



Camden Council

Business Paper

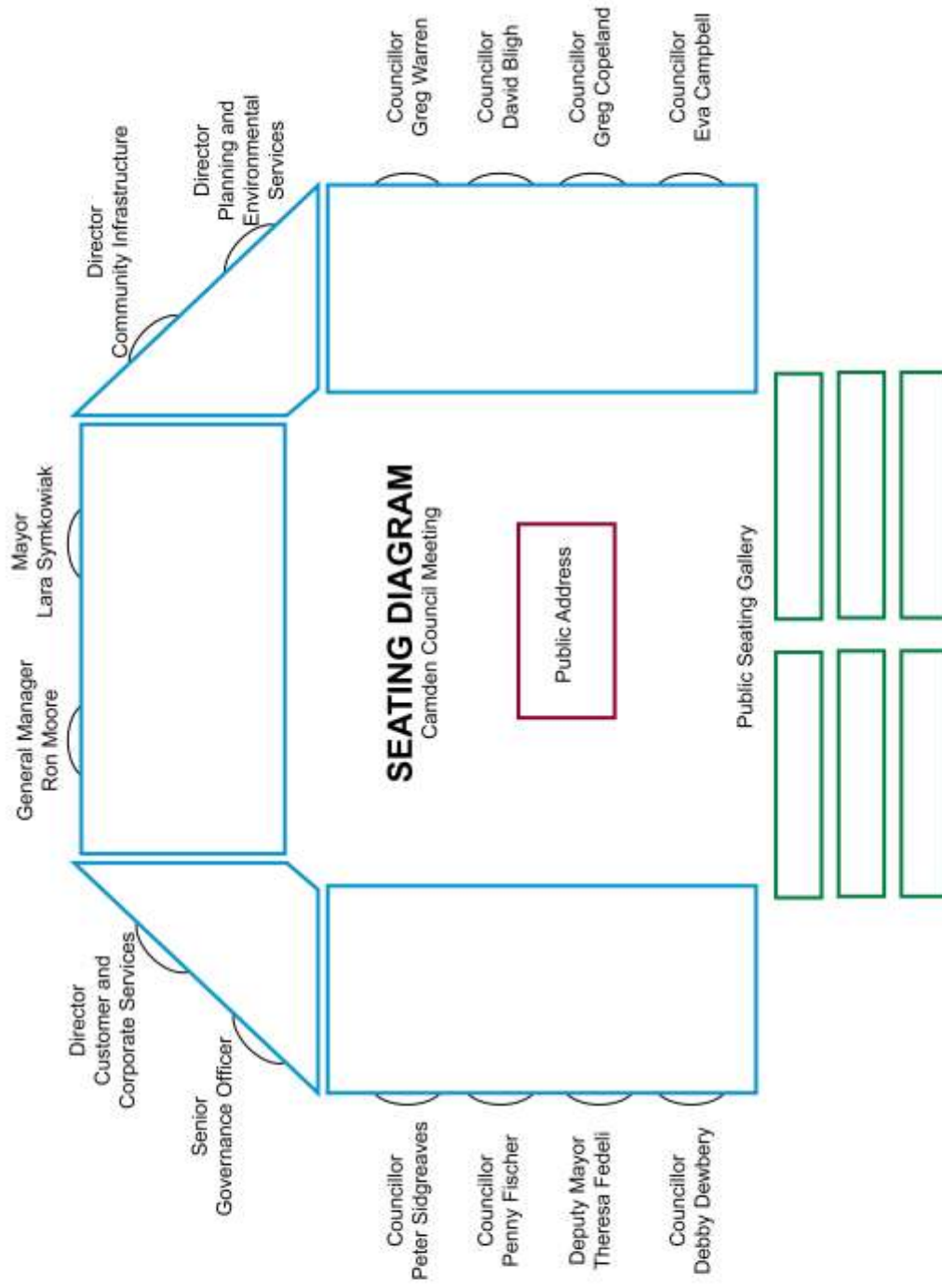
Ordinary Council Meeting
22 July 2014

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 |
| DoPE | Department of Planning & Environment |
| 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 |
| OLG | Office of Local Government, Department of Premier & Cabinet |
| 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

ORDER OF BUSINESS - 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 8 July 2014

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 8 July 2014, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE

Consideration of Mayoral Minute (if any).



ORD01

ORDINARY COUNCIL

ORD01

SUBJECT: SALE OF SEAFOOD FROM A VAN AT 10 MURRAY STREET, CAMDEN
FROM: Director, Development & Health
TRIM #: 14/92291

APPLICATION NO: 403/2014
PROPOSAL: Sale of seafood from a van
PROPERTY ADDRESS: 10 Murray Street, Camden
PROPERTY DESCRIPTION: Lot 4, DP573446
ZONING: B2 Local Centre
OWNER: Frank Brooking Pty Ltd
APPLICANT: Adobe Drafting Services Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the sale of seafood from a van at 10 Murray Street, Camden.

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

SUMMARY OF RECOMMENDATION

That Council determine DA 403/2014 for the sale of seafood from a van at 10 Murray Street, Camden 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 sale of seafood from a van at 10 Murray Street, Camden.

At the Ordinary Council meeting of 31 January 2012 Council approved DA 1364/2011 for the sale of seafood from a van on this site. The van was approved to operate on the site between 7.30am-4.30pm on Saturdays, the Thursday before Good Friday and Christmas Eve.

The consent was subject to a condition limiting the operation to a temporary period of 2 years from the date of that consent (ie. 31 January 2014). A further DA was required to be lodged to continue the operation beyond that date.

The subject 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 (DCP). One submission was received that objected to the proposed development and one submission was received in support of the



proposed development. **A copy of the submissions is provided with the Business Paper supporting documents.**

The issues raised in the submissions relate to incomplete DA documentation, manoeuvring of the van; blocking of the public footpath on Murray Street; car parking; disposal of ice water; water running across the public footpath on Murray Street; odour impacts; the van's capacity for holding dirty water; signage; pedestrian safety; negative impacts upon existing businesses; that the business will not employ local people and not pay rates; health and safety concerns; concerns that the van is no longer allowed to operate in Camden; and that competition and choice should not be limited.

Information submitted with the DA includes proposed hours of operation and estimated numbers of patrons. The notification letter sent to all parties indicated that the full application (including all supporting information) was available for public inspection at the Camden and Narellan Council offices and libraries for a period of 14 days.

Council staff have reviewed the proposed plans and consider that there is sufficient room within the site for the truck to manoeuvre into position. The van will be located fully within the site boundaries and a condition is recommended that will require the van to be set back at least 3m from the public footpath on Murray Street.

With respect to car parking, the DCP requires 1 space per 30m² of GFA for shops. The GFA of van does not exceed 30m², therefore 1 car space is required which can be provided on the site.

In relation to the ice water generated by the operation of the van, a Sydney Water Trade Waste Agreement is not required and the ice water can be released into the existing sewer gully on the site. Plumbing works to insert a grated gulley have been undertaken in accordance with Sydney Water requirements which will prevent the drain becoming blocked.

Council staff are not aware of any previous issues regarding water running across the public footpath on Murray Street and Council has not received any complaints regarding waste disposal or odour since the van commenced operating. Conditions are recommended to ensure that waste water cannot be disposed of onto the car park or public footpath in Murray Street and that the use cannot give rise to an unpleasant odour.

The van is fitted with holding tanks which collect all excess melted ice water and hand washing water. Council staff are satisfied that the tank sizes are in excess of the amount of water which will be generated by the van each day. Prior to vacating the site each day, the holding tanks containing only the ice water and hand washing water will be discharged into the existing sewer gully on the site.

There is no signage proposed as part of this DA.

As aforementioned, the van will be setback 3m from the public footpath and this will allow sufficient space for customers to access the van without having to queue across the public footpath on Murray Street.

The issues of rate payments, local staff employment or competition between businesses are not matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*.

Conditions are recommended to ensure that the proposed development operates to the same health and safety standards as all other shops within the Camden LGA.

The seafood van was previously approved to operate on the site for a temporary period of 2 years (until 31 January 2014). A further DA was required to be lodged to continue the operation beyond that date. Council staff have assessed the subject DA and recommend that it be approved subject to the conditions contained in this report.

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. It is recommended that this is a permanent approval as the van has already been subject to a trial period and no complaints regarding its operations have been received.

AERIAL PHOTO



THE SITE

This site is commonly known as 10 Murray Street, Camden and is legally described as Lot 4, DP 573446.

The site has a frontage of 25.7m to Murray Street, a maximum depth of 15m and an overall area of 362.3m². The site contains an existing single storey commercial building currently occupied by a Mission Australia and a small ancillary car park. The site is located within the Camden Heritage Conservation Area.

The surrounding area contains other commercial properties forming the Camden Town Centre. To the south exist the residential part of Camden whilst to the west lies the rural residential suburb of Grasmere. To the north of the area lies the rural residential



suburbs of Cobbitty and Kirkham whilst to the east is the Nepean River and the residential suburb of Elderslie.

HISTORY

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

| Date | Development |
|-----------------|---|
| 31 January 2012 | Sale of seafood from a van approved by DA 1364/2011 |
| 30 March 2012 | Change of trading day at Easter from Thursday to Good Friday approved by Section 96(1A) Modification 1364(2)/2011 |

THE PROPOSAL

DA 197/2014 seeks approval for the sale of seafood from a van.

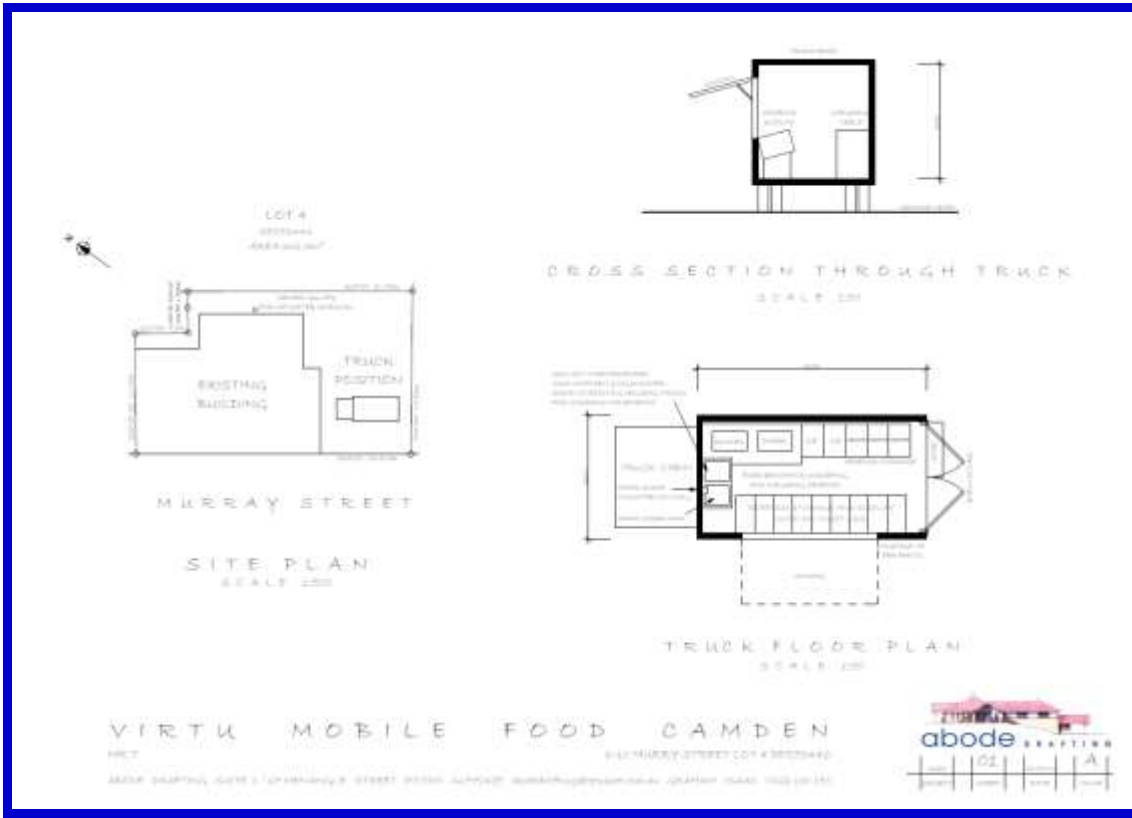
Specifically the proposed development involves:

- the sale of seafood from a van located within the car park on the site. The seafood sold will include fish, prawns, oysters and crabs;
- operating hours of Saturday 8am-4pm and Good Friday and Christmas Eve 7.30am-4pm;
- the employment of 2 staff.

No preparation of seafood will occur within the van and no signage is proposed as part of the DA.

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:

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

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

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.

Camden Local Environmental Plan 2010 (LEP)



Permissibility

The site is zoned B2 Local Centre under the provisions of the LEP. The proposed development is defined as a “shop” by the LEP which is a permissible land use in this zone.

Zone Objectives

The objectives of the B2 Local Centre zone are as follows:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure that mixed use developments present an active frontage to the street by locating business, retail and community uses at ground level.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To enable other land uses that are complementary to and do not detract from the viability of retail, business, entertainment and community uses within the zone.

Officer comment:

The proposed use is appropriate for the zone, being located in an established business and retail area in Camden’s town centre. The use has operated for the past 2 years on the subject site without complaint.

Relevant Clauses

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

| Control | Requirement | Provided | Compliance |
|----------------------------------|---|--|-------------------|
| 5.10 Heritage Conservation | The consent authority must consider the effect of the proposed development on the Camden heritage conservation area | It is not considered that the operation of the seafood van will negatively impact upon the heritage significance of the area. The DA does not propose any physical works to the site and the van will be parked within a car park on Saturdays, Good Friday and Christmas Eve only | Yes |



ORD01

(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

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 |
|---|---|---|-------------------|
| B1.9 Waste Minimisation and Management | A waste management plan (WMP) must be submitted with the application | An appropriate WMP was submitted with the DA and all waste generated will be disposed of off site at an approved location. The ice water generated can be released down an existing sewer gully on the site. Works have previously been undertaken to install a grate over the existing sewer gully in accordance with Sydney Water standards | Yes |
| B3.1.1 General Heritage Provisions | Ensure development is sympathetic to and conserves the significance of the heritage conservation area | The development does not propose any new permanent development or alterations to the site. The proposal involves the temporary parking of a van within a car park. It is not considered that the van will adversely impact the heritage significance of the area | Yes |
| B3.1.2 Camden Heritage | Retain the unique heritage | No physical works are proposed as | Yes |



| Control | Requirement | Provided | Compliance |
|--|---|--|------------|
| Conservation Area | significance of Camden town | part of this application therefore it will have minimal impact on the heritage conservation area | |
| B5.1 Off-Street Car Parking Rates and Requirements | 1 space per 30m ² gross floor area (GFA). The GFA of the van is 9.2m ² ; therefore 0.3 (1) car parking space is required | There is sufficient space on site to accommodate the van and provide 1 car parking space. A condition is recommended that requires that the van cease operation (to the extent of the conflict) if the operating hours of the site's existing building changes and consequently causes a conflict between the two uses | Yes |
| D3.2.6 Parking and Access | Car parking shall be provided in accordance with Chapter B5 of the DCP | As aforementioned, on-site car parking will be provided for the van in accordance with Chapter B5 of the DCP | Yes |
| D3.5.2 Camden B2 Local Centre | Development must be consistent with the Camden Town Centre Strategy | The proposed development is generally consistent with the Camden Town Centre Strategy | Yes |

(a)(iii) 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.

(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 the DCP. The exhibition period was from 3 to 18 June 2014. One submission was received that objected to the proposed development and one submission was received in support of the proposed development. **A copy of a public exhibition 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 DA being incomplete and lack of information regarding hours of operation, number of estimated patrons, etc.

Officer comment:

Information submitted with the DA includes proposed hours of operation and estimated numbers of patrons. The notification letter sent to all parties indicated that the full application (including all supporting information) was available for public inspection at the Camden and Narellan Council offices and libraries for a period of 14 days.

2. The manoeuvring of the van onto the site is unclear, potential blocking of a public footpath and lack of on site car parking.

Officer comment:

Council staff have reviewed the proposed plans and consider that there is sufficient room within the site for the truck to manoeuvre into position. The van will be located fully within the site boundaries and a condition is recommended that will require the van to be setback at least 3m from the public footpath in Murray Street. This setback is considered sufficient and it is not anticipated that customers will have to queue across the footpath.

With respect to car parking, the DCP requires 1 space per 30m² of GFA for shops. The GFA of van does not exceed 30m², therefore 1 car space is required which can be provided on the site.

3. How will ice water disposal occur through the site's sewer gulley if closed, is there sufficient capacity for this to occur, and will all ice disposed of have to be thawed first to avoid blocking the drains?

Officer comment:

In relation to the ice water generated by the operation of the van, a Sydney Water Trade Waste Agreement is not required and the ice water can be released into the existing sewer gully on the site. Plumbing works to insert a grated gulley have been undertaken in accordance with Sydney Water requirements which will prevent the drain



becoming blocked. It is considered that the existing sewer is capable of facilitating the disposal of the ice water which will soon melt after disposal if not completely thawed.

4. Understanding that water is currently left to run across the footpath and often leaves an unpleasant odour after trading has ceased. Surely this is not considered acceptable or fair to others in the area?

Officer comment:

Council staff are not aware of any previous issues regarding water running across the public footpath on Murray Street. Council has not received any complaints regarding waste disposal or odour since the van commenced operation.

Conditions are recommended to ensure that waste water cannot be disposed of onto the car park or public footpath in Murray Street and that the use cannot give rise to an unpleasant odour.

5. Queries regarding the van's holding tanks for dirty water: Whether or not they will be emptied? Where will they be released and will releases comply with relevant standards? What is the capacity of the storage tanks and is this capacity sufficient for the operation?

Officer comment:

The van is fitted with holding tanks which collect all excess melted ice water and hand washing water. Council staff are satisfied that the tank sizes are in excess of the amount of water which will be generated by the van each day. Prior to vacating the site each day, the holding tanks containing only the ice water, and hand washing water will be discharged into the existing sewer gully on the site. A condition is recommended to require that any other waste generated will be disposed of off site at an approved facility.

6. Is there any signage proposed and will it interrupt any foot or vehicle traffic?

Officer comment:

There is no signage proposed as part of this DA.

7. Has consideration been given to adequate safety and pedestrian facilities?

Officer comment:

As aforementioned, the van will be setback 3m from the public footpath and this will allow sufficient space for customers to access the van without having to queue across the public footpath on Murray Street. It is not anticipated that the van will cause any safety hazards for pedestrians.

8. Negative impacts on other businesses in the LGA as the proposed business does not pay rates or employ local staff and do not have to adhere to the strict health and safety regulations.

Officer comment:



The issues of rate payments, local staff employment or competition between businesses are not matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*.

Conditions are recommended to ensure that the proposed development operates to the same health and safety standards as all other shops within the Camden LGA.

- 9. Concern that the seafood van is no longer allowed operating within Camden on Saturdays. Choice and competition should not be limited.

Officer comment:

The seafood van was previously approved to operate on the site for a temporary period of 2 years (until 31 January 2014). A further DA was required to be lodged to continue the operation beyond that date.

As aforementioned, the issue of competition between businesses is not a matter for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*.

Council staff have assessed the subject DA and recommend that it be approved subject to the conditions contained in this report.

(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.

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 403/2014 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 |
|------------------------|--------------------------|----------------|----------|
| 6693 | Virtu Mobile Food Camden | Abode Drafting | 20/05/14 |
| - | Statement of | Abode Drafting | 20/05/14 |



| | | | |
|--|-----------------------|--|--|
| | Environmental Effects | | |
|--|-----------------------|--|--|

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) **Conflict with Building Use** – In the event of a conflict of operating days/times between the van and the use of the site’s existing building at any time, the van must not operate on the days/times to the extent of the conflict. This is to ensure that the site’s car park will be available for the users of the site’s existing building as needed.
- (3) **Food Codes and Regulations Compliance** – The construction and fit out of the premises, or any part thereof, to be used for the manufacture, preparation or storage of food for sale, must comply with Camden Council’s Food Premises Code, the Food Act 2003 and the Food Regulations 2010 (incorporating the Food Standards Code).
- (4) **Equipment Sink** - A separate equipment sink is to be provided with hot and cold running water for washing of utensils.
- (5) **Hand Washing Facilities**- A separate hand basin must be provided specifically for washing hands within the fish van. The basin must be:
 - a) Accessible at all times;
 - b) Provided with water at least 40oC from a mixed hot and cold water supply;
 - c) Kept in a clean and sanitary condition and in good repair at all times;
 - d) Not used for any purpose other than the washing of hands;
 - e) Provided with disposable paper towels and liquid soap adjacent to the hand wash facility.

2.0 - Prior To Operation

The following conditions of consent shall be complied with prior to the van commencing operations on the site.

- (1) **Registration and Notification** - Proprietor/s of a business are required to register the business with Camden Council and complete a Food Business Notification Form.
- (2) **Potable Water** – The fish van must have an adequate supply of potable water for hand washing and utensil clean up.
- (3) **Thermometers** - Any appliance used for the storage of hot and cold food must be provided with a probe thermometer accurate to +/-1oC to measure the core temperature of food.

(It is recommended that sterile alcoholic wipes be used to sterilise the probe thermometer between use).

3.0 - Operational Conditions



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

- (1) **Hours of Operation** - The hours of operation for the approved land-use are:

| | |
|--------------------------------|--------------|
| Saturday: | 8am – 4pm |
| Good Friday and Christmas Eve: | 7.30am – 4pm |

All vehicle movements, deliveries and any other operations associated with the use of the premises must be restricted to approved hours of operation. Any alteration to these hours will require the prior approval of the Consent Authority.

- (2) **Wastewater Management** - No wastewater is to be directed to, or disposed of on, the site's car park, the public footpath on Murray Street or to the surrounding stormwater drainage system.
- (3) **Waste Management** – All waste generated from the use of the site is to be removed from the site to Harbourside Fish Market Pty Limited or another approved facility, for appropriate waste disposal, at the conclusion of each day's operations. The cost of disposal is to be born by the operator of the business. Under no circumstances is waste to remain on site or be disposed of into public waste bins.
- (4) **Cleanliness** – The vehicle must at all times be maintained in a satisfactory standard of cleanliness and repair. The vehicle and equipment must be thoroughly cleaned at the conclusion of each day's operations.
- (5) **Temperature Control** - Potentially hazardous foods (seafood) must be stored under temperature control, at all times, in accordance with the requirements of the Food Safety Standards.
- (6) **Clothing** – Persons engaging in any food handling operations must be appropriately attired in clothing and footwear that is clean and relevant to their task.
- (7) **Offensive Odour** – The use of the premises shall not give rise to offensive odours.
- (8) **Sydney Water** – The operator must at all times comply with the requirements of Sydney Water Corporation Trade Waste section in relation to wastewater management on site.
- (9) **Waste Water** – All waste water is to be disposed of on-site in accordance with Sydney Water Corporation requirements.
- (10) **Signage** – No signs including "A" frames, Digital Variable Message Boards, Posters, Banners and the like are to be displayed in a public place.
- (11) **Offensive Noise** – The use of the premises shall not give rise to offensive noise as defined under the *Protection of the Environment Operations Act 1997*.
- (12) **Protection of Food** - All food stored in the van must be in sealed food grade containers and must be stored at least 150mm off the floor of the van.

A physical barrier must be provided between displayed food and the public.



-
- (13) **Number of Staff** - The maximum number of staff permitted in the van must not exceed 2 persons at any one time.
 - (14) **Amenity** - The business must be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations and residential or business premises.
 - (15) **Car Parking** – The van is to be parked in such as a fashion to ensure that at least one other vehicle can park within the car park at any one time.
 - (16) **Parking of Van** – The van must be located wholly within the car park at all times, must be setback a minimum of 3m from the public footpath on Murray Street and must not park over any Council road reserve.

RECOMMENDED

That Council approve DA 403/2014 for the sale of seafood from a van at 10 Murray Street, Camden subject to the conditions listed above.

ATTACHMENTS

- 1. Site Plan
- 2. Submissions - *Supporting Document*
- 3. Public Exhibition and Submissions Map - *Supporting Document*



ORDINARY COUNCIL

ORD02

SUBJECT: AMENDMENT 29 HOUSEKEEPING AMENDMENT TO CAMDEN LEP 2010

FROM: Acting Director Governance

TRIM #: 13/42007

PURPOSE OF REPORT

The purpose of this report is to seek Council endorsement of a draft Planning Proposal which includes minor housekeeping amendments to Camden Local Environmental Plan 2010 (LEP 2010). Housekeeping amendments address matters which are of an administrative and minor nature. The draft Planning Proposal to support the amendments is included as an **Attachment to this report**. This matter was workshopped on 24 June 2014.

BACKGROUND

Camden LEP 2010 was gazetted on 3 September 2010 and became the principal planning instrument covering land use and zoning in the Camden Local Government Area (LGA). Council staff undertake regular reviews of the LEP and the associated maps. As part of this review Council officers have identified inaccuracies of a minor nature and have initiated the proposed amendments to correct the identified errors. This is the fourth 'housekeeping' amendment of the Camden LEP 2010.

Should Council resolve to proceed with the draft Planning Proposal it will be forwarded to the Department of Planning and Environment (DoPE) for gateway determination.

MAIN REPORT

The Planning Proposal includes several minor amendments to Camden LEP 2010 and the accompanying maps. The amendments are to correct minor mapping and land use table anomalies. The proposed amendments are outlined below:

Item 1: Mapping Anomalies

This item seeks to make minor amendments to various Camden LEP 2010 maps to correct anomalies which have occurred during the finalisation of the maps prior to their publication. The following table contains a summary of the mapping anomalies. *Comparison maps indicating current and proposed changes are included within Appendix A of the Planning Proposal.*

| | Anomaly | Action | Historical Notes | Map changes |
|---|---|--|---|----------------------------|
| 1 | Portion of Nepean River (within Camden Local Government Area) in Spring Farm is blank with no zoning reference. | Amend Land Zoning Map to reinstate RU1 Primary Production to indicate correct land zoning. | The error was a mapping oversight at the time of the LEP conversion to the standard instrument. | Land Zoning Map Tile No 11 |



| | Anomaly | Action | Historical Notes | Map changes |
|---|--|--|--|--|
| 2 | Sections of land in Gledswood Hills and Leppington are blank, with no height of buildings reference. | Amend Height of Buildings Map to reinstate J – 9.5m to reflect correct maximum height of buildings. This is consistent with surrounding lands and will ensure the correct height of buildings is identified. | The error was made during the finalisation of Consolidated Amendment No 5 which incorporated the following planning proposals Mater Dei Boundary Anomalies (Amendment No 5), Spring Farm South and West (Amendment No 7), Harrington Grove (Amendment No 8) and Elyard Gardens (Amendment No 11), gazetted on 18 January 2013. | Height of Building Map Tile No 16 |
| 3 | Small triangular portion of land in Gledswood Hills shows incorrect zone and minimum lot size. | Amend Land Zoning Map to reinstate R5 Large Lot Residential and amend Lot Size Map to reinstate minimum lot size of W – 4000sqm. | The error was made during the finalisation of Amendment No 3- El Caballo Blanco/Gledswood, gazetted on 22 March 2013. | Land Zoning Map Tile No 16 Lot Size Map Tile No 16 |
| 4 | Portions of land in Mount Annan South zoned E1 National Parks and Nature Reserves and E2 Environmental Conservation currently has a minimum lot size and height of buildings reference. As the lands are identified for non residential development, height of buildings and minimum lot size controls do not apply. | Delete height of buildings and minimum lot size reference to portions of land identified E1 and E2. This is consistent with adjoining properties and reflects the intention of the site. | The error was a mapping oversight at the time of the LEP conversion to the standard instrument. | Lot Size Map Tile No 17 Height of Buildings Tile No 13 and 17 |

Table 1: Summary of Mapping anomalies within Camden LEP 2010. (Source: Camden Council, 2014).

Item 2: ‘Vehicle sales or Hire premises’ in B5 Business Development zone

‘Vehicle sales or hire premises’ are currently prohibited within the B5 Business Development zone under Camden LEP 2010. ‘Vehicle sales or hire premises’ is defined in the Dictionary to the Camden LEP 2010 as follows:



“means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.”

It is proposed to amend Item 3 of the Camden LEP 2010 land use table within the B5 Business Development zone to allow development for the purposes of a ‘vehicle sales or hire premises’. The B5 zone covers areas in Narellan (The Exchange), Narellan industrial precinct and Smeaton Grange.

Vehicle sales or hire premises were permissible uses in the zone (or their equivalent) in previous LEP’s, however it was inadvertently omitted from the Camden LEP 2010. This has resulted in areas of Smeaton Grange and Narellan having existing vehicle sales or hire premises, where the current zoning would prohibit any new businesses.

Note: No amendments to Camden LEP 2010 Maps required for this item.

Item 3: Health consulting rooms in R2 Low Density zone

‘Health consulting rooms’ are currently prohibited within the R2 Low Density Residential zone under Camden LEP 2010. ‘Health consulting rooms’ is defined in the dictionary to the Camden LEP 2010 as follows:

“Means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.”

This use was described as ‘professional consulting rooms’ under Camden LEP 46, and was converted to ‘health consulting rooms’ during the conversion of LEP 46 into the Standard Instrument format. ‘Professional consulting rooms’ was a permissible use in the previous LEP; however, it was inadvertently omitted from the Camden LEP 2010.

The proposed land use is considered appropriate given ‘medical centres’ are permitted in the R2 zone. Further the proposed land use meets the objectives of the R2 zone and will provide a valuable service to low density residential areas in the Camden LGA. As such, this planning proposal seeks to amend the land use table for the R2 zone by adding ‘health consulting rooms’ to Item 3 – Permitted with consent. This item will ensure the LEP is consistent with the ‘status quo’ approach adopted during the conversion of the former Camden LEPs into the new LEP template format.

Note: No amendments to Camden LEP 2010 Maps required for this item.

Item 4: Heritage item descriptions

A review of local heritage items listed under Schedule 5 of Camden LEP 2010 has identified some minor anomalies. The table below details the proposed changes (highlighted in bold) and the reason for correction. The proposed amendments do not make any changes to the heritage boundary or the heritage significance of the items. This administrative amendment will ensure the local heritage items are correctly identified.



| Item No and Name | Address | Reason for correction | Proposed amendment |
|------------------------------------|---|---|--|
| Item 142 House and curtilage | Lot 1, DP 625278 196 Macarthur Road, Spring Farm | Include correct dwelling name as recommended in Section 1.8 by Gordon Mackay Logan Spring Farm Urban Release Area Heritage Assessment June 2002 | Under Item name insert the following: “Galvin Cottage” House and curtilage |
| Item 145 Mural and Wishing Well | Corner Broughton Street and Menangle Road, Camden Note: Although a separate listing, this item is located within Item 67 – Camden District Hospital (part of hospital site). | Include suburb name and Lot/DP as described | Under suburb name insert: Camden Under property description insert: Lot 2 DP 530480 |
| Item 105 “Yamba” | Lot 10, DP 11038895 181 Camden Valley Way | DP identification incorrect | Amend property description to: Lot 10 DP 1103895 |

Table 2: Summary of changes to Schedule 5 of Camden LEP 2010. (Source: Camden Council, 2014)

Note: No amendments to Camden LEP 2010 Maps required for this item.

Exhibition Period

The draft Planning Proposal recommends that the proposal be exhibited for a 14 day period in accordance with the provisions of the Environment Planning and Assessment Act 1979 and Regulations as the matters dealt with in this planning proposal are of a housekeeping nature. Council will notify in writing those residents and property owners directly affected by the proposed amendments.

LEP Delegation

Council intends to use its delegation pursuant to Section 23 of the Environmental Planning and Assessment Act 1979 for this Planning Proposal. This will enable Council to streamline the processing of the Planning Proposal. The request for delegation will be made as part of the Gateway submission. This would allow Council to deal directly with Parliamentary Counsel for making of the plan. The General Manager is Council’s nominated officer.



Where to from here

If Council resolves to send the draft Planning Proposal to DoPE for Gateway Determination the following steps will occur:

1. If a Gateway Determination to proceed is received the Planning Proposal will proceed directly to public exhibition; and
2. Upon completion of the public exhibition period a report to Council will be prepared to seek a resolution to forward the Planning Proposal to Parliamentary Counsel for making of the plan.

The draft Planning Proposal includes a recommended timeframe that the process is predicted to follow. This timeframe, provided in Part 6 of the Planning Proposal, includes an indicative course of action including the public exhibition period and report back to Council. Taking these into consideration it is anticipated that the process will take 6 months from the time of Gateway Determination to publication.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

This Planning Proposal seeks to make several minor amendments of a housekeeping nature to Camden LEP 2010. Should Council endorse the recommendation, the Planning Proposal will be forwarded to DoPE for Gateway Determination.

RECOMMENDED

That Council:

- i. **endorse the draft planning proposal to forward to the Department of Planning and Environment for Gateway Determination and advise that Council will be using its delegation pursuant to Section 23 of the Environmental Planning and Assessment Act 1979;**
- ii. **pending a favourable response from the Department of Planning and Environment proceed directly to publicly exhibit the planning proposal in accordance with the terms of the Gateway Determination notice; and**
- iv. **prepare a further report for Council consideration at the conclusion of the public exhibition period.**

ATTACHMENTS

1. Amendment 29 Draft Planning Proposal Version 1 July 2014.1



ORDINARY COUNCIL

ORD03

ORD03

SUBJECT: OUTDOOR DINING FRAMEWORK

FROM: Acting Director Governance

TRIM #: 14/103757

PURPOSE OF REPORT

The purpose of this report is to advise Council of a proposed outdoor dining framework which consists of a newly developed outdoor dining policy, standard conditions of approval and application form and to publicly exhibit the documents, along with proposed changes to Council's annual fees and charges for a period of 28 days.

BACKGROUND

In the past, approvals for outdoor dining have been managed via Development Applications through Council's Development Team. Legal advice provided by Council's Solicitor has confirmed that due to recent amendments to the State Environmental Planning Policy 2008 which have now classed outdoor dining as an exempt development, there is no requirement to go through the Development Approval process, provided that approval is otherwise obtained under the *Roads Act 1993*.

Section 125 of the *Roads Act 1993* states as follows:

"125 Approval to use footway for restaurant purposes

- (1) A Council may grant an approval that allows a person who conducts a restaurant adjacent to a footway of a public road (being a public road that is vested in fee simple in the council) to use part of the footway for the purposes of the restaurant;*
- (2) An approval may be granted on such conditions (including conditions as to payments in the nature of rent) as the Council determines;*
- (3) An approval may not be granted in respect of a footway of a classified road except with the concurrence of RMS;*
- (4) An approval lapses at the end of its term or, if the part of the footway the subject of the approval ceases to be used for the purposes of a restaurant, when that use ceases."*

This matter was workshopped with Council on 8 July 2014.

MAIN REPORT

Camden Council is committed to promoting the continuing development of outdoor dining within the Local Government Area. Outdoor dining makes a significant contribution to the quality of public spaces and urban life. Outdoor dining provides an active street frontage that is alive and ever changing. The benefits derived from outdoor dining include:

- revitalization of areas;
- enhancing social interaction;
- increased passive surveillance; and
- enhancement of Camden's image, lifestyle and vibrancy.



A copy of the proposed policy (see **Attachment 1**), standard conditions (see **Attachment 2**) and application form (see **Attachment 3**) are attached.

The objectives of the policy are:

- to facilitate outdoor dining on Council controlled footpaths and foster improvement in the street vitality, amenity and economic viability of Camden's business zones;
- to permit use of public space for private gain where the use is shown to be in the public interest;
- to provide clear guidelines for applicants, staff, Council and the community with respect to Council's expectations in relation to outdoor dining;
- to set a high standard of accessibility and public safety for all, including people with disabilities, within and around outdoor dining activities;
- to ensure that adequate, sheltered and safe space is maintained for pedestrian access and circulation; and
- to ensure that outdoor dining areas are maintained in a clean, healthy and tidy manner and remain attractive elements of the civic space.

It was determined that a new framework for outdoor dining be established which provides certainty for current business operators and considers the potential growth of the town centres. The development of this policy framework is also timely with the package of revitalization works which are being recommended for the Local Government Area.

The terms of the policy are generally consistent with what is currently contained in Council's DCP which has been previously used by Council when assessing Development Approvals for outdoor dining applications. The key difference under this new framework however is that instead of approving a set number of tables and chairs, Council will instead grant a set square metre area. The benefits of using a set square metre include:

- it is much easier for applicants as they do not have to provide Council with the table and chair size and the exact location as has been previously required;
- it provides operators with greater autonomy on how to place, change and renew their furniture, provided that the furniture remains within the set square metre area;
- from a Council perspective, enforcement may be undertaken by a simple visual inspection to confirm if the furniture is encroaching beyond the allocated area; and
- this approach is consistent with what several other councils are doing with regard to outdoor dining.

It is also proposed that stainless steel tactile markers be drilled flush into the footpath to delineate the outdoor dining boundary by Council's Works and Services Team. The cost and process of installing the markers is relatively low cost and simple.

Under the new framework and in accordance with the legislation, it is proposed that the term of approvals be granted for the maximum seven (7) year term in order to provide sufficient certainty for business operators.

In regards to insurance, all operators must hold valid public liability insurance coverage for the footpath area being occupied in accordance with the terms of the policy and approval documentation.

The current annual fees and charges for outdoor dining are based upon a fee of \$50.00 (GST free) per seat per annum. As the proposed policy is recommending a set area be



allocated, the fees and charges require amendment to change from a per seat basis to a per square metre area basis. Council officers have averaged the number of chairs per square metre from the operators who hold a current approval for outdoor dining. This assessment has resulted in an average per square metre rate of \$49.60 compared to the current \$50.00 per seat fee. If rounded to \$50.00 per square metre, this is consistent with the current fee of \$50.00 per chair, with an additional allowance of room for tables and walkways within the outdoor dining area. Due to the methodology being calculated on an average basis, some operators may be charged slightly more and some slightly less depending upon the approved area. It is also noted that the rate of \$50.00 (GST free) per square metre is comparatively low in contrast to other surrounding councils which should promote and encourage outdoor dining, a positive outcome, within the Local Government Area.

Furthermore, Council currently has an application fee which is \$230.00 (GST free). The additional costs incurred by Council moving to the per square metre framework, specifically, the cost of markers and installation, are recommended to be absorbed by Council within the current \$230.00 application fee so that there are no additional application costs to operators as a result of this new policy framework.

Under the proposed policy, an outdoor dining area may be permitted to extend to adjoining premises provided the written consent of the Council, the owner and tenant/proprietor is obtained. Further, the person who has been granted approval under such circumstances must discontinue using the extension of the area and remove all furniture if the owner or the tenant/proprietor of the adjoining premises withdraws their consent for any reason.

It is also confirmed in the proposed policy that there is a preference for outdoor dining to be located adjacent to the road kerb as it allows for continuous movement of pedestrians along the footpath, browsing in shop windows, entry into shops and ease of movement for people with vision impairment or other disabilities. Outdoor dining areas may be approved against the shop front where pedestrian crossings/site problems exist and in otherwise favourable locations minor modifications of the nominated clearances may be appropriate subject to Council approval.

It is also a provision of the proposed policy that there must be a minimum width of two (2) metres, exclusive of any obstruction to provide access for pedestrians, people with disabilities, mobility aids and prams. No furniture, at any time, may be placed outside the outdoor dining area (including while seats are being used). A provision of the policy also ensures that it is the responsibility of the operator and his or her employees to ensure that the furniture does not encroach beyond the permitted area.

Whilst operators are given greater autonomy to use the outdoor dining space as they see fit (provided they remain within the terms of the policy) the layout and space between tables and chairs must provide access for people with disabilities and prams and comply with all fire and safety standards at all times.

In regards to smoking in outdoor dining areas, the *Smoke Free Environment Act 2000* bans smoking in commercial outdoor dining areas and within 4 metres of a seated dining area from 6 July 2015.

In order to patrons to consume alcohol in outdoor dining areas, the operator would need to apply for the relevant liquor licence from the Office of Liquor, Gaming and Racing. It is noted that the consumption of alcohol will not be permitted within an area identified as an alcohol free zone under the provisions of the *Local Government Act*



1993. If approved, alcohol shall not be served without meal service in outdoor dining areas.

Finally, the proposed policy provides for warning notices and the ability for Council to vary or revoke an approval for outdoor dining at any time. It is proposed that Council's Environment & Health Officers/Rangers will undertake regular enforcement of the policy and pedestrian movement patterns will be continuously monitored. As part of the policy framework, it is proposed that approvals may be varied or revoked should delegated officers consider it to be in the public interest to do so. In these circumstances reasonable notice would be given and a reasonable period of time would be provided before the notice becomes effective. Notice periods would be abridged where there is a risk to public health and safety.

Although there is no statutory requirement to advertise the policy itself, there is the requirement to advertise the change to the annual fees and charges from a \$50.00 (GST free) per seat per annum fee to a \$50.00 (GST free) per square metre per annum fee. In the interests of transparency and public consultation, it is recommended that both the policy documentation and the change to the annual fees and charges be placed on public exhibition for a period of 28 days.

It is also proposed that as part of the public exhibition process that Council officers write to all restaurant and café businesses adjacent to Council controlled footpaths within the Local Government Area advising them of the proposed policy and how they may make a submission.

It is also proposed that if the policy is adopted, operators who currently hold a valid outdoor dining approval with Council (as at the date of Council adoption) be offered a revised approval under the new scheme if they apply by 5 December 2014 free of charge.

FINANCIAL IMPLICATIONS

It is proposed that the annual fees and charges be amended from \$50.00 (GST free) per seat per annum to \$50.00 (GST free) per square metre per annum and that the application fees remain unchanged.

CONCLUSION

It is intended that the new outdoor dining framework will provide a simple "one application" approach for business operators and provide sufficient clarity to operators who hold a current approval. The proposed framework will only benefit existing and encourage future operators with a more autonomous and user-friendly system. It is also noted that the change to the fees and charges have been calculated on the basis that there is minimal impact to the current operators in terms of the fees payable for outdoor dining approvals.

RECOMMENDED

That Council:

- i. place on public exhibition for a period of 28 days:**
 - (a) the proposed outdoor dining framework which consists of the proposed policy, standard conditions of approval and application**



form attached to this report;

- (b) the proposed change to Council's annual fees and charges to amend the annual rental fee for outdoor dining from \$50.00 (GST free) per seat per annum to \$50.00 (GST free) per square meter per annum;
 - (c) that the application fee for operators to obtain a revised approval under the new scheme be waived for those who hold a valid current approval for outdoor dining as at the date of the Council's adoption of the policy and who apply for a revised approval by 5 December 2014;
- ii. that the application fee for outdoor dining remain unchanged at \$230.00 (GST free) per annum; and
 - iii. that following the public exhibition process a report be brought back to Council for adoption.

ATTACHMENTS

1. Outdoor Dining Policy
2. Draft Standard Conditions
3. Application Form



ORD04

ORDINARY COUNCIL

ORD04

**SUBJECT: LOAN BORROWINGS NEGOTIATIONS - 2013/14 LOAN
BORROWINGS**
FROM: Acting Director Governance
TRIM #: 14/96216

PURPOSE OF REPORT

This report is to advise Council of the outcome of recent loan borrowing negotiations to secure a \$1,000,000 loan for the purpose of part-funding Council's 2013/14 road reconstruction program.

BACKGROUND

Council at its Ordinary meeting 24 September 2013 (ORD 254/13) approved the following:

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.*

In adopting the 2013/14 Operational Plan, Council approved loan borrowings of \$1,350,000 for the purpose of part-funding Council's road reconstruction program.

Council at its Ordinary Meeting 27 May 2014 (ORD 102/14) approved the March Review of the 2013/14 budget, which reduced Council's reliance on loan borrowings for 2013/14 to \$1,000,000.

MAIN REPORT

Following a call for quotations from 14 banks and 2 credit unions, Council accepted the offer from the Commonwealth Bank for a \$1,000,000 fixed interest loan over ten (10) years with bi-annual principal and interest repayments at a rate of 5.26% per annum. A copy of the loan rates received is provided in **Supporting Documents**.

FINANCIAL IMPLICATIONS

As part of the March Quarterly Review of the 2013/14 budget, Council reduced its reliance on loan borrowings for 2013/14 to \$1,000,000. The savings realised in principal and interest repayments in Council's long term financial plan as a result of this reduction is \$470,000 (interest component \$120,000).

A further saving of \$42,500 will be realised as a result of a lower than expected interest rate. Council's budget projected an interest rate of 5.95% for the 2013/14 loan borrowings. The total saving resulting from the reduction in the loan amount and interest rate is \$512,500.



CONCLUSION

This loan was taken up on the 27 June 2014. The loan is used to part-fund Council's road reconstruction program. A saving of \$512,500 has been realised through receiving a better than budget interest rate and a reduction in the principal amount to be borrowed. The saving will be realised as part of the 2013/14 year-end budget review and over the life of Council's Long-term Financial Plan.

RECOMMENDED

That the information within the report be noted.

ATTACHMENTS

1. Loan Negotiations Attachment - *Supporting Document*

ORD04



ORD05

ORDINARY COUNCIL

ORD05

SUBJECT: RESIGNATIONS FROM TOWN FARM COMMITTEE
FROM: Director Works & Services
TRIM #: 14/91661

PURPOSE OF REPORT

To advise Council of recent resignations from the Camden Town Farm Community Management Committee

BACKGROUND

Council appoints community members to serve on Council's community management committees following each general Council election. Committee members serve for the period of Council, however in some cases are unable to complete the term. These resignations are reported to Council along with any requests from the committees regarding the vacancy. Both the Camden Town Farm (CTF) and the Camden Bicentennial Equestrian Committee (BEP) were appointed as large committees in 2012 with 14 members allowing for some level of natural attrition without impacting on committee operations.

MAIN REPORT

The following resignations have been received from the Town Farm Committee since the appointment of the committee by Council on 13 November, 2012.

- Mr Peter Standen
- Ms Julie Clinch

Mr Peter Standen has been a member of this committee since its inception and was instrumental in the supporting the establishment of the Community Gardens and taking on the role of Booking Officer, providing assistance in direction of the Farm. Mr Jeff Ferrif is an existing Committee member will take over the role of Booking Officer.

Ms Julie Clinch has been involved with the committee since its early establishment and provided support to the committee. Ms Julie Clinch will continue as a stallholder with the Camden Fresh Produce Markets.

At this time there are no nominations for the replacement of the committee members. The President has indicated that they would like to recruit two (2) new committee members to help share the work load across the volunteer members. The Committee will commence the recruitment process immediately and a future report will be prepared following the recruitment process.

FINANCIAL IMPLICATIONS

There are no direct financial implications.



CONCLUSION

As committees serve a four year term it should be expected that from time to time circumstances will change and members may no longer be able to undertake their duties and resign from voluntary committees. It is recommended that the resignations received be accepted.

The committee would like to fill the two (2) positions as this will help support and spread the work load across the members and commence recruiting in line with the policy manual. A report will be presented to Council when the new candidates join the committee.

RECOMMENDED

That Council:

- i. accept the resignations of Mr Peter Standen and Ms Julie Clinch from the Camden Town Farm Committee; and**
- ii. write and thank Mr Peter Standen and Ms Julie Clinch for their contribution to their respective committees.**



ORD06

ORDINARY COUNCIL

ORD06

SUBJECT: TENDER T016/2014 - ELDERSLIE RELEASE AREA TRUNK DRAINAGE CONSTRUCTION

FROM: Director Works & Services

TRIM #: 14/99655

PURPOSE OF REPORT

To provide details of the tenders received for contract T016/2014, being the Elderslie Trunk Drainage Construction and to recommend that Council accept the tender submitted by TJ & RF Fordham Pty Ltd.

BACKGROUND

The intention of this tender is to appoint an experienced civil contractor with proven capacity in similar scale trunk drainage construction works. The Elderslie Release Area has experienced significant growth and the trunk drainage works are required to manage flood levels and achieve water quality objectives.

In 2005 the Elderslie Consortium lodged a Development Application for the entirety of the trunk drainage system for the Oxley and Herbert Rivulets in Elderslie. This work was not commenced by the Consortium and only part of the trunk drainage has since been constructed by fragmented development adjoining the rivulets.

The work under this contract includes the sections of the Elderslie Trunk Drainage system in the Herbert and Oxley Rivulets riparian corridor on land which is currently owned by Council, and is in accordance with the revised Elderslie Water Cycle Master Plan which has been reviewed by the Office of Water.

The scope of the work includes:

- Large online detention basin on each of the Herbert and Oxley Rivulets;
- Vegetated rain gardens to provide water quality outcomes;
- Gross pollutant traps;
- Planting of large areas of native grasses, groundcovers, Cumberland Plain Woodland trees in the riparian areas and and native street trees adjacent to existing developed areas;
- Cyclepaths
- Removal and cartage of excess clay material to fill a future playing field site at Kirkham Park.

MAIN REPORT

Tenderers were asked to provide a lump sum price for the Elderslie Release Area Trunk Drainage Construction. The invitation to submit a Tender was advertised on 10 June 2014 in the Camden Advertiser, Sydney Morning Herald and the NSW e-tendering website. The tender closed on 4 July 2014 and five submissions were received.

Tender Submissions



Tenders were received from the following companies listed below in alphabetical order:

| Company | Location |
|---|-----------------|
| • Brefni Excavation & Earthmoving Pty Ltd | Picton |
| • Collective Civil Pty Ltd | Seven Hills |
| • Haines Bros Earthmoving & Drainage | Bringelly |
| • Nace Civil Engineering Pty Ltd | Prestons |
| • TJ & RF Fordham Pty Ltd | Springs Farm |

An assessment of the tenders was undertaken in line with the Tender Evaluation Plan. A summary of this assessment is provided in the **Supporting Documents**.

Tender Evaluation

The intention of the tender process was to appoint a contractor 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 70% and non-price factors a weighting of 30%.

Non Price Factors considered for this project included:

- Understanding of the project and proposed methodology;
- Experience on projects of similar nature;
- Project Program;
- Proposed project team, capacity, and systems; and
- Work Health and Safety (WHS).

TJ & RF Fordham Pty Ltd provided the most competitive tender in terms of cost and meeting all requirements of Council's tender documentation.

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

TJ & RF Fordham Pty Ltd have tendered to complete the works in 10 weeks from engagement which is the shortest timeframe offered by any tenderer. The works can be completed by the end of November 2014 if the tender is accepted.

FINANCIAL IMPLICATIONS

This project is funded by the Camden Contributions Plan 2011 for the Elderslie Development Area. Council has sufficient funds currently allocated to this project to proceed with the proposed contract.

CONCLUSION



TJ & RF Fordham Pty Ltd has provided a conforming tender.

The tender assessment concludes that the offer by TJ & RF Fordham Pty Ltd represents the best value to Council and the company has a proven track record of performance on projects of a similar nature.

RECOMMENDED

That Council:

- i. accepts the tender provided by TJ & RF Fordham Pty Ltd for the lump sum of \$1,336,654 (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. Tender T016/2014 - Elderslie Release Area Trunk Drainage Construction - *Supporting Document*



ORDINARY COUNCIL

ORD07

ORD07

SUBJECT: ROADS AND MARITIME SERVICES (RMS) 2014/15 BLACK SPOT FUNDING

FROM: Director Works & Services

BINDER: 14/102730

PURPOSE OF REPORT

To seek Council acceptance for 2014/2015 Black Spot Funding under the Commonwealth Government's Nation Building Program funded by the Federal Government, and the NSW Government's own Black Spot program, and to allocate 50/50 match funding of \$80,500 (excluding GST).

BACKGROUND

In 2013, Council submitted two applications for Black Spot Program funding under the Federal Government's Nation Building Program. They are:

1. Several sections of Cut Hill Road and Coates Park Road for a project cost of \$295,000 (excluding GST).
2. A section of Raby Road, 250m south of Macarthur Grange Country Club entrance for a project cost of \$161,000 (excluding GST).

Council received correspondence from Roads and Maritime Services (RMS) on 7 July 2014, advising that one of these applications (Cut Hill Road and Coates Park Road) has been approved for funding of \$295,000 (excluding GST) for the 2014/2015 financial year under the Federal Government's Nation Building Program. The other application (Raby Road) has been approved for funding of \$80,500 (excluding GST) for the 2014/2015 financial year under the State Black Spot Program. This latter program required dollar for dollar funding between Council and RMS.

MAIN REPORT

The RMS seeks applications each year for projects under a number of program headings, including the Black Spot Program.

The Black Spot Program is an element of the Federal Government's Nation Building Program. Within New South Wales, the program is administered by the RMS which makes recommendations via an expert committee to the Federal Government. As a general rule, the RMS makes applications for State roads and Councils' submit proposals for Regional and Local roads.

In addition, the RMS discretionally allocates further funding to Councils for Black Spot projects which do not secure Federal funding. This RMS funding source is on a 50/50 match funding basis (i.e. Council contributes 50 percent of the cost).

The Nation Building Program provides funds to the Black Spot Program on an annual basis. Funding is made available for the treatment of Black Spots (defined as up to 3km in length), or Black 'lengths' (greater than 3km). Black Spot eligibility is based on a history of recorded accidents and their severity. Black Spot funds can only be spent on



measures addressing these accidents. The funds cannot be used on other measures which do not directly address a recorded accident that has occurred in the past.

In 2013, four potential locations were examined for eligibility. These locations are:

1. Sections of Cut Hill Road and Coates Park Road
2. A section of Raby Road, 250m south of Macarthur Grange Country Club entrance.
3. Intersection of Burragorang Road and Cawdor Road.
4. Sections of Dan Cleary Drive and Cobbitty Road between Oran Park Drive and Werombi Road.

Treatments for the first two locations listed above (Cut Hill Road & Coates Park Road and Raby Road) were identified as satisfying the Benefit Cost Ratio (BCR) criteria to be eligible for a Black Spot funding application. The remaining sites did not meet the criteria.

Therefore, Council submitted the above two applications for Black Spot Program funding for the 2014/2015 financial year. The estimated costs for Cut Hill Road & Coates Park Road and Raby Road are \$295,000 (excluding GST) and \$161,000 (excluding GST) respectively.

Council was informed by the RMS on 7 July 2014, that the application for Cut Hill Road and Coates Park Road has been approved for 100% funding of \$295,000 (excluding GST) for the 2014/2014 financial year under the Federal Government's Nation Building Program.

The other application (Raby Road) was unsuccessful in its application for the Federal Government's National Building Program (full funding). This is due to the Benefit Cost Ratio (BCR) of the proposal not being high compared to other submissions across NSW. It has been approved for 50/50 matched funding (\$80,500 excluding GST) for the 2014/2015 financial year under the State Black Spot Program.

The proposed treatments for Cut Hill Road are as shown in **Attachment 1** and include:

- Sealed Shoulder (1metre wide) to provide the opportunity for drivers to recover in the event of accidentally leaving the carriageway;
- Passing lane to provide a safe passing area;
- Raised Reflective Pavement Markers to improve delineation, particularly at night or during wet weather conditions. These also provide tactile and audible warnings to drivers;
- Guideposts to assist drivers by indicating the alignment of the road ahead;
- Curve Advisory and CAM signs to provide advance warning to drivers that the alignment of the road is about to change, and that the driver should alter the speed of the vehicle to negotiate the curve safely;
- Removal of vegetation to provide better line of sight around the curve; and
- Removal of objects from the clear zone.

The proposed treatments for Raby Road are as shown in **Attachment 2** and include:

- Sealed Shoulder (2metres) wide to provide the opportunity for drivers to recover in the event of accidentally leaving the carriageway;
- Raised Reflective Pavement Markers to improve delineation, particularly at night or during wet weather conditions. These also provide tactile and audible warnings to drivers;



- Guideposts to assist drivers by indicating the alignment of the road ahead; and
- Curve Advisory and Speed Advisory signs to provide advance warning to drivers that the alignment of the road is about to change, and that the driver should alter the speed of the vehicle to negotiate the curve safely.

CONDITIONS OF ACCEPTANCE

Conditions for accepting Black Spot Program funding under the Commonwealth Government's Nation Building Program and State program are contained in the letter of offer, as provided in the **Supporting Document**.

FINANCIAL IMPLICATIONS

1. Cut Hill Road and Coates Park Road

There are no financial implications to Council in accepting the Black Spot Funding under the Commonwealth Government's Nation Building Program for Cut Hill Road and Coates Hill Road as Council has been awarded 100% funding for these works.

2. Raby Road

As one of the conditions of acceptance is that Council needs to demonstrate Council's commitment for its share of the project cost, this report also seeks Council's agreement to allocate its share of the project cost of \$80,500 (excluding GST) from Council's Capital Works Reserve.

The current balance of the uncommitted Capital Works Reserve is \$1.5 million.

CONCLUSION

In 2013, Council submitted two applications for Black Spot Program funding under the Commonwealth Government's Nation Building Program. Council was informed on 7 July, 2014 that Cut Hill Road and Coates Park Road has been approved for funding of \$295,000 (excluding GST) for the 2014/2015 financial year.

Council was further successful in its application for 50% funding for Raby Road, approving funding of \$80,500 (excluding GST) for the 2014/2015 financial year under the State program. The latter program requires dollar for dollar (50/50) funding between Council and RMS.

RECOMMENDED

That Council:

- i. **accept Federal Government funding of \$295,000 (excluding GST) under the Nation Building Black Spot Program to undertake projects on several sections of Cut Hill Road and Coates Park Road;**
- ii. **accept 50/50 match funding of \$80,500 (excluding GST) for 2014/2015 Black Spot Funding under the State Black Spot program to undertake projects on Raby Road;**



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- iii. **allocate funding of \$80,500 (excluding GST) from Capital Work Reserve to match fund the amount provided under the NSW State Black spot Program;**
 - iv. **authorise the relevant documentation to be completed under Council's Power of Attorney, granted on 27 August 2013, Minute Number ORD215/13; and**
 - v. **write to the Federal and State Members thanking them for their support.**

ATTACHMENTS

- 1. Cut Hill Road and Coates Park Road
- 2. Raby Road
- 3. 2014-2015 Black Spot Program - Letter of Offer - *Supporting Document*