



Camden Council

Business Paper

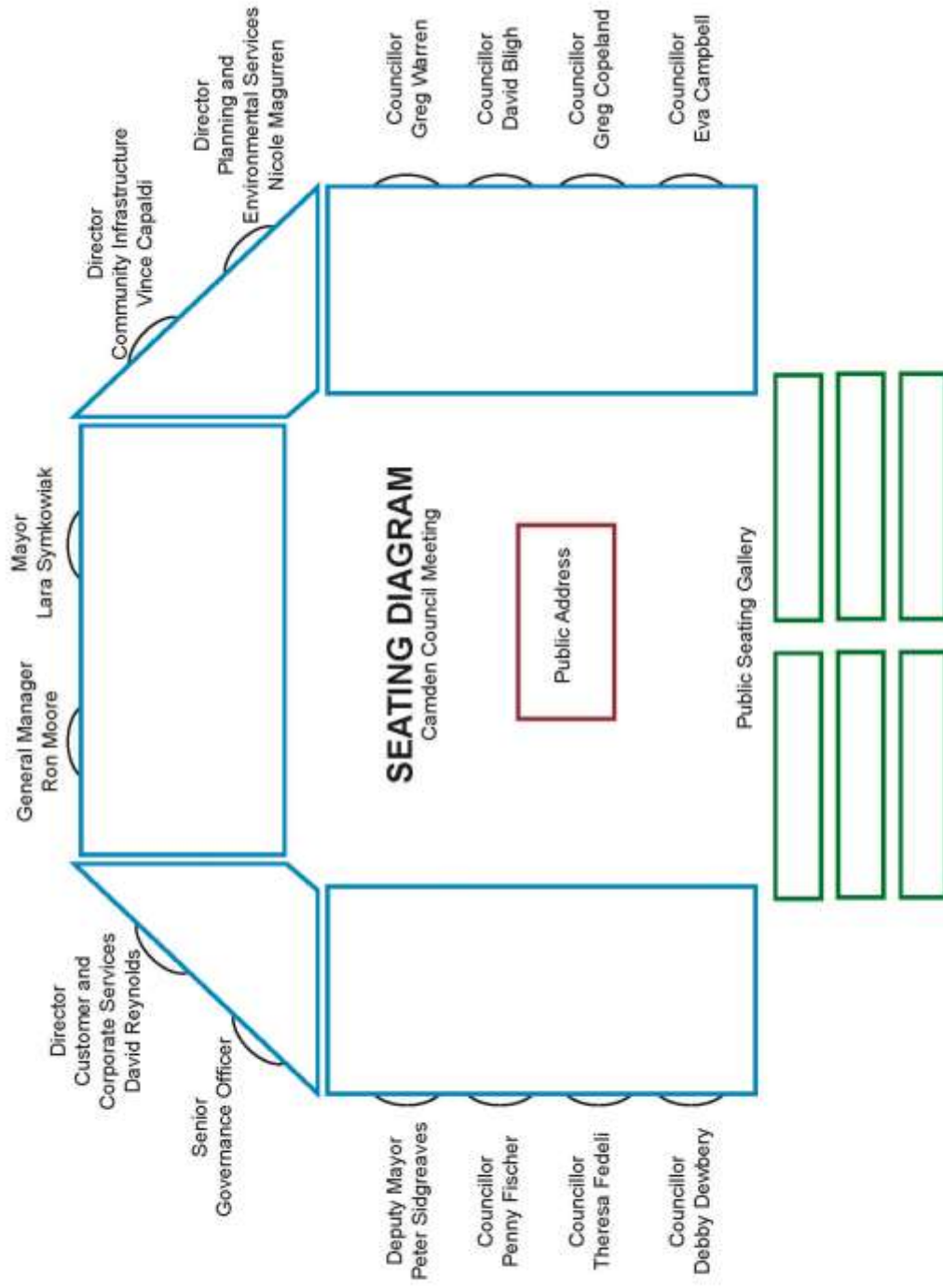
Ordinary Council Meeting
26 April 2016

Camden Civic Centre
Oxley Street
Camden



COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BCA	Building Code of Australia
CLEP	Camden Local Environmental Plan
CP	Contributions Plan
DA	Development Application
DECCW	Department of Environment, Climate Change & Water
DCP	Development Control Plan
DDCP	Draft Development Control Plan
DoPE	Department of Planning & Environment
DWE	Department of Water and Energy
DoH	Department of Housing
DoT	NSW Department of Transport
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning & Assessment Act
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FPL	Flood Planning Level
GCC	Growth Centres Commission
LAP	Local Approvals Policy
LEP	Local Environmental Plan
LGA	Local Government Area
MACROC	Macarthur Regional Organisation of Councils
OLG	Office of Local Government, Department of Premier & Cabinet
OSD	Onsite Detention
REP	Regional Environmental Plan
PoM	Plan of Management
RL	Reduced Levels
RMS	Roads & Maritime Services (incorporating previous Roads & Traffic Authority)
SECTION 149 CERTIFICATE	Certificate as to zoning and planning restrictions on properties
SECTION 603 CERTIFICATE	Certificate as to Rates and Charges outstanding on a property
SECTION 73 CERTIFICATE	Certificate from Sydney Water regarding Subdivision
SEPP	State Environmental Planning Policy
SRA	State Rail Authority
SREP	Sydney Regional Environmental Plan
STP	Sewerage Treatment Plant
VMP	Vegetation Management Plan
WSROC	Western Sydney Regional Organisation of Councils



*Please do not talk during Council Meeting proceedings.
Recording of the Council Meeting is not permitted by members of the public at any time.*



ORDINARY COUNCIL

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ORDINARY COUNCIL

SUBJECT: PRAYER

PRAYER

Almighty God, bless all who are engaged in the work of Local Government. Make us of one heart and mind, in thy service, and in the true welfare of the people we serve: We ask this through Christ our Lord.

Amen

Almighty God, give thy blessing to all our undertakings. Enlighten us to know what is right, and help us to do what is good: We ask this through Christ our Lord.

Amen

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

Amen

AFFIRMATION

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

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

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

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

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



ORDINARY COUNCIL

SUBJECT: ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the traditional custodians of this land on which we meet and pay our respect to elders both past and present.



ORDINARY COUNCIL

SUBJECT: RECORDING OF COUNCIL MEETINGS

In accordance with Camden Council's Code of Meeting Practice and as permitted under the Local Government Act this meeting is being audio recorded by Council staff for minute taking purposes.

No other recording by a video camera, or any other electronic device capable of recording speech, is permitted without the prior approval of the Council. The Council has not authorised any other recording of this meeting. A person may, as provided by section 10(2)(a) or (b) of the Local Government Act be expelled from a meeting of a Council for using or having used a recorder in contravention of this clause.



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

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

All speakers are limited to 4 minutes, with a 1 minute warning given to speakers prior to the 4 minute time period elapsing. The commencement and conclusion of time shall be advised by the Mayor/Chairperson.

Public Addresses are recorded for administrative purposes. It should be noted that speakers at Council meetings do not enjoy any protection from parliamentary-style privilege. Therefore they are subject to the risk of defamation action if they make comments about individuals. In the event that a speaker makes potentially offensive or defamatory remarks about any person, the Mayor/Chairperson will ask them to refrain from such comments.

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

RECOMMENDED

That the public addresses be noted.



ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 12 April 2016.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 12 April 2016, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE

Consideration of Mayoral Minute (if any).



ORDINARY COUNCIL

ORD01

SUBJECT: DEMOLITION OF EXISTING DWELLING AND THE SUBDIVISION OF LAND INTO TWO RESIDENTIAL LOTS AND ASSOCIATED SITE WORKS - 63 LIQUIDAMBER DRIVE, NARELLAN VALE

FROM: Director Planning & Environmental Services

TRIM #: 16/95594

APPLICATION NO: 1473/2015

PROPERTY ADDRESS: 63 Liquidamber Drive, Narellan Vale

APPLICANT: Richard Hogan & Co Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the demolition of an existing dwelling, subdivision to create two residential lots, and associated site works at 63 Liquidamber Drive, Narellan Vale.

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

SUMMARY OF RECOMMENDATION

It is recommended that Council determine DA 1473/2015 for the demolition of an existing dwelling, subdivision to create two residential lots, and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

THE PROPOSAL

DA 1473/2015 seeks approval for the demolition of an existing dwelling, subdivision to create two residential lots, and associated site works.

Specifically the proposed development involves:

- Subdivision to create two Torrens title lots (600sqm and 535sqm);
- Associated stormwater works to allow proposed Lot 510 to drain across proposed Lot 511 into the existing stormwater network;
- Removal of the existing rear acoustic barrier which faces Alamein Avenue; and,
- Demolition of an existing dwelling.

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

THE SITE

The site is commonly known as 63 Liquidamber Drive, Narellan Vale and is legally described as Lot 51 DP 807263.

The site is a battle-axe allotment with a total area of 1234sqm and a width of 25m. The battle-axe handle has a frontage to Liquidamber Drive and the rear of the site has a frontage to Alamein Avenue. The battle-axe handle is 2.5m wide and adjoins a battle-

axe handle on the neighbouring site to the east. An Easement for Services 2.5m wide and a Right of Carriageway 2.5m wide exists over both of these adjoining battle-axe handles.

Whilst the site has a frontage to Alamein Avenue, this frontage is not currently used for access purposes. Access from Alamein Avenue is proposed to Lot 511 through the removal of the rear fence which is also identified to be an acoustic barrier.



A previous development application (DA624/2015) was lodged on the site for a two lot subdivision in 2015. A referral was sent to Roads and Maritime Services (RMS) for their consideration of the proposal. The RMS objected to the proposal under DA 624/2015. The RMS previously advised Council that they would prefer access to be provided from Liquidamber Drive based on the fact that there will be no right turn from Alamein Avenue onto Narellan Road upon upgrade of the median strip. This was due to the extended journey required to access the site after such works. The DA was ultimately withdrawn in light of comments provided by the RMS.

Since the withdrawal of the development application further discussions have been undertaken with representatives of the RMS. RMS subsequently advised in writing that the issue of access from Alamein Avenue was not a definitive objection, and was recommended due to the fact that there will be a no right turn from Alamein Ave onto Narellan Road upon upgrade of the median strip.

A meeting between the owners and Council staff occurred after the withdrawal of the DA. At this meeting, the key areas of concern were discussed. The plans accompanying this DA have been modified in an attempt to address concerns raised in previous submissions received under DA 1473/2015 relating to privacy. The proposal also involves the demolition of the existing dwelling on the lot which has allowed the subdivision boundary to be altered to provide an improved lot layout.



Following the lodgement of the current DA, a subsequent referral was sent to the RMS. The RMS raised no objection to the proposal subject to a recommended condition of consent to ensure all buildings and structures together with any improvements to the future use of the site are wholly located within the freehold of the property along the Alamein Avenue boundary.

KEY DEVELOPMENT STATISTICS

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

	Standard	Proposed	Compliance
2.3 Zone objectives and Land Use Table	Complies with zone objective and land use table	The subject site is zoned R2 - Low Density Residential. The proposal is consistent with the objectives of the zone as it provides for the housing needs of the community.	Yes
4.1 Minimum Subdivision Lot Size	The minimum subdivision lot size if 450sqm	Lot 510 - 600sqm excluding the access handle Lot 511 - 535sqm	Yes
B1.5 Trees and Vegetation	Protection of trees and vegetation that contribute to the ecological, botanical, cultural, heritage and aesthetic amenity of the Camden LGA	No tree removal is proposed	Yes
B1.16 Acoustic Amenity	Subdivision or development for residential purposes near roads shall include a program of appropriate noise attenuation measures to reduce traffic noise. Noise attenuation measures must be prepared in accordance with Council's Environmental Noise Policy.	The Section 88B instrument includes a restriction which states that "no person shall alter, remove or destroy any soil, plantings or any part of the fence which forms part of the acoustic barrier to be constructed on the lot burdened without the prior written consent of	Yes



		<p>Council”.</p> <p>Council’s Environmental Health Officer has assessed the DA.</p> <p>A condition is recommended that an acoustic report is submitted as part of any future DA for a dwelling on proposed lot 511.</p>	
B5.1 Off-street Car Parking Rates/ Requirements	Dwelling houses with more than 2 bedrooms require 2 car parking spaces, one of which must be behind the building line	Proposed Lots 510 and 511 have the capacity to provide sufficient parking on site to comply with the DCP.	Yes
C2 General Subdivision Requirements	DAs must demonstrate how the development objectives and controls listed in the DCP has been addressed	The DA has demonstrated that the proposed development is generally acceptable having regard to the objectives and controls of the DCP	Yes
C4.2 Subdivision in Established Residential Areas	Minimum width of 15m (at building line)	Lot 510 = 25m Lot 511 = 25m	Yes
	Minimum depth of 27m	Lot 510 = 25.07m Lot 511 = 21.53m	No – DCP Variation 1
C4.2.3 Battle-axe Lots	Minimum area of 600sqm	Lot 510 = 600sqm (excluding the battle-axe handle)	Yes
	A satisfactory building envelope is provided with adequate distance from existing or proposed buildings, to ensure privacy.	A building envelope plan has been provided and demonstrates adequate distance from existing buildings. The proposed setbacks exceed	Yes



	<p>An access handle of at least 5m wide, which serves 2 lots.</p> <p>All access handles must have a maximum length of 50m, have a 3 x 3m splay at one end (see Figure C7 and C8) and have reciprocal rights of way.</p>	<p>the numerical controls for setbacks specified within the dwelling house controls and are discussed later in this report.</p> <p>There is an existing 2.5m access handle which will continue to service the development. The existing access handle shares a Right of Carriageway and Easement for services with the battle-axe handle on the adjoining lot to the east. The access handle is not proposed to serve any additional lots. The second lot is proposed to be accessed via Alamein Avenue.</p> <p>The length and design of the existing handle will remain unchanged.</p>	<p>Yes</p> <p>Yes</p>
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	Standard	Proposed	Compliance
D2.1.1 Primary Residential Controls – setbacks	<p>Front setback – 4.5m</p> <p>Side setback – 0.9m</p> <p>Rear setback – 4m</p>	<p>Lot 511 = 4.5m front setback Lot 510 = 8m</p> <p>Lot 511 = 3m to the western side & 4m to the eastern side</p> <p>Lot 510 = 3m setback to both side boundaries</p> <p>Lot 511 = 4m Lot 510 = 4m</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
D2.1.1.2 Front Setback	<p>Notwithstanding the numerical setback requirements in Table D1, all setbacks shall be consistent with the prevailing setback established by existing adjacent development. The prevailing setback is calculated as being the average distance of the setbacks of the nearest two dwelling houses having a boundary with the same primary road.</p>	<p>The setback of the existing dwelling to the west is approximately 5m.</p> <p>The setback of the existing dwelling to the east is approximately 14.51m.</p> <p>Therefore the average setback is 9.8m.</p>	<p>No – DCP Variation 2</p>
D2.1.5 Site Cover, Private Open Space and Landscaped Area	<p>POS to \geq 20% Site Area</p> <p>An area of principal private open space (PPOS) with a minimum area of 24sqm, minimum length of 4m and a maximum gradient of 1:10 must be provided.</p> <p>The PPOS must be adequately screened for privacy</p>	<p>A minimum 20% of private open space can be achieved to both lots.</p> <p>A minimum area of 4m x 6m of PPOS with a maximum gradient of 1:10 is achieved for both lots.</p> <p>Both PPOS areas are adequately screened for privacy by existing 1.8m fencing.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>



ASSESSMENT

Zoning and Permissibility

Zoning:	R2 Low Density Residential
Permissibility:	The proposed development is defined as the subdivision of land by the LEP which is permitted with consent.

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

State Environmental Planning Policy(s) - S79C(1)(a)(i)	Deemed State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River - Compliant with conditions recommended where necessary
Local Environmental Plan - S79C(1)(a)(i)	Camden LEP 2010 - Compliant with conditions recommended where necessary
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable
Development Control Plan(s) - S79C(1)(a)(iii)	Camden Development Control Plan 2011 - Generally compliant with variation(s) proposed as discussed below
Planning Agreement(s) - S79C(1)(a)(iiiia)	None
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions
Likely Impacts - S79C(1)(b)	No significant impacts
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development
Submissions - S79C(1)(d)	Three submissions were received which are discussed in the Submissions section of this report
Public Interest - S79C(1)(e)	The development is in the public interest

Compliance with Plans or Policies

DCP Variation 1 – C4.2 Minimum Lot Depth

DCP Control

The DCP requires the land to have a minimum depth of 27m for land shown to have a minimum lot size of 450sqm on the LEP 2010 minimum lot size map.

Variation Request

The applicant has submitted a written request seeking a variation to the minimum lot depth on the basis that:

- Both lots exceed the minimum lot size requirements.
- Both lots have a width far greater than the minimum required lot width. The width of both lots is 10m wider than the minimum requirement.
- The increased width and size of the proposed lots provides greater opportunity for quality dwelling design that maximises solar access and privacy.

- The increased width and size of both proposed lots allow for a greater lot width facing north and will therefore allow for improved solar access opportunities.
- Building envelopes have been nominated on both proposed lots. The building envelopes have been designed with regard to the requirements of DCP 2011 and also the location of adjoining dwellings and their associated private open space. The building envelopes allow for sufficient area for new dwellings consistent with the nature of other dwellings in the area; and
- The proposed subdivision satisfies the objectives for subdivision in established residential areas, contained in DCP 2011.

Council Staff Assessment

Proposed Lot 510 has an approximate depth of 25.07m and proposed Lot 511 has a depth of 21.53m (at a slight splay). This is less than the required minimum depth of 27m. The variation is considered acceptable in this instance for the following reasons:

- The land is required to have a minimum lot size of 450sqm under LEP 2010. Both proposed lots exceed this minimum requirement with Lot 510 being 699sqm (600sqm excluding access handle) and Lot 511 being 535sqm.
- Both lots satisfy the requirement for a minimum 15m width at the building line (both lots being 25m wide). This compensates for the non-compliance with the lot depth. The lots are considered suitable to provide either a single or double storey dwelling which can comply with the DCP controls for a dwelling house.
- Indicative building envelopes have been nominated on both proposed lots. The building envelopes demonstrate that the proposed lots are adequate to provide satisfactory setbacks, maintain site features, provide a usable building space and opportunities for landscaping; and
- The increased width and size of both proposed lots allow for a greater lot width facing north and allow for improved solar access opportunities in contrast to what would be demonstrated on a lot with a narrower width and increased depth.

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

DCP Variation 2 – D2.1.1.2 Setbacks to be consistent with the prevailing setback of existing adjacent development

DCP Control

In accordance with the DCP, front setbacks are to be calculated based on the average setbacks of the nearest two dwellings fronting the same road. The indicative building envelopes on proposed lots 510 and 511 are positioned forward of the nearest two dwellings fronting Alamein Avenue.

The approximate setback of the existing dwelling to the west is approximately 5m. The approximate setback of the existing dwelling to the east is 14.51m. Therefore the average setback is 9.8m. It is important to note that the adjoining properties do not have a frontage to Alamein Avenue. The average setback of the adjoining dwellings is effectively based on their rear setbacks for consistency with these dwelling setbacks.



The building envelopes provided do not demonstrate compliance with the prevailing setback established by the adjacent dwellings. The building envelope over proposed Lot 511 proposes a front setback of 4.5m.

Variation Request

The applicant has submitted a written request seeking a variation to the minimum front setback of the building envelopes on the basis that:

- In a conventional street, the front setback area is generally free from privacy fencing and other significant structures. Alamein Avenue is dominated by 1.8m high timber fencing along the frontage. An earth mound and landscaping is also located along the frontage of the properties along Alamein Avenue. A 4.5m front setback for any new dwelling on Lot 511 will not have an adverse impact on the streetscape as the dwelling will not sit forward of existing fencing, the earth mound or landscaping and will be effectively screened by these features.
- A dwelling with an established frontage to Alamein Avenue located further to the west of the subject site includes a masonry and wrought iron fence along the front boundary. When approaching from either the west or the east, the front fence and the dwelling are not visible until you are in close proximity to the site.
- The provision of a 4.5m front setback, together with the minimum 4m rear setback allows for an increased building envelope area, which will provide greater design opportunities for future dwellings. The 4.5m front setback also allows for increased side setbacks aimed at maintaining separation and privacy for existing dwellings on adjoining sites.
- The 4.5m setback to the building envelope is a nominal figure provided to demonstrate opportunities for a future dwelling house. The primary residential controls, as contained in the DCP, will ensure that any new dwelling is suitably designed, landscaped and articulated to enhance the character of the streetscape.

Council Staff Assessment

- A review of a range of existing dwellings which back onto Alamein Avenue demonstrates that there are dwellings with approximate setbacks of 4.3m and 5m to the boundary. **This is demonstrated within an aerial image which is included as an attachment to this report.** The proposed setbacks are not uncharacteristic to the surrounding area and will sympathetically integrate with the streetscape.
- This DA involves the subdivision of the land and future applications are required to be lodged for the further assessment of the dwellings. The building envelopes provided are indicative and there is an opportunity for the front setback to be increased to be consistent with dwellings in the nearby area. It is considered that a 5m front setback to the future dwelling on proposed Lot 511 is adequate to achieve consistency with the streetscape.
- As highlighted above, the building envelopes are indicative and any future dwelling is subject to a further detailed assessment as part of separate DAs. The front and rear setbacks of the indicative building envelopes are acceptable having regard to the objectives and controls of the DCP and future potential amenity impacts to neighbouring properties.



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

Key Issues

The key issues associated with the DA are limited to the traffic and access from Alamein Avenue, DCP variations and submissions issues discussed in this report.

Traffic and Access from Alamein Avenue

The battle-axe handle has a frontage to Liquidamber Drive and the rear of the site has a frontage to Alamein Avenue. Whilst the site has a frontage to Alamein Avenue, this frontage is not currently used for access purposes. Access from Alamein Avenue is proposed to Lot 511 through the removal of the rear fence which is also identified to be an acoustic barrier.

The proposal was referred to the RMS due to the proximity of the subject site to Narellan Road. The RMS raised no objections to the proposal subject to a recommended condition of consent to ensure that all buildings and structures together with any improvements to the future use of the site are wholly located within the freehold of the property along the Alamein Avenue boundary. **A copy of the letter from the RMS is provided as an attachment to this report.**

The proposal was referred to Council's Traffic section for consideration. It was confirmed that the expected traffic generation from this site can be accommodated within the surrounding road network. The upgrades to Narellan Road will not impact on the subject site and access from Alamein Avenue will be maintained. Council's Traffic Engineer raised no objection to the proposal.

Submissions

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

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

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

1. *The removal of the acoustic barrier erected along Alamein Avenue to minimise the noise from Narellan Road will generate noise pollution.*

Officer comment:

The proposal entails the removal of the rear fence which forms an acoustic barrier to attenuate road traffic noise from Narellan Road. The removal of the rear fence is required to provide access to proposed Lot 511.

The side fences that separate the subject land from the adjoining properties, which comprise of a timber paling fence to the west and panel fence to the east, will be retained. The rear acoustic barrier fence of the adjoining properties which are highly vegetated will be retained.



The rear acoustic barrier fence of the adjoining properties will not be impacted by this proposal and the properties will remain entirely enclosed from the public domain. The adjoining properties will therefore continue to be appropriately acoustically attenuated from the road traffic noise emitted from Narellan Road.

The proposal was referred to Council's Environmental Health officer to identify the potential impacts of removing this fence. The removal of the fence will require a future dwelling to proposed Lot 511 to be appropriately attenuated. An acoustic report will be required to be lodged with a DA for the future dwelling to address acoustic impacts. A condition of consent is recommended to ensure that an acoustic report is submitted with the DA for the future dwelling.

Council officers have reviewed the impact of the proposal on adjoining properties and consider that the proposal will not impact acoustically on adjoining properties.

- 2. Alamein Avenue will be subject to an increase in traffic to service the proposed opening of proposed Lot 511.*

Officer comment:

The proposed subdivision will result in 1 additional lot accessing Alamein Avenue. In total, access along Alamein Avenue is only provided to three lots. It is considered that the surrounding road network can accommodate the minimal additional traffic generated by the proposed subdivision given the limited number of lots with vehicular access onto Alamein Avenue.

The proposed development will not result in significant parking issues in surrounding streets. The proposed development has the capacity to provide sufficient parking on site to comply with the DCP, being 1 parking space for 1 and 2 bedroom dwellings and 2 parking spaces for dwellings containing more than 2 bedrooms.

- 3. The opening of the rear fence will increase security issues for the adjoining property as intruders would be able to access the backyard as this is clearly visible from Alamein Avenue. This will also cause a loss of privacy and livability to the adjoining properties as the topography of the land on the adjoining property is lower than that of the subject land.*

Officer comment:

The side fence to both adjoining properties as well as their rear fences (acoustic barrier) will be retained. There is no opportunity for people to access or have a view to the adjoining properties as they will be unaltered as a result of the proposed development.

The topography of the adjoining properties is consistent with the subject land and is relatively flat. Further to this, the rear barrier fence of the adjoining properties is highly vegetated and is proposed to be retained.

- 4. Concerns are raised with the type of future dwellings that will be constructed on each proposed lot. There are concerns with potential privacy and solar access impacts if a two storey dwelling is constructed on each lot in the future.*

Officer comment:

The proposed development is for the subdivision of the land. The proposed development is permissible with consent pursuant to the LEP. The proposed lots are consistent with the streetscape and any future dwelling will need to be consistent with the surrounding locality with regard to bulk and scale. The proposed lots exceed the minimum permitted lot size which allows any future dwelling, whether it is single or double storey, to comply with the dwelling house controls.

The orientation of the proposed lots facing north-east suggest that the minimum solar access provisions identified within the DCP can be achieved should a two storey dwelling be proposed on each lot.

Any future dwelling is required to comply with the residential dwelling house controls identified within the Camden Development Control Plan 2011, or relevant provisions of SEPP (Exempt and Complying Development Codes) 2008 which specifically address issues of visual and acoustic privacy and solar access.

5. *The proposal references a 'reasonable side access for a future dwelling'. This suggests that there is an option for another dwelling in the future.*

Officer comment:

The Statement of Environmental Effects discusses the setbacks provided on the building envelopes submitted with the DA. It states that a side setback of 3m is provided to both the eastern and western boundaries which will allow for appropriate landscaping screening in addition to reasonable side access for a future dwelling.

The reference to a future dwelling is related to the outline of the dwelling depicted on the indicative building envelope plan. This proposal is for the subdivision of the land with subsequent applications to be lodged for the dwellings at a later stage.

6. *Concerns with the traffic congestion that will be caused by the contractors, builders etc. through the access handle.*

Officer comment:

There is an existing battle-axe handle that is proposed to be retained to service proposed Lot 510 with separate access to be made available to proposed Lot 511 from Alamein Avenue. During the demolition of the existing dwelling, access is available from Alamein Avenue once the rear fence is removed. For future use, vehicles accessing proposed lot 510 can legally use the access handle, whilst vehicles accessing proposed lot 511 will use Alamein Avenue.

7. *The removal of the existing dwelling would consist of asbestos and there are concerns with health impacts for the removal of this dwelling.*

Officer comment:

Appropriate conditions of consent are recommended to ensure that the demolition works are undertaken in a safe manner. These conditions require the applicant to engage a suitably qualified person to undertake an asbestos survey. If asbestos is discovered, a WorkCover Authority licensed contractor must remove all asbestos in



accordance with the requirements of the WorkCover Authority, including notification of adjoining neighbours of asbestos removal.

8. *Dust will be generated from the removal of the existing dwelling.*

Officer comment:

As discussed above, suitable conditions of consent are recommended to ensure that the existing dwelling is demolished safely and does not impact on adjoining properties. A condition of consent is recommended to ensure that suitable erosion and sediment control measures in accordance with the erosion and sediment control plan submitted with the DA be installed prior to the commencement of demolition works and shall be maintained at all times.

9. *Noise will be generated from the removal of the existing dwelling and the building of two new dwellings. This will impact on the sleep pattern of shift workers in the nearby area.*

Officer comment:

A condition of consent is recommended to ensure that all work complies with the requirements of the NSW Industrial Noise Policy and the Environment Protection Authority Environmental Noise Manual.

10. *The access through the access handle during construction will be limited during demolition work and will require the removal of large Pine Trees to allow heavy vehicles to access the site. There will also be limited access through this driveway for residents to access their property.*

Officer comment:

As discussed above, there is alternative access through Alamein Avenue for construction vehicles to access the property to undertake demolition works. No tree removal is proposed as part of this DA.

11. *Concerns that trees will be removed as part of the subdivision of the land.*

Officer comment:

No trees are proposed to be removed as part of the subdivision of the land.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 1473/2015 is recommended for approval subject to the conditions attached to this report.



RECOMMENDED

That Council approve DA 1473/2015 for the demolition of an existing dwelling, subdivision to create two residential lots, and associated site works at 63 Liquidamber Drive, Narellan Vale subject to the conditions attached.

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Nearmap Measurements - *Supporting Document*
4. RMS Letter - *Supporting Document*
5. Public Exhibition and Submissions Map - *Supporting Document*
6. Submissions - *Supporting Document*



ORDINARY COUNCIL

ORD02

SUBJECT: CONSTRUCTION OF A TWO STOREY DWELLING, SWIMMING POOL, SPA AND ASSOCIATED SITE WORKS - 47 BUCKINGHAM LOOP, ORAN PARK

FROM: Director Planning & Environmental Services

TRIM #: 16/110278

APPLICATION NO: 1208/2015

PROPERTY ADDRESS: 47 Buckingham Loop, Oran Park

APPLICANT: Mrs Cristina Mirigliani

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a two storey dwelling, swimming pool, spa and associated site works at 47 Buckingham Loop, Oran Park.

The DA is referred to Council for determination as there remain unresolved issues received in three submissions from 2 properties.

SUMMARY OF RECOMMENDATION

That Council determine DA 1208/2015 for a two storey dwelling, swimming pool, spa and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

THE PROPOSAL

DA 1208/2015 seeks approval for a two storey dwelling, swimming pool, spa and associated site works.

Specifically the proposed development involves:

- Construction of a two storey dwelling comprising 6 bedrooms, home office and a double car garage;
- Construction of an in-ground concrete swimming pool and spa; and
- Associated site works.

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

THE SITE

The site is commonly known as 47 Buckingham Loop, Oran Park and is legally described as LOT 4349 DP 1195720.



KEY DEVELOPMENT STATISTICS

The development has been assessed against the relevant planning controls and is generally compliant with the exceptions of the variations noted below. Below is a summary of the key development statistics associated with the DA and any variations.

	Standard	Proposed	Compliance
State Environmental Planning Policy (Sydney Region Growth Centres) 2006			
Height of building	Maximum 9.5m	7.9m.	Yes
Minimum site area	300m ² minimum for a dwelling house	831m ² .	Yes
Oran Park Development Control Plan 2007			
7.6.9 Visual and acoustic privacy	Direct overlooking of main habitable areas and private open space of adjacent dwellings minimised.	No direct overlooking of adjacent main habitable areas and private open space subject to condition for screening devices to the sides of the upper floor balcony and the northern side of the ground floor alfresco.	Yes, subject to condition
	Windows not to face adjoining dwelling windows and private	Habitable room windows will not face adjoining	Yes



	open space.	dwelling windows or private open space.	
Front setback (7.6.3)	4.5m to building façade line.	4.5m.	Yes
Garage line (7.6.3)	5.5m to garage line and at least 1m behind building.	6.6m to garage and 1.6m behind building.	Yes
Side setback (7.6.4)	Side A ground and upper setback 0.9m. Side B ground setback 0.9m. Side B upper setback 1.5m.	Side A (south) setback is 0.950m for upper and ground levels. Side B (north) setback is 2.8m ground level and 3.2m upper level. The fencing/privacy screening surrounding the pool is setback 0.950m.	Yes
Rear setback (7.6.4)	4m (ground) and 6m (upper).	4.2m (ground) and 8.6m (upper).	Yes
Site Coverage (7.6.5)	50% at ground and 30% at upper floor.	42.5% ground floor and 22% upper floor.	Yes
Height of ground floor level (7.6.5)	No more than 1m above finished ground level.	Ground floor level 1m above finished ground level.	Yes
Landscaped area (7.6.5)	30% of lot area.	39.8%.	Yes
Principal private open space (7.6.7)	24m ² and min dimensions of 4m with gradient \leq 1:10.	Approximately 60m ² with 4m min dimensions and gradient \leq 1:10.	Yes
Principal private open space solar access (7.6.7)	At least 3hrs solar access between 9am to 3pm on 21 June to 50% of Principal Private Open Space and adjoining dwelling Principal Private Open Space.	As demonstrated by the shadow diagrams, the subject site and adjacent properties will achieve solar access in accordance with this part.	Yes



ASSESSMENT

Zoning and Permissibility

Zoning:	R1 General Residential.
Permissibility:	The proposed development is defined as a "dwelling house" by the SEPP which is a permissible land use in this zone.

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

State Environmental Planning Policy(s) - S79C(1)(a)(i)	State Environmental Planning Policy (Sydney Region Growth Centres) 2006 - Compliant with conditions recommended where necessary. Deemed State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River - Compliant with conditions recommended where necessary. State Environmental Planning Policy 2004 (Building Sustainability Index: BASIX) 2004 – Compliant with conditions recommended where necessary.
Local Environmental Plan(s) - S79C(1)(a)(i)	None applicable.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	Oran Park Development Control Plan 2007 - Generally compliant with variations proposed as discussed below.
Planning Agreement(s) - S79C(1)(a)(iiiia)	None.
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions.
Likely Impacts - S79C(1)(b)	No significant impacts.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	Three submissions (with two from the same objector) were received which are discussed in the Submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

Key Issues

The key issues associated with the DA are limited to the submissions issues discussed within this report.

Submissions

The DA was publicly exhibited in accordance with the Camden DCP. The exhibition periods were from 19 October 2015 to 10 November 2015 and 11 March 2016 to 24 March 2016. Three submissions were received from 2 properties objecting to the proposed development.



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

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

1. *The proposed development will overshadow adjacent lots during the winter solstice, in particular the dwellings and private open space of 45 Buckingham Loop and 3 Kelly Street. The bulk and scale of the proposal is excessive and the 2.5m fence will further increase overshadowing. Although principal private open space for 45 Buckingham Loop (Lot 4350) extends along the rear boundary, the usable area is located towards the northern section (given a clothesline is located towards the southern section), which will be in shadow.*

Officer comment:

The Oran Park DCP requires that 50% of the principal private open space (PPOS) of both the proposed dwelling and adjoining dwellings receive at least 3 hours of sunlight between 9am and 3pm on 21 June (the winter solstice).

The PPOS for both the proposed dwelling and adjacent dwellings comply with this control. The proposed development also complies with the controls relating to bulk and scale, site coverage, building height and height above natural ground level.

The adjacent dwelling to the south (Lot 4350) will be most affected by overshadowing. Having reviewed the approved plans for the adjacent dwelling, the PPOS is located towards the rear of the dwelling with a minimum dimension of 4m and area of 24m², which will achieve solar access in accordance with this control. Although it is noted that a clothesline is located within the southern area of PPOS, clotheslines are not a consideration as part of the placement of PPOS and therefore may be included as part of the PPOS.

It is not proposed to provide 2.5m high fences. A condition is recommended that boundary fencing has a maximum height of 1.8m.

2. *Shadow diagrams are not accurate and do not reflect fence heights and the slope of the land. Shadow diagrams should be undertaken using 3D modelling.*

Officer comment:

Subsequent to the above comments, revised shadow diagrams have been provided which include fence heights and it has been confirmed that the shadow diagrams have taken the slope of the land into account. These amended shadow diagrams have been provided to the submitters.

The shadow diagrams are considered sufficient to assess the solar access impacts to neighbouring properties and to determine compliance with the solar access controls. As noted above, the proposal complies with the solar access controls.

3. *The bulk and scale of the development is not appropriate given the slope of the land. Surrounding properties will be dominated by the building mass.*

Officer comment:

Whilst adjacent lots are lower than the subject site, the impacts on these lots have been considered as part of the detailed planning assessment. The proposed

development complies with planning controls relating to bulk and scale including but not limited to site coverage, building height, height of ground floor level above natural ground level, setbacks, privacy and overshadowing. A two storey dwelling is permitted in the R1 General Residential zone.

4. *Loss of privacy, particularly in relation to the upper floor balcony. The full enclosure of the upper floor balcony with privacy screens will have further impact on bulk and scale.*

Officer comment:

The upper floor balcony has been reduced in size. The balcony was originally proposed with an area of 29m² and is now 17m² with a depth of 3m. As a result, privacy screening is only required to the sides (north and south) of the balcony, reducing bulk and scale. The former area of the balcony is now a non-trafficable roof over the ground floor recreation area.

Due to the site topography, privacy screening has been provided to the sides of the upper floor balcony and to the ground floor alfresco to reduce direct overlooking onto the adjoining lots.

Highlight windows are provided to the upper floor bedroom windows, which will further limit privacy impacts to adjacent lots, whilst preserving the internal amenity of future occupants.

5. *The proposed development is not in keeping with the streetscape character.*

Officer comment:

Flat roof designs are not prohibited by the Oran Park DCP. Further, the proposal is compliant with the relevant planning controls of the DCP.

Lots surrounding the site have frontages between 9m and 15m. Clause 7.6.2 of the Oran Park DCP requires development to be in accordance with a 'suburban streetscape' character, which is characterised by front-loaded dwellings that are generally detached.

The proposed development is front-loaded and detached. The proposal also includes a recessed garage, front garden area and breathing space between adjacent dwellings which is consistent with a 'suburban streetscape' character as described by the Oran Park DCP.

It is noted that the subject site is 831m², which permits a dwelling house, with the minimum lot size being 300m² or a dual occupancy where the minimum lot size is 500m². Given the land size, the site is capable of accommodating a large dwelling or dual occupancy. The proposed development is considered to be appropriate and proportionate to the site area and not inconsistent with the character of the locality.

6. *The architectural design is not consistent with the character of Oran Park.*

Officer comment:

The proposal complies with the relevant planning controls of the Oran Park DCP. The street façade incorporates an entry feature and porch with recessing and projecting



architectural elements providing sufficient articulation, which is in accordance with clause 7.6.2 of the Oran Park DCP.

The proposal is two storeys and incorporates a flat roof, which is permitted in the R1 General Residential zone. The design is considered acceptable in the streetscape having regard to the controls of the Oran Park DCP.

7. There are limited opportunities for vegetation screening. Screening should be provided down the sides of the dwelling.

Officer comment:

The side setbacks comply with the DCP which provides a 900mm strip for landscaping on the southern side of the site. However, given this area is south facing, limited growth would be achieved.

A landscape plan has been provided with the DA showing landscaping in the front boundary setback and at the rear of the dwelling. An 8m high tree is planted within the front setback and at the rear, which will provide vegetation screening.

8. Unarticulated side boundary walls that will impact the outlook from 45 Buckingham Loop.

Officer comment:

There are no planning controls in the Oran Park DCP that require side boundary walls to be articulated for dwelling houses. Notwithstanding this, the side boundary facades are articulated via windows and the stepping of the building height with the land topography.

9. A triple garage is not appropriate.

Officer comment:

The applicant has confirmed it is not their intention for a triple garage. In this regard, amended plans have been received which delete the driveway area forward of the 'office' and replaced it with soft landscaping.

10. The dwelling height is not shown on the plans.

Officer comment:

The ridge height of the building annotated on the elevations is RL 116.900. Based on the existing site levels shown on the site plan, the maximum height of the building will be 7.9m (noting that the maximum permitted height is 9.5m).



11. *Excessive site coverage/overdevelopment.*

Officer comment:

Clause 7.6.5 (site coverage) of the Oran Park DCP outlines the maximum site coverage for this site is 50% (ground floor) and 30% (upper floor). The proposed site coverage is 42.5% (ground floor) and 22% (upper floor), therefore it is compliant.

12. *Insufficient Setbacks.*

Officer comment:

The proposed development complies with all setback controls.

13. *Noise impact from living spaces, particularly from the upper floor balcony.*

Officer comment:

Subsequent to the above comments, the upper floor balcony has been reduced in size, limiting opportunity for noise generation. The noise impacts expected by this development are comparable to surrounding residential development.

14. *Proposed fence heights are non-compliant.*

Officer comment:

Conditions will be included to require fence heights to be provided in accordance with the requirements of the Oran Park DCP.

15. *The development is not in the public interest.*

Officer comment:

As demonstrated by the detailed planning assessment, the proposed development is in accordance with relevant controls and as such is considered acceptable.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 1208/2015 is recommended for approval subject to the conditions contained in this report.

RECOMMENDED

That Council approve DA 1208/2015 for the construction of a two storey dwelling, swimming pool, spa and associated site works at 47 Buckingham Loop, Oran Park subject to the conditions attached.



ATTACHMENTS

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



ORDINARY COUNCIL

ORD03

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

FROM: Director Planning & Environmental Services

TRIM #: 16/105407

APPLICATION NO: DA16/2016
PROPERTY ADDRESS: 2 Mawer Street, Oran Park
APPLICANT: Mr A Krilich

PURPOSE OF REPORT

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

The DA is referred to Council for determination as there is one submission objecting to the proposal that has not been resolved.

SUMMARY OF RECOMMENDATION

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

THE PROPOSAL

DA 2016/16 seeks approval for the construction of a two (2) storey detached dual occupancy and Torrens title subdivision.

Specifically the proposed development involves:

- Construction of a two (2) storey detached dual occupancy with each dwelling consisting of four (4) bedrooms and a double garage;
- Torrens title subdivision of one (1) lot into two (2) with the resulting lots being Lot A = 363.5m² and Lot B = 301m²;
- Connection of the drainage lines to the street;
- Associated site works to facilitate the development; and
- Landscaping of the site.

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

THE SITE

The site is commonly known as 2 Mawer Street, Oran Park and is legally described as Lot 5435 DP1198455.

The site is located at the corner of Mawer Street and South Circuit, Oran Park.



There are vacant residential lots adjoining the site to the north-west and south-west. The residential developments across the road to the east contain both single and double storey dwellings. To the south-west of the site there is currently a large vacant lot.



KEY DEVELOPMENT STATISTICS

The development has been assessed against the relevant planning controls and is generally compliant with the exceptions of the variation noted below. Below is a summary of the key development statistics associated with the DA and any variations.

	Standard	Proposed	Compliance
State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP)			
4.1A Minimum Lot Size for other development	<p>Minimum lot size of 500m² for a dual occupancy.</p> <p>Minimum lot size for dwelling house 300m².</p>	<p>Lot size of 664.5m² for dual occupancy.</p> <p>The subdivision of the detached dual occupancy will result in subsequent lot sizes of 363.5m² (Lot A) and 301m² (Lot B).</p>	Yes



4.3 Height of Building	Maximum 9.5m building height.	Dwelling A - 8.21m. Dwelling B - 7.84m.	Yes
Oran Park Development Control Plan 2007 (DCP)			
7.2 Residential Density Target	Demonstrate the subdivision and construction of the building meets the minimum residential density requirements.	The subdivision of one (1) lot into two (2) is consistent with the minimum residential target of 10-12.5dw/Ha to be achieved and satisfies the objectives of the control.	Yes
7.3 Minimum Lot Size and Minimum lot width	Minimum lot size of 500m ² for a dual occupancy. Minimum lot size Clause 4.1A for dwelling house 300m ² . Minimum lot frontage 12.5m for density target 10-12.5dw/Ha.	Lot size of 664.5m ² for dual occupancy. Lot A – 363.5m ² . Lot B – 301m ² . Lot A – 16.8m (at building line). Lot B – 13.5m.	Yes
7.6.3 Front Setback	4.5m to building façade line. 3.0m to articulation Zone. 5.5m to garage line and 1m behind the building façade line.	Dwelling A – 4.5m to façade. Dwelling B – 4.5m to façade. Dwelling A – 4m to articulation zone. Dwelling B – 4m to articulation zone. Dwelling A – 5.58m to garage and 1.08m behind façade. Dwelling B – 5.58m to garage line and 1.08m behind façade line.	Yes
7.6.4 Rear Setback	Rear setbacks – 4m ground floor and 6m first floor	Dwelling A – 4m ground floor and 7.24m upper floor. Dwelling B – 4m ground floor and 7.1m upper floor	Yes
7.6.4 Side Setbacks	Dwelling A ≥ 0.9m (ground) & ≥ 0.9m (side A) upper level and ≥ 1.5m (side B) upper	Dwelling A – Side B (north west boundary) 1.57m ground and upper	Yes



	<p>level</p> <p>Secondary street setback (Corner lot) $\geq 2\text{m}$ to facade and 1m to articulation zone</p> <p>Dwelling B - Ground - Zero (Side A) & $\geq 0.9\text{m}$ (Side B) - Upper - 1.5m (Side A) & 0.9m (Side B)</p>	<p>floor.</p> <p>Secondary street 3.08m to façade and 1.141m to articulation zone.</p> <p>Dwelling B - Side A ground 180mm and upper 1.5m. Side B ground 0.97m and upper 0.97m.</p>	Yes
7.6.5 Site Coverage	<p>Dwelling A – 50% ground floor and 30% upper floor</p> <p>Dwelling B – 60% ground floor 40% upper floor for lots $<375\text{m}^2$</p>	<p>Dwelling A – Ground 132m^2 being 36.3%. First 109m^2 being 30%.</p> <p>Dwelling B – Ground 139m^2 being 46%. First 112m^2 being 37%.</p>	Yes
7.6.6 Landscaped Area	Min 30% of lot area.	<p>Dwelling A – 46% soft landscaping. Dwelling B – 38% soft landscaping.</p>	Yes
7.6.8 Car parking	3 bedrooms or more, dwellings must provide at least 2 car spaces.	<p>Dwelling A – Two spaces provided in a double garage.</p> <p>Dwelling B – Two spaces provided in a double garage.</p>	Yes
7.6.7 Principal Private Open Space (PPOS)	Minimum 24m^2 per dwelling.	<p>Dwelling A – Area of PPOS 24m^2 and accessible from the alfresco with minimum dimensions of 4m, and a gradient $<1:10$.</p> <p>Dwelling B – Area of PPOS 24m^2 and accessible from the alfresco with minimum dimensions of 4m, and a gradient $<1:10$.</p>	Yes



<p>7.6.7 Solar Access</p>	<p>50% of the PPOS (of both the proposed development and adjoining properties) is required to receive 3 hours of sunlight between 9am and 3pm on 21 June.</p>	<p>Dwelling A – The PPOS for Dwelling A receives 2hrs solar access between 9am to 3pm on 21 June to \geq 50% of the PPOS area. A variation to this control is discussed below.</p> <p>Dwelling B - PPOS area receives \geq 3hrs solar access between 9am to 3pm on 21 June to \geq 50% of PPOS.</p> <p>Adjoining development will receive \geq 3hrs solar access between 9am to 3pm on 21 June to \geq 50% of PPOS.</p>	<p>No see DCP Variation 1</p> <p>Yes</p>
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ASSESSMENT

Zoning and Permissibility

<p>Zoning:</p>	<p>R1 General Residential.</p>
<p>Permissibility:</p>	<p>The proposed development is defined as a "dual occupancy" by the SEPP which is a permissible land use in this zone.</p> <p>Subdivision of land is permitted with consent under the SEPP.</p>

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

<p>State Environmental Planning Policy(s) - S79C(1)(a)(i)</p>	<p><u>State Environmental Planning Policy 55 – Remediation of land</u> Compliant with conditions recommended where necessary.</p> <p><u>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</u> Compliant with conditions recommended where necessary.</p> <p><u>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</u> Compliant with conditions recommended where</p>
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	necessary. <u>Deemed State Environmental Planning Policy No 20–Hawkesbury-Nepean River</u> Compliant with conditions recommended where necessary.
Local Environmental Plan - S79C(1)(a)(i)	None applicable.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	<u>Oran Park Development Control Plan 2007 (DCP)</u> Generally compliant with conditions recommended where necessary. One variation is noted below. <u>Camden Development Control Plan 2011 (DCP)</u> Compliant with conditions recommended where necessary.
Planning Agreement(s) - S79C(1)(a)(iiia)	None.
The Regulations - S79C(1)(a)(iv)	None applicable.
Likely Impacts - S79C(1)(b)	No significant impacts.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	One (1) submission was received which is discussed in the submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

Compliance with Plans or Policies

DCP Variation 1 – Solar Access to Principal Private Open Space (PPOS) of Dwelling A

DCP Control

The DCP (Clause 7.6.7 - Solar Access) requires the PPOS area to receive more than or equal to 3hrs solar access between 9am to 3pm on 21 June to more than or equal to 50%.

Variation Request

The PPOS of Dwelling A receives two hours of solar access between 9am to 3pm on 21 June to 50% of PPOS.

Council Staff Assessment

- An alternative additional area of usable open space is proposed in the north east corner of Lot A. This alternate area will receive solar access between 9am and 12pm. This area is considered suitable for achieving solar access to open space within the property boundary and can be used as open space by future residents of Dwelling A.
- Access to the alternate area of open space is achieved through the laundry and is adjacent to the kitchen. A condition has been recommended to ensure

boundary fencing is to be in accordance with the Oran Park DCP 2007 and as indicated on the site plan. This consists of boundary fencing of 1.8m in height to one third of the secondary street frontage in accordance with the DCP. This is considered to appropriately screen the additional open space area.

- The upper floor balcony to the front of the dwelling is an additional useable area of open space which receives sunlight throughout the day. This area is accessible from a living/sitting room and will obtain solar access between the hours of 9am to 12pm.
- Three (3) hours of solar access will be achieved throughout the majority of the year to the PPOS, outside of the month of June. The two (2) hours of solar access achieved on 21 June is considered acceptable given two alternative areas are available which achieve solar access at various times throughout the day.

With the above considered, it is recommended this DCP variation be supported.

Key Issues

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

Submissions

The DA was publicly exhibited for 14 days in accordance with the Camden DCP 2011. The exhibition period was from 11 January 2016 to 25 January 2016. One (1) submission was received objecting to the proposed development.

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

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

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

Officer comment:

The front balcony to Dwelling A is not considered to result in unacceptable overlooking or privacy impacts on the dwelling on the opposite side of the road. The road provides sufficient distance to preserve the amenity of both dwellings. The DCP permits balconies which overlook the street, as they are a form of architectural treatment and provide visual relief at the upper level. The application is considered to be acceptable in this regard.

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

Officer comment:

The windows to the front of Dwelling B are not considered to result in unacceptable overlooking or privacy impacts on the dwelling on the opposite side of the street. The windows in this elevation promote passive surveillance of the street and adjoining buildings, and provide good internal amenity for future residents. Further, the DCP



requires front facades to feature at least one habitable room with a window looking onto the street.

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

Officer comment:

The applicant has provided a valid BASIX certificate, prepared using the multi-dwelling tool, which includes a dual occupancy as defined by BASIX. The Certificate details compliance with the BASIX criterion relating to water saving measures/commitments.

It is acknowledged the BASIX certificate only requires one (1) of the dwellings to contain a rainwater tank. However, the certificate produced demonstrates compliance with the minimum water saving commitments.

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

Officer comment:

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

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 16/2016 is recommended for approval subject to the conditions contained in this report.

RECOMMENDED

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

ATTACHMENTS

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

ORDINARY COUNCIL

ORD004

SUBJECT: PLANNING PROPOSAL TO AMEND THE SYDNEY REGION GROWTH CENTRES SEPP AND CAMDEN GROWTH CENTRES PRECINCTS DCP AMENDMENT - CATHERINE FIELDS PART PRECINCT

FROM: Director Planning & Environmental Services

TRIM #: 16/15818

PURPOSE OF REPORT

The purpose of this report is for Council to consider a Planning Proposal to amend the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the SEPP) and an amendment to the Camden Growth Centres Precinct Development Control Plan (DCP) which applies to the Catherine Fields (Part) Precinct (the precinct).

Council endorsement is sought to forward the Planning Proposal to the Department of Planning and Environment (DPE) for gateway and to proceed to the public exhibition of both the planning proposal and DCP amendment should a Gateway Determination be issued. The Planning Proposal as prepared by the applicant **is included as Attachment 1 to this report** and the draft DCP **is included as Attachment 2 to this report** (both provided under separate cover).

BACKGROUND

The subject land forms part of the precinct and is known as the Catherine Park development area as shown in **Figure 1 below**. The developers of Catherine Park include Hixson Pty Ltd, Dandaloo Pty Ltd and Edgewater Development.

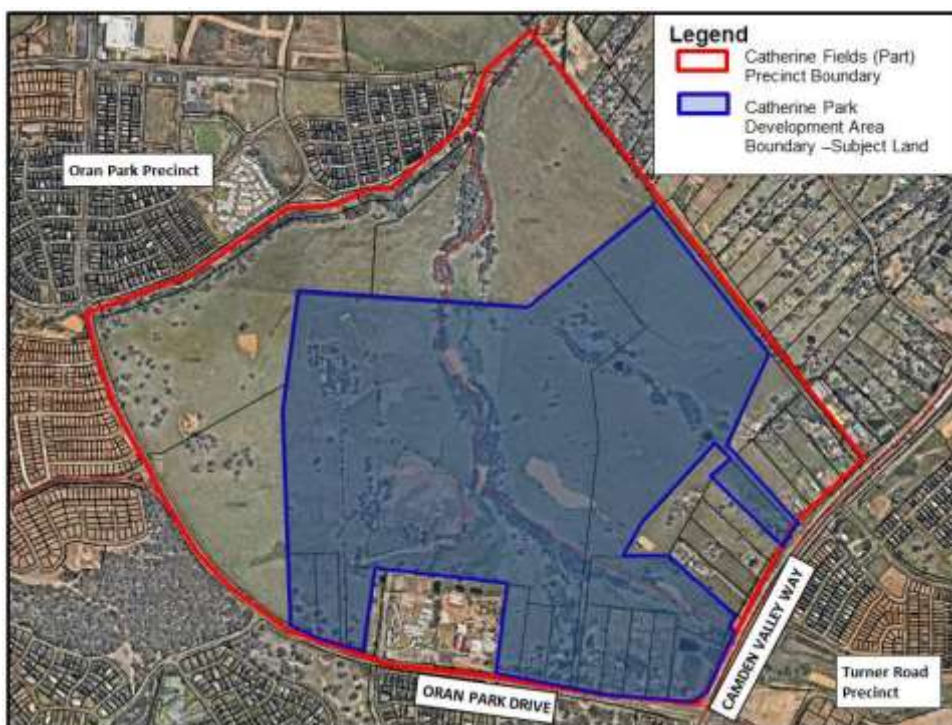


Figure 1: Locality Map (Source: Council Mapping Systems)



The precinct is approximately 320 hectares in size and is located between Oran Park Drive and Camden Valley Way, being adjacent to the Oran Park and Turner Road precincts. The portion of the precinct controlled by Hixson, Dandaloo and Edgewater Development holdings is approximately 163 hectares.

The precinct was rezoned for urban development on 20 December 2013. The adopted Indicative Layout Plan (ILP) provides for approximately 3,200 homes.

The Joint Regional Planning Panel (JRPP) granted deferred development consent to DA228/2014 on 27 November 2014. This consent approved Stages 1-3 of the Catherine Park Estate with 339 residential lots, 18 superlots for integrated housing, public open space and associated site works.

MAIN REPORT

This report addresses both the draft Planning Proposal and draft amendment to the Camden Growth Centres DCP.

The Planning Proposal

The Planning Proposal seeks to amend the SEPP by:

- Redistributing and increasing the amount of medium density housing in the precinct in the form of integrated housing;
- Amending the heritage curtilage for Oran Park House (Catherine Park House) to reflect the recent State heritage listing of the item, with corresponding mapping amendments to reflect the amended curtilage; and
- Permitting the use of Oran Park House as a sales office subject to Council granting development consent.

These proposed amendments are discussed below.

Increased and redistributed residential densities

The SEPP contains Residential Density Maps which apply to the precinct and determine the minimum dwelling densities which apply. The Planning Proposal seeks to amend these maps by redistributing and increasing the amount of 20 dwelling per hectare land throughout the precinct as identified in **Figure 2**.

The proposed changes to the Residential Density Map will result in 4.7 hectares of land being moved from 15 dwellings per hectare to the 20 dwellings per hectare band. The overall increase in dwelling numbers resulting from this amendment will be approximately 23 dwellings, taking the total number of dwellings in this portion of the precinct to 1,805.

The Planning Proposal intends to redistribute the 20 dwellings per hectare land to areas of the precinct which exhibit higher levels of amenity adjacent to playing fields, pocket parks, riparian corridors, and Robbins Lane which forms the historic driveway to Oran Park House.

The intended development outcome for the 20 dwelling per hectare land is integrated housing in the form of attached dwellings. Integrated housing is a form of development where consent is sought for the construction of the dwellings and the subdivision of the land under one development application.

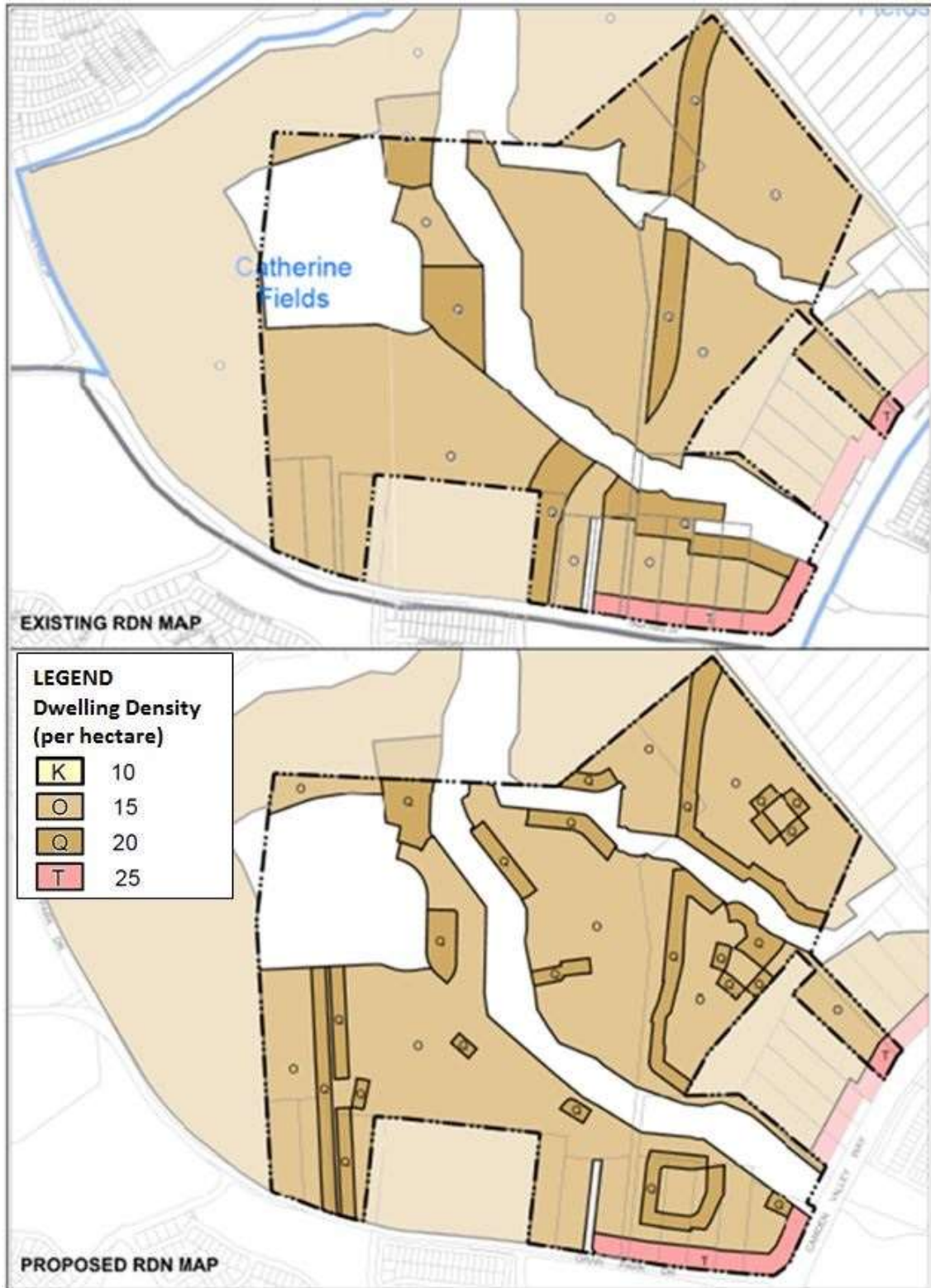


Figure 2 – Amendments to Residential Density Map

The subdivision pattern and road layout surrounding Robbins Lane was approved by the JRPP via DA228/2014, including the provisions of super lots for future attached dwelling development. Council is currently assessing DA1524/2015 which seeks consent for subdivision of these superlots and approval of concept designs for future attached dwellings on these sites. The concept designs are based upon the controls which are included in the draft DCP amendment discussed later in this report. The



assessment of this application is pending the outcome of the SEPP and DCP amendment.

A concept image of the design of the Robbins Lane corridor **is shown at Figure 3.**



Figure 3 – Concept design for Robbins Lane corridor

The proponents have also re-designed the south-eastern corner of the site (corner of Oran Park Drive and Camden Valley Way) following a change in land ownership. The preparation of the original ILP and SEPP maps occurred at a time when the smaller lots were controlled by several landowners. The design previously aimed to facilitate development in a fragmented manner without disadvantaging any of the smaller landowners. The small lots fronting Oran Park Drive are now controlled by the proponent. The re-design improves the road network design, centrally locates the park, and includes 20 dwellings per hectare development around the park.

Comment

The increase in density by 23 dwellings provides an improvement in amenity by relocating higher density housing in areas of the precinct which exhibit higher levels of amenity adjacent to playing fields, pocket parks, riparian corridors, and Robbins Lane.

The proposed re-distribution of density to Robbins Lane forms part of the developer's concept design for the Robbins Lane corridor which follows the historic driveway servicing Oran Park House and incorporates a tree-lined shared path with wide verges and a variety of integrated housing forms.

The State Government's Housing Diversity Package amended the SEPP in August 2014 by making attached dwellings permissible with consent on land which is opposite or adjacent to land identified for recreation and open space purposes. Under those amendments, attached dwellings can be approved on land which surrounds the local parks, playing fields and riparian corridors. This land is proposed to be mapped as 20 dwellings per hectare under the Planning Proposal.

Despite attached dwellings being permissible in these locations under the Housing Diversity Package SEPP amendment, there is merit in amending the residential density map to 20 dwellings per hectare to reflect the intended density and built form outcomes

for Catherine Park. This will provide certainty for Council when assessing future development applications, and inform future landowners and the community of the location of future attached housing development within the precinct.

The proposed increase in density can be accommodated by the existing drainage and transport infrastructure identified during the original rezoning.

Council will be able to collect additional contributions for the increased density under the Catherine Fields (Part) Precinct Section 94 Contributions Plan (S94 CP) which could augment the open space and recreation facilities required by the precinct, including the district recreation facilities planned for the future Marylands precinct

It is noted that Council officers are currently negotiating a Voluntary Planning Agreement (VPA) for Catherine Park which will deliver additional monetary contributions which correlates with the increased density.

Importantly, both the S94 CP and VPA will ensure that the increased density is accompanied by additional developer contributions towards the provision of local and district infrastructure.

Amendment of heritage curtilage – Oran Park House

Oran Park House (which is also known as Catherine Park House) was formally listed on the State Heritage Register on 6 March 2015. As part of the process to list Oran Park House on the State register, a revised heritage curtilage was identified and subsequently agreed upon by the Heritage Office. The State listing included the preparation of detailed Heritage Exemption Guidelines. The revised adopted heritage curtilage **is shown in Figure 4.**

It is proposed to amend the Heritage Map in the SEPP so that it is consistent with the revised curtilage resulting from the State Heritage listing. The existing heritage map and proposed amended heritage map **are shown in Figure 5.**

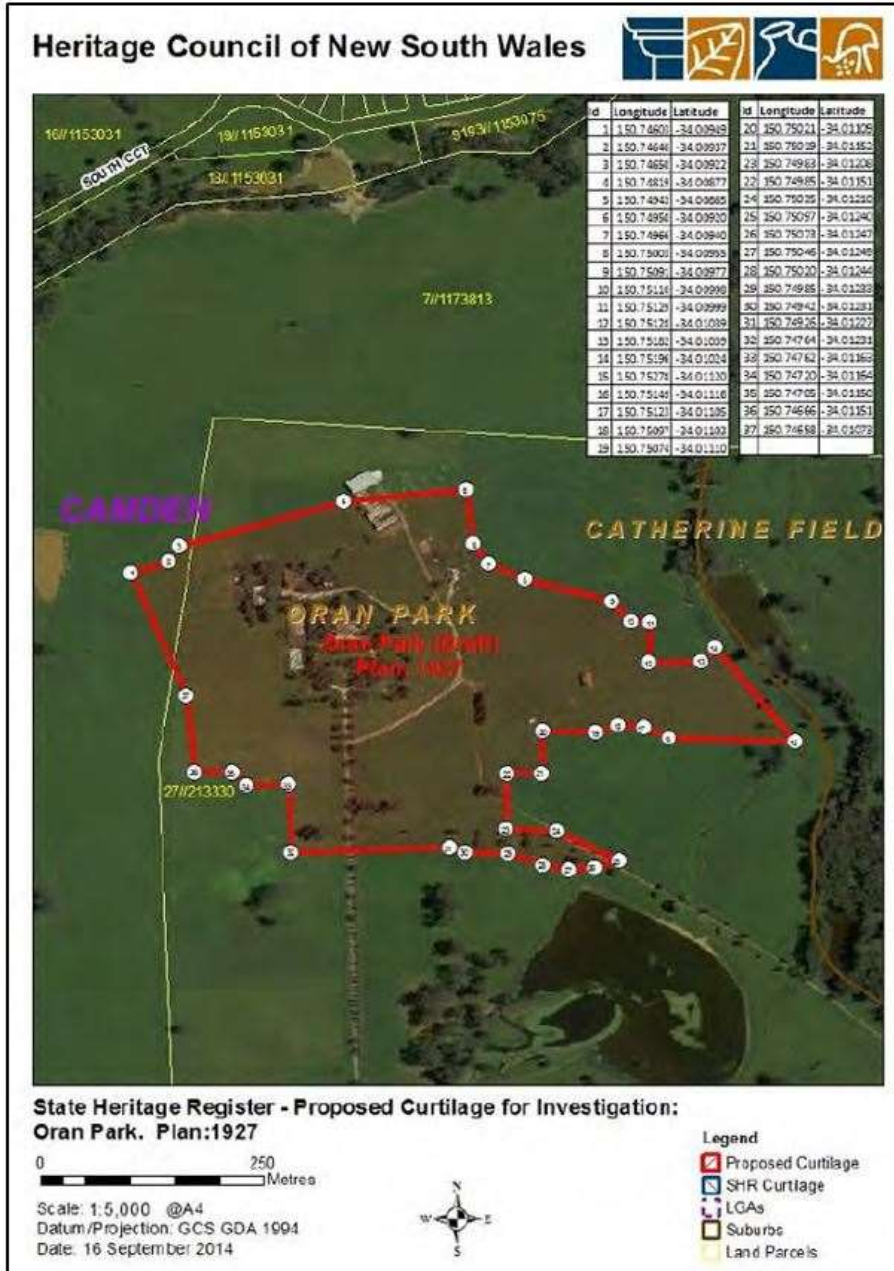


Figure 4 – State Heritage Register curtilage for Oran Park House



Figure 5 – Existing and proposed Heritage Maps



Schedule 1 Additional Permitted Uses

The planning proposal seeks an amendment to Schedule 1 Additional Permitted Uses in Appendix 9 of the SEPP to enable Council to grant consent to the use of Oran Park House as a 'sales office', along with the introduction of an Additional Permitted Uses map which shows the portion of the site to which the Additional Permitted Use applies.

Council has previously granted consent to the use of Oran Park House as a 'sales office' under the 'temporary use' provisions of the SEPP. The consent is time-limited and will require a new development application to be lodged each year if the developer wishes to continue using the building for a sales office for the development.

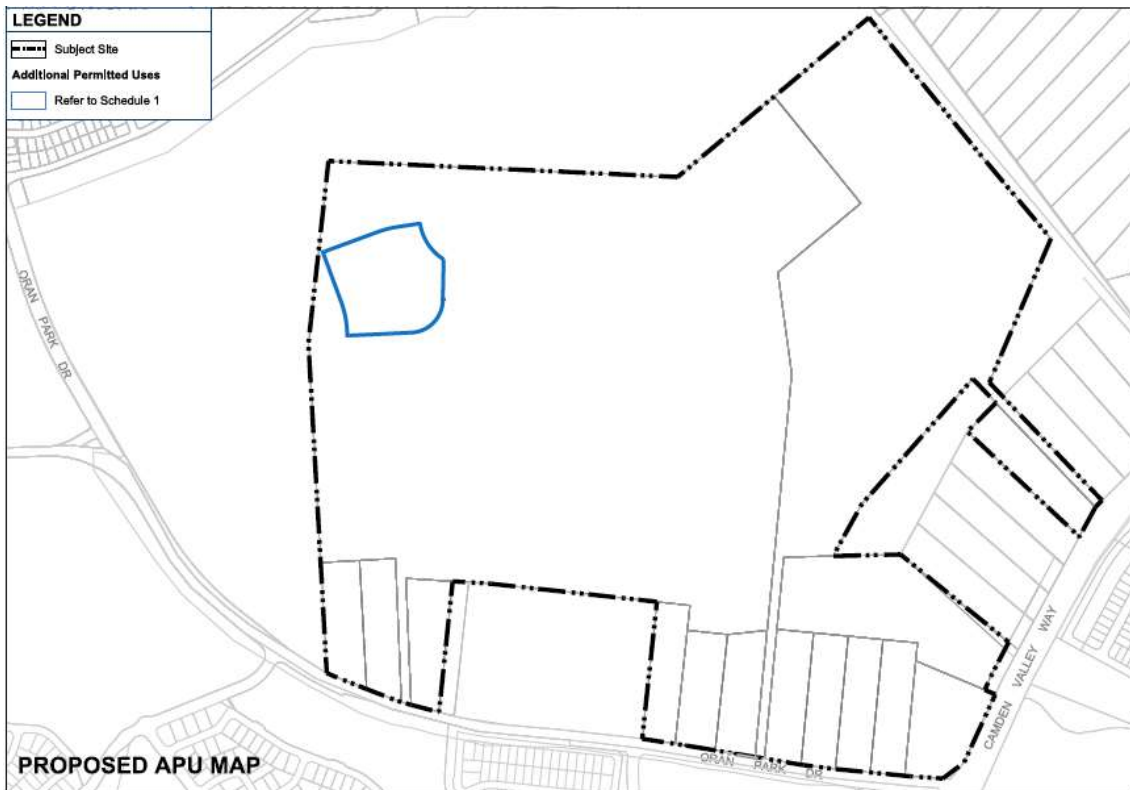


Figure 6 – Proposed Additional Permitted Uses Map APU_009

The Oran Park House Conservation Management Plan identifies that the house and its core curtilage may be used for purposes other than as a single private residence, provided the use is compatible with the conservation of the house and its curtilage. The use of Oran Park House as a sales office is supported given that it supports the development and sale of land in the surrounding precinct, and can occur with no alterations or additions required to the building.

SEPP mapping amendments

The planning proposal requires the amendment of the following maps to reflect the changes in residential densities and the revision of the heritage curtilage for Oran Park House:

- Residential Density Map (Sheet RDN_004 and Sheet RDN_009);
- Heritage Map (Sheet HER_004 and Sheet HER_009);
- Minimum Lot Size (Sheet LSZ_004 and Sheet LSZ_009);
- Height of Buildings Map (Sheet HOB_004 and HOB_009); and
- Floor Space Ratio Map (Sheet FSR_004 and FSR_009).

The proposed insertion of an Additional Permitted Use into Schedule 1 of the SEPP for Oran Park House will require the creation of a new Additional Permitted Uses Map (Sheet APU_009).

The existing and proposed SEPP maps referred to above (including the new APU map) **are provided as Attachment 3 to this report** (*provided under separate cover*).

Housekeeping amendments to SEPP

As a separate matter to this planning proposal, the DPE are currently undertaking a housekeeping amendment to the SEPP which is expected to be gazetted within the next two months. The housekeeping amendment includes:

- Amendments to the width of the Riparian Corridor for the precinct to address anomalies resulting from the original rezoning process;
- Amendment of the definition of Net Developable Area to address inconsistencies with the existing definition;
- Adding recreation areas as a permissible use within the R2 Low Density Residential Zone to address an anomaly from the original rezoning process; and
- Removal of the RE1 Public Recreation zone and a corresponding amendment to the Land Reservation Acquisition Map to reflect the amendments to the Riparian Corridor width and the replanning of the south-western corner of the precinct (which forms part of the DCP amendment discussed in this report).

This housekeeping amendment is of a minor nature and the riparian area amendment is rectifying an error in the calculation of riparian corridor average that occurred during the original precinct planning process. The DPE's housekeeping SEPP amendment map changes also require the amendment of various figures within the DCP as outlined later in this report.

Amendment to Camden Growth Centre Precincts DCP

To facilitate the implementation of the SEPP amendments included in the planning proposal, an amendment to Schedule 4 of the DCP (which applies to precinct) has been prepared which includes:

- Changes to the ILP and other figures within the DCP;
- Changing various figures to be consistent with the current DPE housekeeping SEPP amendment;
- Heritage amendments including:
 - Amending Section 3.1 *The Coach House Neighbourhood Centre*; and



- Amending Section 4.1 *Development Surrounding Oran Park House (Catherine Park House)*;
- Inserting new Section 4.5 *Specific Controls for residential streets in the Catherine Fields Part Precinct*;
- Inserting new controls applying to attached dwellings including:
 - New Section 4.6 *Specific Controls for 'town home' attached dwelling; and*
 - New Section 4.7 *Specific Controls for rear-accessed dwellings directly fronting open space.*

The applicant's submission for the DCP amendments is included as **Attachment 4 to this report** (provided under separate cover).

A summary of the key amendments to the DCP is provided below.

Indicative Layout Plan

The proposed amendments to the ILP are numbered below and correlate with the marked-up ILPs included later in this report. The amendments include:

1. Increased and redistributed residential densities in accordance with the Planning Proposal;
2. Relocation of the Local Park in the south eastern portion of the site;
3. Updated/re-alignment of local street layouts; and
4. Updated environmental conservation areas in accordance with the DPE's housekeeping SEPP amendment.

The current marked-up ILP is shown in **Figure 7** and the proposed marked-up ILP is shown in **Figure 8** in this report.

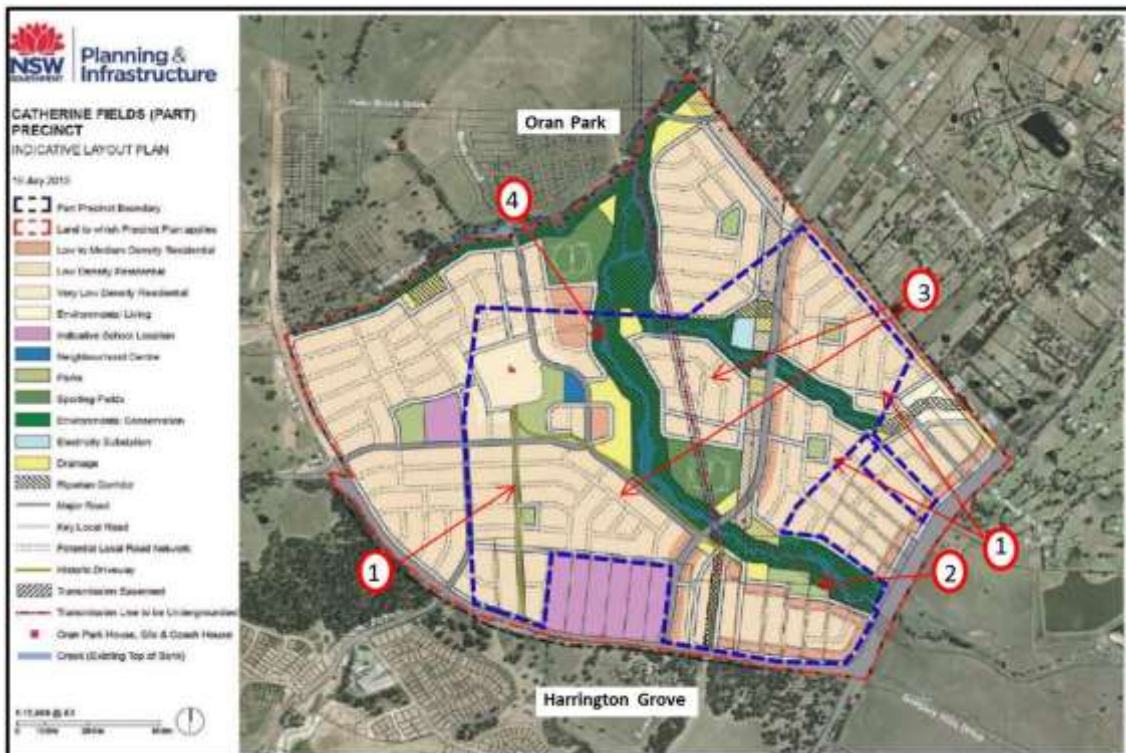


Figure 7 – Current Indicative Layout Plan (ILP)



Figure 8 – Proposed Indicative Layout Plan (ILP)

A table which lists proposed amendments to the ILP and other figures within Schedule 4 of the DCP is included as Attachment 5 to this report (provided under separate cover).

Heritage Amendments

It is proposed to amend Section 3.1 *The Coach House Neighbourhood Centre* and 4.1 *Development Surrounding Oran Park House (Catherine Park House)* of Schedule 4 of the DCP to provide consistency between the DCP and the Oran Park House Heritage Exemption Guidelines. The amended controls provide additional assessment criteria for future development applications within the neighbourhood centre site. The controls have been reviewed by Council’s Heritage Officer and are supported.

As noted earlier in this report, the Oran Park House Heritage Exemption Guidelines were established for Oran Park House under the State Heritage Listing and provide controls for the urban development, subdivision design and built form outside the heritage curtilage of Oran Park House.

Section 4.5 Specific Controls for residential streets in the Catherine Fields Part Precinct

The Joint Regional Planning Panel (JRPP) granted deferred development consent for DA228/2014 (Catherine Park Estates Stages 1-3) on 27 November 2014. This DA included a local street cross-section of 7.4m carriageway width and a laneway cross-section of 5.5m carriageway width which varied from those included in Section 3.3.1 of the main body of the DCP. It is proposed to insert Section 4.5 *Specific Controls for residential streets in the Catherine Fields Part Precinct* into Schedule 4 of the DCP which incorporates the specific residential road cross-sections for Local Streets and Laneways as approved by the JRPP via DA228/2014.

Attached Housing Amendment

The DCP amendment includes the insertion of new controls which will apply to the areas within the precinct that are proposed to be mapped with a minimum dwelling density of 20 dwellings per hectare on the amended Residential Density Map discussed earlier in this report.

The DCP amendment includes two proposed forms of attached housing development which are 'town homes' (front accessed attached dwellings) and 'terrace homes' (rear-accessed dwellings which have direct frontage to open space). Concept designs for the two forms of attached housing are shown at **shown at Figure 9 and 10 in this report.**



Figure 9 – Concept design for “town homes” attached dwellings.



Figure 10 – Concept design for “terrace home” attached dwellings.

It is proposed to insert new “Section 4.6 - *Specific Controls for “town home” attached dwellings*”. Section 4.6 (Table 4.3) outlines the key controls which will apply to this form of development including:

- A maximum of seven dwellings within any single ‘town home’ attached dwelling development;
- Garages to be permitted within the rear setback;
- Three dwellings with double garages facing to the front; and
- Front access double garages permitted to be 50% of the width of the building façade.

It is proposed to insert new “Section 4.7 - *Specific Controls for rear-accessed dwellings directly fronting open space*”. Section 4.7 (Table 4.4) outlines the key controls which will apply to this form of development including:

- A maximum of seven dwellings within any single ‘terrace home’ attached dwelling development;
- A maximum upper floor area of 60% of the lower floor area; and
- A maximum length of any zero lot line wall which divides any two attached dwellings of 19m.

The new Sections 4.6 and 4.7 are included within the Draft DCP which is provided as **Attachment 2 to this report**.

The proposed controls for ‘town homes’ and ‘terrace homes’ have informed the assessment of DA1524/2015 which seeks approval of concept designs for future attached dwellings on the Robbins Lane superlots which were approved by the JRPP under DA 228/2014.

Housekeeping DCP Amendments

It is proposed to amend Tables 4-5 and 4-6 of Clause 4.2 Dwelling Design Controls of the DCP which are included in the main body of the Growth Centres DCP. These changes were not initiated by the applicant but are considered to be of a housekeeping nature. These amendments will apply to the precinct as well as other growth centre precincts including East Leppington, Leppington Stage 1 and Leppington North precincts.

Table 4-5 provides a Summary of key controls for lots with frontage width greater than 15m for front accessed dwellings and Table 4-6 provides a summary of key controls for lots in the Environmental Living Zone. The proposed amendment relates to the minimum side setbacks for the upper floor of dwellings, requiring a greater setback for Side A and a lesser setback for Side B of dwellings. Currently tables 4-5 and 4-6 are inconsistent with the diagrams in figure 4-7 of the DCP.

The proposed housekeeping amendments are considered minor in nature and will provide consistency with the diagrams contained within Figure 4-7, which will ensure the design of dwellings will minimise any overshadowing impacts on neighbouring dwellings.

Notification of DCP amendment to DPE

Council is required to notify the Department of Planning and Environment upon the commencement of exhibition of any draft DCP amendment to the Camden Growth



Centres DCP in accordance with the delegations issued to Council on 19 January 2015.

Next Steps

If Council resolves to forward the Planning Proposal to the Department of Planning and Environment for Gateway Determination, the following steps will occur:

- Following Gateway Determination, the Planning Proposal and DCP Amendment will be placed on public exhibition for 28 days or as otherwise required by the Gateway Determination;
- If no unresolved submissions are received, the Planning Proposal will be forwarded to DPE to be made, and the DCP amendment will be adopted; and
- If unresolved submissions are received during the exhibition period, a further report to Council will be prepared.

FINANCIAL IMPLICATIONS

The existing S94 CP enables Council to collect additional developer contributions if additional dwelling density is achieved within the precinct. Council officers are currently negotiating a draft VPA under which the developers seek to undertake the works and land dedication required by the precinct. If the VPA proceeds, it will also include additional contributions for the increase in density under the planning proposal. Both the S94 CP and VPA will ensure that there is an increased level of community infrastructure provided which is commensurate with the increased dwelling density.

CONCLUSION

The Planning Proposal to amend the SEPP includes changes to the residential density maps which re-distribute density within the precinct and will result in an overall increase of 23 dwellings to a total of 1,805 dwellings for the precinct.

The re-distributed densities will provide greater amenity for the residents of Catherine Park by locating density in appropriate locations, and the existing S94 CP and draft VPA currently under negotiation will ensure that appropriate infrastructure and services are provided to support the precinct.

The amended residential density maps reflect the development outcome which can be achieved under the Housing Diversity Package and provides Council and the community with greater certainty regarding the location of density within the precinct.

The proposed mapping amendments are required to reflect the amended heritage curtilage for Oran Park House following the State Heritage listing of this item. The additional permitted use for Oran Park House as a 'sales office' is supported.

The proposed DCP amendments support the proposed SEPP amendments and provide objectives and controls for the proposed 'town home' and 'terrace home' dwelling product which is proposed to be located in the portions of the site which are to be mapped with a minimum density of 20 dwellings per hectare. The DCP amendment also updates the heritage controls to reflect the State heritage listing of Oran Park House and the road cross-sections approved via the JRPP determination of DA288/2014.



RECOMMENDED

That Council:

- i. endorse the Planning Proposal to amend various maps within Appendix 9 of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and insert an Additional Permitted Use for the use of Oran Park House as a sales office;**
- ii. endorse the draft amendment to the Camden Growth Centres DCP;**
- iii. forward the Planning Proposal to the Department of Planning and Environment for Gateway Determination;**
- iv. exhibit the Planning Proposal and the draft amendment to the Camden Growth Centres DCP for a period of 28 days in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and Regulations following receipt of a Gateway Determination for the Planning Proposal;**
- v. notify the Department of Planning and Environment of the exhibition of the draft amendment to the Camden Growth Centres DCP in accordance with the delegations issued by the Department on 19 January 2015;**
- vi. forward the Planning Proposal and DCP amendment to the Department of Planning and Environment at the conclusion of the public exhibition period if no unresolved public submissions are received; and**
- vii. require that a report be prepared at the conclusion of the public exhibition period which outlines the results of the exhibition.**

ATTACHMENTS

- 1. Catherine Fields Precinct Planning Proposal - Design & Planning - provided under separate cover**
- 2. Draft Camden Growth Centre Precincts DCP - provided under separate cover**
- 3. SEPP Maps Comparison - provided under separate cover**
- 4. DCP Submission - provided under separate cover**
- 5. DCP Figure Changes Table - provided under separate cover**



ORDINARY COUNCIL

ORD05

SUBJECT: PROPOSED ROAD NAMING - NEW ROADS IN RELEASE AREA OF EMERALD HILLS ESTATE IN LEPPINGTON

FROM: Director Customer & Corporate Services

TRIM #: 15/252373

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement for a list of proposed road names to be assigned to new roads in the release area of Emerald Hills Estate within the suburb of Leppington.

BACKGROUND

Macarthur Developments Pty Ltd has submitted a list of proposed road names to be used in the release area which is bordered by Camden Valley Way, Raby Road to the south, St Andrews Road to the North and the Sydney Water Supply Upper Canal within the suburb of Leppington. As part of their development, the Emerald Hills Estate will make provision for 1,300 dwellings, a Neighbourhood Centre, associated community facilities and open space.

Emerald Hills is under Camden Local Environmental Plan 2010, R2 – Low Density Residential, B2 – Local Centre, and E2 Environmental Conservation.

Aerial Photo





MAIN REPORT

Macarthur Development Pty Ltd has submitted a number of proposed road names for the release area of Emerald Hills Estate within the suburb of Leppington.

The Geographical Names Board (GNB) has advised Council of the process to be followed by the roads authority with respect to the naming of new roads in accordance with the Road Act 1993. In this instance, Council is the road naming authority.

The proposed road names listed below are consistent with Council’s Road Naming Policy and the GNB guidelines. Where possible, Council has endeavored to contact the families of the names listed.

The Camden Historical Society has reviewed the proposed road names and is supportive of the selection.

The list of proposed road names is:

Proposed Road Name	Reason and background for Naming	Source of Naming
Andrast Street	Natural feature that is unique to the Emerald Hills Estate depicts an earthy landscape, punctuated by trees and an undulating terrain.	Provided by Macarthur Development Pty Ltd
Jadeite Road	Gemstone theme is consistent with the Emerald Hills Estate.	
Coral Drive		
Carnelian Way		
Shells Lane		
Copal Road		
Melanite Street		
Mantis Drive		
Arkenstone Way		
Sunstone Street		
Verdite Road		
Fig Avenue	The ridge line in the south-central part of the Emerald Hills Estate contains an old Fig tree and is part of a series of elevated ridges in the area used by the Aboriginal people in the past and is a significant area of cultural value.	
Woodpack Road	Sheep Industry reference – Woodpack Poll Merino Ram Stud.	
Munro Street	The originally land grant; Portion 4 – 300 acres of the southern part of Portion 4 was owned and occupied by A. Munro .	
Gaudry Street	William Gaudry was granted 100 acres of crown grant that was converted to freehold on 1/01/1810.	
Rush Road	In 1892, the property was tenanted by M. Rush in Emerald Hills Estate.	
Emerald Hills Boulevard	The Emerald Hills land maintains a strong history, spanning from the early Aboriginal occupation of the land through to the European settlement of the land and its use for farming and agricultural pursuits.	
Price Ridge	Florence Price name commemorates the contribution made by Florence with her	



Proposed Road Name	Reason and background for Naming	Source of Naming
	generous donation of 400 acres of the Emerald Hills Estate land to the Presbyterian Church (NSW) Property Trust for the establishment of a boys' home.	Provided by Macarthur Development Pty Ltd
	Additional Names Provided by Council Officers and endorsed by the Camden Historical Society	
Berkshire Street	A ship called " Berkshire " arrived in Australia in 1841 carrying one of Camden's pioneers, George Bellingham who died in Camden on the 25/5/1895, and is buried at St. Pauls Cobbitty.	Camden Historical Society Camden Pioneer Register Third Edition 1800-1920
Beulah Street	Johann Anschau was born in 1834, in Germany (son of Franz Joseph Anschau & Elizabeth Costello. He arrived in Australia on 4/4/1849, on a ship called the " Beulah " as a free man. Occupation Vinedresser, died on 23/11/1896 at Luddenham NSW.	
Brauch Avenue	Tobias Brauch was born in 1809, in Feüdenheim Baden Germany. He arrived in Australia on 3/3/1855, as a free man. Occupation Vinedresser at Camden Park.	
Cato Avenue	James Cato was born in 1784, in England. He arrived in Australia on 26/11/1831, as a convict. Worked as a labourer at Camden Park in the 1830s. He died on 3/3/1857 in Camden, and is buried at St Thomas' Narellan.	
Clout Street	Charles Clout was born in 23/4/1805, in Hawkhurst Kent, England (Child of John Clout & Mary Miller). He arrived in Australia on 10/3/1839, on a ship called "Royal George" as a free man. Occupation Labourer & Butler. He died on 28/4/1885 Camden, NSW - buried St John's Church at Camden, NSW.	
Eacott Street	John Eacott was born in 1774, in Westbury Wiltshire, England. He arrived in Australia on 23/1/1822, as a convict. Occupation: Cheesemaker for Rev. Thomas Hassall; and Farmer. He died on 19/10/1840 at Cobbitty, NSW buried at St Paul's Church, Cobbitty, NSW.	
Emberson Circuit	George Emberson was born in Essex, England. He arrived in Australia on 18/2/1830, as a convict. Occupation: Butcher, Baker, and Coachman to Charles Cowper from 1830-1844.	
Friend Road	Thomas Friend (Son of Samuel Friend & Mary Ford). He arrived on a ship called "Burhampoota" as free man. Occupation Farmer, Bricklayer, Pig Merchant. He died on 7/9/1886 at Cowpastures Road, Gledswood, NSW, buried St. Thomas Cemetery Narellan NSW.	
Gray Street	George Gray was born in 1827, Bringelly, NSW (Child of George Gray & Hannah McKenzie). Occupation: Farmer, he died on	



Proposed Road Name	Reason and background for Naming	Source of Naming
	2/2/1863 at Cobbitty, NSW, buried St Paul's Church of England Cobbitty, NSW.	Camden Historical Society Camden Pioneer Register Third Edition 1800-1920
Kettle Avenue	William George Kettle was born in 13/6/1828, in Camden NSW (Son of Henry Kettle & Elizabeth). He married in 1856 at Parramatta NSW to Mary Ann Bollard, who was born in 22/4/1832 in Narellan NSW (daughter of William Bollard & Anne Upton).	
Lakeman Street	John Lakeman was born in 3/9/1811, occupation Innkeeper and butcher. He died on 8/5/1869 in Camden NSW, buried St. John's Camden NSW.	
Sophaline Road	Susan Sophaline was born in 1831, Camden NSW. She died on 30/3/1915 in Camden NSW.	
Jerome Street	James Jerome was born in 8/7/1837, in Camden Park NSW, he died on 3/3/1857, in Razorback NSW.	Camden Historical Society Camden Pioneer & Federation Index 1800-1930
Leslie Way	Everard Leslie born in 12/3/1914, in Narellan NSW. He died on 22/10/1984, in NSW, and was married in 1937 in Sydney NSW to Iris Grace Fordham.	
Matilda Road	Mary Matilda was born in 1848, in Camden Park NSW. She married in 23/1/1869, Camden NSW to James Joseph English. She died on 27/9/1912, in Camden NSW.	
Muriel Street	Elanora Muriel was born in 1879, in Sydney NSW; She died on 22/6/1965, in Camden NSW.	
Bergin Circuit	James Bergin was born in 1816, Ireland. He arrived in Australia on 10/9/1838, on a ship called Clyde as a convict. Occupation Leaseholder in Camden 1852. He died on 1894 at Carcoar, NSW.	
Bessie Close	William Bessie was born in England. He arrived in Australia on 17/12/1825, on a ship called Midas as a convict. Occupation Labourer for William Charles Wentworth at Camden on 1828, from Census data.	
Bewhouse Street	Charles Bewhouse was born in England. He arrived in Australia on 12/10/1828, on a ship called Marquess of Hastings as a convict. Occupation as servant to Mr. Hovell at Narellan in the 1828s.	
Bieger Road	Anton Bieger was born in 1820, Eltville Nassau Germany. He arrived in Australia on 31/3/1852, on a ship called San Francisco as free man. Occupation Farmer, he died on 13/8/1890 in Elderslie, NSW, and buried in the Roman Catholic cemetery in Camden.	
Blong Street	Henry Blong was a born in Dublin, Ireland. He arrived in Australia on 1823, on a ship called Morley as a convict. Occupation butcher for John Macarthur at Camden in the 1828s.	
Bollard Circuit	William Bollard was born in 31/3/1807, in	



Proposed Road Name	Reason and background for Naming	Source of Naming
	Woburn England (Son of John Bollard & Hannah Johnson). He arrived in Australia on 7/1/1822, on a ship called "Providence" as free man. Occupation Innkeeper. He died on 21/8/1854, in Camden NSW, buried at St. Johns Church cemetery in Camden.	Camden Historical Society Camden Pioneer & Federation Index 1800- 1930
Bresman Street	Patrick Bresman was born in England. He arrived in Australia on 29/12/1823, on a ship called Hooghley as a convict. Occupation Labourer for William Charles Wentworth at Camden in the 1828s.	
Burnside Road	The Burnside boy's home in Leppington was established in 1960 from a donation of 400 acres of farm land by Florence Price.	

The process, should Council endorse the names for public exhibition, is:

1. The approved names are published in the NSW Government Gazette and in local newspapers for public comment.
2. If no submissions are received, Council proceeds with the proposed naming.
3. If submissions are received, a further report to Council will follow setting out the submissions.
4. Once confirmed, Council informs Australia Post, the Registrar General, the Surveyor General and the RMS of the new road names.

FINANCIAL IMPLICATION

This matter has no direct financial implications for Council.

CONCLUSION

The proposed road names have been assessed by Council staff in accordance with the Council Road Naming Policy and have had preliminary endorsement from the GNB.

Subject to Council endorsement, a 30 day exhibition period will commence and, subject to no submissions being received, proceed with the road naming process.

RECOMMENDED

That Council:

- i. **endorse the list of proposed road names for the release area of Emerald Hills Estate within the suburb of Leppington for a 30 day exhibition period;**
- ii. **subject to no submissions being received, proceed with the naming process; and**
- iii. **advise Macarthur Developments of Council's decision.**

ORDINARY COUNCIL

ORD06

SUBJECT: PROPOSED ROAD NAMING - 'CATHERINE PARK ESTATE' ORAN PARK / CATHERINE FIELD

FROM: Director Customer & Corporate Services

TRIM #: 16/54608

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement for a list of proposed road names to be assigned to new roads in the release area in "Catherine Park Estate" within the suburbs of Oran Park and Catherine Field.

BACKGROUND

Harrington Estates (NSW) Pty Ltd has submitted a list of proposed road names to be used in the release area, located in Sydney's South West, adjacent to Oran Park and Turner Road Precincts. The Catherine Fields (Part) Precinct was rezoned for urban development on 20 December 2013. The plan provides for a wide range of uses such as housing, schools and recreational facilities to service the new community.

Catherine Fields (Part) Precinct is under the South West Growth Centre (SEPP), R2 – Low Density Residential: B1- Neighborhood Centre: E2 – Environmental Conservation: E4 – Environmental Living: and SP2 – Infrastructure: RE1 – Public Recreation.

Aerial Photo





MAIN REPORT

This matter was the subject of a briefing to Council on 10 November 2015. Since that time, the matter has been the subject of lengthy discussions between Council, the applicant and the Geographical Names Board (GNB) to refine the list of names.

Harrington (NSW) Pty Ltd Development has submitted a list of proposed road names for the release area 'Catherine Park Estate' Catherine Fields (Part) Precinct within the Suburbs of Oran Park and Catherine Field.

The GNB has advised Council of the process to be followed by the roads authority with respect to the naming of new roads in accordance with the Road Act 1993. In this instance, Council is the road naming authority.

The proposed road names listed within the **attached** documents supplied by Harrington Park and are themed toward recipients of the Officer of the Order of Australia award.

In this instance, Council officers have assessed the proposed names against our Road Naming Policy, and while they do not directly refer to figures of local historical significance, they are still considered to be historically eminent Australians.

The process, should Council endorse the names for public exhibition, is:

1. The approved names are published in the NSW Government Gazette and in local newspapers for public comment.
2. If no submissions are received, Council proceeds with the proposed naming.
3. If submissions are received, a further report to Council will follow setting out the submissions.
4. Once confirmed, Council informs Australia Post, the Registrar General, the Surveyor General and the RMS of the new road names.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The proposed road names have been assessed by Council Staff in accordance with the GNB Road Naming policy and criteria, and are endorsed by the GNB.

Subject to Council endorsement, a 30 day exhibition period will commence and, subject to no submissions being received, proceed with the road naming process.



RECOMMENDED

That Council:

- i. endorse the list of proposed road names for the release area 'Catherine Park Estate' Catherine Fields (Part) Precinct in the suburbs of Oran Park and Catherine Field for a 30 day exhibition period;**
- ii. subject to no submissions being received, proceed with the naming process; and**
- iii. advise Harrington Park Estates of Council's decision.**

ATTACHMENTS

- 1. Catherine Park Estate -Proposed Road Naming List**



ORDINARY COUNCIL

ORD07

SUBJECT: INVESTMENT MONIES - MARCH 2016
FROM: Director Customer & Corporate Services
TRIM #: 16/107470

PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 31 March 2016 is provided.

MAIN REPORT

The weighted average return on all investments was 3.43% p.a. for the month of March 2016. The industry benchmark for this period was 2.36% (Ausbond Bank Bill Index).

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

The Responsible Accounting Officer is the Manager Finance & Corporate Planning.

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

RECOMMENDED

That Council:

- i. note that the Responsible Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act*, Regulations, and Council's Investment Policy;**
- ii. note the list of investments for March 2016; and**
- iii. note the weighted average interest rate return of 3.43% p.a. for the month of March 2016.**

ATTACHMENTS

1. Investment Report - March 2016



ORDINARY COUNCIL

ORD08**SUBJECT: TENDER T008/2015 CONSTRUCTION OF STAGE 1 CAMDEN
CEMETERY UPGRADE, CAWDOR****FROM: Director Community Infrastructure****TRIM #: 16/4538**

PURPOSE OF REPORT

To provide details of the tenders received for contract T008/2015, being the Construction of Stage 1 Camden Cemetery Upgrade, Cawdor and to recommend that Council accept the tender submitted by North Shore Paving Co Pty Ltd.

Additional funding is also required in order to complete the proposed scope of works.

BACKGROUND

At its meeting of 26 August, 2014 Council endorsed the Camden Cemetery Masterplan that included

- New columbarium walls and pavement area;
- Memorial rose garden;
- New and upgrade to internal roads and carparks;
- Drainage infrastructure;
- Upgrade of the site entrance;
- New maintenance compound;
- Landscaping and pathways.

Councillors also requested the inclusion of a toilet facility with a change table to be incorporated into the cemetery design.

The works identified in the Camden Cemetery Masterplan were to occur over a number of years as funding became available.

Council resolved to commence implementation of the first stage of works with the key items being the columbarium walls and the maintenance area.

Following endorsement of the Masterplan, Council finalised the detailed design for the site and obtained development consent for the proposed works.



MAIN REPORT

Tender for Stage 1

Based on the available funding, the external Quantity Surveyor estimates and the immediate demand for new columbarium wall plots, Council requested tenders for the following scope of works:

- 3 of the 6 columbarium walls in the ultimate design (shown in **Attachment 1**);
- New concrete paving to the entire area surrounding the columbarium walls proposed and future;
- Western carpark (adjacent to the columbarium walls); and
- Landscaping

Tenderers were also requested to provide separate pricing on the following:

- Maintenance area; and
- Septic tanks, associated drainage and concrete works.

The invitation to submit a tender was advertised from the 26 November 2015 to 22 December 2015 in the local newspaper, Sydney Morning Herald, and via the NSW e-tendering website.

Tender Submissions

Whilst over forty companies accessed the e-tendering website to view or download the tender, only two tenders were received from the following companies:

<u>Company</u>	<u>Location</u>
Ford Civil Contracting Pty Ltd	Arncliffe
North Shore Paving Co. Pty Ltd	Lindfield

Tender Evaluation

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

A tender evaluation panel was established and the submissions were assessed on price and non-price factors as agreed by the evaluation panel. Price was given a weighting of 80% and non-price factors a weighting of 20%.

Non-Price Factors considered for this project included:

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

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



North Shore Paving Co Pty Ltd provided the most competitive tender in terms of price and non-price factors and meeting the requirements of Council's tender documentation.

North Shore Paving Co Pty Ltd has a proven track record of projects of this scale and nature and has been in business for 42 years.

The panel members all agreed that the tender by North Shore Paving Co Pty Ltd represents the best value to Council.

Due to the specialist nature of the columbarium wall construction, the tender prices received demonstrate that the construction value was significantly underestimated by the Quantity Surveyor's early estimates. The tender recommended is considered to reflect a reasonable and competitive price for the works.

Legislation

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

Critical Dates / Time Frames

Based on the delivery programs provided within the tender submissions the anticipated delivery program for the project is:

Award Contract	May 2016
Project Completion	October 2016

FINANCIAL IMPLICATIONS

The 2015/16 Operational Budget currently has \$721,351 for construction of the Camden Cemetery stage 1 works funded from the Cemetery Reserve.

The recommended tendered price for the Stage 1 works excluding the toilet facility is \$1,045,601. A contingency amount of \$100,000 is recommended for any unforeseen works required during construction.

Based on the above amounts the budget now required to construct the proposed Stage 1 works included in this tender is \$1,145,601. Additional funding of \$424,250 is required to meet the shortfall between this amount and the current budget remaining for construction.

The additional funding required can be sourced from the Cemetery Reserve and Capital Works Reserve in the amounts of \$123,000 and \$301,250 respectively. As additional funds are accrued in the Cemetery Reserve these funds will reimburse the Capital Works Reserve.

It is proposed that the specification for the toilet be improved and that Council officers undertake investigations into the feasibility of providing a facility that is self-cleaning, auto locking and resistant to vandalism. The septic system, associated drainage and concrete works have been removed from the scope of the contract with North Shore Paving Co Pty Ltd, and construction of the toilet facility will be undertaken directly by Council under a separate contract.



Once investigations into the toilet have been completed, additional funds will be sought for this element of the work through the March quarterly review process or a further report being provided to Council this financial year.

CONCLUSION

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

Additional funding is available within Council's Cemetery Reserve and Capital Works Reserve to enable the Stage 1 scope of works required by Council to be completed.

The allocation of additional funds by Council will allow this tender to be accepted.

RECOMMENDED

That Council:

- i. allocate additional funds from the Cemetery Reserve and Capital Works Reserve in the amounts of \$123,000 and \$301,250 respectively, to enable construction of the scope of works included in this tender;**
- ii. endorse the repayment of \$301,250 to the Capital Works Reserve upon sufficient funds being collected in the Cemetery Reserve;**
- iii. accept the tender provided by North Shore Paving Co Pty Ltd for the lump sum \$1,045,601 (GST exclusive); and**
- iv. authorise the relevant documentation to be completed under Council's Power of Attorney, granted on 23 February 2016, Minute Number ORD 15/16.**

ATTACHMENTS

1. Tender T008/2015 Construction of Stage 1 Camden Cemetery Upgrade
2. Tender T008/2015 Construction of Stage 1 Camden Cemetery Upgrade - *Supporting Document*



ORDINARY COUNCIL

ORD09

SUBJECT: TENDER T019/2016 - NARELLAN SPORTS HUB STAGE 1 BULK EARTHWORKS

FROM: Director Community Infrastructure

TRIM #: 16/107710

PURPOSE OF REPORT

To provide details of the tenders received for Contract T019/2016, being the construction of the Stage 1 Bulk Earthworks for Narellan Sports Hub, and to recommend that Council accepts the tender submitted by TJ & RF Fordham Pty Ltd (TRN).

BACKGROUND

The Narellan Sports Hub is a new development located adjacent to existing sporting facilities at Narellan Park. The Narellan Sports Hub is proposed to ultimately include the provision of a 44 netball complex, athletics facilities and sports grounds capable of being used by a variety of sports.

The project is being staged as funding permits, with Stage 1 including 26 Netball Courts, an amenities building, entrance works, access road and 400 car parking spaces.

The design of the bulk earthworks has been completed, allowing the commencement bulk earthworks construction for Stage 1 of Narellan Sports Hub.

MAIN REPORT

Invitation to Tender

Tenderers were asked to provide a lump sum price for the Narellan Sports Hub Stage 1 Bulk Earthworks construction. The invitation to submit a tender was advertised on 1 March 2016 in the Sydney Morning Herald, local newspaper, and the NSW e-tendering website. The tender closed on 1 April and 11 submissions were received.

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

<i>Company</i>	<i>Location</i>
• Cleary Bros (Bombo) Pty Ltd	Port Kembla NSW
• Delaney Civil P/L	Bella Vista NSW
• Georgiou Group Pty Ltd	North Sydney
• Hynash Constructions Pty Ltd	Bathurst NSW
• JCG (aus)	Penrith NSW
• J K Williams Contracting Pty Ltd	Penrith NSW
• Parker Earthmoving & Civil	Yielima VIC
• Shepherd Group Services Pty Ltd	Penrith NSW
• Starcon Group Pty Limited	Greenacre NSW
• TRN	Spring Farm NSW



-
- Whelans Group Investments Pty Ltd Bairnsdale VIC

Tender Evaluation

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

A tender evaluation panel was established and the submissions were assessed on price and non-price factors as agreed by the evaluation panel. Price was given a weighting of 70% and non-price factors a weighting of 30%.

Non-Price Factors considered for this project included:

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

An assessment of the tenders was undertaken in line with the Tender Evaluation Plan. A summary of this assessment is provided in the **Supporting Documents**. Please note this information is Commercial-in-Confidence.

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

TRN has demonstrated an extensive proven track record in delivering projects of a similar scale and nature. They have an impressive record of similar projects for Local Government.

The panel members all agreed that the tender by TRN represented the best value to Council.

Relevant Legislation

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

Critical Dates / Time Frames

TRN have tendered to complete the works within Council's required timeframe. Completion of the Stage 1 works is scheduled for late 2016, subject to adjoining infrastructure works and weather.

FINANCIAL IMPLICATIONS

Council has sufficient funds currently allocated in the 2015/16 Capital Works Delivery Program to proceed with the proposed contract in the amount of \$653,551.18 (GST excl.)



CONCLUSION

TRN has provided a conforming tender.

The tender assessment concludes that the offer by TRN represents the best value to Council and the company has a proven track record of performance on projects of a similar nature.

RECOMMENDED

That Council:

- i. accept the tender provided by TJ & RF Fordham Pty Ltd for the lump sum of \$653,551.18 (GST exclusive); and**
- ii. authorise the relevant documentation to be completed under Council's Power of Attorney, granted on 23 February 2016, Minute Number ORD15/16.**

ATTACHMENTS

1. Tender T019/2016 - Narellan Sports Hub Stage 1 Bulk Earthworks - *Supporting Document*



ORDINARY COUNCIL

ORD10

SUBJECT: TENDER T018/2016 - CONSTRUCTION OF NOTT OVAL AMENITIES BUILDING, NARELLAN

FROM: Director Community Infrastructure

TRIM #: 16/110243

PURPOSE OF REPORT

To provide details of the tenders received for contract T018/2016, being the construction of the Nott Oval Amenities Building, to recommend that Council accept the tender submitted by Kellyville Building Pty Ltd and to seek Council endorsement of the revised funding and allocation proposed.

BACKGROUND

At its meeting of 27 October 2015, Council allocated \$1,000,000 towards the renovation/replacement of the following amenities buildings from the Asset Renewal Reserve. This funding was distributed across the following projects:

Chellaston Street Amenities	(Renovate only)	\$ 150,000
Nott Oval Amenities Building	(demolish and replace)	\$ 550,000
Upper Onslow Park Amenities	(demolish and replace)	\$ 300,000
Total		\$ 1,000,000

Following consultation with the user group, a design was developed for a new amenities building at Nott Oval to include:

- Change rooms for home and away teams;
- Male, Female and disabled amenities;
- Referee room;
- Storage;
- Access ramps.

MAIN REPORT

Invitation to Tender

Tenderers were invited to provide a lump sum price for the construction of the Nott Oval Amenities Building. Tenders opened on 8 March 2016 and closed on 29 March 2016. The invitation was advertised in the Sydney Morning Herald, the local newspaper and the NSW e-tendering website.



Tender Submissions

Tenders were received from the following companies listed below:

<i>Company</i>	<i>Location</i>
• Kellyville Building Pty Ltd	Kellyville NSW
• Sullivans Constructions Pty Ltd	Miranda NSW
• Reds Building & Carpentry Pty Ltd	Kingsgrove NSW
• Matrix Group Pty Ltd	Lilyfield NSW
• Perich Constructions Pty Ltd	Minto NSW
• Cumnock Sustainability Pty Ltd	Mooney Mooney NSW
• Dobsonei Pty Ltd	Mittagong NSW
• Hpac Pty Ltd	Silverwater NSW
• ADR Group Pty Ltd	Homebush West NSW

Tender Evaluation

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

A tender evaluation panel was established and the submissions were assessed on price and non-price factors as agreed by the evaluation panel. Price was given weighting of 70% and non-price factors a weighting of 30%.

Non-Price Factors considered for this project included:

- Organisation, capability and capacity;
- Experience in similar projects and environments;
- Management approach and philosophy; and
- Project team experience;
- WHS.

An assessment of the tenders was undertaken in line with the Tender Evaluation Plan. A summary of this assessment is provided in the **Supporting Documents**. Please note, this information is Commercial-In-Confidence.

Kellyville Building Pty Ltd provided the most competitive tender in terms of cost and meeting all requirements of Council's tender documentation. They are a recognised contractor on the NSW Government pre-qualification scheme for general construction works and have a wide range of experience on Local and State Government projects including amenities buildings.

Relevant Legislation

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

Program

Kellyville Building Pty Ltd has tendered to complete the works by mid-July 2016, weather permitting.



FINANCIAL IMPLICATIONS

Based on the recommended tender price of \$546,971 (excluding GST) for the construction of this building, and the anticipated cost of the other projects in the \$1M program of amenities upgrades, there are sufficient funds currently available to accept this tender.

Allowing a contingency of \$54,600 (10% of the contract value), an additional \$38,000 may be required. This can be funded from Council's existing asset maintenance budget.

CONCLUSION

Kellyville Building Pty Ltd has provided a conforming Tender. The Tender assessment concludes that their offer represents the best value to Council and the Company has a proven track record of performance on projects of a similar nature.

Council has sufficient funds allocated in existing budgets to accept this tender and undertake these works.

RECOMMENDED

That Council:

- i. endorse the funding as detailed in the financial implications of this report;**
- ii. accept the tender provided by Kellyville Building Pty Ltd for the lump sum of \$546,971 (excl. GST); and**
- iii. authorise the relevant documentation to be completed under the Council's Power of Attorney, granted on the 23 February 2016, Minute Number ORD15/16.**

ATTACHMENTS

- 1. Tender T018/2016 - Nott Oval Amenities Building - *Supporting Document***



ORDINARY COUNCIL

ORD11

ORD11

NOTICE OF MOTION

SUBJECT: NOTICE OF MOTION - TRAINEESHIP FOR A MEMBER OF THE ABORIGINAL COMMUNITY

FROM: Cr Fischer

TRIM #: 16/121774

I, Councillor Penny Fischer, hereby give notice of my intention to move the following at the Council Meeting of 26 April 2016:

“That Camden Council offer a traineeship each year to a person under the age of 21, who must identify as a member of the Aboriginal community, as per Section 52G(1)(a) of the Aboriginal Land Rights Act 1983”.

RECOMMENDED

That Council offer a traineeship each year to a person under the age of 21, who must identify as a member of the Aboriginal community, as per Section 52G(1)(a) of the *Aboriginal Land Rights Act 1983*.