



# Camden Council

## Business Paper

**Ordinary Council Meeting**  
**24 July 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  
Acting Director Sport  
Community and Recreation  
Casli Mehmed  
Chief Financial Officer  
Paul Rofe  
Manager Governance and Risk  
Charles Weber

Director Planning and Environment  
Nicole Magurren

Acting Director Community Assets  
Sandra Kubecka

# 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

Public Address

Public Seating

Media





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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

\*\*\*\*\*

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 Local Traffic Committee Meeting held 19 June 2018 and Minutes of the Ordinary Council Meeting held 10 July 2018.

**RECOMMENDED**

**That the Minutes of the Local Traffic Committee Meeting held 19 June 2018 and the Minutes of the Ordinary Council Meeting held 10 July 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: MINOR AMENDMENTS TO CAMDEN RURAL LANDS STRATEGY**

**FROM:** Director Planning and Environment

**TRIM #:** 18/96155

**PREVIOUS ITEMS:** ORD03 - Draft Rural Lands Strategy - Exhibition Outcomes - Ordinary Council - 26 Sep 2017 6.00pm  
ORD07 - Draft Camden Rural Lands Strategy and Study - Ordinary Council - 23 May 2017 6.00pm

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### PURPOSE OF REPORT

To inform Council of minor amendments proposed to the Camden Rural Lands Strategy (2017) and to seek Council's adoption of the amended Strategy.

The Strategy (as amended) is provided as an **attachment** to this report.

### BACKGROUND

The Camden Rural Lands Strategy was adopted by Council on 26 September 2017. The Strategy provides a strategic framework to inform Council's future decision making with regard to the protection of Camden's rural land and includes actions to proactively manage rural land and its interface with non-rural land uses.

In accordance with Council's resolution on 26 September 2017, the adopted Strategy was forwarded to the Greater Sydney Commission, the Department of Primary Industries, Transport for NSW and the Department of Planning and Environment (DPE).

The DPE has reviewed the Strategy and requested it be updated to reflect the final version of the Western City District Plan and the Greater Sydney Region Plan which were released in March 2018.

The DPE has advised that, subject to these updates, it will endorse the Strategy. If endorsed by the DPE, the Strategy will have greater strategic weight and will form part of the assessment for rezoning reviews.

The proposed amendments also include updated information regarding the Outer Sydney Orbital (OSO).

This matter was presented at a Councillor briefing on 10 July 2018.

### MAIN REPORT

#### **Greater Sydney Region Plan and Western City District Plan**

The Strategy (**attached**) has been changed to replace references to the Draft South West District Plan with the now adopted Western City District Plan and to update any figures from either the District or Regional Plans.

These amendments are minor, reflect current strategic planning plans and do not change the principles or intent of the Strategy.

### **Outer Sydney Orbital (OSO) corridor**

Since the Strategy was adopted by Council in 2017, Transport for NSW has exhibited a possible corridor for the future OSO motorway and freight rail line. Council objected to the OSO as exhibited on various grounds including the likely adverse impact on Camden's agricultural lands and agricultural economy.

Following the exhibition, Transport for NSW released new information on the OSO corridor including the provision of a future 10km tunnel from north of Cobbitty Road, Cobbitty to southeast of Cawdor Road, Cawdor.

The Strategy has been updated to reflect the current information on the OSO. The principles and actions in the Strategy do not change. Council will continue to advocate to ensure the impact of the OSO corridor on rural lands and communities is minimised.

The proposed changes are provided in red in the **attached** Strategy.

### **Public Exhibition**

It is not proposed to exhibit the amended Strategy. The changes proposed are minor and do not materially alter the Strategy as adopted by Council in September 2017.

### **FINANCIAL IMPLICATIONS**

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

### **CONCLUSION**

The Camden Rural Lands Strategy seeks to protect Camden's remaining rural lands and to address emerging pressures and land use conflicts.

Minor amendments to the Strategy are proposed to reflect updated information on the OSO and to reflect the finalisation of the District and Regional Plans. The changes are proposed to meet the DPE's requirement for endorsement.

### **RECOMMENDED**

#### **That Council:**

- i. adopt the amended Camden Rural Lands Strategy;**
- ii. write to the Department of Planning and Environment to seek its endorsement of the amended Camden Rural Lands Strategy; and**
- iii. forward a copy of the amended Camden Rural Lands Strategy to Transport for NSW, the Department of Primary Industries and the Greater Sydney Commission.**

#### **ATTACHMENTS**

1. draft amendments to Camden Rural Lands Strategy (Proposed changes in red)



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## ORDINARY COUNCIL

## ORD02

**SUBJECT: ADDITION OF MINIMUM LOT CONTROLS IN CAMDEN LEP 2010**  
**FROM:** Director Planning and Environment  
**TRIM #:** 18/181945

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### PURPOSE OF REPORT

This report seeks Council endorsement of a draft Planning Proposal to amend the Camden Local Environmental Plan 2010 (Camden LEP 2010). The amendment seeks to include minimum lot size and frontage controls for dual occupancies and multi dwelling housing.

### BACKGROUND

In October 2016, the Department of Planning and Environment (DPE) exhibited a draft Medium Density Housing Code (draft Housing Code) for public comment. The draft Housing Code proposed that dual occupancies, manor houses and multi dwelling housing, known as low rise medium density housing, be approved under a Complying Development Approvals pathway and without the need for Council approval.

On 13 December 2016, Council resolved to forward a submission to the DPE. Council's submission, included as an **attachment** to this report, objected to Council's inclusion in the draft Housing Code.

In May 2018, the DPE released a revised Housing Code, which allows dual occupancies, manor houses and medium density housing (terraces) as Complying Development and provides minimum lot sizes and frontages below that currently applicable in the Camden LGA. Following its release, Council again sought an exemption from the Code.

On 5 July 2018, the DPE gazetted an amendment to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP) to defer its application to the Camden LGA for a 12 month period.

The deferral provides the opportunity for Council to review the LEP to ensure appropriate controls are in place prior to the conclusion of the 12 month period.

This matter was presented to a Councillor briefing on 26 June 2018.

### MAIN REPORT

#### **Key Issues**

The Housing Code is likely to increase the number of dual occupancies and multi dwelling housing developments, as it permits these types of development on lots smaller than what is currently permitted by Council's controls.

This unplanned growth is likely to impact on density across the Camden LGA and particularly on the character of established and new release areas such as Elderslie

and Spring Farm. Further, the Housing Code will affect Council’s ability to provide sufficient local infrastructure to the community.

These key concerns are further discussed in the **attachment** to this report.

**Draft Planning Proposal**

The draft Planning Proposal seeks to amend the Camden LEP 2010 to insert minimum lot size and minimum frontage controls for dual occupancies and multi dwelling housing. The Planning Proposal is included as an **attachment** to this report.

The draft Planning Proposal includes:

- Dual occupancies – inclusion of the following controls:
  - 600 sqm minimum lot size or 800 sqm on corner lots;
  - 18m minimum frontage where dwellings are directly behind one another or 22m where dwellings are side by side;
- Multi dwelling housing – inclusion of the following controls:
  - 1,500 sqm minimum lot size; and
  - 25m minimum frontage control.

A comparison of the Housing Code, existing controls in the Camden DCP 2011 and proposed controls in the draft Planning Proposal are contained in **Figure 1**.

Comparison Table of Controls			
	Housing Code	Current Camden DCP 2011 Controls	Proposed LEP Controls
<b>Dual Occupancies</b>	Min Lot Size: 400sqm	Min Lot Size: 600sqm or 800sqm for corner lots	Min Lot size: 600sqm or 800sqm for corner lots
	Min Frontage: 12m	Min Frontage: 22m	Min Frontage: 18m (one behind other) 22m (side by side)
<b>Multi Dwelling Housing</b>	Min Lot Size: 600sqm	Min Lot Size: No minimum lot size	Min Lot Size: 1,500sqm
	Min Frontage: 18m minimum	Min Frontage: 25m	Min Frontage: 25m

**Figure 1: Comparison table of controls for dual occupancies and multi dwelling housing.**

The proposed controls will only apply to zones that currently permit these types of developments. The proposed dual occupancy controls will apply to all residential and rural zones. The multi dwelling housing controls will apply to R1 General Residential, R3 Medium Density Residential and B4 Mixed Use zones.

It is noted that the proposed amendments only apply to land zoned under the Camden LEP 2010. *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*



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(Growth Centres SEPP) contains minimum lot sizes and frontage controls for dual occupancies and multi dwelling housing in the growth areas.

This Planning Proposal does not seek to amend the Growth Centres SEPP. Development Applications submitted in the growth areas will continue to be assessed against the existing controls in the Growth Centres SEPP.

### **Minimum Lot Size Justification**

#### *Dual Occupancies*

The Camden DCP 2011 currently requires a minimum lot size of 600 sqm for a dual occupancy, or 800 sqm for corner sites.

The Housing Code permits a dual occupancy on lots where:

1. With a minimum area of 400sqm; or
2. The minimum area specified for dual occupancies in the environmental planning instrument (Camden LEP 2010) that applies to the land.

The Housing Code stipulates that where a LEP has a larger minimum lot size than that identified in the Code, it is the LEP minimum lot size that applies to the proposed development. A DCP control is not taken into consideration.

The Housing Code permits dual occupancy development on 400 sqm lots, as Council currently has no minimum lot size control for dual occupancies within the Camden LEP. It is this minimum lot size that would apply. It is therefore proposed to insert the minimum lot size control of 600 sqm and 800 sqm (corner sites) for dual occupancy development into the Camden LEP 2010.

#### *Multi Dwelling Housing*

The Camden DCP 2011 does not currently contain a minimum lot size control for multi dwelling developments. However, the DCP requires that lots comply with minimum frontage requirements.

The Housing Code permits multi dwelling housing on lots:

1. The minimum lot area specified for multi dwelling housing in the environmental planning instrument (Camden LEP) that applies to the land concerned; or
2. If no minimum lot area is specified in the environmental planning instrument - 600sqm.

This Planning Proposal seeks to insert a minimum lot size control of 1,500 sqm for multi dwelling housing in the Camden LEP. This control will apply to R1 General Residential, R3 Medium Density Residential and B4 Mixed Use zones.

In determining the appropriate minimum lot size, Council officers have considered other Sydney councils' controls and the current requirements in Oran Park and the Camden Growth areas.

As shown in Figure 2, there is a range of minimum lot sizes between councils. However, most require a minimum lot size of 1,000sqm or more.

<b>Comparison of minimum lot sizes for multi dwelling housing</b>		
<b>Council</b>	<b>Environmental Planning Instrument</b>	<b>Minimum Lot Size</b>
Camden – Oran Park	SEPP (Sydney Region Growth Centres) 2006	1,500sqm
Camden – Camden Growth Areas	SEPP (Sydney Region Growth Centres) 2006	1,500sqm in lower density bands
Canterbury - Bankstown Council	Bankstown LEP 2015	1,200sqm
Blacktown City Council	Blacktown LEP 2015	1,800sqm (in R3 zones) Or Min. lot width of 20m (all other zones)
Campbelltown City Council	Campbelltown (Sustainable City) DCP 2015	700sqm
Liverpool City Council	Liverpool DCP 2008	1,000sqm or 650sqm for smaller housing product.

**Figure 2: Comparison of minimum lot size controls for multi dwelling housing**

The proposed minimum lot size of 1,500 sqm is consistent with the current control contained in the Oran Park and Camden Growth Centres SEPP and will offer a consistent approach to multi dwelling housing across the LGA.

The proposed minimum lot size of 1,500 sqm is larger than the minimum lot size contained in the Housing Code. However, it is considered that larger lots can provide better design outcomes such as building separation, open space, landscaping, solar access, cross ventilation and car parking.

### **Minimum Frontage Justification**

#### *Dual Occupancies*

The Camden DCP 2011 requires a minimum frontage of 22m or greater for a dual occupancy. The Housing Code requires a minimum frontage of 12m for a dual occupancy.

The draft Planning Proposal inserts a minimum frontage control of 18m and 22m for a dual occupancy in the Camden LEP. The 18m frontage control is designed to permit a dual occupancy where one dwelling is built behind the other. The 18m frontage allows for a 15m dwelling frontage and a 3m wide access handle (driveway) to permit vehicular access to the dwelling at the rear.

The draft Planning Proposal will also insert a 22m frontage control for a dual occupancy designed with both dwellings fronting the street. This frontage control is consistent with the existing control in the Camden DCP 2011.

#### *Multi Dwelling Housing*

The Housing Code allows multi dwelling housing to be constructed on lots with a minimum frontage of 18m.



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The draft Planning Proposal seeks to introduce a 25m lot frontage control into Camden LEP 2010. This control is consistent with the existing frontage control for multi dwelling housing contained in Camden DCP 2011.

### **Camden Local Planning Panel (CLPP)**

In accordance with the Ministerial Direction dated 23 February 2018, Council is required to refer Planning Proposals to the Camden Local Planning Panel (formerly IHAP) after 1 June 2018. If Council resolves to endorse the Planning Proposal, the proposal will be referred to the CLPP in accordance with the current requirements.

### **FINANCIAL IMPLICATIONS**

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

### **CONCLUSION**

This draft Planning Proposal seeks to amend the Camden LEP 2010 to insert minimum lot size and frontage controls for dual occupancies and multi dwelling housing. The draft Planning Proposal is proposed to respond to potential increased density and character impacts associated with the new Housing Code proposed to come into effect on 1 July 2019.

Should Council resolve to proceed with the draft Planning Proposal, it will be forwarded to the DPE for Gateway Determination and placed on public exhibition.

### **RECOMMENDED**

**That Council:**

- i. endorse the draft Planning Proposal and forward to the Department of Planning and Environment for a Gateway Determination;**
- ii. pending a favourable response from the Department of Planning and Environment, proceed to public exhibition of the Planning Proposal for a period of 28 days or in accordance with the terms of the Gateway Determination notice; and**
- iii. at the conclusion of the public exhibition period:**
  - a. subject to no unresolved submissions being received, forward the Planning Proposal to the Department of Planning and Environment for the plan to be made; or**
  - b. if unresolved submissions are received, require a further report which outlines the results of the public exhibition.**

### **ATTACHMENTS**

1. Submission to DPE
2. Attachment - concerns
3. Proposed Amendment - Minimum Lot and frontage controls

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## ORDINARY COUNCIL

ORD03

**SUBJECT: INVESTMENT MONIES - JUNE 2018**  
**FROM:** Director Customer & Corporate Strategy  
**TRIM #:** 18/211326

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### PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the *Local Government (General) Regulation 2005*, a list of investments held by Council as at 30 June 2018 is provided.

### MAIN REPORT

The weighted average return on all investments was 3.02% p.a. for the month of June 2018. The industry benchmark for this period was 1.86% (Ausbond Bank Bill Index).

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

The Responsible Accounting Officer is the Chief Financial Officer.

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

### RECOMMENDED

**That Council:**

- i. note that the Responsible Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act 1993*, Regulations, and Council's Investment Policy;**
- ii. note the list of investments for June 2018; and**
- iii. note the weighted average interest rate return of 3.02% p.a. for the month of June 2018.**

### ATTACHMENTS

1. Investment Report - June 2018



## ORDINARY COUNCIL

ORD04

**SUBJECT: TENDER T021/2018 - INTERSECTION UPGRADE AT CAMDEN VALLEY WAY, RICHARDSON ROAD AND GRAHAMS HILL ROAD**

**FROM:** Acting Director Community Assets

**TRIM #:** 18/203259

### PURPOSE OF REPORT

To provide details of the tenders received for Contract T021/2018, being the intersection upgrade at Camden Valley Way, Richardson Road and Grahams Hill Road, Narellan and to recommend that Council accept the tender offered by Menai Civil Contractors Pty Ltd.

### BACKGROUND

This project aims to improve traffic flow, reduce travel times and increase the safety and efficiency of Camden Valley Way at the intersection with Richardson Road and Grahams Hill Road, Narellan.

The works generally include the widening of Grahams Hill Road and Richardson Road, to facilitate right turning lanes into Camden Valley Way, and lengthening the existing right turn bays from Camden Valley Way into Richardson Road and Grahams Hill Road.

In order to construct these changes to the intersection, service relocations and traffic signal adjustments will also be required. Works required within the existing travel lanes will be undertaken as nightworks.

Funding has been provided through the Federal Government's Western Sydney Infrastructure Plan – Local Roads Package.

### MAIN REPORT

#### **Invitation to Tender**

The invitation to tender was advertised in the Sydney Morning Herald, local newspapers and the NSW e-tendering website. The tender closed on 4 July 2018 and six submissions were received. The tenderers were asked to provide a lump sum price for the works.

#### **Tender Submissions**

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

<b><i>Company</i></b>	<b><i>Location</i></b>
Antoun Civil Engineering (Aust) Pty Ltd	Guildford
Bedrule Pty LTD	North Sydney
Celtic Civil Pty Ltd	Concord
Cleary Bros	Port Kembla

Menai Civil Contractors Pty Ltd  
Talis Civil PTY LTD

Ingleburn  
Pendle hill

## Tender Evaluation

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

A tender evaluation panel was established and 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:

- Understanding of the project and proposed methodology;
- Experience on projects of similar nature;
- Project program;
- Proposed project team, capacity, and systems; and
- Work Health & Safety.

Menai Civil Contractors Pty Ltd provided the most competitive tender in terms of cost and meeting all requirements of Council's tender documentation. The company has a proven track record in delivering projects of a similar scale.

The panel members were unanimous in determining that the tender by Menai Civil Contractors Pty Ltd represented the best value to Council.

A summary of this assessment is provided in the **supporting documents**. 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

Menai Civil Contractors Pty Ltd have submitted a program to complete the works by the end of December 2018. This timeframe does not allow for delays caused by wet weather or unforeseen site conditions, which are allowable extensions of time under the contract.

However, Council has been experiencing delays in gaining approvals from Roads and Maritime Services for these works, however Council officers have been advised that the approvals are expected shortly. Should further delays be experienced, the timeframe for the commencement of this project will extend the program of works beyond the expected December 2018 completion dates. This is outside the control of both Council and the recommended contractor.



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## **FINANCIAL IMPLICATIONS**

This project is funded under the Federal Government's Western Sydney Infrastructure Plan – Local Roads Package. There is sufficient funding available to accept the tender from Menai Civil Contractors Pty Ltd.

The grant funding approved for this project has additional funds quarantined by the Federal Government for any unforeseen works, if required. These contingency funds can be accessed by Council through submission of details to the Federal Government, justifying the changes in the scope.

## **CONCLUSION**

Menai Civil Contractors Pty Ltd has provided a conforming tender.

The tender assessment concludes that the offer by Menai Civil Contractors 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 accept the tender provided by Menai Civil Contractors Pty Ltd as per the terms and conditions of Tender T021/2018 – Intersection Upgrade at Camden Valley Way, Richardson Road and Grahams Hill Road in the lump sum of \$3,060,795.63 (excluding GST) subject to final Roads and Maritime Services approval of the works.**

## **ATTACHMENTS**

1. Tender T021/2018 - Intersection Upgrade at Camden Valley Way, Richardson Road and Grahams Hill Road - *Supporting Document*

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## ORDINARY COUNCIL

### ORD05

**SUBJECT: TENDER T029/2018 - CONSTRUCTION OF CURRY RESERVE AMENITIES BUILDING**

**FROM:** Acting Director Community Assets

**TRIM #:** 18/209777

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### PURPOSE OF REPORT

To provide details of the tenders received for Contract T029/2018, being construction of Curry Reserve Amenities Building, Elderslie and to recommend that Council accept the tender offered by Kellyville Building Pty Ltd.

### BACKGROUND

Curry Reserve is located on Camden Valley Way, Elderslie at the entrance to Camden.

Council has adopted a budget of \$2,405,000 to provide a new fully accessible water play park, upgrade of amenities, additional car parking and landscaping of areas adjacent to the new water play park.

Through the design development phase of this project, Council investigated the inclusion of additional features, to ensure that Camden's first water play park delivers a great new recreation facility for the community. The additional elements, which will enhance the facility, were considered by Council at workshops held on 10 October 2017 and 27 February 2018.

A significant element of these additional features was enhanced levels of accessibility, with a view to attaining 'Changing Places' accreditation for the amenities building.

The water play park will include accessible water play equipment and wheelchair-accessible change facilities, including an adult change hoist and waterproof wheelchair storage. The Camden Access Community Advisory Group has been consulted in relation to these inclusions. The amenities building will also provide family sized change rooms.

The contract for the design and construction of the water play park was awarded on 13 March 2018 and construction is currently underway.

Following Council's agreement to provide a higher level of amenity and accessibility in the amenities building, architects were engaged in February 2018 to develop a design that would meet Council's aspirations.

The works associated with this tender include the construction of the new amenities building. The additional car parking and landscaping will be the subject of separate contracts.




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## MAIN REPORT

### **Invitation to Tender**

The invitation to tender was advertised in the Sydney Morning Herald, local newspapers and the NSW e-tendering website. The tender closed on 11 July, 2018 and three submissions were received. The tenderers were asked to provide a lump sum price for the works.

### **Tender Submissions**

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

<b><i>Company</i></b>	<b><i>Location</i></b>
Kellyville Building Pty Ltd	Kellyville NSW
Momentum Built	Taren Point
Sudiro Constructions Pty Ltd	Macquarie Park 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
- Work Health and Safety.

Kellyville Building 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 delivering buildings of a similar nature and scale.

The panel members were unanimous in recommending that the tender by Kellyville Building Pty Ltd represented the best value to Council.

A summary of the tender assessment is provided in the **supporting documents**. 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.

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## Critical Dates / Time Frames

Kellyville Building Pty Ltd has submitted a program to complete the works by the end of November 2018. This timeframe does not allow for delays caused by wet weather or unforeseen site conditions, which are allowable extensions of time under the contract.

## FINANCIAL IMPLICATIONS

Council has a budget allocation of \$2,405,000 for the Curry Reserve Waterplay Park. There are sufficient funds within the overall project budget for Council to accept this tender.

## CONCLUSION

Kellyville Building Pty Ltd has provided a conforming tender. The tender assessment concludes that the offer by Kellyville Building 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 accept the tender provided by Kellyville Building Pty Ltd in the lump sum of \$739,265.49 (excluding GST) as per the terms and conditions of Tender T029/2018 - Construction of Curry Reserve Amenities Building.**

## ATTACHMENTS

1. Tender T029/2018 - Construction of Curry Reserve Amenities Building - *Supporting Document*



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## ORDINARY COUNCIL

## ORD06

**SUBJECT: CLOSURE OF THE MEETING TO THE PUBLIC**  
**FROM:** General Manager  
**TRIM #:** 18/194037

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In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, the following business:

- Disposal of Land.

Is, in the opinion of the General Manager, of a kind referred to in Section 10A(2)(d)(i) of the Act, being:

- Commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it

and should be dealt with in a part of the meeting closed to the media and public.

Before a part of the meeting is closed, members of the public may make representations as to whether that part of the meeting should be closed. Representations can only be made in writing to the General Manager prior to the commencement of the meeting or a fixed period immediately after the motion is moved and seconded. That period is limited to four minutes under Council's Code of Meeting Practice.

The meeting will only be closed during discussion of the matters directly the subject of the report and no other matters will be discussed in the closed part.

Members of the public will be readmitted to the meeting immediately after the closed part has ended and, if Council passes a resolution during the closed part, the Chairperson will make the resolution public as soon as practicable after the closed part has ended.

### **RECOMMENDED**

**That Council:**

- hear any objection or submission by a member of the public, limited to a period of four minutes, concerning the closure of the meeting; and**
- close the meeting to the media and public to discuss a report about commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, in accordance with the provisions of Section 10A(2)(d)(i) of the *Local Government Act 1993*.**