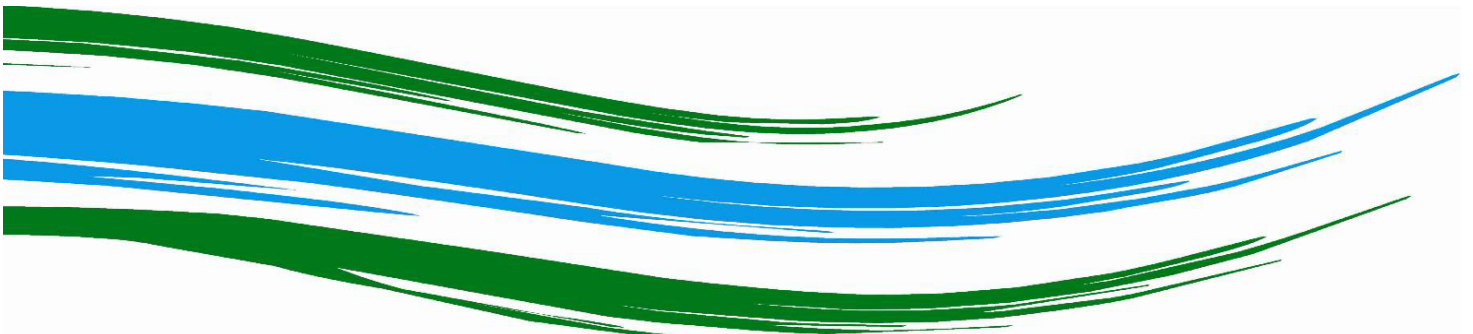




Camden Council

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 was no leave of absence to be granted.

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

ORD01/11

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**.

ORD02/11

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

There were no public addresses to be noted.

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

ORD03/11

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 14 December 2010 and the Minutes of the Local Traffic Committee Meeting, held 21 December 2010.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 14 December 2010, and the Minutes of the Local Traffic Committee Meeting held 21 December 2010, copies of which have been circulated, be confirmed and adopted.

RESOLUTION

Moved Councillor Warren, Seconded Councillor Cagney that the Minutes of the Ordinary Council Meeting held 14 December 2010, and the Minutes of the Local Traffic Committee Meeting held 21 December 2010, copies of which have been circulated, be confirmed and adopted.

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

ORD04/11

MAYORAL MINUTE

ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE - QUEENSLAND FLOOD DISASTER

FROM: Mayor

FILE NO:

This month's flood disaster in Queensland has brought tragedy and destruction across much of the State and severely impacted on its capital Brisbane. The impact the flooding was vividly portrayed on our TV screens.

There can't be anyone here, or indeed in the entire Camden district, who has not been shocked and stunned by the speed at which the water rose and moved, by the scale of the devastation and the loss of life. The tragedy is all the more pointed for us as we know that our own district has a number of flood prone areas and could suffer from flooding in certain circumstances.

However, the impact goes well beyond the time between the rainfall and the subsidence of the waters. The impact on families, homes, businesses, agriculture, mining - indeed the whole community and economy - will be felt for some time to come.

Several of our State Emergency Service personnel have been involved in the Queensland floods and also in the flooding in Western New South Wales before Christmas. Their contribution is no doubt appreciated by those they have been helping.

I am aware that many of the residents and businesses of Camden have already begun to make contributions to the aid effort in financial terms. Council's own staff, from all of the offices and the depots, has contributed a substantial amount in donations already.

As the leaders of our community, I believe that it is appropriate that we as a Council made a contribution to the appeal. Given the community groundswell to rise up and do whatever may be practical to do, I, in consultation with the acting General Manager, announced a contribution from Camden Council toward the Queensland Flood Appeal. \$10,000 will hardly make a difference on its own but will be a welcome contribution, I'm sure, to the campaign across the country. However, this represents a significant contribution and recognises the similarities we share with a number of those communities affected by this disaster. This donation will be funded at the next quarterly budget review.

We also send our deepest sympathies and good wishes to those who have suffered the loss of loved ones, their livelihoods or their homes.

RECOMMENDED

That Council endorse a donation of \$10,000 to the Queensland Flood Appeal.

RESOLUTION

Moved Councillor Patterson that Council endorse a donation of \$10,000 to the Queensland Flood Appeal.

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

ORD05/11

ORDINARY COUNCIL

ORD01

TWO STAGE SUBDIVISION DEVELOPMENT CREATING 96 RESIDENTIAL ALLOTMENTS, 10 RESIDUE LOTS AND ASSOCIATED WORKS AT NO (LOT 61, DP 810692) AND NO 96A (LOT X, DP 442741) SPRINGS ROAD, SPRING FARM

FROM:	Director Development and Health
FILE NO:	Binder: Development Applications 2009
DA NO:	DA 594/2009
OWNER:	Cornish Group
APPLICANT:	Lean & Hayward
ZONING:	Residential 2(d)
APPLICABLE PLANNING INSTRUMENT:	Local Environmental Plan 121

PURPOSE OF REPORT

The purpose of this report is to seek a determination of a Development Application (DA) for the subdivision of land resulting in 96 residential lots and 10 residual lots.

The application is being referred to Council in accordance with delegations as the proposal is:

- non-compliant with the Spring Farm Master Plan controls;
- is inconsistent with the release areas development staging objectives;
- an unresolved objection remains outstanding; and
- the development will involve a minor boundary adjustment with land owned by Council.

SUMMARY OF RECOMMENDATION

It is recommended that the DA be approved subject to the draft development consent conditions provided at the end of this report.

It is recommended that Council formally write to the applicant advising that any further DAs within the south village precinct that are non-compliant with the current Master Plan must be supported by a formal amendment to the relevant Development Control Plan. This is to ensure that all future development is undertaken in a coordinated approach for all land owners within the south village.

In addition it is also recommended that Council include a temporary advisory note within the relevant 149(5) Planning Certificate for the purpose of stating the road classification of Springs Road to be a gazetted B-Double access road as endorsed by the Roads and Traffic Authority.

BACKGROUND

In 2009 the proponent lodged a DA for the creation of 249 residential lots and 2 residual lots. At the same time a second DA was lodged over the same land for bulk earthworks to allow the land to be made suitable for residential development. Delays to both applications were encountered and as a result of major amendments to the original proposal, it was necessary to formally amend the Spring Farm site specific Development Control Plan (SPDCP).

Since then the applicant has revised and reduced the scale of the development and therefore the proposal can be considered as a variation from the Development Control Plan rather than a complete amendment to the SFDCP.

THE SITE

The site owned by the developer is described as No 110 (Lot 61, DP 810692) Springs Road, Spring Farm while the land owned by Council is No 96A (Lot X , DP 442742) Springs Road, Spring Farm. The size of each lot is approximately 69.58ha and 4.28ha respectively.

The site is within the South Village and is one of four precincts of the Spring Farm Urban Release Area being located on the southern side of Springs Road which falls toward the Nepean River.

Camden Bypass is located to the west of the site (approximately 1.2km), while the future neighbourhood centre is to the east. Directly north of the site is land area which has been allocated for an educational facility.

The site adjoins the southern bush corridor and riparian corridor which are yet to be fully established. Upon completion of the corridor the future residents of the village will benefit from this land where it is planned to provide additional passive open space areas.

Existing overhead transmission lines run east-west through the site and it is understood that the undergrounding of these transmission lines is likely to occur concurrently with the bulk earthworks activity.

Furthermore, the proposed development land area has seen extensive land mining activities which have resulted in vegetation removal and significant changes to the topography of the site.

Finally, the site adjoins a section of Springs Road which is currently 5-6m higher than the development land area. Council is currently undertaking works within this road area to mitigate the difference in levels and together with filling of the site this will then allow residential development to continue in the area.

This work on the reconstruction of Springs Road is currently underway and due to some delays, is now expected to be completed by end of October 2011.

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

THE PROPOSAL

The proposal seeks approval for a two stage development resulting in 40 residential and 6 residual lots within Stage 1, and 56 residential and 4 residue lots within Stage 2.

The subdivision of the residential lots will see a mix of sizes that range from 390m² to 765.7m² and will be supported by a road network with road sizes varying between 13m and 16m wide.

A copy of the development plans are provided at the end of this report.

NOTIFICATION

The application was Advertised Development and notified between 22 July and 20 August, 2009. This included notification letters to adjoining land owners and an advertisement in the local newspaper. As a result of this notification, one submission was received.

Upon receipt of amended plans the application was again renotified but only to the surrounding property owners. The notification period was between 16 August and 30 August 2010 and as a result one submission was received from the same objector.

Copies of both the submissions are provided with the Business Paper supporting documents.

PLANNING CONTROLS

The planning controls that relate to the development are:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55 – Remediation of Land
- Sydney Regional Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Sydney Regional Environmental Planning Policy No 9 – Extractive Industries
- Draft Exhibited Local Environmental Plan 2010
- Local Environmental Plan No 121
- Camden Development Control Plan 2006

ASSESSMENT

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

The provisions of any Environmental Planning Instrument

State Environmental Planning Policy (Infrastructure) 2007

This application has been referred to Integral Energy, pursuant to Clause 45 of the SEPP, as the subdivision is located within land that is burdened by an electricity

transmission line easement. The appropriate conditions have been imposed.

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

All matters relating to contamination have been addressed within the bulk earthworks in Development Application No 593/2009. Nevertheless conditions will be imposed to ensure that the site is remediated to a state capable for residential occupation.

Sydney Regional Environmental Planning Policy No 9 – Extractive Industries

This SREP requires notification to the NSW Industry and Investment Department (formerly known as Primary Industries) as the development land area is identified as having current and potential regional significance for the purpose of sand and soil extraction. The Department has provided a response and no concerns have been raised relating to the land area subject to this DA for extractive materials.

State Environmental Planning Policy No 20: Hawkesbury/Nepean River

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

The applicant states that 'appropriate mitigation measures will be implemented to prevent erosion, sedimentation and the discharge of pollutants into the watercourse and to protect existing aquatic flora and fauna habitats'. This aspect will be conditioned appropriately to ensure satisfactory controls are implemented.

Local Environmental Plan 121

Clause 3 - Statement of desired future character for Spring Farm

Relevant to this report, the following objectives require consideration:

Extent of existing mining activities

It is understood that from six sites approved for sand mining, there is one remaining site along Macarthur Road. The mining activity operates under an approval from the Department of Planning and is time limited until 2019. The activities on this site will not affect the amenity and desired character for the future residents of this village given the site is located 1km away from the development land area subject to this development application

Impact from existing landuse activities within release area

Relevantly, this clause requires considerations relating to:

- (a) heavy vehicle access to the Glenlee industrial area;
- (b) restricted access provisions to the major roads; and
- (c) relocation of transmission lines.

With respect to heavy vehicle access, Springs Road is a declared heavy vehicle route by the RTA for activities associated at Glenlee. Generally such a classification allows

B-doubles, trucks and trailers to use the road where it allows direct access to a specific industrial activity.

The strategic direction to reroute these heavy vehicles relies on the construction of Liz Kernohan Drive (or commonly known as the Link Road) and also the construction of the intersection at Camden Bypass. The complexities of delivering this infrastructure relies on a number of major stakeholders including RTA, Department of Planning, Council and various landowners.

To date it is unclear when this is to be undertaken and therefore the acoustic report produced as part of the DA is to be considered to ensure the amenity of the residents is not adversely impacted as a result of the current vehicle traffic. Additional information was requested to this report as Council was in receipt of data that suggested approximately 800 heavy vehicles movements access the Glenlee sites per day. In response, the acoustic consultant, Renzo Tonin and Associates advised that *'the volumes, speeds, and 7% heavy vehicles...are consistent with what we have used for determining noise mitigation measures in our assessment report'*.

Notwithstanding, to ensure future residents are able to be notified of the RTA's road classification of Springs Road and until such time that the classification is lifted, it is recommended that a notation be placed on the 149(5) Planning Certificate for all lands within the vicinity of Springs Road. This Planning Certificate is an optional Certificate that can be purchased by anyone intending to purchase land.

In addition, it is considered reasonable to apply development consent conditions to prohibit the issue of any occupation certificate for residential purposes until compliance assessments have been undertaken with respect to the road traffic noise to the noise sensitive receivers (ie dwellings) to ensure the road traffic noise levels comply with Council's Environmental Noise Policy and the Environmental Criteria for Road Traffic Noise from the Department of Environment, Climate Change and Water.

In terms of the requirement to relocate transmission lines, it is understood that the developer intends to relocate underground the transmission lines that transverse the site.

Clause 11 – Zone objectives and development control table

The subject land is zoned 2(d) Residential and subdivision is not defined as a prohibited development.

Statement of achieving zone objectives –The development focuses on supplying lots in order to produce detached dwellings as supported by objective (b). In addition, this is one of the first land releases within the southern parts of Spring Farm that will allow pedestrian and cyclist connectivity with the adjoining existing suburban areas such as Camden Town and Elderslie as encouraged by objective (c).

Clause 12 - Development control plan required

The relevant Development Control Plan is Camden Development Control Plan 2006, Part G: Site Specific Controls, chapter 18 Spring Farm. In addition, the proposed

development generally complies with the minimum density target of 15 dwellings per hectare.

Clause 13 - Staging of development

This clause states requires four points for consideration:

(a) The extent to which ecological restoration works in accordance with the Spring Farm Conservation Strategy Documents (Anne Clements and Associates Pty Ltd September 2003), a copy of which is available for inspection at the office of the Council, have been completed

The applicant has provided a numerical justification based on the total land area regenerated or revegetation within the bush corridor relative to the land area that has been developed for residential purposes which in percentage terms equates to 14.9% and 11.8% of land area respectively. This methodology has not been formally accepted by Council for the purpose of satisfying this clause however the following consideration is made.

Council's reporting requirements to the Department of Environmental, Climate Change & Water (the Department), consists of quarterly updates on specific actions for the conservation and restoration of CPW, SCRFF and EBSF as proposed in the Spring Farm Conservation Strategy. These reports also include details on the progress of lot development as well as details on DAs being considered by Council.

The reports to the Department have indicated that the only works within the corridor to date have been the northern tributary which at the closest point is located approximately 200m away from the development land area subject to this DA. To date the Department has not raised any concerns on the reporting and monitoring progress report and as such it is taken that the due consideration has been made with respect to clause (a).

Whilst the commencement timing of the works is an important factor, the critical issue for this DA and others to follow is its timed development relative to the next stage of the bush corridor works given the physical relationship of the development land area and the bush corridor.

To facilitate such works within this section of the corridor, development consent conditions will be imposed to require separate development consent to be obtained within the corridor, which is located within the land owned by the developer, prior to the issue of the final subdivision certificate for this development application. This condition will read the following:

"The issue of the final Subdivision Certificate is not to occur until separate development consent is obtained for works within the bush/riparian corridor adjacent to the development land area which is owned by the developer (including the adjacent lake dam wall) and shall be generally in accordance with Part G, Chapter 18 of Camden DCP 2006, including the Spring Farm Conservation Strategy and Spring Farm Water Cycle Master Plan".

Council has previously considered a similar DA where the development was

considered inconsistent with the stage plan and above clause. At the meeting of 29 January 2010, a deferred commencement development consent was issued for land subject to a number of requirements including:

- the bush corridor rehabilitation plan is implemented,
- the adjacent lake dam wall is reconstructed,
- Springs Road has been lowered, and
- also public utilities, new road connections and public transport have been made available to the site as required in Section 7, Part G, Chapter 18 of Camden DCP 2006.

This application has since lapsed, however to better facilitate development within the area for reasons including social and economic, and to ensure due consideration has been made for the purpose of this clause, the above alternative condition is proposed.

(b) Whether the proposed development can be adequately serviced with water, sewerage, drainage and electricity infrastructure and has access to the local road and future arterial road and the Camden By-pass

The development is capable of being serviced by the necessary civil infrastructure and is supported by various development consent conditions. In terms of linkages to the road network, the development adjoins Springs Road which connects indirectly onto Camden Bypass.

(c) Whether the proposed development will sterilise significant extractive materials.

This has been addressed to the extent that all mining activities (except related to the lowering of Springs Road) within the development land area have ceased and all lands have been decommissioned.

(d) The extent to which the proposed development will be located so that it will not be adversely affected by industry, mining, extractive industries and waste disposal activities, including heavy vehicle access to and from those activities.

Relevant considerations have been discussed throughout this report.

Clause 14 - Restriction on certain subdivision

The applicant has satisfied this clause and a certificate has been issued by the Department.

Clause 15 - Development affected by floodwaters etc

The portion of land subject to the development proposal is not land area noted as flooding affected.

Clause 16 - Development within Mine Subsidence District

The applicant has satisfied this clause and concurrence has been issued by the Mine Subsidence Board.

Clause 18 - Bush Fire Protection

The Rural Fire Service has issued a Bush Fire Safety Authority certificate and all conditions have been inserted as part of the draft development consent conditions provided at the end of this report.

Clause 39 - Development affecting places or sites of known or potential Aboriginal heritage significance

The development land area subject to this development application is located approximately 400m away from a potential Potential Archaeological Deposit (PAD). Given there is no work within proximity of the PAD, this clause does not require further consideration.

Any draft Environmental Planning Instrument

The now gazetted Local Environmental Plan 2010 (LEP) was adopted as a Draft Exhibited LEP during the assessment of this application. Therefore for the purposes of determining this DA, the Draft LEP is to be considered only.

Land use table: The land is zoned R1 General Residential. The proposed development is permissible with consent and is consistent with the objectives of the zone.

All other matters requiring consideration are satisfied and or have been discussed throughout this report.

Any development control plan

Camden Development Control Plan 2006, Part G: Site specific controls, Chapter 18 Spring Farm applies to the subject application.

Part 1 Introduction – The following relevant sections are:

Section 6 Spring Farm Master Plan

The subdivision will vary from the Master Plan for the south village in the following ways:

- (a) Reduction in the number of road intersections on Spring Road (from 2 to 1).

Officer comment:

In the ultimate development scenario, Springs Road is considered to be a collector road to service the release area and any opportunity to reduce the number of intersections onto the main road network is supported for both safety and traffic movement efficiency.

- (b) Reconfiguration of the local access road system within the site resulting in a more regularised grid block pattern to result in a greater portion of north-south orientated lots.

Officer comment:

The variation identified in (a) has necessitated a reconfiguration of the road system and subsequent block layouts within the village which has resulted in 80 lots (of the 96 lots) to be orientated north-south rather than the east-west lots as highlighted within Master Plan.

The primary impact to this relates to solar outcomes for future residential dwellings. The Master Plan adopts solar orientation principles communicated by Amcord and SEDA which promote east-west lots for the purpose of achieving good solar access for residential allotments.

On balance, however, given the constraint of the existing land boundary able to be developed and the reduction of intersections on Springs Road, it is considered that this variation does not significantly contravene the objectives of the Master Plan.

Furthermore, the intention to achieve good solar outcomes at later subdivision stages is not precluded by the approval of this DA. The land owner has indicated that an amendment package to the DCP will be submitted shortly and it is through this process that Council will continue to communicate the need for a greater mix of north-south and east-west lots.

- (c) One additional east-west local road, including the replacement of various one-way island systems.

A Traffic Impact Assessment was lodged and indicated that the removal of the two one-way islands would not adversely impact on the overall traffic flow within the village. The report has been reviewed and no objections are raised.

Section 7 Staging of Development

The DCP provides an indicative staging plan which aims to guide development in the release area.

This application is within the sixth stage of the overall eight. Aside from residential land subdivision, preceding stages include bush corridor works, the knoll relocation, construction of the Link Road, rebuilding of the dam wall, re-grading of sand mined areas and odour mitigation measures.

Development consent has been issued for the knoll relocation works which is yet to be undertaken and the regrading of the development land area will be undertaken by the bulk earthworks development consent issued over the land last year. Odour and mitigation measures are not relevant to this application because the location of the odour resource (Resource Recovery Centre) is a distance away.

Part 3 Public Area and Village Centre Development Controls – The following relevant controls are discussed:

Section 16.3 Water Management

Water management has been addressed through this report.

Section 17.3 Vehicular and Pedestrian System

Control (c) – The development complies with the 13m wide bush corridor edge road and 14m wide access road as illustrated in Figure 45 and 46, respectively, of the DCP.

Control (d) – All landscape designs shall be considered at the time of the Construction Certificate application. Appropriate development consent conditions have been imposed.

Control (f) – The proposed street blocks within this application "overlap" with adjoining land not subject to this development application and therefore it is difficult to determine compliance with the control. Notwithstanding, indicative layouts provided demonstrate only one block to be 10m in excess of the control, and this is considered a minor variation on the basis that the development will ultimately allow greater flexibility on the corner lot for building placement and will allow the proposed street hierarchy to be achieved.

Control (u) – The bush corridor edge road will require the carriageway to be designed to facilitate bus movement. This shall form part of the development consent conditions.

Control (w) – The provision of a bus stop shall be required by way of conditions and in accordance with the Spring Farm Master Plan.

Section 19.3 Subdivision Design

Control (a) – The corresponding lots comply with the minimum requirements of each lot type.

Control (b) – Relevant considerations have been made under the LEP section of this report.

Control (c) – All required easements shall be identified at the Construction Certificate stage in accordance with the requirements of this control.

Any planning agreements

No planning agreements relate to the subject site or proposed development.

The provisions of the Regulations

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

The likely impacts of the development

During construction

Impacts such as air quality and noise would be primarily related to the airborne construction dust and noise levels. However these impacts would be minimal as the land would have undergone extensive earthworks. Notwithstanding, standard

conditions have been imposed on the consent to ensure that all environment impacts during the construction of the subdivision will be minimised.

Ecological Conservation Strategy

While works within the adjoining bush corridor are yet to be approved and completed, the development of the land subject to this application will facilitate such works to ensure the commercial viability of the new residential lands are fully realised. Consequently this will further provide opportunities for the Ecological Conservation Strategy to be implemented.

The suitability of the site for the development

The subject development is permissible and is generally in accordance with the Spring Farm Master Plan as adopted by the Camden Development Control Plan 2006. Specific environmental considerations have been assessed and discussed throughout this report. The suitability of the subdivision on the subject site is further supported by the general terms of approval obtained by both internal departments and external government bodies.

Any submissions made

The application was notified on two separate occasions during the assessment process. During each notification period one submission was received from the same objector. Some of the concerns raised during the first exhibition period relate to the original application proposal and do not relate to the revised proposal. In this instance, only the relevant remaining concerns will be discussed.

- (a) Lot and road orientation changed to overcome building controls in DCP (lots changed from east-west to north-south) is not acceptable. Urban design and solar access outcomes are diminished.

Officer comment:

The reorientation of the lots was necessitated due to the removal of the intersection from Springs Road. This in turn will provide a safer option for vehicle movement within this area.

With respect to solar access outcomes, east -west lots are more desirable than north-south lots. However achieving east-west lot orientation is difficult in this instance because of the changes to the road network.

As noted above, Council will communicate the need for a greater mix of lot orientation when the amendment package is received for the South Village.

- (2) Changes in DA and future DAs will have no resemblance to the current DCP. The applicant has not addressed how the proposed changes to the DCP will impact on adjoining lands further east.

Officer comment:

The application was initially lodged for 249 residential lots and it was considered that the proposed layout would impact on both the development outcomes communicated with the Development Control Plan and also the adjoining lands in other ownership.

At that time, Council required the developer to provide an overall amendment package to the Development Control Plan and Master Plan to address these concerns; however the proposal was then scaled back to only 96 residential lots and 10 residual lots. As a result, the developer of this application states that the adjoining lands under different ownership are still able to deliver the residential lot layouts communicated within the current Master Plan.

- (3) The location of crests and land depressions at the western end of the area are based on a revised DCP which will impact on land further to the east.

Officer comment:

The applicant has demonstrated that the impact is minimal and that the development is generally in accordance with the Water Cycle Master Plan, the design has also taken into consideration the lowering of Springs Road and the change in levels due to sandmining and as a result of the increased survey accuracy/detail required at the Development Application Stage compared to the Master Plan stage. The applicant has provided a plan showing a design for the entire South Village, the plan demonstrates that cut and fill is minimised and that the land to the east can drain.

- (4) Application does not demonstrate how the wider land area will need to be regraded and how this relates to a proposed road pattern resulting in appropriate catchments, crests and land depressions.

Officer comment:

As noted above, it is understood that the adjoining lands will still be able to deliver the outcomes of the Master Plan. Notwithstanding this, a condition has been imposed on the consent for the subject development application to ensure all stormwater catchments and boundaries are developed generally in accordance with the Spring Farm Watercycle Master Plan.

- (5) When entering Stage 31 from Spring Road the first proposed road that is 14 wide is not shown on the DCP and when extended onto adjoining land it will result in the loss of one lot to adjoining land owner.

Officer comment:

As noted above, a development consent condition has been imposed to ensure that the current Master Plan road and block layout can be achieved on the adjoining lot.

Nevertheless, the developer of the subject DA has stated that the adjoining land owner could in fact gain 1 or 2 additional lots if the block layouts on the adjoining lands were reconfigured east-west as done in the subject DA.

The public interest

The development will see the beginning of land supply within the southern section of the release area. This will then provide a greater demand for the retail and commercial precinct to be developed within the area which will supply the residents with their own shopping and social facilities.

Furthermore, as development moves further south within the release area it will allow the planned road networks to be constructed and will consequently allow for greater connectivity not only around the release area but also into the surrounding established areas such as Elderslie and Camden Town Centre.

As a result it is considered that this development will positively contribute to the public interest for both the existing and future residents of Spring Farm.

CONCLUSION

Council has received a DA for the subdivision of land resulting in 96 residential lots and 10 residual lots within the South Village of Spring Farm Urban Release Area.

The application is being referred to Council in accordance with its delegations as the proposal has non-compliant matters relating to the Spring Farm Master Plan controls and is inconsistent with the release areas development staging strategies. In addition, an unresolved objection remains outstanding.

The objection primarily relates to inconsistency with the original Spring Farm Master Plan; impact on solar orientation for future dwellings; impact on development outcomes for surrounding lands and impact on Water Management for the precinct. It was determined that the development, on balance, is able to be supported as these consequences are balanced by the benefit of the ultimate development scenario.

The non-compliant matters have similarly been justified to the extent that the development outcome provides positive outcomes to the safety and efficiency of the release area and that the amenity of the residents are protected by development consent conditions and advisory notes to be inserted within the land's Planning Certificates.

On this basis it is recommended that this DA be approved subject to the draft conditions of consent shown below. The proposed works will not have any detrimental environmental impacts subject to the aforementioned development consent conditions and therefore approval of the development would not be contrary to the Environmental Planning and Assessment Act, 1979 and Environmental Planning Instruments.

DRAFT CONDITIONS OF CONSENT

1.0 - General Requirements

- (1) **Approved Plans** – The development must be carried out strictly in accordance with the following approved plans or other documentation:
 - (a) Spring Farm Stage 31, Plan of proposed subdivision; dated 30/03/2010;

Drawing number 76371.01.P14; Amendment C; and
(b) Spring Farm Stage 32, Plan of proposed subdivision; dated 30/03/2010;
Drawing number 76371.01.P15; Amendment B.

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

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

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

- (2) **Amendments to Approved Plans** - The amendments indicated and described below must be incorporated in the overall development and must be reflected in any plans prepared for the purpose of obtaining a Construction Certificate:

(a) all road names shall be removed and replaced with road numbers on the development plans.

- (3) **Landscaping Maintenance & Establishment Period:** All landscaping works associated with this Consent are to be maintained and successfully established for a period of 24 months. The Maintenance and Establishment Period is to commence from the date of initial completion of the approved landscaping works ie the Date of Practical Completion (DPC).

The DPC is that date when the Applicant and the Principal Certifying Authority (PCA) agree that the landscaping works have been satisfactorily completed as per the approved Landscaping Plans applying to this Consent and the Construction Certificate (CC). The agreed DPC date will trigger the commencement of the landscaping maintenance and establishment period.

It is the Applicant's responsibility to arrange a site inspection upon initial completion of the landscaping works to determine and agree upon an appropriate DPC.

At the completion of the maintenance and establishment period, the landscaping works must comply with the approved Landscaping Plans.

Any landscaping works that require repair or replacement are to be successfully repaired or replaced prior to the completion of the maintenance and establishment period.

- (4) **Protect the Bush Corridor areas, other existing vegetation and natural landscape features** - Approval must be sought from Council prior to the removal, pruning, impact upon or any disturbance of any part of the Bush Corridor, any other 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.

- (5) **Protection of adjoining Bushland Bush Corridor and Waterfront Areas** - To limit the potential for damage to the adjoining Bush Corridor, Bushland areas and 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.

- (6) **Requirements for noise attenuating measures** – Noise attenuation measures must be constructed on Lots 3101 – 3107 for any residential development occurring on these lots in accordance with the recommendations outlined in the *Traffic Noise Impact Assessment, Prepared for Cornish Group, Prepared by Renzo Tonin & Associates, Ref No. TB705-16F02 (Rev 3) Spring Farm Stage 30 Noise Impact Assessment Doc, Dated 15/07/10.* Such requirements are to be outlined within the Section 88b Instrument of the said lot.

- (7) **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 10 and Appendix J” in the report titled “*Geotechnical, Contamination & Salinity Assessment: 30 Spring Farm For The Cornish Group Spring Farm, Prepared for Lean & Hayward, Prepared by SMEC Testing Services Pty Ltd, No Project No 16726/6902B, Dated September 2010.*”

- (8) **Approvals from Other Authorities** – It is the applicant’s responsibility to acquire all other necessary approvals/permits from all other approval authorities as required.

- (9) **Integral Energy Requirements** – The requirements by Integral Energy shall be satisfied as required by letter by the Authority (dated 5 August 2009; ref 2009/0006/001) and email reference number ENL 1190; email dated 18 November 2009.

- (10) **Planning for Bush Fire** – The development must comply with the NSW Rural Fire Service Planning for Bushfire Protection and AS 3959. For the purpose of this condition, AS 3959 means the Australian Standard: Construction of Buildings in Bushfire Prone Areas (AS3959) 2009.

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

- (12) **Land Registration** - Prior to occupation or use of each stage of the development, or the issue of an Occupation Certificate for each stage of the development, the proposed allotments shall be created and registered with the New South Wales Department of Lands. Refer to the advice section attached to this consent.
- (13) **Residential Lot Threshold** - Council has identified the current road capacity in Spring Farm is 1226 lots. Once this threshold is reached it will be necessary to provide alternate road access. This will require the provision of a signal controlled intersection at the Camden Bypass and construction of the associated connecting road linking Richardson Road to the Camden Bypass. In this regard the Principal Certifying Authority will not release any linen plan of subdivision until the required roadworks are complete and operational.
- (14) **Waste disposal areas for residential allotments** - A waste bin collection point must be provided for each residential allotment and must be in accordance with the following requirements;
- (a) Each residential allotment must be provided with a level area adjacent to the kerb suitable for the placement of bins for collection. This area must be on ground level; running parallel to the rear of the kerb and measured 3 metres long by 900 millimetres wide and allow 3.9 metres clear vertical space to allow for the truck-lifting arm.
 - (b) The collection vehicle must be able to approach parallel to the collection area either directly next to or within a car width of the kerb. The designated area must also be clear from the positioning of tree plantings (or tree canopies), street lighting or other fixtures.
- (15) **Integrated Development** - General Terms of Approval (GTAs) from the NSW Office of Water and Rural Fire Service, apply to this development. All requirements of these GTAs must be fully complied with at all times.

2.0 - Construction Certificate Requirements

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

- (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) **Completed in Stages** - Where the development must be completed in stages, a plan must be submitted showing details of subdivision boundaries for each stage and their relationship to adjoining buildings, together with details as to site works, landscaping works, road and drainage works and erosion and sediment control works to be undertaken in conjunction with each stage, and the expected timing of such development.

The above details must be submitted to the Consent Authority (i.e. Camden

Council) prior to the Construction Certificate being issued for each stage of the development.

- (3) **Waterfront Construction Works** - A Construction Certificate (CC) for any works will not be issued over any part of the site that requires a Controlled Activity Approval (CAA) issued by NSW Office of Water (NOW) until a copy of the CAA has been provided to the Consent Authority (i.e., Camden Council).
- (4) **Flood Study Required** - Prior to the Construction Certificate being issued for any works, a flood study prepared by a suitably qualified engineer must be submitted to Council, the flood study shall determine the level of the lots to ensure they are above the 1% AEP plus 500mm freeboard, the study shall also detail the 1% and PMF line and detail this in relation to each and every lot.

Note: The 1% line shall include an extra 1.6m due to Mine Subsidence as detailed in the Spring Farm Water Cycle Master Plan.

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

The detailed Landscaping Plans must include details listed within Condition 1.6 and the following (not be limited to):

- (a) Any proposed lighting for paths, parks and any other open space areas.
 - (b) Universal access details for all open space areas and public facilities.
 - (c) All landscape amenity elements such as boardwalks, lookouts, seating, playgrounds, picnic facilities, bubblers, signage, shade structures, paths, cycle ways, dog and litterbins and furniture elements.
 - (d) Clearly detail any fencing, bollarding or other means of unauthorised vehicle control and access denial into and within proposed open space areas.
 - (e) Clearly detail how controlled accessibility to all open space areas for maintenance and emergency vehicles will be achieved.
 - (f) Detailed planting schedule, which includes species listed by botanical and common names, quantities, planting sizes and the estimated size of the plant at maturity and
 - (g) Details of proposed street trees, including specifications of the street trees installation, protection and establishment schedule.
- (6) **Bushfire 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 the Rural Fire Service.

This written confirmation may be by way of either:

- (a) written advice from the Rural Fire Service that the development is compliant with the current Planning for Bushfire Protection document, or
- (b) written advice from an suitably qualified person or appropriately qualified Bushfire Risk Assessor that the proposed development is compliant with the current Planning for Bushfire Protection document.

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

- (a) all access roads have sufficient carriageway width,
- (b) verge widths are sufficient,
- (c) longitudinal grades are not too great,
- (d) horizontal geometry provides for appropriate access,
- (e) turning/manoeuvring is achievable,
- (f) kerb types are appropriate,
- (g) on street parking (kerbside and indented) is not expected to be problematic for fire fighting vehicles to gain access,
- (h) on street parking restrictions / signage is not expected to be problematic for fire fighting vehicles to gain access,
- (i) access requirements with regards to perimeter roads has been achieved,
- (j) the required Asset Protection Zones have been achieved,
- (k) all requirements of the Rural Fire Service's General Terms of Approval reference Ref: D09/1022 DA09071561449 DS ID:61449 /68835/5, dated 30 November 2010.

(7) **Dilapidation Survey** – A photographic dilapidation survey of existing public roads, drainage reserves, drainage easements and any other public infrastructure within the immediate area of the development site must be submitted to the Certifying Authority for approval and inclusion in any application for a Construction Certificate application.

(8) **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.

(9) **Environmental Management Plan** – Notwithstanding any other condition within this development consent, 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 and in accordance with condition 2.8 Soil Erosion and Sediment Control Plans.
- (b) All matters associated with Occupational Health and Safety.
- (c) All matters associated with Traffic Management/Control during construction, which should address issues of access of construction traffic, storage material, location of site office, and parking for workers, use of equipment and other matters which has an impact on the road network or immediate environment.
- (d) All other environmental matters associated with the site works such as noise control, dust suppression, waste management and the like.
- (e) Any construction work which involved access to public road shall be subject to an approval of a Public Road Activity Application to Council accompanied by a Traffic Control Plan prepared by a RTA accredited Certifier.

(10) **Civil Engineering Plans** - Indicating drainage, water quality facilities, culverts, roads, accessways, earthworks, earth mounds, noise walls, retaining walls, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with Camden Council's Development Control Plan 2006 and Engineering Specifications and are to be submitted for approval to the Principal Certifying Authority **prior to the Engineering Construction Certificate being issued.**

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

(11) **Public Utility Service Plans** – Public Utility Service plans must be submitted to the Certifying Authority for inclusion in any Construction Certificate application. The plan/s must: -

- (a) be suitable for approval by relevant Public Utility Service Authorities,
- (b) incorporate any relevant conditions associated with this Development Consent,
- (c) be prepared by a designer accredited by a scheme approved by relevant Public Utility Service Authorities,
- (d) recognise all provisions and requirements of the current Streets Opening Conference.

- (12) **Water Quality and Quantity Report** - Prior to the Construction Certificate being issued for any stage, a water quality and quantity report shall be prepared by a suitably qualified engineer. The report shall demonstrate how the facilities have been designed to achieve the objectives of the Spring Farm Water Cycle Master Plan and that all upstream catchment areas have been accommodated within the design.
- (13) **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.
- (14) **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.

- (15) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS1742.3 1985 and to the requirements and approval of Council (and the Roads and Traffic Authority). Plans and proposals must be approved by Council (and the Roads and Traffic Authority) **prior to the Construction Certificate being issued.**
- (16) **Protection for existing trees and other Landscape features on site** - The protection methods for the Bush Corridor areas and other 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.

The works and procedures involved with the protection of existing trees and other landscape features, are to be carried out by suitable qualified and experienced persons or organisations. This work should only be carried out by a fully insured and qualified Arborist.

Suitable qualifications for an Arborist are to be a minimum standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture for the actual carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.

- (17) **Works adjacent to the site** – Any proposed activity (not including those of any Public Utility Service Authority) within any public road adjacent to the site must be approved by the roads authority **prior to the issue of any Construction Certificate**.

Where such an activity requires a design, such design must be submitted to and certified by an accredited certifier with Civil Engineering certification and must be submitted to the certifying authority for inclusion in any application for a construction certificate.

In that regard a Public Road Activity application indicating all proposed activities and including supporting documentation must be submitted to the Roads Authority Camden Council for approval. Such applications are available from Council's Customer Service Counter or from Council's website:

<http://www.camden.nsw.gov.au/>

- (18) **Temporary Access** - A temporary sealed access way must be provided at the end of any "dead end" road to provide a link between all parallel roads and between Stage 31 & 32. The pavement must be constructed in accordance with Camden Council's Engineering Specifications. Any additional land required for such works must be provided for the ultimate road alignment by way of a Right of Way. All costs associated with the installations and removal of the temporary turning heads must be borne by the developer.

- (19) **Drainage Pits** – Where drainage kerb inlet pits are proposed adjacent to any lot such pits must be located within 2 metres of either side of the prolongation of any proposed side/ common boundary of the lot. The location of such structures must be clearly delineated in any drainage infrastructure plan submitted to the Certifying Authority for inclusion in any application for a Construction Certificate.

- (20) **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.

- (20) **Destination** - Pit lintels must be labelled with permanent stencilled signs to identify the watercourse into which the pit drains.

- (21) **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 by a Civil Engineer, certified by an accredited certifier with C3 accreditation and submitted to the Certifying Authority for inclusion in any application for a Construction Certificate.

(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:

- (a) within any proposed public road and/or drainage reserve contained within the site,
- (b) within any proposed residue lot contained within the site,
- (c) 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) **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.

(24) **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.

(25) **Performance Bond - Prior to the issue of the 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 released 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.

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

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

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

- (27) **Long Service Levy** - Prior to the issue of any Construction Certificate, documentary evidence must be submitted to the Principal Certifying Authority verifying that the Long Service Levy has been paid.
- (28) **Road Reserve Widths** – Where a combined pedestrian and cycle path is indicated on the Spring Farm Master Plan the road reserve must be 15m wide and must include a combined pedestrian and cycle path width of 2.5 metres. Refer to Figure 46 of the Camden Development Control Plan, Part G: Site specific Controls, Chapter 18 Spring Farm.
- (29) **Road Reserve Design** – The section of the perimeter road (13m wide) to be constructed as the Bush Corridor Edge road (as indicated on Figure 36 Street Hierarchy) shall be designed to facilitate adequate bus movement as required by Control 17.3.u of the Camden Development Control Plan, Part G: Site specific Controls, Chapter 18 Spring Farm.

In addition, the road shall be designed to accommodate the provision of a bus stop in accordance with Control 17.3.w of the Camden Development Control Plan, Part G: Site specific Controls, Chapter 18 Spring Farm.

- (30) **Placement of transmission cabling under the road pavement** – The following matters are to be considered should such works occur:
- (a) All the standards applied by Integral Energy or other utilities are complied with for safety purposes;

- (b) The crossing over (above) the trench by other services needs to be avoided (to facilitate any road reconstruction without needing to deal with shallowly laid services);
- (c) Services need to run parallel to the transmission cable trench, which may require services to run on both sides of the road;
- (d) Where crossings are required, these should be laid to go under the transmission cable trench, preferably in conduits;
- (e) Service crossings should be minimised, and be well recorded and marked;
- (f) Design of transmission route and trenching, as well as other services and road levels, should be cohesively so that the interactions are understood and clear
- (g) Joint bays should be in parking bays / lanes to minimise the traffic lane deterioration likely to occur due to the shallower 'top of side wall' impact on the pavement;
- (h) Specific Quality Assurance should be applied during construction, with preference for certification of construction/compliance with Integral specifications.

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

“WARNING - UP TO \$1,500 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. The Council of Camden (02 4654 7777) - Solution to Pollution.”

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

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

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

- (5) **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.

- (6) **Environmental Protection Authority** - The developer must comply with any requirement of the Environment Protection Authority prior to the commencement of the development.

- (7) **WorkCover** - The developer must comply with any requirements of the WorkCover Authority prior to commencement of the development.

- (8) **Hoarding and Ancillary Requirements** - The site must be enclosed with a suitable temporary ‘A’ class type hoarding or security fence of a type approved by the Consent/Roads Authority, Camden Council. Such hoardings MUST NOT encroach upon any road reserve or other private land without the prior written concurrence of the affected property owner. If it is proposed to locate such a hoarding within any property owned/controlled by Camden Council then a Public Road Activity (Hoarded Zone) Application must be submitted to and approved by Camden Council prior to its installation and the issue of any Construction Certificate.

Note 1: No site work may commence until the hoarding/fence is installed.

Note 2: Public thoroughfares must not be obstructed during the course of construction work.

- (9) **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.

- (10) **Dust Control** - Potential dust sources on-site must be minimised through the maintenance of vegetation cover and the use of water sprays to suppress dust from exposed areas during periods of dry and/or windy weather.
- (11) **Single Access Point** - A single access point must be provided to the site prior to commencing construction work. In this regard, Construction access from public places i.e. roads, reserves, parks, walkways and the like, other than that approved by this development consent will not be permitted without the prior consent of Camden Council.
- (12) **Provide a Truck Shaker** - An approved truck shaker must be provided at the construction entry point in accordance with Council's standards prior to commencement of work to prevent dust, dirt and mud falling on roadways. Ingress and egress from the site must be limited to this single access point only.
- (13) **Construction of the Phase 1 Onsite Sediment/Detention Basin** - Prior to the commencement of any other subdivision work the "Phase 1 onsite sediment/detention basin" and the associated immediate stormwater drainage system must be constructed:
 - a) in accordance with the approved plans, and
 - b) 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.

- (14) **Fencing of the "Construction" On-site Detention/Sediment Control Basin** – Any "construction" on-site detention/ sediment control basin must be enclosed by a security fence of a type referred to in the current edition of AS 1926.1 (Figure 2.3). 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.
- (15) **Asphaltic Concrete Layer** - The final asphaltic concrete wearing course layer is not to be placed on any proposed Public Road within this subdivision without the prior consent of Camden Council, pursuant to s139 of the *Roads Act 1997*.

4.0 - During Construction

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

- (1) **Fill Management Plan** – All fill material proposed to be imported onto the land /development site must be assessed and determined to comply with all procedures, controls and protocols contained within the *“Spring Farm: Stage 30 Fill Management Plan, Prepared for Cornish Group Spring Farm Pty Ltd, Prepared by SMEC, Dated 15 November 2010.”*
- (2) **Fill Assessment Reporting Requirements** – All fill assessment reports (including those which material is not suitable for importation) assessed under the *“Spring Farm: Stage 30 Fill Management Plan, Prepared for Cornish Group Spring Farm Pty Ltd, Prepared by SMEC, Dated 15 November 2010,”* must meet the fill assessment reporting requirements of the plan.
- (3) **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).

- (4) **Hours Of Work** – The hours for all works are restricted to between:
 - (a) 7am and 6pm Monday to Friday (inclusive);
 - (b) 7am to 4pm Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8am to 4pm;
 - (c) work on Sunday and Public Holidays is prohibited.
- (5) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
 - (a) the delivery of material shall only be carried out between the hours of 7am - 6pm Monday to Friday, and between 8am - 4pm on Saturdays.
 - (b) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site.
 - (c) builder’s operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner.
 - (d) waste must not be burnt or buried on site, nor should wind blown rubbish be

allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot.

(e) a waste control container shall be located on the development site.

(6) **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 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 Certificate.

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

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

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) 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.

(9) **Street Trees, their protective guards and the road verge areas** - Any street trees, Camden Bypass acoustic screening plantings, tree guards, protective bollards or any area of the nature strip/road verge, which are disturbed, relocated, removed, or damaged during the development, construction, maintenance and establishment periods, must be successfully repaired, relocated or replaced.

Any repairs, relocations or replacements needed to the tree/s, lawn areas,

screening plantings, bollards , tree guards, nature strip/road verge areas are to be completed with the same type, species and maturity and the works carried out successfully prior to the completion of the maintenance and establishment period .

(10) **Location of Stockpiles** - Stockpiles of soil should not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of shall be suitably covered to prevent dust and odour nuisance.

(11) **Fill Material** – Prior to the importation and/or placement of any fill material on the subject site a validation report and sampling location plan for such material must be submitted to 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	Volume of fill (m³)
Virgin Excavated Natural Material	1 (see note 1)	1000

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

- (12) **Unexpected findings Contingency** – Upon the identification of additional contamination or hazardous materials at any stage of the earthworks process all earthworks in the vicinity of the findings shall cease and the affected area must be made secure from access by personnel. A qualified environmental consultant must assess the extent of the contamination / hazard in accordance with the NSW DEC Guidelines. The assessment results together with a suitable management plan must be provided to the Consent Authority (Camden Council) for written approval prior to the removal or treatment of such findings contamination / hazardous materials.
- (13) **Removal Of Waste Materials** - Where there is a need to remove any identified waste materials from the site that contain fill / rubbish / asbestos, this material will need to be assessed in accordance with the NSW DECC Waste Classification Guidelines (April 2008) (refer www.environment.nsw.gov.au/waste/envguidlns/index.htm) Once assessed, the materials will be required to be disposed to a licensed waste facility suitable for the classification of the waste with copies of tipping dockets supplied to Council.
- (14) **Removal of Noxious Weeds** - As per the requirements of the Noxious Weeds Act 1993, the applicant must ensure that 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
- (15) **Management of Noxious Weeds** - The applicant must fully and continuously suppress and destroy, by appropriate means, any noxious or environmentally invasive weed infestation that occurs during or after subdivision and prior to sale of the new lots. These must be reported to Council and fully eradicated by appropriate means.
- (16) **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.
- (17) **Site Management (No Nuisance Creation)** - The developer must carry out work at all times in a manner which will not cause a nuisance by the generation of unreasonable noise, dust or other activity to owners and occupiers of adjacent properties.
- (18) **Vehicles Leaving the Site** - The developer shall:
- (a) cause motor lorries leaving the site with material and the like to have their loads covered;
 - (b) ensure the wheels of vehicles leaving the site do not track soil and other waste material onto the public roads adjoining the site.
- (19) **Damaged Assets** – All engineering works and public utility relocation shall incur no cost to Camden Council. Any damage to Camden Council's assets shall be rectified prior to the commencement of use or occupation of a building.

- (20) **Compaction (Roads)** - All filling on roadways must be compacted at 100% standard compaction and tested in accordance with Camden Council's Engineering Specifications and associated guidelines and AS1289 by a NATA registered laboratory.
- (21) **Drainage Patterns Not to be Affected** - Filling must be undertaken in accordance with the approved plans and in such a manner that the drainage pattern on the site and on adjoining properties is not altered.
- (22) **No Filling or Cutting at the Boundary** - existing levels must be maintained at the boundary (including the road reserve) until such time as the adjoining owners have completed their earthworks. Batters shall be in accordance with Camden Council's Engineering Specifications.

5.0 - Subdivision Certificate

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

- (1) **Subdivision Certificate Application** – Prior to lodging of any subdivision linen plan with the Department of Lands - Land and Property Information, the linen plan must be endorsed by Camden Council. Accordingly, a Subdivision Certificate application must be submitted to Camden Council together with the following: -
- a. the appropriate fee as determined by Council's current Schedule of Fees and Charges, (Account No. A.2681.402.9)
 - b. the original linen plan of subdivision,
 - c. ten (10) paper copies of the original linen plan of subdivision, suitable for certification by the General Manager of Camden Council and lodgement at Land and Property Information, and
 - d. the original instrument pursuant to s88B of the Conveyancing Act 1919.
 - e. all service provision certificates/documents from the relevant service authorities.
- (2) **Subdivision Certificate Release** - The issue of a Subdivision Certificate is not to occur until;
- (a) all conditions of this consent have been satisfactorily addressed;
 - (b) all engineering works are complete;
 - (c) all works on Springs Road have been completed and full vehicle access has been reinstated to/from the said road;
 - (d) the acoustic attenuation barrier and associated landscaping has been constructed in accordance with the approved plans and development consent conditions; and
 - (e) a report must be provided to the Principal 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.
- (3) **Additional works required** – The issue of the final Subdivision Certificate is not to occur until separate development consent is obtained for works within the

bush/riparian corridor adjacent to the development land area which is owned by the developer (including the adjacent lake dam wall) and shall be generally in accordance with Part G, Chapter 18 of Camden DCP 2006, including the Spring Farm Conservation Strategy and Spring Farm Water Cycle Master Plan.

- (4) **Compliance Certificate** - Prior to the issue of the Subdivision Certificate the applicant must submit to Council documentary evidence/ compliance certificate to confirm compliance of all conditions of the subject consent.
- (5) **Value of Works** - Prior to release of the 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.
- (6) **Services** - Prior to the issue of any Subdivision Certificate the following service authority certificates/documents must be obtained and submitted to the Principal Certifying Authority for inclusion in any Subdivision Certificate application:
 - (a) a certificate pursuant to s73 of the Sydney Water Act 1994. Application for such a certificate must be made through an authorised Water Servicing Co-ordinator.
 - (b) a Notification of Arrangements from Integral Energy.
 - (c) written advice from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the subdivision site.

If the applicant proposes to provide services within public reserves or laneways, written permission must be received by Camden Council prior to commencing construction.
- (7) **Site Validation Report** – A validation report incorporating a notice of completion must be submitted to the Consent Authority in accordance with the requirements of clause 7.2.4 (a) - (d) and clause 9.1.1 of Council's adopted policy relating to contamination and clause 17 & 18 of SEPP 55 for the completed remediation works. The notice/s or report/s must confirm that all decontamination and remediation works have been carried out in accordance with the remediation plan and must be submitted to the Consent Authority within 30 days following the completion of the works and prior to the issue of a subdivision certificate.
- (8) **Interim Land Release Contribution Certificate** – Prior to the issue of any Subdivision Certificate, the applicant must submit to the consent authority written evidence from the Director-General of the Department of Planning which certifies the applicant is not in breach at the time of any its obligations under the deed entitled 'ILRC Deed' between the applicant and the Minister for Planning relating to the development.
- (9) **Maintenance Bond** - A maintenance bond in the form of an unconditional bank guarantee or cash bond, being 10% of the value of civil works and works associated to the acoustic barrier, must be lodged with Council prior to the release of the 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.

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

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

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

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.

- (11) **Bond for the Decommissioning of the Onsite sediment/detention basin and or Temporary Water Quality and Construction of Water Quality Facility** - Prior to the issue of any Subdivision Certificate a bond for: -

- a) the conversion of the sediment/detention basin and/or temporary water quality facility to a temporary/permanent water quality facility, and/or
- b) the removal of the modified onsite sediment/detention basin and/or temporary 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 equivalent to the construction contract value of the whole final water quality facility, 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.

(12) **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 the Subdivision Certificate.

This bond is to cover the construction of the footpaths 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 dwellings have 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 construction bond unless a suitable replacement bond is submitted.

(13) **Fill Plan** - A separate fill plan on plastic (sepia) film and in electronic form (.pdf and .dwg format or equivalent) must be submitted to Council prior to the release 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.

(14) **Compliance Certificate** - A Compliance Certificate from a suitably qualified and experienced Geotechnical Engineer must be submitted verifying that the works detailed in the geotechnical report have been undertaken under the Engineer's supervision and to the Engineer's satisfaction, and that the assumptions relating to site conditions made in preparation of the report were validated during construction. This certificate must accompany the "Works as Executed" drawings.

(15) **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.

(16) **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.

(17) **Works As Executed Drawings - Prior to the issue of any Subdivision Certificate**, a works-as-executed drawing signed by a registered surveyor and provided in both hard copy and .dwg or equivalent format must be submitted to the Principal Certifying Authority showing that the stormwater drainage and finished ground levels have been constructed as approved.

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

(18) **Drawing File** - Council requires the Applicant to submit with their Subdivision Certificate application, an electronic version of the proposed subdivision plan in either dxf or dwg format, in the following co-ordinates AGD66.ISG Zone 56/1 for integration into Council's mapping system.

(19) **Updated Bushfire Risk Maps** - Maps based upon the final completed subdivision layout on a separate layer in .dxf or .dwg format showing Asset Protection Zones and Bushfire prone land should be provided for integration into Council's mapping system.

(20) **Updated Flood Maps** - Maps based upon the final completed subdivision layout on a separate layer in .dxf or .dwg format showing 1% and 5% AEP levels, should be provided for integration into Council's mapping system.

(21) **Construction Standards** - All civil engineering work associated with the development must be carried out strictly in accordance with Camden Councils Development Control Plan 2007 and Engineering Specifications for roadworks drainage and other works associated with subdivisions and other developments.

(22) **Surveyor's Report** - Prior to the issue of the 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.

(23) **Sydney Water Hydrants** – Prior to the issue of any Subdivision Certificate all Sydney Water hydrants are to be clearly identifiable by appropriate kerb markings and blue coloured raised reflective pavement markers placed at the centreline of the road opposite the hydrant. These pavement markers are to be reinstated after

placement of the final layer of asphaltic concrete and prior to the release of the road surfacing bond

- (24) **Identification of Easements on the Final Plan of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.
- (25) **Identification of Restrictions on the Final Plan of Subdivision** - The developer must acknowledge all existing restrictions on the use of the land on the final plan of subdivision.
- (26) **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) 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.
 - e) Restriction as to user over any filled lots which stipulate that footings must be designed by a suitably qualified civil and/or structural engineer.
 - f) Restriction as to user detailing that no person must alter, remove or destroy any soil, planting or any part of a fence which forms part of a acoustic barrier without the prior approval of Camden Council and that the landowners or their assigns must maintain the acoustic barrier in good order at all times. If the acoustic barrier is not maintained to the satisfaction of Camden Council, Council may enter upon the land and carry out the necessary work at full cost to the land owner.
 - g) 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.
 - h) Restriction as to user on those lots adjacent to the overland flow paths to ensure that the floor level of any habitable room is not less than 600mm above the 1% AEP level, such levels to be detailed on the Section 88B Instrument and related to AHD.
 - i) Restriction as to user creating an easement for support and maintenance 900mm wide adjacent to the "zero" lot line wall.
 - j) The instrument must indicate that Camden Council is the only authority permitted to modify, vary or extinguish such easements and restrictions as to user.

- k) Restriction as to user that no building may be erected on any lot burdened by bush fire risk unless that building has been designed to meet the construction standards (and any other measures) required by NSW RFS Planning for Bushfire Protection and AS 3959. For the purpose of this restriction, AS 3959 means the Australian Standard: Construction of Buildings in Bushfire Prone Areas (AS3959) 2009.
- l) Restriction as to user as required by the Mine Subsidence Board Concurrent approval, that all works associated with development on residential lots shall be in accordance with Certification reference FN79-00169 P0 DE:LE; dated 30 April 2010 (Stage 31) and FN 10-06063P2 DE:LE; dated 30 April 2010 (Stage 32) as issued by the Mine Subsidence Board.
- m) Restriction as to user for Lots 3102- 3107 requiring an acoustic lapped fence of 2.1m high to be constructed between each dwelling on each lot. For Lot 3101 an acoustic timber lapped acoustic fence of 2.1m high will be required to be constructed on the northern boundary and partly wrap around to front boundary to meet the front building facade. The location of these acoustic fences must be consistent with *“Section 5.1 – Roadside Mounds or Barriers”* and the plan *“Appendix B – TB705-16 Spring Farm Stage 30 2016 2.1m Noise Wall”* contained within *“Cornish Group – Spring Farm Stage 30 Traffic Noise Impact Assessment, Prepared for Cornish Group, Prepared by Renzo Tonin & Associates, Ref No. TB705-16F02 (Rev 3) Spring Farm Stage 30 Noise Impact Assessment Doc, Dated 15/07/10.”* Compliance with the above is to be demonstrated for each dwelling application and must be constructed prior to the issue of any Occupation Certificate for residential occupation.
- n) Restriction as to user on lots 3101-3107 that the required acoustic barrier shall be constructed with the following minimum standards;
- (i) reinforced under barrier concrete plinth;
 - (ii) reinforced vertical supporting posts;
 - (iii) the timber barrier must be a minimum of H5 grade; and
 - (iv) a durable materials with a sufficient mass (minimum 16kg/m²); and
 - (v) must be colour treated to complement the colours used within the dwelling design and to include suitable landscaping;
 - (vi) must not be constructed or encroach on any drainage reserve

Compliance with the above is to be demonstrated for each dwelling application and must be constructed prior to the issue of any Occupation Certificate for residential occupation.

- o) Restriction as to user for Lots 3101- 3107, that the dwelling layout is to be consistent with *“Section 5.3 House Design and Layout”* contained within the *“Cornish Group – Spring Farm Stage 30 Traffic Noise Impact Assessment, Prepared for Cornish Group, Prepared by Renzo Tonin & Associates, Ref No. TB705-16F02 (Rev 3) Spring Farm Stage 30 Noise Impact Assessment Doc, Dated 15/07/10.”* Compliance with the above is to be demonstrated for each dwelling application.
- p) Restriction as to user for lots 3101-3107 that the window and door treatments

are to be consistent with *“Section 5.4 – Building Treatment of Affected Receivers”* contained within the *“Cornish Group – Spring Farm Stage 30 Traffic Noise Impact Assessment, Prepared for Cornish Group, Prepared by Renzo Tonin & Associates, Ref No. TB705-16F02 (Rev 3) Spring Farm Stage 30 Noise Impact Assessment Doc, Dated 15/07/10.”* Compliance with the above is to be demonstrated for each dwelling application.

- q) Restriction as to user for Lots 3101-3107 that all facades identified may require windows to be closed (but not necessarily sealed) to meet internal noise criteria. As a result, the provision of alternative ventilation (possibly mechanical provided there is a fresh air intake) that meets the requirements of the Building Code of Australia (BCA) will need to be provided to habitable rooms on these facades to ensure fresh airflow inside the dwellings when windows are closed. Consultation with a mechanical engineer to ensure that BCA and AS1668 are achieved may be required. Compliance with the above ventilation requirement is to be demonstrated for each dwelling application on the affected lots.
- r) Restriction as to user on all allotments 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 10 and Appendix J” in the report titled *“Geotechnical, Contamination & Salinity Assessment: 30 Spring Farm For The Cornish Group Spring Farm, Prepared for Lean & Hayward, Prepared by SMEC Testing Services Pty Ltd, No Project No 16726/6902B, Dated September 2010.”*

(27) **Burdened Lots to be Identified** - Any lots subsequently identified during construction of the subdivision as requiring restrictions must also be suitably burdened.

(28) **Permanent Water Quality Facilities Operation, Maintenance and Monitoring Manual/s** - Prior to the issue of any Subdivision Certificate, an Operation and Maintenance and Monitoring Manual for each of 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 Spring Farm Water Cycle Master Plan and must provide detailed information regarding the following:

- (a) Sampling- 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”.
- (b) 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.

- (c) Methodology for attainment of the required water quality discharge parameters.
- (d) 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.
- (e) 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.
- (f) 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.

The timing of the construction of the water quality facilities is essential in ensuring the requirements of the Water Cycle Master Plan are being achieved.

- (29) **Section 94 Contributions** - Prior to the Subdivision Certificate being issued for each stage of the development, the following Section 94 Contributions must be paid as prescribed hereunder:

Stage 31

- (a) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$37,592.00 per additional lot or dwelling, total \$1,691,640.00, for **Drainage, Roadworks, Traffic Facilities, Open Space Embellishment, Newcomers Programme and Masterplan.**

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

The monetary contribution for Drainage, Roadworks, Traffic Facilities, Open Space Embellishment, Newcomers Programme and Masterplan may at the sole discretion of Council be offset by the value of land transferred to Council or by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such an agreement is to be undertaken, it must be signed **prior to the release of a Subdivision Certificate.**

- (b) Pursuant to Camden Contributions Plan amended July 2004, a contribution must be paid to Council of \$8,307.00 per additional lot or dwelling, total \$373,815.00, for **Community & Recreation Facilities.**

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

The monetary contribution for Community Facilities, Recreation Facilities and Open Space may at the sole discretion of Council 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 release of a Subdivision Certificate.**

- (c) Pursuant to **Contributions Plan No 8** amended in September 1997, a contribution must be paid to Council of \$17.00 per additional lot or dwelling, total \$765.00, for **Secondary Roundabout R6 (Richardson Road/Lodges Road).**

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

- (d) Pursuant to **Contributions Plan No 20** adopted in October 1996, a contribution must be paid to Council of \$26.00 per additional lot or dwelling, total \$1,170.00, for **Fire and Other Emergency Facilities and Equipment.**

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

- (e) Pursuant to **Camden Contributions Plan** amended July 2004, a contribution must be paid to Council of \$369.00 per additional lot or dwelling, total \$16,605.00, for **s.94 Administration and Management.**

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

- (f) 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 5,077.80m², for **s.94 Open Space Land Acquisition**, and 3.68m² per additional lot or dwelling, total 165.60m², 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 \$15,209.00 per additional lot or dwelling, total \$684,405.00.

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

Stage 32

- (a) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$37,592.00 per additional lot or dwelling, total \$2,217,928.00, for **Drainage, Roadworks, Traffic Facilities, Open Space Embellishment, Newcomers Programme and Masterplan.**

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

The monetary contribution for Drainage, Roadworks, Traffic Facilities, Open Space Embellishment, Newcomers Programme and Masterplan may at the sole discretion of Council be offset by the value of land transferred to Council or by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such an agreement is to be undertaken, it must be signed **prior to the release of a Subdivision Certificate.**

- (b) Pursuant to Camden Contributions Plan amended July 2004, a contribution must be paid to Council of \$8,307.00 per additional lot or dwelling, total \$490,113.00, for **Community & Recreation Facilities.**

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

The monetary contribution for Community Facilities, Recreation Facilities and Open Space may at the sole discretion of Council 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 release of a Subdivision Certificate.**

- (c) Pursuant to **Contributions Plan No 8** amended in September 1997, a contribution must be paid to Council of \$17.00 per additional lot or dwelling, total \$1,003.00, for **Secondary Roundabout R6 (Richardson Road/Lodges Road).**

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

- (d) Pursuant to **Contributions Plan No 20** adopted in October 1996, a contribution must be paid to Council of \$26.00 per additional lot or dwelling, total \$1,534.00, for **Fire and Other Emergency Facilities and Equipment.**

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

- (e) 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 6,657.56m², for **s.94 Open Space Land Acquisition**, and 3.68m² per additional lot or dwelling, total 217.12m², 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 \$15,209.00 per additional lot or dwelling, total \$897,331.00.

- (f) Pursuant to **Camden Contributions Plan** amended July 2004, a contribution must be paid to Council of \$369.00 per additional lot or dwelling, total \$21,771.00, for **s.94 Administration and Management.**

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

END OF CONDITIONS



RECOMMENDED

That Council:

- i. **approve Development Application 594/2009 for residential land subdivision to create 96 residential lots and 10 residual lots at No 110 (Lot 61, DP 810692) and No 96A (Lot X, DP 442741) Springs Road, Spring Farm subject to the draft development consent conditions shown above;**
- ii. **include a temporary advisory note within the relevant 149(5) Planning Certificate for the purpose of stating the road classification of Springs Road to be a gazetted B-Double access road, as endorsed by the Roads and Traffic Authority; and**
- iii. **formally write to the developer advising that any future Development Application within the South Village which is inconsistent with the Spring Farm Master Plan must be supported by a formal amendment to the Spring Farm Development Control Plan (Part G Site Specific Controls; Chapter 18 Spring Farm) in accordance with Part 3 Environmental Planning Instruments; Division 6 Development Control Plan, of the Environmental Planning and Assessment Act, 1979 and that such an amendment shall address all land owners within the village.**

ATTACHMENTS

1. Location plan
2. Plans
3. Submissions (sup doc)

 
Location Map - Springs Rd Spring Farm 61_810692 X_442742.pdf Development Plans_DA 594-2009.pdf


Submissions_AV Jennings_DA594-2009.pdf

RESOLUTION

Moved Councillor Warren, Seconded Councillor Cagney that Council:

- i. **approve Development Application 594/2009 for residential land subdivision to create 96 residential lots and 10 residual lots at No 110 (Lot 61, DP 810692) and No 96A (Lot X , DP 442741) Springs Road, Spring Farm subject to the draft development consent conditions shown above;**
- ii. **include a temporary advisory note within the relevant 149(5) Planning Certificate for the purpose of stating the road classification of Springs Road to be a gazetted**

B-Double access road, as endorsed by the Roads and Traffic Authority; and

- iii. formally write to the developer advising that any future Development Application within the South Village which is inconsistent with the Spring Farm Master Plan must be supported by a formal amendment to the Spring Farm Development Control Plan (Part G Site Specific Controls; Chapter 18 Spring Farm) in accordance with Part 3 Environmental Planning Instruments; Division 6 Development Control Plan, of the Environmental Planning and Assessment Act, 1979 and that such an amendment shall address all land owners within the village.

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

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

No Councillor voted against the Motion).

ORD06/11

ORDINARY COUNCIL

ORD02

MULTI UNIT HOUSING DEVELOPMENT AND STRATA SUBDIVISION, NO 11 (LOT 14 DP 193308) VIEW STREET, CAMDEN

FROM:	Director Development and Health
FILE NO:	Binder: Development Applications 2010
DA NO:	1209/2010
OWNER:	Mr BM & Mrs AR Arany
APPLICANT:	Baz & Annette Investment
ZONING:	B4 Mixed Use
APPLICABLE PLANNING INSTRUMENT:	CLEP 2010

PURPOSE OF REPORT

The purpose of this report is to seek a determination of a Development Application for the construction of two (2) x 2 storey attached dwellings, one (1) single storey two bedroom dwelling, car parking, landscaping and associated works, and strata subdivision at No 11 (Lot 14 DP 193308) View Street, Camden.

The application is referred to Council for determination in accordance with its delegations as a variation from the prevailing Development Control Plan is sought.

SUMMARY OF RECOMMENDATION

It is recommended that Council grant consent to Development Application 1209/2010 subject to draft conditions of consent provided at the end of this report.

BACKGROUND

In 2002 the previous owner sought the consent of Council through the submission of a development application (DA 56/2002) for a two lot subdivision of the site and construction of a new dwelling on the rear block. The application was eventually withdrawn on the 2 February 2005.

In 2007 the historical workers cottage which was located on the site was destroyed beyond repair by fire, and a subsequent application for demolition of the remaining structure (DA 1172/2007) was approved on the 7 December 2007.

DA 1209/2010 was lodged with Council on the 21 October 2010 and notified in accordance with Council's notification policy. No submissions were received. Following preliminary assessment of the application, issues in relation to particular non compliances with the Camden Development Control Plan including minimum lot size,

rear setbacks for two storey dwellings and width of car spaces abutting walls were noted as part of the Section 79C assessment. Due to the outstanding non compliances the application is referred to Council for determination.

THE SITE

The subject site is No 11 (Lot 14 DP 193308) View Street, Camden. The property is located on the western side of View Street and has a frontage of approximately 12.5m and a total site area of 550.1m².

The site is currently vacant, accessed over a pre-existing paved driveway which extends along the length of the northern boundary. The entire area, with the exception of the driveway, is grassed and three small tree/shrubs currently exist on site.

No 13 View Street is located to the south of the site and comprises of a heritage listed single storey cottage towards the front of the property. To the rear of the property there are three (3) x two storey duplexes with a basement level car parking area.

No 9 View Street adjoins the site to the north and remains untouched with an existing historical workers cottage existing at the front of the block with no additional development yet proposed.

No 20 Hill Street is located to the rear of the site and comprises of a single storey historical workers cottage which has been converted for commercial purposes. No 20 Hill Street is located on land which is significantly elevated above the subject site allowing for considerable overlooking into the subject rear yard.

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

THE PROPOSAL

Development consent is sought for:

- the construction of two x two storey attached buildings comprising 2 x 1 bedroom dwellings. Each unit is two storey with a bedroom and ensuite at ground floor level and living areas at first floor level. The units will be orientated to the east facing the rear of the new single storey cottage. Each unit will benefit from a large balcony providing the required minimum area of 25m² principal private open space.
- the construction of a new one storey, 2 bedroom cottage which has been designed as best as possible to resemble the historical workers cottage which had previously existed on the site. The new dwelling will have a total living floor area of 82.63m², and a veranda area of 13.84m², providing a total building area of 96.47m².
- 4 car parking spaces to be provided on-site to the rear of the single storey dwelling;
- a new turning circle/ driveway along the path of the existing driveway and behind the new single storey cottage, which will provide a turning and access area for vehicles accessing the car parking spaces;

- landscaping works to create a 'cottage style' front garden to the cottage. Fencing of the property is also proposed including the construction of a picket fence to the front boundary and side return;
- strata subdivision of the existing property into 3 lots, as;
 - Lot 1 (170.496m²), a single storey cottage and garden area.
 - Lot 2 (54.696m²), the southern unit in the proposed new building.
 - Lot 3 (54.696m²), the northern unit in the proposed new building.
 - Common Area (222.812m²), comprising the driveway/turning areas and parking spaces.

A plan of the proposed development is provided at the end of this report.

NOTIFICATION

The proposed development was notified in accordance with Part C: Chapter 2 Notification Processes for Development Applications of Camden Development Control Plan 2006, from 18 November 2010 to 2 December 2010.

No submissions were received in regards to this application.

PLANNING CONTROLS

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Camden Local Environmental Plan 2010
- Camden Development Control Plan 2006
- Draft Camden Local Environmental Plan No 149 – Heritage Schedules

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 (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been provided for the two new buildings to be erected at the rear of the lot as well as the new single storey cottage to be constructed at the front of the lot.

Camden Local Environmental Plan 2010 (the LEP)

The land is zoned B4 Mixed Use pursuant to the LEP.

The proposed development is best described as 'multi dwelling housing' which is defined by the LEP as:

'3 or more dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme) each with access at ground level, but does not include a residential flat building.'

Multi dwelling housing is permissible in the zone with development consent. The proposed development would provide medium density housing in close proximity to the Camden Town Centre and local public transport services, therefore encouraging sustainable living. As View Street is primarily residential, the proposed development is consistent with the surrounding area and would not compromise the business and retail uses that dominate Argyle Street. The proposal is considered to be consistent with the objectives of the zone.

The LEP sets a maximum building height of 7m for the site. The application proposes a maximum height of 6.4m, compliant with Clause 4.3.

No 11 View Street is identified in Schedule 5 of the LEP and on the heritage map as a local heritage item. The property is also located within the Camden Town Centre Conservation Area.

To support the application, a Statement of Heritage Impact has been submitted. A Conservation Management Plan was deemed unnecessary in this case, however a Schedule of Works has been provided for the construction of the new single storey cottage to resemble the existing historical structure.

Recommended conditions of consent are proposed to be placed on any development consent granted by Council. Further, the proposed buildings at the rear of the site are consistent with others in View Street and meet the design guidelines set out in the View Street chapter of the Camden Development Control Plan 2006.

As such, the proposed development is considered to preserve and enhance the character and appearance of both the item and the Camden Town Centre Conservation Area.

(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 149 – Heritage Schedules

Draft Camden LEP 149 sought to make amendments to the existing Local Environmental Plans by way of updating those items of listed local and state heritage. The LEP lists Nos 5-13 (Workers Cottages) View Street as items of local heritage significance. The provisions of Draft Camden LEP 149 have since been incorporated into Camden Local Environmental Plan 2010.

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

Camden Development Control Plan 2006 (the DCP)

Part G: Chapter 19 – View Street, Camden

Part G: Chapter 19 of the DCP is specific to View Street in Camden. It sets out controls which include parking concessions to promote the refurbishment of the heritage items. While it is acknowledged that the destruction of the cottage previously on the site no longer allows refurbishment, the proposal seeks to recreate the look and feel of the previous cottage. It is therefore considered these controls should still apply. An assessment of the relevant controls is below.

CONTROL		PROPOSED	COMPLIANCE
Minimum Lot Size	600m ²	550.1m ²	Does not comply
Building Height Front Building Rear Buildings	One Storey Two Storey	One Storey Two Storey	Complies
Fencing Maximum Front Fence Maximum Rear Fence Maximum Side Fence	1m 1.8m 1m grading to 1.8m at front building alignment	Fencing heights to be controlled through conditions of consent, if consent is granted.	To be conditioned
Car Parking 1 bed unit 2 or more bed unit	1 space 2 spaces	1 space per 1 bed unit 2 spaces for the cottage	Complies
Private Open Space Area per unit (behind primary building line)	25m ² (minimum dimension of 5m)	2 x 25m ² balconies provided to the units 1 x 25m ² grassed area addressing the rear of the proposed worker's cottage. All POS has a minimum dimension of 5m in one direction	Complies

Minimum Lot Size - The property has a total site area of 550.1m². This is 50m² below the minimum lot size of 600m² stipulated in the DCP. The variation from the DCP control is significant, however it is not considered unreasonable for the following reasons:

- i) With the exception of No 15 View Street and No 10-12 View Street which have been consolidated, all other properties identified in the View Street chapter are also well below 600m². If this control were to be enforced, the desired future character for View Street outlined in the chapter would not eventuate and the refurbishment of the heritage listed cottages would be unlikely to occur.
- ii) Development consent has been granted for similar developments at Nos 5, 7 and 13 View Street. Both Nos 5 and 13 View Street have since constructed the approved developments. In this regard the current proposal is considered to be

generally consistent with these approvals.

- iii) The lot is already below the minimum of 600m² and this development will not of itself further reduce the lot size.

The proposal is generally in accordance with the controls of Part G: Chapter 19 – View Street, Camden of the DCP with the exception of the minimum lot size for which the variation is considered justified. It is considered the DA provides for residential accommodation which is acceptable in terms of its amenity and appearance.

Part E: Chapter 2 – Detached Dwellings and Multi-unit Housing

Where Part G: Chapter 19 of the DCP is silent on a particular control type, the controls of Part E: Chapter 2 are applied. An assessment of the proposal against the relevant controls of Part E: Chapter 2 is in the table below.

CONTROL		PROPOSED	COMPLIES
6.1 Design		Enhances streetscape Preserves heritage building and conservation area. Built form is proportionate to surrounding buildings. Development is appropriate to the character of the area. Height and setbacks acceptable. Fences to be conditioned.	Yes
6.4(A) Side and Rear Setbacks	<u>Side</u> – min BCA N/NW boundary – 5m for at least 50% of the site <u>Rear</u> – 6m	New building 900mm 50% of the Northern boundary remains free from buildings 900mm	Yes No – but consistent with BCA. Condition to be no less than 900mm
6.9 Rainwater Tanks	Locate 2m behind building line. Max height 2.4m	Rain water tanks are proposed in accordance with BASIX in ground in front of building line.	Yes
10 Solar Access	Min 3hr sunlight to living room windows and POS	New and existing dwellings and neighbouring	Yes

		properties achieve a min 3hours	
12.3 Landscaping	Max 50% of site impervious	>50% of the site is impervious	No
13 Visual Privacy		See 'likely impacts of the development'	Yes
14 Acoustic Privacy		Complies	Yes

6.4(A) Side and Rear Setbacks

The proposal fails to comply with the 6m rear setback proposing a rear setback of 900mm. The 6m setback, though included in the general chapters of DCP 2006, was not anticipated to apply to infill development such as this proposal. Rather, it was to apply to new subdivision areas. Adopting a 6m setback would render the character sought in View Street unattainable. Section 6.4(A)(g) states that Council may consider variations to side and rear setback controls for infill detached housing in established areas, but only to the extent that variation complies with the Building Code of Australia (BCA).

The proposed new building at the rear of the site will be detached from the front cottage and although it comprises two dwellings, the principle of a variation can be applied, but only to a minimum side and rear setback of 900mm. A rear setback of 900mm is consistent with adjoining development and that previously approved in View Street. The proposed variation is necessary to enable the construction of the proposed development. To enforce the control would limit development and the desired future character envisaged in Part G: Chapter 19 would not be achieved.

The proposed variation is necessary to achieve an effective design and layout while at the same time not negatively impacting on the heritage significance of View Street. For these reasons it is considered acceptable.

12.3 Landscaping

Given the site area of only 550.1m², it is not possible to provide 50% of the site as pervious landscaped area and still develop the site in accordance with the controls of the Part G: Chapter 19. The application is assessed to provide approximately 30% pervious area, which is generally consistent with development and that previously approved in View Street.

A cottage garden is proposed at the front of the site and the driveway is to be conditioned to be comprised of concrete strips with grass surrounds to further add to pervious surfaces and preserve the historical setting of the site. However the footprint of the buildings and the need to provide vehicle circulation area and parking in accordance with Part G: Chapter 19 of the DCP precludes the incorporation of any additional soft landscaped area.

It is not considered this variation would significantly impact on the appearance of the development, particularly as the cottage garden and partially turfed driveway will soften its appearance when viewed from the street. It is noted that Nos 5 and 13 View Street have been granted a similar variation for the same reasons.

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

There are no provisions of any Planning Agreements which will apply to the assessment of this DA.

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

All relevant provisions of the Environmental Planning & Assessment Regulations 2000 would be imposed by way of conditions of any development consent.

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

The key impacts of this development relate primarily to the amenity of neighbouring properties and future occupiers.

Overshadowing

The proposed development would result in limited overshadowing of No 20 Hill Street between 9 am and 12 noon and partial overshadowing of the rear garden of No 9 View Street between 9am and 3pm at the winter solstice. The windows of No 9 would receive more than 3 hours of direct sunlight each day all year round. As No 20 Hill Street is used for commercial purposes, a reduction in solar access is not considered as significant as a similar impact on residential properties. It is therefore considered to be consistent with solar access requirements for principal private open space.

The minor overshadowing created by the proposed development would not be of such significance that it would prejudice future redevelopment of Nos 22 or 18 Hill Street.

The proposed building at the rear of the site would also not overshadow the new single storey cottage at the front. Consequently limited overshadowing of adjoining properties is considered acceptable and would not unreasonably impact on the amenity of neighbouring residents or future occupiers.

Privacy

No windows are proposed in the rear elevation of the two storey dwellings and only a kitchen window is proposed in the side elevations of the dwellings at first floor level. Privacy screens are proposed to the side of each of the balconies. No windows are considered to give rise to any significant overlooking of the property at No 9 View Street and would not prejudice the future redevelopment of No 13 View Street. Privacy screens to the side of the balconies will ensure the privacy of adjoining occupiers is maintained and is therefore consistent with Council's requirements for privacy and overlooking.

Openings in the rear elevation of the proposed single storey cottage will be limited to small windows to the family and kitchen rooms, successfully preventing any overlooking or loss of privacy to the internal spaces from the proposed dwellings at the rear. Planters along the deck edge will further create a sense of privacy for occupiers of the proposed cottage. Further, the cottage is also to benefit from a landscaped front garden with veranda.

Acoustics

There are unlikely to be any acoustic impacts arising from the development. The proposed residential use is consistent with the zone and compatible with the adjoining residential and commercial premises. The attached dwellings are a mirror image layout in order to locate living spaces away from bedrooms.

Streetscape/Amenity

The proposed buildings at the rear of the site have been well designed to appear recessive to the proposed cottage to enhance the historically significant character and appearance of the streetscape. The colours and materials to be used are traditional heritage colours and would result in the development appearing comfortable and cohesive with its setting.

Parking

Sufficient parking has been provided to meet the DCP requirements. The proposal would not result in increased pressure on on-street parking or give rise to significant traffic impacts.

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

The proposed residential development is consistent with the objectives of the B4 zone and also successfully contributes to the desired future character of the area as detailed in the DCP. This type of development is very specific to View Street in order to preserve the significant cottages through the provision of additional residential accommodation. It is considered that the development as proposed would provide accommodation of an acceptable standard whilst also making a positive contribution to the streetscape and the Camden Local Government Area through the recreation of the previously destroyed cottage. As such, the site is considered suitable for the development.

(1)(d) Any submissions

The proposed development was notified in accordance with Part C: Chapter 2 (Notification Processes for Development Applications) of the DCP, from 18th November 2010 to 2nd December 2010. No submissions were received in regards to this application.

(1)(e) The public interest

It is considered that the proposed development would not be contrary to the public interest. The provision of a new residential development on the currently vacant block will ensure a consistent and completed streetscape, effectively restoring View Street close to its original form.

CONCLUSION

Development consent is sought for the construction of a two x two storey attached building and a new single storey cottage, parking, landscaping and associated works, and strata subdivision of a site at View Street, Camden.

The proposal is in accordance with the objectives of the Camden LEP 2010 and the DCP and the variations from the numerical controls in the DCP are considered acceptable. The proposal would be a positive contribution to the locality as it would provide residential accommodation in close proximity to the Camden Town Centre whilst preserving the historical significance of the View Street precinct.

The proposal has been considered on its merits and is now able to be recommended to Council for approval subject to draft conditions shown 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 and other associated documentation:

- Floor, Site Plans & Elevations: Job: Proposed Multi Unit Development prepared for Bas & Annette Investment, prepared by ProCorp Designs: Sheets 1-11, Issue E dated 18/10/2010
- Subdivision Plan: Job: Proposed Multi Unit Development prepared for Bas & Annette Investment, prepared by ProCorp Designs: Sheet 12, Issue D dated 14/10/2010.
- Contour Plan – Sheet 1 of 1, Job No. 220912, prepared by John McDonald Building Services Pty Ltd, dated 20th June 2010.
- Drainage Concept Plan: Sheets 1 – 2, Job No. DWG 10390, prepared by DM Consulting Pty Ltd, dated 14th October 2010.
- Statement of Environmental Effects & BASIX Certificate prepared by ProCorp Designs submitted with Development Application.

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

(2) **Amendments or modification** of the approved development require the written prior approval of Camden Council.

(3) **Construction Details for Cottage** – The construction details for the front cottage must be in accordance with the document entitled *Proposed Development at No. 11 View Street, Camden – Statement of Heritage Impact* by Stedinger Associates, dated September 2010, in particular Section 5.

(4) **Colour Scheme for Cottage** - The colour scheme for the front cottage must be in accordance with Schedule A – *Colour Scheme for 11 View Street, Camden – Front Cottage*, or equivalent colours.

- (5) **Colour Scheme for Rear Dwellings** - The colour scheme for the rear dwellings must be in accordance with Schedule B – *Colour Scheme for 11 View Street, Camden – Rear Dwellings*, or equivalent colours.
- (6) **Picket Fencing** – The front and return picket fence shall have the same height of adjoining picket fences of neighbouring properties (approximately 1m high).
- (7) **Landscaping Maintenance & Establishment Period** - All landscaping works associated with this Consent are to be maintained and successfully established for a period of 12 months. The Maintenance and Establishment Period is to commence from the date of initial completion of the approved landscaping works ie, the Date of Practical Completion (DPC).

The DPC is that date when the Applicant and the Principal Certifying Authority (PCA) agree that the landscaping works have been satisfactorily completed as per the approved Landscaping Plans applying to this Consent and the Construction Certificate (CC). The agreed DPC date will trigger the commencement of the landscaping maintenance and establishment period.

It is the Applicant's responsibility to arrange a site inspection upon initial completion of the landscaping works to determine and agree upon an appropriate DPC.

At the completion of the landscaping maintenance and establishment 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 maintenance and establishment period, the landscaping works must comply with the approved Landscaping Plans.

Any landscaping works that require repair or replacement are to be successfully repaired or replaced prior to the completion of the maintenance and establishment period.

- (8) **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.
- (9) **Development Application For Air Conditioning Unit** - A separate development application must be lodged for any air conditioning unit that does not meet the requirements as "Exempt Development" under *Camden Council Development Control Plan 2006 (DCP 2006)*.
- (10) **Timber Framing** – The timber frame must be constructed in accordance with the requirements of the *Building Code of Australia* . The applicant is advised that the wall and roof framework including bracing must be designed and anchored to withstand a wind velocity for the particular area.
- (11) **Durable Timber Selection** - Timber exposed to the weather which supports structural or live loads, such as cantilevered balconies, posts and the like must comply with the requirements of the *Building Code of Australia* .
- (12) **Wet Area Water Proofing** - The application of waterproof membranes in wet areas must comply with the requirements of the *Building Code of Australia* .
- (13) **Building Code Of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia* .

2.0 - Construction Certificate Requirements

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

- (1) **Water Tanks** - The water tanks must not exceed a maximum height of 2.4m.
- (2) **Acoustic Glazing** – The ground floor windows servicing Units 2 & 3 which face the carpark area must be provided with acoustic glazing.

Details shall be submitted to the Certifying Authority for consideration prior to the issue of the Construction Certificate.

- (3) **Entry Doors** – The ground floor entry doors servicing Units 2 & 3 must be solid core doors.

Details are to be indicated on the plans for the Construction Certificate.

- (4) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with Camden Council's Development Control Plan 2006 and Engineering Specifications and are to be submitted for approval to the Principal Certifying Authority prior to the Engineering Construction Certificate being issued.

Please note that:

- 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) **Performance Bond - Prior to the issue of the Construction Certificate** a performance bond of \$3000 must be lodged with Camden Council. Should any of Council's property sustain damage or the development place the environment or public at risk, Council will perform any works necessary on behalf of the applicant to rectify these works. This bond will be refunded once all works have been completed to the satisfaction of Council. The applicant must be responsible for any damage caused to existing public utilities, footpaths or public roads during construction works.

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

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

- (6) **Civil Engineering Details** - The developer must submit details of all engineering works on engineering plans to the Certifying Authority for approval prior to a Construction Certificate being issued.
- (7) **Public Risk Insurance Policy - Prior to the issue of the Construction Certificate**, the owner or contractor is to take out Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve. The Policy is to note Council as an interested party and a certificate of currency from the issuer of such policy must be submitted to the Council as evidence of such policy. Where the coverage of such policy expires during the period of construction of the works, the policy must be renewed prior to the expiration of the policy and a Certificate of Currency from the insurer provided 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.

- (8) **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.

(9) **Concealed Drainage Lines And Downpipes** - To enhance the visual appearance of the proposed development, drainage lines and downpipes shall, as far as practicable, be located within the building and not fixed to the face of the external walls. Details of the method of concealment/installation shall be provided with the Construction Certificate application.

(10) Pursuant to **Contributions Plan No 20** adopted in October 1996, a contribution must be paid to Council of \$26.00 per additional lot or dwelling, total \$52.00, for **Fire and Other Emergency Facilities and Equipment**.

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

(11) Pursuant to **Camden Contributions Plan** amended July 2004, a contribution must be paid to Council of \$372.00 per additional lot or dwelling, total \$744.00, for **s.94 Administration and Management**.

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

(12) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be made to Council of \$10,794.00 per additional lot or dwelling, total \$21,588.00, for **s.94 Open Space Land Acquisition and Community Land Acquisition**.

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

(13) **Fire Separation** – The units must comply with the fire separation requirements of the Building Code of Australia.

Details shall be submitted with the Construction Certificate application.

(14) **Mechanical Ventilation** – The bathrooms shall be provided with mechanical ventilation which shall be designed to operate simultaneously with the light switch.

(15) **Construction Noise** – Noise from the construction/demolition activities associated with the development shall have regard to the guidelines contained in the NSW, EPA, Environmental Noise Control Manual chapter 171, that is:

(a) Construction periods of 4 weeks and under:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed to any sensitive noise receiver.

(b) Construction periods greater than 4 weeks and not exceeding 26 weeks:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise

level by more than 10dB(A) when assessed to any sensitive noise receiver.

- (16) **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 following 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.
- (q) Treat all natural water courses for scour protection

All required soil erosion and sediment control measures must be maintained during the entire construction period until all disturbed areas are restored by turfing, paving or re-vegetation.

An Infringement Notice which impose a monetary penalty of \$750.00 for an individual or \$1,500.00 for a corporation may be issued by the Consent Authority (ie Camden Council) where the maintenance of measures is inadequate.

3.0 - Prior To Works Commencing

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

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

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

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

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

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

- (3) **Toilet Facilities** - Toilet facilities must be provided at the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

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

- (4) **Access From Public Places** - Construction access from public places (reserves, parks, walkways and the like) other than roads shall not occur without the prior consent of Camden Council. Bonds or legal agreements may be required to protect Council's assets if access from these places is approved.
- (5) **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
- (6) **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.

- (7) **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.

- (8) **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.

4.0 - During Construction

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

- (1) **Street Trees, their protective guards and the road verge areas** - Any street trees, tree guards, protective bollards or any area of the nature strip/road verge, which are disturbed, relocated, removed, or damaged during the development, construction, maintenance and establishment periods, must be successfully repaired, relocated or replaced.

Any repairs, relocations or replacements needed to the tree/s, lawn areas, bollards, tree guards, nature strip/road verge areas are to be completed with the same type, species and maturity and the works carried out successfully prior to the completion of the maintenance and establishment period.

- (2) **Obscured Glazing** - All windows from bathrooms and water closets (except for street elevation windows) must be fitted with translucent or obscure glazing for the purposes of providing adequate privacy between adjoining residents.
- (3) **Survey Report (Peg Out)** - The building must be set out by a registered land surveyor. A survey report detailing the siting of the building in relation to the allotment boundaries shall be submitted to the Principal Certifying Authority (PCA)

prior to the placement of any concrete.

- (4) **Building Platform** - This approval restricts excavation or fill for the purposes of creating a building platform. This area should not exceed 2 metres from the external walls of the building. Furthermore, any excavation or fill must not exceed 500mm in height and must in all other respects comply with *Camden Council Development Control Plan 2006 (DCP 2006)*, unless otherwise specifically approved by Camden Council.

- (5) **Retaining Walls** - If the soil conditions require it:

- retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- adequate provision must be made for drainage.

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

- (a) where the height of an approved retaining wall exceeds 600mm above or below natural ground level, structural engineering details must be obtained prior to any works commencing on the site. Manufacturers installation details may satisfy this requirement for treated timber products and some dry stacked masonry products;
- (b) adequate provisions must be made for surface and subsurface drainage of retaining walls and all water collected must be diverted to, and connected to a stormwater disposal system within the property boundaries;
- (c) retaining walls shall not be erected within drainage easements;
- (d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited by the easement or entitled to release or vary the restrictions applying to the easement (electrical easement and the like), or if the erection of the retaining wall makes the purpose of the easement inconvenient or redundant (such as, easements for support and maintenance).
- (6) **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.
- (7) **Damaged Assets** – All engineering works and public utility relocation shall incur no cost to Camden Council. Any damage to Camden Council's assets shall be rectified prior to the commencement of use or occupation of a building.
- (8) **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.
- (9) **Connect Downpipes** – All roofwater must be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The Principal Certifying Authority (PCA) must not permit construction works beyond the frame inspection stage until this work has been carried out.
- (10) **Footpath Levels** - The ground levels of the footpath area within the road reserve (between the boundary of the subject site to the kerb and gutter) must not be altered (by cut or fill) as a consequence of building design and/or construction.
- (11) **Building Inspections** - The Principal Certifying Authority (PCA) must determine when inspections of critical building components are necessary. The 'principal contractor' for the building works (as defined by the *Environmental Planning and Assessment Act, 1979*) must notify the PCA for the inspection of the building components. Where Camden Council has been nominated as the PCA, the following stages must be inspected and passed prior to proceeding to the subsequent stage of construction.
- Note:** If Council is appointed as the PCA, the Council agrees _____ to the commencement inspection being combined with the first required inspection.
- (a) **Commencement of Building Works** - When environmental controls are in place.
- (b) **Foundation Preparation** - The foundation material prior to the placement of slab preparation (prior to sand base and plastic membrane).
- (c) **Floor Joists & Bearers** - When sub-floor wall and/or floor framing are completed and damp-proofing, ant-capping and drains are in position **before** they are covered with flooring.
- (d) **Pier Holes** – Excavated pier holes prior to pouring of concrete.
- (e) **Strip Footings** – When foundation excavations have been undertaken and steel reinforcement provided, prior to footings being poured with concrete.
- (f) **Drainage Line-work** - When roofwater or stormwater drainage lines have been laid and connection to a street kerb or, drainage easement, or rubble pit, prior to backfilling of lines.

- (g) **Slab On Ground** – When steel reinforcement and associated formwork has been provided, prior to the slab being poured with concrete.
- (h) **Formwork and Steel Placement** - When formwork and reinforcement of structural components (such as concrete lintels, beams, columns, walls, swimming pools, etc) have been completed, prior to pouring of concrete.
- (i) **Wall & Roof Framing** - When the wall and roof frame have been completed (with plumbing and electrical wiring installed), brick work complete and the roof covering fixed, prior to internal lining.
- (j) **Wet Area Flashing** - When wall and floor junctions have been flashed with an approved product, prior to installation of floor/wall coverings. Wet areas include bathrooms, laundries, sanitary compartments, en suites and the like.
- (k) **Occupation Certificate (final inspection)** - Upon completion of the development and before occupation or commencement of use.

The *Environmental Planning and Assessment Act 1979* and *Regulation* may prescribe other 'critical stage inspections' of the works. It is recommended that you discuss and confirm all required inspections with the PCA.

Missed critical stage inspections are an offence under the *Environmental Planning and Assessment Act, 1979* and may prohibit the issue of an Occupation Certificate.

(12) **Surface Drainage** – To prevent surface water from entering the building:

- The floor level for slab on ground construction shall be a minimum of 150 mm above finished ground level for habitable rooms;
- Seepage and surface water shall be collected and diverted clear of the building by a sub-surface/surface drainage system;
- The control of surface water drainage shall in all respects comply with the *Building Code of Australia (Housing Provisions)* ;
- Where a rainwater tank is required on the site, all surface water drainage lines shall be connected to the outlet overflow drainage line from the rainwater tank.

(13) **Subterranean Termite Protection** - Treatment for the protection of the building from subterranean termites must be carried out in accordance with the *Building Code of Australia* .

A durable notice must be permanently fixed to the inside of the meter box indicating:

- (a) the method of protection;
- (b) the date of installation of the system;
- (c) the life expectancy of any chemical used;
- (d) the need to maintain and inspect the system.

(14) **Smoke Alarms** - An automatic smoke alarm system is to be installed for the building in accordance with the requirements of the *Building Code of Australia* .

Certification for the installation of the required smoke alarms from the installing licensed electrician shall be submitted to the Principal Certifying Authority (PCA).

(15) **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.

(16) **Retaining Works** - All retaining works are to be a minimum of 300mm off all property boundaries.

(17) **Drainage Easements** - No changes to site levels, or any form of construction shall occur within any drainage easements that may be located on the allotment.

(18) **BASIX Certificate** – Under Clause 97A of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

In this condition:

(a) relevant BASIX Certificate means:

- (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
- (ii) if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and

(b) BASIX Certificate has the meaning given to that term in the *Environmental Planning & Assessment Regulation 2000*.

(19) **Fill Quality** – Any fill material brought in for the construction of the dwelling must only contain uncontaminated soil, clay, shale or rock. No effluent, garbage or trade waste including building or demolition waste must be included in the fill. The extent and depth of filling must only occur in accordance with the approved plans and any other conditions of the development consent. Evidence of the certification of the fill as uncontaminated shall be provided to the Principal Certifying Authority.

(20) **Works By Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works must be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.

(21) **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.

(22) **Seal Up Redundant Laybacks** - In the event that the existing driveway and layback does not align with the proposed access, a new concrete layback must be constructed to Council's standards and the existing layback sealed up to match the existing concrete gutter **prior to the Occupation Certificate being issued.**

(23) **Rainwater Tanks** - The rainwater tank approved as part of the BASIX Certificate for the development must be constructed to comply with the following standards:

- The tank must be designed to capture and store roof water from gutters or downpipes on a building only.
- The tank must be structurally sound.
- The tank must be prefabricated, or be constructed from prefabricated elements that were designed and manufactured for the purpose of the construction of a rainwater tank.
- The tank must be assembled and installed in accordance with the instructions of the manufacturer or designer of the tank.
- The installation of the tank must not involve the excavation of more than 1m from the existing ground level, or the filling of more than 1m above the existing ground level.
- The tank must not be installed over or immediately adjacent to a water main or a sewer main unless it is installed in accordance with any requirements of the public authority that has responsibility for the main, nor is the tank to be installed over any structure or fittings used by a public authority to maintain a water or sewer main.
- No part of the tank or any stand for the tank may rest on a footing of any building or other structure, including a retaining wall, unless the structure is designed for such purposes.
- The tank must not exceed 2.4m in height above ground level, including any stand for the tank.

- The tank must be located at least 450mm from any property boundary.
- The tank must be located behind the front alignment to the street of the building to which the tank is connected (or, in the case of a building on a corner block, the tank must be located behind both the street front and street side alignments of the building or fencing).
- The overflow from the tank must be directed and connected to the street gutter, drainage easement or an existing stormwater system.
- Any plumbing work undertaken on or for the tank that affects a water supply service pipe or a water main must be undertaken:
 - (i) with the consent of the public authority that has responsibility for the water supply service pipe or water main, and
 - (ii) in accordance with any requirements by the public authority for the plumbing work, and
 - (iii) by a licensed plumber in accordance with the *New South Wales Code of Practice—Plumbing and Drainage* produced by the Committee on Uniformity of Plumbing and Drainage Regulations in New South Wales.
- A sign must be affixed to the tank clearly stating that the water in the tank is rainwater:

Note: If water in rainwater tanks is intended for human consumption, the tank should be maintained to ensure that the water is fit for human consumption—see the *Rainwater Tanks* brochure produced by NSW Health and the publication titled *Guidance on the use of rainwater tanks*, Water Series No 3, 1998, published by the National Environmental Health Forum.
- Any motorised or electric pump used to draw water from the tank or to transfer water between tanks:
 - (i) must not create an offensive noise, and
 - (ii) in the case of a permanent electric pump, must be installed by a licensed electrician.
- The tank must be enclosed, and any inlet to the tank must be screened or filtered, to prevent the entry of foreign matter or creatures.
- The tank must be maintained at all times so as not to cause a nuisance with respect to mosquito breeding or overland flow of water.
- It is recommended that the tank is fitted with a first-flush device, being a device that causes the initial run-off of any rain to bypass the tank to reduce pollutants entering the tank.

5.0 - Prior To Issue Of Occupation Certificate

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

- (1) **Survey Report (Completion)** - A survey report prepared by a registered land surveyor shall be provided upon completion of the building. The survey report shall be submitted to the Principal Certifying Authority (PCA) upon completion of the building and prior to the issue of an Occupation Certificate.
- (2) **Component Certificates** - Where Camden Council is appointed as the Principal Certifying Authority (PCA) for the development, the following component certificates, as relevant to the development, shall be provided prior to the issued of a Final Occupation Certificate:

- (a) Insulation installation certificates.
- (b) Termite management system installation certificates.
- (c) Smoke alarm installation certificate from installing licensed electrician.
- (d) Survey certificate(s), prepared by a registered land surveyor, certifying that the building has been correctly and wholly located upon the subject allotment.
- (e) Hot water system installation details or certification.
- (f) All certificates or information relating to BASIX compliance for the development.
- (g) An 'Approval to Operate a Sewage Management System' issued by Camden Council (for areas that are not serviced by a Sydney Water sewer).
- (h) A certificate certifying that the wet areas have been waterproofed in accordance with the requirements of the *Building Code of Australia*.
- (i) All certificates relating to salinity, as required by conditions of the development consent. These include evidence of the required construction inclusions, such as evidence of concrete strength (MPa), membranes and damp proof course material used, and/or the use of saline resistant materials.
- (j) Any other certificates relating to the development (for example, engineering certification for foundations, piers, reinforcing steel or hydraulic certification for all stormwater drainage works).

Where the appointed PCA is not Camden Council, the matters listed in this condition should be regarded as advisory only.

Note: The above certification does not override any requirements of the *Environmental Planning and Assessment Act, 1979* with respect to any required critical stage inspections.

- (3) **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.

- (4) **Footpath Crossing Construction** – Prior to use or occupation of the development, a footpath crossing must be constructed in accordance with Camden Council's

issued footpath crossing information.

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

- (5) **Works as Executed Plan - Prior to the Occupation Certificate being issued**, a works-as-executed drawing (in hard copy and .dwg format) 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.

6.0 – Subdivision General

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

- (1) **Historical Significance** – Given the location of the subject site and its proximity to other sites and buildings of historical significance, no alterations to the external appearance of the building including painting must be carried out unless the **prior written approval** of the Consent Authority has been obtained.
- (2) **Construction Standards** - All civil engineering work associated with the development must be carried out strictly in accordance with Camden Council's Development Control Plan 2007 and Engineering Specifications for roadworks, drainage and other works associated with subdivisions and other developments.
- (3) Pursuant to Camden Contributions Plan amended July 2004, a contribution must be paid to Council of \$5,944.00 per additional lot or dwelling, total \$11,888.00 for **Community & Recreation Facilities**.

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

The monetary contribution for Community Facilities, Recreation Facilities and Open Space may at the sole discretion of Council 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 release of a Subdivision Certificate**.

- (4) **Removal of Waste Materials** – Where there is a need to remove any identified materials from the site that contain fill / rubbish / asbestos, this material will need to be assessed in accordance with the NSW DECC Waste Classification Guidelines (April 2008) (refer to www.environment.nsw.gov.au/waste/envguidlms/index.htm). Once assessed, the materials will be required to be disposed to a licensed waste facility suitable for the classification of the waste with copies of tipping dockets supplied to Council.
- (5) **Soil & Sediment Control** – The applicant and / or employees, agents or sub-contractors maybe liable to prosecution under the Environmental Planning &

Assessment Act, 1979 for a breach of a condition, or Protection of the Environment Operations Act, 1997 for a pollution offence if sediment, including soil, excavated material, building materials or other materials are allowed to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways or be placed in a position where any of the aforementioned may occur which shall result in, or is likely to result in pollution. The applicant shall ensure that employees, agents or subcontractors provide and maintain sediment control measures and suitable site practices that protect the stormwater system or waterways from the ingress of sediment.

- (6) **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:

- A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water Corporation.
 - A letter from Integral Energy stating that all its requirements and any conditions of this consent have been satisfied.
 - A letter from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the development.
- (7) **Subdivision Certificate Release** - The issue of a Subdivision Certificate is not to occur until all conditions of this consent have been satisfactorily addressed and all engineering works are complete, unless otherwise approved in writing by the Principal Certifying Authority.

END OF CONDITIONS

RECOMMENDED

That Council approve development application 1209/2010 subject to the draft conditions of development consent show above.

ATTACHMENTS

1. Location plan
2. Proposed plans



Proposed Plans 11 View Street.pdf



Location Plan - 11 View St Camden.pdf

RESOLUTION

Moved Councillor Campbell, Seconded Councillor Anderson that Council approve development application 1209/2010 subject to the draft conditions of development

consent show above.

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

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

No Councillor voted against the Motion).

ORD07/11

ORDINARY COUNCIL

ORD03

SUBJECT: CAMDEN CRICKET CLUB: REQUEST TO WAIVE
DEVELOPMENT APPLICATION AND CONSTRUCTION
CERTIFICATE FEES
FROM: Director Development and Health
FILE NO: Binder: Development & Building
Controls/Procedures/Development Procedures

PURPOSE OF REPORT

To seek Council's determination of a request from Camden Cricket Club to waive the Development Application (DA) and Construction Certificate (CC) fees for a proposal to construct four (4) new cricket nets at Onslow Park.

BACKGROUND

Camden Cricket Club submitted a DA which was approved on 30 September 2010 for the construction of four (4) cricket nets at Onslow Park. The fees paid by the applicant were \$951.45, based on the value of the work.

MAIN REPORT

Council received a letter from Camden Cricket Club dated 29 November 2010 requesting the DA and CC fee of \$951.45 be refunded. The \$951.45 is made up of DA, CC, inspection, archiving and Long Service Levy. Council is unable to refund the Long Service Levy of \$105 as it is only a collection agent for the Long Service Levy Board, therefore the maximum amount Council could refund is \$846.45.

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

CONCLUSION

The work of the Camden Cricket Club as a community based sporting organisation is commendable. However, Council has previously resolved not to waive fees in circumstances such as this. Accordingly it is not considered appropriate to waive the development application fee as it would contravene Council's previous resolution on the matter.

RECOMMENDED

That:

- i. the request to waive the Development Application fee of \$951.45, being for the construction of four (4) cricket nets at Onslow Park, be refused; and
- ii. the applicant be advised of the outcome of its request.

RESOLUTION

MOTION

Moved Councillor Symkowiak, Seconded Councillor Cottrell that the Development Application fee of \$846.45 be funded from Councillor Ward Funds.

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

ORD08/11

ORDINARY COUNCIL

ORD04

SUBJECT: DRAFT CAMDEN DEVELOPMENT CONTROL PLAN (DCP)
FROM: Director Governance
FILE NO: Binder: Camden Development Control Plan

PURPOSE OF REPORT

The purpose of this report is to advise Council of the submissions received during the recent exhibition of the Draft Camden DCP and to seek Council's endorsement of the plan subject to some amendments.

BACKGROUND

Following the publication of Camden LEP 2010 on 3 September 2010 and given that our DCP had not been reviewed for some time, there has been a focus on undertaking a full review of Camden DCP 2006 to ensure compliance with the controls and definitions in the new LEP and to ensure that the information contained in the controls was current and reflected current legislation requirements. There were also a number of new controls introduced. Council, at its meeting held on 26 October 2010, resolved to adopt the draft DCP for exhibition purposes.

The DCP has been amended as a result of the comments received and given the size of the document, has been provided to Councillors in CD format under separate cover.

MAIN REPORT

Exhibition

The draft Camden DCP was placed on public exhibition from 3 November to 1 December 2010. Exhibition material was placed in both the Camden and Narellan Libraries and the Camden and Narellan Customer Service Centres. The draft DCP and supporting information was also placed on Council's web site.

During the exhibition specialist input was sought from Council staff. In addition workshops were held with some of the major developers to assist in their understanding of the philosophy of the draft DCP.

Hard copies of the draft DCP were also sent to the Camden Historical Society; Camden Residents Action Group and the Wilson and Richardson Road Action Group.

Submissions received

A total of 11 submissions were received during the exhibition. A schedule detailing each of the submissions has been ***provided as attachment 1 to this report***.

Submissions were received from proponents in relation to controls for Spring Farm, Camden Lakeside, Harrington Grove and Mater Dei. In the case of Spring Farm, Harrington Grove and Mater Dei updated mapping and figures have been provided which reflect Council agreed amendments and previous development that has been undertaken. A number of requests were for minor amendments to wording to provide a clearer understanding. Where this has proved to be the case these amendments have been supported. Some requests were beyond the scope of this review and have not been supported.

Dart West, in their submission, raised concerns with the sections of the DCP relating to advertising signage, access and parking. In relation to Chapter B4 Advertising signage, issues were raised with regard to controls relating to Pylon signs, Estate development signs, Exhibition homes and village signs and Service station signs. In relation to Chapter B5 Access and Parking, issues were raised concerning the parking requirements for Restaurants, Reception centres and licensed premises. As part of their submission Dart West has provided documentation supporting their concerns.

The controls for both advertising signage and parking were re-formatted and reviewed to ensure compliance with the provisions of the Camden LEP 2010 and the Exempt and Complying SEPP. It is apparent the points raised by Dart West have merit. Accordingly it will be recommended that further investigations be undertaken with regard to controls for both advertising signage and car parking provisions including the matters raised in Dart West's submission and that a report come back to Council in the near future.

Mater Dei have requested that the rear setback control for residential development in the Mater Dei release area be amended from 10m to 6m. It is recommended that further investigations be undertaken regarding the proposed amendment to the rear setback control in Mater Dei and that a report come back to Council in the near future.

Submissions were received from the Camden Historical Society and the Camden Residents Action Group.

Submissions were also received from Campbelltown Council, the Mine Subsidence Board and the Sydney Catchment Authority. As indicated above all submissions has been reviewed and recommendations are contained in attachment 1 of this report.

Internal Staff Review

Council staff have also undertaken a thorough review of the exhibited DCP and a number of internal workshops were held. The comments received from staff are of a technical nature and focus on detailed aspects of DCP. Staff comments are contained in a schedule ***provided as attachment 2 to this report.***

Proposed changes to the exhibited draft Camden DCP

As a consequence of the submissions received and staff comments a schedule has been prepared noting all of the recommended changes to the exhibited Camden DCP and is ***provided as attachment 3 to this report.***

The formatting of the document has also changed. This specifically applies to page

numbering and renumbering of some chapters.

The DCP will now be known as Camden DCP 2011.

Amendment to Smeaton Grange Controls

Council, at its meeting held on 14 December 2010, adopted a number of minor amendments to development controls in the Smeaton Grange industrial area. These applied to future proposed roads off Dunn Road and development controls applying to certain properties on Turner Road. These amendments came into force on 22 December 2010 and have now been incorporated into the Camden DCP 2011.

Council's Engineering Specifications

All engineering specifications previously contained in Camden DCP 2006 have been removed and are to be incorporated into a review of the Camden Engineering Specifications which is currently underway. It is expected that a report will be presented to Council early in 2011.

Revoking of Council Policies

As advised in the report to Council on 26 October 2010 during the preparation of the draft DCP, all of Council's existing policies, which related to development control, were reviewed. The purpose of this was to ensure that they were still relevant and to see if they could be incorporated into the draft DCP. As a result of this review a number of existing policies have now either been incorporated into the DCP or are no longer relevant. The following policies are therefore recommended to be removed:

Policy name	Reason for removal of policy
1.3 Erection of Fences in 2000sq metres Rural/Village Area	This matter is now covered by Section D2.1.9 in the DCP.
1.4 Outbuildings in 2000sq metres - Rural/Village Areas	This matter is now covered by Section D2.1.10 in the DCP.
1.6 Erection of Large Outbuildings - Rural Areas 4000sq metres	This matter is now covered by Section D1.2 in the DCP.
1.8 Hailnet Protective Structures in Rural Areas	This matter is now covered by Section D1.3.1 in the DCP.
1.10 Spot Rezoning Requirements	This policy has now been superseded by the Department of Planning's policy for Planning Proposals.
1.12 Development of Flood Affected Land Within the Camden Town Centre	This matter is now covered by Section B1.11 in the DCP, the Camden Council Engineering Design Specification, and Policy No. 3.19 Flood Risk Management.
3.15 Cut & Fill on Residential Land - Local Policy No. 7	This matter is now covered by Section B1.2 in the DCP.
3.17 Natural Assets	This matter is now covered by Sections B1.6 and B1.7 in the DCP and new legislation covering BioBanking.

Process from here

Following Council's adoption of the DCP, notice will be given in the local newspaper and it will come into force on the date that it is published. Councillors will then be provided with a hard copy of the DCP. The adopted Camden DCP will be placed on Council's web site and copies will also be available on CD format.

The revocation of the superseded Council policies will take effect on the adoption of the recommendation.

CONCLUSION

The Camden DCP 2011 will ensure that Council's development controls are fully compliant with current legislation, current Australian Standards and Building Code of Australia provisions. The new DCP will also provide an easier to read format for the user, both in hard copy and on the web.

RECOMMENDED

That Council:

- i. adopt the Camden DCP 2011, as amended;**
- ii. place notification of Council's determination in the press pursuant to clause 21 of the EP&A Regulation;**
- iii. revoke the following Council Policies:**
 - 1.3 Erection of Fences in 2000sq metres Rural/Village Area**
 - 1.4 Erection of Fences in 4000sq metres Rural/Village Area**
 - 1.5 Outbuildings in 2000sq metres - Rural/Village Areas**
 - 1.6 Erection of Large Outbuildings - Rural Areas 4000sq metres**
 - 1.8 Hail net Protective Structures in Rural Areas**
 - 1.10 Spot Rezoning Requirements**
 - 1.12 Development of Flood Affected Land Within the Camden Town Centre**
 - 3.15 Cut & Fill on Residential Land - Local Policy No 7**
 - 3.17 Natural Assets;**
- iv. forward a copy of the adopted Camden DCP 2011 to the Department of Planning;**
- v. undertake further review of controls for both advertising signage and car parking provisions including the matters raised in Dart West's submission and that a report come back to council early in the new year;**
- vi. undertake further review of the rear setback controls for dwellings in the Mater Dei release area and that a report come back to council early in the new year; and**
- vii. write to all submitters advising of Council's resolution.**

ATTACHMENTS

1. Schedule of submissions to exhibition of draft Camden DCP.
2. Schedule of staff submissions to exhibition of draft Camden DCP.

3. Proposed amendments to exhibited draft Camden DCP.



Attachment 1 Schedule of submissions to exhibition of draft Camden DCP.pdf



Attachment 2 Schedule of staff submissions to exhibition of draft Camden DCP.pdf



Attachment 3 Proposed amendments to exhibited draft Camden DCP.pdf

RESOLUTION

Item ORD04 was withdrawn from the agenda for minor amendment and submission to a later Ordinary Council Meeting.

ORDINARY COUNCIL

ORD05

SUBJECT: BARKING DOGS PROCEDURE
FROM: Director Development and Health
FILE NO: Binder: Environmental Health/Law & Enforcement/Standards/Companion Animals Act

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement of a new procedure which has been developed by Council officers to assist in the management of complaints regarding the barking and howling of dogs. This procedure has been developed to provide natural justice to both the complainant and the owner of the dog, and to provide Council with sufficient evidence to legally pursue the matter should it be necessary.

BACKGROUND

In 2009/10 Council received over 342 dog complaints from residents regarding the noise impact and nuisance created from the barking of dogs. These complaints generally take some weeks, and in some cases months, to resolve. It is a natural action of dogs to bark and not necessarily at a given time of the day, thus making barking dog investigations time consuming, difficult to prove and frustrating for our residents.

To alleviate issues arising with the process, this procedure has been developed to set out Council's method of dealing with barking dog complaints. The intention of this procedure is to establish a concise but equitable process for the thorough investigation of an issue about which a resident may have cause to complain.

The new procedure (**provided in the Business Paper Supplementary Documents**) details the process for the investigation of barking dog complaints within the Camden Local Government Area. The procedure does not apply to commercial premises such as dog boarding and/or training facilities. (These may be dealt with by Council under the provisions of the Protection of the Environment Operations Act.)

MAIN REPORT

Complaints regarding barking dogs often escalate to what are known as 'neighbour disputes' which consume considerable time and resources of Council to manage and seek to help resolve. Unfortunately the prime cause of the dispute often becomes masked by the obvious, i.e. the barking of a dog. Many members of the community then resort to Council to become involved and to be the aggressor, which then creates even more disharmony within the community. Council's charter is to act on behalf of the community as a whole and not on the desire or wishes of any one individual or party. Before becoming too involved, which may give rise to legal action, Council must be sure that an offence has been committed and in the case of a barking dog this is

often difficult to establish as there is a reliance on hearsay or third party testimony.

Council usually becomes aware of a barking dog complaint by a resident lodging the complaint with Council in person, on the telephone or in writing. Of recent times there has been an increasing number of what have been assessed as ill-founded and malicious verbal complaints, and accordingly this barking dog procedure adopts the approach that all complaints must be lodged in a written format and following a template that is set out at the end of the procedure document. The template ensures that officers receive as much of the correct information required to investigate the complaint in a timely manner.

Before undertaking regulatory action Council Officers will rely on evidence from the occupants of neighbouring properties to verify the extent of the barking, to help determine if it is at a nuisance level. To do this, a neighbourhood survey is conducted where Council writes to all possibly affected parties to ascertain if there is a nuisance barking dog in the area. If a number of residents respond by nominating the premises where the dog resides, then Council is more confident that the issue is not so much a neighbour dispute but an actual problem affecting multiple parties.

Throughout the process Council has no ability nor authority to immediately or quickly stop the dog from barking. Council works with the owner of the dog to alleviate the barking by various means including dog training, exercise and the use of citronella collars. All actions are reliant on the cooperation of the dog owner to take affirmative action to minimise or eliminate the nuisance.

Where the dog owner is not willing to take affirmative action, Council may issue a Nuisance Order under the provisions of The Companion Animals Act 1998. It is important to note that even if Council were to serve a Nuisance Order under the provisions of the Act and pursue the matter to Court, the dog will still be barking and the Court is powerless to do any more than to impose a penalty on the dog owner.

To alleviate resident frustration with barking dog issues, it is our intention to make this procedure readily available to the public through Council's website. Access to this procedure will provide an opportunity for residents to obtain a greater understanding of the procedure that officers will follow to investigate the matter, the actions available and the information they will be required to submit as part of the investigations.

CONCLUSION

On endorsement of the barking dog procedure, it will be accessible by our community via Council's website. This benefits our community by providing a clear and concise procedure on how these complaints are investigated. It will also allow a consistent and potentially more time effective approach to dealing with such complaints.

RECOMMENDED

That Council endorse the barking dog procedure located within this report as a guideline for investigation of barking dogs and for the display on Council's website.

ATTACHMENTS

1. Barking Dogs Procedure (sup doc)



Chapter 37 - Barking Dogs Procedure.doc

RESOLUTION

Moved Councillor Warren, Seconded Councillor Dewbery that Council endorse the barking dog procedure located within this report as a guideline for investigation of barking dogs and for the display on Council's website.

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

Councillor Funnell arrived at the Chamber, the time being 6.23pm.

ORD09/11

ORDINARY COUNCIL

ORD06

SUBJECT: IMPOUNDED ANIMALS
FROM: Director Development and Health
FILE NO: Binder: E&H/Animals/Law &
Enforcement/Standards/Companion
Animals Act

PURPOSE OF REPORT

The purpose of this report is to seek Council's consideration of the implementation of strategies and actions to reduce the euthanasia rate of Companion Animals that are impounded. In an effort to encourage a greater rate of adoption of impounded animals, it has been suggested that Council embark on a campaign to advertise animals in the local media and on Council's website, to increase public awareness and to keep animals for a longer period after the mandatory minimum to provide a better chance of rehoming the animal.

BACKGROUND

The Companion Animals Act 1998 dictates that dogs and cats are required to be identified by way of the implantation of microchips and that they then be registered by way of the payment of a fee and recorded on a national microchip database administered by the Division of Local Government. Should an animal be impounded by Council or other person, then all attempts must be made by or on behalf of Council to contact the owners of the subject animal. This is made significantly easier if the animal is identified by way of a microchip. If this is the case, Council is required by law to maintain the animal for a minimum of **14 days** before the animal is sold, rehomed or euthanased. If on the other hand the animal is not identified by way of microchip, then Council must maintain that animal for a minimum of **7 days** before the animal is sold, rehomed or euthanased.

Camden Council does not own or operate its own pound facility but relies on a facility operating as Renbury Animal Shelter at 406 Bringelly Road Austral. Renbury also provides similar pound services for Bankstown, Fairfield and Liverpool Councils. The annual cost of services provided by Renbury Animal Shelter in 2010/11 was \$64,800.

Statistics that relate to impounded Companion Animals for the 2009/10 year for Camden are as follows:

- 17,869 - occupied dwellings;
- 21,415 - identified companion animals;
- 41 - authorised rescue agencies;
- 358 - dogs impounded - 40% of which were unidentified, 60% were identified;
- 182 - cats impounded;
- 56 - animal surrendered by owners;
- 593 - total number of animals impounded:

- o 203 - animals returned home - 34%;
- o 77 - animals sold - 13%;
- o 116 - animals released to rescue agencies - 20%;
- o 131 - cats euthanased - 22%;
- o 66 - dogs euthanased - 11%.

Of the total number of cats euthanased (131), 53 were kittens milk dependent, 2 were sick and 1 was injured. Therefore 75 cats were capable of being potentially rehomed, however Renbury staff indicate that many of these were feral in nature that have had little human contact. No records were kept of exact numbers that fell into this category. The training of cats is considered to be particularly challenging with no guarantee of success.

Of the total number of dogs euthanased (66), 18 were surrendered by owners and deemed unsuitable for rehoming, 5 were destroyed on Council's instruction and 2 were sick. Therefore 41 dogs were euthanased for reasons other than age, temperament and health which were capable of potentially being rehomed.

The makeup of those 41 dogs were as follows:

- 16 Rottweiler, Shepherd type and large cross breed dogs;
- 15 Staffordshire type dogs including Amstaff, Bull Terrier, Pitbull cross dogs;
- 5 Kelpie type cross breed dogs;
- 5 Cattle dog cross breeds; and
- 3 small dogs.

The cost to Council for an animal to be kept at the pound is currently \$24 per day for dogs and \$23.15 per day for cats.

MAIN REPORT

In terms of the euthanasia of Companion Animals, a suggestion has been made for Council to retain animals that are suitable for rehoming for a longer period than that mandated by statute and to advertise them in the media to seek people to come forward to adopt the animal.

Camden Council officers and Renbury staff work very hard to reunite animals with their owners or to find a suitable home for the animal without resorting to the euthanasing of the animal. On many occasions if an animal is collected as a stray in the street, Council officers scan the animal and return the animal home before it even reaches the pound. It is therefore critical that all animals are appropriately identified by way of microchipping and that owners update their contact details through Council.

If the animal does reach the pound, then there are 41 authorised rescue agencies that regularly attend the pound and pre-claim animals that have a chance of being successfully rehomed. The animals released to rescue agencies are released by Council at no cost to the agency, however Council is burdened by the full cost of maintenance up to that point. A total of 20% of the animals impounded are released to rescue for rehoming.

As can be seen from the statistics above, there were 197 animals euthanased in

2009/10, representing a combined 33% of the total. These animals comprised dogs and cats that were either:

1. assessed as being unfit for rehoming due to chronic or long term illness that required ongoing medication or veterinary attention;
2. failed temperament and/or behavioural assessment and showed aggression to people or other animals;
3. some very old animals with very short life expectancy;
4. large breeds of dogs that are generally considered not to be popular and that do not suit many households; or
5. animals that simply have been unable to be rehomed. These animals generally are the less attractive or cute and it is difficult to find a home.

Kennel staff are trained in animal handling, temperament and behavioural assessment, and each animal is assessed over the holding period using observation but also socialising with other animals. If an animal is found to be person aggressive or has history of attacks and is not claimed by its rightful owner, it is recommended to be put down. If an aged or ill animal is considered to be rehoming then a health check is performed by a veterinary surgeon and a decision is made whether it is still suitable for sale.

Proposal

The proposal is focussed on those animals that fall into either the number 4 or 5 category set out above and is two-fold in its implementation. Firstly, Council with the assistance of staff at Renbury, will identify up to 4 animals that would otherwise be destined to be euthanased. Photographs of those animals would be sent to the local newspaper for advertising for sale. In addition photographs would also appear on Council's website as 'Adopt a Pet'. Secondly, those selected animals would be retained at the pound for a further 6 day period to allow sufficient time for interested members of the public to make enquiries and to purchase the animal. As indicated earlier there were 41 dogs and an unknown number of the 75 cats that potentially could have been rehomed in 2009/10.

The proposal will result in increased costs for the additional accommodation and maintenance, as well as the cost of advertising.

A verbal agreement has been secured that the local newspaper will provide half price advertising for a period of 12 months. The current cost for a quarter page advertisement is \$360 and the newspaper has generously offered half price with a 12 month grace to permit this initiative to gather momentum. This partnership with the Camden Advertiser will allow for the identification of Renbury Animal Shelter as being the impound facility for Camden Council but also recognises the newspaper as being supportive of this initiative.

To assess these additional costs, a number of scenarios have been developed.

Cost to Council with ZERO advertised animals being sold

	Cost per week	Annual Cost
4 animals@ 6 days@\$24 per day	\$576	\$29,952
Quarter page advert	\$180	\$9,360
TOTAL	\$756	\$39,312

Cost to Council assuming 1 cat & 1 dog per week are sold on the weekend (Sat)

	Cost per week	Annual Cost
2 animals @ 3 days @24 per day	\$144	\$7,488
2 animals @ 6 days @ \$24 per day	\$288	\$14,976
Quarter page advert	\$180	\$9,360
Savings from euthanaisa of 2 animals (\$26.40 per animal per week)	-\$53	-\$2,746
TOTAL	\$559	\$29,078

Cost to Council assuming 2 cats & 2 dogs per week are sold on the weekend (Sat)

	Cost per week	Annual Cost
4 animals @ 3 days @24 per day	\$288	\$14,976
Quarter page advert	\$180	\$9,360
Savings from euthanaisa of 4 animals (\$26.40 per animal per week)	-\$106	-\$5,491
TOTAL	\$362	\$18,845

If Council were to have to bear the full cost of advertising then:-

Cost to Council with ZERO advertised animals being sold

	Cost per week	Annual Cost
4 animals@ 6 days@\$24 per day	\$576	\$29,952
Quarter page advert	\$360	\$18,720
TOTAL	\$936	\$48,672

Cost to Council assuming 1 cat & 1 dog per week are sold on the weekend (Sat)

	Cost per week	Annual Cost
2 animals @ 3 days @24 per day	\$144	\$7,488
2 animals @ 6 days @ \$24 per day	\$288	\$14,976
Quarter page advert	\$360	\$18,720
Savings from euthanaisa of 2 animals (\$26.40 per animal per week)	-\$53	-\$2,746
TOTAL	\$739	\$38,438

Cost to Council assuming 2 cats & 2 dogs per week are sold on the weekend (Sat)

	Cost per week	Annual Cost
4 animals @ 3 days @24 per day	\$288	\$14,976
Quarter page advert	\$360	\$18,720
Savings from euthanaisa of 4 animals (\$26.40 per animal per week)	-\$106	-\$5,491
TOTAL	\$542	\$28,205

It is considered possible that many residents do not realise that Renbury Animal Shelter is the Council pound that they should immediately contact if their animal has gone missing. It is hoped that this heightened advertising should be reflected by an increase in pet reclaim and adoption rates and a decrease in the euthanasia of otherwise healthy and suitable animals.

The daily maintenance costs will be subject to change over time. With the extended retention of animals, the total daily sustenance charges that Council will incur may reduce if an animal is purchased within the extra holding time frame.

The majority of animals that are put down failed the temperament or behavioural assessment. On any particular week, if there are no dogs that are suitable for sale then Council would increase the numbers of cats advertised or alternatively utilise the advertising space for important messages that relate to Companion Animals such as microchipping, registration, updating owner details and the like.

Staff at Renbury indicate that Camden has the highest reclaim/rehoming rate of all of the councils that they represent. However given the population growth predictions in Camden LGA, the numbers of impounded animals will inevitably increase over the coming years. In addition, many people have little regard for the exercise requirements of their pets and behavioural issues may develop in the animals. It is anticipated that given the allotment sizes of the new release areas, there will be an increase in animals being surrendered due to destructive and annoying behaviour including barking, fence running, escaping and generally causing a nuisance.

In terms of cats there are no controls or expectations to control the behaviour and they are legally allowed to roam. In some cases this causes a great deal of community friction, particularly when the uncontrolled breeding occurs and where many people will then dispose of the animal in the most convenient manner.

CONCLUSION

This is an admirable proposal to save the lives of animals that have been cast aside by an element of society that do not have regard to responsible pet ownership. The numbers of animals, particularly cats, that are impounded and ultimately euthanased is a real concern. This is partly a result of the lack of a rigorous regulatory system that brings accountability to those people who own cats and allow them to breed in an uncontrolled fashion. The proposal, if adopted by Council, will give those animals who do not have a home the chance of being united with a loving and caring family.

With Camden's changing population, consideration will need to be given to preventative education programs and facilities to promote a 'pet friendly' community and to engender responsible pet ownership. In the future Council will need to give consideration to funding programs such as education and microchipping days, together with supporting low cost desexing campaigns and the establishment of leash free areas that are accessible and usable to the growing population. These messages can be reinforced by regular placement of articles in 'Lets Connect' each quarter.

There is no capacity, within the existing Budget allocations, for this trial program to proceed, however it has significant merit as a 12 month trial if Council was of a mind to authorise the expenditure of \$30,000, based upon the estimate for rehoming half of the animals advertised.

RECOMMENDED

A matter for the determination of Council.

RESOLUTION

MOTION

Moved Councillor Symkowiak, Seconded Councillor Dewbery that:

- i. Council advertise the campaign for a twelve (12) month period for up to four (4) animals per week from Renbury Animal Shelter;
- ii. Council allocate an additional \$30,000 to the Companion Animals budget to cover the cost of upkeep for the advertised animals for up to a six (6) day period whilst the animals are impounded;
- iii. Council secure a written commitment for a quarter page advertisement at half cost with the Camden Advertiser for twelve (12) months;
- iv. Council write to Liverpool, Bankstown and Fairfield Council to advise them of Council's initiative and encourage them to undertake similar initiatives in conjunction with Renbury Animal Shelter; and
- v. a report be brought back to Council in twelve (12) months time advising of the outcome of the twelve (12) month trial.

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

ORD10/11

ORDINARY COUNCIL

ORD07

SUBJECT: COUNCILLOR'S ATTENDANCE AT UDIA CONFERENCE
FROM: Director Development and Health
FILE NO: Binder: Employee Relations/Training & Development/Conferences

PURPOSE OF REPORT

The purpose of this report is to recommend that Council approve attendance at the Urban Development Institute of Australia (UDIA) conference in view of the information and education offered in relation to development of new release areas and other relevant local government planning and development issues.

BACKGROUND

The UDIA hold an annual national conference which provides an opportunity for practitioners, local government Councillors and staff, the development industry and other interested parties to gain an understanding of current issues associated with planning and development. Past conferences have been well conducted and have offered a range of interesting speakers from Australia and overseas.

MAIN REPORT

The conference will be held in Adelaide from 28 March to 31 March 2011 and its theme is "Where Ideas Take Flight". At the time of writing this report limited information was available in terms of program, however, as is usual practice, speakers will be from both Australia and overseas.

The UDIA is an industry group which attempts to ensure good development occurs and its conferences have provided valuable insight into best practice. It is usual that site visits showcasing planning excellence are incorporated into the event.

Costs

Allowing for accommodation and airfares, it is likely that the cost for each delegate would be approximately \$3,000, with staff who are members of each group entitled to further discounts. These costs are estimates only and are based on airfares available at the time of writing the report.

Appropriate staff will attend and be funded from the staff training and development allocations.

CONCLUSION

The conference will offer Councillors and staff exposure to current planning and

development issues and should provide valuable learning experience for those who attend. They are particularly relevant to major growth issues facing Camden.

With the rapid growth facing Camden, it is imperative that its officers and Councillors are familiar with best practice initiatives in the development field and this conference provides an opportunity to learn about and see leading edge developments and practices.

In order that any Councillors wishing to attend the conference can take advantage of the savings offered by early registration and making flight bookings in advance, a decision on attendance is required at this meeting. Councillors should note that limited refunds are available for cancellations.

RECOMMENDED

That Council determine any appropriate Councillor attendance.

RESOLUTION

MOTION

Moved Councillor Dewbery, Seconded Councillor Cottrell that any Councillor wishing to attend the UDIA conference contact Director Development & Health and a report be brought back to Council to endorse their attendance.

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

ORD11/11

ORDINARY COUNCIL

ORD08

SUBJECT: INVESTMENT MONIES
FROM: Director Governance
FILE NO: Investment Business Papers

PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 31 December 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 5.85% p.a. for the month of December 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 December 2010 be noted.**
- iii. the weighted average interest rate return of 5.85% p.a. for the month of December 2010 be noted.**

ATTACHMENTS



Investment Report December 2010.xls

RESOLUTION

Moved Councillor Symkowiak, Seconded Councillor Dewbery 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 December 2010 be noted.
- iii. the weighted average interest rate return of 5.85% p.a. for the month of December 2010 be noted.

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

ORD12/11

ORDINARY COUNCIL

ORD09

SUBJECT: DEPARTMENT OF SPORT AND RECREATION GRANT - IN THE SWIM

FROM: Director Works and Services

FILE NO:

PURPOSE OF REPORT

To seek Council acceptance of one-off grant funding under the NSW Government's Sport and Recreation Participation program of \$10,000 (GST exclusive). The grant will be used to strengthen the opportunities for people with a disability and their carers in participating in safe water activities.

BACKGROUND

Following the success of the grant previously received from the NSW Government's Sport and Recreation Facility grant program of \$100,000 to improve accessibility at Camden Pool, Council's Access Community Advisory Group (ACAG) identified a need to up-skill carers and volunteers in water safety for people with a disability. This additional grant will address this need.

MAIN REPORT

The Camden Pool is currently being redeveloped and is due to be reopened early February 2011. Council's ACAG has identified a need to provide enhanced accessible unisex sanitary facilities and change rooms at Camden Pool. The ACAG was previously successful in promoting an application for a grant of \$100,000 from the NSW Government's Sport and Recreation Facility grant program for change room facilities.

The access modifications at the Camden Pool would increase the number of people with a disability, their carers and family members using the pool. It was apparent to the ACAG that carers and volunteers in the community may not have the adequate skills or training required to assist a person with a disability in safe water activities.

A project was designed titled '*In the Swim*' to strengthen the opportunities for people with a disability, their carers and volunteers in participating in safe water activities. The grant funds would be used to provide training for carers and volunteers to undertake AUSTSWIM's elective '*Teacher of Aquatics for People with a Disability*'. This course provides candidates with the competencies of safe and enjoyable aquatic programs, working with people with a disability. Further, the funding would provide for 8 weeks of swimming lessons with the carer/volunteer and the person with a disability to allow them to put into practice their training and to reinforce the skills learned.

Also included in the grant application is the purchase of 2 x Platypus Water

Wheelchairs. These water wheelchairs will be located at the Camden Pool and available to patrons as required on a daily basis as well as for activities under this project.

CONCLUSION

This grant complements the recently acquired grant to help with increasing accessibility at the redeveloped Camden Pool.

The one-off funding will strengthen the opportunities for people with a disability and their carers/volunteers to develop skills and to participate in safe water activities at the newly renovated Camden Pool.

RECOMMENDED

That Council:

- i. accept the funding offer of \$10,000 (GST exclusive) from NSW Department of Sport and Recreations' Participation Program; and**
- ii. authorise the execution of documentation under Council seal necessary in conjunction with acceptance of the grant.**

RESOLUTION

Moved Councillor Warren, Seconded Councillor Funnell that Council:

- i. accept the funding offer of \$10,000 (GST exclusive) from NSW Department of Sport and Recreations' Participation Program; and
- ii. authorise the execution of documentation under Council seal necessary in conjunction with acceptance of the grant.

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

ORD13/11

ORDINARY COUNCIL

ORD10

SUBJECT: ARTS NSW 2011 PROGRAM FUNDING
FROM: Director Works and Services
FILE NO:

PURPOSE OF REPORT

To seek Council acceptance of a grant from the State Government of \$20,000 (excl. GST), approved under the Arts NSW Funding Program for 2011.

BACKGROUND

Arts NSW provides program funding to assist Councils and other eligible organisations to deliver an annual program of cultural activities. Camden Council will receive \$20,000 (excl. GST) for the 2011 calendar year.

MAIN REPORT

While this funding was announced some time ago, Council staff have had to renegotiate the program and key deliverables as the amount funded, as in previous years, is less than requested. This year's funded program will focus on art exhibitions and performances in the Narellan precinct, with the employment of a part time curator/performance coordinator and funds to provide local performance artists opportunities to perform.

CONCLUSION

Funding from Arts NSW assists Council to continue to implement the aims of Council's adopted Cultural Plan.

In accepting this calendar year's funding there will be a need to allocate a portion of the funds into the 2011/12 budget as the project spans two financial years.

RECOMMENDED

That Council:

- i. accepts the offer of funding of \$20,000 (excl GST) from Arts NSW; and**
- ii. authorises the General Manager to execute funding agreement documents including affixing Council's Seal as appropriate.**

RESOLUTION

Moved Councillor Anderson, Seconded Councillor Campbell that Council:

- i. accepts the offer of funding of \$20,000 (excl GST) from Arts NSW; and
- ii. authorises the General Manager to execute funding agreement documents including affixing Council's Seal as appropriate.

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

ORD14/11

ORDINARY COUNCIL

ORD11

SUBJECT: UPGRADE OF BRINGELLY ROAD - SUBMISSION TO RTA
FROM: Director Works and Services
FILE NO:

PURPOSE OF REPORT

To allow Council to consider the recent information disseminated by the NSW Roads and Traffic Authority (RTA) regarding the proposed upgrade of Bringelly Road between Camden Valley Way and The Northern Road and for Council to endorse a proposed submission to the RTA.

BACKGROUND

The RTA has released a Community Update detailing the proposed access arrangements that would be implemented as Bringelly Road is progressively widened from a two lane road to four lane divided road. The affected section of Bringelly Road is between Camden Valley Way and The Northern Road. A copy of the Community Update **is attached to this report.**

The RTA has granted an extension of time for comments.

MAIN REPORT

Proposed Roadworks

The RTA recently released a Community Update on planning for the future upgrade of Bringelly Road between Camden Valley Way and The Northern Road. Council has previously considered a Community Update which was released in December 2009.

The planning for Bringelly Road has been undertaken in conjunction with planning for the development of the South West Growth Centre. Parallel planning studies are currently being undertaken by the Department of Planning.

The section of Bringelly Road being upgraded will service future development in the Leppington North area south of the road and the Austral precinct to the north. It will be the primary feeder to the future Leppington Town Centre.

In addition to the Bringelly Road upgrade, the RTA has commenced the upgrade of Camden Valley Way south of Oran Park Drive, completed a Review of Environmental Factors for Camden Valley Way north of Oran Park Drive, and prepared an access strategy for the upgrade of The Northern Road.

The Community Update identifies proposed access locations for major intersections along Bringelly Road. These intersections will be upgraded to signalised intersections

as Bringelly Road is progressively widened from a two lane rural road to a four lane divided urban road.

The Bringelly Road upgrade will be undertaken in stages in conjunction with the development of precincts to provide road capacity for the growing population of Sydney's South West. The first stage is likely to be from Camden Valley Way to the Leppington North and Austral precincts.

The access arrangements proposed by the RTA are essentially signalised intersections at spacings of around 1 kilometre except in the vicinity of Leppington Town Centre, where spacings of around 500 metres are proposed to improve accessibility. The proposed upgrade will convert the existing rural road design to a four lane arterial road with an 80km/h speed limit. A shared pedestrian / cycle path will also be provided on one side of the road.

Urban Design

The RTA has been examining urban design aspects of the upgrade. One critical aspect is the urban design in the vicinity of Leppington Town Centre. The current design is based on an 80 km/hr speed limit for the entire length of the project with no change at the Town Centre. A reduction in the speed limit in the vicinity of the town centre would facilitate changes to the roadside furniture and plantings thus giving the impression that a destination has been reached, being Leppington Town Centre. It would reduce potential for conflict between vehicles and pedestrians and cyclists. This is particularly important given that the Town Centre will be built around the last station of the South West Rail Link, which will require transport interchanges. It is recommended that Council request the RTA to reconsider its position in relation to the speed limit at this location.

Vegetation Management

The RTA has previously been requested to provide advice on the vegetation management strategy which accompanies the route strategy for the upgrade of Bringelly Road. This has not yet been provided. It is recommended that Council reiterates its requirements to the RTA.

Noise Management Strategy

The RTA has previously been requested to provide details of the RTA's noise management strategy which will accompany the route strategy for the upgrade of Bringelly Road. This has not yet been provided. It is recommended that Council pursues this as a matter of priority.

Timing

The timing and funding of the upgrade will be dependent on land development. There is no State Government contribution proposed beyond the planning phase currently in progress. It is essential that Council makes representations for the upgrade to occur in the period leading up to future development and not post development. In addition, the upgrade between Camden Valley Way and Leppington Town Centre must occur as soon as possible in conjunction with the development of the South West Rail Link.

CONCLUSION

The recently released Community Update on planning for the future upgrade of The Bringelly Road presents an overview of future plans for the road. Timing of the upgrade is critical to facilitate development of adjoining land releases. Representations should be undertaken highlighting the need for the upgrade occurring in conjunction with other development and the completion of the South West Rail Link. The need for reconsideration of the speed limit and associated design in the vicinity of Leppington Town Centre should also be highlighted. Strategies for vegetation and noise management are also urgently required.

RECOMMENDED

That Council:

- i. endorse a submission to the RTA based on the contents of this report;**
- ii. reinforce in its advice to the RTA the importance of urban design, vegetation and noise management in the overall design process;**
- iii. request a briefing from the RTA regarding the proposed upgrade and the matters contained within Council's submission; and**
- iv. request a timeframe from the RTA for the completion of the upgrade of Bringelly Road.**

ATTACHMENTS



Bringelly Road Upgrade - Community update - October 2010.pdf

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Symkowiak that Council:

- i. endorse a submission to the RTA based on the contents of this report;
- ii. reinforce in its advice to the RTA the importance of urban design, vegetation and noise management in the overall design process;
- iii. request a briefing from the RTA regarding the proposed upgrade and the matters contained within Council's submission; and
- iv. request a timeframe from the RTA for the completion of the upgrade of Bringelly Road.

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

THE MEETING CLOSED AT 7.22PM.

ORD15/11

**THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 25 JANUARY
2011 WERE ADOPTED AT AN ORDINARY COUNCIL MEETING HELD 8
FEBRUARY 2011. MIN. NO. ORD 19/11**

A handwritten signature in black ink, consisting of several fluid, connected strokes, positioned above the title 'CHAIRPERSON'.

CHAIRPERSON