



# Camden Council

## Business Paper

**Ordinary Council Meeting**  
**8 May 2018**

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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
DCP	Development Control Plan
DDCP	Draft Development Control Plan
DoPE	Department of Planning & Environment
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
OEH	Office of Environment & Heritage
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  
Strategy  
David Reynolds

Director Sport Community and  
Recreation  
Sandra Kubecka

Chief Financial Officer  
Paul Rofe

Manager Governance and Risk  
Charles Weber

Director Planning and Environment  
Nicole Magurren

Director Community Assets  
Vince Capaldi

# SEATING DIAGRAM

Camden Council Meeting

Councillor  
Rob Mills

Councillor  
Theresa Fedeli

Councillor  
Peter Sidgreaves

Councillor  
Michael Morrison

Councillor  
Ashleigh Cagney

Councillor  
Eva Campbell

Councillor  
Paul Farrow

Councillor  
Cindy Cagney

Media

Public Address

Public Seating





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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

\*\*\*\*\*

### 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 24 April 2018.

### **RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting held 24 April 2018, 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: PROPOSED AMENDMENT NO. 16 TO CAMDEN LEP 2010 AND  
CAMDEN DCP 2011 - 5 SMALLS ROAD, GRASMERE**

**FROM:** Director Planning and Environment

**TRIM #:** 16/98150

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**PROPERTY ADDRESS:** 5 Smalls Road, Grasmere  
**PROPONENT:** Michael Brown Planning Strategies  
**OWNER:** Carrington Centennial Care

### PURPOSE OF REPORT

The purpose of this report is to inform Council on the outcome of the public exhibition for Amendment 16 to the Camden LEP 2010, and the draft Camden DCP 2011, for 5 Smalls Road, Grasmere (Carrington).

The report recommends Council endorse the draft Planning Proposal and the draft DCP in principle, and forward the Planning Proposal to the Department of Planning and Environment (DPE). It is noted that there is an outstanding objection to the proposal from the Office of Environmental and Heritage (OEH).

The draft Planning Proposal is provided **under separate cover** and the draft Camden DCP 2011 is provided as an **attachment** to this report.

### BACKGROUND

The draft Planning Proposal for 5 Smalls Road, Grasmere (Lot 201 DP 734620) was submitted to Council on 20 December 2011 by Michael Brown Planning Strategies Pty Ltd on behalf of the owners, Carrington Centennial Care. The proposal seeks to rezone the site (highlighted red in Figure 1) from R5 Large Lot Residential to a range of zones to facilitate a seniors living village, a neighbourhood centre and environmental conservation of Cumberland Plain Woodland (CPW).

### **Locality**

The site is approximately 27.21 ha in area and is located in the suburb of Grasmere, 3km west of the Camden Town Centre. The land is intended to be developed as an extension of the Carrington Aged Care Facility, and is surrounded by large lot residential development. The site has dual frontage to Smalls Road to the north and Werombi Road to the north east.



**Figure 1: Subject Site**

At its meeting of 10 April 2012, Council considered the draft Planning Proposal and resolved to:

- i. Support the proposal to allow seniors housing, health service facility and retail premises up to 500m<sup>2</sup> of gross floor area on land known as 5 Smalls Road, Grasmere (Lot 201 in DP 734620);*
- ii. Forward the Planning Proposal to the Department of Planning and Infrastructure for a Gateway Determination;*
- iii. Require the applicant to prepare or update planning studies following the receipt of a favourable gateway determination at their own cost;*
- iv. Publicly exhibit the Planning Proposal in accordance with the provisions of the Gateway Determination and the Environmental Planning and Assessment Act, upon receipt of a favourable Gateway Determination and completion of planning studies; and*
- v. Receive a further report addressing any submissions received as a result of a public exhibition of the Planning Proposal.*

The Gateway Determination (Appendix 3 of the draft Planning Proposal) was issued by the Department of Planning and Infrastructure (now the DPE) on 29 June 2012. The Gateway Determination required the preparation of a number of specialist studies and consultation with a number of public agencies prior to public exhibition.

Consultation with public agencies commenced in June 2013. At the conclusion of the consultation, the specialist studies were updated to reflect agency comments.



The draft Planning Proposal, revised specialist studies, and draft DCP were publicly exhibited from 21 November 2017 to 15 January 2018.

Councillors were briefed on the draft Planning Proposal on 24 October 2017 and the outcomes of the public exhibition on 13 March 2018.

## **MAIN REPORT**

### **Summary of the Planning Proposal**

The site is currently zoned R5 Large Lot Residential under the Camden LEP 2010. The draft Planning Proposal seeks to amend the zoning as detailed in the table below.

	Existing	Proposed
Zone	R5 Large Lot Residential	R2 Low Density Residential B1 Neighbourhood Centre E2 Environmental Conservation
Minimum Lot Size	4,000m <sup>2</sup>	No change
Height of Buildings	9.5m	No Change

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

R2 Low Density Residential zone – the draft Planning Proposal seeks to rezone approximately 18.15ha of the site for R2 Low Density Residential. This zoning will facilitate a range of seniors living accommodation on the site. The proponent has indicated that it is intended to utilise the site for a range of seniors accommodation including 112 independent living units, 95 apartments and a 120-bed residential aged care facility (RACF). A range of other uses may also be facilitated by this zone, including a wellness centre and a childcare centre.

The B1 Neighbourhood Centre zone – the draft Planning Proposal seeks to zone 4,000m<sup>2</sup> of the site for the purposes of a neighbourhood centre. The centre is proposed to include a range of supporting uses which may include a medical facility/wellness centre, café/restaurant, pharmacy and convenience shop.

E2 Environmental Conservation zone – the draft Planning Proposal seeks to rezone approximately 8.4ha of the western portion of the site to E2 Environmental Conservation to ensure the management and protection of the Cumberland Plain Woodland (CPW) and an Aboriginal Cultural Heritage Site.



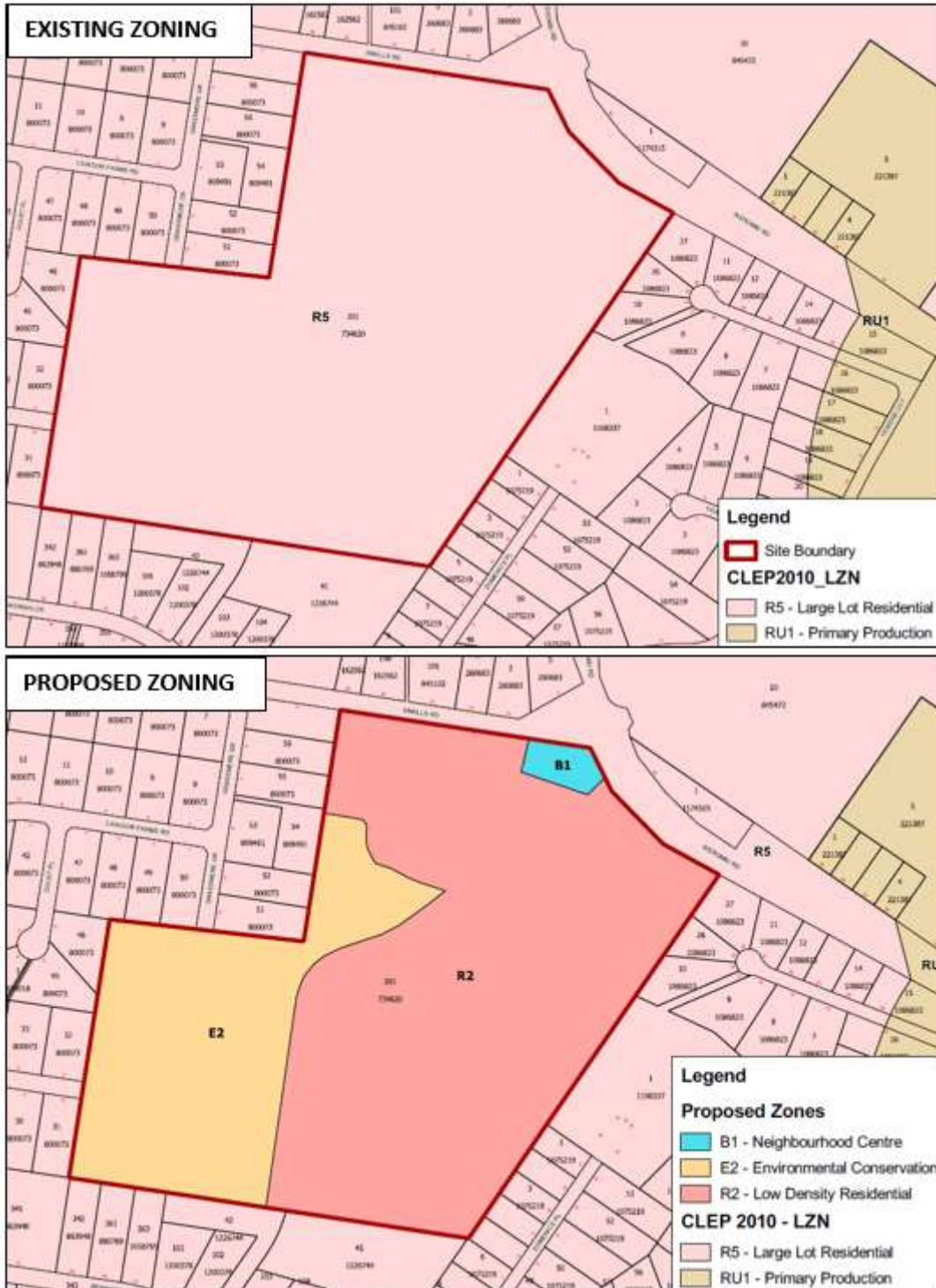


Figure 2: Current and Proposed Zoning Map

Minimum Lot Size

While it is the intention of the proponent to develop the site for seniors living, the R2 Low Density Residential zone permits a wider range of uses. To ensure the site is not subdivided beyond the current minimum lot size it is recommended that the existing 4000m<sup>2</sup> minimum lot size requirement is retained.





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## Height of Buildings

It is not proposed to amend the current Height of Buildings (9.5m) applying to the land. This will ensure that the maximum building height is consistent with the existing residential development in Grasmere which is also 9.5m.

## **Specialist Studies**

The Gateway Determination identified a number of specialist studies to be updated or undertaken prior to public exhibition. The following studies have been completed:

- Flora & Fauna, Riparian & Bushfire Study (Offset Strategy);
- Conservation & Land Use Management Plan (CLUMP);
- Aboriginal Heritage Preliminary Assessment;
- Historical Archaeological Assessment;
- Flood Risk Management Review;
- Traffic Access Assessment;
- Acid Sulphate Soil Assessment; and
- Retail Assessment.

The findings of the specialist studies are summarised below, and are provided **under separate cover** as part of the Planning Proposal.

## **Flora & Fauna**

A flora and fauna study has been prepared in support of the draft planning proposal. The study identified the below vegetation on the subject site:

- Good value vegetation – 8.75 ha;
- Moderate value vegetation – 6.22 ha;
- Total 14.97 ha.

The flora and fauna study, undertaken by Ecological Australia, has identified approximately 14.97ha of Critically Endangered Cumberland Plain Woodland (CPW) on the site. The habitat mainly consists of Grey Box Forest Red Gum Grassy Woodland which is part of the CPW endangered ecological community.

The draft Planning Proposal seeks to rezone 9.21ha of the CPW on the subject site to R2 Low Density Residential and retain the remaining 5.76ha within a E2 Environmental Conservation Zone.

The draft Planning Proposal and draft DCP include a number of site specific planning controls and requirements, with regards to the ongoing management and maintenance of the CPW within the E2 Environmental Conservation Zone.

## **Officer Comment**

The draft Planning Proposal and flora and fauna study has been assessed against the *Threatened Species Conservation Act 1995* (TSC Act). While the *Biodiversity Conservation Act 2016* (BC Act) has replaced the TSC Act, the TSC applies in this instance.

The TSC Act requires, where native vegetation is proposed to be removed from a site, it is offset on that site or where necessary offsite.

Biodiversity offsets work by protecting and managing biodiversity values in one area in exchange for impacts on biodiversity values in another. For example, if a development requires an area of native vegetation to be cleared, another area of similar vegetation can be protected, improved and managed for conservation in perpetuity, effectively 'offsetting' the clearing at the development site.

Where a proposed development can entirely offset the loss of vegetation, the subject land can be bio-certified. Bio-certification "switches off" the requirement for each DA to consider vegetation removal in accordance with the EP&A Act. Where a development is not able to be bio-certified, each DA is required to be assessed against the TSC Act for vegetation removal.

A number of mechanisms can be considered for the protection (offsetting) of vegetation. Each method has a different rate of credit, which reflects the level of security and certainty they provide.

- Biobanking – 100% credit entitlement;
- Voluntary Conservation Agreement – 90% credit entitlement;
- Protection under an Environmental Planning Instrument (EPI) – 25% credit entitlement.

The draft Planning Proposal and specialist studies identify that 9.21ha of CPW is proposed to be rezoned to R2 Low Density Residential. The removal of vegetation from within this area would be assessed as part of a future DA.

The proposal cannot meet bio-certification requirements with only the offsetting of vegetation within the E2 Environmental Conservation zoned land. To enable the development to be bio-certified the landowner would be required to purchase off site bio-banking credits, i.e. protect vegetation in another location that is the same type and quality as that proposed to be removed.

The draft Planning Proposal seeks to offset (or protect) vegetation on site via the use of the E2 Environmental Conservation Zone. This method of security is considered the least secure of all three methods recognised by the legislation.

To address concerns regarding the lack of compliance with the offset requirements, the proponent has committed to the following measures to demonstrate the ability to protect and maintain the vegetation in perpetuity without entering into a biobanking agreement:

- Conditions of development consent requiring the implementation of the Conservation and Land Use Management Plan (CLUMP); and
- The preparation of a detailed Vegetation Management Plan (VMP);

The proponent has also agreed to having these methods enforced via the draft DCP and a future section 88B restriction on title (88B).

The above measures are not recognised by the TSC Act or the BC Act as part of the assessment methodology, however they do provide additional certainty regarding the future vegetation protection on the site.

The environmental outcomes would be improved if the proponent agreed to bio-banking vegetation within the E2 Environmental Conservation zone. Bio-banking would



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protect and maintain the vegetation onsite in perpetuity, and provide an ongoing funding source.

Bio-banking of the onsite vegetation will not bio-certify the site, therefore DAs on the site will still be required to address the BC Act or TSC Act with regard to vegetation removal.

The loss of vegetation and measures proposed to mitigate this are discussed further in this report.

### **Riparian**

The riparian study identifies two small watercourses on the site. The study recommends a minimum 20m riparian corridor (10m each side of the outer bank) along the central watercourse. The eastern portion of this watercourse is proposed to be removed as part of the development, as it has limited riparian value or function.

The additional watercourse in the southwest of the subject site will be largely retained in the E2 Environmental Conservation Zone.

#### **Officer Comment**

The riparian corridors have been affected through historical clearing and grazing on the site. The portion of the watercourse proposed to be removed has limited environmental value or water management function.

It is recommended, as part of future DAs, that detailed water management strategies be prepared to support onsite water management.

### **Bushfire**

The bushfire study concludes that the site is capable of meeting the requirements of Planning for Bushfire Protection 2006, subject to appropriate urban design and provision of infrastructure, particularly reticulated water. It is recommended that future urban development incorporates a perimeter road adjacent to any residual hazards and particularly the south west remnant vegetation within the proposed E2 Environmental Conservation Zone.

#### **Officer Comment**

The Indicative Layout Plan (ILP) included within the proposed draft DCP includes a perimeter road adjacent to the conservation area. In addition, future DAs will be required to demonstrate compliance with the Planning for Bushfire requirements, including where necessary identified APZs.

### **Traffic**

The traffic assessment report found that the proposal will result in minimal traffic and pedestrian impacts on the adjacent road network. The proposal has capacity for adequate car parking within the site and the internal low volume vehicle circulation and manoeuvring is considered satisfactory.

The impact of the proposal on the adjoining area and road system during peak hours is minimal and within the available capacity of the site and the road network.

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Officer Comment

Controls have been included in the draft DCP to address pedestrian safety and traffic impacts within the site and surrounding area, including:

- A requirement for a Pedestrian Mobility Plan to be submitted with the first DA; and
- An ILP showing a site entry point, internal circulation road and key pedestrian spine.

Subject to the above draft DCP measures, it is considered there is sufficient capacity in the surrounding road network to support the proposed development.

**Flooding**

The flood study identified that the site is suitable for the proposal. The study considered the two watercourses on the site and found them to pose no flood risk.

Officer Comment

The site is located within the Nepean River Catchment. The two minor watercourses on site do not pose a flood risk to residential development. Detailed design of onsite water management and retention systems should be considered as part of any DAs on the land.

**Aboriginal Heritage**

The Aboriginal heritage assessment identified eight artefact locations on the site. The largest area is located within the riparian corridor of the watercourse closest to Smalls Road. In this area five artefacts have been identified. The report recommends this area be protected from any further disturbance to ensure protection of this area of significance.

The report also identified a further three isolated artefacts on the site, one on the second watercourse within the vegetated western corner, and the other two isolated finds within existing grassland.

Officer Comment

The Aboriginal artefact site is recommended to be included within the E2 Environmental Conservation zone. Inclusion in this zone will ensure protection from residential development.

Of the three isolated finds, one located on the second watercourse is located within the proposed E2 Environmental Conservation zone. The remaining two are located within the proposed development footprint.

As part of any future DA, any proposal to disturb or destroy any identified artefacts will need to comply with the relevant legislation.

**Historical Archaeological**

The historical archaeological assessment identifies that the site formed part of the second land grant to John Macarthur in 1825, and remained in the ownership of the family until the 1880's.



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The study identified the remains of an underground cistern c.1882, and the potential archaeological remains of a cottage on the subject site.

The cistern is likely considered a relic, as defined by the *Heritage Act 1977* and may have some local significance in relation to its use by WH Paling, founder of the Carrington Convalescent Hospital.

Whilst generally archaeological relics are protected under the *Heritage Act 1977* a number of general exceptions apply. The study considers that due to the level of disturbance on the site the cistern provides little or no research potential, therefore meeting the exception criteria.

The study recommends:

- An archival photographic record of the remnant features of the site; and
- As part any future DA the level of impact to the potential remains to the former cottage should be assessed.

#### Officer Comment

Considering the low heritage significance and low research potential of the archaeological finds, Council officers agree with the proposed recommendations of the study. The draft DCP includes a control requiring an assessment report be provided to consider the potential impact on the archaeological remains of the cottage, and the provision of an archival photographic record of the cistern.

#### **Salinity**

The salinity assessment tested soil samples and identified that the site is not impacted by high levels of salinity and therefore a salinity management plan is not required for the site.

#### Officer Comment

Council officers support the study's findings.

#### **Grasmere Retail**

The proposed development seeks to provide a small neighbourhood centre on the Smalls Road and Werombi Road frontages. To support this proposal the proponent has provided a retail assessment study.

The assessment reviewed the trade area that could be potentially served by retail on the site. The main trade area likely to be served by retail facilities at the site incorporates the suburbs of Grasmere and Ellis Lane, as well as Brownlow Hill. The trade area population is estimated to grow at an average annual rate of 2.0%.

There are currently no retail facilities provided within the defined trade area. However, Camden Town Centre is approximately 3km east of the site, Narellan Town Centre is approximately 7.5km northeast of the site, and Camden South small set of shops is approximately 5.7km south east of the site.

The assessment identifies that population growth in the trade area will ensure any impact to surrounding retail facilities will be minor or negligible and within the normal

bounds of competition. It is also expected that any impacts would be temporary in nature and expected to dissipate within one to two years with population growth and retail market growth.

#### Officer Comment

The provision of a small neighbourhood centre on the site is envisaged to provide services of an ancillary nature to the existing Carrington Centennial Care and the proposed extension on the subject site at 5 Smalls Road.

Given the size of the proposed area and the nature of the uses it is unlikely to have an impact on existing shopping centres, and more likely to service the needs of the new community at 5 Smalls Road.

The retail assessment considers a maximum gross floor area of 1,000m<sup>2</sup> however in accordance with the Council resolution of April 2012, the draft Planning Proposal and draft DCP include a shop and café/restaurant cap of 500m<sup>2</sup>.

It is noted that uses such as a medical facility/wellness centre and childcare centre would not be counted under the GFA cap of 500m<sup>2</sup>.

#### **Public Agency Consultation**

Following completion of the draft studies and as required by the Gateway Determination, consultation was undertaken with the following public agencies:

- Federal Department of Sustainability, Environment, Water, Population and Communities;
- Integral Energy;
- NSW Rural Fire Service;
- NSW Office of Environment and Heritage (Heritage Branch);
- NSW Office of Environment and Heritage (Environment Branch);
- Transport NSW;
- Roads and Maritime Services;
- Sydney Water;
- Telstra;
- Local Aboriginal Councils;
- Adjoining Councils.

A summary of the key and outstanding agency issues is provided below. A submission response table is included as an **attachment** to this report.

#### **The Office of Environment and Heritage (OEH) (Environment)**

The OEH (Environment) has formally objected to the draft Planning Proposal as it has not demonstrated compliance with the offset requirements.

#### Officer Comment

Discussions with OEH (Environment) regarding the proposal have been ongoing, and a number of meetings (including a site visit) have been undertaken. As a result, a number of changes have been made to the proposal, including the extension of the E2 Environmental Conservation zone, and a change of location of a drainage basin to ensure conservation of an area of Aboriginal cultural heritage.



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As discussed above, the proposal remains non-compliant with the legislative offset requirements to achieve bio-certification.

To meet the bio-certification requirements, the proposal would need to offset the loss of vegetation by purchasing off-site bio-banking credits. The proponent and landowners have advised that they do not intend to purchase off-site credits.

With regards to the protection of on-site vegetation, Council officers have discussed the option of biobanking the E2 Environmental Conservation zoned land therefore protecting the vegetation on site in perpetuity. The proponent has advised that this is not currently an option they are willing to explore.

Council officers have liaised with OEH and the proponent since 2013 to explore options regarding the protection of the vegetation, however no methods have been agreed upon.

Whilst the proposal does not satisfy the requirements of the OEH, it is noted that the development offers the following environmental benefits:

- The site is vacant with occasional use as grazing to maintain grass on the site. The site is currently zoned R5 Large Lot Residential and could be developed for large lot housing with a minimum lot size of 4,000m<sup>2</sup>.
- Should the site be utilised for large lot housing, removal of the vegetation would be considered on a site by site basis. The consideration of vegetation removal in a piecemeal manner often results in poor environmental outcomes and would not result in the creation of an E2 Environmental Conservation zone.
- Each DA on the site would be required to assess vegetation removal under Section 1.7 of the EP&A Act.
- The TSC Act and the BC Act only recognise the three offset methods, however the proponent has agreed to the implementation of vegetation conservation and management within the DCP, with a covenant being placed on the title of the land requiring the ongoing management of the E2 Environmental Conservation zoned land.

Despite the ongoing dialogue with the OEH and the proponent, Council officers have been unable to resolve the outstanding objection from the OEH.

### **Office of Environment and Heritage (Heritage)**

The submission from OEH (Heritage) requests that the Aboriginal Object be included within the E2 Environmental Conservation zone, as the specialist study identifies it as being significant.

### **Officer Comment**

The E2 Environmental Conservation Zone has been extended to include the Aboriginal Object (CR4). No residential development is permitted in the E2 Environmental Conservation zone.





## Transport NSW (TFNSW)

The submission from TFNSW identified the following matters to be addressed and considered:

- Need to identify existing bus routes and assess the pedestrian links from the site to connect with existing bus stops;
- No existing public buses operate via Smalls Road due to the varying road widths;
- A consistent 3.5m lane width in each direction, with additional 3m width for bus stops/parking is required for the operation of a bus route;
- Upgrading of road sections including Smalls Road is required for future bus services to the site;
- Proponent needs to prepare detailed plans on the internal road width, height restrictions, and dedicated bus stops for a bus to potentially access the site internally.

### Officers Comment

Discussions with Transport NSW have been ongoing and included an onsite meeting.

The owners of the site (Carrington Centennial Care) advise that they will operate a bus service for the residents and staff, similar to that in operation on the main Carrington Campus on Werombi Road. There is also a smaller vehicle for requested trips outside the timetabled service.

To facilitate safe access to bus transport, the draft DCP requires a Pedestrian Mobility Plan be submitted at the DA stage to ensure safe access for residents to bus services and to access the main Carrington Campus on the northern side of Werombi Road.

### **Draft Camden DCP**

A draft site-specific amendment relating to Part C (Residential Subdivision) and Part D (Controls Applying to Specific Land Uses/Activities) of the Camden DCP 2011 has been prepared. A copy of the draft DCP 2011 is provided as an **attachment** to this report. A summary of the proposed DCP controls is provided below.

<b>Proposed Control</b>	<b>Justification</b>
A Pedestrian Mobility Plan must be submitted with the first DA.	This will help ensure safe pedestrian access to bus transport.
The Conservation Lands (E2 zoned land) will be secured through:  Conditions of development consent requiring the implementation of the Conservation and Land Use Management Plan (CLUMP);	To support the retention, rehabilitation, management and funding of the Critically Endangered Cumberland Plain Woodland vegetation in the E2 Environmental Conservation zoned land.





<ul style="list-style-type: none"> <li>The preparation of a detailed Vegetation Management Plan (VMP);</li> <li>A Section 88 covenant requiring compliance with the CLUMP and VMP.</li> </ul>	
The combined gross floor area for the neighbourhood shop and cafe/restaurant will be no greater than 500m <sup>2</sup> .	To ensure the retail component of the site is appropriately sized.
A masterplan for the Neighbourhood Centre will be submitted with the first DA.	To facilitate good design and layout for the Neighbourhood Centre.
An assessment report be provided with the first DA to consider the potential impact on the archaeological remains of the cottage, and provision of an archival photographic record of the cistern.	To ensure archaeological relics on the site are assessed and if necessary protected.
Development setbacks will be consistent with those set out in the DCP.	To ensure the proposed development is consistent with existing development along Smalls and Werombi Roads.

**Table 2: Schedule of proposed Camden DCP 2011 amendments**

### Public Exhibition

The draft Planning Proposal, revised specialist studies, and the draft DCP were publicly exhibited from 21 November 2017 to 15 January 2018. Public agencies were also notified of the public exhibition.

In total, nine submissions were received, six from public agencies, two from community members and a submission from the proponent. A submission response table is included as an **attachment** to this report. Submissions are included as **supporting documents**.

### Summary of Key Issues

#### Office of Environment and Heritage (Environment)

The OEH (Environment) has reiterated its previous objection to the proposal (received during the earlier public agency consultation).

The OEH (Environment) identified concerns regarding the security and ongoing funding for the management of the E2 Environmental Conservation land. The submission also identified concerns regarding the Bushfire Asset Protection Zone (APZ) within the E2 conservation zoned lands.

#### Officer Comment

As discussed above, the proposed rezoning and removal of vegetation does not meet the offsetting requirements of the TSC Act for bio-certification.

The proposed E2 Environmental Conservation zone includes the APZ. The APZ is approximately 60m x 300m in area (1.8 hectares). It is recommended the APZ be moved from within the E2 Environmental Conservation zone to the residential zoned land. Requiring the APZ to be located on the residential land will increase the protected vegetation within the E2 Environmental Conservation land.

In addition, the proponent has agreed to the placement of a covenant (88B) on the title of the subject land to ensure that the vegetation within the E2 Environmental Conservation zone is conserved and maintained. A Conservation Land Use Management Plan (CLUMP) has been prepared as part of the specialist studies and will be enforced via future DA conditions. Additionally, a Vegetation Management Plan (VMP) will be required to be prepared under the draft DCP.

Whilst this proposed amendment does not remove the concerns of the OEH with regards to the mechanism used to protect the E2 Environmental Conservation zone it provides an improved environmental outcome.

#### Office of Environment and Heritage (Heritage)

The submission by OEH (Heritage) notes that the draft Planning Proposal does not consider the potential impacts on adjacent heritage items. In addition, the submission recommends any future development approval include conditions with regards to the potential removal or destruction of the underground cistern and potential cottage remains.

#### Officer Comment

The draft DCP is recommended to be amended (post exhibition) to include a control requiring a “report be provided with the first DA to consider the potential impact on the archaeological remains of the cottage, and provision of an archival photographic record of the cistern”.

Of the four other public agency submissions received, no concerns were raised.

#### Community Submissions

Two submissions were received from the community as part of the public exhibition process.

1. *Concern regarding access to the subject site, and a road proposed via a separate development application*

#### Officer Comment

The road identified in Benwerrin Estate is not intended to provide an access point into the 5 Smalls Road site. Delivery of the road is subject to the completion of works identified within the DA applying to that land, and is not a relevant matter for this Planning Proposal.

2. *Concerns regarding pedestrian access and safety near the intersection of Smalls Road and Werombi Road*

#### Officer Comment

The traffic studies undertaken for the proposal conclude that there is sufficient capacity in the traffic network to support this proposed development. The draft DCP requires a pedestrian access plan be submitted with the first DA to ensure that pedestrian access to the site is sufficiently planned for.



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3. *The traffic study is out of date*

Officer Comment

The traffic study was updated in April 2016. This was the exhibited version.

4. *Concerns regarding School Buses exiting Benwerrin Crescent and Old Oaks Road*

Officer Comment

The intersection of Benwerrin Crescent and Old Oaks Road is outside of the subject site. Given that direct access to Werombi Road is available from the Smalls Road intersection it is considered unlikely that traffic will access Old Oaks Road via Benwerrin Crescent. Therefore, it is not considered that this proposal will impact on this intersection.

5. *Concerns regarding the potential extinguishment of the emergency services track adjacent to the Bushfire APZs*

Officer Comment

The requirements for emergency services access in and adjacent to APZs is set out in the Planning for Bushfire Requirements and will be considered as part of any future DA.

6. *Concern raised regarding impact on rate revenue and whether that would impact on other ratepayers*

Officer Comment

Seniors living housing can apply for an exemption from the payment of rates. At present no exemption has been applied for the 5 Smalls Road site. Should the property be rezoned the rating category would be amended to reflect the R2, B1 and E2 zones.

If the site is developed as a seniors living village the owner can apply for the site to be non-rateable under S556 of the Local Government Act. If non-rateable status is granted any loss of rates is distributed across the whole of the Camden LGA.

**Proponent Submission**

7. *Request to amend wording in the draft Planning Proposal to remove reference to 'critically endangered' vegetation.*

Officer Comment

Cumberland Plain Woodland (CPW) is designated as critically endangered under the TSC Act and the BC Act. The use of the words "critically endangered" is in accordance with the legislation.

8. *The Planning Proposal refers to the proposed uses within the B1 Zone including childcare centre and wellness centre, it is noted that these are also permissible within the R2 Residential Zone.*

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Officer Comment

The childcare and wellness centre uses are permissible in both the B1 and R2 zones. The draft Planning Proposal and draft DCP are proposed to be amended to include reference to these uses as permissible within both the B1 Zone and R2 Zone to ensure it is consistent with the zone landuse table.

9. *Request to have the upper limit of the retail component increased to 1000m<sup>2</sup>*

Officer Comment

The 500m<sup>2</sup> retail cap would only apply to those uses defined as a shop, i.e. café, convenience store, hairdresser etc. They would not apply to the wellness centre or childcare centre. The intent of the restriction on floor area is to ensure the uses do not have an unacceptable impact on other centres.

Both the Planning Proposal and draft DCP identify the 500m<sup>2</sup> retail cap and it is recommended that this be retained. Should detailed master planning of the B1 component identify a need for a floor area greater than 500m<sup>2</sup>, it is recommended this be undertaken through a separate amendment process. At that time, updated retail impact studies and justification reports would need to be prepared.

10. *Request to amend the ILP to include a uniform setback of 10m on Smalls Road*

Officer Comment

The 20m setback shown on the ILP is reflective of the average existing setback of residential dwellings on the northern side of Smalls Road. The intent of this control is to ensure consistency in the urban form outcomes on the site.

The 10m setback closer to the Werombi Road intersection reflects the transition from residential development to the Neighbourhood Centre.

It is not proposed to amend the setback requirements. However, it is noted that these will be transferred from the ILP to the DCP which is in line with the format of the Camden DCP 2011.

**Summary of Post Exhibition Changes**

Following the public exhibition, a number of minor amendments have been made to the draft Planning Proposal and draft Camden DCP. All amendments are considered minor and/or address matters raised as part of the public exhibition process. It is not considered necessary to re-exhibit the proposed changes.

Draft Planning Proposal

- Amendment of the Indicative Layout Plan (ILP) to remove the APZs and setbacks.
- Amend planning proposal to include reference to wellness centre and childcare centre as permissible uses in the R2 Zone as well as in the B1 Zone.
- Update legislative references following adoption of the Western City District Plan.
- Amendment of Sections 4.4.6 Community Consultation and 4.7 Project Timeline to reflect that the exhibition has taken place.



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- Update Appendices 1 (Consistency against SEPPs) and 2 (S117 Directions).

#### Draft Camden DCP

- Removal of reference to two storey height limit in the DCP as height is controlled by the LEP.
- Amendment of Carrington Planning Principles to ensure a degree of flexibility.
- Amendment of the ILP.
- Insertion of a water management and riparian corridor controls, and water management plan.
- Insertion of Development Setback controls.
- Insertion of Historical Archeology controls.
- Insertion of additional vegetation conservation control.

#### **Conclusion**

The draft Planning Proposal has one outstanding objection from the OEH (Environment).

With the relocation of the APZ, the proposal will protect approximately 7.56ha of CPW in the E2 Environmental Conservation zone. However, to comply with the requirements of the TSC Act for bio-certification the proponent would need to purchase offsite bio-banking credits.

Whilst acknowledging the outstanding objection, the Planning Proposal is considered to have merit. Subject to the satisfactory resolution of the outstanding objection, it is recommended that Council support the planning proposal at 5 Smalls Road, Grasmere for the following reasons:

- Securing the protection of high value vegetation as part of the rezoning provides a better environmental outcome than if the land was developed for R5 Large Lot residential which is currently permissible on the land.
- The bio-banking credits required may not be available in the Camden LGA or the direct vicinity of the site, therefore providing no direct improved environmental outcomes for the local community.
- The legislation only recognises the three offset methods, however the proponent has agreed to the implementation of vegetation conservation and management within the DCP, with covenant being placed on the title of the land requiring the ongoing management of the E2 Environmental Conservation land.

#### **Where to from here?**

The purpose of this report is for Council to consider the draft Planning Proposal and draft DCP, and to seek a resolution from Council to support the proposal subject to the DPE and OEH resolving the outstanding objection.

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Council officers have liaised with the OEH and landowner to try and resolve the objection since 2013 and have investigated a number of options to resolve the objection without success.

As the objection is from a public agency, it is recommended that the matter be referred to the DPE to resolve with the OEH.

### **FINANCIAL IMPLICATIONS**

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

### **CONCLUSION**

The draft Planning Proposal seeks to rezone the land at 5 Smalls Road, Grasmere to R2 Low Density Residential, B1 Neighbourhood Centre, and E2 Environmental Conservation to facilitate a seniors living village, a neighbourhood centre and vegetation conservation.

The draft proposal has an outstanding objection from the OEH (Environment). As Council officers have been unsuccessful in resolving this objection, it is recommended that Council support this draft Planning Proposal in principle, subject to satisfactory resolution of the objection between the DPE and the OEH (Environment).

### **RECOMMENDED**

**That Council:**

- i. endorse the draft Planning Proposal (as amended) in principle, subject to the resolution of the outstanding objection from the Office of Environment and Heritage (Environment) for 5 Smalls Road, Grasmere;**
- ii. forward the draft Planning Proposal (Amendment 16 - Carrington (Smalls Road) to the Department of Planning and Environment to resolve the outstanding objection;**
- iii. subject to the resolution of the outstanding objection request the plan to be made;**
- iv. adopt the draft DCP (as amended) for 5 Smalls Road, Grasmere; and**
- v. subject to gazettal of Planning Proposal grant delegation to the General Manager to adopt the proposed changes to the Camden DCP and publicly notify the adoption in accordance with the provisions of the *Environmental Planning and Assessment Act* and Regulations.**

### **ATTACHMENTS**

1. Post Exhibition Council Report - Draft DCP Amendment 16 Carrington
2. Submissions Response Table - Amendment 16
3. Submissions - *Supporting Document*



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## ORDINARY COUNCIL

## ORD02

**SUBJECT:** POST EXHIBITION REPORT - CAMDEN DEVELOPMENT CONTROL PLAN 2011 (DRAFT AMENDMENT NO. 21) - REVIEW OF ACOUSTIC AMENITY CONTROLS

**FROM:** Director Planning and Environment

**TRIM #:** 18/122404

**PREVIOUS ITEMS:** ORD04 - Camden Development Control Plan 2011 (Draft Amendment No.21) - Review of Acoustic Amenity Controls - Ordinary Council - 24 Oct 2017 6.00pm

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### PURPOSE OF REPORT

The purpose of this report is to consider submissions received from the public exhibition of the draft amendment to the Camden Development Control Plan 2011 (draft Camden DCP) relating to acoustic amenity controls.

This report recommends the draft DCP be adopted with minor post exhibition amendments.

A copy of the post exhibition version of the draft DCP (with tracked changes) is provided as an **attachment** to this report.

### BACKGROUND

The ENP was adopted by Council in June 2008 to provide a framework and criteria for the assessment of noise impacts from development. The ENP provides measures to minimise the impact of noise on residential development from noise generating development. The existing Camden DCP 2011 requires compliance with the ENP.

In 2017, a review of Council's existing ENP and the Camden DCP 2011 Part B1.16 (Acoustic Amenity) was undertaken. Subsequently, Council resolved on 24 October 2017 to endorse for public exhibition, the draft Camden DCP (Acoustic Amenity). A copy of the 24 October 2017 Council report is provided as an **attachment** to this report.

The draft DCP seeks to centralise and simplify the acoustic amenity controls and remove the need for a separate ENP by incorporating the relevant controls into the DCP.

Councillors were briefed on the outcome of the public exhibition on 27 March and 8 April 2018.

### MAIN REPORT

#### Summary of Draft DCP

The draft DCP amends the noise criteria for residential development within new release areas. It is proposed to change the external noise criteria for private open space areas from 55dBA to 57dBA.



This change is proposed in response to increased residential densities near sub-arterial roads such as Peter Brock Drive and major arterial roads such as The Northern Road and Camden Valley Way. Compliance with the existing external noise criteria along these roads has been difficult to achieve without high acoustic barriers, which can provide a poor urban design outcome.

No change is proposed to the external noise criteria for residential development within established areas.

### **Public Exhibition**

The draft DCP was placed on public exhibition from 7 November to 4 December 2017 with four submissions received. Three of the submissions expressed broad support for the intent of the draft Camden DCP.

A table outlining the issues raised in submissions and Council officer responses is provided as an **attachment**. A copy of the submissions is provided as a **supporting document**.

### **Summary of Submissions**

A summary of the key issues and Council officer responses are provided below.

1. Council should not be regulating external noise criteria. Two submissions raise concern that the application of external noise criteria to residential development is above that required by the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP).

#### **Officer Response**

The ISEPP applies acoustic amenity controls to noise sensitive development along busy roads and rail corridors to comply with set internal noise criteria. The ENP applies noise criteria to protect the external amenity of residential development.

The draft DCP proposes to continue to require the protection of external acoustic amenity, whilst acknowledging the distinction in the noise environments in new release areas compared to established areas.

The draft DCP proposes to apply a new external amenity criteria of 57dBA to new release areas, whilst the existing 55dBA criteria is proposed to continue to apply to established areas.

2. The time period for measurement of noise impacts should be amended from one hour to 15 hours. Two submissions identified that it will be difficult to measure traffic noise impacts using a one hour measurement criteria between 9.00am to 3.00pm. The submissions recommend the measurement criteria be amended to a 15 hour period between 7.00am and 10.00pm.

#### **Officer Response**

Measuring noise over a one hour period may not produce a reading that reflects the noise impacts throughout most of the day. When determining the mitigation measures that may be required to protect external amenity, it is important to capture the peaks and troughs of traffic noise and average these out over a 15 hour period.





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Council officers support the draft DCP being amended to specify a 15 hour measurement period to determine noise impacts (and required mitigation measures). A 15 hour measurement period is consistent with the current acoustic measurement period that reflects the 'day period' only. This will produce noise results that better reflect average noise levels.

### **Post Exhibition DCP Amendments**

A number of minor post exhibition amendments are recommended to the draft DCP to provide additional clarification of the proposed controls. Two new figures are proposed to be included into the draft DCP to assist with the interpretation of the acoustic controls.

A note is proposed to be inserted into the draft DCP to make it clear that new release areas includes land mapped as Urban Release Area within the Camden Local Environmental Plan 2010 (Camden LEP 2010) and includes Growth Area Precincts that have been rezoned.

The suggested post exhibition amendments are minor and do not alter the original intent of the draft DCP.

A copy of the post exhibition amendments to the draft DCP is provided as an **attachment** to this report.

### **Camden Growth Area DCPs**

The Camden Growth Area is covered by three DCP's (Camden Growth Area DCPs) which apply to different parts of it, being:

- Turner Road DCP;
- Oran Park DCP; and
- Camden Growth Centre Precincts DCP.

These DCPs were prepared and adopted by the Department of Planning and Environment (DPE). The DPE has issued delegation to Council to amend or replace the Growth Area DCPs, subject to compliance with conditions specified in the delegation. All three DCPs reference the ENP and need to be amended to include provisions that are consistent with the draft Camden DCP.

This report recommends that Council endorse amendments to the three Growth Area DCPs for the purpose of public exhibition. These amendments would be included as part of a future Camden Growth Area DCPs amendment project.

### **Environmental Noise Policy**

It is recommended that Council adopt the draft DCP (as amended) as an interim ENP that will apply to Camden's part of the South West Growth Area. This will ensure a consistent approach to acoustic amenity throughout the LGA until the proposed amendments to the Camden Growth Area DCPs take effect.

It is also recommended that the interim ENP be rescinded if the amendments to the Camden Growth Area DCPs take effect.

### **Next Steps**



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Should Council resolve to adopt the draft DCP, it will come into force following notification in the local newspaper.

### **FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

### **CONCLUSION**

Four submissions were received as a result of the exhibition of the draft DCP. The submissions have been considered and a number of recommended amendments to the draft DCP have been outlined within this report.

It is recommended that Council adopt the draft DCP with post exhibition amendments and endorse proposed amendments to the three Camden Growth Area DCPs, to be consistent with the acoustic amenity controls of the draft Camden DCP. These amendments will be included in a future Camden Growth Area DCPs amendment project.

To ensure a consistent approach to acoustic amenity is achieved across the LGA, the draft DCP as amended is recommended to be adopted as an interim ENP and to be rescinded once the proposed amendments to the Growth Area DCPs are adopted.

### **RECOMMENDED**

**That Council:**

- i. adopt the draft Camden Development Control Plan 2011 (Amendment 21 – Acoustic Amenity) as amended;**
- ii. adopt the draft Camden Development Control Plan 2011 (Amendment 21 – Acoustic Amenity) as amended as Council’s interim Environmental Noise Policy;**
- iii. publicly notify the adoption of the development control plan in accordance with the Environmental Planning and Assessment Regulation 2000;**
- iv. advise submitters of the outcome of this report;**
- v. endorse amendments to the Turner Road DCP, Oran Park DCP and Camden Growth Centre Precincts DCP, to be consistent with the draft Camden Development Control Plan 2011 (as amended); and**
- vi. if the proposed amendments to the Turner Road DCP, Oran Park DCP and Camden Growth Centre Precincts DCP are adopted, rescind the interim Environmental Noise Policy.**

### **ATTACHMENTS**

1. Post exhibition - Tracked Changes for Council report Amendment 21
2. Report & Resolution 24 October 2017
3. Submission Table
4. Submissions - *Supporting Document*



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## ORDINARY COUNCIL

### ORD03

**SUBJECT: TENDER T019/2018 - CONSTRUCTION OF YOUTH PLAY SPACES AT SEDGEWICK RESERVE, CURRANS HILL AND HARRINGTON PARK LAKE RESERVE, HARRINGTON PARK**

**FROM:** Director Community Assets

**TRIM #:** 18/102152

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### PURPOSE OF REPORT

To provide details of the tenders received for Contract T019/2018, being construction of youth play spaces at Sedgewick Reserve, Currans Hill and Harrington Park Lake Reserve, Harrington Park, and to recommend that Council accept the tender offered by Co-ordinated Landscapes Pty Ltd.

### BACKGROUND

Following the success of the Birriwa Reserve Youth Space, Council resolved in April 2017 to develop new youth play spaces at Sedgewick Reserve, Currans Hill and Harrington Park Lake Reserve, Harrington Park. The locations of the proposed youth play spaces are shown on the **attachment** to this report.

This tender includes the construction of both youth play spaces. The works generally include the installation of new playground equipment, skate and scooter elements, shade structures, seating, parking, accessible amenities and landscaping. Details of the scope for each site are shown in the **attachment** to this report. The supply of play equipment has been purchased directly under separate contracts to avoid delays and to achieve best value to Council.

The designs were developed in response to comments received as part of a 'Your Parks Your Voice' consultation, conducted with residents in June 2017. The designs were reviewed to ensure consistency with community feedback and presented to Councillors at a workshop in October 2017. The designs were subsequently presented to the community via resident mail outs, media releases, Council website notifications and onsite group information sessions in November 2017. A further Councillor workshop briefing was held on 24 April 2018.

### MAIN REPORT

#### **Invitation to Tender**

The invitation to submit a tender was advertised in the Sydney Morning Herald, local newspapers and the NSW e-tendering website. The tender closed on 6 April 2018 and five submissions were received. The tenderers were asked to provide a lump sum price for the works, both as single projects or as a combined contract.



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## Tender Submissions

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

<b>Company</b>	<b>Location</b>
Co-ordinated Landscapes Pty Ltd	Sutherland NSW
North Shore Paving Pty Ltd	Lindfield NSW
Paramount Landscaping Pty Ltd	Beresfield NSW
Redwood Design and Construct	Kirribilli NSW
St Hilliers Property Pty Ltd	Milsons Point NSW

## Tender Evaluation

The intention of the tender process is to appoint a contractor with proven capacity and experience in similar scale projects as well as providing best value and quality services to Council.

A tender evaluation panel was established and the submissions were assessed on price and non-price factors as agreed by the evaluation panel. Price was given a weighting of 60% and non-price factors a weighting of 40%.

Non-Price Factors considered for this project included:

- Company, project team and processes;
- Experience in similar projects and capacity;
- Program and methodology;
- Work Health and Safety.

Co-ordinated Landscapes Pty Ltd provided the most competitive tender in terms of cost and meeting the requirements of Council's tender documentation. The company has a proven track record on Commercial, Local and State Government projects spanning over 40 years.

The panel members were unanimous that the tender by Co-ordinated Landscapes Pty Ltd represented the best value to Council.

A summary of the tender assessment is provided in the **supporting document**. Please note this information is Commercial-in-Confidence.

## Relevant Legislation

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.

## Critical Dates / Time Frames

Co-ordinated Landscapes Pty Ltd has submitted a program to complete the works in a timeframe that meets the requirements of Council. Subject to Council's acceptance of this tender, the works are expected to be completed by October 2018.



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## **FINANCIAL IMPLICATIONS**

After considering the price tendered for the projects and the cost of pre-purchased play equipment, the total budget for both projects is now \$2,501,245. Council's adopted budget for both projects is \$2,000,000. The shortfall of \$501,245 can be funded from section 7.11 (formerly section 94) and general fund savings realised from the Mount Annan Leisure Centre project.

## **CONCLUSION**

Co-ordinated Landscapes Pty Ltd has provided a conforming tender. The tender assessment concludes that the offer by Co-ordinated Landscapes Pty Ltd represents the best value to Council and the company has a proven track record of performance on projects of a similar nature.

## **RECOMMENDED**

**That Council:**

- i. accept the tender provided by Co-ordinated Landscapes Pty Ltd as per the terms and conditions of Tender T019/2018 - Construction of Youth Play Spaces at Sedgewick Reserve, Currans Hill and Harrington Park Lake Reserve, Harrington Park for the lump sum of \$1,798,500 (excluding GST);**
- ii. transfer \$141,821 general fund savings from the Mount Annan Leisure Centre project to the Harrington Park Lake Reserve Youth Play Space project; and**
- iii. transfer \$359,424 section 7.11 (formerly section 94) savings from the Mount Annan Leisure Centre project to the Sedgewick Reserve Youth Play Space project.**

## **ATTACHMENTS**

1. Proposed Youth Play Space Locations - Sedgewick Reserve and Harrington Park Lake Reserve
2. Site Plan - Sedgewick Reserve, Currans Hill
3. Site Plan - Harrington Park Lake Reserve, Harrington Park
4. Images of Youth Play Space Equipment
5. Tender Assessment - T019/2018 Construction of Youth Play Spaces at Sedgewick Reserve, Currans Hill and Harrington Park Lake Reserve, Harrington Park - *Supporting Document*



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## ORDINARY COUNCIL

ORD04

### NOTICE OF MOTION

**SUBJECT: NOTICE OF MOTION - M9 ORBITAL AND FREIGHT LINE**

**FROM: Cr C Cagney**

**TRIM #: 18/129798**

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"I, Councillor Cindy C Cagney, hereby give notice of my intention to move the following at the Council Meeting of 8 May 2018:

That Council:

- i. Invite the following NSW Government Ministers to a community meeting to discuss the issues pertaining to the proposed M9 Orbital and Freight Line:
  - a. Invite as a priority:  
Melinda Pavey, Minister for Roads, Maritime and Freight;  
Andrew Constance, Minister for Transport and Infrastructure; and  
Anthony Roberts, Minister for Planning, Housing and Special Minister of State.
  - b. Council also invite:  
Stuart Ayres, Minister for Western Sydney; and  
Gabrielle Upton, Minister for Local Government.
- ii. That Council provide the Camden Civic Centre as a venue for the meeting (towards the end of May 2018) and organise the meeting in conjunction with the concerned community groups."

### RECOMMENDED

That Council:

- i. **Invite the following NSW Government Ministers to a community meeting to discuss the issues pertaining to the proposed M9 Orbital and Freight Line:**
  - a. **Invite as a priority:**  
**Melinda Pavey, Minister for Roads, Maritime and Freight;**  
**Andrew Constance, Minister for Transport and Infrastructure; and**  
**Anthony Roberts, Minister for Planning, Housing and Special Minister of State.**
  - b. **Council also invite:**  
**Stuart Ayres, Minister for Western Sydney; and**  
**Gabrielle Upton, Minister for Local Government.**
- ii. **That Council provide the Civic Centre as a venue for the meeting (towards the end of May 2018) and organise the meeting in conjunction with the concerned community groups.**



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## ORDINARY COUNCIL

ORD05

### NOTICE OF MOTION

**SUBJECT: NOTICE OF MOTION - M9 ORBITAL**  
**FROM: Cr C Cagney**  
**TRIM #: 18/129855**

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“I, Councillor Cindy C Cagney, hereby give notice of my intention to move the following at the Council Meeting of 8 May 2018:

That Council seeks advice in the form of a written response from the NSW government on the following questions:

- i. That the NSW government advise Council if developers have had access to cabinet in confidence information and communication regarding the matter of the M9 Orbital which is before Council and the local community;
- ii. That the NSW government writes to Camden Council and the affected community members to explain what it’s future expectations for land use are around the zones near the recommended corridor; and
- iii. That the NSW government make a firm commitment to preserving agricultural enterprise and assets in the affected areas.”

### RECOMMENDED

**That Council seeks advice in the form of a written response from the NSW government on the following questions:**

- i. That the NSW government advise Council if developers have had access to cabinet in confidence information and communication regarding the matter of the M9 Orbital which is before Council and the local community;**
- ii. That the NSW government writes to Camden Council and the affected community members to explain what it’s future expectations for land use are around the zones near the recommended corridor; and**
- iii. That the NSW government make a firm commitment to preserving agricultural enterprise and assets in the affected areas.**