



# Camden Council

## Business Paper

**Ordinary Council Meeting**  
**8 November 2016**

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**Camden Council**  
**Administration Centre**  
**70 Central Avenue**  
**Oran Park**



## 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
DoIRE	Department of Industry Resources and Energy
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
GSC	Greater Sydney Commission
LAP	Local Approvals Policy
LEP	Local Environmental Plan
LGA	Local Government Area
MACROC	Macarthur Regional Organisation of Councils
NSWH	NSW Housing
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
SREP	Sydney Regional Environmental Plan
STP	Sewerage Treatment Plant
VMP	Vegetation Management Plan
WSROC	Western Sydney Regional Organisation of Councils

General Manager  
Ron Moore      Mayor  
Lara Symkowiak

Director Customer and Corporate Services  
David Reynolds

Director Planning and Environmental Services  
Nicole Magurren

Manager Governance and Corporate  
Services  
Charles Weber

Director Community Infrastructure  
Vince Capaldi

# SEATING DIAGRAM

Camden Council Meeting

Councillor  
Rob Mills

Councillor  
Ashleigh Cagney

Councillor  
Theresa Fedeli

Councillor  
Eva Campbell

Councillor  
Peter Sidgreaves

Councillor  
Paul Farrow

Councillor  
Michael Morrison

Councillor  
Cindy Cagney

Media

Public Address

Public Seating





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# ORDINARY COUNCIL

## ORDER OF BUSINESS - ORDINARY COUNCIL

Prayer .....	6
Acknowledgement of Country .....	7
Recording of Council Meetings .....	8
Apologies.....	9
Declaration of Interest.....	10
Public Addresses .....	11
Confirmation of Minutes .....	12
Mayoral Minute .....	13

ORD01	Construction of a New Child Care Centre and Associated Site Works at 4 Raintree Way, Mount Annan. ....	14
ORD02	Proposed Amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 - East Leppington.....	32
ORD03	Western Sydney Rail Needs Scoping Study Submission Paper.....	40
ORD04	Tender - T017/2016 - Tree Maintenance Services .....	48
ORD05	Tender T001/2017 - Narellan Sports Hub - Stage 1 Construction of Civil Works, Services and Netball Courts.....	51

### NOTICES OF MOTION

ORD06	Notice of Motion - Camden and District Hospital.....	55
ORD07	Notice of Motion - Council Administration Buildings .....	56



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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

\*\*\*\*\*

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

Amen

\*\*\*\*\*

### AFFIRMATION

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

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

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

\*\*\*\*\*

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

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

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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 1993*, this meeting is being audio recorded by Council staff for minute taking purposes.

No other recording by a video camera, still camera or any other electronic device capable of recording speech, moving images or still images 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 1993*, 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 session in the Council Meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper.

The Public Address session will be conducted in accordance with the Public Address Guidelines. Speakers must submit an application form to Council's Governance team no later than 5.00pm on the working day prior to the day of the meeting.

Speakers are limited to one topic per Public Address session. Only seven speakers can be heard at any meeting. A limitation of one speaker for and one speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' or should only be considered where the total number of speakers does not exceed seven at any given meeting.

Where a member of the public raises a question during the Public Address session, 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 question per speaker per meeting.

Speakers should ensure that their statements, comments and questions comply with the Guidelines.

All speakers are limited to four minutes, with a one minute warning given to speakers prior to the four 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, or make a point of order ruling if a speaker breaches the Guidelines.

### **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 25 October, 2016 and the Minutes of the Local Traffic Committee Meeting of 18 October, 2016.

### **RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting held 25 October, 2016 and the Minutes of the Local Traffic Committee Meeting of 18 October, 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: CONSTRUCTION OF A NEW CHILD CARE CENTRE AND ASSOCIATED SITE WORKS AT 4 RAINTREE WAY, MOUNT ANNAN.**

**FROM:** Director Planning & Environmental Services

**TRIM #:** 16/241559

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**APPLICATION NO:** DA 262/2016

**PROPERTY ADDRESS:** 4 Raintree Way, Mount Annan

**APPLICANT:** Winim Developments 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 construction of a new child care centre and associated site works at 4 Raintree Way, Mount Annan.

The DA is referred to Council for determination as there remain unresolved issues received in four submissions (from two property addresses).

### SUMMARY OF RECOMMENDATION

That Council determine DA 262/2016 for the construction of a new child care centre and associated site 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 262/2016 seeks approval for a proposed child care centre and associated site works.

Specifically the proposed development involves:

- Construction of a 120 place child care centre;
- Provision of play rooms, an administration office, pram store, laundry, kitchen, staff amenities, art preparation room and store room;
- Car park to provide 30 car parking spaces;
- 19 staff;
- Proposed operating hours of 6:00am to 7:00pm, Monday to Friday;
- Landscaping works; and
- Associated site works.

The cost of works is \$2,398,241.

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

**THE SITE**

The site is commonly known as 4 Raintree Way, Mount Annan and is legally described as Lot 1 in DP 1129436. The site is irregular in shape and has an overall area of approximately 2,691sqm. The site has a natural slope in a north easterly direction, with a fall of approximately 2.5m. The site is currently vacant.

The site is located on the north western edge of the Mount Annan town centre. Land to the west is low density residential development containing one and two storey detached dwellings. Land to the south east is an operating car wash and, to the south on the opposite side of Raintree Way, is a car parking area for the Coles supermarket and surrounding retail and commercial uses. The land on the north eastern side of Holdsworth Drive is vacant and zoned B2 Local Centre.



**KEY DEVELOPMENT STATISTICS**

The development has been assessed against the relevant planning controls and is compliant. Below is a summary of the key development statistics associated with the DA.

Camden Local Environmental Plan 2010			
Clause	Requirement	Provided	Compliance
4.3 Height of Buildings	Maximum 9.5m building height.	Proposed 5.686m building height.	Yes.
7.5 Child Care Centres	Ensure that child care centres do not unreasonably impact on the amenity of adjoining	The proposed child care centre has been designed with indoor and outdoor play areas	Yes.



Camden Local Environmental Plan 2010			
Clause	Requirement	Provided	Compliance
	residential development.  Ensure that child care centres do not adversely affect traffic and pedestrian safety due to increased traffic congestion.	oriented away from residential development to minimise amenity impacts.  The traffic report submitted with the application demonstrates that the centre will not have an unacceptable impact on the surrounding road network. The report has been reviewed by Council's traffic engineers who are satisfied the development is acceptable.	Yes

Camden Development Control Plan 2011			
Control	Requirement	Provided	Compliance
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy.	The acoustic report submitted with the DA presents the findings of an assessment of the potential noise generated by the proposed development on the surrounding development (from operational noise such as air conditioners and vehicles), and noise from children at play.  The report also considered the impact of road traffic noise on the proposed development.  A 2.1m high acoustic barrier is proposed along the Holdsworth Drive boundary to attenuate road traffic noise. A 1.8m high solid fence is proposed to be retained along the boundary shared with	Yes





Camden Development Control Plan 2011			
Control	Requirement	Provided	Compliance
		<p>the adjoining residential dwellings.</p> <p>Council's Environmental Health Officer has reviewed the conditions of the adjoining car wash to determine if there would be any noise impacts on the proposed child care centre. There is an existing 2.5m high acoustic barrier on the eastern boundary that separates the outdoor play area and the carwash at 2 Raintree Way. It is considered that the carwash is appropriately attenuated so there will be no unacceptable noise impacts on the proposed child care centre.</p> <p>Council's Environmental Health Officer reviewed the acoustic report and confirmed the predicted operational noise of the child care centre is satisfactory.</p> <p>Conditions of consent are recommended to ensure the child care centre is operated so as to prevent unacceptable impacts on adjoining properties. The conditions are discussed in the Submissions section later in this report.</p>	
B2 Landscape Design	A landscape plan is required.	A landscape plan was provided with the DA. Council's landscape officer has reviewed the proposal and raises no objection subject to conditions of consent.	Yes





Camden Development Control Plan 2011			
Control	Requirement	Provided	Compliance
		The recommended conditions include the provision of a landscape strip between the car park and the residential boundary fence, and landscaping to be provided within the 500mm setback between the acoustic barrier and the boundary on Holdsworth Drive.	
B5.1 Off street car parking	1 car parking space per 4 children.  1 of the car parking spaces shall be designed for people with a disability.	120 children / 4 = 30 spaces.  30 car spaces have been provided inclusive of accessible parking space.	Yes
D5.1 Child Care Centres – Site Planning	Child care centres on residential zoned land must be located on a site with a minimum site area of 1200sqm and have a 20m frontage measured at the building line.  All child care centres must be licensed by the NSW Department of Education and Communities (DEC).	The subject site is zoned B2 Local Centre and this control is therefore not applicable. Notwithstanding this, the site achieves these minimum standards.  A condition is recommended requiring a licence to be issued by DEC prior to the building being operational.	Yes  Yes
	Not permitted on a site with access to a road via a carriageway of less than 7.4m at any one points.	The site has access to Raintree Way which has a carriageway of more than 7.4m.	Yes
	Child care centres not to have a frontage to a cul-de-sac or no through road.	The site has vehicular access onto Raintree Way which is not a cul-de-sac or a no through road.	Yes
	Child care centres should be located where traffic control devices do not impede vehicular	The site has vehicular access onto Raintree Way which contains a roundabout. The	Yes



Camden Development Control Plan 2011			
Control	Requirement	Provided	Compliance
	access into the site.	roundabout does not impede access into the site. A traffic report was submitted with the DA to address vehicle movements and safety of the roundabout. Council's traffic engineers have reviewed the report and raised no objection subject to conditions of consent to improve the safety of the roundabout including additional signage and an increase in the radius of the roundabout to improve traffic circulation.	
	Child care centres should be located where children will not be adversely affected by land contamination, excessive noise or air pollution.	The proposed development is not located where children will be exposed to contamination, excessive noise or air pollution.	Yes
	Child care centres shall not be located on sites fronting or abutting a classified roads, where a traffic conflict may occur, on industrial lands, on sites which are flood affected or within transmission lines or on unsewered sites.	The subject site has road frontage to both Raintree Way and Holdsworth Drive. Holdsworth Drive is a collector road and Raintree Way is a private local road. The development will not result in traffic conflicts as discussed throughout this report.	Yes
		The subject site is not flood-affected land, is not located in close proximity to transmission lines and is a sewerred site.	Yes
	Not within 100m measures in a straight line from any part of the	There are no approved restricted premises or sex services within	Yes



<b>Camden Development Control Plan 2011</b>			
<b>Control</b>	<b>Requirement</b>	<b>Provided</b>	<b>Compliance</b>
	<p>site to approved restricted premises or sex services premises.</p> <p>Not within 55m measured in a straight line from any part of the site boundary to an above ground liquid petroleum gas tank that has a capacity of 8 kilolitres or less.</p> <p>Must be accompanied by a Phase 1 contamination investigation undertaken in accordance with Council's Management of Contaminated Lands Policy.</p> <p>Child care centres must have access to potable water.</p> <p>Kitchen fit-out must comply with the Food Act and Regulations and Council's Food Premise Code.</p>	<p>100m of the subject site.</p> <p>The subject site is not within 55m of an above ground liquid petroleum gas tank.</p> <p>A phase 1 contamination report was submitted with the DA which confirms that the site is suitable for its intended use. Council's Environmental Health Officer has reviewed the contamination report and is satisfied the site is suitable for a child care centre.</p> <p>The subject site is serviced by water and sewer.</p> <p>Council's Environmental Health Officer has reviewed the kitchen fitout and has recommended conditions of consent.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Built Form, Scale and Character	For non-residential zones, the building design must complement the desired built form, scale and character for the neighbourhood.	The subject site is zoned B2 Local Centre. The design of the development compliments both the local centre and the adjoining residential properties. The bulk and scale of the proposed development is compatible with the mixed residential and commercial character of the area, and is acceptable with respect	Yes



Camden Development Control Plan 2011			
Control	Requirement	Provided	Compliance
	<p>Architectural elements which articulate the front and other facades visible from the public domain must be incorporated into the overall building design to create visual interest. Large expanses of blank and unarticulated walls must be avoided.</p> <p>Entrances to buildings should be orientated towards the front of the site facing the street.</p>	<p>to building bulk as viewed from the street and neighbouring properties.</p> <p>Each façade is articulated. The building creates visual interest.</p> <p>The main entrance is oriented towards Raintree Way.</p>	<p>Yes</p> <p>Yes</p>
Setbacks	The front setback area may only be used for access, car parking and landscaping purposes and not for outdoor play areas and the like.	The front setback is only used for access, car parking and landscaping.	Yes
Acoustic Amenity	An acoustic assessment report prepared in accordance with Council's Environmental Noise Policy by a consultant qualified in acoustics which details compliance with acoustic criteria of that Policy.	<p>An acoustic report was submitted with the DA.</p> <p>A 2.1m high acoustic barrier is proposed along the Holdsworth Drive boundary to attenuate road traffic noise. A 1.8m high solid fence is proposed to be retained along the boundary shared with the adjoining residential dwellings.</p> <p>Council's Environmental Health Officer has reviewed the conditions of the adjoining car wash to determine if there would be any noise impacts on the proposed child care centre. There is an existing 2.5m high</p>	Yes



Camden Development Control Plan 2011			
Control	Requirement	Provided	Compliance
		<p>acoustic barrier on the eastern boundary that separates the proposed outdoor play area and the carwash at 2 Raintree Way. It is considered that the carwash is appropriately attenuated to ensure there will be no unacceptable noise impacts on the proposed child care centre.</p> <p>Council's Environmental Health Officer has reviewed the report and confirmed the predicted operational noise of the child care centre is satisfactory.</p> <p>Conditions of consent are recommended to ensure the child care centre is operated so as to prevent impacts on adjoining properties.</p> <p>The conditions are discussed in the submissions section later in this report.</p>	
	Outdoor play areas must be located to minimise noise for adjoining neighbouring properties.	The outdoor play area is located to the east of the subject site facing the adjoining carwash to ensure it does not impact unreasonably on the adjoining residential properties.	Yes
	For larger centres, the number of children participating in outdoor activities and play time at any one time must be controlled to ensure satisfactory acoustic	An assessment of all children playing outdoors simultaneously has been included within the acoustic report. It is considered that the	Yes



Camden Development Control Plan 2011			
Control	Requirement	Provided	Compliance
	impacts for neighbouring properties. The acoustic report submitted with the application must outline any necessary restrictions on numbers to ensure such satisfactory acoustic impacts.	outdoor play of all children simultaneously will not impact on neighbouring properties. Therefore, the number of children permitted to play outdoors at the same time will not be restricted. A condition is recommended to ensure that outdoor play does not occur between 6:00am-7:00am and 6:00pm-7:00pm.	
Landscaped Area	A landscape concept plan must be submitted with a DA for a child care centre.	A landscape plan was submitted with the DA. Seven street trees are proposed along Holdsworth Drive to match the existing street trees along this road. The proposed landscaping is satisfactory subject to conditions of consent which aims to further soften the carpark and acoustic barrier along Holdsworth Drive.	Yes
Fencing	Details of all fencing must be shown and consideration must be given to maximising privacy and noise reduction, ensuring safety of children, and all fencing must be of a type and colour consistent with the residential character of the area so as to minimise the centres impact on the streetscape.	Detail of proposed fencing has been provided with the DA. An existing 1.8m high Colorbond fence is proposed to be retained to the west adjoining the existing residential dwellings. An existing 2.5m high acoustic barrier will be retained to the east which adjoins the existing carwash. A 2.1m high solid acoustic fence with translucent barriers at regular intervals is proposed to the northern elevation to attenuate noise impacts	Yes



Camden Development Control Plan 2011			
Control	Requirement	Provided	Compliance
		<p>from Holdsworth Drive. The acoustic barrier has been setback 500mm off the boundary and a condition is recommended to provide a landscape strip in front of this fence to minimise visual impacts on the streetscape.</p> <p>The type and scale of proposed fencing is considered to be of a scale which is compatible with adjoining residential development.</p>	
Open Space	Open space requirements are to comply with the requirements set out in the <i>Children's (Education and Care Services) Supplementary Provisions Regulation 2012</i> .	The open space complies with the requirements of the <i>Children's (Education and Care Services) Supplementary Provisions Regulation 2012</i> .	Yes
Access and Car Parking	<p>The driveway and car parking layout are to be designed to allow for safe delivery and collection of children and for safe movement and parking of parent, visitor and service vehicles. Where possible, vehicular access and pedestrian access shall be separated.</p> <p>A traffic study will be required to support the development application prepared by a suitably qualified consultant and address the adequacy of the access arrangements, car parking layout and the impact of the additional traffic generated by the</p>	<p>Council's Traffic Engineers are satisfied that the design of the access driveways and the layout of the car parking areas provide safe access for the delivery and collection of children, staff, parents, visitor and service vehicles.</p> <p>The DA has been accompanied by a traffic and car parking assessment report. The report concluded that the existing road network can accommodate the proposed development without any significant impacts. The report</p>	<p>Yes</p> <p>Yes</p>



Camden Development Control Plan 2011			
Control	Requirement	Provided	Compliance
	<p>proposed centre on the local road system.</p> <p>Access and car parking shall comply with Part B5 of the DCP. 1 space per 4 children. Based on a maximum of 120 children, the proposal generates the need for 30 car spaces.</p> <p>Parking spaces to be fully contained within the site.</p> <p>A drop off area must be provided fully contained within the site and clearly shown on a plan.</p>	<p>confirms that the internal access arrangements and parking layout is satisfactory. Traffic safety improvements are proposed to the roundabout at the Raintree Way access point, such as additional signage. Council's traffic engineers have recommended a condition that the radius of the roundabout be increased to improve traffic movement, efficiency and safety.</p> <p>The traffic report was assessed by Council's Traffic Engineers, who recommend approval subject to the imposition of conditions.</p> <p>A total of 30 off-street parking spaces are provided.</p> <p>All parking spaces are contained within the subject site.</p> <p>The car parking provides for the adequate, safe and efficient drop off and collection of children.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Hours of Operation	Where a site is located outside of a residential zone, the proposed hours of operation must be included in the application. Within	The subject land is zoned B2 Local Centre. The proposed development will operate between 6.00am and 7.00pm,	Yes





Camden Development Control Plan 2011			
Control	Requirement	Provided	Compliance
	residential zoned land the standard hours of operation will be restricted to between 7.00am and 7.00pm, Monday to Friday (excluding public holidays).	Monday to Friday. However, the site adjoins a residential zone and consideration has been given to this interface.  The extended hour between 6:00am and 7am is minor in nature and will not give rise to any adverse impacts on neighbouring residential development. A condition of consent is recommended that outdoor play does not occur between 6:00am-7:00am and 6:00pm-7:00pm.	

## ASSESSMENT

### **Zoning and Permissibility**

Zoning:	B2 Local Centre
Permissibility:	The proposed development is defined as a 'child care centre' 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)	<u>Deemed State Environmental Planning Policy No. 20</u> - Compliant with conditions recommended where necessary.  <u>State Environmental Planning Policy No. 55 – Remediation of Land</u> – Compliant with conditions recommended where necessary.
Local Environmental Plan - S79C(1)(a)(i)	<u>Camden Local Environmental Plan 2010</u> - 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)	<u>Camden Development Control Plan 2011</u> - Compliant with conditions recommended where necessary
Planning Agreement(s) - S79C(1)(a)(iiia)	None.
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions
Likely Impacts - S79C(1)(b)	No significant impacts.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site



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	attributes are conducive to development.
Submissions - S79C(1)(d)	Four submissions were received from two households which are discussed in the Submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

**Key Issues**

The key issues associated with the DA are limited to the 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 16 May 2016 to 29 May 2016. Four submissions were received from two households (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. *Proposal is inconsistent with the land use zones of the area.*

Officer comment:

The site is zoned B2 Local Centre and adjoins a R2 Low Density Residential zone. Child care centres are permissible with consent in both the B2 Local Centre and the R2 Low Density Residential zones.

Child care centres must be designed to take account of the established development context. They must be sensitively designed and have regard to the design controls within the Camden DCP 2011. The proposed building form and siting comply with the design controls of the DCP. The proposal is sensitively designed and the development is considered compatible with the immediate locality.

2. *Concerns that the public notification was not extensive enough.*

Officer comment:

The DA was notified in excess of the provisions of the Camden DCP 2011 and a sign was placed on the property in accordance with the DCP.

3. *Car parking and vehicular access.*

Officer comment:

Concerns were raised that the proposed car parking does not comply with the minimum required. The DA originally proposed a shortfall in the minimum car parking rate by 3 car spaces.

During the assessment, Council officers requested amended plans demonstrating compliance with the minimum parking requirements of 1 car space for every 4



children as stipulated within the DCP. The applicant has reduced the number of children from 130 to 120 and altered the car parking design to comply with the numerical requirements of the DCP. Amended plans were submitted and the car parking is now compliant with the DCP.

Concern was also raised that some spaces will impact on vehicle turning circles and that vehicles will damage the boundary fence shared with the adjoining dwelling with drivers attempting to manoeuvre on site. It was requested that bollards be placed next to the adjoining residential fence line to improve safety.

Subsequent to the above request, the car parking design has been altered by reconfiguring the carpark and designating car space number no. 11 for use by a small vehicle. The landscape strip between the car park and the fence has also increased from 300mm to 900mm to provide an increased buffer between the hardstand area and the residential fence.

The altered layout provides for improved turning circle and complies with the Australian Standards. A swept path test has been provided in the traffic report that demonstrates a B99 vehicle (SUV) can efficiently manoeuvre within the car park.

#### 4. *Traffic Impacts.*

##### Officer comment:

Concerns were raised that the proposal will impact on the safety of the roundabout on Raintree Way and will have an impact on local roads.

The DA has been accompanied by a traffic report. The traffic report assesses the existing traffic network and projects the likely impacts of the proposal on the local road network. The report concluded that the existing road network will be able to accommodate the proposed development without any significant impacts.

The traffic report was assessed by Council's Traffic Engineers, who recommend approval subject to the imposition of conditions on any development consent issued.

Concern was raised about the condition of Raintree Way to safely facilitate additional vehicular access points. Council's traffic engineers consulted with the applicant regarding the requirement to make physical improvements to the existing roundabout. Council's traffic engineers have recommended the radius of the roundabout be increased to improve traffic movement efficiency and safety. Additional signage at the roundabout entry points and at the access/exit driveways will also be erected to further improve safety for motorists.

Concerns were raised that a drop off zone has not been provided within the carpark. The car parking is served by two access points and a compliant car parking rate which provides for the adequate, safe and efficient drop off and collection of children. Children will be required to be signed in by their parent/carer on arrival and it is considered that a formal drop off zone is not required for the proposed development in this instance.

#### 5. *Noise Impacts.*

##### Officer comment:



Concerns were raised relating to noise impacts on the adjoining residential dwellings and that an acoustic barrier is not proposed along the shared residential boundary.

The DA was accompanied by an acoustic report. The report assesses existing background noise levels and the impacts of the proposal on those existing levels, including factors such as traffic and noise generation from play areas. Various recommendations are provided within the acoustic report to mitigate noise levels, including the installation of a 2.1m high acoustic barrier along Holdsworth Drive, the retention of a 1.8m high colorbond fence which is shared with the adjoining residents, and façade treatment requirements.

The acoustic report was assessed by Council's Environmental Health Officer who is satisfied that the proposal will not have an unacceptable impact on the adjoining residential development. Specific conditions are recommended including a condition that the proposed development comply with the recommendations of the acoustic report.

A condition is also recommended to require an acoustic compliance report to be prepared once the centre achieves an 80% attendance rate. For any non-compliance, the acoustic report must make recommendations for compliance or further attenuation of noise sources which would be enforced by Council.

Clarification was sought about whether the acoustic barrier enclosing the outdoor play area is capable of withstanding out of control vehicles from Holdsworth Drive. The acoustic barrier is a solid cement fence which provides satisfactory safety to the outdoor area.

The proposal is considered satisfactory from an acoustic perspective.

## 6. Hours of Operation

### Officer comment:

Concerns were raised concerning the proposed hours of operation of 6:00am to 7:00pm Monday to Friday, being that the hours are not in accordance with the hours of operation required for a residential zone.

The subject site is zoned B2 Local Centre and the proposed development is therefore not subject to hours of operation applicable within a residential zone. Notwithstanding this, Council's DCP permits the consideration of longer hours of operation within a residential zone and/or opening on Saturday morning if it can be demonstrated that no unreasonable amenity impacts will arise.

Although the site is zoned B2 Local Centre, Council officers have had regard to the land adjoining a residential zone. As above, the acoustic report was modelled based on the proposed hours of operation of 6:00am to 7:00pm and was deemed to be satisfactory. The extended hour in the morning is minor and is not likely to give rise to any adverse impacts on neighbouring residential development. A condition of consent is recommended that outdoor play does not occur between 6:00am to 7:00am and 6:00pm to 7:00pm.



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7. *Outdoor Play Times.*

Officer comment:

The submitter requested that the hours of the children's outdoor play area be restricted to after 8:00am and before 6:00pm. The number of children using the outdoor area at any one time was also requested be restricted so as to minimise noise impact on nearby residents.

Council officers reviewed this request and have recommended a condition that outdoor play not occur between 6:00am-7:00am and 6:00pm-7:00pm. The number of children utilising the outdoor play area at any given time has not been restricted, as the acoustic report was modelled on the basis that the number of children utilising the outdoor play area is not restricted. It is noted that the outdoor play space is orientated away from residential properties.

8. *Privacy Impacts.*

Officer comment:

Concerns were raised about the impact on the privacy of adjoining residents from the number of people attending the child care centre, with no screening or trees provided adjacent to the fence line. A higher fence was requested to be provided.

The proposed child care centre is a single storey development. As such, there is minimal potential for overlooking and the existing 1.8m high fence provides sufficient screening to the adjoining residential development.

9. *Vandalism and Safety.*

Officer comment:

Concerns were raised that the carpark will be used for loitering after hours and a request was made that it be gated and locked out of hours. It was advised that the adjoining car wash was required to have the site gated after hours.

The applicant submitted an amended plan to provide a side fence along the western elevation between the car park and the public walkway. It is considered appropriate that fencing and gates be provided across the frontage of the site to prevent any use of the car park outside normal hours of operation and minimise the potential for anti-social behaviour in this locality. This is addressed through a recommended condition of consent.

10. *Concerns that the child care centre will expand in the future and incorporate after school care and vacation care.*

Officer comment:

The proposal is for a 120 place child care centre. Any development consent issued will include a condition that limits the maximum number of children to 120. Further expansion of the centre is not likely, given that the facility currently provides the maximum number of spaces to comply with Council's controls and the minimum areas of internal and outdoor play area to meet its licensing



requirements. However, any future expansion or changes to the centre will require an application to Council which would be considered on merit.

#### 11. Waste Management.

##### Officer Comment

Clarification was sought about where the waste would be collected and that a commercial waste service should collect accumulated nappies generated as waste.

The waste will be relocated from the waste room to Holdsworth Drive for collection. The waste management plan submitted with the DA identifies that a commercial service is being investigated.

### **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 262/2016 is recommended for approval subject to the conditions attached to this report.

### **RECOMMENDED**

**That Council approve DA 262/2016 for the construction of a 120 space child care centre and associated site works.**

#### ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Public Exhibition and Submissions Map - *Supporting Document*
4. Submissions - *Supporting Document*



## ORDINARY COUNCIL

ORD02

**SUBJECT: PROPOSED AMENDMENT TO STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006 - EAST LEPPINGTON**

**FROM:** Director Planning & Environmental Services

**TRIM #:** 16/284209

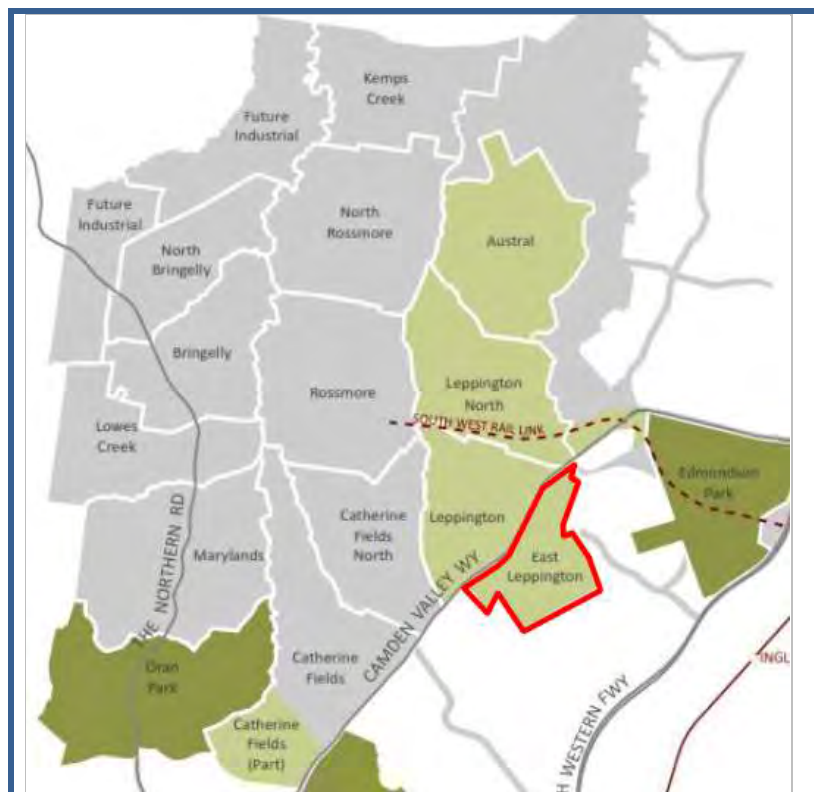
### PURPOSE OF REPORT

The purpose of this report is for Council to consider a Planning Proposal to amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the SEPP) which applies to the Willowdale Estate (East Leppington precinct) and to seek Council's endorsement to forward the draft Planning Proposal to the Department of Planning and Environment (DPE), seeking a 'Gateway Determination'.

The Planning Proposal as prepared by the applicant is included as **Attachment 1** to this report.

### BACKGROUND

The East Leppington Precinct is located within the South West Priority Land Release Area and traverses the boundary of the Camden, Campbelltown and Liverpool local government areas. The location of the East Leppington Precinct is shown with a red outline in Figure 1 below.



**Figure 1** East Leppington Precinct



The subject land is located entirely within the Camden LGA, and forms part of the Willowdale Estate being developed by Stockland as shown with a red outline in Figure 2 below.



**Figure 2** Aerial view of the Willowdale Estate

The portion of the precinct that is located in the Camden LGA was rezoned for urban development in March 2013. The Precinct Planning process identified the location and type of future residential development, land for public recreation as well as the location of future roads, electricity substations, and drainage infrastructure.

Following the rezoning of the precinct, development consent has been granted for various development applications relating to bulk earthworks, subdivision, an exhibition village and sales information centre, and works to the riparian corridor. Some of these development applications have utilised Clause 5.3 of the SEPP (the flexible zone boundary provisions) to facilitate a more logical subdivision layout. This has resulted in some residential lots having non-residential land zonings.

In order to simplify the planning process and avoid confusion for landowners, a Planning Proposal has been submitted to Council which seeks the amendment of these land zoning anomalies so that the zoning of the land accurately reflects the intended future use of the land for residential purposes.

Council officers have also identified further minor SEPP mapping anomalies, which have occurred as a result of inaccuracies in the underlying map cadastre during previous SEPP amendments. It is proposed that an additional housekeeping component be included in the Planning Proposal to resolve this issue.





## MAIN REPORT

### The Planning Proposal

The Planning Proposal seeks to amend the SEPP by:

- Rezoning surplus drainage land to allow for low density residential development;
- Redistributing the location of medium density residential forms so that they are wholly contained within residue lots;
- Amending the zoning on various parcels of land to align land use zones with approved property boundaries;
- Amending the Height of Buildings Map, Residential Density Map, and Land Acquisition Map to ensure the development controls accurately reflect the intended future use of the land and respond to the abovementioned amendments; and
- Amending a number of maps to address minor inconsistencies between property boundaries and cadastral data.

It is noted that the proposed amendments do not result in any additional dwelling density within the Precinct.

The proposed amendments are discussed below.

#### 1. Rezoning surplus drainage land

The Planning Proposal includes the rezoning of two small parcels of land currently zoned and reserved for future drainage purposes **as shown with a red outline in Figures 3 and 4 below.**



**Figure 3** : Existing drainage land – current SP2 Infrastructure zoning



**Figure 4** : Proposed R2 Low Density Residential zoning (surplus drainage land)

During the detailed design of the Precinct, it was identified that, due to the natural topography of the site, a more appropriate and functional location for the southern basin was adjacent to the riparian corridor to the east of the site. The design work also identified surplus drainage land to the north west of the Precinct.

The relocation of this drainage infrastructure has since been approved through subdivision DAs issued by Camden (DA 788/2013 and 101/2014) and Campbelltown Council (DA 249/2014) and, as a result, the land currently designated and zoned for drainage is no longer required for this purpose. It is therefore proposed to rezone this surplus drainage land to R2 Low Density Residential.

The Height of Buildings and Dwelling Density Maps will also be amended by including the controls that currently apply to the surrounding R2 Low Density Residential land which are as follows:

- maximum building height of 9m; and
- minimum dwelling density of 15 dwellings/hectare.

The Planning Proposal will also amend the Land Reservation Acquisition Map by removing these two parcels of land as they no longer need to be acquired for drainage purposes.

## 2. Redistributing the location of medium density land

The Precinct includes a portion of land zoned R3 Medium Density Residential, located adjacent to Willowdale Drive as shown with a red outline in **Figures 5 and 6** below.



**Figure 5** Existing R3 Medium Density Residential zoned land

**Figure 6** Proposed amendment to R3 Medium Density Residential zoned land

Several lots located within this zone have been approved through earlier subdivision applications to allow for low density residential development. The Planning Proposal seeks to rezone the approved low density residential lots so that they are wholly contained within the R2 Low Density Residential zone. It is then proposed that the medium density zoning be reconfigured so that it is wholly located within the two residue lots yet to be developed. The proposed redistribution of the R3 Medium Density zone is **shown with a red outline in Figure 6**. It is noted that the proposal is consistent with the approved subdivision pattern **as shown in Figure 7**.

The redistribution of the medium density zone to these two lots is considered to provide a logical planning outcome as it reflects the approved subdivision pattern to date. The proposed location for the medium density land is contiguous and is contained by local and major roads.

The proposal does not result in any additional land being zoned for medium density development. Redistributing the R3 Medium Density zone as proposed will result in a total combined area of 13,735m<sup>2</sup> for land zoned for medium density, representing a reduction of approximately 22% in land zoned for these housing forms.



Figure 7 Proposed amendment to R3 Medium Density Residential zoned land (shown with red outline) and approved low density subdivision pattern

### 3. Rezoning recreation land to residential

The Indicative Layout Plan (ILP) and SEPP developed at the time of rezoning identifies a future local park on land zoned RE1 Public Recreation **and shown with a red outline in Figure 8.**

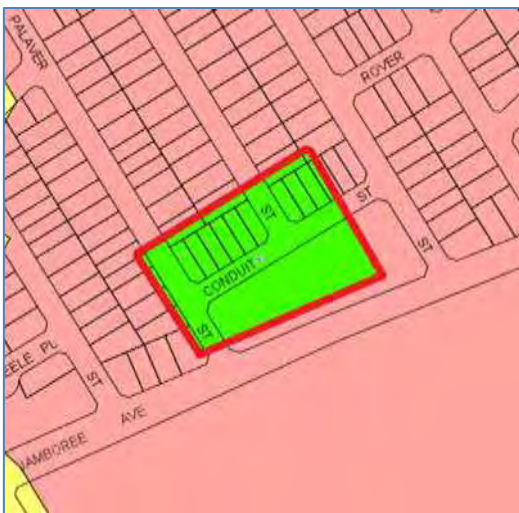


Figure 8: Existing RE1 Public Recreation zoned land for local park (approx. 11,400m<sup>2</sup>)



Figure 9 Proposed amendment to RE1 Public Recreation zoned land for local park (approx. 6,700m<sup>2</sup>)





Following detailed subdivision design, the location of the local park was adjusted in order to fit with the proposed road and subdivision layout. The amended location of the local park is consistent with the East Leppington Voluntary Planning Agreement (VPA) and was approved via DA 101/2014 using the flexible zone boundary provision included under Clause 5.3 of Appendix 9 of the Growth Centres SEPP.

Clause 5.3 provides flexibility where a site is located within proximity (being 50m for the East Leppington Precinct) to a land zone boundary, and where the land uses that are permissible in that adjoining zone would result in a more logical and appropriate development for the site.

Whilst dwelling houses are a permissible land use on lots with a RE1 Public Recreation zoning under the flexible zone boundary provisions of the SEPP, the planning proposal seeks the rezoning of these lots to R2 Low Density Residential, which is consistent with the surrounding residential zoning and reflects the intended use of the land, avoiding confusion for future landowners.

The proposed amendments reduce the extent of land zoned RE1 Public Recreation in the Camden portion of the East Leppington Precinct by approximately 4,700m<sup>2</sup>. However, the total area of land zoned for open space within the Precinct as a whole has been increased. The reduction in this location was negotiated during the preparation of the VPA in exchange for the provision of an additional 8,000m<sup>2</sup> of junior playing fields to be provided in the Campbelltown portion of East Leppington. Council officers reviewed the proposed relocation during the VPA negotiations and determined this to be an improved outcome overall. The VPA containing the park (as per the proposed amendment) was endorsed by Council on 11 March 2014.

The proposed amendment to the R2 Low Density Residential and RE1 Public Recreation zones are shown in **Figure 9**.

The Height of Buildings and Dwelling Density Maps will also be amended by including the controls that currently apply to the surrounding R2 Low Density Residential land which are as follows:

- maximum building height of 9m; and
- minimum dwelling density of 15 dwellings/hectare.

The RE1 Public Recreation land is also identified for future acquisition by Council and, as such, the Land Reservation Application Map will also be amended to reflect the location of the park and remove the land acquisition requirement from the private lots.

#### **4. Minor Amendments (Housekeeping)**

Council officers have identified minor mapping anomalies along the northern and western property boundaries of the Precinct, which have occurred as a result of discrepancies with the underlying mapping cadastre in earlier mapping amendments.

The Planning Proposal will resolve these technical issues by requesting that the appropriate maps are correctly aligned to property boundaries and the current accurate mapping cadastre. The proposed housekeeping amendments are considered minor in nature and will ensure that the SEPP maps accurately reflect the intended future use of the land.



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## **Camden Growth Centres Development Control Plan**

Schedule 6 of the Camden Growth Centres Development Control Plan. (DCP) applies to the land.

The proposed amendments do not require any immediate changes to the current DCP. Whilst the proposal will alter the location of some land uses as shown on the Indicative Layout Plan (ILP) for the Precinct, it is considered that given the minor nature of the amendments and the advanced stage of development in the Precinct, amending the ILP is not necessary at this stage. It is proposed that these minor ILP changes will be included in a future review of the DCP.

Adjacent landowners will be notified of the proposed changes and will have the opportunity to comment through the public exhibition period.

### **Next Steps**

Should Council endorse the recommendation, the following steps will occur:

1. Council officers will forward the Planning Proposal to the Minister for Planning and Environment, seeking a 'Gateway Determination' and authorisation that the SEPP amendment process may proceed;
2. Upon receipt of the Gateway Determination, Council will consult with relevant public authorities and the Planning Proposal will be publicly exhibited;
3. Submissions to the Planning Proposal exhibition will be reviewed;
4. If no unresolved submissions are outstanding, the Planning Proposal will be forwarded to the DPE to be made; or
5. If unresolved submissions are outstanding, a further report will be prepared for the consideration of Council.

### **FINANCIAL IMPLICATIONS**

There are no financial implications as a result of the Planning Proposal.

### **CONCLUSION**

The Planning Proposal seeks an amendment to the Growth Centres SEPP which applies to the East Leppington Precinct.

The proposal will ensure that the controls relating to the East Leppington Precinct accurately reflect the intended use of the land and align with the approved subdivision pattern as well as providing greater certainty for landowners. The proposed amendments are considered to be minor and result in no overall increase in residential density in the Precinct.

### **RECOMMENDED**

**That Council:**

- i. **endorse the Planning Proposal to amend Appendix 9 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006;**
- ii. **forward the Planning Proposal to the Department of Planning and Environment for a Gateway Determination;**



- 
- iii. following receipt of a Gateway approval, exhibit the Planning Proposal for a period of 28 days in accordance with the provisions of the *Environmental Planning and Assessment Act 1979 and Regulations*;
  - iv. at the conclusion of the public exhibition period:
    - a. if there are no unresolved submissions, forward the Planning Proposal to the Department of Planning and Environment to be made; or
    - b. if unresolved submissions are received, require that a report be brought back to Council that outlines the results of the exhibition period.

#### ATTACHMENTS

- 1. East Leppington Planning Proposal Willowdale Precinct



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## ORDINARY COUNCIL

### ORD03

**SUBJECT: WESTERN SYDNEY RAIL NEEDS SCOPING STUDY SUBMISSION PAPER**

**FROM:** Director Community Infrastructure

**TRIM #:** 16/311928

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### PURPOSE OF REPORT

To advise Council of the Australian and NSW Governments exhibition of a Scoping Study to better understand the need, timing and service options for rail investment to support Western Sydney and the proposed Western Sydney Airport. Council's endorsement is sought for the prior lodgement of a submission in response to the *Western Sydney Rail Needs Scoping Study* community consultation process.

### BACKGROUND

On 28 April 2014, the NSW Government announced its intention to investigate a future public transport corridor (passenger rail line) to serve Western Sydney including the South West Priority Growth Area, the Broader Western Sydney Employment Area and the planned Western Sydney airport at Badgerys Creek.

As part of the first stage of consultation, at its ordinary meeting of 24 June 2014, Council resolved to approve a submission to Transport for NSW in response to the South West Rail Link (SWRL) Extension exhibition. As part of Council's submission (provided as **Attachment 1** to this report), the headline issues raised included:

- Transport for the South West;
- Connecting Centres;
- South West Priority Growth Area and Precinct Planning;
- Sydney's Major Transport Corridors;
- SWRL Extension Corridor – Potential Constraints;
- Community Engagement.

On 6 June 2015, a second stage of consultation was announced by the NSW Government, involving the SWRL Extension and expanded brief including the M9 Outer Sydney Orbital. As part of the second stage of consultation, at its ordinary meeting of 28 July 2015, Council resolved to approve a submission to Transport for NSW in response to the SWRL Extension exhibition. As part of Council's submission (provided as **Attachment 2** to this report), the headline issues raised included:

- A recommended corridor alignment for the southern section, between Leppington and Narellan, inclusive of station locations at Rossmore, Bringelly, Maryland, Oran Park and Narellan;
- A study area for the northern section between Bringelly and the T1 Western Line (City – Blacktown – Penrith);
- A study area from Narellan to the Main South Line (south of Macarthur station); and
- Suitable corridors for the Outer Sydney Orbital and Bells Line of Road – Castlereagh Connection.

On 16 September 2016, a third and expanded stage of consultation was announced by the Australian and NSW Governments to develop a preferred list of Western Sydney rail options for further investigation through detailed technical analysis. Key milestones in the Scoping Study are outlined in Figure 1 below.

Figure 1 Scoping Study process



In delivering transport options for Western Sydney, a key component of the Government’s approach is to protect transport corridors in the short term and to ensure the effective development of future transport systems. This recent stage in the consultation process, conducted jointly by the Department of Infrastructure and Regional Development and Transport for NSW, is to expand discussions with affected stakeholders in assessing rail service options identified for Western Sydney and the proposed airport, as well as a range of funding approaches.

Due to the short six week exhibition period and the need for specialist advice, it has not been possible to seek Council’s endorsement of the submission prior to 28 October





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2016. Although Council had requested a formal extension of time, approval was only given to allow deferred formal endorsement by Council, while the primary submission was still required to be submitted by 28 October. Councillors received a briefing on the matter on 25 October.

The terms of reference for the Scoping Study are provided as **Attachment 3** to this report.

### **MAIN REPORT**

With the projected rate of future growth throughout Western Sydney coupled with the development of a new airport at Badgerys Creek, the issue of delivering effective and efficient integrated planning and transport infrastructure remains a considerable challenge for all tiers of government. The Australian and NSW Governments 'Western Sydney Rail Needs Scoping Study – Discussion Paper' (provided as **Attachment 4** to this report) highlights both the significant implications, as well as the opportunities, associated with the investigation and preservation of strategic transport corridors.

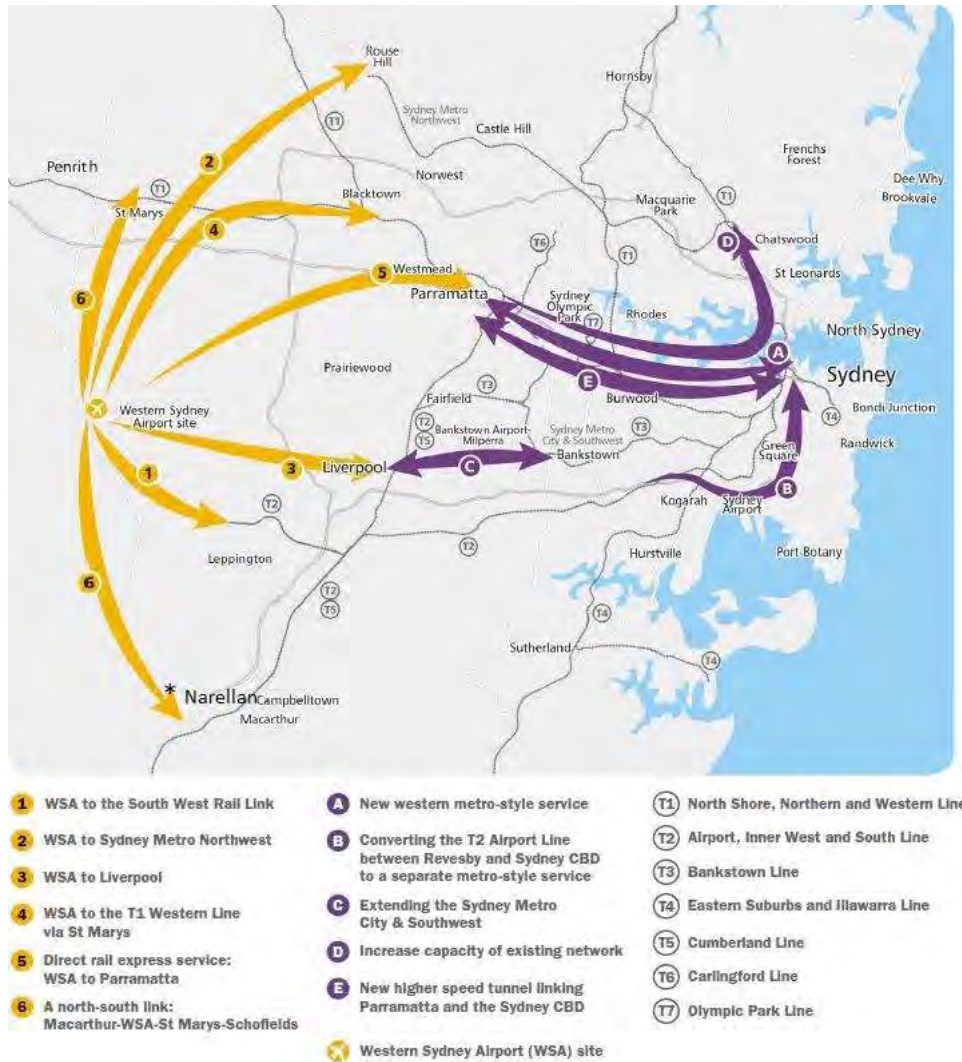
The Department of Infrastructure and Regional Development and Transport for NSW have invited feedback from all stakeholders by way of submissions as part of their consultation process on the Western Sydney Rail Needs Scoping Study. Submissions in response to the Scoping Study closed on 28 October 2016. A copy of Council's submission, as summarised at the Councillor briefing of 25 October 2016, was lodged by the due date.

### **Submission Issues**

#### *Preferred Rail Service Options 1 & 6*

Council's submission strongly supports the early provision of rail transport via rail service option 1 – Western Sydney Airport to the South West Rail Link at Leppington, and rail service option 6 – A north-south link: Macarthur – Narellan - Western Sydney Airport – St Marys-Schofields (inclusive of a connection to the Macarthur South, as outlined in **Figure 2 below**).

Figure 2: Western Sydney rail options



### Connectivity and City Shaping

Council’s submission notes that, while Western Sydney is well positioned as a key platform to the future success of the Sydney metropolitan area, with growth through an additional 2 million people in the next 40 years, solutions are needed to various challenges such as population growth, access to employment, education, health and sustainable transport services. To facilitate the necessary solutions to these challenges, opportunities could exist through the Australian Government ‘City Deals’ initiative, including (but not limited to):

- Future Employment Zones;
- Future Medical Precincts;
- Regional Social and Services Infrastructure.



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### *Western Sydney Airport*

Council has a longstanding policy position of opposition to the construction of a second major airport within the Sydney Basin, including the proposed Badgerys Creek site. Notwithstanding Council's position, the submission drafted in response to the Rail Scoping Study acknowledges the intent of the proposed rail network to link to the airport and seeks to articulate a position that benefits the Camden community.

The Western Sydney Airport will provide the key infrastructure needed to support Australia's third largest economy – Western Sydney. Early provision of rail service Options 1 and 6 are needed to facilitate the focus for connectivity and consequent growth of our economy.

When the airport opens in the mid-2020s, the single runway will support approximately five million passengers plus freight, which, if realised, would bring approximately 4,000 jobs. By 2050 the airport is likely to be a curfew-free, dual runway international airport. The airport development is expected to create 35,000 jobs by 2035, increasing to 60,000 jobs over time.

Camden is grouped with an area of Western Sydney that has more engineering and related technology qualifications per head of population than the Sydney, NSW or Australian average. Western Sydney residents are well placed to fill many of the construction and engineering positions that will be available during the initial phases of the airport's development and will require sustainable transport modes by way of support.

### *Environmental Sustainability*

The extension and provision of an integrated rail network through the Camden Local Government Area presents a significant opportunity to capitalise on growing the proportion of travel by sustainable modes.

Based on the most recent *NSW Government 2014/2015 Household Travel Survey*, travel within the Camden Local Government Area is currently dominated by the use of private cars, with 85% of trips being undertaken in a vehicle either as a driver (56%) or passenger (29%).

These statistics highlight the scope for potential to grow the proportion of travel by rail in Western Sydney, particularly in the Camden Local Government Area. Such outcomes would support improvement in the energy efficiency of the transport sector with opportunity to incrementally remove vehicles from the road network, which is already under significant stress despite recent and ongoing capacity improvements.

### *Productivity*

With expected population growth, Australian and NSW government investment in Western Sydney Airport and a committed Western Sydney City Deal — which will be tied to core objectives including affordable housing, connectivity, liveability, resilience and sustainability — effective land use and transport integration is required to ensure positive growth and investment outcomes in the corridor.

It is noted that one of the key criteria of the Western Sydney Rail Needs Scoping Study is to facilitate sustainable and efficient economic development of Sydney's metropolitan region and Western Sydney Airport. Congestion and extended travel times are widely regarded as one of the greatest barriers to productivity in developed economies.



Public transport can play a pivotal role in alleviating urban congestion, with each train on Sydney's railways removing approximately 1,000 cars from its roads. Travel times in Western Sydney can be up to two hours in each direction for some commuters. Reduced congestion and improved travel times are therefore a significant benefit of investment in rail, and this is especially true for peri-urban areas and regional centres where investment in public transport infrastructure is low.

### *Employment*

A Western Sydney rail network will need to effectively promote the efficient exchange of goods and services, particularly through strategic hubs in the Broader Western Sydney Employment Area and the Western Sydney Airport. The early development of Options 1 and 6 will ensure access to a reliable and sustained labour force along the Western Sydney growth corridor between Macarthur South through to Penrith.

The development of the rail corridor will enable the creation of between 43,800 - 65,800 direct jobs and up to 98,600 indirect jobs during the five year construction from 2024-2028. To mitigate a projected jobs deficit for Western Sydney, it is crucial that rail services via Options 1 and 6 are delivered early in support of productivity and employment in the region.

### *30 Minute Cities via Public Transport*

Western Sydney is primarily reliant upon road-based transport connections. Public transport is focussed on radial rail corridors on the Sydney CBD, however the frequency of services is low outside of the peak hours. As a result of the lack of public transport provision and current land use patterns, access in the area is primarily facilitated by car travel, accounting for about 90% of all trips.

The number of opportunities, including jobs, that can be reached by car often significantly exceeds those reachable by public transport, walking or cycling. Western Sydney's imbalance between jobs and employment — less than 0.75 jobs for every worker in the region — means that people need to travel longer distances to get to work or to access other essential services. Comparatively, Central Sydney has more than 1.75 jobs for every resident worker, which results in shorter commutes and overall shorter distances travelled throughout the day. The concentration of jobs in eastern Sydney means that Sydney's west has significantly lower numbers of jobs that can be reached within a reasonable travel time.

Travel between some locations, such as Camden to Penrith, is fully weighted towards private vehicle use, reflecting limited public transport and other alternative options. Without action, the forecast growth in Western Sydney will exacerbate the congestion already experienced.

The '30 minute city' is where people can comfortably access their daily needs within a one hour travel budget — ideally by walking, using a bicycle and catching public transport. Fundamental to delivery of the '30 minute city' are well located urban rail networks, urban density and integrated land use planning. The concept aims to ensure that communities and businesses have access to the skills they need to successfully participate and compete in the transition to an economy based on services, knowledge and innovation.



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### *Social Disadvantage*

A number of these areas in Western Sydney are characterised by a significant dependence upon private transport modes. As such these residents face longer and more expensive journeys.

Transportation and welfare studies indicate that inadequate access to transportation poses significant barriers to those trying to enter the labour market. Existing public transportation systems often do little to bridge the gap between the outer suburbs and where jobs are located. However, the majority of entry-level jobs are located in adjacent outer suburbs and peri-urban areas. An investment in the north-south rail link connecting the employment nodes will support accessibility, connecting the wider community to employment opportunities, education and health services as well as recreational facilities.

### **FINANCIAL IMPLICATIONS**

There are no financial implications resulting from the '*Western Sydney Rail Needs Scoping Study – Discussion Paper*' submission.

### **CONCLUSION**

The overall objectives of the Australian and NSW Governments' '*Western Sydney Rail Needs Scoping Study – Discussion Paper*' provides a significant opportunity for the Camden Local Government Area to seek a sustainable connection to the broader metropolitan Sydney area, and, in part, realise the vision of *Camden 2040* through the opportunities presented by urban development and population growth.

Quality infrastructure should support and facilitate all aspects of quality of life in a local area. The '*Western Sydney Rail Needs Scoping Study – Discussion Paper*' has the potential to provide that quality through access to places, employment, social and recreational opportunities while underpinning the potential for a prosperous local and regional economy.

Council strongly supports the early provision of rail transport via rail service option 1 – Western Sydney Airport to the South West Rail Link, and rail service option 6 to link Macarthur and Camden to the Western Sydney Airport, and to northwestern Sydney.

It is considered that these options will support the growth of western Sydney, significantly improve access to jobs, health and education services, and will improve connectivity between the various communities of Western Sydney, as well as assist in the achieving the key goal of a '30 minute city'.

### **RECOMMENDED**

#### **That Council:**

- i. endorse the submission attached to this report, submitted on 28 October 2016, in response to the Western Sydney Rail Needs Scoping Study – Discussion Paper;**
- ii. forward copies of Council's final submissions to the Federal Member for**



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**Hume, the Hon. Angus Taylor MP, the Federal Member for Macarthur, Dr Michael Freeland, and the State Member for Camden, Mr Chris Patterson, for information and support for Council; and**

**iii. forward a copy to the Greater Sydney Commission.**

**ATTACHMENTS**

1. Camden Council Submission to South West Rail Link Extension - Public Transport Corridor Protection (June 2014)
2. Camden Council Submission to South West Rail Link Extension - Public Transport Corridor Preservation (August 2015)
3. Terms of reference - Scoping Study of Heavy Rail Needs for Western Sydney
4. Western Sydney Rail Needs Scoping Study - Discussion Paper (September 2016)
5. DRAFT Camden Council - Western Sydney Rail Needs Scoping Study Discussion Paper (October 2016)





## ORDINARY COUNCIL

ORD04

**SUBJECT: TENDER - T017/2016 - TREE MAINTENANCE SERVICES**

**FROM:** Director Community Infrastructure

**TRIM #:** 16/304185

### PURPOSE OF REPORT

To seek Council approval for the acceptance of Tender T017/2016 - Tree Maintenance Services throughout Camden LGA for three years with an option to extend for a further two years by 12 month options.

### BACKGROUND

In accordance with Council's Purchasing and Procurement Policy and the *Local Government (General) Regulation 2005* (Part 7 Tendering), tenders were called for the maintenance of trees in public areas on behalf of Council. Requirements of the Tender documents were to establish a common basis for the costing and delivery of tree maintenance services regularly encountered in public parks, reserves and streetscapes.

The current contract for 'Public Domain Tree Maintenance Services' expires on 25 November 2016.

### MAIN REPORT

#### **Invitation to Tender**

The tender for the supply of Tree Maintenance Services via Tender T017/2016 was advertised publicly through the Sydney Morning Herald, local newspaper and Council's e-Tendering portal, closing on 21 September 2016.

#### **Tender Submissions**

Tenders were received from the companies listed below:

<b>Company</b>	<b>Location</b>
• CJ Murphy Tree Services	Rouse Hill NSW
• CPE Tree Services	Mount Hunter NSW
• Friendly Fred's Tree Services	Camden NSW
• Tree Serve	Horsley Park NSW
• The Stump Guy	Mortlake NSW
• Sydney Metro Tree Services	Greenacre NSW
• Sydney Southern Tree Services	Helensburgh NSW
• Skyline Landscapes	Huntingwood NSW
• Rennie Brothers Tree Services	Jannali NSW
• Enviro Frontier	Mona Vale NSW
• Asplundah	Doonside NSW
• Active Tree Services	Terry Hills NSW
• Above All Tree Services	Hammondville NSW





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## **Tender Evaluation**

The intention of the tender process is to appoint a contractor with proven capacity and experience in similar type of work as well as providing good value to Council.

A tender evaluation panel was established and the submissions were assessed on price and non-price factors as agreed by the evaluation panel. Price was given weighting of 65% and non-price factors a weighting of 35%.

Non-price factors considered for this evaluation included:

- Capacity and technical ability;
- Organisation, capability, qualification and experience;
- Capacity to achieve deliverables;
- Work Health and Safety;
- Demonstrated ability to implement site control.

An assessment of the tenders was undertaken in line with the tender evaluation plan. A summary of this assessment is provided in the Supporting Documents. Please note that this information is commercial-in-confidence.

CPE Tree Services provided the most competitive tender in terms of cost and meeting all requirements of Council's tender documentation.

## **Relevant Legislation**

Council's Purchasing and Procurement Coordinator has reviewed the tender process and confirms that the tender has been conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation (2005)* and Council's Purchasing and Procurement Policy.

## **Tender Period**

The initial tender is for a period of three years with the option to extend the contract for two 12 month periods if Council is satisfied with the performance of the contractor.

## **FINANCIAL IMPLICATIONS**

Tree maintenance activities are funded within the existing operational budget.

## **CONCLUSION**

CPE Tree Services has provided a conforming tender. The tender assessment concludes that their offer represents best value to Council and the company has a proven track record of performance on similar work.



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**RECOMMENDED**

**That Council accept the tender submitted by CPE Tree Services Pty Ltd for the Tree Maintenance Contract T017/2016, for a three year contract.**

**ATTACHMENTS**

1. Tender T017/2016 - Tree Maintenance Services - *Supporting Document*



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## ORDINARY COUNCIL

### ORD05

**SUBJECT: TENDER T001/2017 - NARELLAN SPORTS HUB - STAGE 1  
CONSTRUCTION OF CIVIL WORKS, SERVICES AND NETBALL  
COURTS**

**FROM:** Director Community Infrastructure

**TRIM #:** 16/301256

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### PURPOSE OF REPORT

To provide details of the tenders received for contract T001/2017, being for Stage 1 - Construction of Civil Works, Services and Netball Courts at the Narellan Sports Hub, and to recommend that Council not accept any of the tenders submitted and to undertake further action related to the tenders.

### BACKGROUND

The Narellan Sports Hub is currently being delivered, with Stage 1 providing for the relocation of netball from Kirkham Park, car parking, playground and pathways. Further stages will include the relocation of athletics from Onslow Park and additional facilities to cater for a variety of other sports and recreational uses.

The Stage 1 bulk earthworks have been completed and construction of the amenities building has commenced and is scheduled to be completed in April 2017.

The scope of works under this contract includes:

- Access from Porrende Street;
- Construction of internal access road and parking areas;
- Construction of 30 netball courts including lighting;
- Concrete footpaths; and
- Drainage works.

### MAIN REPORT

#### **Invitation to Tender**

The tender for construction of the civil works, services and netball courts at Narellan Sports Hub was advertised in the local newspaper, Sydney Morning Herald and the NSW e-Tendering website. Tenders opened on 21 September, 2016 and closed on 24 October, 2016.



## Tender Submissions

Tenders were received from the following companies:

<i>Company</i>	<i>Location</i>
Axis Constructions Pty Ltd	Wetherill Park NSW
BMD Urban	Wentworth Point NSW
Cleary Bros (Bombo) Pty Ltd	Port Kembla NSW
North Shore Paving Company Pty Ltd	Lindfield West NSW
QMC Group	Bella Vista NSW
TJ & RF Fordham Pty Ltd	Spring Farm NSW
Wade Civil Engineering Pty Ltd	Dural NSW

## Tender Evaluation

The aim of the tender evaluation process is to assess the capability of the tenderers to provide the best value and quality services to Council and to recommend the preferred tenderer.

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

Non-price factors considered for this project were:

- Works methodology and construction program;
- Experience in similar projects and environments;
- Project team experience;
- Demonstrated capacity and technical ability; and
- Work Health and Safety.

An assessment of the tenders was undertaken in line with the tender evaluation plan. A summary of the tender evaluation can be found in the **Supporting Documentation**, which is commercial-in-confidence.

Each of the companies that submitted tenders are considered suitably qualified with the necessary experience and capacity to carry out the works.

All of the tender prices received have exceeded the budget allocated for the works included in this contract.

Given this, it is recommended that Council decline to accept any of the tenders received. It is the view of the tender evaluation panel that the tenders received provide sufficient basis for negotiating a satisfactory outcome.

## Relevant Legislation

Council's Purchasing and Procurement Coordinator has reviewed the tender process and confirms that the tender has been conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Purchasing and Procurement Policy.



Under Section 178 of the *Local Government (General) Regulation 2005 – Acceptance of Tenders*, Council is required (in part):

*After considering the tenders submitted for a proposed contract, the council must either:*

- *accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous; or*
- *decline to accept any of the tenders.*

*A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of a number of actions. The relevant clause is as follows:*

- *enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.*

*If a council resolves to enter into negotiations, the resolution must state the following:*

- *the Council's reasons for declining to invite fresh tenders or applications;*
- *the Council's reasons for determining to enter into negotiations with the person or persons.*

## **CONCLUSION**

Each of the companies that submitted tenders are considered suitably qualified with the necessary experience and capacity to carry out the works.

All of the tender prices received have exceeded the budget allocated for the works included in this contract.

It is the view of the tender evaluation panel that the tenders received provide sufficient basis for negotiating a satisfactory outcome and that repeating the process by inviting fresh tenders would not achieve a better result.

It is recommended that Council decline to accept any of the tenders received.

## **RECOMMENDED**

**That Council:**

- i. decline to accept any of the tenders submitted in response to Tender T001/2017 being Narellan Sports Hub Stage 1 Construction of Civil Works, Services and Netball Courts, and in accordance with Clause 178(3)(e) of the Local Government (General) Regulation 2005, enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender;**
- ii. in accordance with Clause 178(4) of the Local Government (General) Regulation 2005, decline to invite fresh tenders as Council has already undertaken a comprehensive open tender process, the tenders received did not fully meet Council's requirements, it is considered that repeating the process would not achieve a better result, however review of the tenders received provides sufficient basis for negotiating a satisfactory outcome and a suitable group of contractors can be identified;**



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- iii. **delegate authority to the General Manager or his nominee, to negotiate with suitable contractors with the intent to reach an outcome which is considered most advantageous, and enter into a contract for the works following negotiations; and**
  - iv. **any additional funding required for this project be reported through the December Quarterly Budget Review.**

#### ATTACHMENTS

1. Tender T001/2017 - Narellan Sports Hub Stage 1 - Construction of Civil Works Services and Netball Courts - *Supporting Document*



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## ORDINARY COUNCIL

ORD06

### NOTICE OF MOTION

**SUBJECT: NOTICE OF MOTION - CAMDEN AND DISTRICT HOSPITAL**  
**FROM: Cr Campbell**  
**TRIM #: 16/304027**

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"I, Councillor Eva Campbell, hereby give notice of my intention to move the following at the Council Meeting of 8 November 2016:

That Council support Camden and District Hospital (CDH) by:

- i. writing to the Member for Camden, Mr Chris Patterson, to seek his unconditional support for CDH remaining a public hospital;
- ii. requesting the Member for Camden advocate for a full report on the status of CDH and what measures can be undertaken to upgrade the hospital to the standard required to provide for our community as it grows to 200,000 residents;
- iii. Council opposing any proposed privatisation of CDH; and
- iv. Council writing to CDH to thank and congratulate the staff on the work they do for the community."

### RECOMMENDED

That Council support Camden and District Hospital (CDH) by:

- i. **writing to the Member for Camden, Mr Chris Patterson, to seek his unconditional support for CDH remaining a public hospital;**
- ii. **requesting the Member for Camden advocate for a full report on the status of CDH and what measures can be undertaken to upgrade the hospital to the standard required to provide for our community as it grows to 200,000 residents;**
- iii. **Council opposing any proposed privatisation of CDH; and**
- iv. **Council writing to CDH to thank and congratulate the staff on the work they do for the community.**





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## ORDINARY COUNCIL

ORD07

### NOTICE OF MOTION

**SUBJECT: NOTICE OF MOTION - COUNCIL ADMINISTRATION BUILDINGS**  
**FROM: Cr Cagney**  
**TRIM #: 16/319848**

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“I, Councillor Cindy Cagney, hereby give notice of my intention to move the following at the Council Meeting of 8 November 2016.

That a report be prepared for Council outlining the proposed future use of each of the vacated Camden Council administration buildings in John Street, Camden and Queen Street, Narellan as well as the building known as Macaria in John Street, Camden.

That the report include a list of all refurbishments/renovations or upgrades that may have been deemed necessary for each of the buildings, including a full and comprehensive costing of those associated works.”

### RECOMMENDED

**That:**

- i. a report be prepared for Council outlining the proposed future use of each of the vacated Camden Council administration buildings in John Street, Camden and Queen Street, Narellan as well as the building known as Macaria in John Street, Camden; and**
- ii. the report include a list of all refurbishments/renovations or upgrades that may have been deemed necessary for each of the buildings, including a full and comprehensive costing of those associated works.**