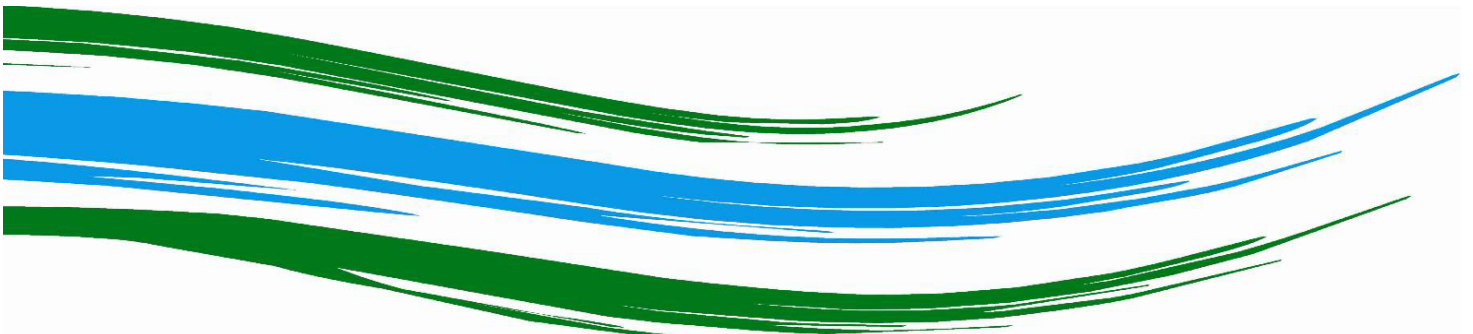




Camden Council

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 be granted.

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

ORD239/10

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

There were no declarations to be noted.

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

ORD240/10

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 Barry Dickinson addressed Council in relation to the Notice of Motion of Rescission.

Councillor Warren arrived at the Chamber, the time being 6.05pm.

Mr Nicolas Hatzis addressed Council in relation to Narellan Town Centre carpark sale of land.

Mr Argirios Skarmoutsos addressed Council in relation to the Development Application for Stage 5 of Narellan Town Centre.

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

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

ORD241/10

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 26 October 2010.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 26 October 2010, copies of which have been circulated, be confirmed and adopted.

RESOLUTION

Moved Councillor Dewbery, Seconded Councillor Funnell that the Minutes of the Ordinary Council Meeting held 26 October 2010, copies of which have been circulated, be confirmed and adopted.

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

ORD242/10

ORDINARY COUNCIL

ORD01

**SUBDIVISION TO CREATE 159 RESIDENTIAL LOTS, 6 RESIDUE LOTS,
CONSTRUCTION OF BULK EARTHWORKS, ROADS, DRAINAGE, SERVICES,
OPEN SPACE, LANDSCAPING AND DEMOLITION OF EXISTING SHEDS
(MANOOKA VALLEY - NORTH, SOUTH AND PART EAST VILLAGES) AT NO
207B (LOT 12, DP 1041381) TURNER ROAD, CURRANS HILL**

| | |
|--|--|
| FROM: | Director Development and Health |
| FILE NO: | Binder: Development Applications 2009 |
| DA NO: | 1291/2009 |
| OWNER: | Landco (NSW) and Wolin Investments Pty Ltd |
| APPLICANT: | Landco (NSW) Pty Ltd and Wolin Investments Pty Ltd |
| ZONING: | 2(d1) Residential, 7(d3) Bushland Conservation and Restoration, 7(d1) Environmental Protection Scenic & 7(d2) Environment Protection (Urban Edge) & 7(d3) Bushland Conservation and Restoration |
| APPLICABLE PLANNING INSTRUMENT: | Camden Local Environmental Plans Nos 47 and 48 |

PURPOSE OF REPORT

The purpose of this report is to seek a determination from Council of a development application for a residential subdivision of this site. The application is referred to Council in accordance with its delegations as the proposal involves two objections pursuant to State Environmental Planning Policy (SEPP) No 1 to two development standards in Camden Local Environmental Plans (LEP) Nos 47 and 48.

SUMMARY OF RECOMMENDATION

It is recommended that Council approve this Development Application (DA), subject to the draft development consent conditions provided at the end of this report and the concurrence of the Director General of the Department of Planning (the Department) to the SEPP 1 objections, to allow the issue of a development consent.

BACKGROUND

This site forms the majority of the Manooka Valley release area that was rezoned for residential development in March 2006. It is envisioned that once fully developed Manooka Valley will provide a range of residential lots, including large urban edge style lots that will provide a transition from the more dense urban form of the Currans Hill suburb to the south, to the areas of more rural bushland to the north-east.

Significant creek rehabilitation, bushland regeneration and maintenance, roads,

drainage, services and landscaping will also be provided and will create a quality residential environment. The Manooka Valley chapter of Camden Development Control Plan 2006 (the DCP) divides the release area into north, south, east and west 'residential villages.' Once fully developed this site will contain the north, south and east villages.

At the Council meeting of 13 August 2007, Council approved Development Application 300010/2002 for the residential subdivision and associated works on this site. To date this consent has not been acted upon, however will remain operational until 16 January 2011.

Both Council and Council staff (under delegated authority) have approved a range of residential subdivisions on this and neighbouring properties between July 2007 and the present.

On 26 May 2009 Council adopted an amendment to the DCP that varied the adopted subdivision pattern, road layout and other related development controls for the Manooka Valley release area.

This application was received on 19 November 2009. It was publicly notified to surrounding property owners between 3 December 2009 and 4 January 2010 and an advertisement was placed in the local press. No submissions were received from the public.

From the end of the notification in January 2010 to present, Council staff have been working with the applicant to address several issues with the development. These have included satisfying Council's water quality criteria, resolving detailed vegetation management plans for the site, negotiating in principle approval from the NSW Office of Water (NOW) and ongoing discussions with Sydney Catchment Authority (SCA) regarding long term public access to parts of the site.

The application has been assessed in accordance with the Environmental Planning and Assessment Act 1979 (the Act) and is now able to be referred to Council for determination.

THE SITE

The site known as No 207B (Lot 12, DP 1041381) Turner Road Currans Hill, is roughly 'battle-axe' shaped and is located to both the north and east of the existing suburb of Currans Hill. The entire lot is approximately 56ha in area, is largely vacant except for some disused rural sheds and contains a variety of existing vegetation including remnant Cumberland Plain Woodland (CPW). Kenny Creek and two of its tributaries flow through the site.

The lot is burdened by existing Transgrid and Integral Energy electricity transmission structures and easements. The SCA's upper canal bisects the site near its eastern side. The canal is underground when it crosses this site, however the land is defined by a separate lot which is owned by the SCA.

The surrounding area includes the Currans Hill suburb to the south/ south-west with Smeaton Grange further to the west. The north of the site is bound by the Turner Road

precinct of the South West Growth Centre whilst the Camden/Campbelltown LGA boundary lies to the east. **A site location map is provided at the end of this report.**

THE PROPOSAL

Development Consent is sought for the following development:

1. the subdivision of the site into 159 residential lots and 6 residue lots;
2. the construction of bulk earthworks, roads, drainage, services, open space, pedestrian/cycle paths and landscaping;
3. the construction of a lookout shelter near the site's eastern corner;
4. the demolition of existing sheds; and
5. the rehabilitation of Kenny Creek and the remnant CPW present on the site.

The proposed subdivision is inconsistent with the minimum lot size requirements of the applicable 2(d1) Residential and the 7(d) Scenic Protection zones. The applicant has lodged an objection to these development standards pursuant to SEPP 1 and this is detailed in the "Assessment" section of this report.

This development is Integrated Development in four separate aspects:

1. it proposes the subdivision of bush fire prone land that is zoned residential. Therefore it requires an approval from the Rural Fire Service (RFS) pursuant to Section 100B of the Rural Fires Act 1997;
2. it proposes works within 40m of a natural water course. Therefore it requires a Controlled Activity Approval from NOW;
3. it proposes to carry out work and create an obstruction within a creek. Therefore it requires a permit pursuant to the Fisheries Management Act 1994 from Industry and Investment NSW; and
4. it proposes to impact upon several Aboriginal relics (silcrete flake fragments and stone artifacts). Therefore it requires consent from the Department of Environment, Climate Change and Water (DECCW) pursuant to the National Parks and Wildlife Act 1974.

Upon receipt, the application was referred to each of the above authorities. Each authority has granted in principle approval to the proposed development, subject to compliance with recommended development consent conditions.

As the site is burdened by existing Transgrid and Integral Energy electricity transmission structures and easements, the application was referred to both Transgrid and Integral Energy. Both service authorities have advised Council that no objections are raised to the proposed development.

As the site is bisected by the SCA's upper canal, the application was referred to the SCA. Following lengthy negotiations between Council staff, the applicant and the SCA, the SCA has agreed in principle to allow Council and the public general access over the canal lot in return for the retention of their existing maintenance vehicle access track through an adjacent part of the site. This adjacent area of land lies to the east of the canal lot and is identified as future public open space by the DCP.

Council staff and the SCA are currently engaged in ongoing negotiations regarding

public liability insurance for the canal corridor and access track and so the applicant has agreed in writing not to seek the public dedication of this part of the site until such time as these negotiations have been resolved to Council's satisfaction.

The SCA has also requested the applicant carry out various actions relating to the canal corridor including:

1. the removal of telegraph wires associated with a disused communication line that are currently trailing on the ground;
2. the stabilisation of several existing sandstone blocks that form an historic sandstone pillar;
3. the provision of interpretive signage, including information on the heritage values of the canal, as part of the proposed lookout shelter adjacent to the canal; and
4. following further consultation with the SCA, the provision of information to purchasers of future residential lots adjacent to the canal regarding the appropriate management of their community title open space.

It should be noted that the lots the subject of this SCA request are not the subject of this development application and were separately approved by Development Consent 300010/2002.

The SCA has agreed to allow the developer to undertake the above actions on behalf of the SCA. This is important as the canal corridor is a State Heritage item, however as the works will be done on behalf of the SCA, they are exempt development pursuant to Clause 124 of State Environmental Planning Policy (Infrastructure) 2007.

The applicant has agreed in writing to carry out all of the above SCA requests.

A copy of the proposed plans is provided at the end of this report.

NOTIFICATION

The application was publicly notified to surrounding property owners between 3 December 2009 and 4 January 2010 and an advertisement was placed in the local press. No submissions were received in response to this notification.

As detailed in the "Background" section of this report, Council previously approved Development Application 300010/2002 for the residential subdivision and associated works on this site.

When this previous development application was publicly notified in late 2006 a petition was received from adjoining Currans Hill residents objecting to the development. The grounds of the objections were:

1. the potential for overlooking and overshadowing impacts from future two storey dwellings;
2. small, cluttered block sizes were being created; and
3. that the proposed side lot boundaries did not align with those of the adjoining properties.

Following Council resolution at the Council meeting of 23 July 2007, Council staff

negotiated amendments to the development with the applicant which included:

1. limiting development of certain lots adjoining existing residents to single storey dwellings only through an 88B restriction on the lot titles; and
2. amending the subdivision layout so that the proposed side lot boundaries aligned with the existing adjacent lot boundaries.

At the Council meeting of 13 August 2007, Council approved the amended development application which satisfied the concerns of the adjoining residents.

It is noted that the proposed subdivision, the subject of this application, maintains the above amendments.

Therefore the objections raised to the previous residential subdivision of this site remain resolved.

PLANNING CONTROLS

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

- State Environmental Planning Policy No 1: Development Standards
- State Environmental Planning Policy No 55: Remediation of Land
- Deemed State Environmental Planning Policy No 20: Hawkesbury/Nepean River
- Camden Local Environmental Plan No 47
- 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 Act. The following comments are made with respect to the proposal:

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

State Environmental Planning Policy No 1: Development Standards

The aims and objectives of the SEPP are to "provide flexibility in the application of planning controls...in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act."

The proposed subdivision will result in the creation of 8 urban edge lots with areas ranging from 653.4m² to 886.9m². Camden Local Environmental Plan No 47 (LEP 47) requires that all urban edge lots have a minimum area of 900m².

The subdivision will also result in the creation of proposed residue Lot 626, which is partially zoned 7(d) Environmental Protection (Scenic) pursuant to Camden Local Environmental Plan No 48 (LEP 48), having an area of 18.45ha which is less than the minimum 40ha area for the applicable 7(d) Environmental Protection (Scenic) zone. An

area of 0.6ha of this lot will be located within the 7(d) Environmental Protection (Scenic) zone). As a result, for the purposes of the SEPP 1 objection, the 0.6 ha portion of the lot within the 7(d) zone needs to be treated as if it was a lot of 0.6 ha in size.

The applicant has submitted an objection pursuant to SEPP 1 outlining why strict compliance with these development standards is unreasonable and unnecessary in this case. The grounds of the objections include:

- the proposed subdivision provides a total of 51 urban edge lots and only 8 (15.6%) do not comply with the minimum lot size requirements;
- on average all of the urban edge lots have an area of 1,440m². This figure is 60% above the minimum lot size requirement;
- 7 of the 8 undersized lots are 90% compliant with the minimum lot size standard. One lot (proposed lot 218) is approximately 72% compliant;
- the proposed undersized lots will still provide a range of lower density housing options despite the non-compliance;
- all of the 51 proposed urban edge lots range in area from 653.4m² to 1.7ha in area which will help promote a wide range of housing diversity;
- the 18.45ha residue lot created partly within the LEP 48 7(d) Environmental Protection (Scenic) zone is inevitable when carrying out the east village subdivision for Manooka Valley and the applicant is unable to comply with the minimum 40ha lot size through consolidation with surrounding land in the 7(d) Environmental Protection (Scenic) zone as this land is in different ownership.

Officer Comment:

8 undersized urban edge lots

Regarding the 8 undersized urban edge lots, the relevant objectives of the applicable 7(d2) Environmental Protection (Urban Edge) zone are to contribute to Camden's "sense of place" and to "enhance the scenic quality of the area by protecting ridge tops and upper slopes from development by revegetating them with indigenous vegetation as appropriate." Another objective is to permit limited development of detached houses consistent with the other objectives of this zone.

Despite the proposed non-compliance with this zone's minimum lot size, it is considered that the 8 undersized urban edge lots proposed will still achieve the relevant objectives of this zone.

It is noted that 7 of the 8 lots are approximately 90% compliant with the minimum 900m² lot area, with one being approximately 72% compliant. The 8 undersized lots are still relatively large with them having an average area of 828.4m² each which will allow for a range of house types in this area.

It is recommended that Council support this proposed variation to this development

standard, as although undersize, the proposed lots will still allow a range of detached housing and not adversely impact upon ridge tops or the scenic quality of the areas by providing a slightly higher lot density than that required by the LEP. It is considered the proposed variation is minor in the overall proposal.

Undersized residue lot

With regards to the creation of proposed residue Lot 626 with a 0.6ha portion zoned under LEP 48, the objectives of the 7(d) Environmental Protection (Scenic) zone are to "protect and enhance areas of particular scenic value" whilst ensuring that "the land remains a rural environment and provides visual contrast to urban development." Other objectives include provisions to maintain the "visual amenity of prominent ridgelines... prevent development in geologically hazardous and escarpment areas and...to enable sensitive forms of cluster housing and tourist uses." The minimum lot size in this zone is 40ha. The portion of the proposed lot which would be created within this zone, has an area of 0.6ha. This would be well below this 40ha minimum required for the 7(d) zone.

Compliance with this standard is not considered necessary for this proposed residue lot given that adjoining land to the south of this proposed residue lot is in different ownership.

Keeping this small portion of this site as part of a much larger lot would be the only way to realistically achieve the 40ha minimum lot size. This would preclude a significant part of the Manooka Valley development from occurring and is considered unnecessary and undesirable.

It is considered that the biodiversity protection objective of the 7(d) Environmental Protection (Scenic) zone can be achieved through the revegetation and management of bushland in this proposed residue lot subject to future development of this land. The attainment of the other zone objectives can also be achieved through the assessment process for future development applications.

It is noted that at the Council Meeting of 21 January 2009, Council approved Section 96 Modification 300010(3)/2002. This modification proposed amendments to the previously approved residential subdivision of this site (as detailed in the "Background" section of this report") and included a SEPP 1 objection. This objection proposed the same variation to this 40ha minimum lot size standard as is proposed by this application and was supported by both Council and subsequently the Department.

Overall it is considered that compliance with the minimum lot size requirements of LEP 47 and LEP 48 would be unreasonable and undesirable in these circumstances. Pursuant to Section 5(a) (i) and (ii) of the Environmental Planning and Assessment Act, 1979, the proposed subdivision will result in the proper management, development and economic use of the land. Consequently it is recommended that Council support the proposed variations to these LEP 47 and LEP 48 development standards.

It is also noted that if approved, the proposed variation to the LEP 48 design standard will require the concurrence of the Director General of the Department prior to any development consent being issued. This is because Council is not delegated to approve variations to minimum lot size requirements within rural zones (the 7(d)

Environmental Protection (Scenic) zone).

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 site. This assessment has confirmed that the site is not contaminated and that its residential development 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. Appropriate stormwater quantity and quality control basins will be provided to help ensure that the integrity of the Hawkesbury/Nepean River system is protected.

Camden Local Environmental Plan No 47

Although Camden LEP 2010 was gazetted on 3 September 2010, as this application was lodged well before this gazettal date it must only be considered as if it was still in draft form. Therefore LEP 47 is one of two applicable Local Environmental Plans for this development (the other being LEP 48).

The proposed subdivision and associated works are permissible with development consent in the relevant 2(d1) Residential, 7(d1) Environmental Protection (Scenic), 7(d2) Environmental Protection (Urban Edge) and 7(d3) Bushland Conservation and Restoration zones applicable to this site. It is also considered that the development complies with the relevant objectives of these zones.

It is considered that the development is acceptable in terms of the LEP's Clause 11 which requires water and sewerage services to be made available to development.

The applicant has obtained a feasibility letter from Sydney Water advising that the site can be provided with water subject to the installation of a booster pump along the edge of the development's central riparian corridor. Sydney Water has also advised that sewerage services can be made available to the development by the applicant extending existing wastewater infrastructure northwards from Currans Hill to the south-west.

Certain parts of the development are located within a zone in which they are not permissible. This relates to portions of roads and lot frontages on either side of the development's central riparian corridor. However as the works are located within 50m of a zone in which they are permissible, the applicant has asked Council to support the use of the LEP's Clause 24 (commonly known as the "fuzzy line" clause).

This clause allows development that is not permissible in a zone, to be carried out in that zone, if that zone is located within 50m of another zone in which the development is permissible. The use of this clause is supported here as the proposed development/zone boundary variations are minimal in the context of the overall

proposal and the development will still achieve the objectives of the relevant zones.

The development is also generally compliant with the LEP's Clause 33 which stipulates minimum lot sizes. The variation to this clause for the proposed 8 undersized urban edge lots has been assessed in the "State Environmental Planning Policy No 1: Development Standards" section of this report.

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

Camden Local Environmental Plan No 48 (LEP)

Although Camden LEP 2010 was gazetted on 3 September 2010, as this application was lodged well before this gazettal date it must only be considered as if it was still in draft form. Therefore Camden Local Environmental Plan No 48 is one of two applicable LEPs for this development (the other being LEP 47).

This LEP only applies to a small 0.6ha section of the site at its southern extremity. The proposed subdivision that affects this area of land is permissible with development consent and is considered to be consistent with the zone's relevant objectives. The variation to the LEP's Clause 12, which stipulates the minimum lot size for the applicable 7(d) Environmental Protection Zone (Scenic) zone, has been assessed in the "State Environmental Planning Policy No 1: Development Standards" section of this report.

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

(1)(a)(ii) The provisions of any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority

Draft Camden Local Environmental Plan 2010

As stated earlier in this report, for the purposes of assessing and determining this DA, Camden LEP 2010 must only be considered as if it was still in draft form.

The proposed subdivision and associated works are permissible with development consent in the relevant R1 General Residential, E2 Environmental Conservation and E2 Environmental Living zones. It is also considered that the development complies with the relevant objectives of these zones.

The proposed development complies with the current minimum lot size requirements of the draft LEP's Clause 4.1.

The draft LEP's Clause 6.2 requires essential public utility infrastructure to be provided to all development. As detailed in the "Camden Local Environmental Plan No 47" section of this report, Sydney Water have advised the applicant that water and sewerage services can be made available to the proposed development. A development consent condition is also recommended that will require the applicant to provide electricity and telephone services to the development.

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 Camden Development Control Plan 2006 (DCP) are relevant and the proposal has been assessed against:

Part G, Chapter 10: Manooka Valley

The following parts of this chapter are relevant to this proposal:

2.1 - Desired Future Character Statement

The proposed subdivision and associated works comply with the desired future character statement for Manooka Valley in that it will provide a range of lot sizes, publicly accessible open space, the improvement of downstream water quality and the restoration and regeneration of endangered CPW.

3.2 - Minimum and Maximum Lot Sizes

The proposed development generally complies with the DCP's minimum lot size requirements except for the proposed 8 undersized urban edge lots within precincts 2 and 4 of the development's first stage.

The DCP's minimum lot size requirements mirror those of LEP 47 and the assessment of this non-compliance is detailed in the "Camden Local Environmental Plan No 47" assessment section of this report.

4 - Road Hierarchy and Design

The proposed development provides a road hierarchy and design that complies with the DCP in terms of road layout and cross section requirements.

6 - Pedestrian/Cyclist/Bus Facilities

The development's provision of pedestrian/cycle paths is consistent with the structure plan shown in figure 2 of this DCP chapter. Bus stops will not be provided at present as the extent of future bus services in this area are currently uncertain.

7 - Services

As detailed in the "Camden Local Environmental Plan No 47" section of this report, Sydney Water have advised the applicant that water and sewerage services can be made available to the proposed development. A development consent condition is also recommended that will require the applicant to provide electricity and telephone services to the development.

8 - Water Sensitive Urban Design (WSUD)

The applicant has submitted a WSUD strategy in support of this application. This strategy demonstrates that the development's drainage system, including water quality control basins, will achieve the water quality criteria specified by Council's Engineering

Design Specification.

9 - Design for Energy Efficiency and Solar Access

The proposed subdivision has been designed to achieve a reasonable level of solar access for the residential lots it creates and generally complies with Part E, Chapter 1 of the DCP which is a requirement of this control.

10.1 - Landscaped Open Space

The proposed development provides public open space, revegetated riparian corridors and restored CPW in accordance with the DCP's requirements. Mature trees will be retained where possible and a path system will be provided to allow access through the various open space areas.

10.2 - Bushland Restoration Area

The applicant has submitted detailed vegetation management plans for each area of bushland to be revegetated on this site in support of this application. These plans have been assessed and it is considered that once implemented they will achieve the bushland restoration objectives contained within the DCP.

11 - Bush Fire Prone Land

The applicant has submitted a bush fire protection assessment in support of this application. This report has also been referred to the RFS for necessary concurrence. Subject to the recommendations of this report, and the bush fire safety authority granted by the RFS, the development is considered to be bush fire safe.

12 - Crime Prevention Through Environmental Design (CPTED)

The proposed development has been assessed against the NSW Police's CPTED (Safer by Design) principles. It is judged that the development is generally compliant with these principles.

14 - Waste Collection

Subject to the recommended development consent conditions, the proposed subdivision and road layout will provide sufficient access for Council's waste collection vehicles to collect waste bins.

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

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

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

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

This application has been publicly notified in accordance with the Regulations to the

Act and complies 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 in support of this application. This report has been assessed and it is not considered that the proposed subdivision and potential future 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.

Salinity

The applicant has submitted a detailed salinity assessment and management plan in support of this application. The salinity assessment details areas of the site where saline soils exist and the management plan details how roads, drainage and future dwellings must be constructed to address this aspect. It is a recommended development consent condition that compliance with this salinity management plan is achieved through the construction of this subdivision. It is also a recommended 88B restriction that future dwellings on the proposed lots comply with the requirements of this management plan.

Aboriginal heritage

This site is known to contain several Aboriginal relics which were identified during the original masterplanning of the Manooka Valley release area. The applicant has submitted a report on these relics and this has been referred to DECCW as the development will impact upon the relics. DECCW has granted in principle approval to the development subject to a separate application being lodged and approved with DECCW post development consent. On this basis the development's impact upon these existing aboriginal relics is considered to be acceptable for the purposes of determining this DA.

Threatened species

The applicant has submitted a threatened species assessment for this site which details the development's impact upon the remnant CPW and threatened species, including the Cumberland Plain Large Land Snail, which are present on the site. This report concludes that the development will not have any significant impacts upon the existing threatened species present on the site, particularly as less than 1ha of CPW will be removed and that it is in a highly degraded and non-continuous state. Council staff have reviewed this assessment, agree with its findings and therefore conclude that the development will not have a significant impact upon any threatened species.

All other likely impacts of this development have been assessed in other areas of this

report.

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

This site is considered to be suitable for the proposed development. The zoning of the land provides for such subdivision 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 this site unsuitable for this development.

(1)(d) Any submissions

The application was publicly notified to surrounding property owners between 3 December 2009 and 4 January 2010 and an advertisement was placed in the local press. No submissions were received in response to this notification.

(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 Manooka Valley release area 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 residential development envisaged for the proposed lots. These achievements are considered to be within the public interest.

CONCLUSION

Council has received a DA for the subdivision of this land into 159 residential lots, 6 superlots and the construction of bulk earthworks, roads, drainage, services, open space, landscaping and the demolition of existing sheds on this site. The application has been publicly notified with no submissions being received. The application has also been assessed in accordance with Section 79C of the Act.

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

Consequently the development is able to be recommended to Council for approval, subject to the draft development consent conditions shown below, and provided concurrence to the proposal is obtained from the Department.

DRAFT CONDITIONS OF CONSENT

1.0 - General Requirements

- (1) **Landscaping Maintenance and Establishment Period** - All Landscaping works associated with this Consent (Landscaping Concept Plans L01 & L02, dated 9/11/09, drawn by HLS P/L, Job No 0908, Issue DA) are to be maintained for a period of 24 months. The Maintenance and Establishment period is to commence

from the date of issue of the Subdivision Certificate.

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 approved Landscaping Concept Plans, lodged with the Development Application, as well as the approved detailed Landscaping Plans lodged with the Construction Certificate application.

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) **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) **Protection of Adjoining Bushland and/or Waterfront Areas** - To limit the potential for damage to the adjoining Bushland areas and/or Waterfront areas, the boundaries to these areas must be fenced prior to the commencement of any earthworks, demolition, excavation or construction works. As well as the fencing prior to any earthworks commencing, other protection measures must be completed in accordance with the standards as specified in AS 4970-2009 Protection of Trees on Development sites.

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

- (4) **Salinity Management Plan** - All proposed works that includes earthworks, imported fill and landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with "Section 6" in the report titled "Salinity Management Plan: Stages 1 and 2, Lot 12 DP 1041381 Manooka Valley Currans Hill NSW, Prepared for Wolin Investments Pty Ltd, Prepared by GeoEnviro Consultancy Pty Ltd, Ref JC06054A-r4, dated January 2010."

(5) **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*)

Prior to issue of a Construction Certificate, 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 be prepared covering eradication at a rate of 25%pa over a four year period to be submitted to Council.

The applicant must 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 also 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.

(6) **Sewer Access Chambers and Mains** – No sewer access chambers are to be constructed within the proposed Road Reserves, Public Reserves and Drainage Reserves without prior approval of the Principal Certifying Authority.

No sewer mains are to be constructed within both proposed and existing Public Reserves and Drainage Reserves without prior approval of the Principal Certifying Authority.

(7) **Demolition (Tree Preservation)** - Existing trees, both on the site and adjoining footpath reserve, must be protected with fencing to prevent damage during demolition, and retained in accordance with Council's Tree Preservation Order.

(8) **Integrated Development** - General Terms of Approval (GTAs) from the NSW Office of Water, Rural Fire Service, Department of Environment, Climate Change and Water and Industry and Investment NSW apply to this development. All requirements of these GTAs must be fully complied with at all times.

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

Subdivision Plans

- Plan of proposed subdivision dwg. no. 294099 SA-101 rev. A dated 17 November 2009 by Cardno.
- Plan of proposed subdivision dwg. no. 294099 SA-102 rev. A dated 17 November 2009 by Cardno.
- Plan of proposed subdivision dwg. no. 294099 SA-103 rev. A dated 17 November 2009 by Cardno.

Landscape Plan

- Landscape concept plan stage one job no. 0908 dated 10 November 2009 by HLS Pty Limited.

Civil Engineering Plans

- Civil engineering plan dwg. no. 294099-DA00 rev. A by Cardno.
- Civil engineering plan dwg. no. 294099-DA10 rev. A by Cardno.
- Civil engineering plan dwg. no. 294099-DA11 rev. A by Cardno.
- Civil engineering plan dwg. no. 294099-DA20 to 25 (inclusive) rev. A by Cardno.
- Civil engineering plan dwg. no. 294099-DA30 to 37 (inclusive) rev. A by Cardno.
- Civil engineering plan dwg. no. 294099-DA40 to 42 (inclusive) rev. A by Cardno.
- Civil engineering plan dwg. no. 294099-DA50 to 51 (inclusive) rev. A by Cardno.

Other Plans

- Contour plan dwg. no. 294099-SK03 dated 17 November 2009 by Cardno.

Reports

- Statement of Environmental Effects dated November 2009 by Cardno.
- Arboricultural assessment form Manooka Valley Stage 1 dated 20 April 2010 by Horticultural Management Services.
- Arboricultural assessment form Manooka Valley Stage 2 dated 22 April 2010 by Horticultural Management Services.
- Vegetation management plan for Manooka Valley stages 1 and 2 dated 1 June 2010 by Horticultural Management Services.
- Bushfire protection assessment for stages 1 and 2 Manooka Valley dated 18 May 2010 by ecological Australia.
- Part 5A Assessment of Significance ref. YN294002/R2595v2 dated 7 June 2010 by Cardno.
- Traffic impact assessment dated July 2009 by Cardno.
- Archaeological survey for aboriginal sites dated February 2001 by Jo McDonald Heritage Management Pty. Ltd.
- Preliminary contamination salinity and geotechnical assessment ref. JC06054A-r2 dated September 2006 by GeoEnviro Consultancy Pty. Ltd.
- Preliminary contamination salinity and geotechnical assessment ref. JC06054A-r3 dated December 2007 by GeoEnviro Consultancy Pty. Ltd.
- Manooka Valley civil engineering assessment ref. 09-0411 (YN294099) dated 30 October 2009 by Cardno.
- Salinity Management Plan for stages 1 and 2 Manooka Valley ref. JC06054A-r4 dated January 2010 by GeoEnviro Consultancy Pty. Ltd.

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.

- (10) **Waste Bin Provision** – Waste bin collection points must be provided for each residential lot. This area is to be 3 metres long x 0.9 metres wide and allow a 3.9 metre clear vertical space to allow for the waste collection vehicle truck-lifting arm. It must also be positioned parallel to the back of the kerb and ensure the positioning of driveways, tree plantings (or tree canopies), street lighting or other fixtures are clear of the area.

If this area cannot be provided in front of the lot to which the service is allocated, a more appropriate location shall be provided in front of another lot following consultation with Council. The nominated area shall not be located more than 50 metres from the lot and must be agreed to with Council's Environment Branch.

Note: Waste bin pads are preferred on the straight road just before a cul-de-sac turning head to minimise the necessary manoeuvring of waste collection trucks in a cul-de-sac head.

- (11) **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.

In addition, no public utility services must be located within future public reserves.

- (12) **Transgrid Requirements** - A letter from Transgrid is attached to this development consent. All requirements of Transgrid (including those detailed in this letter) must be fully complied with.

- (13) **Cumberland Plain Large Land Snail Habitat** - All tree trunks and large branches that are cut down as part of the approved works must be placed in the area of the

site covered by the approved stage 2 vegetation management plan (above the 1:100 flood level) to provide potential habitat for the Cumberland Plain Land Snail.

(14) **Nesting Boxes** – To enhance habitat for the Eastern Free-Tail Bat and the Greater Broad-Nosed bat, 12 nest-boxes must be installed in the mature trees retained in the riparian corridor within both stages 1 and 2.

(15) **Public Open Space Works** - This development consent does not approve the construction of any public open space facilities within any of the future public open spaces areas that may be indicated conceptually on the approved plans. The only exception to this is the approved pedestrian paths and hilltop lookout shelter.

(16) **Crossing Design** - The design of the proposed creek crossing must be to the following specification:

- designed in accordance with Camden Council's engineering specifications and relevant Australian Standards;
- provision made for adequate hand railings;
- constructed of composite materials and may also include steel and concrete. No timber is to be used in the crossing construction; and
- in accordance with a Controlled Activity Approval from the NSW Office of Water.

Details of how the proposed crossing's impacts upon localised hydraulic behaviour, flow conditions, water levels and blockages by debris can be minimised must be submitted with the application for a Construction Certificate.

(17) **Intersection Design** - The intersection of Turner Road with the boulevard road must be configured as sign controlled with the give way sign and markings to be on the Turner Road eastbound approach. A design for this, which shows this configuration and blisters on the Turner Road approach (if required), must be submitted to the Local Traffic Committee for approval.

The intersection north of the proposed bridge must be configured as a roundabout to slow traffic and to provide a physical barrier separating northbound traffic turning right from southbound traffic turning left. A mountable roundabout must be provided in this location in order to accommodate potential future bus services. A design for this must be submitted to the Local Traffic Committee for approval.

Both intersections are to be designed in accordance with AUSTROADS and RTA guidelines.

(18) **Retaining Walls/Bridge Construction** - The development's retaining walls must be constructed of locally sourced rock (sandstone or the like) and formed as a dry stonewall. The finish of the proposed bridge structure across the development's riparian corridor must also have a matching finish to these retaining walls.

(19) **Stage 2 North Western Riparian Area** - The Stage 2 north western riparian area

(proposed lot 401) must be revegetated/rehabilitated to the requirements of the NSW Office of Water in accordance with a Controlled Activity Approval.

Note: This Controlled Activity Approval must be obtained prior to the issue of a Construction Certificate.

- (20) **Amended Lot Sizes** - All proposed Main Street and High Street lots (as identified in Part G, Chapter 10 of Camden Development Control Plan 2006) that exceed the maximum lot size area of 899m² for such lots must be adjusted to have a maximum area of 899m² in accordance with Camden Local Environmental Plan No. 47.

Note: The proposed alignments of the side lot boundaries that adjoin the existing residential properties on Hilltop Avenue to the south must remain unaffected to achieve the requirements of this condition.

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 be limited to):

- Any proposed or existing permanent water bodies showing clear details of the positioning and construction of installed access areas for on going maintenance vehicles.
- Universal access details for all open space areas and public facilities.
- Details of any fencing, bollarding or other means of unauthorised vehicle control and access denial into and within proposed open space areas.
- Details as to how accessibility will be controlled to all open space areas for maintenance and emergency vehicles.
- Detailed planting schedule, which includes species listed by botanical and common names, quantities, installation procedures, planting sizes and the estimated size of the plant at maturity.
- That the proposed landscaping is consistent with the Cultural, Ecological, Heritage and existing amenity of the area. The proposed landscaping must also be consistent and comply with the Consent Authority (i.e. Camden Council) Engineering Specifications, Landscape and Streetscape Elements Manual for Camden and the Manooka Valley DCP.
- The detailed Landscaping Plans must be consistent and mirror the approved Landscaping Concept Plans lodged with the Development Application. Landscaping Plans L01 & L02, Dated 9/11/09, Drawn by HLS P/L Lindy Lean, Landscape Architect, Job No 0908, Issue for DA.

- (2) **Protection for Existing Trees and Other Landscape Features on Site** - The protection of existing trees and other landscape features, other than any existing trees and natural landscape features authorised for removal, pruning, impact upon or disturbance by this Consent, must be carried out as specified in the Australian

Standard AS 4970-2009 Protection of Trees on Development Sites.

All initial procedures for the protection of existing trees and landscape features, as detailed in AS 4970-2009, must be installed prior to the commencement of any earthworks, demolition, excavation or construction works on the Development site.

- (3) **Waterfront Construction Works** - The Construction Certificate will not be issued over any part of the site requiring a NSW Office of Water (NOW) Controlled Activity Approval (CAA) until a copy of the CAA issued by NOW has been provided to the Consent Authority (ie. Camden Council).
- (4) **Civil Engineering Plans** - Indicating drainage, roads, access ways, 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 an 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) **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.
- (6) **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 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.

- (7) **Performance Bond - Prior to the issue of a Construction Certificate** a performance bond of 10% of the value of 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.
- (8) **Design and Construction Standards** - All civil engineering work associated with the development must be carried out strictly in accordance with Camden Council's Engineering Specifications for roadworks drainage and other works associated with subdivisions and other developments.
- (9) **Pavement Design** - 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**.
- (10) **Temporary Turning Head** - A temporary sealed turning head must be provided at the end of all staged roadworks. 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.
- (11) **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 Council (and the Roads and Traffic Authority) **prior to a Construction Certificate being issued**.
- (12) **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 provided to Council.

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.

- (13) **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.
- (14) **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 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.

An overland flow path shall be provided across proposed public land (adjacent to proposed lots 416 and 446). The overland flow shall be conveyed within a kerbed concrete pathway (minimum 2.5 metres wide). The concrete path must be centrally located within this space (subject to detailed design approval by Integral Energy) with the rest of this area to be turfed with Couch grass.

- (15) **Stormwater Disposal** - Stormwater run-off from the whole development must be properly collected and discharged to the Council drainage system. Surface discharge across the footpath to the road gutter is not permitted. Provision must be made to cater for existing stormwater overland flow from adjoining properties.
- (16) **Destination** - Pit lintels must be labelled with permanent stencilled signs to identify the watercourse into which the pit drains.
- (17) **Inter-Allotment Drainage Construction** – Inter-allotment drainage lines minimum 150mm in diameter must be constructed to service all lots that do not grade naturally to the road drainage system in the road fronting the property. The maximum number of lots served by a common drainage line must not be more than (8) eight. Where necessary at any time up to the release of the approved plan of subdivision, Council may require 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.

- (18) **Stormwater Detention** - The capacity of the existing stormwater drainage system must be checked to ensure its capability of accepting the additional run-off from this development. If necessary an on site detention system must be provided to restrict stormwater discharges from the site to pre-development flows. The system is to provide for all storms up to and including the 1% AEP event. Engineering details and supporting calculations must be prepared by a qualified Hydrology Engineer and submitted to the PCA for approval 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 the 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:

- (i) Restriction as to user indicating that the on-site detention basin must be maintained at all times to a level sufficient to ensure efficient operation of the basin, and that the Consent Authority (ie Camden Council) must have the right to enter upon the burdened lot with all necessary materials and equipment at all reasonable times and on reasonable notice (but at any time and without notice in the case of an emergency) to:
 - (a) view the state of repair of the basin;
 - (b) to execute any work required to remedy a breach of the terms of this covenant if the proprietor has not within fourteen (14) days of the date of receipt by the proprietor of written notice from the Council, requiring remedy of a breach of the terms of this covenant, taken steps to remedy the breach and without prejudice to the Council's other remedies the Council may recover as a liquidated debt the cost of such remedial work from the proprietor forthwith upon demand.
- (ii) Restriction as to user indicating that the on-site detention basin must not be altered, or removed in part, or structures erected thereon without the prior consent of Council.

- (19) **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.

(20) **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 the Construction Certificate being issued**. Such report must be prepared by a suitably qualified and experienced Geotechnical Engineer.

(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,

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 Camden Council.

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.

(26) **Bush Fire Safety - Prior to the issue of a Construction Certificate**, the applicant must provide to the Certifying Authority, written confirmation that the development proposal is compliant with all requirements of Planning for Bush Fire Protection 2006.

This written confirmation may be by way of either:

- written advice from the Rural Fire Service that the development is compliant, or
- written advice from an appropriately qualified Bushfire Risk Assessor that the proposed development is compliant.

In any event, the written confirmation must include specific advice that:

- All access roads have sufficient carriageway width.
- Verge widths are sufficient.
- Longitudinal grades are not too great.
- Horizontal geometry provides for appropriate access.
- Turning/manoeuvring is achievable.
- Kerb types are appropriate.
- On street parking (kerbside and indented) is not expected to be problematic for fire fighting vehicles to gain access.
- On street parking restrictions/signage is not expected to be problematic for fire fighting vehicles to gain access.

- Access requirements with regards to perimeter roads has been achieved.
 - The required Asset Protection Zones have been achieved.
 - All requirements of the bushfire safety authority granted by the Rural Fire Service for this development consent have been met.
- (27) **Turner Road Site Frontage Works** – Designs for all proposed frontage works to Turner Road shall include all necessary details for drainage, pavement, kerb and gutter, footpath formation, pathways, service adjustment, landscaping, and any other requirements to make this construction effective.
- (28) **Retaining Walls and Batters** – The proposed retaining wall on the western side of Road No. 9 (chainage 287 to chainage 425) is not approved. A batter shall be provided at this location in accordance with Camden Council's Engineering Specifications.
- (29) **Trangrid/Integral Energy Requirements** - All works proposed within Transgrid and/or Integral Energy's existing transmission line easements that run through this site must be subject to further approval by Transgrid and/or Integral Energy **prior to the issue of a Construction Certificate**.
- (30) **Shelter Design** – The design of the hilltop lookout shelter in stage 2 must include impervious roof materials/design and have no hardwood in its construction. The shelter must be provided with interpretive signage, to include information regarding the heritage values of the adjacent canal, with the wording for this provided by the Sydney Catchment Authority.

Details of this must be submitted to and approved by the Certifying Authority **prior to the issue of a Construction Certificate**.

- (31) **Water Supply** - Water services must be provided to the proposed development. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the website 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**.

- (32) **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 are prohibited.

(33) **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.

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) **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 issue of a Construction Certificate.**

(2) **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

(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: -

- iii) in accordance with the approved plans, and
- iv) 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) **Hoarding and Ancillary Requirements** - The site must be enclosed with a suitable temporary hoarding or security fence of a type approved by the Consent Authority (ie Camden Council). An application must be lodged with and approved by Council prior to the erection of any hoarding or fence.

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.

Note 2 Public thoroughfares must not be obstructed in any manner whatsoever during demolition works.

Note 3 All demolition works must comply with the requirements of AS 2601 - 1991.

- (5) **Information Required by Council Prior to Demolition** - The demolisher shall lodge with Council at least forty-eight (48) hours prior to the commencement of work:

- (i) written notice indicating the date when demolition of the building is to commence;
- (ii) details of name, licence, address and business hours contact number;
- (iii) a copy of the demolishers current public liability/risk insurance policy indicating cover of at least \$20,000,000.

- (6) **Site Security for Demolition Works** - The site shall be secured prior to the commencement of demolition and to the satisfaction of the Council or the Accredited Certifier and in accordance with Clause 78H of the Environment Planning and Assessment (Amendment) Regulation 1998.

- (7) **Notice to Adjoining Owners of Demolition** - The following matters must be satisfied prior to and during demolition:

- (a) the applicant shall give written notice to adjoining land owners and residents seven (7) days prior to the commencement of demolition, advising of commencement date;
- (b) safe access to and from adjoining buildings shall be maintained at all times;
- (c) no demolition activity shall cause damage to or adversely affect the structural

integrity of any adjoining building;

- (d) consideration shall be given to the need for shoring and underpinning, and to changes in soil conditions as a result of the demolition, and appropriate measures implemented;
 - (e) the effects of vibration and concussion on adjoining buildings and their occupants must be minimised;
 - (f) where the surface of an adjoining building is exposed by demolition, the need for weatherproofing the exposed surface shall be investigated and temporary or permanent protection provided as appropriate;
 - (g) the demolition of below ground walls which support the adjoining ground shall not be undertaken until it is established that demolition will not cause the collapse of the adjoining ground, or effective lateral support is provided to prevent collapse.
- (8) **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 works commencing**. If any changes to the proposed designs are required an amended Construction Certificate may be required.
- (9) **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.

4.0 - 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 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 Marks** - Permanent survey co-ordination marks must be placed within the subdivision in accordance with the Surveyors Act and Regulations.
- (3) **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 the Subdivision/Occupation Certificate**.

- (4) **Compaction (Roads)** - All filling on roadways must be compacted at 100% standard compaction and tested in accordance with Camden Council's Engineering Specification and associated guidelines and AS1289 by a NATA registered laboratory.
- (5) **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.
- (6) **Drainage Patterns Not to be Affected** - Filling must be undertaken in accordance with the approved plans and in such a manner that the drainage patterns on adjoining properties are not altered.
- (7) **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 (m³) |
|--|--|---------------------------------------|
| Virgin excavated Natural material | 1 (see note 1) | 1,000 |

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.

- (8) **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.
- (9) **Transport** - All haulage routes for trucks transporting soil, materials, equipment or machinery to and from the site must be selected to provide the most appropriate to and from the site. Applicants shall consult with Council prior to selecting the most suitable transport route. All remediation 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.
- (10) **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.
- (11) **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).

- (12) **Destination of Waste Material** – Demolition materials must be disposed of to an approved land-fill site and where appropriate to an approved recycling outlet.
- (13) **Demolition (WorkCover Licence)** - Persons undertaking demolition work shall be licensed under the Occupational Health and Safety (Demolition Licensing) Regulation 1995. WorkCover issues demolition licences to applicants who successfully undertake the Demolition Supervision Course, and who can demonstrate their ability and experience in the field.
- (14) **Burying of Demolition Materials** - No demolition materials shall be buried on the site, other than with the consent of Council.
- (15) **Vehicles Leaving the Site** - The demolisher shall:
- (i) cause motor lorries leaving the site with demolition material and the like to have their loads covered;
 - (ii) ensure the wheels of vehicles leaving the site do not track soil and other waste material onto the public roads adjoining the site.
- (16) **Removal of Hazardous and/or Intractable Wastes** - Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant Statutory Authorities, and receipts submitted to Council for verification of appropriate disposal.
- (17) **Demolition Australian Standard** - Demolition of buildings shall be carried out in accordance with the requirements of Australian Standard 2601 1991 where applicable.
- (18) **Demolition Access Authorised Persons** - Access to the site shall be restricted to Authorised Persons only and the site shall be secured against unauthorised entry when building work is not in progress or the site is otherwise unoccupied.

A sign shall be erected on the site stating that unauthorised entry is not permitted.

- (19) **Demolition Sign Name of Builder** - A sign shall be displayed on the site indicating the name of the builder or another person responsible for the site and a telephone number of which the builder or other person can be contacted outside normal working hours or when the site is unattended
- (20) **Clear Footpath** - The footpath and roadway must be kept clear at all times and must not be obstructed by any demolition material or vehicle.
- (21) **Demolition (On Site Burning)** - The burning of any demolished material on the site is not permitted. Offenders will be prosecuted under the Environmental Protection Operations Act.

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) **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 issue of a 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.

- (2) **Road Surfacing Bond - Prior to the issue of a 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 (ie 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.

- (3) **Value of Works - Prior to issue of a Subdivision Certificate** the applicant must submit itemised data and value of civil works for the inclusion in Council's Asset Management System. The applicant can obtain a valuation sheet from Council upon request.
- (4) **Lot Numbers and Street Names - Prior to issue of a Subdivision Certificate** lot numbers, house 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 Blue background located on the prolongation of both common boundaries of each lot.

2. Street names:

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

- (5) **Soil Classification** - A geotechnical report must be submitted detailing the classification of soil type generally found within the subdivision. A general classification for each lot within the subdivision must be provided and such classifications must be made by a Geotechnical Engineer in accordance with the provisions of SAA AS 2870 "Residential Slabs and Footings". The classification reports must be submitted to Council **prior to issue of a Subdivision Certificate**.
- (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 a 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 maintenance bond unless a suitable replacement bond is submitted.

- (7) **Works as Executed Plan - Prior to a Subdivision Certificate being issued**, a works-as-executed drawing in both hardcopy and in .dwg format or equivalent acceptable to Council 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.
- (8) **Surveyor's Report - Prior to the issue of a 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.
- (9) **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 the Subdivision Certificate**.
- (10) **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 a Subdivision Certificate the following service authority clearances must be obtained and submitted to the Principal Certifying Authority:

- o A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water Corporation.
 - o A letter from Integral Energy stating that all its requirements and any conditions of this consent have been satisfied.
 - o 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.
- (11) **Show Easements on the Plan of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.
 - (12) **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.
 - (13) **Plot Watercourses** - The developer must chart the natural watercourse on the subdivision.
 - (14) **Plot Piped Watercourse** - The developer must chart the piped natural watercourse on the plan of subdivision.

- (15) **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) 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.
 - (g) Restriction as to user over any lots adjacent to a public reserve stipulating dividing fence type.
 - (h) 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.
 - (i) Restriction as to user creating an easement for support and maintenance 900mm wide adjacent to the "zero" lot line wall.
 - (j) 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.
 - (k) Restriction as to user stating that all proposed works that includes earthworks, imported fill and landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with "Section 6" in the report titled "Salinity Management Plan: Stages 1 and 2, Lot 12 DP 1041381 Manooka Valley Currans Hill NSW, Prepared for Wolin Investments Pty Ltd, Prepared by GeoEnviro Consultancy Pty Ltd, Ref JC06054A-r4, Dated January 2010."
 - (l) Restriction as to user in lots 201-208 (inclusive) that limits the height of dwellings on these lots to single storey.
 - (m) Restriction as to user on all lots prohibiting the use of open fireplaces and slow combustion stoves.

- (n) Restriction as to user on all lots specifying their applicable bush fire attack levels in accordance with the bush fire attack level report required by condition 5-32 of this development consent.
- (16) **Burdened Lots to be Identified** - Any lots subsequently identified during construction of the subdivision as requiring restrictions must also be suitably burdened.
- (17) **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% 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.

- (18) **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:

- i) method of desilting
- ii) method of removal of sediment and gross pollutants
- iii) method of removal of noxious weeds.

Water quality sampling should be undertaken for all relevant water quality parameters contained within the approved “Water Cycle Master 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.

(19) 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.

(20) 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 approved Water Cycle Master Plan and must provide detailed information regarding the following:

- i) vegetation management
- ii) removal of noxious weeds
- iii) replacement of filter medium
- iv) water quality

Sampling - water quality sampling must be undertaken for all relevant Water quality parameters contained within the approved “Water Cycle Master 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.

- (21) **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.

- (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) **Fill Plan** - A separate fill plan on plastic (sepia) film must be submitted to Council **prior to the issue of the Subdivision Certificate**. The fill plan must show allotment boundaries, road reserves and street names only and include details of fill, boundaries, depth of such filling in maximums of 0.5m increments and overall finished contours.

(24) **Flood Line Identification** - The PMF flood line, the 1:100 year flood line (1% AEP) and the 1:20 (5% AEP) flood line must be marked on the plan of subdivision, both in hard copy and electronic versions.

(25) **Section 94 Contributions for Stage 1, Precinct 1 -**

- Pursuant to **Contributions Plan No 20** adopted in October 1996, a contribution must be paid to Council of \$26 per additional lot or dwelling, total \$598, for **Fire and Other Emergency Facilities and Equipment**.

The contribution must be indexed by the Consumer Price Index and be **paid prior to issue of a Subdivision Certificate**.

- Pursuant to Camden Contributions Plan amended July 2004, a contribution must be paid to Council of \$8,307 per additional lot or dwelling, total \$191,061, for **Community & Recreation Facilities**.

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

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

- Pursuant to **Camden Contributions Plan** amended July 2004, a contribution must be paid to Council of \$369 per additional lot or dwelling, total \$8,487, for **s.94 Administration and Management**.

The contribution must be indexed by the methods set out in paragraph 2.4 of the plan and **paid prior to issue of a Subdivision Certificate**.

- Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be made to Council of 112.84m² per additional lot or dwelling, total 2,595.32m², for **s.94 Open Space Land Acquisition**, and 3.68m² per additional lot or dwelling, total 84.64m², for **s.94 Community Land Acquisition**.

The land must be dedicated free of charge in accordance with paragraph 5.1.6 of the plan and clearly identified on the plan of subdivision.

Alternatively, a contribution must be paid to Council of \$15,209 per additional lot or dwelling, total \$349,807.

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

(26) **Section 94 Contributions for Stage 1, Precinct 2 -**

- Pursuant to **Contributions Plan No 20** adopted in October 1996, a contribution must be paid to Council of \$26 per additional lot or dwelling, total \$624, for **Fire and Other Emergency Facilities and Equipment**.

The contribution must be indexed by the Consumer Price Index and be **paid prior to issue of a Subdivision Certificate**.

- Pursuant to Camden Contributions Plan amended July 2004, a contribution must be paid to Council of \$8,307 per additional lot or dwelling, total \$199,368, for **Community & Recreation Facilities**.

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

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

- Pursuant to **Camden Contributions Plan** amended July 2004, a contribution must be paid to Council of \$369 per additional lot or dwelling, total \$8,856, for **s.94 Administration and Management**.

The contribution must be indexed by the methods set out in paragraph 2.4 of the plan and **paid prior to issue of a Subdivision Certificate**.

- Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be made to Council of 112.84m² per additional lot or dwelling, total 2,708.16m², for **s.94 Open Space Land Acquisition**, and 3.68m² per additional lot or dwelling, total 88.32m², for **s.94 Community Land Acquisition**.

The land must be dedicated free of charge in accordance with paragraph 5.1.6 of the plan and clearly identified on the plan of subdivision.

Alternatively, a contribution must be paid to Council of \$15,209 per additional lot or dwelling, total \$365,016.

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

(27) Section 94 Contributions for Stage 1, Precinct 3 -

- Pursuant to **Contributions Plan No 20** adopted in October 1996, a contribution must be paid to Council of \$26 per additional lot or dwelling, total \$494, for **Fire and Other Emergency Facilities and Equipment**.

The contribution must be indexed by the Consumer Price Index and be **paid**

prior to issue of a Subdivision Certificate.

- Pursuant to Camden Contributions Plan amended July 2004, a contribution must be paid to Council of \$8,307 per additional lot or dwelling, total \$157,833, for **Community & Recreation Facilities.**

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

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

- Pursuant to **Camden Contributions Plan** amended July 2004, a contribution must be paid to Council of \$369 per additional lot or dwelling, total \$7,011, for **s.94 Administration and Management.**

The contribution must be indexed by the methods set out in paragraph 2.4 of the plan and **paid prior to issue of a Subdivision Certificate.**

- Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be made to Council of 112.84m² per additional lot or dwelling, total 2,143.96m², for **s.94 Open Space Land Acquisition**, and 3.68m² per additional lot or dwelling, total 69.92m², for **s.94 Community Land Acquisition.**

The land must be dedicated free of charge in accordance with paragraph 5.1.6 of the plan and clearly identified on the plan of subdivision.

Alternatively, a contribution must be paid to Council of \$15,209 per additional lot or dwelling, total \$288,971.

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

(28) Section 94 Contributions for Stage 1, Precinct 4 -

- Pursuant to **Contributions Plan No 20** adopted in October 1996, a contribution must be paid to Council of \$26 per additional lot or dwelling, total \$780, for **Fire and Other Emergency Facilities and Equipment.**

The contribution must be indexed by the Consumer Price Index and be **paid prior to issue of a Subdivision Certificate.**

- Pursuant to Camden Contributions Plan amended July 2004, a contribution must be paid to Council of \$8,307 per additional lot or dwelling, total \$249,210, for **Community & Recreation Facilities.**

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

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

- Pursuant to **Camden Contributions Plan** amended July 2004, a contribution must be paid to Council of \$369 per additional lot or dwelling, total \$11,070, for **s.94 Administration and Management**.

The contribution must be indexed by the methods set out in paragraph 2.4 of the plan and **paid prior to issue of a Subdivision Certificate**.

- Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be made to Council of 112.84m² per additional lot or dwelling, total 3,385.20m², for **s.94 Open Space Land Acquisition**, and 3.68m² per additional lot or dwelling, total 110.40m², for **s.94 Community Land Acquisition**.

The land must be dedicated free of charge in accordance with paragraph 5.1.6 of the plan and clearly identified on the plan of subdivision.

Alternatively, a contribution must be paid to Council of \$15,209 per additional lot or dwelling, total \$456,270.

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

(29) **Section 94 Contributions for Stage 2, Precinct 1 -**

- Pursuant to **Contributions Plan No 20** adopted in October 1996, a contribution must be paid to Council of \$26 per additional lot or dwelling, total \$1,170, for **Fire and Other Emergency Facilities and Equipment**.

The contribution must be indexed by the Consumer Price Index and be **paid prior to issue of a Subdivision Certificate**.

- Pursuant to Camden Contributions Plan amended July 2004, a contribution must be paid to Council of \$8,307 per additional lot or dwelling, total \$373,815, for **Community & Recreation Facilities**.

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

The monetary contribution for Community Facilities, Recreation Facilities and Open Space may be offset by the value of land transferred to Council or by works in kind at the discretion of Camden Council. Such works cannot

commence until an agreement is made with Council pursuant to the Contributions Plan. If such an agreement is to be undertaken, it must be signed **prior to the issue of a Subdivision Certificate.**

- Pursuant to **Camden Contributions Plan** amended July 2004, a contribution must be paid to Council of \$369 per additional lot or dwelling, total \$16,605, for **s.94 Administration and Management.**

The contribution must be indexed by the methods set out in paragraph 2.4 of the plan and **paid prior to issue of a Subdivision Certificate.**

- Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be made to Council of 112.84m² per additional lot or dwelling, total 5,077.8m², for **s.94 Open Space Land Acquisition**, and 3.68m² per additional lot or dwelling, total 165.6m², for **s.94 Community Land Acquisition.**

The land must be dedicated free of charge in accordance with paragraph 5.1.6 of the plan and clearly identified on the plan of subdivision.

Alternatively, a contribution must be paid to Council of \$15,209 per additional lot or dwelling, total \$684,405.

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

(30) **Section 94 Contributions for Stage 2, Precinct 2 -**

- Pursuant to **Contributions Plan No 20** adopted in October 1996, a contribution must be paid to Council of \$26 per additional lot or dwelling, total \$650, for **Fire and Other Emergency Facilities and Equipment.**

The contribution must be indexed by the Consumer Price Index and be **paid prior to issue of a Subdivision Certificate.**

- Pursuant to Camden Contributions Plan amended July 2004, a contribution must be paid to Council of \$8,307 per additional lot or dwelling, total \$207,675, for **Community & Recreation Facilities.**

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

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

- Pursuant to **Camden Contributions Plan** amended July 2004, a contribution must be paid to Council of \$369 per additional lot or dwelling, total \$9,225, for

s.94 Administration and Management.

The contribution must be indexed by the methods set out in paragraph 2.4 of the plan and **paid prior to issue of a Subdivision Certificate.**

- Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be made to Council of 112.84m² per additional lot or dwelling, total 2,821m², for **s.94 Open Space Land Acquisition**, and 3.68m² per additional lot or dwelling, total 92m², for **s.94 Community Land Acquisition.**

The land must be dedicated free of charge in accordance with paragraph 5.1.6 of the plan and clearly identified on the plan of subdivision.

Alternatively, a contribution must be paid to Council of \$15,209 per additional lot or dwelling, total \$380,225.

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

- (31) **Half Width Road Re-Construction - Prior to the issue of any Subdivision Certificate** half width road re-construction is required over the full frontage of the proposed subdivision to Turner Road. The reconstruction shall include the provision of drainage, pavement, kerb and gutter, footpath formation to the boundary, service adjustment, landscaping, and any other ancillary work necessary to make this construction effective.
- (32) **Bushfire Attack Levels - Prior to the issue of a Subdivision Certificate**, a report must be provided to the Certifying Authority detailing the bush fire attack levels for each lot the subject of the Subdivision Certificate. The report must be prepared by an appropriately qualified Bushfire Risk Assessor and certify that the bush fire attack levels for each lot comply with Planning for Bush Fire 2006 and AS 3959.
- (33) **Turner Road Adjoining Works - Prior to the issue of a Subdivision Certificate for Stage 1, Precinct 4**, Turner Road must be re-constructed between Mannix Avenue and Stockman Road. The re-construction works shall incorporate all necessary drainage, pavement, kerb and gutter, footpath formation, pathways, service adjustment, landscaping, and any other requirements of the Road Authority. This work must also include the replacement and upgrade of the existing culvert under this section of road.
- (34) **Provision of Locks to Access Gates and Removable Bollards** - Prior to the issue of the Subdivision Certificate, all gates and removable bollards that provide restricted access to Council reserves and other property shall be fitted with a padlock, which is required to be master keyed to Camden Council's requirements. The supply of the padlocks is at the applicants cost. Enquiries are to be directed to Council's Works and Services Division.

END OF CONDITIONS

RECOMMENDED

That:

- i. Council refer the application to the Department of Planning, seeking the Director General's concurrence to the variation of the LEP 48 design standard pursuant to SEPP 1; and
- ii. on concurrence being granted to the proposed variation, Development Application 1291/2009 for the subdivision of this site into 159 residential lots, 6 superlots and the construction of bulk earthworks, roads, drainage, services, open space, landscaping and the demolition of existing sheds at No 207B (Lot 12, DP 1041381) Turner Road, Currans Hill, be approved subject to the draft development consent conditions shown above.

ATTACHMENTS

1. Location plan
2. Proposed plans (2)



Site Location Map - DA1291-2009.pdf DA1291-2009 - Stage 2 Plan.pdf DA1291-2009 - Stage 1 Plan.pdf

RESOLUTION

Moved Councillor Anderson, Seconded Councillor Dewbery that:

- i. Council refer the application to the Department of Planning, seeking the Director General's concurrence to the variation of the LEP 48 design standard pursuant to SEPP 1; and
- ii. on concurrence being granted to the proposed variation, Development Application 1291/2009 for the subdivision of this site into 159 residential lots, 6 superlots and the construction of bulk earthworks, roads, drainage, services, open space, landscaping and the demolition of existing sheds at No 207B (Lot 12, DP 1041381) Turner Road, Currans Hill, be approved subject to the draft development consent conditions shown above.

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

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

No Councillor voted against the Motion).

ORD243/10

ORDINARY COUNCIL

ORD02

DISPLAY OF TEMPORARY DEVELOPER ESTATE SIGNAGE AT NO 630 (LOT 90, DP 1137298), NO 650 (LOT 91, DP 1137928) AND NO 650A (LOT 92, DP 1137298) CAMDEN VALLEY WAY, GREGORY HILLS

| | |
|--|---|
| FROM: | Director Development and Health |
| FILE NO: | Binder: Development Applications 2010 |
| DA NO: | 934/2010, 955/2010 and 1048/2010 |
| OWNER: | Dart West E P Pty Ltd and Marist Brothers |
| APPLICANT: | Dart West Developments |
| ZONING: | B5 Business Development and 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 three Development Applications (DAs) for the display of temporary developer estate signage. The application is referred to Council in accordance with its delegations as the applications propose non-compliances with Camden Development Control Plan 2006.

SUMMARY OF RECOMMENDATION

It is recommended that Council approve these development applications subject to the draft development consent conditions provided at the end 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 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 Gregory Hills Drive from Camden Valley Way to Campbelltown LGA boundary 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, business and industrial lands. To date this has included the creation of 460 residential lots, exhibition villages, roads, drainage, landscaping and open space, all of which are currently under construction.

The subject DAs were separately received on 27 August 2010, 2 September 2010 and 20 September 2010.

One of the applications was publicly notified (as this is required by State Environmental Planning Policy No 64: Advertising and Signage) between 16 and 30 September 2010. No public submissions were received.

The applications have been assessed and are now able to be referred to Council for determination.

THE SITE

The sites are known as Nos 630 (Lot 90, DP 1137298), 650 (Lot 91, DP 1137298) and 650A (Lot 92, DP 1137298) Camden Valley Way, Gregory Hills. The sites have areas of approximately 45.3ha, 87.9ha and 148.2ha respectively and are located in the Turner Road Precinct of the South West Growth Centre.

The sites are largely vacant and are characterised by gently undulating terrain, scattered trees and farm dams. Parts of the sites have undergone bulk earthworks and road, infrastructure and landscaping construction following previous DA approvals.

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/south-west of the sites are bound by several smaller land holdings that front Turner Road and which also form part of the Turner Road Growth Centre precinct.

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 site location map is provided at the end of the report.**

THE PROPOSAL

The three applications seek development consent for the following development:

- the display of 2 free-standing signs and landscaping at the corner of the future Camden Valley Way and Gregory Hills Drive signalised intersection. These signs are temporary and will only be displayed for a maximum of 3 years or until the private lot on which they are situated is developed, whichever occurs first. The signs and their associated structures will be 7m high and have a display area of

32m². The signs will also be externally illuminated and have landscaping installed around them to soften their visual impact;

- the display of 2 free-standing signs and landscaping at the corner of Camden Valley Way and a future employment land signalised road intersection. These signs are temporary and will only be displayed for a maximum of 3 years or until the private lot on which they are situated is developed, whichever occurs first. The signs and their associated structures will be 6m high and have a display area of 18m². The signs will also be externally illuminated and have landscaping installed around them to soften their visual impact;
- the display of 8 free-standing signs located throughout the Gregory Hills employment lands, exhibition village and residential area as shown on the proposed plans. These signs are temporary and will be removed upon the cessation of the Gregory Hills exhibition village (in approximately 3 years time). The signs will have a maximum height of 3.6m. These signs will be non-illuminated except for one located adjacent to the previously approved Gregory Hills sales and information suite which will be internally illuminated;
- the display of 1 wall sign and 1 window sign located on the front elevation of the previously approved Gregory Hills sales and information suite. These signs are temporary and will be removed upon the cessation of the Gregory Hills exhibition village.

A copy of the proposed plans is provided at the end of this report.

NOTIFICATION

Public notification was only carried out for one of the applications in accordance with State Environmental Planning Policy No 64 between 16 and 30 September 2010. This involved notifying surrounding property owners by letter and placing an advertisement in the local press. No public submissions were received as a result of this.

PLANNING CONTROLS

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

- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- State Environmental Planning Policy No 64: Advertising and Signage
- 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 and R1 General Residential pursuant to the SEPP. The proposed signs 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 the development of residential and employment generating and residential uses in this area.

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

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

Pursuant to Clause 4(1) of the SEPP, the proposed free-standing signs adjacent to Camden Valley Way are considered to be "advertisement" as opposed to a building or business identification sign in that they do not simply identify the site or business thereon but include the advertising of land for sale.

In accordance with Clause 17(1) of the SEPP, the proposed sign to be located on the corner of the future Camden Valley Way and Gregory Hills Drive signalised intersection is Advertised Development as the sign has a display area greater than 20m².

Consequently this application was publicly notified and advertised in the local press with a 14 day notification period being provided. No public submissions were received.

As this proposed sign is also located within 250m of, and is highly visible from a classified road (Camden Valley Way), the application was referred to the Roads and Traffic Authority (RTA) pursuant to Clause 18(2) of the SEPP. The RTA has advised Council that no objections are raised to the proposed sign and has recommended a development consent condition to ensure the safety of passing motorists. This condition restricts the use of flashing lights, moving parts and complex displays in the sign and is provided as a draft development consent condition at the end of this report.

The proposed signs have been assessed against the Schedule 1 assessment criteria of the SEPP. The signs are considered acceptable on the basis that:

- they are deemed compatible with the existing and desired future character of the area, being reflective of traditional developer estate signage and complementary to the marketing and use of these sites;
- the signs will not detract from any special areas such as residential or environmentally sensitive areas;
- the proposed signs are a maximum of 7m high and therefore it is not considered that they will dominate the local skyline or unacceptably detract from views of the area;
- the proposed signs will provide some visual interest to the Camden Valley Way and future Gregory Hills streetscape, are of an appropriate scale and form for this area and will not protrude above future buildings or significant landscape features in the area;

- the signs' scales and proportions are considered acceptable in this context, having regard to their marketing and identification functions, their temporary nature and their location in a transitional area undergoing significant urban development;
- the proposed free-standing signs adjacent to Camden Valley Way will be externally illuminated, however it is not considered that they will cause any unreasonable light spillage or glare subject to the draft development conditions provided at the end of this report; and
- given their proposed locations and designs, it is not considered that the signs will reduce safety for passing pedestrians or motorists, nor will they obscure sight lines at the sites' future intersections with Camden Valley Way.

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

(1)(a)(ii) The provisions of any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority

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

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

The following parts of Camden Development Control Plan 2006 are relevant and the proposal has been assessed against:

Part D, Chapter 4: Outdoor Advertising

The proposed signages' compliance with this DCP chapter is detailed below.

Proposed free-standing signs adjacent to Camden Valley Way (located in the future Gregory Hill employment lands)

- The proposed height of these signs is 7m which exceeds the DCP's maximum of 6m. The signs will exceed the DCP maximum signage area of 5m² as they will have areas of 18m² and 32m². However this is considered acceptable as the of the signage is temporary (being displayed only to identify and market land in the new Gregory Hills suburb). This area is rapidly transitioning from a rural residential character to a highly urbanised environment and it is not considered that the additional signage height and area will have any adverse impacts upon the visual amenity or character of the area in the short term. The landscaping proposed around the signs will help to soften their visual impacts when viewed from Camden Valley Way.
- The DCP restricts these types of signs to have internal illumination only however external illumination has been proposed. In this case it is considered reasonable on the basis that the signs are temporary and the lighting will be designed and controlled to minimise light spillage and glare upon Camden Valley Way and adjacent properties. This design and control will help ensure that passing motorists

and pedestrians are not adversely affected by the proposed lighting.

Proposed free-standing signs (located throughout the Gregory Hills employment lands, exhibition village and residential area)

- The two free-standing signs to be displayed within the Gregory Hills employment lands comply with the DCP's maximum height restriction of 6m with each only being 3.6m high. The signs will exceed the DCP maximum signage area of 5m² as they will each have areas of 8.64m². However this variation is supported as the signs are only temporary and will not detract from the character of the area in the short term given the surrounding land is undergoing significant construction for urban development.
- The display area of the proposed free-standing signs throughout the exhibition village and residential area of the development will exceed the DCP's maximum height requirement of 2m and maximum area requirement of 0.72m². The proposed signs will range in height from 2.1 to 3.6m high.

As noted above, the proposed signage does not comply with the DCP's signage controls for residential areas, however in this circumstance the proposed variations are supported. The signs will be temporary and will be removed upon the cessation of the Gregory Hills exhibition village. Additionally, they will not only provide identification and marketing for the subject land, but also useful directions around the exhibition village and adjacent residential area for new residents and visitors.

- The signs will display more than the operator's business name, telephone number and address which is all that is allowed by the DCP in residential areas. As previously mentioned, the content of the proposed signs which includes directions to the sales and information suite, exhibition village car park and associated opening hours, will be a valuable asset to new residents and visitors.
- Two of the proposed signs will be located within two future public road reserves which is contrary to the DCP's requirement to have all signs wholly located within private property. This variation is supported in this circumstance as the signs will be temporary and can be located so as not to obstruct pedestrian/cycle paths and landscaping within the road reserves. It is however a recommended development consent condition that the developer must provide public liability insurance for the signs prior to their construction. This insurance must stay in place for the operational life of the signs. Similarly, the developer will need to fully maintain the signs and the area around the signs.
- One of the proposed signs will be internally illuminated which is prohibited by the DCP. The illuminated sign will be located adjacent to the previously approved Gregory Hills sales and information suite. The illumination of this sign is supported as it is temporary, is only readily visible from within the exhibition village (where no residents will be living), can be designed and controlled to minimise glare and light spillage (thereby protecting passing motorist and pedestrian safety) and will provide relevant and important identification information to visitors.

The internal illumination of the sign will be particularly useful for visitors when the adjacent Gregory Hills Drive is extended and the site is passed by higher traffic

volumes. Additionally, the illumination will help identify the site at times when seasonal and climatic variations reduce the natural light levels in the surrounding area.

Proposed wall and window signage located on the front elevation of the Gregory Hills sales and information suite)

- The areas of the proposed wall and window signs exceed the DCP's maximum of 1.05m² for exhibition villages. The proposed signs will have areas of approximately 3.92m². This variation is supported as the proposed signage has been designed to fit within and respect the architecture of the previously approved sales and information suite. The signs are acceptable in terms of their scale and proportions in relation to the building frontage and will not visually dominate it when viewed from the adjacent public road reserve. As this signage is only temporary it will not impact upon the visual amenity and residential character of the area in the long term.

Considering all of the above, the proposed signs comply with the relevant objectives, although not the controls of, this DCP chapter.

(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

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

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

All likely impacts of this development have been assessed in other sections of this report.

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

These sites are considered to be suitable for the proposed signs. The zoning of the land provides for such signage and subject to the recommended development consent conditions, the signs will not have any unreasonable environmental impacts upon surrounding properties or the environment. There are no site specific conditions that render this site unsuitable for this development.

(1)(d) Any submissions

Public notification was only carried out for one of the applications in accordance with State Environmental Planning Policy No 64 between 16 and 30 September 2010. This involved notifying surrounding property owners by letter and placing an advertisement in the local press. No public submissions were received as a result of this.

(1)(e) The public interest

The proposed signage is considered to be within the public interest. They will help

facilitate the further residential and employment development of the Gregory Hills release area and have been appropriately designed to respect and fit in with these transitional sites and surrounding area.

The zoning of the land supports the signage and because they are only temporary, they will not have any negative visual impacts upon the surrounding area in the long term.

CONCLUSION

Council has received three DAs for the display of temporary developer estate signage on three sites. One of the applications has been publicly notified with no submissions being received. The applications have also been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

It is considered the proposed temporary signage, although non-compliant with the Camden Development Control Plan 2006, is an appropriate form of signage for a transitional area such as the Turner Road precinct and will provide suitable advertisement and identification to the Gregory Hills release area without undermining the visual amenity of the locality.

It is also considered appropriate that the Camden DCP be reviewed to determine whether an amendment is appropriate to specifically address signage in greenfield developments.

Consequently the developments are able to be recommended to Council for approval, subject to the draft development consent conditions shown below.

DRAFT CONDITIONS OF CONSENT

DA 934/2010

1.0 - General Requirements

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

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

- Statement of environmental effects dated August 2010 by Dart West Developments Pty. Ltd.
- Landscape plans 01, 02 and 03 of 03 dated 25 August 2010 by distinctive.

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 prior approval of Camden Council.

- (2) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia* .
- (3) **Signage Illumination** - The illumination of the proposed signs must comply with AS 4282-1996: Control of Obtrusive Effects of Outdoor Lighting.
- (4) **Light Spillage/Glare** – The approved sign must be installed, operated and maintained so as to minimise light spillage and glare upon surrounding properties and passing pedestrians/motorists on Camden Valley Way.
- (5) **Approved Signage Details** – The approved signs must not have/use:
 - Flashing lights;
 - Electronically changeable messages;
 - Animated display, moving parts or simulated movement;
 - Complex displays that hold a drivers attention beyond ‘glance appreciation;’
 - Displays resembling traffic signs or signals; and
 - A method and level of illumination that distracts or dazzles.
- (6) **Temporary Approval** – This development consent approves the subject free-standing signs to be displayed for a maximum period of 3 years, or until the subject lot approved by Development Consent 985/2009 is further developed, starting from the date of this development consent. At the end of this period the sign and landscaping must be completely removed.

A further development consent is required to display these signs beyond this period. The applicant is advised to lodge a further development application with Council at least 3 months prior to the expiry of this 3 year period.
- (7) **Landscaping Maintenance and Establishment Period** - All landscaping works associated with this development consent are to be established and maintained by the applicant until the signage is removed.
- (8) **Landscaping Installation, Establishment and Maintenance Costs** - The applicant must pay for all costs involved with the landscaping installation, establishment and maintenance works. The costs involved will include, but not limited to, such items as electricity costs and water usage.
- (9) **Signage Location** - The proposed signs must be located so as not to obscure any adjacent traffic signs/signals or sightlines in relation to any adjoining public roads and signalised intersections.

2.0 - Construction Certificate Requirements

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

(1) **Matters for the issue of a Construction Certificate - Prior to the issue of a Construction Certificate**, the following matters are to be provided to and approved by the certifying authority:

- Structural Engineers details which include:
 1. Foundation/footing design.
 2. Certification of structural elements.
 3. Bracing and tie down requirements.

Note: A design statement shall be included which certifies that the structure complies with the provisions of Part B of the Building Code of Australia and all applicable Australian Standards.

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) **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.
- (2) **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.

4.0 - During Construction

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

- (1) **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.

5.0 - Prior To Issue Of Occupation Certificate

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

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

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

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

6.0 - Operational Conditions

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

- (1) **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.
- (2) **Maintenance** - The subject signs must be maintained in good order at all times. The approved design, colour scheme and wording of the signs must not be altered without the prior written approval of Camden Council.
- (3) **Sign Dimensions and Location** - The approved signs shall be dimensioned and located as detailed on the approved plans.
- (4) **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.

DA955/2010

1.0 - General Requirements

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

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

- Statement of environmental effects dated August 2010 by Dart West Developments Pty. Ltd.
- Landscape plans 01, 02 and 03 of 03 dated 25 August 2010 by distinctive.

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 prior approval of Camden Council.

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

(3) **Signage Illumination** - The illumination of the proposed signs must comply with AS 4282-1996: Control of Obtrusive Effects of Outdoor Lighting.

(4) **Light Spillage/Glare** – The approved sign must be installed, operated and maintained so as to minimise light spillage and glare upon surrounding properties and passing pedestrians/motorists on Camden Valley Way.

(5) **Roads and Traffic Authority Requirements** – The approved signs must not have/use:

- Flashing lights;
- Electronically changeable messages;
- Animated display, moving parts or simulated movement;
- Complex displays that hold a drivers attention beyond 'glance appreciation;'
- Displays resembling traffic signs or signals; and
- A method and level of illumination that distracts or dazzles.

(6) **Temporary Approval** – This development consent approves the subject free-standing signs to be displayed for a maximum period of 3 years, or until the subject lot approved by Development Consent 985/2009 is further developed, starting from the date of this development consent. At the end of this period the sign and landscaping must be completely removed.

A further development consent is required to display these signs beyond this period. The applicant is advised to lodge a further development application with Council at least 3 months prior to the expiry of this 3 year period.

(7) **Landscaping Maintenance and Establishment Period** - All landscaping works associated with this development consent are to be established and maintained by the applicant until the signage is removed.

- (8) **Landscaping Installation, Establishment and Maintenance Costs** - The applicant must pay for all costs involved with the landscaping installation, establishment and maintenance works. The costs involved will include, but not limited to, such items as electricity costs and water usage.
- (9) **Signage Location** - The proposed signs must be located so as not to obscure any adjacent traffic signs/signals or sightlines in relation to any adjoining public roads and signalised intersections.
- (10) **Other Signage Approval** - These signs may only be displayed on the basis that a previously approved temporary sign (approved by Development Consent 892/2009) in this location is not displayed at the same time as detailed in the statement of environmental effects dated August 2010 by Dart West Developments Pty. Ltd.

2.0 - Construction Certificate Requirements

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

- (1) **Matters for the issue of a Construction Certificate - Prior to the issue of a Construction Certificate**, the following matters are to be provided to and approved by the certifying authority:

- Structural Engineers details which include:
 1. Foundation/footing design.
 2. Certification of structural elements.
 3. Bracing and tie down requirements.

Note: A design statement shall be included which certifies that the structure complies with the provisions of Part B of the Building Code of Australia and all applicable Australian Standards.

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) **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.
- (2) **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.

4.0 - During Construction

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

(1) **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.

5.0 - Prior To Issue Of Occupation Certificate

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

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

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

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

6.0 - Operational Conditions

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

(1) **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.

- (2) **Maintenance** - The subject signs must be maintained in good order at all times. The approved design, colour scheme and wording of the signs must not be altered without the prior written approval of Camden Council.
- (3) **Sign Dimensions and Location** - The approved signs shall be dimensioned and located as detailed on the approved plans.
- (4) **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.
- (5) **Bond for Repairs** - A bond needs to be provided to Council for the cost of repairs done in the public road reserve when signs there are removed. This bond shall be to the value of 125% of the estimated cost of the work.

DA 1048/2010

1.0 - General Requirements

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

- (1) **Approved Plans** – The development must be carried out strictly in accordance with the following approved plans or other documentation:
 - Statement of environmental effects dated September 2010 by Dart West Developments Pty. Ltd.

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 prior approval of Camden Council.

- (2) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia* .
- (3) **Temporary Approval** – This development consent approves the subject free-standing signs to be displayed until the Gregroy Hills sales and marketing suite (approved by Development Consent 757/2009) and exhibition village (approved by Development Consents 81/2009 and 140/2010) has ceased operation. At the end of this period all of the signs must be completely removed.

A further development consent is required to display these signs beyond this period. The applicant is advised to lodge a further development application with Council at least 3 months prior to the expiry of this 3 year period.

- (4) **Signage Location** - All signs proposed to be located within public road reserves must be located so as not to obscure or interfere with sightlines, traffic signals, pedestrian/cycle paths and or any traffic signs or signals.
- (5) **Signage Illumination** – The proposed illumination of sign 6 must comply with AS 4282-1996: Control of Obtrusive Effects of Outdoor Lighting.

2.0 - Construction Certificate Requirements

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

- (1) **Matters for the issue of a Construction Certificate - Prior to the issue of a Construction Certificate**, the following matters are to be provided to and approved by the certifying authority:

- Structural Engineers details which include:
 1. Foundation/footing design.
 2. Certification of structural elements.
 3. Bracing and tie down requirements.

Note: A design statement shall be included which certifies that the structure complies with the provisions of Part B of the Building Code of Australia and all applicable Australian Standards.

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) **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.
- (2) **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.
- (3) **Signs within Public Road Reserves** – Prior to the construction of the two approved signs to be located within future public road reserves, the applicant must provide public liability insurance to the value of \$20 million, and a copy provided to Council with Camden Council named an interested party. This insurance must

remain in place whilst these signs remain within public road reserves.

4.0 - During Construction

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

(1) **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.

5.0 - Prior To Issue Of Occupation Certificate

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

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

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

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

6.0 - Operational Conditions

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

(1) **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.

- (2) **Maintenance** - The subject signs must be maintained in good order at all times. The approved design, colour scheme and wording of the signs must not be altered without the prior written approval of Camden Council.
- (3) **Sign Dimensions and Location** - The approved signs shall be dimensioned and located as detailed on the approved plans.

END OF CONDITIONS

RECOMMENDED

That Council:

- (i) approve Development Application 934/2010 for the display of temporary developer estate signage at 630 (Lot 90, DP 1137928) Camden Valley Way, Gregory Hills subject to the draft development consent conditions shown above;
- (ii) approve Development Application 955/2010 for the display of temporary developer estate signage at 630 (Lot 90, DP 1137928) Camden Valley Way, Gregory Hills subject to the draft development consent conditions shown above;
- (iii) approve Development Application 1048/2010 for the display of temporary developer estate signage at 630 (Lot 90, DP 1137928), 650 (Lot 91, DP 1137928) and 650A (Lot 92, DP 1137928) Camden Valley Way, Gregory Hills subject to the draft development consent conditions shown above; and
- (iv) proceed with a review of the Camden DCP in regard to signage in greenfield development areas.

ATTACHMENTS

1. Location map
2. Proposed plans (4)



Sales building signs.pdf



Location of signage plan - Gregory Hills.pdf



Site location map - Temporary developer signage DAs.pdf



Camden Valley Way Sign 2 elevation.pdf



Camden Valley Way Sign 1 elevation.pdf

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Symkowiak that Council:

- i. approve Development Application 934/2010 for the display of temporary developer estate signage at 630 (Lot 90, DP 1137928) Camden Valley Way, Gregory Hills subject to the draft development consent conditions shown above;
- ii. approve Development Application 955/2010 for the display of temporary developer estate signage at 630 (Lot 90, DP 1137928) Camden Valley Way, Gregory Hills subject to the draft development consent conditions shown above;
- iii. approve Development Application 1048/2010 for the display of temporary developer estate signage at 630 (Lot 90, DP 1137928), 650 (Lot 91, DP 1137928) and 650A (Lot 92, DP 1137928) Camden Valley Way, Gregory Hills subject to the draft development consent conditions shown above; and (iv) proceed with a review of the Camden DCP in regard to signage in greenfield development areas.

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

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

No Councillor voted against the Motion).

ORD244/10

ORDINARY COUNCIL

ORD03

REPLACEMENT OF EXISTING FREESTANDING PYLON SIGN, NO 241 (LOT 14 DP 829147) WATERWORTH DRIVE, MOUNT ANNAN

| | |
|--|---|
| FROM: | Director Development and Health |
| FILE NO: | Binder: Development Applications 2010 |
| DA NO: | 1141/2010 |
| OWNER: | Mr R A Fortune c/- Shell Retail Property |
| APPLICANT: | Shell Company of Australia Ltd |
| ZONING: | B2 Local Centre |
| APPLICABLE PLANNING INSTRUMENT: | Camden Local Environmental Plan 2010 State Environmental Planning Policy No 64 - Advertising and Signage |

PURPOSE OF REPORT

The purpose of this report is to seek a determination from Council of a Development Application (DA) submitted on 7 October 2010 seeking approval for the display of a replacement outdoor advertising sign. The application is referred to Council in accordance with its delegations as the proposal includes a variation to the controls contained in Camden Development Control Plan 2006 (the DCP)

SUMMARY OF RECOMMENDATION

It is recommended that DA 1141/2010 for a replacement pylon sign at 241 Waterworth Drive, Mount Annan be approved, subject to the draft conditions provided with this report.

BACKGROUND

Approval for the use of the site as a service station was granted by Council in 1994. Since then a number of applications have been approved by Council for various upgrades of the station and the addition of a car wash to the property.

Most recently, in October 2009, DA 1169/2008 was granted consent for alterations and additions to the Shell service station including replacement of underground fuel tanks, installation of new fuel pumps, refurbishment of the concrete forecourt, extension of the existing canopy/awning and new signage to the canopy/awning.

THE SITE

The subject site is known as 241 Waterworth Drive, Mount Annan and is located on the corner of Waterworth Drive and Main Street. The site comprises a Shell service station with access off both roads. **A location plan is provided at the end of this report.**

The site is bounded on three sides by Waterworth Drive and Main Street, and a McDonalds store adjoins the site to the north. The surrounding area comprises a mix of retail, restaurant/takeaway and service uses including Mount Annan Marketplace, Aldi supermarket, McDonalds, KFC and Red Rooster.

An existing pylon sign is located on the eastern boundary of the site, adjacent to Waterworth Drive.

THE PROPOSAL

Development consent is sought to replace the existing pylon sign with a new pylon sign. The existing pylon sign measures 8.3m high x 1.9m wide and is internally illuminated.

The replacement pylon sign measures 7.4m high x 2.0m wide and is also proposed to be internally illuminated. It is also proposed to include red LED numbers on a black background to indicate pricing. The proposed sign is to be in the same location as the existing. **A copy of the proposal is provided at the end of the report.**

NOTIFICATION

In accordance with Part C, Chapter 2 Clause 3 of the DCP, the application is not required to be notified to adjoining land owners or advertised.

PLANNING CONTROLS

- State Environmental Planning Policy No. 64: Advertising and Signage
- Camden Local Environmental Plan 2010
- Camden Development Control Plan 2006

ASSESSMENT

The 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

Camden Local Environmental Plan 2010 (the LEP)

Pursuant to the LEP the site is zoned B2 Local Centre. Advertisements are permissible with development consent in this zone.

Regard has been given to the objectives of the zone and the proposal is considered to comply with the LEP.

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

For the purposes of the SEPP, the sign is defined as a '*business identification sign*' in accordance with the definitions.

Clause 23 Freestanding Advertisements

The proposed sign would not protrude above the dominant skyline and is in fact lower than the existing sign which it is to replace. The sign is therefore considered to be in accordance with Clause 23 of the SEPP.

Schedule 1 – Assessment Criteria

An assessment of the proposal against the criteria outlined in the SEPP is provided below.

1. Character of the Area

The proposed sign is compatible with the surrounding commercial area, being a sign of an appropriate scale and design that will identify the business on site. The sign is also consistent with other signage prevalent in Mount Annan.

2. Special Areas

The sign will not detract from the amenity or visual quality of any environmentally sensitive areas, heritage or conservation areas, rural landscapes and residential or open spaces.

3. Views and Vistas

The sign is lower than the existing sign and would not dominate or detract from the skyline or important views into, out of, or through the area.

4. Streetscape, Setting or Landscape

The sign is of an appropriate size and scale when considered in the context of the streetscape and is considered acceptable in the setting of the Mount Annan local centre. It is not considered to dominate any important surrounding features and its simple design would minimise visual clutter.

The proposed sign would not protrude above buildings, structures or tree canopies in the locality.

5. Site and Building

The site has a generous frontage to Waterworth Drive, and when considered in its context, the size and scale of the proposed sign would be in proportion with the elevation. The sign would appear subservient to the buildings on site and would not obscure any architectural features.

6. Associated Devices and Logos with Advertisements and Advertising Structures

The advertising structure comprises a 600mm base which has been well designed to integrate with the proposed signage.

7. Illumination

The proposed illumination of the sign would not result in unacceptable glare or affect the safety of pedestrians or vehicles. Given the signs' location in a local centre, there would be no impacts on residential accommodation.

8. Safety

Due to the location of the sign and the limited illumination, the proposal is not considered to generate safety implications for vehicles, pedestrians or cyclists.

(1)(a)(ii) The provisions of any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority

There are no draft instruments relevant to the proposed development.

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

Camden Development Control Plan 2006 (the DCP)

Part D, Chapter 4: Outdoor Advertising

The proposed sign is defined as a business identification sign by the DCP and the type of sign is defined by the DCP as a pylon sign. It is considered that the proposed advertising sign is consistent with the general standards contained in Clause 5 and conforms to the objectives for Service Stations contained in Clause 7.3 – Service Stations.

The application proposes a variation to the maximum height of pylon signs stipulated by Clause 7.3 of the DCP. Clause 7.3 states a maximum height limit of 6m above ground level. The proposed pylon sign is 7.37m above ground level, exceeding the control by 1.37m. Although this is quite a significant variation, it is important to note that the existing sign measures 8.3m above ground level, therefore the replacement sign would actually be of lesser impact. It is considered the pylon sign would not appear dominant or excessive in the context of the site and its surroundings. The variation is therefore considered acceptable on this basis.

Considered as a new sign and setting aside the existing signage, it is considered that the proposed sign is compliant with the objectives of Clause 7.3. It would not be visually prominent in the streetscape or be out of character with the area, would not result in visual clutter, and would not adversely affect the safety of motorists and other road users. Consequently the proposed variation is able to be supported.

(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

It is not considered the proposed replacement sign would give rise to any significant impacts. The sign is smaller than the existing sign and would improve the overall appearance of the site. The sign would not be out of character with the area and would not be visually prominent in the streetscape.

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

The site is considered to be suitable for this development. The proposal is to replace an existing sign in the same location and would not result in any negative visual impacts on the site or the surrounding streetscape. The proposal is considered an appropriate form of signage that is reflective of similar existing signage throughout Mount Annan and is common to service stations. There are no site specific reasons why this property would be unsuitable for the proposed development.

(1)(d) Any submissions

As stated earlier in this report, notification of the application was not required under the DCP.

(1)(e) The public interest

The proposed signage is not considered contrary to the public interest as it would not give rise to any detrimental impacts and would improve the overall appearance of the site.

CONCLUSION

Development consent is sought for the erection of a pylon sign to replace an existing pylon sign on the eastern boundary of a service station located at 241 Waterworth Drive, Mount Annan.

The application has been assessed against Section 79C of the Environmental Planning and Assessment Act 1979, the LEP, the SEPP and the DCP. It is in accordance with the legislation and generally in accordance with the DCP. The design and siting of the sign would have no significant visual impacts on the site or the streetscape and is consistent with the character of the area.

The proposal is therefore recommended to Council for approval subject to the draft conditions provided below.

DRAFT CONDITIONS OF CONSENT

1.0 - General Requirements

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

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

- DA01 Rev A, dated 27.08.2010, prepared by Meinhardt.

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

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

- (2) **Building Code Of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia* .
- (3) The approved pylon sign is not to be erected until the pylon sign on the eastern boundary is removed.

2.0 - Construction Certificate Requirements

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

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

3.0 - Prior To Works Commencing

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

- (1) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia* . Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (2) **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) **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, 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 \$1,500 for a corporation maybe issued by Camden Council.

- (6) **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

4.0 - During Construction

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

- (1) **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.

(2) **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.

(3) **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.

5.0 - Prior To Issue Of Occupation Certificate

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

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

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

upon in issuing the certificate.

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

6.0 - Operational Conditions

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

- (1) **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.
- (2) **Maintenance** - The subject signs must be maintained in good order at all times. The approved design, colour scheme and wording of the signs must not be altered without the prior written approval of Camden Council.
- (3) **Sign Dimensions and Location** - The approved signs shall be dimensioned and located as indicated on the approved plans.
- (4) **Flashing or Revolving Lights** - Flashing or revolving lights must not be used to attract customers.
- (5) **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.
- (6) **Inflatable Balloons** - The use of inflatable balloons for advertising purposes must not be erected without prior development consent. In any case the use of such balloons will only be permitted for promotional purposes for a limited duration.
- (7) **Bunting** - Bunting must not be used to attract customers.

END OF CONDITIONS

RECOMMENDED

That Development Application 1141/2010 for the erection of a pylon sign at 241 Waterworth Drive, Mount Annan, be granted consent subject to the draft conditions shown above.

ATTACHMENTS

1. Location plan
2. Signage plan



Location Plan.pdf Signage Plan.PDF

RESOLUTION

Moved Councillor Anderson, Seconded Councillor Warren that Development Application 1141/2010 for the erection of a pylon sign at 241 Waterworth Drive, Mount Annan, be granted consent subject to the draft conditions shown above.

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

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

No Councillor voted against the Motion).

ORD245/10

ORDINARY COUNCIL

ORD04

SUBJECT: PROPOSED ROAD NAMING - HARRINGTON GROVE
FROM: Director Development and Health
FILE NO: Binder: Naming of Roads

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement of a proposed list of street names to be assigned to new roads within the Harrington Grove release area and to resolve to continue with the new road naming process required by the Geographical Names Board (GNB).

BACKGROUND

The Harrington Grove release area consists of two parts. The first part is bounded to the north by Cobbitty Road, Cobbitty, to the south by Narellan Creek, to the east by The Northern Road and to the west by The Lanes and Kirkham estates.

The second part is bounded to the west by The Northern Road, to the east by Camden Valley Way, to the north by Cobbitty Road, Oran Park and to the south by the suburb of Harrington Park.

A location plan is provided at the end of the report.

The developer of Harrington Grove originally advised Council of its desire to use ecological names which were in keeping with the theme of natural environmental outcomes intended as part of the Harrington Grove development.

Council officers considered this would conflict with the guidelines developed by the GNB as an Australian flora theme exists within Mount Annan. A list of alternative themes was provided to the developer which related to Australian heritage and culture.

From the list of options, the developers chose a bushranger theme. Subsequently, a list of names was prepared by the developer using this theme. This list has been considered by Council officers in accordance with the GNB guidelines and that authority has raised no objection to the proposed list.

The list, reviewed by Council officers, has been referred to the GNB and it has raised no objection to the proposed list of names.

MAIN REPORT

The GNB has advised Council that the following process is required to be followed by the relevant roads authority in respect of having new road names approved. In this instance, Council is the roads authority:

- 1 The developer of the land provides to Council, a list of proposed road names.
- 2 These are checked by Council staff in accordance with the Guidelines published by the GNB.
- 3 The names that meet the guidelines are referred to the GNB for comment.
- 4 A report is sent to Council by Council officers, seeking endorsement of the list of names that are able to be approved by the GNB.
- 5 The endorsed list is published in a proposal notice in a local newspaper, ensuring that the notice states that written submissions on the name may be made to Council.
- 6 Council concurrently serves notice of its proposal on Australia Post, the Registrar General, Surveyor General and, in the case of a classified road, on the RTA if it is not the authority involved.
- 7 All submissions are compiled and the list of road names is reviewed by officers.
- 8 The results of the notification period are reported back to Council, with any recommendation for approval.
- 9 The approved names are published in the NSW Government Gazette and in local newspapers.
- 10 Council informs Australia Post, the Registrar General, Surveyor General and the RTA, giving sufficient particulars to enable the road to be identified.

Steps 1 to 3 of this process have been undertaken and this report has now been prepared in accordance with Step 4.

The proposed list of new road names to be used in the Harrington Grove release area, for which endorsement is sought is as follows:

| | |
|-------------|------------|
| ABERCROMBIE | JENOLAN |
| ATTERAL | JERILDERIE |
| BEECHWORTH | KATE |
| BENALLA | KEYS |
| BIGGA | LAGGAN |
| BINDA | LONGARM |
| BOBIN | LONIGAN |
| BOGONG | LOWRY |
| BOW | MAWBHEY |
| BREZA | MIDNITE |
| BRYANT | MOONLITE |
| BUGG | O'MEALLY |
| CAMERON | OURA |
| CAESAR | PAID |
| CASH | PEOSLEY |

| | |
|-------------|--------------|
| CASTLEMAINE | PENTRIDGE |
| CHAMBERLAIN | PIGEON |
| COGRINGTON | RAMMER |
| COLLECTOR | REDFORD |
| COLT | REVINGSTONE |
| COMERFORD | RIBBON |
| CROKWELL | ROGAN |
| CUMMINS | RUTHERFORD |
| DALEY | SCANLON |
| DALTON | SHEERIT |
| DARGIN | SORELL |
| DONAHUE | STARLIGHT |
| DOOLAN | STAINGYBARK |
| DOUGLAS | TENTERFIELD |
| EGERTON | THUNDERBOLT |
| ELLEN | UNDERWOOD |
| ENTWISTLE | URALLA |
| EUGOWRA | VANE |
| EUROA | WANTABADGERY |
| FLINTOCK | WELLINGTON |
| FOLEY | WERNICKE |
| FULLER | WESTWOOD |
| GOVERNOR | WHITTEN |
| GRETA | WINGHAM |
| HALL | WOLLOO |
| HART | YELLILONG |
| HAWTHORNE | YOUNGHUSBAND |
| HUGHES | |

If Council endorses the above list of proposed new road names, the list will be published in a local newspaper and written submissions to Council will be invited for a period of 30 days and the outcome reported to Council.

CONCLUSION

A request has been received by Council to adopt a list of names to be used for new roads in the Harrington Grove release area.

If the list is endorsed, a 30 day submission period will be commenced and a further report provided to Council on the results of the exhibition.

The proposed list of road names has been considered by Council officers and the GNB and is now able to be recommended to Council for endorsement and resolution to proceed with the required road name approval process detailed in this report.

RECOMMENDED

That Council:

- i. endorse the proposed list of new road names within this report, for use in the**

Harrington Grove release area;

- ii. resolve to proceed with the new road naming process detailed in this report;
and**
- iii. be provided with a further report detailing the results of the 30 day public
exhibition period.**

ATTACHMENTS

1. Location plan



Site Location Map - Harrington Grove.pdf

RESOLUTION

Moved Councillor Dewbery, Seconded Councillor Campbell that Council:

- i. endorse the proposed list of new road names within this report, for use in the Harrington Grove release area;
- ii. resolve to proceed with the new road naming process detailed in this report; and
- iii. be provided with a further report detailing the results of the 30 day public exhibition period.

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

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

No Councillor voted against the Motion).

ORD246/10

ORDINARY COUNCIL

ORD05

SUBJECT: COUNCIL SEAL - EASEMENT FOR ELECTRICITY - LOT 229 DP803021
AND LOT 162 DP800254 GUNDUNGURRA RESERVE
FROM: Director Governance
FILE NO:

PURPOSE OF REPORT

To obtain a Council resolution to affix the Council Seal to a Section 88B Instrument and Linen Plan depicting the location of an easement on Council land.

MAIN REPORT

Council is the owner of Lot 229 DP803021 and Lot 162 DP800254, namely Gundungurra Reserve, located off Richardson Road, Narellan.

The lot currently has an easement registered over a portion of the land for overhead electricity lines.

The developer of adjacent existing and future subdivision lands in Spring Farm, Lean & Hayward, has requested that the overland electricity lines be relocated underground. Whilst the underground lines are to be located within the existing easement, the easement needs to be enlarged to allow for the underground facilities.

Lean & Hayward have agreed to complete rehabilitation works to the site after construction has been completed. These works include refilling the excavated area with soil and seeding with appropriate native plant species, as well as the placement of bushrock, primarily to protect the population of *Pimelea spicata* located adjacent to the area.

Lean & Hayward will also be responsible for payment of all associated costs, including legal and lodgement fees.

The relocation of the overhead transmission lines to an underground easement will result in an increase to the value of the land and as such, no monetary compensation to Council is being sought.

Council staff have investigated the matter and have no objection to the relocation of the easement.

This is a procedural requirement in order to obtain authorisation to affix the Council Seal to the necessary Linen Plan and Section 88B instrument to allow the registration at the Land and Property Information Division.

RECOMMENDED

That the Council Seal be affixed to the Linen Plan, Section 88B Instrument and any other relevant documentation for the easement located at Lot 229 DP803021 and Lot 162 DP800254 Richardson Road, Narellan.

RESOLUTION

Moved Councillor Warren, Seconded Councillor Anderson that the Council Seal be affixed to the Linen Plan, Section 88B Instrument and any other relevant documentation for the easement located at Lot 229 DP803021 and Lot 162 DP800254 Richardson Road, Narellan.

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

ORD247/10

ORDINARY COUNCIL

ORD06

SUBJECT: LEGAL SERVICES TENDER - 2010/14 - APPOINTMENT OF SOLICITORS
FROM: Director Governance
FILE NO: Legal Services Tender

PURPOSE OF REPORT

The purpose of this report is for Council to determine the appointment of a Legal Services Panel for the period 2010-2014.

BACKGROUND

Council's current contract for legal services expires in November 2010. In preparation for this expiry date, Council issued a tender for the provision of legal services to it for the period November 2010 to November 2014 with an option for a further 2 years. The tender was advertised in the local media on 8 and 22 September 2010 and the Sydney Morning Herald on 7 September 2010. The tender closed on Friday 1 October 2010 at 12 noon.

MAIN REPORT

During the tender advertising period, twenty three (23) responses were fielded and tender documents were issued to those law firms. At the closing date of the tender, Council had received fifteen (15) valid tenders.

Tenders were received from:

- **Matthews Folbigg** - Parramatta
- **Gadens Lawyers** - Sydney
- **Shaw Reynolds Bowen & Gerathy** - Sydney
- **Storey & Gough** - Parramatta
- **Planning Law Solutions Pty Ltd** - Narellan
- **Lindsay Taylor Lawyers** - Sydney
- **Maddocks** - Sydney
- **Caldwell Martin and Cox** - Camden
- **Hones Lahood** - North Sydney
- **Ritchie & Castellan** - Baulkham Hills
- **Bartier Perry** - Sydney
- **Sparke Helmore** - Sydney
- **Houston Dearne O'Connor** - Burwood
- **Pikes Lawyers** - Sydney
- **Hunt & Hunt** - Sydney

Consideration of Tenders

A detailed review of the tenders was conducted by Council staff with the information collated into a spreadsheet cataloguing all aspects of the assessment criteria.

As outlined in the tender document, the tenders were assessed on the following criteria:

- technical capability;
- capacity to handle volume;
- public sector understanding;
- client service focus;
- competitive pricing;
- added value; and
- compliance with terms of tender.

Tenderers were also required to complete several preformatted attachments in order to assist the assessment process incorporating the above criteria:

- Experience (history of firm, structure of firm, experience in various areas of law, experience in working with Local Government authorities and details of significant cases);
- Nominated Staff – staff who will undertake the work – names, experience, qualifications, etc;
- Value added – Details of any value added services able to be provided to Council such as newsletters, staff workshops;
- Other matters – to cover miscellaneous Items as listed in the Selection Criteria and as deemed appropriate;
- Conflict of Interest – statement as to how the firm will deal with any potential conflict of interest;
- Pricing Schedule – hourly rates for all solicitors and staff;
- Nomination of type of legal services tendered.

Tender Evaluation

The aim of the evaluation process is to assess the capability of the tenderers to perform all required legal services covering a wide range of complex Local Government issues, provide value added services to Council and to make a recommendation on the make up of the legal services panel.

An internal assessment panel was established to consider in further detail all fifteen (15) tenders received. The tenders were assessed on the information provided in the tenders as well as the information provided in Annexure A & B. Using this information and the criteria outlined above, the assessment panel evaluated each of the tenders.

The tenders complied with all aspects of the Request for Tender document. The standard of tenders was considered high and came from large national firms and sole practitioners. As a result, the range of legal services proposed varied significantly.

Most of the legal firms tendering have sufficient experience and capability to offer adequate legal services to Council with the majority of the firms having partners and

senior solicitors with a wealth of experience in acting for Councils and appearing in most Courts on behalf of their client Councils. In comparison to previous legal service tenders, it appears many firms are now expanding their range of legal services available to Councils.

Most tenders undertook to provide a broad array of value added services, such as regular legal bulletins, newsletters/updates and to offer workshops to staff and Councillors on any number of current Local Government issues as they occur. The tenders were able to demonstrate an ability to handle the estimated volume of Council's legal work. Most firms also have a process in place to readily identify any conflict of interest in acting for Council in a particular matter, with actions to address such conflict.

The pricing schedule submitted by tenderers identified a varied range of hourly rates with a high in the vicinity of \$600 per hour to a low of \$250 per hour. While the hourly rates have a significant impact on the determination of the composition of the legal panel, it is pointed out, other non-price elements of the submissions such as those identified in Attachment 1 and 2 also have a major bearing on the appointment.

In assessing the tenders, the assessment panel not only took into account the overall performance of the current legal panel over the past 4 year period but also considered Council's future legal service requirements.

The assessment panel were unanimous in that Council should retain the flexibility to select from a panel of legal firms in order to engage the most appropriate firm depending on the particular issue and level of complexity.

The current panel has provided Council with sound advice and representation during the contract period.

After consideration of all Council's future needs, the necessity to maintain the ability to engage a firm to match the particular issue and the tenders received, it is recommended the following firms be appointed:

- Shaw Reynolds Bowen and Gerathy;
- Caldwell Martin Cox;
- Lindsay Taylor Lawyers;
- Gadens Lawyers.

Shaw Reynold Bowen and Gerathy provide specialised development, environment and land management expertise.

Local firm, Caldwell Martin Cox, provide specialised property and commercial advice as well as general local government legislation advice.

Lindsay Taylor Lawyers provides expertise in development, developer contributions legislation and practice as well as general local government legislation advice.

Gadens Lawyers provide specialist advice and representation on more complex industrial relations and employment matters.

As previously mentioned, this legal services contract will extend four (4) years to 2014

with a two (2) year extension option. It is considered appropriate to allow a two (2) year extension option as this provides Council with a cost-effective way of extending the arrangements, subject to satisfactory performance of the tenderers. This approach accords with general industry practice and aligns this contract with the external audit contract which extends to six (6) years.

Towards the end of the four (4) year period a report will be prepared for Council's consideration making recommendations about this two (2) year extension option. Consideration will be given to whether each of the tenderers have satisfactorily fulfilled their obligations during the four (4) year period.

The recommended appointment of these legal firms to Council's panel is partly based on the current composition and structure of the firm and the experience and local government knowledge of specifically nominated partners and senior solicitors. Should particular personnel within the firm change during the term of the contract, Council will reserve the right to reassess the appointment of the particular firm and the continuation of that firm on the legal panel. This matter will be included in the letter of appointment.

CONCLUSION

In conclusion, with the tender panel assessing and evaluating all tenders submitted and after the consideration of all Council's future needs it is recommended to appoint the following firms:

Shaw Renolds Bowen and Gerathy,
Caldwell Martin and Cox,
Lindsay Taylor Lawyers and
Gadens Lawyers

for the period of November 2010 to November 2014 (4 years) with an option for a further two (2) year period.

RECOMMENDED

That:

i. Council appoint the following firms to provide legal services to Council for the period November 2010 to November 2014 (4 years) with an option for a further 2 year period:

- **Shaw Reynolds Bowen and Gerathy;**
- **Caldwell Martin Cox;**
- **Lindsay Taylor Lawyers; and**
- **Gadens Lawyers; and**

ii. all firms tendering be advised of the outcome of the Tender process.

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Dewbery that:

- i. Council appoint the following firms to provide legal services to Council for the period November 2010 to November 2014 (4 years) with an option for a further 2 year period:
 - Shaw Reynolds Bowen and Gerathy;
 - Caldwell Martin Cox;
 - Lindsay Taylor Lawyers; and
 - Gadens Lawyers; and
- ii. all firms tendering be advised of the outcome of the Tender process.

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

ORD248/10

ORDINARY COUNCIL

ORD07

SUBJECT: INVESTMENT MONIES
FROM: Director Governance
FILE NO:

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 30 September 2010 is provided.

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

The weighted average return on all investments was 5.73% p.a. for the month of September 2010.

The Principal Accounting Officer is the Manager Corporate Services.

RECOMMENDED

That:

- i. Council note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the Local Government Act, Regulations, and Council's Investment Policy.**
- ii. the list of investments for September 2010 be noted.**
- iii. the weighted average interest rate return of 5.73% p.a. for the month of September 2010 be noted.**

ATTACHMENTS



Report September 2010.xls

RESOLUTION

Councillor Funnell left the Chamber, the time being 6.44pm.

Councillor Funnell returned to the Chamber, the time being 6.45pm.

Moved Councillor Anderson, Seconded Councillor Warren that:

- i. Council note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the Local Government Act, Regulations, and Council's Investment Policy.
- ii. the list of investments for September 2010 be noted.
- iii. the weighted average interest rate return of 5.73% p.a. for the month of September 2010 be noted.

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

ORD249/10

ORDINARY COUNCIL

NOTICE OF MOTION OF RESCISSION

SUBJECT: NOTICE OF MOTION OF RESCISSION - PLANNING PROPOSAL 23
HARRINGTON STREET, ELDERSLIE
FROM: Cr Eva Campbell , Cr Fred Anderson , Cr Michael Cottrell
FILE NO:

We, the undersigned Councillors, hereby give notice of our intention to move that the following Council resolution relating to Item ORD 05 of Ordinary Council Meeting of 26 October 2010, Minute No. ORD235/10 – “Planning Proposal - 23 Harrington Street, Elderslie” **BE RESCINDED**.

Cr Campbell
Cr Anderson
Cr Cottrell

(Extract of Minute No ORD 235/10)

That Council:

- i. support a planning proposal to include the following additional permitted uses on the site known as 23 (Lot 2 DP 1008301) Harrington Street Elderslie:- Entertainment facility, Funeral chapel, Funeral home, Hotel or motel accommodation, Information and educational facility, Office premises, Place of public worship, Restaurant, Serviced apartments, Tourist and visitor centre, Veterinary hospital as additional permitted uses;*
- ii. forward the Planning Proposal to the Department of Planning for Gateway Determination with a recommendation for a 28 day public exhibition period of the amending LEP; and*
- iii. recommend to the Department of Planning that the applicant be directed to prepare a flooding impact assessment, traffic impact assessment & noise impact assessment to the satisfaction of Council prior to the public exhibition stage of the Planning Proposal.*

Should the above Motion of Rescission be carried, it is our intention to move the following further motion:

That Council:

- i. support a planning proposal to include the following additional permitted uses on the site known as 23 (Lot 2 DP 1008301) Harrington Street Elderslie: Funeral chapel, Funeral home, Information and educational facility, Place of public worship, Veterinary hospital as additional permitted uses;*
- ii. forward the Planning Proposal to the Department of Planning for Gateway Determination with a recommendation for a 28 day public exhibition period of the amending LEP; and*
- iii. recommend to the Department of Planning that the applicant be directed to prepare a flooding impact assessment, traffic impact assessment & noise impact assessment to the satisfaction of Council prior to the public exhibition stage of the Planning Proposal.*

RECOMMENDED

That the Council resolution relating to Item ORD 05 of Ordinary Council Meeting of 26 October 2010, Minute No. ORD235/10 – “Planning Proposal - 23 Harrington Street, Elderslie” be rescinded.

RESOLUTION

Moved Councillor Campbell, Seconded Councillor Anderson that the Council resolution relating to Item ORD 05 of Ordinary Council Meeting of 26 October 2010, Minute No. ORD235/10 – “Planning Proposal - 23 Harrington Street, Elderslie” be rescinded.

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

(Councillor Cagney, Warren, Symkowiak, Funnell, Patterson, Dewbery and Cottrell voted against the Motion.

Councillor Anderson and Campbell voted in favour of the Motion).

THE MEETING CLOSED AT 7.17PM.

ORD250/10

**THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 9 NOVEMBER
2010 WERE ADOPTED AT AN ORDINARY COUNCIL MEETING HELD 23
NOVEMBER 2010. MIN. NO. ORD 254/10**

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

CHAIRPERSON