

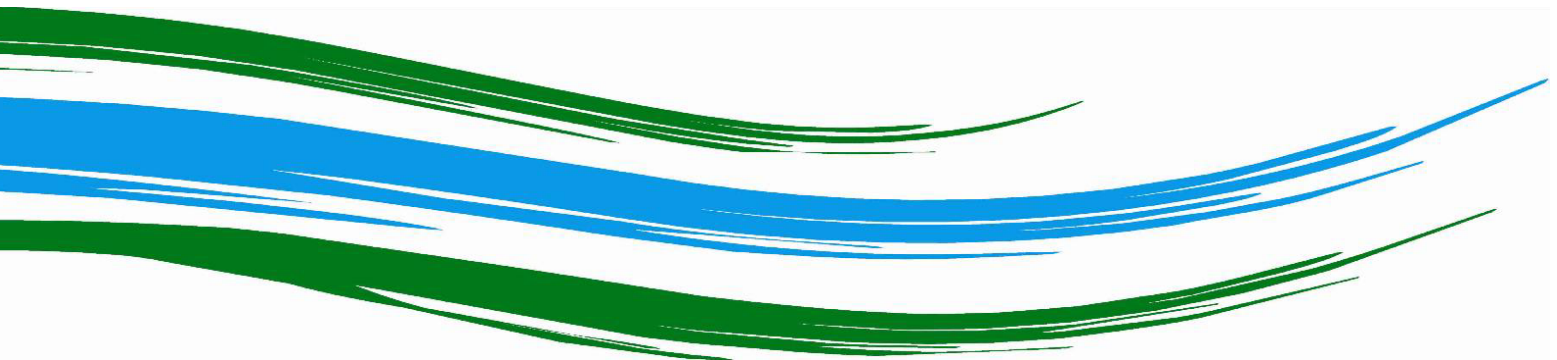


Camden Council

Business Paper

Ordinary Council Meeting
13 December 2011

Camden Civic Centre
Oxley Street
Camden



ORDINARY COUNCIL

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ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.

ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

NSW legislation provides strict guidelines for the disclosure of pecuniary and non-pecuniary Conflicts of Interest and Political Donations.

Council's Code of Conduct also deals with pecuniary and non-pecuniary conflict of interest and Political Donations and how to manage these issues (Clauses 7.5 -7.27).

Councillors should be familiar with the disclosure provisions contained in the Local Government Act 1993, Environmental Planning and Assessment Act, 1979 and the Council's Code of Conduct.

This report provides an opportunity for Councillors to disclose any interest that they may have or Political Donation they may have received relating to a Report contained in the Council Business Paper and to declare the nature of that interest.

RECOMMENDED

That the declarations be noted.

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

The Public Address segment (incorporating Public Question Time) in the Council Meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper agenda or on any matter within the Local Government area which falls within Council jurisdiction.

Speakers must book in with the Council office by 4.00pm on the day of the meeting and must advise the topic being raised. Only seven (7) speakers can be heard at any meeting. A limitation of one (1) speaker for and one (1) speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' and should only be considered where the total number of speakers does not exceed seven (7) at any given meeting.

Where a member of the public raises a question during the Public Address segment, a response will be provided where Councillors or staff have the necessary information at hand; if not a reply will be provided at a later time. There is a limit of one (1) question per speaker per meeting.

All speakers are limited to 4 minutes, with a 1 minute warning given to speakers prior to the 4 minute time period elapsing.

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. A copy of the recording may be available to third parties (in certain circumstances).

The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker continues to make inappropriate or offensive comments about another person.

RECOMMENDED

That the public addresses be noted.

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 22 November 2011 and the Local Traffic Committee Meeting held 15 November 2011.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 22 November 2011, and the Local Traffic Committee Meeting held 15 November 2011, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

ORD01

ORD01

SUBJECT: TWO LOT SUBDIVISION AT NO 120 (LOT 106, DP 27602) CATHERINE FIELDS ROAD, CATHERINE FIELD

FROM: Director Development & Health

BINDER: DA 1160/2011

DA NO: 1160/2011

OWNER: Mr & Mrs Arcuri

APPLICANT: Pascoe Planning Solutions

ZONING: R5 Large Lot Residential

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a two lot subdivision at No 120 Catherine Fields Road, Catherine Field.

SUMMARY OF RECOMMENDATION

It is recommended that Council refuse this development application subject to the reasons for refusal provided at the end of this report which include unreasonable odour impacts from surrounding poultry farms.

BACKGROUND

On 1 September 2004 Council staff under delegated authority refused a DA to subdivide No 145 Catherine Fields Road (which is located approximately 150m to the north west of the subject site) into 4 lots. The key reason was odour impacts upon future residents of the proposed lots from several nearby poultry farms.

At the Development Committee meeting of 28 November 2005, Council granted approval of the DA following a Section 82A Review application of the above refusal.

It is important to note that this subdivision provided an important community benefit in that it constructed part of the road "Centenary Place." This allowed local residents to access Catherine Fields Road via a constructed road as opposed to a right of carriageway. It should be noted that the proposed subdivision of No 120 Catherine Fields Road, the subject of this report, does not provide any such community benefit.

The subject site (No 120 Catherine Fields Road) currently contains two dwellings. Historically the site has always contained one dwelling at the front of the lot, however on 9 September 2003 Council staff, under delegated authority, approved a DA for a new dwelling. This was approved subject to a development consent condition that the original dwelling be demolished. The original dwelling has never been demolished. Should the DA be refused, Council will ensure that the applicant complies with the conditions of consent which would require the original dwelling to be demolished.

On 12 January 2011 Council staff, under delegated authority, refused a DA that proposed to subdivide this site (No 120 Catherine Fields Road) into two lots. The key

reason for refusal was odour impacts upon future residents from several nearby poultry farms.

The subject DA was lodged on 11 October 2011 proposing the same two lot subdivision that was refused by Council staff in January 2011. The application has undergone detailed assessment with the applicant responding to several issues raised by Council staff. The application has been assessed and is now able to be determined by Council.

THE SITE

The site is located on the north-eastern side of Catherine Fields Road in Catherine Field. The site has an area of 2.12ha, is generally rectangular in shape and is relatively flat with a gentle fall to the rear of the site. The site contains two dwellings, several smaller outbuildings and a dam at the very rear. **A location plan is provided at the end of this report (Attachment 1).**

The surrounding area is characterised by large rural residential properties, various agricultural activities, scattered mature vegetation and undulating topography. Catherine Field village is located to the north-west of the site. The surrounding area also contains three operating poultry farms.

THE PROPOSAL

Development consent is sought to subdivide this site into two lots with areas of 6,024m² and 15,130m². As part of this, easements for access and services to the rear lot are also proposed. No physical works are proposed as part of this development. **A copy of the proposed subdivision is provided at the end of this report (Attachment 2).**

The development is Integrated Development in that it requires a Bush Fire Safety Authority from the Rural Fire Service (RFS). A Bush Fire Safety Authority has been sought and received from the RFS.

NOTIFICATION

In accordance with Camden Development Control Plan 2011 the application was publicly notified between 17 and 31 October 2011. No submissions were received.

PLANNING CONTROLS

The following are relevant planning controls that have been considered in the assessment of this application:

1. State Environmental Planning Policy (Sydney Region Growth Centres) 2006
2. Deemed State Environmental Planning Policy No 20 – Hawkesbury/Nepean River
3. Camden Local Environmental Plan 2010
4. Camden Development Control Plan 2011

ASSESSMENT

(1)(a)(i) The provisions of any Environmental Planning Instrument

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP)

The sites are located in the future Catherine Fields precinct of the South West Growth Centre. Clause 16 of the SEPP lists several matters that Council must consider before granting development consent in future precincts. The proposed development is considered consistent with the relevant SEPP provisions.

It is not considered that the proposed development will result in the unreasonable fragmentation of land (pursuant to SEPP's Clause 16(1)(c)). The development proposes to create one additional lot, which is not considered to be an unreasonable fragmentation of the land.

Deemed State Environmental Planning Policy No 20 – Hawkesbury/Nepean River (SEPP)

The proposed development is considered to be inconsistent with the SEPP's Part 2, Clause 6(8)(c). This clause requires consent authorities to consider the incorporation of "effective separation between intensive agriculture and adjoining land uses to mitigate noise, odour and visual impact." The proposed development will be affected by unreasonable odour impacts due to its proximity to existing poultry farms in the surrounding area.

The impact of odour upon this development is further assessed in the "likely impacts of the development" section of this report.

Camden Local Environmental Plan 2010 (LEP)

Zoning

This site is zoned R5 Large Lot Residential and the proposed subdivision is permissible with development consent in this zone. The proposal is therefore acceptable in principle under the LEP, provided it is consistent with the relevant objectives of this zone.

Objectives

The relevant objectives of this zone seeks "to provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality...to ensure that large residential allotments do not hinder the proper and orderly development of urban areas in the future...to ensure that development in the area does not unreasonably increase the demand for public services or public facilities...to minimise conflict between land uses within this zone and land uses within adjoining zones."

It is considered that the development is generally consistent with these objectives except for the objective to minimise conflict between land uses within this zone and adjoining zones.

The surrounding area contains three poultry farms which are located in an adjoining zone (the RU4 Primary Production Small Lots zone). Given the development is in close proximity to these farms, the odours that they produce will inflict an unacceptable odour impact upon the proposed subdivision and therefore cause land use conflict.

Consequently the proposed subdivision is considered to be inconsistent with this zone objective.

Lot Sizes

It is noted that the proposed subdivision will comply with the LEP's minimum lot size development standard for this zone. The minimum lot size is 4,000m² and the proposed subdivision will result in the creation of two lots with areas of 6,024m² and 15,130m².

(1)(a)(iii) The provisions of any Development Control Plan

The following parts of Camden DCP 2011 are relevant and the proposal has been assessed against Part C3.1 – Catherine Field Village.

Objectives

It is considered that the proposed development is generally consistent with the objectives of this part of the DCP except for objective 1.

Objective 1 seeks to provide a subdivision strategy that takes into consideration environmental constraints. The odour from surrounding poultry farms is a serious environmental constraint that will impact upon the proposed lots. This odour impact cannot be mitigated and thus the proposed subdivision is not supported.

Road Layout

It is noted that the proposed subdivision is generally consistent with the proposed road layout (Figure C3) for Catherine Field village and that it will not preclude its future development.

(1)(a)(iii) The provisions of any Planning Agreement

There are no relevant planning agreements applicable to this site or development.

(1)(a)(iv) The provisions of the Regulations

The Regulations do not specify any matters that are relevant to this development.

(1)(b) The likely impacts of the development

The likely impacts of this development include:

Odour impacts

This site is affected by odour impacts from three existing poultry farms in the surrounding area.

Odour reports were previously submitted to Council in support of a development application to subdivide land to the west at No 145 Catherine Fields Road as described in the "Background" section of this report. These reports demonstrated that the subject site (No 120 Catherine Fields Road) will likely be affected by 4 to 5 odour units (ou).

These previous odour reports set an acceptable odour level of 3 to 4 ou for this area. This odour level is based on State Government odour guidelines "EPA Technical Framework – Assessment and Management of Odour from Stationary Sources in NSW." This criterion takes into consideration population density, closest urban areas, lot sizes and dwelling separation.

The applicant has acknowledged that the proposed subdivision will not comply with the acceptable 3 to 4 ou level for this area as the lots will be affected by 4 to 5 ou.

Odour is a serious environmental constraint that has been linked to health issues including asthma, allergies and other respiratory ailments. The proposed lots will be affected by an unacceptable odour impact that even the applicant acknowledges exceeds the acceptable odour level for this area.

Consequently it is recommended that Council refuse this DA due to the unacceptable odour impacts that future residents of the proposed lots will experience.

All other likely impacts of the proposed development have been assessed elsewhere in this report.

(1)(c) The suitability of the site for the development

This site is not considered to be suitable for the proposed subdivision. The site is affected by odour from poultry farms in the surrounding area which will result in unreasonable odour impacts upon the proposed lots to be created (as detailed in the “likely impacts of the development” section of this report).

(1)(d) Any submissions

In accordance with Camden Development Control Plan 2011 the application was publicly notified between 17 and 31 October 2011. No submissions were received.

(1)(e) The Public Interest

This development is not considered to be within the public interest. The proposed subdivision will result in a residential lot being created that will be subject to unacceptable odour impacts from poultry farms in the area.

CONCLUSION

Council has received a DA for a two lot subdivision on this site.

The application has been publicly notified and assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979. The proposed subdivision is considered to be unacceptable on the basis that the proposed lots will be negatively impacted by poultry farm odour as demonstrated through a previously submitted odour report.

Consequently the development is recommended to Council for refusal subject to the refusal reasons provided below:

DRAFT REFUSAL REASONS

1. The development is inconsistent with Part 2, Clause 6(8)(c) of State Regional Environmental Plan No 20 – Hawkesbury/Nepean River in that the development does not incorporate effective separation from the nearby poultry farms to mitigate odour impacts.
2. The development is inconsistent with the objectives of Camden Local Environmental Plan 2011’s R5 Large Lot Residential zone in that the development

does not minimise conflicts between it and existing poultry farms which are located within an adjoining zone.

3. The development is inconsistent with Objective 1 of Part C3.1 of Camden Development Control Plan 2011 in that it does not mitigate the environmental constraints (odour) caused by the surrounding poultry farms.
4. The development is unacceptable in that it will be affected by unreasonable odour impacts from surrounding poultry farms and consequently the site is not considered to be suitable for it and nor is it considered to be within the public interest.
5. The odour levels from the surrounding poultry farms that will impact this development are inconsistent with the provisions of the "EPA Technical Framework – Assessment and Management of Odour from Stationary Sources in NSW."

RECOMMENDED

That Council refuse Development Application 1160/2011 for a two lot subdivision at No 120 (Lot 106, DP 27602) Catherine Fields Road, Catherine Fields based on the draft reasons for refusal outlined in this report.

ATTACHMENTS

1. Location plan
2. Plan of subdivision

ORDINARY COUNCIL

ORD02

ORD02

SUBJECT: NARELLAN ANGLICAN CHURCH - REQUEST TO WAIVE DA FEES
FROM: Director Development & Health
BINDER: DA 1308/2011

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a request from Narellan Anglican Church (the Church) for the waiving of Development Application and associated fees for the construction of a shade structure outside the crèche building at the Church in Narellan.

BACKGROUND

The Church received a donation of \$500 from Council under the Donations for Charitable Purposes Program towards the project. The program addresses the monetary and in-kind donations to individuals, not-for-profit community groups and organisations in the Camden Local Government Area.

The request proposes the waiving of the Development Application and associated fees required by Council in the construction of the shade structure.

The Development Application in question (DA 1308/2011) was lodged on 8 November 2011. The applicant is Church Warden, Mr Geoff Siemsen, on behalf of the owner, Narellan Anglican Church Diocese.

MAIN REPORT

Council received the application for the waiving of Development Application fees from the Narellan Anglican Church on 19 September 2011. Based on the estimated project value of \$5,000, the DA is broken up as follows:

Fee	Purpose	Amount
Development Application fee	The assessment of the Development Application by Council	\$110
Construction Certificate fee	The assessment of the Construction Certificate application by Council	\$291.61
Occupation Certificate including 1 inspection fee	The assessment of the Occupation Certificate application and the carrying out of 1 inspection by Council	\$255
Archiving fee	The physical and electronic storage of the applications by Council	\$27
		Total = \$683.61

At the Council meeting of 13 June 2006, Council considered an investigation into fee waiving for community based development. Council resolved to reaffirm that all fees associated with the assessment of Development Applications are payable by the applicant.

The Church identified the shade structure as an important addition which will afford reasonable sun protection for children using the crèche.

CONCLUSION

A request has been received by Council seeking the Development Application fees for a proposed shade structure at Narellan Anglican Church be refunded. The total amount of those fees is \$683.61.

The request is now able to be referred to Council for its consideration.

RECOMMENDED

A matter for Council, and that the applicant be advised of Council's decision.

ORDINARY COUNCIL

ORD03

ORD03

**SUBJECT: DRAFT PLAN OF MANAGEMENT - WAYNE GARDNER RESERVE,
ORAN PARK**

FROM: Director Works & Services

BINDER: Land Use and Planning

PURPOSE OF REPORT

To seek Council's approval to adopt the Draft Plan of Management for Wayne Gardner Reserve, Oran Park, with a view to placing the document on public exhibition in accordance with the *Local Government Act 1993*.

Following a request from the developer and the School operator, Council is also required to consider the request for proposed hours of exclusive use by the School.

BACKGROUND

The Oran Park Precinct was rezoned by the State Government in 2008. Council was involved in the planning process with the Department of Planning and Infrastructure. Landcom and Greenfields Development Company (GDC) have begun developing the land east of The Northern Road. A Voluntary Planning Agreement (VPA) has been adopted which will deliver over \$130m of public infrastructure (including the dedication of land and carrying out of works). The VPA includes provision of a range of public open spaces and recreation facilities which will be embellished and dedicated to Council, consistent with Council's Section 94 Plan for Oran Park.

In accepting the facility, Council is required under the *Local Government Act 1993* (Section 25) to classify the land and determine an appropriate categorisation, being either 'community' or 'operational' land. Given the community use of the land, it is considered appropriate to categorise this reserve as 'community land'. All community land is required to have a Plan of Management to guide the future management, operation and embellishment of the land.

MAIN REPORT

Wayne Gardner Reserve is located on the southern side of the Oran Park town centre, midway between the proposed retirement village on the southern end and proposed school to the north of the reserve as shown in the Location Plan below. The reserve and associated pathway system provide a link from the residential area to the commercial town centre and associated community facilities.

When the Oran Park Precinct was being planned, Council was under increasing pressure from the State Government to reduce contribution rates. To respond to these pressures, consideration was given to the co-use of recreation facilities by schools and the general public. Demand for public playing fields is met by Council owned facilities. Landcom and GDC have offered to construct and dedicate Wayne Gardner Reserve to Council free of cost as part of their VPA.

The school site has been acquired by the Oran Park Anglican College and construction of a school, to commence operating in 2012, is underway.

Location Plan



The reserve has a number of elements within it including playground equipment, fitness station, riparian bush area, path around the perimeter of the reserve, sportsground with irrigation and floodlights, amenities building and tiered grassed mounds. The reserve was designed by the developer, with some input from Council staff, based on a joint school and community use principle due to the location adjoining the then planned school site. The developer has considered an arrangement which would benefit the school and make available the facility for wider community use. Such a proposal means that the sports field and change rooms in the amenities building would be available for exclusive use by the school during school days and open for public use outside the defined hours. The other areas of the reserve are to remain available to the public at all times.

This arrangement has led to the development of a proposal to share the maintenance costs with the Oran Park Anglican College. The details of this proposed arrangement would be the subject of a lease agreement and the draft POM being adopted by Council. The proposed lease arrangements are the subject of a separate report to Council.

As part of the strategic planning for Wayne Gardner Reserve, the developers commissioned consultants to develop an appropriate Plan of Management (the Draft POM) in consultation with relevant Council staff and The Sydney Anglican Schools Corporation, who are developing the adjoining school.

The Draft POM includes:

- an outline of the planning context of the reserve;
- a description of Wayne Gardner Reserve;
- an outline of the basis for management;
- management strategies;
- action plan; and
- implementation strategy.

A copy of the recommended draft POM is Attachment 1 to this report.

A key feature of the Draft POM is to recognise the unique status of the reserve and the relationship with the School, with a view to exclusive use of the sportsground and change rooms in the amenities by the School on school days only. The school has requested a lease for the proposed period between 7.00 am and 5.00 pm on school days, during school term. The remainder of the reserve including the playground, exercise stations, walking paths and bushland area, are open to the public at all times.

The vision for the reserve has been identified as *"....a visually attractive and well managed sports field, park and natural area providing habitat opportunities with accessible facilities for a range of formal and informal recreational activities for all age groups in a safe and secure environment"*.

The Management Objectives identified include accessibility, safety and security of users, a wide range of informal recreational activities and settings, and a visually attractive, clean, tidy and useable open space.

The Draft POM identifies the performance targets, means of achieving targets, priority of actions and also a means of assessing performance.

Under the *Local Government Act* (Section 38), the Draft POM is to be exhibited for a minimum of 28 days, and allow a minimum period of 42 days for submissions. Given the Christmas and New Year period, it is proposed to extend this exhibition period until mid February 2012 and allow an additional 12 days for submissions. The exhibition would be at Camden and Narellan Customer Service and Libraries and via Council's website, and advertised in the local newspaper.

CONCLUSION

The Draft POM and associated Landscape Masterplan provide a comprehensive management tool for Council to guide the future management and development of Wayne Gardner Reserve.

In recognition that the residential area surrounding the reserve has not yet been fully established and settled, the Plan is limited in terms of community input to date.

The Draft POM identifies the need to review the document over time as the community establishes in the area and changes. An annual review of the Action Plan in accordance with Council's budgets and changing priorities is also identified.

RECOMMENDED

That Council:

- i. **classify Wayne Gardner Reserve, once acquired by Council, as Community Land;**
- ii. **adopt the Draft Plan of Management Wayne Gardner Reserve in principle, with the hours of use by the school to be defined from 7.00 am to 5.00 pm on school days, during school term, and place the document on Public Exhibition in accordance with the *Local Government Act 1993*; and**
- iii. **a further report be presented to Council on the outcome of the public exhibition and submissions.**

ATTACHMENTS

1. Draft Plan of Management - Wayne Gardner Reserve

ORDINARY COUNCIL

ORD04

ORD04

SUBJECT: PROPOSED LEASE OF SPORTING FACILITY - WAYNE GARDNER RESERVE, ORAN PARK

FROM: Director Works & Services

BINDER: Land Use and Planning

PURPOSE OF REPORT

To seek Council's in principle approval to grant a 20 year lease to the Sydney Anglican Schools Corporation, of a portion of Wayne Gardner Reserve, Oran Park in accordance with Section 47 of the *Local Government Act*. The proposed lease would be applicable to defined times on school days only.

BACKGROUND

Council has been provided with a separate report on the Draft Plan of Management (POM) for Wayne Gardner Reserve for consideration. The Draft POM was developed to guide the future management and development of the reserve, which included the intention to permit the sporting facility and amenities within the reserve to be provided on an exclusive use basis to the school adjoining the reserve, within defined periods.

The reserve has a number of elements within it including playground equipment, fitness station, riparian bush area, path around the perimeter of the reserve, sportsground with irrigation and floodlights, amenities building, and tiered grassed mounds. The reserve was designed based on a joint school and community use principle for the sportsground and change rooms of the amenities building with all other areas of the reserve to remain available to the public at all times.

The area proposed for lease is outlined in Figure 1 below.

Figure 1



FIGURE 7.1 EXCLUSIVE USE AREAS OF WAYNE GARDNER RESERVE BY ORAN PARK ANGLICAN SCHOOL

MAIN REPORT

The Draft POM for the reserve recognises the potentially unique relationship between the reserve and the School with respect to the sharing of resources and use of the sportsground and amenities by the school during defined hours. It is also noted that the remainder of the reserve including the playground, exercise stations, walking paths and bushland area are available to the public at all times.

The vision for the reserve has been identified as “a visually attractive and well managed sports field, park and natural area, providing habitat opportunities with accessible facilities for a range of formal and informal recreational activities for all age groups in a safe and secure environment”. To support this, the reserve area will not have any fencing around it, or any part of it, as the site has been designed and built to maximise passive surveillance while landscaped elements provide buffers to adjacent roads.

The provision of Wayne Gardner Reserve as a facility offered to Council, which is additional to the provision rate adopted by the State Government for the area, and on the basis of being shared use with the adjoining school, is considered a resource sharing project which will benefit not only the residents that attend the school, but the wider community in general.

The proposal for “co-use” of the facility has benefits for both the School and for Council. Neither organisation is required to bear the full cost of ownership nor operation of the sports field as would be the case if the sports field was on school grounds or a “normal” Council sports field. The arrangement would be for a 50:50 split of maintenance costs between Council and the School.

In addition, the arrangement avoids having the sports field underutilised outside of school hours as could be the case if the sports field was enclosed within a secure school property.

One of the perceived disadvantages is the need to manage competing demands for access, whereby members outside the school community wish to use the sports field during the defined ‘exclusive use’ hours. Under Council’s current approach for sports fields, whereby schools are given preference, this in theory can be an issue at any sports field. To date, Council has not had any requests for exclusive use of sports grounds during school hours, with the exception of Onslow Park which hosts the annual Show and various exhibitions and agricultural activities. Currently 9 out of 15 existing Council sports field sites are used by schools on a “part time” basis. There are five which are used on a regular weekly basis including Onslow, Nott, Fairfax, Kirkham and Belgenny. None of the schools which use these fields make any contributions to maintenance costs for those fields.

In the case of Wayne Gardner Reserve, the formalised arrangement with the Oran Park School will be indicated on signs appropriately placed at access points around the reserve.

The School is also very much aware of its responsibilities and duty of care toward its students, visitors and staff and will be implementing strategies to ensure such duty is exercised appropriately.

In order to formalise the relationship between the School and Council as reserve owner and manager, it is appropriate that a formal agreement be considered which outlines the intended use arrangements, each organisation’s responsibilities and cost

disbursements, in conjunction with the various Council standard lease terms such as insurance etc. for sporting facilities.

A summary of proposed lease terms has been drafted specifically applicable to the Wayne Gardner Reserve. These are in addition to 'standard terms' and are **contained in Attachment A** to this report. The terms of the lease have been discussed with the Anglican Schools Corporation and are acceptable to it. Given the length of the proposed lease, it is recommended that the 20 year term be divided into four x 5 year options. This will enable a review of the terms and opportunity to make any required updates.

The *Local Government Act S47* outlines the process for granting leases over community land for periods exceeding five years which include:

- a) give Public Notice of the proposal and invite submissions;
- b) exhibit notice of the proposal on the land to which the proposal relates;
- c) give notice of the proposal to such persons as appear to own or occupy the land adjoining the community land;
- d) notify persons living in the vicinity of the land if Council believes that the land "is the primary focus on the person's enjoyment of community land";
- e) consider submissions made about the proposal; and
- f) refer the proposal to the Minister of Local Government if Council receives any objection to the proposal.

CONCLUSION

The intended resource sharing arrangement in the design and construction of Wayne Gardner Reserve is recognised in the Draft POM for the Reserve and may be formalised through a lease agreement with the Anglican Schools Corporation.

It is proposed that Public Notice be made regarding the intention to lease the sports field and change rooms in the amenities building for exclusive use by the school during school days and defined hours, and relevant stakeholders be advised accordingly. The notice will invite submissions and a further report be presented to Council on the outcome of the public exhibition. This public exhibition will be in conjunction with the Draft Plan of Management.

RECOMMENDED

That Council:

- i. Council give approval in principle to the proposal to lease the sports field and change rooms in the amenities building to the Anglican Schools Corporation for a period of 20 years subject to the draft terms of lease;**
- ii. the proposed lease be the subject of public exhibition with notice inviting submissions, being advertised in the local press and the proposal be displayed at Council's Offices and libraries at both Camden and Narellan, in conjunction with the Draft Plan of Management for Wayne Gardner Reserve; and**
- iii. a further report be presented to Council on the outcome of the public exhibition.**

ATTACHMENTS

1. Lease Terms - Wayne Gardner Reserve

ORDINARY COUNCIL

ORD05

ORD05

SUBJECT: PROPOSED REZONING OF LANDTURN 'TRIANGLE' SITE AT NARELLAN FOR RETAIL EXPANSION

FROM: Director Governance

BINDER: Amendment No 13 Landturn Narellan

PURPOSE OF REPORT

The purpose of the report is for Council to consider rezoning land at 339 Camden Valley Way, Narellan (known as the Landturn 'Triangle' site) to allow for an expansion of the Narellan Town Shopping Centre to the northern side of the Camden Valley Way.

BACKGROUND

Landturn Pty Ltd owns a 7.28 hectare site located at 339 Camden Valley Way, Narellan that is bounded by Camden Valley Way, The Northern Road and The Old Northern Road. The site is currently zoned 'B5 – Business Development' and is intended to be used primarily for the sale of bulky goods, with 11,300 square metres of retail uses allowed on the site.

The Landturn 'Triangle' site and the Narellan Town Shopping Centre are in common ownership. The owners of the site are seeking to change the zoning of the 'Triangle' site to 'B2 – Local Centre' to facilitate an expansion of the Narellan Town Shopping Centre to the northern side of the Camden Valley Way. The proposal includes construction of a pedestrian bridge to link the two sides of the shopping centre and public domain improvements to Camden Valley Way.

The request to rezone the land is supported by a retail demand study prepared by Deep End Services on behalf of the landowner, and by a peer review report prepared by Hill PDA on behalf of Council (and funded by the landowner).

MAIN REPORT

Landturn Pty Ltd owns a 7.28 hectare site located at 339 Camden Valley Way, Narellan that is bounded by Camden Valley Way, The Northern Road and The Old Northern Road, **shown in Figure 1 – Location Map below.**

The land is currently zoned 'B5 – Business Development' and was intended to be used primarily for bulky goods retail, although an additional 11,300sqm of retail floorspace was permitted on the site. It is proposed that the bulky goods retail floorspace that is displaced by this rezoning proposal be relocated to the Gregory Hills employment lands, and is the subject of a separate report.

The owners of the site also own the Narellan Town Shopping Centre located on the southern side of Camden Valley Way. It is proposed to extend the existing shopping centre northwards into the 'triangle' site. A preliminary urban design vision prepared for the site suggests that it could accommodate approximately 45,000sqm of additional retail floorspace. If this is supported by Council, the Shopping Centre will expand to a total floorspace of approximately 88,250sqm, making Narellan a "Major Centre". This will provide opportunities for an expanded and higher order of retail shopping for the

residents of the Camden LGA. This will reduce escape expenditure to other centres, creating more local jobs. It will also provide an opportunity to revitalise the Narellan town centre and improve the Camden Valley Way public domain.

Figure 1 – Location Map



A Planning Proposal is provided in **Attachment 1 to this report** and proposes to rezone the site to 'B2 – Local Centre' to enable the site to be developed as a retail shopping centre. This would result in a shopping centre that straddles Camden Valley Way.

To connect and integrate both parts of the shopping centre, it is proposed to construct a pedestrian bridge over Camden Valley Way. This will require the approval of the NSW Roads and Maritime Services (RMS, previously known as the RTA). It is understood that the applicant has commenced discussions with RMS, however the RMS will be formally consulted as part of the planning process should Council provide 'in principle' support for the rezoning.

Planning Proposal

The Planning Proposal includes the following suggested amendments to Camden Local Environmental Plan 2010 (LEP 2010):

- rezone the 'triangle' site and the adjoining part of Camden Valley Way to B2 – Local Centre;
- amend the relevant Height Control Map to specify a maximum height of 20 metres on the 'triangle' site, the adjoining part of Camden Valley Way and the site of the existing Narellan Town Shopping Centre. A planning process will be undertaken to establish development controls in relation to height guidelines that will satisfy streetscape and urban design objectives; and
- amend the relevant Floor Space Ratio Map to allow a floor space ratio of 1:1 across the 'triangle' site, including the former road reserve on the north eastern part of the site.

It may also be necessary to amend Schedule 1 of LEP 2010 and Part D of Camden Development Control Plan 2010 (DCP 2010) to respond to and reflect the new proposed LEP provisions.

Proposed zoning, height and floor space maps are presented in Figure 2 below.

Figure 2 – Proposed LEP Amendments

Top Line = Current Maps and Bottom Line = Proposed Maps



Economic Justification for the Rezoning

The proposal to rezone the land to allow a retail shopping centre has been supported by a retail demand study undertaken by Deep End Services on behalf of the applicant. A copy of this study is provided in **Appendix 2** to the Planning Proposal provided in **Attachment 1 to this report**.

This study has been peer reviewed by Hill PDA on behalf of Council, at the cost of the applicant. Hill PDA has been involved in similar retail demand studies on behalf of the NSW Government for the growth centre areas, including as part of the Austral/Leppington North precincts. The Hill PDA peer review report is provided in **Appendix 3** to the Planning Proposal provided in **Attachment 1 to this report**.

The main findings of the retail demand analysis and peer review are summarised below:

- The Narellan Town Centre (NTC) catchment is forecast to grow by 237% between 2011 and 2036. The existing population of the NTC catchment is 86,660 and is made up of residents of Narellan-Camden and parts of Wollondilly and the Growth Centre Precincts. The total forecast population will be approximately 205,800 people in 2036. (For further detail refer to Table 5 on page 26 of the Deep End Services Report in Appendix 2 of the Planning Proposal).
- Currently about 35% of NTC catchment household expenditure on retail goods “escapes” to other centres. This equates to around \$390m per year. This ‘escape expenditure’ will increase over time if there are no expanded retail facilities in the NTC catchment. Escape expenditure is an important issue as the retail sector is a major source of employment. A significant reduction in escape expenditure will only result from the introduction of new, higher order retailing. The provision of more supermarket and neighbourhood retailing, while important in new growth areas, will have little or no effect on escape spending. It is expected that the proposed expansion of the Narellan Town Shopping Centre would generate over 1,000 direct jobs and 690 indirect jobs.
- In Australia, the accepted current rate of floorspace per capita for retail planning purposes is 1.7sqm per person. The NTC currently provides 1.39sqm per person, which is below the average floorspace provision. When the population grows to the projected 205,800 people in 2036, the retail floorspace provision in NTC will drop to 1.05sqm per person, which is considered very low.
- Based on current planning (including the full development of retail centres in the Growth Centre precincts such as Oran Park and Leppington), there is an estimated undersupply of retail floorspace in the region of approximately 50,000sqm to 127,000sqm. The Narellan Town Shopping Centre is proposing an additional 53,380sqm of floorspace.
- There is a demonstrable need for additional discount department store (DDS) floorspace in Narellan. Given the forecast population for the South West Growth Centre precincts of at least 300,000 people, at least 7-8 DDSs will be required. On this basis, the provision of additional DDS floorspace in Narellan will have no impact on developing further DDS based shopping centres in Oran Park, Leppington and other possible locations in the South West Growth Centre.
- Council’s peer review report states that there is sufficient justification for the rezoning in economic terms, given identified needs and the proximity of the

subject site to the existing Narellan Town Shopping Centre. However, if the rezoning were to proceed, economic impact upon existing centres would need to be carefully considered and quantified once the final floorspace mix and timing or staging of development is known. Council will require that an economic impact assessment be undertaken as part of the rezoning process.

Consistency with State and Local Strategies

The proposed rezoning is consistent with the following State and local government strategies:

- The NSW State Plan 2021;
- The Metropolitan Plan for Sydney 2036;
- The draft South West Sydney Subregional Strategy;
- The draft Centres Policy 2009; and
- Camden 2040.

Planning Process

The proposed rezoning of the 'triangle' site requires consideration of a number of planning issues and will require a number of studies to undertaken including:

- traffic, access and parking;
- economic impact assessment;
- noise;
- stormwater and drainage; and
- urban design principles.

Given the uncertainty at this stage regarding whether Council will proceed with the rezoning of the land, it is not desirable for the applicant to incur the cost of planning studies addressing these issues at this time. Instead it is proposed that should Council be willing to provide 'in principle' support for the rezoning, then the Planning Proposal provided in **Attachment 1 to this report** will be forwarded to the Department of Planning and Infrastructure (DPI) for a Gateway Determination. If the Planning Proposal receives a favourable outcome, planning studies will then be undertaken to address the planning issues relevant to the site. The cost of preparing planning studies is to be borne by the applicant.

Once Council staff have received and considered the relevant planning studies, it is proposed to engage in a 'planning process' that may take the form of a workshop to consider the planning controls that should apply to the NTC. It is suggested that this will include consideration of planning controls for all land currently or proposed to be zoned 'B2 – Local Centre' as there may be issues (such as traffic and access) that are generated by the subject site, but that will have an impact on the NTC more broadly. It is recommended that the applicant be required to engage an appropriately qualified consultant to facilitate the workshop process and assist in the preparation of urban design controls at its own cost. The outcome of this planning process will be a draft Development Control Plan for the NTC B2 – Local Centre lands. The Planning Proposal will also be reviewed as part of this planning process and amendments may be required.

The workshop is likely to be attended by Council staff and representatives of the landowners. However, other owners of land zoned 'B2 – Local Centres' with the NTC may also be invited to participate. This is yet to be decided and will be considered following receipt of the planning studies when impacts beyond the subject site are better understood.

During this planning process, consultation with relevant State agencies will be undertaken. In particular, this will include consultation with RMS regarding the proposed pedestrian bridge across Camden Valley Way to connect and integrate the two parts of the shopping centre.

Should Council and the DPI provide 'in principle' support for the rezoning, the applicant will prepare a number of planning studies. One of the most important studies will be the traffic, access and parking study, which provides an opportunity to address the traffic congestion currently experienced in the NTC. It is imperative that traffic, access and parking issues in Narellan are addressed as part of this rezoning proposal. It is critical in its functioning as a major centre, that the proposed expansion of the shopping centre provides long term improvements to address the Narellan traffic issues.

A report would be brought to Council at the conclusion of the planning process to provide Council with an opportunity to consider any comments received by State agencies, the proposed draft Development Control Plan and any amendments to the Planning Proposal. At this stage, it would be proposed to seek community input through a public exhibition of the Planning Proposal and draft Development Control Plan.

As there will be a need for time to prepare planning studies, to undertake a workshop and prepare a draft Development Control Plan, the Planning Proposal provided as **Attachment 1 to this report** suggests that the Gateway Determination provide a period of 12 months for the plan to be made following a determination being received. The Planning Proposal also notes that should the applicant decide not to fund the preparation of the required planning studies, Council will not proceed with the Planning Proposal.

CONCLUSION

The proposed rezoning of the 'triangle' site to facilitate the expansion of the Narellan Town Shopping Centre provides a significant opportunity to revitalise the NTC and in particular, the public domain and pedestrian environment of Camden Valley Way.

The retail demand study that supports the rezoning request identifies that there is an undersupply of retail floor space, including when the proposed retail centres located in the Growth Centre precincts are fully developed as planned. The residents of the Narellan-Camden area (and the broader NTC area) are not provided with the retail floorspace per capita (1.7sqm per person) that is considered the accepted standard. Instead the current supply is 1.34sqm per person, which is set to decline to 1.05sqm per person if retail facilities are not expanded as the population increases.

The retail demand analysis and peer review indicates that there is an undersupply of retail floor space in the region of 50,000-127,000sqm. This is even after all of the proposed retail centres within the Growth Centre precincts have been developed to their full capacity. As a result, there is scope for Council to consider the addition of approximately 53,380sqm of retail on the 'triangle' site.

The proposed expansion of the Narellan Town Shopping Centre will elevate the NTC to a “major centre” and will attract higher order retail provision that is not currently available locally and has resulted in a loss of approximately \$390m of retail spending per year to other centres. If this ‘escape expenditure’ could be captured in the local area through provision of increased and higher order retail facilities, there is expected to be more local jobs. It is estimated that the expanded Narellan Town Shopping Centre would create more than 1,000 direct jobs and 690 indirect jobs, in addition to the short-term jobs that would be created during the construction phase of the development.

The current intended use of the site is primarily for the provision of bulky goods retail. This floorspace is proposed to be relocated to the Gregory Hills employment lands and is the subject of a separate report.

Should Council provide ‘in principle’ support for the rezoning request, further detailed planning studies will be undertaken following receipt of a favourable Gateway Determination. This will enable Council to undertake a planning process that includes a workshop to consider the planning issues and prepare detailed development controls for all of the B2 – Local Centre land in the NTC.

RECOMMENDED

That Council:

- i. provide in principle support of the rezoning of land at 339 Camden Valley Way, Narellan to ‘B2 – Local Centre’;**
- ii. forward the Planning Proposal to the Department of Planning and Infrastructure for a Gateway Determination;**
- iii. subject to receiving a favourable Gateway Determination:**
 - a. require the applicant to bear the cost of undertaking studies relating to traffic, access and parking; economic impact assessment; noise; stormwater and drainage and urban design principles, together with any other studies required as part of the gateway process; and**
 - b. require the applicant to fund the engagement of an appropriately qualified consultant to facilitate a workshop and assist in the preparation of urban design principles for the study area; and**
 - c. undertake a planning process to prepare detailed development controls for the B2 – Local Centre lands within the Narellan town centre; and**
- iv. be provided with a further report to allow consideration of the Planning Proposal and draft Development Control Plan prior to public exhibition.**

ATTACHMENTS

1. Planning Proposal

ORDINARY COUNCIL

ORD06**SUBJECT: PROPOSED AMENDMENT TO REMOVE GREGORY HILLS BULKY GOODS FLOORSPEACE CAP****FROM:** Director Governance**BINDER:** Amendment No 12 Gregory Hills Bulky Goods Cap

PURPOSE OF REPORT

The purpose of this report is for Council to consider supporting the removal of a cap limiting bulky goods development to 40,000sqm on land zoned B5 – Business Development within the Turner Road precinct. If Council supports the removal of the cap, then a planning proposal will be sent to the Department of Planning and Infrastructure (DPI) to seek amendment to Appendix 1 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP).

BACKGROUND

In 2008, the NSW Government zoned land in the Oran Park and Turner Road precincts for urban purposes under the provisions of the Growth Centres SEPP.

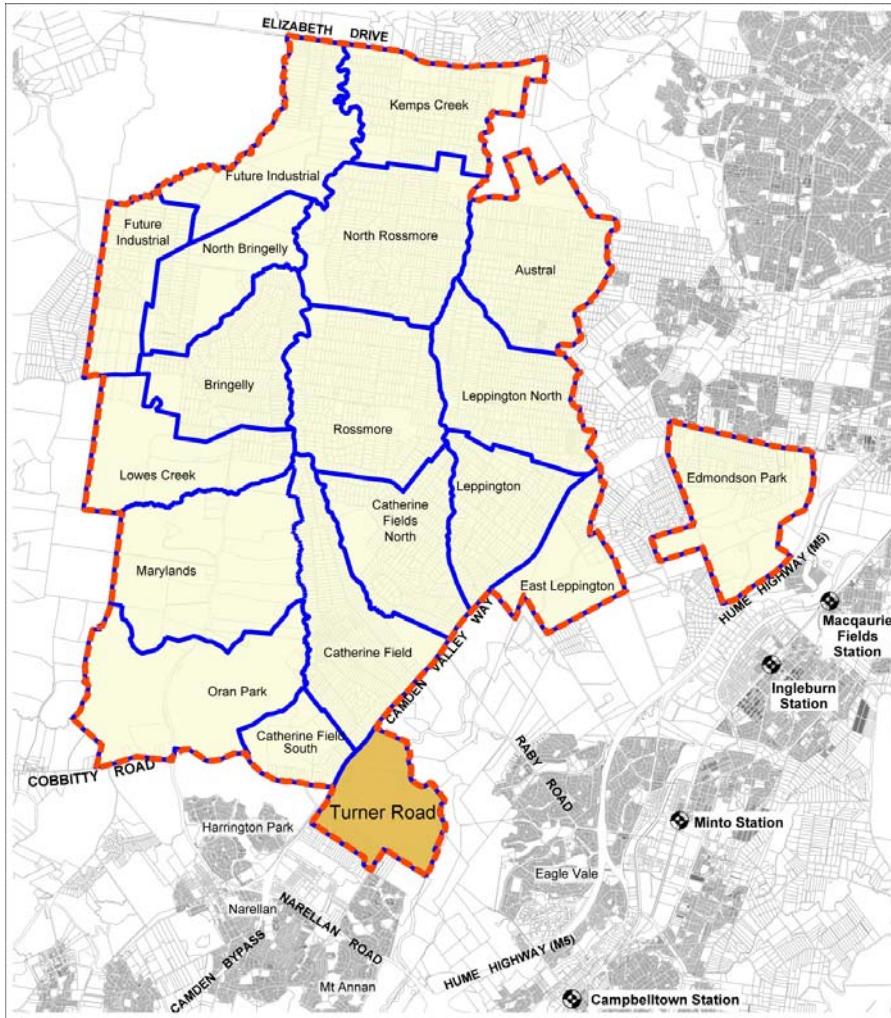
The Turner Road business lands are located within the Turner Road precinct of the South West Growth Centre. The land is zoned under Growth Centres SEPP and as a result, Council does not have control over the planning controls that apply to the site. However, the DPI has advised that the process for amending the planning controls is for the Council to submit a Planning Proposal to the DPI for a Gateway Determination. As a result, the purpose of this report is for Council to consider the request to remove the bulky goods cap that applies to the B5 lands in the Turner Road precinct. A Planning Proposal is provided in **Attachment 1 to this report** and will be forwarded to the Department for its consideration should Council resolve to proceed with the proposed amendment.

The location of the Turner Road Precinct is shown in **Figure 1** below.

The Turner Road employment lands precinct includes approximately 50ha in area and is zoned B5 Business Development, which provides a range of business, large-format retail, warehousing and light industrial activities within the Turner Road Employment Lands area, which is in two consolidated landholdings of approximately 25ha each.

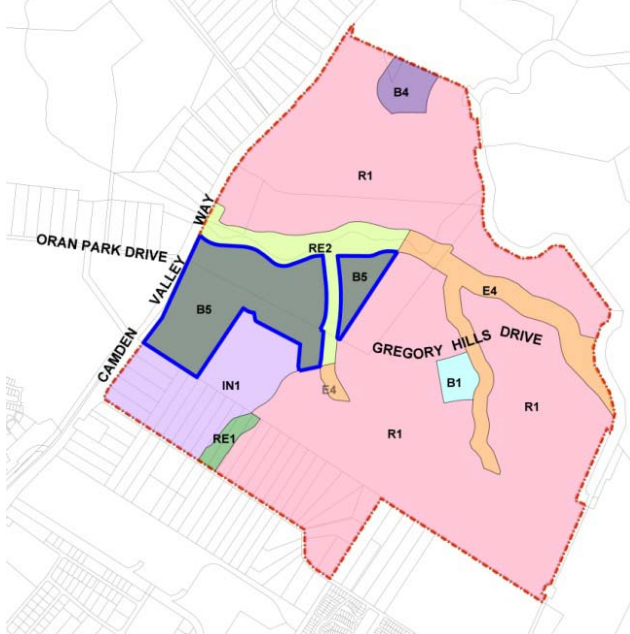
The land zoned B5 – Business Development is shown coloured grey in the zoning map provided in **Figure 2** below.

Figure 1 – Turner Road Precinct location map



ORD06

Figure 2 – Turner Road Precinct – Zoning Plan



Dart West Developments Pty Ltd is the owner of approximately half of the land zoned B5 – Business Development and has submitted a request to remove the limit on the floorspace of bulky good premises. The current 40,000sqm limit applies to bulky goods retail use.

MAIN REPORT

The subject land is approximately 50ha in area and is zoned B5 Business Development to provide a range of business, large-format retail, warehousing and light industrial activities and is in two consolidated landholdings of approximately 25ha each.

The planning controls for the site currently limit bulky goods retail to 40,000sqm, which is shared equally between the two land holdings. The limit means that only 8% of the 50ha of B5 zoned land could be used for bulky goods retail.

Planning Proposal

A Planning Proposal is provided as **Attachment 1 to this report** and seeks to amend the Growth Centres SEPP by deleting Clause 4.1D of Appendix 1, which restricts bulky goods floorspace to 40,000sqm.

The Planning Proposal also highlights the need for an amendment to the Turner Road Development Control Plan (DCP) by:

- Amending Table 1 in Section 2.5 – Hierarchy of Centres and Employment Areas by deleting the text relating to the Turner Road Business Area which states *“The maximum aggregate of bulky good premises (not including landscape and garden supplies and timber and building supplies) is 40,000m² GFA”*; and
- Deleting Clause 5 under ‘Controls’ in Section 3.1 – Land Uses of Part B of the DCP. This clause states *“A total maximum of 40,000m² of GFA of bulky goods premises is to be provided in the Business Development Lands fronting Badgally Road [now known as Gregory Hills Drive]. Of this maximum, 20,000m² is to be provided along either the northern or the southern frontages of Badgally Road”*.

Economic Justification

The applicants have prepared an economic assessment prepared by Deep End Services to support the proponents request to remove the floorspace cap. A copy of this assessment is provided in Appendix 1 to the Planning Proposal provided in **Attachment 1 to this report**.

The economic assessment report has been peer reviewed by Hill PDA on behalf of Council, at the cost of the applicant. Hill PDA has been involved in retail demand studies on behalf of the NSW Government for the growth centre areas, including part of the Austral/Leppington North precincts. The Hill PDA peer review report is provided in Appendix 2 to the Planning Proposal provided in **Attachment 1 to this report**.

The main findings of the economic assessment and peer review are summarised below:

- There is sufficient population growth within the retail catchment to support almost 160,000sqm of bulky goods retailing;
- An expanded bulky goods presence at Turner Road will not compromise or undermine the proposed Major Centre at Leppington, which will progressively develop a traditional retail focus.
- Approximately 77% of the retail catchment household expenditure on bulky goods “escapes” to other centres. This equates to around \$160 million per year. This underlines the very low provision of bulky goods within the catchment at the present time. To achieve high levels of self containment, which will reduce travel to other centres and create more local jobs, the area must develop and support a significant bulky goods floorspace offering at a central location.
- The economic impact of a removal of the bulky goods floorspace cap is unlikely to lead to significant impacts upon existing centres or bulky goods clusters provided non-bulky goods floorspace is restricted through appropriate planning controls.

It should be noted that non-bulky goods (i.e. retail) floorspace is currently restricted to 2,500sqm. This is an appropriately small allowance of retail floorspace and this control is to be retained.

It should be noted that removal of the bulky goods cap will not necessarily result in all of the B5 – Business Development land being developed for bulky goods. The zone encourages a mix of business and warehouse uses to provide a wide range of employment generating development including function centres, medical centres, showrooms and car dealers. Some of the businesses already committed to locating at the Central Hills Business area include a hardware store, petrol station, fast food restaurant, and Wisdom Homes corporate head office and showroom.

The removal of the floorspace cap on bulky goods development will:

- allow development to respond to market demand;
- address identified existing and future shortfalls of land suitable for bulky goods development; and
- generate local employment opportunities.

Consistency with State and Local Strategies

The proposal is consistent with:

- the Metropolitan Plan for Sydney 2036;
- the draft South West Sydney Subregional Strategy;
- the planning for the South West Growth Centre; and
- Camden 2040.

Recent developments in competition policy at both the Federal and State level would indicate that the concept of floorspace caps, particularly where significant need can be demonstrated, are no longer valid.

Relocation of Narellan Bulky Goods

While not necessary to this proposal to remove the bulky goods floorspace cap, which can be supported in its own right, Council should note that it has received a proposal to rezone land at Narellan (known as the 'triangle' site) to allow an expansion of the Narellan Town Shopping Centre. If Council supports this rezoning proposal, then the site will no longer be used for bulky goods retailing. This will add to the under supply of bulky good retail floorspace.

CONCLUSION

The proposal to remove the bulky goods floorspace cap on the Turner Road B5 zoned lands is justified from an economic perspective. There will be little or no impact on the environment as a result of removing the cap, as the site is already zoned to allow this type of use.

Removal of the cap will create local jobs and allow the market to respond to demand from residents within the local area.

Of the uses that are permissible in the B5 – Business Development zone, bulky goods retail generally provides relatively high employment generation rates. Therefore, the proposal to allow a greater amount of bulky goods retail floorspace will result in more local employment opportunities.

While Council is not responsible for the planning controls applying to the Turner Road precinct, it appears that there is sufficient justification for the proposed change and will deliver benefits for the residents of Camden LGA.

RECOMMENDED

That Council:

- i. support the removal of the bulky goods floorspace cap of 40,000sqm on the 'B5 – Business Development' land within the Turner Road precinct;**
- ii. forward the Planning Proposal to the Department of Planning and Infrastructure for the purposes of a Gateway Determination; and**
- iii. publicly exhibit the Planning Proposal and Development Control Plan amendments in accordance with the Gateway Determination and any arrangements agreed with the Department of Planning and Infrastructure.**

ATTACHMENTS

1. Planning Proposal

ORDINARY COUNCIL

ORD07

ORD07

SUBJECT: AUSTRAL & LEPPINGTON NORTH DRAFT PRECINCT PLANNING PACKAGE

FROM: Director Governance

BINDER: Leppington North Precinct

PURPOSE OF REPORT

To outline the features of the Austral Leppington North Draft Precinct Planning Package to:

- identify the key issues for Council arising from the draft package,
- recommend that Council support the Precinct's vision but object to the rezoning of the Precinct on the basis of infrastructure funding gaps,
- recommend that Council make political representations in this regard,
- recommend that Council investigate initial infrastructure funding opportunities with State or Federal Government, and
- recommend that Council accept long term ownership of major creeks and riparian land.

BACKGROUND

In October 2009 the Austral and Leppington North Precincts were released for Precinct Planning by the then Minister for Planning. A review of the Precinct boundary commenced in February 2010. In August 2010, the Leppington North Precinct boundary was extended south to Ingleburn Road to take up part of the Leppington Precinct, adding 174 hectares of land. The main reason for this was to ensure that there was sufficient land to support the Leppington Major Centre.

The Precinct Planning investigation commenced in August 2010 and concluded in October 2011.

The Department of Planning & Infrastructure (DPI) conducted the public exhibition of the Draft Precinct Planning Package from 26 October until 2 December, 2011. A Council staff member has represented Council at the majority of community drop-in sessions held at the Leppington Progress Hall, Ingleburn Road Leppington. The sessions have had high attendances from landowners and other interested people. Representatives of Transport NSW (South West Rail Link and Bringelly Road upgrade) and Sydney Water have been in attendance at some of the community drop-in sessions.

The South West Growth Centre Structure Plan was prepared by the then Department of Planning in 2005 and provides an important guide to the detailed planning of Precincts. The Structure Plan acts as a starting point for the precinct planning process and identifies key site constraints, opportunities for different land uses and development as well as setting residential dwelling and population targets for each of the Precincts. A copy of the South West Growth Centre Structure Plan is provided as **Attachment 1 to this report**.

The location of the Precincts in a regional context is provided as **Attachment 2 to this report**. The Precincts comprise an area of 2025 hectares with the majority of the Precinct area being located in the Liverpool LGA. (Camden comprises approximately 360 hectares). Land ownership within the Precincts is highly fragmented, having been subdivided into land parcels averaging approximately one to two hectares each. There are around 1090 separate land parcels and 895 different landowners in the Precincts. There are over 100 landowners in the Camden part of the Precinct.

MAIN REPORT

The Precinct Planning Package

The Precinct Planning Package comprises:-

- Precinct Planning Report (including Draft Camden Growth Centre Precincts Development Control Plan (DCP));
- Draft Indicative Layout Plan;
- Infrastructure Delivery Plan;
- Proposed State Environmental Planning Policy Amendment;
- Draft Section 94 Contributions Plans (to be exhibited separately), and
- Consistency with the Biodiversity Certification Order 2007.

The purpose of this Precinct Planning Report is to:-

- explain the process of preparing the draft Indicative Layout Plan (ILP) and associated planning documentation;
- summarise the technical studies that informed the design process; and
- provide details of infrastructure planning and coordination as part of the process.

The Precinct Planning Report is referred to in this report.

Specialist investigations were carried out to identify the existing conditions and the implications for Precinct planning. The specialist investigations are:-

- Biodiversity and Ecology
- Water Cycle Management (including Riparian and Flooding)
- Land Capability, Salinity and Contamination
- Odour
- Noise
- Bushfire
- Indigenous Heritage
- Non-Indigenous Heritage
- Transport
- Demographics and Social Infrastructure
- Retail and Employment Demand

Governance Structure

The Minister for Planning and Infrastructure has the responsibility for recommending (or not) to the Governor the Publication (formerly gazettal) of the proposed amendment to the Growth Centres SEPP. The Director-General of Planning and Infrastructure has the authority to adopt the proposed DCP. The Councils (Camden

and Liverpool) are the consent authority for future development and have responsibility for the implementation of the DCP.

Project Coordination

The precinct planning process is overseen and directed by a Project Control Group (PCG). The Austral and Leppington North PCG consists of representatives from DPI, Camden Council and Liverpool Council. The PCG is responsible for reviewing and directing the project.

The Project is lead by the DP&I. The precinct planning has involved the sharing of information and consultation between the DPI, Camden Council, Liverpool Council, State agencies, consultants and relevant stakeholders.

Comments on the public exhibition

The DPI has advised that these precincts have attracted the highest number of people attending community drop-in sessions for any Precinct Planning exhibition in the Growth Centres to date. In total there were 794 attendees who represented approximately 495 properties. This is approximately half of all the properties in the 2 precincts. The positive attendance rate is partly a function of the number of landowners in the precincts and the substantial size of the precincts.

Some of the main issues raised by attendees at the community drop-in sessions have included:-

- What is the proposed zoning for my land and what can be developed under that zone?
- What impact will the proposed zoning have on my rates?
- Is my land affected by constraints such as flooding?
- If my property or part of it is included for acquisition, who will buy it and when and for how much?
- When will the services be provided so that the land can be developed?

There has been a mutual feeling of respect between landowners / interested people and staff at the community drop-in sessions. People have generally wanted help to find the key information that relates to their property and to get a direct answer to their questions. People have also passed on to staff their knowledge about their land and the community. The community drop-in sessions have been an important part of the project.

Relationship to Council's Community Strategic Plan: Camden 2040

Camden 2040 has been prepared with due consideration of the various strategies and policies that impact on the local area from both the State (including the Metropolitan Strategy and the State Plan) and Federal Government levels. The future Leppington Major Centre (and the benefits and services that it would provide) are acknowledged in Camden 2040. Further discussion of Camden 2040 is made under the Infrastructure Delivery Plan heading.

Indicative Layout Plan (ILP)

The draft ILP sets the framework for the future residential areas and hierarchy of centres, identifies the road pattern, infrastructure requirements, activity centres, landscape corridors and stormwater management measures for the Austral and Leppington North Precincts. The draft ILP represents the preferred planning guide for

the Austral and Leppington North Precincts based on the findings of specialist investigations and key planning principles.

The draft ILP is provided as **Attachment 3 to this report**. A summary of the key features of the draft ILP and key issues for Council is provided as **Attachment 4 to this report**.

Leppington Major Centre

Leppington Major Centre will be the primary focus for employment, retailing, entertainment and community services in the South West Growth Centre. It will progressively become a major centre as established in the State Government's Metropolitan Plan for Sydney 2036. The centre will be focused on the rail station which will reinforce its role as a regional employment hub. The Leppington Major Centre ILP is provided as **Attachment 5** to this report.

Infrastructure Delivery Plan

The stated primary purpose of the Infrastructure Delivery Plan (IDP) is to document the urban infrastructure requirements for the Austral and Leppington North Precincts, and how those requirements will be met.

The IDP outlines local and regional level infrastructure required to meet the needs of the future residential and working population, including electricity, water, sewer, trunk drainage, roads, rail, education facilities, community facilities and open space. The IDP also discusses delivery mechanisms for the infrastructure and the likely timing and staging of development, as it relates to essential infrastructure provision.

The IDP identifies that ultimately, servicing the Precincts will require significant investment by State Government in water, sewer, and power and road infrastructure.

The IDP identifies two key stages in the delivery of infrastructure to enable development to occur:

- an interim servicing strategy to ensure essential infrastructure is available for early stages of development (this is based on the augmentation of existing infrastructure prior to needing to commit to the full suite of infrastructure); and
- the ultimate or long term, servicing strategy, which requires major investment in large scale infrastructure to ensure services are available across the whole of the Precincts.

The IDP is intended to be used by infrastructure agencies to commence more targeted planning and detailed design of infrastructure to specific timeframes and prepare preliminary costs for the works. This future work will be facilitated by the DPI and will attempt to establish a proactive role for utility servicing in the precincts as a means to facilitate development of fragmented land. The DPI is taking an active role in brokering discussions with landowners and infrastructure agencies about the timing and location of future development.

The IDP deals with some key issues for Council. The main points are outlined below and referred to later in this report.

The IDP describes Council's role in the effective management of development growth as primarily a facilitator, regulator, advocate and service provider. The IDP acknowledges Council's Community Strategic Plan and notes that Camden 2040 has been prepared with due consideration of the various strategies and policies that impact on the local area from both the State and Federal Government levels. The IDP recommends that Council update Camden 2040 and associated resourcing strategy, delivery and operation plan to address the delivery of local infrastructure to the Leppington North precinct. Council staff will undertake a review of Camden 2040 and

associated resourcing strategy and delivery plan during 2012 ready for adoption by Council in 2013. The local infrastructure requirements for Leppington North precinct will be considered as part of this review and update of Camden 2040.

The IDP also recommends that Council, with assistance from the State Government, should consider preparing an infrastructure strategy, oriented toward making it easier for developers and other parties to deliver local infrastructure to a satisfactory standard on behalf of the future communities without unduly burdening the future communities with significant costs.

In terms of the funding approach for larger regional level community facilities, the IDP points out that regional community facilities have traditionally been provided using a range of funding sources (particularly grants) and with less reliance on Section 94 contributions. The IDP states that it is unreasonable, impractical and inconsistent with current State Government Policy to expect Section 94 contributions to fund higher order community facilities intended to serve the wider South West Growth Centre. It contends the contribution would be too great thus affecting the viability of development and the facilities could not be provided within a reasonable time frame as the contributions would take too long to collect.

It would be fair to say that the IDP identifies the opportunities and constraints for infrastructure delivery but stops short of preparing a funded delivery strategy for the precincts urban infrastructure requirements.

Government Special Infrastructure Contribution

The South West Growth Centre is supported by the State Government Special Infrastructure Contribution (SIC) toward the provision of state and regional infrastructure including roads (relevant roads for the precinct are listed below); land for education, health and emergency service facilities; environmental conservation purposes; and planning delivery.

The SIC funds (at least in part) the upgrade of the following roads:-

- Eastwood Road;
- Ingleburn Road;
- Rickard Road;
- Bringelly Road (Cowpasture Road);
- Camden Valley Way.

South West Rail Link (SWRL) & Leppington Station

The State Government has confirmed that the SWRL will be operational by mid-2016. The IDP confirms the rail link to the Leppington Major Centre is a major investment being made on behalf of the broader community and development ideally should begin to form around it. The value of this asset should be realised through encouraging both residential and commercial development in the vicinity of the proposed Leppington Station at the earliest opportunity.

Leppington station and its associated transport interchange will provide important local and regional connectivity, travelling from Leppington to Glenfield and onto Liverpool, Parramatta and central Sydney. Regional, district and local bus routes are also planned to provide local, district and regional bus connections.

Regional roads

Because SIC road funding is controlled by the State Government, the DPI considers it appropriate that the Roads and Maritime Services be responsible for the acquisition of land for SIC roads. However, the RMS has indicated to the DPI that it is not able to take on responsibility for SIC roads other than those it already has responsibility for (Camden Valley Way, Cowpasture Road and Bringelly Road). The Precinct Planning Report states these regional roads will either be delivered by the RMS or the Councils.

Depending on the outcome of negotiations with the RMS, the DPI may approach Council to request that it construct SIC funded roads on behalf of the State Government. Should this request be forthcoming, this matter will be reported to Council for consideration.

Major Road Upgrades

The ILP is consistent with the proposed upgrade of Bringelly Road and Camden Valley Way. The RMS has recently exhibited a detailed concept design for the upgrade of Bringelly Road to coincide with the exhibition of the draft Precinct Plan. The RMS has completed a Review of Environmental Factors for the upgrade of Bringelly Road. Detailed information about the upgrade is available from the RMS website.

Key new sections of road infrastructure

Key new sections of road infrastructure in addition to the upgrade of existing roads are summarised in **Attachment 4 to this report**.

Provision of open space

The public open space network has been designed to meet the needs of both the future residential and working population. A summary of the provision of open space for the overall ILP and within the Camden area is provided in **Attachment 4 to this report**.

The precinct has significant flooding and riparian land constraints and as a result a higher provision of passive open space is provided than would otherwise be the case (11.7ha of passive open space and 5.5 ha of active open space). The comparatively high rate of provision is also partly a result of the extensive planned development of the precinct for retail, commercial and other employment purposes associated with the Leppington Major Centre. Workers and visitors to the Major Centre area will demand some of the open space and recreation facilities included in this Plan.

Leppington Public School

All of the existing schools within the Precincts are to be retained in the initial stages of Precinct development. As the development of Leppington Major Centre progresses relocation of Leppington Public School on Rickard Road is to be explored, as the location of a primary school within a major centre is not consistent with the Department of Education and Communities (DEC) locational preferences.

The Precinct Planning Heritage investigation has identified Leppington School as a potential heritage item (the original Leppington public school building is assessed as having high significance). Potential heritage items have been listed in the State Environmental Planning Policy amendment and appropriate development controls have been included in the draft DCP.

The school is an important part of the Leppington community. Its continued operation is encouraged given that the development of the Major Centre will take some time as outlined above.

The Camden Growth Centre Precincts Draft Development Control Plan (DCP)

Separate DCPs for each Council area (Camden and Liverpool) have been prepared to enable the Councils to make amendments to the DCPs (under delegated authority from the Director-General of DPI) without the involvement of the other Council.

Separate DCPs also enable the Councils to implement local policy decisions consistently across their Council areas, without causing conflict where policies on certain issues may differ between the two Councils. In these situations, the DPI retains the ability to respond to any proposed DCP amendments that are not consistent with planning policy or objectives that apply broadly to, and necessitate a consistent approach across, the Growth Centres.

The draft DCPs have been structured in this way to enable them to apply, with only minor amendments, to other Growth Centre Precincts as Precinct Planning is completed. Currently, the draft DCPs are only proposed to apply to the Austral and Leppington North Precincts. As the Government decides to prepare Precinct Plans for additional Growth Centre Precincts such as Leppington and East Leppington, these precincts will be incorporated into the Camden Growth Centres DCP.

The draft DCP includes a specific schedule for the Leppington Major Centre (Schedule Two). The focus of the controls in Schedule Two is on establishing consistent standards for buildings and a consistent theme for the public domain elements of the centre: the streets, parks, plazas and squares.

Long term ownership of creeks and riparian land

Two major creek lines exist within the Major Centre. Bonds Creek forms much of the eastern boundary and Scalabrini Creek is located to the east of Dickson Road. Both of the watercourses serve an open space and drainage function within the Major Centre, effectively bordering the core and mixed use parts of the centre with green corridors.

The majority of passive open space is concentrated along Scalabrini Creek and will be vital in continuing a green link and focus for pedestrian and cyclist activity to the residential areas north of Bringelly Road and south of Ingleburn Road.

Where riparian lands serve a function that is able to be levied for under Section 94 (such as open space, pedestrian/cycle links or drainage), Council can utilise Section 94 funds to bring these lands into public ownership. The master planning response to riparian zone management for the Precincts has been to locate some other elements of the public domain along key riparian corridors, to enable public uses that are compatible with the water quality, drainage, ecology and soil conservation functions of riparian zones. The channel and 10 metres either side of the banks has also been identified as drainage land, recognising the important role of creeks in managing urban stormwater.

Staff has advised DP&I that his matter will be reported to Council for determination noting that the maintenance cost for riparian land cannot be funded by the Section 94 Plan. Subject to Section 94 funding the land and works, long term Council ownership of the creeks and riparian land is supported as a means to create positive natural assets that contribute to the character and identity of the Major Centre, provide cycle and pedestrian opportunities and allow people to connect to trees and water.

The Key Issues for Council

The key issues for Council concern infrastructure funding and delivery for the precinct and precinct development in its own right.

Key issue 1 - Draft Section 94 Development Contributions Plan

The DPI and Council are jointly preparing a draft Section 94 Contributions Plan (funded by the DPI) that will specify the types of infrastructure to be provided by Council using Section 94 funding, the cost of that infrastructure and the land requirements.

The project timeline for the rezoning to take effect is mid-2012. The Section 94 Plan is not projected to be ready for adoption by Council at the time rezoning takes effect (noting State Government Policy requires the draft Section 94 Plan to be reviewed by IPART prior to going on exhibition).

If the rezoning takes effect without a new Section 94 Plan in place, development would be levied under Camden Contribution Plan 2004, which would levy a lower rate than the \$30,000 State Government cap amount (discussed further below). During project discussions, staff has advised the DPI that it does not support the rezoning of the land without the Section 94 Plan in place.

A number of detailed issues for the draft Section 94 Contributions Plan are being discussed with the DPI and its consultants. These issues will be outlined in a future report to Council.

Key issue 2 - Precinct development implementation

Development implementation of Leppington North will be a different matter compared to Oran Park. For example, development of the Leppington North precinct will require an acceptance of the staged construction of infrastructure such as collector roads and the transition of land uses over time. Fragmented ownership with a mix of landowner aspirations along with long-term business uses, coordination of lead-in infrastructure and no lead developer interest may mean a lengthy development timeline (20-30 years).

Possible implications of this for the Section 94 development contributions are discussed later in this report.

Key issue 3 - Funding of local infrastructure above the Section 94 Contributions cap & funding “non-essential” infrastructure

The State Government’s policy caps funding for essential infrastructure (defined term) in the Section 94 Plan at \$30,000 per residential lot (on the assumption that it will be declared a “greenfield” release area).

However, given the size of the Precincts, the significant amount of infrastructure that is required for the future residential and working population, and amount of constrained land (i.e. land that will be undevelopable due to flooding, riparian corridors, infrastructure provision etc.), and the work underway on the Draft Section 94 Plan, it is expected that the average Section 94 Contribution per residential lot required will significantly exceed the \$30,000 limit.

The State Government’s policy also restricts the Draft Section 94 Plan to levying for “essential infrastructure” (for example, the Section 94 Plan can levy for the land for a community facility but not for the construction of the facility. The Section 94 Plan can levy for “base level” embellishment of open space to make it safe and suitable for use). This means that funding for a proportion of the land and capital works costs specified in the draft Contributions Plans is currently uncertain.

The State Government has identified two funding options to fund essential infrastructure above the \$30,000 cap:-

- Apply for funding under the Government's Priority Infrastructure Fund as an Interim measure, or
- apply for a Special Rate Variation. The Government has given IPART the authority to review the Draft Section 94 plans in these instances and determine applications for Special Rate Variations.
-

The DPI's Precinct Planning Report agrees that the Section 94 cap is a key issue facing infrastructure delivery and precinct development. The DPI states that it will continue to work with the Councils to resolve issues related to the funding of this essential infrastructure.

Key issue 4 - Funding of regional level community facilities

The IDP confirms the construction of these facilities is not able to be funded by Section 94 Contributions. The IDP identifies this funding shortfall and suggests avenues for the Council to consider pursuing to allow the delivery of these facilities in the future.

The DPI acknowledges that it is important it continues to work with the Councils to assist in determining funding sources for these facilities. Establishing a funding and delivery approach for these facilities will require a partnership approach between Council and the State and Federal Governments to explore avenues such as grant funding or facility provision by the private sector and not-for-profit providers such as community clubs and schools.

Key issue 5 – Financial risk to Council

During the Precinct Planning Project preparation, staff have emphasised to the DPI that whilst the overall vision for the Precinct development is generally supported, the Precinct Planning process holds significant financial risk for Council. On this basis, staff advised the DPI that the rezoning of the land without the certainty of an agreed funding source for local infrastructure above the Section 94 contributions cap and to fund regional level infrastructure is not supported.

Key issue 6 – Advancing the Draft Section 94 Plan

It is important that Council maintain its commitment to the Precinct Planning Project and in particular the preparation of the draft Section 94 Plan. This will assist to lessen the risk that the rezoning takes effect with no new Section 94 Plan in place.

Key Issue 7 – Seed funding

Section 94 income may "trickle-in" and Council may be faced with funding Section 94 land and infrastructure obligations prior to the Section 94 income being available. The establishment of a source of early stage "seed" funding is a worthwhile consideration. Council could approach the State or Federal Government and attempt to negotiate an agreement whereby interest-free funding could be allocated by Government in order to allow things like early stage land acquisitions to occur. As Council collects the Section 94 contributions from developments, the seed funding could be repaid to Government. This would help to meet Council's obligations and serve to facilitate development of the Precinct consistent with the objectives of the State Government.

Project timeline from here

The DPI has been consulting Council staff on the scope of project works to be completed post exhibition. This will include the following:-

- Leppington Major Centre Public Domain Strategy;
- Leppington Major Centre Water Sensitive Urban Design/On Site Drainage Detention Strategy.

Council staff are in discussion with the DPI on a range of further studies that may be required. Council has recently adopted the Upper South Creek Flood Study that in part has been funded by the DPI. A copy of the flood study has been provided to the DPI so that the DPI and its consultants can review this as part its post exhibition works.

The DPI and Councils will assess submissions received during the public exhibition and complete supplementary technical work. The ILP will be updated followed by preparation of gazettal material for the Minister. Gazettal of the State Environmental Planning Policy is scheduled for mid-2012.

The draft Section 94 Plan is expected to be reported to Council for consideration early in 2012.

The Precinct Planning exhibition closed on 2 December. The DPI has granted an extension of time until 23 December for submissions to be lodged.

Staff are continuing to work through detailed comments on various parts of the Draft Precinct Planning Package. Council is requested to delegate authority to the General Manager to prepare and lodge a submission on behalf of Council with the DPI of Planning & Infrastructure as outlined in this report and supported by detailed comments prepared by staff.

CONCLUSION

The Leppington Major Centre and Leppington Station will provide regional level services and employment and present a great opportunity for transit oriented development in the Sydney Metropolitan Region. The Precinct Planning Package balances competing natural and man-made opportunities and constraints present in the precincts with the potential to deliver a good quality of life for residents by providing access to a range of employment opportunities, services and amenity.

The major constraints to being able to realise this potential is the uncertainty for Council to be able to fund local infrastructure above the Section 94 contributions cap, fund "non-essential" infrastructure and fund regional level community facilities. It is recommended that Council object to the gazettal of the Precinct Plan on this basis.

It is recommended that Council delegate authority to the Mayor and General Manager to make representations on this issue to the Minister for Planning and Infrastructure and the local State Member for Camden. It is understood that Liverpool Council holds the same concerns and will be making similar political representations.

At the same time, Council must remain focused on the Precinct Project work at hand and continue to advance the Draft Section 94 Plan with the DPI.

RECOMMENDED

That Council:

- i. **Endorse a submission that supports the vision for the Austral Leppington North Precinct Plan however objects to the rezoning of the Austral Leppington North Precinct Plan at this time, on the basis of the uncertainty for Council to be able to fund local infrastructure above the Section 94 contributions cap, fund “non-essential” infrastructure and fund regional level infrastructure;**
- ii. **continue to work with the Department of Planning & Infrastructure seeking a resolution of Council’s infrastructure funding gap;**
- iii. **make representations to the Minister for Planning and Infrastructure and the State Member for Camden seeking a resolution of Council’s infrastructure funding gap;**
- iv. **make representations to the State or Federal Government to discuss interim funding opportunities to meet its future Section 94 funding obligations and facilitate precinct development and that this matter be reported back to Council;**
- v. **accept long term ownership of identified creeks and riparian land subject to Section 94 funding land acquisition and embellishment works;**
- vi. **continue to advance the Precinct Planning Project and Draft Section 94 Plan in partnership with the Department of Planning & Infrastructure and Liverpool Council.**

ATTACHMENTS

1. South West Growth Centre Structure Plan
2. Regional Context Map
3. Draft ILP
4. Key Features of the Austral Leppington North Draft Indicative Layout Plan
5. Leppington Major Centre ILP

ORDINARY COUNCIL

ORD08

SUBJECT: PLANNING PROPOSAL TO AMEND STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006 - ORAN PARK AND TURNER ROAD

FROM: Director Governance

BINDER: Oran Park and Turner Road

PURPOSE OF REPORT

To consider a Planning Proposal to amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006, as it applies to the Oran Park and Turner Road Precincts to cover rezoning of areas adjoining riparian areas and other administration adjustments.

BACKGROUND

The Oran Park and Turner Road precincts were rezoned, pursuant to the Growth Centres SEPP on 21 December 2007. As a response to the change in NSW Government planning policy during the precinct planning process that removed the ability for the acquisition of riparian corridors to be incorporated within Section 94 Plans, the areas adjoining riparian corridors (the subject of this planning proposal) were accordingly zoned RE2 or E4, to enable private ownership of the riparian areas and buffer zones in larger land holdings. The 20 metre buffer zone was intended to be utilised for the construction of a dwelling house, with the riparian area being undeveloped. The buffer area was zoned consistent with the adjoining riparian area to ensure that there was not a split zoning on an affected allotment.

Generally, the precincts are being developed whereby the 20 metre buffer strip is forming part of a lot that is also within the R1 zone, with the riparian area on the opposite side of a road reserve. This has resulted in lots for residential purposes, being subject to a split zoning and requiring a minimum lot size of 1000 square metres for those lots, limiting the ability of the required yield for each precinct to be attained.

Further, as a result of negotiations and agreement between Council and some landholders, including by way of the recently executed Oran Park VPA, the majority of the riparian areas will be protected by way of public ownership on GDC/Landcom land and not physically connected to private lots containing a dwelling house as originally envisaged. Negotiations are currently underway with other large landowners within the precincts towards similar outcomes.

This Planning Proposal primarily seeks to remedy the above matters.

MAIN REPORT

The planning proposal as submitted relates to the Oran Park and Turner Road Precincts as gazetted pursuant to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The precincts contain significant riparian corridors associated with the important catchments of South Creek in the central and eastern portion of the area and Cobbitty Creek to the west. A map showing the location of the precincts is provided below:



The planning proposal at **Attachment 1 to this report**, as amended following advice from the DPI, seeks to achieve the following:

1. Rezone the majority of E4 riparian land to E2 and the current 'development strip' adjoining the riparian areas to the adjoining residential zone; and
2. Realign the boundary between the IN1 and B5 zones at Turner Road to reflect the approved subdivision pattern; and
3. Rationalise the boundary between R1 and E4 in the western portion of the GDC holding at Oran Park and to realign the riparian protection layer accordingly.

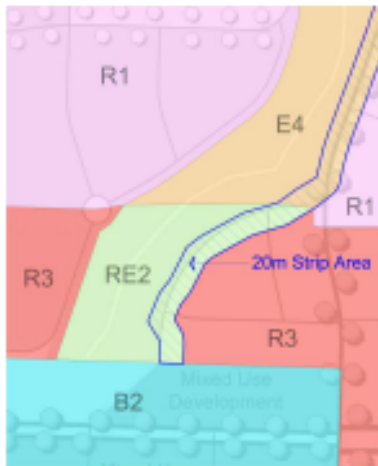
Each of the three parts of the Planning Proposal is discussed in detail below.

Rezoning of the ‘development strip’ adjoining riparian areas

As mentioned in the background section earlier in this report, the current zoning structure of riparian corridors was an innovative response to the changes to Development Contributions made by the State Government during the Precinct Planning process. The changes meant that riparian areas could not be acquired by way of developer contributions and as such were to remain in private ownership. Essentially, the riparian areas and an adjoining development strip were zoned E4 or RE2 to allow for a dwelling to be erected within the development strip and the remaining area of the private allotment to contain the riparian area. The Development Control Plan for the Precincts provides detail on how such a development outcome could be achieved.

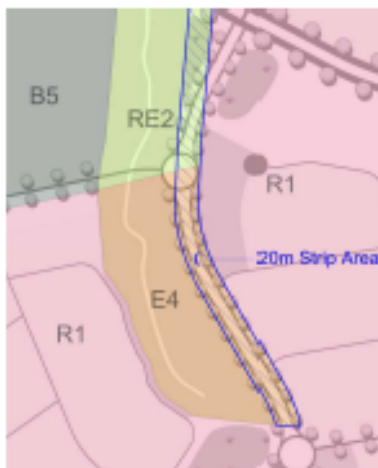
Examples of the existing arrangement, overlaid with the ILP is shown below:

Example of 20 metre strip against a Riparian Corridor in Oran Park Precinct



Source: NSW Legislation website www.legislation.nsw.gov.au

Example of 20 metre strip against a Riparian Corridor in Turner Road Precinct



Source: NSW Legislation website www.legislation.nsw.gov.au

However, as the development of the precincts has been rolled out, generally in accordance with the ILP, there has been the creation of split zoned allotments, generally between R1 and E4 zones as roads were built within the previously identified development strip area. This resulted in the E4 zone covering a portion of residential

lots, the road and the riparian area. Such a result has meant that no development could occur between the road and riparian area and limits opportunity for meaningful private ownership of the riparian land.

Council has approved Development Applications previously that have proposed split zoned allotments that achieved the minimum allotment size for residential land. However following the receipt of legal advice, Council now requires any such split zoned allotments to achieve the minimum allotment size that corresponds with the E4 zoning layer, generally being 1000 square metres in area. This is resulting in development not being able to be carried out in accordance with the ILP and importantly not achieve the target yields for the precinct.

As a result of discussions with Council staff following on from the receipt of legal advice, the large landowners in the precinct have submitted this Planning Proposal as a response to this situation. Originally, the Planning Proposal only intended to alter the development strip to R1 and to retain the riparian areas within the E4 zone. A copy of the original proposal was forwarded to the DPI for initial review. DPI advised that it would not support the retention of the E4 zone unless there was development potential on the land.

Accordingly, the options available were to maintain the current situation with a development strip, or to investigate other possible zones for the riparian area. An E2, Environmental Conservation zone is considered to be the most appropriate zone for this land. There is, however, an acquisition risk that could arise as a result of zoning land E2 and therefore needed further investigation by Council prior to advancing the Planning proposal further. A copy of correspondence and maps received indicating the change to the planning proposal is shown at **Attachments 2 & 3 to this report**. The amended maps are shown at **Attachment 4 to this report**.

A review of the Land Acquisition (Just Terms Compensation) Act indicates that the E2 zone does not fall within a prescribed zone that automatically creates a need for acquisition, it could be viewed as being for a purpose that is reserved for a public purpose. This does not create an automatic acquisition risk, yet with the hardship provisions within the Act, council could be approached by landowners to acquire the land where hardship could be demonstrated. Hardship provisions do not apply to corporations, except in special circumstances.

As a result of the risk that may be created, it is not considered appropriate to rezone the riparian area and development strip adjoining these areas in the east of the precinct. This area is dominated by small land parcels and there could be a significant risk of acquisition, particularly noting the layout of the allotments, with the riparian areas being at the rear of rural residential lots that are primarily in a precinct that has yet to be released.

The risk of acquisition within the other landholdings is minor as the large landholdings are held by corporations and, in addition, are subject to existing or proposed Voluntary Planning Agreements where the developer has offered to dedicate the subject riparian lands to Council free of cost, The Planning Proposal, as amended, is considered to achieve the best possible development, social and environmental outcomes for the riparian lands, whilst appropriately rationalising the zoning in this area to permit orderly development.

Realigning boundary between B5 and IN1 at Turner Road

The next part of the Planning Proposal is to rationalise the boundary between the IN1 and B5 zones at Turner Road to better reflect the approved subdivision pattern and separation of Industrial land from Bulky Goods development. The two maps demonstrating the existing development, location and proposed zone boundaries is shown below:

Turner Road Employment Lands Site Area and subdivision/zoning overlay



As can be seen from the maps above, the approved subdivision boundaries are not entirely consistent with the zone boundary. In order to ensure future development of the allotments are not affected by their current split zoning, it is considered to be an orderly and correct response to seek to rationalise and realign the boundaries as proposed. The proposal will result in a net loss of industrial land of approximately 600 square metres.

Rationalising riparian protection area and R1 and E4 zones at Oran Park

At the western portion of the Greenfields land within the Oran Park precinct, is a mapped riparian area at the top of the catchment. This area is zoned E4 and R1. The location and current and proposed zoning map is shown below:

Reconfigured Riparian Corridor in Oran Park Precinct



Following discussions between Council staff, the landowner and the NSW Office of Water, it has been agreed that the area is incorrectly mapped in relation to the actual location of the riparian area. As part of this Planning Proposal, the zoning and riparian layer maps are proposed to be reconfigured as shown on the figure above.

There is no net loss of riparian area as a result of the proposal. The proposal is supported in principle. Subject to a positive Gateway Determination, the proposal will be required to be referred to the Office of Water for further comment.

Consistency with State and Local Strategies

The proposed rezoning is consistent with the following State and local government strategies:

- The NSW State Plan 2021;
- The Metropolitan Plan for Sydney 2036;
- The draft South West Sydney Subregional Strategy;
- The South West Growth Centre Structure Plan and Development Code
- Camden 2040.

The Process from Here

If Council determines to proceed with the Planning Proposal, it will be sent to DPI for Gateway Determination. Based on previous experience it is expected that a response would be received from DPI within six (6) weeks, although there are no time guidelines. If there is a Gateway Determination to proceed, the proposal will be exhibited for 28 days, in the following manner:

- The exhibition material will be displayed at Narellan and Camden Customer Service Centres, and Narellan and Camden Libraries;
- An advertisement will be placed in the local newspaper;
- The exhibition material will be available on Council's website for the duration of the exhibition period.

As part of Gateway Determination, there may also be recommendations to consult with other public authorities or government departments. The Office of Water will be consulted following the Gateway Determination.

At the conclusion of the exhibition period, a further report will be submitted back to Council detailing submissions received.

CONCLUSION

The Planning Proposal incorporates three parts, all of which seek to amend the provisions of the Oran Park and Turner Road Precinct Plans as gazetted pursuant to the Growth Centres SEPP. As outlined in the report above, the proposed changes are considered to be appropriate and will achieve the preferred development outcome for the precincts in a more structured manner than that which is currently able to be achieved.

RECOMMENDED

That Council:

- i. support the Planning Proposal to amend the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 as outlined in this report;**
- ii. forward the Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination;**
- iii. upon receipt of a favourable Gateway Determination:**
 - a. publicly exhibit the Planning Proposal in accordance with the terms of the Gateway Determination notice,**
 - b. consult relevant Public Authorities in accordance with the terms of the Gateway Determination;**
- iv. prepare a further report for Council consideration at the conclusion of the public exhibition period.**

ATTACHMENTS

1. Original Planning Proposal
2. Change of E4 to E2
3. Turner Road Zoning Map
4. Oran P ark Map 1

ORDINARY COUNCIL

ORD09

ORD09

SUBJECT: ELYARD GARDENS PLANNING PROPOSAL
FROM: Director Governance
BINDER: Amendment No. 11 Elyard Gardens

PURPOSE OF REPORT

The purpose of this report is to seek a Council resolution to submit a Planning Proposal to the Department of Planning and Infrastructure (DPI) to rectify an anomaly in Camden Local Environmental Plan 2010 (Camden LEP 2010) in relation to the 1 Elyard St, Narellan, otherwise known as Elyard Gardens.

BACKGROUND

On the 3 September 2010, the Camden LEP 2010 was gazetted. The primary purpose of Camden LEP 2010 was to adopt the 'standard template LEP' for the Camden Local Government Area. In the process of preparing this template LEP, Council intended for the amendment to be a 'like for like' instrument. That is, land uses permitted under the original Local Environmental Plans should still be permissible under the new Camden LEP 2010 that was based on the template.

In some instances the Camden LEP 2010 was not exactly a 'like for like' planning change and has resulted in some further amendments to correct anomalies as they are identified.

Council has recently identified that in the process of changing the zoning of land from Camden LEP 46 to Camden LEP 2010, the use of the subject site (1 Elyard St, Narellan) for residential accommodation is no longer permissible. The purpose of this planning proposal is to correct this anomaly.

Development consent was issued for this site on 27 November 2006 which allowed for the remediation of the former tip site, earth works, demolition, road and civil works, subdivision, commercial and retail development with residential units above, residential flat buildings, residential townhouses, basement car parking and landscaping. However no work commenced and the consent lapsed on 29 November 2008.

More recently, since identified the site no longer permits residential accommodation, a letter from Council dated 1 September 2011 was sent to the DPI to seek permission to amend the rezoning on the site by way of dispensing the need to go through the planning proposal process. A response was received by Council on 29 September 2011 which stated that a planning proposal must be prepared and endorsed by Council, with the intention of permitting 'residential accommodation' on the subject site and it be submitted to the Regional Office for the consideration of the Gateway Panel under Part 3, Division 4, of the Act.

Since this time, the applicant, on behalf of the owners of the Elyard Gardens site, has prepared a Planning Proposal for Council to consider. This report will explain its contents and what is proposed to be forwarded to DPI for the Gateway Process.

MAIN REPORT

Rezoning Planning Proposal

Camden LEP 46 was in force prior to the gazettal of Camden LEP 2010 regarding the Elyard Gardens site. Camden LEP 46 affirmed the Elyard Gardens site was made up of three zones including zone 3(a) - General business along Elyard Street, 3(b1) – Business Support towards the back of the site along Elyard Street and 2(a) – Residential along Somerset Avenue. Refer to **Figure 1** below:

Figure 1:
Land Zoning Map of Elyard Gardens Site under Camden LEP 46

- Key:
- 2(a) - Residential
 - 3(a) – General Business
 - 3(b1) – Business Development
 - Subject Site







The 3(a) – General Business zone and the 3(b1) – Business Development zone allowed most forms of residential development (generally excluding dwelling houses – unless they were used in conjunction with shops or commercial premises, bed and breakfast, boarding houses, two-dwelling development). More specifically zone 3(b1) – Business Support stated the following as an objective:

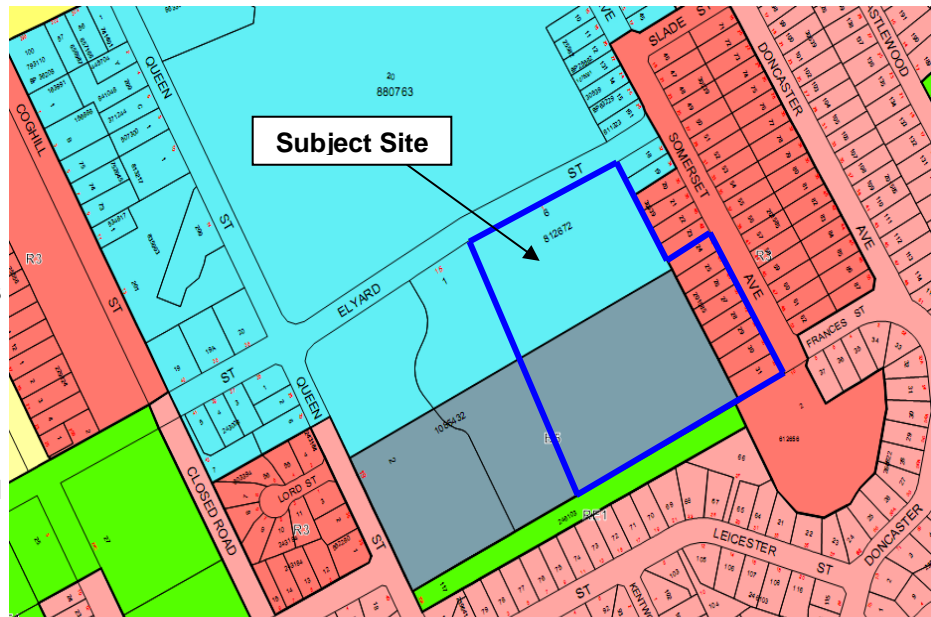
“(e) to provide opportunities for residential development which is either ancillary to a permitted use in this zone or in accordance with a comprehensive masterplanned residential estate integrated with surrounding land uses.”

The Camden LEP 2010 was intended to be a ‘like for like’ LEP. Under this instrument 3(a) – General Business zone was zoned B2 – Local Centre, the 3(b1) – Business Support zone was zoned B5 – Business Development and 2(a) – Residential zone was zoned R3 – Medium Density Residential. Refer to **Figure 2** below:

Figure 2:
Land Zoning Map
of Elyard Gardens
Site under
Camden LEP 2010

Key:

-  **B5 – Business Development zone**
-  **B2 – Local Centre**
-  **R3 – Medium Density Residential zone**
-  **Subject Site**



ORD09

The B2 – Local Centre and B5 – Business Development zones now prohibit the group term ‘residential accommodation’. Therefore residential development is now generally prohibited compared to being permissible under Camden LEP 46.

On 13 October 2011 Michael Brown Planning Strategies, on behalf of the owners, submitted to Council a Planning Proposal that is provided as **Attachment 1 to this report**. It requested the following be amended in Camden LEP 2010 in relation to the Elyard Gardens site:

- Rezone part of the land on Lot 6 Deposited Plan 812672 from B5 – Business Development to R3 – Medium Density Residential to permit residential accommodation on the land.
- Amend the height map to reflect the intended heights proposed by the Masterplan which is provided as **Attachment 2 to this report**.

Council staff have reviewed and subsequently amended the planning proposal that was submitted, which is provided as **Attachment 3 to this report**. The issue the applicant raised regarding height is not proposed to be addressed as part of this process and has been deleted from the submitted planning proposal as a blanket increase in height limit is not supported, particularly in relation to land interfacing with existing houses on the southern part of the site. The applicant has been notified that this issue can instead be dealt with as a Development Control Plan variation using Clause 4.6 of Camden LEP 2010 for specific parts of the site.

In this particular instance Council would be inclined to introduce an Additional Permitted Use in Schedule 1 of Camden LEP 2010 as this would facilitate the design and develop the site in a reasonable, effective and efficient manner. However Council is aware the DPI does not favour this outcome. As a result the following option is presented below.

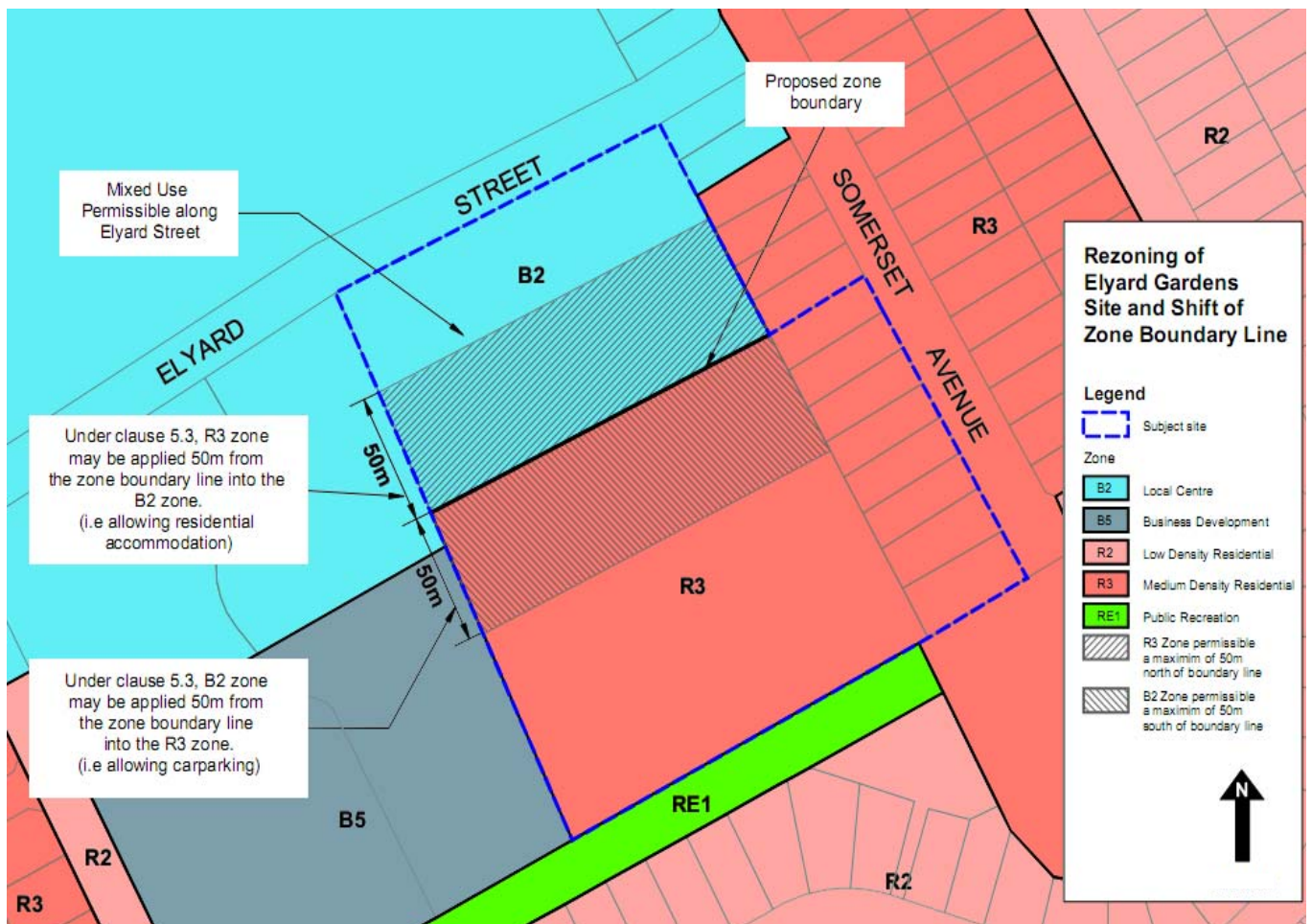
Option: Rezone the B5 – Business Development zone and shift the zone boundary line

It is proposed that an amendment be prepared to:

- Retain the land that is zoned B2 – Local Centre along Elyard Street as residential accommodation can be achieved through shop top housing.
- Retain zone R3 – Medium Density Residential along Somerset Avenue as this already permits residential accommodation.
- Rezone the land currently zoned B5 – Business Development to R3 Medium Density Residential.
- Shift the zone boundary between the B2 – Local Centre and the proposed R3 – Medium Density Residential zone (currently B5 – Business Development zone) on Lot 6 Deposited Plan 812672. This will ensure particular land uses are made permissible on certain areas of the site as a result of implementing *Clause 5.3 Development near zone boundaries* from Camden LEP 2010.

Figure 3 below illustrates the proposed changes.

Figure 3: Proposed rezoning of Elyard Gardens Site and Shift of zone boundary line:



This option is considered to be the most appropriate as the R3 – Medium Density Residential zone is consistent with the previous objective that applied to the site under Camden LEP 46. The R3 zoning would also correspond with the R3 zone that currently exists along Somerset Avenue.

Council has considered that rezoning the site to R3 – Medium Density Residential will facilitate the development of the site in an effective manner as a masterplanned estate.

In order to provide for a variety of land uses that support the surrounding Narellan commercial precinct, there will be a heavy reliance on using *Clause 5.3 Development near zone boundaries* from Camden LEP 2010. As a result, Council have considered and shifted where the zone boundary will be placed between zone B2 – Local Centre and the proposed R3 – Medium Density Residential on Lot 6 in Deposited Plan 812672. This is due to a number of reasons stated below:

- Council's vision has always been to retain the mixed use/commercial use strip along both sides of Elyard Street. Therefore shifting the zone boundary needs to consider that it is setback more than 50 metres from Elyard Street. This will ensure that residential accommodation (excluding shop top housing) will not be the predominant use along Elyard Street as a result of the R3 – Medium Density Residential rezoning.
- The R3 – Medium Density Residential zone does not permit car parking. However a car park will be constructed within the proposed R3 – Medium Density Residential zone, which will not necessarily be provided as part of the residential accommodation. This car park will also contribute to the broader Narellan Town Centre.

Considering much of the Elyard Gardens site is contaminated, the possibility of underground car parking is severely limited. Therefore *Clause 5.3 Development near zone boundaries* would be used to ensure car parking can be provided at grade within the R3 zone. This will ensure that the development contributes to the demand for car parking as a result of the Narellan Town Centre expansion.

- The B2 – Local Centre zone does not permit residential accommodation, only shop top housing. *Clause 5.3 Development near zone boundaries* will be used to ensure that the R3 – Medium Density Residential zone can be implemented 50 metres from the zone boundary line on to the B2 - Local Centre zone. This will provide flexibility by ensuring residential accommodation can be made permissible on more of the site.

Key Planning Issues

Proposing to allow residential accommodation on the Elyard Gardens site requires consideration of contamination and traffic, access and parking.

The subject site was previously used as a rubbish tip which has resulted in part of the Elyard Gardens site being contaminated. This issue is being addressed separately from this planning proposal. A remediation report has been prepared by the applicant which will be implemented subject to development consent.

The developers have lodged a Stage 1 development application for part of the Elyard Gardens Site. The master plan indicates that a half road will be constructed from Elyard Street to the rear of the site. It is also proposed to extend Frances Street along the rear of the site which will connect to the half-road.

Given the uncertainty at this stage regarding whether Council will proceed with permitting residential accommodation on the land, it is not desirable for the applicant to incur the cost of planning studies addressing these issues at this time. Instead it is proposed that should Council be willing to provide 'in principle' support for residential accommodation, then the Planning Proposal will be forwarded to the DPI for Gateway Determination. If the Planning Proposal receives a favourable outcome, the planning

study will then be undertaken to address the traffic, access and parking issues relevant to the site. The cost of preparing planning studies is to be borne by the applicant.

CONCLUSION

By undertaking a planning proposal to allow residential accommodation as a permissible use on the subject land, Council will be correcting an anomaly in Camden LEP 2010 in relation to the Elyard Gardens site in Narellan.

The Camden LEP 2010 was intended to be a 'status quo' planning instrument that would adopt the standard template under the Camden LEP 2010 format. The intention of this planning proposal would be to reinstate the previously permissible use.

Permitting residential accommodation would allow development of the Elyard Gardens site in accordance with the vision established in 2004. It would also provide significant improvements to the appearance of the site and provide a boost to the Narellan Town Centre area environmentally, economically and socially.

RECOMMENDED

That Council:

- i. supports the planning proposal to allow residential accommodation as a permissible use on part of the Elyard Gardens site.**
- ii. forward the Elyard Gardens Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination;**
- iii. subject to receiving a favourable Gateway Determination, require the applicant to bear the cost of undertaking any required planning studies;**
- iv. place the Planning Proposal on public exhibition for 28 days subject to receiving Gateway Determination giving approval to proceed;**
- v. report back to Council at the conclusion of the public exhibition to allow further consideration of the proposal and any submissions that may have been received.**

ATTACHMENTS

1. Applicant Planning Proposal Submitted to Council for Elyard Garden
2. Concept Masterplan for Elyard Gardens
3. Camden Council Planning Proposal for Elyard Gardens

ORDINARY COUNCIL

ORD10

ORD10

SUBJECT: SPRING FARM SOUTH AND WEST VILLAGE - PLANNING PROPOSAL AND DEVELOPMENT CONTROL PLAN AMENDMENTS

FROM: Director Governance

BINDER: Spring Farm South and West

PURPOSE OF REPORT

The purpose of this report is to seek a Council Resolution to proceed with the submission of a Planning Proposal to the Department of Planning and Infrastructure (DPI) for the rezoning of land defined in Camden's Local Environmental Plan 2010 for a residential purpose provided as **Attachment 1 to this report**. This also involves the amendment to the Spring Farm Master Plan for the South and West Villages within Camden's Development Control Plan 2011.

BACKGROUND

The Spring Farm Residential Release Area was approved by the Minister in May 2004, with the gazettal of the Camden Local Environmental Plan No. 121 and Council's adoption of the Spring Farm Development Control Plan No. 123. Since the adoption of these plans, Council has undertaken a process in accordance with State Government directions to transition these plans into a consolidated Camden Local Environmental Plan 2010 (LEP) and Camden Development Control Plan 2011 (DCP).

In May 2011, the Cornish Group and its representatives submitted a proposal to amend the Master Plan of the Spring Farm South and West Villages provided as **Attachment 2 to this report**. This was accompanied by proposed amendments to the DCP to reflect changes to the Masterplan, and is provided as **Attachment 3 to this report**.

The following is a summary of the proposed key changes to the adopted Spring Farm South and West Village Master Plan:

- Amendment to the street layout to create a regulated and consistent grid pattern;
- Reconfiguration of the sportsgrounds in line with the provisions of Council's Section 94 Contributions Plan.
- Re-alignment of the Pedestrian and cycle network to correspond with the associated changes to the street layout;
- Re-alignment of the bus route to correspond with the associated changes to the street layout; and
- Reduction in open space that is generally consistent with Council's review of the Camden Contributions Plan 2004.

Council staff have been working with the applicant to refine the proposed Master Plan and Planning Proposal. The proposal presented in this report is the outcome of extensive review and has full support from Council staff.

MAIN REPORT

Council is in receipt of an application to modify the LEP and DCP. The proposed amendments to the Master Plan intend to regulate the local street network to create a consistent grid pattern. As a result of this, the proposed Master plan involves subsequent amendments to various maps within the DCP, which is discussed in more detail later in this report. To accommodate the proposal, minor alterations to the current zone boundaries are required which vary the alignment of the E2 – Environmental Conservation and the R1 – General Residential zone as outlined in **Attachment 2 to this report**.

Planning Proposal

The Planning Proposal incorporates two minor boundary adjustments to the current Spring Farm zone boundaries to accommodate the amended road layouts and is provided as **Attachment 1 to this report**. These are as follows:

South Village

- 7224sqm of R1 – General Residential land is proposed to be rezoned to E2 – Environmental Conservation land.
- 2.405ha of E2 – Environmental Conservation land is proposed to be rezoned to R1 – General Residential land. These changes will yield approximately 25 additional lots.

The above amendment to the zone boundaries will follow the cadastre of the bush corridor road directly fronting the open space. In this regard, the amendment will primarily require the Land Zoning Map No. 14 to be amended, with other related maps to be amended as a flow on effect.

West Village

- 567sqm of R1 – General Residential land is proposed to be rezoned to E2 – Environmental Conservation land.
- 2.252ha of E2 – Environmental Conservation land is proposed to be rezoned to R1 – General Residential land. These changes will yield approximately 33 additional lots.

Similar to the South Village, the above amendment to the zone boundaries will follow the cadastre of the bush corridor road. The amendment will primarily require the Land Zoning Map No. 011 and No. 014 to be amended, with other related maps to be amended as a flow on effect. The amendments to the zone boundaries are shown diagrammatically within the figures provided in **Attachment 2 to this report**.

After assessment by Council's specialist staff, the E2 – Environmental Conservation zoned areas that are proposed to be rezoned R1 – General Residential, have been determined to be of little conservation value and do not fall within any bounds of significant flora or fauna habitat.

The proposed amendments to the zone boundaries will result in a small amount of additional residential lots. The land subject to the proposed rezoning was primarily intended to be acquired by Council for public open space, has been assessed as being

suitable to assist Council in reducing open space for residential purposes pursuant to the ministerial direction dated 31 May 2009 which specifically stated:

- "3. *The review is to address the substantial extent to which contributions required in respect to Residential Development on the Elderslie Residential Land and Spring Farm Residential Land are influenced by riparian corridors and flood prone land. Specifically, Council is to:*
- a. *consider the extent to which such land, and in particular the flood prone land along the Nepean River, functions as district open space and should therefore be more broadly apportioned across the Council's local government area;*
 - b. *review the expected future development for the Elderslie Land and Spring Farm Land to assess the feasibility of decreasing open space and increasing developable land (through flood plain works) within the broader scope of the master plan and with other minor rezonings."*

The proposed minor rezoning attempts to reconfigure the sports fields to utilise the flood liable land whilst making available additional unencumbered residential development land. Furthermore, it is noted that the additional dwelling yield, being an additional 58 residential lots, is minor in comparison to the residential release as a whole and will not impact on the level of facilities provided or required within Spring Farm as a result. The recreation facilities proposed to be provided will cater for the additional growth as there is spare capacity for this to occur being consistent with Camden's Section 94 Contributions Plan. A copy of the ministerial direction in full is provided as **Attachment 4 to this report**.

Development Control Plan and Master Plan Amendments

The adopted subdivision layout of the Spring Farm South and West Villages can be characterised as a curvilinear grid pattern that contains streets and avenues that link through to main arterial roads.

The proposed subdivision layout of the South and West Villages maintains the street and avenue links to the main arterial roads, however is reconfigured to a traditional grid type pattern creating building blocks that are regular in shape with greater opportunity to provide north-south and east-west solar orientation. The orientation also provides the greatest opportunity to maximise district views.

In accordance with the proposed amendment as described above, the following figures of Camden's DCP 2011 (Part C) require amendment to accurately reflect the proposal:

1. Figure C18 – Spring Farm Master Plan
2. Figure C20 – Spring Farm Residential Dwelling Density Range
3. Figure C21 – Spring Farm Staging Plan
4. Figure C22 – Spring Farm Street Network and Design Map
5. Figure C23 – Spring Farm Pedestrian and Cycle Path Network
6. Figure C24 – Spring Farm Indicative Bus Route
7. Figure C25 – Spring Farm Riparian and Bush Corridor Land Uses
8. Figure C26 – Spring Farm Bush Corridor Water Management Features

If Council resolves to proceed with the Planning Proposal, the above maps will be prepared and included within the public exhibition material.

An assessment against each of the principles within the DCP is provided in **Attachment 5 to this report.**

The Process from Here

In light of the above, the following LEP Maps require amendment:

- Land Zoning Map – Sheet LZN_011
- Land Zoning Map – Sheet LZN_014
- Height of Building Map – Sheet HOB_011
- Height of Building Map – Sheet HOB_014
- Minimum Lot Size Map – Sheet LSZ_011
- Minimum Lot Size Map – Sheet LSZ_014
- Additional Permitted Uses Map – Sheet APU_011
- Additional Permitted Uses Map – Sheet APU_014

The draft amendment to these maps will be incorporated into the Planning Proposal. If Council determines to proceed with the Spring Farm South and West Village Planning Proposal, it will be sent to the DPI for Gateway Determination. A copy of the Planning Proposal is provided as **Attachment 1 to this report.**

Following receipt of a Gateway Determination, the Planning Proposal will be exhibited and consultation with public authorities will be undertaken.

It is proposed that the exhibition of the proposed amendments to the Spring Farm South and West Villages outlined within the Camden Development Control Plan 2011 will be exhibited concurrently with Planning Proposal. The exhibition material for the DCP amendment will be made accessible to the public in the same means as the Planning Proposal.

The outcomes of the public exhibition and State Government consultation will be reported to Council at the conclusion of the public exhibition period. It is proposed to consult the following public authorities:

- Rural Fire Service
- Office of Environment and Heritage
- Office of Water
- Endeavour Energy

The Planning Proposal and draft DCP Amendments public exhibition will be advertised in a local paper. The documents will be available at the following locations:

- Narellan Customer Service Centre and Narellan Library, Queen Street, Narellan (Hard Copy).
- Camden Customer Service Centre and Camden Library, John Street, Camden (Hard Copy).
- Council's website for the length of the exhibition period (Electronic Copy).

CONCLUSION

The Planning Proposal incorporates two minor boundary adjustments to the current Spring Farm Master Plan zone boundaries. Through the reconfiguration of the proposed Spring Farm Sports Ground, the adjustment of the zone boundaries provide

additional residential opportunity, in accordance with Council's objectives and Ministerial Direction issued in 2009.

The proposed alterations to the Master Plan intend to provide a functional and environmentally sensitive urban design, whilst maintaining the integrity of the key principles of Camden's DCP 2011. By maintaining key transport, pedestrian and cycle links as well as maintaining open space, the key principles and objectives of the DCP are satisfied and to ensure the desired future character of Spring Farm is achieved.

RECOMMENDED

That Council:

- i. support the Planning Proposal and Development Control Plan amendment for the Spring Farm South and West Villages as outlined in this report;**
- ii. forward the Spring Farm South and West Village Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination;**
- iii. upon receipt of a favourable Gateway Determination:**
 - a) consult relevant Public Authorities in accordance with the terms of the Gateway Determination;**
 - b) publicly exhibit the Planning Proposal in accordance with the terms of the Gateway Determination notice, and**
 - c) publicly exhibit the amendments to the Spring Farm Master Plan and Camden Development Control Plan 2011 concurrently with the Planning Proposal in accordance with the provisions of the Environmental Planning and Assessment Act and Regulations.**
- iv. prepare a further report for Council Consideration at the conclusion of the public exhibition period.**

ATTACHMENTS

1. Planning Proposal Spring Farm South & West
2. Proposed Masterplan
3. DCP Amendment Proposal
4. S94E Direction & Letter to Camden Council
5. Assessment of DCP

ORDINARY COUNCIL

ORD11

SUBJECT: DRAFT CAMDEN CONTRIBUTIONS PLAN 2011
FROM: Director Governance
BINDER: Development Contributions

PURPOSE OF REPORT

The purpose of this report is to provide a summary of submissions received during the public exhibition of the Draft Camden Contributions Plan 2011 (Draft Plan) (CCP 2011), justify post-exhibition amendments to the Draft Plan and recommend the Draft Plan be adopted.

BACKGROUND

On 23 August 2011, Council considered the Draft Camden Contributions Plan 2010 and resolved to:

1. *Endorse the content of the Draft Camden Contribution Plan 2011 and the accompanying documents;*
2. *Exhibit the Draft Camden Contributions Plan 2011 and accompanying Issues and Editorial Changes Paper in accordance with the Environmental Planning and Assessment Regulation 2000; and*
3. *Advertise its intention to repeal Camden Contributions Plan 2004, and Contributions Plan No. 20 - Fire and Other Emergency Services on the date the Camden Contributions Plan 2011 comes into force.*

MAIN REPORT

The Draft CCP 2011 and Issues and Editorial Changes Paper were publicly exhibited concurrently for 42 days from 31 August 2011 to 12 October 2011 in accordance with the *Environmental Planning and Assessment Act and Regulation*. This report contains a summary of the submissions received during the public exhibition period and proposes amendments to the exhibition version of the Draft CCP 2011.

Public Exhibition

Notification of public exhibition period, submission deadline and consultation dates and times were advertised in the Camden Advertiser and Council's website prior to and during the exhibition period.

The report and resolutions tabled at the Ordinary Meeting of Council on 23 August 2011 was exhibited with the Draft Plan and Issues and Editorial Changes Paper. Exhibition materials were available for inspection at Council's Camden and Narellan Customer Service Offices and Libraries. Copies of the Draft Plan were also provided on CD.

Three stakeholder workshops were held during the exhibition period. Thirty stakeholders attended these workshops and predominately represented landholder and developer interests in the Spring Farm Release Area, Elderslie Release Area and Narellan town centre. Further to this, three drop-in sessions were held. It is noted that

the submissions deadline was extended to 21 October 2011 to receive late submissions.

A notice of intention to repeal Contribution Plan No. 20 – Fire and Emergency Services was published in the Camden Advertiser on 5 October 2011 and 30 November 2011.

Submissions Received

Eight submissions were received during the public exhibition period. A summary of submissions received and planning comments is included as **Attachment 1 to this report**. Copies of original submissions received are included as **Attachment 2 to this report under separate cover as a Supporting Document**.

The key issues and concerns raised in submissions received during the exhibition period were as follows:

- 1) *General concerns about the levels of local infrastructure levies on development in Spring Farm and Elderslie release areas.*

Planning Comments:

The Draft Plan culminates the review of Camden Contributions Plan 2004, Contributions Plan No. 6 - Elderslie Rehabilitation and Management and Contributions Plan No. 20 – Fire and Other Emergency Services. The Draft Plan features revised land valuations for non-flood affected land, lower open space provision in release areas and reduced project on-costs for works items. Notwithstanding this, developers generally support inclusion of half roads fronting open space and indexation of land values which have potential effects on the contributions rates for release areas.

- 2) *Elderslie and Spring Farm submissions seeking clarity on timing and exact level of funding for the Camden Bypass Intersection/Link Roads project. Also suggestion that this project should be removed from Elderslie / Spring Farm Local Works and levied for across the entire CCP2011 area*

Planning Comments:

The Issues Paper that was on exhibition with the Draft Plan anticipated this issue and explained that the funding and timing were not yet definite. Until the road designs are finalised the construction costs in the Plan are estimates. Likewise for the road reserve land acquisition which is incomplete. The precise timing of project construction is also uncertain as Council still awaits a response from the Department of Planning and Infrastructure (DPI) on the draft Memorandum of Understanding (MoU) for the Council's Section 94 funding for the construction of the Bypass Intersection / Spring Farm Link Road. This has been with DPI since September 2011.

Consequently CCP 2011 cannot yet confirm the exact cost and timing of the project. Once these aspects of the project are resolved Council can consider amending the adopted Plan accordingly.

The Bypass Intersection and Link Roads will primarily serve the residents of Spring Farm and Elderslie. It would be inappropriate to collect Section 94 contributions for the project from other parts of the Plan area.

- 3) *Supported reduction of open space provision in Elderslie and Spring Farm Release Areas.*

Planning Comments:

Comments in favour of open space reduction in the release areas noted.

- 4) *Concerned about the removal of half roads fronting open space from the Contributions Plan and the adverse impact of this change in half roads policy on project development feasibility;*

Planning Comments:

The Draft Plan was exhibited with half roads fronting open space removed from the Plan to reduce contributions rates in release areas. However, a number of submissions claimed the impact of this policy change would cause adverse impacts on the feasibility of development projects. In response to these concerns, half roads fronting open space was reinstated back into the Contributions Plan to preserve the original policy and developer certainty on this specific infrastructure despite the significant resultant impacts i.e. higher contributions rates.

- 5) *Requested the surplus credit policy be loosened to allow developers to offset section 94 monetary contributions for other types of infrastructure in the Draft Plan and other Contributions Plan in force within the Camden LGA.*

Planning Comments:

Section 2.19.5 of the Draft Plan satisfactory outlines the criteria Council will apply for settling or transferring credits. This policy on surplus credits is consistent with Council's implementation of current contributions plans including Camden Contributions Plan 2004 and the *Draft Local Development Contributions Guidelines -Preparation and Administration of Development Contributions Plans* published by the Department of Planning.

Relaxing this policy in the Draft Plan will expose Council to financial risks including shortfalls/deficits in section 94 funding for other types of infrastructures where the surplus credits are offset against, reduce Council's ability to prioritise infrastructure projects required by increased population demand and add complexity to the transparent accounting of section 94 funds and expenditure in Council's financial reporting and future negotiation of Works-in-Kind Agreements. Thus, a change in surplus credit policy is not supported.

- 6) *Inclusion of bus shelters in Spring Farm and Elderslie is not supported;*

Planning Comments:

The premise of release area urban planning is to provide housing within walking distance of bus routes and services. Bus shelters are local infrastructure facilities that will serve the sustainable transport needs of the future population within Spring Farm and Elderslie Release Areas. Bus shelters shall be constructed within a reasonable timeframe to meet the demand generated by population growth arising from new residential development. Section 94 funding for bus shelters is also consistent with Council's Policy 2.4 Council Owned Passenger Shelters adopted in August 2000.

The Draft Plan cost estimate for bus shelters was removed and amended post-exhibition to reduce the base cost from \$19,648 to \$11,557 per shelter. This will reduce the section 94 works program in Elderslie and in Spring Farm. The provision of bus shelters will be fully apportioned to the population of Spring Farm and Elderslie Release Areas to respond to the future local population demands to expand the bus service into these release areas, consistent with existing bus shelter facilities located in established residential urban areas within the Camden LGA. Hence, there is sufficient justification for bus shelter infrastructure provision in the Draft Plan and full apportionment to future development in these release areas.

- 7) *Inclusion of streetscape in Spring Farm and Elderslie Release Areas is not supported.*

Planning Comments:

Streetscape works are essential to the legibility and spatial definition in a street and urban design of the release areas. The objective of streetscape works are to provide consistent landscaping of road verges and within the road pavements on major roads in the Spring Farm and Elderslie urban release areas to meet the specifications in the Camden Development Control Plan 2011. Street trees also play an important role in the urban water cycle by reducing demand on stormwater infrastructure.

Streetscape works complement road pavement construction. Council's streetscape works specifications include street tree planting, cycle way pavement, footpath pavement and turf grass in accordance with the street network design controls in the Camden Development Control Plan 2011. Notwithstanding the importance of levying for streetscape works, the Draft Plan has been amended to reduce the base rate per lineal metre from \$740 to \$500 for the majority of streetscape works projects including the Link Road in Spring Farm and Elderslie; Hilder Street and Glenlee Road, Spring Farm. The \$740 rate is retained for Lodges Road, Elderslie. This is necessary due to the dependence of streetscape works being inclusive of electrical reticulation.

- 8) *Concerns about the contribution rates, construction and land acquisition costs associated with the future public car parking facility in Narellan town centre.*

Planning Comments:

It is noted that Council is in receipt of two Planning Proposals which seek to rezone land around the Narellan town centre. If one or both the Planning Proposals are adopted, the proposal/s would extend the land area where commercial/retail land uses are permissible and in turn enlarge the Narellan town centre precinct. Hence, any change to the land acquisition or construction costs of the public car parking facility in the Draft Plan as per suggestions made by submission authors will prejudice a comprehensive review of the public car parking facility in the Narellan Town Centre.

In conclusion, the interim contribution rates for the Narellan town centre parking facility will remain unchanged as per the exhibited Draft Plan subject to a further report to Council. The further report to Council anticipated by mid 2012 shall consider the issues raised in submissions received during public exhibition of the Draft Camden Contributions Plan 2011 pertaining to the demand, nexus, land

acquisition and construction cost estimates of the Narellan town centre public car parking facility.

Post Exhibition Amendments

The post exhibition version of the Draft Camden Contributions Plan 2011 is included as **Attachment’s 3 to 16 inclusive to this report**. The amendments to the exhibited Draft CCP 2011 are summarised below:

- Corrected miscellaneous typographical errors and mapping anomalies.
- Inserted a provision for independent valuation of works or land to be dedicated in a Works In Kind agreement (Section 2.19).
- Updated credit balances from Contributions Plan No. 20 and Contributions Plan No. 6 Rehabilitation and Management Elderslie Sand and Soil Deposits as at 31/10/2011.
- Indexation of works cost estimates to September 2011 CPI 178.8.
- Deleted indexation of actual costs for existing infrastructure projects to be recouped.
- Updated works schedules to apply a single, consistent 12.8% of base cost as the standard rate for project on-costs. This is a reduction of project on-costs for non-local Development Areas by one-third. It is noted that the 10% professional and design fees have been itemised separately in the Draft Plan Works Schedules.
- Clarified occupancy rate assumption for medium density housing and introduced an occupancy rate for residential flat buildings (Section 4.1.3).

Dwellings (other than multi-dwelling housing, attached dwellings and semi-detached dwellings, residential flat buildings, secondary dwellings, seniors living housing and group homes)	3.1 persons per dwelling
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Multi-dwelling housing, attached dwellings and semi-detached dwellings (Other than dual occupancies, exhibition homes, rural worker’s dwellings, secondary dwellings and shop top housing).	2.0 persons per dwelling
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Residential flat buildings	1.8 persons per dwelling
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- In Spring Farm, residential development forecast increased by 8 dwellings and forecasted population increased by 24 persons. The revised assumptions are based on the Spring Farm Eastern Village Master Plan and DCP amendment adopted and came into force in November 2011.

Open Space and Recreation Facilities

- Reduced rate of open space embellishment for future and existing open space per square metre from \$35/m² to \$20/m².
- The Mount Annan Leisure Stage 1 project has now been fully recouped and is removed from the Draft Plan.
- Deleted reference to Camden Leisure Centre.

Community Facilities

- Reallocated land acquisition cost savings (\$147,225) to the District Level Family and Children's Community Centre in Narellan construction cost. This funding is required to address the funding required to meet the total estimated project cost of this community facility.

Spring Farm and Elderslie Development Areas

- Included cost of shared cycle path within Spring Farm Bush Corridor.
- Removed project on-costs for all design specific items in Elderslie and Spring Farm works schedules.
- Inserted (future) half roads fronting open space.
- Reduced the base cost of bus shelters.
- Reduced the base cost of collector road streetscape works to \$500 per lineal metre, except Lodges Road Elderslie.
- Reallocated cost savings from Springs Road Streetscape Works to Springs Road Electrical Works in order to address shortfall in section 94 funding.

Public Car Parking Facility

- Inserted a provision enabling a discount of section 94 contributions payable to the value of land dedication. This will strictly apply to properties located No. 3 to 17 Somerset Avenue, Narellan where land is dedicated for the purpose of the future parking facility in Narellan.

Total contributions required under the Draft Camden Contributions Plan 2011

Below is a summary of section 94 contributions payable for residential development areas per subdivided lot or detached dwelling house under the Draft Plan.

Elderslie Development Area	\$55,440	\$56,771 (current)
Spring Farm Development Area	\$54,768	\$63,587 (current)
Other urban development areas (Excluding Struggletown and Holdsworth Drive)	\$15,909	
Struggletown	\$11,268	
Rural residential areas	\$ 7,515	

Measures to minimise the risks associated with an IPART review of the CCP2011 and/or State Government cap on section 94 development contributions

1. An IPART review/cap on section 94 contributions would adversely affect developer confidence by creating uncertainty over the level of infrastructure levies. Further delays would have a negative influence on supply of housing in the Spring Farm and Elderslie Release Areas.
2. Reduced number of community facilities to be provided in comparison to the Camden Contributions Plan 2004.
3. Reduced open space standard per person from 3.64 ha to 3.4ha per 1,000 population and reduced area of future open space and recreational land to be acquired across the Spring Farm and Elderslie Release Areas have resulted in lower contribution rates for open space and recreation facilities. The current Camden Contributions Plan 2004 has unusually high levels of open space provision.

4. The Draft Plan encourages a diversity of affordable housing choices in the Spring Farm and Elderslie Release Areas. The Draft Plan reduces contributions rates by over \$10,000 per multi-unit dwelling relative to detached dwelling houses which enhances affordability.
5. Developers in the Spring Farm and Elderslie Release Areas accept higher section 94 contributions as a direct consequence of retaining half roads fronting open space in the Contributions Plan because this policy is incorporated in their feasibility assessments and they gain economies of scale by building half roads adjoining their developments.
6. The proposed section 94 contribution rates per dwelling/lot in the CCP2011 for future development Spring Farm and Elderslie Release Areas are comparable. Thus, local development contributions costs in Spring Farm and Elderslie Release Areas are competitive and provide a similar range of infrastructure.
7. Camden Council identified a number of cost savings in the Draft Plan:
 - General reduction in land acquisition costs.
 - Reduced open space embellishment costs.
 - Reduced community facilities land and work costs.
 - Co-location of district community facility floor space with children's and family emphasis adjunct to the Narellan Community Hall.
 - Removal of Mount Annan Leisure Stage 1. This project has now been fully recouped.
 - Reduced the base cost of bus shelters items in Spring Farm and Elderslie.
 - Reduced rate for streetscape works in Spring Farm and Elderslie.
 - Project on-costs (see point 8 below).
8. Reduced project on-costs:
 - Removed project on-cost for all design works items in the Elderslie and Spring Farm works schedules.
 - Reduced project on-costs including contingency allowance for Community Facilities, Open Space and Recreation Facilities, Volunteer Emergency Services Facilities to 12.8%.
9. Camden Council has and continues to take a leading role in the delivery of key, significant infrastructure projects to facilitate release of lots in the Spring Farm and Elderslie Release Areas.

For example: Mount Annan Leisure Stage 2, Camden and Narellan Libraries, Link Road (Liz Kernohan Drive), Camden Bypass Intersection and upgrade of Hilder Street, Springs Road Spring Farm and Lodges Road Elderslie from a rural standard to an urban standard. The majority of these projects have been forward funded by Council.
10. Land acquisition costs in the Draft Plan are based on 2011 valuations.
11. Camden Council and developers have successfully negotiated multiple works-in-kind agreements and voluntary planning agreements to deliver a range of infrastructure facilities identified in the Camden Contributions Plan 2004 (CCP2004). The costs to Council in these agreements are at CCP2004 prices/rates. Works in Kind Agreements have provided opportunities for early delivery of infrastructure to support the new communities being created. Works-in-Kind Agreements reduces the likelihood of Council generating cash reserves by

enabling developers to construct works for a “credit”. Given the Draft Plan is a review of the CCP 2004, changes to the Draft Plan land acquisition and/or works program would severely undermine the anticipated benefits of these agreements and expose Council to financial and economic risks of honouring surplus credits.

12. Section 94 fund balances from Contributions Plan No. 20 – Fire and Other Emergency Services and repealed Contributions Plan No. 6 - Rehabilitation and Management Elderslie Sand and Soil Deposits will be credited against the relevant works schedules in the Draft Plan. These fund balances will reduce section 94 contributions for Open Space and Recreation Facilities, Spring Farm Development Area and Volunteer Emergency Services Facilities.

Next Steps

1. Notify the public of Council’s decision to adopt the CCP 2011 subject to approval by the Minister for Planning and Infrastructure in a local newspaper within 28 days in accordance with clause 31 of the Environmental Planning and Assessment Regulation 2000.
2. Forward the endorsed CCP 2011 to the Minister for Planning and Infrastructure.
3. Possible review of the Draft Plan by IPART, if directed by the Minister for Planning and Infrastructure.
4. Once approval is received from the Minister for Planning and Infrastructure, repeal CCP 2004 and Contributions Plan No. 20 – Fire and Other Emergency Services.
5. Once advice is received from the Minister for Planning and Infrastructure, publicly exhibit amendments to the Camden Development Control Plan 2011 outlined and included as **Attachment 17 to this report**. These amendments shall ensure consistency with the adopted CCP 2011.
6. Review of the Elderslie Trunk Drainage Scheme and preparation of report on the outcome of review / any proposed amendments to Camden Development Control Plan 2011 and Camden Contributions Plan 2011.
7. A further Council report be prepared concerning the proposed Somerset / Doncaster Avenues public car park in the Narellan town centre. The report shall address the following issues raised in submissions to the Draft Camden Contributions Plan 2011:
 - a. Demand for public car parking spaces with due consideration given to Planning Proposals and streetscape master plans;
 - b. Opportunities to reduce land acquisition costs;
 - c. Feasibility of selling commercial office floor space proposed within the facility;
 - d. Consider potential offer of exclusive rights to parking spaces within the proposed parking facility for the use of tenants within commercial buildings addressing Somerset Avenue;
 - e. Revise cost estimates and infrastructure staging; and
 - f. Section 94 offset policy.

CONCLUSION

The Draft CCP 2011 was publicly exhibited in accordance with the Environmental Planning and Assessment Act and Regulation. The Draft CCP 2011 has been amended in response to submissions received and incorporates identified cost minimization and reallocation opportunities, where possible.

The post exhibition version of the Draft Camden Contributions Plan 2011 **included as Attachments 3 to 16 of this report** culminates the review of the Camden



Contributions Plan 2004 which commenced in 2006. An IPART review of the Draft Plan and/or State Government cap on section 94 contributions will adversely affect confidence and certainty of infrastructure levies among stakeholders. Further delays would have a negative influence on supply of housing in the Spring Farm and Elderslie Release Areas.

RECOMMENDED

That Council:

- i. **adopt the Draft Camden Contributions Plan 2011, subject to approval by the Minister for Planning and Infrastructure.**
- ii. **notify the public of Council's decision to adopt the Camden Contributions Plan 2011 subject to approval by the Minister for Planning and Infrastructure in a local newspaper within 28 days in accordance with Clause 31 of the *Environmental Planning and Assessment Regulation 2000*.**
- iii. **forward the endorsed Camden Contributions Plan 2011 to the Minister for Planning and Infrastructure.**
- iv. **Council repeal Camden Contributions Plan 2004 and Contributions Plan No. 20, once advice is received from the Minister.**
- v. **publicly exhibit amendments to the Camden Development Control Plan 2011 in accordance with the matters contained in Attachment 17 to this report, once advice is received from the Minister.**
- vi. **officers further investigate and report on the following matters;**
 - (a) **the public car parking facility in Narellan town centre**
 - (b) **updating the cost and timing of the Camden Bypass Intersection/Link Roads project advising appropriate amendments to the adopted Contributions Plan**
 - (c) **reviewing of the difficulties in the delivery of the Elderslie Trunk Drainage Scheme and related amendments to the adopted Contributions Plan recommended to Council.**

ATTACHMENTS

1. Summary of Submissions
2. Submissions received during exhibition - *Supporting Document*
3. Draft Camden Contributions Plan 2011 Sections 1 to 5
4. Draft Camden Contributions Plan 2011 Works Schedules
5. Draft Camden Contributions Plan Central Hills Open Space Map
6. Draft Camden Contributions Plan 2011 Existing Community Facilities Map
7. Draft Camden Contributions Plan 2011 Embellishment of Existing Passive Open Spaces Map
8. Draft Camden Contributions Plan 2011 Elderslie Development Area Local Facilities Map
9. Draft Camden Contributions Plan 2011 Elderslie Roadworks and Drainage Numbering Map
10. Draft Camden Contributions Plan Camden Public Car Parking Facility Map
11. Draft Camden Contributions Plan 2011 Narellan Public Car Parking Facility Map
12. Draft Camden Contributions Plan 2011 Spring Farm Banksia Regeneration

- Map
13. Draft Camden Contributions Plan 2011 Spring Farm Riparian Regeneration Map
 14. Draft Camden Contributions Plan 2011 Spring Farm Open Space and Recreation Facilities Map
 15. Draft Camden Contributions Plan 2011 Spring Farm Drainage Works Map
 16. Draft Camden Contributions Plan 2011 Spring Farm Road Works Map
 17. Proposed amendments to the Camden Development Control Plan 2011

ORDINARY COUNCIL

ORD12

SUBJECT: MACARTHUR REGIONAL TOURISM STRATEGY 2008-2011
FROM: Director Governance
BINDER: Tourism

PURPOSE OF REPORT

To report on the finalisation of the Macarthur Regional Tourism Strategy, 2008 – 2011, **a copy of which is provided with the Business Paper Supporting Documents.**

BACKGROUND

Tourism has long been recognised as having the potential to be a key contributor to the local economy and in 2005 Council resolved to allocate funds on an annual basis towards the promotion of tourism in the Camden area. To ensure funds were appropriately utilised, a three year Camden Tourism Action Plan was developed and implemented.

In that three year period Campbelltown City Council and Camden Council worked collaboratively to promote tourism in the local area and it was identified that there were many benefits in the adoption of a regional approach. These benefits included increased staff resources and expertise as well as the availability of a larger number of venues and attractions for tourists to enjoy.

To ensure this collaborative regional approach continued, the Macarthur Regional Tourism Strategy, 2008 – 2011 was developed to provide direction for the promotion of the Macarthur region over the course of the next three years.

MAIN REPORT

The objectives and actions outlined in the Macarthur Tourism Strategy align closely with the *Employment Prospectus for South West Sydney*, prepared by Hill PDA consultants for MACROC in July 2008. The Prospectus aims to increase investment, business and the diversity of skilled residents within the region.

The Tourism Strategy aims to promote the Macarthur region as an attractive place to visit, which in turn can generate interest in the region as an ideal place to live, work, learn and invest.

The methodology used in the development of the Strategy included:

- facilitation of a workshop with key stakeholders;
- field work to obtain first-hand information regarding tourism infrastructure, existing Visitor Information Centres, key attractions and to interview local tourism operations;
- meetings with the then Tourism NSW and Tourism Sydney;
- review of previous Tourism Action Plans;
- review of market research findings and tourism statistics; and
- analysis of existing websites.

Following the adoption of the Macarthur Tourism Strategy, Campbelltown and Camden Tourism Officers continued to work cooperatively towards the achievement of the actions identified in the Strategy.

At the conclusion of the three year Strategy it was apparent that a number of significant achievements had been accomplished including:

- the brand “Macarthur” has been developed. Increased media exposure was achieved through regular press releases distributed to travel media including newspaper, magazine, websites, television and radio, regular familiarisation tours held and increased interest from television travel shows such as Sydney Weekender;
- a variety of new businesses and experiences have opened including new accommodation venues, attractions, tours as well as restaurants and cafes;
- the region has been represented at a variety of trade shows and expos in the areas of holidaying families, seniors and retirees, adventure as well as conferencing and events;
- tourism operators in the region have been collaborating and cross promoting, forming packages to promote to visitors such as accommodation and activity deals, Australia experiences and group deals;
- increased awareness and desire to travel to Macarthur has been achieved;
- Macarthur is greatly represented through the use of internet and search engine optimisation;
- Council provides quality information and services through the Visitor Information Centres.

Additional detail regarding these achievements is contained in Attachment 1.

CONCLUSION

The Macarthur Regional Tourism Strategy 2008 – 2011 played an essential role in increasing the profile of the Region. The 2012 – 2015 Tourism Strategy scheduled to be presented to Council in the New Year, will continue to progress existing identified actions, establish long term goals for Council in the area of tourism, and will aim to further develop interest in the Region.

RECOMMENDED

That the information be noted.

ATTACHMENTS

1. Achievements (Attachment)
2. Macarthur Regional Tourism Strategy 2008 - 2011 - *Supporting Document*

ORDINARY COUNCIL

ORD13

SUBJECT: COMMUNITY SMALL GRANTS PROGRAM 2010/2011
FROM: Director Works & Services
BINDER: Community and Recreation Service / Grants and Subsidies

PURPOSE OF REPORT

To seek Council's endorsement of the recommended funding allocations in this year's Community Small Grants Program.

BACKGROUND

Council provides an annual financial assistance program to assist local groups, one element of which is the Community Small Grants Program (CSGP). In the current budget, \$40,000 has been allocated for this purpose as well as an additional \$19,000 from Ward Funds carried forward from the 2010/11 budget.

CSGP grant guidelines assist Council in the consideration and allocation of funds to applicants. These guidelines are provided to not-for-profit local groups when preparing their application.

MAIN REPORT

The availability of financial assistance via the Community Small Grants Program (CSGP) was:

- advertised in the Camden Advertiser;
- displayed on Council's website;
- advised by fliers emailed across Council's networks of community service providers; and
- mailed to organisations on Council's mailing list.

Forty eight (48) applications were received with a total of \$189,499 being requested, a much higher amount than available.

Each of the applications highlight the commitment the respective groups make to the community and their efforts to make Camden a better place.

Each application was assessed against the guidelines for the program, with further consideration given to the impact on the local community, number of participants, applicant's contribution (financial or in-kind) and availability of other funding sources.

While it is not possible to fund every project under the program, unsuccessful groups will be:

- advised of potential alternate sources of funding and provided assistance to access these funds wherever possible, and
- provided support with the formation of partnerships which may be possible to achieve project goals.

After assessment against the CSGP guidelines, twenty three (23) applications have been recommended for CSGP funding totalling \$58,531. **A summary of the applications and assessments is included in the supporting documents.**

The following projects are recommended for the full amount of funding requested:

1. *Youth Outreach Program Support – Lifehouse Church - \$5,000*
Comment: Will provide sporting heroes, leadership and life skills at the Youth Outreach Program in the Narellan Library forecourt area on Thursday evenings. This project will address identified youth needs in the area.
2. *Picnic Settings and Shelters - Macarthur BMX Club - \$5,000*
Comment: Seating and shelter for spectators and riders at the BMX facility at Elderslie. This facility is heavily used by a wide range of community members and will assist.
3. *Showcasing Camden Historical Textiles - Camden Historical Society - \$4450*
Comment: Purchase and installation of museum grade display cases and drawers to preserve historical objects and allow public access to them. This project will assist to preserve the area's history in the face of new development.
4. *Community Hoops in Camden - Camden Valley Basketball Assoc Inc - \$3850*
Comment: Series of basketball competitions and coaching clinics at Mt Annan High and Camden South Primary schools. This project will address identified youth needs in the area.
5. *Line interior walls of Scout Hall - 1st Camden Scouts - \$3702*
Comment: Project will improve safety and will lower incidence of injury risks. Hall has heritage value and needs to be preserved.
6. *Kilometre of gold coin collections - Australasian Order of Old Bastards - \$3448*
Comment: For equipment for fund raising activities including trailer canopy, ice boxes and freezer packs, urn, gazebos etc
7. *Birriwa Oval cricket ground mower - Cobbitty Narellan Cricket Club - \$3294*
Comment: Purchase of a cylinder mower to cut the wicket at Birriwa Cricket Oval. Club maintains the wicket out of their own pocket.
8. *Double Door Refrigerator - Macarthur Centre for Sustainable Living - \$2760*
Comment: For events, cookery workshops, organic café manned by workplace students from school and TAFE.
9. *Renovation of Kitchen at Jumbunna – Illawarra Childrens Services - \$2,670*
Comment: Upgrade of kitchen in Council facility – new stove and dishwasher.
10. *St Johns Clock Maintenance – St Johns Church Camden - \$2,640*
Comment: Contribution to clock maintenance as it is listed in the heritage schedule and is an icon in the area. Various partnerships have been formed with the State Government and local businesses to advance this project.

11. *Restoration of picnic facility at Onslow Park - Rotary Club of Camden - \$2000*
Comment: Restoration of picnic facility that will include tables, chairs and general building work.
12. *Construction of entrance to RSL walkway- Rotary Club of Camden - \$1500*
Comment: RSL support has been given for this project.
13. *Construction of wheelchair access to Macarthur Pre-School - Rotary Club of Camden \$1500.*
Comment: Very worthwhile project for disability target group.
14. *No dark corners - Girl Guides association - \$1200*
Comment: Remove privet brushes, large tree to improve access and vision to scout hall used by the Girl Guides.
15. *Family Fun Day - Empower Church - \$500*
Comment: Family Fun day for the Narellan community includes a free BBQ, petting zoo, jumping castle.

The following projects are recommended for part funding

16. *Refurbishment of Community Office 1 – Camden Community Connections - \$4,100*
Comment: Provision of a more user friendly point of contact for the community.
17. *Harmony Day 2012-2013 - Camden Cohesive Community Group - \$3000*
Comment: Funding for Harmony Day events at Camden Town Farm, following on from Community Harmony Project 2009 – 2011.
18. *Men's Shed Equipment - Camden Bicentennial Equestrian Park - \$1500*
Comment: Men's Shed has been driving the maintenance program at BEP. The committee is contributing half the cost of this program.
19. *Recarpet foyer area of Camden Senior Citizens Association - \$1500*
Comment: Facility is well used and Association is happy to fund the excess out of its fees.
20. *Training Room Upgrade - Sector Connect - \$1400*
Comment: Part fund upgrade- new carpet in training room only.
21. *Hall Kitchen Upgrade - Camden Show Society - \$899.*
Comment: For installation of a fridge/freezer in hall.
22. *Enhancement of Gallery and Art Room - Camden Society of Artists - \$618*
Comment: Part fund gazebo and chairs.
23. *Renovation of Bowling Green – Camden Men's Bowling Club Inc - \$2000*
Comment: Part contribution towards the cost of bowling green renovations for this group which is very active in the community and has raised a large portion of funds themselves.

The following projects for people with disabilities, will be funded from Council's Disability Action Plan budget:

24. *Aboriginal Elder Olympics, Macarthur Disability Services - \$3,000.*

Comment: This amount matches contributions from Wollondilly and Campbelltown Councils for a Macarthur wide event.

25. *Discobility – Rotary Club of Macarthur Sunrise - \$5,000*

Comment: Four or more disco events for adults with disabilities.

26. *Well-being Program – Camden District Care Inc - \$1,800*

Comment: Song and dance activities for users of this program.

There were a number of eligible projects which are of value but did not rank as highly as those recommended for funding as part of the competitive ranking process.

Should Council decide to add further Councillor Consolidated Ward funds to this year's CSGP round, the following applications are also recommended for consideration -

27. *Caring for Camden's Babies - Campbelltown Uniting Care - \$4,500*

Comment: To recruit and train 10 volunteers from Camden LGA to support and educate 'at risk' families on parenting, in their own homes.

28. *50th Anniversary Courtyard – Camden South Public School P & C - \$5,000*

Comment: Stage 2, includes laying 50 sq metres of paving to be used for outdoor learning area for students and student collection area used by parents in the afternoon.

29. *Interactive Environmental Awareness Outdoor Learning Space – Catherine Field Community Preschool - \$5,000*

Comment: Contribution to creation of outdoor learning area, to be used by 72 families per year.

Remaining projects will be referred to other funding sources and/or potential partners as appropriate.

CONCLUSION

The breadth of work being undertaken by a range of not-for-profit community organisations, that contributes to the increase of social capital and improved community well-being within the Camden LGA, has been demonstrated again by the high quality, number and range of worthwhile projects seeking assistance. Unfortunately Council is not in a position to meet all requests.

Applications have been assessed against the criteria contained in the program guidelines and recommendations reflect this assessment.

Projects recommended for funding will complement existing services within the community and provide improved opportunities for the community to access services and/or facilities within the LGA.

RECOMMENDED

That Council:

- i. approve grants as recommended to projects 1 - 23, totalling \$58,531 as outlined in this report, to be funded from the 2011/12 Community Small Grants Program;**
- ii. approve grants as recommended for projects 24 – 26, totalling \$9,800 to be funded from Council’s Disability Action Plan budget;**
- iii. consider grants as listed for projects 27 – 29, ranging from \$4,500 to \$5,000, and totalling \$14,500 from extra Consolidated Ward funds if approved; and**
- iv. write to each applicant, both successful and unsuccessful, advising them of the outcome.**

ORDINARY COUNCIL

ORD14

ORD14

**SUBJECT: CAMDEN TOWN FARM - COMMUNITY MANAGEMENT COMMITTEE
NOMINATIONS**

FROM: Director Works & Services

BINDER: Community Services / Camden Town Farm Committee 2011

PURPOSE OF REPORT

To seek Council's endorsement of additional members of the Camden Town Farm Community Management (Section 355) Committee.

BACKGROUND

At its meeting of 11 October 2011, Council noted the Town Farm Community Management Committee's intention to call for nominations from interested persons to join the Committee. There are currently three vacancies on the Town Farm Community Management Committee following resignations during the term of the current committee. Council can appoint any number of people to the Town Farm Community Management Committee, (Community Management Committee Manual 2.1.1.b).

An advertisement was placed in the Council column in the Camden Narellan Advertiser and a number of nominations were received.

MAIN REPORT

The following people have nominated to become members of the Town Farm Community Management Committee:

- Mr Steve Allingham;
- Mr Norm Flegg;
- Ms Linda Galea; and
- Mr Richard Perrin.

Application forms from each of these people outlining their skills and interest in the Town Farm are provided in the **business paper Supporting Documents**.

At its meeting of 16 November 2011, the Camden Town Farm Community Management Committee resolved to request that Council endorse each of these people as members of the Committee.

CONCLUSION

In accordance with Section 355 of the NSW Local Government Act 1993, Council is required to appoint members to Community Management Committees. Camden is fortunate to have people who are willing to volunteer their time and expertise as members of the Town Farm Community Management Committee.

RECOMMENDED

That Council:

- i. **thank the following people for their interest in the Camden Town Farm Community Management Committee and endorse them as members of the Town Farm Community Management Committee:**
 - Mr Steve Allingham
 - Mr Norm Flegg
 - Ms Linda Galea; and
 - Mr Richard Perrin; and

- ii. **provide each of the newly endorsed members of the Camden Town Farm Community Management Committee with copies of the Section 355 Committee Manual.**

ATTACHMENTS

1. *Camden Town Farm - Nomination of Interest Forms - Supporting Document*

ORDINARY COUNCIL

ORD15

ORD15

SUBJECT: 2011/2012 WASTE AND SUSTAINABILITY IMPROVEMENT PAYMENT (WASIP) PROGRAM

FROM: Director Works & Services

BINDER: Grants and Subsidies/External Grants/Sustainability-DECCW WaSIP

PURPOSE OF REPORT

To inform Council of the changes made to the way the Waste and Sustainability Improvement Payment (WaSIP) is calculated and the program of works utilising this funding in the 2011/2012 period.

BACKGROUND

For the past two years Council has participated in the NSW Government's Waste and Sustainability Improvement Payment (WaSIP) Program, receiving \$476,329 for new and enhanced environmental sustainable initiatives including:

- Sustainable Camden Communities – a community education and outreach program facilitated through a partnership with the Macarthur Centre for Sustainable Living;
- Mount Annan Leisure Centre: Solar Pool Heating – installation of solar heating system to replace existing electric system;
- Mount Annan Leisure Centre: Augmentation of Amenities Hot Water – conversion from electric hot water systems to gas;
- Development and implementation of a Strategic Waste Management Plan;
- Camden Memorial Pool: Solar Pool Heating – installation of solar pool heating;
- Camden Memorial Pool – purchase and installation of pool blankets; and
- Renewable Energy Generation Options Study – engage consultant to review renewable energy generation options for Camden Council assets.

MAIN REPORT

Under the Protection of the Environment Operations (Waste) Regulation 2005, WaSIP grants are calculated using two pools, one being for the Councils in the Sydney Metropolitan Area (SMA) and extended regulated area (ERA) and another for councils in the regional regulated area (RRA). Under this calculation, Camden Council expected to receive \$342,749 from WaSIP in 2011/2012.

However, following the gazettal of the Protection of the Environment Operations Amendment (Miscellaneous) Regulation 2011 on 26 October 2011, the Waste and Sustainability Improvement Payments are now calculated from a single common pool of funding for the SMA, ERA and RRA councils. This includes the 2011/2012 payment. As a result of the changes Council received \$317,822 on 31 October 2011, from WaSIP for 2011/2012.

At the end of 2010/2011, a balance of \$170,206 of WaSIP funds was carried over. Together with the 2011/2012 allocation of \$317,822, Council now has available \$488,028 to allocate to new and enhanced environmental sustainability initiatives.

Utilising this budget, Council developed a draft 2011/2012 WaSIP Action Table (**Attachment 1**) which was submitted to the NSW Office of Environment and Heritage for endorsement. This proposed program has since been endorsed.

New projects added in 2010/2011 include undertaking audits of Council's highest energy and water using facilities in order to prepare an Energy Management Plan and Water Efficiency Plan for Council. These plans will update the information in Council's current Energy Savings and Water Savings Action Plans. In addition, Council will engage a consultant to undertake a Climate Change Risk Assessment for its operations and to prepare a Climate Change Adaptation Plan. Undertaking these projects will not only improve Council's sustainability performance but will also ensure that Council complies with the WaSIP funding in future years.

In addition, \$140,000 has been allocated to implement the recommendations from the Renewable Energy Generation Options Study and will enable Council to install solar photovoltaic panels on buildings, reducing Council's reliance on mains power and reduce the financial burden of increasing energy costs.

CONCLUSION

The NSW Government's WaSIP program presents an opportunity for Council to progress sustainability initiatives throughout its operations whilst at the same time achieving potentially significant operational savings and reductions in resource use.

RECOMMENDED

That Council:

- i. adopt the 2011/2012 WaSIP Action Plan; and**
- ii. accept funding of \$317,822 under the Waste and Sustainability Improvement Payment (WaSIP) Scheme for 2011/2012.**

ATTACHMENTS

1. 2011/2012 WaSIP Action Table

ORDINARY COUNCIL

ORD16

ORD16

SUBJECT: TENDER T104/2012 - RELOCATION OF ELECTRICAL ASSETS IN LODGES ROAD, ELDELSLIE

FROM: Director Works & Services

BINDER: Capital Works/Council Properties/Council Properties/Capital Works/Lodges Rd Hilder St Reconstruction

PURPOSE OF REPORT

To provide details of the tenders received for Contract T104/2012, being the Relocation of Electrical Assets in Lodges Road, Elderslie and to recommend that Council accept the tender submitted by Tony Pollard Electrics Pty Ltd (trading as Transelect).

BACKGROUND

Lodges Road and Hilder Street are being reconstructed from rural to urban standard roads. The urban upgrade of Lodges Road includes the relocation of power from overhead to underground and also the provision of streetlighting to an urban standard.

The provision of underground power and the installation of streetlighting will:

- enable the road to be widened;
- allow space for the planting of street trees and construction of pedestrian and cycle paths in accordance with the Elderslie Release area DCP;
- improve aesthetics and resident amenity and safety;

The existing overhead power in Hilder Street will remain due to:

- two current approved development applications include conditions of consent to underground services for approx 400 metres at the southern end of Hilder Street;
- the northern half of Hilder Street is affected by the 1% AEP flood levels and requires power to remain overhead.

The provision of underground power and streetlighting in Lodges Road will need to be coordinated with the closure of Lodges Road and the reconstruction work to be carried out by the main civil contractor.

MAIN REPORT

The purpose of this tender is to appoint a suitably experienced Level 1 Accredited Service Provider (ASP) registered with Endeavour Energy to carry out the undergrounding of power and provision of streetlighting in Lodges Road, Elderslie.

The tender for the Relocation of Electrical Assets in Lodges Road, Elderslie was advertised in the local press, Sydney Morning Herald and NSW e-tendering website. Tenders opened on 1 November 2011 and closed on 25 November 2011. There has been a good level of interest in the project with 7 submissions received.

Tenderers were asked to provide a lump sum price for the relocation of electrical assets and provision of streetlighting.

Tender Submissions

Tenders were received from the following companies:

<u>Name of Tender</u>	<u>Location</u>
1) Tony Pollard Electrics Pty Ltd (Transelect).	Unanderra
2) Stowe Pty Ltd	Penrith
3) Heyday Group	Unanderra
4) Yunz Contracting Pty Ltd	Baulkham Hills
5) Poles and Underground Pty Ltd	Silverwater
6) Salem Power Engineering Pty Ltd	Blacktown
7) Shannon Civil	Kirrawee

Tender Evaluation

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

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 80% and non-price factors a weighting of 20%.

Non-price factors were given a relatively low weighting as only Level I ASP contractors registered with Endeavour Energy are able to carry out this work. The contractors must carry out the work in accordance with Endeavour Energy's standards and specifications. The non price factors considered for this project were:

- capacity and experience in undertaking similar large scale projects;
- program and methodology;
- client references for similar projects.

A summary of the Tender Evaluation is contained in the supporting documents.

All the companies that submitted tenders were considered to be suitably qualified with the necessary experience and capacity to carry out the works.

Tony Pollard Electrics (Transelect) provided the lowest lump sum price and they are currently engaged by Council in undergrounding the power in Springs Road.

The Panel members agreed that the tenders submitted by Tony Pollard Electrics Pty Ltd represented the best value to Council.

Project Budget

The electrical works associated with this tender form part of the reconstruction of Lodges Road and Hilder Street from a rural to urban standard. This project is being funded by an interest free loan from the NSW Government's Local Infrastructure Fund which will be repaid over the next ten years.

There are sufficient funds available to award this contract within the approved Council budget.

Relevant Legislation

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

CONCLUSION

Tony Pollard Electrics Pty Ltd has provided a conforming tender. The tender assessment concludes that the offer by Tony Pollard Electrics Pty Ltd represents the best value for money and this company has a proven track record of performance on projects of a similar nature.

RECOMMENDED

That Council:

- i. **accept the lump sum price submitted by Tony Pollard Electrics Pty Ltd for the Relocation of Electrical Assets in Lodges Road, Elderslie (T104/2012; and**
- ii. **authority be granted for the relevant documentation to be completed under the Seal of Council.**

ATTACHMENTS

1. T104/2012 Tender Evaluation Report - *Supporting Document*

ORDINARY COUNCIL

ORD17**SUBJECT: TENDER T103/2012 RECONSTRUCTION OF LODGES ROAD AND
CONSTRUCTION OF LINK ROAD, ELDERSLIE****FROM:** Director Works & Services**BINDER:** Council Properties / Capital Works

PURPOSE OF REPORT

To provide details of the tenders received for Contract T103/2012, being the reconstruction of Lodges Road and construction of a new road, being a portion of the proposed Liz Kernohan Drive, (described in the tender and throughout this report as Link Road) between Lodges Road and Camden Bypass, Elderslie, and to recommend that Council not accept any of the tenders submitted, and to undertake further action related to the tenders.

To request allocation of funding from Section 94 Developer Contributions for the construction the new Link Road between Lodges Road and Camden Bypass, Elderslie.

BACKGROUND

Lodges Road is being upgraded to an urban standard road and the proposed Link Road is a new road between Lodges Road and the proposed Camden Bypass intersection. Council is currently negotiating with the NSW Government on an agreement for delivery of the Camden Bypass Intersection and connections to Richardson Road.

The scope of works under this contract includes:

Lodges Road

- approximately 1100 metres of new road pavement including drainage and kerb and gutter from Franzman Avenue to Sirius Circuit;
- two roundabouts including the Link Road intersection;
- masonry retaining walls on the northern side adjacent to Camden Golf Course;
- major culvert crossing east of Camden Acres Drive;
- coordination of service relocations by others;
- bulk excavation and filling of the road reserve to finish levels including battering into adjoining properties;

Link Road

- approximately 530 metres of new road pavement including drainage and kerb and gutter;
- construction of one roundabout;
- a major culvert crossing; and
- bulk excavation and significant filling of the road reserve to finish levels including battering into adjoining properties.

It is intended to close a portion of Lodges Road for a period of 20 weeks from late February 2012, following the reopening of Springs Road. Community consultation has

been undertaken on the proposed temporary measures, and approval has been obtained via Council's Local Traffic Committee.

Tenderers were asked to provide a total lump sum price with separable portions for the Lodges Road and Link Road works. This allows Council to agree on different contract completion dates for each portion of the works. This will enable priority to be given to completion of Lodges Road.

It is desirable that Council engage a suitably qualified contractor prior to Christmas so it can be ready to commence work as soon as possible in the new year. Materials with lead times, such as culverts and drainage pipes, will need to be ordered by the successful contractor in advance.

MAIN REPORT

The intention of this tender is to appoint a civil contractor with proven capacity and experience in similar large scale road construction works.

The tender for the reconstruction of Lodges Road and construction of Link Road, Elderslie was advertised in the local press, Sydney Morning Herald and NSW e-tendering website. Tenders opened on 18 October 2011, and closed on 17 November 2011. There was a good level of interest in the project, with a number of contractors enquiring about tender documentation. However, only 3 submissions were received.

Tender Evaluation

Tenders were received from the following companies:

<u>Name of Tenderer</u>	<u>Location</u>
Nace Civil Engineering	Prestons
Western Earthmoving Pty Ltd	Seven Hills
TJ & RF Fordham Pty Ltd	Springs Farm

The request for tender documentation states that tenders are to be lodged by placing tenders in the tender box at Council's Camden office or to upload the tender submission to the e-Tendering website.

The tender received from TJ & RF Fordham Pty Ltd (TRN) is considered non-conforming for the following reasons:

- the tender submission was not lodged on the eTendering website by the deadline. The submission was then emailed directly to a Council officer;
- the tender submission included a provisional sum for the Link Road culvert due to costing on this culvert not being completed by the time the submissions were required; and
- TRN then submitted a revised tender price the following morning after the tenders had closed. The provisional sum was removed and the lump sum price was increased. A revised tender price can only be accepted if it is the result of an error and it does not substantially alter the tender price.

The tenders submitted by Nace Civil Engineering Pty Ltd and Western Earthmoving Pty Ltd were both conforming tenders. However each of the tender prices for the Link Road portion of the works exceeded amounts allocated for these works within Council's Draft Camden Contributions Plan 2011, from which this project budget is to be funded.

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

Given that the submission from TRN is non conforming, and that prices from Nace Civil Engineering Pty Ltd and Western Earthmoving Pty Ltd for the Link Road portion of the works exceed the amounts available within Council's Draft Camden Contributions Plan 2011 for these works, it is recommended that Council decline to accept any of the tenders received.

It is the view of the tender evaluation panel that the tenders received provide sufficient basis for negotiating a contract price within available project funding allowances. This is permitted under Clause 178(4) of the Local Government (General) Regulations 2005, subject to processes dictated by the Regulation.

A summary of the Tender submissions is contained in the supporting documents.

Project Budget

The reconstruction of Lodges Road and Hilder Street from a rural to urban standard is being funded by an interest free loan from the NSW Government's Local Infrastructure Fund, which will be repaid over the next ten years. Based on the tenders received there is sufficient funds available within the current adopted 2011/12 Capital Works Budget for this portion of the works.

The Link Road portion of works is to be funded from Section 94 developer contributions (Council's Draft Camden Contributions Plan 2011). The tender prices received from Nace Civil Engineering Pty Ltd and Western Earthmoving Pty Ltd exceed the funding allocation for this work in Council's Draft Camden Contributions Plan 2011.

There are currently no funds allocated within Council's adopted 2011/12 Capital Works Budget for the Link Road construction. As previously reported, it was intended that this funding be requested following receipt of tenders for this work. Council's Draft Camden Contributions Plan 2011 allows \$3,202,031 for these tendered works but also includes an allowance for streetscaping and streetlighting which are not included in this tender and will be contracted separately.

The tenders received give an indication of the cost of the works which guide the value of budget allocations required.

It is recommended that sufficient Section 94 funds be allocated respectively to Council's 2011/12 and 2012/13 Capital Works Budgets for the Link Road construction, which will be done during the December Quarterly Budget Review.

Relevant Legislation

The Tender has been conducted in accordance with the Local Government Act 1993, the Local Government Regulations (2005), Tendering Guidelines for NSW Local Government (2009) and, Council's Purchasing and Procurement Policy.

CONCLUSION

Only three tender submissions were received for Tender T103/2012 Reconstruction of Lodges Road and Construction of Link Road, Elderslie.

The tender submitted by TRN is considered non-conforming.

The tender prices submitted by Nace Civil Engineering Pty Ltd and Western Earthmoving Pty Ltd exceed the funding allocation for this work in Council's Draft Camden Contributions Plan 2011.

All the companies which submitted tenders are considered suitably qualified with the necessary experience and capacity to carry out the works.

It is the view of the tender evaluation panel that the tenders received provide sufficient basis for negotiating a contract price within available project funding.

RECOMMENDED

That Council:

- i. Council decline to accept any of the tenders submitted in response to Tender No T103/2012 being the reconstruction of Lodges Road and construction of Link Road, Elderslie, and in accordance with Clause 178(3)(e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender;**
- ii. In accordance with Clause 178(4) of the Local Government (General) Regulation 2005, Council decline to invite fresh tenders as it is considered the tenders received provide a sufficient basis for negotiating a contract price within available project funding and within a timeframe that meets Council's requirements;**
- iii. authority be delegated to the General Manager to negotiate with suitable contractors with the intent to reach agreement on a contract sum that is with available project funding and enter into a contract for the works under Council seal following negotiations; and**
- iv. budget adjustments reflecting the outcome and allocation of Section 94 funds to Council's 2011/12 and 2012/13 Capital Works Budgets for the Link Road construction be dealt with through the December Quarterly Budget Review.**

ATTACHMENTS

1. T103/2012 Supplementary Information - *Supporting Document*

ORDINARY COUNCIL

ORD18

SUBJECT: DELEGATION TO MAYOR - CHRISTMAS / NEW YEAR PERIOD
FROM: General Manager
BINDER: Delegations

Council will be in recess for a period of seven (7) weeks until the next Ordinary Council Meeting on Tuesday 31 January 2012. During this period, it is appropriate to provide Delegation of Authority to exercise the development approval function and allow Council to fulfil its statutory obligations between Meetings. It may be necessary to approve Development Applications or other urgent matters requiring a decision, which are required to be approved as a matter of necessity and which may not satisfy the delegations to staff, ie. matters of a contentious nature or where objections have been made.

The Local Government Act, 1993 allows Council to delegate functions and in addition, authority is also provided to the Mayor under Section 226 of the Act, to exercise functions between Meetings.

It has been the normal practice to provide a delegation to the Mayor for the period to the next Ordinary Meeting and that the delegation be limited to approval of Development Applications and matters of a critical nature.

This delegation would only be exercised in matters of extreme urgency and in the event of an issue of significant magnitude and impact occurring, a special Council Meeting would be convened. A report outlining the exercise of this delegation will be made to the Council meeting on 31 January 2012.

RECOMMENDED

That Authority be delegated to the Mayor and Deputy Mayor (in the absence of the Mayor) for the approval of Development Applications and cases of necessity, during the period 14 December 2011 to 31 January 2012 as provided under Sections 226 and 377 of the Local Government Act, 1993 and Council be informed of any use of such delegation in a report to Council on 31 January 2012.

ORDINARY COUNCIL

ORD19

ORD19

SUBJECT: CLOSURE OF THE MEETING TO THE PUBLIC
FROM: General Manager
BINDER: Council Meetings

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005 and in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act and should be dealt with in a part of the meeting closed to the media and public.

- A report dealing with commercial information of a confidential nature regarding the acquisition of land under Section 10A(2)d; and
- A report dealing with personal hardship under Council's Pensioner Policy under Section 10A(2)(b).

Council may, by resolution, allow members of the public to make representations as to whether the meeting should be closed before any part of the meeting is closed to the public. A representation by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded. Such representation would be limited to four minutes, in line with Council's Public Address Policy.

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

Members of the public will be readmitted to the meeting immediately after the closed section is completed and if the Council passes resolutions during that part of the meeting that is closed to the public, the Chairperson will make the resolutions public as soon as practicable after that closed part of the meeting has ended.

RECOMMENDED

That:

- i. the meeting be now closed to the media and public to discuss:**
 - a. a report dealing with commercial information of a confidential nature regarding the acquisition of land, in accordance with the provisions of Section 10A(2)(d) of the Local Government Act, 1993; and**
 - b. a report concerning personal hardship under Council's Pensioner Policy, in accordance with the provisions of Section 10A(2)(b) of the Local Government Act, 1993; and**
- ii. any objections or submissions as to the closure of the meeting be now heard and be limited to a period of four minutes.**

**THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13
DECEMBER 2011 WERE ADOPTED AT AN ORDINARY COUNCIL MEETING
HELD 31 JANUARY 2012 MIN. NO. ORD 3/12**



CHAIRPERSON