

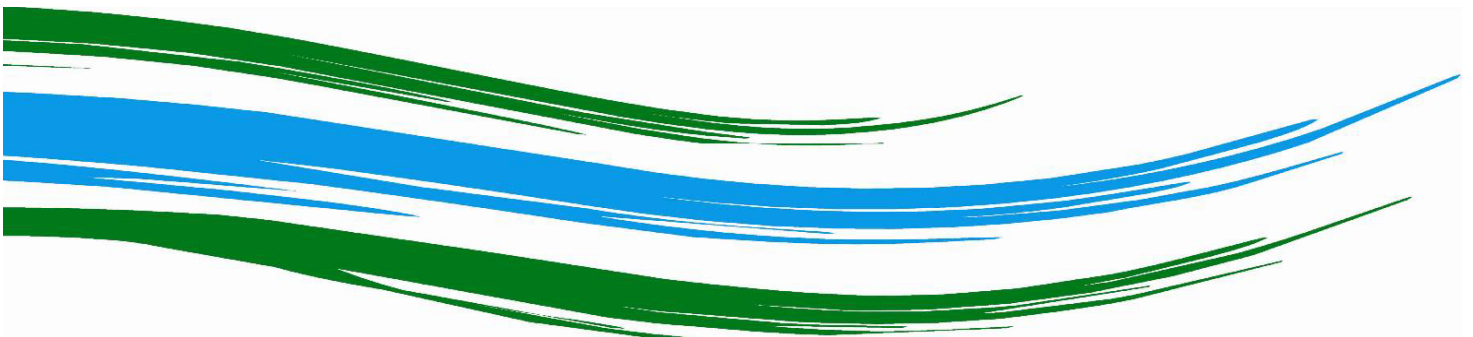


Camden Council

Business Paper

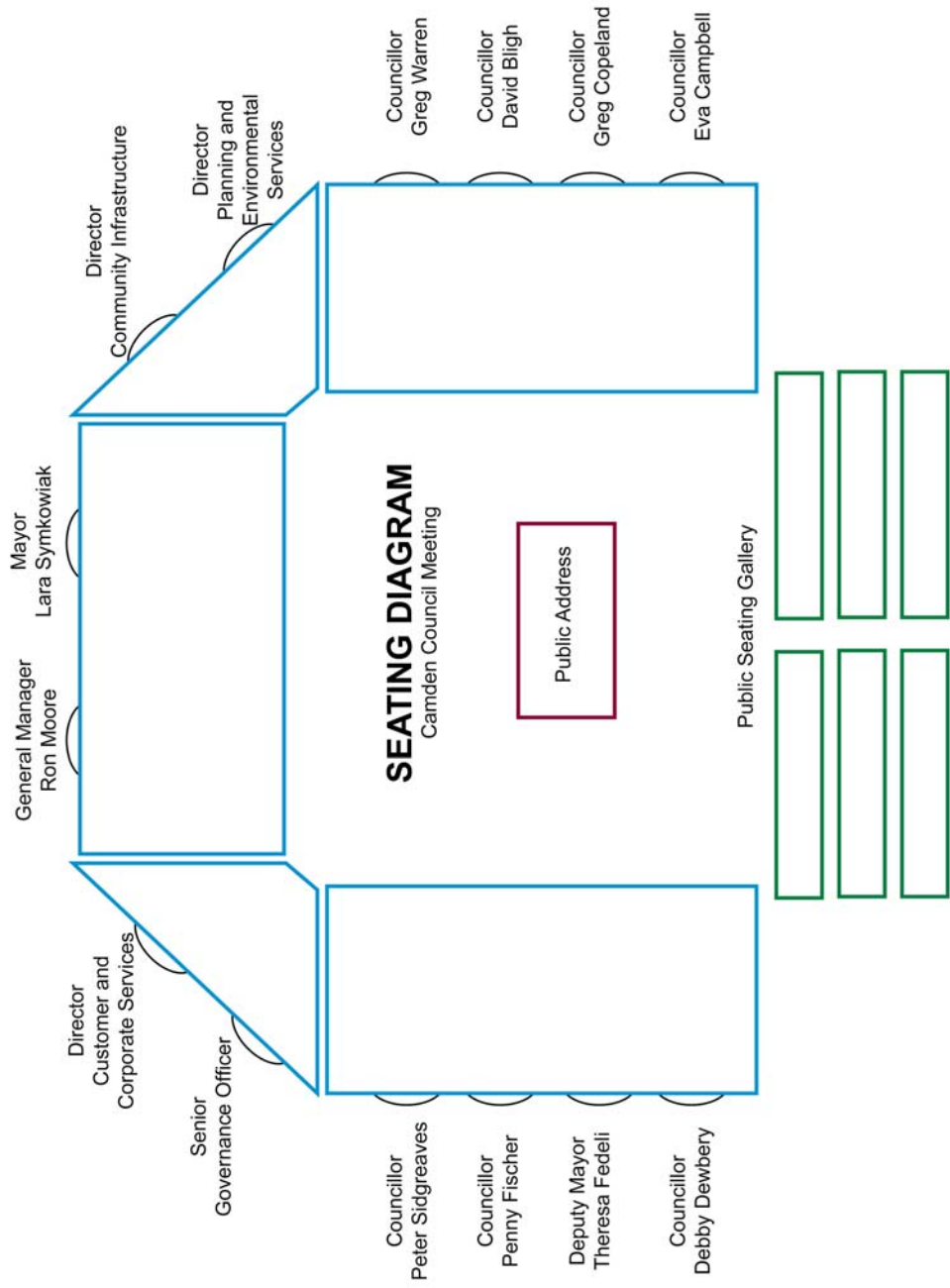
Ordinary Council Meeting
14 April 2015

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



SEATING DIAGRAM
Camden Council Meeting

Public Address

Public Seating Gallery

Media

*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: ACKNOWLEDGEMENT 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 24 March 2015.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 24 March 2015, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE

Consideration of Mayoral Minute (if any).

ORDINARY COUNCIL

ORD01

SUBJECT: PETITION - CAMDEN TOWN CENTRE
FROM: Acting Director Customer & Corporate Services
TRIM #: 15/71189

PURPOSE OF REPORT

The purpose of this report is to advise Council that it is in receipt of a petition from Camden Community Alliance Inc with 1432 signatures in relation to Camden Town Centre design and construction works.

Council's Code of Meeting Practice, section 6.4 states:

On receipt of a petition, a report noting the receipt of the petition shall be submitted to the next available Council Meeting. The report is to note the nature of the petition and number of signatories. The Chairperson must not permit discussion or debate on the petition with the petition being noted for further consideration in conjunction of the subject matter.

As such, this report brings the petition before Council for information purposes only.

A copy of the petition is provided under separate cover within the Business Paper supporting documents.

RECOMMENDED

That Council:

- i. note the petition; and**
- ii. advise the lead petitioner of this resolution.**

ATTACHMENTS

1. Attachment - Petition Camden Town Centre Stage 1 - *Supporting Document*



ORDINARY COUNCIL

ORD02

ORD02

SUBJECT: CAMDEN TOWN CENTRE VISION REPORT
FROM: Director Planning & Environmental Services
TRIM #: 15/13612

PURPOSE OF REPORT

To seek Council's endorsement of the Camden Town Centre Vision report.

BACKGROUND

In mid 2016, Council's administrative operations will be centralized in a new administration building in Oran Park. This move will leave Council's current administration offices in Camden and Narellan vacant.

In light of this, Council officers have been developing a range of strategies to support the Camden and Narellan town centres and secure their continued viability into the future. These strategies include a review of the Camden Town Centre Strategy which was adopted by Council in 2008.

As part of this work, Council has undertaken a number of expert studies to inform its decisions for the future of Camden.

In early 2013, Council engaged consultants to undertake a comprehensive traffic study. On completion of the traffic study, an Argyle Street Concept Plan was prepared taking into consideration the findings of the traffic study and the 2008 Strategy.

In early 2014, Council engaged consultants to undertake a retail and commercial study that would inform the preparation of a new vision for the town centre. The scope of this work included a detailed review of the economic drivers and engagement with stakeholders to obtain information and identify opportunities to create a vision for the town centre.

On 8 July 2014, Council endorsed for community engagement a series of recommendations for enhancing the public domain and the location of a single decked car park and commenced an eight (8) week community engagement process.

The community engagement process sought stakeholder and community views on the public domain enhancement works as well as the vision for the town centre.

The community engagement process included:

- advertisements in local papers and road side banners;
- surveys with business and community representatives;
- information and regular updates on Council's website, Facebook, and media releases;
- information displays at various locations including Council Offices and Libraries;
- update letters throughout the consultation period;
- letter box drops throughout the town centre;
- an online survey and three (3) street surveys; and

- questions included in Council's Sustainability Indicators Survey 2014.

The community engagement period ran from 23 July to 17 September 2014. Three (3) community forums were held on 29 July, 27 August and 3 November 2014 and individual consultations with various agencies including the Police, Historical Society and chambers of commerce.

During the process, Council engaged with over 600 people from a broad cross section of the community and 587 submissions were received with over 3,000 individual comments. The submissions indicated strong support for the proposed public domain enhancement works and provided consistent themes for a vision for the town centre.

On 25 November 2014, Council endorsed the public domain enhancement works.

In relation to the retail and commercial study and vision, 293 comments were recorded from the community consultation process. The overwhelming majority of comments received related to maintaining Camden's character. The submissions included general comments such as valuing the country town feel to specific comments such as maintaining building heights. Another popular theme was the promotion of tourism. A number of comments were also received in relation to access and movement, including areas such as roads and public transport.

The comments received from the community have been used in the development of the vision as well as the strategies and initiatives recommended to implement and achieve the vision.

A Councillor Briefing was held on 17 February 2015 to provide an update on the vision.

It is recommended that Council endorse the Camden Town Centre Vision, including the strategies and initiatives recommended to achieve the vision.

A copy of the Camden Town Centre Vision is provided as attachment 1 to this report.

MAIN REPORT

Since the adoption of the Town Centre Strategy in 2008, various macro and micro factors have impacted on Camden. These include, high population growth in the area, expansion of the Narellan town centre, relocation of businesses and services such as Ford and Holden, Roads and Maritime Services (RMS) and Police and the relocation of Council in 2016.

In addition, the Global Financial Crisis (GFC) altered and reduced spending patterns whilst a shift to online retailing has affected consumer demand in town centres.

The challenge for any town centre is to use its strengths and opportunities to achieve a future that is both resilient and sustainable.

The development of the vision

The following steps were undertaken in the development of the vision:

- Understanding place – this involves an appreciation of Camden – the place, people and planning.

- Building the evidence base – research and analysis into the key technical matters of transport and traffic and the retail and commercial economy.
- Engaging the community – ensuring stakeholders are provided with ample opportunity to be involved in shaping the vision.
- Defining the challenge – identifying the challenge to ensure the vision is focused on the right issues.
- Developing the vision and key outcomes – developing an aspirational but pragmatic vision and key outcomes for the future of the town centre.
- Developing and weighing up choices – developing and considering the relative strengths and weaknesses of different ideas in relation to economic, social and environmental criteria.
- Generating strategy and initiatives – working up the most beneficial ideas into strategy and initiatives.
- Implementation – preparing a comprehensive implementation strategy that outlines responsibility, timeframes and sequencing.

Retail & Commercial Study - Camden Town Centre

A retail and commercial study was undertaken to inform the development of the vision. The retail and commercial study was carried out in two (2) parts, firstly to consider opportunities and issues, and secondly to explore economic feasibility and recommendations.

A summary of the findings is provided as Attachment 2 to this report.

Stakeholder Engagement

As noted above, Council undertook an extensive engagement process to seek stakeholder and community views on their vision for Camden. Throughout the community engagement process, in written submissions and at the community forums, the following key findings and themes were raised:

- Strong focus on town atmosphere and sense of community sets Camden apart from other towns in Sydney;
- Need for public realm improvements including footpaths and town beautification projects at strategic locations;
- Need for stronger focus and promotion of tourism;
- Strong focus on access and movement within the town centre;
- More specialty shops and tourist attractor facilities such as art house cinemas;
- More hotels and tourist accommodation;
- More cultural attractors such as galleries and pop up events; and
- An education hub to attract younger people to the town.

Camden Town Centre Vision

The intent of the vision is to protect and strengthen the town centre's distinct character whilst facilitating appropriate change and growth.

The vision does not call for radical change rather it is a guide for the evolution of the town centre.

Underpinning the achievement of the vision are the following principles: attract more people, revitalization, evolution, and establishing the right conditions.

Based on the findings of the retail and commercial study and the community engagement process, the following vision is proposed for the town centre:

“By 2031, Camden will be:

- **a distinct town centre** – a town centre that embraces its unique character and sense of place.
- **a prosperous town centre** – a town centre that has a strong, thriving and resilient economy.
- **a vibrant town centre** – a town centre that is lively, exciting and interesting.
- **an accessible and connected town centre** – a town centre that people can readily access through a number of transport choices and is easy, safe and comfortable to move around.
- **a town centre for all** – a town centre that is welcoming and offers something for everyone.”

The vision is supported by 15 broad strategies:

- Strengthen Argyle Street
- Balance character with development
- Protect and strengthen heritage
- Create well designed buildings and places
- Promote a complete town centre
- Develop a diverse business base
- Connect and engage
- A dedicated resource
- Make it easy to do business
- Sell the message
- Facilitate development of catalyst sites
- Celebrate and interact
- Improve car parking
- Encourage alternate movement choices
- Establish a central gathering place

Initiatives

From these broad strategies, the vision report recommends a series of priority initiatives to achieve the vision. The report also provides timeframes and responsibilities to deliver these initiatives. The suggested timeframe for the delivery of most of the initiatives is two (2) years.

The initiatives recommended to achieve the vision are:

A distinct town centre:

1. Implement strategic public domain upgrades
2. Prepare an urban design framework
3. Prepare a public domain and streetscape plan
4. Prepare a place focused, performance based DCP based on the findings and directions of the above studies

A prosperous town centre:

5. Investigate current zoning and height controls and consider amending the LEP
6. Investigate preferred future uses and development strategy for council land assets

7. Undertake master planning for the John Street precinct
8. Connect and engage with key local employers and institutions such as Camden Hospital
9. Appoint a co-ordinator
10. Prepare and implement a marketing strategy with a dedicated stand-alone website
11. Consider developing an integrated program of business incentives
12. Consider longer, more consistent opening hours, including a trial aligned with a major local event
13. Consider relocation of the visitor centre to a town centre location

A vibrant town centre:

14. Invest additional resources into the Taste Food Wine & Music Festival.
15. Investigate initiatives to increase utilisation of the Civic Centre.

An accessible and connected town centre:

16. Undertake detailed concept design of a decked car park
17. Prepare a way finding and signage strategy
18. Investigate better public transport connections to the South West Growth Centre

A town centre for all:

19. Commence detailed investigations for a new public square

Where to from here?

If Council resolves to endorse the vision, work will commence on implementing the recommended initiatives subject to appropriate funding being available.

It is acknowledged that some initiatives are already underway and funded, such as the public domain enhancement work.

The vision supports the public domain enhancement work and acknowledges that government investment in public domain areas can have a positive flow on effect and encourage greater patronage and stimulate private sector investment.

In relation to Council's property assets in Camden (and Narellan), work will continue on exploring development strategies for the future of these assets.

In Camden, Council's administration staff currently occupy two (2) sites, namely 37 John Street (Council's main administration building) and 27 John Street (previous SES office now Council's Environment and Health Branch).

The report identifies these sites as potential catalyst sites that due to their location and size could have a major impact on the town centre. If appropriately developed, catalyst sites can have positive flow on effects on the surrounding area.

In this respect, the commercial and retail study identified a demand for retail, commercial and residential floor space in the Camden town centre. This provides Council with a strong basis for considering a range of development strategies, which could include selling or leasing its property assets for various purposes.

Some of the recommended initiatives will require further investigation to ensure funding is available. Accordingly, it is proposed that if Council endorses the vision, a further report be presented to Council in May on its implementation.

FINANCIAL IMPLICATIONS

A number of the initiatives can be funded from Council's adopted budget, whilst other initiatives will require additional funding, including the work required to review the DCP and LEP and the appointment of a town centre coordinator.

It is envisaged, that if endorsed, the coordinator role will be a two (2) year contract position responsible for the implementation of the initiatives contained within the report, including facilitating Council's relocation and the implementation of the development strategies for Council's property assets.

Funding for these initiatives will be included for consideration as part of Council's quarterly review and 2015/16 budget.

CONCLUSION

Whilst it will be relocating to Oran Park in 2016, Council is committed to investing in and supporting the Camden and Narellan town centres to secure their continued viability into the future. The preparation of the Camden Town Centre Vision reflects Council's commitment to the Camden town centre and its future.

The Camden town centre is valued by both the local and wider community for its distinct and attractive character. The vision has been prepared based on sound technical research and analysis, and informed by extensive stakeholder and community engagement.

The principles underpinning the vision are to attract more people, to integrate economic, social and environmental initiatives to revitalize the town centre, to build on the strengths of the town centre and to establish the right condition for business to prosper.

The vision is supported by a series of strategies and initiatives. If endorsed, the vision will be used to guide Council's decisions on development, public domain and investment activities.

It is recommended that Council endorse the Camden Town Centre Vision including the strategies and initiatives recommended to achieve the vision.

RECOMMENDED

That Council:

- i. endorse the Camden Town Centre Vision report; and**
- ii. that a further report be presented to Council on the implementation and timing of the initiatives contained within the report.**

ATTACHMENTS

1. Camden Town Centre Vision
2. Summary of Key Findings



ORDINARY COUNCIL

ORD03

ORD03

SUBJECT: SECTION 96(1A) MODIFICATION APPLICATION TO AMEND HOURS OF CONSTRUCTION FOR THE INTERNAL FIT OUT OF A WAREHOUSE AND DISTRIBUTION FACILITY TO 24 HOURS A DAY SEVEN DAYS A WEEK, 42B BLUETT DRIVE, SMEATON GRANGE

FROM: Director Planning & Environmental Services

TRIM #: 15/48294

APPLICATION NO: 84(3)/2014
PROPOSAL: Section 96(1A) Modification Application to amend hours of construction for the internal fit out of a warehouse and distribution facility to 24 hours a day seven days a week
PROPERTY ADDRESS: 42B Bluett Drive, Smeaton Grange
PROPERTY DESCRIPTION: Lot 4332, DP 1194022
ZONING: IN1 General Industrial and IN2 Light Industrial
OWNER: The Trust Company Limited
APPLICANT: Goodman Property Services (Aust) Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a Section 96(1A) modification application to modify a previously approved development application (DA) for the fit out and use of a warehouse and distribution facility as a data centre at 42B Bluett Drive, Smeaton Grange.

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

SUMMARY OF RECOMMENDATION

That Council determine Section 96(1A) Modification Application 84(3)/2014 to modify a previously approved DA for the fit out and use of a warehouse and distribution facility as a data centre pursuant to Section 96 of the *Environmental Planning and Assessment Act 1979* subject to the modified conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a Section 96(1A) modification application to modify a previously approved DA for the fit out and use of a warehouse and distribution facility and its use as a data centre at 42B Bluett Drive Street, Smeaton Grange. This modification involves amending the construction hours for the fit out works of the existing warehouse and distribution facility to allow works to occur 24 hours a day, seven days a week.

Two DAs were approved on this site and these include DA83/2014 which approved the construction of a warehouse and distribution centre and DA84/2014 which proposed the fit out and use of the warehouse and distribution centre for the purposes of data storage only. Data will be stored in data halls and ventilation/air conditioning units will be used to keep data cool. The noise impacts from the ventilation/air conditioning units

were assessed as part of the use DA and a series of conditions were imposed to ensure noise is managed effectively. The use as a data centre was approved for 24 hour use.

The warehouse building is now constructed and the applicant wishes to commence the internal fit out works.

The internal fit out works include installation of ceilings, painting, tiling/joining and internal services. These works are proposed to occur 24 hours a day, seven days a week for a 6 month period. All works will occur within the existing building. No external works are proposed. The rationale for the increase in construction hours is to facilitate the commencement of the use in accordance with contractual arrangements in place.

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

Council staff contacted the submission writer to discuss their concerns, however were unsuccessful in resolving the issues raised in the submission.

The issues raised in the submission relate to the proximity of the development to residential properties, noise, traffic, dust and the potential opening of Turner Road from Camden Valley Way.

The issues raised on proximity of the proposed development to residential properties have been considered. The construction of the building and its use as a data centre has been previously approved by Council staff under delegation via two separate DA's. The approved building has now been fully constructed and is awaiting its internal fit out. The building as existing is approximately 200m from the submission writer's property.

In relation to noise, the subject application seeks to modify the hours of construction work for the internal fit out only and no other changes are sought. The internal fit out work includes installation of ceilings, painting, tiling/joining and internal services. These works are proposed to occur 24 hours a day, seven days a week. All works will occur within the existing building. No external works are proposed.

Conditions are recommended to restrict the use of the sound levels of tools and the employment of a community liaison officer to manage any potential noise issues. It is not considered that there will be adverse noise impacts as a result of the construction hours proposed on adjoining properties. However, concerns will be managed via the community liaison officer or through Council's Compliance team.

The issues raised regarding traffic have been considered, however this application relates to construction hours only and does not generate any additional traffic. The applicant has lodged a traffic management plan which identifies the location of construction car parking on site which is located approximately 137m from the nearest residential dwelling. In addition, the car park is shielded from dwellings by the existing building.

The issue of dust from the development has been reviewed, however the construction of the existing warehouse and distribution facility has been completed and the proposed use will not generate dust as the fit out works are fully contained within the building.

Concern is also raised in relation to the opening of Turner Road through to Narellan Road from Camden Valley Way. This modification application does not propose any road construction or the connection of Turner Road through Currans Hill onto Narellan Road. It relates only to the hours of work for the internal fit out.

Whilst the application complies with all relevant policies and controls, it does propose to vary Council's standard construction work condition which allows construction work to occur Monday to Saturday, 7am to 5pm. Subject to a number of conditions being imposed relating to noise, the proposed construction hours are supported by Council staff.

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

AERIAL PHOTO



THE SITE

The site is commonly known as 42B Bluett Drive, Smeaton Grange and is legally described as lot 4331, DP 1129749.

The site is accessed from Bluett Drive, has a depth of 260m and an overall area of 67,880m². The site is relatively flat and currently contains an industrial building and associated site works which was approved under DA 83/2014.

The surrounding area is characterised by multi-unit industrial complexes together with their associated driveways, car parking spaces, landscaping, fencing and signage.

The Gregory Hills employment area lies to the north of this area whilst to the east is the Currans Hill residential suburb. To the south lies Narellan Road and to the west is Camden Valley Way, with the Harrington Park residential suburb located on the opposite side.

HISTORY

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

Date	Development
27 February 2014	Approval of DA 37/2014 to create 2 industrial lots
2 May 2014	Approval of DA 83/2014 for the construction of a warehouse and distribution centre, car parking, landscaping and associated site works
5 May 2014	Approval of DA 84/2014 for the fit out and use of a warehouse and distribution facility as a data storage centre
16 December 2014	Approval of DA 84(2)/2014 to amend conditions relating to the fuel storage and the removal of condition requiring the provision of screening around the perimeter of the proposed chiller

THE PROPOSAL

Section 96(1A) modification application 84(3)/2014 seeks approval to modify a previously approved DA for the fit out and use of a warehouse and distribution facility as a data centre.

The data centre is approximately 10,000sqm in size and the construction cost of the warehouse was \$12.5 Million and the fit out \$8 Million.

Specifically the proposed modifications involve:

- the amendment of construction hours to allow works to occur 24 hours a day 7 days a week for the internal fit-out only of an existing warehouse and distribution facility and its use as data centre. The fit out works include the following:
 - i. installation of ceilings;
 - ii. painting works;
 - iii. tiling and joining;
 - iv. carpet laying; and
 - v. installation of internal services.

These fit out works will occur for approximately 6 months.

The applicant has also proposed the following measures:

- no deliveries after 5pm.
- The provision of a community liaison officer.

ASSESSMENT

Pursuant to Section 96 of the *Environmental Planning and Assessment Act 1979*, the modified development is considered to be substantially the same as the originally approved development. In addition, the modification application has been publicly exhibited and the submission received has been considered. An assessment against Section 79C of the *Environmental Planning and Assessment Act 1979* is provided below.

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

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

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

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

- Camden Local Environmental Plan 2010

An assessment of the proposed modifications against this environmental planning instrument is detailed below.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned IN1 General Industrial and IN2 Light Industrial under the provisions of the LEP. The proposed modification is permissible in both the IN1 and IN2 zone.

Zone Objectives

The objectives of the IN1 General Industrial zone are as follows:

- To provide a wide range of industrial and warehouse land uses.

Officer comment:

The modification will provide for industrial and warehouse land uses and therefore is consistent with this objective.

- To encourage employment opportunities.

Officer comment:

The development as modified will generate new employment opportunities.

- To minimise any adverse effect of industry on other land uses.

Officer comment:

The development as modified has been assessed and it is not considered that it will have any adverse impacts on any other land uses.

- To support and protect industrial land for industrial uses.

Officer comment:

This development as modified proposes an industrial development.

- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To enable non-industrial land uses that are compatible with and do not detract from the surrounding industrial and warehouse land uses.

Officer comment:

The above objectives are not relevant.

Zone Objectives

The objectives of the IN2 Light Industrial zone are as follows:

- To provide a wide range of light industrial, warehouse and related land uses.

Officer comment

The modification will provide for light industrial and warehouse and related land uses and therefore is consistent with this objective.

- To encourage employment opportunities and to support the viability of centres.

Officer comment

The development as modified will encourage employment opportunity.

- To minimise any adverse effect of industry on other land uses.

Officer comment

The development as modified has been assessed and it is not considered that it will have any adverse impacts on any other land uses.

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

Officer comment

This objective is not relevant.

- To support and protect industrial land for industrial uses.

Officer comment

The development as modified will continue to support and protect industrial land for industrial use.

- To enable non-industrial land uses that are compatible with and do not detract from the surrounding industrial and warehouse land uses.

Officer comment

This objective is not relevant.

Relevant Clauses

The modification application was assessed against the following relevant clause of the LEP.

Clause	Requirement	Provided	Compliance
6.2 Public utility infrastructure	Public utility infrastructure is provided to the development	Public utility infrastructure is still available to service the proposed modified development	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 modifications.

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

Camden Development Control Plan 2011 (DCP)

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

Control	Requirement	Provided	Compliance
B1,14 Acoustic Amenity (Industrial and Commercial Development)	Noise from industrial and commercial development must be assessed in accordance with Council's Environmental Noise Policy	An acoustic report has been lodged in support of the modified hours of construction. This has been assessed by Council staff and is considered acceptable subject to conditions. It is not considered there will be adverse noise impacts as a result of the extended hours of construction for fit out purposes	Yes
D4.2.10 Noise	Development	The proposed development	Yes

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Control	Requirement	Provided	Compliance
and Vibration	<p>shall comply with the acoustic criteria contained within Camden Council's Environmental Noise Policy</p> <p>Any noise generated shall not be offensive in accordance with the provisions of the Protection of the Environment Operations Act 1997</p> <p>Where it is considered that a development may have an adverse noise impact on nearby residential areas or adjoining properties, an acoustic assessment shall be provided</p> <p>Vibration impact on adjoining properties is not acceptable and to be in accordance with DECCW's <i>Assessing Vibration: A Technical Guideline</i>.</p> <p>Avoid unreasonable noise and interference to adjoining properties</p>	<p>has been assessed by Council staff and conditions are recommended to ensure noise impacts are minimised. These include the employment of a community liaison officer to manage noise complaints and also the restriction of the use of power tools</p> <p>The proposed modification will not give rise to offensive noise. The modified hours of operation comply with Council's Environmental Noise Policy and conditions have been recommended to ensure compliance with this control</p> <p>The applicant has lodged an acoustic report for the proposed extended hours for the internal fit-out work</p> <p>No vibration is proposed as part of this modification application and a condition is recommended which limits the use of power tools during specific hours</p> <p>The modification has been assessed and it is considered that there will be no adverse noise impacts on adjacent residents as a result of construction works occurring 24 hours a day, seven days a week</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

(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 modification application.

(a)(iv) The Regulations

The Regulations do not prescribe any additional matters that are relevant to the proposed modifications.

(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 modification is unlikely to have an impact on the natural and built environments, and the social and economic conditions of the locality.

Noise Impacts

An acoustic report has been submitted in support of the proposed construction hours to allow for the fit-out of the premises 24 hours a day, seven days a week. The report identifies the types of works to be carried out as being limited to:

- installation of ceilings;
- painting;
- tiling and joining;
- laying carpet; and
- installation of internal services.

The report also notes that deliveries will not be allowed after 5pm and windows and doors will remain closed. A traffic management plan has also been submitted which outlines the location of construction car parking and this is located approximately 137m from the nearest residential dwelling.

Council staff have assessed the above documentation and subject to a number of conditions being imposed, the proposed extension of construction hours is supported. These conditions include a restriction on the use of the sound power levels of tools, limited internal works from 5pm to 7am and the employment of a community liaison officer to manage any potential noise issues.

The following table outlines the proposed modifications to the conditions that were imposed on the original consent. Council staff assessment of the modifications is also provided.

Condition No.	Condition Requires	Proposed Change	Officer Comment
1.0 (1) Development in Accordance with Plans	That the approved development be undertaken in	Additional documentation (Acoustic Report Addendum, Traffic	Supported. It is recommended that this condition be modified to reflect

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	accordance with the approved documentation	Management Plan and Modification to Development Consent assessment letter) has been submitted. This condition must be updated to reflect these documents	the additional documentation
4.0 During Construction	The hours for all construction and demolition work are restricted to between: (a) 7am and 6pm Monday to Friday (inclusive); (b) 7am to 4pm Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8am to 4pm; (c) work on Sunday and Public Holidays are prohibited	The proposed modification will allow for hours of construction work for the internal fit-out of the warehouse and distribution centre to be unrestricted to 24 hours 7, days a week	Supported. It is recommended that this condition be modified to reflect the additional request as outlined and noise constraint conditions be added to the development consent

(c) The suitability of the site

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

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

The modification application was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011 (DCP). The exhibition period was from 29 January 2015 to 12 February 2015. One submission was received (objecting to the proposed modification). **A copy of a public exhibition and submissions map is provided with the Business Paper supporting documents.**

Council staff contacted the submission writer to discuss their concerns, however were unsuccessful in resolving the issue raised in the submission.

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

1. The close proximity of the submitter’s lot to the development.

Officer comment:

The issue raised on proximity of the proposed development to residential properties has been considered. The construction of the building and its use as a data centre was approved by Council staff under delegation via two separate DAs. The approved building is now constructed and located on industrial land. The building is approximately 200m from the submission writer's property.

The residential area of Currans Hill is located to the east of the subject property and is separated by an area of open space approximately 50m wide. This area also contains a TransGrid transmission line easement.

2. The close proximity of the residential development to the use will result in adverse noise impacts.

Officer comment:

In relation to noise, this modification application seeks to modify the hours of construction work for the internal fit out only and no other changes are sought. The modified hours proposed for the internal fit out are 24 hours a day, seven days a week, and all works will occur within the existing building. No external works are proposed.

The extended hours of construction for fit out purposes have been assessed by Council staff and are considered acceptable in this instance. Conditions are recommended to restrict the use of the sound power levels of tools and the employment of a community liaison officer to manage any potential noise issues. It is not considered that there will be adverse noise impacts as a result of the construction hours proposed on adjoining properties. However, resident's concerns will be managed via the community liaison officer or Council's Compliance team.

3. Heavy traffic from trucks and vehicles will be a danger during the construction phase and once the development is complete.

Officer comment:

This application relates to construction hours only and does not generate additional traffic. The applicant has lodged a traffic management plan which identifies the location of construction car parking on site which is to be located approximately 137m from the nearest residential dwelling. In addition, the car park is shielded from those dwellings by the existing building.

Traffic from the site once it becomes operational was assessed under the original DA and given its use as a data centre, it is not considered that there will be adverse impacts on adjoining results as a result of the use.

4. The dust from the development will impact on living conditions for adjoining properties.

Officer comment:

The issue of dust from the development has been reviewed, however the construction of the existing warehouse and distribution facility is now complete and the fit out works are fully contained within the building.

5. Concerns raised about the opening of Turner Road from Camden Valley Way through to Narellan Road.

Officer comment:

This application does not propose any road construction or the connection of Turner Road through Currans Hill on to Narellan Road. It relates only to the hours of work for the internal fit out.

(e) The public interest

The public interest is served through the detailed assessment of this modification application 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 modifications are consistent with the public interest.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The modification application 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, Section 96(1A) Modification Application 84(3)/2014 is recommended for approval subject to the modified conditions contained in this report.

CONDITIONS

Development Consent Conditions:

The modification, deletion or addition of any development consent condition is identified in **bold and *Italics***.

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:*

<i>Plan / Development No.</i>	<i>Description</i>	<i>Prepared by</i>	<i>Dated</i>
<i>12 Revision B</i>	<i>Fit Out and Use DA</i>	<i>Goodman</i>	<i>6 February 2014</i>
<i>Ref: 67887 – Section 961(A)</i>	<i>Cover letter – Identifying the proposed construction works</i>	<i>Mckenzie Group</i>	<i>10 December 2014</i>
<i>Ref: 20141409.1/0812A/</i>	<i>Acoustic Report – construction noise</i>	<i>Acoustic Logic</i>	<i>8 December 2014</i>

R0/GW Project no: 20141409.1	impact assessment		
Ref: 20141409.1/1002A/ R0/GW	Addendum Acoustic Report	Acoustic Logic	10 February 2015
Job No: 14025 Drawing No. A001 Rev 5	Parking Management Plan for the construction vehicles	Taylor	5 November 2014

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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.

(This condition is modified by Section 96 modification application 84(3)/2014 on 14 April 2015).

- (2) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (3) **Extended Construction Hours – Prohibition on External Work** – External work is prohibited between the hours of Monday to Saturday: 5.00pm to 7:00am, and no works are authorised externally on Sundays/Public Holidays. All work undertaken at the site must be conducted inside the building between 5pm and 7am. The internal works authorised during this time are limited to the following:
- i. installation of ceilings;
 - ii. painting works;
 - iii. tiling and joining;
 - iv. carpet laying; and
 - v. installation of internal services.

(This condition is added by Section 96 modification application 84(3)/2014 on 14 April 2015).

- (4) **Extended Construction Hours – Prohibition on Use of Cranes** – The use of cranes is prohibited between the hours of Monday to Saturday: 5:00pm to 7:00am. No crane use is to occur on Sundays/Public Holidays.

(This condition is added by Section 96 modification application 84(3)/2014 on 14 April 2015).

- (5) **Extended Construction Hours for Internal Fit Out Only – Sound Power Level limit** – During the hours of Monday to Saturday: 5.00pm to 7:00am, and Sunday/Public Holiday: 4:00pm to 8:00am for 6 months from the date of this modification, only tools and equipment that have a sound power level of 102dB(A) or less are permitted to be used.

(This condition is added by Section 96 modification application 84(3)/2014 on 14 April 2015).

- (6) **Managing Noise Complaints** – *The Community Liaison Officer must deal with noise complaints in accordance with the guidelines contained in Section 6 of the NSW Environment Protection Authority's Interim Construction Noise Guideline.*

(This condition is added by Section 96 modification application 84(3)/2014 on 14 April 2015).

2.0 - Construction Certificate Requirements

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

- (1) **Air Conditioning/Mechanical Ventilation** – Any room or area not provided with natural ventilation in accordance with the provisions of Clause F4.5 of the *Building Code of Australia* must be provided with a system of mechanical ventilation that complies with the requirements of Australian Standard 1668-1991 Parts 1 & 2.

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) **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*.
- (2) **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.
- (3) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (4) **Erection of Signs** – Shall be undertaken in accordance with Clause 98A of the *Environmental Planning and Assessment Regulation 2000*.

- (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 turving, paving or revegetation).

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

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.

- (6) **Community Liaison Officer** – Prior to works commencing, a Community Liaison Officer must be appointed. The Community Liaison Officer:

- Must inform Camden Council of their name and phone number.
- Must contact all potentially affected residents in Linton Road Ashford Circuit, and Turner Road as an initial introduction and provide his or her contact details.
- Must explain the project, duration of works, potentially noisy periods as well as determine any particularly sensitive receivers and/or sensitive time periods and schedule works accordingly, as far as reasonably practical.
- Must provide a phone number for any residents to call should they have complaints or queries.

The role of Community Liaison Officer must be occupied at all times during development. Should a change in personnel occur, Camden Council and the affected residents must be notified of the name and phone number of the new person taking on the role of Community Liaison Officer.

(This condition is added by Section 96 modification application 84(3)/2014 on 14 April 2015).

4.0 - During Construction

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

- (1) **Hours of Work** – The hours of work as listed below relate only to the internal fit-out works.

- 24 hours a day, 7 days a week, for 6 months from the date of this modification.

(This condition is modified by Section 96 modification application 84(3)/2014 on 14 April 2015).

- (2) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
- (a) The delivery of material shall only be carried out between the hours of 7am - 6pm Monday to Friday, and between 8am - 4pm on Saturdays.
 - (b) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site.
 - (c) Builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner.
 - (d) Waste must not be burnt or buried on site, nor should wind blown rubbish be allowed to leave the site. All waste must be disposed of at an approved waste disposal depot.
 - (e) A waste control container shall be located on the development site.
- (3) **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.

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

- (5) **Noise** - All work shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act (1997).

All work shall comply with the requirement of the NSW Industrial Noise Policy and the Environment Protection Authority' Environmental Noise Manual.

(This condition is added by Section 96 modification application 84(3)/2014 on 14 April 2015).

- (6) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the property boundary.

(This condition is added by Section 96 modification application 84(3)/2014 on 14 April 2015).

- (7) **Deliveries** – No deliveries are to occur after 5pm on any day during construction works.

(This condition was added by Section 96(1A) modification application 84(3)/2014 on 14 April 2015).

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) **Base Building Occupation** – Prior to issue of an Occupation Certificate for the use, an Occupation Certificate must be issued for the base building (DA83/2014).
- (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) **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.
- (4) **Noise Attenuation Measure Installation** – Prior to the Occupation Certificate being issued, written confirmation is required to be provided to the Certifier by a suitably qualified and experienced consultant that the noise attenuation measures contained in the following reports have been installed:
- *Operational Noise Assessment Review*, prepared by ARUP Pty Ltd, reference 235042/R001, dated 14 March 2014; and
 - *Lot 433, DP1129749, 42A Bluett Drive Smeaton Grange, Proposed Data Centre, Development Application Noise Assessment*, prepared by SLR Consulting Australia Pty Ltd, report number 670.10651-R2, revision 1 dated 6 February 2014.

The provision of a screen surrounding the perimeter of the chiller yard is not a requirement of this condition and can be deleted.

(This condition was modified by Section 96(1A) modification application 84(2)/2014 on 16 December 2014).

6.0 - Operational Conditions

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

- (1) **Light Spillage** - The lighting of the premises must be directed so as not to cause nuisance to owners or occupiers of adjoining premises.
- (2) **General Requirement** - The use must at all times be conducted without nuisance and in particular so as not to give rise to emission of air impurities in contravention of the *Protection of the Environment Act, 1997*. All air ventilation/extraction systems must have adequate filters provided and maintained thereto.
- (3) **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*.
- (4) **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) at the above premises must not exceed the relevant criteria

contained within Councils "Environmental Noise Policy" when measured at any point on the boundary.

- (5) **General Requirements** – The storage of goods and materials must be confined within the building. At no time must goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve.
- (6) **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.
- (7) **(This condition was deleted by Section 96(1A) modification application 84(2)/2014 on 16 December 2014).**
- (8) **Hours of Operation** - The hours of operation for the approved land use are 24 hours a day, 7 days a week.
- (9) **Advertising Signs Application** - Outdoor advertising structures may require prior development consent. A development application must be submitted and approval granted by the Consent Authority (i.e. Camden Council) prior to the erection of any advertising signs where required.

RECOMMENDED

That Council approve Section 96(1A) Modification Application 84(3)/2014 to amend hours of construction for the internal fit out of a warehouse and distribution facility to 24 hours a day, seven days a week at 42B Bluett Drive, Smeaton Grange

ATTACHMENTS

1. Submission - *Supporting Document*
2. Public Exhibition and Submissions Map - *Supporting Document*

ORDINARY COUNCIL

ORD04**SUBJECT: PUBLIC EXHIBITION OF REVISED SWIMMING POOL INSPECTION PROGRAM****FROM:** Director Planning & Environmental Services**TRIM #:** 15/55513

PURPOSE OF REPORT

The purpose of this report is to inform Council of recent changes to the swimming pool legislation, implications on the swimming pool inspection program, and to seek Council's endorsement to the public exhibition of the revised Swimming Pool Inspection Program (the program).

BACKGROUND

The *Swimming Pools Amendment Act 2012* (the Act) requires Council to develop a pool inspection program in consultation with their community. The program was adopted by Council on 8 October 2013, subject to a review of the program after 12 months.

The program was reviewed in early 2015 and the findings reported to Council on the 24 February 2015, which included recommendations for changes to the original program. Council resolved to adopt these changes and place the revised Program on public exhibition for 30 days. The amendments included revising the projected number of pools to be inspected per annum, revising the required staffing resources and minor housekeeping amendments.

On the 26 February 2015, the NSW State Government announced changes to the swimming pools legislation which impact on Council's Program. As such the proposed public exhibition of the program was suspended until the implications of the changes could be assessed and reported to Council.

The changes and any further amendments required to the program are discussed in the main report.

MAIN REPORT

Swimming Pool Inspection Program Review

Council's Swimming Pool Inspection Program has been in place since 29 October 2013. The purpose of inspections is to ensure that pool barriers comply with the pool safety legislative requirements.

Once Council is satisfied that a barrier complies, a Certificate of Compliance is issued pursuant to the Act.

The adopted Program commits Council to undertaking a minimum of 750 swimming pool inspections per year, to be reviewed at the end of 12 months.

Since the adoption of the program there has been a number of developments which have influenced the number of swimming pool inspections Council has been requested to undertake.

Changes to the Swimming Pool Legislation

When the program was initially adopted by Council, swimming pool legislation required that all properties with a pool being sold or rented / leased after 29 April 2014 were required to have a current Pool Compliance Certificate. The State Government later amended this legislation, postponing this requirement until the 29 April 2015 on the basis that councils and industry were not appropriately resourced to deal with the changes at that time.

As a result of these changes, Council did not receive the volume of pool compliance certificate applications forecast during the first 12 months of the program.

On 16 February 2015, the legislation was amended again, postponing this requirement until the 29 April 2016. Whilst it is expected that there will be some increase in demand for pool certificates due to increased public awareness, the revised estimate of 400 pool inspections per year is unlikely to be achieved until after April 2016.

The Role of Accredited Certifiers

The Act enables a pool owner to engage council or an accredited certifier to carry out a pool inspection.

In December 2014, the Building Professionals Board (the BPB) introduced a new category of accreditation (E1) to facilitate an increase in the number of accredited persons available to inspect swimming pool barriers in NSW. Subject to completing a recognised training course, licensed builders, contractors, pre purchase inspectors and other building industry professionals can become accredited for the purpose of inspecting swimming pool barriers and the issuing of swimming pool Compliance Certificates.

It is envisaged that the likely increase in the number of accredited swimming pool inspectors providing this service will reduce the number of swimming pool inspections Council is requested to undertake.

It should be noted however, that it is Council's responsibility to take enforcement action related to non-compliant swimming pool barriers. Where an accredited certifier carries out an inspection that is found to be unsatisfactory, the certifier must give a written notice which is forwarded to Council to pursue the matter. In these circumstances Council is not able to charge for the inspections associated with compliance action.

Number of Swimming Pools to be Inspected Each Year

As a result of the legislative changes, Council has not received the volume of pool Compliance Certificate applications forecast. The current Program specifies that Council will inspect a minimum 750 swimming pools per year, however approximately 100 pools were inspected during the first 12 months of the Program, 70 of which were Compliance Certificate applications with the remainder resulting from complaints or compliance action by Council.

The Program review also revealed a much higher percentage of pools are non-compliant than initially estimated. Statistics collected indicate that only 20% of pools

complied with the relevant standards when inspected, and over 50% of pools require 3 inspections or more before compliance is achieved. It should be noted that Council can only charge for the first 2 inspections.

It is projected that from April 2016 onwards, Council will inspect approximately 400 swimming pools per year. It should also be noted that Council is obligated to comply with the adopted Program and as such is committed to inspecting the number of pools specified in its Program. For this reason it is recommended that the number of pools to be inspected is not specified in the Program document at this time. The Program will instead specify the circumstances in which Council will inspect swimming pools and issue Compliance Certificates.

The Program will be reviewed again in April 2017, so that the minimum number of pools inspected can be confirmed and included in the Program should Council resolve to do so.

Inspection Fees

Inspection fees are set by the Act and remain unchanged. Council may charge a maximum fee of \$150 for an initial inspection and \$100 for a second inspection. No further fee may be charged regardless of the number of inspections conducted. Council's current Fees & Charges includes these fees.

Education

Pool owner education and awareness is essential in contributing to the success of the inspection Program.

An ongoing community education and awareness program will be delivered through community publications, media releases, website information, owner self-assessment pool fence checklists and pool safety officer interaction with the public. The importance of pool barrier maintenance and adult supervision are key messages to be delivered in the Program.

Recommended Changes to Council's Swimming Pool Inspection Program

As a result of the review process, the following amendments to the Program are recommended:

- Part 9.1 (page 4) of the Program should be amended to indicate that properties being sold or leased from **29 April 2016** require a Pool Certificate of Compliance.
- Part 10 (page 4) the heading shall be amended to read ***When swimming pools will be inspected.***
- Part 10.1 (page 4) paragraph one should be amended to read ***Council will undertake the inspection of swimming pools on a reactive basis incorporating a risk based approach.***
- Part 10.1 (page 4) dot point three should be amended to read ***All other swimming pools in the local government such as older pools, pools that have never been inspected or any other pool where Council has a reasonable concern over the safety of a pool barrier. Such pools may be required to obtain a Pool Compliance Certificate once the pool barrier complies with the relevant requirements.***

A copy of the Draft Amended Swimming Pool Program is provided as attachment 1 to this report. Proposed amendments are shown in red.

FINANCIAL IMPLICATIONS

The revised Program proposes the inspection of a minimum of 400 swimming pools annually, however this will not occur until after April 2016.

Based on data collected over the last 12 months of the program:

- 20% of pools require one (1) inspection;
- 80% of pools require two (2) or more inspections; to achieve compliance.

Council's Fees & Charges includes a \$150 fee for an initial inspection and \$100 for one subsequent inspection. Council is unable to charge an additional fee for further inspections.

It is estimated that 1 inspection officer will be required to ensure the program is implemented. This has been revised down from 1.5 officers in response to the number of pools inspected per year being revised down from 750 to 400.

It is noted that no additional staff resources have been employed to date, and that all inspections completed to date have been undertaken using existing staff resources. The use of existing staff resources will continue until around April 2016, at which time it will be necessary to employ an additional staff resource to deal with the expected increase in required swimming pool inspections.

Below is a table outlining the projected income and expenditure for the Program, for 2016 onwards.

Projected Income	
Initial Inspection Fees (400 Inspections)	\$60,000
Re-Inspection Fees (320 or 80% Inspections)	\$32,000
Total Projected Income	\$92,000
Projected Expenditure	
Staffing Costs (1 Staff Member)	\$88,500
Total Projected Expenses	\$88,500

The cost of the Program will be monitored and reviewed in April 2017.

CONCLUSION

In order to meet its obligations under the *Swimming Pools Amendment Act 2012*, Council must inspect swimming pools in the community in accordance with the adopted Swimming Pool Program.

A review of the Program after 12 months indicates that a number of changes are required to ensure Council can meet this obligation. In accordance with the Swimming Pools Regulation 2008, the community must also be consulted regarding any review of the Program.

It is proposed that the Program be public exhibited for 30 days, the results of which will be reported back to Council.

ORD04

RECOMMENDED

That Council:

- i. endorse the Revised Swimming Pool Inspection Program for a 30 day exhibition period;**
- ii. be provided with a further report detailing the results of the 30 day exhibition period; and**
- iii. review the Program in 24 months.**

ATTACHMENTS

- 1. Swimming Pool Inspection Program Amended**

ORDINARY COUNCIL

ORD05

ORD05

SUBJECT: MACARTHUR REGIONAL TOURISM STRATEGY 2012-2015 AND ACTION PLAN IMPLEMENTATION

FROM: Acting Director Customer & Corporate Services

TRIM #: 15/67211

PURPOSE OF REPORT

The purpose of this report is to provide a final update on the Macarthur Regional Tourism Strategy 2012 – 2015 and the associated Action Plan Implementation.

BACKGROUND

Council adopted the Macarthur Regional Tourism Strategy 2012 – 2015 in March 2012 and regular progress reports have been developed during the implementation period.

MAIN REPORT

The Macarthur Regional Tourism Strategy 2012 – 2015 was a collaboration between Camden Council and Campbelltown City Council. The plan provided guidance for the direction of tourism within Macarthur, with both short term and long term goals. All of the actions outlined in the plan worked towards the achievement of the following vision for the region:

That the Macarthur region is a well-recognised and well regarded tourism region, offering a diverse range of experiences. It is our aim to build on Macarthur's existing tourism assets and improve the visitor experience.

The Strategy, which continued to build upon the success of the 2008 – 2011 Macarthur Regional Tourism Strategy, implemented initiatives encompassing four key strategic themes:

- Tourism product development and partnerships
- Marketing and promotion
- Industry support
- Visitor servicing.

Highlights achieved since the Strategy was adopted in 2012 include:

- Sydney Weekender filming of four individual segments, plus an entire episode on the Macarthur region. The episode, which aired in October 2013, was the highest rating episode for the year. The repeat episode was also the highest rating of the year. When the episode was promoted through Macarthur's Facebook page it generated 110 likes, 17 comments and 45 shares resulting in an online engagement of 3,890 people.
- An annual Tourism Public Relations Program was developed and involved a range of projects including encouraging journalists to visit the region, distribution of media releases, and targeting lifestyle and travel shows to film segments within the Macarthur region. This program has resulted in 27 travel journalists and editors

having visited the region and the production of positive stories across a range of publications.

As part of the Visiting Journalist Program, journalists are invited to visit the Macarthur region, usually for a two or three day period, and experience a range of attractions within the region first hand. Throughout 2014, twelve journalists visited the region as part of this program, including representatives from Australian Traveller Magazine, Southern Highlands News, Illawarra Mercury, Daily Telegraph and Sunday Telegraph.

A number of radio interviews promoting local events were coordinated throughout the year with radio station 2UE and radio station 2GB, as well as a regular weekly segment, What's On in Macarthur, with local radio station C91.3.

An annual iSENTIA report is compiled to determine the amount of publicity generated by the tourism public relations program during the past 12 months. The finding of this report concluded:

- The total volume of coverage was 510 articles and media reports, which reached a total audience of 35,122,788 people
- The internet was the leading media type (42.7%), followed by press (40%), television (14.1%) and radio (3.2%)
- The majority of the coverage appeared in the New South Wales Media (94.1%)
- The leading press outlet was the Daily Telegraph with 60 articles. 2UE was the leading radio station with four reports. Channel Nine was the leading television station with multiple reports.

Period	Dollar Value of Media Coverage	Audience Reach
2012 - 2013	\$2.28million	31,741,369
2013 - 2014	\$2.51million	30,777,826
2014 - 2015	\$5.1 million	35,122,788

This was a significant increase of 64% of the dollar value on the 2013-2014 period.

Total coverage \$9.89 million 97,641,983 over the 4 year period.

Throughout the implementation period of the Macarthur Regional Tourism Strategy 2012 – 2015, the combination of media releases, journalists visits, television episodes and interviews resulted in media coverage with a volume of 1,234 articles and media reports during the three year period, to the value of \$9.89 million, reaching a potential audience of 97,641,983.

The annual Tourism Public Relations Program will continue throughout 2015.

- The number of page 'likes' on the Visit Macarthur Facebook page has grown to 7,800 (February 2015 figure) over the three year period through active engagement and the implementation of the Macarthur Social Media Marketing Strategy.
- The new tourism website for Macarthur, www.macarthur.com.au, which went live in February 2013, was visited by more than 130,000 users between February 2013 and December 2014 with these users viewing more than 438,500 pages.

- Development of a What's On in Macarthur monthly e-newsletter in December 2012, with a current database of more than 1,085 subscribers.
- Development of the MacarthurNSW Instagram page displaying photos and imagery of the region and encouraging others to share photos they take within the region.
- Development of the Tourism Smartphone App for Macarthur has been developed and is undergoing extensive testing before being released in May-June 2015.

Camden Council and Campbelltown City Council will coordinate the development of the 2015 – 2020 Macarthur Destination Management Plan which is due for completion mid-2015.

Camden Council will coordinate the development of a Camden Destination Management Plan, focussing specifically on Camden tourism products at a local level. This plan will provide strategic direction on increasing awareness of Camden as a tourism destination as well as identifying opportunities arising from the unique characteristics of Camden and its tourism products.

It is anticipated that a Macarthur Destination Management Plan and Marketing Plan 2015 – 2020 and the Camden Destination Management Plan 2015 – 2020 will be presented to Council early next financial year.

FINANCIAL IMPLICATIONS

Any expenditure associated with the development of the Management Plan is provided for within Council's tourism budget.

CONCLUSION

The Macarthur Regional Tourism Strategy and Action Plan 2012-2015 provided the strategic direction for increasing the destination profile of the Macarthur region which is shown through the many highlights achieved during the implementation period.

RECOMMENDED

That Council note the information contained in the report.

ATTACHMENTS

1. Macarthur Regional Tourism Strategy 2012-2015



ORD06

ORDINARY COUNCIL

ORD06

SUBJECT: HERBERTS HILL RESERVE SPECIFIC AREA PLAN OF MANAGEMENT

FROM: Director Community Infrastructure

TRIM #: 15/6334

PURPOSE OF REPORT

The purpose of this report is to inform Council of the results of the public exhibition to the Draft Herberts Hill Reserve Specific Area Plan of Management (PoM) and to recommend that Council adopts the PoM (provided as **Attachment 1** to this report).

BACKGROUND

On 23 September 2014 Council considered a report on the Draft Herberts Hill Reserve Specific Area Plan of Management (PoM) and resolved to:

- i. publicly exhibit the Herberts Hill Reserve Draft Specific Area Plan of Management for a period of 28 days; and*
- ii. be provided a further report detailing the results of the exhibition of the Herberts Hill Reserve Specific Area Plan of Management and budget strategies.*

The public exhibition is now complete and following the consideration of issues raised, particularly the potential for a community garden and associated parking provision, the outcomes are now able to be reported to Council.

MAIN REPORT

In accordance with Council's resolution, the Draft Plan of Management for Herberts Hill Reserve was advertised in local newspapers and on Council's website from 1 October to 28 October 2014.

Submissions were accepted up to 28 October 2014 and two (2) submissions were received from two (2) local residents. One of these residents made her submission as the Community Programs Coordinator for the Cancer Council NSW South West Sydney Community Office and Camden Acres Representative of the Camden Town Farm Community Gardens. Submissions are provided in Attachment 2 of this report as **Supporting Documents**.

The main issues raised are provided below.

Issue raised

The extension of the Shared Path to Camden, Kirkham Park Skate Park and Elderslie High School is critical to the residents of Camden Acres and the community at large. There is no current access and people are forced to use Lodges Road/Hilder Street or the dangerous verge of Camden Valley Way. It is argued this matter should be given High Priority.

Officer Comment

Under DCP 2011 the Shared Path is identified to form a connection from Rheinbergers Hill through the adjoining Lot 301 DP 1143646 to a proposed shared path along the proposed extension of Liz Kernohan Drive to Camden Valley Way. This will connect to the shared path/cycleway following the boundary of Kirkham Park/Camden Valley Way to Camden. The provision of the shared path/cycleway is dependent on the acquisition of part of Lot 301 fronting Camden Valley Way under the Camden Contributions Plan 2011 for Elderslie Release Area. In light of this process the extension of the shared path was identified in the PoM to be a low priority.

Issue raised

The proposed Playground facility should be given a high priority as opposed to its identified Low Priority because children living in Camden Acres are currently forced to play on small roadside verges because no playground exists in the locality. The facility allocated should also include a large fenced area for ball games, etc.

Officer Comment

A potential playground and other park facilities will be considered under the Camden Contributions Plan 2011 for Elderslie Release Area. Council will shortly be undertaking community engagement for Elderslie Parks and Reserves to gain feedback on preferences for the type of playgrounds and equipment and to determine the needs of residents. This feedback will form a program for delivery of park improvements in the Elderslie Release Area.

Issue raised

The original gates and driveway are not related to the Rheinbergers cottage. They were the entrance gates to the Whyte's property and in keeping with the Spanish style of their house. They are now remote to that residence, so it is difficult to justify them as a heritage item and the required expenditure to restore them. Also they are not suitable for use as pedestrian access given the existing shared path and proposed extension.

Officer Comment

Council's Heritage Officer has identified that the heritage significance of the gates relates to the locality at Rheinbergers Hill and their retention is recommended. Any future funding for restoration will be based on potential grant applications or consideration under the Camden Contributions Plan 2011 for the Elderslie Release Area.

Issue raised

Camden Town Farm Community Gardens in conjunction with a Camden Acres Representative has expressed an interest in establishing a community garden in association with Cancer Council NSW at Herberts Hill Reserve. It is anticipated the garden will have leased, shared and communal beds similar to the Town Farm Community Garden. It is proposed rainwater harvesting will utilise Rheinbergers cottage roof. Parking provision is suggested for the use of the community garden participants, to be either on Rheinbergers Circuit, Geary Place or onsite accessed off Camden Valley Way.

The association suggests that the gardens will need to be fenced with access restricted to daylight hours and also sees the potential to use the cottage as a community managed café, possibly managed by a local non-government organisation.

Officer Comment

“The Conservation Advice for Rheinbergers Cottage” by consultants Godden Mackay Logan (June 2011) recommended that the landscape surrounds should be retained as public open space and there is potential to interpret the history of the site and surrounds through community garden initiatives. Based on this advice the draft PoM incorporated the potential development of a community garden. Proposed fencing of the community gardens would be in accordance with the “Camden Acres Housing Design Guidelines” prepared by Crownland Developments (December 2002) as required by Camden Development Control Plan 2011.

The draft PoM has been amended to allow for the provision of a car park off Camden Valley Way in a location that will not compromise the open setting and views of the site. The car park and access from Camden Valley Way would be subject to planning and traffic approvals. The proposed access would also allow vehicular/pedestrian conflict to be avoided on the shared path at the north side of the cottage. Proposed landscaping of these facilities and the car park will provide appropriate screening and maintain the open landscape of the overall Herberts Hill Reserve.

Any proposed future use of the cottage for rainwater harvesting would need to consider the current use of the cottage as a leased property and any future use of the cottage for a café should be assessed and determined at the strategic review of the PoM and would be subject to development and heritage approval.

Other Matters

Additionally it is proposed to amend the draft POM to provide clearer requirements in regards to reviewing the PoM. Also it is proposed to clarify that the timing for actions under the PoM is subject to the availability of funds and other issues such as the acquisition of land which may alter the priority level.

FINANCIAL IMPLICATIONS

Funding for this facility will be considered as part of the Camden Contributions Plan 2011 for the Elderslie Release Area.

Other priority actions will be considered as part of future budgets and grant funding opportunities.

CONCLUSION

The Draft PoM has been publically exhibited. Two written responses have been received and issues raised have been assessed and addressed. The PoM with a proposed Playground, Share Path extension, Community Gardens and the recommended amendment of the provision of a carpark will allow passive use of the Herberts Hill Reserve to both local residents at Elderslie and the wider Camden community. It will also maintain the heritage significance of the site and maintain the visual amenity of the site.

RECOMMENDED

That Council:

- i. note the submissions received during the public exhibition period;**
- ii. endorse the adoption of the Draft Herberts Hill Reserve Specific Area Plan of Management as per the amendments; and**
- iii. write to the respondents thanking them for their submissions.**

ATTACHMENTS

1. Herberts Hill Reserve Specific Area Plan of Management
2. Submissions - Draft Specific Area Plan of Management - Herberts Hill - *Supporting Document*

ORD06

ORDINARY COUNCIL

ORD07

SUBJECT: DRAFT BIODIVERSITY CERTIFICATION IN THE CAMDEN LGA POLICY

FROM: Director Community Infrastructure

TRIM #: 15/36587

PURPOSE OF REPORT

The purpose of the report is to consider the Draft Biodiversity Certification in the Camden LGA Policy and seek Council's endorsement to publicly exhibit the document.

BACKGROUND

At the Council meeting on 9 December 2014, Council considered a report on a proposed application to the NSW Office of Environment and Heritage (OEH) to confer biodiversity certification on the Emerald Hills Estate. In this report, it was noted that as Council may receive further requests to seek biodiversity certification, a policy to provide guidance to Council, proponents, and the community to the methodology and responsibilities of parties pursuing biodiversity certification of land within the Camden Local Government Area (LGA) was being prepared.

The South West Growth Centre underwent Biodiversity Certification during preparation of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

MAIN REPORT

Biodiversity Certification is a new assessment option under Part 7AA of the Threatened Species Conservation Act 1995, for Planning Authorities to strategically address biodiversity issues for land use proposals. Use of the Biodiversity Certification Assessment Methodology (BCAM) is an alternative to the traditional assessment pathways in Part 3, 4 or 5 of the Environmental Planning and Assessment Act 1979.

The Minister for the Environment can only confer biodiversity certification if the land use proposal improves or maintains the biodiversity values as defined by the BCAM. This means that the losses from clearing vegetation for development are offset by achieving real gains in the condition and habitat value of vegetation to be retained.

After biodiversity certification is conferred on an area, development may proceed without the usual requirement under the Environmental Planning and Assessment Act 1979 for site by site threatened species assessment.

The Draft Biodiversity Certification in the Camden LGA Policy (**Attachment 1**) supports the Camden 2040 vision for Healthy Urban and Natural Environments and will contribute to providing natural systems that are resilient and fully functional, providing for the health and wellbeing of the current and future populations through clean air, water, natural systems and diverse ecosystems.

The Draft Policy outlines the process to confer biodiversity certification, and the responsibilities of Council and proponents pursuing biodiversity certification of land within the Camden LGA.

Council is responsible for making the submission of the formal application for Biodiversity Certification together with the Biodiversity Certification Assessment Report and Biodiversity Certification Strategy which is prepared by the proponent. In addition, Council is responsible for the public exhibition of the proposed Biodiversity Certification in accordance with OEH's requirements.

It is considered that biodiversity certification provides greater certainty for Council, the developer, and the community as the impacts of development are identified and the offset measures are agreed as part of the process. This saves both Council and the developer time and money in not needing to obtain individual flora and fauna studies and negotiating individual conservation outcomes.

There is also a benefit to the community and its environment as conservation outcomes are secured for high value natural environments and there is a reduction in the cumulative impacts from ad-hoc development.

FINANCIAL IMPLICATIONS

The Draft Policy clearly states that the proponent of proposed land for biodiversity certification is responsible for any costs associated with the submission of an application to OEH including the preparation of the Biodiversity Certification Assessment Report and Biodiversity Certification Strategy.

Further OEH have confirmed in writing that there are no costs or ongoing reporting requirements for Council as a result of biodiversity certification.

CONCLUSION

Council has prepared the Draft Biodiversity Certification in the Camden LGA Policy to provide guidance to Council, proponents, and the community, to the methodology and responsibilities of parties pursuing biodiversity certification of land within the Camden LGA.

RECOMMENDED

That Council:

- i. agree to publicly exhibit the Draft Biodiversity Certification in the Camden LGA Policy for a period of 28 days; and**
- ii. be provided a further report detailing the results of the exhibition of the Draft Biodiversity Certification in the Camden LGA Policy.**

ATTACHMENTS

1. Draft Biodiversity Certification in the Camden LGA Policy

ORDINARY COUNCIL

ORD08

SUBJECT: ADOPTION OF NEPEAN RIVER FLOOD STUDY
FROM: Director Community Infrastructure
TRIM #: 15/20545

DRAFT PURPOSE OF REPORT

To seek council approval to:

- adopt the Draft Nepean River Flood Study Report, 2015;
- publicly exhibit and consult on the Nepean River Flood Study from 15 April 2015; and
- progress the development of the Floodplain Risk Management Study and Plan (FRMS&P).

BACKGROUND

In 2012 Council resolved to accept a state government grant of \$116,667 to undertake a Review of the Nepean River Flood Study. This Study (2015) is now complete and ready for adoption.

The next step of the Floodplain Risk Management Process as stated in the NSW Flood Prone Land Policy, is to complete a Floodplain Risk Management Study & Plan. This includes a detailed study of the Nepean River Tributaries and identification of Overland Flow Paths.

Council lodged two grant applications requesting funding of \$200,000 (GST exclusive) to undertake a Floodplain Risk Management Study & Plan of the Nepean River, and \$133,333 (GST exclusive) to undertake the investigation and design of flood mitigation works.

MAIN REPORT

A briefing with Councillors was held on 24 March, 2015 to discuss the outcomes of the Nepean River Flood Study and progressing to the next stage of developing a Floodplain Risk Management Study and Plan.

Consultants Worley Parsons were engaged to undertake a review of the original Flood Study. A Community Workshop and questionnaire were conducted to inform the new Flood Study and gather historical flood data, in December 2012. Two Camden Council Floodplain Risk Management Committee meetings were conducted during the Flood Study.

A Technical Working Group (TWG) which included Council staff, the consultant and OEH staff worked closely throughout the entire study period. The group reviewed the consultant's study and provided comments and suggestions at each critical stage. Furthermore, the TWG followed the Flood Risk Management Process specified in the Manual.

Councils are responsible to undertake Floodplain Management in accordance with the NSW Floodplain Policy & Floodplain Development Manual, 2005 (**Attachment 1**).

The current adopted flood Study (1995) requires updating for the following reasons:

- Council's current flood mapping used for the Nepean River needs to be updated.
- The catchment has undergone changes over time due to development and floodplain filling.
- Flood modelling technology has significantly changed over this time.
- Council's Flood Risk Management Policy is based on an older (1986) version of the Floodplain Development Manual (FDM). The Policy does not therefore reflect current State Government Policy.
- The Floodplain Development Manual, 2005 requires regular reviews around every 5 years and/or where changes in future land use trends outside those considered in the Management Plan are proposed.

The flood levels predicted in the 2015 study are generally lower than the 1995 study as local ground depressions are taken into consideration in 2D flood modelling, compared to older modelling methods. However there are areas where the levels have been predicted to rise (average 300 - 400 mm and maximum of 800 mm) and therefore new properties have been affected (refer Table 1).

Table 1 – Nepean River Mainstream Flood Study 2015 Results

Flood Event	Properties no longer affected (provisional)	Properties newly affected (provisional)
1% AEP (100 year ARI)	33*	4**
Probable maximum Flood (PMF)	228*	27**

* Subject to assessment of local overland flow paths and tributaries

** Subject to further analysis at the individual property level / only minor encroachment

The next phase of the Floodplain Risk Management Process will clarify further details of flooding within the adjacent tributaries and local overland flows. Once complete, our database will be further updated.

The Key Outcomes of the revised study are:

- Mainstream flooding extents have now been mapped for the Nepean Catchment.
- This is an Interim Flood Study until the FRMS&P is completed.
- Accurate information for S149 certificates can now be issued.
- With the reduction in floodway area, there is increased development potential, especially in Camden CBD.
- The existing Nepean River Tributary Flood Studies (1999) will continue to be used for tributaries upstream of Nepean River backwater limits until the following stage of the process is completed.
- All property occupiers and land owners in the floodplain up to PMF (as per the revised and previous study) will be notified about the completed Flood Study and the next stages of the process (**refer Attachment 1**).

Public Exhibition and Community Consultation

The public exhibition is to be commenced following Council's adoption of this report.

Public Exhibition will be undertaken as follows:

- Council website including a Frequently Asked Questions (FAQ) page
- Council Libraries and Customer Service centres information displays
- Council Facebook
- Newspaper advertisement
- Distribution of letters to property occupiers and land owners in the Floodplain up to PMF extent
- Public meetings and drop in sessions
- Separate meetings as required

Continuation of Flood Risk Management Process

The next step is to undertake Floodplain Risk Management Study and Plan of the Nepean River Catchment including Narellan Creek Catchment. The State Government (OEH) has placed Camden Council in the Reserved Funding List.

The Floodplain Risk Management Study and Plan comprise steps 3 and 4 of the Floodplain Risk Management Process (**Attachment 1**). The Floodplain Risk Management Study involves a detailed flood study of Nepean River Tributaries, identifying overland flow paths and various flood mitigation options in consideration of social, economic and ecological factors relating to flood risk.

FINANCIAL IMPLICATIONS

Funding for the public exhibition is available in existing budgets from the current OEH Grant and Council matching funding allocated for Nepean River Flood Study.

CONCLUSION

In 2012 Council resolved to accept a state government grant of \$116,667 to undertake a Review of the Nepean River Flood Study. Worley Parsons were engaged to complete the review. The Nepean River Flood Study (2015) is now complete and ready for adoption.

RECOMMENDED

That Council:

- i. adopt the revised Nepean River Flood Study, 2015;**
- ii. approve the public exhibition program as identified in the report; and**
- iii. proceed to developing the Floodplain Risk Management Study and Plan subject to approved grant funding.**

ATTACHMENTS

- 1. Floodplain Risk Management Process**

ORD08

ORDINARY COUNCIL

ORD09

SUBJECT: TENDER AND FUNDING STRATEGY FOR CONSTRUCTION OF NEW ADMINISTRATION CENTRE AT ORAN PARK

FROM: Director Community Infrastructure

TRIM #: 15/47615

PURPOSE OF REPORT

The purpose of this report is to provide details of the tenders received for contract T007/2015, being the construction of Camden Council's new Administration Centre at Oran Park, and to recommend that Council accept the tender submitted by ADCO Constructions Pty Ltd. This report also confirms the funding strategy to be adopted by Council.

BACKGROUND

Council recently completed the detailed design and approvals phase of this project and is committed to constructing a new Administration Centre at Oran Park.

The scope of works for the Administration Centre project include a building of approximately 6,200m² gross floor area consisting of a Council Chambers, customer service area, central atrium, administration offices, and a carpark of 250 spaces.

A Development Application has been approved by the Joint Regional Planning Panel (JRPP).

A building contractor is now required to act as the Principal Contractor for the site and be responsible for the construction works. The Contractor will manage and coordinate all sub-contractors and integrate their output at all stages.

Procurement of a contractor for the works has been undertaken in two stages. The first stage was to issue an open Expression of Interest (EOI) to select suitable firms to participate in a Tender. This EOI was issued on 10 October, 2014 with no restrictions as to those organisations that may respond. The closing date for submissions was 31 October, 2014. Fifteen firms responded to the EOI and eight firms were assessed by the evaluation panel as suitable for participating in the tender. The recommended companies were approved by the General Manager on 9 December, 2014.

The second stage of procurement was to issue Tender invitations to the selected firms. This was issued on 3 February, 2015 with tender returns required by 13 March, 2015.

MAIN REPORT

Tender Submissions

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

Company	Location
• ADCO Constructions Pty Limited	North Sydney
• A W Edwards Pty Limited	Northbridge
• Cockram Construction Ltd	North Sydney

-
- | | |
|--------------------------------|---------------------|
| • Denham Constructions Pty Ltd | Smeaton Grange |
| • Lahey Constructions Pty Ltd | Pyrmont |
| • Prime Constructions Pty Ltd | Lane Cove |
| • Watpac Construction Pty Ltd | Sydney Olympic Park |

Lipman Pty Ltd declined to submit a tender.

A summary of the submissions is provided in the **Supporting Document**. Please note this information is Commercial in Confidence.

Tender Evaluation

The intention of the tender process is 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 an evaluation plan prepared prior to the Tender. An independent probity advisor has also been involved in all phases of the tender evaluation process.

Non-price factors considered for this project included:

- completion of the returnable schedules;
- experience in similar scale projects;
- understanding of the project and proposed methodology;
- proposed team;
- construction program;
- work, health and safety considerations; and
- financial viability assessments.

ADCO Constructions Pty Ltd provided the most competitive tender in terms of price and non-price factors, and met the requirements of Council's tender documentation.

The Evaluation Panel concluded that the tender by ADCO Constructions Pty Ltd represented 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 / Timeframes

ADCO Constructions will be engaged immediately. Construction works are due to commence in May 2015 and are scheduled to be completed by the end of June 2016, subject to weather conditions during the course of the works.

FINANCIAL IMPLICATIONS

The funding of the new administration centre is detailed in the table below:

Administration Centre	Budget
Building Contract Works	\$23,000,000
Fitout and Site Works	\$5,000,000
Design Consultants and Approvals	\$2,900,000
Relocation and IT	\$870,000
Project Contingency	\$3,830,000
Total	\$35,600,000
Funding Package	Funded by:
Loan Borrowings	\$23,000,000
Administration Building Reserve	\$8,000,000
Internal Reserve Borrowings	\$3,000,000
Land Compensation – Department of Planning	\$1,600,000
Total	\$35,600,000

As discussed at a Councillor Briefing on 17 March 2015, the funding package for the new Administration Centre has changed slightly since Council adopted the 2014/15 Budget. As a result of Council prudently placing funds in reserve, Council is no longer required to sell building assets as part of the funding package.

It is also important to note that while Council will need to approve the borrowing of \$23 million, the requirement to drawdown the full amount will be assessed at each quarterly budget review. The debt servicing for this loan is already included in Council’s long-term financial plan and formed part of NSW Treasury Corporation’s (TCorp’s) independent assessment of Camden Council’s ability to service the debt and with continued prudent financial management remain financially sustainable.

Council has a standing resolution that delegates the negotiation (upon approval) of all loans to the General Manager with a report to Council upon the loan being secured.

This funding package will require Council to repay \$3 million to internal reserves which includes the Capital Works Reserve (\$800k), Asset Renewal Reserve (\$900k), Commercial Waste Reserve (\$700k) and Plant Replacement Reserve (\$600k). The repayment of the reserves will include an interest component being the opportunity cost of not having those funds to invest. Each reserve has been carefully analyzed and has the ability to forward fund the construction of the building without impacting existing or future service delivery.

The final part of the funding package relates to the compensation Council will receive from the Department of Planning in order to finalise the construction of Liz Kernohan Drive.

CONCLUSION

ADCO Constructions Pty Ltd has provided a conforming tender. The tender assessment concludes that the offer made by ADCO Constructions Pty Ltd represents best value to Council and the company has a proven track record of performance on projects of a similar value.

Council has carefully planned the funding of the new administration centre for a number of years which has resulted in a sound and financially responsible funding package.

RECOMMENDED

That Council:

- i. accept the tender provided by ADCO Constructions Pty Ltd for the lump sum of \$22,997,657 (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.**
- iii. approve the funding package and reserve transfers as detailed in the financial implications section of this report and that the repayment of funds borrowed (including opportunity costs) from internal reserves be considered at each quarterly budget review until repaid.**
- iv. approve the borrowing of up to \$23 million to part fund the construction of a new administration centre.**

ATTACHMENTS

- 1. T007-2015 - Oran Park Admin Centre - Tender Evaluation - Supporting Document - *Supporting Document***

ORDINARY COUNCIL

ORD10

NOTICE OF MOTION

SUBJECT: NOTICE OF MOTION - IMPROVED PLANTINGS ON ROUNDABOUTS AND CORNER LOCATIONS

FROM: Cr Fedeli

TRIM #: 15/70797

"I Councillor Theresa Fedeli hereby give notice of my intention to move the following at the Council Meeting of 14 April 2015:"

That Council investigate and bring back a report on the following:

- i. a list of key sites, such as highly visible roundabouts and corner location, suitable for higher impact plantings; and*
- ii. costings for the ongoing maintenance of these sites."*

RECOMMENDED

That Council investigate and bring back a report on the following:

- i. a list of key sites, such as highly visible roundabouts and corner location, suitable for higher impact plantings; and**
- ii. costings for the ongoing maintenance of these sites.**

ORDINARY COUNCIL

ORD11

ORD11

NOTICE OF MOTION

SUBJECT: NOTICE OF MOTION - RENOVATION OF AMENITIES BLOCKS IN THE LOCAL GOVERNMENT AREA

FROM: Cr Sidgreaves

TRIM #: 15/70826

"I Councillor Peter Sidgreaves hereby give notice of my intention to move the following at the Council Meeting of 14 April 2015:

That Council investigate and bring back a report on the following:

- i. a list of all amenities blocks in our LGA identifying those that require significant renovation and updating;*
- ii. the approximate patronage of each of these amenities; and*
- iii. recommendations on each amenity block for either refurbishment or demolition/reconstruction and associated costing for the work. "*

RECOMMENDED

That Council investigate and bring back a report on the following:

- i. a list of all amenities blocks in our LGA identifying those that require significant renovation and updating;**
- ii. the approximate patronage of each of these amenities; and**
- iii. recommendations on each amenity block for either refurbishment or demolition/reconstruction and associated costing for the work.**