



Camden Council

Business Paper

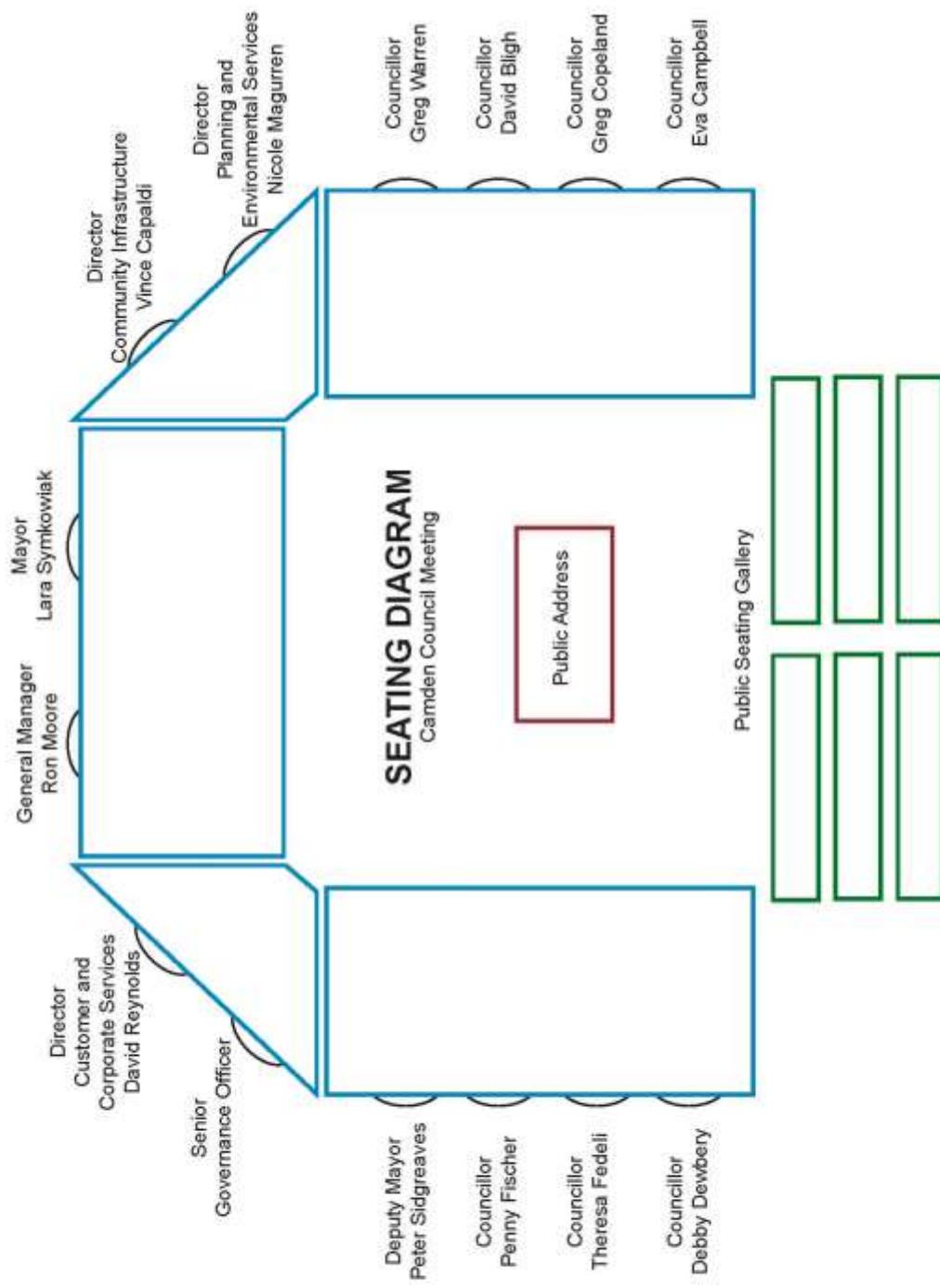
Ordinary Council Meeting
8 March 2016

Camden Civic Centre
Oxley Street
Camden



COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BCA	Building Code of Australia
CLEP	Camden Local Environmental Plan
CP	Contributions Plan
DA	Development Application
DECCW	Department of Environment, Climate Change & Water
DCP	Development Control Plan
DDCP	Draft Development Control Plan
DoPE	Department of Planning & Environment
DWE	Department of Water and Energy
DoH	Department of Housing
DoT	NSW Department of Transport
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning & Assessment Act
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FPL	Flood Planning Level
GCC	Growth Centres Commission
LAP	Local Approvals Policy
LEP	Local Environmental Plan
LGA	Local Government Area
MACROC	Macarthur Regional Organisation of Councils
OLG	Office of Local Government, Department of Premier & Cabinet
OSD	Onsite Detention
REP	Regional Environmental Plan
PoM	Plan of Management
RL	Reduced Levels
RMS	Roads & Maritime Services (incorporating previous Roads & Traffic Authority)
SECTION 149 CERTIFICATE	Certificate as to zoning and planning restrictions on properties
SECTION 603 CERTIFICATE	Certificate as to Rates and Charges outstanding on a property
SECTION 73 CERTIFICATE	Certificate from Sydney Water regarding Subdivision
SEPP	State Environmental Planning Policy
SRA	State Rail Authority
SREP	Sydney Regional Environmental Plan
STP	Sewerage Treatment Plant
VMP	Vegetation Management Plan
WSROC	Western Sydney Regional Organisation of Councils



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



ORDINARY COUNCIL

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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.

No other recording by a video camera, or any other electronic device capable of recording speech, is permitted without the prior approval of the Council. The Council has not authorised any other recording of this meeting. A person may, as provided by section 10(2)(a) or (b) of the Local Government Act be expelled from a meeting of a Council for using or having used a recorder in contravention of this clause.



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 via telephone to Council's Governance Team 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. The commencement and conclusion of time shall be advised by the Mayor/Chairperson.

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 23 February 2016 and the Local Traffic Committee held 16 February 2016.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 23 February 2016 and the Local Traffic Committee held 16 February 2016, 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: BULK EARTHWORKS, ASSOCIATED SITE WORKS AND DEMOLITION OF STRUCTURES - 1096 & 1100 CAMDEN VALLEY WAY, LEPPINGTON

FROM: Director Planning & Environmental Services

TRIM #: 16/42305

APPLICATION NO: DA/2015/704/1

PROPERTY ADDRESS: 1096 & 1100 Camden Valley Way, Leppington

APPLICANT DETAILS: Stephen McMahon
Macarthur Developments Pty Limited

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for bulk earthworks, associated site works and demolition of structures at 1096 and 1100 Camden Valley Way, Leppington.

The DA is referred to Council for determination as two (2) objections were received during the notification period with regard to; visible structures upon the ridge, removal of vegetation upon the site and the adjoining site, retention of a fig tree, Biodiversity Certification to be endorsed prior to further works on site, compliance with DCP requirements and visual impacts.

Officers were not able to resolve the matters raised in the submissions.

SUMMARY OF RECOMMENDATION

That Council determine DA/2015/704/1 for bulk earthworks, associated site works and demolition of structures pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

THE PROPOSAL

DA/2015/704/1 seeks approval for bulk earthworks, associated site works and demolition of structures.

Specifically the proposed development involves:

- Demolition of two cottages and a maintenance shed;
- Clearing of vegetation across the site, with the exception of trees required to be retained to form the future Heritage Park;
- Excavation of up to 650,000m³ of material and placed as engineered fill across the site;
- Spoil up to 37,000m³ stockpiled for future stages of development;

- Construction of sediment control basins;
- Formation and revegetation of a riparian corridor, which is an extension of the formed riparian corridor approved within DA/2014/439/1; and
- Excavation and relocation of a Sydney Water water main to reposition this asset within a future road reserve.
- The value of the works is \$9,064,000.

The proposed earthworks application, which involves cutting and filling of the site intends to achieve preliminary site levels for the future subdivision works within stages 2 to 6 of the development (DA2015/993/1), which is currently under assessment by Council Officers and will later require determination by the Joint Regional Planning Panel. Stages 2 to 6 will facilitate approximately 569 lots.

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

THE SITE

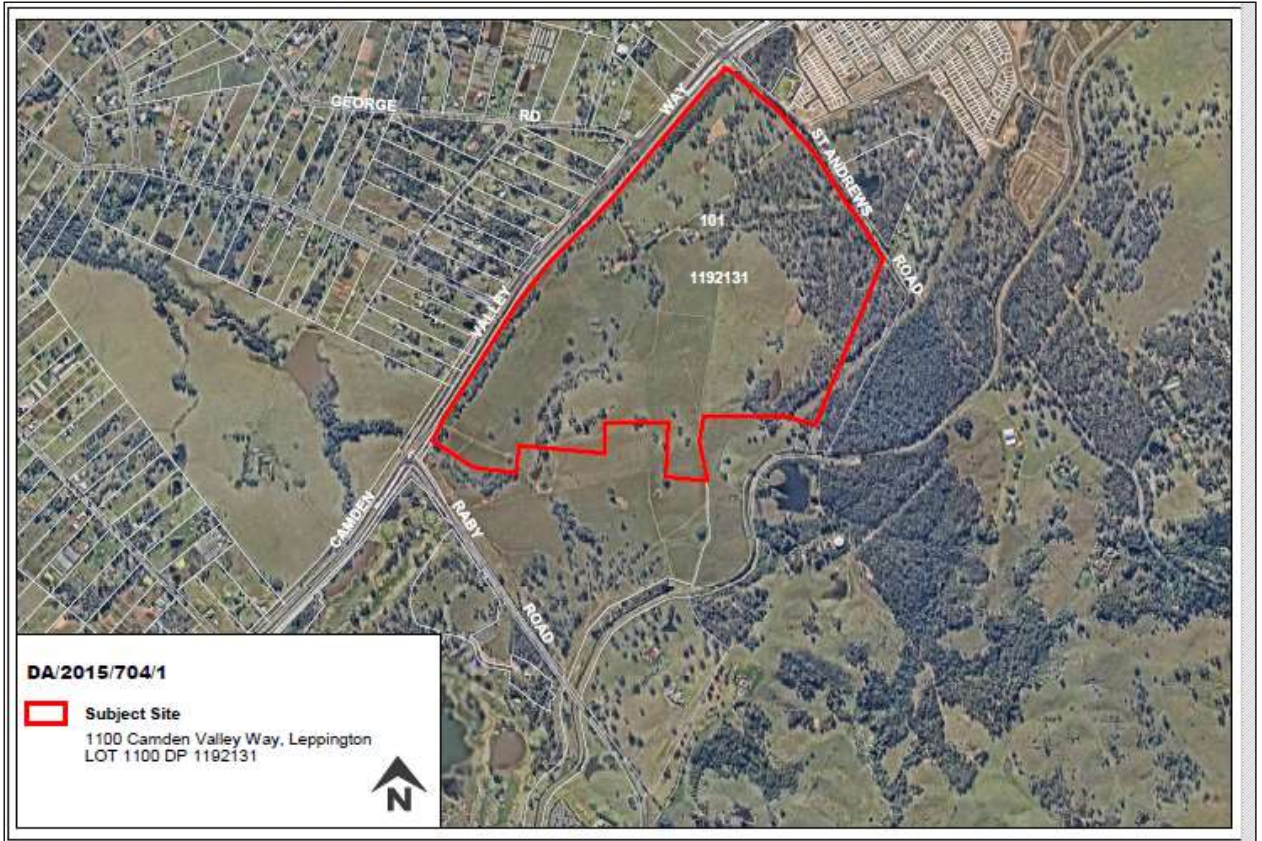
The site is commonly known as 1100 Camden Valley Way, Leppington and is legally described as LOT: 101 DP: 1192131. A section of the proposed works to relocate the Sydney Water water main are located within the adjoining property to the south, which is known as 1096 Camden Valley Way, Leppington and legally described as LOT: 2 DP: 1086624.

The site has frontages to Camden Valley Way and St Andrews Road, and an overall area of approximately 106.1 hectares.

The St Andrews Home for Boys was established on the site in 1934 and was used in various capacities until 1987. Buildings associated with this former use have been lawfully demolished (not having been heritage listed); however there are some remaining buildings on the land and associated structures, including a Sales office approved under DA525/2014, which are now sought for demolition within this application.

The site was rezoned on 19 September 2014 (Amendment No. 36, Camden LEP 2010), with the Joint Regional Planning Panel recently determining DA439/2014 for the first stage release of residential lots.

The surrounding properties are generally characterised by rural or rural/residential land uses. Land to the north, on the northern side of St Andrews Road, is being developed for urban purposes and residential subdivision, within the East Leppington precinct of the South West Growth Centre.



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

Date	Development
17 October 2014	Consent to DA1030/2013 - Consolidation of 3 allotments and subdivision to create 2 residue lots (within Camden local government areas (LGA)).
10 November 2014	Consent to DA525/2014 – Construction of a temporary haul road, temporary compound, earthworks, and change of use of an existing building for a temporary sales office.
4 February 2015	Consent to DA308/2014 – Construction of a 915m upgrade of part of Raby Road, provision of a new signaled intersection, relocation of services and associated site works.
7 January 2016	DA202/2015 – Subdivision to create 5 lots.
21 January 2016	DA439/2014 – Staged subdivision to create 280 residential lots, internal roads, drainage, landscaping and associated site works.
25 January 2016	DA1048/2014 – Subdivision to create 8 lots, internal roads and associated site works



KEY DEVELOPMENT STATISTICS

The development has been assessed against the relevant planning controls and is generally compliant with the exceptions of the variations noted below. Below is a summary of the key development statistics associated with the DA and any variations.

Camden Local Environmental Plan 2010			
Clause	Standard	Proposed	Compliance
5.9 Preservation of trees or vegetation	The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.	<p>On 4 December 2015, biodiversity certification was gazetted on the land in accordance with Section 126H of the <i>Threatened Species Conservation Act 1995</i>.</p> <p>All vegetation across the site is proposed to be removed, with the exception of several trees, which are proposed to be retained and incorporated into the future Heritage Park.</p> <p>Removal of vegetation (6.7ha of Cumberland Plain Woodland) will be undertaken within DA/2014/439/1, with a bio-banking allotment (to offset the impact upon biodiversity) created upon the site subject to DA/2015/202/1. As a result of the gazettal of the Biodiversity Certification, Council may now determine the application and approve the DA subject to conditions.</p>	Yes
7.4 Earthworks	The objectives of this clause are to ensure that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding	The development application has been submitted with an engineering development report, which addresses particular matters for consideration as listed under clause 7.4 such as drainage patterns, catchment modelling and soil stability. In addition, the application proposes erosion and sediment	Yes



	land, and requires consideration of matters relating to effects on drainage patterns, fill quality and amenity of adjoining properties.	control measures such as sediment basins and sediment fencing to address the movement of sediment upon the site. It is proposed that up to 650,000m ³ of material will be excavated and placed as fill across the site with 37,000m ³ of spoil stockpiled for future stages, rather than requiring the importation of fill upon the site. In addition, an Aboriginal Heritage Impact Permit has been obtained from the NSW Office of Environment & Heritage for the site. As such, considerations of Aboriginal cultural heritage items have been made.	
Camden Development Control Plan 2011			
Clause	Development Control	Proposed	Compliance
C13.4 Bulk earthworks and retaining walls	Development Applications are to illustrate bulk earthworks and retaining walls and provide justification for proposed changes to land levels.	A cut and fill plan has been submitted, which details areas of the site subject to earthworks and modification of natural ground levels. The proposed earthworks application, which involves cutting and filling of the site intends to achieve preliminary site levels for the future subdivision works within stages 2 – 6 of the development (DA2015/993/1), which is currently under assessment by Council Officers and will later require determination by the Joint Regional Planning Panel.	Yes
	The maximum height of a retaining wall is 1.5 metres.	Generally, the height of retaining walls ranges between 400mm and	No – DCP Variation 1



		1.5m, with the exception of rock retaining walls up to 2.2m.	
	Retaining walls are to be constructed of masonry materials.	Concrete block with natural stone appearance, blockwork gravity system and rock gravity walls.	Yes
C13.12 Scenic Character Protection Area	Bulk earthworks shall be undertaken along the northern ridgeline and surroundings as per the 'Minimum Earthworks Cut Level' as shown in Figure C96. The finished ground levels shall be in accordance with the spot RL's shown on Figure C96. Certification of the finished ground levels in accordance with this control will be required to be submitted to Council prior to the issuing of subdivision certificates in relation to this land.	The cut and fill works have been designed to generally correspond with specific reduced levels to mitigate visual impacts of the Scenic Character of the Scenic Hills Area. Levels proposed achieve minimum RL's as per the 'Minimum Earthworks Cut Level' Figure C96. (See Attachment)	Yes

ASSESSMENT

Zoning and Permissibility

Zoning:	R2 Low Density Residential
Permissibility:	The proposed development is defined as "earthworks" by the LEP which is a permissible land use in this zone. In addition, demolition works are permitted with consent in accordance with the provisions of Clause 2.7 of the LEP.

Environmental Planning and Assessment Act 1979 – Section 79(C) Matters for Consideration

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<ul style="list-style-type: none"> • State Environmentally Planning Policy No. 55 - Remediation of Land • Deemed SEPP No. 20 – Hawkesbury-Nepean River • State Environmental Planning Policy
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	(Infrastructure) 2007 Compliant with conditions recommended where necessary.
Local Environmental Plan - S79C(1)(a)(i)	Camden LEP 2010 - Compliant with conditions recommended where necessary.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	There are no Draft Environmental Planning Instruments applicable to the subject site.
Development Control Plan(s) - S79C(1)(a)(iii)	Camden Development Control Plan 2011 - Generally, the application is compliant, with the exception to proposed variation to maximum retaining wall height.
Planning Agreement(s) - S79C(1)(a)(iiia)	The proposed development site is subject to the terms and conditions of the Voluntary Planning Agreement (VPA) (Emerald Hills Planning Agreement) executed between Camden Council and Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd (trading as Emerald Hills Estate), pursuant to Section 93F of the Environmental Planning and Assessment Act, 1979, dated 1 August 2014. In this instance, the proposed development works do not trigger the provisions of the voluntary planning agreement.
The Regulations - S79C(1)(a)(iv)	The proposed development is not inconsistent with the relevant provisions of the Environmental Planning and Assessment Regulation, 2000.
Likely Impacts - S79C(1)(b)	No significant impacts.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development
Submissions - S79C(1)(d)	Two submissions were received which are discussed in the submissions section of this report
Public Interest - S79C(1)(e)	Having regard to the relevant planning considerations, it is concluded the development it not against the public interest.

Compliance with Plans or Policies

DCP Variation 1 – Variation to maximum retaining wall height

DCP Control

The DCP requires retaining walls within Emerald Hills to have a maximum height of no more than 1.5m. In instances where a retaining wall greater than 1.5 metres in height is required, a second retaining wall is permitted providing the retaining wall structure incorporates a step of 1 metre in width, with the second retaining wall being limited to 1 metre in height (i.e. first wall of a maximum of 1.5 metres and second retaining wall is a maximum of 1 metre).

In this instance, the applicant's seek to construct a continuous retaining wall up to a maximum of 2.2m in height in a singular wall rather than split and stepped as per DCP requirements. The higher retaining walls are sought within the south east of the site, adjacent to a future allotment (Lot 204) created under DA/2015/202/1, which is to be bio-banked following recent bio-certification of the site. See Figure 1.

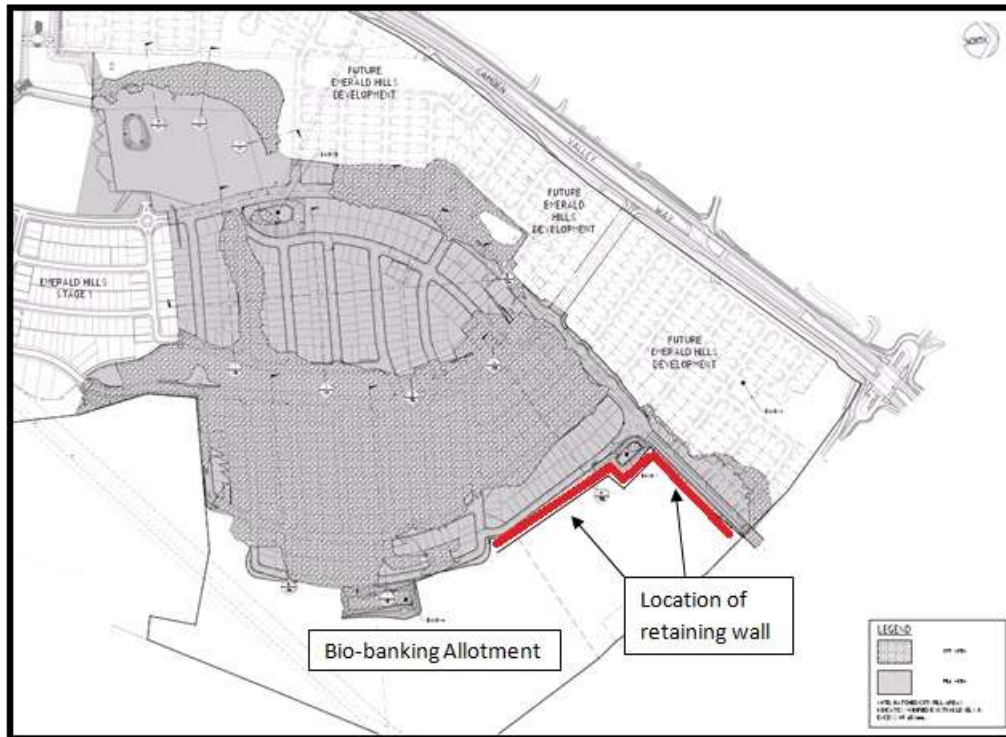


Figure 1 – Location of retaining wall

Applicant Variation Request

The DCP specifies a maximum height of 1.5m for retaining walls. There will be a portion of the retaining wall that will exceed 1.5m high. A maximum height of 2.2m is proposed and this wall is positioned on the boundary of the Biobank lot (Proposed Lot 204 of DA 202/2015). The wall is oriented to the east and supports the road that will be elevated along this boundary.

The provisions of the DCP are aimed toward the management of cut and fill levels to reduce the visual impacts whilst preserving distinctive scenic features. This height of wall is required at these locations to allow suitable grades for land development while matching the earthworks levels to the existing levels fixed by the biobanking lot. Geometric constraints of the proposed road network prevent these walls from being terraced.

The visual impact of the wall will be negligible with no immediate neighbouring properties affected and limited visibility from St Andrews Road. The proposal to exceed the 1.5m maximum retaining wall height will have a negligible impact on the specified objectives of Part C13.4 of the Camden DCP.

Council Staff Assessment

Council staff have reviewed this variation and recommend that it be supported for the following reasons:

- The retaining wall proposed at a maximum height of 2.2m is not a future inter allotment retaining wall and will not directly impact on the amenity of any residential lot;



- The retaining wall is considered to be of good quality design and will alleviate the further terracing of the site, particularly along a future roadway; and
- The retaining wall is located adjacent to the bio-banking allotment created under DA/2015/202. As such, the retaining wall will not be highly visible from neighbouring public places due to dense bushland (Cumberland Plain Woodland) located immediately adjacent to the proposed retaining wall.

Consequently it is recommended that support is granted to the proposed variation to the DCP.

Key Issues

The key issues associated with the DA are limited to the DCP variation as detailed above and submissions issues discussed below.

Submissions

The DA was publicly exhibited for 30 days in accordance with the DCP. The exhibition period was from 30th July 2015 to 28th August 2015. Within this exhibition period no submissions were received. The DA was publicly exhibited for a further 30 days between 8 October 2015 to 6 November 2015. Within this exhibition period two submissions were received, both objecting to the proposed development.

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

1. *There are two unsightly structures clearly visible on the ridge, which we will see every time we walk our back door:*

Endeavour Energy's power poles and a security fence built by the Sydney Catchment Authority.

Officer Comment:

Whilst both of these elements are already located upon the subject site, the proposed development does not involve works to modify or change these existing assets. As such, this concern is a separate matter and unrelated to the current development application.

2. *We note that SOEE (Bulk Earthworks) shows an extension of the DA into the Water NSW Corridor, designated as Lot 2. This aspect of the Emerald Hills development is an extension outside the boundaries of the estate, bringing it closer to us. Here it is proposed to relocate a water main. It is stated in both DA's that 'All vegetation across the subject site is proposed to be removed.' We question the need for this and are concerned about the visual impact on the Campbelltown LGA side of the Scenic Hills if all vegetation is removed from the Water NSW land designated as Lot 2.*

Officer Comment:

Vegetation proposed to be removed is limited to the developer's land (Lot: 101 DP: 1192131 – 1100 Camden Valley Way, Leppington), with work conducted within an adjoining lot (Pt Lot: 2 DP: 1086624 – 1096 Camden Valley Way,

Leppington) limited to relocating a water main asset to reposition this asset within a future road reserve.

3. *More generally, in relation to the proposed removal of vegetation across the site mentioned in SOEE (Staged Residential, p.20), we question the total disregard for the Policy and Strategies required for flora and fauna (6) in the comment provided in the adjacent column. It blatantly ignores the intention of the policy and dismisses the strategies recommended for its implementation. Incidentally, there is an inconsistency between the two SOEE's in relation to the ' several trees ' mercifully proposed to be retained for the Heritage Park. Are they located in Stage 2 or Stage 3 of the Development? We seek confirmation that the landmark fig tree will not be removed from the ridgeline and that its viability will not be threatened by the proposed bulk earthworks.*

Officer Comment:

The site contains Cumberland Plain Woodland which is an endangered ecological community. Part 5A of the *Environmental Planning and Assessment Act 1979* requires an assessment of the impact of the development on biodiversity values of the site known as an Assessment of Significance or 7 Part Test. Under Part 7AA of the *Threatened Species Act 1995*, the method of 'biodiversity certification' offers planting options for offsetting impacts on biodiversity.

The conferring of biodiversity certification of the land is subject to the NSW Minister for Environment being satisfied that the conservation measures in the biodiversity certification application would result in an overall improvement or maintenance in biodiversity values. 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 specific threatened species assessment.

An application has been submitted to the Office of Environment and Heritage for 'biodiversity certification'. On 4 December 2015, biodiversity certification was gazetted on the land in accordance with Section 126H of the *Threatened Species Conservation Act 1995*. As a result of the gazettal of the 'Biodiversity Certification', Council may now determine the application and approve the DA subject to conditions.

In respect to trees proposed to be retained within the Heritage Park, work conducted to create the Heritage Park will be contained within Stage 2 of the development subject to DA/2015/993/1, which is still under assessment. The prominent fig tree, which is located within the proposed Hill Top Park forms part of Stage 1 works and is proposed to be retained. The extent of bulk earthworks sought within the current application are a considerable distance from the fig tree and will not impact upon the structural integrity of the tree.

4. *The SHA submission pointed out that ' while it is " anticipated " that the Emerald Hills Biodiversity Certification Application (EHBCA) will be signed before these DA's are determined, there is no particular requirement that it be so. We have deep concerns about EHBCA's ability to protect the biodiversity of the area, and particularly its " knock-on " effect on the bio-diversity of the Scenic Hills more generally. We support SHA's position that no disturbance of the site should occur (e.g. vegetation removal and earthworks) until the EHBCA agreement is in place and no DA should be approved prior to this.*



Officer Comment:

On 4 December 2015, biodiversity certification was gazetted on the land in accordance with Section 126H of the *Threatened Species Conservation Act 1995*. As a result of the gazettal of the 'Biodiversity Certification', Council may now determine the application and approve the DA subject to conditions.

- 5) *We seek reassurances that the site specific controls listed in C13 (excavation depths, screen planting, hooded lighting etc.) will be implemented. It seems to us that allowing only single storey dwellings nearest to the ridgeline would help in mitigating any potential negative visual impacts. It is up to Council to ensure that the Development Control Plan is complied with, in particular as it affects the visibility of any part of this development from the Campbelltown LGA.*

Officer Comment:

The proposed development seeks consent for demolition, clearing of vegetation, earthworks, construction of sediment basins, formation and re-vegetation of a riparian corridor and relocation of a Sydney Water water main. An assessment of the application against the development controls contained within Camden Development Control Plan 2011 reveals that generally, the application is compliant, with the exception of the proposed variation to maximum retaining wall height.

In respect to the objectors request that only single storey dwellings be permitted nearest to the ridgeline to mitigate visual impacts, consideration of visual impacts was made during the rezoning stage, subsequent master plan and the specific Emerald Hills chapter of the Camden Development Control Plan 2011. In this instance, no development standards or development controls are prescribed to limit future residential development to single storey. Within Camden Local Environmental Plan 2010, the maximum building height of Emerald Hills for residential land is 9.5 metres, which would allow two storey development to be constructed in the future. Two storey development would also be possible as Complying Development under the NSW Housing Code.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA/2015/704/1 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council approve the proposed development for bulk earthworks, associated site works and demolition of structures at 1096 and 1100 Camden Valley Way, Leppington.



ATTACHMENTS

1. Draft Conditions
2. Proposed Plans
3. Figure C96
4. Submissions - *Supporting Document*
5. Public Exhibition and Submissions Map - *Supporting Document*



ORDINARY COUNCIL

ORD02

SUBJECT: DRAFT COMPLIANCE AND ENFORCEMENT POLICY

FROM: Director Planning & Environmental Services

TRIM #: 16/19502

PURPOSE OF REPORT

The purpose of this report is to seek approval from Council to place on public exhibition the Draft Compliance and Enforcement Policy.

BACKGROUND

One of Council's roles is to act as an enforcement authority under a broad range of legislation and local laws covering Compliance, Public/Environmental health and Rangers functions. On a daily basis Council's officers are required to make decisions and use discretion about appropriate enforcement action when non-compliant issues are identified.

Council also has a responsibility under Section 8 of the *Local Government Act 1993* to ensure its regulatory activities are carried out in a consistent manner and without bias.

Many councils and state agencies across NSW have Compliance and Enforcement policies in place which provide a high level decision making framework around the use of enforcement powers. The City of Sydney, Wollongong, Parramatta and Newcastle Councils are examples as is the NSW Food Authority.

This draft Policy is based on a template developed by the 'Westpool' group of Councils of which Camden is a member. The document is also broadly based on the recent "Model Policy" prepared for Local Councils by the NSW Ombudsman.

The adoption of a Compliance and Enforcement Policy by Council is considered best practice and has been advocated by the Local Government Ombudsman, IPART and other key stakeholders for a number of years.

It is the intention that subject to Council endorsement, the Policy will be communicated to relevant stakeholders such as businesses, residents and staff via Council's website, newsletter articles and other means.

The Policy is expected to be a useful tool for staff, managers and team leaders in Council's compliance areas to ensure consistency of approach and appropriate escalation of actions.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.



CONCLUSION

The adoption of a Compliance and Enforcement Policy by Council will set in place a framework by which all enforcement decisions will be made. The Policy will provide greater transparency around Council's decision making and will aid in ensuring a consistent approach when investigating allegations of non-compliance.

RECOMMENDED

That Council approve the following;

- i. place the Draft Compliance and Enforcement Policy on public exhibition for a period of 28 days, and**
- ii. a report be brought back to Council following the receipt of any submissions, or**
- iii. If no submissions are received, adopt the draft policy at attachment 1 with effect from the day after the close of the public exhibition period.**

ATTACHMENTS

- 1. Compliance and Enforcement Policy**



ORDINARY COUNCIL

ORD03

SUBJECT: GIS REDEVELOPMENT PROJECT - RFT T002/2016 FOR GEOGRAPHIC INFORMATION SYSTEM (GIS) SOFTWARE AND ASSOCIATED SERVICES

FROM: Director Customer & Corporate Services

TRIM #: 16/54825

PURPOSE OF REPORT

To provide details of the tenders received for T002/2016, being for the provision of Geographic Information System (GIS) Software and Associated Services and to recommend that Council accepts the tender submitted by TechnologyOne.

BACKGROUND

As part of the adopted 2015/2016 budget, funds were allocated toward the replacement of Council's Geographic Information System (Mapping) which has been in place since 2000 and is now outdated and not delivering the required functionality to meet current business demands.

A GIS business requirements study conducted in 2014 indicated that there is a strong need to replace the current mapping system (Cadcorp and IFM) with contemporary technology which is easy to use and meets the needs of a growing organisation.

This proposed contemporary solution includes the provision of all mapping capability on mobile GPS-enabled tablets, integrated with the current corporate and asset systems which will enable staff to find information and formulate efficient, accurate business decisions quickly and effectively while on-site or out in the field.

MAIN REPORT

Request for Tender

Tenderers were asked to respond to a detailed technical specification of Council's requirements and provide costs to supply GIS software and the associated services to Council. The Request for Tender was issued on 28th August 2015 and closed on 13th October 2015 with 3 submissions being received as follows (in alphabetical order):

- Cyient
- Omnilink
- TechnologyOne

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

Tender Evaluation

The intention of the tender process is to appoint a supplier with proven software capacity and experience in undertaking similar projects for NSW Councils. In addition, the provision of good value and high quality services to Council was considered essential.



The tender evaluation panel assessed the submissions on a number of criteria, including technical capability; price and risk as established in the Tender Evaluation Plan. Product demonstrations to the Evaluation Team using Council data and business processes were undertaken in order to fully assess the technical capability of the tender submissions.

As a result of the tender evaluation process, it was determined that TechnologyOne provided the best technical solution and demonstrated to the evaluation team and Council stakeholders that their systems would meet Council's requirements and do so in an easy to use manner. In addition, TechnologyOne submitted the most competitive tender in terms of cost and meeting all requirements of Council's tender specification. Reference checks were also undertaken with a number of existing TechnologyOne customers.

TechnologyOne has demonstrated an extensive track record in providing GIS systems and delivering projects of a similar scale and nature. They have a proven record of similar projects for Local Government across Australia.

The evaluation panel members all agreed that the tender by TechnologyOne represented the best technical solution and the best value for Council.

Relevant Legislation

The tender has been conducted in accordance with the Local Government Act 1993, the Local Government (General) Regulations (2005) and Council's Purchasing and Procurement Policy.

FINANCIAL IMPLICATIONS

Council's Technology Reserve has sufficient funds to accept the recommended tender for \$298,285 (ex GST) over a 5 year period.

CONCLUSION

TechnologyOne has provided a conforming tender as per the tender specifications. The Tender Evaluation Team concludes that the offer by TechnologyOne represents the best value to Council and the company has a proven track record of performance on projects of a similar nature.

RECOMMENDED

That Council:

- i. accept the tender provided by TechnologyOne for a cost of \$298,285 (Ext GST) over a 5 year period with the payment to be made from the Technology Reserve;**
- ii. authorise the Project Sponsor and the Evaluation Team to commence negotiations with TechnologyOne leading to a contract being prepared for Council signature; and**
- iii. authorise the relevant documentation to be completed under Council's Power of Attorney, granted on 23 February 2016, Minute Number ORD15/16**

ATTACHMENTS

1. GIS Redevelopment Tender T002-2016 - *Supporting Document*



ORDINARY COUNCIL

ORD04

SUBJECT: INVESTMENT MONIES - JANUARY 2016

FROM: Director Customer & Corporate Services

TRIM #: 16/38643

PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 31 January 2016 is provided.

MAIN REPORT

The weighted average return on all investments was 3.40% p.a. for the month of January 2016. The industry benchmark for this period was 2.25% (Ausbond Bank Bill Index).

It is certified that all investments have been made in accordance with Section 625 of the *Local Government Act 1993*, the relevant regulations and Council's Investment Policy.

The Principal Accounting Officer is the Manager Finance & Corporate Planning.

Council's Investment Report is an **attachment to this report**.

RECOMMENDED

That Council:

- i. **note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act, Regulations, and Council's Investment Policy*;**
- ii. **note the list of investments for January 2016 and;**
- iii. **note the weighted average interest rate return of 3.40% p.a. for the month of January 2016.**

ATTACHMENTS

1. Investment Report- January 2016