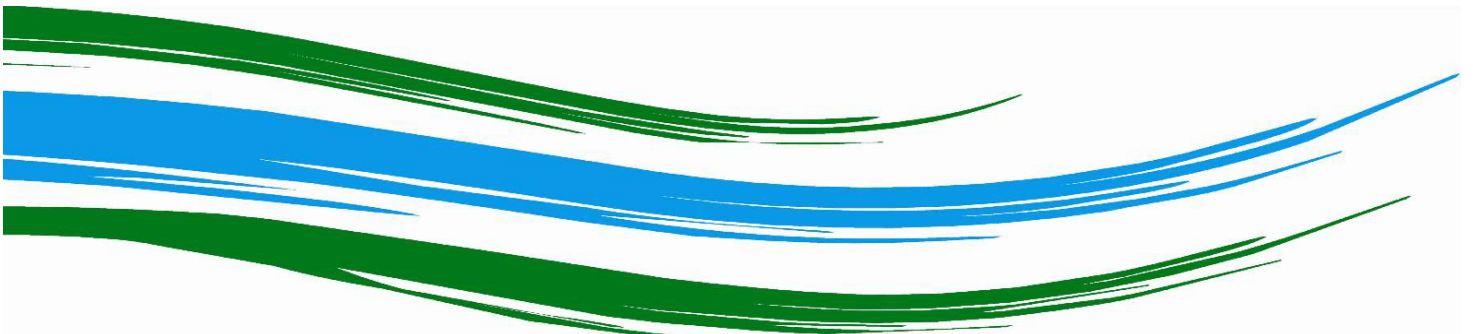




Camden Council

Business Paper

Ordinary Council Meeting



ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.

RESOLUTION

Moved Councillor Symkowiak, Seconded Councillor Dewbery that Councillor Funnell be granted a leave of absence.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD159/10

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.

RESOLUTION

Councillor Anderson declared a non pecuniary interest in the Notice of Motion of Rescission regarding the construction of a childcare centre at Macarthur Road, Elderslie as the applicant, Robyn Key is the sister-in-law of Councillor Anderson's daughter however it is not considered to be a pecuniary interest and will take part in debate and voting on the Motion .

Councillor Campbell declared a non pecuniary interest in the Notice of Motion of Rescission regarding the construction of a childcare centre at Macarthur Road, Elderslie as Councillor Campbell is elected resident of the area however it is not considered to be pecuniary interest and will take part in debate and voting on the Motion.

Councillor Patterson declared a pecuniary interest in Item ORD01 regarding the construction of a single storey building to be used as a registered club and associated works at No. 2 Porrende Street, Narellan as Councillor Patterson's family are the owners of the Merino Tarvern.

Moved Councillor Symkowiak, Seconded Councillor Dewbery that the declarations be noted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD160/10

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

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

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

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

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

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

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

RECOMMENDED

That the public addresses be noted.

RESOLUTION

CHAIRMANSHIP OF MEETING

The Mayor, Councillor Patterson, having previously declared his intention to leave the Chamber in Item ORD01, vacated the Chair and left the Chamber, the time being 6.05pm.

Councillor Warren assumed the role of Chairperson.

Mr Robin Riddle addressed the Council in relation to Item ORD01.

CHAIRMANSHIP OF MEETING

The Mayor returned to the Chamber and resumed the Chair, the time being 6.09pm.

Mr John Bunce addressed the Council in relation to the Notice of Motion of Rescission.

Mr Nero Stipicic addressed the Council in relation to Item ORD03.

Mr Gavin Brimble addressed the Council in relation to the Notice of Motion of Rescission.

Moved Councillor Symkowiak, Seconded Councillor Dewbery that the public addresses be noted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD161/10

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 27 July 2010.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 27 July 2010, copies of which have been circulated, be confirmed and adopted.

RESOLUTION

Moved Councillor Symkowiak, Seconded Councillor Warren that the Minutes of the Ordinary Council Meeting held 27 July 2010, copies of which have been circulated, be confirmed and adopted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD162/10

ORDINARY COUNCIL

ORD01

CONSTRUCTION OF A SINGLE STOREY BUILDING TO BE USED AS A REGISTERED CLUB AND ASSOCIATED WORKS, NO 2A (LOT 1 DP 1093264) PORRENDE STREET, NARELLAN

FROM:	Acting Director Development and Health
FILE NO:	Binder: Development Applications 2009
DA NO:	349/2009
OWNER:	Eastern Suburbs Leagues Club
APPLICANT:	Altis Architecture
ZONING:	Zone 4(b) Service Industry
APPLICABLE PLANNING INSTRUMENT:	Local Environmental Plan 46

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application to construct a building to be used for the purpose of a registered club with associated facilities. The works also include the construction of a car park, site landscaping, acoustic wall, fencing and stormwater drainage works.

The proposal is being referred to Council in accordance with its delegations for the following reasons;

- there is an unresolved objection;
- the applicant is requesting that an easement which burdens the land and which was set aside for the future construction of a public bike path within the land, to be extinguished; and
- the development does not comply with the car parking policy in that there is a short fall in the number of car spaces provided.

This development application has a capital investment value of \$14 million and under the new Joint Regional Planning Panel (the Panel) structure, would be considered as regional development. As a result the application would normally be determined by the Panel. However this application was lodged in April 2009, which is prior to the establishment of the Panel and therefore in this instance, Council is the determining authority.

SUMMARY OF RECOMMENDATION

It is recommended that the development application be approved subject to the draft development consent conditions.

BACKGROUND

At the meeting of 12 February 2007, Council resolved to rezone the subject land for the purpose of permitting a 'Clubhouse, Motel and Function Centre and Sporting/Recreational Facilities' within the prevailing 4(b) Service Industrial zone.

The rezoning of this land was originally put before Council at the meeting of 9 August, 2004 and at the time Council was presented with a Master Plan for the site. The applicant states that once the land is completely developed, it will provide a diverse leisure precinct which was indicated on the Master Plan to include a future sports centre (or club), bowling alley, function room and a place for accommodation.

The applicant states that this Master Plan is to be delivered in 3 stages. The subject of this development application is Stage 1.

THE SITE

The subject site is located on the fringe of the precinct known as Narellan Industrial Extension and is described as No 2A (Lot 1, DP 1093264) Porrende Street, Narellan.

The subject site is situated within a unique location between a mix of future land uses. The current built landscape is predominantly service industries.

To the immediate west of the site is an engineering business and to the east is a complex of four industrial units which front Porrende Street, which in turn is immediately adjacent to Bunnings Warehouse.

To the north is largely undeveloped floodplain land, earmarked to accommodate regional playing facilities. This is planned to be dedicated to Council through a Voluntary Planning Agreement.

Immediately north-west of the site is the Macarthur Regional Hockey Complex and the Narellan Jets Rugby League Fields. This area is currently subject to a development consent which increases the number of playing fields by two and also allows for the construction of a two storey indoor hockey centre.

The residential areas closest to the site include the earlier stages of Harrington Park and The Links Estate. These areas are approximately 250m and 300m away from the club respectively. **A site location plan is provided at the end of this report.**

THE PROPOSAL

The development proposal seeks approval for the construction of a single storey building to be used as a registered club and has a floor plate of approximately 4,431m². The following facilities will be provided within the club:

- lounge areas
- indoor and semi outdoor gaming area with a total of 150 gaming machines
- public bar
- TAB facilities
- family restaurant and café facilities

- children play areas
- back of house/operational area.

Ancillary works to the development will include:

- the construction of an on grade car park to accommodate 318 vehicles;
- an acoustic barrier made up of an earth mound and timber fence with a total height of 3m from finished ground level;
- perimeter fencing to include a 1400mm high post and wire fence on the north-west boundary and a 1200mm high post and wire fence on the boundary of Porrende Street and Grahams Hill Road;
- entry signage feature wall; and
- stormwater drainage works to include, but not limited to, part under-grounding of existing overland spill way, embellishment works to an existing water management facility and construction of an integrated bio-retention system for the stormwater generated by the proposed development

The club is proposed to open at 9:00am and close at 3:00am seven days a week.

Pursuant to the Liquor Act 2007, the licensee is required to obtain the appropriate licenses from the Office of Liquor, Gaming and Racing which include a license to sell and supply liquor in accordance with this Act. As part of this process the licence also includes an approval for the hours of operations.

Plans of the proposal are provided at the end of this report.

NOTIFICATION

The application was notified in accordance with Camden Development Control Plan 2006 (DCP 2006). The application was exhibited in the following way:

- a 14 day exhibition period;
- a notification placed in the local newspaper;
- neighbourhood notification. In total, 13 surrounding properties were notified;
- notification to five known community groups including Wilson Richardson Area Resident Group and Camden Resident Action Group;
- 29 local sporting and recreation clubs were notified about the proposal. The clubs notified were also consulted as part of the master planning community consultation (for the site) in 2007.

As a result of this consultation, one submission was received. **A copy of the submission is provided with the Business Paper Supporting Documents.**

A detailed discussion on the relevant points is discussed under the heading Submissions.

PLANNING CONTROLS

The following list identifies the planning controls that are relevant to the proposal. Each is discussed in further detail later in this report.

- State Environmental Planning Policy (Infrastructure) 2007;
- Regional Environmental Planning Policy 20 - Hawkesbury–Nepean River;
- Local Environmental Plan 46; and
- Camden Development Control Plan 2006

Note: The subject Development Application was lodged with Council prior to the adoption of the Draft Exhibited Local Environmental Plan 2010 (LEP 2010) and therefore LEP 2010 does not require consideration as part of this assessment.

ASSESSMENT

The following assessment is made in accordance with the requirements of the Environmental Planning and Assessment Act, 1979, Section 79c - Evaluation.

The provisions of any Environmental Planning Instrument

State Environmental Planning Policy (Infrastructure) 2007

This development is considered as Traffic Generating Development in accordance with the above Policy in that the proposed development seeks to provide 318 vehicle spaces.

Clause 104 of this SEPP requires that concurrence be obtained from the Roads and Traffic Authority should the development propose more than 200 vehicle parking spaces. Concurrence has been received and the appropriate conditions would be imposed within the draft conditions of development consent attached to this business paper.

Regional Environmental Planning Policy 20 - Hawkesbury–Nepean River

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of the land use is considered in a regional context.

In this regard, the development needs to ensure the protection of the Nepean River, given its proximity to the site. The management of water quality existing on the site is of critical importance in that it not only treats water as a result of stormwater from the site, but also stormwater from the upper catchment of the Narellan Industrial Estate.

In this regard, suitable arrangements for the collection and disposal of stormwater drainage could be made and addressed through consent conditions.

Camden Local Environmental Plan No 46

The site is currently zoned 4(b) Service Industrial under Camden Local Environmental Plan 46 (LEP 46).

The definition of club is taken from the Environmental Planning & Assessment Act, Model Provisions which is adopted by LEP 46 and defines a 'club' as being:

"a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether of the same or

of a different kind and whether or not the whole or a part of such building is the premises of a club registered under the Registered Clubs Act 1976 ."

A registered club is not listed as a prohibited land use and is a permissible use with development consent.

Whilst a club is not a prohibited use, it does not meet the objective of that zone. On this note, Schedule 5 of the LEP provides for various land uses which would otherwise be prohibited in the prevailing zone. The clause within the schedule relevant to this site states the following:

Lots 218 and 219, DP 1048557, Porrende Street, Narellan - club with ancillary recreation facility and motel.

Consequently, this development can be considered within this zone; despite the development not meeting the objective. This is supported by clause 10.3 of the LEP which states:

"Except as otherwise provided by this plan, the Council shall not grant consent to the carrying out of development on land to which this plan applies unless the Council is of the opinion that the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out."

The overriding provision, which states 'except as otherwise provided by this plan' allows considerations of developments which, among other things, would not generally meet the objectives of the prevailing zone.

Any Draft Environmental Planning Instrument

As stated above, the subject Development Application was lodged with Council prior to the adoption of the Draft Local Environmental Plan 2010 and therefore the development does not require assessment against the draft exhibited Plan.

Any Development Control Plan

Camden Development Control Plan 2006

Part D: General Provisions; Chapter 1 – Car parking

Schedule 1 of the car parking chapter of DCP 2006 defines the subject proposal as a 'registered club' and the following formula should be used:

1 space per 2m² GFA of public bar area; plus 1 space per 5m² GFA of lounge, beer garden, auditorium, billiard room, and restaurant. Generally 25 spaces per 100m² of public floor area will be required.

For the subject development to comply with this control approximately 600 spaces would need to be provided. However in this case the development is proposing 318 spaces plus 125 contingency spaces (to be discussed further in the report) and therefore is a shortfall of the Development Control Plan (DCP) requirements by 282

spaces without contingency spaces and 157 spaces with contingency spaces.

It is understood that the above car parking formula was based on surveys conducted by the then Traffic Authority of NSW in March 1979, prior to the advent of random breath testing.

The present Roads and Traffic Authority's, Guide to Traffic Generating Development (October, 2002) now states that:

"Off-street car parking must be provided to satisfy the average maximum demand. Research has indicated that the demand for parking varies substantially depending on the type of club and cannot readily be related to building floor areas or to the membership. The determination of the number of parking spaces required is therefore based on the characteristics of the proposed development. Comparisons must be drawn with similar clubs."

It is on this basis that Council acknowledged that the above DCP requirement may in fact not allow for a true and reasonable calculation to be made for the required car parking spaces. Therefore it was agreed to adopt the current merit assessment method as communicated above with a view to identifying the parking requirements for the club subject to the Development Application.

In addition, it was also agreed that seasonal allowances be considered to ensure a greater degree of accuracy as it is acknowledged that the parking demands at clubs vary considerably throughout the year. On this basis the applicant provided a Traffic and Parking Report which analysed the traffic and parking demand characteristics of the Kingswood Sports Club which is located in a north western Sydney location.

The Club at Kingswood was chosen as the 'comparison' site for the following reasons:

- the facilities provided at Kingswood are similar to those that would be provided at Narellan; and
- the Kingswood Club has recently seen the expansion of car parking. This was carried out to provide vehicle parking spaces to meet a demand that is similar to the proposed Club.

Furthermore, the traffic consultant stated that the Club was chosen due to it being 'located in an outer metropolitan area with high motor vehicle dependency and similar socio-economic characteristics'.

As a result, it was determined a total of 318 car spaces would meet the demand of the proposed Narellan club. This figure took into account the seasonal variations throughout the year apart from the extra large attendance levels that may occur for periods once or twice per year, such as Christmas and New Year's Eve.

It is considered that the allocation of 318 car parking spaces would be acceptable in this instance. Notwithstanding, given the largely undeveloped area (which will be subject to future proposals) Council Officers further required the landowner to allocate contingency vehicle spaces within this area. It was determined that an additional 125 vehicle spaces could be made available on the site should the 318 spaces not meet with the demand of the club.

These spaces which have been allocated as contingency spaces in addition to the 318 spaces are notionally shown on the development plans as future additional car spaces. A condition of development consent would be imposed to allow a trial period for the 318 car spaces for a period of 12 months after the club's opening.

It also requires that prior to the expiry of the 12 month trial period (for the 318 vehicle spaces) the applicant is to lodge a Section 96 Modification to the development consent with Council in order to request the removal of the requirement to construct and retain the balance of the 125 car parking spaces.

As part of the assessment of parking needs during this period, the S96 Modification Application must be supported by a traffic and parking analysis (to be commissioned by the operator of the club) which assesses the traffic and parking impacts (if any) during the period of operation. Council will then assess the impact and adequacy of 318 spaces and whether the club generates the demand to require the construction of the car park. This requirement is reflected in the draft development consent conditions.

This is a proven approach to what has been undertaken by Council in conjunction with other development applications.

Part D: General Provisions; Chapter 4 – Outdoor advertising

The proposed signage will consist only of illuminated fonts to be fastened on both the entry wall feature located on the Porrende Street boundary and the portico attached to the entry of the building.

The entry wall signage feature consists of two rendered walls to be located on either side of the driveway entry off Porrende Street with one wall being 9m long and the other 11m long with a consistent height of 2.4m.

This acts both as an entry and signage feature and is considered an integral structure which defines entry into the site and distinguishes the site from the surrounding industrial land uses.

Part G: Site Specific Controls; Chapter 14 Narellan Industrial Extension

The purpose of this chapter was intended to provide controls for subdivision development applications for the original parent allotment now known as Narellan Industrial Extension, in addition to highlighting the development controls for industrial building development applications.

Given the nature of the development proposal only the controls relevant to the subject site are discussed.

In 1996 Council adopted a 'Bike Plan' with a view to setting aside land to ensure an integrated cycle and pedestrian network is constructed throughout the LGA. When the abovementioned Development Control Plan chapter was adopted, various controls were imposed to ensure future development allowed for the path to be integrated with development on the lots impacted by the path. Relevantly, the two conditions imposed in the chapter are:

Control 3.2 Traffic Management; Control Part F – *Provision is to be made for a Pedestrian/Bicycle path from the Harrington Park roundabout to intersect with the site access to the Hockey Centre. The path reservation shall be designed to integrate with the estate landscape buffer on the western boundary and provide connectivity to the estates internal road systems;* and

Control 3.4 Landscaping; Control Part E - *A minimum 3m wide landscape buffer shall be provided along the common northern and western boundaries of the site and integrated with the proposed pedestrian/bike path.*

The location of the 'common northern and western boundary' currently adjoins undeveloped land which is to be dedicated to Council via a Voluntary Planning Agreement as a result of the Harrington Park release area.

The subdivision of the club land occurred in 2003 and the development consent conditions reflected the above requirements. However at the time of the subdivision it was deemed that there was no demand for constructing the bike path and landscaping. Therefore to facilitate issuing the subdivision certificate for the entire Narellan Industrial precinct, Council agreed to create an easement within the proposed club land in lieu of the construction of the infrastructure and a bond of \$70,000 was to be paid to ensure this infrastructure would be constructed at the time the club land was further developed.

The plans submitted for the subject DA however proposed only a 'vegetation barrier', and upon review it was determined that this was not the intended outcome of the easement and above control. It was assessed that there was also inadequate area to allow for both landscaping and a bike path to be wholly contained safely within the easement without impacting on the surrounding structures proposed within the subject development application.

As a very minimum the proposal would have required removal of the boundary fencing, relocation of the detention ponds, reduction of the size of the detached pavilion and subsequent amendments to the finished ground levels within the area adjoining the easement (to ensure an appropriate interface between the bike path and club land).

Council wrote to the applicant seeking either to make the above amendments or alternatively, consider seeking the extinguishment of the easement with a view to integrating the path and landscaping on the adjoining future regional open space land.

The second option would allow for the future infrastructure to be located wholly on public land (on the regional public open space land) and would be better suited if it was integrated within the open space. In addition, this option would allow Council the opportunity to design and deliver the infrastructure concurrently with the design of the entire bike path located on either side of the site which is being facilitated through the Draft Camden Recreational Trails Network Strategy as presented to Council at the meeting of 25 May 2010.

The applicant has agreed to this approach and has requested Council to include them as part of a consultation process for the design and location of the bike path when this section is being delivered.

As previously stated the construction of the landscaping and bike path was a development consent requirement for the subdivision development application and was subsequently bonded to ensure the works were delivered. As part of this revised agreement the cash contribution being held would be allocated to the cost of works for the construction of the bike path and landscaping (as was originally intended).

In addition, the terms of the easement as shown within the deposited plan will need to be extinguished as part of this development application. The deposited plan states the authority whose consent is required to release, vary or modify the easement is the Council of Camden. Therefore, it is recommended that Council endorse the extinguishment of the easement based on the above information and this is formally sought under the recommendations heading contained within this report.

Part G: Site Specific Controls; Chapter 22 Narellan

This chapter identifies 10 specific places within the township of Narellan, which are supported by various place statements unique to each area.

The subject site is located within the 'Narellan Industrial Area'. Apart from the landscape and bike path requirement outlined above, no other control is relevant for this development proposal.

With respect to the desired future character statement the chapter describes the area as a place 'derived from its mix of uses and the visual backdrop of the adjoining Narellan Creek floodplain. The interface between (the) industrial development and the Narellan Creek Floodplain will remain an area with significant environmental sensitivity, which must be respected by any development in this Place.

The immediate proximity of the adjoining residential Place requires development to have regard to and not detract from the amenity of the Place. The northern boundary of this Place provides an opportunity for pedestrian and cycle linkages to be provided to and from adjoining Place '.

Apart from the bike path link, the construction of the proposed club would provide a vital design interface between the industrial area and floodplain located further north-west. It will provide a transition between the industrial buildings, rural flood plains and future open space area.

Any planning agreements

There are no planning agreements subject to the development application.

The likely impacts of the development

Stormwater management

The site is burdened with two easements for drainage purposes. These include an easement to identify a stormwater detention basin and also an overland drainage easement. The overland drainage easement is approximately 15m wide and 140m long and transverses the site starting from Grahams Hill Road. The basin has an approximate radius of 25m and is located on the north eastern section of the site.

This drainage is an operational system which captures the stormwater from the upper catchment area and directs it into the existing basin/dam. At the time of the master planning Council advised the proponents that any development would need to maintain the function of this easement and water quality feature.

Given the restrictions imposed on trying to develop around the overland drainage easement, the applicant proposed to pipe the existing overland flow path and in addition, provide an overland stormwater open channel to accommodate the 1% AEP storm event.

As a result, all water will be disposed at the existing basin which would perform a water quality and quantity facility for the upper catchment stormwater. The pre-development stormwater flow from the club site will be treated separately and the existing basin as described above will receive the overflow from the club on-site detention facility.

The conceptual design is able to be supported however is subject to detailed design at the Construction Certificate stage. The requirement for this is reflected in the draft development consent condition following this report.

To ensure the function and purpose of the existing drainage system is not compromised at any time into the future, the applicant is required to produce both a general maintenance strategy for the existing facility in addition to a plan of management for the maintenance of water quality and quantity treatments within the detention system for water generated from the site.

The construction, maintenance and cost of the drainage infrastructure to service the site will be the land owner's responsibility. With respect to piping of the overland flow path and associated works, this will also be at the owner's cost.

Apart from general maintenance requirements for the existing stormwater facility for the upper catchments, longer term maintenance of the existing stormwater system will continue to be Council's responsibility. The draft development consent conditions reflect this.

Traffic and parking impacts

The applicant commissioned Varga Traffic Planning to undertake the traffic and parking assessment for the club. The report concluded that 'the proposed development will not have any unreasonable traffic implications in terms of road network capacity'. This is further supported by the concurrence received from the Roads and Traffic Authority.

Additionally, the development has necessitated alterations to the current road design of Porrende Street and Grahams Hill road layout.

Such changes include:

- a right turn bay with associated line marking and no stopping signs to be constructed on Porrende Street. This is necessary to ensure the impact of the Bunnings Warehouse delivery dock is minimised for delivery trucks entering that site;

- no stopping lanes on the western side of Porrende Street to minimise traffic congestion; and
- construction of a mountable roundabout at the Grahams Hill Road entry to ensure safe entry into the site and to minimise traffic impacts.

These works will be at full cost to the developer and these requirements are included in the draft development consent conditions.

With respect to the parking, as discussed, a merit assessment was made based on another similar club and it was determined that 318 car spaces were required. In addition, given the large area yet to be developed on the subject land, the applicant is now proposing an additional 125 contingency spaces should it be deemed that such spaces are required after 12 months of the club's operations. As a result, the impact of the development with respect to additional vehicle movement is considered acceptable.

Noise

A noise assessment report was produced which analysed the possible impacts of the proposed club on the residential areas of Harrington Park south and The Links estate. As a result of the report, noise mitigation on the western boundary was required to protect the residences within The Links estate. To achieve this, it was deemed a noise barrier should be constructed.

The total height of the barrier is to be 3m, measured from ground level and will be made up of earth mounding in conjunction with timber fencing. The length of the barrier will be approximately 16m.

Apart from the above, no other negative noise impacts were identified for residential areas.

Safety, Security and Crime Prevention

A Safer by Design report was produced which focused on four common principles relating to surveillance, access control, territorial reinforcement and space management.

The following aspects of the design of the building, carpark and landscaping complement these principles:

- External lighting – External lighting of the car park and pedestrian pathway are key areas to be lit to ensure maximum safety for patrons. In addition, lighting of service areas and more remote areas are also proposed.
- Landscaping – The proposed landscape strategy has been designed to ensure unobstructed sightlines through the main car park and manoeuvring area.
- Car Park – The on-grade car park will be illuminated and this lighting designed and installed in accordance with the Australian Standards. The lighting will be designed to be illuminated for the effective operation of the CCTV camera.
- Load dock/service area - The loading dock is located in a highly visible and pedestrian traffic area, which provides for increased opportunities for casual surveillance. In addition, this area will be under CCTV camera surveillance.

As part of Council's policy (No. 1.13) for assessment of Safer by Design Guidelines, the application was referred to Camden Police. As a result various conditions relating to operational and design requirements have been imposed by the police and would form part of any development consent conditions.

Economic

The Statement of Environmental Effects states that *'the proposed development will potentially have an impact upon the trade of existing clubs and licensed premises in Camden, Narellan and Mount Annan'*. However the statement also concludes that *'the extent of the possible impact is considered to be acceptable having regard to:*

- *The nature of local disposal incomes.*
- *The projected significant growth in the nearby urban release areas of Elderslie, Spring Farm, Mount Annan, Harrington Grove, Oran Park and Gregory Hills.*
- *Financial support of local community and sporting groups.*
- *The projected permanent and part time workforce of ultimately approximately 100 positions.*
- *The positive local construction industry impacts.'*

Further, it is acknowledged that the development of the club may result in some short term impacts, however these impacts reduce as the population projections are realised.

Social

The applicant commissioned Urbis to undertake the Social Impact Assessment. The methodology of the study had three key objectives in understanding the social impact of the proposed club operation:

- *"Examine any changes to the Camden community and potential issues arising from the design, layout and operations of the proposed Country Club (the Venue).*
- *Identify the social changes or impacts (either direct or indirect) that are likely to occur to the environment as a result of the proposal.*
- *Evaluate the magnitude and extent of social impacts (positive and negative) and identify potential mitigating measures to address these".*

In anticipating the benefits and impacts, Urbis stated the following potential benefits of the proposed development:

- *The venue will provide a number of new facilities currently unavailable or limited within the suburb of Narellan and the wider Camden LGA. Demand for leisure and entertainment facilities in the locality are expected to increase as the suburb is within one of Sydney's designated population growth areas.*
- *The scheme has the potential to enhance the local amenity and character of the area through the activation of what is currently largely vacant land within an area primarily characterised by industrial development.*
- *The proposed development has the potential to provide significant stimulus to the local economy and lead to employment creation within the community, both during the construction process (expected to start in 2011) and in coming years.*

Further, in anticipating any potential adverse impacts Urbis concluded the following:

- *Crime and public health – an increased incidence of alcohol related violence and vandalism in the locality and other forms of anti-social behaviour.*
- *Safety and security – increased risks to community and patron safety in proximity to the development, including in surrounding open space and light industrial areas and along pedestrian routes to Harrington Park to the east across The Northern Road.*

As a result, the report analysed these issues and recommended mitigation measures which "will lead to the maximisation of community benefits and minimise risks to public health, safety and well-being". These include:

- *The implementation of a clear and comprehensive management plan for the premises to address a range of community and patron health and safety issues, including the responsible service of alcohol.*
- *The provision of private transport by the venue management, to facilitate the safe removal of patrons away from the venue, particularly during late night and early morning hours.*
- *The implementation of adequate active and passive crime reduction measures such as venue security personnel and adequate lighting in carparks and other locations around the venue.*
- *Security personnel and adequate lighting in carparks and other locations around the venue.*
- *Genuine and ongoing engagement with key stakeholders within the community to develop and implement community safety measures, in cooperation with local schools, police and council representatives.*
- *Commitment to the principles and activities of the Camden Liquor Accord, which aims to enhance community cohesion through better management of alcohol issues through cooperation between the police, licensees and other community stakeholders.*

The above measures were produced and based on liaison with stakeholders including Camden Police, NSW Department of Health and WILMA Woman's Health Centre, as well as data profiling analysis. The report concludes that through the implementation of operational strategies above, the possible negative amenity social impacts could be managed and minimised.

With respect to alcohol related crime and anti-social behaviour, many of the above strategies help minimise possible amenity impacts to the local community. However with respect to the impact in the increase of alcohol consumption and gambling, the club is required to enforce and maintain the Responsible Service of Alcohol (RSA) practice and Responsible Conduct of Gaming (RCG) as required by the licensing authority, NSW Office of Liquor, Gaming and Racing (OLGR).

Adding to this, the assessment analysed a report provided by the OLGR in relation to a social profiling report for the Camden LGA relating to population, liquor licences and crime and health data. The Statement states that:

"According to the report, there are a total of four premises with club licences within the Camden LGA (5.7% of the total number of liquor licences). None of these

clubs have licences with authorised extended business hours. There are a total of 70 premises within LGA with liquor licenses, including liquor shops. The majority of licensed premises are located within Camden Town Centre.

Based on the OLGR's estimated population of the LGA, 49,647, the total number of licensed premises equates to 141 per 100,000 people. This is significantly lower than the NSW state average of 220 licensed premises per 100,000 people."

With respect to the social impact of gambling, the OLGR website classifies each local government area into three different categories for the purpose of new hotel and club operators, to undertake Local Impact Assessments (which are part of the licensing requirements for the hotels and/or club obtained by the OLGR).

These classifications are based on an area's gaming machine density, gaming machine expenditure and Socio Economic Indexes for Areas.

For Camden LGA the classification is Band 1. The website defines this classification as *'typically having low numbers of gaming machines, low gaming machine expenditure or a high index of relative socio-economic disadvantage'*.

In accordance with this classification, the current number of gaming machines in the Camden LGA is considered to be low. With the expected rapid growth in population in the Camden LGA over the next 30 years, the density of gaming machines in the area as a result of additional machines associated with any approval of this application, is not expected to adversely impact on the social effects of gambling.

The suitability of the site for the development

The site for the proposed development is considered suitable in terms of both the setting of the building and the location.

The reasons for this determination are based on:

- the site is set amongst predominately light industrial, commercial and a future open space precinct, which will contribute to a diverse land use precinct, as well as being away from any immediate residential areas;
- the building has an ability to 'open up' on to the floodplain landscape to the north, while locating the utility aspects of the development closer to the industrial interface;
- the use of the building will activate passive surveillance in the area during hours not generally subject to pedestrian and vehicle traffic; and
- the location of the site is not only amongst a commercial and industrial precinct but also its location serves a convenient patron catchment area which includes both existing and future residential areas.

As part of the operational requirement of the club, the operators have agreed to provide a transfer mini bus services to residential areas in local suburbs. This service is outlined in the Plan of Management and would be required by the draft development consent conditions.

Any submissions made

One submission was received during the notification period. The submission relates to an objection about the increase in gaming machines, increase in licensed venues and increase in anti-social behaviour and traffic.

As discussed in this report, there are negative social impacts related to increased opportunity for alcohol consumption and gambling with development applications of this nature. However it is considered that through the conditions of development consent and through the implementation of mitigation strategies, such negative social impacts to the community could be minimised. Specific operational requirements have also been produced in consultation with the applicant and form part of the Plan of Management to further minimise impacts. This Plan of Management would be approved and imposed by way of conditions of development consent.

With respect to traffic impact, an assessment was made on the expected increase of traffic as a result of the club. This assessment found that the peak traffic generation for the club will not adversely impact on the surrounding network and locality, particularly given the peak traffic times for the club would generally be outside the day time traffic period of the surrounding land uses.

The public interest

This proposal will provide evening and night entertainment as well as offer social and economic benefits through the services provided. Additionally, the proposed club will contribute to much sought after local employment.

While it is acknowledged there may also be some negative social impacts related to the increased opportunity for alcohol consumption and gambling, appropriate management practices and support programs will be implemented to reduce the possible anti-social elements attributed to the club.

The location of the club, being substantially away from any residential area, will minimise any adverse impact on nearby residences, which is in the public interest. It is also believed that locating of the facility adjoining an industrial backdrop is desirable in preference to locating this type of facility in an area that provides more direct access to well developed residential areas.

CONCLUSION

Council has received a development application to construct a building to be used for the purpose of a registered club with associated facilities. Works are to also include the construction of a car park, site landscaping, acoustic wall, fencing and stormwater drainage works.

During the notification period, an objection was received which related to the increase in gaming machines, increase in licensed venues and increase in anti-social behaviour and traffic. These concerns have been assessed and are mitigated by implementing operational requirements and strategies which form part of the Plan of Management of the club. This would be formally imposed through the development consent conditions attached to this business paper.

The applicant has requested that Council endorse the extinguishment of a bike path and landscape easement located at the north western boundary. The purpose of this easement was to ensure land is set aside for the future construction of a bike path which is reflected in the prevailing DCP and Council's Bike Plan adopted in 1996. The extinguishment of this easement will see the bike path located away from private land and will be designed and constructed concurrently with the adjoining sites when demand for this link increases. In this regard, the request for the extinguishment of the easement is able to be supported.

The development will see a shortfall of up to 282 vehicle parking spaces as required by Camden Development Control Plan (DCP). The DCP car parking formula was based on surveys conducted by the then Traffic Authority of NSW in March 1979, prior to the advent of random breath testing.

As a result, Council has undertaken an assessment based on comparison with a similar operating club with a view to providing benchmark information which, in turn, was used to rationalise the parking requirements for the Narellan Club.

The application has now been considered on its merits and is able to be recommended to Council for approval, subject to the draft development consent conditions which have been designed to mitigate any negative consequences arising from the development of the club.

DRAFT CONDITIONS OF CONSENT

1.0 - General Requirements

The following conditions of consent are general conditions applying to the development.

(1) Approved Plans – The development must be carried out strictly in accordance with the following approved plans or other documentation:

- Site & Site Analysis Plan; Drawing No: DA 100; Issue 3; Date 21.04.09;
- Ground Floor Plan; Drawing No: DA 101; Issue 3; Date 21.04.09;
- Roof Plan; Drawing No: DA 102; Issue 2; Date 21.04.09;
- Elevations; Drawing No: DA 200; Issue 2; Date 21.04.09;
- Sections and Signage; Drawing No: DA 300; Issue 2; Date 21.04.09;
- Acoustic Boundary Treatment; Drawing No: SK120; Rev 1; Date 29.04.10.
- Concept Design Road Works and Stormwater Drainage Plans (Preliminary);
- Drawing No. 21-17211-C050; Revision C dated 22 April 2009

The development must also comply with the conditions of approval imposed by Council hereunder.

Where there is an inconsistency between the approved plans/documentation and conditions of consent, the conditions of consent take precedence to the extent of the inconsistency.

Amendments or modification of the approved development requires the written

prior approval of Camden Council.

- (2) **Trial Period for Car Parking Spaces** – As part of this approved development consent, the applicant shall fully construct and permanently retain 318 car parking spaces, designed in accordance with AS 2890.1, on this site.

Notwithstanding this, the applicant may construct 125 car parking spaces in the arrangement shown on the approved plans as future additional car spaces. The applicant may operate the approved registered club for a maximum period of 12 months from the date of the issue of a final Occupation Certificate for this development. After the expiration of this trial period the applicant must construct and permanently retain the balance of the 125 car parking spaces on this site.

Prior to the expiry of this 12 month trial period, the applicant may lodge a Section 96 Modification to this development consent with Camden Council in order to remove the requirement to construct and retain the balance of the 125 car parking spaces. This Section 96 Modification must be accompanied with a traffic and parking analysis regarding the performance of the approved 318 car parking spaces during its operational lifespan for a minimum of nine months. These details must fully justify that having only 318 on-site car parking spaces has not resulted in adverse impact to on-street parking on the surrounding local street network by users of this club and surrounding businesses.

In determining such a Section 96 Modification Council will have regard to the performance of the approved club during its operational lifespan to date and any complaints received from the public regarding on-street parking by users of this development and surrounding businesses.

The applicant is advised to lodge such a Section 96 Modification with Council at least 2 months prior to the expiry of this 12 month trial period.

- (3) **Selling and Preparation of Food** – The preparation and selling of food on the premises is prohibited. Where there is a requirement to prepare and sell food on the premises a separate Development Application must be lodged with Camden Council (The Consent Authority) and be approved.
- (4) **Building Code Of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia* .
- (5) **Disability Discrimination Act** - This approval does not necessarily guarantee compliance with the Disability Discrimination Act 1992, and the owner is therefore advised to investigate their liability under the Act.

Your attention is drawn to AS1428 parts 2, 3 and 4 inclusive. This may be used as a comprehensive guide for disability access.

- (6) **Fencing** - Any fence erected on the property boundary or within the allotment must comply with *Camden Council Development Control Plan 2006 (DCP 2006)*.
- (7) **Landscaping Maintenance & Establishment Period** - All Landscaping works

associated with this Consent are to be maintained for a period of 24 months from the Date of Practical Completion.

At the completion of the 24 month landscaping maintenance period, all areas of lawn and plantings, including any nature strip/road verge areas and garden bed areas, shall have signs of healthy and vigorous growth. Any trees, shrubs, grasses, nature strip/road verge areas, garden areas or lawn areas in a state of decline, damaged or missing are to be replaced or restored to a healthy and vigorous condition.

At the completion of the 24 month landscaping maintenance period, the landscaping works must comply with the Consent approved Landscaping plans.

Any landscaping that requires repair or replacement is to be repaired or replaced prior to the end of the 24 month maintenance period.

- (8) **Protect Existing Vegetation and Natural Landscape Features** - Approval must be sought from Council prior to the removal, pruning, impact upon or any disturbance of the existing vegetation and natural landscape features, other than any existing vegetation and/or natural landscape feature authorised for removal, pruning, impact upon or disturbance by this Consent.
- (9) **Protection of adjoining Bushland and/or Waterfront Areas** - To limit the potential for damage to any adjoining Bushland areas and/or Waterfront areas, the boundaries to these areas must be fenced prior to the commencement of any earthworks, demolition, excavation or construction works.

The fencing must be kept in place until the completion of development and maintenance works and be marked by appropriate signage notifying all site visitors that the subject areas are protected. The fencing should be a minimum of a 1.8 metres high chain link or welded mesh fencing.

- (10) **Salinity Management Plan** - All proposed works that includes earthworks, imported fill and landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with Report "*Re: Narellan Country Club Lot 1 DP 1093264 Grahams Hill Road and Porrende Street Narellan NSW – Generic Saline Soil Management Plan, Prepared for Altis Architecture Pty Ltd, Prepared by Consulting Earth Scientists, Ref No CES090304-ALT-150410-AB, Dated 28/04/10*" and report "*Re: Narellan Country Club Lot 1 DP 1093264 Grahams Hill Road and Porrende Street Narellan NSW – Generic Saline Soil Management Plan Information Requested by Council Piled Footings, Prepared for Altis Architecture Pty Ltd, Prepared by Consulting Earth Scientists, Ref No CES090304-ALT-150410-AC, Dated 20/5/10.*"
- (11) **Approvals and Licences from Other Authorities** – It is the applicant's responsibility to acquire all other necessary approvals/permits and licences from all other approval authorities as required, prior to the commencement of any work and/or operation of the club.
- (12) **Work to existing stormwater system** – Prior to the commencement of any

works associated to the building or associated car park and landscape, the works to the existing water management facility (including easement adjustments on the deposited plan) must be undertaken in accordance with this development consent and approved plan and must be to the satisfaction of the beneficiaries of the facility and easement, Camden Council. All such works shall be at no cost to Camden Council.

2.0 - Construction Certificate Requirements

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

- (1) Detailed Landscaping Plans** - Prior to the issue of the Construction Certificate (CC), detailed Landscaping Plans, prepared by a qualified Landscape Architect or qualified Landscape Designer, must be submitted with the Construction Certificate application.

The detailed Landscaping Plans must include (but not limited to):

- (a) If there are any proposed or existing permanent water bodies, that will end up in Council ownership, then clear details of the positioning and construction of installed access areas for on going maintenance must be shown.
- (b) The detailed landscaping plans must clearly show that the Eucalyptus trees, proposed for the Nature Strip/Road Verge areas, have been deleted from the plans and replaced with *Pyrus calleryana* 'Chanticleer' or *Pyrus calleryana* 'Glens Form'. (Note: Eucalyptus trees are no longer installed in the road verge/nature strip areas).
- (c) The *Pyrus* trees are to be used as street trees in those areas of the nature strip not impacted by any overhead powerlines and other services. Any area of the nature strip that is impacted by overhead powerlines or other services, is to have the *Callistemon* plantings continued, as existing, in adjoining nature strip areas.
- (d) The *Callistemon* and *Pyrus* street trees are to be shown clearly in the detailed landscaping plans as minimum 45lt container size and are to be installed with appropriate tree guard protection.
- (e) The detailed landscaping plans must clearly indicate the proposed planting schedules, positioning, numbers, sizes, anticipated mature heights and sizes, installation procedures, protection and establishment procedures to employ.
- (f) Any proposed lighting for paths, parks and any other open space areas.
- (g) All landscape amenity elements such as boardwalks, lookouts, seating, playgrounds, picnic facilities, bubblers, signage, shade structures, paths, cycle ways, dog and litter bins and furniture elements.
- (h) Clearly detail how controlled accessibility to all open space areas for maintenance and emergency vehicles will be achieved.
- (i) That the proposed landscaping is consistent with the Cultural, Ecological, Heritage and existing amenity of the area.

- (2) Civil Engineering Plans** – Civil Engineering Plans shall be submitted indicating drainage, roads, accessways, earthworks, pavement design, details of

linemarking and traffic management, which must be prepared strictly in accordance with Camden Council's Development Control Plan and Engineering Specifications and are to be submitted for approval to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Please note that under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve.

(3) Environmental Management Plan - An Environmental Site Management Plan must be submitted to the Principal Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 - 2005 and must address, but not be limited to, the following issues:

- (a) All matters associated with Council's Erosion and Sediment Control Policy;
- (b) All matters associated with Occupational Health and Safety;
- (c) All matters associated to the Waste Minimisation for the Construction Phase;
- (d) All matters associated with Traffic Management/Control;
- (e) All other environmental matters associated with the site works such as noise control, dust suppression, waste management and the like;
- (f) Appropriate Traffic Control Plans shall be submitted for all stages of construction including the use of Council's road and footpath for any construction purpose. The use of the public road/footpath for construction work is subject to a Public Road Activity Application to be approved by the Road Authority (Camden Council) prior to the issue of a Construction Certificate.

(4) Traffic Management Procedure - Traffic management procedures and systems must be introduced during the construction phase of the development to ensure safety standards are maintained and to minimise any impact on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS1742.3 1985 Manual of Uniform Traffic Control Devices and must be approved by Camden Council. The Plan must address the following:

- (a) location and access of the storage area for materials;
- (b) location of the fill materials;
- (c) location of site offices;
- (d) location of the preferred turning area for the delivery vehicles;
- (e) location of the parking for construction staff, any casting and erection of building components;
- (f) matters relating to Traffic Control on a public road; and
- (g) use of equipment and other matters which has an impact on the road network or immediate environment.

It is the applicant's responsibility to provide an educative session for construction workers and supervisors to ensure that the objectives and procedures of the Traffic Management Procedures are maintained at all times.

- (5) **Soil Erosion and Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with the Camden Council's "Soil Erosion and Sediment Control Policy".

Control measures must be maintained during the entire development procedure and can only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised.

Plans containing a minimum of four (4) sets of the undermentioned information must be prepared and submitted to the Principal Certifying Authority for approval prior to a Construction Certificate being issued:

- (a) existing and final contours
- (b) the location of all earthworks including roads, areas of cut and fill and re-grading
- (c) location of impervious areas other than roads
- (d) location and design criteria of erosion and sediment control structures
- (e) location and description of existing vegetation
- (f) site access (to be minimised)
- (g) proposed vegetated buffer strips
- (h) catchment area boundaries
- (i) location of critical areas (vegetated buffer strips, drainage lines, water bodies, unstable slopes, flood plains and seasonally wet areas)
- (j) location of topsoil or other stockpiles
- (k) signposting
- (l) diversion of uncontaminated upper catchment around areas to be disturbed
- (m) proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground
- (n) procedures for maintenance of erosion and sediment controls
- (o) details for staging of works
- (p) details and procedures for dust control

- (6) **Construction Management Plan** – Prior to the issue of a Construction Certificate, a detailed Construction Management Plan shall be submitted to the Consent Authority (Camden Council) indicating the construction staging and management of the stormwater during storm events while the new drainage system are being constructed. Appropriate construction strategies shall be employed to prevent the pollution and silting of the existing water management facility. Full details shall be submitted to Council prior to the approval of the Component Construction Certificate for the work associated with trunk drainage.

- (7) **Construction Standards** - All civil engineering work associated with the development must be carried out strictly in accordance with Camden Council's current Development Control Plan and Engineering Specifications for roadworks, drainage and other works associated with the development.

- (8) **Stormwater Drainage Design** - A stormwater management plan is to be prepared prior to the issue of a Construction Certificate. The Plan shall demonstrate that:

- (a) the final stormwater flow rate off the site is no greater than the maximum flow rate currently leaving the development site for all storm events for the ultimate development of the site; and
- (b) the floor level of the proposed building to be a minimum of 300 mm above the water level (at 1% AEP) of the peak storage level of the OSD system and the 600mm above the 1% AEP Flood level in the Creek; and
- (c) the design must demonstrate that future developments of adjoining downstream sites and overland flow from adjoining properties are not impacted upon by this development.

Note 1: This plan must be submitted and approved by the Principal Certifying Authority and a copy provided to Camden Council.

Note 2: All works associated to the existing and proposed stormwater drainage works shall be at full cost to the applicant.

- (9) **Stormwater Design and Management** - Total management of the water from the site shall be based on the Water Sensitive Urban Design principles.
- (10) **Pre-Treatment Of Surface Water** - The external ground surface of the site must be graded to a collection system and covered with a suitable hard surface, unless otherwise approved by the Landscape Plan. The drainage system must flow to a suitable pre-treatment device prior to discharge. The applicant is advised to contact the Appropriate Regulatory Authority for the design criteria.

Such pre-treatment devices shall control the discharge of hydrocarbon and heavy metals to Council's storm water system and also it shall be kept in good order with regular removal of pollutants and maintenance.
- (11) **Water Quality Facility** - The proposed on-site detention system shall be checked for its role as a water quality facility based on the submitted Music Modelling in terms of its surface area and capacity. Any changes to the facility will require Council approval.
- (12) **Work on dam of existing water management facility** - The repositioning of the existing spillway shall be located to connect with the overland flow path on the western side of the dam and shall be designed and constructed with adequate transition to the existing flow path. All works shall be at the applicant's cost.
- (13) **Works for the proposed overland flow path** - The proposed overland flow path adjoining Porrende Street and Grahams Hill Road and the eastern property boundary shall have a type of batter construction which can support any surcharge loads expected from maintenance vehicles and industrial activity. All batters shall have stable slopes which can be easily maintained. All works shall be at the applicant's cost.
- (14) **Maintenance Management Plan for the existing water management facility** Prior to the issue of a Construction Certificate, a Maintenance Management Plan shall be developed and approved by Camden Council for the maintenance

of the existing (as amended) water management facility identifying the level, frequency and method for maintenance required and the responsibility of each stakeholder. This Plan must be produced in consultation with Camden Council. The applicant must prepare a Section 88b Instrument for the approval of the Principal Certifying Authority which incorporates a Positive Covenant which details the following:

- (a) general maintenance strategies the club will undertake to ensure the operation of overland flow path is not impacted upon by the operation of the club. This is to include, general debris collection, weeding (including grass cutting) and general maintenance of the batter; and
- (b) short and long term maintenance strategies in the event of an unforeseen failure; and
- (c) a schedule of maintenance to ensure that no activities of the club are polluting the stormwater system.

Note: Works associated to the maintenance of the existing (as amended) water management facility shall be at full cost to the applicant.

- (15) **Maintenance access for the existing water management facility** - Maintenance vehicle access shall be provided for Council vehicles with appropriate turning area for a Medium Rigid Truck in accordance with the AS 2980.2 at critical locations in the stormwater drainage system as required by Camden Council.
- (16) **Component Construction Certificate** - The design of the proposed piping of the existing open drain, amendment to the spillway and associated dam embankment adjustments, overland flow path and all infrastructure covered by current and future drainage easements shall be submitted to the Consent Authority (Camden Council) for approval as a component Construction Certificate. All drainage structures with maintenance access shall be located outside the carriageway for safety and to facilitate a suitable working area. All inspections related to such shall be done by Council or jointly with Council.
- (17) **Evacuation Plan for Probable Maximum Flood (PMF)** - A detailed plan must be submitted to Council indicating that permanent, fail-safe maintenance free measures are incorporated in the development to ensure that timely, orderly and safe evacuation of people and potential pollutant material from the buildings on-site can take place, should a flood occur.
- (18) **Stormwater Detention** - The capacity of the existing stormwater drainage system must be checked to ensure its capability of accepting the additional run-off from this development. If necessary, an on-site detention system must be provided to restrict stormwater discharges from the site to pre-development flows. The system is to provide for all storms up to and including the 1% AEP event. Engineering details and supporting calculations must be prepared by a qualified Hydrology Engineer and submitted to the PCA for approval prior to the issue of a Construction Certificate.

On completion of any on-site detention system, Works-as-Executed plans are to be prepared by a registered surveyor or the design engineer and submitted to

the Principal Certifying Authority. If Camden Council is not the Principal Certifying Authority, a copy is to be submitted to the Council prior to the issue of the Occupation Certificate. The plans are to be in hard copy and in .dwg form and are to be certified by the designer and are to clearly make reference to:

- the works having been constructed in accordance with the approved plans,
- actual storage volume and orifice provided,
- the anticipated performance of the system with regard to the design intent.

The applicant must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user:

Restriction as to user indicating that the on-site detention basin must be maintained at all times to a level sufficient to ensure efficient operation of the basin and that the Consent Authority (ie Camden Council) must have the right to enter upon the burdened lot with all necessary materials and equipment at all reasonable times and on reasonable notice (but at any time and without notice in the case of an emergency) to:

- (a) view the state of repair of the basin;
- (b) to execute any work required to remedy a breach of the terms of this covenant if the proprietor has not within fourteen (14) days of the date of receipt by the proprietor of written notice from the Council, requiring remedy of a breach of the terms of this covenant, taken steps to remedy the breach and without prejudice to the Council's other remedies the Council may recover as a liquidated debt the cost of such remedial work from the proprietor forthwith upon demand.
- (c) Restriction as to user indicating that the on-site detention basin must not be altered, or removed in part, or structures erected thereon without the prior consent of Council.

(19) Internal Road design - The road designed shall be carried out to Council's Engineering Design Specifications with a Traffic Loading of $ESA\ 5 \times 10^5$ and a single coat 10mm flush seal prior to placement of 25mm of AC 10 or Rigid Pavement.

(20) Plan of internal traffic devices - A comprehensive plan of directional signs, parking signs, line marking etc shall be provided with the Construction Certificate application for approval. The plan must also illustrate provisions for the parking of a bus, coach and taxi.

(21) Design Vehicle - The driveway and the turning path within the development shall comply with the movement of a Medium rigid truck in accordance with AS 2890.2.

(22) Local Traffic Committee Approval – Notwithstanding any condition of this development consent, the applicant is required to construct a mountable roundabout at the club's entry on Grahams Hill Road and a right turn bay at the club's entry on Porrende Street with associated line marking and sign posting. Such works (including footpath work) shall be subject to approval by the

Camden Local Traffic Committee **prior to the issue of any Construction Certificate**. All works and dedication of any land required as part of such works shall be at full cost to the applicant.

(23) Works on Grahams Hill Road and Porrende Street – The detailed design plans for works on the public road as required by condition number 2.22 shall include the following:

- (a) a detail design plan including, but not limited to, proposed line marking, sign posting, adjustments required to the existing signage and any adjustments to the kerb and gutter which are required to accommodate the roundabout and right turn lane;
- (b) detailed construction materials which include reinforced concrete for the round-about;
- (c) details on how the roundabout shall be designed to comply with the through movement of the B-Doubles;
- (d) details of a standard concrete footpath which shall be provided from the entrance on Porrende Street towards Northern Road up to a suitable crossing point to be determined by Council so as to provide access to the existing footpath on the eastern side of Porrende Street;
- (e) an assessment of the existing street lighting to be undertaken to determine if any improvements are necessary as required by Australian Standard 1158; Lighting for roads and public spaces;
- (f) details of the Traffic Control Plan (TCP). The plan shall provide details of Traffic Control measures which need to be installed to ensure the safety and unobstructed flow of vehicular and pedestrian traffic are achieved. The TCP must be prepared by a Roads and Traffic Authority Accredited Certifier; and
- (g) an approval under Public Road Act shall be obtained from the Roads Authority (Camden Council) prior to the commencement of any work, including a road crossing in a public road, subject to lodgement of application and relevant fees.

(24) Construction details for works on Grahams Hill Road and Porrende Street - The detailed construction plans of the roundabout, staging of construction and Traffic Control Plan for each stage of construction, street lighting, line marking and signage shall be submitted to Council for approval. All Traffic Control Plans must be prepared by a RTA Accredited person who has experience in such work which must cover the day time traffic flows during construction activity and night time use of the road.

(25) Public Road Activity Approval - The construction and dedication of the proposed roundabout and works on Porrende Street shall be completed prior to the occupation of the development. All work associated with the construction of the proposed roundabout shall be approved by the Council under the Public Road Activity Application, in accordance with the Roads Act 1993 and prior to any Construction Certificate being issued.

Such application must include an appropriate Traffic Control Plan (TCP).

(26) Waterfront Construction Works - The Construction Certificate will not be

issued over any part of the site requiring an Office of Water, Controlled Activity Approval (CAA) until a copy of the CAA issued by DWE has been provided to the Camden Council.

- (27) **Fire Safety Measures** – Prior to the issue of the Construction Certificate, the following information is to be submitted to the certifying authority:
- (a) A list of any fire safety measures that are proposed to be implemented in the building or on the land on which the building is situated, and
 - (b) If the application relates to a proposal to carry out any alteration or rebuilding of, or addition to, an existing building, a separate list of those measures currently implemented in the building or on the land on which the building is situated.
- (28) **Crime Prevention Through Environmental Design** – The applicant is to submit to Council a schedule of measures proposed to be implemented in the construction of the development in order to minimise the risk of crime. Details are to be provided prior to the release of the Construction Certificate. Such measures are to be consistent with the conditions outlined in the recommended conditions of consent noted by the NSW Police Camden Local Area Command assessment dated 4 June 2009 attached to this development consent.
- (29) **Parking Spaces** – Notwithstanding condition number 1.0 (2), a minimum of 318 car parking spaces must be provided on site. These spaces and associated access driveways and manoeuvring areas must conform with Camden Council's Car Parking Development Control Plan (DCP) 2006, and must be designed in accordance with a pavement design prepared by a Geotechnical Engineer and the Camden Council's standard. Documentary evidence of compliance from an Accredited Certifier/Suitably qualified person must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.
- All parking allocation for people with disabilities must be designed and constructed to comply with AS 2980.6
- (30) **External Materials and Finishes** - The building must be constructed using materials and colours that are compatible with the amenity of the surrounding area having regard to the adjoining rural landscape and Architectural Design Statement, dated 04.04.09 produced by Altis Architecture Pty Ltd and perspectives plan, Drawing No. DA 000, Issue 03; Date 21.04.09. Details of proposed colours and materials must be submitted with the construction certificate.
- (31) **Bar Details** – Detailed design plans for all drinking bars must be provided to the consent authority for approval prior to the issue of the construction certificate. Suitable handwash basins and equipment washing facilities must be demonstrated in the plans.
- (32) **Performance/Maintenance Bond** - Prior to the issue of the Construction Certificate a performance bond of \$50,000 must be lodged with Camden Council. Should any of Council's property sustain damage, or the development

place the environment or public at risk, Council will perform any works necessary on behalf of the applicant to rectify these works. The applicant must be responsible for any damage caused to existing public utilities, footpaths or public roads during construction works.

Once all works have been completed to the satisfaction of Council and no damage or risk sustained then this bond may be refunded.

In accordance with Council's Fees and Charges a non refundable administration fee of \$110 for cash/cheque bonds and \$220 for bank guarantees must be paid to Council upon lodgement of such bond.

It should be noted that Council will not refund/release the performance/maintenance bond unless a suitable replacement bond is submitted.

- (33) Public Risk Insurance Policy** - Prior to the issue of the Construction Certificate, the owner or contractor is to take out Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve. The Policy is to note Council as an interested party and a certificate of currency from the issuer of such policy must be submitted to the Council as evidence of such policy. Where the coverage of such policy expires during the period of construction of the works, the policy must be renewed prior to the expiration of the policy and a Certificate of Currency from the insurer provided.

Failure to keep the works insured shall be reason for Council to make the works safe and all costs associated with making the works safe shall be a cost to the owner of the land.

- (34) Section 94 Contribution** - Prior to the issue of any Construction Certificate, the following Section 94 contributions shall be paid at Camden Council. Documentary evidence must be provided to the Principal Certifying Authority that the below payments have been made;

- (a) Pursuant to **Contributions Plan No. 3** amended in February 1998, a contribution must be paid to Council of \$4,143.00 per hectare, total \$13,664.00, for **Trunk Drainage, Water Quality Facilities and Professional Services**.

The contribution must be indexed to the Road Cost Index, **paid prior to issue of any Construction Certificate**.

The monetary contribution for Trunk Drainage and Water Quality Facilities may be offset at the sole discretion of Council by the value of land transferred to Council or by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such an agreement is to be undertaken, it must be signed **prior to the issue of any Construction Certificate**.

- (b) Pursuant to **Camden Contributions Plan** amended in July 2004, a

contribution must be paid to Council of \$8.96 per square metre, total \$39,702.00 for **Community Facilities**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan paid **prior to issue of the Construction Certificate**.

The monetary contribution for Community Facilities may be offset at the sole discretion of Council by the value of land transferred to Council or by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such an agreement is to be undertaken, it must be signed **prior to the issue of any Construction Certificate**.

- (c) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$4,120.00 per hectare, total \$13,588.00 for **s.94 Administration and Management**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan and paid **prior to issue of any Construction Certificate**

3.0 - Prior To Works Commencing

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (2) **Notice Of Commencement Of Work** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act, 1979* and Clause 103 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building works.
- (3) **Payment of Long Service Levy** - The Long Service Levy payment must be paid prior to works commencing.
- (4) **Dilapidation Report/Survey** - Prior to the commencement of any works a photographic dilapidation survey of:
 - a) The existing public roads, kerbs, footpaths, drainage structures and any other existing public infrastructure within the immediate area of the development site.
 - b) The existing storage dam and existing batters.

A copy of the survey must be submitted to Camden Council prior to any works commencing. The survey must include descriptions of each photo and the date when each individual photo was taken. Any damage must be repaired at the applicant's expense.

- (5) **Access From Public Places** - Construction access from public places (reserves, parks, walkways and the like) other than roads shall not occur without the prior consent of Camden Council. Bonds or legal agreements may be required to protect Council's assets if access from these places is approved.
- (6) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point.
- (7) **Toilet Facilities** - Toilet facilities must be provided at the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

- (8) **Signs To Be Erected On Building And Demolition Sites** – Under Clause 98A of the *Environmental Planning and Assessment Regulation 2000* , a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, and
 - (b) showing the name of the 'principal contractor' (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work carried out inside an existing building that does not affect the external walls of the building.

Note: The PCA and principal contractor must ensure that signs required by this condition are erected and maintained.

- (9) **Soil Erosion And Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site and must be in accordance with condition number 2.0 (5).

Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

4.0 - During Construction

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **Construction Noise Levels** – Noise levels emitted during remediation works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends;

Construction period of 4 weeks and under: The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).

Construction period greater than 4 weeks: The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

- (2) **Hours Of Work** – The hours for all construction and demolition work are restricted to between:

- (a) 7am and 6pm Monday to Friday (inclusive);
- (b) 7am to 4pm Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8am to 4pm;
- (c) work on Sunday and Public Holidays is prohibited.

- (3) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:

- (a) The delivery of material shall only be carried out between the hours of 7am - 6pm Monday to Friday, and between 8am - 4pm on Saturdays.
- (b) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb, footpath or road surface and shall have measures in place to prevent the movement of such material off the site.
- (c) Builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner.
- (d) Waste must not be burnt or buried on site, nor should wind blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot.
- (e) A waste control container shall be located on the development site.
- (f) There is to be no storage of materials (i.e. building materials) or spoil on

public land adjoining this property.

- (4) **Nature Strip/Road Verge, Street Trees and Street Tree protective guards -** Any nature strip/road verge area, street tree/s, lawn area, tree guards if applicable, protective bollards if applicable which are disturbed, removed or damaged during the development and/or the Landscaping 24 month maintenance period, shall be repaired or replaced.

The tree/s, lawn area, bollards, tree guards, nature strip/road verge area to be repaired or replaced with the same type, species and maturity prior to the completion of the 24 month maintenance period.

- (5) **Disposal of Stormwater -** Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.

- (6) **Retaining Walls -** If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.

The following restrictions apply to any retaining wall erected within the allotment boundaries:

- (a) where the height of an approved retaining wall exceeds 600mm above or below natural ground level, structural engineering details must be obtained prior to any works commencing on the site.
 - (b) adequate provisions must be made for surface and subsurface drainage of retaining walls and all water collected must be diverted to, and connected to a stormwater disposal system within the property boundaries;
 - (c) retaining walls shall not be erected within drainage easements;
 - (d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited by the easement or entitled to release or vary the restrictions applying to the easement (electrical easement and the like), or if the erection of the retaining wall makes the purpose of the easement inconvenient or redundant (such as, easements for support and maintenance).
- (7) **Asbestos –** Should any materials be found on site which contain asbestos then it shall be removed in accordance with the guidelines of the WorkCover Authority (telephone 9370 5099) and requirements of the Environmental Protection Authority.
- (8) **Demolition Australian Standard -** Demolition or removal of any existing material on site shall be carried out in accordance with the requirements of Australian Standard 2601 - 1991 where applicable.
- (9) **Compaction -** Any filling up to 1.0m on the site must be compacted to 95% standard compaction and be tested in accordance with Camden Council's Engineering Construction Specification and AS 1289 by a NATA registered

laboratory.

- (10) Fill Material for Development Site** - Prior to the importation and/or placement of any fill material on the subject site a validation report and sampling location plan for such material must be submitted to the Principal Certifying Authority for approval and concurrence. The validation of the fill material must be done prior to use of any fill material being imported and a validation report must be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

The validation report and sampling location plan must be prepared:

- a) by a practising engineer with National Professional Engineering Registration and with a Specific Area of Practice in Subdivisional Geotechnics, and
- b) in accordance with:
 - i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
 - ii) The Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".
- c) and confirm that the fill material:
 - i) provides no unacceptable risk to human health and the environment;
 - ii) is free of contaminants;
 - iii) has had salinity characteristics identified in the report;
 - iv) is suitable for its intended purpose and land use, and
 - v) has been lawfully obtained.
- d) with respect to the existing fill, a validation of the existing fill shall also be carried out prior to the importation of any fill material and shall be validated in accordance with (ii).

The sampling for salinity of fill volumes less than 6000m³ must provide for 3 sampling locations; fill volumes exceeding 6000m³, require one sampling location for each additional 2000m³. A minimum of 1 sample from each sampling location must be provided for assessment.

The sampling for Contamination should be undertaken in accordance with the following table:

Classification of Fill Material	No. of Samples per Volume or part thereof	Volume of fill (m³)
Virgin excavated Natural material	1 (see note 1)	1000

Note 1: Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.

- (11) **Survey reports** – At various stages of the development a survey report must be produced by a registered land surveyor and submitted to the Principal Certifying Authority:
- (a) *Peg Out* - The building must be set out by a registered land surveyor. A survey report detailing the siting of the building in relation to the allotment boundaries shall be submitted to the Principal Certifying Authority (PCA) prior to the placement of any concrete.
 - (b) *Finished Floor Level* – Prior to construction proceeding past each floor level, a survey report prepared by a registered land surveyor must be submitted to PCA verifying the finished floor level of the building. Finished floor levels must conform to levels approved by the development consent.
 - (c) *Building Completion* - A survey report prepared by a registered land surveyor shall be provided upon completion of the building. The survey report shall be submitted to the PCA upon completion of the building and prior to the issue of an Occupation Certificate.
- (12) **Excavation And Backfilling** – All excavations and backfilling associated with the erection of a building must be executed safely and in accordance with appropriate professional standards. All excavations associated with the erection of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (13) **Protection of Public Places** – If the work involved in the construction of the building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or the building involves the enclosure of a public place then a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with the work, falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

5.0 - Prior To Issue Of Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

The PCA must submit a copy of the Occupation Certificate to Camden Council (along with the prescribed lodgement fee) within two (2) days from the date of determination and include all relevant documents and certificates that are relied upon in issuing the certificate.

The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with.

- (2) **Fire Safety Certificates** – A Fire Safety Certificate is to be submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*. The Fire Safety Certificate is to certify that each fire safety measure specified in the current fire safety schedule for the building to which it relates:

- (a) has been assessed by a properly qualified person; and
- (b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

As soon as practicable after the Final Fire Safety Certificate has been issued, the owner of the building to which it relates:

- (a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades, and
- (b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

- (3) **Acoustic Barriers** – Prior to the issue of an occupation certificate an acoustic mound / wall of total height of 3 metres high is to be constructed along the Western Boundary and be located with reference to “Appendix B – Figure 2” of the *“Narellan Country Club: Development Application Environmental Noise Assessment, Prepared for ALTIS Architecture, Prepared by Acoustic Logic Consultancy, Ref No. 2008237/1702A/R4/HM, Dated 20 April 2009.”* The mound / wall must be consistent with Plan approved by condition number 1.0 (1). The timber barrier must be colour treated consistent with colours used on the building.

- (4) **Works of Public Road** - The following works must be constructed prior to the issue of the Occupation Certificate for the building. Such works must be approved under the Roads Act 1993 by Camden Council the Roads Authority:

- (a) provision of a heavy duty industrial gutter crossing at all points of ingress and egress; and
- (b) all services within the 1.0m of the crossing and all affected services due the proposed work shall be adjusted in consultation with the appropriate Service Authority. A minimum splay of 1.0m shall be provided on either side of the proposed driveways at the gutter.

All works must be carried out strictly in accordance with Camden Council's specifications and at no cost to Camden Council. Prior to works commencing the applicant must contact Council on (02) 4654 7777 to arrange payment of fees and inspection of the works.

- (5) **Redundant gutter crossings** – At the completion of construction all redundant gutter crossings and footpath crossing must be reinstated to the existing standards on the road.
- (6) **Footpath Crossing Construction** - Prior to the issue of any Occupation Certificate a footpath crossing must be constructed in accordance with Camden Council's issued footpath crossing information.

To obtain such information a Public Road Activity application must be submitted to Camden Council with the appropriate fee. Applications forms are available from Council's Customer Service Centre or website www.camden.nsw.gov.au

- (7) **Works as Executed Plan** - Prior to the Occupation Certificate being issued for the building, a works-as-executed drawing signed by a registered surveyor must be submitted to the Principal Certifying Authority and Camden Council showing that the stormwater drainage and finished ground levels have been constructed as approved.

Two separate Works-As-Executed plans must be prepared utilising the approved design plans as the base plan. The plan should give details of all the construction and any variation to the construction details shall be shown clearly in different colour. The Work as Executed plans for Council assets shall also include an electronic version based on .dwg format for Council's Asset Management Programme.

- (8) **Details of Dedication** - The land occupied by the proposed roundabout and the footway (3.5m) adjoining the roundabout up to a length of 12m outside the edge of the traffic turning path, shall be dedicated as Public Road prior to the release of the Occupation Certificate.
- (9) **Structural Certification (Completed Building)** – Prior to the issue of an Occupation Certificate, a certificate prepared by a practising structural engineer, certifying the structural adequacy of the building, shall be submitted to the Principal Certifying Authority (PCA).
- (10) **Damaged Assets** – All engineering works and public utility relocation shall incur no cost to Camden Council. Any damage to Camden Council's assets shall be rectified prior to the commencement of use or occupation of a building.
- (11) **Maintenance Bond** - A maintenance bond in the form of an unconditional bank guarantee or cash bond, being 10% of the value of civil works must be lodged with Council prior to the release of the Occupation Certificate. This bond is to cover the maintenance of civil works constructed during construction works and any damage to existing roads, drainage lines, public reserves or other Council property or works required as a result of work not in accordance with Council's

standards, and/or development consent conditions.

The maintenance bond shall be for (12) twelve months or such longer period as determined by Council's engineer, and shall commence on the date of release of the linen plan or the date of the issue of the compliance certificate in the case of development works.

Note 1: In accordance with Council's current Fees and Charges an administration fee for processing of bonds in the form of cash or bank guarantees is applicable.

Note 2: It should be noted that Council will not refund/release the maintenance bond, unless a suitable replacement bond is submitted.

- (12) **Value of Works** - Prior to release of the Occupation Certificate, the applicant must submit an itemised data and value of civil works in a form acceptable to Council for the inclusion in Council's Asset Management System. The applicant can obtain a valuation sheet from Council upon request.
- (13) **Waste Contractor** - Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is earlier, of the building the owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste and Council must be notified of the arrangement made. Alternatively, should Council be the appointed contractor, the following minimum requirements apply:
- (a) A covenant must be created entitling the Camden Council, its servants, agents, and persons authorised by it, to enter upon the subject land and to operate thereon vehicles and other equipment for the purpose of collecting refuse and recycling matter should Council be the contractor utilised.
 - (b) An Indemnity Agreement will need to be carried out if waste management vehicles are to enter the premises.
- (14) **Extinguishment and Creation of Easement** – Notwithstanding any other condition of development consent, prior to the Occupation Certificate being issued for the building the developer must prepare a Section 88b and Deposited Plan for the site for the approval by the Principal Certifying Authority which incorporates the following:
- (a) Terms of Easement for Landscaping 3m wide firstly referred to in Deposited Plan 1048551 and 88b Instrument shall be appropriately extinguished; and
 - (b) Terms of Easement for Drain Water 15m wide secondly referred to in Deposited Plan 1048551 and 88b Instrument shall be appropriately amended to identify the new location of that easement to drain water as inferred by this easement, including the new overland spillway and relevant conditions of development consent; and
 - (c) Terms of Easement for Drain Water variable wide thirdly referred to in Deposited Plan 1048551 and 88b Instrument shall be appropriately

amended to identify the new location of that easement and relevant conditions of development consent. Such easement shall also include the overland flow path; and

- (d) A positive covenant to be included in the 88b Instrument which refers to the Maintenance Management Plan as required by condition number 2.(14) for the purpose of maintenance of assets described in (c) and (b) above; and
- (e) Restriction as to user as outlined in condition number 2.0 (18); and
- (f) Reference to be made in the 88b Instrument which stipulates the following: All proposed works that includes earthworks, imported fill and landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with Report *“Re: Narellan Country Club Lot 1 DP 1093264 Grahams Hill Road and Porrende Street Narellan NSW – Generis Saline Soil Management Plan, Prepared for Altis Architecture Pty Ltd, Prepared by Consulting Earth Scientists, Ref No CES090304-ALT-150410-AB, Dated 28/04/10.”* and Report *“Re: Narellan Country Club Lot 1 DP 1093264 Grahams Hill Road and Porrende Street Narellan NSW – Generis Saline Soil Management Plan Information Requested by Council Piled Footings, Prepared for Altis Architecture Pty Ltd, Prepared by Consulting Earth Scientists, Ref No CES090304-ALT-150410-AC, Dated 20/5/10.”*
- (g) Such easement creation must state that Camden Council is the Authority whose consent is required to a release, vary, or modify the easement or restriction is stipulated above.

6.0 - Operational Conditions

The following conditions of consent are operational conditions applying to the development.

- (1) **Hours of Operation** - The hours of operation of the Club premises are restricted to:
 - (a) Open everyday at 09:00am and close 03:00am; Monday to Sunday; and
 - (b) Restricted trading hours (as defined in the Liquor Act) in accordance with the requirements of the Liquor Act or;
 - (c) If amended, for a shorter period by the liquor and gambling license authority, Office of Liquor, Gaming and Racing.

All commercial vehicle movements, (including deliveries) associated with the operation of the premises are restricted to the hours of 07:00am – 16:00pm Monday to Friday and should be scheduled outside of the peak day time trading of the club.

Any alteration to these hours will require the prior approval of the Consent Authority.

- (2) **Reviewable Condition for Hours of Operation** - Camden Council may review condition number 6.(1) and condition number 6.(5) at any time and this reviewable condition may be changed on any such review. Pursuant to Section

80 (A) of the Environmental Planning and Assessment Act, 1979, Subsection 10 (D), a decision by Camden Council to review and consequentially change the subject condition on any such review, will be taken to be a determination of a development consent for the purposes of the Act.

(3) **Litter Control** – A Plan of Management for litter control must be produced and implemented for the club's operations. In particular, the plan must identify how litter will be controlled and managed in and around the building and property. This section of the plan must address:

- (a) The scheduling times for the litter management and
- (b) A map illustrating the area that will be managed. In this regard, the area must include areas outside of the property boundary (including areas adjacent to the boundary and public footpath areas).

(4) **Plan of Management for the registered / licensed club** - Notwithstanding any other condition of this development consent, the operation of the Club premises must comply at all times with the approved Plan of Management (titled Narellan Country Club Plan of Management; produced by Lawler Partners). The Plan of Management shall be submitted to Council prior to the opening of the club and shall be amended to include the following:

- (a) Litter Management Control requirements;
- (b) Any additional requirements imposed by the Office of Liquor, Gaming and Racing;
- (c) A section for the handling of incidents or legitimate complaints associated with the operation of the premises. This shall include a separate Complaints and Incidents Register which includes:
 - i. complaint or Incident date and time;
 - ii. name, contact and address details of person(s) making the complaint or involved in incident;
 - iii. nature of complaint or incident;
 - iv. name of staff on duty; and
 - v. action taken by premises to resolve the complaint or incident.
- (d) A section which provides opportunities to amend the Plan and that such modification shall be made only with the consent of Council and/or the Office of Liquor, Gaming and Racing.

(5) **Patronage number** – The maximum number of people (including staff and members) in the club shall be no more than 586 people at any one time.

(6) **Prescribed condition for maximum patronage signage** - A sign must be displayed at the main entry point to the building in a prominent position stating the maximum number of persons, as specified in this development consent, that are permitted in the building.

Note: Clause 98D of the Environmental Planning and Assessment Regulation 2000 requires a sign specifying maximum number of persons permitted in the building to be displayed in a prominent position for the following types of premises:

- (i) entertainment venue;
- (ii) function centre;
- (iii) pub;
- (iv) registered club;
- (v) restaurant

- (7) **Noise Management Controls** – All noise management controls for the operation of the club must be in accordance with “Section 6” of the *“Narellan Country Club: Development Application Environmental Noise Assessment, Prepared for ALTIS Architecture, Prepared by Acoustic Logic Consultancy, Ref No. 2008237/1702A/R4/HM, Dated 20 April 2009.”*
- (8) **Offensive Noise** - The use and occupation of the premises, including all plant and equipment installed thereon, must not give rise to any offensive noise within the meaning of the Protection of the Environment Operations Act, 1997.
- (9) **Mechanical Plant and Operational Noise Restriction** - The level of total continuous noise emanating from the operation of all the plant or processes in all buildings (LAeq) (measured for at least 15 minutes) must not exceed the background level by more than 5dB(A) when measured at any point on any residential boundary and must also comply with the acoustic criteria contained within Camden Council's Environmental Noise Policy and Liquor Administration Board criteria.
- (10) **Emission Requirements** - All gases, odours, fumes, steam, moisture and particulate matter generated by the use of the premises must be collected into approved stacks for discharge to the atmosphere. The quality of the discharges from the stack system must comply with the requirements of the Protection of the Environment Act, 1997 as amended and Regulations made thereunder.
- (11) **Trade Waste Bins** – Trade waste bins must be stored in a designated area on the premises and be emptied on a regular basis.
- (12) **Waste Storage and Labelling** – To ensure compliance with environmental legislation all waste containers are to be labelled with waste stored in a manner that prevents the escape of pollutants to the environment.
- (13) **General Waste Service Contract** - The business proprietor shall enter into a commercial contract for the collection of trade waste and recycling. A copy of this agreement shall be held on the premises at all times.
- (14) **Waste Management Plan post construction phase** – A waste minimisation strategy and collection strategy (Waste Management Plan) shall be submitted to Camden Council prior to the opening of the Club. The Waste Management Plan shall be in accordance with the Waste Management Plan produced by WasteTech Engineering; dated 3 April 2009 and shall include the following;
- (a) A statement which reserves Council the right to conduct random inspections to ensure that no public health risks exist as a result of the waste removal facility/storage area.
 - (b) A statement which allows Council the right to request copies of receipts

and a signed collection contract where an alternate contractor (other than Council) is utilised and that should Council is to be informed of any changes to the terms of the waste service agreements.

- (15) **Waste removal requirements** – The removal of waste shall also comply with the following:
- (a) Caution Trucks or similar signage shall be installed at the entrance to access ways where vision is impaired by a building and/or landscaping (or the like) to alert pedestrians and other motorists of trucks' presence/movement
 - (b) The waste management area should be well ventilated. However, where appropriate natural ventilation cannot be provided, it may be necessary to install mechanical ventilation. In such situations, the applicant is required to engage the services of an appropriately qualified ventilation consultant to ensure that the waste management area is ventilated in accordance with the Building Code of Australia and relevant Australian Standards.
- (16) **Fire safety measures** - The essential fire safety measures must be maintained in accordance with clause 182 of the Environmental Planning and Assessment Regulation 2000.
- (17) **Amenity** - The business shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, adjoining occupations, and residential premises.
- (18) **Bunting** - Bunting must not be used to attract customers.
- (19) **Lighting** - All external and internal lighting for roads, parking and essential areas shall be provided in accordance with the Australian Standard 1158. At no time shall the lighting of the compound exceed the limits of the Australian Standard 4282-1997 Control of the Obtrusive effects of outdoor lighting.

END OF DRAFT CONDITIONS

RECOMMENDED

That Council:

- i. **grant consent to Development Application No 349/2009 to construct a building to be used for the purpose of a registered club with associated facilities and works at No 2A (Lot 1 DP 1093264) Porrende Street, Narellan subject to the draft conditions of consent contained in this report;**
- ii. **endorse the extinguishment of the Terms of Easement for Landscaping 3m wide referred to in Deposited Plan No 1048551;**
- iii. **infer the term of this easement to be incorporated within the adjoining land known as Lot 8 DP 1132349; and**
- iv. **allocate all bonds relating to works for the delivery of the infrastructure as**

required by Development Consent No. 69/2001 to such works on the adjoining land in (iii.) above.

ATTACHMENTS

1. Locality Plan
2. Proposed Plans
3. Submission (Sup.Doc)



Location Plan - LT1 DP1093264 Porrende St Narellan.pdf



Proposed Plans DA349.2009.pdf



Submission_DA 349-2009.pdf

RESOLUTION

CHAIRMANSHIP OF MEETING

The Mayor, Councillor Patterson, having previously declared his intention to leave the Chamber in Item ORD01, vacated the Chair and left the Chamber, the time being 6.21pm.

Councillor Warren assumed the role of Chairperson.

MOTION

Moved Councillor Symkowiak, Seconded Councillor Dewbery that Council:

- i. grant consent to Development Application No 349/2009 to construct a building to be used for the purpose of a registered club with associated facilities and works at No 2A (Lot 1 DP 1093264) Porrende Street, Narellan subject to the draft conditions of consent contained in this report with the additional requirement that a second public disabled toilet be provided and added to the plans prepared for construction purposes;
- ii. endorse the extinguishment of the Terms of Easement for Landscaping 3m wide referred to in Deposited Plan No 1048551;
- iii. infer the term of this easement to be incorporated within the adjoining land known as Lot 8 DP 1132349; and
- iv. allocate all bonds relating to works for the delivery of the infrastructure as required by Development Consent No. 69/2001 to such works on the adjoining land in (iii.) above.

THE MOTION ON BEING PUT WAS **CARRIED**.

(Councillors Anderson, Dewbery, Symkowiak, Warren, Cottrell and Campbell voted in favour of the Motion.

Councillor Cagney voted against the Motion).

CHAIRMANSHIP OF MEETING

The Mayor returned to the Chamber and resumed the Chair, the time being 6.50pm.

ORD163/10

ORDINARY COUNCIL

ORD02

SUBJECT: CIVIC CENTRE - CULTURAL PERFORMANCE SUBSIDY
FROM: Director Works and Services
FILE NO: Community Services/Grants and Subsidies/Donations 2010

PURPOSE OF REPORT

To seek Council approval to allocate funding to twelve (12) local community groups and organisations under Council's Civic Centre - Cultural Performance Subsidy under the Council's Community Financial Assistance Program.

BACKGROUND

At its meeting of 24 November 2009, Council reviewed and updated the Community Financial Assistance Policy. This policy now covers a number of programs, one of which is the Civic Centre - Cultural Performance Subsidy (previously called Musical Fee Relief). With the adoption of the revised policy, the Cultural Performance Subsidy funding round will be held once in June each year.

Council provides a small amount of funds annually as fee relief for not for profit groups providing musical or performing arts "cultural" presentations at the Camden Civic Centre. These funds increase venue accessibility to groups wishing to provide such performances for the community.

The policy is in place to attract a minimum of six high quality cultural performances to the Centre for the community. In conjunction with the funding round, the policy also provides for Civic Centre Management to seek up to three events to complement the calendar, sourced specifically to meet the needs of the community and its demographic breakdown.

Objectives

The objectives of the policy are:

- to increase accessibility to the Camden Civic Centre venue for not for profit community performance groups;
- to enhance community awareness and involvement in cultural performances and heighten the profile of community performance groups; and
- to enhance community well being and sense of belonging through exposure to high quality cultural events and activities that are of interest to key demographic groups.

Eligibility

- Applications for cultural performances scheduled to be held at Camden Civic Centre in the July to June period.

- Dates must coincide with availability of the facility.
- Funds will be available to non government organizations who are not for profit and or community groups either based in the Camden LGA or undertaking a performance of direct benefit to the community and people of Camden LGA; and
- Applications may be for a portion of venue hire costs up to the value of and not exceeding \$1,200 (GST exclusive).

MAIN REPORT

The June 2010 Cultural Performance Subsidy funding round was advertised in the Camden Advertiser, on Council and Civic Centre web sites, Let's Connect and through a direct mail out to organisations listed on the Civic Centre database and the Community Directory.

Council received twelve applications in this funding round with requests totalling \$13,120 (GST exclusive). A total of \$9,400 is available for allocation in 2010/2011 across the funding round and Civic Centre managed events.

Applications included;

- WIN Wollongong Symphony Orchestra for a "Fantastical Classical" Concert with an estimated audience of 400, appealing to all ages, to be held on 25 November 2011. Requested \$700 - recommend part funding to \$400.
- Spastic Council fundraiser Carols evening featuring local school students as performers. The audience is estimated at 600 and will be held on 26 November 2010. Requested \$1,200 - recommend part funding to \$400.
- Campbelltown Camden District Band (CCDB) Annual Concert fundraiser. The concert will present a range of music from popular to classical, applicable to all age groups. Scheduled for 13 November 2010. Requested \$1,200 - recommend part funding to \$800.
- The Justice Project, to be run in conjunction with the 40 hour famine weekend. The event will feature local high school students and encourage young people to actively participate and be aware of social justice issues. Scheduled for 21 August 2010 with an estimated audience of 400. Requested \$1,200 - recommend part funding to \$800.
- Reality Youth event is a youth dance party/talent showcase managed by Cloud 9 promotions, the event will be one of a series of similar events. It is anticipated to appeal to 13-17 yr olds with an estimated attendance of 650. This event is scheduled for September 2010. Requested \$1,200 - recommend part funding to \$400.
- FGYO concert appealing to both young and old with music from the classical Beethoven to Jack Sparrow. Audience is estimated at 300 with the concert scheduled for 27 November 2010. Requested \$1,200 - recommend part funding to \$800.
- Cameo Theatre production of Calamity Jane. Cameo Theatre is an amateur

theatre group, with the show appealing to an older audience of 300 people with production scheduled for June 2011. Requested \$1,200 - recommend part funding to \$400.

- C3 Church; "Jason Jackson Charity Concert" to raise funds for the care of Grace Banks, a severely disabled child in our community. It is anticipated that a crowd of 600 people will attend a September 2010 concert. Requested \$1,200 - recommend part funding to \$800.
- "Times of Our Lives" Camden Public School concert with a matinee performance timed for the elderly within our community, although the production is an all age concert. The audience capacity is 500 with dates scheduled on 7 & 8 September 2010. Requested \$820 - recommend full funding of request - \$820.
- Education Week Service for Camden Churches Board of Christian Education including performances by Elderslie and Camden High School students. Estimated 200 people open to all ages. This event was held 1 August 2010. Requested \$1,200 - recommend part funding to \$600.
- National Youth Week under 18's band night, scheduled as a component of the youth week calendar for Camden. Ambition is to attract 600 12-18 yr olds for an 1 April 2011 concert. Requested \$800 - recommend part funding to \$400.
- Lachlan Glenn's "Thank you Camden" - The sequel concert to thank the community of Camden for their ongoing support of Lachlan in his international musical studies. The event is a fundraising event with an anticipated crowd of 500 from all age groups. Scheduled for 15 January 2011. Requested \$1,200 - recommend part funding to \$800

The **table provided as an attachment at the end of this report** provides a summary of each application received with an assessment against criteria and recommendations for funding.

It should be noted that previous funding and a history of events previously staged within the venue have been considered in determining the likely response from the community and level of funding recommended.

The applications received include 8 applications for family/all age events, 1 event for senior/mature audience and 3 applications for youth (12 - 25 year old) events.

In order to maximise support for the community and applicant groups, the recommendation is that most groups get funding for part of the funds requested. It is expected that all groups would continue to hold their events despite receiving an amount less than that requested.

As there were no applications received for events specifically for the 0-5 age group, Civic Centre management will seek to source performances for this age group and will also work toward a second performance for the over 55's. A minimum of \$600 is to be allocated to each event.

CONCLUSION

The advertising for applications for assistance under Council's Civic Centre Cultural Performance subsidy attracted twelve applications for this financial year. Each of the applications was assessed against the criteria, based on information provided in the application, the available funds, audience trends and expectations and evidence of planning and partnerships.

It is noted that many of the applicants have been funded in previous years and the total of requests significantly exceeds available funds.

It is recommended that a sum of \$7,420 (GST excl.) be used to partially fund the twelve applicants to enable the Centre's program of events to broaden and embrace a range of quality entertainment for the community of Camden.

RECOMMENDED

That:

- i. Council provide \$7,420 (GST excl.) in funds under Council's Civic Centre Cultural Performance Subsidy to the applicants as noted in this report and advise applicants of the outcome in writing; and**
- ii. \$1,800 be allocated to Civic Centre Management for the sourcing of quality cultural performances for the over 55 and 0-5 year old demographics as outlined in Council's policy.**

ATTACHMENTS



fee relief attachment 2 summary.doc

RESOLUTION

Moved Councillor Symkowiak, Seconded Councillor Dewbery that:

- i. Council provide \$7,420 (GST excl.) in funds under Council's Civic Centre Cultural Performance Subsidy to the applicants as noted in this report and advise applicants of the outcome in writing; and
- ii. \$1,800 be allocated to Civic Centre Management for the sourcing of quality cultural performances for the over 55 and 0-5 year old demographics as outlined in Council's policy.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD164/10

ORDINARY COUNCIL

ORD03

SUBJECT: PROPOSED RENAMING OF ROAD AND NAMING OF NEW
ROADS IN ORAN PARK
FROM: Acting Director Development and Health
FILE NO: Binder: Development/Land Use & Planning/GLIS/Land
Information/Road Naming

PURPOSE OF REPORT

The purpose of this report is to seek Council's final endorsement of a proposal to rename parts of Cobbitty Road (between Camden Valley Way and The Northern Road) to Oran Park Drive and Cobbitty Road East. In addition, Council's endorsement of a proposed road naming list is sought and a resolution on the use of the name "Dick Johnson" is also sought.

BACKGROUND

The Greenfields Development Company requested that the part of Cobbitty Road between Camden Valley Way, Catherine Field and the new entrance to the suburb of Oran Park be renamed Oran Park Drive. Oran Park Drive would begin at Camden Valley Way and extend through to the Oran Park Town Centre.

The remaining section of the roadway was proposed to be renamed Cobbitty Road East and would begin at The Northern Road and end at the proposed Oran Park Drive. **A map showing the proposed locations at which the name changes would be applied is provided at the end of this report.**

Ongoing liaison occurred with the developer partner via the Oran Park Development Working Group, which includes Council officers. The suggested name change related to the history of the use of part of the land as a raceway.

Initial advice was sought from the Department of Lands regarding the renaming of part of Cobbitty Road. That advice was that the Department of Lands raised objection to part of the proposal.

The reason for that objection was the proposal would leave Cobbitty Road East unconnected to the remainder of Cobbitty Road. This disconnection would be brought about by an existing small section of The Northern Road. The Department believed this may cause confusion.

It was considered by Council officers that this was not different to the present situation whereby Cobbitty Road is also broken at The Northern Road. Indeed, it is arguable that the proposed name change would actually reduce confusion as it recognises the discontinuity caused by The Northern Road.

In any event, if Council wishes to pursue the name change of the road between (proposed) Oran Park Drive and The Northern Road, to Cobbitty Road East, it has the ability to seek further consideration by the Department of Lands, provided it states why it believes the name change is valid.

In addition, the owners asked Council to consider a list of street names to be used in the precinct. The names requested by the proponent are based on the historic motor racing activities at Oran Park Raceway and include the names of the drivers at the first race at Oran Park, racing champions, prominent drivers and other associated personalities.

It is proposed this list will form a “stock” of approved names which may be used by the developers of this precinct. There will be no obligation to use any of the names on this list, but all names that are used need to be endorsed by Council. **A list of these proposed road names is provided at the end of this report.**

If endorsed by Council, this list will then need to be referred to the Geographical Names Board (GNB) to be assessed under its own approval process.

The proposed name change to part of Cobbitty Road was assessed by officers and was referred to Council for endorsement last year and Council resolved to:

- i. endorse the renaming of part of Cobbitty Road to Oran Park Drive and Cobbitty Road East;*
- ii. proceed with the road renaming process outlined in this report; and*
- iii. a further report be provided to Council at the end of the exhibition period.*

The road naming process has been progressed and is now able to be reported to Council.

MAIN REPORT

Proposed Cobbitty Road name amendments

The road naming authority in this circumstance is Council. The procedure to be followed if the proposed name change to Cobbitty Road is finally endorsed by Council is:

- 1 Council must publish the proposal in the local newspaper and hold a 30 day exhibition.
- 2 Council needs to ensure that the notice on this matter states that written submissions on the names may be made to Council.
- 3 Council serves notice of the proposal on Australia Post, Registrar General, Surveyor General and in the case of a classified road, on the RTA.
- 4 After the exhibition, if it is still proposed, Council writes to the Department of Lands setting out reasons for seeking the renaming of part of Cobbitty Road.
- 5 If the names are approved, then they are published in the NSW Government Gazette and in local newspapers.
- 6 Council informs Australia Post, the Registrar General, Surveyor General and the

RTA.

Steps 1 to 3 have now been completed and it is now for Council to determine whether to proceed with the name changes.

During the notification period, one submission was received. **A copy of this submission is provided with the Business Paper Supporting Documents.**

The objection was from the owner of a property that would front that part of Cobbitty Road to be renamed Oran Park Drive. The objection raised the following points:

- 1 The need for renumbering due to Cobbitty Road numbering starting at the western end of Cobbitty Road.

Officer Comment:

It would not be proposed to renumber the addresses. This is not considered practical given the relatively early stage of development in the Oran Park precinct.

- 2 Electoral Roll update.

Officer Comment:

Council officers would notify the relevant authorities of any adopted name change.

- 3 Insurance premiums reassessed up

Officer Comment:

As the zoning, locality and post code of the land fronting that part of Cobbitty Road is not proposed to change, it is not anticipated that the proposal would have any adverse impact on insurance premiums.

- 4 Stationary needs to be changed.

Officer Comment:

It is normal for there to be a transition period, during which roads that undergo name changing are known by both the previous and new road name. It is anticipated this would be the case for Cobbitty Road/Oran Park Drive. It is considered this period will allow for existing stocks of stationary to be utilised.

- 5 Road maps, telephone directories need to be updated.

Officer Comment:

Road maps and telephone directories are updated at least annually. This process has been greatly assisted with the advent of Geographical Information Systems.

This part of Camden's LGA is undergoing significant changes and a name change would be a relatively minor amendment to any existing maps and directories.

In addition, Council met with many of the affected land owners and representatives of the developers on 1 June, 2010 to discuss the proposal to rename part of Cobbitty Road, as well as provide information on the current development of Oran Park.

At this meeting, residents expressed concerns as follows:

- a. Insurance premiums will go up.

Officer Comment:

The zoning, locality and post code of the land fronting that part of Cobbitty Road is not proposed to change. As such, it is not anticipated that the proposal would have any adverse impact on insurance premiums.

- b. It is inconvenient.

Officer Comment:

The proposal to rename part of Cobbitty Road does present the existing land owners there with some inconvenience. It is hoped the proposed change will add to ability for the growing community in that area to way-find more effectively in the future.

- c. Notification was insufficient and a letter should have been sent out.

Officer Comment:

While the appropriate notification procedure set out by the GNB was followed, including a newspaper notification, it is accepted that letters to individual property owners during the notification period would have been a great assistance to these people.

Council sent a letter to all affected property owners on 9 July, 2010 advising them that this report is expected to be considered at this meeting and inviting enquiries in the meantime.

One call was received, seeking information about the process being followed.

The proposed name change of part of Cobbitty Road to Oran Park Drive achieves some benefits. These include:

- i) The new alignment of Cobbitty Road means the portion from the new Oran Park development site, to Camden Valley Way has a geometry that makes it a natural extension of the main north-south entrance road into Oran Park.
- ii) The name Oran Park Drive, consistent with the entrance road to Oran Park provides for superior way-finding and legibility for visitors to that South-West Growth centre.
- iii) Oran Park Drive, commencing at Camden Valley Way will direct vehicular traffic bound for the new town centre, travelling down Camden Valley Way or Narellan Road, more intuitively to its destination.

The proposal has been considered on its merits and the concerns of the objector have been taken into account. On balance, it is considered the benefits of effecting the name change of Cobbitty Road, east of the southern entrance (roundabout) of the Oran Park development, to Camden Valley Way to Oran Park Drive are such that the change

can be recommended to Council for final endorsement.

The proposed name change of that part of Cobbitty Road from the Northern Road to the southern entrance to the Oran Park development, to Cobbitty Road East has not been the subject of any objection and is still considered by Council Officers to be a logical and practical outcome.

For this reason, it is recommended that this name be returned to the Geographical Names Board, with reasons identified in the previous report to Council, seeking that the change be effected.

Proposed list of road names for the Oran Park development

Council is not required to refer any endorsement for new, internal roads to the GNB, rather Council is only required to apply the guidelines of the GNB with respect to road naming. With the exception of those names listed below, the names listed are in accordance with those guidelines in that they are appropriate to the physical, historical and cultural character of the area.

The names on the Master List provided by the developer have been considered by Council officers and, with the exception of those below, are able to be recommended to Council for endorsement and referred to the GNB for its assessment and approval. The list that is approved by the GNB will then be able to be used by the developer as and when required.

The list below represents those proposed names from the Master List that are not considered to adequately meet the GNB guidelines for road naming. The proposed list of exclusions below has been discussed with the developer and agreed to.

List of proposed Street Names from the Master-List attached to this report, which do not meet the GNB Guidelines:

NAME	REASON
Anderson	Anderson Road, Smeaton Grange
Bates	Bates Close, Elderslie
Beyer	Beyer Close, Elderslie
Canto	Too similiar to another choice, Canon
Cape	Cape Banks Drive, Harrington Park
Chisholm	Chisholm Road, Catherine Field Caroline Chisholm Drive, Camden South
Faithfull	Faithfull Street, Elderslie
Holdsworth	Holdsworth Drive, Narellan Vale
Luke	Luker Street, Elderslie
Parsons	Parson Place, Harrington Park
Rogers	Rogers Way, Mount Annan
Smit Smith	Smith Place, Mount Annan
Steward Stewart	Stewart Street, Harrington Park

Proposed use of “Dick Johnson” for the Oran Park Development.

The developer of the Oran Park land has asked Council to consider using the name “Dick Johnson” with the Oran Park release. This is an historical and place-specific counterpoint to the use of the name “Peter Brock Drive”. It also echoes the well-known sporting rivalry between supporters of Holden and Ford motor car racing.

The developers have also submitted a letter of support for this proposal from Mr Johnson. **A copy of this letter is provided with the Business Paper supporting documents.**

If Council endorses this name, it will be referred to the GNB for its approval. If the GNB assessing officer does not support this name, an appeal mechanism within the GNB exists and could be utilised to further pursue the use of the name.

Council officers have considered the road naming guidelines prepared by the GNB. In relation to the proposal to use Mr Johnson’s full name, the key elements of the guidelines are:

- a. Under the heading “Propriety”, the guidelines say the names of living persons should not be used.

This concern is considered to be addressed by the written consent of Mr Johnson.

- b. Under the heading “Communication”, the guidelines say a given name should only be included with a family name where it is essential to identify an individual or where it is necessary to avoid ambiguity. The use of given names should be avoided.

In this case, a given name is needed as the counterpoint to the use of “Peter Brock”. Using the given name “Dick” would avoid ambiguity with the name “Johnson Avenue”, Camden South.

CONCLUSION

A request has been received to rename part of Cobbitty Road from The Northern Road, to the new roundabout at the entrance to the Oran Park development, to Cobbitty Road East and to rename that part of Cobbitty Road from the new roundabout to Camden Valley Way, Oran Park Drive.

In addition, a list of road names has been submitted for the Oran Park development.

The proposed changes to naming in Cobbitty Road has been publicly exhibited for 30 days in accordance with the requirements of the GNB and one submission has been received.

In addition, the proposed list of road names for the Oran Park development has been assessed by Council officers in accordance with the criteria of the GNB.

Finally, it is proposed to use the name “Dick Johnson” as a road name. While the use

of the name of living persons and the use of given names is not recommended in the GNB guidelines, this name is considered to have sufficient merit in the case of a formerly iconic motor racing venue, to be recommended for use.

The proposed list of road names including the use of "Dick Johnson" would need to be referred to the GNB for its approval.

It is considered the renaming of part of Cobbitty Road has merit. Further, with a few exceptions, the list of proposed road names is considered acceptable. The naming proposals are now able to be recommended to Council for endorsement.

RECOMMENDED

That Council:

- i. give final endorsement to the renaming of part of Cobbitty Road to Oran Park Drive and Cobbitty Road East;**
- ii. proceed with the road renaming process outlined in this report in regard to this change;**
- iii. endorse the list of proposed road names for the Oran Park development, with the exception of those provided in this report;**
- iv. endorse the use of the name "Dick Johnson" for the Oran Park development; and**
- v. refer the proposed road name list including the name "Dick Johnson" to the GNB, seeking its approval.**

ATTACHMENTS

1. Locality Plan
2. Proposed Oran Park Road Names
3. Submission (Supp Doc)
4. Support Letter (Supp Doc)



Oran Park Road Names.doc



Location Plan - Oran Park Drive.pdf



Submission road name changes.pdf



Support Letter - Dick Johnson.pdf

RESOLUTION

Moved Councillor Warren, Seconded Councillor Anderson that Council:

- i. give final endorsement to the renaming of part of Cobbitty Road to Oran Park Drive and Cobbitty Road East;**
- ii. proceed with the road renaming process outlined in this report in regard to this**

change;

- iii. endorse the list of proposed road names for the Oran Park development, with the exception of those provided in this report;
- iv. endorse the use of the name "Dick Johnson" for the Oran Park development; and
- v. refer the proposed road name list including the name "Dick Johnson" to the GNB, seeking its approval.

THE MOTION ON BEING PUT WAS **LOST**.

(Councillors Symkowiak, Campbell, Cagney, Patterson, Anderson and Dewbery voted against the Motion)

MOTION

Moved Councillor Symkowiak, Seconded Councillor Cagney that Council:

- i. endorse the list of proposed road names for the Oran Park development, with the exception of those provided in this report;
- ii. endorse the use of the name "Dick Johnson" for the Oran Park development; and
- iii. refer the proposed road name list including the name "Dick Johnson" to the GNB, seeking its approval.

THE MOTION ON BEING PUT WAS **CARRIED**.

(Councillors Warren and Cottrell voted against the Motion)

ORD165/10

ORDINARY COUNCIL

ORD04

SUBJECT: PROPOSED ADOPTION OF AMENDMENT TO CAMDEN
DCP 2006 - ELDERSLIE PEDESTRIAN BRIDGE PARK
FROM: Director Governance
FILE NO: Elderslie Release Area

PURPOSE OF REPORT

The purpose of this report is to seek a resolution from Council on the adoption of an amendment to Camden DCP 2006 to alter the size and shape of the Elderslie Pedestrian Bridge Park.

BACKGROUND

At the meeting of 8 June, 2010 Council considered a report which proposed publicly exhibiting an amendment to Camden DCP 2006 to alter the size and shape of the Elderslie Pedestrian Bridge Park. At that meeting Council resolved to endorse the proposed amendment for the purpose of placing the draft on public exhibition for a period of 28 days. It was further resolved that a report be presented to Council at the conclusion of the exhibition period.

MAIN REPORT

The subject site is intended to serve the purpose of an attractive landing space for the future bridge rather than serve any other open space function. The Elderslie Release Area will be served adequately by other local parks which have a broader range of facilities, such as the park being constructed by AV Jennings located between Higgins Avenue and Kerrigan Crescent. Therefore, if the landing of the bridge can be facilitated via a smaller site, it is considered appropriate that the DCP control be amended in this instance.

The amended DCP Figure 18 - Elderslie Pedestrian Bridge Park is provided as an **Attachment to this report**. Among other things, the park concept design has had regard to safety/security issues such as clear sight lines, surveillance opportunity, lighting and landscaping and cyclist speed management. Further detailed assessment of these issues will be undertaken at the future detailed park design/ construction stage.

The developer (Crownland Pty Ltd) has been asked to consider an appropriate mechanism to make prospective purchasers of the adjoining residential lots aware of the location of the future pedestrian overpass bridge and to require the design of the adjoining dwellings to respect a range of interface issues including noise, light spillage, passive surveillance, nuisance potential and creation of a quality space. Crownland has indicated these requirements can be addressed by the inclusion of an appropriate Restriction on Use or Positive Covenant registered on title for these lots. In addition,

the potential impacts of light shed, noise and loss of amenity would need to be considered as part of any future bridge/cycleway construction. Subject to endorsement of the altered park size, these matters will be determined by staff under delegation when considering the subdivision Development Application.

In accordance with the provisions of the Environmental Planning and Assessment Act, 1979, and the Environmental Planning and Assessment Regulation, 2000, the amendment was placed on public exhibition for 28 days. This occurred between 23 June until 21 July 2010, with submissions invited to be received by 23 July 2010. An advertisement was placed in the local newspapers and was displayed on 23 June and 7 July 2010.

No submissions have been received.

CONCLUSION

The altered park size and shape is assessed to be consistent with the park's intended character and function. The completed technical assessments have demonstrated the park is able to integrate with the pedestrian bridge that will link Elderslie and Spring Farm when constructed. As a result, the exhibited draft DCP is able to be recommended to Council for adoption.

RECOMMENDED

That:

- i. **Camden Development Control Plan 2006, as amended be adopted by Council, and;**
- ii. **notice be placed in a local newspaper enabling the amendment to take effect.**

ATTACHMENTS

Attachment - Diagram Pedestrian Bridge Park



Attachment Elderslie Pedestrian Bridge Park.JPG

RESOLUTION

(Councillor Campbell left the Chamber - the time being 7.06pm)

Moved Councillor Dewbery, Seconded Councillor Symkowiak that:

- i. Camden Development Control Plan 2006, as amended be adopted by Council, and;
- ii. notice be placed in a local newspaper enabling the amendment to take effect.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD166/10

ORDINARY COUNCIL

ORD05

SUBJECT: NATION BUILDING BLACK SPOT PROGRAM - CAMDEN
VALLEY WAY / KIRKHAM LANE INTERSECTION,
KIRKHAM

FROM: Director Works and Services

FILE NO:

PURPOSE OF REPORT

To seek Council acceptance of the Nation Building Black Spot Program grant funding for 2010/11 to upgrade the right-turn lane configuration at the intersection of Camden Valley Way and Kirkham Lane, Kirkham.

BACKGROUND

An evaluation of road collision data at the intersection of Camden Valley Way and Kirkham Lane, Kirkham revealed patterns of collisions such that in June 2009, Council resolved to support, in principle, the provision of a protected right turn lane. Further to this resolution, Council has successfully secured Federal funds to facilitate this installation in the 2010/11 financial year under the Black Spot Program. This report gives details on the grant funding.

MAIN REPORT

In June 2009, the Camden Local Traffic Committee considered road collision data at intersection of Camden Valley Way and Kirkham Lane and engineering measures for addressing road safety at this location. At its meeting of 23 June 2009, Council resolved:

That Council:

- i. provide in principle support to the establishment of a type 'C' intersection at the junction of Camden Valley Way and Kirkham Lane;*
- ii. undertake the survey and detailed design of a protected right turn lane (type "C" intersection) on Camden Valley Way at Kirkham Lane;*
- iii. install a hazard board opposite Kirkham Lane on Camden Valley Way; and*
- iv. return a report to Local Traffic Committee with detailed design and cost estimates for consideration.*

An application was made to the Nation Building Black Spot Program in August 2009 for \$73,000 (GST excl.) to undertake engineering survey and design, minor pavement widening, linemarking, raised pavement markers and concrete medians, to facilitate a dedicated right turn bay. The application incorporated an outline design, cost estimate and a benefit / cost ratio analysis based on standard criteria supplied by the Roads and Traffic Authority which administers the Black Spot Program in New South Wales on

behalf of the Federal Government.

Council has been informed that this application has been successful. It is recommended that Council accepts this funding and proceeds with the detailed design and cost estimate for consideration by the Local Traffic Committee. Construction work has been programmed for January 2011 and the project must be completed no later than 30 June 2011.

CONCLUSION

Council has been advised of grant funding available to Council in the 2010/11 financial year under the Black Spot Program for the design and installation of a dedicated right turn bay at the intersection of Camden Valley Way and Kirkham Lane. This work has been included in Council's construction work program and needs to be completed by 30 June 2011.

RECOMMENDED

That Council:

- i. accepts funding of \$73,000 (GST excl.) under the Nation Building Black Spot Program for the design and installation of a dedicated right turn bay at the intersection of Camden Valley Way and Kirkham Lane; and**
- ii. authorises for the relevant documentation to be completed under Council Seal.**

RESOLUTION

Moved Councillor Warren, Seconded Councillor Anderson that Council:

- i. accepts funding of \$73,000 (GST excl.) under the Nation Building Black Spot Program for the design and installation of a dedicated right turn bay at the intersection of Camden Valley Way and Kirkham Lane; and
- ii. authorises for the relevant documentation to be completed under Council Seal.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD167/10

ORDINARY COUNCIL

ORD06

SUBJECT: CAMDEN VALLEY WAY UPGRADE - SUBMISSION
FOLLOWING THE REVIEW OF ENVIRONMENTAL
FACTORS

FROM: Director Works and Services

FILE NO:

PURPOSE OF REPORT

To inform Council of a proposed submission to the NSW Roads and Traffic Authority (RTA) following the RTA's release for public exhibition of the Review of Environmental Factors (REF) for the upgrade of Camden Valley Way from Cobbitty Road to Cowpasture Road.

BACKGROUND

The current RTA proposal is for the upgrade of 10.7 km of Camden Valley Way to a four lane road, which is predicted to meet the expected traffic volumes on this road until 2026. The design of this road upgrade will be capable of accommodating a 6 lane road (post 2026). However there is no indication when these future stages would be completed.

The REF currently on public exhibition assesses the concept plans for the current four lane upgrade proposal. The RTA has called for submissions on the REF by 13 August 2010.

The detailed design of the road upgrade is to be completed as a second stage to this project.

MAIN REPORT

The RTA has released for public exhibition the REF for its current proposal to upgrade a 10.7 km section of Camden Valley Way between Cowpasture and Cobbitty Roads. The upgrade will involve increasing the road capacity from the existing 2 lanes to a 4 lane divided roadway. The purpose of the REF is to describe the project, document the likely impacts of the proposal on the environment, and detail all protective measures to be undertaken.

Three options were considered, with restrictions on the final alignment taking into account the existing methane gas pipeline, existence of significant stands of remnant vegetation and existing built infrastructure such as Leppington shops and service stations, as well as future infrastructure proposed including the South West Rail Link.

The final road design for this upgrade incorporates a four lane divided road, two metre wide shoulders and a three metre wide off road shared pedestrian and cycle path on

the western side. The signposted vehicle speed will be 80 km/h. The central median allows for widening to an eventual six lanes.

The Camden Valley Way upgrade proposal is currently at concept design stage and the REF assesses the works at this level. The RTA proposes to put to tender the detailed design and construction of the upgrade works. Consequently, refinement of the current proposal has been deferred until the detailed design stage. This has implications for Council's ability to both review the project and its potential environmental impacts.

The following represents a summary of the main issues of interest and concern for Council and will form the basis of Council's response to the RTA:

Noise Mitigation

The REF contains inconsistencies as to how noise mitigation options will be determined for affected properties. The executive summary of the noise report states that architectural treatment at identified (affected) dwellings will be the most effective noise mitigation strategy. However, the body of the report says *"an assessment of feasible and reasonable noise mitigation options is required"* and that *"final noise measures would be further refined during the detailed design phase."* It is unclear if a detailed assessment of the most feasible and affective measures has taken place.

Additionally, the approach of using architectural treatment at individual properties is inconsistent with the NSW Department of Environment, Climate Change and Water (DECCW) Environmental Criteria for Road Traffic Noise (ECRTN). Reliance on architectural treatment of individual dwellings does not address issues of road noise when residents are within their yard areas. In addition, for treatments such as window glazing to achieve the modelled noise reductions, these windows effectively need to remain permanently closed, which impacts on natural ventilation requirements of the Building Code of Australia.

The noise report modelling allows for a 15 dB reduction in noise levels as a result of noise attenuation by building facades. However the ECRTN criteria only permit a 10dB allowance for noise attenuation by building facades. It will be important that the expected final noise levels are compared with existing noise levels.

Land Contamination

Due to the nature of previous landuses adjacent to Camden Valley Way, Council recommends that an "Unexpected Finds Protocol" be developed and incorporated into the earthworks processes undertaken by the RTA and its contractors in order to deal effectively with unexpected contamination finds.

Salinity

Soil salinity in the area appears to have been assessed by desktop studies and literature reviews. It points to a moderate salinity potential for much of the route, with a known area of high salinity potential where Camden Valley Way crosses South Creek. Council recommends that a detailed assessment be undertaken as part of detailed design.

Water Quality

The REF states that the "feasibility of including stormwater / pollutant treatment into the proposed drainage system would be further investigated during the detailed design". As stormwater from road surfaces is a known and documented pollution source, water quality treatment options should be built into the detailed design stage.

Page 77 of the Volume 1 summary of the REF report states that the lack of kerb and gutter for this length of Camden Valley Way is potentially leading to polluted runoff reaching neighbouring drainage lines and creeks. However, the absence of kerb and gutter actually means that road runoff along the majority of the road is, in the main, actually infiltrating the adjacent landscape. In some places, this would be effectively filtering the runoff before it enters the waterways. Therefore, post construction of the upgraded road, with both the increased traffic volumes and the collection of stormwater in a piped system, there is the potential for increased pollution loads in the creeks, increasing the importance of adequate water quality treatment for the upgraded road.

The initial assessment of drainage requirements to manage stormwater impacts identified that a permanent detention basin would be required in the vicinity of Chainage (CH) 305. However, this appears to be in conflict with the proposed South West Rail corridor. The REF anticipates that up to 66 temporary sediment retention basins will be required during construction works. No indication has been given as to where these basins may be located and therefore no assessment of their potential impact on the ability to retain existing vegetation or other environmental features has been undertaken.

Given the substantial number of temporary basins required and the proximity of significant stands of vegetation in the immediate vicinity of the road corridor, the assessment of vegetation loss undertaken in the ecological assessment may not represent a true and accurate record of the likely loss of roadside vegetation (this is also discussed later in this report).

Traffic

Overall, the traffic forecasting undertaken appears robust and most traffic issues have been adequately addressed. However, there are some remaining issues which need to be further investigated. These are:

1. the Strategic and Intersection Modelling report provides the Level of Service for intersections along Camden Valley Way following the upgrade. The REF needs to assess existing traffic conditions and the requirement for interim upgrades prior to the full upgrade to four lanes and signals. In particular, the following intersections require upgrading to seagull configurations as a minimum now:
 - Camden Valley Way / Deepfields Road,
 - Camden Valley Way / Catherine Field Road, and
 - Camden Valley Way / Springfield Road.

Upgrading of these intersections as an interim measure will not adversely affect the cost or constructability of the future four lane option contained in the REF. Failure to upgrade these intersections as an interim measure will result in significant increases in the number of accidents. The accident history at these intersections for

the five year period from July 2004 to June 2009 (the latest available RTA data) is:

- Camden Valley Way / Deepfields Road - 20 accidents, 9 of which were reported as injury crashes;
 - Camden Valley Way / Catherine Field Road - 12 accidents, 6 of which were reported as injury crashes and 1 as fatal;
 - Camden Valley Way / Springfield Road - 3 accidents, 1 of which was reported as an injury crash. (Note that the need for the upgrade at Springfield Road is required to address current capacity issues and the ability for traffic to enter and leave Camden Valley Way, especially by way of right hand turns.
2. Proposed bus stop locations must incorporate footpaths and bus stop pads compliant with the requirements of the Disability Standards for Accessible Public Transport. This should also include the provision of compliant bus shelters. The bus shelter design should be determined in consultation with Camden Council.
 3. Intersections. Future land releases may warrant relocation of some of the proposed intersections. However, it is generally agreed that signalised intersection spacing should remain at around 1,000 metres on average in order to maintain the high capacity 80 km/h environment.
 4. The staging of the detailed design will need to account for safe construction movements to and from work sites and storage areas. Given the already high volume of traffic on Camden Valley Way, detailed Traffic Control Plans will be required. It is highly likely that some work may need to be restricted to only occur outside peak periods.
 5. The proposed shared path requires linkages to the future bike trails contained in the Camden Draft Recreational Trails Network strategy. In particular, this will require provision for cyclists crossing Camden Valley Way from the shared path to recreational trails to the east.

Ecology and Biodiversity

The REF (within the Ecological Assessment by ngh environmental) concludes that the upgrade will have a significant impact on the critically endangered ecological community of Cumberland Plain Woodland (CPW). However, under the terms of the Threatened Species Conservation Act, s1262 (2), significant impacts on threatened species, endangered ecological communities and populations caused by activities authorised under Part V of the EP&A Act are permitted without further studies/approvals. The upgrade of Camden Valley Way is covered by this part of the Act.

A significant majority of the area of CPW vegetation impacted by the road upgrade is contained within the South West Growth Centre's (SWG) Biocertified Area, and only a small proportion (2.88ha) of the total area (17.7ha) of CPW to be cleared is outside the Biocertified Growth Centres' Area. Essentially, the clearing of the CPW within these Biocertified Areas has already been accounted for through the process of biocertification, including offsets and restoration proposals, for the whole SWGC.

There appears to be opportunities to further reduce the potential impacts on CPW

through slight changes to the alignment of the road in several areas. The better quality vegetation exists on the eastern / southern side of the existing road. Particularly around the locations CH 1650 – 2000 (just south of the water supply canal crossing) and CH 6400 - 7750 (from Dwyer Road to Deepfields Road), there appears to be room on the western side of the road reserve for the road to be moved westwards. This would retain more of the vegetation, which is of moderate condition, on the eastern side. However, this western side location is also constrained by the heritage curtilage of Raby House, an impact Council would wish to avoid. Therefore appropriate offset of any loss of CPW or habitat trees (see comments below) should be a high priority.

Moving the road alignment westwards would not only retain a greater area of CPW vegetation, it would likely also improve the ability to retain significant hollow-bearing habitat trees, which are also present on the eastern / southern side of the road. These trees provide habitat resources for other threatened species recorded in the area.

The current proposal aims to set a minimum retention rating of 30% of all hollow bearing trees. There is no guarantee that this aim can or will be met, nor that achieving this level of habitat-tree retention is sufficient to avoid a significant impact on the threatened species which may use these habitat trees. Moving the road alignment further west will improve the ability to retain significant, hollow bearing trees. The recommendations in the Ecological Assessment regarding the priority retention of habitat trees, and the requirement for a replacement nest box program (even if a minimum of 30% of habitat trees is retained), should be included as 'conditions of approval' on any project approval issued by the RTA.

Some of the existing culverts are acting as barriers to fish passage. The road upgrade works should remove all physical barriers to fish passage, and creek crossings of the upgraded road should all be of improved standard compared to the current condition. The additional width of the upgraded road will result in lower light levels within culvert crossings. This potential increase in physiological fish barriers should be offset by additional works (uneven bottoms, installation of habitat features such as in-stream rest spots, use of light wells, etc.) to improve each crossing's habitat potential.

The REF states that "A total of nine waterway crossings were encountered along Camden Valley Way. The majority of waterways are Class 3 waterways according to Fairfull and Witheridge (2003). Class 2 waterways occur only at the creeks named Bonds Creek, Rileys Creek and South Creek." The full reference of Fairfull and Witheridge is not given in the References section of the report. However this information conflicts with the (former) Department of Water and Energy (DWE) classifications of streams within the Camden LGA. The DWE map shows that Rileys Creek and South Creek are both Category 1 streams, Bonds Creek is a Category 2 stream and the status of Cabramatta Creek is unknown (by Council) as it is outside the Camden LGA. The RTA should confirm the appropriate categorisations of the waterways and assess the appropriateness of applying DWE guidelines to the crossings.

The categorisation of streams by DWE has bearing on the types of crossings permitted across waterways and the restoration requirements. Level 1 streams generally require a piered crossing, that the number of crossings be minimised and that lateral connectivity in ensured for instream functionality.

All new crossings required to accommodate the additional width of the upgraded road should be required to be constructed in accordance with the DWE guidelines for that category or watercourse, regardless of the standard of the original (and remaining) crossing in that location.

Proposed 4 Lanes, with future increase to 6 Lanes

The current proposal assessed by the REF is to build Camden Valley Way to 4 lanes, with a wide central median strip. When the road is further upgraded in the future, the additional two lanes will be formed in the central media strip so as not require the road reserve to be widened on the outer edges.

The current REF is limited to the impact of the current road proposal for 4 lanes, and the associated vegetation clearance and other impacts to create these 4 lanes. The current REF plans and documents make reference to the fact that in several locations (eg CH 5650-6300 from George Road to Dwyer Road), the central median in the current road configuration plans has been widened to accommodate the retention of some significant stands of trees. When the road is widened from 4 to 6 lanes, it is highly likely that much of this vegetation will be removed for either construction or safety purposes. Therefore, the benefit of retaining this vegetation is temporary at best and a further REF will be required to assess the impact of the further upgrade to a 6 lane road and the subsequent loss of more CPW vegetation.

Additionally, there is no indication on the concept plans where materials and machinery stockpiles, temporary sediment basins, etc. will be located during the construction process. All machinery and material stockpiles, access roads, sediment basins, etc. must be contained within the same 'development footprint' which was assessed as the study area in the REF for the conclusions in the REF to be accurate.

Aboriginal Heritage

Of the fourteen items of Aboriginal heritage identified in the REF, four will be unaffected, 5 will be totally affected and 5 will be partially affected. The RTA has followed due process in their assessment of the potential impacts and have indicated that this will continue to be followed to obtain permits to proceed with the proposed works.

Non-Aboriginal Heritage

The proposed road upgrade will have an impact on three properties listed on the State Heritage Register, two of which - Gledswood Homestead and Raby House - are located within Camden LGA. The proposed alignment and nature of works in the vicinity of both properties appears to have been designed to minimise the potential negative impacts on both and the NSW Heritage Branch will assess the nature of the works proposed.

Raby House will be impacted by the acquisition of the 30m wide frontage and the loss of the existing fenceline and encroachment into the defined heritage curtilage by the new drainage works in Rileys Creek.

Gledswood Homestead will be impacted by encroachment into the defined heritage

curtilage by the Catherine Hill Rd intersection, cut and fill activity and the construction of a new driveway into Gledswood.

Visual Assessment

The upgrade of Camden Valley Way to a 4 lane roadway will have a high to moderate overall visual impact, predominantly due to the large scale vegetation removal and the change in character from a two lane road with soft gravel edges. This current structure is subservient to the surrounding landscape, whereas a dual carriageway arterial road with 4 lanes, concrete kerb and gutter, edge barriers and wide medians will impose significantly on the landscape.

These visual impacts should be mitigated by a coordinated and consistent approach to issues such as street furniture and facilities, vegetation themes for landscaped areas and screen plantings / noise mitigation mounds, minimising signage between intersections and minimising the creek crossing treatments.

Council does not support the use of or reliance on significant built structures for noise attenuation as the first option to be applied in the design and further does not support the installation of such barriers in the future should noise complaints be received. Where there are identified significant views, noise needs to be satisfactorily addressed while retaining these views. A coordinated strategy to deal with noise needs to be developed with Council.

Drainage and Flooding

The REF Appendix E states that further consultation will occur between the RTA and Camden Council (and the Growth Centres Commission - now the Department of Planning) to further refine the issues around adequate drainage and the prevention of flooding. It is imperative that this consultation takes place before any work on the detailed design and construction plans for the road upgrade are significantly progressed.

Other Issues

The following issues require further resolution by the RTA prior to or during the detailed design stages:

1. How will the required landscaping and ecological restoration works be used to soften the visual and environmental impacts of the proposal?
2. Clarification of the shared pathway - Sections 4.3 and 4.4 of the Statement of Heritage Impact refer to a pathway on both sides of the road, however the concept plans provided all show the shared pathway occurring only on the western / northern side of the road
3. From a visual and heritage aspect, the bus stop provided in front of Gledswood Homestead would be better located on the other side of Catherine Field Road intersection, but can this be accommodated?
4. Confirmation of the exact curtilage of Raby House - Figure 62 in the State of Heritage Impact shows it extending to the Camden Valley Way edge and not setback 30m.
5. Confirmation the views over Raby House and Gledswood Homestead areas will be

- maintained from the Heath Rd area.
6. Confirmation that the views to Raby House from Dwyer Road will not be obscured by landscaping or other works.
 7. Consideration of providing links at strategic intersections to the future recreational trails in the Turner Road and El Caballo areas on the eastern side of Camden Valley Way.

CONCLUSION

The RTA has placed the REF for the upgrade of Camden Valley Way from Cobbitty Road to Cowpasture Road on public exhibition and is seeking comments by 13 August 2010. The REF is the first stage of the detailed design process for this stretch of road.

The REF considers the impact of the upgrade of the road to a four lane, dual carriageway arterial road, although the design will allow for a further upgrade at a later time to six lanes.

A number of areas of the REF have dealt with issues based on the current concept design, and therefore do not provide detailed assessment of all the factors which will be impacted by the upgrade. Council's review has identified a number of these areas and the submission will seek additional detail, clarification and make suggestions as appropriate.

Included in Council's proposed submission is the reference to the current impact of the growth of the traffic on the road and the need to upgrade Catherine Field, Springfield and Deepfield intersections now to improve safety and the ability of traffic to move to and from Camden Valley Way via those intersections.

Apart from the comments on the contents of the REF, there is a clear need for consultation between Council and the RTA and its representatives around the impact of the upgrade on drainage and watercourses - there is little information in the REF and apparent inconsistencies between some of the reports upon which the REF is based and other government Department's information.

It is proposed to make a submission outlining Council's concerns and seeking clarification where appropriate as outlined in this report.

RECOMMENDED

That Council:

- i. endorse a submission to the RTA based on the contents of this report; and**
- ii. write to the Member for Camden, Mr Geoff Corrigan MP, seeking representations and support for Council's submission to the RTA and further seeking support for the urgent upgrade of the intersections on Camden Valley Way at Catherine Field Road, Springfield Road and Deepfield Road.**

RESOLUTION

(Councillor Campbell returned to the Chamber - the time being 7.09pm)

Moved Councillor Symkowiak, Seconded Councillor Warren that Council:

- i. endorse a submission to the RTA based on the contents of this report; and
- ii. write to the Member for Camden, Mr Geoff Corrigan MP, seeking representations and support for Council's submission to the RTA and further seeking support for the urgent upgrade of the intersections on Camden Valley Way at Catherine Field Road, Springfield Road and Deepfield Road.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD168/10

ORDINARY COUNCIL

NOTICE OF MOTION OF RESCISSION

SUBJECT: NOTICE OF MOTION OF RESCISSION - DEMOLITION OF EXISTING BUILDING, CONSTRUCTION OF CHILDCARE CENTRE & REMOVAL OF TREES NO 64-66 (LOTS 9 & 10 DP25787) MACARTHUR ROAD, ELDESLIE
FROM: Cr Eva Campbell , Cr Cindy Cagney , Cr Michael Cottrell
FILE NO: DA1451/2009

We, the undersigned Councillors, hereby give notice of our intention to move that the following Council resolution relating to Item ORD 01 of Ordinary Council Meeting of 27 July 2010, Minute No. ORD152/10 – “Demolition of Existing Building, Construction of Childcare Centre & Removal of Tress No 64-66 (Lots 9 & 10 DP25787) Macarthur Road, Elderslie” **BE RESCINDED.**

Cr Campbell
Cr Cagney
Cr Cottrell

(Extract of Minute No ORD 152/10) (DA1451/2009)

"That Development Application 1451/2009 for the construction of a 80 place childcare centre (excluding the use as Out of School Hours Care) at No 64-66 (Lots 9 & 10 DP 25787) Macarthur Road, Elderslie, be approved subject to the above draft conditions of consent and the following additional consent conditions:

After 1.0(1), add:

" The plans are to be amended to show the northern driveway which is to be shown as the ingress driveway and is to be located at the northern limit of the car park. The southern driveway which is to be shown as the egress driveway is to be located three car parking spaces from the southern limit of the car park. Each driveway is to be 3.1m wide. The plans are also to show a pedestrian pathway, to be located between the driveways and adjacent to the southern driveway."

After 2.0(2), insert a condition:

"Prior to the issue of a Construction Certificate, the construction plans are to be amended to show "No Stopping: restriction signage to be installed between the entry and exit driveways of the proposed development. The "No Stopping" restrictions are to

be signposted to be from 8.30 to 9.30am and from 2.30 to 4.00pm, Monday to Friday."

After the new condition above, add another new condition:

"Prior to the issue of a Construction Certificate and subject to the approval by Council's Local Traffic Committee (the Committee), the construction plans are to be amended to show short term parking restrictions (from 8.30 to 9.30am and from 3.00 to 4.00pm) for a distance (to be determined by the Committee) on both sides of Macarthur Road north of the proposed development to facilitate dropping off and picking up of children from Mawarra Public School."

Additional new conditions as follows:

"Prior to the issue of a Construction Certificate and subject to approval by Council's Local Traffic Committee, the construction plans are to be amended to show signage requiring only a left in and left out traffic manoeuvres to and from the Child Care Centre."

"Prior to the issue of a Construction Certificate and subject to approval by Council's Local Traffic Committee, the construction plans are to be amended to show signage requiring no U-Turn in Macarthur Road, at Britton Close.""

As there was no alternate Motion submitted and as the lack of a current resolution on a development application is a deemed refusal, if the Motion of Rescission is carried there will be a need for an alternate Motion to be moved from the floor at the Council meeting.

RECOMMENDED

That the Council resolution relating to Item ORD 01 of Ordinary Council Meeting of 27 July 2010, Minute No. ORD152/10 – "Demolition of Existing Building, Construction of Childcare Centre & Removal of Tress No 64-66 (Lots 9 & 10 DP25787) Macarthur Road, Elderslie" be rescinded.

RESOLUTION

Moved Councillor Campbell, that the Council resolution relating to Item ORD 01 of Ordinary Council Meeting of 27 July 2010, Minute No. ORD152/10 – "Demolition of Existing Building, Construction of Childcare Centre & Removal of Tress No 64-66 (Lots 9 & 10 DP25787) Macarthur Road, Elderslie" be rescinded.

THE MOTION ON BEING PUT WAS **CARRIED**

MOTION

Moved Councillor Campbell, Seconded Councillor Cagney that Development Application 1451/2009 for the construction of an 80 place Child Care Centre (excluding the use of Out of School Hours Care) at No. 64-66 (Lots 9 & 10 DP 25787) Macarthur Road, Elderslie, be refused for the following reasons:

Environmental Planning & Assessment Act 1979 – Section 79C (1)(a)(i):

- the proposal is fundamentally inconsistent with the zoned 2(a) Residential objectives of Camden Local Environmental Plan (LEP) No. 46;
- proposal fundamentally inconsistent with LEP NO. 46 Aims, 2(a)(i) & (ii);
- proposal contrary to LEP No. 46 Protection of Trees, 24(6)(a);

Environmental Planning & Assessment Act 1979 – Section 79C (1)(a)(i):

- the proposal is fundamentally inconsistent with Development Control Plan 2006, Part F, Chapter 3, Child Care Centres, Objectives (a), (b), (c), (d) & (f);

Environmental Planning & Assessment Act 1979 – Section 79C (1)(a)(i):

- proposal fundamentally inconsistent with Development Control Plan 2006, Child Care Centres:
 - Part 5(a) – the site is unsuitable;
 - Part 5 (b) (iii) – adverse affects of traffic conflict & generation of additional vehicle movements on the amenity of child safety, residents and environment;
 - Part 5 (c) (i) – lack of access to public transport;
 - Part 8 (a) – adverse impacts on safe delivery and collection of children, movement and parking of staff, parents, visitors and service vehicles;
 - Part 8 (b)(i)(ii) & (iii) – adverse affects on safety of children & pedestrians entering the proposed centre and adjoining Mawarra Public School;
 - Part 8 (c) (i) – failure to adequately address child safety concerns;
 - Part 8 (c) (vii) – unacceptable affect on streetscape;
 - Part 9 (a) – non-compliance with car park landscaping requirements;
 - Part 12 (i)(ix) & (xii) – aesthetically unacceptable affect on existing streetscape, visual impact of bulk & scale of the centre, inconsistent with existing residential amenity;
 - Part 17 (a) – deterioration of acoustic amenity in the surrounding area.

Environmental Planning & Assessment Act 1979 – Section 79C (1)(b)(c) & (d):

- commercial development of the size and scale of the proposal is out of character with the surrounding area;
- unacceptable affects on natural environment and streetscape;
- unacceptable affects of traffic conflict & increased traffic generation on child & pedestrian safety, and existing deficient local streets;
- lack of identified community need for a Child Care Centre in this location;
- unsuitability of the site is contrary to the public interest and, in particular, critical issues of child safety remain unresolved;
- failure to resolve issues raised by submissions: child safety, impacts of traffic conflict & increased traffic generation on streets in the area;

Environmental Planning & Assessment Act 1979 – Section 79C (1)(e):

- concerns raised by the community by way of submission.

THE MOTION ON BEING PUT WAS **LOST**.

(Councillors Campbell, Cagney and Cottrell voted for the Motion)

(Councillors Warren, Symkowiak, Dewberry, Anderson and Patterson voted against the Motion)

FURTHER MOTION

Moved Councillor Warren, Seconded Councillor Symkowiak that Development Application 1451/2009 for the construction of a 80 place childcare centre (excluding the use as Out of School Hours Care) at No 64-66 (Lots 9 & 10 DP 25787) Macarthur Road, Elderslie, be approved subject to the above draft conditions of consent and the following additional consent conditions:

After 1.0(1), add:

" The plans are to be amended to show the northern driveway which is to be shown as the ingress driveway and is to be located at the northern limit of the car park. The southern driveway which is to be shown as the egress driveway is to be located three car parking spaces from the southern limit of the car park. Each driveway is to be 3.1m wide. The plans are also to show a pedestrian pathway, to be located between the driveways and adjacent to the southern driveway."

After 2.0(2), insert a condition:

"Prior to the issue of a Construction Certificate, the construction plans are to be amended to show "No Stopping: restriction signage to be installed between the entry and exit driveways of the proposed development. The "No Stopping" restrictions are to be signposted to be from 8.30 to 9.30am and from 2.30 to 4.00pm, Monday to Friday."

After the new condition above, add another new condition:

"Prior to the issue of a Construction Certificate and subject to the approval by Council's Local Traffic Committee (the Committee), the construction plans are to be amended to show short term parking restrictions (from 8.30 to 9.30am and from 3.00 to 4.00pm) for a distance (to be determined by the Committee) on both sides of Macarthur Road north of the proposed development to facilitate dropping off and picking up of children from Mawarra Public School."

Additional new conditions as follows:

"Prior to the issue of a Construction Certificate and subject to approval by Council's Local Traffic Committee, the construction plans are to be amended to show signage requiring only a left in and left out traffic manoeuvres to and from the Child Care Centre."

"Prior to the issue of a Construction Certificate and subject to approval by Council's Local Traffic Committee, the construction plans are to be amended to show signage requiring no U-Turn in Macarthur Road, at Britton Close.""

THE FURTHER MOTION ON BEING PUT WAS **CARRIED.**

(Councillors Warren, Symkowiak, Dewbery, Anderson and Patterson voted for the further Motion)

(Councillors Campbell, Cagney and Cottrell voted against the further Motion).

ORD169/10

**THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 10 AUGUST
2010 WERE ADOPTED AT AN ORDINARY COUNCIL MEETING HELD 24
AUGUST 2010. MIN. NO. ORD 173/10**

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CHAIRPERSON