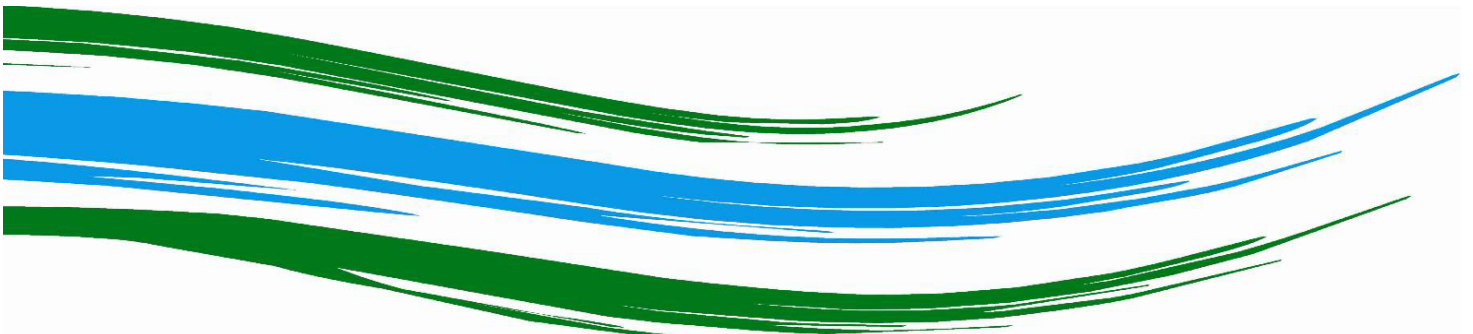




Camden Council

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

There were no leave of absence to be granted.

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

ORD35/10

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

Cr Funnell drew attention to Item ORD1 indicating that his Electrical firm will tender for electrical contracting work on the Estate in the future however, it is not considered to be pecuniary interest and will take part in debate on the report.

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

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

ORD36/10

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

Mr Greg Frawley addressed Council in relation to Item ORD1.

Moved Councillor Campbell, Seconded Councillor Dewbery that an extension of 1 minute be granted.

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

Mr David Taylor addressed Council in relation to Item ORD1.

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

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

ORD37/10

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 23 February 2010, and the Extraordinary Meeting held 2 March, 2010.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 23 February 2010, and the Extraordinary Meeting held 2 March, 2010, copies of which have been circulated, be confirmed and adopted.

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Symkowiak that the Minutes of the Ordinary Council Meeting held 23 February 2010, and the Extraordinary Meeting held 2 March, 2010, copies of which have been circulated, be confirmed and adopted.

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

ORD38/10

MAYORAL MINUTE

ORDINARY COUNCIL

MM01

**SUBJECT: MAYORAL MINUTE - CONDOLENCE - FORMER COUNCILLOR DIANE
MISSINGHAM**
FROM: Mayor
FILE NO: Condolences

I wish to draw Council's attention to the recent passing of Diane Missingham.

Diane Missingham was a long time Camden resident having lived in the area since 1968. In her role as Manager of a local newspaper for over 10 years, Diane came into contact with hundreds of local residents and had a valuable input into the local community. So much so that Diane, became a Camden Councillor from 1995 to 1999 and was Deputy Mayor in 1997/98.

In her role as a Councillor Diane contributed greatly to the Camden fabric and became further involved in many local issues. As Deputy Mayor, Diane showed a vision for the future Camden community and was tireless in her efforts to act as the voice of residents and assisted in ensuring an increase in community facilities.

Diane was married with two children and her funeral was held on Wednesday, 24 February, 2010.

It is appropriate a letter of condolence be sent to Diane's family and Council observe one minute silence as a mark of respect.

RECOMMENDED

That:

- i. a letter of condolence be sent to the family of Diane Missingham; and**
- ii. those present now stand and observe one minute silence as a mark of respect.**

RESOLUTION

Moved Councillor Patterson, that:

- i. a letter of condolence be sent to the family of Diane Missingham; and
- ii. those present now stand and observe one minute silence as a mark of respect.

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

(All those present in the Chamber stood and observed 1 minute silence).

ORD39/10

ORDINARY COUNCIL

ORD01

SUBDIVISION TO CREATE 59 INDUSTRIAL/BUSINESS DEVELOPMENT LOTS, CONSTRUCTION OF ROADS, DRAINAGE, BULK EARTHWORKS AND LANDSCAPING AND DISPLAY OF 1 ENTRY SIGN (CENTRAL HILLS BUSINESS PARK) AT NO 630 (LOT 90, DP 1137298) AND NO 650 (LOT 91, DP 1137298) CAMDEN VALLEY WAY, GREGORY HILLS

FROM:	Director Development and Health
FILE NO:	Binder: Development Applications 2009
DA NO:	985/2009
OWNER:	Dart West EP Pty Ltd and Marist Brothers
APPLICANT:	Dart West Developments Pty Ltd
ZONING:	B5 Business Development, IN1 General Industrial & R1 General Residential
APPLICABLE PLANNING INSTRUMENT:	State Environmental Planning Policy (Sydney Region Growth Centres) 2006

PURPOSE OF REPORT

The purpose of this report is to seek from Council a determination of a Development Application for the subdivision of the subject land into 59 industrial/business development lots and the construction of roads, drainage, bulk earthworks, landscaping and the display of one entry sign. The application is referred to Council in accordance with its delegations as there are non-compliances with the applicable Turner Road Development Control Plan (DCP) and unresolved matters raised in submissions received from the public.

SUMMARY OF RECOMMENDATION

It is recommended that Council grant delegated authority to the General Manager to approve this Development Application subject to:

- the draft development consent conditions attached to this report; and
- Council receiving General Terms of Approval from the Roads and Traffic Authority (RTA) for this Development Application, and that these are incorporated into the development consent.

The outstanding response from the RTA is detailed in "The Proposal" section of this report.

BACKGROUND

The South West Growth Centre was initially announced in 2005 and the Turner Road precinct was rezoned for development on 21 December, 2007. The Part B DCP for the Turner Road Precinct's employment area, allowing development to be approved on the subject sites, was adopted on 26 August, 2009. These sites are located in the Turner Road precinct of the South West Growth Centre.

It is envisaged that once further developed, the Turner Road precinct will be characterised by high quality urban design, interconnected neighbourhoods and local employment opportunities.

Key components of the development within the Turner Road Precinct will include significant creek rehabilitation (including South Creek), the construction of Badgally Road from Camden Valley Way to Campbelltown and the provision of a large business development/industrial area fronting Camden Valley Way.

Since late 2007 Council has received and approved under delegated authority numerous Development Applications for the subdivision of this precinct's residential lands to the north and east of these sites. To date this has included the creation of 439 residential lots, exhibition villages, roads, drainage, landscaping and open space, all of which are currently under construction.

This Development Application was received on 24 September, 2009. It was publicly exhibited between 8 October and 20 November, 2009. One submission was received from the public. This has been assessed and is detailed in the "Any submissions" section of this report. The application has been assessed and is now able to be recommended to Council for approval.

THE SITE

These sites are known as No 630 (Lot 90, DP 1137298) and No 650 (Lot 91, DP 1137298) Camden Valley Way, Gregory Hills. The sites have areas of approximately 45.3 and 87.9 hectares respectively. The sites are located in the Turner Road Precinct of the South West Growth Centre and form a significant part of the precinct's employment area.

The sites are largely vacant and are characterised by gently undulating terrain, scattered trees and a farm dam. A small access road that provides access from Camden Valley Way to the subject sites and St Gregory's College to the south-east runs through the middle of the sites.

Camden Valley Way bounds the sites to the north-west. Further vacant land zoned for employment and residential development bounds the sites to the north and south-east respectively. The south-west of the sites is bound by several smaller land holdings that front Turner Road and also form part of the Turner Road precinct.

The subject Development Application relates to a substantial part of the Turner Road employment land. It is envisaged that the employment area will contain a wide range of employment generating businesses including 40,000m² of bulky goods floor space with service and business developments adjacent to Camden Valley Way and Badgally Road. A significant part of the employment area is also zoned for industrial and storage development.

The surrounding area contains the Smeaton Grange industrial estate to the south-west with the Currans Hill residential suburb to the south-east. To the east and north-east lies the Sydney Catchment Authority upper canal with the Gledswood, former El Caballo Blanco and Lakeside properties further to the north-east. On the opposite side of Camden Valley Way to the north-west and west exists the Oran Park Precinct of the South West Growth Centre, as well as the Harrington Grove release area. **A location map is provided at the end of this report.**

THE PROPOSAL

Development Consent is sought for the following development:

- the subdivision of 630 Camden Valley Way into 59 industrial/business development lots. No buildings are proposed under this Development Application for these lots. Further development will be the subject of future Development Applications to Council;
- the construction of 2 access roads from/to Camden Valley Way;
- the construction of associated roads, drainage, bulk earthworks and landscaping; and
- the display of one entry sign.

The applicant has named the proposed development "Central Hills Business Park."

The application was referred to the RTA as it proposes two access roads from/to Camden Valley Way and is therefore Integrated Development. The RTA has not raised any issues with these access roads from/to Camden Valley Way but advises that the detailed design of the future Badgally Road to which this subdivision also has frontage and road connections to, is still being assessed. To date the RTA has not forwarded any requirements for this development to Council.

In order to ensure that the proposed subdivision complies with the final Badgally Road design (once approved), it is recommended that Council grant delegated authority to the General Manager to approve this Development Application only when the RTA's requirements have been forwarded to Council. These requirements will be made part of the development consent that is issued to the applicant.

This will ensure that the outstanding RTA requirements are incorporated into the development consent and ensure compliance with the statutory Integrated Development procedure.

The proposed subdivision also proposes variations to the DCP's adopted road layout, design and pedestrian/cycle network. These variations are assessed in the "provisions of any Development Control Plan" section of this report. **A copy of the proposed plans is provided at the end of this report.**

NOTIFICATION

Surrounding neighbours were notified of this Development Application between 8 October and 20 November, 2009. The application was also advertised in the local press. One submission was received in response to this notification. The issues raised

which are relevant to the application in this submission have been assessed and are detailed in the "Any submissions" section of this report. **A copy of the submission is provided with the Business Paper supporting documents.**

PLANNING CONTROLS

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

- State Environmental Planning Policy (Growth Centres) 2006
- State Environmental Planning Policy No 64: Advertising and Signage
- State Environmental Planning Policy No 55: Remediation of Land
- Deemed State Environmental Planning Policy No 20: Hawkesbury/Nepean River
- Turner Road Development Control Plan 2007
- Camden Development Control Plan 2006.

ASSESSMENT

This application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979. The following comments are made with respect to the proposal:

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

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

The sites are zoned B5 Business Development, IN1 General Industrial and R1 General Residential pursuant to the SEPP. The proposed subdivision and all associated works are permissible with development consent in these zones. The proposed development is also considered to be generally consistent with the relevant objectives of these zones in that it will help facilitate a wide range of employment generating development (including business, industrial and warehousing uses) and will minimise the impacts of those uses upon surrounding land uses.

Overall the development is considered to be generally compliant with the relevant provisions of the SEPP.

State Environmental Planning Policy No 64: Advertising and Signage (SEPP)

The applicant proposes a single free-standing entry sign on the corner of the future Badgally Road and proposed road 1501 (wholly contained within proposed lot 408). The sign is a dry stone wall entry feature and will display the wording "Central Hills Business Park", it will be 4.8m long and range between 1.0-2.0m high.

The proposed sign has been assessed against the Schedule 1 assessment criteria of the SEPP. The sign is considered acceptable on the basis that:

- it is deemed compatible with the existing and desired future character of the area, being reflective of traditional business park entry signage, complementary to the site and its intended use and generally adding to the desired business character of the area;

- the sign will not detract from any special areas such as residential or environmentally sensitive areas;
- the proposed sign is a maximum of 2.0m high and therefore it is not considered that it will dominate the local skyline or unacceptably detract from views into/out of the area;
- the proposed sign will provide some visual interest to the future Badgally Road streetscape, is of an appropriate scale and form for this area and will not protrude above future buildings or significant landscape features in the area;
- the sign's scale and proportion are considered acceptable in this context, having regard to its position and setting on this corner and in front of a future building on proposed lot 408;
- the proposed sign is non-illuminated and so will not cause any light spillage or glare; and
- given its proposed location, design and lack of illumination, it is not considered that the sign will reduce safety for passing pedestrians or motorists, nor will it obscure sight lines at the intersection of proposed road 1501 and the future Badgally Road.

Overall it is considered that the proposed sign is consistent with the aims, objectives and Schedule 1 assessment criteria of the SEPP.

State Environmental Planning Policy No 55: Remediation of Land (SEPP)

In accordance with the SEPP the applicant has submitted a detailed contamination assessment of the subject properties where contaminated Areas of Environmental Concern (AEC) exist. One AEC (AEC 18) exists on this site.

The assessment identified a small quantity of asbestos cement present at this AEC and has made several recommendations as to how it should be safely removed. Following Council staff review, the recommendations of this assessment are agreed to. Subject to these being fully carried out, the sites are not contaminated and the proposed development will not present any public health issues.

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

It is considered that the aims and objectives of this policy will not be prejudiced by this development and that it can be constructed and operated such that there will be no detrimental impacts upon the Hawkesbury/Nepean River system.

The applicant has submitted a Water Sensitive Urban Design (WSUD) strategy in support of this application. This strategy demonstrates that the development's drainage system will achieve the water quality criteria adopted by the Turner Road DCP.

This will help ensure that the integrity of the Hawkesbury/Nepean River system is protected.

(1)(a)(ii) The provisions of any Draft Environmental Planning Instrument

There are no draft environmental planning instruments that are relevant to this site or development.

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

The following parts of the Turner Road Development Control Plan (DCP) are relevant to this proposal:

6.2 - Flooding and Watercycle Management

The applicant has submitted a civil engineering design for the proposed development in support of this application. Council staff have reviewed this design and consider it appropriate to manage the stormwater run-off generated by the subdivision. It is a recommended development consent condition that the design and construction of the development comply with Council's Engineering Specifications.

As detailed in the "Deemed State Environmental Planning Policy No. 20: Hawkesbury/Nepean River" section of this report, the applicant has submitted a WSUD Strategy in support of this application. This strategy demonstrates that the development's drainage system will achieve the water quality criteria adopted by the Turner Road DCP.

6.3 - Salinity and Soil Management

The applicant has submitted a salinity assessment of the subdivision site and a salinity management plan in support of this application. These documents make several recommendations on how the proposed subdivision and future buildings on the proposed lots can be constructed in order to minimise the impact of saline soils. Council staff have reviewed these documents, agree with the recommendations therein and recommend that compliance with them be made a development consent condition and an 88B Restriction (a legal obligation of the land owner to not do certain things, shown on the title of the land), on all proposed lots.

It is also a recommended development consent condition that appropriate sediment and erosion control measures are put in place prior to works commencing. This will help minimise the potential for sediment discharge to surrounding properties.

6.6 - Bush Fire Hazard Management

Part of this site is mapped as bushfire prone land. It appears the bushfire threat largely originates from the Harrington Grove release area to the north-west and to a lesser extent from some existing vegetation near the southern boundaries of the subject sites.

However given the separation of these sites from Harrington Grove by Camden Valley Way and that the scattered vegetation to the south will be removed as part of this development, the risk of bushfire threat is considered to be very low.

Future Development Applications for buildings on the proposed lots mapped as being

bushfire prone must demonstrate their bushfire safety, and compliance with the DCP's bushfire hazard management controls.

6.8 - Contamination Management

As detailed in the "State Environmental Planning Policy No 55: Remediation of Land" section of this report, the applicant has submitted a detailed contamination assessment of the subject properties where contaminated Areas of Environmental Concern (AEC) exist. The proposed treatment has been deemed appropriate and it is determined on completion the site would not pose any health risks.

Part B3: Turner Road Employment Area

3.2 - Subdivision

Lot size

A range of lot sizes (approximately 2,000m² to 31,000m²) will be provided and no irregular lots with narrow street frontages are proposed. This complies with the DCP's requirements.

Lot orientation

The proposed lots have been orientated so that future buildings can face the street, thereby providing the potential for significant passive surveillance opportunities and a high degree of visual articulation. The proposed lot layout will also help facilitate solar efficiency and provide future buildings with frontage to landscaped areas.

Non-perimeter road layout

The proposed subdivision provides an alternative road layout to that envisaged by the DCP. The proposed layout relocates a perimeter road between the employment lands and future open space to the south-east, further to the north-west, resulting in proposed lots 102-109 (inclusive) directly abutting the future open space. This will likely have the effect of future buildings on these lots facing the subdivision's road frontage and backing onto the open space.

The DCP's control 3.2(5) allows for such an alternative road layout where the achievement of certain objectives can be demonstrated. It is considered that the proposed road layout meets these objectives in that:

- even though future buildings on these lots will likely back onto the open space, their design can be controlled to provide an articulated and landscaped appearance. This can be achieved through the use of building line setbacks, roof height/style variations, architectural projections, feature walls and a range of building materials and colours. Section 3.4 of the DCP provides detailed design controls for future buildings that will abut open space. These controls can be enforced through the assessment of future Development Applications for buildings on these lots;
- the proposed alternative road layout will not result in additional adverse impacts upon the environment or amenity of the surrounding land. Allowing buildings to

back onto the open space actually limits the potential for noise transmission, light spillage and other environmental pollution from affecting the viability and amenity of future open space and residential properties to the south-east;

- the proposed subdivision includes a 6.0m wide pedestrian connection to the future open space to the south-east. This will provide an acceptable level of pedestrian connectivity to the future open space and can also be used by cyclists; and
- it is envisaged that future open space to the south-east of this site will be bound by a perimeter road on its south-eastern side (opposite the proposed subdivision). The DCP requires a perimeter road in this location and the applicant has submitted indicative plans showing one.

Passive surveillance of the adjacent open space will be available from this future perimeter road, from within the future open space itself (contributed to by a proposed 3.5m wide combined pedestrian path/maintenance access through the open space) and through detailed design of the future buildings on the proposed lots. Utilising these methods it is considered that sufficient passive surveillance of this open space can be achieved.

As compliance with the above objectives has been demonstrated, the proposed alternative road layout is supported.

Battle-axe lots

The only lot proposed with a small battle-axe access handle is proposed lot 401. The design of this battle-axe handle will facilitate access to the proposed lot in accordance with AS 2890.2 and therefore complies with the DCP.

3.3 - Movement Network

Movement Network Plan

As described previously in this report, the applicant has proposed an alternative road layout to that envisaged by the DCP. The Development Application has demonstrated that this alternative road layout can still achieve good urban design outcomes and that the traffic function objectives of the road network will be maintained.

Road Cross Sections and Pedestrian/Cycle Network

The applicant has proposed variations to the DCP's adopted road cross section for roads in the employment area. This includes the following variations:

- reducing the DCP required 1.8m wide pedestrian footpaths to 1.2m wide

A width of 1.2m is acceptable for pedestrian footpaths and the reduced width allows a 0.6m wide clear space from adjacent proposed lot boundaries for the installation and maintenance of services;

- amending the location of shared pedestrian/cycle paths

This involves the deletion of a DCP required 2.5m wide combined pedestrian/cycle path near the eastern side of the subdivision (abutting the south-eastern side of proposed lot 408 and the frontages of proposed lots 409-416, inclusive) and the deletion of a similar combined path through proposed lot 401.

These variations are considered to be acceptable in that other combined pedestrian cycle paths are located in close proximity to those to be deleted and provide sufficient access into the proposed subdivision for pedestrians and cyclists; and

- other minor variations to the DCP's adopted road carriageway and median widths

These variations are proposed at the entrance and exits to the subdivision from Camden Valley Way and the future Badgally Road. The variation is a minor reduction to the adopted road reserve widths in order to account for the subdivision's road links to Camden Valley Way and Badgally Road.

The variations are considered acceptable in that they will have no significant impacts upon the employment area's movement network.

Overall the proposed variations are considered appropriate in that the DCP's movement network objectives, which include an objective to "provide a permeable road network that facilitates movement in and through the employment area", have been achieved despite the proposed variations.

Stormwater detention and run-off

The detention and treatment of stormwater run-off from the proposed road network will be provided via the stormwater detention/treatment basins proposed as part of the subdivision.

As detailed in the "Deemed State Environmental Planning Policy No 20: Hawkesbury/Nepean River" section of this report, the applicant has submitted a WSUD strategy in support of this application. This strategy demonstrates that the development's drainage system will achieve the water quality criteria adopted by the Turner Road DCP.

Although the proposal is not fully compliant with the DCP (as described in the "Part B3: Turner Road Employment Area" section of this report), it is judged that it still achieves its relevant objectives and will provide a high quality, employment generating development.

The following parts of Camden Development Control Plan (DCP) are relevant to this proposal:

Part D, Chapter 4: Outdoor Advertising

The applicant has proposed a single free-standing entry sign on the corner of the future Badgally Road and proposed road 1501 (wholly contained within proposed lot 408). The sign is a dry stone wall entry feature and will display the wording "Central Hills Business Park,". It would be 4.8m long and range between 1.0-2.0m high.

This DCP chapter does not specify any development controls for such an entry sign, however the general objectives and signage standards of the chapter are relevant. It is considered that the proposed entry sign is consistent with these objectives and standards in that:

- the proposed sign represents a high level of design quality and will fit in well with the expected future character of the area to which it relates;
- the proposal is only for one sign and even when considering future advertisements on proposed lot 408 (subject to future Development Applications) it is considered that visual clutter will not result;
- the sign will be non-illuminated and so not result in glare or light spillage to neighbouring properties;
- the sign will relate to the land on which it is located in that the corner of proposed lot 408 forms a significant part of, and major entry to, the proposed "Central Hills Business Park" subdivision;
- the design, height and location of the sign is such that it will not interfere with the safety of pedestrian, motorists nor resemble any regulatory road signage;
- it is a recommended development consent condition that the sign be located wholly within proposed lot 408 and be permanently kept in a clean, tidy and complete condition by the lot owner; and
- as previously detailed in the "State Environmental Planning Policy No 64: Advertising and Signage" section of this report, it is considered that the sign is in keeping with the business/employment character of the surrounding area and subject to detailed design of future buildings on proposed lot 408 and the surrounding vicinity, it will relate well to the scale of those buildings.

On the basis of the above it is considered that the proposed sign complies with the relevant objectives and standards of the DCP.

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

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

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

This application has been publicly notified in accordance with the Regulations and complied with the "Integrated Development" referral procedure. The Regulations do not specify any other matters that are relevant to this development.

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

The likely impacts of this development have been assessed and include:

Traffic generation

The applicant has submitted a traffic report for consideration in support of this application. This report has been assessed and it is not considered that the proposed subdivision, and potential development thereon, will generate an unreasonable amount of additional vehicular traffic upon the surrounding road network. The traffic report demonstrates that the proposed road network can cater for the expected traffic volumes produced by the development. Therefore the development's traffic generation is not considered to have any significant impacts. It should be noted that as part of the SW Growth Centre, major upgrade works are to take place along Camden Valley Way. The first stage of this work is currently under construction adjacent to this site.

Safer by Design considerations

The proposed subdivision will provide a range of wide streets that will enjoy a high level of passive surveillance from pedestrians, motorists and future buildings. The proposed 6.0m wide pedestrian link to the future open space is an acceptable width and its location at the end of one of the proposed roads will ensure that view lines along it, and therefore adequate passive surveillance of it, are available.

Safer by Design principles will also be an important consideration when Development Applications are lodged for buildings on the proposed lots.

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

This sites are considered to be suitable for the proposed development. The zoning of the land provides for such subdivision (and the future industrial/business developments envisaged for the proposed lots), and subject to the recommended development consent conditions the development will not have any unreasonable environmental impacts upon surrounding properties or the environment. There are no site specific conditions that render these sites unsuitable for this development.

(1)(d) Any submissions

One submission letter was received from the public when this application was publicly notified. The issues raised in this submission that relate to this application are:

1. *The location of proposed road 1901 which runs parallel to the rear boundaries of several properties located off Turner Road to the south-west of the development site should be relocated so that it runs along the rear boundaries of the Turner Road properties.*

Officer comment:

The proposed location of road 1901 is consistent with both the DCP and the Department of Planning's indicative layout plan for this precinct that was adopted in 2007. Furthermore its proposed intersection with Camden Valley Way is consistent with the RTA's access strategy for Camden Valley Way. It is also noted that the developer has already sought and obtained design approval from the RTA for this intersection.

The proposed location of road 1901 will not restrict access to the Turner Road properties. Proposed road 1501 which runs north-east to south-west through the

subdivision will end in a road stub that abuts the Turner Road properties .

This road stub can be extended to the south by the Turner Road property owners in the future, thus granting them access to the proposed road network and the rest of the Turner Road precinct.

The subdivision as proposed generally complies with the road network and development pattern envisaged by the DCP and creates the potential for future access by the adjacent Turner Road properties. Therefore the amendment to the road layout proposed by the submission is not supported.

- 2. The two proposed access points from and or to Camden Valley Way are unnecessary as the proposed development will be well served by the future Badgally Road. They will add additional interruptions to traffic flows along Camden Valley Way.*

Officer comment:

As previously mentioned, the applicant has already obtained design approval for the two proposed access points to Camden Valley Way from the RTA. Additionally these access points are consistent with the RTA's access strategy for Camden Valley Way. Whilst access to this site will also be available from Badgally Road, access to the subdivision will be greatly improved by the additional access options from Camden Valley Way.

These access points will provide flexibility for future development in this area in terms of how traffic accesses these sites. As access is consistent with the RTA's access strategy for Camden Valley Way, it is not considered that it will unreasonably disrupt traffic flows along Camden Valley Way.

It is noted that the submission received does raise a number of issues that are unrelated to this particular application. Where appropriate, those issues have been referred to other agencies for action, if necessary.

(1)(e) The public interest

This development is considered to be within the public interest. It will further the planned and orderly development of the Turner Road precinct and has been appropriately designed to respect and fit in with this site and surrounding area. The zoning of the land supports the subdivision and the future industrial/business developments envisaged for the proposed lots. The provision of these lots will help prepare the area for significant employment generating activities.

CONCLUSION

Council has received a Development Application for the subdivision of this land into 59 industrial/business development lots and the construction of roads, drainage, bulk earthworks and landscaping, and the display of 1 entry sign. The application has been publicly notified and the one submission received has been considered. The application has also been assessed in accordance with Section 79C of the

Environmental Planning and Assessment Act 1979.

It is considered the proposal represents an appropriate form of development for the Turner Road employment area that will have minimal environmental impacts upon surrounding properties and achieve positive environmental and urban design outcomes for the Turner Road precinct.

Consequently the development is recommended to Council for approval, subject to the draft development consent conditions shown below. However as the RTA has failed to provide its General Terms of Approval in accordance with the Integrated Development requirements, consent cannot be issued until these are received.

DRAFT CONDITIONS OF CONSENT:

1.0 - General Requirements

- (1) **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 of the Landscaping Works. The Applicant has the responsibility for the maintenance of the Landscaping works.

The Applicant and Consent Authority (ie. Camden Council) are to agree on the Date of Practical Completion of the Landscaping Works, prior to the commencement of the 24 month maintenance period.

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 Construction Certificate approved detailed Landscaping Plans.

Any landscaping that requires repair or replacement at the end of the 24 month maintenance period is to be repaired or replaced within 40 days following the end date of the 24 month maintenance period.

- (2) **Area of Environmental Concern (AEC) 18** – All filling material in AEC 18 should be exhumed and managed by excavation, classification (in accordance with NSW DECC waste guidelines) and disposal to a licensed landfill facility.
- (3) **Noxious Weeds** - As per the requirements of the Noxious Weeds Act 1993, the applicant must fully and continuously suppress and destroy, by appropriate means, the following noxious weeds found to be present on the property.
- African Boxthorn (*Lycium ferocissimum*)
 - African Olive (*Olea europaea* subsp *cuspidate*)
 - Fire Weed (*Senecio astertaceae*)

The applicant must also ensure that prior to release of the construction certificate that an audit of the number and area of all noxious weeds found to be on the site be carried out and an eradication plan of all noxious weeds on the property at 25% p.a over a four year period be submitted to Council.

The applicant must also ensure other noxious or invasive weed infestations that occur during or after subdivision and prior to sale of the new lots, must be reported to Council and fully eradicated by appropriate means.

The applicant must ensure at all times any machinery, vehicles or other equipment entering or leaving the site must be cleaned and free from any noxious weed material, to prevent the spread of noxious weeds to or from the property.

- (7) **Stormwater Quality/Quantity** - All water quality and quantity facilities are to be designed, constructed and operated in accordance with the Turner Road Development Control Plan 2007 and Camden Council's Engineering Specifications.
- (8) **Approved Plans** – The development must be carried out generally in accordance with the following approved plans or other documentation:

Subdivision/Staging/Road Layout Plans

- Central Hills Business Park Master Plan rev. L dated 15 February 2010 by Development Planning Strategies.
- Cross Section Locality Plan – Central Hills Business Park by Development Planning Strategies.
- Road Cross Sections – Central Hills Business Park by Development Planning Strategies.
- Central Hills Business Park Staging Plan rev. C dated 15 February 2010 by Development Planning Strategies.
- Central Hills Business Park Subdivision Plan rev. D dated 15 February 2010 by Development Planning Strategies.

Landscape Plans

- Central Hills Business Park Landscape Master Plan dwg. 09_040 L00 rev. J dated 16 September 2009 by habitation.
- Central Hills Business Park Landscape Master Plan dwg. 09_040 L01 rev. J dated 16 September 2009 by habitation.
- Central Hills Business Park Landscape Master Plan dwg. 09_040 L02 rev. H dated 11 September 2009 by habitation.

Civil Engineering Plans

- Civil engineering plan dwg. no. 294092-DA-00 rev. B by Cardno.
- Civil engineering plan dwg. no. 294092-DA-01 rev. B by Cardno.
- Civil engineering plan dwg. no. 294092-DA-02 rev. E by Cardno.
- Civil engineering plan dwg. no. 294092-DA-03 rev. B by Cardno.
- Civil engineering plan dwg. no. 294092-DA-05 rev. C by Cardno.
- Civil engineering plan dwg. no. 294092-DA-10 rev. C by Cardno.

- Civil engineering plan dwg. no. 294092-DA-11 rev. D by Cardno.
- Civil engineering plan dwg. no. 294092-DA-12 rev. D by Cardno.
- Civil engineering plan dwg. no. 294092-DA-13 rev. C by Cardno.
- Civil engineering plan dwg. no. 294092-DA-20 rev. B by Cardno.
- Civil engineering plan dwg. no. 294092-DA-30 rev. E by Cardno.
- Civil engineering plan dwg. no. 294092-DA-31 rev. D by Cardno.
- Civil engineering plan dwg. no. 294092-DA-32 rev. D by Cardno.
- Civil engineering plan dwg. no. 294092-DA-33 rev. E by Cardno.
- Civil engineering plan dwg. no. 294092-DA-34 rev. D by Cardno.
- Civil engineering plan dwg. no. 294092-DA-35 rev. D by Cardno.
- Civil engineering plan dwg. no. 294092-DA-36 rev. E by Cardno.
- Civil engineering plan dwg. no. 294092-DA-37 rev. D by Cardno.
- Civil engineering plan dwg. no. 294092-DA-38 rev. D by Cardno.
- Civil engineering plan dwg. no. 294092-DA-39 rev. E by Cardno.
- Civil engineering plan dwg. no. 294092-DA-40 rev. B by Cardno.
- Civil engineering plan dwg. no. 294092-DA-41 rev. B by Cardno.
- Civil engineering plan dwg. no. 294092-DA-42 rev. B by Cardno.
- Civil engineering plan dwg. no. 294092-DA-43 rev. B by Cardno.
- Civil engineering plan dwg. no. 294092-DA-44 rev. B by Cardno.
- Civil engineering plan dwg. no. 294092-DA-50 rev. F by Cardno.
- Civil engineering plan dwg. no. 294092-DA-60 rev. A by Cardno.
- Civil engineering plan dwg. no. 294092-DA-61 rev. B by Cardno.
- Civil engineering plan dwg. no. 294092-DA-62 rev. A by Cardno.

Reports

- Central Hills Business Park Statement of Environmental Effects dated September 2009 by Development Planning Strategies.
- Central Hills Business Park Water Sensitive Urban Design Strategy job no. YN293092-09-0468 dated February 2010 by Cardno.
- Central Hills Business Park Traffic Impact Assessment dated November 2009 by Cardno.
- Phase 2 Environmental Site Assessment project no. 40741.11 dated June 2009 by Douglas Partners.
- Salinity Management Plan project no. 40741.14 revision 2 dated January 2010 by Douglas Partners.

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 development consent conditions, the development consent conditions override the approved plans/documentation to the extent of the inconsistency.

Amendments or modification of the approved development requires the written prior approval of Camden Council.

- (9) **Subdivision Road Access** - Notwithstanding the approved Central Hills Business Park Staging Plan rev. C dated 15 February 2010 by Development Planning Strategies, the following works must be constructed and dedicated at the following development levels:

- (a) A restricted left in/left out only access at the intersection from/to the future Badgally Road from/to proposed road 1901 must be provided once 20% of development on the approved lots has been issued an Occupation Certificate, or this intersection operates at Level of Service D, whichever occurs first.

Additionally, the three way signalised access from/to Camden Valley Way must be provided. The approved road linkages through the subdivision must be provided for all developed lots to access the three way signalised access from/to Camden Valley Way.

- (b) Once 40% of development on the approved lots has been issued an Occupation Certificate, the left turn slip lane off Camden Valley Way must be provided.
- (c) Once 70% of development on the approved lots has been issued an Occupation Certificate, or this intersection operates at Level of Service D, the traffic signals at the intersection of proposed road 1501 and Badgally Road must be provided, whichever occurs first.

Note:

- i. Notwithstanding the above, the intersections required by points (b) and (c) above in this condition must be provided **prior to the issue of a Subdivision Certificate** for the subdivision stage (as per the approved Central Hills Business Park Staging Plan rev. C dated 15 February 2010 by Development Planning Strategies) of which they are a part.
 - ii. Notwithstanding the above, if the Roads and Traffic Authority require the three way signalised access from/to Camden Valley Way to be provided at any time prior to the time specified in point (a) above, it must be provided at no cost to Council.
 - iii. Notwithstanding the above, if the Roads and Traffic Authority require the traffic signals at the intersection of proposed road 1501 and Badgally Road to be provided at any time prior to the time specified in point (c) above, they must be provided at no cost to Council.
- (10) **Median Strips** – The approved median strip along the centre of approved road 1501 must be completely unbroken with no gaps/turning bays.
- (11) **Entry Sign** - This Development Consent only approves 1 entry sign to be located on the corner of proposed road 1501 and the future Badgally Road wholly within proposed lot 408.

The approved dimensions for this sign are 4.8m long, 1m high at the higher end and 1m high at the lower end.

This sign must be permanently maintained in a clean, tidy and complete condition at all times by the lot owner. In the event of graffiti being applied to this sign, the graffiti must be removed within 48 hours of occurring.

No illumination of this sign by any means is permitted.

- (12)**Location of Public Utility Services** - All proposed/existing Public Utility Authority plant/infrastructure shall be located within the footway/s of all proposed roads in accordance with the provisions of the current Streets Opening Conference.

Notwithstanding, electrical pad-mounted substations and sewer access chambers/mains, **MUST NOT** be located within any proposed/existing section of public road, **EXCEPT** where such subsurface plant/infrastructure is required to traverse the proposed/existing public road. In such circumstances the traverse length must be minimal with the final location of the traverse being confirmed by the Principal Certifying Authority/Roads Authority **prior to the commencement of any associated work.**

The design of proposed Public Utility Authority plant/infrastructure must be consistent with all aspects of the approved road design associated with the issued Construction Certificate/Public Road Activity consent.

All proposed Public Utility Authority plant/infrastructure connections within existing public roads must comply with the provisions of the Memorandum of Agreement associated with the current Streets Opening Conference.

- (13)**Design and Construction Standards** - Engineering design drawings are to be prepared strictly in accordance with the Turner Road Development Control Plan and Camden Council's Engineering Specifications and are required to be in electronic format as well as hard copy.

- (14)**Water and Utilities** - Water, electricity and gas utilities are to comply with Section 4.1.3 of 'Planning for Bush Fire Protection 2006.'

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 a Construction Certificate** (CC), detailed Landscaping Plans, prepared by a qualified Landscape Architect or qualified Landscape Designer, must be submitted with the CC application.

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

- (a) All landscape elements such as seating, entry statements, entry signage, bubblers, signage, shade structures, paths, cycle ways, dog and litter bins and furniture elements.
- (b) A detailed Planting Schedule, which includes species listed by botanical and common names, quantities, planting sizes and the estimated size of the plant at maturity. The detailed planting schedule should clearly indicate that all street trees are **not** to be planted closer than 1m to the roadside kerb.

- (c) The Planting Schedule must clearly indicate that all street trees are to be sourced in minimum 100lt container size.
 - (d) All street trees must have well constructed and appropriate tree guard protection bollards centrally located between the path and kerb on either side of each tree.
 - (e) Street trees must have root guard protection installed fronting the kerbside of any road. The detailed Landscaping Plans for CC issue must provide complete details regarding type, installation, specifications and required maintenance of the proposed root guard protection installation.
 - (f) The following proposed street tree selections nominated in the DA lodged Concept Landscape Plans are **not** to be used as street trees: *Corymbia maculata*, *Brachychiton acerifolius* or any type of *Eucalyptus* species. The detailed Landscaping Plans for CC issue must show appropriate street tree selections and those selections must be agreed upon by the Consent Authority (ie. Camden Council) prior to installation in Council Nature Strip or Road Verge areas.
 - (g) The road median strips and splitter islands are **not** to be planted out or have soft Landscaping installed as nominated in the DA lodged Concept Landscape Plans. The detailed Landscaping Plans for CC issue must show appropriate hard surface material to be used in the road median strips and splitter islands.
 - (h) Council Nature Strip and Road Verge areas are **not** to have garden beds or any type of gardens, installed as nominated in the DA lodged Concept Landscape Plans. The detailed Landscaping Plans for CC issue must clearly show that garden areas or garden beds are not to be installed in Council Nature Strip or Road Verge areas.
 - (i) Council Nature Strip and Road Verge areas are **not** to have any type of permanent landscaping features or fixtures, feature walls or entry signage installed as shown in the DA lodged Concept Landscape Plans. The detailed Landscaping Plans for CC issue must clearly show that no permanent features, feature walls or entry signage are to be installed in Council Nature Strip and Road Verge areas.
 - (j) All exposed Nature Strip and Road Verge areas are to be turfed. The detailed Landscaping Plans for CC issue must clearly show the lawn type, installation details and proposed 24 month maintenance regime for all turfing installed in Council Nature Strip and Road Verge areas.
 - (k) Signage banners are **not** to be installed in road median strips or splitter islands as shown on the DA lodged Landscape Concept Plans. The detailed Landscaping Plans for CC issue must clearly show that signage banners are not proposed for any road median strips or splitter islands.
- (2) **Site Validation Report** - A validation report incorporating a notice of completion must be submitted to the Consent Authority in accordance with the requirements of clause 7.2.4 (a) - (d) and clause 9.1.1 of Council's contaminated sites adopted

policy and clause 17 & 18 of SEPP 55 for the completed remediation works. The notice/s or report/s must confirm that all decontamination and remediation works have been carried out in accordance with the remediation plan and must be submitted to the Consent Authority within 30 days following the completion of the works.

- (3) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with Turner Road Development Control Plan and Camden Council's Engineering Specifications and are to be submitted for approval to a Certifying Authority **prior to a Construction Certificate being issued.**

- under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve.
- under section 109E of the Environmental Planning and Assessment Act 1997, Council must be nominated as the Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works.

Note: The developer must obtain a Construction Certificate prior to commencement of any physical site works.

- (4) **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 with Traffic Management/Control during construction, which should address issues of access of construction traffic, storage material, location of site office, and parking for workers, use of equipment and other matters which has an impact on the road network or immediate environment.
- (d) All other environmental matters associated with the site works such as noise control, dust suppression, waste management and the like.
- (e) Any construction work which involved access to public road shall be subject to an approval of a Public Road Activity Application to Council accompanied by a Traffic Control Plan prepared by a RTA accredited Certifier.

- (5) **Dilapidation Survey** - A photographic dilapidation survey of existing public roads, kerbs, footpaths, drainage structures and any other existing public infrastructure within the immediate area of the development site must be submitted to Council **prior to the issue of a Construction Certificate.**

The survey must include descriptions of each photo and the date when each individual photo was taken.

- (6) **Performance Bond - Prior to the issue of a Construction Certificate** a performance bond, being 10% of the value of civil works 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. This bond will be refunded once all works have been completed to the satisfaction of Council. The applicant must be responsible for any damage caused to existing public utilities, footpaths or public roads during construction works.

Note 1: It should be noted that Council will not refund/release the maintenance bond unless a suitable replacement bond is submitted.

- (7) **Roadway Widths** - The widths for the proposed road works must be in accordance with the approved plan "Road Cross Sections – Central Hills Business Park by Development Planning Strategies."

A pavement design prepared by a suitably qualified Geotechnical Engineer for all proposed roads and accessways based upon Council's Pavement Design specification must be submitted and approved by the Principal Certifying Authority **prior to roadworks proceeding past subgrade level.**

- (8) **Temporary Turning Head** - A temporary sealed turning head must be provided at the end of all staged road construction in accordance with the current edition of Austroads Design Vehicles and Turning Path Templates, and specifically the B-Double design vehicle. The pavement must be constructed to the ultimate road levels and pavement depth. Any additional land required for such works must be provided for the ultimate road alignment by way of a Right of Way to be extinguished upon extension of the road.
- (9) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS1742.3 1985 and to the requirements and approval of Council (and the Roads and Traffic Authority). Plans and proposals must be approved by Camden Council and the Roads and Traffic Authority **prior to the Construction Certificate being issued.**

- (10) **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 insurer 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.

- (11) **Drainage Design** - A stormwater management plan is to be prepared **prior to the issue of a Construction Certificate** to ensure that 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. This plan must be submitted and approved

by the Principal Certifying Authority. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties.

- (12)**Overland Flow Path** - A depression must be formed over the full width and length of the drainage easement to provide a stormwater escape route. The escape route must be designed to have a capacity to carry the difference between a 1:100 year flow and the flow in the pipe. A Restriction as to User must be created on the title of lots containing the overland flow path prohibiting the alteration of the surface levels within the drainage easement and limiting permissible fencing across the easement to an open form fence to allow overland flow to be contained within the easement.
- (13)**Destination** - Pit lintels must be labelled with permanent stencilled signs to identify the watercourse into which the pit drains.
- (14)**Easement Creation** - Where the disposal of drainage involves the provision of drains across lands owned by others, drainage easements must be provided. The width of such drainage easements must be in accordance with Camden Council's Development Control Plan 2006 and Engineering Specifications, and associated Guidelines. Documentary evidence of creation of the easement/s must be submitted to Council (for information purposes) **prior to the issue of a Construction Certificate.**

The easement must be obtained over downstream properties and such easement must be registered with the Land and Property Information **prior to the release of the Subdivision Certificate.**

- (15)**Inter-Allotment Drainage** – Inter-allotment drainage lines must be designed and constructed to service all lots that do not grade naturally to the road drainage system in the road fronting the property. A drainage connection and junction pit must also be provided to all lots within the proposed subdivision. Where necessary at any time up to the release of the approved plan of subdivision, Council may require additional drainage works, not necessarily shown in the approved drawings, to be constructed to protect the lots being created or land downstream from flooding as a result of overland flow.

Inter-allotment drains must be installed after Sydney Water sewerage lines have been installed where sewer is proposed adjacent to inter-allotment drains.

- (16)**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 Certifying Authority for approval with the Construction Certificate.

On completion of the 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 any Subdivision Certificate**. The plans 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 developer 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:
 - (i) view the state of repair of the basin;
 - (ii) 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.
- 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.

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

(18)**Drainage Patterns Not to be Affected** – All proposed site regrading must be designed in such a manner that the existing drainage patterns of the adjoining properties in Turner Road are not altered.

(19)**Desilting Dams or Creeks** - A geotechnical report must be submitted detailing works required to desilt any existing dams or creek beds in conjunction with the engineering drawings **prior to a Construction Certificate being issued**. Such report must be prepared by a suitably qualified and experienced Geotechnical Engineer.

(20)**Transport** - All haulage routes for trucks transporting soil, materials, equipment or machinery to and from the site must be selected to provide the shortest travel distance (or most appropriate) from the site to a public road. All work shall ensure that:

- All soil, materials, equipment or machinery are delivered to or removed from the site shall be transported within the hours of operation specified in the development consent. All loads entering or leaving the site are securely covered.
- All vehicles exiting the site are securely covered.
- All vehicles exiting the site do so in a forward direction.
- All vehicles exiting the site shall not track soil, mud or sediment onto the road.

A construction site access and haulage plan is to be included with the engineering plans and must approved by the Roads Authority **prior to the issue of a Construction Certificate**.

(21)**Location of the “Construction” On-site Detention/Sediment Control Basin** - A “construction” on-site detention/ sediment control basin must be provided for within the site.

(22)**Location of Temporary Water Quality Facilities** - A temporary water quality facility must be provided for the site. The facility may be provided in the following locations:

- i) within any proposed public road and/or drainage reserve contained within the site,

- ii) within any proposed residue lot contained within the site,
- iii) within any adjoining property that is privately owned. In this regard appropriate easements, pursuant to s.88B of the *Conveyancing Act 1919*, must be registered by the Department of Lands – Land and Property Information, prior to the issue of any Construction Certificate.

(23)**Location of Permanent Water Quality Facilities** - A permanent water quality facility must be provided for the site; such a facility must be located within proposed and/or existing public land.

(24)**Design of “Construction” On-site Detention/Sediment Control Basin - The design of the “construction” on-site detention/ sediment control basin and water quality facility must be prepared in accordance with the requirements of:**

- (a) for sediment control, generally, Managing Urban Stormwater – Soils and construction, Volume 1, 4th Edition, March 2004 as produced by Landcom, and
 - (b) Camden Council’s Current Engineering Design Specification,
- and must not concentrate final discharge flows from the facility.

The construction of the on-site detention/sediment control basin must contain an impervious layer to provide water harvesting.

The design must be prepared and certified by an accredited certifier and must be submitted to the Certifying Authority for inclusion in any application for a Construction Certificate.

(25)**Design of the Permanent Water Quality Facility** - The design of the water quality facility must be prepared in accordance with the requirements of the Turner Road Development Control Plan.

The design must be certified by an accredited certifier with Civil Engineering accreditation and must be submitted to the Certifying Authority for inclusion in any application for a Construction Certificate.

Suitable vehicular access of at least 3.5m width is to be provided to the western side of the two basin facilities.

(26)**Site Regrading** – All site regarding areas must be shown on the engineering plans and ensure that:

- The minimum grade of any finished surface within proposed lots is 1%
- All batters must have a maximum slope of 1(V):4(H).
- Cut and fill batters must merge with the existing natural surface one metre within the development site boundary.

(27)**Road Grading** - All roads shall be designed to achieve a minimum longitudinal

grade of 1% and an absolute minimum longitudinal grade of 0.7% for kerb returns.

(28)**Horizontal Curves** – The size of all horizontal curves is to be determined by the turning path requirements of the B-Double design vehicle in accordance with the current edition of Austroads - Design Vehicles and Turning Path Templates.

(29)**Design Vehicle Turning Paths** – All turning and manoeuvring facilities, including intersections, roundabouts, etc. shall be designed in accordance with the current edition of Austroads Design Vehicles and Turning Path Templates, and generally the B-Double design vehicle. All design vehicle swept paths must be minimum 600mm clear of any kerb face or splitter island and minimum 300mm clear of painted linemarking.

Plans showing the design vehicle swept paths must be submitted with any application for a **Construction Certificate**.

(30)**Maintenance Access** – All turning and manoeuvring facilities, associated with maintenance/access requirements shall be designed in accordance with the current edition of Austroads Design Vehicles and Turning Path Templates, and specifically the Single Unit Truck/Bus design vehicle.

(31)**Gross Pollutant Traps** – A Rocla CDS gross pollutant trap must be installed in accordance with the approved Water Sensitive Urban Design Strategy upstream of any pipe outlet to a water quality pond or sediment basin prior to the issue of any Subdivision Certificate. Designs and specifications for such shall be submitted with any application for a Construction Certificate.

(32)**Roundabout Design** – A roundabout shall be designed and constructed in accordance with the Austroads Guide to Road Design, Part 4B: Roundabouts and the current edition of Austroads Design Vehicles and Turning Path Templates, at the following locations:

- at the intersection of Road No 1902 and Road No 1501 with a circulating carriageway to accommodate the Austroads B-double design vehicle with no encroachment onto the centre island, and
- at the intersection of Road No 1901 and Road No 1501 with a circulating carriageway accommodating the Austroads Single Unit Truck/Bus, with no encroachment onto the centre island. Provision must also be made for turning movements associated with the B-Double design vehicle.

(33)**Salinity Management Plan** – All development approved by this Development Consent shall be designed and constructed in accordance with the Salinity Management Plan prepared by Douglas Partners project 40741.14 Revision 2 dated January 2010.

(34)**Investigations for Stormwater Basins** – Further investigations in the areas of the proposed excavation of the Bio-retention and Detention basins shall be carried out to ascertain the depth in ground water. The results shall be provided to Camden Council and appropriate amendments made to the Salinity Management Plan **prior to the issue of a Construction Certificate**.

(35) **Zone of Influence to an Easement** - Structures adjacent to an easement or proposed Public Road within the zone of influence must be designed to utilise a pier and beam system of footing or other approved method designed by a suitably qualified practising Structural Engineer. The loads must be transferred below the invert of pipelines within the easement.

(36) **Roads and Traffic Authority (RTA)** - General Terms of Approval from the RTA are attached to and form part of this development consent. The requirements of these General Terms of Approval must be fully complied with at all times/development stages.

3.0 - Prior To Works Commencing

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

(1) **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

(2) **Single Access Point** - A single access point must be provided to the site **prior to commencing construction work**.

(3) **Construction of the "Construction" On-site Detention/Sediment Control Basin** - Prior to the commencement of any other subdivision work the "construction" on-site detention/sediment control basin and the associated immediate stormwater drainage system must be constructed:

- i) in accordance with the approved plans, and
- ii) to the requirements of the Principal Certifying Authority.

Any earth batters associated with such a facility must be compacted and stabilised to ensure that the integrity of the batters is continually maintained.

(4) **Traffic Committee Approval** – Designs for linemarking, regulatory signage and traffic management associated with all proposed public roads within this subdivision **MUST** be submitted to and approved by the Roads Authority, Camden Council, **prior to any road and drainage works commencing**. If any changes to the proposed designs are required an amended Construction Certificate may be required.

(5) **Pollution Warning Sign** – A sign must be erected at all entrances to the subdivision site prior to work commencing and maintained until the subdivision has reached 80% occupancy. The sign must be constructed of durable materials and be a minimum of 1200 x 900mm. The wording of the sign must be as follows:-

"WARNING - UP TO \$1,500 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. The

Council of Camden (02 4654 7777) - Solution to Pollution.”

The warning and fine statement wording must be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details must be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

The location and details of the signage shall be shown on the soil and water management plan prior to the release of the construction certificate.

(6) **Signs To Be Erected on Subdivision Sites** – Pursuant to c.98A of the *Environmental Planning and Assessment Regulation 2000*, a sign must be erected on any site on which building, subdivision and/or demolition work is being carried out advising of the following:

- (i) the name, address and telephone number of the Certifying Authority
- (ii) full details of the Construction Certificate
- (iii) full details of Development Consent 985/2009,
- (iv) the name of the ‘principal contractor’ or other appropriate contact for any building work and a telephone number on which that person may be contacted outside working hours, and
- (v) unauthorised entry to the work site is prohibited.

The sign must be:

- (i) located within the site,
- (ii) clearly visible and legible from the carriageway of any adjacent public road,
- (iii) a minimum size of 300mm x 400mm,
- (iv) erected prior to the commencement of any work, and
- (v) maintained throughout the duration of the construction works.

Note:

- (a) The Certifying Authority and principal contractor must ensure that the sign/s required by this condition are erected and maintained.
- (b) Any such sign may only be removed when the Department of Lands - Land and Property Information have registered the Subdivision Certificate/Plan of Subdivision.

(7) **Notice of Commencement Of Work** – Notice in the manner required by s.81A of the *Environmental Planning and Assessment Act, 1979* and c.103 of the *Environmental Planning and Assessment Regulation 2000* must be lodged with the consent Authority, Camden Council, a minimum of two (2) days prior to the

commencement of any work. The notice must include details of the:

- (i) issued Construction Certificate,
 - (ii) the appointed Principal Certifying Authority (PCA), and
 - (iii) if applicable, the appointed 'principal contractor' for any building works.
- (8) **Hoarding and Ancillary Requirements** - The site entrance must be enclosed with a suitable temporary hoarding or security fence of a type approved by the Principal Certifying Authority. An application must be lodged with and approved by Council prior to the erection of any hoarding or fence within public land.

Note:

- 1. No site or demolition works must commence before the hoarding or fence is erected and a Construction Certificate, if applicable, granted by a Certifying Authority.
- 2. Public thoroughfares must not be obstructed in any manner whatsoever during the works.

4.0 - During Construction

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

- (1) **Nature Strip/Road Verge, Street Trees and Street Tree protective guards** - Any nature strip/road verge area, street tree, lawn area, tree guards, protective bollards if applicable which are disturbed, removed or damaged during the development and maintenance works, shall be repaired and the tree, lawn area, bollards, tree guards, nature strip/road verge area repaired or replaced with the same type, species and maturity.
- (2) **Salinity Management Plan** – All development approved by this Development Consent shall be designed and constructed in accordance with the Salinity Management plan prepared by Douglas Partners project 40741.14 Revision 2 dated January 2010.
- (3) **Asbestos Removal** – The removal of asbestos shall be carried out in accordance with the Asbestos Code of Practice for the Safe Removal of Asbestos (National Occupational Health and Safety Commission, 2005).
- (4) **Asbestos Waste** – All asbestos waste must be lawfully transported to a waste facility that is classified for the disposal of asbestos and a copy of the tipping receipts being submitted to Council at the completion of remediation works and prior to the issue of the Construction Certificate.
- (5) **Surface Rubbish** – The surface rubbish (i.e. building rubbish) that was encountered on the site shall be appropriately disposed of to a DECW approved

landfill.

- (6) **Potential For Contamination** – Should any further suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material etc) be encountered during any stage of earthworks / site preparation / construction, then such works must cease immediately until a qualified environmental consultant has been contacted and conducted a thorough assessment. In the event that contamination has been identified as a result of this assessment and remediation is required, site works must cease in the vicinity of the contamination and the Consent Authority must be notified immediately.

Where remediation work is required the applicant will be required to comply fully with Council's Policy – Management of Contaminated Lands with regard to obtaining consent for the remediation works.

- (7) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill / rubbish / asbestos, this material will need to be assessed in accordance with the NSW DECC Waste Classification Guidelines (April 2008) (refer www.environment.nsw.gov.au/waste/envguidlms/index.htm) Once assessed, the materials will be required to be disposed to a licensed waste facility suitable for the classification of the waste with copies of tipping dockets supplied to Council.
- (8) **Protection of the Environment Operations Act 1997** – All work shall not give rise to offensive noise or give rise to dust, odour, vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the property boundary.
- (9) **Sediment and Erosion Control Measures** - Sediment and erosion control measures are to be installed prior to any soil remediation or excavation activity and maintained for the full period of works.
- (10) **Location of Stockpiles** - Stockpiles of soil should not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.
- (11) **Noise Levels** - Noise Levels emitted during construction and 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).

- (12)**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. The validation of the fill material must be done prior to use of any fill material and a validation report must be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
- (13)**Survey Marks** - Permanent survey co-ordination marks must be placed within the subdivision in accordance with the Surveyors Act and Regulations.
- (14)**Civil Engineering Inspections** - Where Council has been nominated as the Principal Certifying Authority, inspections by Council's Engineer are required to be carried out at the following Stages of construction:
- (a) prior to installation of sediment and erosion control measures;
 - (b) prior to backfilling pipelines and subsoil drains;
 - (c) prior to casting of pits and other concrete structures, including kerb and gutter, roads, accessways, aprons, pathways and footways, vehicle crossings, dish crossings and pathway steps;
 - (d) proof roller test of subgrade and sub-base;
 - (e) roller test of completed pavement prior to placement of wearing course;
 - (f) prior to backfilling public utility crossings in road reserves;
 - (g) prior to placement of asphaltic concrete;
 - (h) final inspection after all works are completed and "Work As Executed" plans, including work on public land, have been submitted to Council.

Where Council is not nominated as the Principal Certifying Authority, documentary evidence in the form of Compliance Certificates, stating that all work has been carried out in accordance with Camden Council's Development Control Plan 2006 and Engineering Specifications must be submitted to Council **prior to the issue of any Subdivision Certificate**.

- (15) **Compaction (Roads)** - All filling on roadways must be compacted at 100% standard compaction and tested in accordance with Camden Council's Engineering Works Development Control Plan and associated guidelines and AS1289 by a NATA registered laboratory.
- (16) **Site Management (No Nuisance Creation)** - The developer must carry out work at all times in a manner which will not cause a nuisance by the generation of unreasonable noise dust or other activity, to owners and occupiers of adjacent properties.
- (17) **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 report and sampling location plan must be prepared:

- i) by a practising engineer with National Professional Engineering Registration and with a Specific Area of Practice in Subdivisional Geotechnics, and
- ii) in accordance with:
 - a) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
 - b) 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".
- iii) and confirm that the fill material:
 - a) provides no unacceptable risk to human health and the environment;
 - b) is free of contaminants;
 - c) has had salinity characteristics identified in the report;
 - d) is suitable for its intended purpose and land use, and
 - e) has been lawfully obtained.

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 (m²)
Virgin excavated Natural material	1 (see note)	1000

Note: 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.

- (18)**Delivery Register** - In order to comply with the above, the applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Camden Council officers on request and be submitted to the Council at the completion of the development.
- (19)**Compaction (Allotments)** - Those proposed allotments which are subject to filling must be compacted to 95% standard compaction. The applicant's Geotechnical Engineer must supervise the placing of fill material and certify that the work has been carried out to level 1 responsibility in accordance with Appendix B of AS 3798-1990.
- (20)**Fencing of the "Construction" On-site Detention/Sediment Control Basin** – Any "construction" on-site detention/ sediment control basin must be enclosed by a 2.1m high security fence of a type approved by the Consent Authority (Camden Council). Any such fence is to be continually maintained and is to remain in place until this facility is removed or reconstructed to a temporary/permanent water quality facility.
- (21)**Unexpected Finds (Relics)** - Should any relics be discovered during any stage of the approved works, all works must cease immediately and the Heritage Branch of the Department of Planning must be contacted regarding the finds.
- (22)**Construction Standards** - All civil engineering work associated with the development must be carried out strictly in accordance with Camden Council's Engineering Specifications.

5.0 - Subdivision Certificate

The following conditions of consent shall be complied with prior to the Council or an Accredited Certifier issuing a Subdivision Certificate.

- (1) **Clearance Certificate** – A clearance certificate issued by an Occupational Hygienist shall be submitted to the consent authority at the completion of works validating that all asbestos has been removed from the site.
- (2) **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 any Subdivision Certificate**. This bond is to cover

the maintenance of civil works constructed during subdivision 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 twelve (12) months or such longer period as determined by Council's engineer, and shall commence on the date of release of the linen plan in the case of subdivision works 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.

- (3) **Road Surfacing Bond - Prior to the issue of any Subdivision Certificate** the applicant is to lodge a monetary bond with the consent authority (ie. Camden Council) for the placement of the final layer of asphaltic concrete wearing course for any proposed Public Road within this subdivision.

The bond is to be in the form of cash or unconditional bank guarantee in favour of the consent authority (i.e. Camden Council), and must be equivalent to 130% of the value of the works including the cost of all reinstatement works. The bond amount will be determined by reference to Council's current unit rates for such works.

The bond period is to commence on the date of issue of Subdivision Certificate and the work is required to be held for 5 years from completion or upon at least 80% of the subdivision occupancy.

Camden Council reserves the right to claim against the bond at any time.

Note 1: In accordance with Council's current Fees and Charges an administration fee for processing of bonds in the form of cash/cheque 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.

- (4) **Value of Works - Prior to issue of any Subdivision Certificate** the applicant must submit an itemised value of civil works for the inclusion in Council's Asset Management System. The applicant can obtain a valuation sheet from Council upon request.
- (5) **Lot Numbers and Street Names - Prior to issue of a Subdivision Certificate** lot numbers and street names must be stencilled on the face of kerb, or in such location as directed by the Principal Certifying Authority.

The stencil medium must be of a good quality UV stabilised paint and applied to the kerb accordingly:

1 Lot numbers:

White number on Brunswick Green background located on the prolongation of both common boundaries of each lot.

2 Street names:

White lettering on Brunswick Green background at kerb and gutter tangent points or at such locations as directed by the Principal Certifying Authority.

- (6) **Footpath Construction Bond** - A footpath construction bond in the form of an unconditional bank guarantee or cash bond, being 200% of the cost of the works, must be lodged with Council **prior to the issue of any Subdivision Certificate**.

This bond is to cover the construction of the footpath associated with the development/subdivision. The footpath construction will generally be delayed for a period of twelve (12) months or until the majority (approx 80%) of development has been erected within the development/ subdivision. This bond can be released once a satisfactory inspection has been undertaken by Council.

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

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

- (7) **Surveyor's Report - Prior to the issue of any Subdivision Certificate** a certificate from a registered surveyor must be submitted to the Certifying Authority certifying that all drainage lines have been laid within their proposed easements. Certification is also to be provided stating that no services or accessways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.

- (8) **Street Lighting** - Street lighting must be provided within the subdivision in accordance with the relevant Australian standards, Integral Energy approval and the satisfaction of Council. All physical works must be complete **prior to the issue of any Subdivision Certificate**.

- (9) **Services** - All services (water, sewer, electricity, telephone and gas) (including the provision of service conduits and stub mains) are to be installed within the proposed public roads before final inspection of the engineering works.

Prior to the issue of any Subdivision Certificate the following service authority clearances must be obtained and submitted to the Principal Certifying Authority:

- A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water Corporation.
- Application must be made through an authorised Water Servicing Co-ordinator.

Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.

- A letter from Integral Energy stating that all its requirements and any conditions of this consent have been satisfied.
- A letter from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the subdivision/development.

If the applicant proposes to provide services within public reserves or laneways, written permission must be received by Camden Council **prior to commencing construction**.

- (10)**Show Easements on the Plan of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.
- (11)**Show Restrictions on the Plan of Subdivision** - The developer must acknowledge all existing restrictions on the use of the land on the final plan of subdivision.
- (12)**Plot Watercourses** - The developer must chart the natural watercourse on the subdivision.
- (13)**Plot Piped Watercourse** - The developer must chart the piped natural watercourse on the plan of subdivision and also provide 1% of the Works-as-Executed Plan.
- (14)**Section 88b Instrument** - The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user:
 - (a) Easement for services.
 - (b) Easement to drain water.
 - (c) Drainage easement over overland flow paths.

- (d) Easement for on-site detention.
- (e) Easement for water quality.
- (f) Easement for support.
- (g) Reciprocal right of carriageway. The owners of the subject properties burdened by the Right-of-Way shall be responsible for ongoing maintenance and the Public Liability of the Right-of-Way.
- (h) Restriction as to user over any lots adjacent to a public reserve stipulating dividing fence type.
- (i) Restriction as to user preventing the alteration of the final overland flow path shape, and the erection of any structures (other than open form fencing) in the overland flow path without the written permission of Council.
- (j) Restriction as to user on all lots requiring that all buildings, landscaping and associated works must be constructed in accordance with the Salinity Management Plan project no. 40741.14 revision 2 dated January 2010 by Douglas Partners.
- (k) Restriction as to user on lot 9, DP 1137298 specifying that (lots 102-109 inclusive) may access the 2.5m wide area at the rear of those lots for the purposes of building/landscape maintenance.
- (l) Restriction as to user on lots 102-109 (inclusive) specifying that the rear façades of future buildings on these lots must be permanently maintained. Maintenance access may be gained through the 2.5m wide area at the rear of these lots however each maintenance access event must first be approved by Camden Council before occurring.

The instrument must also indicate that Camden Council is the only authority permitted to modify, vary or extinguish such easements and restrictions as to user.

(15) Access Denial for Specific Lots – The Principal Certifying Authority shall confirm the “access denied” location of any lot adjacent to a proposed/existing public road. A description of the access denied section of the lot shall be noted in a restriction-as-to-user pursuant to s.88B of the Conveyancing Act 1919 and be included in any application for a Subdivision Certificate.

(16) Construction of Permanent Water Quality Facilities – A permanent water quality facility must be constructed:

- (a) in accordance with the approved plans,
- (b) to the requirements of Camden Council,
- (c) when Occupation Certificates for dwellings associated with 70-80% of the lots have been issued.

Any earth batters associated with such a facility must be compacted and stabilised to ensure that the integrity of the batters is continually maintained.

- (17) **Modified “Construction” On-site Detention/Sediment Control Basin and Water Quality Facility, Operation, Maintenance and Monitoring Manual** - Prior to the completion of the modified “construction” on-site detention/sediment control basin and water quality facility, an Operation, Maintenance and Monitoring Manual must be submitted to the Principal Certifying Authority for approval.

The manual must be prepared by a suitably qualified professional in accordance with the requirements of Managing Urban Stormwater – Soils and Construction, Volume 1, 4th Edition, March 2004 as produced by Landcom and must provide detailed information regarding the following:

- iii) method of desilting
- iv) method of removal of sediment and gross pollutants
- v) method of removal of noxious weeds.

Water quality sampling should be undertaken for all relevant water quality parameters contained within the Turner Road Development Control Plan. Samples are to be taken from the inlet point of the “on-site detention / sediment Control Basin” and the outlet point of the “Water Quality Facility”.

The frequency of sampling for each facility must include quarterly sampling. Where prolonged drought conditions exist and water is unavailable for testing on a quarterly basis then a minimum of 4 samples must be taken (within a 12 month period) when water is available with a minimum of 2 months between sampling periods.

Water quality sampling and monitoring results/reports are required and must be submitted to the Council within one (1) month after each complete quarterly sampling period.

- (18) **Bond for the Decommissioning of the Modified “Construction” On-site Detention/ Sediment Control Basin and Water Quality Facility - Prior to the issue of any Subdivision Certificate** a bond for: -

- (a) the conversion of the modified “construction” on-site detention/sediment control basin and water quality facility to a temporary/permanent water quality facility, and/or
- (b) the removal of the modified “construction” on-site detention/ sediment control basin and water quality facility and reinstatement of the area in accordance with the approved plan,

must be lodged with Camden Council.

The bond:

- (a) applies only where such a facility is located in existing and/or proposed public

land,

(b) has been determined at an amount of \$50,000, and

(c) will be retained by Council until:

- i) such works have been completed in accordance with the approved plans and to the requirements of Council,
- ii) a permanent water quality facility has been provided in a public infrastructure location approved by Council, and
- iii) the completion of such work has been confirmed, in writing, by Council.

(19)Permanent Water Quality Facility Operation, Maintenance and Monitoring Manual/s - Prior to the issue of any Subdivision Certificate, Operation and Maintenance and Monitoring Manual/s for the permanent water quality facilities must be submitted to the Principal Certifying Authority for approval.

The manuals must be prepared by a suitably qualified professional in accordance with the requirements of the water quality criteria contained within the Turner Road Development Control Plan and must provide detailed information regarding the following:

- a. vegetation management
- b. removal of noxious weeds
- c. replacement of filter medium
- d. water quality

Sampling - water quality sampling should be undertaken for all relevant Water quality parameters contained within the Turner Road Development Control Plan. Samples are to be taken from the inlet point of the "on-site detention / sediment Control Basin" and the outlet point of the "Water Quality Facility".

Frequency - The frequency of sampling for each facility must include quarterly sampling. Where prolonged drought conditions exist and water is unavailable for testing on a quarterly basis then a minimum of 4 samples must be taken (within a 12 month period) when water is available with a minimum of 2 months between sampling periods.

Methodology for attainment of the required water quality discharge parameters.

Discussion of sampling results. A comparison of results with respect to the level of compliance with water quality targets/ criteria will be required and include recommendations for corrective action where non-compliance is determined.

In that regard the manual must indicate that water quality sampling and monitoring report/s must be submitted to Camden Council at the commencement of monitoring and six (6) months after the initial sampling.

Methodology for attainment of the required water quality discharge parameters.

Methodology/measures are required to ensure that the subject temporary facilities remain functional/operational until such time as they are decommissioned and replaced/reconstructed as a permanent water quality facility.

- (20)**Demolition of Temporary Water Quality Facilities** – Any temporary water quality facility will be made redundant upon the provision of an approved permanent water quality facility. In that regard the temporary water quality facility must be demolished and the area containing the facility reinstated. Any resulting impediment to existing permanent infrastructure, as a result of the removal of the associated stormwater drainage system is to be rectified to the requirements of Camden Council.

Prior to the commencement of any such demolition all contributing stormwater flows to the facility must be diverted to the permanent water quality facility by way of a stormwater drainage system approved by Camden Council.

- (21)**Section 88b Instrument for Water Quality** - The developer must prepare a Section 88B Instrument, for approval by the Principal Certifying Authority, which incorporates the following easements, restrictions to user and public positive covenants:

- (a) Public positive covenant, over the proposed lot/s containing the:
- i) modified “construction” on-site detention/sediment control basin and water quality facility, and/or
 - ii) permanent water quality facility,
- for the maintenance, repair and insurance of such a facility.

- (22)**Modification of the “Construction” On-site Detention/ Sediment Control Basin** – After three (3) months of the registration of the Subdivision Certificate/Plan of Subdivision by the Department of Lands – Land and Property Information, the “construction” on-site detention/sediment control basin must be modified to include a water quality component, .

The water quality component must have the following:

- (a) a filter medium must be included in the design.
 - (b) 50% of the total number of “macrophyte” type plants, the details of which are noted on the approved plans, must be planted within the filter medium area.
- (23)**Works as Executed Plan - Prior to the issue of any Subdivision Certificate**, a works-as-executed drawing signed by a registered surveyor must be submitted to the Principal Certifying Authority showing that the stormwater drainage and finished ground levels have been constructed as approved.

The 1:100 year (1% AEP) and Probable Maximum Flood lines must be marked on the plan of subdivision.

- (24)**Special Infrastructure Contribution** - The applicant must obtain a Certificate from the NSW Department of Planning stating that the Special Infrastructure Contribution determined in accordance with Section 94EE of the Environmental Planning and Assessment Act 1979, and the Growth Centres Special Infrastructure Practice Note for this proposal has been paid. This Certificate must be presented to the Principle Certifying Authority (PCA) **prior to the issue of any Subdivision Certificate.**

Information on the Special Infrastructure Contribution can be found at the Department of Planning's website www.gcc.nsw.gov.au. To obtain an estimate of the Special Infrastructure Contribution that may be payable for the application please e-mail infrastructurecontribution@gcc.nsw.gov.au.

- (25)**Public Road Access** – No Subdivision Certificate for any of the approved subdivision stages will be issued until such time as the subject lots are connected, via public road reserve, to a portion of Badgally Road which is publicly dedicated in accordance with the location of that road as shown on the adopted ILP for the Turner Road Precinct.

(26)**Section 94 Contributions – Prior to the issue of any Subdivision Certificate** for subdivision stage 1 of the approved development and pursuant to **Oran Park and Turner Road Precincts Section 94 Contributions Plan** adopted in February 2008, contributions shown in the following table (showing the infrastructure type and respective amount) must be paid to Council.

Infrastructure Type	Monetary Amount (a)	Land Area (m²) (b)	Additional Land Area (sqm) (c)
Open space and recreation - land	\$0		
Open space and recreation – works	\$0		
Open space and recreation – project management	\$0		
Open Space and recreation – sub total	\$0		
Community facilities – land	\$0		
Community facilities – works	\$0		
Community facilities – project management	\$0		
Community facilities – sub total	\$0		
Transport management – land	\$0		
Transport management – works	\$116,622.11		
Transport management – project management	\$2,660.24		
Transport management – sub total	\$119,282.35		
Water cycle management – land	\$0		
Water cycle management – works	\$0		
Water cycle management – project management	\$0		
Water cycle management – sub total	\$0		
Total	\$119,282.35		

(a) **Monetary Amount.** The monetary contribution specified in the Monetary Amount column of the above table must be paid to Council prior to the issue of a Subdivision Certificate. The monetary contributions must be indexed by the methods set out in clause 2.14 of the Contributions Plan at the date of payment.

At the sole discretion of Council the monetary contributions may be offset by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such agreement is to be undertaken, it must be signed prior to the release of a Subdivision Certificate.

(b) **Land Area.** The amount of land specified in the Land Area column of the above table must be dedicated to Council free of cost.

(c) **Additional Land Area.** The Indicative Layout Plan in the Oran Park Development Control Plan and the Oran Park and Turner Roads Precincts Section 94 Contributions Plan requires additional land for a public purpose associated with this development area. The amount of land specified in the

Additional Land Area column of the above table must be dedicated to Council, with compensation to be agreed in writing between Council and the developer, such as through a Works In Kind Agreement.

Note: Any other land proposed by the applicant to be dedicated to Council that is not land required to be dedicated to Council by the condition of consent relating to development contributions (ie. not land identified in the above table), must be dedicated to Council free of cost.

(28)**Section 94 Contributions – Prior to the issue of any Subdivision Certificate** for subdivision stage 2 of the approved development and pursuant to **Oran Park and Turner Road Precincts Section 94 Contributions Plan** adopted in February 2008, contributions shown in the following table (showing the infrastructure type and respective amount) must be paid to Council.

Infrastructure Type	Monetary Amount (a)	Land Area (m²) (b)	Additional Land Area (sqm) (c)
Open space and recreation - land	\$0		
Open space and recreation – works	\$0		
Open space and recreation – project management	\$0		
Open Space and recreation – sub total	\$0		
Community facilities – land	\$0		
Community facilities – works	\$0		
Community facilities – project management	\$0		
Community facilities – sub total	\$0		
Transport management – land	\$0		
Transport management – works	\$37,925.89		
Transport management – project management	\$865.12		
Transport management – sub total	\$38,791.01		
Water cycle management – land	\$0		
Water cycle management – works	\$0		
Water cycle management – project management	\$0		
Water cycle management – sub total	\$0		
Total	\$38,791.01		

(a) **Monetary Amount.** The monetary contribution specified in the Monetary Amount column of the above table must be paid to Council prior to the issue of a Subdivision Certificate. The monetary contributions must be indexed by the methods set out in clause 2.14 of the Contributions Plan at the date of payment.

At the sole discretion of Council the monetary contributions may be offset by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such agreement is to be undertaken, it must be signed prior to the release of a Subdivision Certificate.

(b) **Land Area.** The amount of land specified in the Land Area column of the above table must be dedicated to Council free of cost.

(c) **Additional Land Area.** The Indicative Layout Plan in the Oran Park Development Control Plan and the Oran Park and Turner Roads Precincts Section 94 Contributions Plan requires additional land for a public purpose associated with this development area. The amount of land specified in the Additional Land Area column of the above table must be dedicated to Council, with compensation to be agreed in writing between Council and the developer, such as through a Works In Kind Agreement.

Note: Any other land proposed by the applicant to be dedicated to Council that is not land required to be dedicated to Council by the condition of consent relating to development contributions (i.e. not land identified in the above table), must be dedicated to Council free of cost.

(29)**Section 94 Contributions – Prior to the issue of any Subdivision Certificate** for subdivision stage 3 of the approved development and pursuant to **Oran Park and Turner Road Precincts Section 94 Contributions Plan** adopted in February 2008, contributions shown in the following table (showing the infrastructure type and respective amount) must be paid to Council.

Infrastructure Type	Monetary Amount (a)	Land Area (m²) (b)	Additional Land Area (sqm) (c)
Open space and recreation - land	\$0		
Open space and recreation – works	\$0		
Open space and recreation – project management	\$0		
Open Space and recreation – sub total	\$0		
Community facilities – land	\$0		
Community facilities – works	\$0		
Community facilities – project management	\$0		
Community facilities – sub total	\$0		
Transport management – land	\$0		
Transport management – works	\$44,681.44		
Transport management – project management	\$1,019.22		
Transport management – sub total	\$45,700.66		
Water cycle management – land	\$0		
Water cycle management – works	\$0		
Water cycle management – project management	\$0		
Water cycle management – sub total	\$0		
Total	\$45,700.66		

(a) **Monetary Amount.** The monetary contribution specified in the Monetary

Amount column of the above table must be paid to Council prior to the issue of a Subdivision Certificate. The monetary contributions must be indexed by the methods set out in clause 2.14 of the Contributions Plan at the date of payment.

At the sole discretion of Council the monetary contributions may be offset by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such agreement is to be undertaken, it must be signed prior to the release of a Subdivision Certificate.

(b) **Land Area.** The amount of land specified in the Land Area column of the above table must be dedicated to Council free of cost.

(c) **Additional Land Area.** The Indicative Layout Plan in the Oran Park Development Control Plan and the Oran Park and Turner Roads Precincts Section 94 Contributions Plan requires additional land for a public purpose associated with this development area. The amount of land specified in the Additional Land Area column of the above table must be dedicated to Council, with compensation to be agreed in writing between Council and the developer, such as through a Works In Kind Agreement.

Note: Any other land proposed by the applicant to be dedicated to Council that is not land required to be dedicated to Council by the condition of consent relating to development contributions (i.e. not land identified in the above table), must be dedicated to Council free of cost.

(30) **Section 94 Contributions – Prior to the issue of any Subdivision Certificate** for subdivision stage 4 of the approved development and pursuant to **Oran Park and Turner Road Precincts Section 94 Contributions Plan** adopted in February 2008, contributions shown in the following table (showing the infrastructure type and respective amount) must be paid to Council.

Infrastructure Type	Monetary Amount (a)	Land Area (m ²) (b)	Add- itional Land Area (sqm) (c)
Open space and recreation - land	\$0		
Open space and recreation – works	\$0		
Open space and recreation – project management	\$0		
Open Space and recreation – sub total	\$0		
Community facilities – land	\$0		
Community facilities – works	\$0		
Community facilities – project management	\$0		
Community facilities – sub total	\$0		
Transport management – land	\$0		
Transport management – works	\$307,487.69		
Transport management – project management	\$7014.04		
Transport management – sub total	\$314,501.73		

Water cycle management – land	\$0		
Water cycle management – works	\$0		
Water cycle management – project management	\$0		
Water cycle management – sub total	\$0		
Total	\$314,501.73		

- (a) **Monetary Amount.** The monetary contribution specified in the Monetary Amount column of the above table must be paid to Council prior to the issue of a Subdivision Certificate. The monetary contributions must be indexed by the methods set out in clause 2.14 of the Contributions Plan at the date of payment.

At the sole discretion of Council the monetary contributions may be offset by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such agreement is to be undertaken, it must be signed prior to the release of a Subdivision Certificate.

- (b) **Land Area.** The amount of land specified in the Land Area column of the above table must be dedicated to Council free of cost.
- (c) **Additional Land Area.** The Indicative Layout Plan in the Oran Park Development Control Plan and the Oran Park and Turner Roads Precincts Section 94 Contributions Plan requires additional land for a public purpose associated with this development area. The amount of land specified in the Additional Land Area column of the above table must be dedicated to Council, with compensation to be agreed in writing between Council and the developer, such as through a Works In Kind Agreement.

Note: Any other land proposed by the applicant to be dedicated to Council that is not land required to be dedicated to Council by the condition of consent relating to development contributions (i.e. not land identified in the above table), must be dedicated to Council free of cost.

END OF CONDITIONS

RECOMMENDED

That Council grant delegated authority to the General Manager to approve Development Application 985/2009 for a 59 industrial/business development lot subdivision, construction of roads, drainage, bulk earthworks and landscaping, and display of 1 entry sign at Nos 630 (Lot 90, DP 1137298) and 650 (Lot 91, DP 1137298) Camden Valley Way, Gregory Hills subject to:

- i. the draft development consent conditions shown above; and
- ii. Council receiving General Terms of Approval from the RTA for this Development Application and these being incorporated into the development consent.

ATTACHMENTS

1. Location plan
2. Subdivision plan
3. Submission (sup doc)



Location plan DA985-2009.pdf Masterplan DA985-2009.pdf Submission DA985-2009.pdf

RESOLUTION

Moved Councillor Warren, Seconded Councillor Cagney that Council grant delegated authority to the General Manager to approve Development Application 985/2009 for a 59 industrial/business development lot subdivision, construction of roads, drainage, bulk earthworks and landscaping, and display of 1 entry sign at Nos 630 (Lot 90, DP 1137298) and 650 (Lot 91, DP 1137298) Camden Valley Way, Gregory Hills subject to:

- i. the draft development consent conditions shown above; and
- ii. Council receiving General Terms of Approval from the RTA for this Development Application and these being incorporated into the development consent.

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

ORD40/10

ORDINARY COUNCIL

ORD02

**SECTION 82A REVIEW - CHANGE OF USE - TATTOO AND BODY PIERCING
STUDIO AND SIGN - SHOP 3A, 296 (LOT 3 SP 36208) CAMDEN VALLEY WAY,
NARELLAN**

FROM:	Director Development and Health
FILE NO:	Binder: Development Applications 2009
DA NO:	DA 1248/2009
OWNER:	E Hassan
APPLICANT:	Institorus Trading as Yakuza Tattoo
ZONING:	3(a) General Business
APPLICABLE PLANNING INSTRUMENT:	Camden Local Environmental Plan No 46 (Existing Areas)

PURPOSE OF REPORT

The purpose of this report is to seek from Council a review of the determination of Development Application DA1248/2009 which was refused under delegation on 14 January, 2010 due to insufficient information being provided. This review is a Section 82A application and is referred to Council for determination in accordance with its delegations.

SUMMARY OF RECOMMENDATION

Following receipt of the required information, it is recommended that the subject 82A review be approved subject to conditions.

BACKGROUND

Development Application DA1248/2009 was lodged with Council on 13 November, 2009. The proposal was publicly advertised between 25 November and 10 December, 2009, as well as being notified to adjoining properties. One (1) submission was received.

The application was refused under delegation on 14 January, 2010 for the following reason:

Failure to provide adequate information with which to comprehensively assess the application pursuant to the provisions of the Environmental Planning and Assessment Act, 1979.

An application to review the determination pursuant to Section 82A of the Environmental Planning and Assessment Act, 1979 was subsequently received. That

application contained adequate information to carry out an assessment of the proposed development, and addresses issues raised by Council officers and also in one submission from the community.

The same business is currently operating out of premises at 336 Camden Valley Way, Narellan, which was approved by Council on 25 May, 2006 (DA 491/2006). A search of Council records reveals that this business has been operating in accordance with its conditions of consent from that time.

THE SITE

The premises the subject of development application DA 1248/2009 is located at Shop 3A, 296 (Lot 3 SP 36208) Camden Valley Way, Narellan. It is located within a complex of six (6) tenancies, which includes a tile shop and a pizza shop. The shop was previously occupied by a pawn brokers shop. The complex has 20 off-street car parking spaces and separate rear access for deliveries.

The complex is located in a commercial area with a service station, motor vehicles sales and small businesses of a business/industrial nature and Narellan Public School in the immediate vicinity. Whilst remaining visible from Camden Valley Way, the L-shaped layout of the complex ensures that Shop 3A is not visible from Narellan Public School. **A site location plan is provided at the end of this report.**

THE PROPOSAL

Development Application No 1248/2009 seeks the consent of Council for the change of use of Shop 3, 296 Camden Valley Way, Narellan, for a Tattoo and Body Piercing Studio and erection of one (1) Outdoor Advertising Sign. **Plans of the proposal are provided at the end of this report.**

NOTIFICATION

The development proposal was publicly advertised between 25 November and 10 December, 2009 as well as being notified to adjoining properties. One (1) submission was received by way of objection to the proposed development. The issues which were raised within this submission are discussed later on in this report. **A copy of the submission is provided with the Business Paper supporting documents.**

PLANNING CONTROLS

The following plans and policies have been considered in the assessment of this application:

- Camden 2025
- Camden Local Environmental Plan No 46 Existing Areas
- State Environmental Planning Policy (SEPP) 64 - Advertising and Signage
- Deemed SEPP Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River (No 2)
- Camden Development Control Plan 2006.

ASSESSMENT

The subject application has been assessed in accordance with section 79C of the Environmental Planning & Assessment Act 1979 (the Act) and the following points are provided in relation to the critical aspects of Council's assessment:

The provisions of any Environmental Planning Instrument

Camden 2025

The proposed development meets the economic and community development objectives of the strategic plan which are:

- to develop a substantial and diverse economic base;
- to promote a variety of lifestyle options to improve the wellbeing of the community by ensuring access to a range of facilities and services;
- to recognise and support cultural diversity.

The proposal is considered consistent with the strategic plan.

Camden Local Environmental Plan No 46 - Existing Areas

The land is zoned 3(a) General Business under the Camden Local Environmental Plan (LEP) No 46. The proposed development is defined as "*Commercial Premises*".

The model provisions define '*commercial premises means a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this clause or a building or place used for a purpose elsewhere specifically defined in this clause*'.

A "*Commercial premises*" is permissible with the consent of Council in a 3(a) zone. The objectives of zone 3(a) General Business are:

- (a) *to provide sufficient opportunities for the development of retail and commercial activities designed to satisfy the needs of the community in an environmentally sensitive manner;*
- (b) *to encourage the development and expansion of business activities which will contribute to the economic growth of, and the creation of employment opportunities within, the Municipality of Camden; and*
- (c) *to encourage a wide range of retail, commercial and recreational facilities.*

It is considered that the proposal is consistent with the objectives of the LEP in that:

- (a) the development supports commercial activities that satisfy different needs of the community;
- (b) the development supports the objective of economic growth and employment with the Camden local government area; and
- (c) it encourages a wider range of commercial services provided in the area.

State Environmental Planning Policy (SEPP 64 – Advertising and Signage)

The proposed outdoor advertising sign which forms part of the development application, is required to be considered against the assessment criteria contained in State Environmental Planning Policy (SEPP 64 – Advertising and Signage).

It is considered to be compatible with the existing and future character of the locality and the site is not considered to be within a special area. The proposal does not compromise vistas and is not considered to impact upon the streetscape. The proposal is considered to be compatible with the bulk and scale of the associated building and the design of the sign is made up of one panel.

The signage is not considered to impact on the surrounding neighbourhood nor pedestrian safety.

It is therefore considered that the proposed sign complies with the objectives and controls of SEPP 64.

Deemed SEPP - Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River (No 2)

For the information of Councillors, the State Government recently abolished the terms Regional Plans (REPs) and transferred all such provisions to state environmental planning policies, however existing REPs remain valid and are now termed Deemed SEPPs.

The proposal is subject to the provisions of Deemed SEPP (Sydney Regional Environmental Plan) No 20. The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. It is considered that the proposal is consistent with the aims and provisions of the Deemed SEPP.

Camden Development Control Plan 2006

The following provisions of Camden Development Control Plan 2006 apply to the development application:

Part D: Chapter 1 - Off-Street Carparking

The development proposal is to utilise one unit within an existing commercial unit complex comprising of 6 units. The area of subject the unit is 102.9m², and there are a total of 20 carparking spaces on the site. Under the DCP carparking for 'commercial premises' is calculated on one (1) car parking space per 35m² of net floor area.

Based on the area of the unit and the DCP, a total of **three (3)** carparking spaces are required for the subject use. The development proposal will not generate the need for additional carparking spaces than that was required when the complex was originally erected.

Adequate rear access to the unit's storage area is provided for the small amount of deliveries that may take place. It is considered that carparking for the proposed use

complies with the DCP.

Part D: Chapter 4 - Outdoor Advertising

The development application seeks consent for one (1) outdoor advertising sign with dimensions of 3.0m x 1.2m and area of 3.6m² displaying the trading name of the proposed use. Control 6.2(a) of the DCP limits the proposed sign to no greater than 5m². The dimensions of the proposed sign comply with the relevant controls and it is considered that the sign is consistent with the objectives for signage in a business area.

It is therefore considered that the proposed development is consistent with the objectives and controls of Camden Development Control Plan 2006.

The likely impact of the development including environmental, social and economic impacts

If approved the development consent would include conditions relating to graffiti removal, advertising signs, public health, offensive noise and operating hours. The obligations upon the owner of these conditions would result in the proposed development not having a significant adverse impact on the social or natural environment. It is anticipated that the development would provide a positive economic benefit to the commercial centre of Narellan. As stated previously, it is the relocation of an existing, well established business.

The suitability of the site for the development

The development would be consistent with the commercial use of the land and would have adequate provisions for access, carparking and public utilities.

Any Submissions

The development proposal was publicly advertised between 25 November and 10 December, 2009 as well as being notified to adjoining properties.

Upon completion of the notification period Council received one (1) written submission raising various concerns. Specific issues which were raised are as follows:

- 1 Given the history of previous fire bomb attacks on Tattoo establishments in Camden we are concerned about the safety of our properties in the case of recurrences of similar attacks.*

Officer Comment:

The business is currently operating out of other premises on Camden Valley Way. A search of Council records does not indicate that any such safety concerns have eventuated in the past.

- 2 Tattoo establishments in the past have a history of motorcycle club associated violence.*

Officer Comment:

The development proposal is for a tattoo and body piecing studio. The development is permissible within the zone and it is not possible for Council officers to assume anti-social behaviour will occur as a result of the development. No evidence of any such behaviour has been evident at the current premises.

- 3 *Have Council's health department and its officers satisfied themselves that appropriate, proper and effective sterilisation and disposal systems are in place in order to avoid the possibilities of Hepatitis C and Hepatitis B (perhaps HIV) related diseases being contracted or spread by the invasive processes associated with tattooing. In particular, will the regular disposal of used needles and other equipment be regularly supervised?*

Officer Comment:

The proposed development is assessed on the same basis as hairdressers, medical surgeries and beauty salons. Council officers have recommended conditions of consent to ensure compliance with public health and skin penetration regulations, which any similar business is required to satisfy.

- 4 *Our tenants...have bought up concerns about the possibility of contamination in addition perhaps of anti-social behaviour.*

Officer Comment:

The use of itself is not anticipated to generate any adverse social or environment impacts.

- 5 *We would be interested to know the exact nature of the "medical waste" referred to in the application and where precisely, it will be disposed?*

Officer Comment:

Council's officers have recommended conditions of consent to ensure compliant and appropriate management and disposal of waste. As tattooing involves skin penetration the waste material used contains blood, and accordingly this waste would be "medical waste" and prohibited from general waste collections.

- 6 *What professionals or medical skills do the "six employees" possess which enable them to satisfy all public health department concerns related to tattooing?*

Officer Comment:

As discussed above, proposed development of this nature is assessed in the same way as hairdressers, medical surgery a beauty salons. Council's health officers have recommended conditions of consent to ensure compliance with public health and skin penetration regulations, which any similar business is required to satisfy.

The Public Interest

It is considered that the proposed development is not contrary to the public interest as it offers an appropriate service in a commercial area of the community. The proposed use is consistent with the relevant planning instruments and has been operating nearby for some time, and accordingly is recommended for approval.

CONCLUSION

Council has received a Section 82A request to review a determination for a Tattoo and Body Piercing Studio at Shop 3A, 296 Camden Valley Way, Narellan.

The application was originally refused as insufficient information had been provided to allow the application to be determined. Subsequently the required information was made available to Council.

The original Development Application and the 82A Review was assessed under the provisions of the Environmental Planning and Assessment Act, 1979, Camden 2025 Strategic Plan and LEP 46. The proposed use is permissible within the zone and was found to comply with the relevant legislation. Following the exhibition period Council is in receipt of one written submission.

The assessment of the application is now complete. It is considered that the proposed development is unlikely to have a negative impact on the social amenity or the environment of the locality. As a result the application is recommended to Council for approval subject to the draft conditions of development consent in this report.

DRAFT CONDITIONS OF CONSENT

1.0 - General Requirements

(1) Approved Plans – The development must be carried out strictly in accordance with the plans:

- DA01 – Siteplan
- DA02 – Front Elevation (dated 18/10/2009)
- DA03 – Proposed Body Art Studio Plan (dated 14/12/2009)
- DA04 – Work Bench detail (dated 23/9/2009)
- DA05 – Work Bench detail (dated 23/9/2009)
- DA06 – Work bench detail (dated 23/9/2009)

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

Amendments – Modifications to the approved plans and specifications requires the prior approval of the Consent Authority (Camden Council). The procedure for applying to amend the approved plans is to submit an “Amended Development Application” form pursuant to section 96 of the *Environmental Planning & Assessment Act 1979*.

(2) Building Code of Australia - All works must be carried out in accordance with the requirements of the *Building Code of Australia* .

- (3) **Disability Discrimination Act** - This approval does not necessarily guarantee compliance with the Disability Discrimination Act 1992, and the applicant/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.

2.0 Operational Requirements

- (1) **Skin Penetration** – That the use and operation of the premises shall comply with the requirements of the Public Health Act 1991, the Public Health (Skin Penetration) Regulation 2000; Note: Guidance may also be obtained from the NSW Health Department's:
- (a) Skin Penetration Code of Practice;
 - (b) Guidelines on Skin Penetration
 - (c) Skin Penetration Fact Sheets
 - i) Tattooing
 - ii) NSW Health Webpage
www.health.nsw.gov.au/public-health/ehb/publications
- (2) **Skin Penetration Equipment** – All equipment used to penetrate the skin must be sterile.
- (3) **Sterilisers** - Where reusable skin penetration equipment is used an autoclave shall be purchased that meets the requirements of AS 2182 and shall be operated in accordance with AS 4815:2001.
- (4) **Record Keeping of Sterilisation** - Where an autoclave is used to sterilise equipment on site the following information must be recorded at the completion of each batch processed:
- a. time and date;
 - b. the length of time held at maximum pressure and temperature;
 - c. maximum pressure and temperature achieved.
- (5) **Cleaners Sink** – Premises where floors are wet washed shall have a suitable cleaners sink.
- (6) **Self-Closing Device to Toilets** – The door to the toilet must be fitted with a self-closing device.
- (7) **Treatment Area** – Adequate separation shall be provided and maintained between treatment beds for infection control purposes.
- (8) **General Requirement** – This approval relates to the activities identified in the Development Application. Where it is intended to use the premises in a manner other than as outlined in the application, further written approval must be obtained from Council prior to undertaking any such activities at the premises.
- (9) **Hazardous Substances** - Information shall be made readily available to staff on the safe use of hazardous substances. Staff shall be trained how to safely use and

store these chemicals Prior To Commencement Of Work.

Note: Material Safety Data Sheets (MSDS) must be obtained from the manufacturer(s) of each hazardous substance and kept on the premise.

(10)**First Aid Kit** - A first aid kit shall be provided on the premises at all times for use by the staff.

(11)**Refuse Containers** - The premises must be provided with suitable waste receptacles with tight fitting lids. Such receptacles must be smooth and impervious to moisture.

(12)**Waste Disposal** - All non-sharps waste shall be double bagged, tied and sealed before being disposed.

Note: Waste bags and containers must not be overfilled as this prevents closure and increases the risk of rupture.

(13)**Single Use Disposable Gloves** - An appropriate stock of single use gloves must be provided on the premises at all times for use by staff. These gloves must be correctly sized and fit for purpose of use and be worn for all skin penetration procedures where there is a risk of blood contamination.

(14)**Sterile Gloves** - An appropriate supply of sterile gloves must be provided and worn where direct contact with sterilised items will occur during a procedure.

(15)**Floor Finish** – Floor surfaces shall be constructed of materials that are non-slip, impervious to water, easily cleaned and unable to absorb oils.

(16)**Privacy Screens** – An adequate number of portable privacy screens shall be provided to section off treatment areas and provide privacy where required. The privacy screens shall be construction of a smooth, impervious material that can be easily cleaned.

(17)**Toilet Ventilation** – The toilet shall be provided with adequate mechanical ventilation installed in accordance with AS1668.

(18)**Gaps** – All gaps throughout the premises (including but not limited to areas around the rear roller door) shall be adequately sealed to prevent the entry of dirt, dust and pests.

(19)**Hand Basin** - All wash hand basins within the premises shall have:

- (a) an adequate supply of potable water at a temperature of at least 40°C mixed from a hot and cold water supply through a single outlet;
- (b) hands free taps;
- (c) soap, or other substance for the cleaning of hands, located next to it; and
- (d) single-use towels or other suitable hand drying equipment located next to it.

(20)**Equipment Sink** - The premises must have a sink, for the cleaning of equipment,

which has an adequate supply of potable water at a temperature of at least 40°C mixed from a hot and cold water supply. Hand basins are in addition to and separate from kitchen and equipment cleaning sinks.

(21) **Walls In Wet Area** - The wall(s) adjacent to the wash hand basin, sinks, etc must be constructed of, or covered with, a material that is durable, smooth, impervious to moisture and capable of being easily cleaned. This material must comply with the following dimensions:

- (a) from floor level or from the top of the wash basin and extend to a height of 450mm above the top of the wash basin; and
- (b) from the centre of the wash basin and extend to a distance of 150 mm beyond each side of the basin.

(22) **Fittings** – That all furniture within the premises used by the client for tattooing purposes be constructed of, or covered with, material that is durable, smooth, impervious to moisture and capable of being easily cleaned.

(23) **Air Conditioning/Mechanical Ventilation** – Any room or area not provided with natural ventilation in accordance with the provisions of Clause F4.5 of the Building Code of Australia must be provided with a system of mechanical ventilation that complies with the requirements of Australian Standard 1668-1991 Parts 1 & 2.

3.0 - Prior To Issue Of Occupation Certificate

The following conditions shall be complied with prior to the issuing of an Occupation Certificate. The issue of an “interim” Occupation Certificate may occur if the Principal Certifying Authority (PCA) is satisfied that outstanding matters will be completed within a reasonable time frame. Additional fees for the issue of interim Occupation Certificates may be applied by the PCA.

(1) **Business Registration** - Prior to commencement of trade the proprietor must forward to Camden Council the following information to allow the business to be registered:

- (a) name of proprietor, business address and contact phone number;
- (b) the type of procedures to be carried out within the premises.

(2) **Compliance Letter** - Where the consent authority is not the Principal Certifying Authority (PCA), an additional inspection of the tattoo shop must be undertaken involving an Environmental Health Officer from that authority. In this circumstance a consent authority certification is required showing that the tattoo salon complies with the relevant Acts, Regulations, and where applicable Guidelines/Codes of Best Practice.

(3) **Final Inspection Required** - In regard to a final inspection of the completed work, the Consent Authority must be given 48 hours notice **prior to the intention to occupy the premises and commence trade.**

(4) **Needle Safe to be Provided** - Where disposable instruments are used, a sharps container must be provided for the disposal of sharp instruments used in any skin

penetration procedure. Sharps waste containers must comply with the following Australian Standard:

- (a) AS 4031-1992 Non-reusable containers for the collection of sharp items used in health care areas.

Note: The sharps waste container(s) shall be stored in such a manner as to prevent access by visitors and small children.

The proprietor must enter into a service contract with a licensed contractor for the safe collection, removal and disposal of the sharps waste generated within the premise. A copy of the service agreement must be forwarded to Council **prior to the commencement of trade.**

4.0 - Operational Conditions

- (1) **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.
- (2) **Sign Dimensions and Location** - The proposed sign shall not exceed the proposed sizes and shall be located as indicated on the approved plans, being one (1) sign of dimensions 1200 mm high by 3000 mm wide.
- (3) **No Additional Signs** - The approval of this sign application does not suggest that additional signs may be erected without the prior written approval of the Camden Council.
- (4) **Maintenance** - The subject sign(s) must be maintained in good order at all times. The approved design, colour scheme and wording of the sign(s) must not be altered without the prior written approval of the Consent Authority (ie Camden Council).
- (5) **Bunting** - Bunting must not be used to attract customers.
- (6) **Flashing or Revolving Lights** - Flashing or revolving lights must not be used to attract customers.
- (7) **No Signs on Public Land** - Sandwich boards including 'A' frame advertising panels and any other sign shall not be placed on a public footpath or road reserve.
- (8) **Inflatable Balloons** - The use of inflatable balloons for advertising purposes is prohibited
- (9) **Hours of Operation** - The hours of operation for the approved land-use are:

Sunday to Wednesday:	10.00am to 6.00pm
Thursday to Saturday	10.00am to 8.00pm

All vehicle movements, deliveries and any other operations associated with the use of the premises must be restricted to approved hours of operation. Any alteration

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

- (10) **General Requirements** – The storage of goods and materials must be confined within the building. At no time must goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve.
- (11) **Graffiti** - The finishes of structures and buildings are to be maintained at all times and any graffiti or vandalism removed or repaired.
- (12) **Chemical Storage** – The storage of chemicals must be:
 - a. in a cool, dry and well ventilation cabinet at or near ground level to minimise the possibility of chemicals being accidentally dropped or spilled;
 - b. out of reach of visitors; and
 - c. in their original containers.
- (13) **Cleanliness of Premises** – Premises must be maintained in a clean and sanitary condition at all times.

5.0 - Fire Safety Schedule

- (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) **Paths of Travel to Exits** – A 1.0m clear and unobstructed path of travel must be maintained between all parts of the building and required exit doors. Furthermore, the placement of floor stock and fit out items shall not compromise compliance with the egress requirements of Part D of the Building Code of Australia.
- (3) **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.

Pursuant to clause 168 of the Environmental Planning and Assessment Act Regulation 2000, the following is a schedule of existing and/or proposed Fire Safety Measures required to be installed in the building, and the minimum standard to which these measure shall be designed and maintained.

Statutory Minimum Standards

Fire Safety Measure	Design and/or Installation	Maintenance	Measure Currently Implemented	Measure Proposed/ Required to be Implemented
Emergency lighting	Clause E4.2 & clause E4.4 BCA AS 2293.1	AS/NZS 2293.2	Yes (NB n/a for shop 3a)	
Exit signs	Clause E4.5, clause E4.6, clause E4.8 BCA AS 2293.1	AS/NZS 2293.2	Yes (NB n/a for shop 3a)	
Smoke alarms (hardwired)	AS 3786 Camden Council's Fire Safety Upgrade	AS 1851 or 1 Replace battery yearly 2 Test alarm monthly 3 Vacuum or brush cover and slots quarterly	Yes (NB n/a for shop 3a)	
Portable fire extinguisher	Clause E1.6 BCA AS 2444, AS/NZS 1841	AS 1851		Require to be implemented (Shop 3a only)
Fire blanket	AS 2444, AS/NZS 3504	AS 1851	Yes	

On completion of the building works and prior to occupation of the building the owner of the building shall furnish to Council a Fire Safety Certificate for each fire safety measure in the building.

The owner of the building shall then furnish Council with a Fire Safety Statement annually for each Fire Safety Measure in the building.

END OF CONDITIONS

RECOMMENDED

That development application DA 1248/2009 for a Tattoo and Body Piercing Studio and Sign at Shop 3A, 296 (Lot 3 SP 36208) Camden Valley Way, Narellan be approved subject to the imposition of the draft conditions shown above.

ATTACHMENTS

1. Location plan
2. Proposed plans
3. Submission (sup doc)



Location Plan 296 Camden Valley Way.pdf plans.pdf submission.pdf

RESOLUTION

Moved Councillor Anderson, Seconded Councillor Cagney that development application DA 1248/2009 for a Tattoo and Body Piercing Studio and Sign at Shop 3A, 296 (Lot 3 SP 36208) Camden Valley Way, Narellan be approved subject to the imposition of the draft conditions shown above.

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

ORD41/10

ORDINARY COUNCIL

ORD03

ERECTION OF CHURCH HALL BUILDING FOR USE AS A PLACE OF PUBLIC WORSHIP, CONSTRUCTION OF CAR PARK AND ASSOCIATED SITE WORKS AT NOS 114 (LOT 31, DP233975) AND 124 (LOT 2, 200915) GEORGE ROAD, LEPPINGTON

FROM:	Director Development and Health
FILE NO:	Binder: Development Applications 2008
DA NO:	1107/2008
OWNER:	Australasian Conference Association Ltd and Mrs R Prestia
APPLICANT:	Australasian Conference Association Ltd
ZONING:	1(b) Rural (2ha)
APPLICABLE PLANNING INSTRUMENT:	Camden LEP 48

PURPOSE OF REPORT

The purpose of this report is to seek from Council a determination of a development application for the erection of a church hall building, its use as a place of public worship, construction of carpark and associated site works on these sites. The application is referred to Council in accordance with its delegations as there are unresolved issues raised in submissions from the public.

SUMMARY OF RECOMMENDATION

It is recommended that Council approve this development application subject to the draft development consent conditions provided at the end of this report.

BACKGROUND

Council received this Development Application in November 2008. The application underwent a preliminary assessment and several fundamental issues were identified.

First among these issues was the proposed removal of remnant Cumberland Plain Woodland (CPW) from the site that is classified as "Support for Core Habitat" by Council's Natural Assets Policy.

A meeting was held with the applicant and the identified issues were discussed. The applicant agreed to consider the issues raised and provide amended plans and reports to address them. This information was submitted to Council between June/July 2009 and the application was publicly exhibited between 23 July and 6 August, 2009. Three submission letters were received as a result of this exhibition.

Subsequent to this the plans have needed to be modified further and Council has been pursuing additional information from the applicant. Most notably, the issue of onsite effluent disposal has required considerable work by both the applicant and Council to enable the assessment to be finalised.

The amended plans, reports and public submissions have been assessed and the application is now able to be recommended to Council for approval.

THE SITE

This development involves two properties known as Nos 114 (Lot 31, DP233975) and 124 (Lot 2, DP 200915) George Road. These are located to the west of Camden Valley Way in Leppington.

No 114 George Road is bound on its south-eastern side by Riley Road and contains a single storey detached dwelling, several ancillary sheds and scattered vegetation. The site has an area of 2.03ha. The only use of this allotment will be for the purposes of drainage whereby stormwater drainage will be conveyed from No 124 (Lot 2) by pipeline through an easement to be created over the land to Riley Road.

No 124 George Road is currently vacant, however contains remnant CPW in the middle and rear of the site. The site rises from George Road before falling to the north and south-east at the rear. The site generally sits at a higher level than the adjacent sites of 114 and 132 George Road. The land area is 2.01ha. This is the development site and all buildings, carparking and work other than the drainage line to connect the site to Riley Road will be carried out on this allotment.

Most of both sites are mapped as bush fire prone land in Council's current Bush Fire Prone Land map. Both sites are located within the future Catherine Fields North precinct of the South West Growth Centre.

The surrounding area is characterised by low density detached dwellings set on large rural lots. Various agricultural activities are undertaken in open fields or within rural sheds/igloo structures. **A site location map is provided at the end of this report.**

THE PROPOSAL

Development consent is sought to construct and operate a church building as a place of public worship principally on No 124 George Road. This will involve:

- the construction of a two storey church/hall building to be used as a place of public worship. The hall will have a maximum seating capacity of 390 people and will include internal storerooms, toilets, a kitchen/servery area and first floor office and board room;
- the use of the hall for sermons on Friday evenings between 7.00pm-8.30pm. The maximum number of people at these events will be 195;
- the use of the hall for study groups, singing, music, youth meetings and pot luck lunches on Saturdays from 9.30am-5.00pm. The maximum number of people at

these events will be 390;

- the use of the hall for recreational activities including concerts, activity games, seminars, children's club meetings and basketball/volleyball on Saturday evenings between 8.00pm-10.00pm. The maximum number of people at these events will be 195;
- the use of the first floor office and board room on Friday evenings between 7.00pm-8.30pm and on Saturdays between 9.30am-5.00pm and 8.00pm-10.00pm;
- the provision of 88 off-street carparking spaces including 4 spaces each for motorcycles and bicycles adjacent to the hall;
- the provision of an overflow carparking area in the lawn in front of the hall with capacity for 56 cars. This overflow area will be retained as a mown lawn and will only be used when all formally constructed carparking spaces on the site are occupied;
- the revegetation and protection of remnant CPW in the middle and at the rear of the site;
- ancillary site works including site regrading, landscape softening and screening and two 3.0m high acoustic barriers; and
- the creation of a drainage easement along the rear boundary of No 114 George Road.

The applicant has stated in writing that no approval is sought for weddings or funerals on this site at this time. Any alterations to the proposed days or hours of operation, or the activities carried out thereon, will be subject to a further Development Application to Council.

The proposed plans also show an indicative location for a future church building in front of the currently proposed hall. This is indicative only and will be subject to a further Development Application to Council. **A copy of the proposed plans is provided in at the end of this report.**

NOTIFICATION

Public notification was carried out between 23 July and 06 August, 2009. Notification letters were sent to surrounding properties and the application was advertised in the local press in accordance with Council's Development Control Plan (DCP). Three public submissions have been received as a result of this and are assessed in the "Any submissions" section of this report.

PLANNING CONTROLS

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

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

- State Environmental Planning Policy No 55: Remediation of Land
- Deemed State Environmental Planning Policy No 20: Hawkesbury/Nepean River
- Camden Local Environmental Plan No 48
- Draft Camden Local Environmental Plan 2010
- Camden Development Control Plan 2006.

ASSESSMENT

This application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979. The following comments are made with respect to the proposal:

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

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

These sites are located in the future Catherine Fields North precinct of the South West Growth Centre. Clauses 16 and 23 of the SEPP list several matters that Council must consider before granting development consent in future precincts. The proposed development is considered consistent with the relevant SEPP provisions.

As the sites lie within a future Growth Centre precinct, this application was referred to the Department of Planning. The Department had advised Council to consider the relevant provisions of the SEPP. This has been carried out as noted above.

State Environmental Planning Policy No 55: Remediation of Land (SEPP)

In accordance with the SEPP, the applicant has prepared a detailed contamination assessment of No 124 George Road. Following Council's staff review it is judged that this site is not contaminated and that its use as a place of public worship does not present any public health issues.

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

It is considered that the aims and objectives of this policy will not be prejudiced by this development and that there will be no detrimental impacts upon the Hawkesbury/Nepean River system. The draft development consent conditions provided at the end of this report will ensure that appropriate pollution control devices are provided on the site to remove gross pollutants, hydrocarbons and heavy metals from stormwater discharge. This will ensure an appropriate level of water quality is achieved for stormwater run-off from this site.

Camden Local Environmental Plan No 48 (LEP)

These sites are zoned 1(b) Rural (2ha) pursuant to Camden Local Environmental Plan No 48. The proposed development is defined as a place of public worship pursuant to the LEP and the Environmental Planning and Assessment (Model Provisions) 1980.

Places of public worship are permissible with development consent in this zone.

Clause 9(3) of the LEP prohibits Council from granting consent to any development unless Council is of the opinion that the development is consistent with the objectives of the zone.

The objectives of this zone are:

- (a) to provide for rural residential living opportunities on land having ready access to urban areas and facilities;
- (b) to ensure that development maintains and contributes to the rural character of the locality and minimises disturbances to the landscape and agricultural activities;
- (c) to ensure that development does not adversely affect rural and residential amenity and does not create unreasonable or uneconomic demands for provision or extension of public amenities and services;
- (d) to make provision for a reasonable range of suitable activities associated with rural residential occupations of the land; and
- (e) to permit alternative forms of accommodation which do not imperil the rural productivity of the area and which are consistent with the environmental quality of the immediate area.

The proposed development is considered to be consistent with the relevant objectives of this zone (objectives (b), (c) and (d)) in that its design will maintain and contribute to the rural character of the locality, will not adversely affect rural and residential amenity and will provide activities for use by residents of the rural residential area.

This will be achieved by the following design and site features:

- the hall building has a significant setback of between 63-79m from the front property boundary, setting it behind the building lines of the existing dwellings on either side of No 124 George Road;
- most of this front setback will be retained as a mown lawn with landscaping to soften and screen the appearance of the building from George Road;
- substantial side and rear setbacks will ensure that building does not cause any significant overshadowing to adjoining properties;
- the building's maximum height of 8.8m is generally consistent the existing dwellings and rural sheds in the surrounding area;
- a large portion of the site contains CPW which will be revegetated and maintained as part of the development;
- the overflow car parking area to the front will be retained as a mown lawn and so will not visually present as a hard, constructed surface in front of the building, minimising the development's visual impact;
- the constructed car park area, mostly to the side and partially at the front of the

building, will be largely obscured from public view by 3.0m high acoustic barriers which will protect neighbouring properties from potentially intrusive noise impacts;

- both acoustic barriers will be softened and screened by a 2.0m wide landscaped area. This is consistent with the existing character of the site which, from George Road, appears heavily vegetated with both exotic and native flora;
- the relatively sharp north west to north east 'bend' in George Road (when travelling north west along George Road), the existing and proposed vegetation and the undulating topography of the surrounding vicinity limits public views of the site over long distances. This helps restrict the development from significantly detracting from the established character of the area; and
- the size and siting of the building and constructed car park fit in with the overall character of other development in the area. The ratio of constructed development versus natural site achieves a reasonable balance between retaining the rural character of the site whilst allowing the site to be developed for a more intensive use.

These design and site features will help to maintain and add to the rural character and maintain the existing residential amenity of the surrounding area which consists of a range of detached dwellings on large lots, large storage sheds and agricultural activities undertaken in open fields.

The assessment of the development's impacts on rural character has also been made in the context of future development of this area as a South West Growth Centre precinct (Catherine Fields North). Whilst the ultimate form of development for this precinct is currently unknown and the existing rural character of the area is the primary consideration, it is recognised that the locality will be subject to significant urban development in the future.

The potential for traffic, noise and overshadowing impacts from the proposed development has been assessed with the applicant providing professional reports to support the proposal. Having assessed these it is not considered that the proposal will adversely affect surrounding rural and residential amenity. Given the proposed use is self contained on this site in that it has its own off-street carparking spaces and waste water treatment system, it will not create unreasonable or uneconomic demands for the provision or extension of public amenities or services.

Overall it is considered the proposed development is acceptable in terms of the relevant objectives and controls of the LEP.

(1)(a)(ii) The provisions of any Draft Environmental Planning Instrument

Draft Camden Local Environmental Plan 2010 (draft LEP)

These sites' current 1(b) Rural (2ha) zone are replaced by the RU4 Rural Small Holdings zone in the draft LEP. Places of public worship are permissible with development consent in this zone.

The development is also considered to be consistent with the relevant objectives of the

RU4 Small Holdings zone in that the rural and scenic character of the land will be maintained, no unreasonable demands for increased public services or facilities will be created and land use conflict between the subject development and the adjoining properties will be minimised.

The proposed building is approximately 8.8m high and therefore complies with the draft LEP's 9.5m maximum building height limit for this area.

No other parts of the draft LEP are relevant to the proposed development.

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

The following parts of Council's Development Control Plan (DCP) are relevant:

Part D, Chapter 1: Carparking

The off-street carparking space calculations for this development are as follows:

Places of public worship require either 1 space for every 6 seats or 1 space for every 9m² of net floor area (NFA), whichever is greater. Therefore:

$$390 \text{ seats} / 6 = 65 \text{ or } 660.7\text{m}^2 \text{ NFA} / 9\text{m}^2 = 73.4 \text{ (74).}$$

Therefore, the place of public worship element of the proposal requires **74 spaces**.

Offices require 1 space for every 35m² of NFA. Therefore:

$$84.4\text{m}^2 / 35 = 2.4 \text{ (3).}$$

Therefore the office element of the proposal requires **3 spaces**.

The development will therefore require a maximum of **77 car parking spaces**.

Eighty eight (88) off-street car parking spaces have been proposed including 4 spaces each for motorcycles and bicycles adjacent to the church hall. Therefore the development complies with this part of Council's DCP.

An overflow carparking area with capacity for 58 cars has also been provided in front of the hall building. This overflow area will be retained as a mown lawn and only used when all formally constructed carparking spaces on the site are occupied. This will help ensure that adequate off-street parking areas are available if more cars than expected are used to bring the maximum number of 390 worshippers to the site.

Overall it is considered that the proposed development complies with the relevant parts of Council's DCP.

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

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

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

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

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

The likely impacts of this development include:

Visual impacts

The visual impacts of this development are considered to be acceptable. The hall building is set back between 63m and 79m from George Road and will be set within and behind grassed lawns and landscape screening. This will help soften the appearance of the building from George Road and help it blend into the surrounding landscape.

The design of the building is appropriate for this site and area being approximately 8.8m high, having a pitched roof design with projecting side awning and a portico at the front to provide articulation and visual relief to the bulk and massing of the hall. The materials will be a mix of light brown facing brick and 'Dune' Colorbond colour roofing and wall cladding.

Although a substantial carpark is provided at the side and front of the hall, the majority of the front setback is grassed lawns with landscaping. This will help soften and screen the carpark areas from passing pedestrian/motorist movements on George Road.

All of the above features will help the development fit in with the established rural character of the area and the existing heavily vegetated nature of the site. Therefore the visual impacts of the development are appropriate given this context.

Bushfire threat

These sites are heavily vegetated and contain CPW, and most of both sites are mapped as bushfire prone land in Council's current Bushfire Prone Land Map. The potential for bushfire impact has been considered during the design of this development.

The applicant has submitted a bushfire assessment by a qualified professional in support of the application. This report identifies suitable asset protection zones for the hall building having regard to the CPW to be revegetated on the site and the surrounding buildings on the adjacent properties. The recommendations of the report have been incorporated into the development and on this basis it is not considered that the proposed hall building will be impacted by bushfire.

It is a recommended development consent condition that additional landscape softening and screening be provided in a 2.0m wide area between the side boundaries of 124 George Road and the 3.0m acoustic barriers. This will help to soften and screen the appearance of these barriers. The landscaping recommended for this has been chosen for its ignition resistance and to minimise the spread of fire in the event of a bushfire.

It is also a recommended development consent condition that the proposed 3.0m high acoustic barriers are constructed as a combination of masonry and lapped and capped timber.

It is not considered that the timber elements of the barriers will present a significant bushfire hazard (particularly given the separation distances to surrounding dwellings and the proposed hall building). Balancing this issue against achieving a good design for the barriers, a mix of masonry and timber construction is considered to be a reasonable outcome.

Safer by Design considerations

This development has been assessed against the NSW Police's Safer by Design policies. It is considered that the development complies with the intent of these policies by:

- achieving good access control by having only one entry/exit driveway at the front of the site;
- the major trafficable areas of the site, ie. the carpark areas and lawns around the hall building, are highly visible by traffic entering, exiting and manoeuvring through the site and from the hall building including its first floor offices; and
- appropriate lighting will be provided along the driveway to improve visibility during evening hours.

This application was also referred to Camden Local Area Command. The Command's Crime Prevention Officer has advised Council in writing that the Police do not have any objections to the proposed development and make no specific recommendations for it.

Aboriginal/European Heritage

At the request of Council, the applicant prepared and submitted a report on the site's Aboriginal and European heritage. This report revealed the existence of an Aboriginal relic near the rear of the site. The applicant has proposed to permanently retain this relic and protect it with fencing during the construction of this development. This will be acceptable protection for the relic and will ensure that it is not impacted upon by the surrounding construction works.

Threatened Species

The applicant has submitted a Flora and Fauna survey of this site which identifies threatened species at the site including remnant CPW and the Cumberland Plain Large Land Snail. The survey assesses the impact of the development upon these threatened species and concludes that no significant impacts are anticipated subject to the implementation of a bushland management plan (designed to regenerate the site's CPW) that was submitted with the application.

Council staff have reviewed the bushland management plan, agree with the proposed works detailed therein and recommend that it be implemented with a more detailed management plan to be prepared prior to the issue of a Construction Certificate for the

development.

All other likely impacts of the development, including noise, traffic and waste water disposal, have been assessed elsewhere in this report, including the "Any submissions" section of this report.

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

These sites are considered to be acceptable for the proposed development. All likely negative environmental impacts from the proposal, including noise, traffic generation and waste water disposal, have been addressed by professional reports submitted by the applicant and assessed by Council staff. As noted previously in the "likely impacts of the development" section of this report, these issues can be resolved by the recommended development consent conditions.

The development is compliant with the applicable SEPPs, LEP and Council's DCP and there are no site specific conditions that render these sites unsuitable for the proposal.

(1)(d) Any submissions

Public notification was carried out between 23 July and 06 August, 2009. Notification letters were sent to surrounding properties and the application was advertised in the local press in accordance with Council's Development Control Plan (DCP). Three public submissions have been received as a result of this and the issues raised include:

- 1 The size and design of the development is unneighbourly, it will have an overbearing effect and is not in keeping with the area*

Officer Comment:

As detailed in the "likely impacts of the development" section of this report, the siting and design of the proposed development is considered to be suitable for this site. The church hall building has been designed to respect the existing rural/residential character of the area and its visual impacts are significantly reduced by its front and side boundary setbacks.

It is also noted that the development will also include the revegetation and protection of existing CPW at the middle and rear of the site. This will help ensure that the important natural characteristics and existing rural character of the site are maintained despite the proposed buildings and use of the site.

It is recognised that a church building with capacity for 390 worshippers is a much more intensive development than those currently existing in the surrounding area. However the infrequency of its use, ie. primarily on Friday evenings and Saturdays, and the proposed acoustic barriers will minimise any potential land use conflicts in terms of noise and traffic generation to an acceptable level. Considering these factors, it is not considered that the proposal will be an overbearing.

Overall the proposal achieves a reasonable balance between respecting and maintaining the existing rural/residential character of the area and allowing an

appropriate form of development on the site.

- 2 *Insufficient on-site car parking spaces have been provided which creates the potential for carparking overspill onto George Road and consequently impacts upon road safety*

Officer Comment:

As detailed in the "provisions of any Development Control Plan" section of this report, the proposed development exceeds the requirements of Council's Development Control Plan in terms of providing off-street carparking spaces.

It is also noted that the lawn area in front of the church hall building can be used as an overflow carparking area should a higher number than expected cars arrive at the site. This significantly reduces the likelihood of cars having to park on-street and consequently the development is not expected to detract from road safety on George Road.

- 3 *Concerns regarding sightlines and that the volume of cars entering and exiting the site may impact upon road safety on George Road, particularly given the sharp bend adjacent to the site, and may require upgrading*

Officer Comment:

The relatively sharp north-west to north-east bend in George Road (when travelling north-west along George Road) is recognised. The proposed church will have a maximum capacity of 390 worshippers and this will significantly increase the entry and exit movements from/to George Road during Friday evenings and Saturdays.

To ensure road safety it is a recommended development consent condition that George Road be upgraded with a type AUR (Auxiliary Right Turn) bay at the intersection of the site's entry/exit driveway with George Road. This road upgrade will provide a right turn bay for traffic seeking to enter the site from George Road and will help maintain local road safety. The sightlines at the site's entry/exit driveway comply with Australian Standard 2890 - Off-Street Parking Facilities and are therefore considered to be acceptable.

Concerns have also been raised regarding the ability for occupiers of adjacent properties to safely and efficiently enter/exit their driveways given the increased traffic volumes on George Road. However the additional traffic volumes caused by this development have been assessed and it is not considered that they will significantly impact entry/exit movements to/from neighbouring driveways. This is particularly due to the fact that the proposed church will operate only Friday evenings and Saturdays, ie. for the majority of each week there will be very few traffic movements to/from the site. Further, the traffic volumes in George Road are at the lower end of the capacity of the road.

- 4 *The increased traffic flows associated with the development will require the upgrade of the George and Riley Roads intersection*

Officer Comment:

The applicant has submitted a traffic report in support of this development application. This report has been assessed and demonstrates that the increased traffic volumes associated with this development do not warrant the upgrade of the George and Riley Roads intersection. It is unlikely that many vehicle movements attending the site would utilise Riley Road to access the property.

- 5 *Unacceptable road safety impacts (including turning right into George Road from Camden Valley Way) caused by the development's traffic generation*

Officer Comment:

Although the development will increase traffic volumes along Camden Valley Way (including the number of vehicles seeking to turn right into George Road from Camden Valley Way), the infrequent use of premises does not justify an upgrade of this intersection at this time.

It is also noted that the Road and Traffic Authority's planned major upgrade of Camden Valley Way will improve access points at intersections, although the timing of that upgrade is yet to be established.

- 6 *Noise will still occur after 10.00pm on Saturday evenings as people will not actually leave the site until after 10.00pm if events only end at 10.00pm*

Officer Comment:

It is a recommended development consent condition that all Saturday evening activities must end before 10.00pm and that all patrons must have actually left the site by 10.00pm. This condition will ensure that noise from the site will end by 10.00pm on Saturday evenings.

- 7 *Pollution impacts from increased traffic generated by the development*

Officer Comment:

The development will increase traffic flows to/from the site and around the local street network. This will result in additional car pollution, however given the relatively infrequent use of the site this increase is not considered to be a significant issue.

- 8 *Unreasonable noise impacts and disbelief that acoustic report properly addresses acoustic concerns*

Officer Comments:

Concerns have been expressed regarding the accuracy of, and methods to compile, the acoustic report that the applicant has submitted to Council in support of this application. The acoustic report and the noise mitigation measures proposed therein, are considered acceptable on the basis that:

- the acoustic report took noise readings from an existing church on another site

to determine the likely noise levels that will result from this development. This existing church was only occupied by 90 people at the times the measurements were taken.

Although the subject development proposes a much higher maximum occupancy of 390 people, the overall noise levels will not increase as a result due to the spacing and distribution of people within the hall.

- the measurements taken at the existing church were over a 45 minutes period, far exceeding the minimum 15 minute period required for an LAeq reading. Although the activities at the existing church extended for more than this 45 minute period, the acoustic report has taken measurements across three 15 minute intervals in order to determine realistic noise levels from this existing church. This approach to define the likely noise levels from the proposed development is considered acceptable;
- the acoustic report has considered the existing 'rural' background noise levels of the subject site including noise from birds, insects and wind. Other acoustic reports submitted in support of other development applications have shown that such noise types can increase background noise levels. However the submitted acoustic report has not stated that these noise types will override the noise generated by the proposed development;
- Potential vehicle drive-by noise levels within this site were not measured (as there are currently little if any internal vehicles movements). Instead the potential noise levels have been modelled and are considered to be realistic for this development. Taking into account the proposed 3.0m high acoustic barriers and the separation distances to adjacent properties, drive-by vehicle noise is not considered to be an issue;
- the noise levels measured for drive-by vehicle noise at the existing church are generally appropriate for this type of development with the proposed level of occupancy. Noise measurements at the subject site were taken over longer periods to establish the background noise levels over full day periods. As vehicle noise levels are known, the two sets of data can be meaningfully compared; and
- the acoustic report makes several recommendations that the development must adopt in order to not cause unreasonable noise impacts upon surrounding properties. These recommendations have been derived from scientifically measuring noise levels and formulating solutions in order to reduce those levels to an acceptable level. These recommendations have been made draft development consent conditions.

The acoustic report has been assessed by Council staff and further clarification has been sought from the applicant's acoustic consultant regarding these concerns. Council staff are satisfied that subject to the implementation of the acoustic report's recommendations and the draft development consent conditions, this development will not cause any unreasonable noise impacts upon surrounding properties.

9 *Concerns regarding wastewater over spill from site*

Officer Comments:

This site is currently unsewered and therefore requires a wastewater treatment system to treat and dispose of wastewater. The applicant has submitted a wastewater report and a Section 68 application for approval to operate a wastewater system in support of this development. Council staff have reviewed this report and consider the proposed system to be adequate for this development.

It is a recommended development consent condition that Council approve the applicant's Section 68 application prior to a Construction Certificate being issued for this development and works commencing.

Approval of such a properly designed system will ensure that wastewater will not over spill onto adjoining properties.

- 10 Upgraded fencing should be provided along No 124 George Road's north-western boundary to mitigate privacy, noise and barking dog impacts*

Officer Comments:

A request has been made by the owners of No 132 George Road that upgraded fencing be installed along the north-western boundary of this site to ensure their privacy, protection from noise and to mitigate the barking of their dogs.

It is noted that the development proposes the installation of 3.0m high acoustic fencing set 2.0m off the north-west boundary of the site. This is primarily to mitigate noise impacts, however it also has the secondary benefits of resolving the raised issues of privacy and barking dogs.

- 11 The applicant should note the presence of nearby horticultural businesses and not find reasons to lodge complaints regarding their long-standing activities*

Officer Comments:

The applicant has confirmed that they are aware of the existence of horticultural businesses in close proximity to this site and that they do not foresee any potential land use conflicts. It is not anticipated that there will be any significant land use conflicts between the subject development and existing rural businesses in the area.

- 12 The proposed development does not provide any benefit for the immediate local community*

Officer Comments:

The development will provide a place of public worship which will be open to anyone in the local community. The applicant has expressed an invitation for the local community to join in the activities of the church as they wish.

(1)(e) The public interest

The proposed development is considered to be within the public interest as it represents the controlled and orderly development of the land in compliance with Council's adopted development controls. It will not result in any unreasonable negative environmental impacts upon the surrounding rural/residential environment and will provide a well designed worship facility for use by this church. These achievements are considered to be within the public interest.

CONCLUSION

Council has received a development application for the erection of a church hall and its use as a place of public worship, construction of carpark and associated site works on these sites.

The application have been publicly exhibited and the submissions received have been considered. The application has also been assessed under Section 79C of the Environmental Planning and Assessment Act 1979.

It is considered that the proposal represents the orderly development of the land and that subject to the draft development consent conditions, it will not result in any unreasonably negative impacts upon the surrounding rural/residential environment.

As the required drainage easement has not been registered over Lot 31, any consent issued should be on the basis of a deferred commencement approval requiring registration prior to the consent becoming operative.

Consequently the development is recommended to Council for approval, subject to the draft development consent conditions in this report.

DRAFT DEFERRED COMMENCEMENT CONDITIONS

INFORMATION ATTACHED TO THIS DECISION:

Advice listed in Attachment A

This development consent shall not operate until the application satisfies the Council in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000, in relation to the matters listed in Schedule A hereto. The applicant has been given a period of 6 months in which to provide evidence sufficient enough to enable it to be satisfied as to those matters. Upon submission of evidence to the Council and the applicant receiving written notification that Council is satisfied as to the relevant matters, then the consent shall become operative, subject to compliance with the conditions specified in Schedule B hereto.

If the matters listed in Schedule A are not addressed within the specified time period, this Deferred Commencement consent will be come permanently inoperative.

The conditions of Schedule A are as follows:

(1) **Drainage Easement** – The proposed drainage easement over lot 31, DP 233975,

must be registered with the Land and Property Management Authority with documentary evidence of this provided to Council.

The conditions specified in Schedule B are as follows:

1.0 - General Requirements

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

- (1) **Landscaping Maintenance and Establishment Period** - All Landscaping works associated with this Consent are to be maintained for a period of 12 months from the Date of Practical Completion.

At the completion of the 12 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 12 month landscaping maintenance period, the landscaping works must comply with the Consent approved Landscaping plans.

Any landscaping that requires repair or replacement at the end of the 12 month maintenance period is to be repaired or replaced within 60 days following the end date of the 12 month maintenance period.

- (2) **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.

The following procedures shall be strictly observed:

- no additional works or access/parking routes, transecting the protected vegetation shall be undertaken without Council approval.
- pedestrian and vehicular access within and through the protected vegetation shall be restricted to Council approved access routes.

- (3) **Wet Area Water Proofing** - The application of waterproof membranes in wet areas must comply with the requirements of the *Building Code of Australia* .

- (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 applicant/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) **Food Codes and Regulations Compliance** - The construction and fit-out of the premises or any part thereof to be used for the manufacture, preparation or storage of food for sale, must comply with Camden Council's Food Premises Code, the Food Act 2003 and the Food Regulations 2004 (incorporating the Food Standards Code).
- (7) **Flyscreens** - Flyscreens must be provided for all window openings.
- (8) **Salinity Management** – All buildings and services within lot 2, DP 200915, known as 124 George Road, Leppington shall be constructed in accordance with the salinity management plan and erosion and sediment control plan prepared by Ross Morton Sundesign dated 8 May 2009.
- (9) **Approved Plans** – The development must be carried out strictly in accordance with the following approved plans or other documentation:
 - Site plan dwg no. 921DA.1/6C dated 1 February 2010 by Ross Morton Sundesign.
 - Ground and first floor plans dwg. no. 921DA.2/6A dated 20 November 2008 by Ross Morton Sundesign.
 - Building elevations and sections dwg. no. 921DA.3/6A dated 20 November 2008 by Ross Morton Sundesign.
 - Lighting layout concept dwg no. 921DA.5/6A dated 20 November 2008 by Ross Morton Sundesign.
 - Kitchen detail dated 9 May 2009.
 - OSD stormwater drainage layout dwg no. 1400/H01/09B dated 1 May 2009 by Genesis Solutions Pty. Ltd.
 - Catchment layout drainage details dwg no. 1400/H02/09B dated 1 May 2009 By Genesis Solution Pty. Ltd.
 - OSD stormwater drainage details dwg no. 1400/H03/09B dated 1 May 2009 By Genesis Solution Pty. Ltd.
 - Landscape concept plan dwg. no. 14000/L01/09B dated 11 May 2009 by Genesis Solutions Pty. Ltd.
 - Artefact protection plan dated 8 May 2009.
 - Statement of Environmental Effects prepared by Ross Morton Sundesign.
 - Waste Management Plan prepared for the Australasian Conference Association Ltd
 - Traffic and parking impact report dated July 2009 by ML Traffic Engineers.
 - Noise assessment report no. 3691 by RSA Acoustic Consultants dated (including updates dated 22 September 2009 and 13 November 2009)
 - Proposed waste water system report dated 11 January 2010.
 - Salinity investigation report dated 25 September 2008 by Envirotech.
 - Salinity management and erosion and sediment control plan dated 8 May 2009 by Ross Morton Sundesign
 - Aboriginal and European Cultural Heritage Assessment dated November 2008 by Dominic Steele Consulting Archaeology.
 - Flora and fauna survey and bushland management plan dated 11 January 2009 by Malcolm Bruce.

- Bush fire management plan by Malcolm Bruce.

Note: The tennis courts, associated access driveway and car parking spaces, as shown on any of the approved plans, are not approved by this Development Consent.

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.

- (10)**Lighting** - All approved lighting must be designed, installed and permanently maintained to fully comply with AS 4282-1997 "Control of the obtrusive effects of outdoor lighting."
- (11)**Asset Protection Zone** – A 10.0 metre wide Asset Protection Zone must be provided and permanently maintained at the rear of the church hall building.
- (12)**Bushfire Construction Standards** – All structures must be constructed to Category 2 of AS 3959-2009 "Construction of buildings in bushfire prone areas."
- (13)**Relic Protection** – The aboriginal relic identified at the rear of the site must be fully protected during all construction works and the ongoing operations of the approved land use. This Development Consent does not approve this relic to be destroyed, defaced or damaged.
- (14)**Advertising Signs Application** - Outdoor advertising structures require prior development consent. A development application must be submitted and approval granted by the Consent Authority (ie. Camden Council) prior to the erection of any advertising signs.
- The design, style, colour, height and type of any advertising sign must have regard to the character of the development, any existing advertising theme and Camden Development Control Plan (DCP) 2006.
- (15)**Stormwater Tanks** – In accordance with Part D, Chapter 3 of Council's Development Control Plan, a stormwater tank(s) with a minimum volume of 5,000 litres must be provided for this development. This tank(s) must capture a minimum of 80% of the stormwater runoff from the development's roof area and not impact on car parking spaces, accesses, driveways or landscaping areas. The stored stormwater must also be reticulated across the site as needed.
- (16)**External Glass** - The reflexivity index for glass used externally shall not exceed 20%.
- (17)**Roof Mounted Equipment** – Such as air conditioning units and communication

towers, which protrude above the general roofline of the building, shall not be installed except where they have been appropriately integrated into the design of the building and do not dominate the skyline

- (18)**Additional Landscaping** - Additional landscape screening must be provided in the 2.0m setback between the side boundaries of no. 124 George Road and the approved 3.0m high boundary fence. This landscaping must comprise the following dwarf cultivars or hybrid crosses of:

Pittosporum undulatum
Syzygium luemannii
Syzygium panniculatum
Chpricarpia leptopetala

(at a rate of 1 for every 2.5 metres with a minimum container size of 35 litres)

Lomandra (particularly cultivars of Lamandra Longifolia) must be used to separate out the above planting. These must be planted at a rate of 2 for every 1m² with a minimum container size of 200mm.

This landscaping must be properly irrigated and be permanently maintained on the site.

- (19)**Approved Acoustic Report** – The recommendations outlined in Section 7 of the acoustic report prepared by RSA Acoustics report no. 3691 must be implemented. This includes roof/ceiling construction, external wall construction, window construction, external doors, acoustic barriers and ventilation.

Notes: The location of the 3.0 metre high acoustic barriers shall be in accordance with the updated configuration in the RSA acoustic report dated 13 November 2009 and as marked in red on the approved site plan dwg no. 921DA.1/6C dated 1 February 2010 by Ross Morton Sundesign.

An additional 1.8 metre high acoustic barrier must be constructed and permanently retained in the position shown on the approved site plan dwg no. 921DA.1/6C dated 1 February 2010 by Ross Morton Sundesign.

The bottom 1.5 metres of each barrier must be constructed of masonry (to match the finish of the approved church hall building). The top 1.5 metres must be constructed of lapped and capped timber. The timber used must meet the requirements of the acoustic report approved by this Development Consent and also be selected for maximum fire ignition resistance.

The barriers must be set back 2.0m from the property boundaries unless otherwise identified on the approved plans/reports. This area 2.0m setback must be landscaped in accordance with condition 1-18 of this Development Consent.

- (20)**Acoustic Attenuation Compliance Report** – A report from a qualified acoustic engineer that contains a certifying statement confirming that the provisions and noise criteria for the consent conditions have been implemented and are compliant must be submitted to the Principal Certifying Authority. The acoustic compliance

assessment (that leads to the issue of the certifying statement) must be undertaken within 6 months from the commencement of the approved use.

The acoustic report shall include a study time which incorporates the hours of operation of the development.

The acoustic consultant must conduct sufficient inspections to verify that all construction aspects of the noise attenuation components/measures are being carried out in accordance with the final acoustic report – RSA Acoustics report no. 3691.

Should the acoustic consultant confirm that:

1. any specific construction aspect does not comply with the final acoustic report recommendations; or
2. that the constructed noise attenuation components/measures do not achieve the criteria set by the final acoustic report and the consent conditions;

the acoustic consultant must advise the applicant and the Principal Certifying Authority of such non-compliance. The applicant must arrange for the submission of an application pursuant to Section 96 of the Environmental Planning and Assessment Act 1979 for the modification of the issued development consent to the Consent Authority, Camden Council, for determination. This modification must propose solutions to any identified acoustical non-compliance.

- (21) **Bush Fire Management Plan** – All of the recommendations of the bush fire management plan prepared by Malcolm Bruce and submitted with the development application must be fully implemented.

2.0 - Construction Certificate Requirements

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

- (1) **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.
- (2) **Access for People with Disabilities** - Access for people with disabilities shall be provided in accordance with the requirements of Part D3 of the Building Code of Australia. Prior to the issue of a construction certificate, the plans shall be amended to reflect the above.
- (3) **Disabled Toilets** - Plans and details of the disabled toilet complying with the provision of AS1428.1 - 2001, shall be submitted to Council or an Accredited Certifier **prior to issue of a Construction Certificate.**
- (4) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks,

pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with Camden Council's Development Control Plan 2006 and Engineering Specifications and are to be submitted for approval to the Principal Certifying Authority **prior to the Engineering Construction Certificate being issued.**

- under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve.
- under section 109E of the Environmental Planning and Assessment Act 1997, Council must be nominated as the Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works.

Note: The developer must obtain a Construction Certificate prior to commencement of any physical site works.

- (5) **Development Certification** - As the allotment is flood affected, the following information must be submitted **prior to a Construction Certificate being issued:**
 - (a) a survey report indicating the position and level of the 1:100 year flood level (1% AEP) affecting the allotment and the proposed floor level of the buildings in relation thereto.
- (6) **Structural Engineer's Certificate** - A certificate must be prepared by a practising structural engineer and must be submitted to Council attesting that the building design is capable of withstanding the effects of water and water pressure due to flooding **prior to a Construction Certificate being issued.**
- (7) **George Road Entry/Exit** – The intersection of the site's access driveway with George Road must be upgraded to a Type AUR intersection in accordance with the RTA Road Design Guide for a design speed of 80km/hr. The intersection design is to be submitted to Council's Local Traffic Committee for approval **prior to the issue of a Construction Certificate.**
- (8) **Drainage Easement – Prior to the issue of a Construction Certificate,** documentary evidence of the registration of the drainage easement on 114 George Road, Leppington shall be provided to the Certifying Authority.
- (9) **Retaining walls** – All retaining wall details must be provided with appropriate certification from a structural engineer.
- (10) **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 with Traffic Management/Control during construction, which should address issues of access of construction traffic, storage of

material, location of site office, and parking for workers, use of equipment and other matters which has an impact on the road network or immediate environment.

- (d) All other environmental matters associated with the site works such as noise control, dust suppression, waste management and the like.
- (e) Any construction work which involves access to a public road shall be subject to an approval of a Public Road Activity Application to Council accompanied by a Traffic Control Plan prepared by a RTA accredited Certifier.

(11)**Parking Spaces** – All car parking spaces, and associated access driveways and manoeuvring areas must conform with Camden Council's Car Parking Code (Camden Development Control Plan (DCP) 2006), and must be designed in accordance with a pavement design prepared by a Geotechnical Engineer and the Consent Authority's (ie. Camden Council) standard. Documentary evidence of compliance from an Accredited Certifier/Suitably qualified person must be submitted to the Principal Certifying Authority **prior to a Construction Certificate being issued.**

(12)**Car Parking Design** - The design, construction details of the parking spaces, access thereto and all other external hardpaved areas must conform to the Consent Authority's (ie. Camden Council) standard, and documentary evidence of compliance of above condition must be submitted by a Accredited Certifier/suitably qualified person/Council or the Principal Certifying Authority **prior to a Construction Certificate being issued.**

A work-as-executed plan and/or documentary evidence of compliance with the above conditions must be provided by an Accredited Certifier or Council **prior to an Occupation Certificate being issued.**

For the purpose of this condition a parking space must only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.

(13)**Design Standards** - Engineering design drawings are to be prepared strictly in accordance with Camden Council's Development Control Plan 2006 and Engineering Specifications.

(14)**Civil Engineering Details** - The developer must submit details of all engineering works on engineering plans to the Certifying Authority for approval **prior to a Construction Certificate being issued.**

(15)**Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS1742.3 1985 and to the requirements and approval of Council. Plans and proposals must be approved by Council **prior to a Construction Certificate being issued.**

The Traffic Management Plan must address the construction process and construction access for the development for all stages of the development, the

storage of materials, import of fill materials, location of site offices, turning areas for the delivery vehicles, parking for construction staff, any casting and erection of building components. Appropriate Traffic Control Plans shall be submitted for all stages of constructions including the use of Council's road and foot path for construction purposes."

(16)**Earthworks** – Proposed earthworks shall be designed to provide a cut and fill balance in order to achieve no loss of flood storage within the site. All proposed filling on the site must be compacted to 95% compaction standard and be tested in accordance with Camden Council's Engineering Construction Specification and AS 1289 by a NATA registered laboratory. The validation of the fill material must be done prior to use of any fill material from an external source and validation report must be submitted to the Certifying Authority prior to the issues of the Construction Certificate.

(17)**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. 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.

The pre-treatment devices must collect and dispose of hydrocarbons and heavy metals

(18)**Dilapidation Survey** - A photographic dilapidation survey of existing public roads, kerbs, foot paths, drainage structures and any other existing public infrastructure within the immediate area of the development site must be submitted to the Council prior to the issuing of the Construction Certificate.

The survey must include descriptions of each photo and the date when each individual photo was taken.

(19)**Overland Flow Path** – An overland flow path shall be provided in the proposed easement to Riley Road.

(20)**Service Pipes** - All service pipes and electrical conduits shall be concealed within the floor, plinths, walls or ceilings.

or

All service pipes and electrical conduits which are not capable of being concealed within walls shall be mounted on brackets so as to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe and adjacent horizontal surface.

(21)**Dishwashing Facilities** - The premises must be provided with a:

(a) commercial dishwashing machine capable of achieving a hot water temperature of at least 77° celsius that is fitted with a temperature thermometer or gauge; and

(b) at least one single bowl cleaning sink or tub containing at least one compartment.

(22)**Detailed Vegetation Management Plan - Prior to the issue of a Construction Certificate**, a detailed vegetation management plan for the site must be prepared and be submitted to Council for written approval. This plan must include:

- Vegetation species composition, planting layout and densities must be identified. Plantings should emulate the ecotone of vegetation naturally or previously occurring along the waterfront land.
- Seed/plant sources must be identified and where possible native plants and seed sources of local provenance should be utilised.
- Details of the planting program, rehabilitation methods and staging must be provided.
- Maintenance requirements must extend for a minimum of two years after the completion of works or until such time as a minimum 80% survival rate for all plantings and a maximum five percent (5%) weed cover is achieved.
- Project tasks must be defined and described, including a schedule detailing the sequence and duration of works necessary for the implementation of the VMP.
- Maps or diagrams which identify the above detailed works (including existing vegetation to be retained, vegetation to be cleared) etc. must be prepared.
- Photographs of the site must be supplied and photo points must be identified for future monitoring and reporting purposes.
- Costings for the implementation of all components and stages of the work including materials, labour, watering, maintenance, monitoring and reporting, etc. must be prepared.
- Processes for monitoring and review, including a method of performance evaluation, must be identified. This must include assessing the need for replacing plant losses, addressing deficiencies, problems, climatic conditions, successful completion of works, etc.

(23)**Special Infrastructure Contribution** - The applicant must obtain a Certificate from the Growth Centres Commission stating that the Special Infrastructure Contribution determined in accordance with Section 94EE of the Environmental Planning and Assessment Act 1979, and the Growth Centres Special Infrastructure Practice Note for this proposal has been paid. This Certificate must be presented to the Principal Certifying Authority (PCA) **prior to the issue of any Occupation Certificate**.

Information on the Special Infrastructure Contribution can be found at the Growth Centre Commission's website www.gcc.nsw.gov.au. To obtain an estimate of the Special Infrastructure Contribution that may be payable for the application please e-mail infrastructurecontribution@gcc.nsw.gov.au.

(24)**Section 68 Approval - Prior to the issue of a Construction Certificate**, a Section 68 approval to operate must be obtained from Camden Council.

This approval must be in accordance with the approved plans for this Development Consent. Should the Section 68 approval require amendments to the approved development a Section 96 modification application proposing these amendments must be submitted to and approved by Council.

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) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (2) **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.

- (3) **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.

- (4) **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.

- (5) **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.

- (6) **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.
- (7) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

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).

Where a soil erosion and sediment control plan (or details on a specific plan) has been approved with the development consent, these measures must be implemented in accordance with the approved plans. In situations where no plans or details have been approved with the development consent, site soil erosion and sediment controls must still be implemented where there is a risk of pollution occurring.

An Infringement Notice issued under the Environmental Planning and Assessment Act, 1979, which imposes a monetary penalty of \$600.00, may be initiated by the Principal Certifying Authority (PCA) and issued by Camden Council where the implementation or maintenance of measures is considered to be inadequate. In the event that a risk of environmental pollution occurs an Infringement Notice issued under the Protection of the Environment Operations Act 1997, which imposes a monetary penalty of \$750 for an individual or \$1500 for a corporation may be issued by Camden Council.

- (8) **WorkCover Approval** - It is the responsibility of the owner to contact WorkCover Authority with respect to any demolition work or use of any crane, hoist, plant or scaffolding prior to any work commencing on the site.
- (9) **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
- (10) **Public Road Activity** – An approval under Public Road Act shall be obtained prior to the commencement of any work in public road subject to lodgement of application and relevant fees. Such application must include appropriate traffic control plans which provides details of traffic control measures to be installed to ensure the safety and unobstructed flow of vehicular and pedestrian traffic and such control plan must be prepared by a RTA Accredited Certifier.

- (11) **Riley Road Table Drain** - The capacity of the table drain in Riley Road shall be checked and modified including the existing pipe crossing in order to cater for the expected additional flow rates. Detailed plans shall be submitted to Council for approval via a Public Road Activity application (including traffic control plans) **prior to the commencement of any work.**

4.0 - During Construction

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

- (1) **Nature Strip/Road Verge, Street Trees and Street Tree protective guards** - Any nature strip/road verge area, street tree, lawn area, tree guards if applicable, protective bollards if applicable which are disturbed, removed or damaged during the development and maintenance works, shall be repaired and the tree, lawn area, bollards, tree guards, nature strip/road verge area repaired or replaced with the same type, species and maturity.
- (2) **Survey Report (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.
- (3) **Survey Report (Finished Floor Level)** - A survey report prepared by a registered land surveyor must be submitted to Principal Certifying Authority (PCA) verifying the finished floor level of the building. Finished floor levels must conform to levels approved by the development consent.
- (4) **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.
- (5) **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.

A security deposit of \$10,000 shall be lodged with Council prior to the issue of a Construction Certificate.

- (6) **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:
 - The delivery of material shall only be carried out between the hours of 7am - 6pm Monday to Friday, and between 8am - 4pm on Saturdays.
 - Stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear

of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site.

- 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.
- 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.
- A waste control container shall be located on the development site.

(7) **Footpath Levels** - The ground levels of the footpath area within the road reserve (between the boundary of the subject site to the kerb and gutter) must not be altered (by cut or fill) as a consequence of building design and/or construction.

(8) **Excavation and Backfilling** – All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(9) **Support for Neighbouring Buildings** - If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. In this condition, 'allotment of land' includes a public road and any other public place.

(10) **Protection of Public Places** – If the work involved in the erection or demolition of a building:

- is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- building involves the enclosure of a public place,

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.

- (11)**Drainage Easements** - No changes to site levels, or any form of construction shall occur within any drainage easements that may be located on the allotment.
- (12)**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. The validation of the fill material must be done prior to use of any fill material and validation report must be submitted to the Principal Certifying Authority prior to the issues of the Construction Certificate.
- (13)**Construction Standards** - All civil engineering work associated with the development must be carried out strictly in accordance with Camden Council's Development Control Plan 2006 and Engineering Specifications for roadworks drainage and other works associated with subdivisions and other developments.
- (14)**Affected Services** – All services within the 1.0m of the crossing and the all affected services due the proposed work shall be adjusted in consultation with the appropriate Service Authority.
- (15)**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).

- (16)**Fill Material - 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 and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

- i) be prepared by a person with experience in the geotechnical aspects of earthworks, and
- ii) be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics, and
- iii) be prepared in accordance with:

- a) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
 - b) 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".
- iv) confirm that the fill material:
- a) provides no unacceptable risk to human health and the environment;
 - b) is free of contaminants;
 - c) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
 - d) is suitable for its intended purpose and land use, and
 - e) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

- v) less than 6000m³ - 3 sampling locations,
- vi) greater than 6000m³ - 3 sampling locations with 1 extra location for each additional 2000m³ or part thereof.

For (v) and (vi) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling for contamination should be undertaken in accordance with the following table:

Classification of Fill Material	No of Samples per Volume	Volume of Fill (m ³)
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.*

(17)Unexpected Findings Contingency – Upon the identification of any contamination or hazardous materials at any stage of the construction process all construction works in the vicinity of the findings shall cease and the affected area must be made secure from access by personnel. A qualified environmental consultant must assess the extent of the contamination / hazard in accordance with the NSW DEC Guidelines. The assessment results together with a suitable management plan must be provided to the Consent Authority (Camden Council) for

written approval prior to the removal or treatment of such findings contamination / hazardous materials.

- (18) **Gaps Sealed** - All gaps between shelves and vertical surfaces must be sealed to prevent the accumulation of grease and food particles. Alternatively 25mm clearance is required to allow the area to be cleaned.

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) **Survey Report (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 Principal Certifying Authority (PCA) upon completion of the building and prior to the issue of an Occupation Certificate.
- (2) **Structural Certification (Completed Building)** – Prior to the issue of an Occupation Certificate, a certificate prepared by a practicing structural engineer, certifying the structural adequacy of the building, shall be submitted to the Principal Certifying Authority (PCA).
- (3) **Footpath Crossing Construction** – Prior to use or occupation of the development, 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, and/or Internet site – www.camden.nsw.gov.au

- (4) **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.

- (5) **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.
- (6) **Works as Executed Plan - Prior to the Occupation Certificate being issued**, a works-as-executed drawing signed by a registered surveyor must be submitted to the Principal Certifying Authority showing that the stormwater drainage and finished ground levels have been constructed as approved.
- (7) **Registration and Notification** - Proprietor/s of a business are required to register the business with Camden Council and complete a Food Business Notification Form. The registration form must be returned to Council, whereas the Notification Form may be completed on-line on the Internet (free of charge) or returned to Council with an administration processing fee of \$55 (inclusive of GST).
- (8) **Certification of Exhaust System** - Where an exhaust ventilation system is installed, a Certificate of Compliance must be submitted to Camden Council, prior to occupation. The certificate must be issued by a suitably qualified person and verify that the kitchen exhaust system as installed, has been tested and complies with Australian Standard 1668 – 1991 Parts 1 & 2 and the Building Code of Australia.
- (9) **Thermometers** - Any appliance used for the storage of hot and cold food must be provided with a numerically scaled and accurate thermometer.
- (10) **Compliance Letter** - Where the consent authority is not the Principal Certifying Authority (PCA) an additional inspection of the commercial kitchen must be undertaken by the Consent Authority) **prior to the issue of an Occupation Certificate**. A letter is to be issued from the Consent Authority certifying that the kitchen complies with the Food Codes and Regulations.
- (16) **Acoustic Compliance** – A certificate of compliance shall be issued to the certifying authority prior to the issue of the occupation certificate that all the recommendations as outlined in Section 7 of the Acoustic report prepared by RSA Acoustics Report No. 3691 have been implemented.
- (17) **Lighting Compliance – Prior to the issue of an Occupation Certificate**, a lighting compliance report, certifying that all installed lighting complies with AS 4282-1997 "Control of the obtrusive effects of outdoor lighting," shall be submitted

to and approved by the Certifying Authority.

- (18) **Services** - All services (water, sewer, electricity, telephone and gas) (including the provision of service conduits and stub mains) are to be installed within the proposed public roads before final inspection of the engineering works.

Prior to the issue of an Occupation Certificate the following service authority clearances must be obtained and submitted to the Principal Certifying Authority:

- A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water Corporation.
- Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice must be submitted to the Principal Certifying Authority **prior to a Construction Certificate being issued.**

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.

- A letter from Integral Energy stating that all its requirements and any conditions of this consent have been satisfied.
- A letter from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the development

6.0 - Operational Conditions

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

- (1) **Hot Storage** - All equipment (including pie warmers, hot food display units, etc) used for the display or storage of hot food shall maintain the food at a temperature of not less than 60°C.
- (2) **Cold Storage** - All equipment used for the display or storage of cold food shall maintain the food temperature of not more than 5°C.
- (3) **Soap and Towels** - An adequate supply of liquid soap and single use clean hand towels or other suitable hand drying facilities shall be provided to the toilet and near the hand basin, and must be maintained at all times.

- (4) **Amplified Music** – Amplified music shall comply with the recommendations and limits set by the acoustic report submitted as part of the approval.
- (5) **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.
- (6) **Maximum Occupancy** - The maximum number of people approved to attend church sermons (Fridays: 7.00pm-8.30pm) and social and sport events (Saturdays: 8.00pm-10.00pm) at the approved church hall is 195.

The maximum number of people approved to attend congregation worship activities (Saturdays: 9.30am-5.00pm) is 390.

Note: The only approved activities are those detailed in the development application documentation submitted to Council with the development application.

- (8) **Hours of Operation** - The hours of operation for the approved land-use are:

Church sermons: Fridays between 7.00pm-8.30pm only.

Congregation worship: Saturdays between 9.30am-5.00pm only.

Social and sport events: Saturdays between 8.00pm-10.00pm only.

First floor office/meeting room: Fridays between 7.00pm-8.30pm only.
Saturdays between 9.30am-5.00pm only.
Saturdays between 8.00pm-10.00pm only.

Note: The social and sport events and first floor office/meeting room, used on Saturday evenings between 8.00pm-10.00pm must end before 10.00pm and all vehicles must have left the site by 10.00pm.

Note: The only approved activities are those detailed in the development application documentation submitted to Council with the development application.

All vehicle movements, deliveries and any other operations associated with the use of the premises must be restricted to approved hours of operation. Any alterations to these hours will require the prior written approval of Camden Council.

- (9) **Overflow Car Park** - The overflow car park area in front of the church hall building is only to be used once all other constructed car parking spaces on the site have been fully occupied.

All vehicular access to, within and from the overflow car park area is to be controlled and managed by accredited traffic controllers.

This overflow car park area is to be regularly maintained as a mown grass lawn when not in use.

- (10) **Lighting** - All of the approved lighting must be turned off outside of the

development's approved hours of operation.

- (11) **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.
- (12) **Ancillary Office Area** - The use of the office area shall be ancillary to the use of the premises at all times.
- (13) **Graffiti Removal** – All graffiti must be removed from the building within 48 hours of occurring.
- (14) **Unloading of Deliveries** - All unloading of deliveries must only ever take place within the approved site.

END OF CONDITIONS

RECOMMENDED

That development application 1107/2008 for the erection of a church hall and its use as a place of public worship, construction of car park and associated site works at Nos 114 (Lot 31, DP 233975) and 124 Lot 2, DP 200915) George Road, Leppington and be approved as a deferred commencement consent requiring registration of the necessary drainage easement over Lot 31 and subject to the draft development consent conditions shown above, as well as the following:

2.0 – Construction Certificate Requirements

- (25) **Public Risk Insurance Policy - Prior to the issue of a 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 insurer 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.

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.

- (26) **Drainage Design** - A stormwater management plan is to be prepared **prior to the issue of a Construction Certificate** to ensure that 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. This plan must be submitted and approved by the Principal Certifying Authority. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties.

- (27) **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 catchments 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.

ATTACHMENTS

1. Location plan
2. Proposed plans
3. Submissions (sup doc)



Proposed plans - church - George Road.pdf George Road location map.pdf Submissions DA1107-2008.pdf

RESOLUTION

In relation to this report the Mayor advised the meeting that this report has been withdrawn and will be resubmitted to a later meeting.

ORD42/10

ORDINARY COUNCIL

ORD04

SUBJECT: LOCAL DEVELOPMENT PERFORMANCE MONITORING
2008/09
FROM: Director Development and Health
FILE NO: Government Relations/Development Circulars

PURPOSE OF REPORT

To highlight the outstanding performance of Council's Assessment Team and the support staff across Council utilising the data produced by the Department of Planning in its annual publication of data measuring performance of local government across NSW.

BACKGROUND

The Department of Planning has been collecting data from individual councils since 2006 to measure the performance of councils across the state in terms of development assessment, the uptake of complying development and the range and type of applications lodged and determined. A focus on the times taken to determine applications, the resources used and the number of appeals against decisions is evident throughout the reports. The amount of data collected and the number of comparative reports has increased over the years with the 2008/09 reports comprising the main report (73 pages) and 100 pages in the Appendix.

The report was released on 21 February, 2010 and is available on the Department's website. At the time of writing this report Council had not received any formal copies of the document.

MAIN REPORT

The following table provides a summary of Camden Council's performance over the past three years. Some of the data has been manipulated due to the differing formats and data sets collected and published by the Department. It is pleasing to see that despite Council receiving more development and construction certificate applications, it continues to improve its performance. This is due to the continual review and improvement to systems and processes implemented, but particularly due to the hard work undertaken by Council staff.

This is extremely pleasing given that Camden continues to receive more applications which is contrary to the state wide trend which showed a reduction in both the number and value of applications lodged.

Statistic	Camden			State mean		
	2008/9	2007/8	2006/7	2008/9	2007/8	2006/7
Number of DAs	1220	1187	1193	471	542	567
Total value approved	\$193.6	\$214m	\$228m	\$12.17m	\$14.67m	\$14.26m
Section 96 applications	147	90	101	98.5	100	95
Complying Development Certificates	137	167	164	60.5	70	74
Net mean determination time	29 days	35 days	36 days	45 days	46 days	50 days
Net median determination time	14 days	17 days	18 days	29 days	30 days	31 days
Determination by Councillors	1.1%	0.8%	1%	3.8%	3.6%	4%
Determination by staff under delegation	98.9%	99.1%	99%	95.8%	95.9%	96%
Staff allocated to development assessment	8.65	8.4EFT	8.3EFT	8.1	7.8	7.7EFT
Average DA per EFT*	141	141	143.7	58	69	72
Section 82A reviews	5	1	2	8.4	9.7#	8.3
Legal appeals	7	0	0	7.7	7.5#	8
Construction Certificates	872	643	544	376	433	454
Occupation Certificates	966	299	342	304	296	310

* EFT is equivalent full time staff

not all councils reported this data so figures are average of those that did report

Note: Data in the current report on appeals is erroneous so comparisons cannot be made.

The above table shows that Camden Council continues to assess considerably more applications than the state average in significantly less time.

The outstanding statistic is the ratio of applications per staff member. In this regard, staff assess an average of 141 applications each compared to the state average of 58. Given the complex nature of many of the applications, this is a remarkable performance. Across the Sydney region, this performance by far exceeded all other metropolitan councils, Camden ranking No 1 with Blacktown Council next at 117 applications per EFT.

The report highlights the impacts of referrals to government agencies and the "stop the clock" provisions as having significant negative impacts on turnaround times. Those applications that were lodged with insufficient information or had to be referred to state agencies took considerably longer to determine than those applications that were complete when lodged and did not need statutory comment.

It is also interesting to note that the introduction of the NSW Housing Code has not had the impact that the State Government had anticipated by increasing the number of Complying Development Applications. In Camden's case the number of these applications declined significantly. This highlights the problems with the Code and the need for its review.

With the massive growth expected within Camden, it is not likely that the positive trends in assessment times can continue with the limitations on staff resources due to budget constraints, however continual review of processes and systems will attempt to further streamline work and staff remain committed to deliver exceptional customer service.

Further statistics which highlight the performance of Council and provide a comparison with its neighbouring councils and like councils in terms of groupings and numbers of

applications received **are provided in the supporting documents.** These tables highlight the overall good results achieved.

CONCLUSION

The performance of Camden Council as detailed in the latest Local Development Performance Monitoring Report issued by the Department of Planning relating to the 2008/09 year is considered to be excellent and indicates that Council provides a high level of service that exceeds the state average. The results are a tribute to the staff who work so hard to deliver not only timely determinations but ensure quality of individual developments. It is important not to lose sight of the need for a quality outcome in an endeavour to reduce the time taken to assess applications.

RECOMMENDED

That Council note the good performance of staff across the organisation involved in development assessment as detailed in the Department of Planning's report "Local Government Performance Monitoring: 2008-09".

ATTACHMENTS

1. Performance statistics (sup doc)



Performance statistics.doc

RESOLUTION

Moved Councillor Symkowiak, Seconded Councillor Funnell that Council note the good performance of staff across the organisation involved in development assessment as detailed in the Department of Planning's report "Local Government Performance Monitoring: 2008-09".

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

ORD43/10

**THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON 9
MARCH 2010 WERE ADOPTED AT AN ORDINARY COUNCIL MEETING HELD 23
MARCH 2010. MIN. NO. ORD 47/10**

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized, cursive name.

CHAIRPERSON