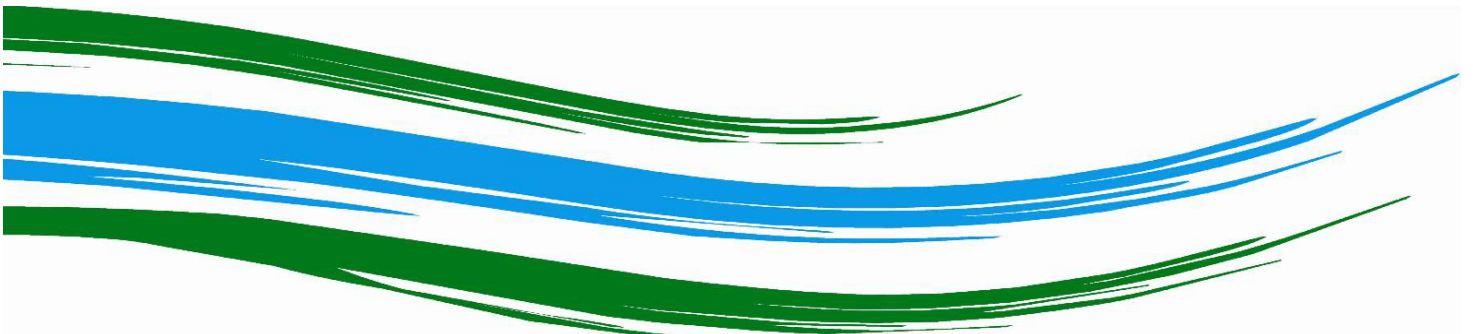




Camden Council

Business Paper

Ordinary Council Meeting



ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.

RESOLUTION

Moved Councillor Warren, Seconded Councillor Cagney that Councillor Patterson be granted a leave of absence.

THE MOTION ON BEING PUT WAS CARRIED.

ORD16/11

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

Councillor Funnell referred to Item ORD02 and stated his son and nephew worked for a tree removal company but he does not believe a pecuniary interest or conflict of interest exists and will participate in the debate on the matter.

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

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

ORD17/11

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**.

ORD18/11

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 25 January 2011.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 25 January 2011, copies of which have been circulated, be confirmed and adopted.

RESOLUTION

Moved Councillor Dewbery, Seconded Councillor Funnell that the Minutes of the Ordinary Council Meeting held 25 January 2011, copies of which have been circulated, be confirmed and adopted.

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

ORD19/11

MAYORAL MINUTE

ORDINARY COUNCIL

**SUBJECT: MAYORAL MINUTE - DEPARTMENT OF PLANNING DEVELOPMENT
ASSESSMENT PILOT PROJECT**

FROM: Mayor

FILE NO:

I would like to bring to Council's attention, a successful funding acquisition which will assist in delivering development assessment and approvals in the Local Government Area (LGA) and South-West growth centre in a way that better meets the needs of the community and the development industry.

In the state government's 2010/2011 budget papers, released in June this year, funding of \$2,000,000 over a period of two years was announced for a Development Assessment Assistance Pilot program (the Program).

Initial discussions were held with representatives of the Department of Planning (the Department) and the General Manager, with a view to establishing how the Program could be utilised to assist Camden Council in its role of delivering statutory development assessment to facilitate the continuous supply of affordable land in the south-west Growth Centre and the Camden LGA more generally.

A submission was made by Council to the Department in December last year, which set out how the funding, if obtained, would be utilised here at Camden. The outcomes that Council seeks to achieve from the Program include:

- increase through-put of development approvals for new lots and dwellings.
- improved level of customer service for the community, land owners, developers, consultants and government agencies.
- facilitation of affordable house and land products.
- better managed workloads, particularly with major new developments under way in Oran Park and Turner Road precincts,

I am please to advise that Council has been successful in obtaining funding of up to \$2,000,000.

With the population of Camden LGA growing to approximately 250,000 by 2031, up from 50,900 in 2005, resulting in the biggest population increase of any LGA in NSW and the fastest growing in percentage terms (332%), we clearly face some significant challenges in managing the growth of our population and infrastructure.

I believe the funding this Program offers will assist Council to fulfil its obligations to the

community, as well as serving the needs of the development industry in our LGA.

RECOMMENDED

That Council note the successful acquisition of funding of up to \$2,000,000 to assist development assessment in the Camden LGA.

RESOLUTION

Moved Councillor Warren that Council note the successful acquisition of funding of up to \$2,000,000 to assist development assessment in the Camden LGA.

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

ORD20/11

ORDINARY COUNCIL

ORD01

SUBJECT: MAYORAL DELEGATION OVER THE CHRISTMAS PERIOD
2010-2011
FROM: Director Development and Health
FILE NO: Binder:Governance/General Council Meeting Issues

PURPOSE OF REPORT

The purpose of this report is to detail the use of delegations granted to the Mayor over the 2010 Christmas period.

BACKGROUND

Council at its final meeting of 2010, delegated to the Mayor (and Deputy Mayor in absence of the Mayor):

"The ability to approve Development Applications and matters of necessity during the period 15 December, 2010 to 25 January 2011; to exercise those functions as provided under Sections 226 and 377 of the Local Government Act, 1993."

A condition of that delegation was that Council be informed of any use of the delegation.

MAIN REPORT

During the Christmas 2010 period, the Mayor exercised the delegations granted on 14 December 2010 on one occasion. The following is a summary of the determination made:

Section 96 Application for Industrial /Commercial Subdivision, 630 and 650 Camden Valley Way, Gregory Hills (DA985/2009.4)

A Section 96 Modification application to a previously approved commercial/industrial subdivision on these sites was lodged by Dart West Developments Pty Ltd on 23 December 2010. The application was for the use of material excavated from Area of Environmental Concern (AEC) 18.

Council originally approved the subdivision Development Application at the Ordinary meeting of 9 March 2010. Council also approved a subsequent Section 96 Modification application for this development at the Ordinary meeting of 14 September 2010.

On 18 January 2011 the Mayor of Camden approved this further Section 96 development consent modification application under Mayoral delegation for the following reasons:

1. The modification application sought by the applicant was unrelated to the matters requiring the referral to Council of the original Development Application.
2. The matters which were the subject of the modification application would normally have been dealt with under staff delegation had the original application not been dealt with by Council.
3. The applicant had demonstrated that the delay before an Ordinary Council meeting was held would cause a delay to the continuation of the works approved under the original application.
4. The Assessing Officer and the General Manager had agreed with the recommendation to approve the modification.

CONCLUSION

During the Christmas 2010 period, the Mayor exercised the delegations granted to him to approve a Section 96 modification (DA985/2009.4) to a development consent for an Industrial/Commercial Subdivision at 630 and 650 Camden Valley Way, Gregory Hills.

Councillors were sent an email earlier in the year, advising of the use of the Mayor's delegation in relation to this application.

This has avoided a delay to the continuation of the works approved under the original application.

RECOMMENDED

That the use of the Mayoral Delegation be noted.

RESOLUTION

Moved Councillor Warren, Seconded Councillor Campbell that the use of the Mayoral Delegation be noted.

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

ORD21/11

ORDINARY COUNCIL

ORD02

CONTINUED USE OF A RURAL INDUSTRY, NO 299 (LOT 11 DP 831109)
CAWDOR ROAD, CAWDOR

FROM:	Director Development and Health
FILE NO:	Binder: Development Applications 2010
DA NO:	856/2010
OWNER:	Lynette Barrass
APPLICANT:	Darren Barrass
ZONING:	Rural 1(a)
APPLICABLE PLANNING INSTRUMENT:	Camden Local Environmental Plan No 48

PURPOSE OF REPORT

The purpose of this report is to seek a determination of a Development Application for the continued use of a property at 299 Cawdor Road for works associated with tree cutting and log processing.

The application is referred to Council for determination in accordance with its delegations as there are three (3) unresolved objections to the proposed development.

SUMMARY OF RECOMMENDATION

It is recommended that Council resolve to approve Development Application 856/2010 subject to the draft conditions of consent provided at the end of this report.

BACKGROUND

A tree service business has operated at the subject site in Cawdor for many years. In late 2009 a formal complaint was made to Council in respect of the operations at the site. On investigating this complaint, it was determined that development consent had never been obtained for the operation of a business on the site.

Council, in responding to the complaint, issued a Notice under Section 121B of the Environmental Planning and Assessment Act 1979 to cease operations until a development application had been lodged for the use. This is normal practice where operations such as this are identified and no approval exists.

The tree service business on the site has operated throughout the Camden local government area for over 15 years. The business was originally established on a site in Kirkham by the father of the current owner / proprietor.

According to the submitted Statement of Environmental Effects lodged as part of this development application, the current proprietor was at some point required by Council to relocate their operations from Kirkham, although there are no Council records indicating that this request was made.

THE SITE

The subject property is known as No 299 (Lot 11 in DP 831109) Cawdor Road, Cawdor. The site covers an area of 13.06ha having an east-west length of 460m and a frontage to Cawdor Road of 238m. The site is located within a predominately rural landscape, approximately 1km west of the Camden South township and 4km directly south of the Camden town centre.

No 287 Cawdor Road adjoins the subject site to the north and is occupied by a large residence which is close to the southern shared boundary. The dwelling located on the property adjoining the subject site to the south, No 331 Cawdor Road, is situated immediately adjacent to the site's main access drive on the northern portion of the lot, adjacent to the shared boundary.

To the south and east the site is enclosed by the surrounds of No 351 Cawdor Road, a significantly large rural parcel of grazing lands which is occupied by a large homestead. To the west, the site addresses Cawdor Road. Camden High School is located approx. 100m west of the site.

The subject site is currently occupied by a dwelling with attached site office, parking area for trucks and vehicles, mechanical workshop, toilet facilities and stockpiles of timber product. A portion of the property is also utilised for the purposes of grazing and agriculture, with several head of cattle on site. Access to the property is from two driveways located in the northern and southern parts of the property frontage to Cawdor Road. The southern driveway currently acts as the main access point to the existing house, car parking area and depot area.

There are pockets of significant vegetation and rocky outcrops scattered throughout the eastern and southern portions of the property. **A location plan is provided at the end of this report.**

THE PROPOSAL

The proposed development incorporates the continuation of the operations associated with the existing tree removal and lopping business on the site. The business concentrates specifically upon the delivery and storage of processed chipped wood, and the further preparation of mulches to be redistributed to local nurseries and limited bundles of fire wood which are sold on-site.

Hours of Operation & Staff Numbers

The business currently operates between the hours of 7am and 5pm Monday to Friday and between 7am and 5pm on Saturdays. Staff usually arrive on site approximately 30 minutes before the day's operations begin. There are two administration staff members who work on-site five days a week. A further two staff members are employed at the depot three days a week, whilst there are six staff employed as truck drivers and

arborists working off-site.

Truck and Car Movements

Company trucks leave at 7am and return to the site at approximately 4.30pm. During the winter months, deliveries of wood to the site are limited to five (5) per week with each delivery load having a minimum volume of 4m³. Throughout the remaining months of the year there are between 10-15 deliveries to the site per week with each load having a minimum volume of 5m³.

A number of local residents also collect logs for fires in the winter months at the rate of 15 loads per week. Mulch is also collected all year round by approximately 5-10 residents per week, mostly arriving at the site in cars with attached trailers, utes or small trucks.

Quantity Stored On-site

Wood products derived from the source are stored on the property in large stock piles, which remain for a limited time as the derivative product is on sold to individuals or nurseries. The estimated 'binned areas' product are expressed below:

Wood:

- wood logs (100 tonnes)
- split fire wood (2,000m²)
- sheared for mulching or second grade firewood (2,000m²)

Mulch:

- leaf mulch A grade (3,000m²)
- leaf mulch B grade (2,000m²)
- tub ground A grade (3,000m²)
- tub ground B grade (3,000m²)

These products are stored in an open ground area of the property with the location changing as products are delivered to the property and distributed or collected. All of the wood piling occurs well behind the existing house and car parking areas within the eastern portion of the site in order to avoid unsightliness.

Storage of Oil Products

Limited supplies of oil and fuel are stored on the property for the purposes of servicing the trucks and other machinery on site. These products are stored in a bunded area that is capable of holding 110% of any likely spill that may occur. At any one time there is 500L of oil stored on the site as well as a mobile tank which holds up to 2,200L of fuel/diesel.

Fire Wood Operations

Some of the wood products derived from the source are processed on the property. This involves the use of chain saws for approximately 10 hours per week, a loader / bobcat for 5 hours per week and splitter for tree logs 5 hours per week.

Fire Fighting Equipment

Due to the storage of the specified products and raw materials listed previously, it is essential that certain fire fighting elements are stored on site. As such there is a mobile trailer and pump with a capacity of 1,000L with 10 hand held extinguishers on the property. Access is also available to bore water and a 500,000L dam located on the property.

NOTIFICATION

The proposed development was notified in accordance with Part C, Chapter 2 Notification Processes for Development Applications of the Camden Development Control Plan 2006.

A total of five (5) submissions were received. Two submissions were in support of the continuation of the business while three were opposed. The details provided in each correspondence to Council is summarised in the submission section of this report. **A copy of the submissions are provided in the Business Paper supporting documents.**

PLANNING CONTROLS

- Deemed State Regional Environmental Plan No. 20 (Hawkesbury-Nepean River).
- Camden Local Environmental Plan No 48
- Draft Camden Local Environmental Plan 2010
- Camden Development Control Plan 2006

ASSESSMENT

The provisions of any Environmental Planning Instrument - S79C (1)(a)(i)

Deemed State Regional Environmental Plan No 20 (SREP 20) - Hawkesbury-Nepean River

SREP 20 deals specifically with the protection, conservation and enhancement of the Hawkesbury and Nepean combined river systems. The plan is primarily concerned with maintaining the environmental health of the river system and the surrounding landscapes. The subject site is located approximately 2km west of the Nepean River at its closest point and is roughly 500m east of the Matahil Creek.

It is considered that the operations on the site will not create any direct disruptive impacts to the health of the creek and river system. It should be noted however that in the event of a one in one hundred year flood, the subject site would likely be inundated, and as such the following measures need to be implemented in order to ensure that the Matahil Creek system in particular does not become polluted:

- a) all wood and mulch piles on-site should be appropriately bundled as is proposed,
- b) all potential contaminants including fuels and oils on-site must at all times be stored in adequate containers / tanks and;
- c) all operations on-site need to be managed, particularly during significant rain events, such that materials on site should be depleted and if necessary deliveries

restricted.

Camden Local Environmental Plan No 48

Camden Local Environmental Plan 2010 (draft LEP) was gazetted on 3 September, 2010. As this development application was lodged before this gazettal date, it must only be considered as if the LEP was still in draft form. Therefore LEP 48 (the LEP in force when the application was lodged) is the applicable Local Environmental Plan for this development.

The land is zoned Rural 1(a) - 40 hectare pursuant to the Camden LEP No 48.

The development proposal is best defined as a continuation of a 'rural industry' which is defined in accordance with the definitions of the Model Provisions 1980 as:

'Rural Industry: means handling, treating, processing or packing of primary products and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality'.

The business conforms with the above definition of a rural industry as it handles and processes a primary product in the form of wood chip and logs on the site.

Rural industries are considered permissible with the consent of Council within the Rural 1(a) zone.

The objectives of the Rural 1(a) zone are listed below:

- (a) to provide suitable land for agricultural use
- (b) to promote the conservation of economic units of productive agricultural land, particularly those areas designated as having prime crop and pastoral potential, by regulating subdivision to prevent the fragmentation of actual or potentially productive rural holdings
- (c) to enable compatible forms of development, including recreation and tourist orientated uses to be carried out, if they are in keeping with the rural character of the locality, and carried out in an environmentally sustainable manner
- (d) to permit the development of extractive industries to occur in an environmentally acceptable manner, and
- (e) to ensure that development does not detract from the existing rural character of the area or create unreasonable or uneconomic demands for provision or extension of public amenities and services.

The proposed development is considered to be consistent with the above listed objectives of the Rural 1(a) zone as:

- the subject business is defined as a use which is compatible and desirable within a rural zone;
- the proposal seeks to conserve the parcel for the purposes of the existing business and grazing lands for livestock;
- the tree business is a service which is provided throughout the locality of Camden. Its services are provided directly on-site and operations are consistent with the rural character of the area and are carried out in an environmentally sustainable manner.

There are no additional provisions applying to the assessment of the proposed development, hence it is considered that the use satisfies the relative provisions of the Camden LEP No 48.

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 - S79C (1)(a)(ii)

Camden Local Environmental Plan 2010 (draft LEP)

Although Camden Local Environmental Plan 2010 was gazetted on 3 September, 2010 as this development application was lodged before this gazettal date it must only be considered as if it was still in draft form.

The land is zoned RU1 Primary Production pursuant to the Camden LEP 2010.

In accordance with the definitions of the Camden LEP 2010 the proposed development could be defined as any one of the following;

Rural Industry: means an industry that involves the handling, treating, production, processing or packaging of animal or plant agricultural products, and includes:

- (a) agricultural produce industry, or
- (b) livestock processing industry, or
- (c) use of composting facilities and works (including to produce mushroom substrate),
or
- (d) use of sawmill or log processing works, or
- (e) use of stock and sale yards, or
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise, undertaken for commercial purposes.

Sawmill or Log Processing Works: means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

The existing tree service is considered to be consistent with both of the above listed definitions. Both defined uses are permissible with the consent of Council within the RU1 zone.

The objectives of the RU1 are as listed below:

- to encourage sustainable primary industry production by maintaining and enhancing the natural resource base,
- to encourage diversity in primary industry enterprises and systems appropriate for the area,
- to minimise the fragmentation and alienation of resource lands,
- to minimise conflict between land uses within the zone and land uses within adjoining zones,
- to permit non-agricultural uses which support the primary production purposes of the zone,

- *to maintain the rural landscape character of the land.*

The proposed development is consistent with the above listed objectives of the RU1 zone as:

- the existing business is a primary rural industry which has for a number of years operated sustainably on the subject site.
- the business will continue to operate locally and provide primary product and services to the Camden community.
- the carrying out of this business on the subject site will not work to alienate or unacceptably disturb adjoining and surrounding land uses including the school, other rural industries within the precinct, grazing and agricultural lands and rural residential homesteads.
- the nature of the business proposed to continue operations on the subject site is considered to be consistent with the character of a rural area.

The proposed development is considered to be generally consistent with the relevant objectives and provisions of the Camden LEP 2010.

The provisions of any Development Control Plan - S79C(1)(a)(iii)

Camden Development Control Plan 2006

Part C: Chapter 2- Notification Processes for Development Applications

The subject application has been notified to adjoining and immediately surrounding residents and land owners in accordance with the provisions identified in this chapter of the Camden DCP 2006.

There are no other specific provisions of the Camden DCP applying to the subject land or development activity proposed under this application.

The provisions of any Planning Agreement - S79C (1)(a)(iiia)

There are no Planning Agreements which are applicable to this development application.

The provisions of the Regulations - S79C (1)(a)(v)

There are no provisions of the Environmental Planning & Assessment Regulations 2000 applying to the assessment of this development application.

The likely impacts of the development - S79C (1)(b)

The likely impacts of the development include the following:

Dust

All of the submissions received by Council objecting to the development proposal raised the issue of dust being created at the site and transported across neighbouring parcels including the Camden High School. Dust can be generated from either or all of the following processes / occurrences:

- cutting / chipping of natural woods
- open storage of wood chips in piles
- trucks driving over unsealed driveway surfaces.

A number of development consent conditions have been proposed which would aid in the avoidance of detrimental dust impacts.

Truck Traffic

It is envisaged that between 5 and 20 heavy vehicles (trucks) and between 5 and 10 light vehicles (cars / utes) will access the site from Cawdor Road in a day. The majority of these vehicles currently arrive throughout the morning and afternoon and have previously conflicted with transport generated by the school. There is also some concern that trucks accessing and leaving the site during before and after school hours could potentially be the cause of pedestrian related accidents. These concerns have been raised in a number of the objections to the development.

It is understood the existing business predates the development of the high school.

A draft condition of consent has been included in the attachment to this report which would specify that all deliveries and exits from the site must occur outside of before and after school hours. It is considered that strict adherence with this condition will reduce the risks to student pedestrians and existing school traffic along Cawdor Road.

Noise

The operations currently on-site , if approved, will continue to use noise emitting machines in order to process the primary wood product.

These machines have the potential to emit noise beyond those relative maximum noise levels specified in Council's Noise Policy. It is considered that at particular times, noise emissions from machinery may be disruptive and negatively impacting on the amenity of the locality.

Conditions of consent have been recommended that would address the potential noise impacts of the proposal.

General

The potentially detrimental impacts of the operations at the site outlined above are considered in light of the fact that the business has operated for several years prior to and concurrent with existing development without complaint, and to the best of Council's knowledge without impacting negatively on the site or surrounding area.

It is considered the potential impacts noted above can be mitigated via suggestions made by the applicant and Council officers, as well as the imposition of conditions of consent upon any development approval.

More broadly, the continuation of the operations of the business are expected to continue to provide a necessary service to many throughout the Camden LGA and

nearby areas, in turn providing future employment opportunities to local residents whilst continuing to provide rural industries in the locality.

The suitability of the site for the development - S79C (1)(c)

The subject business is a rural industry which deals specifically with the processing of primary wood product. The subject zone provides land for the purposes of larger, more intensive industries such as the existing business. The subject site is a large parcel surrounded by large rural-residential lots, grazing lands and the Camden High School.

It is considered that pending strict compliance with the suggested draft conditions of consent provided below, the business could be sustainably carried out at the site.

Any submissions - S79C (1)(d)

Public notification was carried out between 13 August and 27th August, 2010. Notification letters were sent to surrounding properties in accordance with Camden Development Control Plan 2006. A total of five (5) public submissions were received, three (3) of which being opposed to the development. The issues raised within the objecting submissions include the following:

1. *The number of trucks accessing the site on a daily basis are directly affecting the amenity of the local area.*

Officer Comment:

The number of trucks entering the subject site on a daily basis is not expected to unacceptably affect the amenity of the area. The subject locality is in a rural zoning with numerous rural industries and farms scattered throughout which rely on deliveries and stock supplied by truck transport.

2. *Traffic and truck movements pose as a threat to the safety of school children and restricts access entering and leaving the Camden High School site.*

Officer Comment:

Truck movements during before and after school hours need to be managed appropriately in order to avoid potential risk to students crossing Cawdor Road. As such a condition of consent has been included in the draft conditions, specifying that all deliveries need to occur outside of school zone hours.

3. *The processing and storage of woodchips on-site causes woodchip dust. During periods of strong wind the woodchip dust is blown across surrounding properties, ultimately affecting the health of residents and school children.*

Officer Comment:

As previously noted above, in the assessment of likely impacts, dust generation would be addressed by a number of conditions of consent.

4. *The scale of the subject business is more extensive than what is described in the Statement of Environmental Effects. The business is currently supplying product to local retailers for on-supply of mulch / woodchip and timber product.*

Officer Comment:

The applicant has outlined the details of the operations of the business in the application. If however, the on-sale of primary product to certain retailers is occurring, it is considered to be acceptable given the scale of the existing operations on-site.

- 5. Leaf and other green matter is being stored on-site. The type of matter is unknown and there are fears that like woodchip dust the material may potentially be harmful to the health of surrounding residents and school children.*

Officer Comment:

There is no direct evidence to suggest that green mulch or leaf litter is being stored on the site or that the storing of such organic materials would directly impact the health of surrounding residents.

- 6. The woodchip and log piles can be viewed from up to 500m from the site. These piles and machinery are unsightly and are a real threat to the visual amenity of the landscape.*

Officer Comment:

It is considered that the storage of wood piles does not detrimentally impact upon the visual amenity of the area due to the fact that they are set back some 100m from the boundary with Cawdor Road.

- 7. The use is not being carried out in an environmentally sensitive manner.*

Officer Comment:

Subject to the operations complying with the suggested draft conditions of consent, it is considered the use can be sustainably carried out on-site. To date Council has no recorded evidence to assume that the operations of log processing on-site have been overtly threatening to the existing natural environment.

- 8. The storage of woodchip and piles of logs on-site has the potential to be a substantial fire hazard, especially in the case of a bushfire event.*

Officer Comment:

Details provided in the development application satisfy these concerns, in that fire fighting apparatus and extinguisher equipment is provided on-site.

- 9. In times of strong wind and rain there is potential for sections of the Nepean River and its tributary system to become contaminated by woodchips, mulch and other associated chemicals / oils used as part of the operations carried out on-site.*

Officer Comment:

Council officers have considered the storage of open wood piles on-site in the context of potential contamination of the Matahil Creek. It is considered that the appropriate management of open storage will sufficiently eliminate the potential of the stock to pollute the creek and river systems.

- 10. The environmental assessment of impacts is not sufficient in covering details in relation to several of the abovementioned issues and that a more thorough*

assessment should be required by Council.

Officer Comment:

It is considered that details submitted with the development application are sufficient and that any potential environmental impacts have been appropriately considered.

The public interest - S79C (1)(e)

The proposed continuation of the tree services business at 299 Cawdor Road, Cawdor is not considered to be contrary to the public interest as:

- a) the business will continue to provide an essential service to the residents and other businesses throughout the Camden LGA,
- b) the operations at the site are considered to be consistent with that of a rural industry which is deemed to be suitable within the rural locality. The operations of the site are also considered to be consistent with the objectives of the zone, the existing rural character and desired future character of Cawdor,
- c) any potential environmental impact which could potentially occur on-site due to the business operations is deemed to be manageable with the application of appropriate development consent conditions.

CONCLUSION

Development consent is sought for the continued operations of the log processing works at 299 Cawdor Road, Cawdor. The operations applied for under this development application relate to the storage and processing of wood and logs into finer grained chips. Operations are also inclusive of deliveries of wood to the site and pick up of processed chips and logs with limited sales to the public taking place on-site.

The proposed use is consistent with the objectives and provisions of rural industries within rural zones. The business is in keeping with Council's desired future character of rural areas throughout the LGA. The potential impacts of the operations expressed by objectors can be managed and minimised by way of changes to existing operations, enforced through the imposing of conditions of development consent.

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 or other documentation:

- Friendly Freds Tree Services - Site Plan 'Depot'.
- Proposed Site Plan, Job: 'Timber Yard' Drawing No. 2958m.w. Prepared by ProCorp Designs. Sheet 1 Issue A, dated 2-8-2010.

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

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

- (2) **Limitations of this Consent** – This development consent applies to the continued use of the site for the processing of logs and timber. This consent does not relate to or approve any works or existing structures / offices on site.
- (3) **Use of Northern Driveway** – The use of the northern driveway in relation to the operation of the business is prohibited.
- (4) **Bundling of Work and Storage Areas** - All works and storage areas (excluding the service pits) where spillage may occur must be bunded or suitably grated. Where bunding is provided, the size of the area to be bunded must be calculated as being equal to 110% of the total volume stored or equal to the largest storage container, whichever is the greater. All bunded or grated areas must be graded to a pit / sump so as to facilitate emptying and cleansing. All pipe work from any enclosed tanks and / or pumps must be directed over the bund wall and not through the wall. Hose couplings for the tanks enclosed within the bund must be placed such that all leaks and spillages are contained within the bund. Where possible all bunded and grated areas should be roofed.
- (5) **Spill Prevention and Control** - To ensure compliance with the *Protection of the Environment Operations Act, 1997* the Environment Protection Authority or Council must be notified immediately should a pollution incident occur.
- (6) **Compliance with POEO Act 1997** – Ensure that all business and operational activities are carried out in accordance with the provision of the Protection of the Operations Act (POEO) 1997 at all times.
- (7) **On Ground Fuel Storage Tank** – The installation of any fuel storage tank must comply with AS1692-2006 Steel Tanks for Flammable and Combustible Liquids and AS1940-2004 The Storage and Handling of Flammable and Combustible Liquids.
- (8) **Spill Response Kits** – An appropriate spill response kit is to be installed in the workshop, and any chemical storage area. Kits shall contain at a minimum, a ready supply of spill control and clean up absorbent materials.
- (9) **Pollutant Discharge** – The use and operation of the premises shall incorporate facilities or devices that will prevent the discharge of any pollutant, be it either water, air, dust or noise, which may lead to the degradation of the environment or be prejudicial to the health of inhabitants thereof.

- (10) **Advertising Signs Application** - Outdoor advertising structures require prior development consent. A development application must be submitted and approval granted by the Consent Authority (ie Camden Council) prior to the erection of any advertising signs.

The design, style, colour, height and type of any advertising sign must have regard to the character of the development, any existing advertising theme and Camden Development Control Plan (DCP) 2006.

2.0 - Prior To Works Commencing

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

- (1) **Acoustic Assessment** - An acoustic assessment report prepared by a suitably qualified acoustic consultant detailing compliance with the specified acoustic criteria shall be submitted to the Consent Authority (Camden Council) prior to the commencement of any works required to comply with this consent. The assessment is to be undertaken based on the operation of the business (and consider proposed changes to work locations on site) and be in accordance with Camden Council's Environmental Noise Policy.

Where the assessment report recommends noise mitigation / controls these construction works must be approved by the Consent Authority (Camden Council) in writing prior to the mitigation / controls being constructed. Where works are extensive in nature a section 96 application may be required to be lodged with the consent authority.

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

3.0 - During Construction

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

- (1) **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 & 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 (m ³)
Virgin Excavated Natural Material	1 (see note 1)	1000

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

4.0 - Prior to Issue of Occupation Certificate

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

- (1) **Acoustic Report Compliance** – Within three (3) months, a report (from the author of the approved Acoustic Report) that contains a certifying statement confirming that the Consent Authority approved acoustic recommendations of the approved Acoustic Report have been implemented and are compliant, must be submitted to the Principal Certifying Authority for inclusion in any Occupation Certificate application.

The acoustic consultant must conduct sufficient inspections to verify that all construction aspects of the noise attenuation / control components or measures are being carried out in accordance with the approved report recommendations.

Should the acoustic consultant confirm that:

1. any specific construction aspect does not comply with the report recommendations; or
2. that the constructed noise attenuation / control components or measures do not achieve the criteria set by the approved report and this policy;

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

- (2) **Waste Management Plan (WMP)** - A waste management plan shall be provided that addresses all waste generated from the operation of the business. The plan should include provisions for recycling of all products and materials and identify suitable locations within the premises for Trade Waste bins. The WMP is to be signed off by a Company Director and should be resubmitted to the Principal Certifying Authority **prior to the Occupation Certificate being issued.**
- (3) **Storage of Waste Oil** - The premise shall contain adequate holding facilities for the reception of waste oil, and a contract for the recycling of this oil must be sighted by the PCA **prior to the issue of the Occupation Certificate.**

5.0 - Operational Conditions

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

- (1) **Delivery Vehicles that Access the Site** - Vehicles that access the site for the purposes of delivering wood to or from the site must comply with the following requirements at all times:
 - (a) All vehicular traffic must enter and exit the site in a forward direction.
 - (b) All vehicles awaiting loading, unloading or servicing must be parked on-site and not on adjacent or nearby public roads.
 - (c) All delivery vehicles shall not access the site during before and after school times in order to avoid potential pedestrian and vehicular conflict, this incorporates the following times:

Monday- Friday: 8.00am – 9.30am & 2.30pm-4.00pm
- (2) **Offensive Noise** - The use and occupation of the premises, including all plant and equipment installed thereon, must not give rise to any offensive noise within the meaning of the Protection of the Environment Operations Act, 1997.
- (3) **Plant Noise Restriction** – The level of total continuous noise emanating from operation of all the plant or processes in all buildings (LAeq 15 minutes) or on the above premises must not exceed the background level by more than 5dB(A) when measured at any point on any residential boundary. Noise levels must also be compliant with criteria contained within Camden Council's Environmental Noise Policy.
- (4) **Liquid Wastes** - All liquid wastes, other than stormwater generated on the premises, must be transported off-site to a licensed liquid waste facility.
- (5) **No Panel Beating or Spray Painting** - Panel beating or spray painting operations are prohibited upon the subject site. Should you wish to undertake such activities you must lodge a separate development application with the Consent Authority for determination. Any such application must include full details of the spray booth and associated air quality control measures.

- (6) **Pollutants** – The use of the premises shall incorporate facilities that will prevent the discharge of any pollutant, which may degrade the environment or be prejudicial to its inhabitants.
- a) All pollution control devices (including drainage systems, sumps and traps) shall be regularly maintained.
 - b) All liquid wastes shall be collected and disposed of in a manner, which does not pollute the stormwater system.
 - c) The repair, servicing and maintenance of all vehicles shall take place in a bunded work bay that drains to a holding tank or like device so that any liquid wastes produced from such repair, servicing and maintenance can either be:
 - retained for recycling or;
 - disposed of to an approved waste facility legally able to receive the waste material.

All paints, chemicals and other liquids shall be stored in approved receptacles which are to be housed in a suitably constructed bunded area.

Appropriate equipment and absorbent material shall be provided and maintained in a prominent position in order to combat any spill.

- (7) **Storage of Mechanical Parts** - Mechanical parts in contact with any automotive fluid shall be stored in a covered, bunded area.
- (8) **Disposal of Waste Oil and By Products** - All waste oil, grease and associated products must be stored in suitable containers and be transferred to a waste disposal depot or recycling facility, approved for the reception of such materials by a licensed waste transporter. All waste disposal must be in accordance with the EPA's waste tracking requirements. Under the waste tracking requirements all documentation relating to waste disposal must be kept for 4 years. This documentation must be made available at the request of Council's Officer.
- (9) **Truck Wash Down Area** – Due to the fact that there are no sewer mains extending into the property the washing down of trucks / vehicles is not permitted to occur on the premises.
- (10) **Disposal of Stormwater (Generally)** – All stormwater collected on site must be managed on site so that it does not pollute waters in accordance with 'Section 120 – Prohibition of pollution of water' of the Protection of the Environment Operations Act 1997.
- (11) **General Requirement** – All activities associated with the development must be carried out in an environmentally satisfactory manner as defined under section 95 of the Protection of the Environment Operation Act 1997.
- (12) **Storage of Liquids** – All liquids, including coolant, oil and other chemicals shall be stored in approved receptacles which are to be housed in a suitably constructed bunded area. The size of the area to be bunded must be calculated as being equal

to 110% of the total volume stored or equal to the largest storage container, whichever is the greater.

(13)**Storage of Materials** – All materials intended for storage within the storage bins must be located within the confines of the bins determined by the bin boundary. Volumes of materials must not exceed the bin storage capacity.

(14)**General Requirement** - The use must at all times be conducted without nuisance and in particular so as not to give rise to emission of air impurities including dust in contravention of the Protection of the Environment Act, 1997.

(15)**Retain Existing Spaces** - The existing 10 off-street parking spaces must be maintained and line marked.

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

Monday to Friday:	7.00am - 5.00pm
Saturday:	7.00am - 5.00pm
Sunday & Public Holidays:	Closed

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

(17)**Amenity** - The business shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, adjoining occupations, and residential premises.

END OF CONDITIONS

RECOMMENDED

That Council approve Development Application 856/2010 for the continued use of a rural industry at No 299 (Lot 11 DP 831109) Cawdor Road, Cawdor , subject to the conditions of development consent shown above.

ATTACHMENTS

1. Location plan
2. Submissions (sup doc)



Location Plan - 299 Cawdor Rd Cawdor.pdf Submissions - 299 Cawdor Road DA856-2010.pdf

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Campbell that Council approve Development Application 856/2010 for the continued use of a rural industry at No 299 (Lot 11 DP 831109) Cawdor Road, Cawdor, subject to the conditions of development consent shown above.

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

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

Councillor Anderson voted against the Motion).

ORD22/11

ORDINARY COUNCIL

ORD03

SUBJECT: PROPOSAL TO REZONE LAND AT 11 IRONBARK AVENUE, CAMDEN (OLD CAMDEN BUS DEPOT SITE)
FROM: Director Governance
FILE NO: Binder: Ironbark Avenue and Former Bus Depot, Camden

PURPOSE OF REPORT

The purpose of this report is to seek resolution from Council to exhibit the planning proposal and associated studies and draft DCP for 11 Ironbark Avenue, Camden (former bus depot).

BACKGROUND

Currently the subject site is zoned IN2 light industrial. A planning proposal **(provided as attachment to this report)** to rezone the subject site to R3 medium density residential was submitted to Council on 31 March 2010. At its meeting 11 May 2010, Council resolved to support the planning proposal. Previously, investigations to rezone the whole site were undertaken. However, after discussions with the land owners of the area north of the subject site it became clear that the owners had no desire to change the zoning in the short to medium term.

The Planning Proposal was then forwarded to the Department of Planning for the Gateway Determination. The Department subsequently notified Council that the proposal can proceed to exhibition and that the Department of Environment, Climate Change and Water need to be consulted. The Gateway Determination **is provided as Supporting Document 1 to this report.**

The applicants were required to undertake a Remediation Action Plan (RAP) for contamination, have this RAP audited by an accredited auditor, undertake salinity investigations and prepare a DCP that incorporated the design principles outlined in the planning review commissioned for the whole of Ironbark Avenue (the planning review was an attachment to the 31 March 2010 report to Council). These design principles address issues such as landscaping, building articulation, driveway access and interface issues with adjoining residential areas and the existing light industrial area.

MAIN REPORT

The RAP, salinity investigations and the preparation of a DCP for the subject site are now completed and have been reviewed by Council Officers. The detail and Officer's comments are outlined below.

The site has been determined suitable for rezoning. The following outlines the process that would need to be followed as part of any development application and

assessment process.

Remediation Action Plan

Contamination assessments were required for the subject site due to the site's previous use as a service station and bus depot. Phase 1 and 2 contamination assessments were undertaken in 2005. Further investigations were undertaken for the RAP in August and November 2010. An accredited auditor provided interim advice on the RAP. The RAP and interim advice letter are **provided Supporting Document 2 to this report.**

The following remediation process for the contamination identified is recommended in the RAP:

- Remove underground and above ground storage tanks and supporting infrastructure such as bowzers and sumps etc;
- Excavation and stockpiling of contaminated soil and classification for offsite disposal;
- Validation of all excavations and remediation work areas; and
- Implement an unexpected finds protocol for potential asbestos containing material and validate area affected and dispose of material to an appropriate licensed facility.

The auditor concluded in his interim advice on the RAP that:

- the site may be made suitable for its intended (residential) use through adoption of and implementation of the RAP; and
- the remediation strategy and process presented in the RAP is appropriate to address the identified contamination.

Internal assessment of the RAP and interim advice by the auditor is that:

- the RAP is suitable for the proposed remediation of the site;
- remediation works are to be undertaken prior to development construction;
- A Site Audit Statement (SAS) will be required from an EPA Accredited Site Auditor following the conclusion of the remediation works.

Salinity Investigations

A salinity assessment was required for the subject site. A Salinity Management Plan (SMP) was recommended and provided in the salinity report. The Salinity Report and SMP are **provided as Supporting Document 3 to this report.**

Internal comment on the Salinity Report:

- The salinity report generally complies with the requirements of DIPNRs Booklet - Site Investigations for Urban Salinity; and,
- For the purposes of the rezoning application, Council is satisfied that the SMP when conditioned in a development consent will be adequate to allow future residential development.

Development Control Plan

Council, at its meeting of 11 May 2010, required the proponent to provide appropriate development controls for all of the Ironbark Precinct. These controls have been based on design principles outlined in the planning review commissioned for the whole of Ironbark Avenue. These design principles address issues such as landscaping, building articulation, driveway access and interface issues with adjoining residential areas and the existing light industrial area. The draft development controls are **provided as Supporting Document 4 to this report.**

The development controls have been developed to be incorporated into two sections of the draft Camden DCP 2011. Controls for the subject site will be incorporated into Section D2.3.8 and provide for the medium density residential development, including controls for salinity, tree planting, contamination, public domain, and landscaping.

Controls for the remainder of the Ironbark Avenue Precinct will be incorporated into Section D4.5.3 and provide for the light industrial area. These controls are for tree planting, acoustic amenity, site context and visibility and public domain.

If the subject site is eventually rezoned these controls will form part of an amendment to the draft Camden DCP 2011.

Exhibition

The planning proposal, RAP, Salinity Report, draft DCP and Gateway Determination will be exhibited for 28 days as follows:

- Static displays available at:
 - Narellan Customer Service Centre and Narellan Library, Queen Street, Narellan;
 - Camden Customer Service Centre and Camden Library, John Street, Narellan
 - The exhibition material will be available on Council's website for the length of the exhibition period.
- A notice of exhibition will be placed in the local paper.
- Letters notifying of the exhibition will be sent out to adjoining land owners.
- The DECCW will be notified of the exhibition as requested by Gateway Determination

All submissions will be reported to Council at the end of the exhibition period.

CONCLUSION

The exhibition of the Planning Proposal, RAP, Salinity Report, DCP and Gateway Determination will provide a necessary step in the process of exploring the rezoning of the subject site. The RAP, Salinity Report and DCP provide the necessary support to the planning proposal and give certainty as to the suitability of the site for medium density development.

RECOMMENDED

That Council:

- i. Place the Ironbark Planning Proposal and supporting documents on public exhibition for 28 days.**
- ii. A further report be provided to Council detailing the results of the exhibition and making further recommendation in relation to the rezoning proposal.**

ATTACHMENTS

Attachment 1 : Planning Proposal

Supporting Doc 1: Gateway Determination

Supporting Doc 2: Contamination Assessment and Auditors Interim Advice

Supporting Doc 3: Salinity Assessment

Supporting Doc 4: Draft Development Control Plan (DCP)



Supporting Doc 1 Gateway determination.pdf



Supporting Doc 2_RAP_Rev2 8 Dec 10 cm.pdf



Supporting Doc 2 Interim Advice 2 - Review of Revised 8 Dec 10.pdf



Supporting Doc 3 - Salinity.pdf



Supporting Doc 4- Draft DCP Bus Depot & Ironbark Ave.pdf



Attachment 1 Planning Proposal.doc

RESOLUTION

Moved Councillor Warren, Seconded Councillor Campbell that Council:

- i. place the Ironbark Planning Proposal and supporting documents on public exhibition for 28 days; and
- ii. a further report be provided to Council detailing the results of the exhibition and making further recommendation in relation to the rezoning proposal.

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

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

No Councillor voted against the Motion).

ORD23/11

ORDINARY COUNCIL

ORD04

SUBJECT: DRAFT CAMDEN DEVELOPMENT CONTROL PLAN (DCP) 2011
FROM: Director Governance
FILE NO: Binder: Camden DCP

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 the Camden DCP had not been reviewed for some time, there has been a focus on undertaking a full review of Camden DCP 2006. This review is needed 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 also 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 its 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 its 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.

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 have 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 considered into a review of the Camden Engineering Specifications which is to commence shortly.

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 superceded 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 in the 2nd quarter of 2011; and**
- vi. write to all submitters advising of Council's resolution.**

ATTACHMENTS

Attachment 1 - schedule of submissions

Attachment 2 - schedule of staff submissions

Attachment 3 - proposed amendments



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

Moved Councillor Warren, Seconded Councillor Cagney 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 in the 2nd quarter of 2011; and
- vi. write to all submitters advising of Council's resolution.

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

ORD24/11

ORDINARY COUNCIL

ORD05

SUBJECT: VPA CATHERINE FIELD PART PRECINCT
FROM: Director Governance
FILE NO: Catherine Field Precinct

PURPOSE OF REPORT

The purpose of this report is to inform Council of the proposed Voluntary Planning Agreement between Valad Property Group (the developers of part of the Catherine Field precinct) and the Department of Planning (DoP). The Voluntary Planning Agreement has been on exhibition and a copy of Council's draft submission to the DoP is **provided as Attachment 1 to this report** for Council's review and endorsement.

BACKGROUND

The Catherine Fields Part Precinct is proposed to be released under the Government's Precinct Acceleration Protocol (PAP). The part precinct is approximately 300 hectares in area and adjoins the eastern boundary of the Oran Park precinct. The PAP has been developed by Government to allow the early release of precincts of the Growth Centres for development. A key condition of the PAP is that the early release of these precincts is to be at no cost to Government.

The Catherine Fields Part Precinct Planning Agreement is a contractual arrangement between the Minister for Planning (the "Minister") representing the NSW Government, Valad Development Management Pty Limited (the "Developer") and Valad Commercial Management Limited (the "Landowner") that has been prepared to enable the PAP to commence.

MAIN REPORT

The Draft VPA between Valad Group and the DoP for the Catherine Fields Part Precinct has been prepared to commence the PAP process and provide funding for the precinct planning in accordance with the protocol. Essentially, the Draft VPA provides for a payment of \$ 3m from Valad to the DoP to fund the precinct planning for the part precinct to enable a key component of the PAP to be achieved, being no cost to Government. It is expected that the infrastructure required for the precinct would be subject to Special Infrastructure Contributions.

The Draft VPA was placed on exhibition for public and agency comment from 15 December 2010 until 7 February 2011. Council has sought and received an extension to the submission period to allow Council to consider and endorse the draft submission that is attached to this report.

In summary, the submission outlines that Council supports the VPA and PAP for Catherine Field part precinct in principle. The submission does, however, raise key matters that should

be addressed in the VPA or the planning of the precinct. The matters referred to in the submission include identifying and specifying the financial contribution to be provided to Council as identified in the VPA and quantifying the resourcing that is expected as a result of the planning of the precinct. Comments are also made in relation to identifying the expected yield for the part precinct and the need to ensure that any development is planned with a sufficient curtilage to Oran Park House, being on the subject land. A general comment is also provided querying whether the planning of part precincts as proposed is to be continued into the future as opposed to the planning of whole precincts as intended.

Release of this land at this time is supported as the part precinct is located between the already released Oran Park and Turner Road precincts and Harrington Grove, providing orderly development and access to infrastructure being constructed in conjunction with those precincts and development. As noted in the submission, however, the release of this part precinct will be a further resource drain on Council and the VPA should clearly specify the amount of resourcing to be provided to Council to address this issue.

CONCLUSION

Comment has been invited on the proposed VPA between Valad Group and the DoP in relation to the planning of part of the Catherine Field Precinct.

A copy of a draft submission is attached to this report for Council's review and endorsement. Following Council endorsing the submission it will be forwarded to the DoP for their consideration. It is expected, following the submission being received by the DoP that further discussions and consultation with Council will follow.

RECOMMENDED

That Council endorses the attached submission to the Department of Planning providing comments on the Voluntary Planning Agreement between Valad Group and the Minister of Planning for the precinct planning of part of Catherine Field precinct and the submission be forwarded to the Department of Planning.

ATTACHMENTS

Attachment 1 - Council Submission



Council Submission VPA Catherine Field.doc

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Anderson that Council endorses the attached submission to the Department of Planning providing comments on the Voluntary Planning Agreement between Valad Group and the Minister of Planning for the precinct planning of part of Catherine Field precinct and the submission be forwarded to the Department of Planning.

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

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

No Councillor voted against the Motion).

ORD25/11

ORDINARY COUNCIL

ORD06

SUBJECT: TENDER 2010/11 - REINSTATEMENT OF HIGH VOLTAGE
AND TRANSMISSION POWER, SPRINGS ROAD, SPRING
FARM
FROM: Director Works and Services
FILE NO:

PURPOSE OF REPORT

To provide details of the tenders received for contract 2010/11, being the reinstatement of power in Springs Road, Spring Farm and to recommend that Council accept the tender submitted by Picton Power Lines Pty Ltd.

BACKGROUND

In October 2009 Council awarded a contract to Picton Power Lines Pty Ltd to temporarily relocate power from Springs Road to adjacent properties on the southern side of Springs Road. This was the first stage of works needed to lower Springs Road to align with the adjoining land form. These works were completed in January 2011 enabling power within the road reserve to be decommissioned.

Springs Road was closed in July 2010 and sand extraction on the eastern end has progressed to a point where it is expected to be completed by the end of February 2011.

In October 2009 Cornish Group, a developer owning properties on the southern side of Springs Road, sought agreement from Council to upgrade the eastern end of Springs Road to an urban standard and to underground power in this section of the road. Due to the timing of development of the land on the southern side of Springs Road, there are benefits to both developers and Council by working together to achieve the ultimate desired outcome. Council therefore agreed to undertake the suggested scope of works provided Cornish Group funded all additional costs associated with the reinstatement of power underground rather than overhead, for the area fronting its properties. Cornish Group has provided a written commitment to fund these works. However, the amount of its contribution was to be agreed following receipt of the tenders.

The contract for the reconstruction of Springs Road and Bridge was awarded to TRN in October 2010 to allow precast bridge components to be ordered and for construction of the eastern end to immediately follow sand extraction. Electrical transmission cables are to be constructed beneath the road pavement, and therefore installation of the conduits needs to be coordinated with the road reconstruction. Awarding of this contract for reinstatement of power will allow these works to be coordinated as required.

Council officers will enter into a formal agreement with Cornish Group confirming the

amount of its contribution before formalising the acceptance of any tender.

The design for reinstatement of power has been lodged with Integral Energy for certification but has not yet been finalised. Council officers intend to obtain this certification prior to accepting any tender.

MAIN REPORT

Invitation to Tender

The tender for the reinstatement of power for Springs Road, Spring Farm was advertised in the local press and Sydney Morning Herald. Tenders opened on 7 December 2010 and closed on 19 January 2011. The tender period was extended due to it running through Christmas and New Year. During the tender period, twelve copies of the tender documents were issued.

Tenderers were asked to provide a lump sum for the proposed electrical relocation works.

Tender Submissions

Tenders were received from the following companies:

<u>Name of Tenderer</u>	<u>Location</u>
1) Picton Power Lines Pty Ltd	Tahmoor
2) Transelect Innovative Power Solutions	Unanderra
3) Wilken Electrical Service	Arncliffe
4) Poles and Underground	Silverwater
5) Power Serve Pty Ltd	Huntingwood

A summary of tender pricing is contained in the supporting documents.

Tender Evaluation

It is a condition of the tender and Integral Energy, that all tenderers are Level 1 Accredited Service Providers, pre-qualified by Integral Energy, to construct transmission contestable works. All the tenders received satisfied this requirement.

The aim of the tender evaluation process is to assess the capability of tenderers to provide the best value and quality services to Council and to recommend the preferred tenderer.

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

Non price factors considered for this project were:

- Experience in Similar Project
- Submission and Management Systems
- Capacity & Key Personnel
- Program

Picton Power Lines Pty Ltd has recently completed the temporary relocation of power from Springs Road. At times it was under resourced and found it difficult to meet program deadlines. This did cause delays to completion of the project. Consequently its submission has been evaluated and scored to reflect the problems encountered as a result of resourcing and programming issues during this recent project. Despite these issues, which appear not to be isolated to this company, it is considered that Picton Power Lines Pty Ltd has provided a competitive tender, offers good value for money and meets all the requirements of Council's tender documentation. Picton Power Lines Pty Ltd is familiar with the project, and has undertaken numerous projects in Camden of a similar scale and nature. Additional steps will be taken to minimise the risk of recurrence of recent project delivery issues.

The assessment panel members all agreed that the tender by Picton Power Lines Pty Ltd represented the best value to Council.

Project Budget

The total estimated project budget for lowering Springs Road is now \$7.2M and is funded from Section 94 Developer Contributions. This tender can be accommodated within this budget.

Sufficient funds are available within the current 2010/11 budget to accept the tendered price of Picton Power Lines Pty Ltd and meet any required payments associated with the contract this financial year.

Funds of \$1.2M will be requested in the 2011/12 budget to meet the required balance of the tender costs.

Relevant Legislation

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

Critical Dates / Time Frames

Should Council resolve to accept this tender, formal award of the tender and execution of contract documents will not be completed until after Integral Energy certification of the electrical design and completion of a formal agreement with Cornish Group to fund all additional costs associated with the reinstatement of power underground rather than overhead in front of its properties.

The works associated with this tender is planned to be completed within 24 weeks from the awarding of this contract, subject to weather conditions.

CONCLUSION

Picton Power Lines Pty Ltd has provided a conforming tender which is within Council's budget. The tender assessment panel has concluded that the offer by Picton Power Lines Pty Ltd represents good value for money and the company has a proven record

of completing projects of a similar scale and nature.

RECOMMENDED

That;

- i. Council accept the tender provided by Picton Power Lines Pty Ltd, subject to Integral Energy certification of the electrical design and completion of a formal agreement with Cornish Group to fund all additional costs associated with the reinstatement of power underground rather than overhead in front of their properties; and**
- ii. authority be granted for the relevant documentation to be completed under the seal of Council.**

ATTACHMENTS

SUPPORTING DOCUMENTS



Tender 201011 Prices, Spring Farm.doc

RESOLUTION

Moved Councillor Warren, Seconded Councillor Anderson that:

- i. Council accept the tender provided by Picton Power Lines Pty Ltd, subject to Integral Energy certification of the electrical design and completion of a formal agreement with Cornish Group to fund all additional costs associated with the reinstatement of power underground rather than overhead in front of their properties; and
- ii. authority be granted for the relevant documentation to be completed under the seal of Council.

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

THE MEETING CLOSED AT 6.47PM.

ORD26/11

**THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 8 FEBRUARY
2011 WERE ADOPTED AT AN ORDINARY COUNCIL MEETING HELD 22
FEBRUARY 2011. MIN. NO. ORD 30/11**

A handwritten signature in cursive script, appearing to read "L. Symkoak".

CHAIRPERSON