



# Camden Council

## Business Paper

**Ordinary Council Meeting**  
**10 May 2016**

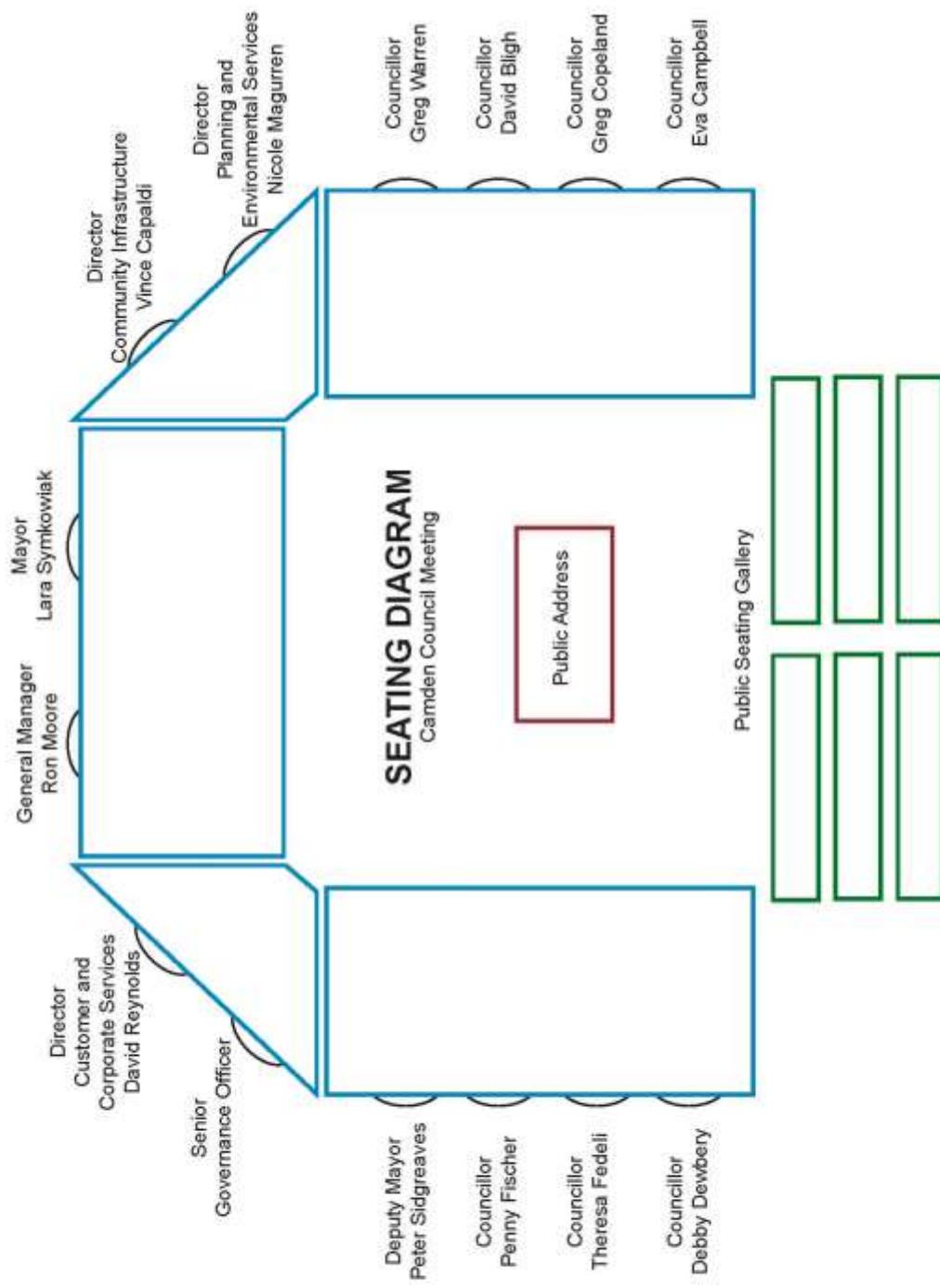
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**Camden Civic Centre**  
**Oxley Street**  
**Camden**



## 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.*



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# ORDINARY COUNCIL

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## ORDINARY COUNCIL

SUBJECT: PRAYER

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### 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

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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

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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

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### 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)*

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## **ORDINARY COUNCIL**

**SUBJECT:       ACKNOWLEDGEMENT OF COUNTRY**

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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.



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## **ORDINARY COUNCIL**

**SUBJECT: RECORDING OF COUNCIL MEETINGS**

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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.



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## **ORDINARY COUNCIL**

**SUBJECT: APOLOGIES**

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

### **RECOMMENDED**

**That leave of absence be granted.**





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## **ORDINARY COUNCIL**

**SUBJECT:       DECLARATION OF INTEREST**

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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.**



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## ORDINARY COUNCIL

**SUBJECT: PUBLIC ADDRESSES**

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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.**



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## **ORDINARY COUNCIL**

**SUBJECT: CONFIRMATION OF MINUTES**

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Confirm and adopt Minutes of the Ordinary Council Meeting held 26 April, 2016.

### **RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting held 26 April, 2016, copies of which have been circulated, be confirmed and adopted.**



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## **ORDINARY COUNCIL**

**SUBJECT:       MAYORAL MINUTE**

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Consideration of Mayoral Minute (if any).



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## ORDINARY COUNCIL

### ORD01

**SUBJECT: DEMOLITION OF PART OF AN EXISTING CARPARK, TREE REMOVAL AND CONSTRUCTION OF A DECKED CARPARK AND ON GRADE CARPARKING ACCOMMODATING A TOTAL OF 150 VEHICLES, BICYCLE PARKING SPACES AND LANDSCAPING TREATMENT – 40-46 OXLEY STREET, CAMDEN**

**FROM:** Kirsty Smith of David Lock and Associates  
**TRIM #:** 16/134253

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**APPLICATION NO:** 2016/248  
**PROPERTY ADDRESS:** 40, 42, 44 & 46 Oxley Street, Camden  
**APPLICANT:** Camden Council

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**This report has been prepared by David Lock and Associates.**

#### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the demolition of part of an existing carpark, tree removal and construction of a decked carpark, on grade carparking accommodating a total of 150 vehicles, bicycle parking spaces and landscaping treatment at No's 40, 42, 44 & 46 Oxley Street, Camden.

The DA is referred to Council for determination as 91 community responses have been received in relation to the application. 59 in opposition and 32 in support.

#### SUMMARY OF RECOMMENDATION

That Council determine DA 2016/248 for demolition of part of an existing carpark, tree removal and construction of a decked carpark, on grade carparking accommodating a total of 150 vehicles, bicycle parking spaces and landscaping treatment 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 2016/048 seeks approval for demolition of part of an existing carpark, tree removal and construction of a decked carpark, on grade carparking accommodating a total of 150 vehicles, bicycle parking spaces and landscaping treatment.

Specifically the proposed development involves:

- Partial demolition of the existing hardstand car park (including removal of existing hardstand surfaces); raised pedestrian pathways; landscaped gardens; kerb and guttering;
- Removal of 18 trees;
- Minor regrading works;
- Construction of a new single decked car park (maximum 6m high);

- Providing 150 parking spaces (inclusive of 2 designated accessible spaces) and shared loading areas; 14 external (uncovered) spaces, 68 covered spaces at the ground floor and 68 spaces at the first floor deck;
- Consolidation of three access and egress points into one;
- Landscaping and associated works.

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

## **THE SITE**

The site incorporates four separate lots legally identified as Lot 23 DP 1108392, Lots 1 & 2 DP 525423 and Lot 2 DP 634060, commonly known as No's 40-46 Oxley Street, Camden. These four Lots make up a site area of approximately 4,234m<sup>2</sup>.

The lots are all rectangular in shape and are situated along the eastern side of Oxley Street, approximately 30m to the north of the intersection with Argyle Street and approximately 30m to the south of the intersection with Mitchell Street. The Oxley Street frontage extends for approximately 90 metres.

The site contains a Council owned, hardstand car park which is accessible from three separate access driveways off Oxley Street. The car park is currently restricted at various times during the day.

The site is well landscaped with low rising shrubs and hedges along with a number of trees and garden beds. Trees are located in a straight line down the east side of Oxley Street at approximately 10m to 20m intervals. A relatively large soft landscaped area separates the Civic Centre from the car park. This area includes tall trees as well as soft landscaping, grass and shrubs. Other trees also exist around and within the carpark and are arranged as green walls in straight lines dividing the parking spaces.

Raised pedestrian access paths offer direct, unobstructed links between John Street and Oxley Street.

The land generally falls from John Street gradually through to Oxley Street and the existing car park has been graded to respond to the natural fall of the land.

The site is located behind (west) of the Camden Council Administrative Offices, the Camden Courthouse and a number of cafes all of which are heritage items.

Adjoining the site directly to the north is the Camden Civic Centre. To the south are the shops aligning Argyle Street, which include the Post Office, former Foresters Hall and corner shop which are all listed buildings.

A large Woolworths grocery store is situated across Oxley Street to the west of the site with its associated car park.



**KEY DEVELOPMENT STATISTICS**

The development has been assessed against the relevant planning controls and is generally compliant.

Below is a summary of the key development statistics associated with the DA.

<b>Camden Local Environmental Plan 2010</b>			
<b>Clause</b>	<b>Requirement</b>	<b>Provided</b>	<b>Compliance</b>
4.3 Height of Buildings	7m.	Maximum height approximately 6m.	<b>Yes</b>
5.9 & 5.9AA Trees or Vegetation	Consent is required to remove any tree or vegetation.	The application includes the removal of 18 existing trees.	<b>Yes</b>
5.10 Heritage Conservation	Consent is required for development within a conservation area.	The application is supported by a Heritage Impact Statement. Council's Heritage Consultant has no objection.	<b>Yes</b>
7.1 Flood Planning	Development consent must not be granted to development on land where development is incompatible with the flood hazard and will adversely impact upon localised flooding behaviour resulting in damage to property and	It is considered that the proposed use and structure is one which is a suitable use in this area.  Council's Development Engineer has no objection.	<b>Yes</b>



	loss of life.		
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<b>Camden Development Control Plan 2011</b>			
<b>Clause</b>	<b>Requirement</b>	<b>Provided</b>	<b>Compliance</b>
B1.5 Trees and Vegetation	Council must consider the aesthetic, botanical, ecological and heritage importance of the tree before granting consent to remove	The development is supported by an Arboricultural Report, it identifies that nine trees are located within the footprint of the proposal and nine are located adjacent to the proposed structure. These 18 trees are proposed for removal. The trees are not considered a constraint to the development subject to suitable replacement trees being installed on site or in the adjoining council land to mitigate the loss. Council's Landscape officer has assessed the trees to be removed and is satisfied that they can be removed with adequate mitigating planting.	<b>Yes</b>
B1.11 Flood Hazard Management	Development on flood prone land must comply with Council's Engineering Specifications and Flood Risk Management Policy	The proposed development is a low risk structure as it is not a habitable building and is of open design.  The Council's Engineer has confirmed that the proposed development is compliant with the Flood Risk Management Policy and engineering standards.	<b>Yes</b>
B3.1.1 General Heritage Provisions	Design: 1. New buildings shall be of a simple, contemporary design that avoids "heritage style" replication of architectural or decorative detail.  5. New development must be designed	The car park is of simple design which incorporates suitable materials and detailed elements such as the perforated screening and planted green wall.  The Council's Heritage Consultant concludes	<b>Yes</b>  <b>Yes</b>





	<p>reflecting the general form, bulk, scale, height, architectural elements and other significant elements of the surrounding heritage items and heritage conservation areas.</p> <p>Roofs and Roofscape: 13. The existing pattern, pitch, materials and details of original roof forms within the Heritage Conservation Area shall be retained.</p> <p>Materials and Finishes: 22. Surviving original materials, finishes, textures and details shall be retained and conserved where appropriate.</p> <p>23. Materials, finishes, and textures must be appropriate to the historic context of the original significant buildings within the streetscape.</p> <p>24. Contemporary</p>	<p>that the design of the proposal is appropriate to the context of this section of Oxley Street which is comprised of a late twentieth century development including the two-storey Woolworths.</p> <p>The horizontal form of the carpark (which is similar to the opposite supermarket), has been articulated with engaged piers and vertical elements (staircases) to be sympathetic with the character of the HCA.</p> <p>The orientation of the carpark to address the Oxley Street frontage and its positioning close to the front boundary is typical of the established pattern of commercial development in this section of the Camden HCA.</p> <p>The height and form of the proposal is similar and complementary to surrounding buildings and is appropriate for its location in the HCA.</p> <p>The articulation of the Oxley Street façade and use of brown-coloured face brickwork echoes the architectural features of the Oxley Street elevation of the former Foresters Hall and results in a harmonious relationship.</p> <p>As above the use of brown-coloured face brickwork echoes the architectural features of</p>	<p><b>Yes</b></p> <p><b>Yes</b></p>
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	<p>materials are permitted where their proportions, detailing and quantities are in keeping with the character of the area. Large expanses of glass and reflective wall and roof cladding are not appropriate.</p> <p>Colours: 28. New buildings need not employ traditional colour schemes, but should use colours sympathetic to surrounding development and contribute to the cohesiveness of the Heritage Place.</p> <p>Landscaping: 36. Front gardens should predominately be landscaped in a style appropriate to the building type and to embellish the street front elevation.</p> <p>37. Landscaping should, where possible, retain the original design elements, paths, significant trees and plantings.</p>	<p>the Oxley Street elevation of the former Foresters Hall. The use of perforated steel and a green wall is used adjacent to the Civic Centre boundary.</p> <p>The proposal retains a landscaped edge along the south, west and north west boundary. It retains the existing path to the front of the civic centre and will retain the location of the footpath along Oxley Street.</p> <p>23 trees are to be retained as part of the proposal, including those identified as high or medium significance.</p>	<p><b>Yes</b></p> <p><b>Yes</b></p>
<p>B3.1.2 Camden Heritage Conservation Area</p>	<p>4. The strong street grid shall be maintained and not compromised by closures and/or permanent malls.</p> <p>5. Opportunities for enhanced pedestrian linkages shall be</p>	<p>The development maintains the existing street grid, and maintains its presence to Oxley Street. Tall trees and soft landscaping are incorporated into the development, which is a significant component of the existing street grid pattern.</p> <p>The two existing pedestrian linkages from John Street to the</p>	<p><b>Yes</b></p> <p><b>Yes</b></p>



	sensitively promoted.	subject site will be retained. The linkage between Macaria building and the Cottage, has been used as a connection through the proposed development. The relocation of this footpath through the car park which will be lit in the evenings should improve the safety of the pedestrian linkage.	
B5.2 Car Parking Design Criteria	<p>Lighting</p> <p>5. The design of lighting shall be in accordance with AS/NS 4282 and AS/NZ 1158.</p> <p>7. The design of parking areas should take into account the likely visual impact of these areas in the context of the surrounding development and streetscape. Landscaping is a most effective means of “softening” the appearance of large paved surfaces and multiple rows of vehicles, as well as providing shade for users and assisting with surface water run-off. A landscape plan is required to be prepared by a suitably qualified person and submitted with the development application, showing the proposed layout of each design.</p> <p>8. At the same time, a compromise should be achieved so as to</p>	<p>The SEE confirms that Internal and external security lighting which will be installed and operated in accordance with the requirements of AS 4282 and AS 1158 regarding glare and control of light spillage.</p> <p>A landscaping plan has been submitted with the proposal which demonstrates the location of retained and proposed new planting to soften the edges of the development. The use of a planted green wall further softens the building along the northern boundary.</p> <p>The proposal has provided a balance of adequate landscaping to soften the development</p>	<p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p>

	effectively screen car parks in prominent locations (e.g. between the building alignment and the street) without prejudice to safety aspects such as sight distance and visibility of access and egress points. In addition to landscaping, special surface finishes can also improve the appearance of car parking facilities if used judiciously.	with the provision of safety aspects such safe sight distances to access and egress, clearly defined legible pedestrian thoroughfares and openings through the car park to allow views through from Oxley Street to encourage natural surveillance.	
D3.2 General Controls Applying to all Business Zone Areas D3.2.1 Function and Uses	1. Development within business zones shall incorporate a range of local retail, commercial, entertainment, childcare, residential and community uses to serve the needs of the local community.	The proposed extension to the existing car park will provide additional car parking and cycle parking facilities to support the range of facilities that this control encourages.	<b>Yes</b>
D3.2.2 Layout and Design	<p>1. The layout and location of business zone uses must consider potential future noise and amenity conflicts for both the subject development and adjoining/nearby development.</p> <p>2. Where development fronts the street or any other public place (including car parking areas and pedestrian thoroughfares) the development must be designed so that it addresses the street or public place.</p>	<p>An acoustic report has been submitted which demonstrates that the proposal will comply with the relevant noise policy. The Council's Environmental Health Officer has raised no objections to the proposal.</p> <p>The orientation of the carpark to address the Oxley Street frontage and its positioning close to the front boundary is typical of the established pattern of commercial development in this section of the Camden HCA. The development seeks to activate this frontage through the use of openings within the car park to allow views through from Oxley Street. This frontage is further activated though the inclusion of a pedestrian connection</p>	<p><b>Yes</b></p> <p><b>Yes</b></p>



	<p>3. New development must not detract from significant existing views and vistas.</p>	<p>through the car park to John Street.</p> <p>While the existing carpark is open to Oxley Street, the nature of the building forms on the boundaries to the north, south and east do not provide significant views or vistas from within the site.</p> <p>Views from Oxley Street car park to the heritage items on John and Argyle Streets are restricted to the less important rears of these buildings (primarily roofs and chimneys). Views of the rear of these buildings will be obstructed but these are not deemed to be significant views and this is a minor adverse impact which on balance is considered to be acceptable, considering the front façade of these buildings and contribution to the streetscape is of far greater significance.</p>	<p><b>Yes</b></p>
D3.2.4 Pedestrian Amenity	<p>1. Business development must be designed to facilitate high levels of pedestrian amenity and permeability, including access and facilities for cyclists.</p> <p>2. Development is to incorporate appropriate measures for convenient, weather sheltered access for pedestrians, including access to other land.</p> <p>3. Buildings should be</p>	<p>The development maintains the key pedestrian thoroughfares through the site connecting John Street to Oxley Street. The main thoroughfare through the site will be undercover and lit in the evenings.</p> <p>The proposal provides undercover parking for bicycles which was not previously available.</p> <p>The main pedestrian</p>	<p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p>

	designed to minimise overshadowing of pedestrian thoroughfares and footpaths wherever possible.	linkage proposed is located at the centre of the car park.	
D3.2.5 Public Domain	1. Development must include a high quality landscape design including a co-ordinated package of street furniture and lighting that enhances the character of the business zone. The design of landscaping and the public domain must be generally in accordance with Council's Landscape and Streetscape Elements Manual and chapter B2 of this DCP where applicable.	A comprehensive landscape scheme is proposed as part of this development. This includes the retention of existing perimeter trees and garden beds and a landscaped setback to Oxley Street. The use of indigenous species assists with creating a soft edge to the development along Oxley Street. The use of the planted green wall along the northern boundary softens the mass of the entrance to the car park and reflects the existing landscaping to the front of the Civic Centre.	<b>Yes</b>
	2. The building and landscape design is to be complementary to ensure legible, safe, comfortable and easy access for pedestrian from the street frontages, within the business zone and to adjoining land, where appropriate.	The landscape design complements the existing landscaping along the southern, western and north western boundary. The landscaping clearly defines pedestrian footpaths and vehicular access to ensure a legible and safe development.	<b>Yes</b>
	3. Street tree and open space plantings are to provide generous shade for pedestrians.	Street trees along Oxley Street will consist of larger, mature trees with broad canopies to provide sufficient shade for pedestrians passing through or past the car park.	<b>Yes</b>
	4. All signage and advertising is to be designed in a	No signage is proposed as part of this development.	<b>N/A</b>



	coordinated manner.		
D3.2.6 Parking and Access	<p>1. The visibility of parking areas at street frontages shall be minimised through parking layout and design, building location and design and landscaping treatments. Bitumen and cars are not to be the dominant features of the landscape.</p> <p>2. Parking areas shall be designed to enable legible, safe, comfortable and easy access for pedestrians from the street frontages, within the centre and to adjoining land, where appropriate</p> <p>3. Car parking shall be provided in accordance with Chapter B5 of this DCP.</p>	<p>The car park is set back at least 2m along the south west and at least 4m at the south east part of Oxley Street. The car park is set behind the landscaped buffer and trees. The actual car parking spaces are screened by the building itself.</p> <p>The proposal incorporates the existing linkages from John Street. These are clearly defined and accessible.</p> <p>Car parking spaces have been designed in accordance with the relevant Australian Standards. The rate of parking spaces does not strictly adhere to any nominated land use under Chapter B5, therefore a Traffic and Parking Assessment Report has been submitted with the DA which justifies the number of spaces provided. The Council's Traffic Engineer is satisfied with the design of the car park.</p>	<p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p>

**ASSESSMENT**

***Zoning and Permissibility***

Zoning:	B2 – Local Centre
Permissibility:	The proposed development is defined as a “Car Park” by the LEP which is a permissible land use in this zone



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

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<p>State Environmental Planning Policy 55 – Remediation of Land - Compliant with conditions recommended where necessary.</p> <p>Deemed State Environmental Planning Policy 20 – Hawkesbury-Nepean River - Compliant with conditions recommended where necessary.</p> <p>State Environmental Planning Policy – Infrastructure 2007 – Compliant. RMS and Council’s Traffic Engineer have no objection. Conditions are recommended where necessary.</p>
Local Environmental Plan - S79C(1)(a)(i)	Camden LEP 2010 - Compliant with conditions recommended where necessary or generally compliant with variation(s) proposed as discussed below
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	Camden DCP 2011 - Compliant with conditions recommended where necessary.
Planning Agreement(s) - S79C(1)(a)(iiiia)	None.
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions.
Likely Impacts - S79C(1)(b)	No significant impacts or The likely impacts are discussed in the Key Issues section of this report.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development
Submissions - S79C(1)(d)	91 submissions were received, 59 of opposition and 32 of support which are discussed in the Submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

**Compliance with Plans or Policies**

The proposal is compliant with the plans and no variations are proposed.

**Key Issues**

Heritage Impact

Officers have assessed the application in accordance with Clause 5.10 of the Camden LEP and Section B3 of the Camden DCP which specifies controls for the Heritage Area. The Council’s Heritage Consultant concludes that given the subject site is located to the rear of the heritage items, the proposed carpark has little impact on their setting and identified aesthetic qualities appreciated by the community. All of the heritage items located in the vicinity of the subject site have been designed to address either John Street or Argyle Street. The aesthetic value expressed primarily in their front facades and appreciation of same in views from vantage points in the above noted streets will not be impacted by the proposed carpark. Council’s Heritage





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Consultant considers that the design of the carpark is appropriate to the character of this section of Oxley Street.

### Trees

The development is supported by an Arboricultural Report, it identifies that nine trees are located within the footprint of the proposal and nine are located adjacent to the proposed structure. These 18 trees are proposed for removal. The arborist concludes that the removal of these trees is not considered a constraint to the development subject to their suitable replacement, on site, or in the adjoining council land to mitigate their loss. This is to be controlled through a condition of consent. Council's Landscape Officer is satisfied that the tree removal as proposed is acceptable.

Other key issues associated with the DA are discussed below under the submissions.

### **Submissions**

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 30 March 2016 to 12 April 2016. 91 submissions were received in response to the exhibition. 59 responses were in opposition of the proposal and 32 in favour. Two petitions were received, one in support of the proposal (9 signatures) and one objecting to the proposal (6 signatures).

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

### **Objections:**

1. Extension of time for consultation documents not available.

### Officer Comment

The DA has been notified in accordance with the provisions set out in Section A2 of the DCP. The exhibition period was from 30 March 2016 to 12 April 2016 in accordance with the specified notification period. Under the provisions of the DCP the Council are not required to extend the notification period over Public Holidays. However, any responses received after the notification period has ended are still considered.

Consultees were notified that application documents were available to view via the Council website. The notification letters and advertisements also advise consultees that access to computers can be gained at the Library and Council Offices, where Council staff are on hand to provide assistance to access documents.

2. Application pre-determined on exhibition the same time as contribution plan and contract proposals.

### Officer Comment

The fact that these plans and tenders have been released at the same time has no bearing on the determination of the DA.

3. Waste of taxpayers' money need to borrow money.

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Officer Comment

The proposed car park is to be funded through the Section 94 contribution mechanism. The draft Section 94 Plan is currently on public exhibition and will be considered at a Council Meeting on 10 May 2016.

The development will be paid for by these developer contributions as opposed to money collected through tax. Regardless, the required funding for the proposal is not a planning consideration.

4. Better use of the site.

Officer Comment

The Council must assess the development application before it on its merits and in accordance with the relevant policies. The Council cannot refuse a DA based on speculative suggestions of other potential uses of the site. No planning proposals or other DA's have been submitted suggesting a different land use at the site.

5. No need for more parking and the proposal does not consider the suggestions of the Brown 2014 Report (Camden Town Centre Multi-Storey Car Park Study).

Officer Comment

Other locations for the development of a decked car park have been considered as outlined in the Brown 2014 Report. Also the Development Application at the other suggested locations which include DA No 421/2006 at Lot 26 DP624557 and Lot 15 DP235365 John Street and Murray Street have been refused and deemed as not suitable locations for a decked car park.

The Brown Report (2014) in relation to the subject site states that:

*"Whilst not currently considered in the existing contribution plan, the relocation of the Council offices to Oran Park and creation of a civic precinct would allow provision of a multi-storey car park on the existing public car park on Oxley Street.*

*The proposal to signalise the Argyle Street/ Oxley Street intersection [now completed] would reinforce this public car park option. A multi-storey car park in this location would not impact upon any major heritage items...*

**Short, Medium, Long Term Recommendations (Public Parking)**

*At this stage [2014] additional multi-deck car parking is not required to accommodate current demands. However, the report recommends that in the medium to long term, consideration should be given to include the existing Oxley Street public car park in the contributions plan to provide a multi-deck car park in the future. This location was considered the most feasible in terms of limiting impact on surrounding areas. Signalisation of the intersection of Argyle Street/ Oxley Street would be required to maximise the success of a larger car park".*

The signalisation of the intersection mentioned above has now been undertaken and the Brown Report therefore supports the location of the decked car park at the subject site and it is suggested as the preferred location in their report. The report also supports the funding through the Section 94 Contribution Plan, which is currently under consideration.



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6. The car park should only be provided if red light turn into Oxley from Argyle Street is proposed (as per Brown Report).

Officer Comment

The Brown Report (2014) states that:

*“It should be noted that the car park usage will increase once the Oxley Street/ Argyle Street intersection is signalised thereby permitting the right turn into Oxley Street”.*

The report does not suggest that the car park will only be acceptable once this signalised turn is installed, it merely comments that the patronage of the car park would likely increase.

Furthermore, the RMS have been consulted as part of the proposal and advise that they have no objection subject to the existing no stopping area on Oxley Street on the approach to the intersection with Argyle Street (where queueing occurs) be extended. In this respect, the No Stopping sign on Oxley Street has already been relocated and is now 18m from the intersection, therefore the RMS condition has already been met.

7. The Brown Report supports the guidelines suggested by Lucas Stapleton Architects which supports the installation of a roof on the car park.

Officer Comment

There is no merit from a design and heritage impact point of view to install a roof above the car park. The Council's Heritage Consultant is satisfied with the proposed design and it complies with the adopted DCP guidance in relation to heritage and design. The Lucas Stapleton design guidance are not adopted guidance like that stated in the DCP and therefore hold little weight in the determination of applications.

8. The original Council Community Survey did not support the Oxley Street proposal.

Officer Comment

The Council has given consideration to the responses made to the proposed DA. The proposal is supported by expert consultant reports and the Council's internal and external consultees have no objection to the proposal subject to conditions.

9. Unattractive Design.

Officer Comment

The design of the proposed carpark has been assessed against the relevant controls of the DCP and is deemed to be appropriate to the character of its location. The articulation of the Oxley Street façade and use of brown-coloured face brickwork echoes the architectural features of the Oxley Street elevation of the former Foresters Hall. The use of the perforated screen wall and planted green wall provides an interesting architectural feature as part of the car park. The proposal achieves the relevant design objectives of the DCP.

10. Impact on the heritage value of the area.

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Officer Comment

The DA is supported by a Heritage impact Statement that concludes that no adverse impact to the heritage significance of the Heritage Items in the vicinity, their curtilages, and the Conservation Area in general is caused by the proposed development. Furthermore, the Council's Heritage Consultant also concludes that the design of the car park is generally considered to be appropriate with its location in this section of the Camden HCA. The proposal's impact on views and the setting of heritage items in the vicinity of the subject site is also considered to be acceptable as outlined above. The proposal meets the requirements of the LEP and DCP in relation to heritage.

11. Replacing current leafy open space

Officer Comment

Only a small part of the landscaped open space is proposed for removal as part of this proposal. The substantial open space to the front of the Civic Centre will be retained as will 23 of the existing trees. The tree lined presentation will be retained and enhanced through suitable planting which will create a soft edge to the development.

12. Removal of trees

Officer Comment

The development is supported by an Arboricultural Report, it identifies that 18 trees are proposed for removal. The arborist concludes that the removal of these trees is not considered a constraint to the development subject to their suitable replacement which is to be secured through a condition of consent. Furthermore, as part of the landscape proposal tall trees and soft landscaping are incorporated into the design, which will retain the significant component of the existing street grid pattern and continuation of the tree lined vista along Oxley Street. Council's Vegetation Management Officer and Landscape Officer are satisfied that the trees to be removed will be appropriately mitigated.

13. Does not increase disabled spaces

Officer Comment

The existing car park provides two disabled parking spaces. The proposal will maintain the existing disabled spaces on site. The disabled car parking spaces will be provided on the ground floor, undercover within close proximity to the existing access to John Street. The number of disabled spaces as proposed are in accordance with requirements of the Camden DCP 2011 and the Australian Standards.

14. Where will people park during construction?

Officer Comment

There will be some disruption to car parking during the construction phase. This is inevitable. It is the intention that alternative car parking will be made available on the corner of Oxley Street and Mitchell Street and the existing car park in Onslow Park during the construction phase. These areas will be changed to a timed 2 hour limit parking for the duration of the construction period.



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15. Employ parking rangers instead

Officer Comment

The employment of parking rangers cannot be controlled through the planning mechanism and is not a planning matter for consideration as part of this DA.

16. New studies should be undertaken once Council vacate from the area

Officer Comment

The DA is assessed based on the information that is currently available which supports the extension of the car park in this location. These buildings will be occupied by other tenants once the Council vacate.

17. The car park will mainly benefit Woolworths

Officer Comment

It is anticipated that the car park will be a benefit to the wider community and the patrons of surrounding business. A number of representations have been received in support of the application from owners of local business. These representations demonstrate that there is a need for additional car parking to support them not only the patrons of Woolworths as suggested. Who the car park will be used by is not a matter for consideration as part of the determination of the application.

18. No one will want to walk directly through a car park to access John & Oxley Streets particularly disabled, elderly or mothers with prams

Officer Comment

The development will retain the existing direct pedestrian access through to John Street. This access will be undercover and lit in the evening. The access will be accessible to prams and wheelchair users with the provision of a lift to overcome the change in levels.

19. Safety concerns – Car park design not being cohesive to security concerns (vandalism etc.) and not being well lit/visible

Officer Comment

The DA is supported by a Safer by Design Report which states that the project will require the installation of appropriate lighting, signage, directions and delineation of public and private spaces. Management of the site will be required to provide regular maintenance of landscaping, pedestrian areas, lighting, the lift, secure doors, and the building facades. With these measures in place, the proposed development is considered to be able to satisfactorily achieve the objectives required in the Safer by Design guidelines.

A Safer Design Evaluation has also been conducted and the NSW Police Force have identified the development as a low crime risk. The Police have also recommended conditions which are attached. These conditions relate to natural surveillance, lighting, landscaping, access control, installation of CCTV and graffiti management plan.

20. Council propose future decks in the future

#### Officer Comment

The proposal is assessed against the plans submitted which show a structure of a maximum height of 6m. Any request to further extend the car park in the future will require another DA and will be assessed against the relevant height controls set out in the LEP.

#### **Responses in Support:**

- Businesses require this extra parking to support the function of the town centre;
- Locality in need of extra parking;
- Enable the town centre to remain competitive – reduce shoppers going to Narellan and Oran Park;
- Good location in close proximity to Argyle and John Street;
- Can be utilised for many Camden events.

#### **FINANCIAL IMPLICATIONS**

There are no direct financial implications as a result of this DA. The financing mechanisms are not a material planning consideration.

#### **CONCLUSION**

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 248/2016 is recommended for approval subject to the conditions contained in this report.

#### **RECOMMENDED**

**That Council approve the application for demolition of part of an existing carpark, tree removal and construction of a decked carpark, on grade carparking accommodating a total of 150 vehicles, bicycle parking spaces and landscaping treatment.**

#### ATTACHMENTS

1. Site Map
2. Survey Plan
3. Architectural Plans
4. Engineering Plans
5. Drainage Plans
6. Landscape Plan
7. Recommended Conditions
8. Public Exhibition and Submissions Map - *Supporting Document*
9. Notification Map



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## ORDINARY COUNCIL

## ORD02

**SUBJECT: ADDENDUM REPORT - CONSTRUCTION OF A TWO STOREY DETACHED DUAL OCCUPANCY AND TORRENS TITLE SUBDIVISION - 2 MAWER STREET, ORAN PARK**

**FROM:** Director Planning & Environmental Services

**TRIM #:** 16/127307

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**APPLICATION NO:** DA16/2016

**PROPERTY ADDRESS:** 2 Mawer Street, Oran Park

**APPLICANT:** Mr A Krilich

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a two (2) storey detached dual occupancy and Torrens title subdivision at 2 Mawer Street, Oran Park.

The DA is re-referred to Council for determination following the deferral of this item at the 26 April 2016 meeting for a site meeting to be undertaken. One (1) submission was received objecting to the proposal that has not been resolved, requiring the application to be referred to Council for determination. **A copy of the original report is provided as attachment 1.**

Following Council's resolution to defer that matter, written and verbal dialogue was undertaken with the applicant. The matters discussed with the applicant were regarding the inclusion of additional privacy measures and the conditions as recommended in Council report on 26 April 2016. **A copy of the applicant's response to the matters raised at the 26 April 2016 meeting is provided in the Business Paper supporting documents.**

Subsequent to the Applicant's response, verbal dialogue was undertaken with the submitter. The submitter was informed of the response provided by the applicant and the design changes proposed. The response detailed the windows in Dwelling B will remain unaltered as they service only bedroom.

The applicant proposed modifications associated with the first floor balcony of Dwelling A. The modifications include a balustrade of a non-transparent material along the length of the balustrade facing South Circuit, and the incorporation of a 1.7m high privacy screen to the 1200mm return to the northern edge of the upper floor balcony. This was considered by the applicant to address the privacy concerns of the submitter. Further to this, it was confirmed the subdivision would take place following the construction of both dwellings.

The submitter was made aware of the clarifications received and the design changes proposed. The submitter was accepting of the windows in Dwelling B remaining unaltered given they only service bedrooms, but was dissatisfied with the amendments made to the upper floor balcony associated with Dwelling B as it would not address their privacy concerns.

### SUMMARY OF RECOMMENDATION

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That Council determine DA 2016/16 for the construction of a two (2) storey detached dual occupancy and Torrens title subdivision pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

## **Main Report**

### **Submission Issues**

The issues raised by the submitter relating to privacy, overlooking, BASIX commitments and subdivision have been addressed below.

#### **Issue Raised**

*The balcony to the front façade of Dwelling A will impact upon privacy to the front bedrooms.*

#### **Officer Comment**

The applicant has indicated that the balcony to Dwelling A is a key feature of the front façade and is intended to address the corner of the site for aesthetic purposes. In addition, it has been indicated that the balcony is not intended to be used for an outdoor entertaining area or high use area due to the 1.2m width which would restrict such a use.

However, subsequent to discussions between the applicant and Council officers a written response has been provided by the applicant detailing changes to address privacy concerns. This includes:

- A fixed 1.7m height privacy screen is to be located on the northern edge of the upper level balcony of Dwelling A.
- Amending the balustrade to a solid material construction or translucent glass on the South Circuit elevation to limit views downwards.

Conditions are recommended requiring the above measures are constructed.

#### **Issue Raised**

*Large windows to the front façade of Dwelling B will impact upon privacy and enable overlooking of private open space to the side and rear of the dwelling.*

#### **Officer Comment**

A discussion was had with the applicant regarding treatment to the upper floor windows of dwelling B on the front elevation. The applicant advised that the separation between dwellings has been calculated at 29m thus reducing the need for a privacy treatment to the upper level windows of dwelling B. The subject windows are to bedrooms which are considered a room of low occupancy. With this considered there is no unreasonable impact anticipated to privacy of the submitters dwelling.

Council Officers are satisfied that there is a reasonable separation distance between dwellings to ensure adequate privacy. Further it is considered that the conversion of





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these windows to highlight windows would have a negative visual impact in the streetscape.

Issue Raised

*Concerned that the two dwellings will not each have a water tank.*

Officer Comment

The applicant has submitted a BASIX certificate which details compliance with the BASIX criterion relating to water saving measures/commitments. The BASIX certificate issued requires only one (1) of the dwellings to contain a water tank. However, the applicant has agreed to provide a water tank to each dwelling.

A condition is recommended requiring the additional rainwater tank to be installed.

Issue Raised

*Was of the impression that the site would not be further subdivided and the east boundary would not allow for street access for another dwelling.*

The subdivision component of the application meets the subdivision requirements under the DCP and SEPP, including the location of the proposed driveway. There is no restriction on title preventing access along the eastern boundary. The resulting subdivision is permissible, and will provide additional housing opportunities within Oran Park.

**Issues arising from Council Meeting**

Timing of subdivision

At the Council Meeting of 26 April 2016, the applicant raised issue with the timing of the subdivision for the development. It was requested that the conditions of consent be changed to allow a subdivision certificate to be issued after an occupation certificate was issued for one (1) dwelling only.

Subsequent to that meeting and discussions with the Council officer, the applicant has agreed that the original conditions as recommended by the Council officers remain that being, for the subdivision to occur post construction of the dwellings.

**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 16/2016 is recommended for approval subject to the conditions contained in this report.

**RECOMMENDED**

**That Council approve the development application for the construction of a two storey detached dual occupancy and Torrens title subdivision and associate works at 2 Mawer Street, Oran Park.**



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ATTACHMENTS

1. Previous Council Report - 26 April 2016
2. Recommended Conditions
3. Proposed Plans
4. Floor Plans - *Supporting Document*
5. Submission - *Supporting Document*
6. Response from Applicant - *Supporting Document*
7. Public Exhibition and Submissions Map - *Supporting Document*



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## ORDINARY COUNCIL

### ORD03

**SUBJECT: SUBDIVISION TO CREATE 19 RESIDENTIAL LOTS, 1 RESIDUE LOT, ROAD CONSTRUCTION, LANDSCAPING AND ASSOCIATED CIVIL WORKS - 2 LONGVIEW ROAD, GLEDSDOOD HILLS**

**FROM:** Director Planning & Environmental Services

**TRIM #:** 16/112919

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**APPLICATION NO:** 1438/2015

**PROPERTY ADDRESS:** 2 Longview Road, Gledswood Hills

**APPLICANT:** Sekisui House Camden Valley Pty Ltd

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the subdivision of Stage 24B of The Hermitage Estate to create 19 residential lots, 1 residue lot, road construction, landscaping and associated civil works at 2 Longview Road, Gledswood Hills.

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

### SUMMARY OF RECOMMENDATION

That Council determine DA 1438/2015 for the subdivision of land to create 19 residential lots, 1 residue lot, road construction, landscaping and associated civil works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

### THE PROPOSAL

DA 1438/2015 seeks approval for the subdivision of land to create 19 residential lots, 1 residue lot, road construction, landscaping and associated civil works.

Specifically the proposed development involves:

- Creation of 19 residential Torrens title lots, ranging in size from 343m<sup>2</sup> to 495m<sup>2</sup>;
- One (1) residue lot;
- Construction of a new local road to be dedicated to Council;
- Minor earthworks;
- Civil works, including drainage, services, landscaping, acoustic attenuation; and
- Associated works.

The proposed works include the acoustic treatment of the rear yards of Lots 250 to 259 through the provision of a 1.8m high solid boundary fence.

The value of works is \$715,000.

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

**THE SITE**

The site is commonly known as 2 Longview Road, Gledswood Hills and is legally described as part of Lot 2468 DP 1197381.

The site has an area of approximately 1.048 hectares, with a frontage of approximately 130m to Rochford Road to the south. The subject land is located to the east of Camden Valley Way and south of The Hermitage Way. Completed Stage 24A of The Hermitage is located further south.

The subdivision provides for Stage 24B of the Hermitage Estate, which forms part of the Turner Road Precinct of the South West Growth Centre. The Camden Valley Country Club (formerly Camden Valley Golf Club) is located to the north of the site, while further north is the former El Caballo Blanco tourist park site.

The site is currently vacant, with remediation works and site works being carried out under previous development consents. The site also contains an approved drainage basin in the south west corner, situated on the former golf course land.



It is noted that three consents apply to the site of the proposed works, being DA 189/2014, DA 268/2014 and DA 802/2014.



Landscaped entry works to The Hermitage Way were approved at the subject site under DA 802/2014 on 8 October 2014.

Subdivision and associated works, including the stormwater detention and sediment basin, were approved at the subject site under DA 268/2014 on 8 July 2014. This consent included the subdivision of land to create 66 residential lots (Stage 24A), 5 super lots, and 1 residue lot. The residue lot is now the subject of this DA 1438/2015).

Bulk earthworks and remediation works were approved at the subject site under DA 189/2014 on 27 May 2014. This consent has been activated and works in Stage 24 have commenced. As such, this consent allows for the approved earthworks and remediation to be undertaken in advance of any subdivision consent for the subject site being issued.

### **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.

<b>State Environmental Planning Policy (Sydney Region Growth Centres) (SEPP)</b>			
	<b>Standard</b>	<b>Proposed</b>	<b>Compliance</b>
4.1 Minimum Lot Size	An area of less than 300sqm (but not less than 250sqm)	The proposed residential lots vary from 343m <sup>2</sup> to 495m <sup>2</sup>	Yes
4.1C Residential Density – Turner Road Precinct	Consent must not be granted unless the Consent Authority is satisfied that the delivery of 4,020 new dwellings in the Turner Road Precinct can be achieved. Each subdivision must contain provision to encourage a mix of dwelling types to be provided	This DA proposes 19 residential lots and therefore contributes to the overall minimum dwelling density targets set out by this clause. The proposed subdivision layout provides for a mix of dwelling types through the provision of a range of lot sizes	Yes
6.1 Public Utility Infrastructure	Essential public utility infrastructure to service the development to be available, or arrangements in place to ensure it will be provided.	The site will be serviced by appropriate public utility infrastructure including water, electricity and sewer.	Yes
<b>Turner Road Development Control Plan 2014 (DCP)</b>			
A 2.1 Indicative Plan (ILP)	Layout Development to be in accordance with the indicative layout plan (ILP)	The proposed development is generally in accordance with the requirements of the ILP, with the exception of the minimum	<b>No – DCP variation 1</b>



		<p>residential density requirements.</p> <p>The ILP indicates the subject area as medium density however the proposed lots reflect lower density development.</p>	
A 2.3 Residential Density Targets	The residential density target for sub-precinct B of 214 dwellings must be achieved	<p>The proposal seeks approval for an additional 19 residential lots in sub-precinct B, bringing the current total to 115 residential lots in this sub-precinct.</p> <p>There are 2 further stages in sub-precinct B. The development of these future stages should ensure the density target is met.</p>	Yes
A 3.1 Street Network and Design	<p>Street network design must be provided in accordance with the ILP and Street Network Plan.</p> <p><b>A copy of the Street Network Plan is provided as an attachment to this report.</b></p> <p>Local streets must have a carriageway width of 7.4m</p>	<p>The proposed street network provides for a grid pattern which will generally be in accordance with Figure 5 of the Turner Road DCP and the ILP. The road to be constructed as part of Stage 24B includes one local street.</p> <p>Local streets are consistent with the DCP. The local road provides a total width of 11.9m to allow for a 7.4m carriageway, a 3.5m verge to the side of the road with lot frontages, and a 1m verge to the perimeter of the proposed reserve proposed and is satisfactory.</p>	<p>Yes</p> <p>Yes</p>
A 7.2 Block and Lot Layout	No more than 40% of the lots may be of the same lot type (lot frontage)	<p>Frontage:            11.01 -13m = 42%            13.01m -15m = 32%            15.01m - 17m = 26%</p>	<b>No – DCP Variation 2</b>



## **ASSESSMENT**

### **Zoning and Permissibility**

Zoning:	R1 General Residential
Permissibility:	The development proposes the subdivision of land which is permissible under clause 2.6 of the SEPP

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

State Environmental Planning Policy(s) - S79C(1)(a)(i)	State Environmental Planning Policy No 55 – Remediation of Land - Compliant with conditions recommended where necessary  Deemed State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River - Compliant with conditions recommended where necessary  State Environmental Planning Policy (Sydney Region Growth Centres) 2006 - Compliant with conditions recommended where necessary
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable
Development Control Plan(s) - S79C(1)(a)(iii)	Turner Road Development Control Plan 2007 - Generally compliant with variations proposed as discussed below.
Planning Agreement(s) - S79C(1)(a)(iiiia)	Revised Gledswood Hills Planning Agreement executed on 12 October 2015 - Compliant with conditions recommended where necessary
The Regulations - S79C(1)(a)(iv)	None applicable
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)	The development is in the public interest

### **Compliance with Plans or Policies**

#### **DCP Variation 1 – Indicative Layout Plan**

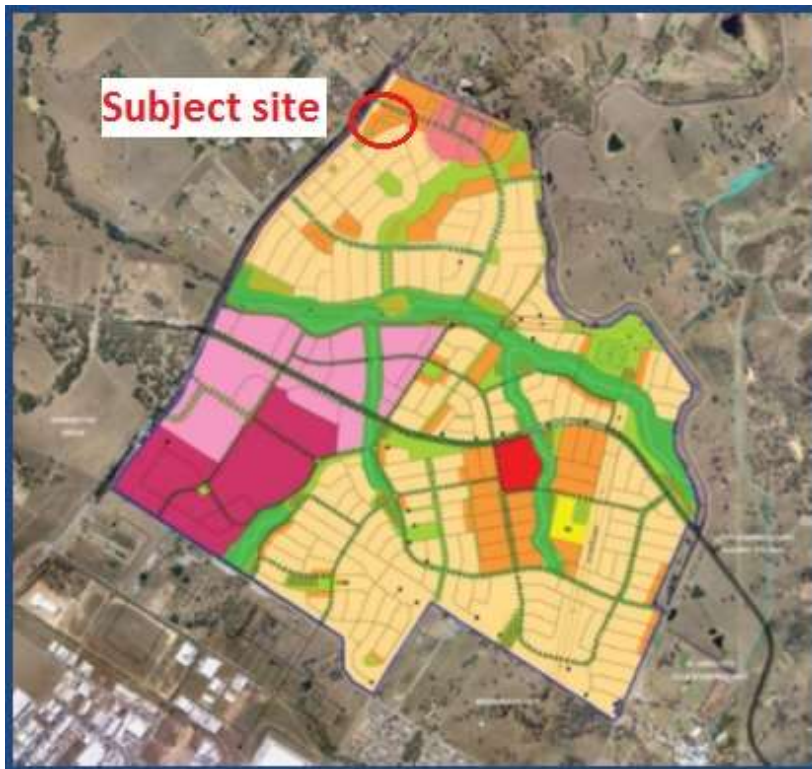
##### *DCP Control*

The proposed development is generally in accordance with the requirements of the Indicative Layout Plan (ILP), with the exception of the minimum residential density requirements.

The site is identified on the ILP as being “Medium Density Residential” and “Public Reserve” land. **A copy of the ILP is provided as an attachment to this report.**

Low density development is defined as being 12.5 - 20 dwellings per hectare and medium density development is defined as being 20 - 40 dwellings per hectare.

The proposed development is considered low density residential and provides a residential density target of 18dw/Ha.



### *Variation Request*

The proposed development is of a lesser density than that envisaged under the ILP with a net residential density of 18dw/Ha (i.e. low density). Whilst the proposed net residential density of 18dw/Ha is not medium density as identified under the ILP, it is considered generally consistent with the objectives and dwelling targets identified by the ILP. This is demonstrated by the fact that the development will still meet the residential dwelling targets of sub-precinct B, despite being low density development, with future DAs in this sub precinct anticipated to be lodged in the near future.

### *Council Staff Assessment*

The residential dwelling target for the Turner Road Precinct is 4284 dwellings. In order to ensure the residential dwelling target is achieved, as part of a subdivision application, an applicant is to demonstrate to Council that the sub-precinct dwelling targets will be achieved. Dwelling yield may be 'traded' between sub-precincts as long as it meets the overall targets and objectives of the DCP and ILP. Where a variation to the sub-precinct dwelling targets is proposed, an applicant is to demonstrate that the overall Turner Road dwelling target of 4284 dwellings for the precinct can still be achieved.

The proposal seeks approval for an additional 19 residential lots in sub-precinct B, bringing the current total to 115 residential lots.

There are 2 further stages in sub-precinct B. The development of these future stages are identified should ensure the density target is met.

The proposal would achieve 18 dwellings per hectare, however, the overall forecast of approximately 1,240 dwellings within The Hermitage is above the minimum dwelling





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yield of 1,227 dwellings across the Sekisui component of Turner Road residential dwelling targets.

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

#### DCP Variation 2 – Block and Lot Layout

##### *DCP Control*

The DCP requires a diverse range of lot types and frontages. No more than 40% of the total residential lots proposed may be of the same lot type. For the purposes of this control, a lot type is primarily determined by lot frontage, but other variables that may be considered are access and configuration.

##### *Variation Request*

The DCP requires that no more than 40% of lots may be of one lot type. The proposed subdivision application includes the following lot mix based on the lot widths replicated below:

- 11.01-13m = 42%;
- 13.01m-15m = 32%; and,
- 15.01m- 17m = 26%.

Based on this lot mix the proposal does not comply as 42% of lots have a width within the 11.01m-13m range.

This non-compliance is considered minor in nature and is considered acceptable given the proposal maintains a range of lot types with varying areas, frontages, and depths that will facilitate a mix of housing types and dwelling sizes.

##### *Council Staff Assessment*

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

- the subdivision continues to provide a range of densities, lot sizes and potential for differing future dwelling types which will allow the fostering of a diverse community and interesting streetscape;
- the proposed subdivision is considered to achieve the objectives of the DCP controls;
- to comply with the 40% lot mix control, 7.6 lots would need to be with the frontage range of 11.01 to 13m. The proposal includes 8 lots within this range; and
- the proposed variation is minor in nature.

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

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## **Key Issues**

The key issues associated with the DA are limited to DCP variations and submissions issues discussed in this report.

## **Submissions**

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 5 January 2016 to 19 January 2016. Two submissions were received (both objecting to the proposed development).

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

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

1. *Concerns that the drainage pipe from the detention/sediment basin directs water to properties across Camden Valley Way through an Roads and Maritime Services culvert which appears to be in breach of the natural flow of water.*

### Officer comment

A detention and sediment basin adjacent to the western boundary of the site was previously approved under DA 268/2014. The sediment basin manages and controls stormwater flows from the subdivision and development of the land, and addresses water quality of these flows through the provision of bio-retention measures such as a rain garden. Council's development engineers have assessed the capacity of the basin and confirmed that the basin can withstand the additional stormwater capacity of the proposed subdivision. The proposal will therefore have no further impact on the existing basin.

The basin utilises an outlet directed to a pipe which is connected to a culvert crossing under Camden Valley Way, which has been recently constructed as part of the road upgrades. The culvert conveys water from east to west, which are legal points of discharge for the subject site.

2. *Concerns that the dams located on the private properties on the opposite side of Camden Valley Way were inundated and polluted in January 2016.*

### Officer comment

The inundation of water to the properties on the opposite side of Camden Valley Way has been investigated by Council's officers, who inspected the site following this incident. The cause of the pollution event was the result of poor construction programming and techniques as the contractor on site un-buried a capped stormwater pipe that exists within the acoustic mound that separates the development and Camden Valley Way. By un-capping the pipe, water within the basin flowed into the stormwater pipeline, flowed beneath Camden Valley Way and subsequently into the properties located on the opposite side of Camden Valley Way. The contractors were effectively issued with a Prevention Notice to ensure that no further pollution events occur in the future. Council officers advised that no water is to be released from the sediment basin until a water quality facility is constructed through the provision of a bio-retention basin. The provision of a bio-retention basin will ensure that the stormwater is filtered and released into the stormwater pipes at a slower rate.



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Following Council's investigation of the pollution event, contact was made with both residents on Camden Valley Way advising that the investigation of the pollution event had been completed. It was also advised that the contractors at The Hermitage had offered to clean up both of the dams that were polluted. The contractors had offered a process of flocculation to clean up both of the dams. The flocculation event involves the following:

1. Gypsum, a soluble and non-toxic product is added to the dams;
2. The gypsum will react with suspended clay particles via an electromagnetic charge causing the suspended clay particles to set; and
3. The process of coagulation will result in the formation of larger clay particles which, causes the clay particles to sink and settle on the base of the dam reducing the visible turbidity of the water.

The residents responded to this advice by declining the offer to clean the dams. It was requested by the residents that the flocculation process be delayed for a number of months on the basis that there are concerns with the process of applying the gypsum product to the dam and the quality of water that will exist after the process is completed.

Subsequent contact was made by Council to the residents to advise that the contractors are unable to provide a deferral of the flocculation process. It is anticipated that the sediment will settle within the dams. Since the pollution event in January 2016, no further incidents have occurred.

### **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 1438/2015 is recommended for approval subject to the conditions attached to this report.

### **RECOMMENDED**

**That Council approve DA 1438/2015 for the subdivision of Stage 24B to create 19 residential lots, 1 residue lot, road construction, landscaping and associated civil works at 2 Longview Road, Gledswood Hills subject to the conditions attached to this report.**

### **ATTACHMENTS**

1. Recommended Conditions
2. Engineering Plans
3. Subdivision Plan
4. Street Network Plan
5. Turner Road Indicative Layout Plan
6. Public Exhibition and Submissions Map - *Supporting Document*
7. Submissions - *Supporting Document*



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## ORDINARY COUNCIL

### ORD04

**SUBJECT:** SUBDIVISION - 92 RESIDENTIAL LOTS, 11 RESIDUE AND 1 DRAINAGE RESERVE LOT, DEMOLITION, REMEDIATION, TREE REMOVAL, RIPARIAN WORKS, ROAD AND DRAINAGE WORKS, LANDSCAPING AND ASSOCIATED SITE WORKS - 719, 721, 729 AND 735 CAMDEN VALLEY WAY, CATHERINE FIELD.

**FROM:** Director Planning & Environmental Services

**TRIM #:** 16/95321

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**APPLICATION NO:** 1134/2015

**PROPERTY ADDRESS:** 719, 721, 729 and 735 Camden Valley Way, Catherine Field.

**APPLICANT:** Metro Property Development Pty Ltd

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for subdivision to create 92 residential lots, 11 residue lots and 1 drainage reserve lot, demolition of existing structures, remediation of contaminated land, tree removal, riparian works, road and drainage construction, landscaping and associated site works at 719, 721, 729 and 735 Camden Valley Way, Catherine Field.

The DA is referred to Council for determination as one submission was received objecting to the proposed development.

### SUMMARY OF RECOMMENDATION

That Council determine DA 1134/2015 for subdivision to create 92 residential lots, 11 residue lots and 1 drainage reserve lot, demolition of existing structures, remediation of contaminated land, tree removal, riparian works, road and drainage construction, landscaping and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

### THE PROPOSAL

DA 1134/2015 seeks approval for subdivision to create 92 residential lots, 11 residue lots and 1 drainage reserve lot, demolition of existing structures, remediation of contaminated land, tree removal, riparian works, road and drainage construction, landscaping and associated site works.

Specifically the proposed development involves:

- Subdivision to create 92 residential lots with areas between 300m<sup>2</sup> and 2293m<sup>2</sup>;
- Subdivision to create 11 residue lots (1014, 1015, 1016, 1097, 1098, 1099, 1100, 1101, 1102, 1103 and 1104),
- Creation of 1 drainage reserve lot (Lot 1017) to contain the drainage basin;



- 
- Demolition of all existing structures within the subject site;
  - Remediation of contaminated land,
  - Removal of approximately 10 trees;
  - Construction of 8 local roads, 2 laneways and an intersection which connects Road No.1 to Camden Valley Way;
  - Construction of a drainage basin required by the Section 94 contributions plan;
  - Revegetation and rehabilitation works within the riparian corridor;
  - Installation of street trees; and
  - Associated site works.

The value of works is \$6,925,840.00

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

#### **THE SITE**

The site consists of four existing parcels commonly known as 719, 721, 729 and 735 Camden Valley Way, Catherine Field and is legally described as Lots 2, 3 & 4 DP 31996 and Lot 291 DP 708154.

The site is located on the western side of Camden Valley Way with a frontage of approximately 200m to Camden Valley Way and a total site area of approximately 9.29 hectares.

There are three existing dwellings and associated outbuildings located on the site.

A tributary of South Creek traverses the northern portion of the site. This area is contained within the riparian corridor and contains the only vegetation on the site.



### KEY DEVELOPMENT STATISTICS

The development has been assessed against the relevant planning controls and is generally compliant, with the exception of variations as outlined below.

Below is a summary of the key development statistics associated with the DA and the variation proposed.

<b>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</b>			
	<b>Standard</b>	<b>Proposed</b>	<b>Compliance</b>
4.1 Minimum Lot Size	1500m <sup>2</sup> in E4 zone	2068m <sup>2</sup>	<b>Yes</b>
4.1AB Minimum Lot Sizes for Residential Development in R2 Low density and R3 Medium Density zones	Minimum lot size for a dwelling house is 300m <sup>2</sup>	300m <sup>2</sup>	<b>Yes</b>
4.1B Minimum Residential Density	Minimum densities in the R2 zoned land to comply with areas "O" – 15 dwellings per hectare	The density for the proposed development is 18.25 dwellings/ha	<b>Yes</b>
6.1 Public Utility	Essential public utility infrastructure to service	The site will be serviced by	<b>Yes</b>



Infrastructure	the development to be available, or arrangements in place to ensure it will be provided.	appropriate public utility infrastructure including water, electricity and sewer and a condition is recommended to ensure that this occurs.	
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<b>Camden Growth Centres DCP</b>			
	<b>Standard</b>	<b>Proposed</b>	<b>Compliance</b>
2.2 The Indicative Layout Plan (ILP)	Development to be generally in accordance with the ILP	The proposal is generally consistent with the ILP, in that it provides for a grid network with a clear road hierarchy.	<b>Yes</b>
3.1 Residential Density and Subdivision	No more than 40% of the total residential lots proposed may be of the same lot type.	The proposal includes a variation to allow 44% of one lot type.	<b>No – See DCP Variation 1</b>
3.1.2 Block and Lot Layout	Lot size and lot frontages by density bands to comply with Figures 3-2 and 3-3	The proposed lots exceed the minimum lot size of 300m <sup>2</sup> and all lots exceed the minimum lot width of 9m for dwellings within the 15dw/ha density band.	<b>Yes</b>
3.3 Movement & Layout	Local streets must have a carriageway width of 9m	7 of the proposed roads propose a carriageway of 7.4m.	<b>No – See DCP Variation 2</b>

## **ASSESSMENT**

### ***Zoning and Permissibility***

Zoning:	R2 Low Density Residential, R3 Medium Density Residential, E4 Environmental Living and SP2 Infrastructure.
Permissibility:	“earthworks”, “drainage” and “roads” are all permissible land uses in the R2, R3 and E4 zones.



	<p>Local roads and local drainage are permissible in the SP2 zone shown on map tile 009 zoning map of SEPP.</p> <p>Subdivision is permissible with consent under the provision of clause 2.69 of the SEPP.</p>
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**Environmental Planning and Assessment Act 1979 – Section 79(C) Matters for Consideration**

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<p><u>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</u> Fully compliant subject to conditions.</p> <p><u>State Environmental Planning Policy No 55 – Remediation of Land (SEPP)</u> Compliant subject to conditions being imposed.</p> <p><u>Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SEPP)</u> Compliant subject to conditions being imposed.</p>
Local Environmental Plan - S79C(1)(a)(i)	None applicable.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	<u>Camden Growth Centres DCP</u> Generally compliant with the exception of two variations as discussed in the report.
Planning Agreement(s) - S79C(1)(a)(iiia)	None.
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions.
Likely Impacts - S79C(1)(b)	The likely impacts are discussed in the Key Issues section of this report.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	One submission was received which is discussed in the Submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

**Compliance with Plans or Policies**

DCP Variation 1 – Lot Mix

*DCP Controls*

The DCP specifies that no more than 40% of the total residential lots proposed may be of the same lot type.

*Variation Request*

The applicant proposes a minor variation to exceed the number of lots permitted with a similar lot frontage band. A variation is proposed to enable 44% of the lots to have a





frontage of between 9 and 11m. The lot frontages have been proposed to meet with the housing product design of the land owner being the Metro Property Development Company.

#### *Council Staff Assessment*

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

- The variation is minor in nature resulting in 3.6 additional lots in the 9-11m lot width band. The variation as proposed will not prevent the development from achieving the objective of the control which is to create coherent streetscapes.
- The variation will not have any impact when considering the overall masterplan and the future integrated housing development that will occur on the residue lots created as part of this subdivision.

#### DCP Variation 2 – Carriageway Widths for Local Streets

##### *DCP Controls*

The table below outlines the DCP requirements and the proposed carriageway widths:

Road	DCP Carriageway	Proposed Carriageway	Compliance
<b>Local Roads</b>	9m	7.4m	<b>No</b>

##### *Variation Request*

The applicant proposes a number of variations to the road control, design controls of the Camden Growth Centres Precincts Development Control Plan 2013. The principle variation is the provision of 7.4m wide local roads for Roads No. 2, 4, 5, 6, 7 and 8 where the DCP requires the provision of 9m wide local roads.

DA 228/2014 was approved by the Joint Regional Planning Panel, and was the first residential subdivision approved in the Catherine Fields Part Precinct. The proposed variations to the road cross section widths are proposed to be consistent with the approved road designs under DA 228/2014.

Given the determination of this previous application, it is considered this set the precedent for the road network in this locality. In order to achieve consistency in the road network design and a cohesive built environment the application is considered worthy of support.

#### *Council Staff Assessment*

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

- The *Environmental Planning and Assessment Act 1979* and Camden Growth Centres Precincts DCP provides flexibility in applying DCP controls. The proposed development is consistent with the relevant objectives of the DCP as the width is of a dimension that enables acceptable vehicle movements in the locality;

- 
- The varied road cross sections for the local roads are in accordance with approved DA 228/2014 which was the first approval within the precinct and effectively set the street network design;
  - 7.4m carriageways match the required minimum carriageways width for local roads in the Oran Park Growth Centre precinct and that of Turner Road further to the east.
  - A 7.4m wide roadway is proposed for Roads No. 2, 4, 5, 6, 7 and 8. This will allow on street parking on both sides of the street and facilitate vehicular traffic to travel through the streets at low speeds;
  - The DCP shows Road No.1 as a key local street. A carriageway width of 9m is provided for this street.
  - The proposed variation satisfies the street network principles in the Camden Growth Centre DCP;
  - Council's Traffic Unit is satisfied with the reduced carriageway widths.

### **Key Issues**

The key issues associated with the DA are limited to the DCP variations and the one submission discussed in this report.

### **Submission**

The DA was publicly exhibited for 30 days in accordance with the DCP as a nominated integrated application. The exhibition period was from 22 October 2015 to 20 November 2015. One (1) submission was received objecting to the proposed development. The application was amended to include remediation of contaminated land, and was subsequently readvertised for an additional 30 days. No additional submissions were received.

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

#### *1. Access and egress issues with a left in left out intersection.*

##### Officer comment:

The proposed development has been referred to Roads and Maritime Services (RMS) and Council's Traffic Section who have raised no issue with the proposed access and egress associated with the development. The intersection will be designed to the AUSTRROAD standards. Camden Valley Way has been designed and constructed as a divided dual carriageway, which does not facilitate right in and right out traffic. Council's Traffic Unit are of the opinion that the left in and out arrangement will remain permanently. It is considered that the left in and out will have no adverse traffic impacts.

#### *2. No sewer connection to the site.*

##### Officer comment:



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Clause 6.1 of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 requires Council to be satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

The application was referred to Sydney Water for comment regarding the supply of water and disposal and management of sewage for the proposed subdivision. Sydney Water have advised that an interim arrangement can be put in place until the permanent trunk and lead in wastewater mains is built by the adjoining land owner. Sydney Water have advised that this interim arrangement is feasible and is likely to involve a small pumping station on the subject land which will be pumped to an existing wastewater mains. A condition of consent will require the applicant to obtain a Section 73 certificate from Sydney Water. Sydney Water will assess the details of the proposed interim arrangement at that stage.

*3. Limited capacity of electrical infrastructure.*

Officer comment:

The application was referred to Endeavour Energy for comment regarding the supply of electricity. Endeavour Energy have advised that the existing network in the area can accommodate a maximum of 107 single dwelling lots in the area. The applicant will need to submit an application for connection of load for the site via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined at that stage. A new padmount substation may be required within the property to service the development. A condition of consent will require that satisfactory arrangements are made with the energy supplier prior to the issue of a subdivision certificate.

*4. Lack of availability of social infrastructure*

Officer comment:

The development will be subject to Section 94 Contributions for open space and recreation facilities which will be payable as a condition of consent. Monies paid will be used in the future to provide community facilities when the precinct is further developed.

A pedestrian/bicycle path will be constructed and dedicated to Council for community use as required by the DCP. This will be constructed prior to the completion of the subdivision.

*5. Request to be kept informed of the asbestos contamination on the site.*

Officer comment:

The application was readvertised to include remediation once it was determined that part of the land was contaminated and required remediation. The submitter was renotified of the amended application.

There are 7 areas identified on site affected by hydrocarbon contamination, 8 areas affected by fill material and builders rubbish and 5 areas affected by surface rubbish. The areas of contamination are mainly around the existing buildings.

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The strategy for remediation within the RAP involves excavation of the contamination soils in hydrocarbon areas and either disposal off site to a landfill or bioremediation in a stockpile area of the site. The strategy for all other areas involves excavation and waste classification and landfill disposal as either general solid waste and also as special waste "asbestos waste".

Conditions have been imposed to ensure this work is undertaken in accordance with the referenced reports and associated legislation.

### **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 1134/2015 is recommended for approval subject to the conditions contained in this report.

### **RECOMMENDED**

**That Council approve the application for subdivision to create 92 residential lots, 11 residue lots and 1 drainage reserve lot, demolition of existing structures, remediation of contaminated land, tree removal, riparian works, road and drainage works; landscaping and associated site works at 719, 721, 729 and 735 Camden Valley Way Catherine Field subject to the recommended conditions.**

### **ATTACHMENTS**

1. Recommended Conditions
2. Proposed Plans
3. Catherine Field ILP
4. Letter from Sydney Water
5. Email from Endeavour Energy
6. Public Exhibition and Submissions Map - *Supporting Document*
7. Submission - *Supporting Document*



## ORDINARY COUNCIL

**ORD05**

**SUBJECT: PROPOSED AMENDMENT NO. 31 TO CAMDEN LEP 2010 - 347 NARELLAN ROAD, CURRANS HILL (LOT 2 DP 1019708)**

**FROM:** Director Planning & Environmental Services

**TRIM #:** 16/103182

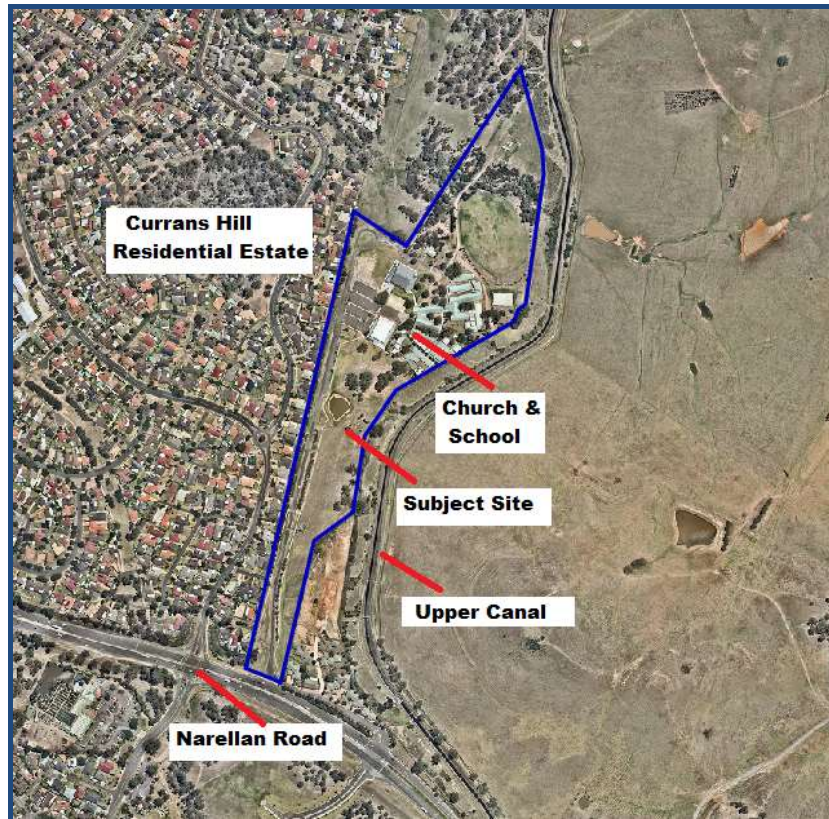
### PURPOSE OF REPORT

The purpose of this report is for Council to consider a draft Planning Proposal to amend the minimum lot size for land at 347 Narellan Road, Currans Hill and to seek a Council resolution to forward the Planning Proposal to the Department of Planning and Environment (DoPE) for Gateway Determination.

The draft Planning Proposal is provided as **Attachment 1 to this report**.

### BACKGROUND

The original Planning Proposal was lodged by Precise Planning on behalf of the land owner. The subject land (as shown in **Figure 1**) is Lot 2 DP 1019708 and is known as 347 Narellan Road, Currans Hill. The land is irregular in shape with a total area of 14.1ha. The land is currently a single lot containing at its northern end, a church (C3) and a private school, (Mt Annan Christian College).



**Figure 1: Locality Map (Source: Council Mapping System)**

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The western and eastern boundaries are bordered by the suburb of Currans Hill and the Sydney Catchment Authority upper canal respectively. Vehicle access to the site is provided by a private road with a signalised intersection to Narellan Road.

Council received the original Planning Proposal on 3 October 2013. The original Planning Proposal proposed to rezone the land from RU2 Rural Landscape to R2 Low Density Residential to facilitate seniors housing and amend the minimum lot size to permit subdivision.

The original Planning Proposal was reviewed and not supported by Council officers. Council officers considered that whilst the proposed seniors housing use had merit, a rezoning to R2 Residential would permit a much broader range of uses.

The proponent subsequently investigated an alternative path under the State Environmental Planning Policy - Seniors Housing and People with a Disability (SEPP Seniors Housing) (Site Compatibility Certificate) (SCC). This path could facilitate seniors housing and remove the need for rezoning of the land. The Planning Proposal was subsequently placed on-hold, whilst the proponent applied for a SCC with the DoPE.

A summary of the proposed seniors housing development and Council's submission to DoPE was reported to Council on 23 September 2014. The report considered the application for a SCC to be consistent with the requirements of the SEPP Seniors Housing. Council endorsed the submission to the DoPE providing in-principle support for seniors housing, subject to Council's concerns being addressed regarding traffic, bulk and scale, visual impacts and impact of the nearby transmission easement.

The DPE issued a SCC on 28 September 2015.

The SCC as issued is provided as **Attachment 2 to this report** will allow for a 'two storey building for Residential Aged Care Facility with associated serviced self-care semi-detached houses including community park, ambulance bay & associated car parking' to be located to the south of the existing church and school. The SCC does not stipulate the number of beds in the Residential Aged Care Facility or the number of serviced semi-detached houses.

The SCC is not a development approval, but rather permits the use approved under the SCC. A development application (DA) is required to be lodged for assessment as per the standard DA approval process.

Following the issue of the SCC, on 18 February 2016 the proponent submitted an amended Planning Proposal to Council. The amended draft Planning Proposal seeks to vary the minimum lot size to facilitate subdivision of the seniors housing proposal from the school and church site.

## **MAIN REPORT**

### **The amended Draft Planning Proposal**

The amended draft Planning Proposal (2016) seeks to amend the current minimum lot size of 40ha applying to the land with 2 proposed minimum lot sizes of 2 ha and 10 ha.



Figures 2 and 3 show the current and proposed minimum lot sizes.

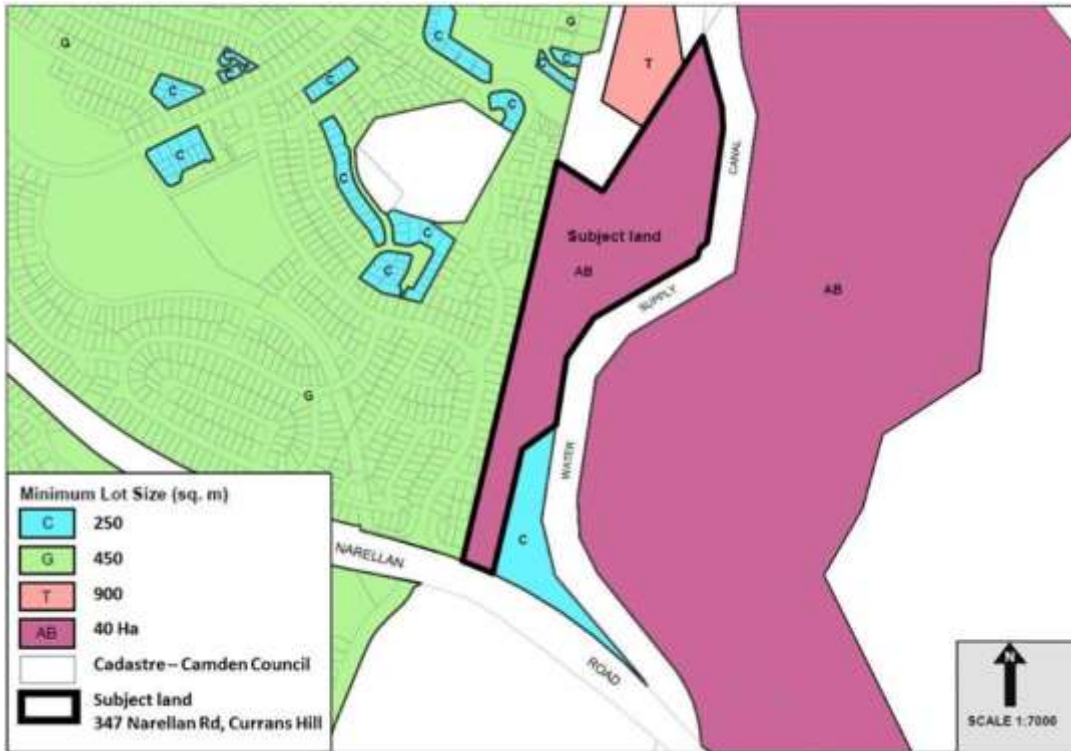


Figure 2 – Current minimum lot size - Camden LEP 2010

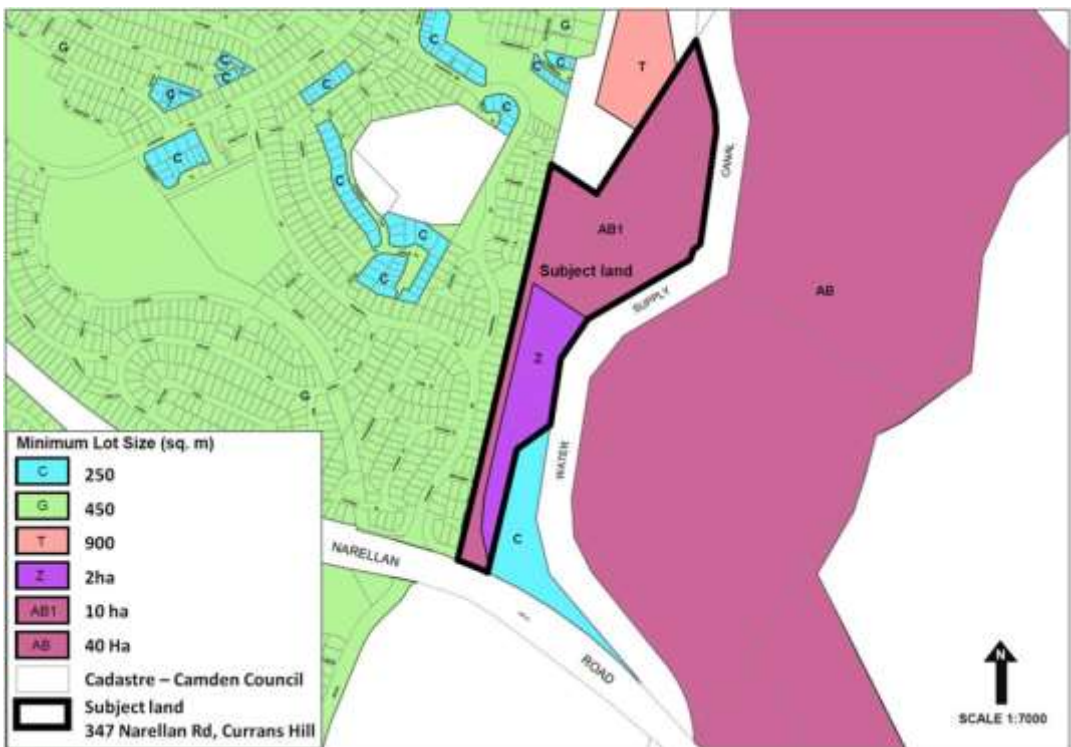


Figure 3 – Proposed minimum lot size - Camden LEP 2010

Table 1 below provides a summary of the proposed changes regarding the 2 minimum lot sizes of 2 ha and 10 ha for the subject land.

Table 1: Comparison of existing and proposed provisions under Camden LEP 2010

Minimum Lot Size	Existing	Proposed
	• 40ha	• 2 ha and 10 ha

### Planning Considerations

There are no additional impacts as a result of this draft Planning Proposal. Any impacts related to the future seniors housing development will be considered as part of a future Development Application (DA).

### Subdivision

The draft Planning Proposal will vary the minimum lot size to 2 ha and 10 ha to allow for a future 2 lot subdivision with the seniors housing to be contained on the smaller lot (2 ha) and the larger lot (10 ha) to retain the existing school and church.

The proponent has advised that a future boundary adjustment of approximately 1 ha will be undertaken for the purpose of transferring an encroachment of an earth batter and detention basin that is being maintained by the subject land for the benefit of the adjoining land (359 Narellan Road, Currans Hill). The proposed minimum lot sizes will enable this boundary adjustment to be undertaken in addition to the 2 lot subdivision of the land.

### Next Steps

Should Council resolve to forward the draft Planning Proposal to the DoPE for Gateway Determination, the following steps will occur:

- Notify the proponent of the outcome of this report;
- Should the DoPE not support the draft Planning Proposal the proposal will not proceed;
- Should the draft Planning Proposal proceed through Gateway, the draft Planning Proposal will be placed on public exhibition for a period of 14 days or as otherwise required by the Gateway Determination; and
- A letter notifying owners in the vicinity of the subject site will be sent to advise them of the proposal; and
- Following Gateway Determination, consultation will occur with public authorities, as required;
- If no unresolved submissions are received, the Planning Proposal will be forwarded to DoPE for the Plan to be made; or
- If unresolved submissions are received during the exhibition period, a further report to Council will be prepared.

### LEP Delegation

Council has delegation pursuant to Section 23 of the *Environmental Planning and Assessment Act 1979* for this Planning Proposal. This will enable Council to streamline the processing of the Planning Proposal. The request for delegation will be made as part of the Gateway submission. The General Manager is Council's nominated delegate.





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## **FINANCIAL IMPLICATIONS**

There are no direct financial implications for Council as a result of this report.

## **CONCLUSION**

The amended draft Planning Proposal lodged in February 2016 seeks to amend the minimum lot size on the subject land under Camden LEP 2010. The proposed minimum lot sizes of 2 ha and 10 ha will facilitate a future subdivision to enable seniors housing to be contained on a separate lot from the existing church and school.

Should Council resolve to endorse the draft Planning Proposal, it will be forwarded to the DoPE for Gateway Determination. Subject to Gateway Determination, the Planning Proposal will proceed to public exhibition for a period of 14 days.

## **RECOMMENDED**

**That Council:**

- i. endorse the Planning Proposal for 347 Narellan Road, Currans Hill to be forwarded to the Department of Planning and Environment for Gateway Determination and advise that Council will be using its delegation pursuant to Section 23 of the Environmental Planning and Assessment Act 1979;**
- ii. subject to receiving a favourable response from the Department of Planning and Environment, proceed directly to publicly exhibit the Planning Proposal and consult with the relevant agencies in accordance with the requirements of the Gateway Determination;**
- iii. subject to no unresolved submissions being received, forward the Planning Proposal Amendment No. 31 Camden LEP 2010 for 347 Narellan Road, Currans Hill to the Department of Planning and Environment for the Plan to be made;**
- iv. if unresolved submissions are received, require a further report to Council outlining the result of the public exhibition; or**
- v. should the planning proposal not receive Gateway approval, notify the proponent that the planning proposal will not proceed.**

## **ATTACHMENTS**

1. Draft Planning Proposal for 347 Narellan Rd with attachments(4)
2. Certificate of Site Compatibility - 347 Narellan Road CURRANS HILL



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## ORDINARY COUNCIL

### ORD06

**SUBJECT: CAMDEN CONTRIBUTIONS PLAN 2011 – DRAFT AMENDMENT**

**FROM:** Director Planning & Environmental Services

**TRIM #:** 16/33927

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### PURPOSE OF REPORT

The purpose of this report is to advise Council of the outcome of the public exhibition of the amendments to the Camden Contributions Plan 2011 and to recommend that Council adopt the amended Plan, as provided as **Attachment 1 to this report**.

### BACKGROUND

The Camden Contributions Plan 2011 came into force on 26 April 2012 and is Camden's principle Section 94 contributions plan for development outside the growth centres. The Plan collects Section 94 contributions for open space, community and recreation facilities and for the Elderslie and Spring Farm urban release areas. The Plan also collects contributions for car parking facilities in Narellan and Camden Town Centres.

In relation to carparking in the Camden Town Centre, the Plan currently collects contributions for the construction of a decked car park, with John/Murray or Larkin Place provided as the location of the decked car park.

On 10 July 2006, Council refused a Development Application (DA421/2006) for a decked carpark at John/Murray Street on the grounds of heritage impact, character, building height and public safety.

In 2014, an external study was undertaken (by Brown Consulting) of potential decked car park locations within the Camden Town Centre. The sites reviewed were:

- 1 John/Murray Street
- 2a Oxley Street
- 2b Oxley/Mitchell Street
- 3 Larkin Place
- 4 Hill/John Street

The Brown study ranked the five (5) sites against detailed criteria and rated the Oxley Street site (Site 2a) the highest. The Brown study also recommended that in the medium to long term, consideration should be given to include the existing Oxley Street car park in the contributions plan to provide a multi-deck car park.

At its meeting on 25 November 2014, Council resolved to undertake a range of infrastructure upgrades in the Camden Town Centre and selected Oxley Street (referred to as Site 2a) as the preferred location for a decked carpark. Council's resolution reads (in part):

- vi. progress further investigation and design of the decked car park in Oxley Street (Site 2a);*



- vii. *undertake an amendment to the Camden Contributions Plan 2011; (ORD251/14)."*

### MAIN REPORT

In accordance with Council's resolution, the Plan has been amended to provide Oxley Street as the location of the decked carpark.

The amendment also modifies the car parking contribution schedule for Camden. The new contribution rate represents a reduction of \$13,071 per additional space.

Current Rate	Proposed Rate
\$52,260	\$39,189

A cost estimate was prepared (by MBM Quantity Surveyors) in March 2016 for a car park that could ultimately provide 119 additional spaces in a 2 storey configuration. The construction of the decked carpark will be undertaken in 2 stages:

Stage 1 - to provide 51 additional spaces in a single storey decked structure.

Stage 2 - to provide a further 68 spaces in a 2 storey configuration. Stage 2 will only commence following completion of a car parking analysis that demonstrates the demand for the additional 68 spaces contained in stage 2. The car parking analysis must commence prior to funds being collected for the 38th additional space (or 75% of all stage 1 contributions).

Upon contributions being collected for the 119 additional spaces, Council will cease collecting contributions for additional spaces in the decked carpark.

### Proposed Amendment Post Exhibition

During the public exhibition, Council officers further considered the application of the Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012 (s94E). The Section 94E Direction caps the maximum amount a Council is able to levy on certain Section 94 Plans.

With indexation, the contribution is nearing the cap in areas where the cap applies. It is noted that the cap does not apply to the car parking contribution. To ensure Council does not levy above the cap it is recommended that an amendment be made to clarify that no amount greater than the cap needs to be paid.

This is considered a minor amendment and does not affect the intent or material benefit of the amended Plan, and therefore does not require re-exhibition.

A copy of the amended Plan is provided as **Attachment 1** to this report.

### Public Exhibition

The amended Plan was placed on public exhibition for 28 days from 29 March to 28 April 2016.

Advertisements were placed in the local newspaper to advise of the exhibition period and invite submissions. Copies of the amended Plan were placed on display at Council's Customer Service Centres in Camden and Narellan as well as Camden and Narellan Libraries and Council's website.



The amended Plan was publicly exhibited simultaneously with the Development Application (DA) for the proposed construction of the carpark. As such, a number of the submissions received raised issues relating to both the DA and the amended Plan.

To ensure all submissions are addressed, this report considers submissions made on both the DA and the amended Plan, where the submissions raise matters regarding the amended Plan including the cost of construction, cost per space and parking demand.

A table of all submissions and responses is provided as **Attachment 2** to this report. A copy of all submissions received (including the submissions relating to the amended Plan and DA) is provided under separate cover. A summary of the submission issues is provided below.

**Summary of Submissions**

<b>Issue</b>	<b>Officer response/ consideration</b>
Borrowing money from the Narellan Development Fund is not acceptable	Legally Council may access the pool of funds collected in a Section 94 Plan for the completion of works within a Plan.  This is done to ensure the timely completion of works within a Plan. This may occur even if funds have not yet been collected for a specific line item or category within the Plan.
The carpark is not supported by Councils own traffic consultant	The Brown study recommends that in the medium to long term, consideration should be given to include the existing Oxley Street public car park in the contributions plan to provide a multi-deck car park.  The Brown study recommends Oxley Street as the preferred car park location.
Browns report concluded that additional off-street parking was not likely to be required in the short to medium term and recommended enhanced enforcement of long-stay parkers	The Brown study recommends that in the medium to long term, consideration should be given to include the existing Oxley Street public car park in the contributions plan to provide a multi-deck car park.  This location was rated the highest in terms of the selection criteria.
The cost of the carpark is too high for an additional 52 spaces	The design of the carpark can facilitate 119 additional spaces across 2 stages, in addition to the existing 99 spaces.  The cost of the car park is based on a detailed cost estimate.  The cost per car space proposed in the amended Plan is less than the cost per space in the current Plan.



Issue	Officer response/ consideration
Have those that paid contributions been asked about using the fund for the Oxley street location?	<p>The current Plan collects money for the provision of car parking within the Camden Town Centre precinct. Council can make amendments to a contributions plan.</p> <p>The amended Plan has been placed on exhibition for public comment.</p>
<p>Inadequate financial resources are available for such a significant piece of infrastructure.</p> <p>Significant debt would need to be entered into to support the project which per unit of car parking spaces would represent a gross overspend of community funds.</p>	<p>Monies are available from the Camden Contributions Plan to fully fund Stage 1 without borrowing externally.</p> <p>Legally a Council may access the pool of funds collected in a Section 94 Plan for the completion of works within a Plan. This is done to ensure the timely completion of works within a Plan. This may occur even if funds have not yet been collected for a specific line item or category within a Plan.</p>
Better regulation of the current car parking	The provision of well-located parking provides an incentive to encourage visitors, residents and businesses to the Camden Town Centre.
By scheduling the exhibition of these plans over the Easter holidays, would result in a poor if not a failure outcome. Once again the continue to display their lack of concern for the community input and opinion	The amended Plan was placed on public exhibition on 29 March 2016, the Tuesday after the Easter break, and was available on exhibition for a 28 day period in accordance with the requirements of the Environmental Planning and Assessment Regulation (2000).
Council should wait until they move to Oran Park and reassess parking demand. It seems a waste to spend our rates on a project that goes against the conclusions found by the Traffic and Transport study by Browns.	<p>Council's administration building has a B2 Local Centre zoning and it is envisaged that the future use of the building may have a similar demand for parking as the current use.</p> <p>The car park is to be funded from Section 94 developer contributions and not from rates.</p> <p>The Brown study recommends that in the medium to long term, consideration should be given to include the existing Oxley Street public car park in the contributions plan to provide a multi-deck car park.</p>
Most expensive carpark / cost is too high	<p>The cost of the initial Stage 1 construction is \$3.5 million. This is based on a detailed cost estimate.</p> <p>It is noted that stage 1 includes the lift and structural designs that "future proof" the design and enables a second stage to be constructed,</p>



Issue	Officer response/ consideration
	<p>subject to demand and future Council approval.</p> <p>The cost per space in the amended Plan is less than the current cost per space in the current Plan.</p>
<p>The \$3.3 million would be better spent providing additional spaces in other locations.</p>	<p>The Brown study reviewed 5 potential locations for additional parking. The Oxley Street site was rated the highest against detailed criteria and provides additional car parking in close proximity (approx. 50m) to the centre of the main shopping precinct.</p>
<p>The CP amendment cannot be lawfully approved as Council are still considering the proposed carpark</p>	<p>There is no requirement for a DA to be approved for an item to be included in a contributions Plan. The proposed carpark is being collected for based on future demand.</p>
<p>The need for the decked carpark has not been justified and the proposed amendment should not be approved as Council relies on an out of date Haliburton HBR Study</p>	<p>The Haliburton HBR Study is one of a number of studies that have informed the demand for the proposed decked car park at Oxley Street.</p> <p>Council officers have reviewed key statistics and information, including current population projections and trends, and vehicle ownership rates, and consider that the demand for a decked carpark in this location remains consistent with the Haliburton Study.</p>
<p>Councils proposed structure is being engineered to take further levels, will this contravene the Camden LEP 2010 height limit and therefore cannot be included in the Contributions Plan.</p>	<p>Inclusion of the proposed carpark does not bind Council to grant consent to the works in the works schedule.</p> <p>Should Stage 2 proceed Council would need to consider a DA on its merit, and also consider development standards contained within the Camden LEP 2010 and other relevant policies.</p>

**FINANCIAL IMPLICATIONS**

The proposed amendment to the Camden Contributions Plan 2011 gives Council the ability to continue to collect contributions towards the provision of a decked car park in Oxley Street, Camden. Council may access the funds collected in a Section 94 Contributions Plan for the completion of works within a Plan.

The proposed cost per additional car parking space is less than is identified in the current Contributions Plan.

**CONCLUSION**

A total of 97 submissions have been received with respect to the public exhibition of the amended Plan (and DA). Having considered the submissions and issues raised as relevant to the amended Plan, in accordance with the provisions of the *Environmental Planning and Assessment Act (1979)* and Environmental Planning and Assessment



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Regulation 2000, it is recommended that Council adopt the amended Plan accordance with **Attachment 1** to this report.

### **RECOMMENDED**

#### **That Council:**

- i. Adopt the amendments to Camden Contributions Plan 2011 as amended;**
- ii. Notify the public of Council's decision to adopt the amendment in a local newspaper within 28 days in accordance with Clause 31 of the Environmental Planning and Assessment Regulation 2000; and**
- iii. Send a copy of the adopted Plan to the Department Planning and Environment.**

#### **ATTACHMENTS**

- 1. Post Exhibition Version Camden Contributions Plan 2011 Highlighted Package  
05 05 2016**
- 2. Response to Submissions Camden Carpark CP Amendment (3)**



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## ORDINARY COUNCIL

### ORD07

**SUBJECT: TENDERS T010/2016 - SUPPLY OF TABLES AND T011/2016 -  
SUPPLY OF OFFICE CHAIRS**

**FROM:** Director Community Infrastructure

**TRIM #:** 16/125778

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### PURPOSE OF REPORT

To provide details of the tenders received for contracts T010/2016, being the supply of tables and T011/2016, being the supply of office chairs to Camden Council's new Administration Centre at Oran Park, and to recommend that Council accept the tenders submitted by Deziign Interiors and HEQS Pty Ltd respectively.

### BACKGROUND

ADCO Constructions Pty Ltd were appointed to be the Principal Contractor for the project in 2015 and are currently undertaking the main construction works. Procurement of loose furniture is outside of ADCO's scope of works.

#### **Tables – T010/2016**

This tender includes the supply of tables to be used for meeting rooms and customer service areas within the new Administration Centre. The specifications, prepared by the Architects, include 150 tables of several different sizes and functions.

#### **Office Chairs – T011/2016**

This tender includes the supply of 359 office chairs to be used by Council staff at the new Administration Centre. One type of office chair will be used by all staff in the new office. It has been recognised that the chair selected needs to meet staff requirements for comfort, adjustability, and durability.

The performance specifications for the chair were developed by Council officers in conjunction with an external occupational therapist, who carries out Council's workplace WHS assessments.

Prior to going to tender, staff also reviewed samples of different types of chairs and provided comments. This feedback along with Work Health Safety requirements was incorporated into a tender specification.

### MAIN REPORT

#### **Tender Submissions**

##### **Tables – T010/2016**

An open request for tender submissions was advertised on 26 February 2016. Tenders were received on 22 March 2016 from the companies listed below, in alphabetical order:





Company	Location
Adaptive Interiors	Wagga Wagga
Aspect Furniture Pty Ltd	Sydney City
Business Interiors by Staples	Mascot
Dezign Interiors	Katoomba
Jardan	Rosebery
Kfive	Sydney City
Officemax	Derwent Park (Tasmania)
Stem Intelligent Seating	Boronia (Victoria)
Stylecraft	Alexandria
Wilkhahn	Alexandria
Workarena	Macquarie Park
Workspace Commercial Furniture	Rosebery

### Office Chairs – T011/2016

An open request for tender submissions was advertised on 16 March 2016. Tenders were received on 6 April 2016 from the companies listed below in alphabetical order:

Company	Location
Able Office Furniture P/L	Penrith
Actisafe Pty Ltd	Maison Dieu
Adaptive Interiors	Wagga Wagga
Australian Workstation Manufacturers	Alexandria
BizFurn Express Australia	Auburn
Business Interiors by Staples	Mascot
Cavan Enterprises Pty Ltd	Smeaton Grange
Complete Office Supplies Pty Ltd	Lidcombe
Concept Office Furniture	Narellan
Dezign Interiors	Katoomba
Direct Ergonomics Pty Ltd	Sydney
HEQS Furniture Pty Ltd	Chippendale
KFive+Kinnarps	Sydney
Kulbardi Pty Ltd	Belmont (WA)
Living Brands Group Pty Ltd	Alexandria
Nepean Office Furniture & Supplies	Penrith
Nufurn Pty Ltd	Condell Park
Officeworks Superstores Pty Ltd	East Bentleigh (VIC)
Stem Intelligent	Kilsyth (VIC)
W & D Solutions P/L	Granville
Winya Pty Ltd	Beverley Park
Workarena	Macquarie Park
Workspace Commercial Furniture	Rosebery
Zenith Interiors Pty Ltd	Surry Hills

### Tender Evaluation

The intention of the tender process was to source suppliers who are able to supply tables and office chairs that meet Council's specifications and provide the best value to Council.

Tender evaluation panels were established for each tender, and the submissions were assessed on price and non-price factors as agreed by the evaluation panel. Price was given a weighting of 50% and non-price factors a weighting of 50%.

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Non-price factors considered for this project included:

- completion of the returnable schedules;
- proposed warranty;
- satisfaction of Council's performance specifications;
- quality of products offered; and
- confirmation of delivery program.

An assessment of the tenders was undertaken in line with the Tender Evaluation Plans. A summary of the tender evaluation for each tender can be found in the **Supporting Documents**, which is Commercial-in-Confidence.

### **Tables – T010/2016**

Dezign Interiors provided the most competitive tender in terms of price and non-price factors, and met the requirements of Council's tender documentation.

The recommended company is a third generation family company with over 40 years' experience in the commercial furniture market. Their manufacturing facilities are local to the project (Prestons).

The Evaluation Panel concluded that the tender by Dezign Interiors represents best value to Council.

### **Office Chairs – T011/2016**

Samples of the chairs that met the specified requirements with competitive pricing, were reviewed by the Evaluation Panel. The final selected chair includes all Council's specified requirements.

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

HEQS Pty Ltd has been providing wholesale furniture supply for 10 years and have provided references from similar projects.

The Evaluation Panel concluded that the tender by HEQS Pty Ltd represents best value to Council.

### **Relevant Legislation**

These tenders have been conducted in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2005 and Council's Purchasing and Procurement Policy.

### **Critical Dates / Timeframes**

Upon acceptance of these tenders, orders will be placed with the recommended companies immediately. This will allow the tables and office chairs to be supplied within the required timeframe.



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## **FINANCIAL IMPLICATIONS**

A large portion of Council's existing tables and office chairs are due for replacement. All tables and office chairs at Council's existing premises will be auctioned, with the funds received being used to off-set the cost of this new furniture.

The tender prices recommended are within the budget allocation for these elements of the project and sufficient funds are available to accept these tenders.

## **CONCLUSION**

Dezign Interiors and HEQS Pty Ltd have provided conforming tenders. The tender assessments conclude that their offers represent the best value to Council for the supply of tables and office chairs.

## **RECOMMENDED**

**That Council:**

- i. accept the tender provided Dezign Interior for the supply of tables for the lump sum of \$112,548 (GST exclusive);**
- ii. accept the tender provided by HEQS Pty Ltd for the supply of office chairs, for the lump sum of \$133,189 (GST exclusive);**
- iii. authorise the relevant documentation to be completed under Council's Power of Attorney, granted on 23 February 2016, Minute Number ORD 15/16.**

## **ATTACHMENTS**

1. Tender T010/2016 - Assessment Summary - Administration Building Oran Park - Tables - *Supporting Document*
2. Tender T011/2016 - Assessment Summary - Administration Building Oran Park - Office Chairs - *Supporting Document*