parking) for a secondary dwelling is restricted to:</p> <p>(a) 60m² or</p> <p>(b) 25% of the total floor area of the principal dwelling whichever is greater.</p>	<p>The secondary dwelling exceeds 60m² having a floor area of 93.724m² (excluding carparking).</p> <p>The principal dwelling has a proposed floor area of 426.45m² (excluding carparking), therefore permitting a secondary dwelling having a maximum floor area of 106.5m².</p> <p>The floor area of the proposed secondary dwelling demonstrates compliance with the maximum floor area requirements of the LEP.</p>	Yes
5.9 Preservation of Trees or Vegetation	To preserve the amenity of the area, including biodiversity values, though the preservation of trees or other vegetation.	<p>The development proposes to remove seven (7) trees which were found to have a relatively low impact on the local amenity by Council's Vegetation Management Officer.</p> <p>Compensatory replacement planting is provided consisting of species having a natural and/or cultural connection to the area to offset the proposed</p>	Yes

Clause	Requirement	Provided	Compliance
		tree removal. A landscape plan was submitted which has demonstrated compliance with this requirement.	
5.10 Heritage Conservation	Consider the effect of the proposed development upon the heritage significance of the item	The proposed development was referred to Council's Heritage Officer with the development not considered to create any adverse heritage impact on the locality.	Yes
6.2 Public Utility Infrastructure	Appropriate public utility infrastructure to service the development	The site is serviced by appropriate public utility infrastructure and a condition is proposed to be placed on any consent requiring an additional wastewater system approval to be issued under Section 68 of the Local Government Act application.	Yes
7.1 Flood Planning	To minimise the flood risk to life and property associated with the use of land.	The subject site is not identified as being flood affected.	Yes

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instruments applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposal's compliance with the controls in the DCP.

Clause	Requirement	Provided	Compliance
B1.3 Salinity Management	Salinity resistant building construction	It is a recommended condition that the development be constructed to be salinity resistant.	Yes
B1.9.4 Waste Management Plan	Waste management plan	A waste management plan has been provided and is considered to be satisfactory.	Yes
B1.10 Bush Fire Risk Management	Prevent loss of, and damage to life, property and the environment	<p>The site is identified as bushfire prone land. A bushfire was submitted the demonstrated compliance with Planning for Bushfire Protection 2006.</p> <p>It is a recommended condition that the development be constructed in accordance with the requirements of this report therefore the development is considered acceptable in terms of bush fire risk management</p>	Yes
D1.1 Rural Dwellings and Outbuildings	Minimum front setback 20m	<p>The proposed principal dwelling has a setback to Chittick Lane of approximately 101 metres.</p> <p>The existing secondary dwelling has a setback to Chittick Lane of 20 metres.</p>	Yes
	Minimum side setback of 5 metres.	The proposed principal dwelling side setbacks are 23 metres to the northern boundary and 22m to the southern boundary.	Yes
	Location to minimise the removal of existing vegetation	The proposed removal of seven (7) trees are located within the footprint of the building	Yes

Clause	Requirement	Provided	Compliance
	<p>Building should be visually unobtrusive in the overall landscaping</p> <p>Cut and fill shall be kept minimal</p> <p>The colours of the roof and wall shall be low reflective</p> <p>Complimentary landscaping to be provided</p>	<p>and immediately surrounding the proposed development.</p> <p>Replacement planting of species having a natural and/or cultural connection to the area was required to offset the proposed tree removal is considered acceptable.</p> <p>The development proposes to utilise colours that are neutral in tones and the building will be screened from view by adjoining properties through the use of proposed hedging landscaping to the southern boundary. The existing development located to the north of the development has established hedging to their common boundary.</p> <p>Due to the slope of the site, cut (up to 900mm) and fill (up to 700mm) is proposed in order to create a level building platform which is considered acceptable and in accordance with the DCP.</p> <p>The proposed external colour and finishes have a low reflective index and consist of neutral colour tones</p> <p>A landscape plan was submitted which identifies substantial landscaping proposed which was reviewed by Council's Landscape Officer and found to be compliant.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Clause	Requirement	Provided	Compliance
	<p data-bbox="448 300 727 566">Effluent and household wastewater to be disposed of in accordance with Council's Sewage Management Strategy</p> <p data-bbox="448 1106 727 1339">The architectural treatment and building materials of both a secondary dwelling and principal dwelling shall be compatible.</p>	<p data-bbox="753 300 1086 432">The existing dwelling is serviced by an approved wastewater disposal system.</p> <p data-bbox="753 468 1086 701">It is recommended a condition requiring an additional wastewater system approval to be issued under Section 68 of the Local Government Act application.</p> <p data-bbox="753 736 1086 1070">The existing secondary dwelling is over 86 metres separate from the proposed principal dwelling and as such the significance of design compatibility is not considered fundamental to the desired character of the development.</p> <p data-bbox="753 1106 1086 1507">The existing and proposed dwelling designs are in keeping with the mixed architectural styles featured within the Cobbitty area and as such the proposed development is considered to comply with the objectives of the DCP.</p>	<p data-bbox="1112 300 1166 331">Yes</p> <p data-bbox="1112 1106 1166 1137">Yes</p>
D2.2.1 Secondary Dwellings	Secondary dwellings are to be subservient to their principal dwelling in terms of bulk and scale	<p data-bbox="753 1514 1086 1848">The proposed secondary dwelling development is substantially smaller than the proposed principal dwelling having a total floor area of 98.36m² (being approximately 22% of the floor area of the proposed principal dwelling).</p> <p data-bbox="753 1883 1086 2040">The developments are substantially setback having a proposed separation distance of 86 metres, resulting in the</p>	Yes

Clause	Requirement	Provided	Compliance
		secondary dwelling visually being subservient in bulk and scale to the proposed principal dwelling.	
	The maximum floor area requirement for secondary dwellings complies with Clause 5.4(9) of the LEP 2010.	The secondary dwelling demonstrates compliance with the maximum floor area of the LEP as already detailed within this assessment.	Yes
	Provision for drying facilities is required	The proposed development will provide a clothes line in accordance with the requirements of the BASIX certificate.	Yes
	Strata or Torrens title subdivision of secondary dwellings is not permitted.	No subdivision is proposed.	Yes

(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No relevant agreement exists or has been proposed as part of this application.

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained in this report.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

(d) Any submissions made in accordance with this Act or the Regulations

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. Two submissions were received (objecting to the proposed development). A further late submission has also been received (objecting to the proposed development) from one of the two original objectors.

A public notification and submissions map is provided with the Business Paper supporting documents.

The following discussion addresses the issues and concerns contained within the submissions.

1. *Overdevelopment of the site*

Officer comment:

The proposed development is consistent with similar dwellings situated within the Cobbitty area on acreage sites. The proposed development is a permissible land use and the proposed floor area of the secondary dwelling complies with the maximum floor area restrictions of the LEP.

2. *Lack of integration between the two zones (RU1 and R5)*

Officer comment:

The DCP provides for setback requirements in order to facilitate a smooth integration of adjoining zones. The proposed development is permissible within the zone and exceeds the setback requirements of the DCP.

3. *Impact on flora and fauna and fails to provide landscaping*

Officer comment:

The proposed development includes the removal of seven (7) trees situated within or close to the proximity of the proposed principal dwelling. Council's landscape officers assessed the proposed trees to be removed and found their removal to have a relatively low impact on the local amenity provided compensatory planting was undertaken.

Replacement tree planting (at a ratio of 4:1) of species having a natural or cultural connection to the Cobbitty area was requested and has been detailed on the proposed landscaping plan and is considered appropriate.

4. *Development will drain existing amenities.*

Officer comment:

The proposed development type incurs a Section 94 Contribution which contributes to the provision of Council services and facilities in the Camden Local Government Area.

5. *Impact on the historic nature of the Cobbitty village and surrounding area. Development will affect the heritage significance of the heritage item and conservation area.*

Officer comment:

The proposed development is considered to have no significant impact on the heritage of the locality.

6. *Permissibility of development under the affordable housing code.*

Officer comment:

The secondary dwelling has been proposed under the Camden Local Environmental Plan with a secondary dwelling being permissible in an RU1 Primary Production zone under this instrument. As such, the State Environmental Planning Policy (Affordable Rental Housing) 2009 is not relevant to the proposed development.

7. *Classification of the existing dwelling onsite and proposed secondary dwelling not in keeping with the land purposes including size of secondary dwelling.*

Officer comment:

The development proposes to construct a principal dwelling and convert the existing dwelling house into a secondary dwelling. The proposed staging of the development and size of the secondary dwelling is permissible under the LEP as detailed within the assessment above.

8. *Proposed development is not in keeping with the RU1 zone objectives and results in the fragmenting of the lot.*

Officer comment:

The subject site has a site area of 1.89 hectares and was created within a subdivision approved in the 1980s. Under the current LEP, the subject site is zoned RU1 land which has a minimum lot size restriction of 40 hectares. The proposed development does not include any proposed subdivision and as such is not considered to fragment the existing lot.

9. *Development will limit primary industry and the agricultural productivity of this rurally zoned land from being carried out.*

Officer comment:

The existing land area has inherent limitations for agricultural productivity in that it is only 1.89 hectares in area. The construction of the proposed development is permissible in the zone and will have a minimal impact on the total availability of land for rural or agricultural purposes.

10. *Failure to consider Clause 5.3 of the Local Environmental Plan in regards to consideration of adjoining zones to subject lot.*

Officer comment:

Clause 5.3 of the LEP relates to development near zone boundaries and permits flexibility between zone boundaries where investigation reveals that it may be more logical or appropriate for a development to occur on the other side of a zoning

boundary, notwithstanding this clause the development may not be permitted within the zone.

The proposed development is permitted with consent in the zone and it is not seeking to use Clause 5.3 of the LEP. Therefore consideration of this LEP clause is not relevant to determining the development application.

11. *Fails to comply with minimum lot size requirements of Clause 4.2A of the LEP for dwelling houses.*

Officer comment:

The subject site is benefited by a dwelling entitlement in accordance with Clause 4.2A of the LEP as detailed within the assessment of the application.

12. *Increase noise and privacy issues.*

Officer comment:

The proposed single storey principal dwelling has been designed with the private open space orientated to the northern boundary. Additionally, the proposed side setbacks of the dwelling (at over 20m metres) exceed the requirements of the DCP. It is considered that there will be minimal privacy and noise impacts on adjoining properties. Conditions of consent have been included addressing construction noise.

13. *Design of proposed dwelling not in keeping with older period homes and the design has little regard to the style, design and character of the area.*

Officer comment:

The Cobbitty Village and surrounding rural area comprise of a diversity of residential housing designs. The proposed principal dwelling is considered compatible with surrounding developments.

14. *Open style fencing fails to provide privacy to existing dwellings fronting Cobbitty Road and request for compensatory landscaping to the southern boundaries.*

Officer comment:

The landscaping plan identifies a proposed 1.2m high chain wire fencing to the southern boundary. There is a mixture of existing boundary fencing styles located along the common property boundary ranging from 1.8m solid colorbond to 1.2m open post and rail style construction.

The proposed 1.2m high chain wire fencing is considered in keeping with the fencing style permitted under the State Environmental Planning Policy (Exempt and Complying Development) and the established rural fencing style located throughout the Camden Local Government Area.

A landscaping plan accompanied the development which identified proposed hedging to the southern boundary. The hedging species has a mature height of 2.0m which will provide visual privacy for the existing dwelling immediately adjoining the proposed development.

15. *Conflict of interest to neighbouring property (northern boundary alleged by submitter to be the owner of Camelot Homes) resulting in greater privacy and separation being provided between the northern boundary, rather than the southern boundary.*

Officer comment:

The proposed location of the principal dwelling complies with the setback requirements of the DCP as detailed within this assessment. The ownership of properties adjoining the proposed development is irrelevant to the assessment of the development application.

16. *Position of proposed development should be reconsidered.*

Officer comment:

At the objector's request Council asked the applicant to give consideration to relocating the proposed development to an alternative position on the subject site. The applicant advised that the owner desires to maintain the current proposed location of the development.

The development fully complies with the setback requirements of the DCP and as such Council has no planning basis to request the proposed location of the development to be amended.

17. *Loss of rural views and negative impact on the rural landscape, character and scenic quality.*

Officer comment:

The siting of the proposed development behind the existing dwelling, combined with proposed landscape hedging, will help screen the proposed development from view of adjoining sites and Chittick Lane.

The applicant pegged the indicative footprint of the proposed principal dwelling onsite at the request of the objectors.

Whilst the dwelling has a large footprint, the bulk has been reduced by utilising small roof forms, wall articulation and single storey development form having a maximum ridge height of 7m. The design of the proposed development including substantial setbacks being provided to the existing residences which front Cobbitty Road, and the proposed landscaping, is considered to minimise any impacts on existing views from, to and through the subject site.

18. *Separation between the existing development.*

Officer comment:

The separation between the proposed development and existing residences exceeds the required setbacks of the DCP as detailed within this assessment and as such is considered acceptable.

19. *Lack of mature/advanced trees to be planted to offer immediate privacy to the southern side.*

Officer comment:

The proposed landscaping plan was assessed by Council's Landscape Officer and it was considered an unreasonable request to provide advanced tree species throughout the development site. The plant species have been selected based on this being the optimum size to ensure quick growth whilst still maintaining good survival rates.

The landscape plan identifies a proposed hedge to the southern boundary. The landscape hedging was proposed at the request of Council to help screen the proposed development from view of adjoining sites and Chittick Lane.

The hedge being a Viburnum species is proposed to be planted at 1m centres and consists of 25 litre pot sizes which are classified as semi-advanced to advanced plantings. The mature height of the proposed hedging is between 1.5m to 2m to 85m of the southern boundary, and this is considered to be acceptable as a means of screening the proposed development.

20. *Object to hedge being planted in close proximity to fence line to reduce proximity of snake habitat to adjoining properties.*

Officer comment:

The hedging is proposed to be offset 1.5m from the southern boundary to ensure sufficient separation distance to provide for good maintenance.

21. *Object to refuse to removal of the boundary fencing*

Officer comment:

Fencing is regulated by the *Dividing Fences Act 1991* and is a civil matter between adjoining landowners.

(e) The public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, *Environmental Planning Instruments*, *Development Control Plans* and policies. Based on the above assessment, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

No external referrals were required for the proposed development.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA/2013/584 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

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 No.	Description	Prepared by	Dated
01 – Revision C	Site & Secondary Dwelling Floor Plan	Urban Grand Design	04/08/13
02 – Revision B	Construction Management Plan & Stormwater Plan	Urban Grand Design	04/08/13
03 – Revision B	Principal Dwelling Floor Plan	Urban Grand Design	04/08/13
04 – Revision B	Elevations Plan	Urban Grand Design	04/08/13
05 – Revision B	Elevations Plan	Urban Grand Design	04/08/13
06 – Revision B	Elevations & Section Plan	Urban Grand Design	04/08/13
07 – Revision B	Roof Plan	Urban Grand Design	04/08/13
09 – Revision D	Landscape Plan	Urban Grand Design	05/08/13
Statement of Environmental Effects, schedule of external finishes and BASIX Certificate submitted lodgement.			

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) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (3) **Subdivision** – This consent does not give approval for any subdivision of the allotment.
- (4) **Rural Fencing** – Any proposed fencing erected on the property boundary or within the allotment must be a maximum of 1.2 metres in height and be of open post and wire or post and rail construction.
- (5) **Bushfire Protection** – These conditions have been imposed to ensure that the development is sufficiently protected from the risk of Bushfire in accordance with ‘Planning for Bushfire Protection, 2006’ as published by the NSW Rural Fire Service and Planning NSW and shall be complied with prior to the issue of an Occupation Certificate.

In this regard the development shall demonstrate compliance with the requirements of the Bushfire Protection Assessment Report prepared by Ecological Australia, Report Reference 13GOSBUS-0108 dated 4 July 2013. In addition the proposed development shall comply with the following:

- (a) At the commencement of building works and in perpetuity the property around the building to a distance of 15 metres shall be maintained as an

inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

- (b) Water, electricity and gas are to comply with section 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.
 - (c) A 20,000 litre fire fighting water supply shall be provided compliant with 'Planning for Bush Fire Protection 2006'. Access to the water supply shall demonstrate compliance with 'Planning for Bush Fire Protection 2006'.
 - (d) New construction shall comply with Australian Standard AS3959-2009 'Construction of buildings in bush fire prone areas' BAL-LOW.
 - (e) Access shall demonstrate compliance with Section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.
- (6) **Landscaping Maintenance and Establishment Period** - Commencing from the Date of Practical Completion (DPC), the owner will have the establishment and maintenance responsibility for all landscaping elements associated with this Consent.

The 3 month maintenance and establishment period includes the owner's responsibility for the establishment, sufficient irrigation, care and repair of all tree, shrub and ground cover installations.

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

It is the owner's responsibility to arrange a site inspection with the Principal Certifying Authority (PCA), upon initial completion of the landscaping works and prior to the issue of a final occupation certificate.

At the completion of the 3 month landscaping maintenance and establishment period, all landscaping elements 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.

2.0 - Construction Certificate Requirements

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

- (1) **Salinity** - Council's Salinity Management Policy is to be implemented in this development. Details of compliance shall be forwarded to the certifying authority for approval with the Construction Certificate application.
- (2) **Sewer** - In accordance with Section 68 Local Government Act, all sullage and effluent generated by the use of the development must be connected to an On Site Sewage Management System approved by Camden Council. A certificate issued by the consent authority (Camden Council) certifying "Approval to install a

sewage management system” must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

- (3) **Roof-Water Overflow Disposal Design** – Prior to the issue of any construction certificate the submission of drainage details for the proposed overflow line from the stormwater tank shall be provided and approved by the Principal Certifying Authority. Where subsurface rubble pits are proposed they shall be sited parallel with the ground contours and located a minimum 3 metres from any building or property boundary and 6 metres from any onsite effluent disposal area.
- (4) **Electrical Services** - Prior to the issue of a Construction Certificate, written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development, or that arrangements have been entered into for the provision of services to the development.

In the event that a padmounted substation is necessary to service the development, Camden Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued, as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

- (5) **Site Classification** - The site classification for the proposed development is unknown. The applicant shall provide details of the determined or approved site classification of the proposed allotments shall be submitted to the Principal Certifying Authority for approval with the Construction Certificate application for the proposed buildings.
- (6) **Geotechnical Classification** - The piers/slab/footings shall be designed and certified by a practising structural engineer and shall take into consideration the geotechnical classification applicable to the site.
- (7) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$2,200.00 per additional lot or dwelling, total \$2,200.00, 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 Construction or 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 Construction Certificate.

- (8) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$5,840.00 per additional lot or dwelling, total \$5,840.00, 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 Construction Certificate.

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) **Protection for Existing Trees and Other Landscape Features On-site** - The protection of existing trees and other landscape features, other than any existing trees and natural landscape features authorised for removal or disturbance by this Consent, must be carried out as specified in the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

All initial procedures for the protection of existing trees and landscape features as detailed in AS 4970-2009, must be installed prior to the commencement of any earthworks, demolition, excavation or construction works on the development site.

The works and procedures involved with the protection of existing trees and other landscape features are to be carried out by suitable qualified and experienced persons or organisations. This work should only be carried out by a fully insured and qualified Arborist.

Suitable qualifications for an Arborist are to be a minimum standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture for the actual carrying out of tree works and AQF Level 5 in Arboriculture for Hazard Reports, Tree Health Reports and Risk Assessments.

- (2) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (3) **Erection of Signs** – Shall be undertaken in accordance with Clause 98A of the *Environmental Planning and Assessment Regulation 2000*.
- (4) **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*.
- (5) **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.
- (6) **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.

- (7) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site. Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

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.

Provide a stabilised entry/exit point. The access should be a minimum of 2.5m wide and extend from the kerb to the building line. The access should consist of aggregate at 30-40mm in size.

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

4.0 - During Construction

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

- (1) **Conditional Approval for Tree Removal** - Consent is granted for the removal of **7 trees** as indicated on the Concept Landscaping Plan. Plan issue D, dated 05/09/2013, prepared by Urban Grand Designs on behalf of Mr Gelder, lodged as a Landscaping Concept Plan for Development Application DA 584/2013.

This work should only be carried out by a fully insured and qualified Arborist. Suitable qualifications for an Arborist are to be a minimum standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture for the actual carrying out of tree works and AQF Level 5 in Arboriculture for Hazard Reports, Tree Health Reports and Risk Assessments.

The issue of this approval is conditioned upon the planting and appropriate establishment maintenance of suitable replacement trees. The installation of trees (*Ulmus*, *Jacaranda*, *Liquidamber*, *Eucalyptus* and *Quercus*) is to be carried out as detailed in the abovementioned Concept Landscaping Plan.

The plantings are to be installed on the subject property and inspected by the Consent Authority (Camden Council) within 60 days of the issue of an interim occupation certificate or prior to the issue of a final occupation certificate whichever is lesser.

- (2) **Fill Quality** – Any fill material brought in for the construction of the development must only contain uncontaminated soil, clay, shale or rock. No effluent,

garbage or trade waste, including building or demolition waste, must be included in the fill. The extent and depth of filling must only occur in accordance with the approved plans and any other conditions of the Development Consent. Evidence of the certification of the fill as uncontaminated shall be provided to the Principal Certifying Authority.

- (3) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works must be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (4) **Survey Report (Peg Out)** - The building must be set out by a registered Land Surveyor. A Survey Report detailing the siting of the building in relation to the allotment boundaries shall be submitted to the Principal Certifying Authority (PCA) prior to the placement of any concrete.
- (5) **Building Platform** - This approval restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2m from the external walls of the building. Where the external walls are within 2m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level must be used.
- (6) **Retaining Walls** - If the soil conditions require it:
 - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
 - (b) retaining walls must be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property.

The following restrictions apply to any retaining wall erected within the allotment boundaries:

- (a) where the height of an approved retaining wall exceeds 600mm above or below natural ground level, structural engineering details must be provided to the Principal Certifying Authority, prior to any works commencing on the site. Manufacturers' installation details may satisfy this requirement for treated timber products and some dry stacked masonry products;

Note: Where Councils is nominated as the Principal Certifying Authority, construction of the retaining wall must be inspected at critical stages as nominated in the Mandatory Inspection Notice. Prior to issue of an Occupation Certificate, certification will also be required attesting that the wall has been built in accordance with the relevant standard.

- (b) adequate provisions must be made for surface and subsurface drainage of retaining walls and all water collected must be diverted to, and connected to, a stormwater disposal system within the property boundaries;
- (c) retaining walls shall not be erected within drainage easements;

- (d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited by the easement or entitled to release or vary the restrictions applying to the easement (electrical easement and the like), or if the erection of the retaining wall makes the purpose of the easement inconvenient or redundant (such as easements for support and maintenance).
- (7) **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.
- (8) **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 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 4.00pm 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.
- (9) **Footpath Levels** - The ground levels of the footpath area within the road reserve (between the boundary of the subject site to the kerb and gutter) must not be altered (by cut or fill) as a consequence of building design and/or construction.
- (10) **Surface Drainage** – To prevent surface water from entering the building:
- (a) the floor level for slab on ground construction shall be a minimum of 150mm above finished ground level for habitable rooms;
 - (b) seepage and surface water shall be collected and diverted clear of the building by a sub-surface/surface drainage system;
 - (c) the control of surface water drainage shall in all respects comply with the *Building Code of Australia (Class 1 and Class 10 Buildings)*;

- (d) where a rainwater tank is required on the site, all surface water drainage lines shall be connected to the outlet overflow drainage line from the rainwater tank.
- (11) **Shoring and Adequacy of Adjoining Property** - Shall be in accordance with Clause 98E of the *Environmental Planning and Assessment Regulation 2000*.
- (12) **Protection of Public Places** – If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) building involves the enclosure of a public place,
- a hoarding or fence must be erected between the work site and the public place.
- If necessary, an awning is to be erected, sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
- (13) **Drainage Easements** - No changes to site levels, or any form of construction shall occur within any drainage easements that may be located on the allotment.
- (14) **Roofwater to Water Tank** - The roof of the subject building(s) shall be provided with guttering and downpipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the water tank with the overflow line on the property connected to an approved disposal method as required by condition 2(3) of this consent.
- All roofwater must be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The Principal Certifying Authority (PCA) must not permit construction works beyond the frame inspection stage until this work has been carried out.
- (15) **BASIX Certificate** – Under clause 97A of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

In this condition:

- (a) relevant BASIX Certificate means:
- (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or

- (ii) if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and
 - (b) BASIX Certificate has the meaning given to that term in the *Environmental Planning & Assessment Regulation 2000*.
- (16) **Survey Report (Completion)** - A survey report prepared by a registered land surveyor shall be provided upon completion of the building. The survey report shall be submitted to the Principal Certifying Authority (PCA) upon completion of the building and prior to the issue of an Occupation Certificate.
- (17) **Construction Noise Levels** - Noise Levels emitted during construction works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends;

Construction period of 4 weeks and under:

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

5.0 - Prior To Issue Of Occupation Certificate

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

- (1) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

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

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

- (2) **Component Certificates** - Where Camden Council is appointed as the Principal Certifying Authority (PCA) for the development, the following component certificates, as relevant to the development, shall be provided prior to the issued of a Final Occupation Certificate:

- (a) Insulation installation certificates.

- (b) Termite management system installation certificates.
- (c) Smoke alarm installation certificate from installing licensed electrician.
- (d) Survey certificate(s), prepared by a registered land surveyor, certifying that the building has been correctly and wholly located upon the subject allotment.
- (e) Certification attesting that retaining walls have been constructed in accordance with Engineer's details or manufacturer's specifications as applicable.
- (f) All certificates or information relating to BASIX compliance for the development.
- (g) An 'Approval to Operate a Sewage Management System' issued by Camden Council (for areas that are not serviced by a Sydney Water sewer) in respect to both the septic system for the principal dwelling and secondary dwelling.
- (h) A certificate certifying that the wet areas have been waterproofed in accordance with the requirements of the *Building Code of Australia*.
- (i) All certificates relating to salinity, as required by conditions of the development consent.
- (j) Any other certificates relating to the development (for example, engineering certification for foundations, piers, reinforcing steel or hydraulic certification for all stormwater drainage works).

Where the appointed PCA is not Camden Council, the matters listed in this condition should be regarded as advisory only.

Note: The above certification does not override any requirements of the *Environmental Planning and Assessment Act, 1979* with respect to any required critical stage inspections.

- (3) **Services** - Prior to the issue of any occupation certificate the following service authority certificates/documents must be obtained and submitted to the Principal Certifying Authority.
 - (a) Sydney Water Clearance – A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water.
 - (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.
- (4) **Footpath Crossing Construction** – Prior to use or occupation of the development, a footpath crossing must be constructed in accordance with the Development Consent, approved plans and Camden Council's issued footpath crossing information.

- (5) **Landscaping Installation, Establishment and Maintenance** – Landscaping shall be completed in accordance with the approved landscaping plan within 60 days of the issue of an interim occupation certificate or prior to the issue of a final occupation certificate whichever is lesser.

6.0 - Operational Conditions

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

- (1) **Principal Dwelling Use** - The principal dwelling has been assessed based on the building use and occupation as a single sole occupancy unit only. No variations to the floor plan of the building including the creation of additional internal walls, doorways, additional drainage fixtures or provisions for drainage fixtures shall occur without prior approval of Council.
- (2) **Residential Air Conditioning Units** - The operation of the approved air conditioning units must operate at all times so:
- (a) as to be inaudible in a habitable room during the hours of 10.00pm to 7.00am on weekdays and 10.00pm to 8.00am on weekends and public holidays;
 - (b) as to emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute; and
 - (c) as not to discharge any condensate or moisture onto the ground surface of the premises or into stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act, 1997.

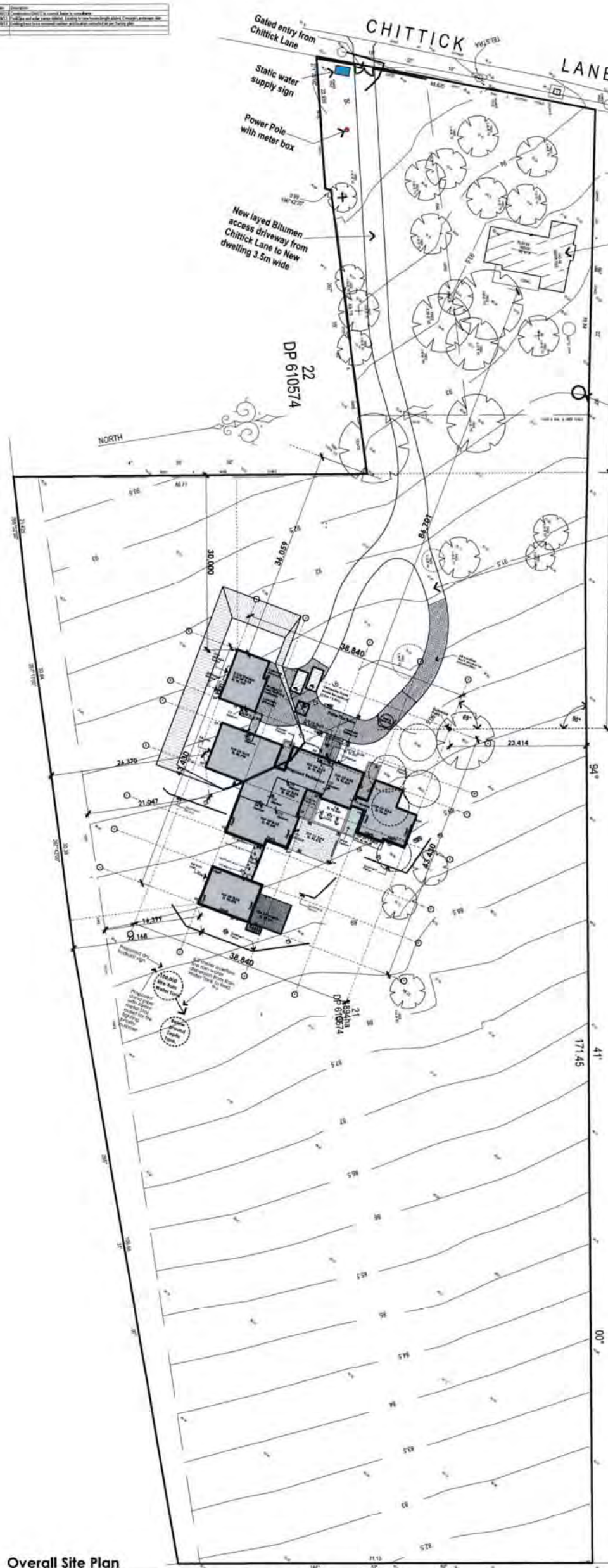
RECOMMENDED

That Council approve DA584/2013 for the construction of a single storey Principal dwelling, conversion of an existing dwelling into a Secondary dwelling and removal of seven (7) trees, subject to the conditions listed above.

ATTACHMENTS

1. Site Plan
2. Proposed plans
3. Floor Plans - *Supporting Document*
4. Public notification and submissions map - *Supporting Document*
5. Submissions - *Supporting Document*
6. Late submission - *Supporting Document*

Rev	Description
1	Issue for Council
2	Issue for Council
3	Issue for Council
4	Issue for Council



Overall Site Plan

Existing septic Tank to be retained and with existing dwelling.

New laid Bitumen access driveway from Chittick Lane to New dwelling 3.5m wide

Basix Specification

Fixtures

The applicant must install showerheads with a maximum rating of 3 star (> 4.5 but <= 6 Litres) in all showers in the development. The applicant must install a toilet flushing system with a maximum rating of 5 star in each toilet in the development. The applicant must install taps with a maximum rating of 4 star in the kitchen in the development. The applicant must install basin taps with a maximum rating of 4 star in each bathroom in the development.

Alternative water

The applicant must install a rainwater tank of at least 100,000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities. The applicant must configure the rainwater tank to collect rain runoff from at least 450 square metres of the roof area of the development excluding the area of the roof which drains to any stormwater tank or private drain. The applicant must connect the rainwater tank to:

- all toilets in the development;
- the cold water tap that supplies each clothes washer in the development;
- at least one outdoor tap on the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply);
- a tap that is located within 10 metres of the swimming pool in the development;
- a tap that is located within 10 metres of the outdoor spa in the development.

Floor, walls and ceiling/roof

The applicant must construct the floor(s), walls, and ceiling/roof of the dwelling in accordance with the specifications listed in the table below:

Construction	Additional insulation required (R-Value)	Other specifications
floor - concrete slab on ground	nil	
external wall - brick veneer	1.06 (or 2.20 including construction)	
internal wall shared with garage - plasterboard	nil	unventilated, medium (solar)
ceiling and roof - flat ceiling / pitched roof	ceiling 1.85 (up), roof - foil backed blanket (55mm) absorbance 0.475-0.70	

Note: Insulation specified in this Certificate must be installed in accordance with Part 3.12.1.1 of the Building Code of Australia.

Windows, glazed doors and skylights

The applicant must install the windows, glazed doors and shading devices described in the table below, in accordance with the specifications listed in the table. Relevant overhauling specifications must be specified for each window and glazed door. The dwelling may have 1 straight (<0.7 square metres) and up to 2 window/glazed doors (<0.7 square metres) which are not listed in the table. The following requirements must also be satisfied in relation to each window and glazed door:

- Except where the glass is 'single clear' or 'single bronze', each window and glazed door must have a U-value no greater than that listed and a Solar Heat Gain Coefficient (SHGC) <= 10% of that listed. Total system U-values and SHGC must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.
- The leading edge of each eave, pergola, verandah, balcony or awning must be no more than 300 millimetres above the head of the window or glazed door, except that a projection greater than 500 mm and up to 1500 mm above the head must be below the eave in the table.
- Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.30.
- Unless they have adjustable shading, pergolas must have fixed battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.

Hot water

The applicant must install the following hot water system in the development, or a system with a higher energy rating, solar (electric boosted) with a performance of 31 to 35 RECs or better.

Cooling system

The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area, 3-phase air conditioning, Energy rating: EER 2.5 - 3.0. The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom, 3-phase air conditioning, Energy rating: EER 2.5 - 3.0. The cooling system must provide for daylight zoning between living areas and bedrooms.

Heating system

The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area, 3-phase air conditioning, Energy rating: EER 3.0 - 3.5. The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom, 3-phase air conditioning, Energy rating: EER 3.0 - 3.5. The heating system must provide for daylight zoning between living areas and bedrooms.

Ventilation

The applicant must install the following exhaust systems in the development:

- At least 1 Bathroom: individual fan, ducted to outside or roof, Operation control: manual switch on/off
- Kitchen: individual fan, ducted to outside or roof, Operation control: manual switch on/off
- Laundry: natural ventilation only, or no laundry; Operation control: n/a

Artificial Lighting

The applicant must ensure that the 'primary type of artificial lighting' is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word 'dedicated' appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps:

- at least 5 of the bedrooms: study, dedicated;

Energy Commitments

- at least 2 of the living, dining rooms, dedicated;
- the kitchen, dedicated;
- all bedrooms/bathrooms, dedicated;
- the laundry, dedicated;
- all hallways, dedicated;

Natural lighting

The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting. The applicant must install a window and/or skylight in 4 bathroom(s)/suite(s) in the development for natural lighting.

Other

The applicant must construct each refrigerator space in the development so that it is 'well ventilated', as defined in the BASIX definitions. The applicant must install a fixed outdoor clothes drying line as part of the development.

Quality of Work:
All work carried out must comply with Building Code of Australia to the extent required under Environmental Planning Assessment Act 1979. All other relevant codes, standards and specifications that the work is required to comply with under any law will be considered in any relevant development consent or complying development certificate and any construction conditions.

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camelothomes
homes of distinction by Tom Ziegler

Urban GRAND DESIGNS

Client: Mr Gelder
Site Address: Lot 21, DP 610574, 16 Chittick Lane, Cobbitty NSW

Proposed Single Dwelling
Overall Site Plan

Designed by: Russel Garnett
Designed by: Adam Reaser
Date: 04/05/2013
Project Name: C

Council Issue
Date: 1:350 & 1:700 in A3 print size
Issue No: 01

Attachment 2

ORD03



Front View



Rear View

Urban
GRAND DESIGNS
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camelothomes
homes of distinction by *The Edge*

Proposed Single Dwelling
PERSPECTIVES

Client: Mr. Gellger
Site Address: Lot 21, DP 610574
16 Chittick Lane
Coburg NSW

Project File: Proposed Single Dwelling PERSPECTIVES

Drawn By: Robert Darwell
Checked By: Adam Maser
Date: 10/09/2013
Scale: NOT TO SCALE
Project No: 10
Sheet: A

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ORD04

ORDINARY COUNCIL

ORD04

SUBJECT: CONSTRUCTION OF PRINCIPAL DWELLING, SECONDARY DWELLING AND STRATA SUBDIVISION AT 9 ENTERPRISE STREET, GREGORY HILLS
FROM: Director, Development & Health
BINDER: 13/12148

APPLICATION NO: DA 488/2013
PROPOSAL: Construction of Principal Dwelling, Secondary Dwelling and Strata Subdivision
PROPERTY ADDRESS: 9 Enterprise Street, Gregory Hills
PROPERTY DESCRIPTION: Lot 2365 DP 1166236
ZONING: R1 General Residential
OWNER: Micallef Pty Ltd
APPLICANT: Encompass Building Group Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a single storey principal and secondary dwelling with strata subdivision at 9 Enterprise Street, Gregory Hills.

The DA is referred to Council for determination as there remain unresolved issues received in one submission from the public.

SUMMARY OF RECOMMENDATION

That Council determine DA/2013/488 for the construction of a principal dwelling, secondary dwelling and strata subdivision pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the construction of a principal and secondary dwelling and strata subdivision at 9 Enterprise Street, Gregory Hills.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. One submission was received (objecting to the proposed development). **A copy of the submission is provided with the Business Paper supporting document.**

During the assessment of the development the plans were amended to comply with the Development Control Plan. The amended plans were notified and no further submissions were received.

However, the submission made in relation to the original development remains unresolved.

The issues raised in the submission relate to privacy impacts, additional traffic generated by the development, increased noise from private open space of the development and the negative impact on the resale value of properties in the future.

The proposed development is permitted in the zone and fully complies with all applicable planning controls. The proposed development is consistent with the developing character of the area and is a type of development that is envisaged by the planning controls.

In relation to traffic, the additional vehicle movements generated by two dwellings will not significantly impact on traffic or safety.

The proposed development has demonstrated compliance with the objectives of the Turner Road Development Control Plan 2007 in respect to the privacy and acoustic privacy controls. The development is single storey.

Impacts in relation to resale value is not a matter that can be taken into consideration in determining a DA.

The proposed development **fully complies** with all applicable planning controls.

Based on the assessment, it is recommended that the DA be approved subject to the conditions contained in this report.

AERIALPHOTO





THE SITE

The site is commonly known as 9 Enterprise Street, Gregory Hills and is legally described as Lot 2365, DP 1166236.

The site is located on the north eastern corner of Enterprise Street and Explorer Street. The site has a frontage of 30.035m to Explorer Street, 20.215m to Enterprise Street and an overall area of 602m². The site is relatively flat and currently vacant.

The surrounding area is characterised by a mix of low density residential dwellings at various stages of construction. The immediately surrounding area is the residential area of the developing Gregory Hills suburb.

The Smeaton Grange industrial estate lies to the south of this site on the southern side of Turner Road. To the west lies Camden Valley Way with the residential Harrington Park suburb and the "Harrington Grove" release area on the opposite side. To the north lies other developed and undeveloped residential land within the residential area of Gregory Hills with South Creek and its tributaries further to the north. To the east is residential land within Gregory Hills.

HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
19 May 2011	Creation of this lot approved by DA 1546/2010

THE PROPOSAL

DA/2013/488 seeks approval to construct a principal dwelling, secondary dwelling and strata subdivision at 9 Enterprise Street, Gregory Hills.

Specifically the proposed development involves:

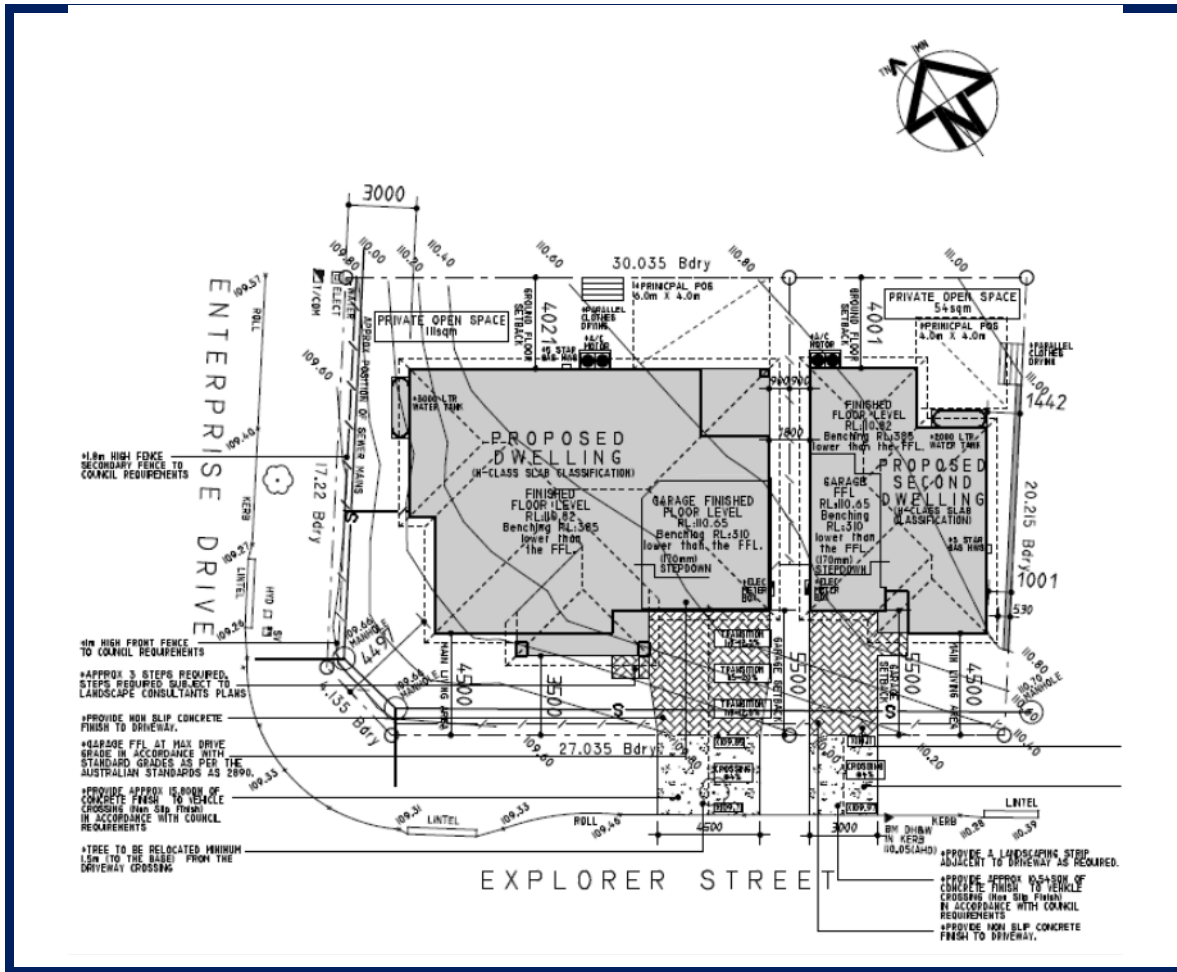
- construction of a single storey principal dwelling containing 3 bedrooms and double garage, finished in a mixture of building materials including face brick, render and cladding materials;
- construction of a single storey secondary dwelling containing 2 bedrooms and single garage, finished in face brick; and
- strata subdivision of the development is proposed to create 2 lots with areas of 401.31m² and 200.69m².

The value of the proposed works is \$253,000.00.

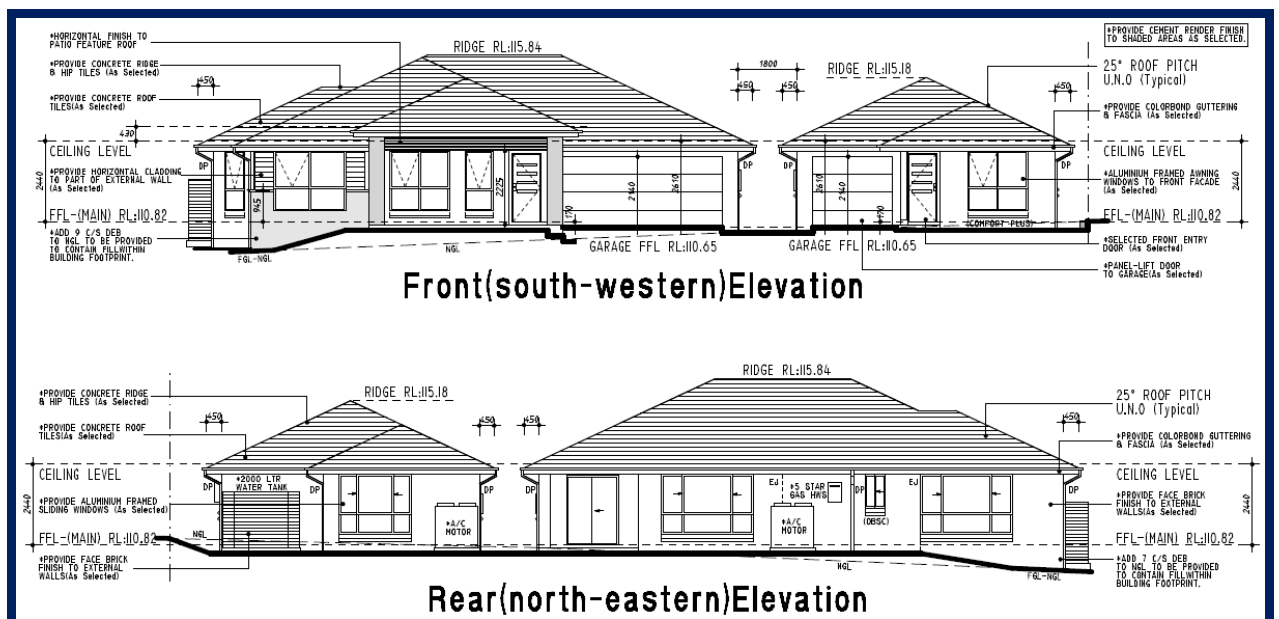
A copy of the proposed plans is provided as an attachment to this report.

PROPOSED SITE PLAN

ORD04



PROPOSED ELEVATIONS



ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a DA, the consent authority is to take into consideration the following matters as they are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River

An assessment of the proposed development against these Environmental Planning Instruments is detailed below.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP)

The SEPP aims to encourage sustainable residential development and requires DAs for such development to be accompanied by a list of BASIX commitments as to the manner in which the development will be carried out.

Council staff have reviewed the BASIX certificates for the proposed development and are satisfied that it has been designed to achieve the minimum targets for water, thermal comfort and energy. It is a recommended condition that the proposed development is carried out in accordance with the commitments described in the BASIX certificates.

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

Permissibility

The site is zoned R1 General Residential under the provisions of the SEPP. The proposed development is defined as a “principal dwelling” and “secondary dwelling” which is a permissible land use in this zone.

A principal dwelling is a building which contains only one dwelling. A secondary dwelling is defined as a self-contained dwelling that is established in conjunction with another dwelling (the “principal dwelling”) and is located on the same lot of land as the principal dwelling.

Strata subdivision of the proposed development is permissible by Clause 2.6 of the SEPP as exempt development where the subdivision is proposed under the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986. The proposal seeks to include strata subdivision of the proposed development which is permitted within this zone.

Zone Objectives

The objectives of the R1 General Residential zone are as follows:

- To provide for the housing needs of the community.

Officer comment:

The proposed development will provide housing for future residents and is consistent with this objective.

- To provide for a range of housing types and densities

Officer comment:

The proposed development will contribute towards the provision of a range of housing types and densities in the area and is consistent with this objective.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Officer comment:

This objective is not relevant to the proposed development.

- To support the well being of the community, including educational, recreational, community, religious and other activities and, where appropriate, neighbourhood shops if there will be no adverse effect on the amenity of proposed or existing nearby residential development.

Officer comment:

This objective is not relevant to the proposed development.

- To allow for small scale kiosks, function centres, restaurants and markets that support the primary function and use of recreation areas, public open space and recreation facilities located within residential areas.

Officer comment:

This objective is not relevant to the proposed development.

- To allow for small scale intensity tourist and visitor accommodation that does not interfere with residential amenity.

Officer comment:

This objective is not relevant to the proposed development.

- To allow for small scale intensity tourist and visitor accommodation that does not interfere with residential amenity.

Officer comment:

This objective is not relevant to the proposed development.

- To provide for a variety of recreational uses within open space areas.

Officer comment:

This objective is not relevant to the proposed development.

Relevant Clauses

The DA was assessed against the following relevant clauses of the SEPP.

Clause	Requirement	Provided	Compliance
4.1A Minimum Lot Size for Other Development	There is no minimum lot size identified for secondary dwelling developments.	The subject lot is 602m ² in area, with no minimum lot size identified for secondary developments.	Yes
4.1C Residential Density – Turner Road Precinct	Development must not preclude achievement of 4,020 new dwellings being provided within the precinct	The proposed development will provide 2 dwellings and actively contribute towards achieving 4,020 in the overall precinct	Yes
4.3 Height of Buildings	Maximum 9.5m building height	Proposed development is single storey having a building height of 5.9m.	Yes
6.1 Public Utility Infrastructure	Appropriate public utility infrastructure to service the development	The site is serviced by appropriate public utility infrastructure including sewer and water	Yes

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instrument applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Turner Road Development Control Plan 2007 (Turner Road DCP) and Camden Development Control Plan 2011 (Camden DCP)

The proposed development has been assessed against the relevant controls of the Turner Road DCP.

Control	Requirement	Provided	Compliance
7.2 Streetscape and Architectural Design (Turner Road DCP)	<p>Ensure buildings are designed to enhance and fit harmoniously with their surroundings</p> <p>Provide a diversity of house types and densities</p> <p>Create an attractive and cohesive streetscape</p>	The proposed development is cohesive with the streetscape and demonstrates compliance with the streetscape design principals.	Yes
7.3 Front Setbacks (Turner Road DCP)	<p>Building line façade setback 4.5m</p> <p>Articulation Zone for buildings 3.5m</p> <p>Garage Line setback of 5.5m and 1 metre behind the building façade line.</p>	<p>The building line façade setback complies at 4.5m.</p> <p>The articulation zone setbacks comply at 3.5m.</p> <p>The garage building line setback at 5.5m and 1m behind the building façade line complies.</p>	Yes
7.4 Side and Rear Setbacks (Turner Road DCP)	<p>Ground Floor 0.9m / 0m</p> <p>Upper Floor 0.9m / 1.5m</p> <p>Rear Setback 4 metres</p>	<p>The proposal has a side setback of 1m in accordance with the DCP.</p> <p>Both dwellings have provided a 4m rear setback.</p>	Yes
7.5 Corner Lots (Turner Road DCP)	For lots greater than 15m wide a minimum secondary setback of 3m and 0.9m setback from a splayed boundary is required	The principal dwelling proposes a secondary setback of 3m demonstrating compliance with the DCP.	Yes
7.6 Zero lot lines (Turner Road DCP)	Orientation compliant with Table 13 and easement created over adjoining lot	The development does not propose a zero lot line.	Yes
7.7 Dwelling Height,	Maximum two storeys, upper floor area	Both dwellings are single storey and	Yes.

Control	Requirement	Provided	Compliance
Massing and Siting (Turner Road DCP)	maximum 30% of lot area	demonstrate compliance with scale and building height restrictions.	
7.8 Private Open Space (Turner Road DCP)	Private open space being minimum 20% allotment area and minimum dimension of 2.5m Principal Private Open Space being 24m ² with a minimum dimension of 4m	The proposed principal dwelling provides 111m ² of private open space, being 27% of the proposed strata lot. The proposed secondary dwelling provides 54m ² of private open space, being 26% of the proposed strata lot. Both proposed dwellings have demonstrated compliance with the private open space requirements	Yes
7.9 Site Cover and Landscape Area (Turner Road DCP)	Maximum site cover 50% for ground floor and 30% for upper floor Minimum 30% landscape area.	The principal dwelling has a ground floor site cover of 179.86m ² (being 45% of the strata lot). The secondary dwelling has a ground floor site cover of 80.02m ² (being 40% of the strata lot). The proposed site cover for the development complies with the DCP. The proposed development complies with a minimum 48% landscape area being provided.	Yes
7.10 Garages, Site Access and Parking	Garage setback required to be a minimum 5.5m,	The garage building is setback at 5.5 metres and 1 metre	Yes

Control	Requirement	Provided	Compliance
(Turner Road DCP)	<p>setback a minimum 1m behind the building façade line</p> <p>Maximum total width of the garage door is to be 50% of the building façade length</p>	<p>behind the building façade line and complies with the DCP.</p> <p>The principal dwelling has a maximum garage façade length of 30% and the secondary dwelling garage has a maximum garage façade length of 31%.</p> <p>Both dwellings comply with this requirement</p>	
8.1 Visual and Acoustic Privacy (Turner Road DCP)	<p>Habitable rooms with a direct line of sight in an adjacent dwelling within 9 metres are to:</p> <ul style="list-style-type: none"> - Be obscured by fencing, screens or appropriate landscaping, or - be offset from the edge of one window to the edge of the other by a distance sufficient to limit views into the adjacent window; or Have fixed obscure glazing in any part of the window below 1.7 metres above floor level; or - Fixed screen or opaque windows can be built closer than non-habitable room windows. 	<p>The proposed development is single storey and results in the proposed development not having a direct line of sight into adjoining habitable room windows of adjoining development by the 1.8 metre high boundary fencing.</p>	Yes
8.2 Sustainable Building Design (Turner Road DCP)	<p>Residential Developments shall be accompanied by a BASIX certificate.</p>	<p>A current and valid BASIX certificate has been submitted for the proposed development</p>	Yes

Control	Requirement	Provided	Compliance
8.3 Stormwater and Construction Management (Turner Road DCP)	Stormwater concept plan and soil and water management plan must be submitted with all developments	An appropriate stormwater and soil and water management plan has been submitted with the DA	Yes
8.7 – Safety and Surveillance (Turner Road DCP)	Developments must allow for casual surveillance	The proposed development complies with safer design principles	Yes
B1.2 Earthworks (Camden DCP)	Maximum cut and fill shall not exceed 1m. No fill within 2m of property boundary contained within the footprint of the building	Proposed cut and fill for the development complies with the requirements of the DCP	Yes
B5.1 Car parking (Camden DCP)	Minimum 2 car parking spaces for each dwelling	The principal dwelling contains a double garage and the secondary dwelling contains a single garage. Additional parking is available in front of the garages forward of the building line.	Yes

(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No relevant agreement exists or has been proposed as part of this DA.

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained in this report.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality

As demonstrated by the above assessment, the proposed development is unlikely to have any significant impact on both the natural and built environments, and the social and economic conditions of the locality.

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

(d) Any submissions made in accordance with this Act or the Regulations

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. One submission was received (objecting to the proposed development). **A plan showing public notification and submissions is provided with the Business Paper supporting documents.**

The proposed development was amended and the application was re-notified for a period of 14 days in accordance with Camden Council Development Control Plan 2011. No submissions were received during the re-notification.

The following discussion addresses the issues and concerns contained within the original submission.

1. *The plan for two additional driveways on this lot will create more traffic near and around the frontage to our property essentially creating a busy end of Explorer Street and an unsafe area for children as there will be more vehicular activity.*

Officer comment:

The proposed development fully complies with the applicable planning controls and is permissible form of development. It is considered that the development will not significantly increase or impact on traffic or safety.

The proposed development is consistent and in keeping with surrounding developments within Gregory Hills.

2. *Loss of privacy as there will be two entry points to both of these dwellings in close proximity to the frontage of our property on Explorer Street.*

Officer comment:

As the development is single storey in height and will be screened from neighbouring properties by 1.8m high boundary fencing, the proposed development will have no direct line of sight into adjoining habitable room windows. As such, the proposal has demonstrated compliance with the objectives of the Turner Road Development Control Plan 2007 in respect to privacy.

3. *Increase in noise as there will be two private open spaces on the one Lot used by tenants in both dwellings.*

Officer comment:

The proposed development is residential in nature and noise generated by two dwellings is not likely to significantly impact on adjoining properties or the surrounding area. The proposal has demonstrated compliance with the acoustic privacy controls of the Turner Road Development Control Plan 2007. The occupation of the development, whether by renters or owner-occupiers, is not a matter that is regulated by Council.

4. *Creating undue stress as when considered to buying our Lot, we did not factor in having 2 neighbours in the same Lot next to us. We did not expect a granny flat right on our boundary.*

Officer comment:

Secondary dwellings are allowed throughout the State as complying or local development under the *State Environmental Planning Policy (Affordable Rental Housing) 2009*, and are seen as lower density scale development.

The proposed development is permitted in the R1 General Residential zone and fully complies with all applicable planning controls.

It is considered that the proposed development is consistent with the developing character of the area and is a type of development that is envisaged by the planning controls.

5. *We feel this will have a negative impact on potential resale value of our property in the future.*

Officer comment:

The proposed development is permitted in the zone and fully complies with all applicable planning controls.

Devaluation is not a matter that can be taken into consideration in determining a DA.

(e) *The public interest*

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, *Environmental Planning Instruments*, *Development Control Plans* and policies. Based on the above assessment, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

No external referrals were required for the proposed development.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA/2013/488 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

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 No.	Description	Prepared by	Dated
ME010-13 – Sheet 03	Strata Plan	Marretta Design	22/08/13
ME010-13 – Sheet 01	Site Plan	Marretta Design	22/08/13
ME010-13 – Sheet 04	Stormwater Plan	Marretta Design	22/08/13
ME010-13 – Sheet 07	Floor Plans	Marretta Design	22/08/13
ME010-13 – Sheet 08	Elevations Plan	Marretta Design	22/08/13
ME010-13 – Sheet 09	Elevations Plan	Marretta Design	22/08/13
ME010-13 – Sheet 10	Sections Plan	Marretta Design	22/08/13
LP01	Landscape Plan	Robs Garden Design	11/06/13
Statement of Environmental Effects, Waste Management Plan & BASIX Certificates submitted in conjunction with the development application.			

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) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (3) **Fencing** – All fencing shall comply with the provisions of the Turner Road Precinct Development Control Plan 2007. Corner lot fencing shall be located accordance with the location identified on the approved site plan. Any amendments to the location of corner lot fencing are subject to Council approval.
- (4) **Landscaping** – A minimum 30% of the subject site shall be maintained as soft landscaping.
- (5) **External Finishes** – The colours, materials and finishes are to be from a predominately neutral palette of colours, except for architectural features. Bright and highly reflective colours are to be avoided; multicoloured roof tiles are not permitted.
- (6) **Strata Plan of Subdivision** – Section 37 and 37A of the *Strata Schemes (Freehold Development) Act, 1973* require an application to be submitted to Camden Council or an accredited certifier for approval prior to the issue of the certified Strata Plan of Subdivision.

The applicant will be required to submit documentary evidence that the property has been developed in accordance with the plans approved by Development Consent 2013/488 and of compliance with the relevant conditions of consent, prior to the issuing of a Strata Plan of Subdivision.

2.0 - Construction Certificate Requirements

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

- (1) **Electrical Services** - Prior to the issue of a Construction Certificate, written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development, or that arrangements have been entered into for the provision of services to the development. In the event that a padmounted substation is necessary to service the development, Camden Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued, as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.
- (2) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (3) **Salinity** – The proposed dwellings, landscaping and associated works for the dwellings are to be constructed in accordance with the requirements of the Salinity Management Plan prepared by “Douglas Partners” Project 71913.01 dated September 2010. Details shall accompany the Construction Certificate application.
- (4) **Geotechnical Classification** - The piers/slab/footings shall be designed and certified by a practising structural engineer and shall take into consideration the geotechnical classification applicable to the site.
- (5) **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.

- (6) **Section 94 Contributions** – Pursuant to Oran Park and Turner Road Precincts Section 94 Contributions Plan adopted in February 2008, contributions shown in the following table (showing the infrastructure type and respective amount) must be paid to Council.

Infrastructure Type	Monetary Amount (a)
Open space and recreation - land	\$6,549.00
Open space and recreation – works	\$6,873.00
Open space and recreation – project management	\$150.00
Open Space and recreation – sub total	\$13,572.00
Community facilities – land	\$83.00
Community facilities – works	\$1,174.00
Community facilities – project management	\$25.00

Community facilities – sub total	\$1,282.00
Total	\$14,854.00

Monetary Amount - The monetary contribution specified in the Monetary Amount column of the above table must be paid to Council prior to the issue of a Construction Certificate. The monetary contributions must be indexed by the methods set out in clause 2.14 of the Contributions Plan at the date of payment.

At the sole discretion of Council the monetary contributions may be offset by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such agreement is to be undertaken, it must be signed prior to the release of a Construction Certificate.

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) **Erection of Signs** – Shall be undertaken in accordance with Clause 98A of the *Environmental Planning and Assessment Regulation 2000*.
- (2) **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*.
- (3) **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.
- (4) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (5) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site. Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

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.

Provide a stabilised entry/exit point. The access should be a minimum of 2.5m wide and extend from the kerb to the building line. The access should consist of aggregate at 30-40mm in size.

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

4.0 - During Construction

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

- (1) **Fill Quality** – Any fill material brought in for the construction of the development must only contain uncontaminated soil, clay, shale or rock. No effluent, garbage or trade waste, including building or demolition waste, must be included in the fill. The extent and depth of filling must only occur in accordance with the approved plans and any other conditions of the Development Consent. Evidence of the certification of the fill as uncontaminated shall be provided to the Principal Certifying Authority.
- (2) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works must be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (3) **Survey Report (Peg Out)** - The building must be set out by a registered Land Surveyor. A Survey Report detailing the siting of the building in relation to the allotment boundaries shall be submitted to the Principal Certifying Authority (PCA) prior to the placement of any concrete.
- (4) **Building Platform** - This approval restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2m from the external walls of the building. Where the external walls are within 2m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level must be used.
- (5) **Retaining Walls** - If the soil conditions require it:
 - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
 - (b) retaining walls must be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property.

The following restrictions apply to any retaining wall erected within the allotment boundaries:

- (a) where the height of an approved retaining wall exceeds 600mm above or below natural ground level, structural engineering details must be provided to the Principal Certifying Authority, prior to any works commencing on the site. Manufacturers' installation details may satisfy this requirement for treated timber products and some dry stacked masonry products;

Note: Where Councils is nominated as the Principal Certifying Authority, construction of the retaining wall must be inspected at critical stages as nominated in the Mandatory Inspection Notice. Prior to issue of an Occupation Certificate, certification will also be required attesting that the wall has been built in accordance with the relevant standard.

- (b) adequate provisions must be made for surface and subsurface drainage of retaining walls and all water collected must be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - (c) retaining walls shall not be erected within drainage easements;
 - (d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited by the easement or entitled to release or vary the restrictions applying to the easement (electrical easement and the like), or if the erection of the retaining wall makes the purpose of the easement inconvenient or redundant (such as easements for support and maintenance).
- (6) **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.
- (7) **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 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 4.00pm 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.
- (8) **Footpath Levels** - The ground levels of the footpath area within the road reserve (between the boundary of the subject site to the kerb and gutter) must not be altered (by cut or fill) as a consequence of building design and/or construction.
- (9) **Surface Drainage** – To prevent surface water from entering the building:
- (a) the floor level for slab on ground construction shall be a minimum of 150mm above finished ground level for habitable rooms;
 - (b) seepage and surface water shall be collected and diverted clear of the building by a sub-surface/surface drainage system;
 - (c) the control of surface water drainage shall in all respects comply with the *Building Code of Australia (Class 1 and Class 10 Buildings)*;
 - (d) where a rainwater tank is required on the site, all surface water drainage lines shall be connected to the outlet overflow drainage line from the rainwater tank.
- (10) **Shoring and Adequacy of Adjoining Property** - Shall be in accordance with Clause 98E of the *Environmental Planning and Assessment Regulation 2000*.
- (11) **Protection of Public Places** – If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) building involves the enclosure of a public place,
- a hoarding or fence must be erected between the work site and the public place.
- If necessary, an awning is to be erected, sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
- (12) **Drainage Easements** - No changes to site levels, or any form of construction shall occur within any drainage easements that may be located on the allotment.
- (13) **Roofwater to Street** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the street gutter.

Connection to the street gutter shall only occur at the existing drainage outlet point in the street gutter. New connections that require the rectification of the street gutter shall only occur with the prior approval of Camden Council.

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

- (14) **Provision of Kerb Outlets** – Where proposed strata lots grade to an existing public road, kerb outlets shall be provided in the kerb and gutter adjacent to those proposed strata lots. Such kerb outlets shall be:
- (a) located within two (2) metres downstream of the prolongation of the proposed strata 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 and is subject to a Public Road Activity Approval from Council prior to any work.
- (15) **BASIX Certificate** – Under clause 97A of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

In this condition:

- (a) relevant BASIX Certificate means:
 - (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and
 - (b) BASIX Certificate has the meaning given to that term in the *Environmental Planning & Assessment Regulation 2000*.
- (16) **Survey Report (Completion)** - A survey report prepared by a registered land surveyor shall be provided upon completion of the building. The survey report shall be submitted to the Principal Certifying Authority (PCA) upon completion of the building and prior to the issue of an Occupation Certificate.
- (17) **Driveway Gradients and Design** - The driveway gradient and design for the dwelling house must comply with Australian Standard AS2890.1-2004 - 'Off street car parking'. Please note the following:
- the level for the driveway across the footpath area must achieve a gradient of 4%.
 - driveway and garage levels are critical and may be required to be confirmed during construction with the provision of a survey report.

- the driveway must be a minimum 1.0m from any street tree, stormwater pit or service infrastructure unless otherwise approved by Council.
- (18) **Infrastructure in Road and Footpath Area** - Any costs incurred due to the relocation or reconstruction of light poles, kerb inlet pits, service provider pits, street trees or other restrictions in the street footpath area for the proposed development shall be borne by the developer, and not Council.
- (19) **Relocation of Street Trees, their Tree Root Barrier Guards and Protective Guards** - Driveways shall be located to ensure that where possible, all street trees are retained. Any road verge or nature strip street tree, their tree guards or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred.

Any repairs, relocations or replacements needed to the street trees, tree guards or existing root guard barriers are to be completed with the same type, species, plant maturity and initial installation standards and the works carried out successfully prior to the issue of the Occupation Certificate.

An inspection must be arranged with Council's Landscape Development Officer, to determine that the Street Trees and any protective measures have been restored correctly. The inspection must occur prior to the issue of the Final Occupation Certificate.

5.0 - Prior To Issue Of Occupation Certificate

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

- (1) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

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

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

- (2) **Footpath Crossing Construction** – Prior to use or occupation of the development, a footpath crossing must be constructed in accordance with the Development Consent, approved plans and Camden Council's issued footpath crossing information.
- (3) **Services** - Prior to the issue of any occupation certificate the following service authority certificates/documents must be obtained and submitted to the Principal Certifying Authority. These documents shall also be submitted to the Principal Certifying Authority for inclusion with the strata subdivision certificate application:

- (a) Sydney Water Clearance – A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water.
 - (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.
- (4) **Strata Plan of Subdivision** – Prior to the issue of a final Occupation Certificate or within 30 days of the issue of an Interim Occupation Certificate for the development, the proposed strata subdivision shall be created and registered with the NSW Land and Property Management Authority (LPMA).

All plans for the approved development must also be consistent with the registered allotment and any restrictions as to the user created under the property title.

6.0 - Operational Conditions

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

- (1) **Residential Air Conditioning Units** - The operation of the approved air conditioning units must operate at all times so:
 - (a) as to be inaudible in a habitable room during the hours of 10.00pm to 7.00am on weekdays and 10.00pm to 8.00am on weekends and public holidays; and
 - (b) as to emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.
 - (c) as not to discharge any condensate or moisture onto the ground surface of the premises or into stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act, 1997.

7.0 - Subdivision Certificate

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

- (1) **Strata Plan of Subdivision** – The strata subdivision Section 37 and 37A of the *Strata Schemes (Freehold Development) Act, 1973* require an application to be submitted to Camden Council or an accredited certifier for approval prior to the issue of the certified Strata Plan of Subdivision.

The applicant will be required to submit documentary evidence that the property has been developed in accordance with the plans approved by Development Consent 2013/488 and of compliance with the relevant conditions of consent, prior to the issuing of a Strata Plan of Subdivision.

Note: A final Strata Plan of Subdivision shall be prepared to a quality suitable for lodgement with the NSW Land & Property Information.

- (2) **Restriction on Issue of Strata Plan of Subdivision** – Prior to the issue of any strata plan of subdivision associated with the Development Consent 2013/488 an Interim Occupation Certificate for the building must be issued by the Principal Certifying Authority. Documentary evidence of the issue of the Interim Occupation Certificate must be submitted to the Camden Council in conjunction with the application for the strata plan of Subdivision.
- (3) **Show Easements on the Plan of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.
- (4) **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.
- (5) **Burdened Lots to be Identified** - Any lots subsequently identified during construction of the subdivision as requiring restrictions must also be suitably burdened.

Advisory Conditions:

- (1) **Subdivision Restrictions** – The requirements of the 'Restriction on the Use of the Land' numbered **eighteen (18) on the 88b Instrument** in regards to future subdivision restrictions applying to the land should be checked / confirmed by the developer/applicant prior to work commencing.
- (2) **Subdivision Certificate Application** - Prior to the submission of any Administration Sheet/Plan Drawing Sheet to the Department of Lands - Land and Property Information for registration, the original Administration Sheet, together with a paper copy of the Plan Drawing Sheet/s, must be signed by Camden Council's authorised officer. Accordingly, a completed Subdivision Certificate application must be submitted to Camden Council with the following:
 - (a) the appropriate fee as determined by Council's current Schedule of Fees and Charges,
 - (b) the original Administration Sheet and original s.88B instrument, both unmarked, unstapled and submitted in protective plastic sleeves,
 - (c) one (1) paper copy of the original Plan Drawing Sheet (A2),
 - (d) four (4) copies Plan Drawing Sheet (A2)
 - (e) all service provision certificates/documents from the relevant service authorities, and
 - (f) electronic versions of the original Plan Drawing Sheet, in: -
 - (i) AutoCAD (.dwg), or
 - (ii) AutoCAD (.dxf),

prepared in co-ordinates GDA94. MGA Zone 56 for integration into Council's mapping system, also required is a copy in Portable Document Format (.pdf) at A2 size.

- (3) **Plan Compliance** – The development consent requires compliance with the approved plans and documents that form part of the approval. Specific conditions of consent are also to be complied with, and amendments to achieve compliance with conditions of the consent are permitted. All other modifications to plans and documents need to be confirmed with either Council or the certifying authority for the development. Changes to a development may require formal modification via Section 96 of the *Environmental Planning and Assessment Act, 1979*.
- (4) **Shoring and Adequacy of Adjoining Property** – If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- protect and support the adjoining premises from possible damage from the excavation, and
 - where necessary, underpin the adjoining premises to prevent any such damage.

This requirement does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

- (5) **Erection of Signs** – A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, 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.

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

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

RECOMMENDED

That Council approve DA/2013/488 for the construction of a principal, secondary dwelling and strata subdivision at 9 Enterprise Street, Gregory Hills subject to the conditions listed above.

ATTACHMENTS

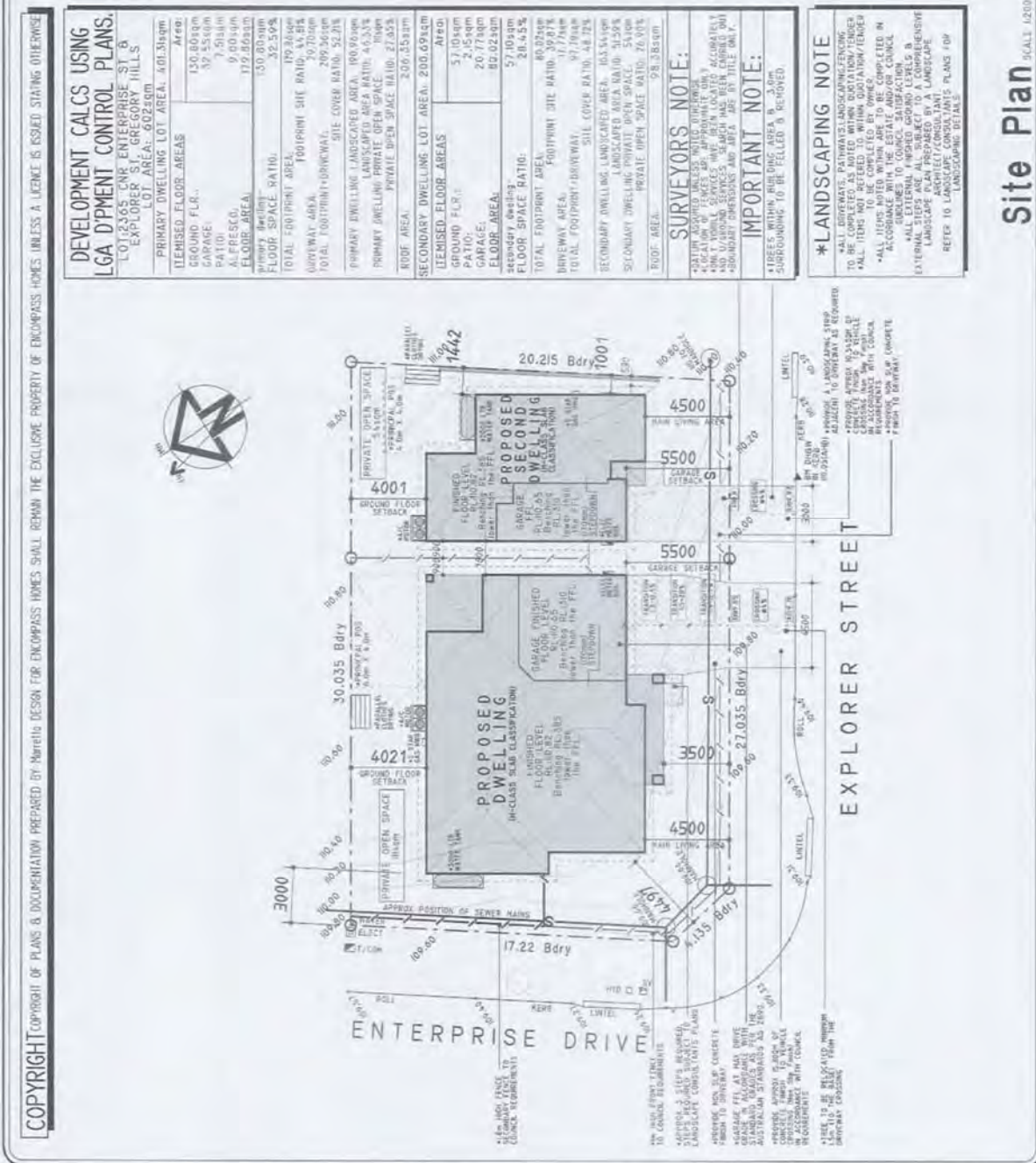
1. Proposed Plans
2. Floor Plans - *Supporting Document*
3. Public notification and submissions map - *Supporting Document*
4. Submission - *Supporting Document*

REVISION SCHEDULE		
ISSUE	DESCRIPTION	BY DATE
A-1	PRELIM PLANS-PRM TO CONTRACTS	TB 29.05.13
B	DA APPROVAL	TB 05.06.13
B-1	AMENDMENTS AS PER COUNCIL LETTER 20.06.13	TB 22.06.13

GENERAL BUILDING NOTES	
1.	THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH ALL OTHER DOCUMENTS RELATING TO THIS PROJECT.
2.	THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH ALL OTHER DOCUMENTS RELATING TO THIS PROJECT.
3.	ALL WORK IS TO BE ACCORDING TO THE LATEST EDITIONS OF THE NATIONAL BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.
4.	ALL WORK IS TO BE ACCORDING TO THE LATEST EDITIONS OF THE NATIONAL BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.
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PROPOSED:	New 3-Storey Dwelling & Secondary Dwelling
CLIENT:	Encompass Homes
LOCATION:	LOT-2365 DP:1166236 Cnr Enterprise St & Explorer St, Gregory Hills
COUNCIL:	Camden
DESCRIPTION:	Custom
DATE DRAWN:	16.05.13
DATE ISSUED:	01 OF 11
SCALE:	B-1
DESIGNED BY:	FS
DRAWN BY:	TB
PROJECT NO.:	ME010-13



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ORD04

Attachment 1

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SUBDIVISION PLAN SUBJECT TO STRATA PLANS TO BE DONE BY A REGISTERED SURVEYOR



EXPLORER STREET

ENTERPRISE DRIVE

REVISION SCHEDULE		
ISSUE	DESCRIPTION	BY DATE
A-1	PRELIM PLANS APPROX TO CONTRACTS	TB 27.05.13
B	DA APPROVAL	TB 05.06.13
B-1	APPROVED AS PER COUNCIL LETTER 00813	TB 22.08.13

GENERAL BUILDING NOTES

1. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH SPECIFICATIONS PROVIDED.
 2. ALL WORK IS TO BE DONE IN ACCORDANCE WITH BUILDING TENDER CONTRACT DOCUMENTATION.
 3. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.
 4. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.
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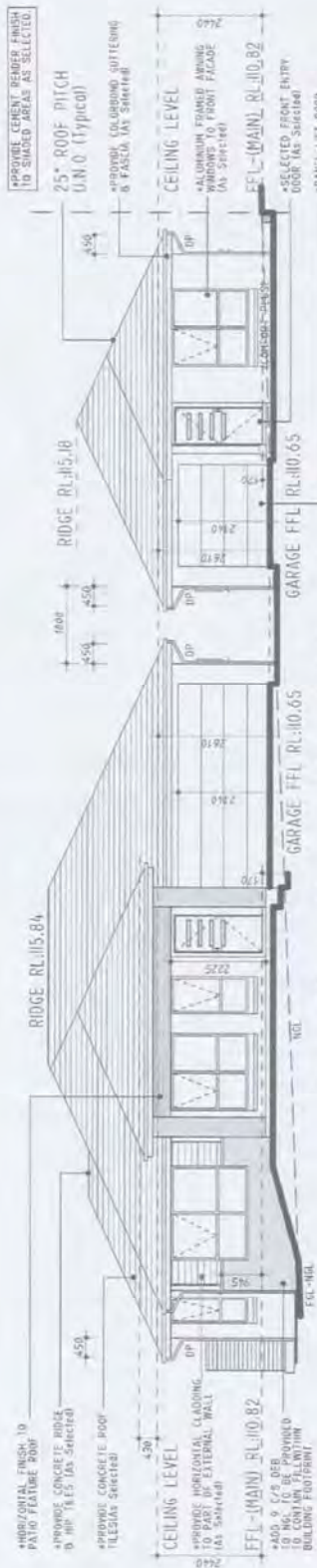
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marretta design
 Ph: 07365010
 Fax: 07252022
 Building Designers & Development Planners
 www.marrettdesign.com.au
 60111000marrettdesign.com.au

PROPOSER: **New S-Storey Dwelling & Secondary Dwelling**
 CLIENT: **Encompass Homes**
 LOCATION: **LOT: 2365 DP: 1166236 Cnr Enterprise St & Explorer St, Gregory Hills**
 COUNCIL: **Camden** DESCRIPTION: **Custom**
 DATE: **16/05/13** SHEET: **B-1** REFERENCE: **ME10-13**
 OF: **03** OF **11**
 DESIGNED (SCALE): **1:1000** UNDO

Subdivision Plan SCALE 1:250

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Front(south-western)Elevation



Rear(north-eastern)Elevation

REVISION SCHEDULE		DESIGNED:	FS	PROPOSED:	DESCRIPTION:	
ISSUE	DESCRIPTION	BY	DATE	CLIENT:		
A-1	PREP PLANS FROM TO CONTRACTS	TB	29.05.13	New 3-Storey Dwelling & Secondary Dwelling Encompass Homes	Custom	
B	IN APPROVAL	TB	05.06.13		LOCATION	COUNCIL:
B-1	AMENDMENTS AS PER COUNCIL LETTER (08.03.13)	TB	22.06.13		LOT:2385 DP:1166236 Car Enterprise St & Explorer St, Gregory Hills	Camden
				SCALE:	1:100 UNO	

encompass homes

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SHEET 08 OF 11

ME10-13

ORD04

Attachment 1

REVISION SCHEDULE

ISSUE	DESCRIPTION	BY	DATE
A-1	PRELIM PLANS - PRIOR TO CONTRACT	TB	29.05.13
B	DA APPROVAL	TB	05.06.13
B-1	AMENDMENTS AS PER COUNCIL LETTER WORDS	TB	22.08.13

GENERAL BUILDING NOTES

1. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH SPECIFICATIONS PROVIDED HEREIN IN CONNECTION WITH BUILDING TENDER/CONTRACT DOCUMENTATION.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
3. UNLESS SHOWN OTHERWISE, ALL DIMENSIONS ARE TO BE TAKEN FROM THE FINISHED FLOOR LEVEL UNLESS OTHERWISE SPECIFIED.
4. UNLESS SHOWN OTHERWISE, ALL DIMENSIONS ARE TO BE TAKEN FROM THE FINISHED FLOOR LEVEL UNLESS OTHERWISE SPECIFIED.
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Fax: 97252022
Building Designers & Development Planners
www.marrettdesign.com.au
admin@marrettdesign.com.au

PROPOSED:
New S-Storey Dwelling & Secondary Dwelling

CLIENT:
Encompass Homes

LOCATION:
LOT: 2365 DP: 1166236
Cnr Enterprise St & Explorer St, Gregory Hills

COUNCIL:
Camden

DESCRIPTION:
Custom

DATE: 06.05.13	ISSUE: B-1	SHEET: 09 OF 11
DESIGNED/DRAWN: FS	TB	SCALE: 1:100 (IND)

ME10-13

Right (south-eastern) Elevation

Left (north-western) Elevation

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ORDINARY COUNCIL

ORD05

ORD05

SUBJECT: CODE OF CONDUCT REVIEW PANEL
FROM: Director Governance
TRIM #: 13/2539

PURPOSE OF REPORT

The purpose of this report is to seek a Council resolution for the appointment of a panel of conduct reviewers under the new Code of Conduct framework.

BACKGROUND

Council by resolution must establish a panel of conduct reviewers following a public expression of interest process by 30 September 2013. As part of the expression of interest process Council is required, at a minimum, to advertise locally and in the Sydney metropolitan area.

On 26 February 2013, the Council resolved to:

- i. adopt the draft Code of Conduct (incorporating the Code and Procedures from the Model Code) as attached to the report;
- ii. endorse the appointment of the Senior Governance Officer and Manager of Corporate Services as the Complaints Coordinator and Alternate Complaints Coordinator respectively;
- iii. establish a local Council panel of conduct reviewers and authorise the General Manager to seek an expression of interest for the establishment of conduct reviewers for Camden Council in accordance with the new Code of Conduct procedures;
- iv. appoint Mr Christopher Gough, Mr Ray Patterson and Mr Barry Daley as members of Council's Conduct Review Panel, on the same terms and conditions as they have previously been acting, until such time that a panel is formalised under the new framework; and
- v. authorise staff to make the necessary changes to Council policies which refer to specific provisions of the Code and which are now amended as a result of this review.

Accordingly, advertisements were placed in the local weekly newspaper on 10, 17, 24 April and 1 May. An advertisement was also placed in the Sydney Morning Herald on 16 April 2013. Details of the expression of interest were also advertised on Council's website.

MAIN REPORT

The expressions of interest submitted to Council have been assessed based upon the selection criteria set out in the Code and the following additional desirable criteria:

- Independence and freedom from contractual arrangements with Camden Council;
- The ability to prepare a report to Council on the investigative findings and recommendations;

- The ability to provide the service at a high standard and at a reasonable rate that reflects value for money;
- The ability to communicate effectively and work in partnership with officers of Council;
- The ability to provide flexibility and availability of time whenever an assessment or investigation is required; and
- The ability to travel throughout the Camden region.

A total of 19 applications have been received. One application has been deemed non-conforming due to a failure to sufficiently respond to the selection criteria.

As a minimum, it is necessary to have four panel members available in order to adequately meet the requirements of the Code. It is essential to provide for one preliminary assessor and a panel of three further members (who cannot be the preliminary assessor) in the event that a panel is deemed appropriate. Further, it is necessary to have a wide breadth of expertise and availability of panel members to comply with the statutory timeframes under the new framework.

It is recommended that the following 9 applicants be appointed to Council's panel of conduct reviewers. **A copy of the evaluation spread sheet is attached in Supporting Documents.**

No	Proposed Panel Member	Area of expertise
1	Monica Kelly of Prevention Partners	Law – experienced Code of Conduct Reviewer.
2	Kath Roach of Sinc Solutions	Government and public administration – experienced Code of Conduct Reviewer.
3	Linda Pettersson of Linda Pettersson Consulting Pty Ltd	Investigator into public services – experienced Code of Conduct Reviewer.
4	Annette Simpson	Law – experienced Code of Conduct Reviewer.
5	Internal Audit Bureau (various nominated experts)	Range of expertise – experience in Code of Conduct investigations.
6	Alison Cripps of Cripps Consulting	Law – experienced Code of Conduct Reviewer.
7	Robert Lopich and Lorraine Lopich of Mediate Today Pty Ltd	Law and Mediation – experienced Code of Conduct Reviewers.
8	Clinton Towers of Access Forensics Pty Ltd	Accounting/IT/Forensic investigations/audit. Previous Specialist Investigator for ICAC.
9	Lloyd Graham	State services background – experienced Code of Conduct Reviewer.

The list of applicants above provide for a range of knowledge and expertise, as well as a sufficient pool of panel members to call upon in terms of availability (particularly if concurrent complaints were being assessed at the same time). Successful reference checks have also been completed on the above nine applicants.

The Complaints Coordinator (Senior Governance Officer and Manager Corporate Services (Alternate)) is responsible for allocating a panel member to a particular Code of Conduct Complaint. The basis on which panel members will be allocated will be based on specific expertise when a complaint demands it. In the absence of this, panel members will be sought on the basis of the order above (subject to availability).

Council staff will continue to review the panel membership to ensure that the range of skills and expertise of members sufficiently covers all areas required by Council. In order to facilitate this, an expression of interest may be sought on an ad hoc basis to achieve this.

FINANCIAL IMPLICATIONS

Any expenses arising from Code of Conduct investigations will be funded from the existing corporate legal expense account allocated in the 2013/14 budget.

CONCLUSION

Council is required to resolve to appoint a panel of conduct reviewers to meet its legislative obligations under the Code of Conduct. The level of applicants are of a very high calibre, offer a wide breadth of expertise and availability to consider complaints.

Furthermore, Council staff will continue to review and monitor the panel membership to ensure that there is a sufficient range of skills and expertise of members to cover all areas required by Council.

RECOMMENDED

That Council:

- i. **appoint the following applicants to the Code of Conduct Review Panel for a period of two years:**
 - **Monica Kelly of Prevention Partners;**
 - **Kath Roach of Sinc Solutions;**
 - **Linda Pettersson of Linda Pettersson Consulting Pty Ltd;**
 - **Annette Simpson;**
 - **Internal Audit Bureau;**
 - **Alison Cripps of Cripps Consulting;**
 - **Robert Lopich and Lorraine Lopich of Mediate Today Pty Ltd;**
 - **Clinton Towers of Access Forensics Pty Ltd; and**
 - **Lloyd Graham****based upon the terms and conditions set out in their expression of interest; and**

- ii. **formally thank the interim conduct review panel for their efforts.**

ATTACHMENTS

1. **Code of Conduct Evaluation Sheet - *Supporting Document***



ORD06

ORDINARY COUNCIL

ORD06

SUBJECT: LOAN BORROWINGS - DELEGATION TO THE GENERAL MANAGER TO NEGOTIATE LOAN INTEREST RATES

FROM: Director Governance

TRIM #: 13/29038

PURPOSE OF REPORT

To give the General Manager delegated authority to negotiate the most competitive loan interest rate for all future loan borrowings.

BACKGROUND

Under Section 377 of the Local Government Act a Council cannot delegate the decision to borrow money to the General Manager. The Act does not preclude the delegation to the General Manager of negotiating and accepting the most competitive loan interest rate on the day.

The current process for the borrowing of money is for Council to approve the borrowing as part of adopting the annual budget. This will not change. Officers would then consider the timing of the borrowing by assessing current market conditions, the current budget position and Council's liquidity needs. The type of loan (fixed/variable) would also be considered at this time.

Upon confirming that the borrowing of money was still required loan interest rates would be sourced from various financial institutions, recommendation would then be made to Council to borrow money from the most competitive financial institution and the loan interest rate would also be disclosed at this time.

MAIN REPORT

Financial markets are now more volatile and financial institutions must adapt to a changing daily market. As a result many institutions find it difficult to hold loan interest rates beyond the daily rate. Council's business paper process means that financial institutions are being asked to hold loan interest rates for up to 9 days. As a result some financial institutions either do not provide a quote or the quote provided is indicative. This means that Council's ability to secure the most competitive rate for the community on the day is reduced. The delegation of the negotiation process to the General Manager means that Council will be able to secure the most competitive loan interest rate from all financial institutions that provided a quote on the day.

To ensure transparency, the outcome of the borrowing and the interest rate received would be reported to Council as an information report only.

FINANCIAL IMPLICATIONS

While it is difficult to quantify the financial outcome of this proposed change it will enhance Council's ability to achieve the most competitive loan interest rate where the borrowing of money is required to deliver capital projects for its community.

CONCLUSION

This report is requesting Council to give delegated authority to the General Manager to negotiate the most competitive loan interest rate after Council has approved the borrowing of money. This will provide Council with efficiencies that could result in better financial outcomes for the community.

RECOMMENDED

That Council:

- i. give delegated authority to the General Manager to negotiate and accept the most competitive loan interest rate for all future loan borrowings upon the borrowing of money being approved by the Council, and**
- ii. upon the completion of the negotiation process and acceptance of the loan, be provided with a report advising the outcome of those negotiations.**



ORD07

ORDINARY COUNCIL

ORD07

**SUBJECT: NSW LOCAL INFRASTRUCTURE RENEWAL SCHEME (ROUND TWO)
FUNDING AGREEMENT**

FROM: Director Governance

TRIM #: 13/23378

PURPOSE OF REPORT

- To formally notify Council that its application for a loan interest subsidy under the NSW Local Infrastructure Renewal Scheme (Round 2) has been approved;
- To seek approval from Council to execute the agreement between Council and Division of Local Government; and
- For Council to approve the borrowing of \$2 million to part-fund the Community Infrastructure Renewal Program.

BACKGROUND

The Local Infrastructure Renewal Scheme is a NSW Government initiative to promote investment in infrastructure across NSW. In October 2012, the NSW Government announced Round 2 of the scheme which was aimed at supporting Local Government in addressing the renewal of ageing infrastructure, as well as projects enabling new housing development.

The financial benefit of the Local Infrastructure Renewal Scheme to Local Government is a 3% interest subsidy on loans taken up for investment in ageing infrastructure and new housing development infrastructure.

MAIN REPORT

At its meeting 11 December 2012, Council approved its application under the NSW Local Infrastructure Renewal Scheme (Round 2) for a 3% interest subsidy on a \$2 million loan.

The purpose of the loan is to part-fund the continuation of the Community Infrastructure Renewal Program, which is a \$6 million works program aimed at addressing the increase in Council's infrastructure renewal backlog. The funding source for this package of works is as follows:

Funding Source	Amount
Special Rate Variation (1.10% over 6 Years)	\$2,500,000
Local Infrastructure Renewal Scheme Loan	\$2,000,000
Internal Cash Reserves	\$1,500,000
Total Funding	\$6,000,000

Note: Council was advised by IPART on 11 June 2013 that its application for a 1.10% special rate variation for the purposes of Community Infrastructure Renewal was successful.

Council has recently been advised that its application for funding under the Local Infrastructure Renewal Scheme (Round Two) has been approved. Council is now required to formally execute the funding agreement.

FINANCIAL IMPLICATIONS

Council's Long Term Financial Plan includes the funding required to meet the debt servicing costs associated with this loan. The debt servicing has been included on the basis of a ten-year fixed interest rate loan.

By entering into this agreement, Council will achieve interest savings over the life of the loan of up to \$344,294. This amount will be paid to Council by the NSW Government in six monthly instalments for the term of the loan.

CONCLUSION

Council has recently been advised that its application for a 3% loan interest subsidy under the Local Infrastructure Renewal Scheme (Round Two) has been approved. Council is required to formally execute the funding agreement and approve the borrowing of \$2 million to fully fund its \$6 million Community Infrastructure Renewal Program. The approval of the \$2 million borrowing could not be formally made by Council until after the outcome of its application was known.

RECOMMENDED

That Council:

- (i) execute the agreement between Council and Division of Local Government via Council's Power of Attorney, granted on 27 August 2013, Minute Number ORD215/13; and**
- (ii) approve the borrowing of \$2 million to part fund the \$6 million Community Infrastructure Renewal Program and that the General Manager be given delegated authority to negotiate and accept the most competitive loan interest rate.**



ORD08

ORDINARY COUNCIL

ORD08

SUBJECT: INVESTMENT MONIES - AUGUST 2013
FROM: Director Governance
TRIM #: 13/30694

PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 31 August 2013 is provided.

MAIN REPORT

The weighted average return on all investments was 4.27% p.a. for the month of August 2013.

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 Principal Accounting Officer is the Manager Corporate Services.

Council's Investment Report is an **attachment to this report**.

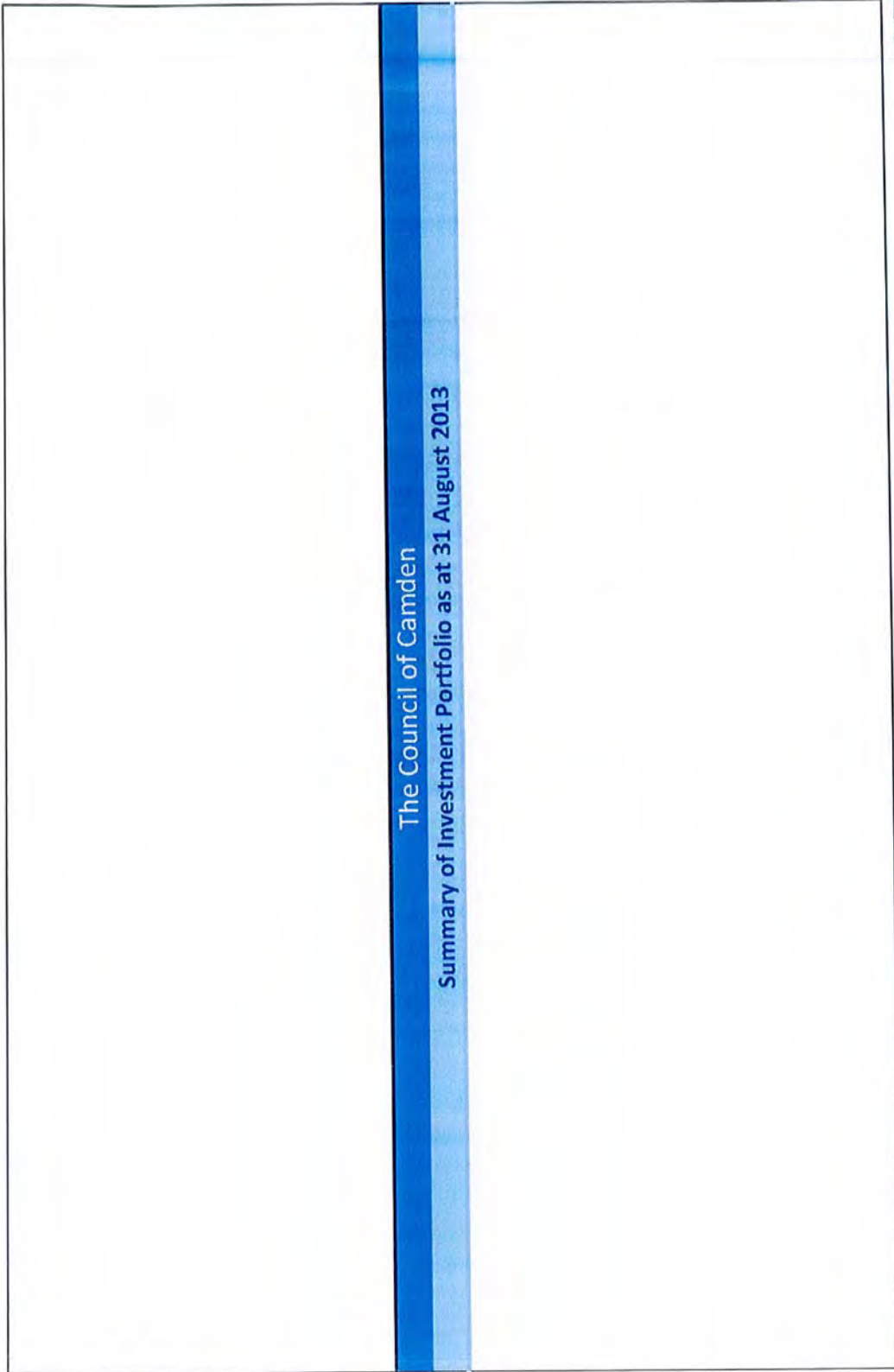
RECOMMENDED

That Council:

- i **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. **note the list of investments for August 2013; and**
- iii. **note the weighted average interest rate return of 4.27% p.a. for the month of August 2013.**

ATTACHMENTS

1. Investment Report August 2013



As at 31 August 2013

ORD08

Attachment 1

ORD08

Attachment 1

The Council of Camden Investment Summary										
IBD No.	Purchase Date	Institution	Rating	Purchase Price	Type	Term in days	Maturity Date	Interest Rate	Accrued Interest	
2518	3/05/2012	CUA	A2	\$ 1,000,000.00	TD	728	1/05/2014	5.95%	\$19,724.66	
2519	10/05/2012	CUA	A2	\$ 1,000,000.00	TD	728	8/05/2014	5.95%	\$18,583.56	
2536	27/07/2012	Suncorp Metway	A1	\$ 1,000,000.00	TD	734	31/07/2014	5.14%	\$4,787.95	
2571	24/01/2013	CBA	A1+	\$ 1,500,000.00	TD	371	30/01/2014	4.40%	\$39,780.82	
2572	24/01/2013	CBA	A1+	\$ 1,000,000.00	TD	371	30/01/2014	4.40%	\$26,520.55	
2575	7/02/2013	CBA	A1+	\$ 1,000,000.00	TD	364	6/02/2014	4.40%	\$24,832.88	
2576	7/02/2013	NAB	AA	\$ 500,000.00	TD	728	5/02/2015	4.50%	\$12,698.63	
2581	28/02/2013	Westpac	A1+	\$ 1,000,000.00	TD	189	5/09/2013	4.15%	\$21,034.25	
2582	1/03/2013	Westpac	A1+	\$ 1,000,000.00	TD	195	12/09/2013	4.15%	\$20,920.55	
2583	8/03/2013	CBA	A1+	\$ 500,000.00	TD	214	8/10/2013	4.30%	\$10,426.03	
2588	31/03/2013	CBA	A1+	\$ 1,400,000.00	TD	214	31/10/2013	4.50%	\$26,580.82	
2590	18/04/2013	ING Bank	A1	\$ 600,000.00	TD	154	19/09/2013	4.34%	\$9,702.58	
2593	1/05/2013	Westpac	AA	\$ 700,000.00	TD	736	7/05/2015	4.35%	\$10,261.23	
2594	1/05/2013	CBA	A1+	\$ 1,000,000.00	TD	213	30/11/2013	4.40%	\$14,827.40	
2596	2/05/2013	BOQ	A2	\$ 500,000.00	TD	140	19/09/2013	4.40%	\$7,353.42	
2597	6/05/2013	Westpac	AA	\$ 2,000,000.00	TD	738	14/05/2015	4.35%	\$28,126.03	
2598	9/05/2013	CBA	A1+	\$ 1,500,000.00	TD	214	9/12/2013	4.40%	\$20,794.52	
2599	10/05/2013	Macquarie Bank	A1	\$ 1,000,000.00	TD	139	26/09/2013	4.20%	\$13,117.81	
2600	16/05/2013	BOQ	A2	\$ 1,500,000.00	TD	175	7/11/2013	4.25%	\$18,863.01	
2601	17/05/2013	Westpac	AA	\$ 500,000.00	TD	734	21/05/2015	4.35%	\$6,376.03	
2602	17/05/2013	Westpac	AA	\$ 500,000.00	TD	1098	19/05/2016	4.55%	\$6,669.18	
2603	17/05/2013	CBA	A1+	\$ 800,000.00	TD	214	17/12/2013	4.25%	\$9,967.12	
2605	24/05/2013	CBA	A1+	\$ 1,000,000.00	TD	214	24/12/2013	4.25%	\$11,643.84	
2606	27/05/2013	Suncorp Metway	A1	\$ 1,000,000.00	TD	129	3/10/2013	4.10%	\$10,895.89	
2607	30/05/2013	NAB	A1+	\$ 1,500,000.00	TD	133	10/10/2013	4.10%	\$15,838.36	
2608	31/05/2013	NAB	A1+	\$ 1,500,000.00	TD	139	17/10/2013	4.10%	\$15,669.86	
2609	4/06/2013	Rural Bank	A2	\$ 1,000,000.00	TD	142	24/10/2013	4.30%	\$10,484.93	
2610	6/06/2013	BOQ	A2	\$ 1,500,000.00	TD	140	24/10/2013	4.30%	\$15,373.97	
2611	6/06/2013	Westpac	A1+	\$ 1,500,000.00	TD	161	14/11/2013	4.07%	\$14,551.64	



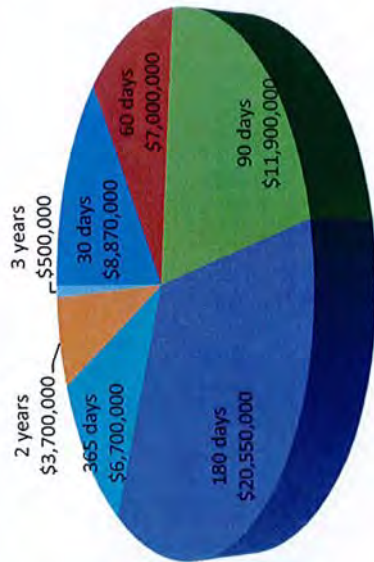
The Council of Camden Investment Summary										
IBD No.	Purchase Date	Institution	Rating	Purchase Price	Type	Term in days	Maturity Date	Interest Rate	Accrued Interest	
2612	6/06/2013	NAB	A1+	\$ 1,500,000.00	TD	168	21/11/2013	4.07%	\$14,551.64	
2613	7/06/2013	NAB	A1+	\$ 1,000,000.00	TD	181	5/12/2013	4.06%	\$9,566.03	
2614	11/06/2013	CBA	A1+	\$ 500,000.00	TD	213	10/01/2014	4.10%	\$4,605.48	
2615	11/06/2013	Suncorp Metway	A1	\$ 1,000,000.00	TD	93	12/09/2013	4.10%	\$9,210.96	
2616	13/06/2013	ME Bank	A2	\$ 1,500,000.00	TD	182	12/12/2013	4.25%	\$13,972.60	
2617	13/06/2013	NAB	A1+	\$ 1,000,000.00	TD	189	19/12/2013	4.11%	\$9,008.22	
2618	17/06/2013	NAB	A1+	\$ 1,500,000.00	TD	199	2/01/2014	4.06%	\$12,680.55	
2619	20/06/2013	ME Bank	A2	\$ 500,000.00	TD	182	19/12/2013	4.25%	\$4,250.00	
2620	27/06/2013	BOQ	A2	\$ 1,000,000.00	TD	154	28/11/2013	4.30%	\$7,775.34	
2621	4/07/2013	ME Bank	A2	\$ 500,000.00	TD	189	9/01/2014	4.20%	\$3,394.52	
2622	11/07/2013	Suncorp Metway	A1	\$ 1,000,000.00	TD	77	26/09/2013	4.00%	\$5,698.63	
2623	12/07/2013	NAB	A1+	\$ 500,000.00	TD	188	16/01/2014	4.10%	\$2,864.38	
2624	19/07/2013	NAB	A1+	\$ 1,500,000.00	TD	181	16/01/2014	4.02%	\$7,269.04	
2625	22/07/2013	Macquarie Bank	A1	\$ 1,000,000.00	TD	185	23/01/2014	4.00%	\$4,493.15	
2626	25/07/2013	ME Bank	A2	\$ 1,500,000.00	TD	273	24/04/2014	4.20%	\$6,558.90	
2627	25/07/2013	Heritage Bank	A3	\$ 1,000,000.00	TD	189	30/01/2014	4.10%	\$4,268.49	
2628	30/07/2013	ME Bank	A2	\$ 750,000.00	TD	184	30/01/2014	4.15%	\$2,814.04	
2629	30/07/2013	BOQ	A2	\$ 500,000.00	TD	184	30/01/2014	4.05%	\$1,830.82	
2630	2/08/2013	CBA	A1+	\$ 1,200,000.00	TD	365	2/08/2014	4.00%	\$3,945.21	
2631	7/08/2013	NAB	A1+	\$ 1,000,000.00	TD	351	24/07/2014	3.91%	\$2,678.08	
2632	9/08/2013	NAB	A1+	\$ 1,000,000.00	TD	90	7/11/2013	3.82%	\$2,407.12	
2633	15/08/2013	Suncorp Metway	A1	\$ 900,000.00	TD	42	26/09/2013	3.77%	\$1,580.30	
2634	22/08/2013	NAB	A1+	\$ 1,000,000.00	TD	77	7/11/2013	3.82%	\$1,046.58	
2635	26/08/2013	CBA	A1+	\$ 1,000,000.00	TD	73	7/11/2013	3.90%	\$641.10	
2636	27/08/2013	Westpac	A1+	\$ 2,000,000.00	TD	93	28/11/2013	3.65%	\$1,000.00	
2637	29/08/2013	Westpac	A1+	\$ 1,000,000.00	TD	105	12/12/2013	3.64%	\$299.18	
At Call		CBA	A1+	\$ 1,870,000.00	Call Account			2.80%		
			Total Value	\$59,220,000.00					\$604,817.88	



The Council of Camden Investment Summary						
Compliance with Council's adopted investment policy						
Distribution of Funds by Financial Institution		Investment Balance	Current Weighting	Investment Policy Limit	Investment Policy	Short/Long Term Rating
Financial Institution						
Commonwealth Bank of Australia		\$ 14,270,000	24%	25%	Yes	A1+ AA-
National Australia Bank		\$ 13,500,000	23%	25%	Yes	A1+ AA-
Westpac Banking Corporation		\$ 10,200,000	17%	25%	Yes	A1+ AA-
Suncorp Bank		\$ 4,900,000	8%	15%	Yes	A1 A+
ING Bank (Australia)		\$ 600,000	1%	5%*	Yes	A1 A
Macquarie Bank Limited		\$ 2,000,000	3%	15%	Yes	A1 A
Bank of Queensland		\$ 5,000,000	9%	10%	Yes	A2 A-
Credit Union Australia		\$ 2,000,000	3%	10%	Yes	A2 A-
Members Equity Bank		\$ 4,750,000	8%	10%	Yes	A2 BBB+
Rural Bank		\$ 1,000,000	2%	5%	Yes	A2 A-
Heritage Bank		\$ 1,000,000	2%	10%	Yes	A3 BBB-
Total Investment		\$ 59,220,000				
Exposure to Categories						
AAA/A1+ Category		\$ 33,770,000	56%	100%	Yes	
AA/A1 Category		\$ 11,700,000	20%	75%	Yes	
A/A2 Category		\$ 12,750,000	22%	30%	Yes	
BBB/A3 Category		\$ 1,000,000	2%	10%	Yes	
Total Investment		\$ 59,220,000	100%			
Term to Maturity Limits						
Portfolio % ≤ 1 yr		\$ 55,020,000	93%	100%	Yes	
Portfolio % > 1 yr ≤ 3 yrs		\$ 4,200,000	7%	60%	Yes	
Portfolio % > 3 yr ≤ 5 yrs		\$ -	0%	30%	Yes	
Total Investment		\$ 59,220,000	100%			
* ING Bank (Australia) has a 5% investment policy limit as it is an authorised depository institution that is a foreign subsidiary bank						



The Council of Camden
Investment Summary

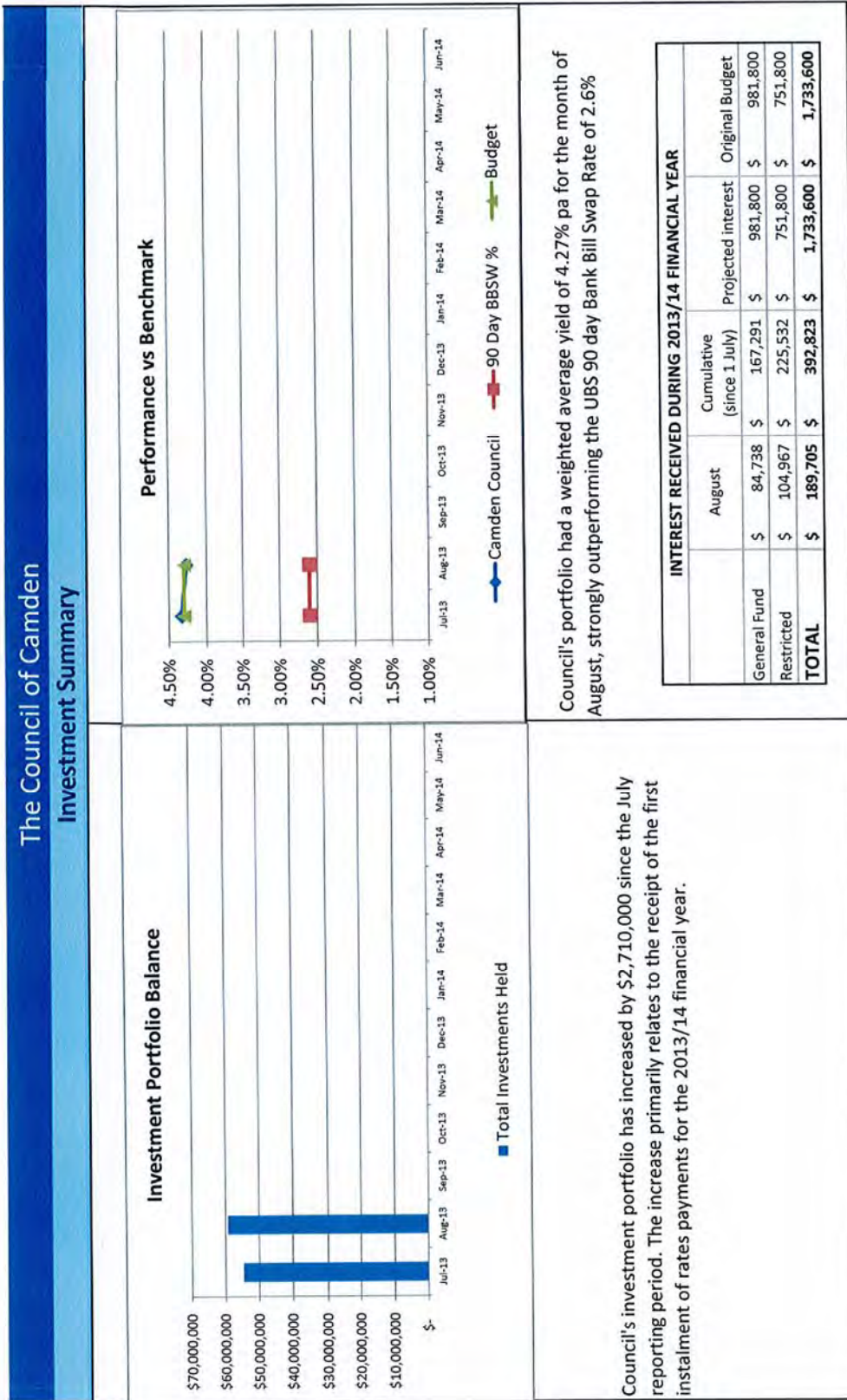


Maturity Profile	Investment	Percentage
less than 30 days Total	\$ 8,870,000	15%
Between 30 days and 60 days Total	\$ 7,000,000	12%
Between 60 days and 90 days Total	\$ 11,900,000	20%
Between 90 days and 180 days Total	\$ 20,550,000	35%
Between 180 days and 365 days Total	\$ 6,700,000	11%
Between 365 days and 2 years Total	\$ 3,700,000	6%
Between 2 years and 3 years Total	\$ 500,000	1%
Total Investment	\$ 59,220,000	100%

NUMBER OF INVESTMENTS	55
AVERAGE DAYS HELD	275
AVERAGE PERCENTAGE	4.25%
WEIGHTED PORTFOLIO RETURN	4.27%
CBA CALL ACCOUNT *	2.80%
HIGHEST RATE	5.95%
LOWEST RATE	3.64%
BUDGET RATE	4.30%
OFFICIAL CASH RATE	2.50%
AVERAGE BBSW (30 Day)	2.60%
AVERAGE BBSW (90 Day)	2.60%
AVERAGE BBSW (120 Day)	2.58%

SOURCE OF FUNDS INVESTED (indicative)	
SEC 94 DEVELOPER CONTRIBUTIONS	\$ 26,117,200
RESTRICTED GRANT INCOME	\$ 841,700
EXTERNALLY RESTRICTED RESERVES	\$ 8,136,900
INTERNALLY RESTRICTED RESERVES	\$ 18,887,500
GENERAL FUND	\$ 5,236,700
TOTAL	\$ 59,220,000





The Council of Camden

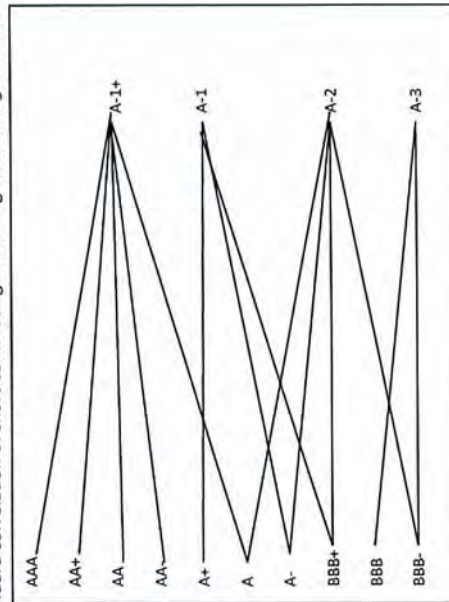
Investment Summary

CreditWatch highlights an emerging situation, which may materially affect the profile of a rated corporation and can be designed as positive, developing or negative. Following a full review the rating may either be affirmed or changed in the direction indicated.

A Rating Outlook assesses the potential direction of an issuer's long-term debt rating over the intermediate-to-long term. In determining a Rating Outlook, consideration is given to possible changes in the economic and/or fundamental business conditions. An outlook is not necessarily a precursor of a ratings change or future CreditWatch action. A "Rating Outlook – Positive" indicates that rating may be raised. "Negative" means a rating may be lowered. "Stable" indicates that ratings are not likely to change. "Developing" means ratings may be raised or lowered.

S&P Ratings Correlations

The standard correlation of short-term ratings with long-term ratings is shown below



As at 31 August 2013

Profile of Recently Invested Institutions

CUA (S&P: AZ/ BBB) – CUA is Australia's largest credit union with over \$9b in assets. CUA relies on customer deposits for about 70% of its funding, while securitisation makes up 25% of its funding requirements. Its latest profit was \$24m (6 months to Dec 2011) and its Tier 1 Capital Adequacy Ratio was 14.6% (Dec 2012).

ME Bank: (S&P: AZ/ BBB) – ME Bank is owned by industry super funds and has assets of around \$12b. ME Bank has a heavy reliance on securitisation (57% of funding as of Jun 2012) however it is planning to reduce this to 25% by increasing its customer deposits (which make up only 30% of its funding). Its latest profit was \$4.7m (12 months to June 2012) and its Tier 1 Capital Adequacy Ratio was 11.3% (Dec 2012).

Bank of Queensland: (S&P: AZ/ A-) – BoQ is a nationwide bank that is listed on the Australian stock exchange with around \$40b in assets. Deposits make up 59% of total funding, wholesale funds 28%, and securitisation 12%. Its latest profit was -\$17m (12 months to Aug 2012), however this included a \$401m impairment on loans and its Tier 1 Capital Adequacy Ratio was 9.4% (Nov 2012).

Heritage Bank (Moody's: P2/A3) – Queensland based bank that has over \$8b in assets. Heritage relies on customer deposits for about 50% of its funding, securitisation makes up 23% and wholesale funds around 20%. Its latest profit was \$19.6m (6 months to Dec 2012) and its Tier 1 Capital Adequacy Ratio was 10.2% (Dec 2012).



The Council of Camden Investment Summary

Standard & Poor's Ratings Description

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

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

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

S&P Short-Term Obligation Ratings are:

A-1: This is the highest short-term category used by S&P. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign(+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.

A-2: A short-term obligation rated A-2 is somewhat more susceptible to the adverse changes in circumstances and economic conditions than obligations in higher rating categories. However the obligor's capacity to meet its financial commitment on the obligation is satisfactory.

A-3: A short-term obligation rated A-3 exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.

S&P Long-Term Obligations Ratings are:

AAA: An obligation/obligor rated AAA has the highest rating assigned by S&P. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.

AA: An obligation/obligor rated AA differs from the highest rated obligations only in a small degree. The obligor's capacity to meet its financial commitment on the obligations is very strong.

A: An obligation/obligor rated A is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations/obligors in higher rated categories. However the obligor's capacity to meet its financial commitment on the obligation is strong.

BBB: A short-term obligation rated BBB exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.

Unrated: Financial Institutions do not necessarily require a credit rating from the various ratings agencies such as Standard & Poors and these institutions are classed as "Unrated". Most Credit Unions and Building societies fall into this category. These institutions nonetheless must adhere to the capital maintenance requirements of the Australian Prudential Regulatory Authority (APRA) in line with all authorised Deposit Taking Institutions (Banks, Building societies and Credit Unions).

Plus (+) or Minus(-): The ratings from "AA" to "BBB" may be modified by the addition of a plus or minus sign to show relative standing within the major rating categories.



ORDINARY COUNCIL

ORD09

ORD09

**SUBJECT: MANUAL TO ASSIST CAMDEN COUNCIL COMMUNITY
MANAGEMENT COMMITTEES**
FROM: Director Works & Services
TRIM #: 13/567

PURPOSE OF REPORT

To seek Council's adoption of revisions to the 'Procedural Manual for Camden Council Community Management Committees'.

BACKGROUND

At the Council meeting on 27 November 2012, (ORD15), Council resolved to distribute the updated Community Management Committee Manual to the Community Management Committees for comment and feedback. The original report is attached. All Committee members were supplied with electronic versions of the document in addition to a number of hard copies being available.

The manual is provided to the Bicentennial Equestrian Park Committee, the Camden Town Farm Committee, the Seniors Program Committee and the Camden International Friendship Association.

MAIN REPORT

The manual is reviewed each four years following the appointment of the Committees by Council which is required after the general Council election. The significant changes to the manual were documented in the previous report to Council which is an attachment to this report.

In summary they were:

- an increase in expenditure without additional Council approval from \$5000 to \$10,000; and
- updating Policy information relating to Work Health and Safety and Volunteers to reflect new legislation.

All committee members were provided the manual electronically and given ample time to identify any additional areas that require revision. To ensure the adopted manual is as up to date as possible some additional changes have been made:

- information relating to grant seeking,
- Section 355 removed from the document title and replaced with community
- updated to reflect Council's current Purchase and Procurement Policy
- changed the pecuniary interest section
- minor changes to the privacy information sections to improve clarity

The changes are highlighted in the attached document.

FINANCIAL IMPLICATIONS

There are no financial implications with regard to endorsement of the manual.

CONCLUSION

Camden is fortunate to have so many people who are willing to volunteer their valuable time and expertise as members of these committees. The information in the manual assists them to carry out the responsibilities delegated to them within the scope of the procedural manual for the Community Management Committee.

RECOMMENDED

That Council endorse the updated Procedural Manual for Camden Council Community Management Committees.

ATTACHMENTS

1. Procedural Manual for Camden Community Management Committees
2. Community Management Committees Reference Guide 2013
3. Council Report 27 November 2012 - ORD15 - Community Management Committee Manual Review

Procedural Manual for Community Management Committees



Camden Bicentennial Equestrian Park
Camden Town Farm
Camden International Friendship Program
Camden Seniors Program

Original adopted by Camden Council on 27 May 2002
Updated October 2004, February 2009, August 2013



ORD09

Attachment 1

For copies of this manual or related documents e.g. policies, procedures, and forms, contact Council's Community Planning and Development Team on 4645 5050.

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DEFINITIONS

In this Manual:

- a) "Council" shall mean the Council of Camden.
- b) "Committee", or "Management Committee" or "Community Management Committee" shall mean that body of persons appointed in accordance with Section 2 of this Manual.
- c) "Licensee" or "Licensed use" shall mean those bodies or organisations which have been granted, under separate lease or license, exclusive or shared occupancy of a section of any facility.
- d) "Annual use" shall mean any user granted use of any facility on a year-to-year basis.
- e) "Minor maintenance" shall mean all maintenance works within land, halls, and other buildings under the control of the Management Committee excluding those specified in Appendix 3.5 as being the responsibility of Council.
- f) "Casual Hirer" shall mean those groups or individuals that have been granted use of the sporting or building facilities for a one off activity.
- g) "Tenant Body" shall mean any club, group or organisation which is granted use of any portion of the facilities on a licensed annual, seasonal or longer term basis.
- h) "Manual" means this Community Management Committee Manual.
- i) "Community Representative" shall mean those individuals that are not affiliated with any Tenant Body and are voted onto the Committee, by similar persons at the public meeting held to elect the Committee.
- j) "Relative" means:
 - I. the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or the person's spouse.
 - II. the spouse or de facto partner of the person or of a persons referred to in (I).
- k) "Unfinancial" means those representatives or organisations who have accounts outstanding with the Management Committee beyond the due date.

1. INTRODUCTION

Camden Council appreciates the efforts of volunteers who become members of Community Management Committees. The Local Government Act 1993 allows Council to delegate authority to committees to manage some of Council's facilities or functions.

Council nominates a Councillor and an alternate to participate on the Management Committee. Other Councillors may also attend the regular meetings of the Committees to enable them to gauge the areas of concern of the citizens of the local government area (LGA) and assist in prioritising any development plans for the facility or program. Being on a Community Management Committee is an important role providing a valuable contribution to the local community.

Camden Council provides advice and direction on all matters associated with Community Management Committees and members can seek Council's assistance in this crucial role.

At present Council has resolved to delegate responsibility to four Community Management Committees. These Committees are responsible for:

- Bicentennial Equestrian Park Committee
- Camden Town Farm Committee
- Camden International Friendship Association Committee
- Camden Seniors Programs Committee

This Manual outlines the responsibilities; functions and operations of the Community Management Committees; and clarifies Council's role in this partnership.

Upon Council's formal approval of a Community Management Committee, its members are required to adopt and **adhere to** the conditions set out in this Manual.

COUNCIL CONTACT

Business Hours (8.30am – 5.00pm) Monday – Friday

Contact with Council Officers can be made by contacting Camden Council – 37 John Street, Camden – Phone (02) 4654 7777.

Contact can be made via Council's After Hours Emergency Number 4654 7777 which is a twenty four hour service.

Council's After Hours Call Out staff will attend to any emergencies, should the Management Committee be unable to handle the problem.

Please note that the After Hours Call Out facility should only be used for emergency situations. All other contact should be made during normal business hours.

2. ROLES AND RESPONSIBILITIES OF MANAGEMENT COMMITTEES

2.1 APPOINTMENT AND ELECTION OF MANAGEMENT COMMITTEES

2.1.1 - Formation of Management Committee

- a) The appointment of Management Committees is entirely at the discretion of the Council. The Committees are appointed and reappointed in accordance with the provisions of the Local Government Act 1993 every four years.
- b) Council aims to appoint Committees who are representative of the local community or interest group of the facility, which the Committee manages.
- c) A public meeting is called to enable any interested resident to find out about the committees available and the responsibilities of committees.
- d) Council or Management Committee may call the public meeting by advertising locally, upon a request by citizens or at Council's discretion.
- e) To hold office and be responsible for the management of a Council facility or function, all committee members must be appointed by Council.
- f) Council must also appoint new members before they are able to vote or take part in the meetings of the Committee.
- g) Committees are formally appointed by the Councillors in office, therefore usually 3 months after the General Election of Councillors, all Community Committee Members will cease to hold office.
- h) All nominations for Community Committees are formally submitted in writing to Council for appointment.
- i) Following the appointment of committees by Council, Council will issue a Deed of Delegation to each committee.

2.1.2 - Committee Membership

- a) A Community Committee will comprise those people appointed to it by Council. Committee membership is on a quadrennial basis for the term of Council. Members may nominate for reappointment.
- b) Committee membership will usually not number less than 4 and not more than 15 as appointed by Council including office bearers, however this is at the discretion of Council.
- c) Whilst no particular qualifications are necessary, a commitment to the activities of the Committee and a willingness to be actively involved in committee issues is essential.
- d) The Committee should provide new members with the information they need to begin to understand the basics of the Committee. This can be prepared in an orientation kit and given to any new members.

- e) It is expected that a member would serve a minimum of 1 year.
- f) The Management Committee will ideally consist of the Office Bearers and a similar number of other Committee Members. The Office Bearers will occupy the positions of:
 - President/Chairperson
 - Secretary
 - Treasurer
- g) Camden Council reserves the right to appoint one of its members to each Committee.
- h) Members of Community Management Committees should be from the Camden Local Government Area, however, Council may approve members from outside the area.
- i) Management Committee membership should reflect the Community organisations who use the facility and is open to representatives of user groups and interested community members.
- j) Members of Community Management Committees are volunteers, therefore do not receive payment for services.
- k) Staff of Camden Council may not be members of any Committee but an appropriate staff member may be appointed to the ex-officio position of Council liaison officer for the Committee with the agreement of the General Manager.

2.1.3 - Election of Office Bearers

- a) The Committee shall elect a President/Chairperson, Secretary, and Treasurer from its own members, at the Committee's Annual General Meeting, for a renewable period of 12 months, or at an Ordinary Meeting of the Committee, if the member resigns or is removed by Council prior to the 12 month term of election. These three positions form the Executive of the Committee.
- b) The Committee may, from its own members, elect a Grounds/ Building Committee groundsman or caretaker to handle the allocation and/or maintenance of grounds or other sub-committees necessary to handle a specific function or report on a specific issue.
- c) The Committee may, from its members, elect additional positions such as:
 - (i) Vice President;
 - (ii) Assistant Secretary;
 - (i) Publicity Officer; or Present monthly financial reports to Committee.
 - (iii)
 - (iv) Other positions as deemed necessary
- d) A maximum of two (2) relatives of any one family can be office bearers on the same Committee at the same time.

- (i) Only one (1) of those office bearers is to sign cheques on behalf of the same Committee at the same time.
- (ii) This means that relatives of the same family can be appointed to the same Committee simultaneously but only two can be office bearers and only one can sign cheques during the time they are members.

All Management Committees are required to advise Council of the details of the persons who are authorised signatories of the Committee's bank account

2.1.4 - Dissolution of Management Committee

- (a) Council may dissolve a Management Committee at any time.

Council may wish to dissolve a Management Committee to carry out the control of the facility itself.

Council may also dissolve a Management Committee if that Committee is not complying with the roles and responsibilities of the Committee.
- b) The Management Committee shall be dissolved in the event of membership dropping to less than four (4) persons. The committee can also recommend to Council that the Committee be dissolved. Council has established the following policy to address this issue:
 - if a committee chooses to remain active it is given 6 months to re-establish a viable membership (i.e. minimum of 4 members); or
 - if a committee, facility or function becomes inoperable or inactive, the Committee will be dissolved and all responsibilities will be taken over by the designated Council department (in this instance, consideration will need to be given to the long term viability of the facility or function).
- c) The Management Committee can also be dissolved by a vote of 75% of members entitled to vote present at an Extraordinary Meeting convened to consider this option.
- d) Upon a resolution being passed in accordance with clause (b) and (c) and confirmation by Council, all assets and funds of the Management Committee shall, after payment of all expenses and liabilities, be handed over to Council.

2.1.5 - Vacation of Office

- a) A person shall cease to be a member of a Management Committee if:
 - the member becomes bankrupt;
 - the member resigns from office by notification in writing to the Committee and Council;
 - the member is absent for more than 6 months without leave from meetings of the Committee;
 - Council passes a resolution to remove the member from the Committee;
 - the member holds any office of profit under the Committee;

- the member fails to disclose any pecuniary interest in any matter with which the Committee is concerned and takes part in the consideration, discussion or votes on any question relating to the matter and for the purposes of this provision “pecuniary interest” has the same meaning given to that term in Section 442 of the Local Government Act 1993;
 - the member while holding that office is convicted of an offence referred to part 4 of the Crimes Act 1900 (offences relating to property);
 - the member is prohibited by Order under Section 230 of the Corporations Law from managing a corporation within the meaning of that Section; or
 - the member becomes a mentally incapacitated person.
- b) Council has the right to remove any members of the Management Committee after consultation with the Committee.
- c) A member can resign at any time.

2.1.6 - Procedure for Resigning from Management Committee

- a) Where a member of a Management Committee resigns, a written resignation will be presented to the Management Committee.
- b) Upon receipt of the resignation, the Management Committee members will call for nominations from the user group with which the member was affiliated and refer this nomination to Council for concurrence.
- c) Where the member is not a member of a user group, Council will be advised and seek nominations to replace the community member who has resigned.
- d) Any nominations will be submitted to Council for approval and appointment.

2.2 DUTIES AND RESPONSIBILITIES OF MANAGEMENT COMMITTEES, OFFICE BEARERS AND COUNCIL

Council sets out the delegation of the committee in a Deed of Delegation. This Deed sets out the specific function delegated by Council is accompanied by a Schedule of Delegation and this manual.

2.2.1 - Responsibilities of Council

a) *Funding Major Improvements*

The Council shall be responsible for the funding and erection of all *major* improvement works in the facility, in accordance with the adopted Plan of Management and availability of funds.

b) *Insurance of Assets*

The Council shall fully insure all buildings and all fixtures, fittings, and contents.

c) *Insurance of Committee Members*

The Council shall insure the Committee in respect of Public Liability, Professional Indemnity and Volunteers Insurance.

d) Notification of Fees and Charges

The Council shall notify the Management Committee of any proposed variation of hire or membership fees proposed for the ensuing year by mid February in each year.

e) Improvement Recommendations

The Council shall consider with its annual budget process all improvements suggested by the Committee.

f) Training of Committees

Training to advise members and the Executive of the Committee of the requirements of their positions will be arranged and conducted by Council, where appropriate or requested by the Committee.

2.2.2 - Responsibilities of Management Committees

a) Responsibilities

The Community Management Committee will be responsible for the Care, Control and Management of either a **Facility** (including letting, cleaning, maintenance, minor repairs, operations and equipment purchases); **or** a **Program** (including organising, operating and implementing).

The Committee is empowered to make purchases **up to the value of \$10,000** without Council approval, expending sums as necessary from amounts received from fees and charges to meet costs arising out of the delegation function, in compliance with Council's Purchasing and Procurement Policy.

b) Care, control and management

Care includes:

- Duty of care to ensure the health, safety and welfare of persons using the facility or participating in a program of the Committee; including contractors or volunteer labourers.
- Maintaining the facility or program and protecting the physical assets from damage, misuse and deterioration;
- Ensuring the security of the facility or program and adequate security systems are in place;
- Advising Council of any potential insurance risk that may arise in regard to buildings and/or users;
- Attaining sufficient funds to maintain the facility or program as a going concern;

- Ensuring sufficient and equitable access of the facility or program by the community;
- Ensure that all users of the facility or program conform to the insurance requirements as set out in the manual.

Control includes:

- Holding regular meetings with recorded minutes;
- Monitoring and maintaining financial records;
- Submitting an annual report and all records to Council for an annual audit;
- Submitting monthly financial reports in accordance with GST requirements;
- Recommending hire fee structures for determining of Council;
- Administering and overseeing the use of the centre by other groups;
- Clearly defining the role of officer bearers and committee members;
- Submitting an estimate of income and expenditure for the period 1 July to 30 June. The budget proposal will be submitted in mid February each year, unless requested earlier by Council in special circumstances.
- Submitting a current list of all contents belonging to the Committee (not User Groups) for inclusion in Council's Insurance Policy, by 31 January each year;
- Maintaining a Post Office Box to which all correspondence will be forwarded;
- Submitting a current list of all Committee members including the address and phone number to Council immediately following nominations of the Committee and where there are changes; and
- Submitting officer bearers names and an audited financial report to Council following the Annual General Meeting.

Management includes:

- Ensuring that all monies received will be used for the benefit of the facility or activity in an equitable, honest and consistent manner;
- Ensuring that the organisation is not used for the financial gain of individual members;
- Ensuring that all written material provided to potential hirers or used to promote the facility or program acknowledges Camden Council, including display of the Councils' logo;

Ensuring that the standard hire forms and Terms and Conditions are used;

- Being aware of and involved in, appropriate community activities, which are compatible with the goals of the facility;
- Developing and updating long terms plans;
- Recommending policies and procedures which contribute to the effective management of the facility/activity; and
- Being accountable to the community and the Council for the Committees actions and initiatives in respect of the facility/activity.

c) Limitations of powers

The Committee may not make decisions concerning the following:

- Fixing of charges or fees (the Committee may submit recommendations for approval to Council in relation to the fixing of charges and fees for the use of the facility under its control);
- Borrowing any monies without the express written consent of Council on each such occasion;
- The sale, lease or surrender of any land or other property vested in its care under the provision of the Local Government Act 1993 (as amended);
- The acceptance of tenders which are required to be called by Council;
- Formation of submissions to government policies or implementation of policies without the prior written consent of Council;
- The payment or making of any profit, gain or gift, to or by its members as well as allowance or travelling expenses incurred whilst attending committee meeting;
- The carrying out of any works on or to the facility including alterations, reconstruction or construction without the prior written consent of Council (this does not include minor maintenance work);
- As a voluntary Committee, members do not receive payment for their services. The Committee may by resolution reimburse the Bookings Officer for phone calls made in relation to the hire of the facility. No other payment is to be made to Committee members without the prior written approval of Council;
- Unreasonably withholding consent for the letting of the facility to any organisations which agreed to comply with and adhere to the rules adopted for the use of the facility, providing an acceptable letting period is available; and
- Vote monies for expenditure on the works, services or operations of Council.

The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/ function under its management and control.

If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or their representative.

2.2.3 - Duties of Office Bearers and Committee Members

The duties of the Office Bearers are as follows:

President/Chairperson

- (i) Manage the operations of the Management Committee including meetings.
- (ii) Act as official representative of the Management Committee.
- (iii) Act on behalf of the Management Committee in an emergency or urgent situation.
- (iv) Provide direction, forward planning and vision for the committee.

Secretary

- (i) Deal with correspondence to and from the Committee.
- (ii) Take and distribute meeting minutes.
- (iii) Ensure there is a flow of information to, from and between the Management Committee.
- (iv) Ensure that official files and records are kept and maintained.
- (v) Notify all members of meetings.
- (vi) Ensure that minutes are distributed to the nominated Council officer.

Treasurer

- (ii) Handle the movement of money within the Committee.
- (iii) Record income and expenditure.
- (iv) Present monthly financial reports to Committee.
- (v) Present monthly debtors listing to Committee.
- (vi) Facilitate financial planning.
- (vii) Submit financial records to Council for auditing and GST purposes.
- (viii) Maintain bond and/or key deposit registers

(ix) Ensure debts owed to the Committee are followed up promptly

(x) Prepare the Committees BAS on a monthly basis

Booking Officer

- (i) Handle the bookings for all the activities associated with the facility.
- (ii) Authorise the release of bonds.

2.2.4 - Legal Issues

From a legal perspective, it is important for Committees of Council to be aware that they are in fact acting on Council's behalf. Legally, the committee is 'Council' and any action that the Committee undertakes is Council's responsibility.

Committees sometimes believe they are responsible in their own right and that their actions are independent of Council. This is not the situation. Council delegates its authority to the committee to act on Council's behalf.

Records of your Committee

Most of the records of Council Committees, eg minutes of meeting, financial reports, etc. should be kept for at least seven years. After this time they should be given to the Council's Administrative Services Section to be archived.

The Community Committees need to be aware of the importance of minutes, because of their legal status and their liability to subpoena in court cases.

The Chairperson/President is required to sign the minutes of a meeting as the true record of proceedings of the meeting. The minutes must record all motions and amendments put to the meeting, and the results. There is no need to record what members said at the meeting, but there may be occasions when it is appropriate to record the thrust of the debate.

The Chairperson/President and the Secretary are responsible for the form of the minutes for proper confirmation, and must check that there have been no unauthorised alterations to those minutes. The Chairperson/President signs the minutes after they have been confirmed by the appropriate meeting (usually the next committee meeting). The signing must not take place until the motion for confirmation has been completed. The motion to confirm the minutes can only be moved and seconded by a person in attendance at that meeting to which the minutes relate.

Pecuniary Interest

Chapter 14 of the Local Government Act 1993 includes a framework for the handling of alleged breaches of the pecuniary interest provision of the Act.

The Act is about openness, accountability and transparency in decision making by Councils.

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

A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter.

Pecuniary interests are regulated by Chapter 14, Part 2 of the Local Government Act 1993. The Act requires that:

- (a) Councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties;
- (b) Members of Council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter; and
- (c) Designated persons immediately declare, in writing, any pecuniary interest.

The definition of "designated persons" includes "a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest."

It is the responsibility of members of Committees to :

- disclose to the meeting any pecuniary interest in a matter before the meeting;
- not to participate in the discussion of the matter before the Committee in which the member has a pecuniary interest;
- not to vote on the matter before the Community Committee meeting in which the member has a pecuniary interest.

A pecuniary interest does not exist where the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision. The obligation to disclose is a strict duty, and the person's motives for participation are irrelevant if an interest is said to exist.

Pecuniary interest provisions are not breached if the person did not know or could not have reasonably been expected to know that the matter under consideration was a matter in which the person had a pecuniary interest.

Declaration of Interests

To protect individual members as well as the whole organisation, all committee members should declare their interests in advance. If a potential conflict arises,

it should be declared as soon as possible. Where some financial, political or personal benefit is potentially involved, committee members should do one of the following:

- (i) State their involvement in another organisation or business etc. and the committee should be aware of this;
- (ii) State their involvement and ask that they not take part in discussion or decisions about the issues where there could be conflict;
- (iii) State their other involvements and ask that the group determine whether they stay involved, or how they can participate without compromise; and
- (iv) State their involvement and that they believe they should resign from the committee because of this conflict.

Committee members are also required to lodge an annual written Pecuniary Interest Declaration in accordance with the section 499 of the Local Government Act 1993. Committee members are strongly advised to declare any interests they may have in this written declaration to ensure transparency, accountability and protection for individual members.

Conflict of Interest

A conflict of interest can arise when a member of the committee has other involvements or interests that make it difficult for them to always remain impartial when involved in discussions and decision makings. These can include:

- Business or professional activities;
- Employment or accountability to other people or organisations;
- Membership of other community organisations or service providers; or
- Ownership of property or other assets.

The conflict may lead to:

- Financial benefit eg. Sale of goods or privileged knowledge;
- Political benefit eg. Gaining or losing electoral support; or
- Personal benefit eg. Career advancement or increased standing in the community.

Committee Members are required to adhere to Councils Code of Conduct.

e) Privacy and Personal Information Protection Act

On July 1 2000, the Privacy and Personal Information Protection Act, 1998 (PPIPA) came into force. The Act provides for the protection of personal information and the privacy of individuals generally.

The Act applies to all public sector agencies in NSW, with regard to Councils it applies to the work of Councillors, Council employees, consultants and contractors of the Council, Council owned businesses and Council committees (including Section Community Management Committees).

Examples of how the Act could relate to your work?

- Information should only be used for the purpose it was collected, accessed by relevant officers and stored and supplied according to the principles of the Act.
- Information should not be given to third parties (some exceptions are included in the Act).
- Information requests should be in writing with authenticity confirmed, registered and processed by Corporate Services - Governance Section.
- Disclosure and suppression of personal information on public registers should be according to Part 6 of the Act.
- Surveys/Forms should only request relevant information and include a Privacy Disclaimer informing of the use, storage and access to the information.
- The wording for the disclaimer can be obtained from the Council's Corporate Services Section.
- All requests for submissions from the public should include the following statement informing how they could become public documents:

Please note - all submissions received become public documents and if requested in writing will be made available for inspection.

What is personal information?

Personal information is defined in Section 4(1&2) of PPIPA as follows:

"information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion".

This information can be on a database and does not necessarily have to be recorded in a material form.

What is not personal information?

Personal information does not include information about an individual contained in a publicly available document. Personal information, once it is contained in a publicly available publication, ceases to be covered by the PPIPA. Council considers the following to be publicly available publications:

- An advertisement containing personal information in a local, metropolitan or national newspaper.

- Personal information on the internet.
- Books and magazines printed and distributed broadly to the general public.
- Council Business Papers, only what is available to the general public (not Closed Committee)
- Personal information that may be a part of a public display on view to the general public.

Section 4(3) of the Act lists ten other items seen under the Act as not being personal information.

Guidelines for Dealing with Personal Information

PPIPA provides for the protection of personal information and the privacy of individuals through 12 Information Protection Principles. Councillors, employees, committees and contractors are all bound to comply with the Principles of PPIPA when collecting, storing, using and disseminating personal information while carrying out tasks.

Below is a summary of the Protection Principles which also highlights how they may relate to your work.

- **Caution as to Unsolicited Information:** Where an individual, group or committee, not established by Council, gives Council unsolicited personal information, the information should still be treated in accordance with the principles of PPIPA.
- **Collection of personal information under PPIPA:** Personal information must only be collected lawfully and for lawful purposes that is; collection should be directly related to a function or activity of Council and reasonably necessary to carry out the function. Collection should also be from the source and only what is needed that is; not excessive, up-to-date, relevant, complete and accurate. When information is collected or as soon as practicable after collection the source needs to be made aware that the information has been collected, who the collection agency is, the purpose of collection, storage, who will be using and who will have access to the information. In the majority of cases this can be achieved with a disclaimer included on correspondence
- **Storage of personal information under PPIPA:** Personal information must be retained for no longer than is necessary, protected while stored and disposed of securely to prevent unauthorised use or disclosure of the information.
- **Use of personal information under PPIPA:** Section 18 of the Act advises personal information should only be used for the purpose it was collected or a purpose directly related to the purpose it was collected. Before use the accuracy and relevance of the information should be checked also whether it is relevant, complete, up-to-date and not misleading.
- **Access to personal information under PPIPA:** PPIPA outlines in Section 19 the special restrictions on disclosure of personal information. Basically an

agency must not disclose the information to individuals or agencies other than the source. Access for viewing or alteration, must be requested in writing and should only be given to the source once their identity has been verified.

What are the personal penalties for breaches of the standards?

Sections 62 and 63 of the Act outline severe personal penalties for public sector employees and others who do not follow the standards set by the IPPs when dealing with information

PPIPA - Sect 62

"Corrupt disclosure and use of [personal information](#) by [public sector officials](#)

(1) A [public sector official](#) must not, otherwise than in connection with the lawful [exercise](#) of his or her official [functions](#), intentionally disclose or use any [personal information](#) about another person to which the official has or had access in the [exercise](#) of his or her official [functions](#).

Maximum penalty: 100 penalty units or imprisonment for 2 years, or both.

(2) A person must not induce or attempt to induce a [public sector official](#) (by way of a bribe or other similar corrupt conduct) to disclose any [personal information](#) about another person to which the official has or had access in the [exercise](#) of his or her official [functions](#).

Maximum penalty: 100 penalty units or imprisonment for 2 years, or both.

(3) Subsection (1) does not prohibit a [public sector official](#) from disclosing any [personal information](#) about another person if the disclosure is made in accordance with the [Protected Disclosures Act 1994](#).

a (4) In this section, a reference to a [public sector official](#) includes a reference to person who was formerly a [public sector official](#)."

PPIPA - Sect 63

"Offering to supply [personal information](#) that has been disclosed unlawfully

(1) A person who offers to supply (whether to a particular person or otherwise), or holds himself or herself out as being able to supply (whether to a particular person or otherwise), [personal information](#) that the person knows, or ought reasonably to know, has been or is proposed to be disclosed in contravention of section 62 is guilty of an offence.

Maximum penalty: 100 penalty units or imprisonment for 2 years, or both.

(2) If a person is convicted of an offence under section 62 or 63 (1), the court may order the confiscation of any money or other benefit alleged to have been obtained by the person in connection with the offence and for that money or other benefit to be forfeited to the Crown."

Who has the responsibility in Council for Privacy and information related issues?

ORD09

Corporate Services – Governance Team.

Please contact the Governance Team on 4645 5125 to obtain a copy of Council's Privacy Management Plan or to obtain further information on Privay related issues.

Attachment 1

3. MANAGEMENT OF FACILITIES

3.1 OPERATION OF FACILITY

Making the facility readily accessible to the community, whilst at the same time raising funds for its maintenance and future improvements, are some of the main objectives of the Management Committee.

The following guidelines form the basis for acceptable hiring procedures.

Conditions of Hire

It is essential that hirers sign a Hire Agreement which shows that they abide by the Conditions of Hire set out by the Committee, and in accordance with Council policies

Fees and Charges

The schedule of fees and charges is set by Council, taking into consideration the recommendations of the Management Committee and the operating requirements of the facility.

Only Council has the power under the Local Government Act to set fees and charges. Committees are to review their fees annually and make recommendations to the Council's contact officer by early February for assessment and inclusion in Council's annual review of fees and charges.

Figures submitted should show the GST (Goods and Services Tax) exclusive amount to which Council will add the ruling rate of GST. Once Council has adopted the fees and charges, a list will be supplied to each Committee.

The Committee is not able to provide subsidies or waive hire fees. All requests concerning fee reduction must be referred to Council Community Development Section.

<p style="text-align: center;">FEES AND CHARGES MAY NOT BE VARIED WITHOUT THE PRIOR WRITTEN APPROVAL OF COUNCIL</p>
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Damage Deposit

The Committee as a safeguard against possible damage holds a damage deposit (Bond) to the facility or equipment, or to cover the need for additional cleaning, where appropriate.

Hirers should be advised that this will be refunded by cheque if all conditions of the hire are adhered to.

Any abnormal costs associated with the hire of the facility will be deducted from the bond including GST.

Bookings

Each Management Committee will have a contact person who is responsible for the bookings of the facility. It is anticipated that the person's name and telephone number is well publicised for the benefit of the community.

To make a booking, a person or group contacts the booking officer and books the facility for a particular day and time.

The booking officer will advise the hirer of the fees, bonds and deposits required, provide the application to hire form and the Conditions of Hire and enter the relevant information into the Booking Diary. The Booking Officer is to advise potential hirers that fees are subject to change and that this usually occurs from 1 July when Council adopts the Fees and Charges for the financial year. Fees charged are to be those applicable for the time the function actually takes place and not when the venue is booked (eg. If a booking is made in March for an event in August – if the fees increase in July the new increased fee is to be charged.)

Booking Diary

The Booking Diary is preferably a large hard cover book with one page for each day which will be kept in an accessible place. All bookings are recorded in the Booking Diary at the appropriate date and should clearly show:

- (i) Date when preliminary booking was taken.
- (ii) Name, address and telephone number of the hirer.
- (iii) Type of function.
- (iv) Times of hire.
- (v) Hire charge and damage deposit (if any).
- (vi) Insurance charge.
- (vii) Receipt number, amount paid and date of payments as they are received.
- (viii) Caretaker's comments on the condition of the facility and equipment after the function.
- (ix) Cheque number, amount and date of issue when the damage deposit, or part, is refunded.
- (x) Amount forfeited when applicable.

Use of Liquor

Committees are responsible for advising hirers of conditions relating to the use of alcohol. These prohibit:

- (i) the consumption of intoxicating liquor by persons under the age of 18;
- (ii) bringing bulk alcohol or kegs into a community facility; or

- (iii) selling alcohol on the premises without a Functions Licence.

Hirers wishing to sell alcohol can obtain applications for a Functions Licence from the local Police Station.

The application must be lodged by the hirer at least 14 days before the date of the function and can only be obtained by non-proprietary associations.

3.2 MAINTENANCE OF FACILITY

a) General

The Committee has responsibility for the overall cleanliness and maintenance of the facilities under their control.

The Committee is to provide Council with details of Maintenance work completed for each year (1 July to 30 June) returning details to Council in conjunction with their Financial Books by 15 July each year.

b) Purchasing

The Management Committee is able to take advantage of Council's purchasing power.

It is essential that any purchase of items is related to the use of Council's facility or function.

Any purchases of goods or services should be made in accordance with Council's Purchasing and Procurement Policy

c) Contracting

Should Committees need to engage the services of a contractor (eg a plumber or cleaner) at standard commercial rates, a minimum of two written quotes and authorisation may be obtained by applying the following steps:

- Check documentation to ensure registered and licensed (Gold Licence, expiry date, name on licence);
- View the contractor's Workers Compensation and Public Liability Insurance (\$10 million cover). Council's insurance does not cover the contractor; and
- Obtain 2 work related referee reports on the contractor's past performance.

d) Use of Volunteer Labour

Council Policy

Council has a policy and procedures relating to the recruitment and management of Council volunteers in general.

'Volunteers' are defined in the policy as "people who are engaged in Camden Council's services and programs and who undertake such activities of their own free will and without monetary reward" when "the activities undertaken are of benefit to Camden Council and the local community and compliment, but do not replace, the services and programs provided by paid staff."

Community Management Committee Members are council volunteers under the above definition and they are delegated to carry out tasks outlined in the (this) Community Management Committee Manual.

From time to time, Community Management Committee Members may wish to provide labour for particular projects or to recruit volunteer labour to assist them.

In either of these cases, the following procedures will apply.

Recruitment Procedures

- i. Council Volunteer Job Description form to be completed in order to clarify details of project including: delegated Community Management Committee supervisor, actual tasks, resources available and resources needed (e.g. training, budget).
- ii. Completed Volunteer Job Description Form to be sent to Council's Manager Community Services for consideration and approval

If project is approved:

- iii. Job Description to be sent by the Manager to Council PR to be added to Council's Volunteer Jobs web page.
- iii. Volunteer Application Forms will be made available to the public via Council's Volunteer Jobs webpage.
- iv. Applications will be received by Council and forwarded to the nominated Community Management Committee project supervisor.
- v. The Community Management Committee project supervisor will access applicants skills and training needs
- vi. The nominated Community Management Committee project supervisor will forward copies of successful applicants to Council's Insurance Officer for inclusion in a central Volunteers Database, arrange training and keep records of attendance.
- vii. Council will mail out certificates of appreciation to all volunteers recorded in the central database, annually.
- viii. The nominated Community Management Committee project supervisor should attend an annual end of year meeting with Council staff to evaluate Council's Volunteer Program and make recommendations for improvement.

e) **Annual Maintenance Advice**

(i) Submission for Annual Maintenance and Improvements

The Council is required to ensure effective use of funds available for all its service and works throughout the community.

In setting priorities, Council identifies needs, which are then funded in an annual budget which is developed in February each year, adopted in June and implemented in the ensuing Financial year (i.e. July 1 – June 30).

Council provides funds for:

- Urgent repairs due to damage, excessive wear, safety or security;
- Needs to carry out licensing or statutory requirements; and
- Periodic maintenance.

A Management Committee can make a written request to Council to undertake upgrades or improvements. Such requests are to be forwarded to Council in January each year for consideration in the budget process. Approved projects may commence in July of that year.

(ii) Minor Repairs

The Management Committee will be responsible for minor repairs. Where repairs required are not considered minor, the need for repairs is to be immediately conveyed to Council's Assets Branch by telephone and confirmed in writing.

(iii) Advising Council About Necessary Works

Liaison between the Committee and Council is essential so that the facility is appropriately maintained. Please contact Community Services or Asset branches regarding any necessary works.

(iv) Cleaning and security

Committees are to seek quotations every two years for cleaning, mowing and security services. This process needs to be undertaken in an open and transparent manner. Three quotations must be sought. The Committee then assesses the quotations and by resolution agree to engage a contractor.

There must be a written agreement in place between the contractor and the Committee outlining the cost per service, the terms and period for which the contract remains in place.

Council officers can assist with this process.

Please note that Committees must have Council's approval prior to entering into any contract arrangement.

3.3 MANAGEMENT OF FACILITY

a) Council's Overriding Authority

Management of the facility is delegated to the Management Committee by Council. Whilst the Committee has control over the facility, Council may exercise overriding authority and may revoke the powers of the Committee.

b) Legal Action

The Committee is unable to enter into legal action.

c) Bookings and Exceptions

The Management Committee will be responsible for all bookings and hiring of the facility with the exception of applications for consent to the consumption of intoxicating liquor.

Note: Council does not allow exemptions for any organisation to take alcohol into Council's facility.

d) Legal Expenses

Council is responsible for the payment of legal expenses in relation to preparation of such Deeds of Agreement by Council's Solicitors for (d) above.

e) Donations

Committees are not permitted to loan or donate funds.

f) Approval of Committees and Office Bearers

The Committee and Office Bearers must be approved by Council.

g) Variation to Manual

The provisions of this Manual may only be varied or amended by Resolution of the Council.

h) Variation of Development Plans

Committees must not vary the overall design plan for the facility without Council's prior written approval.

j) Payment of Committee Members

Payment to a Committee Member is not permitted except for out of pocket expenses. This will only be for telephone and postage re reimbursement for the booking officer. Any other requests for payment to Committee members must be referred to Council.

k) Proposed Fees

Fees proposed to be charged for use of the facility must be submitted to Council for approval as part of the annual budget process.

l) Membership Fees

Fees are not to be charged for Membership of the Management Committee.

m) Disputes – External

General:

- i. Where individual citizens or groups of citizens of the LGA disagree with a resolution of the Management Committee, these bodies have the right to refer their grievances in writing to the Committee for reconsideration.
- ii. Where the Management Committee refuses to alter its decision, the individual resident or group of citizens from within the LGA present their grievance to Council in writing, for reconsideration.
- iii. Where such notice in writing is referred to Council, Council will request a report on the issue from the Management Committee. Upon receipt of the report the matter will be referred to Council for resolution.
- iv. Upon Council adopting a resolution, the details of Council's deliberations will be advised to the Management Committee and the resident or group of citizens who referred the matter to Council.

n) Disputes - Internal

- i. All disputes between members of the Committee are to be resolved within the Committee where possible.
- ii. Where a dispute occurs within a Committee the resolution of the majority of the Committee as a whole will determine the outcome, where this is not possible the Chairperson/President will have the casting vote.
- iii. There will be no right of appeal when the Management Committee has determined its resolution of a dispute.

3.4 PLANS OF MANAGEMENT**a) Formal Plan of Management**

Council will prepare and update a formal Plan of Management for the facility.

All activities conducted within the facility must conform to the Plan of Management issued by Council.

b) Development Plan for Facility

The Management Committee will prepare a Development Plan for the facility that covers future improvements for the facility.

The Development Plan proposals will be prioritised by the Management Committee and referred to Council for endorsement.

Upon gaining endorsement from Council, the prioritised list will be considered in conjunction with Council's Annual Budgets.

c) *Minor Improvements for Facility*

The Management Committee will determine each year a Minor Improvement schedule for the facility and prioritise the items in the schedule.

This Program will be referred to Council's staff for concurrence. The Management Committee will carry out improvement works to the limit of its Improvement Budget in accordance with conditions within the manual covering purchasing and contracting.

If Committees have improvement works conducted by contractors, a report on the nature of work, in accordance with the form "Contractors Engaged by Management Committee to Carry Out Improvement Works" must be submitted to Council.

Every contract must have the prior approval of Council prior to any commitment being made by the Management Committee and the appropriate funds voted by Council.

3.5 HIRE OF FACILITIES

a) *Hire of a community facility*

Funds raised from hiring the facilities assist in the provision of maintenance and meet operating costs as well as provide for improvements to the facility.

In hiring out these facilities, compliance is required with all applicable legislation including the following:

- Environmental Planning and Assessment Act;
- Local Government Act;
- Liquor Act and Regulations;
- Protection of Environment Act;
- Safety Procedures (WH & S Act);
- Work Cover Act;
- Council's Insurance Policy;
- Anti Discrimination Act (State)
- Disabilities Discrimination Act (Federal);

- Privacy and Personal Information Protection Act; and
- Any other laws and regulations governing the conduct of the Committee are also to be complied with.

Upon inquiry, hirers are to be sent the Terms and Conditions and Application for Hire forms. To secure the booking, a deposit of 50% is to be paid. The balance of the hire cost is to be paid 14 days prior to the Function.

An application form entitled "Application for Hire of Halls and Community Centres" is required to be completed prior to use of these facilities –.

Conditions of Hire for Halls and Community Centres must be acknowledged by hirer.

Upon acceptance of the Application the Community Hall/Centre, an agreement form must be completed entitled "Agreement for Hire of Halls and Community Centres".

4. MANAGEMENT OF PROGRAMS

4.1 DEVELOPMENT AND IMPLEMENTATION OF PROGRAM

a) *General*

The Committee has responsibility for the overall development and implementation of the program under their control.

The Committee is to provide Council with details of work completed for each year (1 July to 30 June) returning details to Council in conjunction with their Financial Books by 15 July each year.

b) *Purchasing*

The Management Committee is able to take advantage of Council's purchasing power.

It is essential that any purchase of items is related to the use of Council's program.

Any purchase of goods or services should be made in accordance with Council's Purchasing and Procurement Policy.

c) *Contracting*

Should Committees need to engage the services of a contractor at standard commercial rates, written quotes and authorisation may be obtained by applying the following steps:

- Check documentation to ensure registered and licensed (Gold Licence, expiry date, name on licence);

- View the contractor's Workers Compensation and Public Liability Insurance (\$10 million cover). Council's insurance does not cover the contractor; and
- Any purchase of goods or services should be made in accordance with Council's Purchasing and Procurement Policy.

4.2 USE OF VOLUNTEER LABOUR

Council Policy and Procedures

Council has a policy and procedures relating to the recruitment and management of Council volunteers in general.

'Volunteers' are defined in the policy as "people who are engaged in Camden Council's services and programs and who undertake such activities of their own free will and without monetary reward" when "the activities undertaken are of benefit to Camden Council and the local community and compliment, but do not replace, the services and programs provided by paid staff."

Community Management Committee Members are council volunteers under the above definition and they are delegated to carry out tasks outlined in the (this) Community Management Committee Manual.

From time to time, Community Management Committee Members may wish to provide labour for particular projects or to recruit volunteer labour to assist them.

In either of these cases, the following procedures will apply.

Recruitment Procedures

- i. Council Volunteer Job Description form to be completed in order to clarify details of project including: delegated Community Management Committee supervisor, actual tasks, resources available and resources needed (e.g. training, budget).
- ii. Completed Volunteer Job Description Form to be sent to Council's Manager Community Services for consideration and approval

If project is approved:

- iii. Job Description to be sent by the Manager to Council PR to be added to Council's Volunteer Jobs web page.
- ix. Volunteer Application Forms will be made available to the public via Council's Volunteer Jobs webpage.
- x. Applications will be received by Council and forwarded to the nominated Community Management Committee project supervisor.
- xi. The Community Management Committee project supervisor will access applicants skills and training needs

- xii. The nominated Community Management Committee project supervisor will forward copies of successful applicants to Council's Insurance Officer for inclusion in a central Volunteers Database, arrange training and keep records of attendance.
- xiii. Council will mail out certificates of appreciation to all volunteers recorded in the central database, annually.
- xiv. The nominated Community Management Committee project supervisor should attend an annual end of year meeting with Council staff to evaluate Council's Volunteer Program and make recommendations for improvement.

4.3 MANAGEMENT OF THE PROGRAM

a) Council's Overriding Authority

Management of the program is delegated to the Management Committee by Council. Whilst the Committee has control over the program, Council may exercise overriding authority and may revoke the powers of the Committee.

b) Legal Action

The Committee is unable to enter into legal action.

c) Legal Expenses

Council is responsible for the payment of legal expenses in relation to preparation of such Deeds of Agreement by Council's Solicitors for (d) above.

d) Donations

Committees are not permitted to loan or donate funds.

e) Approval of Committees and Office Bearers

The Committee and Office Bearers must be approved by Council.

f) Variation to Manual

The provisions of this Manual may only be varied or amended by Resolution of the Council.

(i) Variation of Development Plans

Committees must not vary the overall design plan for the program without Council's prior written approval.

(k) Payment of Committee Members

Payment to a Committee Member is not permitted except for out of pocket expenses. This will only be for telephone and postage re-imbursment for the booking officer. Any other requests for payment to Committee members must be referred to Council.

(l) Proposed Fees

Fees proposed to be charged for a program must be submitted to Council for approval as part of the annual budget process.

(m) Membership Fees

Fees are not to be charged for Membership of the Management Committee.

(n) Disputes – External*General*

- i. Where individual citizens or groups of citizens of the LGA disagree with a resolution of the Management Committee, these bodies have the right to refer their grievances in writing to the Committee for reconsideration.
- ii. Where the Management Committee refuses to alter its decision, the individual resident or group of citizens from within the LGA present their grievance to Council in writing, for reconsideration.
- iii. Where such notice in writing is referred to Council, Council will request a report on the issue from the Management Committee. Upon receipt of the report the matter will be referred to Council for resolution.
- iv. Upon Council adopting a resolution, the details of Council's deliberations will be advised to the Management Committee and the resident or group of citizens who referred the matter to Council.

(o) Disputes - Internal

- i. All disputes between members of the Committee are to be resolved within the Committee where possible.
- ii. Where a dispute occurs within a Committee the resolution of the majority of the Committee as a whole will determine the outcome, where this is not possible the Chairperson/President will have the casting vote.
- iii. There will be no right of appeal when the Management Committee has determined its resolution of a dispute.

5. MEETINGS**5.1 GENERAL**

The Management Committee should meet on a regular basis to discuss relevant business and make decisions affecting the facility.

An agenda is to be sent out to all Management Committee members and Councillor representative at least one week prior to the meeting.

Minutes of the matters discussed will be kept and a copy forwarded to Council's Community Services Branch and to all Committee / Association members.

Any items requiring action by Council are to be the subject of a separate letter addressed to the General Manager.

A quorum will consist of half the total number of voting members plus one. Should this number of members not be in attendance at 30 minutes after the starting time, the meeting will be adjourned to the same time and place at the next scheduled meeting.

5.2 TIMING OF MEETINGS

There should be no less than six (6) meetings held each year, however it is recommended that Ordinary Meetings of the Committees occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.

5.3 ORDINARY MEETINGS

Ordinary Meetings of the Management Committee are required to address correspondence, hiring of the facilities, finance matters, risk management matters and maintenance of the facility.

The procedure for motions is set out in the Appendices.

5.4 ANNUAL GENERAL MEETING

The Annual General Meeting will report on the activities of the Committee for the year and to develop proposals for development and maintenance of the facility for the following twelve (12) month period.

The Annual Financial Report will be presented to the Committee for adoption and for forwarding to Council for auditing purposes.

The meeting will be conducted in accordance with Council's document "Code of Meeting Practice"

Agendas will be sent out and minutes kept by the Secretary of the meeting with copies sent to Manager, Community Services.

5.5 QUADRENNIAL MEETING

Management Committees are to be appointed every four years, after the Quadrennial Election of Council.

Council will advertise vacancies and call for nominations. This is in line with the quadrennial local government elections.

New people may nominate and existing members may also seek to be reappointed.

A report will be presented to the Committee on the achievements of the Committee over the duration of its incumbency, together with the future aims and priorities of the current Committee for the guidance of the incoming Committee. All financial records and books must be submitted to Council for auditing along

with a report of the activities of the committee during the period of the Council (ie last four years) at 31st August each year prior to the Council election.

5.6 EXTRAORDINARY MEETING

An Extraordinary Meeting of Committee may be called to discuss urgent business and matters outside the scope of an ordinary meeting requested by two members of the Committee.

An agenda will be prepared and circulated to all members of the Committee with at least two (2) days notice.

Minutes will be kept of the proceedings and a copy forwarded to Council outlining the reason for the Extraordinary Meeting.

This meeting will be conducted in accordance with Council's Code of Meeting Practice.

5.7 AGENDA FORMAT

The agenda of a meeting will be forwarded to members giving the notice of the proposed meeting.

The items will include the following:

1. Welcome by President
2. Apologies
3. Minutes of Previous Meeting
4. Business Arising from Previous Meeting
5. Correspondence – In/Out
6. Business Arising from Correspondence
7. Reports – Committee Executive
8. General Business
9. Date of Next Meeting

5.8 MINUTE FORMAT

Minutes will be kept for all meeting of the Committee and a copy forwarded to Council for notation.

Items to be addressed in the Minutes are as follows:

1. Attendance
2. Apologies

3. Minutes of Previous Meeting
4. Business Arising from Minutes
5. Notation of Correspondence
6. Business Arising from Correspondence
7. Reports of Executive Members
8. General Business
9. Date of Next Meeting

6. FINANCIAL MANAGEMENT

6.1 INTRODUCTION

Council Community Management Committees and their members are appointed under 355 of the Local Government Act 1993. As such, they are subject to the same standards of financial accountability as Council and its employees. Therefore, it is imperative that Committees manage their finances prudently and with transparency.

At all times, any funds and assets held by the Committee ultimately remain the property of Council. The Committee is responsible for the care and management of the funds and assets held on behalf of Council.

6.1.1 - Financial Records

Initially, Council will arrange for a bank account to be opened on behalf of the Committee, which will serve to operate for the Committee's daily transactions.

To record its financial transactions, each Committee should maintain the following records:

- Booking diary
- Receipt Book (supplied by Council)
- Cheque Book
- Bank Deposit Book
- Bank Statement Folder
- Cheque Payment Forms & Folder
- Petty Cash Book and Tin – if applicable
- Cash-book (electronic version available)

- Business Activity Statement Forms for GST records (electronic)
- Bond Register (electronic) – if applicable
- Key Deposit Register (electronic) – if applicable
- Bank Reconciliation Forms (electronic)

It is essential that these records are maintained and reconciled monthly.

6.1.2 - Delegation of Authority

Council delegates authority to Committees and their members, allowing them to Act on behalf of Council, eg. for authorising payments, signing letters etc.

6.1.3 - Bank Accounts

A bank account will be opened by Council (through the Finance Department) upon the inception of a new Committee. The signatories of the account shall be any two of the Committee Executive, as well as at least two Council staff members. The accounts shall be set up for “any two” signatories to sign, meaning all cheques must be signed by two of the authorised signatories.

The Committee must elect two (2) members to approve payments. All payments are to be approved by the Management Committee prior to cheques being signed, as well as being recorded in Minutes.

This may be done by receiving and accepting the Treasurer's Report, which is explained later in this document.

6.1.4 - Financial Record Keeping

Financial records must be kept in accordance with this Manual. Training will also be provided by Council's Finance Department, following the election of a treasurer.

Committee's of Council have a financial year from 1 July to 30 June. Each Committee's accounts need to be completed and submitted to Council by 15 July each year, following their adoption at a Committee meeting. This will enable Council to consolidate the Committee's accounts into Council's general accounts as required under the Local Government Act 1993.

6.2 GRANT SEEKING AND ADMINISTRATION

All Community Management Committees must seek approval from Camden Council's Manager of Recreation and Community Services before applying for any grant.

If the grant application is successful, a report will need to go to an Ordinary Council Meeting for acceptance, prior to the funding agreement being signed.

Delegation to sign funding agreements largely depends on the funding body and usually involves Council's Manager of Recreation and Community Services and the General Manager.

In some cases, the funding body may require the seal of Council, which can only be made under resolution of Council. However this is rare and only for significant funding programs.

Grants need to be administered by Council's Finance Department as the acquittal process usually requires audit certification and there is the need also to report to Council, any commitment of Council's own source of funding (even Community Management Committee funding) towards grant funded projects.

Members of the Community Management Committee are accountable for expending and acquitting the grant in accordance with the service agreement.

6.3 RECEIVING PAYMENTS

6.3.1 - How to account for money received

1. Ensure that the correct amount of cash and/or cheques has been paid;
2. Write out a receipt from the Receipt Book (see below Issuing Receipts);
3. Give the original receipt to the payee (tear out book);
4. Ensure that the duplicate receipt is kept in the Receipt Book;
5. Place the money and/or cheque in the cash tin;
6. Ensure that the money in the cash tin is banked at least weekly.

6.3.2 - Issuing Receipts

Receipts should be issued from the Receipt Book provided by Council. The original is to be handed (or mailed) to the payer and the duplicate copy should remain in the Receipt Book. You should ensure that all receipt details are completed, including the date the money was received, name and address of payee, amount of cash/cheques received, GST charged, particulars of the receipt, and finally that the receipt is signed by the Committee member receiving the payment.

Receipts should be issued and entered into the Cash Book in chronological order.

In the case of hall/sportsground bookings, the receipt number, amount paid and date of payment must be immediately recorded in the Booking Diary. This provides a cross reference between bookings and payments, so it is clear if fees or deposits have been paid.

Bonds and Key Deposits should also be recorded in their respective registers, so at any time the Committee can determine how much cash they are holding as bonds/deposits.

Personal cheques must be receipted to the name on the cheque, e.g. a person pays by personal cheque for hall hire on behalf of a group or organisation, the receipt should be made out to the actual name on the cheque with a notation of

the group or organisation he/she represents e.g. Mr G Jones (of Bondi Soccer Club).

Where it is necessary for a receipt to be cancelled, all copies should be returned and clearly marked "CANCELLED" with the receipt being initialled by the authorised person on the Committee responsible for the cancellation.

All cash/cheques received must be banked into the Committee's account at least weekly.

They must also be recorded in the Committee's Cash Book on a daily basis.

It is important to note that payments are not permitted to be made from cash receipts held awaiting banking.

In the Bank Deposit Book write the amount, the date of banking, and the receipt number/s for the money (e.g. receipt no. 491-507).

In the electronic Cash Book, where indicated, type the date received, then type the dollar (\$) amount in the appropriate column (remembering to split up the GST), as well as typing the details of who the money was from in the "Details" column.

6.3.3 - Invoices

All invoices are to be made to Camden Council with reference to the particular Community Management Committee.

6.3.4 – Debtors

All outstanding debtors should be followed up. Staff from Council's Revenue Team can assist in following up difficult debts, following Council's adopted debt recovery processes. Users with significant debts owing should not be allowed further usage of Committee facilities or programs until debts have been recovered.

6.4 MAKING PAYMENTS

Committees are unable to requisition any supplies or works exceeding \$10,000 (ten thousand dollars) without the prior reference and approval from Council (the only exception being the Camden International Friendship Association, where monies held in trust for people to travel overseas can be expended without reference to Council).

It is important to note that any payments over \$82.50 (GST-inclusive) must be supported by an official Tax Invoice from the supplier. This will enable the Committee to claim back the GST portion of the payment when completing their monthly Business Activity Statement (BAS) and is a requirement of the Australian Taxation Office (ATO). Without a Tax Invoice, the GST portion is unable to be claimed.

6.4.1 - Making Cheque Payments

All payments should be made in accordance with Council's Purchasing and Procurement Policy . All Committee expenditure must only be paid by cheque. The procedure for this is as follows:

- (a) The invoice or reimbursement request is received by the Treasurer.
- (b) The Treasurer confirms that the amount and invoice details are correct (including GST, etc) and prepares a Payment Voucher
- (c) The Payment Voucher is authorised by a delegated person.
- (d) The Payment Voucher and supporting documentation (eg invoice) are stored in a binder for future reference.
- (e) Once approved, the cheque is written, signed by two signatories, and the invoice is paid. The date, amount, purpose and payee of the payment to "Cash", unless for the purpose of a properly established petty cash advance.
- (f) Payments must be recorded regularly in the Cash Book.

NB: Under no circumstances should a blank cheque be signed.

6.4.2 - Cheque Payment Forms

Payments must be supported by a completed Cheque Payment Form. The Form must be accompanied by the relevant supporting documentation, ie. tax invoice, receipt, etc.

The cheque payment voucher and supporting documentation are to be marked as "PAID" once the cheque has been drawn.

The Payment Form and attached documents must be stored in a ring binder on file.

The Treasurer is responsible for presenting these to the Management Committee at each meeting for any member to examine.

6.4.3 - Petty Cash Procedures

A Petty Cash float may be used if small purchases are being made regularly, or a float is needed in order to provide "change" at a function.

If your Committee resolves to operate Petty Cash, you will need to determine the size of the float (ie. dollar amount, eg. \$100). You will also need to obtain a **Petty Cash Book**, a **Petty Cash Receipt Book** and a **Petty Cash Tin**. The Committee should also decide who is responsible for Petty Cash – unless otherwise decided, the Treasurer will be responsible.

For security reasons, it is recommended that the float be less than \$200.00. Also for security reasons it is important that Petty Cash floats are supervised at all times when in use, and kept locked and in a secure location when not in use.

Spending Petty Cash

To purchase something out of petty cash, you can either take the money from the petty cash tin and pay for the item, or pay for it yourself and be reimbursed from petty cash. The voucher has been designed to capture GST details.

In either case, the petty cash voucher and attached docket must be marked "Paid". Any payment over \$50.00 cannot be paid from Petty Cash – it must be made by cheque.

Petty cash claims are for minor expenses only, ie. less than \$50.00.

Petty cash voucher is to be numbered consecutively as each petty cash claim is made. The details are then recorded in the Petty Cash Book and must include a column for GST.

Giving Change

Sometimes it is sensible to use Petty Cash for giving change, say when selling tickets at the door of a function. In these cases, it is also sensible to count the petty cash before taking any money, just to make sure it balances.

After the function, count the petty cash again, subtract the amount you started with, and the difference is the income from the event inclusive of GST. This amount should be treated as a Receipt, not as Petty Cash. Write the amount into the Cash Book and bank it, leaving Petty Cash as it was before the event.

Alternatively, the Management Committee may resolve to establish a separate Petty Cash float for a particular function. In this case, the whole amount in the function's Petty Cash Tin is banked and recorded in the Cash Book, and the Petty Cash is closed.

Petty Cash Accounting

The Petty Cash float can be maintained so that the float is reimbursed at regular intervals to "top it up" to the maximum approved amount, by the drawing of a cash cheque on the bank account. The reimbursement of Petty Cash can be done on a regular basis or when the balance is exhausted.

Petty Cash should be balanced monthly or at time of reimbursement. This involves writing each Petty Cash Voucher into the Petty Cash Book, which records in five columns the date and number of the Petty Cash Voucher, the purpose of the payment, the amount, and the balance remaining in Petty Cash. The balance is calculated by subtracting the amount spent from the amount to start with. Make sure that the final balance is the same as the amount remaining in the Petty Cash tin.

When the Petty cash float is to be reimbursed, a cheque is drawn using the Cheque Payment Voucher and attaching to this the petty cash vouchers that are being reimbursed. The cheque details will be recorded in the Cash Book and presented to the management Committee for endorsement along with other cheques. The cheque is then cashed and put into the Petty Cash Tin, and recorded in the Petty Cash Book as a negative amount (because it is "unspent"). Subtract this "negative" expense from the balance remaining, and the balance of Petty Cash should again equal the float.

6.4.4 - Purchase and Sale of Assets

Assets may be purchased through the Committee's normal payment process. However, you must ensure that Council's Purchasing and Procurement Policy is adhered to at all times.

Items greater than \$10,000.00 must be referred to and approved by Council prior to purchase (or sale). It is recommended that the Committee approach Council to assist in any major purchases. As Council has access to Government Contracts, as well as a greater purchasing power, Council may be able to obtain better value-for-money for the Committee. Therefore, it is recommended that any major purchases be investigated by Council.

When assets are purchased, they are to be recorded in the Equipment column in the Cash Book so that they are easily distinguished. Committees may similarly sell assets they have purchased if these become redundant. The income from the sale is entered into the Receipts side of the Cash Book under "Sundries".

At the end of each year, the Committee must update their Assets List which shows what major items they own. Each year Council's Finance Department reviews the Council's Assets List and works out the level of depreciation for each item. To assist, Committees will be asked each year to submit details of all items purchased. In this process, Committees must also advise Council of any disposed assets.

If an item is purchased for less than \$500.00 it can be treated as an expense in that period.

6.5 MAINTAINING THE CASH BOOK

6.5.1 - Cash Book Basics

The Cash Book may be kept manually (using a hard-cover ruled book) or electronically (using spreadsheets provided by Council). The electronic technique is the preferred option by Council, as it automatically produces Bank Reconciliations and Business Activity Statements (BAS) for GST reporting. However, if the Treasurer does not have access to a computer, the manual Cash Books are acceptable also.

Basically, a Cash Book is used to record the Committee's receipts and payments.

On the Receipts, page, the columns are required for:

- Date
- Source of funds
- Receipt number
- Dollar (\$) amount received
- Date of banking

Plus columns for frequent sources of funds, such as donations, interest, key deposits, bonds, received amounts and a column specifically for GST collected.

For facility hire, have columns for:

- date the facility was used
- amount paid for facility hire (excluding GST)
- amount paid as damage deposit (bond) (excluding GST)

On the Expenditure pages of the cash book, the columns to use are for:

- date
- payee's name
- cheque number
- amount paid

Plus columns for the main uses for funds, such as bonds and/or key deposits refunded, cleaning, equipment, bank charges, GST paid, and so on.

A "Sundries" column on both the Income and Expenditure pages would contain all income or expenditure not listed in specific columns and of a minor or irregular nature.

6.5.2 - Using the Cash Book

Every time the Committee receives or pays money, the Treasurer records the date, source, amount, and receipt/cheque number in the Cash Book. It is best not to let too many transactions accumulate before writing them up in the Cash Book.

- Receipts and payments are entered consecutively in date and receipt number/cheque number order in the appropriate page of the cash book.
- One entry is written on each line, filling the relevant columns.
- The total amount of the income or payment is entered – in the Total Amount Column. In the columns(s) for the type of income or payment enter amounts exclusive of GST, GST is written in GST column.
- Example – a receipt of \$215, being \$165 hiring fee and \$50 bond deposit for hall would show \$215 in the Total column, \$150 in the facility Hire Column, \$15 in the GST Column and \$50 in the facility Bond Deposit Column.
- If using the electronic version, all columns will total automatically.

It is suggested that a new page be started in the cash book for each month, unless there are very few entries. To do this, rule off under the month, add up the columns, and over a new page start the next month with the first entry in

each page being the balance (column table) brought forward from the previous month.

If using the electronic version, save the file for that month, eg. January 2009, and start a new file for February 2009.

6.5.3 - Recording of Deposits or Bond Money

When Deposits or Bonds are received, they need to be receipted as normal, as well as noted in the Cash Book as normal. In addition to this, you must note the name of the Payer, the date, amount and details in the Bond Register. This will make an easy reference when you are approached to refund a Bond. All you will have to do is check the register to make sure that the Bond was originally paid.

Special rules apply to deposits made as a security for the performance of an obligation. These are called security deposits/bonds. Normally these deposits are returned once the obligations are performed and no GST is applicable. However, if the deposit is forfeited it is treated as if it was part of the supply. Hence GST is payable on the amount forfeited. A bond register must be maintained to record the movements of deposits received and refunded. Any forfeited deposits should be highlighted within the register and appropriate GST noted at the financial records.

If a hirer leaves the facility in an unclean or damaged condition, a portion of the deposit may be forfeited and retained by the Committee. The amount forfeited must include an allowance for GST under the taxable supply rules applicable to upkeep the facility as a result of a function. The payment entry in the Cash Book would be written up to show the deposit was refunded but a portion was taken in income, as follows:

- a) The amount of the drawn cheque (that is the actual refund) is shown in the Amount column.
- b) The total amount of the deposit paid is shown in the deposits refunds column
- c) The amount forfeited is shown in the forfeited deposits column in brackets () indicate that this amount is to be treated as additional income (exclusive of GST)
- d) GST is applicable to the forfeited amount.

Details or refunds for damage (indemnity) deposits should be noted in the Booking Diary.

6.5.4 - Bank Reconciliations

At the end of each month, the Committee will obtain a Bank Statement for its Bank Account. This will need to be reconciled with the Cash Book.

All Bank Statements must be kept on file with the Treasurer.

Preparing a Bank Reconciliation

Review the Cash Book, checking to see if all cheques have been presented and deposits confirmed at the Bank (ie. noted on the Bank Statement as having been paid or received). Check that the dollar (\$) amounts are the same.

Enter into the Cash Book any entries on the Bank Statement which are not already recorded, ie. there are likely to be bank charges and interest to add to the Cash Book.

For manual Cash Books, rule off the page under the last entry (for both receipts and payments), and add up the amount received and paid since you last ruled off. Make sure that the total of the amounts column equals the total of the other columns. For electronic Cash Books, you must save the file for that month, and start a new file for the next month.

Balancing the Bank Reconciliation

Write down the amount in the bank at the time of the last reconciliation (generally the amount at the beginning of the month). Add the total amount of money received (according to the Cash Book) since the last reconciliation. Subtract the total amount paid (according to the Cash Book).

Add the total amount for unpresented cheques and subtract the total of any outstanding deposits in the Cash Book (the last banked amount should be recorded in the Banking column, and all receipts after that should not yet have been banked). This will all calculate automatically if using the electronic Cash Book spreadsheets.

Check that the amount you have calculated is the same as the amount on the bottom of your Bank Statement. If not, check all figures and repeat this process.

6.6 BUDGETS

6.6.1 - Annual Budget

(only applicable to Bicentennial Equestrian Park & Camden Town Farm Committees)

The budget will be prepared for the period 1 July to 30 June each year.

The Budget is to be prepared in conjunction with the Management Plan and must be completed by end February for the next reporting period. The budget is to be prepared in consultation with your relevant Community Development Officer (CDO).

A copy of the budget is to be submitted to Council.

6.7 ANNUAL FINANCIAL STATEMENTS

(Prepared by Council upon receipt of the Committee's Accounts)

6.7.1 - Annual Statements

The Balance Sheet

The Balance Sheet essentially shows the financial worth of the Management Committee. Assets, liabilities and accumulated funds are separately disclosed.

Monies received by Committees, such as bond and key deposits, should be treated at year end as a sundry creditor since the monies will be repaid to the hirer upon satisfactory completion of the hiring terms. Please contact Council's Finance Department should you require assistance with year end considerations.

The Income Statements

The Income Statement shows a summary of the funds received by the Committee during the year, as well as the funds paid out, and whether there was a surplus or deficit. This Statement should be prepared based upon the concept of accrual accounting, so it will include items of expenditure incurred but not yet paid, and items of income earned but not yet received, as well as the actual receipts and payments.

Council's Auditors

At any time Council's Auditor may request to view the Committee books for audit purposes. Such requests must be met promptly by Council, and as such Committees should assist Council by ensuring all books are promptly handed to Council for review.

6.7.2 - End of Year – 30 June

Immediately before the close of the Committee's financial year, the Treasurer should resolve any final outstanding bills and debtors. In early April, a bank reconciliation must be done for 30 June and an initial Financial Statement prepared by the Treasurer.

This Financial Statement should summarise the receipts and payments for the year using the headings on the columns in the Cash Book. The easiest way of doing this is to use pages at the back of the Cash Book to record the monthly totals of receipts and payments under the same headings used on the monthly pages. At the end of the year, simply add up the total for the twelve months for each column, and write these totals in a list.

Having written up the year's totals for receipts and payments, a bank reconciliation for the year must be completed. This follows the same procedure described previously, except that the starting balance is the amount in the bank on the first of July, and the final balance is the amount at 30 June.

The books of account and other supporting documents shall then be forwarded to the Council for auditing by 15 July each year. Be sure to include references to any creditors and debtors that exist at the year end.

6.7.3 - Audit of Accounts

BEP and Town Farm are required to audit their books on a quarterly basis.

A copy of the Treasurer's Report and Financial Statements should be sent to the President of the Committee and Council.

Council's Finance Department incorporate the Committee's Statements into those of the Council. It is this full set of Statements which are audited annually.

The financial and related records must be available for audit after the end of each year and for any interim check which may be called by Council's Internal or External Auditors at any time for easy reference.

Should the Committee members or Treasurer require clarification or assistance with further information regarding any of these procedures, please do not hesitate to contact Council's Senior Financial Accountant and training will be arranged as soon as possible.

6.8 GOODS AND SERVICES TAX (GST) COMPLIANCE

6.8.1 - GST Basics

All of Council's Committees must use Camden Council's Australian Business Number (ABN) 31 117 341 764.

Committees are responsible for administering the requirements of GST Legislation ie. charging GST on taxable supplies and correctly identifying input tax credits claimable from the Australian Taxation Office (ATO). Accordingly each Committee must supply Council's finance department with details of GST applicable to all financial transactions for inclusion in Council's monthly Business Activity Statements (BAS).

Compliance with this request will ensure Council's obligation is met on time and will avoid any interest or penalty chargeable by the ATO.

All suppliers for purchases exceeding \$82.50 (GST-inclusive) must supply a valid Tax Invoice to the Committee prior to payment. If the supplier does NOT have an ABN and is registered for GST, the Committee must obtain a Statement by a Supplier declaration from the supplier. This must be obtained and completed before any payments can be made to that supplier. The completed form must then be kept on record for audit purposes.

Should you require assistance in understanding the requirement of administering the GST, please contact Council's Accounting Officer, Taxation.

6.8.2 - Monthly Business Activity Statements (BAS)

Council is required to lodge its BAS within 21 days after the end of each month..

To enable the Finance Department to meet this deadline, Committees are requested to submit a photocopy of the following Cash Book entries within 10 days after the end of each month.

- a) Income transactions
- b) Expenditure transactions
- c) BAS Report (if using electronic cash books this is automatically generated)

6.8.3 - Committee Settlement of GST Obligations

At the end of six months Camden Council will issue each Committee with an invoice or a refund in accordance with GST applicable to the transactions for the past six months. Reconciliations will be sent with the invoice or payment.

6.8.4 - Record Keeping Requirements

Income

All income must be recorded in the Cash Receipt Book. The income amounts must be posted in the income analysis columns net of GST, and GST charged/collected must be posted in the GST column.

- a) A valid tax invoice/receipt must be issued for all supplies of goods and services. For a tax invoice to be valid for payments under \$1,000, it must include the following:
 - b) The words "Tax Invoice" stated prominently
 - c) Camden Council's name stated
 - d) Camden Council's ABN stated, ie. 31 117 341 764
 - e) The date the tax invoice/receipt was issued
 - f) A brief description of the items/services sold
 - g) The GST-inclusive price of the taxable sale
 - h) The GST amount – this can be shown separately or, if the GST to be paid is exactly one-eleventh of the total price, as a statement such as "Total price includes GST".

For payments of \$1,000 or more, a valid Tax Invoice must include the following:

1. The words "Tax Invoice" stated prominently
2. Camden Council's name stated
3. Camden Council's ABN stated, ie. 31 117 341 764
4. The date the tax invoice/receipt was issued
5. The buyer's name
6. The buyer's address or ABN
7. A brief description of the items/services sold
8. The GST-inclusive price of the taxable sale
9. The GST amount – this can be shown separately or, if the GST to be paid is exactly one-eleventh of the total price, as a statement such as "Total price includes GST".

Copies of tax invoices/receipts issued must be filed in chronological order for ease of reference and audit purposes.

Expenditure

All expenditure must be recorded in the Cash Book. The expenditure amounts must be posted in the expenditure analysis columns net of GST, and GST payable on the supply must be posted in the GST column.

All taxable supply payments must be supported by valid tax invoices to enable to Committee to recoup input tax credits. Again all taxable invoices must include the elements mentioned earlier.

All payment vouchers must be filled in chronological order for ease of reference and audit purposes.

Petty Cash

All petty cash docketts that have a GST component must have supporting tax invoices filed with reimbursements payment voucher.

6.9 FUNDS HELD IN BANK ACCOUNTS

Funds held in bank accounts which are in excess of current operational needs should be invested with the assistance of Council Officers (in order to achieve a return on funds, rather than leaving balances in low interest-bearing accounts).

7. RISK MANAGEMENT AND INSURANCE

7.1 RISK MANAGEMENT

Risk management is a method of taking preventative and precautionary measures to avoid injury, loss and damage, to either persons or property. As a Committee of Council, the Management Committee has a duty of care to ensure the health, safety and welfare of persons using the facility. This involves regular maintenance, to keep the facility and grounds safe, clean and tidy, as well as a system of inspection to detect faults and hazards at an early stage.

7.1.1 - General

Council and Committees of Council, have a wide range of potential liability.

Liabilities can be based on statute and common law duties of care. To ensure compliance there must be appropriate policies, procedures and practices in place.

The following guidelines are attached for the Committee to use to ensure the appropriate documentation is kept to evidence the due diligence process and ensure all responsible steps are being taken to identify the risk to the Committee and users of the facility.

7.1.2 - Hazards

A hazard is a situation which could potentially cause injury to a person or damage to property. If a hazard requires urgent attention a warning should be placed near the hazard to alert users of the facility to the danger. The Management Committee must contact Council to advise.

Committees are urged to apply some rules for hirers of facilities such as restacking of tables and chairs, cleaning spills from floors, rubbish removal eg "chairs must be stacked in sets of no higher than x and placed against the wall".

A routine inspection process will alert Committees to possible dangers or faults, fire or accident risks to users of the facility, and can be carried out periodically using the Hazard Checklist. A copy can be forwarded to Council for action if required.

7.1.3 - Fire Protection

All Council facilities should be supplied with fire and safety equipment and information on how to use it. If this is not available Council must be notified immediately. Equipment will be inspected twice annually by a professional qualified contractor. This is organised by Council's Assets Department. If the equipment is used irresponsibly by a hirer this should be deducted from the hirer's bond.

7.1.4 - Emergency Exits (Buildings)

All exits must be identified by an illuminated exit sign and inspected by a qualified contractor. Emergency exit routes must be kept clear at all times. Exit doors should not be barred or locked at any time while the facilities are in use. An Emergency Management Plan (EMP) should be developed for any group who regularly uses a building. Council has a template that will assist Committees with this task.

7.1.5 - Building Inspections

Regular inspections are essential to identify potential risks, and to assist in the defence of claims brought against Council. Inspections must be thoroughly documented. The Committee will be responsible for inspection of the facilities under their control.

Inspections may be either formal or informal.

(i) Formal Inspections

Inspection of the facilities under the Committee's control must occur and be documented using checklists at least once every 6 months.

(ii) Informal Inspections

Informal inspections are incidental in the course of Committee business. Any defect or problem discovered must be dealt with

(iii) Safety Inspections by Hirers

It is the responsibility of the user groups/hirers to ensure that any field or facility is safe for the use immediately before and during its use. This will include ensuring there are no holes likely to cause injury and any broken glass and other hazardous matter is removed.

7.2 INSURANCE**7.2.1 - General**

Council is required to take out insurance policies to cover Council's liability as a consequence of Council's business activities. These policies include:

- i) Public Liability;
- ii) Professional Indemnity;
- iii) Personal Accident;
- iv) Casual Hirers; and
- v) Property.

7.2.2 - Notification

Management Committees and hirer/user groups are instructed that any matter or incident which may give rise to a claim against Council must be reported to Council as soon as practicable. This will ensure that investigations and remedial actions can be undertaken to protect Council's interests

Council has a responsibility to notify its insurer as soon as a potential claim is known. Management Committees may receive advice regarding claims via writing or telephone call or by observation. Once the Committee becomes aware of potential claim they are to notify Council immediately. If Council does not notify of claims which they could reasonably have known about indemnity may be denied by the insurer.

7.2.3 Volunteer Labour

For projects involving volunteer labour, an estimate of numbers and details of the project must be forwarded to Council as soon as possible to ensure the project is covered by and noted on the appropriate policy.

7.2.3 - Public Liability Insurance

Public liability insurance provides cover for its legal liability to the public for Council's business activities.

The Management Committee is responsible for the care, control and management of the facility under Section 355 of the Local Government Act. If a third party suffers property damage or personal injury as a result of Council or Committee negligence they are covered under the public liability policy.

The Management Committee should note that the policy does not cover participants of events/and or groups/associations or incorporated bodies. By law, all incorporated bodies, sporting clubs must have their own public liability insurance as they are excluded from Council's policy.

7.2.4 - Workers Compensation Insurance

Council's Workers Compensation Policy only covers Council employees. If contractors are engaged they must provide a copy of a current workers compensation policy.

7.2.5 - Property Insurance

Council maintains property insurance on all its facilities. This includes contents insurance on equipment owned by Council or the Committee such as furniture, however, it should be noted that an excess of \$2000 applies and so an insurance claim will not be lodge for less than this amount.

Any new equipment purchased by the Committee must be notified to Council for inclusion under the policy.

Other equipment belonging to sports clubs, playgroups etc. is not covered by Council's policy and such groups must be advised to effect their own cover for such items if stored at the facility.

7.2.6 - Professional Indemnity Insurance

Professional indemnity insurance usually refers to claims where it is alleged that incorrect advice, certificates or incorrect practice has occurred. The Council may be liable for its conduct arising out of its representations or the conduct of its employees, consultants and Committee members.

As discussed previously in relation to public liability insurance it is essential that all potential claims are reported as soon as practicable and all documentation is collected and investigations conducted as soon as possible.

7.2.7 - Casual Hirer Insurance

Council has coverage for casual hirers of its facilities. A casual hirer is a user that hires the facility for a one off activity and excludes incorporated bodies, sporting clubs or associations of any kind. Such excluded groups must by law have their own insurance and the Committee as discussed previously, must sight and keep a copy with the booking documentation.

7.2.8 - Personal Accident Insurance

Personal accident insurance covers bodily injury for Committee members whilst engaged in an activity directly or indirectly connected with or on behalf of the Council, including whilst travelling directly to and from such activity.

7.2.9 - Child Protection

Child Protection Act - under this legislation Community Management Committee members accompanying children on trips or participating in activities conducted

by the Committee involving contact with children, must complete and pass a Working with Children Check.

8. CONTRIBUTIONS AND OWNERSHIP

- i) Community groups contributing items for the permanent embellishment of the facility will be informed by the Committee that such a contribution will become the property of Council and will not be for that group's exclusive use.
- ii) Any items provided and funds raised by the Management Committees are the property of Council, however, Council will ensure where possible these items and funds will be put into the development of the Management Committee's facility.

9. COUNCIL POLICIES

9.1 PUBLIC HEALTH

The good health of all the participants using Council's facilities is paramount. All efforts are to be made to identify any areas of the facility which may endanger health and have these areas rectified as soon as possible.

Inspections by Council staff will be carried out on a periodic basis, however, the Management Committee must ensure there is no risk to the health of the users of the facility.

In order to reduce the risk of health problems associated with the operation of Council's facilities the following guidelines should be adhered to:

9.1.2 - Food Preparation

- Food preparation and eating areas are to be kept in a clean and hygienic condition.
- Food is to be maintained at a temperature above 60° or below 5°C.
- Ensure soap and disposable hand towels/hand dryers are available.
- Good personal hygiene is to be practiced by those handling food.
- Avoid unnecessary handling of food with bare hands – use tongs and forks.
- Ensure that cooked and raw food is stored separately to prevent cross contamination.
- Cooking utensils and equipment are to be kept clean.
- The necessary steps are to be taken to keep the food preparation and eating areas free of pests and vermin.
- New facilities or alterations to food preparation area should comply with Council's Food Premises Code.

9.1.3 - Toilets and Showers

Toilets and showers are to be kept in a clean and hygienic condition.

9.1.4 - Effluent Disposal

- No primary treated effluent should be discharged to the surface of the ground.
- Effluent disposal systems must be managed and maintained in a way that does not create a public health risk or pollute any water courses.
- Septic tanks should be desludged every 3 to 5 years.

All approvals issues for effluent disposal systems should be adhered to.

9.1.5 - No Smoking

Council has resolved that all buildings and vehicles/plant are to be "Smoke Free" and as such the Committee is required to enforce this Resolution and ensure that all smoking is carried in the open.

9.1.6 - Sun Protection Policy

Council has a Sun Protection Policy which requires all Council employees, volunteers, and engaged contractors to take due care in protecting their skin from the sun/ultra violet light. The Committee is therefore required to ensure this policy is followed by Committee Members who are engaged on Committee business or engaged contractors working on the facility.

9.2 FINANCIAL MANAGEMENT

9.2.1 – Council's Purchasing and Procurement Policy

As per Council's Purchase and Procurement Policy, all purchases over \$10,000 require that: a) a formal order within Council's financial system is raised and (b) Council's Assets Branch is contacted to determine if a preferred supply agreement is appropriate and c) if a preferred supplier agreement is not appropriate, then 3 written quotes must be obtained.

9.3 VOLUNTEER MANAGEMENT

9.3.1 – Council Volunteers Policy and Procedures

All tasks requiring volunteer labour must have job description written by the Committee and approved by Manager of Community Services before commencing. Council procedures for recruiting and inducting volunteers apply also. See www.camden.nsw.gov.au for position descriptions and application forms.

9.3.2 - Anti-discrimination and Equal Opportunity

Discrimination means being treated less favourably and unfairly.

The Anti Discrimination Act 1977 (NSW) is designed to promote equality of opportunity for all people. Under the Act, it is illegal to discriminate on the grounds of:

- gender;
- pregnancy;
- marital status;
- physical or intellectual impairment
- homosexuality (male or female, actual or presumed);
- race, colour, ethnic or ethno-religious background;
- age (but only in relation to compulsory retirement).
- Sexual Harassment is also illegal under this Act:
- Racial Discrimination Act 1975;
- Sex Discrimination Act 1984;
- Human Rights and Equal Opportunity Commission Act 19186;
- Affirmative Action (Equal Opportunity for Women) Act 1986;
- Disability Discrimination Act 1992.

Both direct and indirect discrimination are against the law. The anti-discrimination laws cover both your employment practices and the way in which your services/programs or facilities are provided. Are they accessible and available equally to everyone?

Council has an Equal Employment Opportunity Policy which requires the Committee to comply with this policy in the selection of contractors or election of Committee members.

9.3.3 - Illegal Drugs and Alcohol

Council has a policy on the prohibited use of illegal drugs and alcohol by Council staff. This policy also applies to Council's Management Committees when carrying out their duties as Committee members.

9.3.4 - Respect and Dignity in the Workplace

Camden Council is committed to all staff being polite, professional and responsive, and ensuring that all have a work environment free from behaviour that is humiliating, offensive or intimidating to other employees. This policy is applicable to all staff, Councillors and members of Council committees.

9.3.5 – Work Health and Safety

Management Committees are required to comply with health and safety legislation and Camden Council's policies and procedures by taking reasonable care that their acts or omissions do not adversely affect their health or safety and that of other persons. Hazards and incidents must be reported to Council as soon as practically possible to ensure the health and safety of committee members and other volunteers as well as contractors and third parties.

COMMUNITY MANAGEMENT COMMITTEES

Quick reference guide 2013



Camden Bicentennial Equestrian Park

Camden Town Farm

Camden International Friendship Program

Camden Seniors Program



Community Management Committees Limitations of Power

Community Management Committees may not:

- fix charges or fees (they may only make recommendations to Council);
- borrow any money without the express consent of Council;
- submit grant applications without prior Council approval;
- sell, lease or surrender any land or other property vested in its care under the provision of the Local Government Act 1993;
- call for tenders which are required to be called by Council;
- form submissions to government policies or implement policies without prior written consent of Council;
- pay or make any profit, gain or gift, to or by its members as well as allowance or travelling expenses incurred whilst attending committee meetings;
- carry out works on or to a facility including alterations, reconstruction or construction without the prior written approval of Council;
- unreasonably withhold consent for letting of a facility to any organisation which has agreed to comply with and adhere to the rules adopted for the use of the facility, providing an acceptable letting period is available; or
- vote monies for expenditure on the works, services or operations of Council.

The exercise by the Committee of its powers and functions is subject to limitations and conditions imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee must observe any rules or regulations made by Council, in relation to the facility/program under its control.

If at any time the Committee is deemed to be functioning outside the limits of its powers, all powers may be revoked by written notice to the Committee, signed by the General Manager or their representative.

CONTACT COUNCIL COMMUNITY SERVICES FOR MORE INFORMATION

Phone: (02) 4654 7777

Fax: (02) 4654 7829

Email: mail@camden.nsw.gov.au

Post: PO Box 183, Camden NSW 2570

Customer Service Counters:

37 John Street, Camden

19 Queen Street, Narellan

Office hours: 8.30am to 5.00pm, Monday to Friday



The full Procedural Manual for Camden Council Community Management Committees can be downloaded from www.camden.nsw.gov.au



FORMATION

- COMMITTEES ARE CREATED AND OPERATED AT COUNCIL'S DISCRETION
- COMMITTEES ARE APPOINTED AND REAPPOINTED EVERY FOUR YEARS, FOLLOWING COUNCIL ELECTIONS
- ALL NOMINATIONS ARE FORMALLY SUBMITTED IN WRITING TO COUNCIL
- COUNCIL SETS OUT THE DELEGATIONS OF THE COMMITTEE IN A DEED OF DELGATION.

MEMBERSHIP

- MEMBERS ARE VOLUNTEERS WHO REPRESENT THE LOCAL COMMUNITY
- MINIMUM MEMBERSHIP OF ONE YEAR IS EXPECTED
- WHERE VACANICES EXIST DUE TO RESIGNATION, NEW APPLICATIONS MAY BE MADE TO COUNCIL AT ANY TIME IN WRITING
- EXPERIENCE IS NOT REQUIRED, THOUGH COMMITMENT IS!
- A COUNCILLOR IS APPOINTED TO EACH COMMITTEE
- COUNCIL STAFF MAY NOT BE MEMBERS OF ANY COMMITTEE THOUGH MAY BE APPOINTED BY THE GENERAL MANAGER TO LIAISE WITH AND SUPPORT COMMITTEES

Community Management Committees Roles and Responsibilities

The Local Government Act 1993 allows Councils to delegate authority to committees to manage some of Council's facilities or functions.

Community Management Committees are responsible for the care, control and management of either a **facility** (including letting, cleaning, maintenance, minor repairs, operations, purchase of fittings and equipment) or a **program of activities** (including organizing, promoting and implementing).

The Committee is empowered to make purchases **up to the value of \$10,000** without Council approval, expending sums as necessary from amounts received from fees and charges to meet costs arising out of the delegation function, in compliance with Council's Purchasing and Procurement Policy.

CARE

Community Management Committees have:

- a duty of care to ensure the health, safety and welfare of persons using the facility or participating in a program of the Committee; including contractors, volunteer labourers and students.
- responsibility for protecting any physical assets from damage, misuse or deterioration.
- responsibility for ensuring that adequate security systems are in place and for advising Council of any potential insurance risk that may arise in regards to buildings or program users.

CONTROL

Community Management Committees must:

- clearly define roles of office bearers and committee members.
- hold regular meetings and provide copies of agendas and minutes to the nominated Council representative;
- monitor and maintain financial records;
- submit an Annual Report and all records for annual audit;
- submit an estimate of income and expenditure in mid February each year for the following financial year;
- submit monthly financial reports in accordance with GST requirements;
- recommend hire fee structures for determining by Council;
- administer and oversee use of facilities or programs by a range of groups;

The full Procedural Manual for Camden Council Community Management Committees can be downloaded from www.camden.nsw.gov.au

COUNCIL RESPONSIBILITIES

COUNCIL FUNDS MAJOR FACILITY IMPROVEMENTS IN ACCORDANCE WITH PLANS OF MANAGEMENT AND AVAILABLE FUNDS.

COUNCIL PROVIDES INSURANCE FOR BUILDINGS, FIXTURES, FITTINGS, CONTENTS, COMMITTEE MEMBERS AND VOLUNTEER LABOUR WHEN CORRECT PROCEDURES ARE FOLLOWED.

COUNCIL PROVIDES TRAINING TO MANAGEMENT COMMITTEES ON THE REQUIREMENTS OF THEIR POSITIONS, WHERE APPROPRIATE OR REQUESTED BY THE COMMITTEE.

COUNCIL POLICIES & PROCEDURES RELEVANT TO COMMUNITY MANAGEMENT COMMITTEES

Public Health

- Food preparation
- Toilets and Showers
- Effluent Disposal Policy
- Illegal Drugs and Alcohol

Financial Management

- Purchasing and Procurement

Volunteers

- Volunteer Policy and Procedures
- Equal Employment Opportunity
- Respect and Dignity in the Workplace
- Work Health and Safety
- Sun Protection

Insurance

- Property Insurance
- Public Liability Insurance

LAWS RELEVANT TO COMMUNITY MANAGEMENT COMMITTEES

- Local Government Act 1993
- Anti-Discrimination Act 1977
- Smoke Free Environment Act 2000



The full Procedural Manual for Camden Council Community Management Committees can be downloaded from www.camden.nsw.gov.au

Community Management Committees must:

- submit a current list of all assets belonging to the Committee (not user groups) for inclusion in Council's Insurance Policy, by January 31 each year;
- maintain a Post Office Box for all correspondence;
- submit a current list of Committee members including the address and phone number to Council immediately following nominations of Committees and where there are changes; and
- hold an Annual General Meeting annually and submit an audited financial report to Council soon afterwards.

MANAGEMENT

Community Management Committees must:

- recommend policies and procedures which contribute to the effective management of the facility or program;
- ensure that all monies received are used for the benefit of the facility or program in an equitable, honest and consistent manner;
- seek formal approval from Council for any purchase above the amount of \$10,000;
- ensure that the organization is not used for the financial gain of individual members;
- ensure that all written material provided to potential hirers or used to promote the facility or program acknowledges Camden Council including display of Council's logo;
- ensure that standard forms and Terms and Conditions are used;
- be aware of and involved in, appropriate community activities which are compatible with the goals of the facility or program;
- develop and update long term plans;
- be accountable to the community and to Council for the Committees actions and initiatives in respect of the facility or program.
- disclose pecuniary interests to Council in writing annually (there are forms for this purpose) and encourage members to declare in advance at meetings, any conflicts of interest that may arise in terms of potential financial, political or personal gain associated with being involved in the Committees operations.



ORDINARY COUNCIL

ORD15

SUBJECT: COMMUNITY MANAGEMENT COMMITTEE MANUAL REVIEW
FROM: Director Works & Services
BINDER: S355 Committees

PURPOSE OF REPORT

Council's Community Management Committees (Section 355 Committees) are provided with a manual to guide and govern their operations as delegated by Council. Following the recent appointment of Committee members it is also appropriate to review and update the manual.

BACKGROUND

The current manual was adopted in 2002 and updated in 2004 and 2009. There have been changes to the number and type of Community Management Committees since the manual was first adopted with less committees now responsible for the management and hiring of Community facilities and changes reflect this.

MAIN REPORT

The Community Management Committee Manual provides information, policy and procedures to assist Community Management Committees to undertake the functions and activities delegated to them by Council. This review attempted to simplify and make the manual easier for committee members to reference.

The main changes are:

- Increase in the amount of expenditure the committee may undertake without seeking permission from Council from \$5,000 to \$10,000. This change is a result of a request from Finance given the large amount of income and expenditure which passes through, particularly the BEP Committee. This change would negate the need for a report to Council on what can be fairly simple items of expenditure for the Committee's activities.
- 'Managing Facilities' and 'Managing Programs' now separate sections to reflect the changes in committee responsibilities since the manual's inception.
- 'Volunteer Labour' linked to Council's Volunteer Policy and Procedures
- Appendices removed. Policies previously contained in the document will be provided to all committee members on a USB for reference. These include Code of Conduct, Code of Meeting Practice, Drug and Alcohol and Work Health and Safety policies.

A copy of the document is provided in the supporting documents.

CONCLUSION

To assist committee members to meet their responsibilities and to ensure Council meets its responsibilities the Community Management Committee Manual provides the guidelines and information necessary. As new committees were recently appointed it is timely to review and update the manual. To ensure the manual meets the needs of the committees the draft updated will be distributed seeking feedback and a report

This is the report submitted to the Ordinary Council held on 27 November 2012 - Page 1

ORD09

Attachment 3



seeking adoption prepared early next year. The manual will be made available in electronic format to all committee members and hard copies made available to the executive of each committee.

RECOMMENDED

That Council distribute the draft updated Community Management Committee Manual to the Community Management committees seeking feedback.

ATTACHMENTS

1. Community Management Committee Manual

Ordinary Council Resolution

Resolution: Moved Councillor Warren, Seconded Councillor Campbell that Council distribute the draft updated Community Management Committee Manual to the Community Management committees seeking feedback.

ORD299/12 THE MOTION ON BEING PUT WAS **CARRIED**

ORDINARY COUNCIL

ORD10

ORD10

SUBJECT: TENDER T010/2013 - AMENITIES BUILDING CONSTRUCTION AT CUT HILL RESERVE, COBBITTY
FROM: Director Works & Services
TRIM #: 13/21898

PURPOSE OF REPORT

To provide details of the tenders received for contract T010/2013, being the construction of the amenities building at Cut Hill Reserve, Cobbitty and to recommend that Council accept the tender submitted by Axis Constructions Pty Ltd.

BACKGROUND

In May 2012 Council allocated \$235,000 to be included in 2012/13 Capital Works Program to construct new or upgraded amenities at Cut Hill Reserve.

A structural consultant was engaged by Council to investigate the existing amenities and clubroom building at Cut Hill Reserve. It was determined that the building was structurally unsound and it was recommended that the building be demolished. This work has since been completed. The existing aerated sewage waste disposal system also did not comply with current standards and has been decommissioned.

Concept plans for a new amenities building were developed and preliminary cost estimates indicated that the available budget would not be sufficient to complete the works. To enable construction of the new amenities facility and additional works required including pump out sewage system, power connection, underground water tank, access road and carpark, a further allocation of \$140,000 to the project was included in the 2013/14 Capital Works Program.

Following consultation with stakeholders it was agreed that the new amenities facility would need to be constructed in a more central location in the Reserve. The location will be able to service multiple users of the reserve including cricket, archery and air cadets.

Proposed works under this contract includes construction of male, female and disabled toilets, large store room, front awning, pump out sewage tanks and a large inground water storage tank. Construction of the access road, carpark, shade structure, seating and power connection will be carried out under separate contracts.

MAIN REPORT

Invitation to Tender

The tender for construction of a new amenities building at Cut Hill Reserve, Cobbitty was advertised in the local press, Sydney Morning Herald and NSW e-tendering website. Tenders opened on the 23 July 2013 and closed on 13 August 2013. Tenderers were asked to provide a lump sum for the proposed works as outlined in the tender documentation.

Tender Submissions

Tenders were received from 21 companies listed below in alphabetical order:

<u>Name of Tenderer</u>	<u>Location</u>
• ABT Construction and Fitout Pty Limited	Holsworthy
• ADR Group Pty Ltd	Homebush West
• Acubuild Pty Ltd	South Hurstville
• API Commercial	Katoomba
• Axis Constructions Pty Ltd	Wetherill Park
• Castlereagh Construction Group Pty Ltd	Newtown
• Cranebrook Constructions	Cranebrook
• Elite Commercial Solutions Pty Ltd	Artamon
• J+CG Constructions Pty Ltd	Hillsdale
• Midson Construction Pty Ltd	Bella Vista
• Momentum Built Pty Ltd	Caringbah
• Nordarcon Pty Ltd	Bella Vista
• Nuova Constructions Pty Ltd	Croydon
• Perich Constructions (NSW) Pty Ltd	Minto
• Practical Completion Pty Ltd	Kings Langley
• ProGroup Management Pty Ltd	Macquarie Park
• RMA Group	Strathfield South
• SGC Constructions Pty Ltd	Merrylands
• Sydney Design & Construction Pty Ltd	Gladesville
• Tony Tyquin Pty Ltd	Elderslie
• Zadro Constructions Pty Ltd	Vineyard

Tenderers submission values have been provided in confidential supporting documentation.

Tender Evaluation

The aim of the tender evaluation process is to assess the capability of tenderer to provide the best value and quality services to Council and to recommend the preferred tenderer.

A tender evaluation panel was established and the submissions were assessed on price and non-price factors as agreed by the evaluation panel. Price was given weighting of 70% and non-price factors a weighting of 30%.

Non Price Factors considered for this project:

- Standard of Submission & Methodology
- Experience & Capacity
- References
- Construction Program

Axis Constructions Pty Ltd provided a very competitive and conforming tender as well as meeting all requirements of Council's tender documentation. They have also submitted the shortest construction program which will enable the project to be completed by December 2013.

Axis Constructions Pty Ltd has demonstrated a track record in delivering projects of a similar or larger scale and nature for Councils, NSW Public Works and other

authorities. Past clients were contacted and gave positive feedback for Axis Constructions Pty Ltd.

Castlereagh Construction Group Pty Ltd submitted the lowest conforming tender, although Axis Constructions Pty Ltd were assessed higher on non price factors due their shorter construction period, superior tender submission, better capacity and completed project history.

The panel members all agreed that the tender by Axis Constructions Pty Ltd represented the best value to Council.

Relevant Legislation

The tender has been conducted in accordance with the Local Government Act 1993, the Local Government Regulations (2005) and Council's Purchasing and Procurement Policy.

Critical Dates / Time Frames

There are currently no toilet facilities for cricket users of Cut Hill Reserve. Until the proposed amenities building is completed, temporary facilities will be made available on site.

Should Council support the recommendation, Axis Constructions Pty Ltd will be given possession of the site on Monday 1 October 2013 and construction will be completed by early December 2013.

FINANCIAL IMPLICATIONS

Council has sufficient funds currently allocated to this project in the 2013/14 Capital Works Program to accept this tender.

CONCLUSION

Axis Constructions Pty Ltd has provided a conforming tender. The tender assessment concludes that the offer by Axis Constructions Pty Ltd represents best value to Council and the company has a proven track record of performance on projects of a similar nature.

RECOMMENDED

That Council:

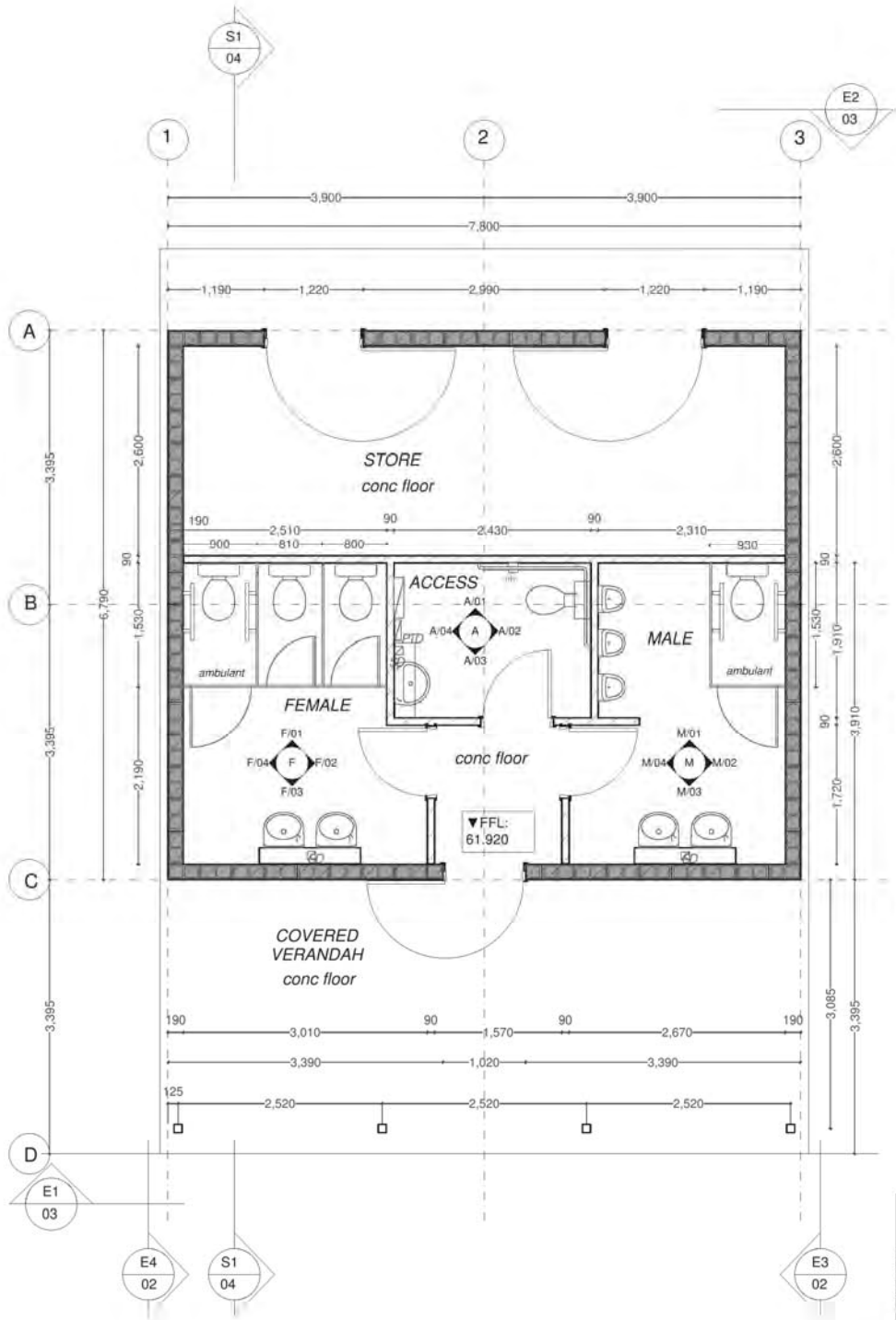
- i. accept the construction tender provided by Axis Constructions Pty Ltd for the lump sum value of \$189,498.00 (GST exclusive); and**
- ii. authorise the relevant documentation to be completed under Council's Power of Attorney, granted on 27 August 2013, Minute Number ORD215/13.**

ATTACHMENTS

1. T010/2013 Cuthill Reserve Amenities Building - *Supporting Document*
2. Cut Hill Reserve Amenities Building - Proposed Floor Plan and Elevations

ORD10

Attachment 2



8²
B SQUARED
 B SQUARED ARCHITECTS PTY LTD
 ABN 26 159 310 696
 Architecture + Access Consulting
 PO Box 104, Camperdown NSW 1430
 www.bsquared.com.au
 Nominated Architect
 Justice Allen NSW AFB (6005)

PROPOSED FLOOR PLAN
 1:50

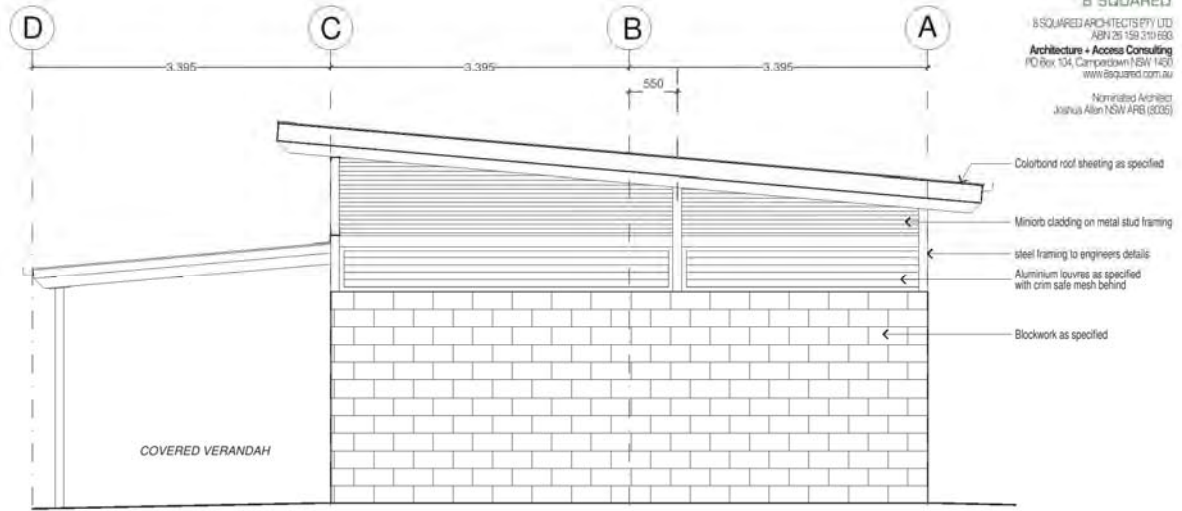
Tender Set	10/07/13 JA
Developed Design - Draft	03/07/13 JA
The builder shall check and verify all dimensions and verify all ground conditions to the Architect. Do not scale the drawings. Drawings shall not be used for construction purposes until issued by the Architect for construction.	
PROPOSED NEW AMENITIES AT CUT HILL RESERVE for CAMDEN COUNCIL. 315 CUT HILL RD CUT HILL NSW Post 322, DP 9486633	
Drawing Title: PROPOSED FLOOR PLAN	
Scale: as noted to A3	Date: 10/07/13
Status: WORKING DRAWINGS	Drawn By: PK/JA Checked By: -
Project No: 13C012 Drawing No.: WD01	



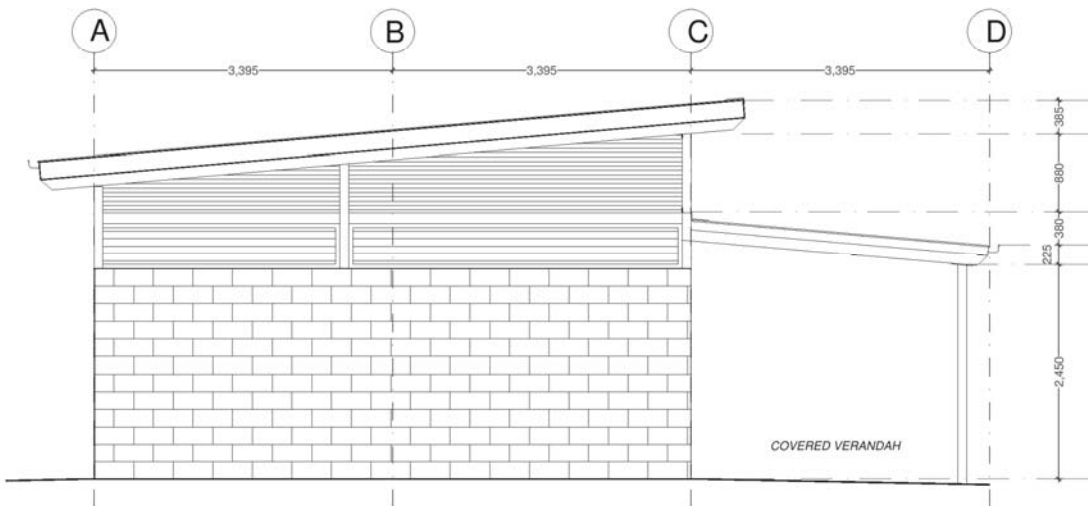
B SQUARED

B SQUARED ARCHITECTS PTY LTD
 ABN 26 159 210 690
 Architecture + Access Consulting
 PO Box 134, Campbelltown NSW 1460
 www.bsquared.com.au

Nominated Architect
 Joshua Allen NSW ARB (8005)



E3
05 ELEVATION 3
 SCALE: 1:50



E4
05 ELEVATION 4
 SCALE: 1:50

Tender Set	10/07/13 JA
Developed Design - Draft	03/07/13 JA
The builder shall check and verify all dimensions and verify all proposals and omissions to the Architect. Do not scale the drawings. Drawings are for visual intent for construction purposes only and shall be issued by the Architect for construction.	
PROPOSED NEW AMENITIES AT CUTHILL RESERVE for CAMDEN COUNCIL	
315 CUTHILL RD CUTHILL NSW Lot 323, DP 948633	
	
Drawing Title: ELEVATIONS1	
Scale: as noted to A3	Date: 10/07/13
Status: WORKING DRAWINGS	Drawn By: PK/JJA Checked By: -
	Project No: 13C012 Drawing No.: WD02

ORDINARY COUNCIL

ORD11

SUBJECT: TENDER T001/2014 - PROJECT MANAGEMENT SERVICES FOR COUNCIL'S NEW CENTRAL ADMINISTRATION CENTRE, BRANCH LIBRARY AND LEISURE CENTRE AT ORAN PARK

FROM: Director Works & Services

TRIM #: 13/29522

PURPOSE OF REPORT

To provide details of the tenders received for contract T001/2014, being the provision of project management services for Council's new central administration centre, branch library and leisure centre at Oran Park, and to recommend that Council accept the tender submitted by Valhalla Ventures Pty Ltd trading as Sydney City Projects (referred to below as Sydney City Projects).

BACKGROUND

Following an extensive review of possible site options, Council resolved on 22 May 2012 to endorse and accept the recommendation of Oran Park as the site for the new central administration centre.

On 27 November 2012 Council resolved to accept and endorse the legal documents that convert Greenfields Development Company's (GDC) offer of land for the future administration centre into a legally binding agreement. At that time Council also resolved to appoint a suitably qualified and experienced project manager to oversee the delivery of the project.

Early in 2013 Council agreed to investigate the benefits of co-locating the administration centre, branch library and leisure centre on one site that could create a civic campus of facilities. During the course of this year Council, GDC and Urban Growth have been developing masterplan options for this potential outcome. Council's Capital Works Branch together with other Branches across the organisation have been directly managing this phase of the project up to this time.

Given that the project is now building momentum and moving into the design phase, it is appropriate to appoint an experienced project manager to be dedicated to the project. The project manager will be responsible for delivery of the administration centre as well developing Council's requirements for the branch library/community resource centre and the leisure centre.

Given that the extent of work required to manage the three elements of this project could not be clearly defined, it was considered most appropriate that this tender be based on hourly rates rather than a lump sum amount. In addition the consultant will be working full time from Council's offices within the Capital Works section of Works & Services. The contract has been based on a two year period with an option to extend if required.

MAIN REPORT

Invitation to Tender

The tender for provision of project management services for Council's new central administration centre, branch library and leisure centre at Oran Park, was advertised in the Camden Advertiser, Sydney Morning Herald and the NSW e-tendering website. Tenders opened on 9 July 2013 and closed on 30 July 2013. Tenderers were asked to provide hourly rates for the proposed works as outlined in the tender documentation.

Tender Submissions

Tenders were received from 26 companies listed below:

<u>Name of Tenderer</u>	<u>Location</u>
Valhalla Ventures Pty Ltd (Trading as Sydney City Projects)	Stanmore
AREA3 Consulting	Sydney
Riggall & Associates Pty Ltd	Wollongong
DTZ Australia NSW Pty Ltd	North Sydney
Blue Visions Management Pty Ltd	North Sydney
SJA Construction Services Pty Ltd	Sydney
Altus Page Kirkland	Sydney
Pure Projects (NSW) Pty Ltd	Milsons Point
Sweett Australia Pty Ltd	Sydney
Arben Management	Sydney
GHD Pty Ltd	Sydney
NSW Public Works	Wollongong
Cerberus Construction Services	Sydney
Mace Australia Pty Ltd	Sydney
Performance Drivers Pty Ltd	North Parramatta
APP Corporation	Bowral
Savills Project Management	Sydney
B2E Group	Kensington
Raj Karthigeyan (Pty) Ltd	Homebush South
Comrad Constructions	Narellan
Complete Urban Pty Ltd	Chippendale
TSA Management Pty Ltd	Sydney
Artifex Management Group	Surry Hills
MOC Build	Plumpton
Davis Langdon (an AECOM Company)	Sydney

A summary of the submissions is provided in the **Supporting Documents**. Please note this information is Commercial in Confidence.

Tender Evaluation

The tender process is intended to appoint a consultant with proven capacity and experience in similar scale projects as well as providing good value and quality services to Council.

A tender evaluation panel was established and the submissions were assessed on price and non-price factors as agreed by the evaluation panel. Price was given weighting of 60 % and non-price factors a weighting of 40 %.

Non Price Factors considered for this project include:

- Understanding of the project and proposed methodology;
- Previous experience;
- Proposed team, capacity, and quality of submission; and
- Reference checks with previous clients
- Face to face interview style meetings

The tender evaluation was carried out in three stages. The first stage was a desktop assessment of all tenders which considered price, experience of the company and nominated project manager, company support services and insurances. The second stage of the evaluation included reference checks with previous clients for the top eight ranked companies. The final stage of the evaluation included an interview style, face to face meeting with the proposed project manager for the top five companies.

Sydney City Projects has provided the most competitive tender in terms of cost and meeting all requirements of Council's tender documentation. Past clients were contacted and gave positive feedback for Sydney City Projects.

Sydney City Projects has demonstrated a proven track record in delivering projects of a similar scale and nature.

The panel members all agreed that the tender by Sydney City Projects represented the best value to Council.

Both Area 3 and Sydney City Projects have provided a competitive tender price and are considered suitably skilled and experienced project managers for this project.

In the event that Sydney City Projects is unable to fulfil the terms and conditions of the tender, Area 3 Pty Ltd could be appointed as the alternate at the tendered price.

Relevant Legislation

The tender has been conducted in accordance with the Local Government Act 1993, the Local Government Regulations (2005) and Council's Purchasing and Procurement Policy.

Critical Dates / Time Frames

Sydney City Projects are able to commence within one week of being notified if they are successful.

FINANCIAL IMPLICATIONS

Council has sufficient funds currently allocated to this project in the 2013/14 and 2014/15 Capital Works Programs to proceed with the proposed contract.

CONCLUSION

Sydney City Projects has provided a conforming tender. The tender assessment concludes that the offer by Sydney City Projects represents best value to Council and the company has a proven track record of performance on projects of a similar nature.

Both Area 3 and Sydney City Projects have provided a competitive tender price and are considered suitably skilled and experienced project managers for this project.

In the event that Sydney City Projects is unable to fulfil the terms and conditions of the tender, Area 3 Pty Ltd could be appointed as the alternate at the tendered price.

RECOMMENDED

That Council:

- i. accepts the project management services provided by Valhalla Ventures Pty Ltd (trading as Sydney City Projects) for the hourly rate of \$120 (GST exclusive);**
- ii. in the event that Sydney City Projects is unable to fulfil the terms and conditions of the tender, Area 3 Pty Ltd be appointed as the alternate at the tendered price; and**
- iii. authorise the relevant documentation to be completed under Council's Power of Attorney, granted on 27 August 2013, Minute Number ORD215/13.**

ATTACHMENTS

- 1. Summary - Project Management Services for New Administration Centre - *Supporting Document***