



# Camden Council

## Business Paper

**Ordinary Council Meeting**  
**31 January 2012**

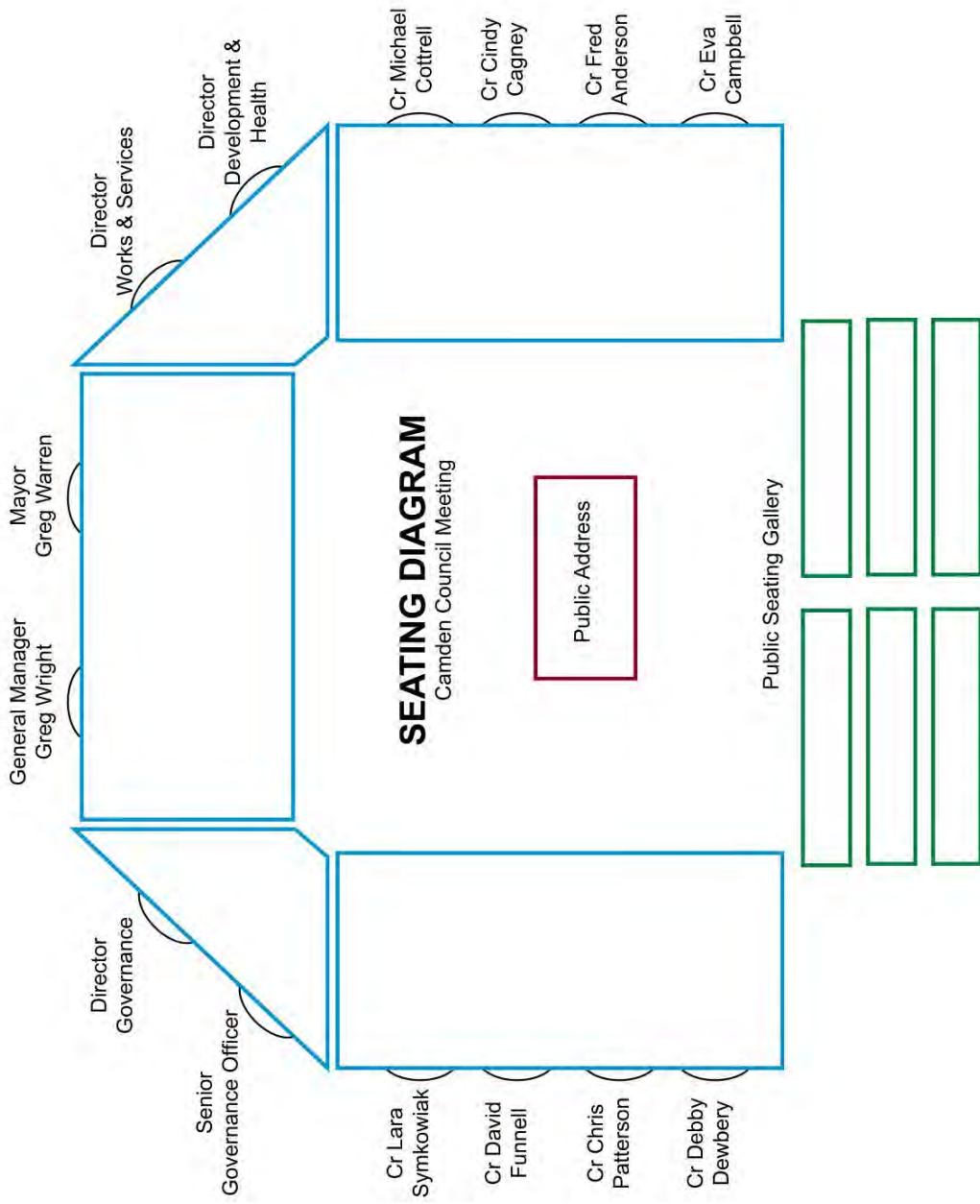
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**Camden Civic Centre**  
**Oxley Street**  
**Camden**



## COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BCA	Building Code of Australia
CLEP	Camden Local Environmental Plan
CP	Contributions Plan
DA	Development Application
DECCW	Department of Environment, Climate Change & Water
DCP	Development Control Plan
DDCP	Draft Development Control Plan
DPI	Department of Planning & Infrastructure
DLG	Division of Local Government, Department of Premier & Cabinet
DWE	Department of Water and Energy
DoH	Department of Housing
DoT	NSW Department of Transport
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning & Assessment Act
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FPL	Flood Planning Level
GCC	Growth Centres Commission
LAP	Local Approvals Policy
LEP	Local Environmental Plan
LGA	Local Government Area
MACROC	Macarthur Regional Organisation of Councils
OSD	Onsite Detention
REP	Regional Environmental Plan
PoM	Plan of Management
RL	Reduced Levels
RMS	Roads & Maritime Services (incorporating previous Roads & Traffic Authority)
SECTION 149	
CERTIFICATE	Certificate as to zoning and planning restrictions on properties
SECTION 603	
CERTIFICATE	Certificate as to Rates and Charges outstanding on a property
SECTION 73	
CERTIFICATE	Certificate from Sydney Water regarding Subdivision
SEPP	State Environmental Planning Policy
SRA	State Rail Authority
SREP	Sydney Regional Environmental Plan
STP	Sewerage Treatment Plant
VMP	Vegetation Management Plan
WSROC	Western Sydney Regional Organisation of Councils



***Please do not talk during Council Meeting proceedings.  
Recording of the Council Meeting is not permitted at any time.***

# ORDINARY COUNCIL

## ORDER OF BUSINESS - ORDINARY COUNCIL

Prayer	
Apologies.....	5
Declaration Of Interest.....	6
Public Addresses.....	7
Confirmation Of Minutes.....	8
Mayoral Minute - Commencement Of New Director - Development & Health.....	9
ORD01	Mayoral Delegation - Christmas / New Year Period ..... 10
ORD02	Construction Of 18 Townhouses and Strata Subdivision at No 3-9 (Lot 1431, DP 1150288) Partridge Street, Spring Farm ..... 12
ORD03	Demolition of Existing Service Station and Dwelling, Remediation and Construction of a New Service Station Building At No 271-273 (Lot 2, DP 606620 and Lot A, DP 389359) Camden Valley Way, Narellan..... 47
ORD04	Subdivision to Create 10 Lots, a New Road, Drainage and Landscaping at No 181 (Lot 101, DP 1143373) Camden Valley Way, Kirkham ..... 88
ORD05	Two Lot Subdivision at No 120 (Lot 106, DP 27602) Catherine Fields Road, Catherine Field..... 123
ORD06	Parking of Mobile Vending Van Selling Seafood in a Commercial Car Park at No 10 (Lot 4, DP 573446) Murray Street, Camden ..... 128
ORD07	Camden Junior Australian Football Club Request for Waiving of Development Application and Associated Fees ..... 138
ORD08	Continued Use of a Wood Fire Burner at No 11 (Lot 2069, DP 789752) Cormo Close, Elderslie ..... 140
ORD09	Housing Land Review - Landowner Nominated Sites For Rezoning Submitted to the Minister For Planning ..... 149
ORD10	Spring Farm Neighbourhood Centre - Post-Exhibition For Amendments to the Camden Development Control Plan 2011 ..... 156
ORD11	Planning Proposal Amendment No 6 - Forward to Department of Planning and Infrastructure for Plan to be made ..... 159
ORD12	Gregory Hills VPA..... 293
ORD13	Council Seal - Release Of Easements - Marshall Avenue, Spring Farm..... 299
ORD14	Regional Tourism Strategy 2012 - 2015..... 302
ORD15	Investment Monies- November 2011 ..... 318
ORD16	Investment Monies- December 2011 ..... 321
ORD17	Nation Building Black Spot Program 2011/12 - Additional Funding Towards Werombi Road Project ..... 324
ORD18	Bicentennial Equestrian Park Committee Membership ..... 326



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ORD19	Request for Sponsorship - Macarthur Lions Anzac Fun Run 2012.....	328
ORD20	Camden State Emergency Service - Local Controller .....	330
Diary	.....	332



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## ORDINARY COUNCIL

**SUBJECT: APOLOGIES**

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

**RECOMMENDED**

**That leave of absence be granted.**



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## ORDINARY COUNCIL

**SUBJECT:       DECLARATION OF INTEREST**

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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.**

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## ORDINARY COUNCIL

**SUBJECT: PUBLIC ADDRESSES**

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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 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 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.**





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## ORDINARY COUNCIL

**SUBJECT: CONFIRMATION OF MINUTES**

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Confirm and adopt Minutes of the Ordinary Council Meeting held 13 December 2011, and the Local Traffic Committee Meeting held 20 December 2011

**RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting held 13 December 2011, and the Local Traffic Committee Meeting held 20 December 2011, copies of which have been circulated, be confirmed and adopted.**



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## ORDINARY COUNCIL

### Mayoral Minute

**SUBJECT: MAYORAL MINUTE - COMMENCEMENT OF NEW DIRECTOR - DEVELOPMENT & HEALTH**

**FROM:** General Manager

**BINDER:**

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I am pleased to welcome Ms Nicole Magurren to her first Council meeting since commencing in the role of Director – Development & Health on 16 January 2012.

Ms Magurren has been appointed to the vacancy following a rigorous recruitment and selection campaign, and from a very competitive field of applicants, conducted over the latter months of last year.

Nicole has qualifications at undergraduate and post-graduate levels in urban planning, management and government and has most recently been working in a number of roles with the NSW Department of Planning & Infrastructure. For twelve years prior to that she held senior planning positions with Bankstown City Council.

I look forward to working with Ms Magurren as we all face the significant challenges of planning for, and delivering, Camden's urban growth over the next few years.

#### **RECOMMENDED**

**That Council note the appointment of Ms Nicole Magurren to the position of Director – Development & Health.**

**Mayoral Minute**



ORD01

## ORDINARY COUNCIL

ORD01

**SUBJECT: MAYORAL DELEGATION - CHRISTMAS / NEW YEAR PERIOD**  
**FROM:** General Manager  
**BINDER:** Delegations

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### PURPOSE OF REPORT

This report is to inform Council of the exercise of the delegation to the Mayor over the Christmas / New Year period.

### BACKGROUND

In order that urgent matters could be attended to during the Council recess over the Christmas / New Year period, Council, at its meeting of 13 December 2011, 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 14 December 2011 to 31 January 2012 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 in a report to its 31 January 2012 meeting.

### MAIN REPORT

During the seven week recess of Council, the Mayor exercised the delegations granted on 13 December 2011 on one occasion. The following is a summary of the issues raised and the decisions made.

#### Bicentennial Equestrian Park – expenditure approval for fencing

Prior to Christmas 2011, the Mayor was requested to use his delegated authority to approve expenditure of \$7000 by the BEP Community Management Committee to undertake some fencing.

Council's policy requires any expenditure over \$5,000 by a management committee to be authorised by Council decision and the request was received too late for the Council meeting in December.

The BEP Committee wanted to have the fencing work carried out, largely by volunteer labour, over the holiday period and needed a decision before the next Council meeting at the end of January. Councillors were advised by email of this request and of the intention to use the Mayoral delegation to enable the work to be undertaken.

The BEP Committee complied with Council's policy and secured three quotes and staff were satisfied that the request was appropriate and recommended approval.

### CONCLUSION



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The exercise of the Mayoral delegation enabled the voluntary BEP Community Management Committee to undertake work without undue delay.

**RECOMMENDED**

**That the use of the Mayoral Delegation be noted.**

**ORD01**



ORD02

## ORDINARY COUNCIL

ORD02

**SUBJECT:** CONSTRUCTION OF 18 TOWNHOUSES AND STRATA SUBDIVISION AT NO 3-9 (LOT 1431, DP 1150288) PARTRIDGE STREET, SPRING FARM  
**FROM:** Director, Development and Health  
**BINDER:** Development Applications 2011

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**DA NO:** 802/2011  
**OWNER:** Reggies Residential Design  
**APPLICANT:** Partridge Street Pty Ltd  
**ZONING:** R1 General Residential

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a Development Application (DA) for the construction of 18 townhouses and strata subdivision.

The application is referred to Council in accordance with its delegations as there remain unresolved issues in submissions received from the public. In addition, the application proposes variations from Camden Development Control Plan 2011.

### SUMMARY OF RECOMMENDATION

It is recommended that Council approve the DA subject to the draft Development Consent Conditions provided at the end of this report.

### BACKGROUND

The application was lodged with Council on 21 July 2011. The application was publicly notified between 1 and 14 August 2011. Six (6) submissions were received as a result of this notification.

The application has been assessed and is now able to be referred to Council for determination.

### THE SITE

The site comprises a large vacant lot with an area of 4,532m<sup>2</sup> and is located within the Spring Farm release area. The site is cleared of vegetation and has a gentle fall from east to west. The site is surrounded by residential lots which range from undeveloped to fully occupied.

The site is located within the precinct known as the Eastern Village in Spring Farm which is bounded by Richardson Road to the west, a bushland corridor and Gundungurra Reserve to the north, the Jack's Gully Waste Disposal facility to the east and the Nepean River to the south.

**A site location map is provided in Attachment 1 at the end of this report.**

### THE PROPOSAL

Development Consent is sought for:

1. the construction of 18 two storey townhouses, with 9 fronting Partridge Street and the remaining 9 at the rear of the site;
2. construction of communal open space, car parking and landscaping; and
3. strata subdivision.

The proposed development is classed as Integrated Development as it requires a Bush Fire Safety Authority from the Rural Fire Service (RFS) due to it proposing the subdivision of bush fire prone land. A Bush Fire Safety Authority has been received from the RFS.

**A copy of the proposed plans is provided in Attachment 2 at the end of the report.**

### **NOTIFICATION**

This application was publicly notified between 1 and 14 August 2011 for 14 days. Six (6) submissions were received as a result of this notification (all objecting to the application).

The issues raised in the submissions are assessed in the “1(d) Any Submissions” section of this report.

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

### **PLANNING CONTROLS**

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

1. Deemed State Environmental Planning Policy No 20 – Hawkesbury/Nepean River
2. Camden Local Environmental Plan 2010
3. Camden Development Control Plan 2011

### **ASSESSMENT**

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

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

##### **Deemed State Environmental Planning Policy No 20 – Hawkesbury/Nepean River**

It is considered that the aims and objectives of this policy will not be prejudiced by this development and there will be no detrimental impacts upon the Hawkesbury/Nepean River system as a result of it. Existing stormwater quantity and quality facilities in the vicinity of this subdivision will ensure protection of the river system.

##### **Camden Local Environmental Plan 2010 (LEP)**

### *Permissibility*

The site is zoned R1 General Residential. The proposal is defined as “multi dwelling housing”, which is permissible in the zone.

### *Zone Objectives*

In terms of the proposed development's consistency with the zone objectives, the relevant objectives are to "provide for the housing needs of the community" and to "provide for a variety of housing types and densities".

It is considered that the proposal is generally compliant with these objectives as the development provides for housing needs, and provides for medium density housing in this zone.

### *Building Height*

Pursuant to Clause 4.3 of the LEP, the proposed buildings will comply with the maximum building height of 9.5m as they are only a maximum of 8.8m high.

### *State Public Infrastructure*

Pursuant to the Clause 6.1 of the LEP, it is a recommended development consent condition that prior to the issue of a Subdivision Certificate, confirmation of any satisfactory arrangements made for the provision of State public infrastructure be submitted to Council. Approving the development subject to this condition will satisfy the requirements of this LEP clause.

### *Minimum Lot Size*

The LEP's minimum lot size controls do not apply to this development as it is a Strata subdivision as opposed to a Torrens Title subdivision. However it is noted that a development of this type is permissible with development consent in this zone.

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

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

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

Several parts of Camden Development Control Plan 2011 (DCP) are relevant to this development.

#### *DCP Non-Compliance*

1. Part D2.2.3, Control 3: Non-compliance with the site dimensions control.

The site exceeds the DCP's required minimum width of 70m but is less than the required 80m in depth. The site is only 59.5m deep.

It is recommended that Council support this variation from the DCP. Although the site is short in depth by 20.5m, the purpose of this control is to ensure that the site is large enough to provide appropriate car parking, landscaping and private open space etc. The development complies with all of these DCP controls and therefore achieves the objectives of this DCP control despite the non-compliance.

#### *Other Parts of the DCP*

The proposal complies with all other remaining DCP controls, with an assessment provided below:

#### Part B1.1 – Erosion and Sedimentation

Erosion and sediment control measures that comply with the DCP's requirements are recommended as draft Development Consent Conditions and provided at the end of this report.

#### Part B1.2 – Earthworks

The development is intended to respond to the natural topography of the site; however there will be some minor filling at the rear of the site for some of the residential units. This is compliant with the DCP's requirements.

#### Part B1.3 – Salinity Management

A Salinity Assessment and Salinity Management Plan was prepared as part of the parent subdivision of this land and approved by Council staff. A draft Development Consent Condition is proposed to ensure that the development is constructed in accordance with the recommendations of this Salinity Management Plan.

#### Part B1.4 – Water Management

Stormwater management, drainage and connection to the sewer has been assessed by Council's Subdivision Engineer. These have been deemed to be satisfactory, with proposed draft Development Consent Conditions relating to stormwater detention, location of water quality facilities and written confirmation that a connection can be made to the sewer prior to the issue of a Subdivision Certificate.

#### Part 1.9 – Waste Minimisation and Management

A Waste Management Plan was provided as part of the application relating to the construction of the proposed development, as well as ongoing management of waste. This plan addresses the DCP's requirements.

#### B1.10 Bushfire Risk Management

Whilst the land is not classified as bushfire prone land, the application was referred to the Rural Fire Service (RFS) as the proposed development is located in close proximity to a bush corridor adjacent to nearby Holland Drive. The RFS has forwarded a Bush Fire Safety Authority pursuant to Section 100B of the *Rural Fires Act 1997*, compliance with which is recommended via a draft Development Consent Condition.

#### Part B1.12 – Contaminated and Potentially Contaminated Land Management



A phase 1 and 2 contamination assessment was prepared as part of the parent subdivision of this land and was approved by Council staff. An unauthorised stockpile was discovered during an on-site inspection, and whilst it has now been removed, a Validation Report was lodged to determine whether any residue contamination remained. The report concluded that the site was suited for its intended use and this conclusion is supported by Council's Environmental Health branch.

#### Part B1.13 – Mine Subsidence

The land is located within the South Campbelltown Mine Subsidence District. Concurrence to the development from the Mine Subsidence Board was provided with the Development Application.

#### Part B2 – Landscape Design

A Landscaping Plan was lodged with the application and was assessed by Council. It was determined that the landscaping satisfies primary controls, relating to enhancing the visual setting and design qualities of the built form, maximising surveillance opportunities and a deep soil zone can be provided in the communal open space areas.

A draft Development Consent Condition mandates a 24 month maintenance and establishment period for all landscaping associated with the residential development.

#### Part B5 – Access and Parking

For multi dwelling housing, the DCP requires two (2) spaces per three (3) or more bedroom dwellings, plus one (1) visitor space per three (3) dwellings for developments of nine (9) units or greater.

Dwellings =  $18 \times 2 = 36$ .

Visitors =  $18 / 3 = 6$ .

Therefore the development requires 42 spaces. 42 spaces have been provided, which complies with the DCP.

#### Part C7 – Spring Farm

The DCP's figure C20 provides a range of residential dwelling densities for different parts of the Spring Farm release area. The proposed density of dwellings for this site is consistent with the density controls for this part of the Spring Farm release area.

#### Part D2.2.3 - Controls for Specific Forms of Residential Accommodation: Multi Dwelling Housing and Attached Dwellings

##### *Floor Area*

In relation to site coverage, the gross floor area of the buildings is calculated to be 2,216m<sup>2</sup>, which is 48.9% of the entire site area. Therefore the development complies with the DCP maximum of 50% site coverage.

### *Urban Design*

In relation to the image and legibility, this has been assessed by Council's Urban Designer, who has determined that it exhibits a contemporary urban form with the desired character for a new release area, and the façade treatment to Partridge Street demonstrates appropriate proportions and articulation.

The development demonstrates a clear differentiation between private open space, communal open space and car parking, and entrances to the townhouses are clearly defined. Whilst there is an element of repetition to the frontage, it provides a theme by way of building materials and articulation, and provides forms of differentiation and interest by way of the schedule of colours.

### *Access and Entries*

In relation to access and entries, the proposed development demonstrates minimal vehicular and pedestrian entries and exits to the site, and will provide a defined and well lit pedestrian 'safe route'. A draft Development Consent Condition provided at the end of the report requires details on lighting in accordance with the relevant parts of Australian Standard 1158 to be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

### *Car Parking*

As assessed in the "Part B5 – Access and Parking" section of this report, the development complies with the DCP's car parking requirements.

### *Storage*

Regarding storage, a shed with an area of 8m<sup>3</sup> will be provided for each of the units in each unit's private open space areas.

### *Private Open Space*

In relation to private open space, the overall amount of private open space coverage is 960m<sup>2</sup>, which equates to 21% of the site and complies with the minimum DCP requirement of 20%. All of the units provide more than the DCP minimum of 24m<sup>2</sup> of principal private open space, ranging from 29.7m<sup>2</sup> to 107.4m<sup>2</sup>.

### *Solar Access*

A minimum of three (3) hours sunlight will be provided to the principal private open space areas of each of the units as well as adjoining properties between 9.00 am and 3.00 pm on 21 June. Additionally, a minimum of two (2) hours sunlight will be provided to all north facing windows in the living areas within the development as well as adjoining properties between 9.00 am and 3.00 pm on 21 June.

### *Communal Open Space*

In relation to communal open space, approximately 60m<sup>2</sup> has been provided at the northern end of the development between units 9 and 18. This area is large enough to provide landscaping for passive recreational uses and also allows a large enough area to plant mature sized trees for shading. This is demonstrated by way of the Landscaping Plan, with a number of trees proposed, including two trees which will have a mature height of 3m and 5m respectively, which will provide shading.

### *Security*

In relation to security, the application was referred to the NSW Police for assessment under the Safer by Design Guidelines. The development has been determined to be a low crime risk, with no objections from the Police nor any recommended conditions.

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

There are no Planning Agreements that apply to this site or development.

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

The Regulations prescribe several Development Consent Conditions that will be included in any development consent issued for this development.

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

The likely impacts of this development include:

##### Social Impacts

The proposed development will contribute to diversity through provision of a variety of housing stock by way of different densities.

##### Built Impacts

The proposed development will not contribute to any negative impacts on the streetscape, as it complies with the relevant controls of the DCP.

All likely impacts of the proposed development have been assessed elsewhere in this report.

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

The proposal is compatible with the locality in terms of its ability to conform with the relevant objectives of the LEP and most of the development controls in the DCP. In addition, service connection, salinity and mine subsidence issues are able to be addressed. Therefore it is considered that this site is suitable for the proposed development.

#### **(1)(d) Any submissions**

This application was publicly notified between 1 and 14 August 2011 for 14 days. Six (6) submissions were received as a result of this notification (all objecting to the application). The following is a list of the issues raised and an assessment of those issues:

1. The road is too narrow for this type of development, and it will result in an increase in traffic.

##### *Officer comment:*

The surrounding street network has been designed to cater for the additional traffic that will be generated by the proposed development and the roads will be wide

enough to accommodate on-street car parking if necessary. The surrounding streets are in accordance with Camden Development Control Plan 2011.

The development will only result in traffic levels that are consistent with the other already established residential areas in the Spring Farm Release Area.

2. This type of development was not disclosed to adjoining land owners at the time of purchase.

*Officer comment:*

Whilst this is noted, this matter is not relevant to the assessment of this application. However it should be noted that a townhouse development would have been permissible on this site under its previous zoning.

3. Concerns that this development is being sold off the plan.

*Officer comment:*

Whilst this is noted, this matter is not relevant to the assessment of this application.

4. Impacts on privacy.

*Officer comment:*

All of the windows for first floor rooms, as well as the balconies on the front elevation of units 1 to 9, are for bedrooms and bathrooms which are not deemed to be habitable rooms (due to their low use) and therefore are not required to provide any screening devices and will not impact upon neighbouring privacy.

5. Overshadowing.

*Officer comment:*

This has been assessed in the "Provisions of any Development Control Plan" section of this report under Part D2.2 relating to Controls for Multi Dwelling Housing and Attached Dwellings.

A minimum of three (3) hours sunlight will be provided to the principal private open space areas of each of the units as well as adjoining properties between 9.00 am and 3.00 pm on 21 June, and a minimum of two (2) hours sunlight can be provided to any north facing windows in living areas within the proposed development, as well as adjoining properties between 9.00 am and 3.00 pm on 21 June.

This level of solar access is consistent with the DCP requirements and is considered to be acceptable.

6. Up to 54 bins on collection day (3x18) will be unsightly.

*Officer comment:*

A condition has been proposed that seeks to minimise the number of bins in a communal arrangement, along with the removal of the concrete bin pad in consultation with Council's waste team.

7. The density is too high, and it is suggested that it should be reduced to around 12 units.

*Officer comment:*

As assessed previously in the "Provisions of any Development Control Plan" section of this report, the development complies with the relevant numerical controls for this type of development, including being under maximum site coverage of buildings on site, and exceeding the minimum site coverage for private open space.

Therefore the density of this development is considered to be appropriate for this site.

8. Unsuitable development given that there are single storey dwellings in the locality.

*Officer comment:*

It is judged that this is a suitable development as it is under the height limit of 9.5m imposed by the LEP. As assessed previously under the "Provisions of any Development Control Plan" section of this report, the development will provide acceptable levels of solar access to units within the development as well as adjoining residential dwellings; it promotes good urban design outcomes in terms of building materials and articulation and therefore will blend in suitably to the streetscape.

9. The additional number of residents will increase noise levels.

*Officer comment:*

It is not considered that this development will give rise to noise levels that are any greater than the ambient levels experienced in a residential area.

10. The electrical and communications room will result in noise impacts on adjoining property.

*Officer comment:*

This issue has been assessed by Council staff and it has been determined that the noise levels emitted will be negligible and therefore not result in noise impacts.

11. No areas to play within the development will likely lead to increases in anti-social behaviour.

*Officer comment:*

This has been assessed in the "Provisions of any Development Control Plan" section of this report under Part D2.2 relating to Controls for Multi Dwelling Housing and Attached Dwellings. Each of the units provides private open space and there is also a communal area of approximately 60m<sup>2</sup> located at the northern end of the site between units 9 and 18.

These areas are assessed as providing sufficient spaces in which children can play.

12. The likelihood that a number of these units will be rented and therefore "slums of the future."

*Officer comment:*

The future owners of any residential units are not an issue that can be considered as part of this assessment.

13. Impact on property values.

*Officer comment:*

The potential loss of property values is not an issue that can be considered as part of this assessment, however it is noted that no evidence has been provided to demonstrate that the proposed development will result in a loss of property values.

14. No sense of articulation on Partridge Street.

*Officer comment:*

This has been assessed in the "Provisions of any Development Control Plan" section of this report under Part D2.2 relating to Controls for Multi Dwelling Housing and Attached Dwellings. Council's Urban Designer has determined that the development demonstrates appropriate proportions and articulation to the street by way of the setbacks from the street as well as various architectural elements.

15. Does not comply with the control in Part C5 of the DCP in terms of a repetition of the frontage and building form.

*Officer comment:*

This particular control in Part C5 of the DCP is not relevant to the assessment of this Development Application as it relates to subdivision of land.

As discussed above, the design of the proposal is considered satisfactory and in accordance with the desired character for a new release area.

16. Lack of parking spaces will result in more cars parking on the street.

*Officer comment:*

This has been assessed in the "Provisions of any Development Control Plan" section of this report under Part B5 relating to Access and Parking. There are a total of 42 parking spaces provided on site, which is two (2) per unit, as well as six (6) visitor spaces at the rate of one (1) per three (3) units, and this fully complies with the DCP.

17. No protection to adjoining properties by way of bollards, etc. for the internal access way.

*Officer comment:*

It is not considered necessary that the development provide protection for adjacent properties. The proposed internal access way will comply with Council's

Engineering Specifications and allow for vehicles to manoeuvre through it without causing any damage to adjoining properties, boundary fences etc.

18. Concerns about parking spaces forward of the garages and manoeuvrability.

*Officer comment:*

The garages for units 1, 3, 5, 6 and 9 facing Partridge Street are setback sufficiently so as to allow another vehicle to be parked without any part of the vehicle overhanging the front property line. The other garage spaces, which are to be accessed via the internal driveway, are considered to be acceptable as the width of the hardstand area between the front and rear units allows for manoeuvring as per the Australian Standard for off street parking (AS 2890).

19. The depth of the subject lot is less than 80m.

*Officer comment:*

This has been assessed in the "Provisions of any Development Control Plan" section of this report under Part D2.2 relating to Controls for Multi Dwelling Housing and Attached Dwellings. Non-compliance with this control is considered to be a minor issue only as the development is generally compliant with the remaining DCP controls and this lack of depth will not result in any negative impacts on any surrounding properties.

20. The development should be a mixture of double and single storey.

*Officer comment*

The development complies with the LEP and DCP in respect to building height. There is no requirement for the development to contain a mixture of single or two storey dwellings.

21. Some of the units should have double garages to reduce reliability on parking on the street

*Officer comment:*

This has been assessed in the "Provisions of any Development Control Plan" section of this report under Part B5 relating to Access and Parking. There are a total of 42 parking spaces provided on site, which is two (2) per unit, as well as six (6) visitor spaces at the rate of one (1) per three (3) units, and this fully complies with the DCP.

#### **(1)(e) The public interest**

This development is considered to be within the public interest. It represents the development of a zoned residential site that is generally consistent with the applicable LEP and DCP. The development will provide for housing needs whilst not significantly impacting upon surrounding residents or the environment. These achievements are considered to be within the public interest.

#### **CONCLUSION**

Council has received a Development Application for the construction of an 18 unit multi unit residential development and strata subdivision on this site.

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

It is considered that the proposed development is generally consistent with the applicable LEP and DCP. The development will provide for housing needs whilst not impacting upon surrounding residents or the environment.

Consequently the proposal is able to be recommended to Council for approval, subject to the draft Development Consent Conditions shown below.

**DRAFT CONDITIONS OF CONSENT**

**1.0 - General Requirements**

The following Conditions of Consent are general conditions applying to the development.

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan Development No.	Description	Prepared by	Dated
1486A	Proposed Multi Unit Development	Reggies	3/6/11
1486-1A	Proposed Multi Unit Development	Reggies	3/6/11
1486-2A	Proposed Multi Unit Development	Reggies	3/6/11
1486-3A	Proposed Multi Unit Development	Reggies	3/6/11
1486-4A	Proposed Multi Unit Development	Reggies	3/6/11
1486-5A	Proposed Multi Unit Development	Reggies	3/6/11
1486-6A	Proposed Multi Unit Development	Reggies	3/6/11
1486-7A	Proposed Multi Unit Development	Reggies	3/6/11
1486-8A	Proposed Multi Unit Development	Reggies	3/6/11
1486-9A	Proposed Multi Unit Development	Reggies	3/6/11
1486-10A	Proposed Multi Unit Development	Reggies	3/6/11
1486-11A	Proposed Multi Unit Development	Reggies	3/6/11
1486-12A	Proposed Multi Unit Development	Reggies	3/6/11
1486-13A	Proposed Multi Unit Development	Reggies	3/6/11
1486-14A	Proposed Multi Unit Development	Reggies	3/6/11
1486-15A	Proposed Multi Unit Development	Reggies	3/6/11
1486-16A	Proposed Multi Unit Development	Reggies	3/6/11
1486-17A	Proposed Multi Unit Development	Reggies	3/6/11
1486-18A	Proposed Multi Unit Development	Reggies	3/6/11
1486-19B	Proposed Multi Unit Development	Reggies	3/6/11
1486-24A	Proposed Multi Unit Development	Reggies	3/6/11

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



- (2) **Landscaping Maintenance and Establishment Period** - For a period of 24 months, commencing from the Date of Practical Completion (DPC), the Applicant will have the maintenance responsibility for all landscaping works associated with this Consent, including all street tree reinstallations or street tree repairs. The Applicant will also be responsible to ensure the landscaping works, including all street tree reinstallations or street tree repairs are successfully established during this 24 month period.

The Date of Practical Completion (DPC) is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting, turf installation, street tree reinstallation or street tree repair and all landscaping mulching.

It is the Applicant's responsibility to arrange a site inspection with the Principal Certifying Authority (PCA), upon initial completion of the landscaping works, to determine and agree upon an appropriate DPC.

At the completion of the 24 month landscaping maintenance and establishment period, all areas of lawn and plantings, including any nature strip and road verge areas, street trees, street tree protective guards, bollards and garden bed areas, must be in a safe and functional condition and all plantings have signs of healthy and vigorous growth

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

- (3) **Building Code Of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (4) **Fencing** - Where fencing has not been specifically addressed by this Development Consent, any fence erected on the property boundary or within the allotment must comply with Camden Council Development Control Plan 2011 (DCP 2011).
- (5) **Slab Design** - The slab/footings/foundation shall be designed in accordance with the requirements of the 'Restriction on the Use of the Land' numbered three (3) on the 88b Instrument.
- (6) **Stormwater Detention** - The capacity of the existing stormwater drainage system must be checked to ensure its capability of accepting the additional run-off from this development. If necessary, an on-site detention system must be provided to restrict stormwater discharges from the site to pre-development flows in accordance with Camden Council's current Engineering Design Specifications.

On completion of the on-site detention system, Works-as-Executed Plans are to be prepared by a Registered Surveyor or the Design Engineer and submitted to the Principal Certifying Authority. If Camden Council is not the Principal Certifying Authority, a copy is to be submitted to the Council prior to the issue of the Occupation Certificate. The plans are to be certified by the Designer and are to clearly make reference to:

- (a) the works having been constructed in accordance with the approved plans,
- (b) actual storage volume and orifice provided,

- (c) the anticipated performance of the system with regard to the design intent.

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

- (a) Restriction as to user indicating that the on-site detention basin must be maintained at all times to a level sufficient to ensure efficient operation of the basin, and that the Consent Authority (i.e. Camden Council) must have the right to enter upon the burdened lot with all necessary materials and equipment at all reasonable times and on reasonable notice (but at any time and without notice in the case of an emergency) to:
- (i) view the state of repair of the basin;
  - (ii) to execute any work required to remedy a breach of the terms of this covenant if the proprietor has not within fourteen (14) days of the date of receipt by the proprietor of written notice from the Council, requiring remedy of a breach of the terms of this covenant, taken steps to remedy the breach and without prejudice to the Council's other remedies the Council may recover as a liquidated debt the cost of such remedial work from the proprietor forthwith upon demand.
- (b) Restriction as to user indicating that the on-site detention basin must not be altered, or removed in part, or structures erected thereon without the prior consent of Council.
- (7) **Infrastructure in Road and Footpath Area** – Any costs incurred due to the relocation of light poles, kerb inlet pits, service provider pits or other restrictions in the street footpath area shall be borne by the applicant.
- (8) **Rural Fire Service** – The development is to comply with all of the conditions specified in the Bushfire Safety Authority issued by the Rural Fire Service, dated 12 July 2011, Ref No D11/1033 (attached to this development consent).
- (9) **Waste Storage and Collection** – This development must incorporate communal bin storage areas within the site and behind the proposed townhouses that front Partridge Street. The bins provided for this development must be communal for the entire development and subject to further consultation between the Strata Body Corporate and Council prior to the issue of an Occupation Certificate.

Furthermore, the proposed concrete bin pads along Partridge Street are not approved. This area must be retained as a turfed road verge with any existing/approved street trees.

The waste collection point for bin pick up on Partridge Street must be level and adjacent to the kerb. This area must run parallel to the rear of the kerb and measure 3m long by 900mm wide and allow 3.9m clear vertical space to allow for the truck-lifting arm.

A waste 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 and other fixtures.

If this area cannot be provided in front of this site's Partridge Street frontage, a more appropriate location shall be provided in front of another property following consultation with Council. The alternative location shall not be located more than 50m from 3-9 Partridge Street and must be agreed to by Council.

## 2.0 - Construction Certificate Requirements

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

- (1) **Street Tree Protection Standards During all Development and Construction Works** - The protection of existing nature strip street trees, other than any existing street trees authorised by the Consent Authority (i.e. Camden Council) for relocation, 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. The Consent Authority (i.e. Camden Council) must approve and authorise any works or impacts on any existing nature strip street tree prior to those works or impacts occurring.

The works and procedures involved with the protection of existing street trees are to be carried out by a suitable qualified and experienced Arborist or organisation. Minimum suitable qualifications for the Arborist are to be at a standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture.

Prior to the issue of the Construction Certificate, all initial procedures for the protection of existing trees as detailed in AS 4970-2009, must be installed. All procedures for the protection of existing street trees must be applied, functioning and appropriately maintained during any earthworks, demolition, excavation (including any driveway installation) and construction works applicable to this Consent.

- (2) **Civil Engineering Plans** - Indicating drainage, roads, access ways, earthworks, pavement design, details of line marking and traffic management details must be prepared strictly in accordance with Camden Council's Development Control Plan 2011 and Engineering Specifications and are to be submitted for approval to the Principal Certifying Authority prior to the Engineering Construction Certificate being issued.

Note:

- (a) under the *Roads Act 1993*, only the Council can issue a Construction Certificate for works within an existing road reserve.
- (b) 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.

- (3) **Environmental Site Management Plan** - An Environmental Site Management Plan must be submitted to the 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:
- (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;
  - (d) all other environmental matters associated with the site works such as noise control, dust suppression and the like.

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

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

- (5) **Performance Bond** - Prior to the issue of the Construction Certificate, a performance bond of \$15,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (6) **Vehicular Area Design Standards** - The internal driveway and car parking area must be designed in accordance with AS2890.1-1993 off-street car parking.
- (7) **Traffic Management Plan** – A Construction Traffic Management Plan is required in accordance with Camden Council's current Engineering Design Specifications.
- (8) **Roads Act 1993 Consent** - Prior to the issue of a Construction Certificate, consent pursuant to s.138 of the *Roads Act 1993* must be obtained from the Roads Authority, Camden Council, for the design and construction of all the proposed work in, on or over the road reserves adjacent to the subject site.

The design must include, but not be limited to, plans/documents associated with:

- (a) the construction of kerb and gutter, road shoulder and drainage,
- (b) footway formation,
- (c) public utility service adjustment or installation,
- (d) an Environmental Site Management Plan.

Further all such plans and documents associated with the design must be certified by:

- (a) persons who are suitably accredited by a scheme approved by the NSW Department of Planning or where no scheme exists,

- (b) persons who are suitably qualified, are specialists and in that regard, currently practising in that specialist area, or
- (c) in the case of a Public Utility Authority, an appropriately delegated officer of that Authority or accredited person by that Authority,

and prepared in accordance with Camden Council's current Engineering Design Specifications.

- (9) **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.
- (10) **Stormwater Disposal** - Stormwater run-off from the whole development must be properly collected and discharged to the Council drainage system. Surface discharge across the footpath to the road gutter is not permitted. Provision must be made to cater for existing stormwater overland flow from adjoining properties.
- (11) **Car Parking Design** - The design, construction details of the parking spaces, access thereto and all other external hard paved areas must conform to the Consent Authority's (i.e. Camden Council) standard, and documentary evidence of compliance of above condition must be submitted by an Accredited Certifier/suitably qualified person/Council or the Principal Certifying Authority prior to the Construction Certificate being issued.

A Work-As-Executed Plan and/or documentary evidence of compliance with the above conditions must be provided by an Accredited Certifier or Council prior to the Occupation Certificate being issued.

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

- (12) **Damage to Public Infrastructure** – All public infrastructure that adjoins the development site on public land shall be protected from damage during construction works.

Public infrastructure includes roadways, kerb and guttering, footpaths, service authority infrastructure (such as light poles, electricity pillar boxes, telecommunication pits, sewer and water infrastructure), street trees and drainage systems.

The applicant shall advise Council, in writing, of any existing damage to Council property before commencement of the development. Where existing damage is present, a dilapidation survey of Council's or other Authority's assets, including photographs (with evidence of date) and written record, must be prepared by a suitably qualified person and submitted to Council prior to the commencement of construction works.

The applicant shall bear the cost of all restoration works to public property damaged during the course of this development. Any damage to public

infrastructure will be required to be reinstated to Council's satisfaction prior to the issue of a Final Occupation Certificate

- (13) **Hoarding and Ancillary Requirements** - The work area must be enclosed with a suitable temporary 'A' class type hoarding/security fence. Such a hoarding/s **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**. Application forms are available from Council's Customer Service Counter or from Council's internet site <http://www.camden.nsw.gov.au/>

**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.

- (14) **Turning Facilities** – All turning and manoeuvring facilities into, out of and within the Community road (excluding residential access driveways) shall be designed in accordance with Camden Council's current Engineering Design Specification and more specifically with the Heavy Rigid Vehicle (HRV) swept turning path referred to in that document.
- (15) **Driveway Illumination** - All common open space areas and internal driveways must be appropriately illuminated by the use of bollard lighting or the like to provide for the safety of residents at night.
- (16) **Speed Control** - Speed humps or similar measures must be provided along the internal driveway(s) at sufficient intervals so as to discourage the travel of motor vehicles within the development at unreasonable speed.
- (17) **Access Driveways** - Any access driveway from Partridge Street to a proposed garage shall be a minimum of 4m width. Construction of any such access driveway is to be the subject of a separate Public Road Activity application and approval by the Roads Authority.
- (18) **Access Road** - The entry point of the proposed Access Road onto Partridge Street is to be designed and constructed as concrete entry threshold incorporating a layback. The level of the threshold at the Higgins Avenue property boundary is to be 4% above the back of the layback.

### 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) **Erection of Signs** – Shall be undertaken in accordance with Clause 98A of the *Environmental Planning and Assessment Regulation 2000*.

- (3) **Toilet Facilities** - Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one (1) toilet, plus one (1) toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
  - (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
  - (c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (4) **Notice of Commencement of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and clauses 103 and 104 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 or subdivision works.
- (5) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (6) **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.

Provide a single stabilised entry/exit point. The access should be a minimum of 2.5m wide and extend from the kerb to the building line. The access should consist of aggregate at 30-40mm in size.

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

#### 4.0 - During Construction

The following Conditions of Consent shall be complied with during the construction phase of the development.

- (1) **Street Trees, Tree Protective Guards, Root Barrier Installation and Road Verge Areas** - Any nature strip street trees, tree guards, protective bollards, root barrier installation, or any area of the road verge which are disturbed, relocated, removed, or damaged during the development and construction periods applicable to this Consent, must be successfully restored at the Applicant's cost.

Any repairs, relocations or replacements needed are to be completed with the same type, species, initial installation standards and maturity, and the works carried out successfully prior to the issue of the Subdivision/Occupation Certificate.

- (2) **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.
- (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. The building platform shall not exceed 2m from the external walls of the building. Where the external walls are within 2m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level must be used.
- (5) **Retaining Walls** - If the soil conditions require it:
  - (a) 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
  - (b) retaining walls must be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property.

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 provided to the Principal Certifying Authority prior to any works commencing on the site. Manufacturer's installation details may satisfy this requirement for treated timber products and some dry stacked masonry products;



**Note:** Where Council is nominated as the Principal Certifying Authority, construction of the retaining wall must be inspected at critical stages as nominated in the Mandatory Inspection Notice. Prior to issue of an Occupation Certificate, certification will also be required attesting that the wall has been built in accordance with the relevant standard.

- (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) 7.00 am and 6.00 pm Monday to Friday (inclusive);
  - (b) 7.00 am to 4.00 pm Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8.00 am to 4.00 pm;
  - (c) work on Sunday and Public Holidays is prohibited.
- (7) **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 7.00 am – 6.00 pm Monday to Friday, and between 8.00 am – 4.00 pm 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.
- (8) **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.
- (9) **Surface Drainage** – To prevent surface water from entering the building:

- (a) The floor level for slab on ground construction shall be a minimum of 150 mm above finished ground level for habitable rooms;
  - (b) Seepage and surface water shall be collected and diverted clear of the building by a sub-surface/surface drainage system;
  - (c) The control of surface water drainage shall in all respects comply with the *Building Code of Australia (Class 1 and Class 10 Buildings)*;
  - (d) 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.
- (10) **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.
- (11) **Shoring and Adequacy of Adjoining Property** - Shall be in accordance with Clause 98E of the *Environmental Planning and Assessment Regulation 2000*.
- (12) **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.
- (13) **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.
- (14) **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*.

(15) **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 the report titled "*Salinity Hazard Assessment & Management Plan: Spring Farm Stages 1 & 2 Camden, Project No 31570.001, prepared by SMEC Australia Pty Ltd, Dated June 2005.*"

(16) **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).

(17) **Fill Material** – For Importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

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

\*For "Virgin Excavated Natural Material (VENM)":

- (i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
- (ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".

(d) confirm that the fill material:

- (i) provides no unacceptable risk to human health and the environment;

- (ii) is free of contaminants;
- (iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
- (iv) is suitable for its intended purpose and land use, and
- (v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

- (e) less than 6000m<sup>3</sup> – three (3) sampling locations,
- (f) greater than 6000m<sup>3</sup> – three (3) sampling locations with one (1) extra location for each additional 2000m<sup>3</sup> or part thereof.

For (e) and (f) a minimum of one (1) sample from each sampling location must be provided for assessment.

Sampling of VENM for Contamination and Salinity should be undertaken in accordance with the following table:

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m <sup>3</sup> )
Virgin Excavated Natural Material	1 <i>(see Note 1)</i>	1000

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

**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) **Retaining Wall Construction** – All retaining wall construction approved as part of this development consent must be completed **prior to the issue of the Final Occupation Certificate**. This may necessitate the construction of the wall during the house construction.
- (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) Certification attesting that retaining walls have been constructed in accordance with Engineer's details or manufacturer's specifications as applicable.
- (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.
- (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) **Structural Certification (Completed Building)** – Prior to the issue of an Occupation Certificate, a certificate prepared by a practising structural engineer certifying the structural adequacy of the building shall be submitted to the Principal Certifying Authority (PCA).
- (5) **Footpath Crossing Construction** – Prior to use or occupation of the development, a footpath crossing must be constructed in accordance with the Development Consent, approved plans and Camden Council's issued footpath crossing information.

- (6) **Footpath Crossing Construction** - Prior to the issue of any Occupation Certificate, a footpath crossing must be constructed in accordance with Camden Council's issued footpath crossing information.
- (7) **Works As Executed Plan** - Prior to the Occupation Certificate being issued, a works-as-executed plan both in hard copy and in electronic format (.dwg format or equivalent) must be submitted in accordance with Camden Council's current Engineering Construction Specifications to the Principal Certifying Authority.
- (8) **Strata Subdivision** - A copy of the registered plan of the strata subdivision (from Land and Property Information) is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate for the development.

## 6.0 - Subdivision Certificate

The following Conditions of Consent shall be complied with prior to the issue of a Subdivision Certificate.

- (1) **Section 94 Contributions** - Pursuant to **Contributions Plan No 8** amended in September 1997, a contribution must be paid to Council of \$15 per additional lot or dwelling, total \$270.00, for **Secondary Roundabout R6 (Richardson Road/Lodges Road)**.

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

- (2) **Section 94 Contributions** - Pursuant to **Contributions Plan No 20** adopted in October 1996, a contribution must be paid to Council of \$25 per additional lot or dwelling, total \$450.00, for **Fire and Other Emergency Facilities and Equipment**.

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

- (3) **Section 94 Contributions** - Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$5,764 per additional lot or dwelling, total \$103,752.00, for **Community 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 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 issue of a Construction Certificate**.

- (4) **Section 94 Contributions** - Pursuant to **Camden Contributions Plan** amended July 2004, a contribution must be paid to Council of \$361 per additional lot or dwelling, total \$6,498.00, 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 the issue of a Subdivision Certificate**.

- (5) **Section 94 Contributions** - Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be made to Council of \$10,167 per additional lot or dwelling, total \$183,006.00, 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 the issue of a Subdivision Certificate**.

- (6) **Section 94 Contributions** - Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$36,752 per additional lot or dwelling, total \$661,536.00, for drainage, roadworks, traffic facilities, open space embellishment, Newcomers Program 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 Program 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 issue of a Certificate**.

- (7) **Damaged Assets** – Damage to Council's assets/infrastructure caused by any activity and/or work associated with construction or public utility relocation shall incur no cost to Council. Any such damage must be made good **prior to the issue of any Subdivision Certificate**.

- (8) **Bond for Defect Rectification of Public Work – Prior to the issue of any Subdivision Certificate** a bond for the rectification of any existing and /or proposed public work must be lodged with Camden Council.

The bond has been determined to be 10% of the contract value of the works and will be retained by Council for a period of six (6) months after work is completed. Please be advised that:

- (i) this bond and the bond period extends to all work:
  - (a) previously rectified under the terms of this bond, and
  - (b) that has not been completed for which an appropriate bond has also been lodged with Camden Council.
- (ii) Camden Council must confirm the **satisfactory** completion of such work, in writing, prior to any release/ fund of the bond.

It should be noted that an application for the lodgement of bonds is required and an administration fee is applicable. Such a fee will be in line with Council's current Fees and Charges.

- (9) **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:

- i) 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.
- ii) a Notification of Arrangements from Endeavour Energy;
- iii) 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.

(10) **Works as Executed Plan – Prior to the issue of any Subdivision Certificate**, a Works-As-Executed Plan in hard copy and in electronic format (.dwg format or equivalent) shall:

- i) be prepared in accordance with the requirements of Camden Council's current Engineering Specification,
- ii) include the 1% AEP and PMF contours,
- iii) be endorsed by a Registered Surveyor, and
- iv) be submitted to the Principal Certifying Authority (PCA) for approval.

(11) **Surveyor's Report – Prior to the issue of any Subdivision Certificate** certification prepared by a registered surveyor stating that:

- i) all drainage lines and associated structures have been laid within their respective easements,
- ii) that no services or access ways encroach upon any proposed boundary other than as provided for by easements as created by the final Plan of Subdivision.

The certificate must be referenced to the works-as-executed plan, be submitted to the Principal Certifying Authority (PCA) and included in any application for a Subdivision Certificate.

(12) **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) Restriction as to user over each lot stating that the maintenance, repairs and Public Liability of the Access Road or any common property is the responsibility of the Body Corporate.
- (d) Restriction as to user over each residential lot stipulating that no combustion heaters or wood burning fireplaces are permitted in any dwelling on the lots.



- (e) Restriction as to user over each residential lot stipulating that the registered proprietor of the lot must ensure that all waste and recycling bins are kept behind the building line and are not visible from the street.
  - (f) Restriction as to user over each lot stating that all maintenance and repairs to stormwater drainage lines or property on common property connected to or receiving stormwater from Public roads or Reserves are to be at the Body Corporate's cost, not at Council's cost. Individual property owners are to maintain any common drainage lines, catch drains or overland flow paths through their property and deal with subsequent water at their own cost, not at Council's cost.
  - (g) All proposed works that include 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 the report titled "*Salinity Hazard Assessment & Management Plan: Spring Farm Stages 1 & 2 Camden, Project No 31570.001, prepared by SMEC Australia Pty Ltd, Dated June 2005.*"
- (13) **Show Easements on the Plan of Subdivision** – The developer must acknowledge all existing easements on the final Plan of Subdivision.
- (14) **Show Restrictions on the Plan of Subdivision** – The developer must acknowledge all existing restrictions on the use of the land on the final Plan of Subdivision.
- (15) **Burdened Lots to be Identified** – Any lots subsequently identified during construction of the subdivision as requiring restrictions must also be suitably burdened.
- (16) **Interim Land Release Contribution Deed** – 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 and Infrastructure which certifies the applicant is not in breach at that time of any of its obligations under the deed entitled "ILRC Deed" between the applicant and the Minister for Planning relating to the development.

#### END OF CONDITIONS

#### RECOMMENDED

**That Council approve Development Application 802/2011 for the construction of an 18 unit multi unit residential development and strata subdivision at No 3-9 (Lot 1431, DP 1150288) Partridge Street, Spring Farm subject to the draft Development Consent Conditions shown above.**

#### ATTACHMENTS

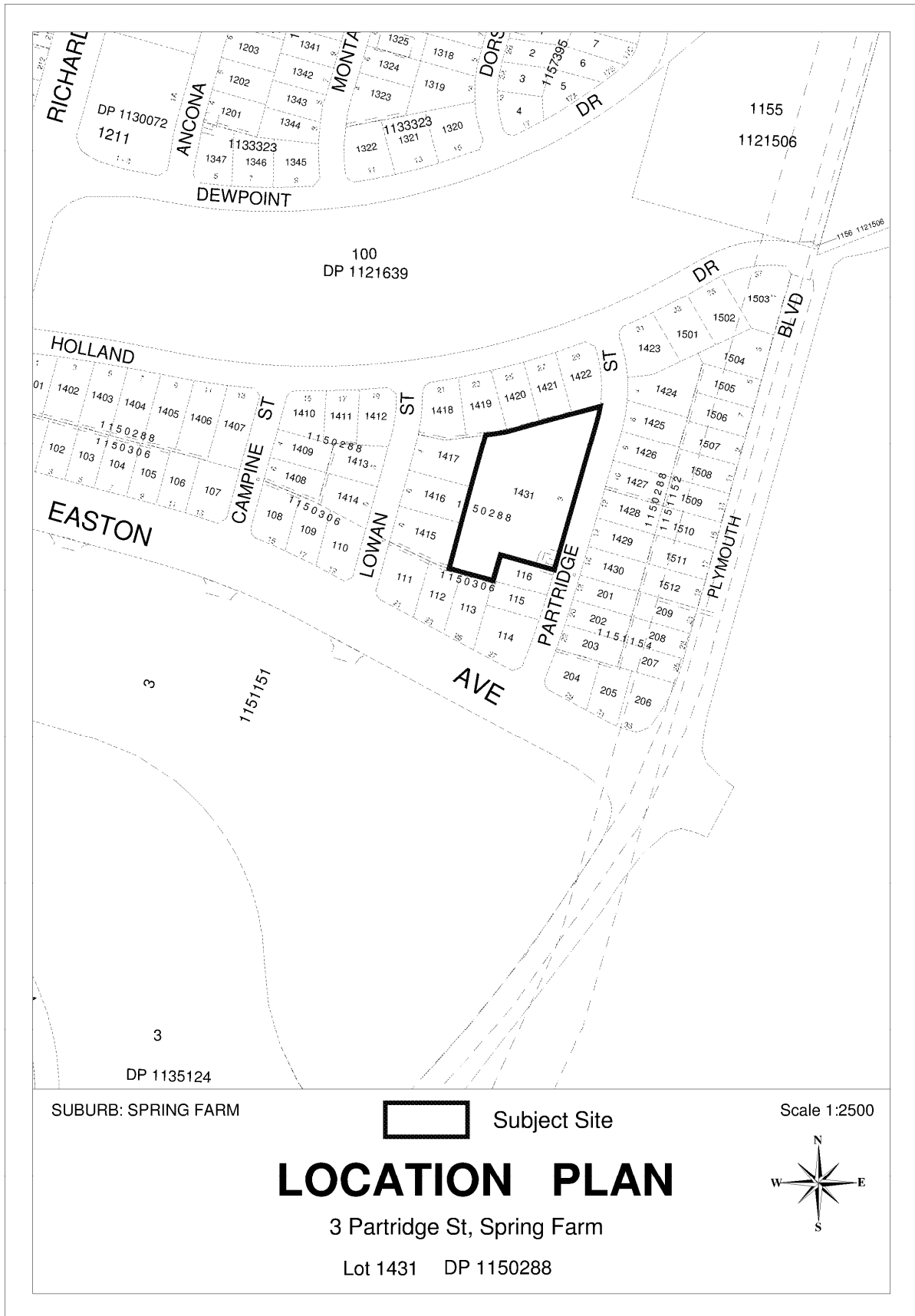


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1. Location map
  2. Proposed Plans
  3. Submissions - *Supporting Document*

**ORD02**

ORD02

Attachment 1

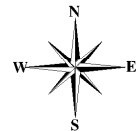


SUBBURB: SPRING FARM



Subject Site

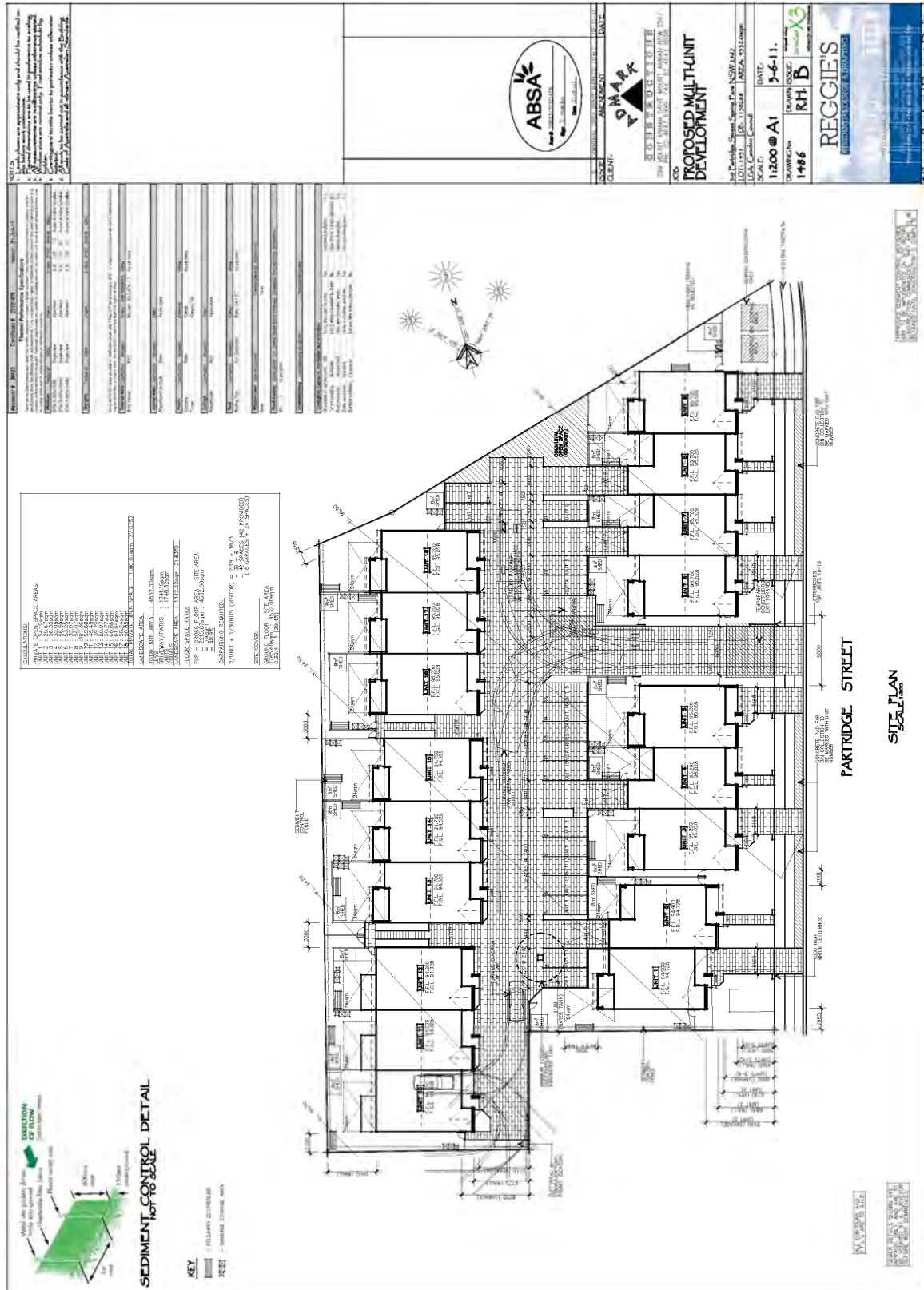
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# LOCATION PLAN

3 Partridge St, Spring Farm

Lot 1431 DP 1150288

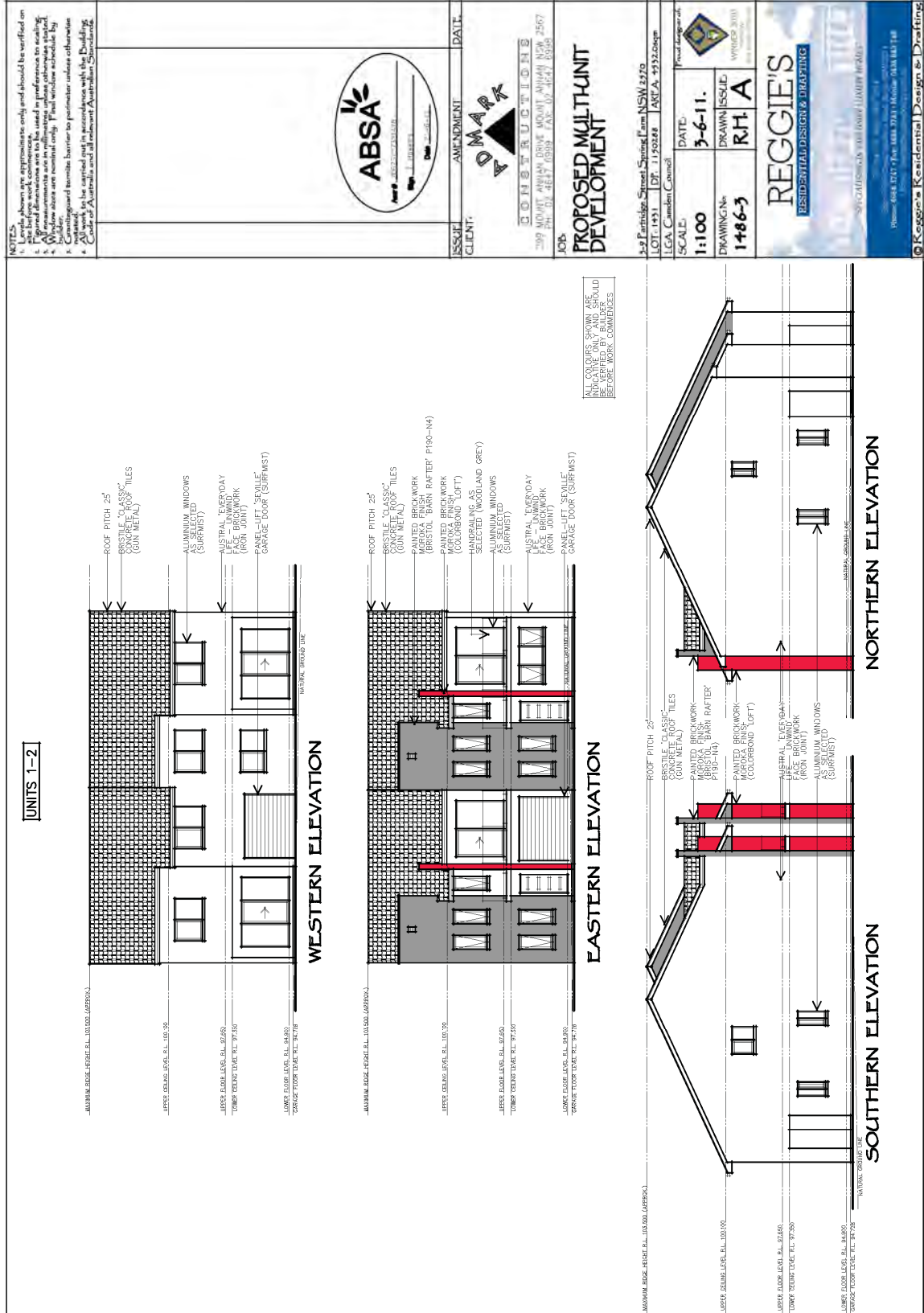


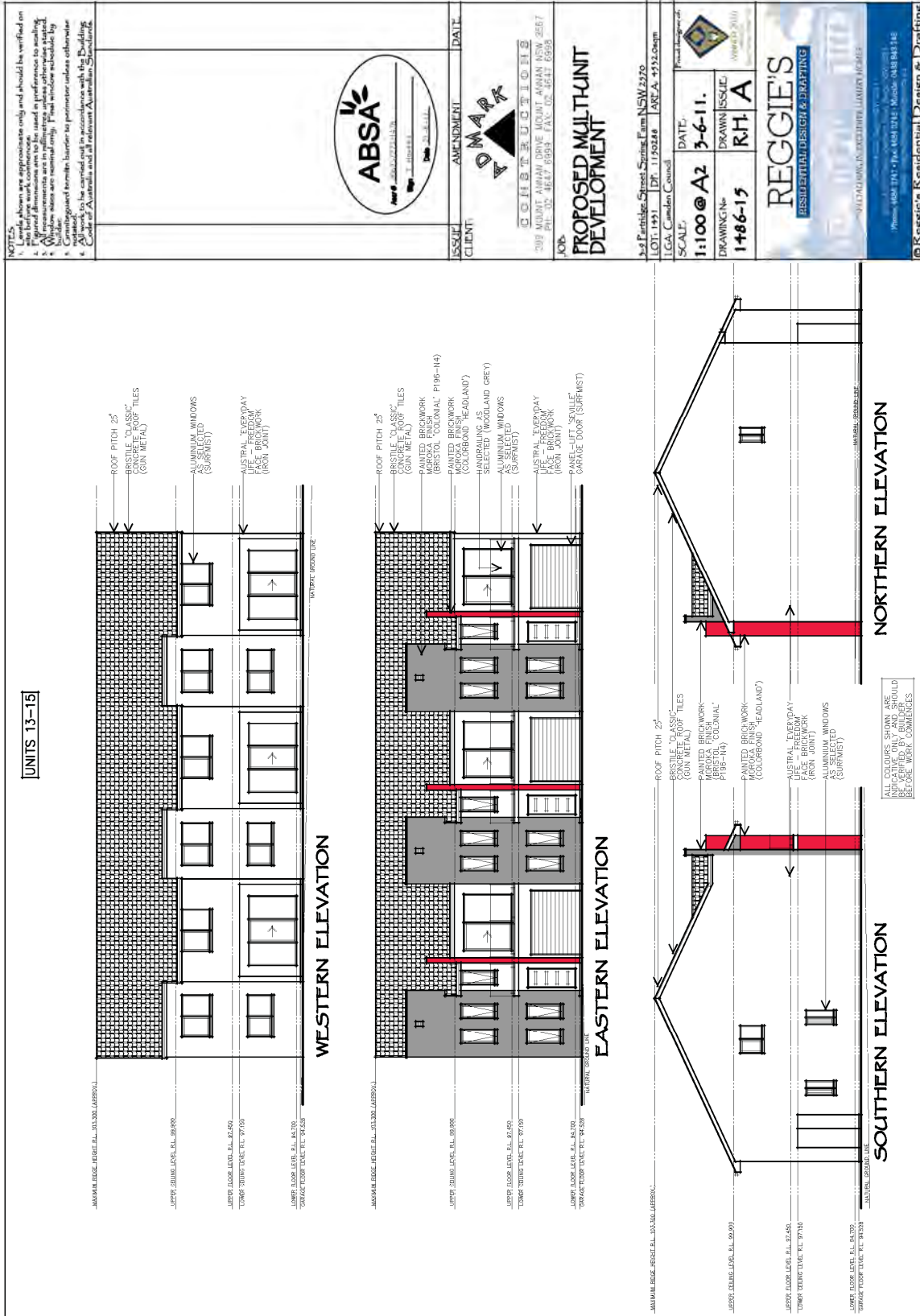
ORD02

Attachment 2

ORD02

Attachment 2





**ORD02**



Perspective, looking at units 10-18 from internal driveway

**Attachment 2**



Perspective, looking at units 1-9 from Partridge Street



## ORDINARY COUNCIL

ORD03

ORD03

**SUBJECT:** DEMOLITION OF EXISTING SERVICE STATION AND DWELLING, REMEDIATION AND CONSTRUCTION OF A NEW SERVICE STATION BUILDING AT NO 271-273 (LOT 2, DP 606620 AND LOT A, DP 389359) CAMDEN VALLEY WAY, NARELLAN  
**FROM:** Director, Development and Health  
**BINDER:** Development Applications 2011

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**DA NO:** 374/2011  
**OWNER:** Dannyhelendavis Pty. Ltd.  
**APPLICANT:** Dannyhelendavis Pty. Ltd.  
**ZONING:** B5 Business Development

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a Development Application (DA) for the demolition of an existing service station and dwelling, remediation and construction of a new service station building.

The application is referred to Council in accordance with its delegations as there remain unresolved issues in submissions received from the public.

### SUMMARY OF RECOMMENDATION

It is recommended that Council approve this DA subject to the draft Development Consent Conditions provided at the end of this report.

### BACKGROUND

This application was lodged with Council on 1 April 2011.

Following assessment, Council staff requested additional information from the applicant including a Remediation Action Plan (RAP) as the site is contaminated. The RAP is a critical piece of information that Council must assess and public notification could not be undertaken until it was submitted.

Following provision of the outstanding information in mid November 2011 the application was publicly notified and advertised for 30 days in accordance with statutory requirements. Two submissions were received as a result of this notification.

The public submissions have been assessed and the application is now able to be referred to Council for determination.

### THE SITE

This site is located on Camden Valley Way at Narellan and located on the southern edge of the township. The site is rectangular in shape, has an area of 2,491.5m<sup>2</sup> and contains an existing service station, associated structures and hardstand area on the front lot (No 273) and a residential dwelling, associated structures and mature



vegetation on the rear lot (No 271). The site falls from the street to the rear of the property. The existing northern driveway is by way of an existing right of way across the neighbouring property (Narellan Hotel).

The surrounding area contains the Narellan Hotel to the east, commercial premises and residential properties to the west, industrial uses to the north and the Narellan Police Station, public school and residential properties to the south/south east.

**A site location map is provided in Attachment 1 at the end of this report.**

### **THE PROPOSAL**

Development consent is sought for:

1. demolition of the existing service station building and the residential dwelling at the rear of the site;
2. remediation of the site including the disposal of underground tanks and associated infrastructure, as well as contaminated soil;
3. construction of a new service station building, installation of new fuel bowsers and underground fuel tanks, and construction of a new canopy covering the fuel bowsers;
4. provision of car parking for ten vehicles;
5. landscaping along the Camden Valley Way frontage as well as the southern boundary;
6. relocation of an existing approved free-standing sign at the front of the site, as well as a total of three new signs on the new building and canopy; and
7. consolidation of the site's two lots into one lot.

It is to be noted that whilst all of the buildings on the site will be demolished, there are no plans in relation to the intended future use of the land at the rear of the new service station building. Any new development of this land will be subject to a further Development Application.

**A copy of the proposed plans are provided in Attachment 2 at the end of the report.**

### **NOTIFICATION**

The Application was publicly notified and advertised for 30 days as it involves the remediation of contaminated land. Two submissions were received as a result of this notification. The issues raised in these submissions are assessed in the "1(d) – Any submissions" section of this report.

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

### **PLANNING CONTROLS**

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

1. State Environmental Planning Policy No 33 – Hazardous and Offensive Development
2. State Environmental Planning Policy No 55 – Remediation of Land
3. State Environmental Planning Policy No 64 – Advertising and Signage
4. Deemed State Environmental Planning Policy No 20 – Hawkesbury/Nepean River
5. Camden Local Environmental Plan 2010
6. Camden Development Control Plan 2011

### **ASSESSMENT**

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

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

##### **State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP)**

This SEPP requires Council to ensure that there is sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact.

Pursuant to Clause 8 of the SEPP, an assessment was made under the guidelines published by the Department of Planning and Infrastructure relating to hazardous or offensive development.

Although the storage of petroleum products in the underground storage tanks (a total of 165,000 litres) exceeds the screening threshold, these tanks will be more than 7m from any property boundary. Due to this separation distance, the development is not classed as hazardous or offensive.

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

This SEPP requires Council to be satisfied that the proposed site is suitable for its intended use (in terms of contamination) prior to granting development consent.

The applicant has submitted a Remediation Action Plan (RAP) which relates to works for the excavation and off-site disposal of the existing underground storage tanks, all associated infrastructure and contaminated soil across the site.

It is a recommended development consent condition that all works proposed by the RAP are undertaken and fully completed as part of the redevelopment of this site.

On this basis the site is considered to be suitable for its intended use.

##### **State Environmental Planning Policy No 64 – Advertising and Signage**

The proposed signage, as well as the relocated pylon sign, are defined as business identification and advertising signage. The signage has been assessed against the Schedule 1 assessment criteria of the SEPP as detailed below:

### *Character of the Area*

The proposed signage is judged to be compatible with the existing character of the area, as the signs are not visually dominant structures in the overall context of the Narellan township.

### *Special Areas*

The proposed signage does not detract from the amenity or visual quality of the adjoining heritage listed buildings or residential areas.

### *Views and Vistas*

The proposed signage does not obscure or compromise important views or dominate the skyline, and it does respect the viewing right of other advertisers within the Narellan township.

### *Streetscape, Vetting or Landscape*

The scale, proportion and form of the signage is judged to be appropriate for the streetscape. The signage will not protrude above other buildings in close proximity, nor will it require ongoing vegetation management.

### *Site and building*

The proposed signage is judged to be acceptable as it is consistent with other signage in the area. The relocated pylon sign is located about 20m from the new service station building. There is no conflict with any important features of the built form on the site.

### *Associated devices and logos with advertisements and advertising structures*

The corporate logo for the service station as well as the sign above the entry to the building is judged to be appropriate for the building that is proposed as they are fully integrated within the structure.

### *Illumination*

The internal lighting of the signage will not result in unacceptable glare, and will not affect safety for pedestrians or motorists. It will have no impact on any residential property within close proximity to the development.

It is also intended that the lighting only be turned on when the development is operating. This is recommended as a draft Development Consent Condition provided at the end of this report.

### *Safety*

The proposed signage will not affect public safety for motorists, pedestrians or bicyclists on any public road due to illumination or reducing sight lines.

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

It is considered that the aims and objectives of this policy will not be prejudiced by this development and there will be no detrimental impacts upon the Hawkesbury/Nepean

River system as a result of it. Any development consent will be conditioned to provide water pollution control devices as part of the development.

#### Camden Local Environmental Plan 2010 (LEP)

##### *Permissibility*

The proposed development is defined as a “service station” by the LEP. It is permissible with development consent in the applicable B5 Business Development zone.

##### *Zone Objectives*

In terms of the proposed development’s consistency with the zone objectives, the relevant objective of this zone seeking to “encourage development that supports or complements the primary office and retail functions of the local centre zone”.

It is considered that the proposal is generally compliant with this objective, as the development is for a continued use which will continue to provide support services to the Narellan township by way of fuel services and a select range of everyday essential items on sale. The development has been assessed and it is not considered that it will have any unacceptable environmental impacts upon any land uses in this or other zones.

##### *Building Height*

Pursuant to Clause 4.3 of the LEP, the proposed building complies with the LEP’s maximum building height of 9.5m. The height of the building at the Camden Valley Way frontage is 4.2m high. With the fall of the land and subsequent filling, the rear of the building will have a height of 6m above ground level, which is under this development standard.

##### *Floor Space Ratio*

Pursuant to Clause 4.4 of the LEP, the proposed development will comply with the LEP’s maximum floor space ratio of 1:1 as it has a floor space ratio of only approximately 0.1:1.

##### *Heritage*

Pursuant to Clause 5.10 of the LEP, the site is located within the vicinity of three local heritage items identified under Schedule 5 of the LEP. These items are a cottage at No 267 Camden Valley Way, a shop at No 269 Camden Valley Way and the Narellan Hotel at No 279 Camden Valley Way.

A Heritage Impact Statement (HIS) has been lodged in support of this application. It concluded that the development will have a neutral impact on the heritage value of the two adjoining buildings.

Council’s Heritage Planner has reviewed the HIS, agreed with the recommendations and recommends approval of the development.

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

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

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

The following parts of Camden Development Control Plan 2011 (DCP) are relevant and the proposal has been assessed against:

Part B1.1 – Erosion and Sedimentation

Erosion and sediment control measures, which comply with the DCP's requirements, are recommended as draft Development Consent Conditions and provided at the end of this report.

Part B1.2 – Earthworks

The development responds to the natural topography of the site, however there will be some minor cutting and filling on site to grade the land for the development. This is compliant with the DCP's requirements.

Part B1.3 – Salinity Management

It is a recommended draft Development Consent Condition that either a Salinity Assessment of the site be undertaken, or that the development comply with certain design specifications, which complies with the DCP requirements.

Part B1.4 – Water Management

Stormwater management, drainage and connection to sewer has been assessed by Council's Engineering Officer, deemed satisfactory, and addressed in the draft Development Consent Conditions provided at the end of this report.

Part B1.5 – Trees and Vegetation

It is proposed to remove a cluster of trees at the rear of the site adjacent to the dwelling that is to be demolished. Council's Tree Management Officer is not supportive of their removal as it is not within the development footprint and their removal will contribute to the vacant land until such a time that it is developed.

Therefore, it is a recommended draft Development Consent Condition that these trees remain on the site and that a separate Development Application is required to be submitted and approved by Council prior to them being removed.

Part B1.9 – Waste Minimisation and Management

It is a recommended draft Development Consent Condition that a Waste Management Plan will be provided in accordance with the DCP's requirements.

Part B1.12 – Contaminated and Potentially Contaminated Land Management

An environmental site assessment was lodged by the applicant in support of the application. It was carried out to determine the potential for subsurface contamination resulting from past site activities and also ascertain the site's suitability to the proposed development.

Eight boreholes were carried out, with one of these boreholes identifying elevated levels of benzene that were well above the adopted levels.

A RAP was prepared outlining the processes involved in the excavation and off-site disposal of the existing underground storage tanks, all associated infrastructure and contaminated soil across the site. The RAP has been reviewed by Council's Environmental Health Branch and approval is recommended subject to the draft Development Consent Condition provided at the end of this report.

#### Part B1.16 – Acoustic Amenity

The redevelopment of this site is to retain the hours of operation of the existing service station (4.00 am to 10.00 pm). Council has no records of any complaints relating to noise.

It is a recommended development consent condition that no heavy vehicles such as fuel tankers be allowed to service the site between 10.00 pm and 7.00 am.

#### Part B2 – Landscape Design

A Landscaping Plan was lodged with the application and was assessed by Council's Landscaping Officer. It is considered that the landscaping satisfies the DCP controls relating to enhancing the visual setting and design qualities of the built form and maximising surveillance opportunities.

#### Part B4.10 – Signage for Service Stations

There is currently one pylon sign along the site's Camden Valley Way frontage which has been previously approved by Council at the Council meeting of 13 August 2007. This application proposes the relocation of this sign.

The height of the pylon sign is 6.75m, which is greater than the maximum of 6m specified in this part of the DCP. The relocated sign will not be changed in any way, and will stand 6.75m above the ground level in its new location. It is recommended that Council approve the relocation of the pylon sign as it is identical in height and design to the previously approved sign.

The two new signs on the canopy and one new sign on the fascia of the building are acceptable forms of signage as per this section of the DCP. The location and size of the signage does not detract from the character of the area, and also does not obstruct any traffic signs in proximity of the development.

#### Part B5 – Access and Parking

For service stations, the DCP requires 1 car parking space per 20m<sup>2</sup> of retail floor space. The retail floor space is 150m<sup>2</sup>, requiring eight (150/20 = 7.5(8)) spaces to be provided.

The DCP also requires a minimum of 10 parking spaces to be provided for each service station, which has been provided and therefore complies with the DCP.

#### D3.2 – General Controls Applying to all Business Zone Areas

In relation to function and uses, the development is for a continued use which will continue to provide support services to the Narellan township by way of fuel services and a select range of everyday essential items on sale.

In relation to layout and design, consideration has been made in relation to noise and amenity conflicts to neighbouring residential properties.

The built form and appearance, the mass and scale, as well as the roof form, are judged to be appropriate in comparison to the size of the land and also adjoining development such as the hotel and police station. Additionally, the building addresses Camden Valley Way by way of the orientation of the building and allowing opportunities for passive surveillance to the public areas adjacent to the roadway.

Regarding pedestrian amenity, the development can facilitate pedestrian movement both for customers who arrive in vehicles and walk between the bowzers and the shop, and also for customers who walk to the site to access the shop.

In relation to the public domain, the design of the building is judged to be appropriate by way of pedestrian access and also the coordination of signage. The landscaping enhances the visual setting and design qualities of the built form, and maximises surveillance opportunities.

Regarding parking and access, the areas are minimised and are not the dominant feature of the site from Camden Valley Way, and it is provided in accordance with Chapter B5 of the DCP.

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

There are no relevant Planning Agreements applicable to this site or development.

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

The Regulations prescribe several Development Consent Conditions that will be included in any development consent issued for this development.

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

The likely impacts of this development include:

1. Traffic

The proposed redevelopment is located on a classified regional road, and was referred to the Roads and Maritime Services (RMS) for comment. A number of conditions have been recommended relating to fuel tanker delivery times, vehicles fully standing within the property at all times, and all bowzers to provide diesel fuel to minimise queuing times and are provided in the draft Development Consent Conditions at the end of this report.

2. Safer by Design

The proposed redevelopment was referred to the NSW Police for an assessment against the principles of Crime Prevention Through Environmental Design. The Police have advised that the development is considered to be a low crime risk. A number of development consent conditions relating to surveillance, lighting and

access control are provided in the draft Development Consent Conditions at the end of this report.

All other likely impacts of the proposed development have been assessed elsewhere in this report.

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

This site is considered to be suitable for the proposed development. The development will not result in any unacceptable environmental impacts and is consistent with the objectives of the applicable B5 Business Development zone. There are no site specific conditions that render this site unsuitable for the proposed development.

**(1)(d) Any submissions**

This application was publicly notified and advertised for 30 days with two submissions being received. The following is a list of the issues raised and an assessment of each:

1. The proposal will result in more traffic

*Officer comment:*

The existing road network is sufficient to cater for any additional traffic that will be generated by this proposal. This DA has also been assessed by the RMS who have not raised any traffic issues.

2. The proposal will result in an increase in noise

*Officer comment:*

The existing operating hours of the service station, that being 4.00 am to 10.00 pm, will not change as part of the redevelopment. An operational requirement that no heavy vehicles, such as fuel tankers, to service the site between 10.00 pm and 7.00 am is provided in the draft Development Consent Conditions provided at the end of this report.

Subject to compliance with these conditions, there will be no unreasonable noise impacts from the proposed development.

3. There will be a reduction in property values.

*Officer comment:*

The potential loss of property values is not an issue that can be considered as part of this assessment. However, it is noted that no evidence has been provided to demonstrate that the proposed development will result in a loss of property values.

4. There are concerns about car parking

*Officer comment:*

The proposed service station will contain ten (10) parking spaces within the site, which is fully compliant with Camden DCP 2011. This is considered to be sufficient off-street car parking spaces for this development.



**(1)(e) The public interest**

This development is considered to be within the public interest. It represents the redevelopment of a zoned commercial site that is generally consistent with the applicable LEP and DCP. The development will continue to provide support services to the Narellan township by way of fuel services and a select range of everyday essential items on sale. These achievements are considered to be within the public interest.

**CONCLUSION**

Council has received a DA for the demolition of an existing service station and dwelling, construction of a new service station building and remediation of contaminated land on this site.

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

It is considered that the proposed development is consistent with the applicable LEP and DCP. The development will continue to provide support services to the Narellan township by way of fuel services and a select range of everyday essential items on sale.

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

**DRAFT CONDITIONS OF CONSENT**

**1.0 - General Requirements**

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

- (1) **Development in Accordance with Plans** - The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan / Development No.	Description	Prepared by	Dated
2567-M02	Proposed Site Plan	Myros Design Pty Ltd	Feb 2011
2567-M03	Proposed Floor Plan	Myros Design Pty Ltd	Oct 2010
2567-M04	Proposed Elevations 1	Myros Design Pty Ltd	Oct 2010
2567-M05	Proposed Elevations 2	Myros Design Pty Ltd	Oct 2010
2567-M06	Proposed Elevations 3	Myros Design Pty Ltd	Oct 2010
2567-M07	Proposed Elevations 4	Myros Design Pty Ltd	Oct 2010
2567-M10	Proposed Landscaping Plan Landscaping Spec & Details	Myros Design Pty Ltd	Feb 2011
2567-M11	Drainage Concept Plan Drainage Concept Details	Myros Design Pty Ltd	Feb 2011
2567-M12	Site Layout Plan	Myros Design Pty Ltd	Mar 2011
2567-M13	Plan of Proposed Easement	Myros Design Pty Ltd	Jul 2011
2567-LPG2		Myros Design Pty Ltd	Oct 2011
2011-023-H1		Burgess, Arnott & Grava Pty Ltd	Aug 2011

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

- (2) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (3) **Signage** - The only signage approved is the relocation of the pylon sign, the two signs on the canopy and the sign above the main entrance. No signage is approved for the area marked "Pizza Rush" on the approved Proposed Elevations 1 plan. Any additional signage will be subject to a future Development Application.
- (4) **Design and Construction Standards** - All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with:
  - (a) Camden Council's current Engineering Specifications, and
  - (b) Camden Council's Development Control Plan 2011

It should be noted that designs for line marking and regulatory signage associated with any proposed public road within this subdivision MUST be submitted to and approved by the Roads Authority, Camden Council prior to the issue of any Construction Certificate

- (5) **Remediation Works** - All works proposed as part of the Remediation Action Plan that includes: remediation, excavation, stockpiling, onsite and offsite disposal, cut, fill, backfilling, compaction, monitoring, validations, site management and security, health and safety of workers, must be undertaken on the site in accordance with the Remediation Action Plan "*Remediation Action Plan: 273 Camden Valley Way Narellan NSW, Prepared by Environmental Investigations, Report No. E1492.1AA, Dated 14/11/11*", except as stated in any other condition of this consent.

Any further variation or modification to the Remediation Action Plan in terms of compliance work beyond what is contained in the final approved RAP must be requested from the Consent Authority (Camden Council) in writing prior to variation. With regard to remediation work, any proposed variation of works must be approved by the Consent Authority (Camden Council) in writing prior to the works being undertaken.

- (6) **Delivery Register** - 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.
- (7) **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.
- (8) **Demolition WorkCover NSW Notifications and Permits** - All demolition work must be notified to WorkCover NSW at least seven (7) days before work starts in accordance with Clauses 333 and 345 of the *Occupational Health and Safety Regulation 2001*.

Demolition work must not begin until a WorkCover NSW stamped copy of the notification has been received and is displayed on site for inspection by any interested party.

- (9) **Demolition WorkCover NSW Licence** - Persons undertaking demolition work shall be licensed under the *Occupational Health and Safety Regulation 2001*.

A copy of this licence must be obtained from WorkCover NSW and displayed on the site where demolition work is carried out.

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

- (11) **Asbestos Licence** - An asbestos licence must be obtained from WorkCover NSW for asbestos removal.

The required asbestos licence must be obtained prior to any demolition works commencing.

A copy of the licence is to be displayed on the demolition work site.

- (12) **Demolition - Australian Standard** - Demolition of the building shall be carried out in accordance with the requirements of Australian Standard *AS2601:2001 - Demolition of Structures*.

- (13) **Food Codes and Regulations Compliance** - The construction and fit out of the premises or any part thereof, to be used for the manufacture, preparation or storage of food for sale, must comply with Camden Council's Food Premises Code, the Food Act, 2003 and the Food Regulations 2010 (incorporating the Food Standards Code).

- (14) **Plans** - The premises, fittings and fixtures must be constructed and installed in accordance with the approved plans unless otherwise specified in these conditions of approval.

- (15) **Damaged Assets** - Any work and public utility relocation within a public place shall incur no cost to Council.

- (16) **Removal of Trees** – Only the removal of the tree located between the service station building and house is permitted to be removed as part of this application. The removal of all other trees will be subject to a separate Development Application.

- (17) **Signage (RMS)** - All works and regulatory signposting associated with this development shall be at no cost to the RMS or Council.

## 2.0 - Construction Certificate Requirements

The following Conditions of Consent shall be complied with prior to the issue of a Construction Certificate.

- (1) **Civil Engineering Plans** - Indicating drainage, roads, access ways, earthworks, pavement design, details of line marking and traffic management details must be prepared strictly in accordance with Camden Council's Development Control Plan 2011 and Engineering Specifications and are to be submitted for approval to the Principal Certifying Authority prior to the Engineering Construction Certificate being issued.

Note:

- (a) Under the *Roads Act 1993*, only the Council can issue a Construction Certificate for works within an existing road reserve.
  - (b) 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.
- (2) **Dilapidation Survey** - A photographic dilapidation survey of existing public roads, kerbs, footpaths, drainage structures and any other existing public infrastructure within the immediate area of the development site must be submitted to the Council prior to the issuing of the Construction Certificate.

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

- (3) **Environmental Site Management Plan** - An Environmental Site Management Plan must be submitted to the 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:
  - (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,
  - (d) all other environmental matters associated with the site works such as noise control, dust suppression and the like.
- (4) **Performance Bond** - Prior to the issue of the Construction Certificate, a performance bond of \$20,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (5) **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.
- (6) **Public Risk Insurance Policy** - Prior to the issue of the Construction Certificate, the owner or contractor is to take out Public Risk Insurance Policy in accordance with Camden Council's current Engineering Design Specifications.

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

A Work-As-Executed Plan and/or documentary evidence of compliance with the above conditions must be provided by an Accredited Certifier or Council prior to the Occupation Certificate being issued.

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

All disabled parking shall be designed and constructed to comply with AS 2980.6.

- (8) **Pre-Treatment of Surface Water** - The external ground surface of the site must be graded to a collection system and covered with a suitable hard surface. The drainage system must flow to a suitable pre-treatment device prior to discharge. The applicant is advised to contact the Appropriate Regulatory Authority for the design criteria.

Such pre-treatment devices or strategy shall control the discharge of hydrocarbons and heavy metals to Council's storm water system at all discharge points and also it shall be kept in good order with regular removal of pollutants and maintenance.

- (9) **Traffic Management Plan** - A Construction Traffic Management Plan is required in accordance with Camden Council's current Engineering Design Specifications.

- (10) **Stormwater Detention** - The capacity of the existing stormwater drainage system must be checked to ensure its capability of accepting the additional run-off from this development. If necessary an on-site detention system must be provided to restrict stormwater discharges from the site to pre-development flows in accordance with Camden Council's current Engineering Design Specifications.

On completion of the on-site detention system, Works-As-Executed Plans are to be prepared by a registered surveyor or the design engineer and submitted to the Principal Certifying Authority. If Camden Council is not the Principal Certifying Authority, a copy is to be submitted to the Council prior to the issue of the Occupation Certificate. The plans are to be certified by the designer and are to clearly make reference to:

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

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

- (a) Restriction as to user indicating that the on-site detention basin must be maintained at all times to a level sufficient to ensure efficient operation of the basin, and that the Consent Authority (i.e. Camden Council) must have the right to enter upon the burdened lot with all necessary materials and equipment at all reasonable times and on reasonable notice (but at any time and without notice in the case of an emergency) to:
    - (i) view the state of repair of the basin;
    - (ii) to execute any work required to remedy a breach of the terms of this covenant if the proprietor has not within fourteen (14) days of the date of receipt by the proprietor of written notice from the Council, requiring remedy of a breach of the terms of this covenant, taken steps to remedy the breach and without prejudice to the Council's other remedies the Council may recover as a liquidated debt the cost of such remedial work from the proprietor forthwith upon demand.
  - (b) Restriction as to user indicating that the on-site detention basin must not be altered, or removed in part, or structures erected thereon without the prior consent of Council.
- (11) **Drainage Design** - A detailed drainage design prepared by an Engineer or qualified and experienced person on hydraulics and hydrology for the proposed connection to Grahams Hill Road shall be submitted to the Road Authority (Camden Council) prior to the issue of the Construction Certificate in accordance with the Council's Design Specifications. The drainage system and overland flow path shall be connected to Council's system.
- (12) **Overland Flow Path** - The proposed overland flow path in drainage easement located in Lot A DP 393370 shall be designed to bypass the existing OSD system for Lot A DP 393370. Any work required to modify the OSD system shall be carried out in consultation with the adjoining land owner so that the existing capacity is not reduced or the system is required be altered.
- (13) **Access for People with Disabilities** - Access for people with disabilities shall be provided in accordance with the requirements of Part D3 of the *Building Code of Australia*. Prior to the issue of a Construction Certificate, the plans shall be amended to reflect the above.
- (14) **Hazardous Building Materials Assessment (HBMA)** - A Hazardous Building Material Assessment must be undertaken on all buildings and structures to be demolished that identifies all hazardous components on site. The HBMA report must be submitted to the Consent Authority for review and written approval prior to the issue of a Construction Certificate for demolition works. Once hazardous components are identified, all demolition works that involve the demolition and removal of such hazardous materials must ensure that all site personnel are protected from risk of exposure in accordance with relevant NSW Workcover Authority and NSW Demolition Guidelines. Premises and occupants on

adjoining land must also be protected from exposure to any hazardous materials.

- (15) **Sydney Water Requirements - Prior to the Occupation Certificate being issued**, written evidence from Sydney Water stating that they agree to accept the following wastewater must be obtained:

- (a) waste liquids and solids being discharged to sewer;
- (b) waste from the proposed pre-treatment facilities being discharged to sewer.

You are advised to contact Sydney Water for further advice in relation to this matter.

- (16) **Salinity** - Due to the inherent characteristics of the Camden Local Government Area, buildings erected in the area may be susceptible to soil salinity levels that may have a cumulative damaging effect over time.

Camden Council therefore requires:

- (a) a Salinity Investigation Report be undertaken; OR
- (b) compliance with the 'minimum requirements' specified in this condition.

#### Salinity Investigation Report

Prior to the issue of a Construction Certificate, a Salinity Investigation Report shall be prepared for the development in accordance with the requirements of "Site Investigation for Urban Salinity (Local Government Salinity Initiative)" prepared by the Department of Land and Water Conservation (2002).

The recommendations from this report shall be followed and incorporated into the design and construction of the development and are to be approved by the certifying authority.

#### Minimum Salinity Requirements for Camden LGA

Where a Salinity Investigation Report is not undertaken, the following construction inclusions shall be incorporated as a minimum in the building design to reduce/prevent any detrimental affect to the building from accumulative salt deposits:

- (a) **Concrete Strength:** The minimum concrete strength to bored piers, piles, strip footings and concrete floor slabs in contact with the ground shall be 32MPa.
- (b) **Damp-Proofing Membrane:** Concrete floor slabs in contact with the ground shall be provided with a damp-proofing membrane that is a 0.2mm thickness polyethylene film and of "high impact resistance" (as determined in accordance with AS2870).

The above minimum requirements shall be incorporated in the structural design and construction of the development and are to be approved by the Principal Certifying Authority with the Construction Certificate application.

**Note:** Consideration in the design and construction of the development should also be made to the following matters (where relevant):

- (a) The provision of drainage to the building perimeter (including subsoil drainage), to prevent water ponding or soil water logging in the building vicinity;
- (b) External finished ground levels, including pavements, should not be higher than the base of the first course of brickwork, or the brickwork and mortar below a damp proof course (DPC) should be exposure rated;
- (c) DPC material must be carried through to the face of any applied finishes;
- (d) Retaining walls should be built of salinity resistant materials;
- (e) Porous pavement products such as cement and clay pavers may show permanent efflorescence and salt corrosion. The use of these products should be confirmed with the manufacturer as being suitable for use in a saline environment, prior to installation.

- (17) **Sydney Water** - The Sydney Water Trade Waste section must be contacted regarding their requirements for the installation of a grease trap and a Trade Waste Agreement.

A written response must be submitted to the Consent Authority (i.e., Camden Council) prior to the Construction Certificate being issued.

- (18) **WorkCover** - If gas is to be utilised, the requirements of WorkCover must be sought in relation to the provision of gas for cooking purposes and any other particular requirement they may have for this development.

A written response must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

- (19) **Driveway Design (RMS)** - The design and construction of the crossings on to Camden Valley Way shall be in accordance with Austroads, RMS and Council requirements.

- (20) **Safer by Design (CPTED) Requirements** - Prior to the issue of the Construction Certificate, all recommendations contained in the Safer By Design Report must be addressed and be reflected in all relevant plans submitted with the Construction Certificate application.

The development be must designed in accordance with the NSW Police Service, Camden Local Area Command and Safer By Design Crime Risk Evaluation Report, dated 27 April 2011, applying to this development.

- (21) **Section 94 Contributions** - Pursuant to **Contributions Plan No. 3** amended in February 1998, a contribution must be paid to Council of \$55,325 per hectare, total \$7,902, for **Trunk Drainage, Water Quality Facilities and Professional Services**.

The contribution must be indexed to the Road Cost Index, and **paid Prior to the issue of a Construction Certificate**.

The monetary contribution for Trunk Drainage and Water Quality Facilities may 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.



- (22) **Section 94 Contributions** - Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$9.40 per square metre, total \$2,240 for **Community Facilities**.

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

The monetary contribution may 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 Construction Certificate**.

- (23) **Section 94 Contributions** - Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$4,321 per hectare, total \$671 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 the issue of a Construction Certificate**.

- (24) **Section 94 Contributions** - Pursuant to **Contributions Plan No 17** amended in November 2003, a contribution must be paid to Council of \$35.99 per m<sup>2</sup> of additional gross leasable floor area, total \$8,375 for **Streetscape and Public Domain, Traffic Facilities and Roadworks and Rights of Carriageway**.

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

The monetary contribution may 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 Construction Certificate**.

### **3.0 - Prior To Works Commencing**

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

- (1) **Sydney Water Approval** - Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (2) **Erection of Signs** - Shall be undertaken in accordance with Clause 98A of the *Environmental Planning and Assessment Regulation 2000*.
- (3) **Toilet Facilities** - Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one (1) toilet, plus one (1) toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or

- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (4) **Notice of Commencement of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and clauses 103 and 104 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 or subdivision works.
- (5) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (6) **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. Council's standard details as per SD 31 shall be used for construction.
- (7) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

Soil erosion and sediment control measures must be maintained during demolition and 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 revegetation).

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.

Provide a stabilised entry/exit point. The access should be a minimum of 2.5m wide and extend from the kerb to the building line. The access should consist of aggregate at 30-40mm in size.

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

- (8) **Hoardings and Security Fencing** - The site must be enclosed with a suitable temporary hoarding or security fence of a type approved by Camden Council. No site or demolition works must commence before the hoarding or fence is erected. Public thoroughfares must also not be obstructed in any manner whatsoever during demolition works.

All demolition works must comply with the requirements of *AS2601:2001 - Demolition of structures*.

- (9) **Disconnection of Services** - All services (such as sewer, telephone, gas, water and electricity) must be disconnected prior to the commencement of demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (10) **Destination of Waste Material** - Demolition materials must be disposed of to an approved land-fill site or where appropriate, to an approved recycling outlet.
- (11) **Information Required Prior to Demolition** - The demolisher shall lodge with Camden Council or the Principal Certifying Authority at least forty eight (48) hours prior to the commencement of demolition work the following details:
- (a) written notice indicating the date when demolition of the building is to commence;
  - (b) copy of the demolition licence and details of name, address and business hours contact telephone number;
  - (c) a copy of the applicable asbestos licence (if required for demolition works involving asbestos);
  - (d) copy of the WorkCover NSW permit for the demolition works;
  - (e) copy of the WorkCover NSW stamped notification form including any asbestos removal notification.
- (12) **Notice to Adjoining Properties of Demolition** - The following matters must be satisfied prior to and during demolition.
- (a) Seven (7) days prior to the commencement of demolition, the applicant shall give written notice to adjoining land owners and residents, advising of the commencement date for the demolition works;
  - (b) Safe access to and from adjoining buildings shall be maintained at all times;
  - (c) No demolition activity shall cause damage to or adversely affect the structural integrity of any adjoining building;
  - (d) Consideration shall be given to the need for shoring and underpinning, and to changes in soil conditions as a result of the demolition, and appropriate measures implemented;
  - (e) The affects of vibration and concussion on adjoining buildings and their occupants must be minimised;
  - (f) Where the surface of an adjoining building is exposed by demolition, the need for weatherproofing the exposed surface shall be investigated and temporary or permanent protection provided as appropriate;
  - (g) The demolition of below ground walls which support the adjoining ground shall not be undertaken until it is established that demolition will not cause the collapse of the adjoining ground, or effective lateral support is provided to prevent collapse.

- (13) **Signs to be Erected on 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 demolition work is being carried out:
- (a) showing the name and a copy of the licence of the 'demolition contractor' and a telephone number on which that person may be contacted outside working hours, and
  - (b) stating that unauthorised entry to the work site is prohibited.
  - (c) displaying all WorkCover NSW requirements for the demolition work.

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

Clause 327 of the *Occupational Health and Safety Regulation 2001*, also specifically requires the following matters to be displayed on the demolition site:

- (a) A copy of the demolition licence.
  - (b) A copy of the applicable asbestos licence (if required for demolition works involving asbestos).
  - (c) A copy of the WorkCover NSW permit for the demolition works on the site.
  - (d) A Copy of the WorkCover NSW demolition notification, including any asbestos removal notification.
- (13) **Public Road Activity** - A Public Road Activity Application shall be lodged for approval of the Council (Road Authority) with Public liability insurance and Traffic Control Plan prepared by a RMS accredited Traffic Controller prior to commencement of any work in public roads.
- (14) **Licences** - It is the responsibility of the applicant/land owner/site operator to ensure that all relevant licenses are obtained from all appropriate authorities in accordance with relevant legislation requirements prior to the commencement of remediation works.
- (15) **Remediation Environment Management Plans (REMP)** - To support the remediation and demolition strategy the following plans are required to be completed prior to the commencement of remediation works.
- Waste Management Plan (WMP);
  - Occupational Health and Safety Plan;
  - Sedimentation and Erosion Control Plan (S&ECP);
  - Noise Control Plan;
  - Dust Control Plan;
  - Traffic Control Plan;
  - Emergency Response Plan (ERP); and
  - Odour Control Plan (OMP);
- (16) **Other Licences** - It is the responsibility of the applicant/land owner/site operator to ensure that all relevant licenses are obtained from all appropriate authorities in accordance with relevant legislation requirements prior to the commencement of remediation works.

- (17) **Site Management and Environmental Management Plans** - In accordance with the RAP a Site Management Plan and an Environmental Management Plan that addresses all relevant legislative requirements and environmental effects is required to be completed prior to the commencement of remediation works.
- (18) **Sedimentation and Erosion Control** - Sedimentation and erosion control measures are to be installed prior to any soil remediation or excavation activity and maintained for the full period of works.
- (19) **WorkCover** - The developer must comply with any requirements of the WorkCover Authority **prior to commencement of the development.**

#### **4.0 - During Construction**

The following Conditions of Consent shall be complied with during the construction phase of the development.

- (1) **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.
- (2) **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.
- (3) **Hours of Work** - The hours for all construction and demolition work are restricted to between:
  - (a) 7.00 am and 6.00 pm Monday to Friday (inclusive);
  - (b) 7.00 am to 4.00 pm Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8.00 am to 4.00 pm;
  - (c) work on Sunday and Public Holidays are prohibited.
- (4) **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 7.00 am – 6.00 pm Monday to Friday, and between 8.00 am – 4.00 pm 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.

- (5) **Excavation and Backfilling** - All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (6) **Shoring and Adequacy of Adjoining Property** - Shall be in accordance with Clause 98E of the *Environmental Planning and Assessment Regulation 2000*.
- (7) **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.

- (8) **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, access ways, aprons, pathways and footways, vehicle crossings, dish crossings and pathway steps;
  - (d) proof roller test of subgrade and sub-base;
  - (e) roller test of completed pavement prior to placement of wearing course;
  - (f) prior to backfilling public utility crossings in road reserves;
  - (g) prior to placement of asphaltic concrete;
  - (h) final inspection after all works are completed and "Work As Executed" plans, including work on public land, have been submitted to Council.

Where Council is not nominated as the Principal Certifying Authority, documentary evidence in the form of Compliance Certificates, stating that all work has been carried out in accordance with Camden Council's Development Control Plan 2011 and Engineering Specifications must be submitted to Council prior to the issue of the Subdivision/Occupation Certificate.

- (9) **Compaction** - Any filling up to a 1.0m on the site must be compacted in accordance with Camden Council's current Engineering Design Specifications.
- (10) **Fill Material** - Importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must: -

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

\*For "Virgin Excavated Natural Material (VENM)":-

- (i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
  - (ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".
- (d) confirm that the fill material:
- (i) provides no unacceptable risk to human health and the environment;
  - (ii) is free of contaminants;
  - (iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
  - (iv) is suitable for its intended purpose and land use, and
  - (v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes: -

- (e) less than 6000m<sup>3</sup> - three (3) sampling locations,
- (f) greater than 6000m<sup>3</sup> – three (3) sampling locations with one (1) extra location for each additional 2000m<sup>3</sup> or part thereof.

For (e) and (f) a minimum of one (1) sample from each sampling location must be provided for assessment.

Sampling of VENM for Contamination and Salinity should be undertaken in accordance with the following table:-

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m <sup>3</sup> )
Virgin Excavated Natural Material	1 <i>(see Note 1)</i>	1000

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

- (11) **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.

- (12) **Services** - All services affected due to the proposed work shall be adjusted in consultation with the appropriate Service Authority at no cost to Council.
- (13) **Burying and Burning of Demolition Materials** - No demolition materials shall be buried on the site, other than with the consent of Council.

The burning of any demolition material on the site is also not permitted.

- (14) **Protection of Council Property** - All reasonable care must be taken to protect Council's roads, including the made footway, kerbs, street infrastructure and street trees.

Damage caused to any Council land or infrastructure will be required to be rectified to Council's satisfaction.

- (15) **Prevention of Nuisance to Inhabitants** - All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind blown dust, debris, noise and the like.
- (16) **Vehicles Leaving the Site** - The demolisher shall ensure that motor lorries leaving the site with demolition material and the like to have their loads covered. Wheels of vehicles leaving the site are also not to track soil and other waste material onto the public roads adjoining the site.
- (17) **Removal of Hazardous and/or Intractable Wastes** - Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant Statutory Authorities, and receipts submitted to Council for verification of appropriate disposal.
- (18) **Storage and Water Quality Controls** - Prior to the establishment of stockpile and compound sites, temporary stormwater and water quality control devices and sediment controls must be implemented.
- (19) **Air Quality** – Vehicles and equipment used on site must be maintained in good working order and be switched off when not operating. The burning of any waste material is prohibited.
- (20) **General Requirement** - All activities associated with the development must be carried out within the unit, and must be carried out in an environmentally satisfactory manner as defined under section 95 of the *Protection of the Environment Operation Act 1997*.
- (21) **Noise** - Remediation and construction work shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act (1997)*.

Remediation work shall comply with the requirement of the NSW Industrial Noise Policy and the Environment Protection Authority' Environmental Noise Manual for the control of construction site noise that specifies that:



- (a) For a cumulative period of exposure to construction activity noise of up to four (4) weeks, the Laeq (15 minute) emitted by the works to specific residences should not exceed the LA90 background level by more than 20 dBA.
- (b) For a cumulative construction noise exposure period of between 4 to 26 weeks, the emitted Laeq (15 minutes) noise level should not exceed the LA90 level by more than 10 dBA.
- (c) For a cumulative construction noise exposure period greater than 26 weeks, the emitted Laeq (15 minute) noise level should not exceed the LA90 level by more than 5 dBA.
- (22) **Works as Executed Plan** - A Works As Executed Plan that identifies the areas requiring remediation and the extent of the works undertaken (that includes any encapsulation work) must be prepared by a registered surveyor and be submitted to the Consent Authority (Camden Council) with the final Site Validation Report.
- (23) **Workcover Authority** - All remediation work must comply with relevant requirements of NSW WorkCover Authority.
- (24) **Removal Of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, this material will need to be assessed in accordance with the NSW DECC Waste Classification Guidelines (April 2008) (refer [www.environment.nsw.gov.au/waste/envguidlns/index.htm](http://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.
- (25) **Compliance of Remediation Work** - All remediation work must also comply with the following requirements:
- Contaminated Land Management Act 1997;
  - Department of Urban Affairs and Planning – Contaminated Land Planning Guidelines 1998;
  - SEPP55 – Remediation of Land;
  - Sydney Regional Plan No. 20 Hawkesbury Nepean River (No.2 –1997); and,
  - Camden Council's Adopted Policy for the Management Of Contaminated lands.
- (26) **Unexpected Findings Contingency (Remediation)** - Upon the identification of additional contamination or hazardous materials at any stage of the remediation process, all remediation works in the vicinity of the findings shall cease and compliance with the approved RAP must be adopted.
- (27) **Unexpected Finds Contingency (General)** - Should any further suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material etc) be encountered during any stage of earth works/ site preparation/ construction, then such works must cease immediately until a qualified environmental consultant has been contacted and conducted a thorough assessment. In the event that contamination has been identified as a result of this assessment and remediation is required, site

works must cease in the vicinity of the contamination and the Consent Authority must be notified immediately.

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

- (28) **Off-Site Disposal of Contaminated Soil/Materials** - All contaminated materials proposed to be disposed off-site must be disposed to a licensed landfill facility able to accept the classification of waste material.
- (29) **Delivery Register** - 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.
- (30) **Offensive Noise, Dust, Odour, Vibration** - Remediation work shall not give rise to offensive noise or give rise to dust, odour, vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (31) **Location of Stockpiles** - Stockpiles of soil should not be located on/near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.
- (32) **Fencing and Signage of Contaminated Stockpiles** - All stockpiles of contaminated materials must be suitably fenced or cordoned off with suitable signage to be provided warning of any potential danger.
- (33) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (34) **Bundling of Forecourt/Fuel Dispensing Area** - Suitable bunding must be provided to the ground surface in the forecourt/fuel dispensing area to collect spilt fuel and/or contaminated water and direct such liquid to an oil and water separator for collection/treatment prior to discharge to a sewer under a trade waste agreement.
- (35) **Demolition Access for Authorised Persons** - Access to the site shall be restricted to authorised persons only and the site shall be secured against unauthorised entry when demolition work is not in progress, or the site is otherwise unoccupied.
- (36) **Wall Finish** - Walls in food preparation, service and scullery areas must be finished with glazed ceramic tiles, stainless steel or laminated plastics adhered directly to the wall, to a height of at least 2m above floor level and to the underside of canopy hoods. Walls that are not tiled or otherwise finished, must be cement rendered to a smooth even surface and painted with a light coloured washable paint or sealed with other approved materials.

- (37) **Floor Finish** - Floors in the food preparation areas, sculleries and food storage areas shall be constructed of approved materials that are non-slip, impervious and meet the requirements of Council's Food Premises Code.
- (38) **Coving** - Intersections of the floor with walls and plinths shall be coved so that the area can be easily cleaned.
- (39) **Ceilings** - Ceilings are to be constructed of a rigid smooth faced, non-absorbent material and could include fibrous plaster, plasterboard, fibrous cement, cement render or other approved material painted with a washable gloss paint of light colour.
- (40) **Drop In Panels** - Drop in panels for ceilings are prohibited over food preparation areas.
- (41) **Storage Cupboards** - Adequate provision must be made for the storage of cleaning chemicals and staff personal belongings.
- (42) **Dishwashing Facilities** - The premises must be provided with a:
- (a) commercial dishwashing machine capable of achieving a hot water temperature of at least 77°C that is fitted with a temperature thermometer or gauge; and
  - (b) at least one (1) single bowl cleaning sink or tub containing at least one (1) compartment.
- (43) **Hand Wash Basins** - The premises must be provided with a wash basin in, or convenient to:
- (a) each toilet;
  - (b) each kitchen area.
- The wash basin must be:
- (a) provided with water at least 40°C from a mixed hot and cold water supply;
  - (b) supplied with liquid soap and an adequate supply of single use towels or other suitable hand drying facilities located adjacent to the hand basins;
  - (c) kept in clean and sanitary conditions and in good repair at all times;
  - (d) not used for any other purpose other than the washing of hands.
- (44) **Light Fittings** - Light fittings must be recessed into the ceiling or flush mounted and edges sealed. They must be enclosed in unbreakable diffusers.
- (45) **Service Pipes** - All service pipes and electrical conduits shall be concealed within the floor, plinths, walls or ceilings.

or

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

- (46) **Exhaust Ventilation** - Mechanical exhaust ventilation must be provided where cooking appliances are installed. Exhaust ventilation systems shall be installed in accordance with the requirements of Australian Standard 1668-1991 Parts 1 & 2.
- (47) **Gaps Sealed** - All gaps between shelves and vertical surfaces must be sealed to prevent the accumulation of grease and food particles. Alternatively 25mm clearance is required to allow the area to be cleaned.
- (48) **Fixtures and Fittings** - All benches, fixtures, refrigeration cabinets and cooking appliances must be butted against walls or other equipment. Junctions with vertical surfaces must be sealed to eliminate the accumulation of grease and food particles. Alternatively, clearances are to be provided from vertical surfaces in accordance with Council's Food Premises Code.
- (49) **Closed Cupboards** - Closed cupboards are to be butted against walls or other equipment. Junctions with vertical surfaces must be sealed to eliminate the accumulation of grease and food particles. Cupboards are to be supported on plinths in accordance with Council's Food Premises Code.
- (50) **Shelving** - Shelving shall be constructed with at least 150mm clearance from the floor. Wall shelves must have at least 25mm clearance from vertical surfaces.
- (51) **Vermin Proofing** – All openings in the walls and ceilings/roof throughout the premises shall be made proof against vermin.

#### 5.0 - Prior to Issue of Occupation Certificate

The following Conditions of Consent shall be complied with prior to the issue of an Occupation Certificate.

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

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

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

- (2) **Consolidation** - DP 606620 Lot 2 and DP 389359 Lot A are to be consolidated as one allotment. A copy of the registered plan of consolidation (from Land and Property Information) is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate for the development.
- (3) **Works As Executed Plan** - Prior to the Occupation Certificate being issued, a works-as-executed drawing must be submitted in accordance with Camden

Council's current Engineering Construction Specifications to the Principal Certifying Authority.

- (4) **Footpath Crossing Construction** - Prior to the issue of any Occupation Certificate, a footpath crossing must be constructed in accordance with Camden Council's issued footpath crossing information.
- (5) **Redundant Crossings** - All redundant gutter crossings and footpath crossing must be reinstated to the existing standards on the road.
- (6) **Eastern Footpath** - The eastern footpath and gutter crossing shall be widened with a splay to accommodate the tanker turning path.
- (7) **Safety Railing** - An appropriate safety railing or other measures shall be provided where the drop in levels between finished levels exceeds 1.0m.
- (8) **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 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. The Validation Report must be reviewed by an Officer of the Environmental Health Branch and be approved in writing prior to the issue of any subdivision certificate applicable to the land covered by the RAP.
- (9) **Compliance with Relevant Australian Standards** - The design and installation of the underground petroleum storage system must comply with "AS4897: 2008 – The Design, Installation and Operation of Underground Petroleum Storage Systems" and "AS/NZS 1596:2008 – The Storage and Handling of LPG Gas". The design, storage and handling of flammable and combustible materials must comply with "AS 1940:2004 - The Storage and Handling of Flammable and Combustible Liquids." A suitably (duly) qualified person must provide to the consent authority (Camden Council) prior to the issue of an Occupation Certificate all certificates of compliance that confirms that the above Australian Standards have been complied with.
- (10) **Compliance with Regulations** - The design, installation, operation and provision of infrastructure for the development must be compliant with the minimum requirements contained within the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulations 2008* and *Protection of the Environment Operations (Clean Air) Amendment (Vapour Recovery) Regulations 2009*. A duly qualified person must provide to the Consent Authority (Camden Council) prior to the issue of an Occupation Certificate all certificates of compliance that confirms that the above Regulations have been complied with.
- (11) **Compliance with PHA** - All recommendations / requirements contained within the report known as "*Preliminary Hazard Analysis and Summary for Narellan NSW, Prepared by Myros Design, Dated 22/02/11,*" must be completed for the development site. A suitably (duly) qualified person must provide to the Consent Authority (Camden Council) prior to the issue of an Occupation Certificate all certificates of compliance that confirms that the recommendations / requirements in the PHA have been complied with.

- (12) **Installation of Groundwater Monitoring Wells** - Groundwater monitoring wells must be designed and installed in accordance with the relevant specifications by a duly qualified person. The same person must provide all documentation to the Consent Authority (Camden Council) prior to the issue of an Occupation Certificate that confirms that the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulations 2008* has been complied with.
- (13) **Plans of Groundwater Monitoring Wells** - Plans showing the location of groundwater monitoring wells must be provided to the Consent Authority (Camden Council) prior to the issue of an Occupation Certificate.
- (14) **Environment Protection Plan (EPP)** - An Environment Protection Plan (EPP) must be prepared by a suitable qualified person for the operational management of the underground petroleum storage systems. The plan must include as a minimum procedures to cover: loss monitoring, incident management, loss detection, incident notification, system maintenance, and record keeping.
- (15) **Oil Water Separator and Disposal** - All waste water including waste water from the bunded refuelling area must be collected and stored for treatment.

Treatment of waste water must occur via the proposed and Sydney Water approved (VGS) stand mounted oil water separator. The operation and maintenance of such treatment systems must be in accordance with manufacturer's instructions and recommendations.

Where any waste water is destined for disposal to sewer this must occur via a trade waste permit approved by Sydney Water.

Full details of the final water treatment system and a copy of the trade waste permit must be provided to the Consent Authority **prior to the issue of the Occupation Certificate.**

- (16) **Vapour Recovery System** - A suitable fuel vapour recovery system must be designed and installed to collect fuel vapours generated from the process of product delivery and product dispensing into vehicles. The system is to be certified by a suitably (duly) qualified person with documentation provided to the Consent Authority (Camden Council) prior to the issue of an Occupation Certificate.
- (17) **Registration & Notification** - Proprietor/s of a business are required to register the business with Camden Council and complete a Food Business Notification Form.
- (18) **Certification Of Exhaust System** - Where an exhaust ventilation system is installed, a Certificate of Compliance must be submitted to Camden Council, prior to occupation. The certificate must be issued by a suitably qualified person and verify that the kitchen exhaust system as installed, has been tested and complies with Australian Standard 1668 – 1991 Parts 1 & 2 and the *Building Code of Australia*.

- (19) **Thermometers** - Any appliance used for the storage of hot and cold food must be provided with a probe thermometer accurate to +/-1°C to measure the core temperature of food.

(It is recommended that sterile alcoholic wipes be used to sterilise the probe thermometer between use).

- (20) **Gutter/Footway Crossings** - The following works must be constructed prior to the issue of the Occupation Certificate and under the *Roads Act 1993* must be approved by Camden Council:

- (a) provision of a heavy duty industrial gutter crossing at all points of ingress and egress

All works must be carried out strictly in accordance with Camden Council's current Engineering Specifications. Prior to works commencing the applicant must contact Council on (02) 4654 7777 to arrange payment of fees and inspection of the works.

- (21) **Compliance Letter** - Where the Consent Authority is not the Principal Certifying Authority (PCA), an additional inspection of the commercial kitchen must be undertaken by or on behalf of the PCA prior to the issuing of an Occupation Certificate. A letter is to be issued from the Consent Authority certifying that the kitchen complies with the Food Codes and Regulations.

## 6.0 - Operational Conditions

The following Conditions of Consent are operational conditions applying to the development.

- (1) **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.
- (2) **Music and/or Amplifiers** - Music and other amplified sound, including recorded or broadcast programmes or the like, played on the premises, shall be controlled so as not to cause any distraction or disturbance to nearby or adjacent residents, pedestrians or motorists, and shall only be audible within the property boundaries.
- (3) **Hours of Operation** - The hours of operation for the approved land-use are:

Monday to Friday:	4:00 am to 10:00 pm
Saturday:	4:00 am to 10:00 pm
Sunday & Public Holidays:	4:00 am to 10:00 pm

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.

- (4) **General Requirements** - The storage of goods and materials must be confined within the building. At no time must goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve.

- (5) **Vehicles that Service the Site** - Vehicles that service the site must comply with the following requirements at all times:
  - (a) All vehicles 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) Articulated or heavy rigid vehicles in excess of 11m in length shall not service the premises due to the limited manoeuvring capabilities of the site.
- (6) **Monitoring of Groundwater Monitoring Wells** - Wells must be tested for the presence of hydrocarbons in accordance with the written instruction of a duly qualified person at least every six months.
- (7) **Offensive Noise** - The use and occupation of the premises including all plant and equipment must not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997*.
- (8) **Hot Storage** - All equipment (including pie warmers, hot food display units, etc) used for the display or storage of hot food shall maintain the food at a temperature of not less than 60°C.
- (9) **Cold Storage** - All equipment used for the display or storage of cold food shall maintain the food temperature of not more than 5°C.
- (10) **Hours for Delivery Vehicles** - No fuel truck or gas refill truck deliveries are permitted between the hours of 10.00 pm and 7.00 am on any day/night.
- (11) **Waste Storage and Labelling** - Ensure all waste containers are labelled and that waste is stored in a manner that prevents the escape of pollutants to the environment. Where liquid wastes and batteries await collection for recycling or disposal by a licensed contractor these are to be stored within a sealed, bunded, ventilated, and covered area.
- (12) **Handling Hazardous Materials** - To ensure correct handling of hazardous materials, Material Safety Data Sheets (MSDS) are required to be held at the premises for all hazardous materials.
- (13) **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.
- (14) **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.
- (15) **Mechanical Repairs Prohibited** - The carrying out of mechanical repairs on the premises is prohibited.
- (16) **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.



ORD03

- (17) **Waste Management** - A suitable waste contractor(s) must be engaged for the removal of wastes generated at the premises.

All bins and waste storage facilities at the premises are to be sealed and emptied on a regular basis to prevent odour, vermin and fire hazards from occurring.

- (18) **Offensive Odour** - The use of the premises shall not give rise to offensive odours.

- (19) **Illumination of Signage** - Hours of illumination of the approved signage is limited to the approved operating hours of this development.

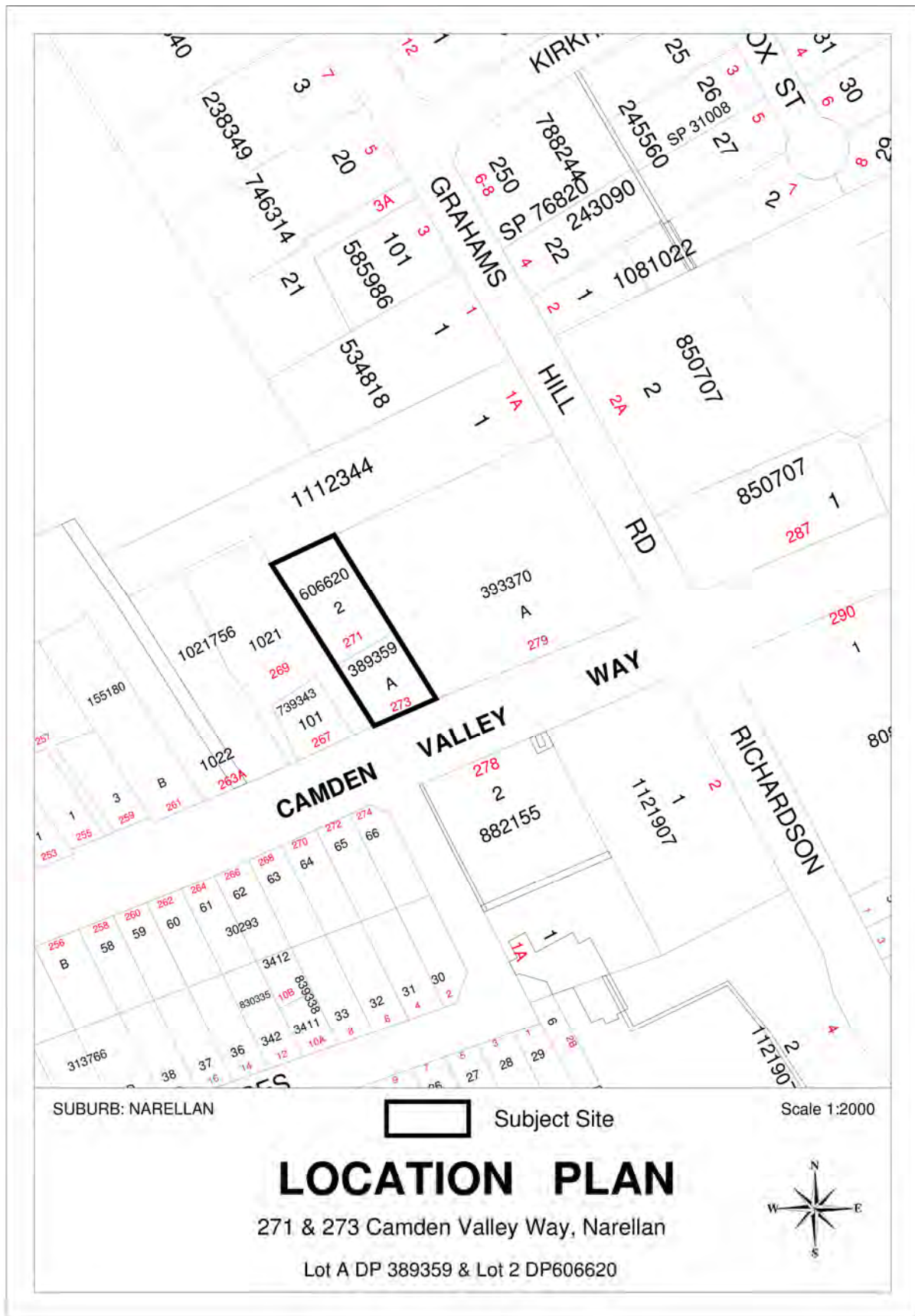
**END OF CONDITIONS**

**RECOMMENDED**

**That Council approve Development Application 374/2011 for the demolition of an existing service station and dwelling, remediation of contaminated land and construction of a new service station building at No 271-273 (Lot 2, DP 606620 and Lot A, DP 389359) Camden Valley Way, Narellan subject to the draft Development Consent Conditions shown above.**

ATTACHMENTS

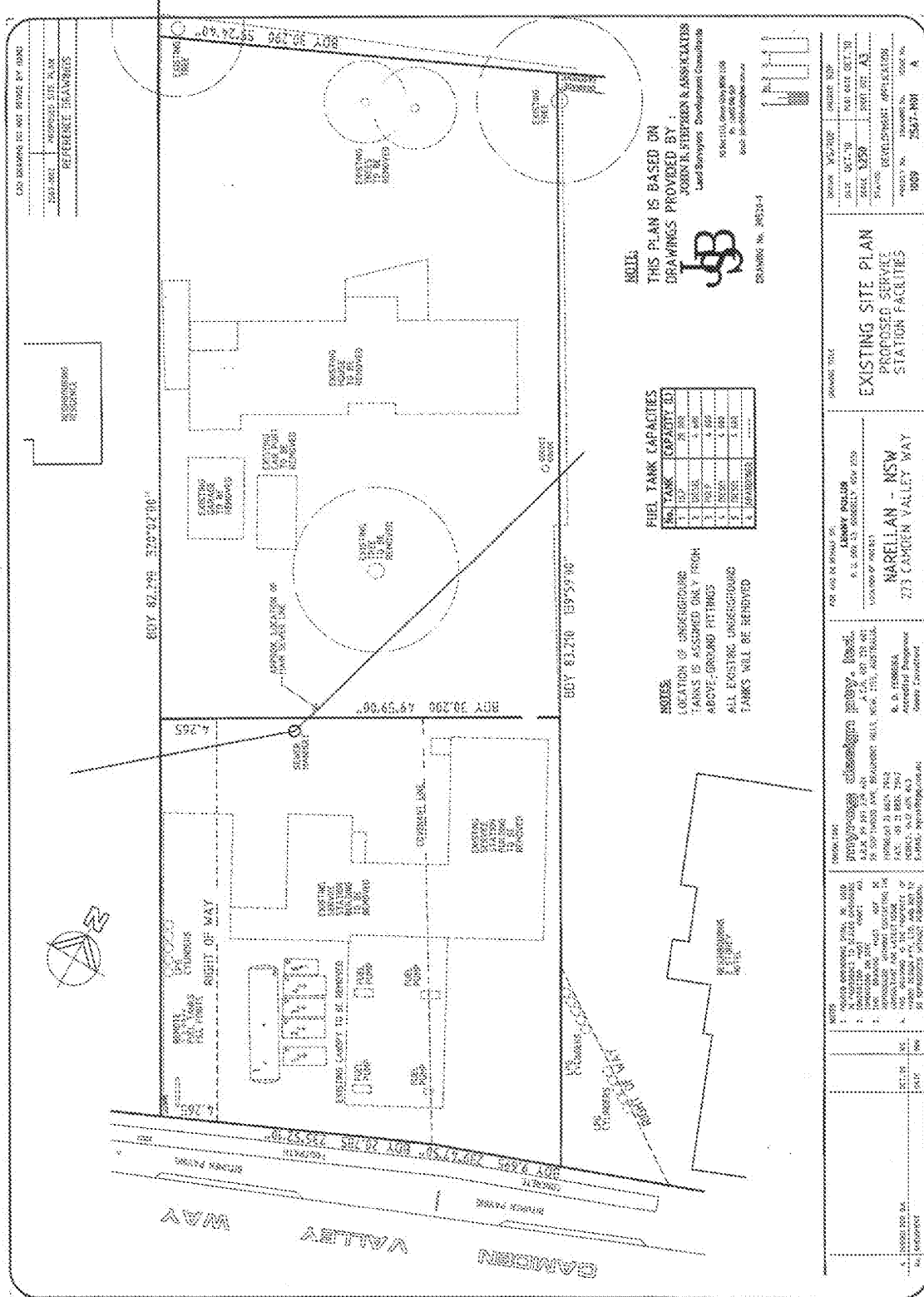
1. Location Plan
2. Proposed Plans
3. Submissions - *Supporting Document*

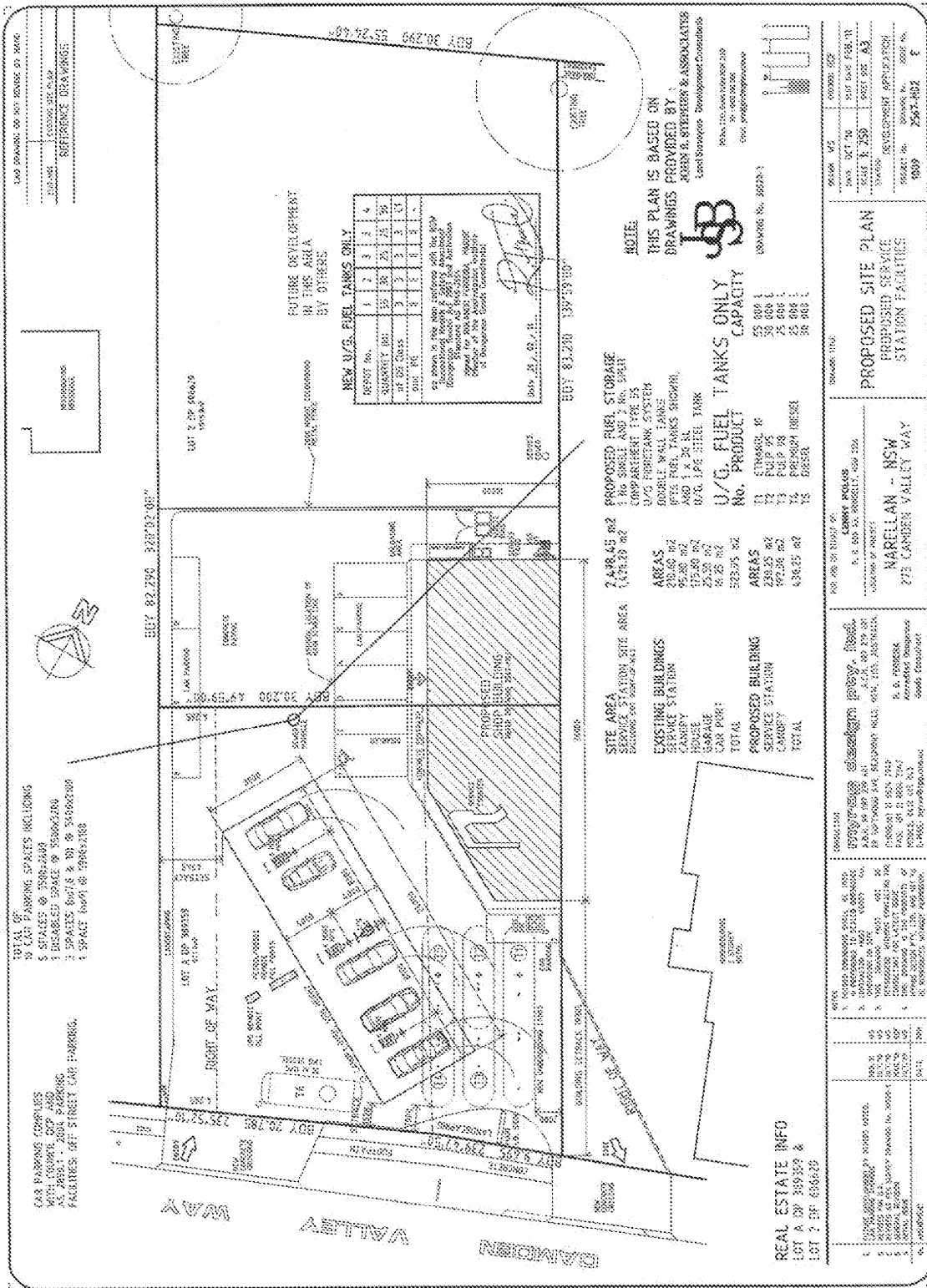


ORD03

Attachment 1

Attachment 2  
ORD03

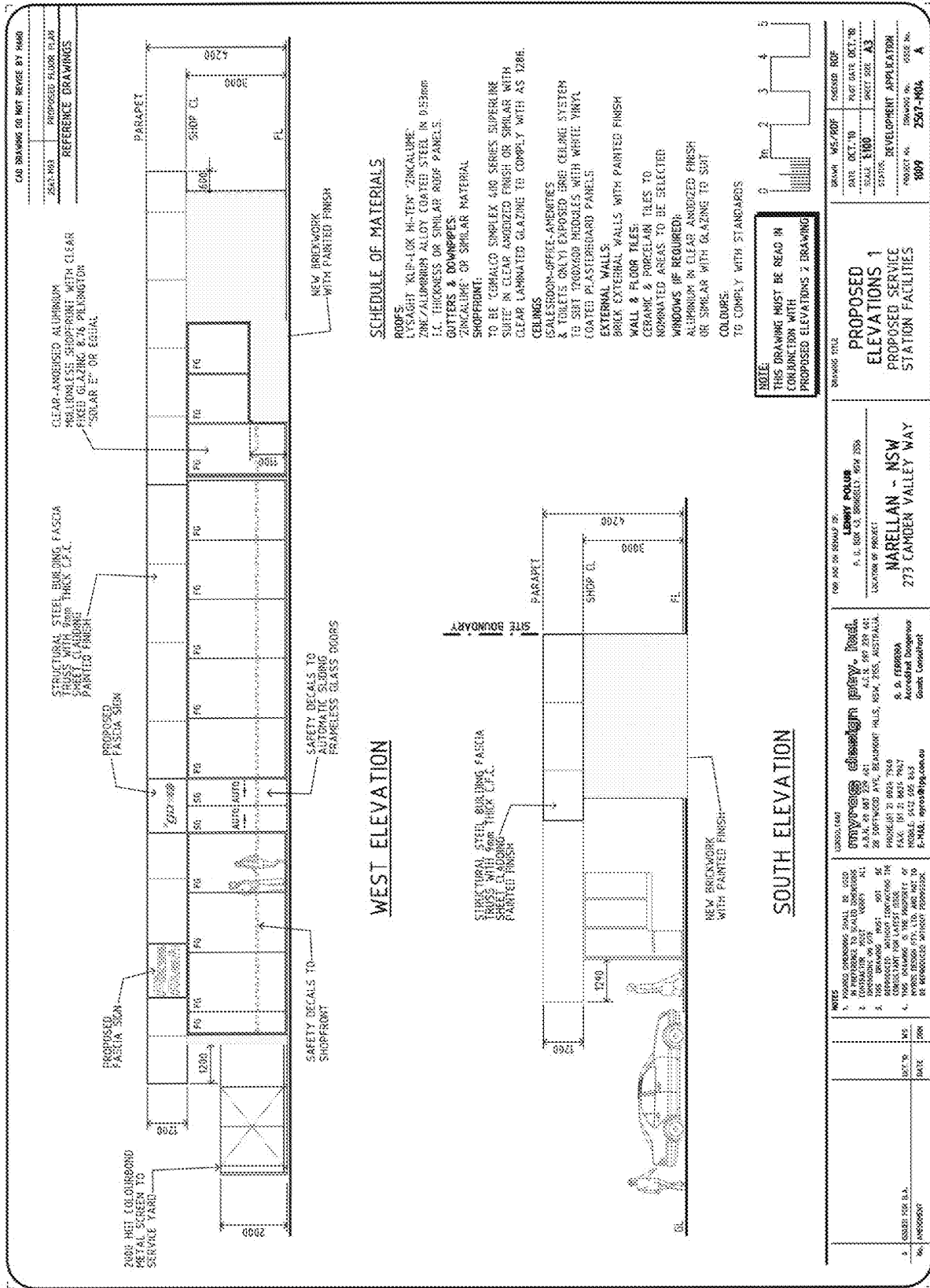




Attachment 2

ORD03



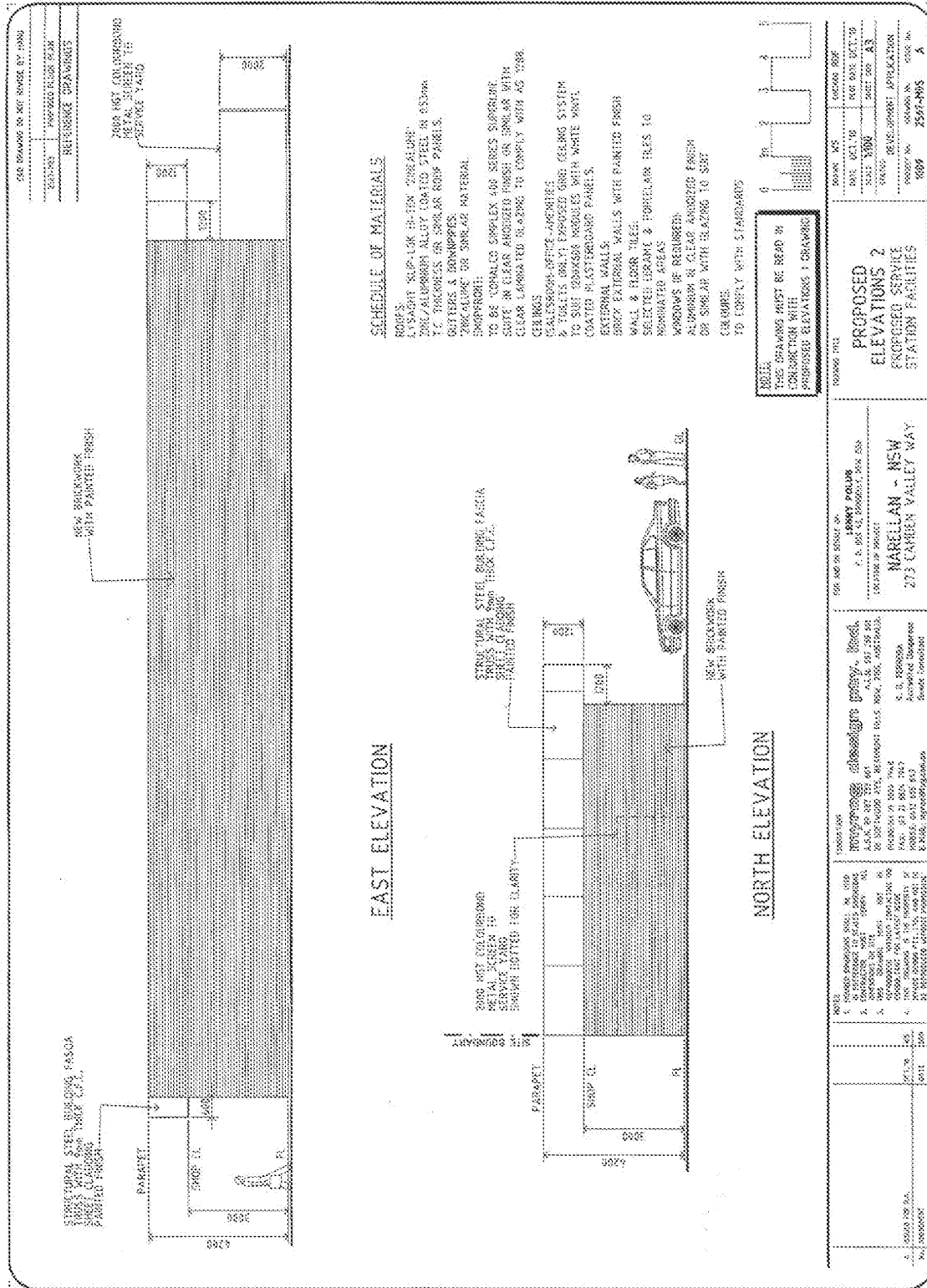


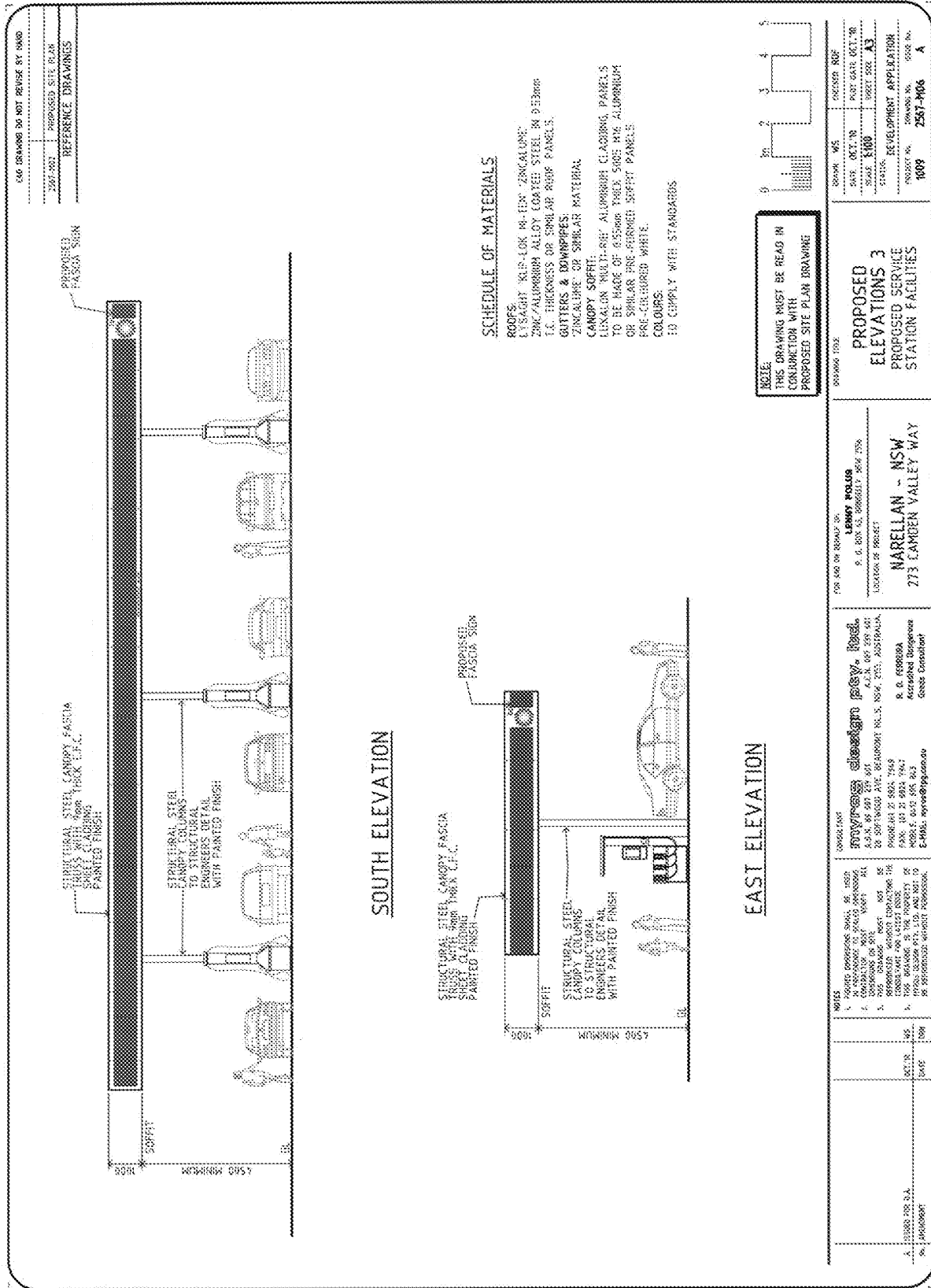
ORD03

Attachment 2

Attachment 2

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ORD03

Attachment 2





ORD04

## ORDINARY COUNCIL

ORD04

**SUBJECT:** SUBDIVISION TO CREATE 10 LOTS, A NEW ROAD, DRAINAGE AND LANDSCAPING AT NO 181 (LOT 101, DP 1143373) CAMDEN VALLEY WAY, KIRKHAM  
**FROM:** Director, Development and Health  
**BINDER:** Development Application 290/2011

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**DA NO:** 290/2011  
**OWNER:** Mr J Mourshed  
**APPLICANT:** Mr Joe Mourshed c/- SPD Town Planners  
**ZONING:** R2 Low Density Residential, R5 Large Lot Residential & RE1 Public Recreation

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a Development Application (DA) for a subdivision on this site. The application is referred to Council in accordance with its delegations as there remain unresolved issues raised in a submission received from the public.

### SUMMARY OF RECOMMENDATION

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

### BACKGROUND

In 2005 the applicant submitted an application to rezone the site to permit residential development. Subsequent to this a Voluntary Planning Agreement (VPA) was signed between Council and the applicant.

The initial staging plan of the VPA was designed to allow conservation works to Yamba, the workers cottage, barn, and roadside stall to be staged and undertaken when funds were generated via selling off parts of the site in a staged approach. Once the works to the workers cottage are completed, the staging aspect of the VPA will no longer apply. At this stage the works have been largely completed.

As part of the VPA process Council adopted a site specific DCP for this site which sets out controls relating to road location, landscaping, drainage and heritage etc. These controls are now part of Camden Development Control Plan 2011.

The subject DA was lodged on 16 March 2011. The application has undergone detailed assessment with the applicant responding to several issues raised by Council staff.

The application has been assessed and is now able to be referred to Council for determination.

**A copy of the Yamba Indicative Master Plan is provided in Attachment 1 at the end of the report.**

## THE SITE

The site is located on the corner of Camden Valley Way and Kirkham Lane in Kirkham. The site is roughly rectangular in shape and contains a local heritage item known as 'Yamba' which contains Yamba cottage, a workers cottage, barn and roadside stall. The site is burdened by existing Endeavour Energy electricity transmission lines and an associated easement.

The surrounding area is characterised by vacant acreage located directly behind the subject site and residential dwellings located to the east. Studley Park golf course and residential dwellings are south of the site, and to the north the area is bound by the Kirkham suburb. Narellan lies to the east whilst to the south the area is bound by Camden Valley Way and the suburb of Elderslie. The west of the area is bound by Kirkham Lane and Camden Town.

**A site location map is provided in Attachment 2 at the end of this report.**

## THE PROPOSAL

Development Consent is sought for the following development:

1. subdivision of the site into 7 residential lots ranging in area from approximately 3,720m<sup>2</sup> to 8,031m<sup>2</sup>, 1 public reserve, 1 residue lot containing Yamba cottage and 1 lot containing the existing workers cottage;
2. demolition of an existing dwelling and several outbuilding structures; and
3. construction of a new road, drainage and landscaping.

It is noted that the proposed residential lots will be the subject of separate development applications for residential dwellings. These dwellings will have to comply with the site specific development controls in Camden Development Control Plan 2011 which address design, heritage and view lines etc.

The proposed development is classified as Nominated Integrated Development as it requires a Controlled Activity Approval from the NSW Office of Water (NOW) due to there being works proposed within 40m of a watercourse. The application was referred to NOW and approval has been received.

The proposed development is also classified as Integrated Development as it proposes to provide an access road off Camden Valley Way. Therefore approval from the Roads and Maritime Services (RMS) is required. The application was referred to the RMS who have provided conceptual approval subject to development consent conditions which have been included in the draft Development Consent conditions at the end of this report.

As the site contains an existing Endeavour Energy (Endeavour) electricity transmission line and easement, the application was referred to Endeavour for comment pursuant to Clause 45 of State Environmental Planning Policy (infrastructure) 2007. Endeavour has not raised any objections to the proposed development subject to a development consent condition which has been included in the draft Development Consent conditions at the end of this report.

**A copy of the proposed plans is provided in Attachment 3 at the end of the report.**

### **NOTIFICATION**

The application was publicly notified between 31 March and 29 April 2011. Notification letters were sent to surrounding properties and an advertisement was placed in the local press. One submission was received as a result of this notification.

The issues raised in the submission are assessed in the “1(d) Any Submissions” section of this report.

**A copy of the submission is provided with the Business Paper supporting documents.**

### **PLANNING CONTROLS**

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

1. State Environmental Planning Policy No 55 – Remediation of Land
2. Deemed State Environmental Planning Policy No 20 – Hawkesbury/Nepean River
3. Camden Local Environmental Plan 2010
4. Camden Development Control Plan 2011

### **ASSESSMENT**

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

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

This SEPP requires Council to be satisfied that the proposed site is suitable for its intended use (in terms of contamination) prior to granting development consent.

A contamination assessment of the site has been prepared and concluded that the site is suitable for residential development.

On this basis the site is considered to be suitable for its intended use.

##### Deemed State Environmental Planning Policy No 20 – Hawkesbury/Nepean River

It is considered that the aims and objectives of this policy will not be prejudiced by this development and there will be no detrimental impacts upon the Hawkesbury/Nepean River system as a result of it. It is a recommended development consent condition that a water quality treatment basin is provided as part of the development.

##### Camden Local Environmental Plan 2010 (LEP)

###### *Permissibility*

The land to which the subdivision applies is zoned R2 Low Density Residential, R5 Large Lot Residential and RE1 Public Recreation. Subdivision of land is permissible with consent in these zones.

###### *Zone Objectives*

In terms of the proposed development's consistency with the zone objectives, the relevant objectives of the applicable zones include provisions to "provide for the housing needs of the community within a low density residential development, to minimise conflict between land uses within the provided zones and land uses within adjoining zones, and to provide housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations."

It is considered that the proposal is generally compliant with these objectives. The development is for the subdivision of land into large residential lots within a preserved rural setting. The development has been assessed and it is not considered that it will cause any conflict upon any land uses in other zones.

#### *Lot Sizes*

The site is subject to a 40ha minimum lot size. Clause 13 of Schedule 1 of the LEP allows for the proposed development to occur subject to certain criteria including the number of lots to be created, which this development fully complies with.

However this clause does not cover the creation of proposed lot 9, which has a proposed area of 8,031m<sup>2</sup>, and is therefore well below the minimum 40ha lot size.

The applicant has lodged a request to vary this minimum lot size development standard pursuant to Clause 4.6 of the LEP. The applicant has made this request on the basis that:

1. the creation of this undersize lot is unavoidable when undertaking the subdivision of the Yamba site;
2. the creation of this lot is consistent with Camden Development Control Plan 2011 (DCP); and
3. this lot will, in accordance with the DCP, be the subject of a future development application for further residential development.

Council staff have reviewed this request to vary the minimum 40ha lot size development standard and agree with the applicant's justification. The creation of this undersize lot has to occur in order to undertake the development of the Yamba site in accordance with the DCP. It is noted that the lot complies with the DCP and that in accordance with the DCP it will be subject to a future development application for residential development.

Consequently it is recommend that Council support this variation from the 40ha minimum lot size development standard.

#### *Heritage*

As mentioned earlier, this site contains the Yamba local heritage item. The proposed subdivision and associated works are consistent with a conservation management plan that has been prepared for this site. It is considered that the development achieves the objectives of this part of the LEP by conserving the heritage elements of the site.

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

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

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

The following parts of Camden Development Control Plan 2011 (DCP) are relevant and the proposal has been assessed against:

Part C3.3 – Yamba

*Subdivision*

The proposed subdivision is considered to be acceptable in terms of the DCP's subdivision controls on the basis that the subdivision of the site is generally consistent with the lot layout depicted on the indicative master plan.

*Contamination*

A contamination assessment of the site has been completed and demonstrates that the site is suitable for the proposed use.

*Landscaping and Weed Management*

It is a recommended development consent condition that detailed landscaping plans, which comply with the DCP's requirements, be completed prior to the issue of a Construction Certificate for this development.

The applicant has prepared a weed management plan that complies with the DCP's requirements.

*Vehicular access*

The proposed subdivision is considered to be acceptable in terms of the DCP on the basis that vehicular access to the site shall be achieved by a single point near the eastern corner of the site, as shown on the DCP map (Yamba Indicative Master Plan) provided with this report and is to have direct access to Camden Valley Way. The access road within the site shall be constructed as a minor access road as per Council's Engineering Specifications.

In addition, the new subdivision access road's intersection with Camden Valley Way will be provided with a small right turn bay to allow motorists to queue when waiting to turn right into the new road. This will help facilitate traffic movement across Camden Valley Way and into the site and improve safety for motorists.

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

This site and development is subject to a VPA. The proposed development is consistent with this VPA.

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

The Regulations prescribe several development consent conditions which are recommended as draft conditions and are provided at the end of this report.

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

The likely impacts of this development include:

#### 1. Economic impacts

The development will contribute to labour force employment during the development phase whilst the resident population will ultimately contribute to the viability of support services in the local economy.

#### 2. Social impacts

The proposed development will potentially contribute to diversity through provision of housing stock, subject to future DAs for individual dwellings.

All other likely impacts of the proposed development have been assessed elsewhere in this report.

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

The proposal fits in with the locality in terms of its ability for future dwellings to conform to the relevant development controls, and the site attributes make it conducive to the development in relation to connections to services, salinity, contamination and heritage issues. Therefore it is considered that this site is suitable for the proposed development.

### **(1)(d) Any submissions**

As a result of public notification, one submission was received. The following details the issues raised in the submission and provides an assessment of them:

1. There will be increased vehicular traffic associated with the proposed subdivision inconveniencing the motoring public in peak commuting time.

*Officer comment:*

The applicant has submitted a traffic assessment report in support of this application. This report was assessed by both Council staff and the Roads and Maritime Services (who raise no objections to the development). Following assessment, Council staff are satisfied that no unreasonable traffic impacts will occur given the small size of this development and low levels of traffic that will be generated.

2. The site should be reviewed with up to date flood studies.

*Officer comment:*

A flood study was submitted by the applicant in support of this application. Council staff have reviewed this study, consider it acceptable and recommend approval subject to the development consent conditions provided at the end of this report.

3. Consideration to the view corridors.

*Officer comment:*

The proposed development is consistent with the Yamba Indicative Master Plan outlined in the DCP and demonstrates compliance with the required view corridors.

4. The street lights on this site should be of such a design that they do not spoil the ambience of the flood plain.

*Officer comment:*

This concern is noted, however it is also noted that under the DCP the street lights are required to meet AS 1158 to provide for pedestrian and motorist safety in the development. It is not anticipated that the street lighting will spoil the ambience of the flood plain and the rural environment.

5. Two storey 9m+ high buildings on this site will block out significant portions of the flood plain.

*Officer comment:*

The above issue does not relate to this DA in that no dwellings are proposed. Separate development applications will be required for the dwellings on the proposed lots.

6. There should be a development curtilage around Yamba limiting development within 50m around the historical site.

*Officer comment:*

The Yamba cottage will be located on its own lot of land and any further residential development on the lot will be limited to an extension at the rear in accordance with the DCP. This will provide an appropriate separation distance between the cottage and future dwellings on the other proposed lots.

Importantly, the proposed subdivision layout and separation distances are consistent with the DCP.

7. This site should not be developed and should be part of the public open space like that afforded to the Herbert's Hill above it.

*Officer comment:*

The zoning for the subject site and DCP allows for the proposed development of the subject site. The carrying out of this development will achieve the identified objectives and land development goals for the property, whilst conserving the Yamba heritage item.

8. All historical sites should be removed from officer delegation authority and revert back to the community representatives who are voted in by the ratepayers.

*Officer comment:*

It is noted that this DA is to be considered at the Council meeting of 31 January 2012.

#### **(1)(e) The Public Interest**

It is considered that the public interest will be positively served by the proposed subdivision as it is consistent with the relevant LEP, the applicable VPA and will not result in any unacceptable impacts upon the surrounding environment or the Yamba heritage item.

**CONCLUSION**

Council has received a DA for a subdivision on this site.

The application has been assessed in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979* and the public submission received has been considered.

It is considered that the proposed development is acceptable on the basis that it is consistent with Camden Development Control Plan 2011, will not impact upon the heritage significance of the Yamba local heritage item and represents an appropriate form of development for the site.

Consequently the development is recommended to Council for approval, subject to the draft development consent conditions shown below.

**DRAFT CONDITIONS OF CONSENT**

**1.0 - General Requirements**

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan / Development No.	Description	Prepared by	Dated
C1 Rev E	Part 1 of Concept Civil Work Plan.	Steven Waters	September 2011
C2 Rev E	Part 2 of Concept Civil Work Plan.	Steven Waters	September 2011
C3 rev E	Longitudinal Section	Steven Waters	September 2011
C4 Rev C	Demolition Plan	Steven Waters	September 2011
C4	Typical Section at culvert Bridge	Steven Waters	September 2011
C5 Rev E	Part 1 of Diagram of cut and fill	Steven Waters	September 2011
C6 Rev E	Part 2 of Diagram of Cut and fill	Steven Waters	September 2011
D1 Rev D	Part 1 of the Site Concept Drainage Plan	Steven Waters	September 2011
R221111mf2028kirk hamv3	Acoustic assessment**	Koikas Acoustics Pty. Ltd.	22 November 2011
Weed and vegetation management plan	Weed and vegetation management plan	Horticultural management Services	26 October 2007
Traffic and parking assessment report	Traffic and parking assessment report	Dobinson & Associates Pty. Ltd.	February 2011



- \*\* The acoustic assessment is indicative only and does not apply to lots 1 and 10. No works detailed in the acoustic assessment are approved by this Development Consent and must be subject to separate development application.

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

- (2) **Design and Construction Standards** - All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with: -
- (a) Camden Council's current Engineering Specifications, and
  - (b) Camden Council's Development Control Plan 2011

It should be noted that designs for line marking and regulatory signage associated with any proposed public road within this subdivision MUST be submitted to and approved by the Roads Authority, Camden Council, prior to the issue of any Construction Certificate.

- (3) **Protect Existing Vegetation and Natural Landscape Features** - Approval must be sought from Council prior to the removal, pruning, impact upon or any disturbance of the existing vegetation and natural landscape features, other than any existing vegetation and/or natural landscape feature authorised for removal, pruning, impact upon or disturbance by this Consent.

The following procedures shall be strictly observed:

- (a) no additional works or access/parking routes, transecting the protected vegetation shall be undertaken without Council approval,
  - (b) pedestrian and vehicular access within and through the protected vegetation shall be restricted to Council approved access routes.
- (4) **Sewer Access Chambers and Mains** -
- (a) No sewer access chambers are to be constructed within the proposed Road Reserves, Public Reserves and Drainage Reserves without prior approval of the Principal Certifying Authority.
  - (b) No sewer mains are to be constructed within both proposed and existing Public Reserves and Drainage Reserves without prior approval of the Principal Certifying Authority.
- (5) **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.

In addition, details must be shown as to any proposed reciprocal rights of access and rights of way or easement designed to ensure the effective future functioning, maintenance and use of common areas such as roadways and open spaces.

The above details must be submitted to the Consent Authority (ie Camden Council) prior to the Construction Certificate being issued.

- (6) **Noxious Weed Control** – Noxious weed control must be carried out in conjunction with the Weed and Vegetation Management Plan prepared by Horticultural Management Services for the proposed subdivision Development of 181 Camden Valley Way, Kirkham, NSW.

In addition to the Vegetation Management Plan, the applicant must fully and continuously suppress and destroy by appropriate means all noxious and environmentally invasive weed infestations that occur during and/or after the subdivision. Any new infestations must be reported to Camden Council.

As per the requirements of the Noxious Weeds Act 1993, the applicant must also ensure at all times all machinery, vehicles or other equipment entering or leaving the site, must be clean and free of any Noxious Weed material, to prevent the spread of Noxious Weeds to and from the property.

- (7) **External Authorities** - General Terms of Approval (GTAs) and comments from the Roads and Maritime Services are attached to and form part of this development consent. All requirements of these GTAs and comment must be fully complied with at all times.

- (8) **Waste Disposal Areas for Residential Allotments** - A waste bin collection point must be provided for each unit/lot and must be in accordance with the following requirements:

(a) Each unit/lot must be provided with a level area adjacent to the kerb suitable for the placement of bins for collection. This area must be on level ground, running parallel to the rear of the kerb and measured 3m long by 900mm wide and allow 3.9m 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.

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

- (9) **Intersection with Camden Valley Way** - The subdivision's proposed intersection with Camden Valley Way must be designed in accordance with Section 7.7.2 of the Austroads Guide to Road Design (Part 4A). The proposed turn bay must be designed in accordance with this guide at a design speed of 60km/hr.

Signage, line marking and associated traffic control devices must be approved by the Camden Local Traffic Committee prior to works commencing. The intersection must also be street lit to the requirements of AS 1158.

The applicant must liaise with the Roads and Maritime Services to secure the relocation of the existing speed zone change from 60km/hr to 70km/hr away from the proposed intersection.

The design of the intersection must also retain a pedestrian refuge crossing at the western side of the proposed intersection in accordance with AS 1742.10.

The design of the intersection must also accommodate a Council planned bus stop on the downstream (eastern) side. The bus stop must have a 150mm kerb and concrete boarding point a minimum of 1.6m wide and 2.1m deep. The bus boarding point must have a connecting footpath at least 1.2m wide to the pedestrian refuge with pram ramps on either side of the proposed access road, constructed to Council's Engineering Specifications. Signage and line marking associated with the bus stop must be approved by the Camden Local Traffic Committee.

Should this bus stop already be existing at the time of the development, it must be relocated eastwards as part of the approved works at no cost to Council and a bus boarding point and access path, in accordance with the Disability Standards for Accessible Public Transport 2004, must be installed.

The right-turn bay, intersection and bus stop design shall be submitted to the Environmentally Sustainable Design Branch of Council and the NSW Roads and Maritime Services for approval

- (10) **Camden Valley Way Frontage Upgrade** – The Camden Valley Way frontage of this site (from its eastern boundary up until the existing culvert) must be reconstructed to an urban standard with barrier kerb, guttering and associated drainage.

Construction plans indicating drainage, roads, earthworks, pavement design, details of line marking and traffic management details must be prepared strictly in accordance with Camden Council's Development Control Plan 2011 and Engineering Specifications and are to be submitted for approval to the Principal Certifying Authority prior to the Engineering Construction Certificate being issued.

**Note:**

- (a) Under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve.
- (b) 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) **Removal of African Olive** - The African Olive that is growing within the site as a hedge (along the site's Camden Valley Way frontage) must be completely removed (with the roots poisoned). Replacement planting (within the site) along this frontage of *Viburnum Odoratissimum* or *Loropetalum Chinesis* (either Burgundy, Sizzling Pink or Plum Gorgeous) must be provided. Within the view lines identified in Figure C6 of Camden Development Control Plan 2011, this replacement planting must not be a continuous hedge and must not obstruct the

view lines. Outside of these view lines the replacement planting may form a hedge.

- (12) **Existing Driveways** - As part of this development, the existing driveways from the Yamba cottage and workers cottage lots must be gated and kept closed to prevent access. As required by Camden Development Control Plan 2011, new driveways constructed from gravel, bitumen or coloured concrete must be provided to these properties from the new road constructed as part of this development.
- (13) **Wastewater Disposal** – The proposed development must be serviced by Sydney Water sewer. If in the event the development cannot be serviced by Sydney Water sewer, the boundary line between lots 1 and 2 shall be adjusted to provide additional area for effluent disposal for lot 2 and comply with the following:
- (i) Lot 2 - An area that is a minimum of 874m<sup>2</sup> in size shall be demonstrated on the site plan for effluent disposal.
  - (ii) Compliance with all applicable buffer distances as detailed in Camden Council's Sewage Management Strategy shall be demonstrated.
  - (iii) Provision for a suitable building envelope incorporating driveway access shall be demonstrated.

If the boundaries are adjusted to accommodate the above an amended subdivision plan must be submitted to Council prior to the issue of a Construction Certificate.

- (14) **Sydney Water** - All allotments shall be connected to Sydney Water sewage infrastructure. Only where Sydney Water is unable to service these allotments will on-site disposal be considered. Written correspondence from Sydney Water shall be provided to Council regarding the availability of such services prior to the issue of a Construction Certificate.

## 2.0 - Construction Certificate Requirements

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

- (1) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of line marking and traffic management details must be prepared strictly in accordance with Camden Council's Development Control Plan 2011 and Engineering Specifications and are to be submitted for approval to the Principal Certifying Authority prior to the Construction Certificate being issued:
- (a) under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve;
  - (b) 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.

- (2) **Environmental Site Management Plan** - An Environmental Site Management Plan must be submitted to the 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:
- (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;
  - 1. (d) all other environmental matters associated with the site works such as noise control, dust suppression and the like.
- (3) **Dilapidation Survey** - A photographic dilapidation survey of existing public roads, kerbs, footpaths, drainage structures and any other existing public infrastructure within the immediate area of the development site must be submitted to Council prior to the issuing of the Construction Certificate.
- The survey must include descriptions of each photo and the date when each individual photo was taken.
- (4) **Provision of Kerb Outlets** – Where proposed lots grade to an existing/proposed public road, kerb outlets shall be provided in the kerb and gutter adjacent to those lots. Such kerb outlets shall be:
- (a) located within 2m downstream of the prolongation of the lot corner with the lowest reduced level and to the requirements of the Principal Certifying Authority;
  - (b) constructed in accordance with Camden Council's current Engineering Specification/s; and
  - (c) indicated in any design plan submitted to the Certifying Authority for the purposes of obtaining a Construction Certificate.
- (5) **Turning Facilities** – All turning and manoeuvring facilities, including turning heads, cul-de-sac, etc, shall be designed in accordance with the current edition of AS 2890.2 and in accordance with Camden Council's current Engineering Specifications.
- (6) **Traffic Management Plan** – A Construction Traffic Management Plan is required in accordance with Camden Council's current Engineering Design Specifications.
- (7) **Public Risk Insurance Policy** - Prior to the issue of the Construction Certificate, the owner or contractor is to take out a Public Risk Insurance Policy in accordance with Camden Council's current Engineering Design Specifications.
- (8) **Connection to Existing Public Roads** - The proposed road construction must connect with the existing public roads. The connection at such locations must be carried out in accordance with the provisions and requirements of Camden Council's issued Public Road Activity (Road works) approval. Further, all such

work must be completed to the satisfaction of the Roads Authority, Camden Council, prior to the issue of any Subdivision Certificate.

- (9) **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.
- (10) **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.
- (11) **Stormwater Disposal** - Stormwater run-off from the whole development must be properly collected and discharged to the Council drainage system. Surface discharge across the footpath to the road gutter is not permitted. Provision must be made to cater for existing stormwater overland flow from adjoining properties.
- (12) **Stormwater Detention** - The capacity of the existing stormwater drainage system must be checked to ensure its capability of accepting the additional run-off from this development. If necessary, an on-site detention system must be provided to restrict stormwater discharges from the site to pre-development flows in accordance with Camden Council's current Engineering Design Specifications.

On completion of the on-site detention system, Works-as-Executed plans are to be prepared by a registered surveyor or the design engineer and submitted to the Principal Certifying Authority. If Camden Council is not the Principal Certifying Authority, a copy is to be submitted to the Council prior to the issue of the Occupation Certificate. The plans are to be certified by the designer and are to clearly make reference to:

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

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

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

- (a) view the state of repair of the basin;
- (b) to execute any work required to remedy a breach of the terms of this covenant if the proprietor has not within fourteen (14) days of the date of

receipt by the proprietor of written notice from the Council, requiring remedy of a breach of the terms of this covenant, taken steps to remedy the breach and without prejudice to the Council's other remedies the Council may recover as a liquidated debt the cost of such remedial work from the proprietor forthwith upon demand.

Restriction as to user indicating that the on-site detention basin must not be altered, or removed in part, or structures erected thereon without the prior consent of Council.

- (13) **Protection for Existing Trees and Other Landscape Features On-site** - The protection of existing trees and other landscape features, other than any existing trees and natural landscape features authorised for removal, pruning, impact upon or disturbance by this Consent, must be carried out as specified in the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

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

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.

- (14) **Waterfront Construction Works** - A Construction Certificate 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 (ie, Camden Council).
- (15) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety, and to minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS 1742.3 1985 and to the requirements and approval of Council (and the RMS). Plans and proposals must be approved by Council (and the RMS) prior to the Construction Certificate being issued.
- (16) **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.
- (17) **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.
- (18) **Design of the Permanent Water Quality Facility** - The design of the water quality facility must be prepared in accordance with the requirements of Council's Engineering Design Specification.
- The design must be certified by an accredited certifier with Civil Engineering accreditation and must be submitted to the Certifying Authority for inclusion in any application for a Construction Certificate.
- (19) **Flood Line Identification** - The 1:20 year (5% AEO) and 1:100 year flood line (1% AEP) must be marked on the plan of subdivision.
- (20) **Structural Engineer's Certificate** - A certificate must be prepared by a practising structural engineer and must be submitted to Council attesting that the bridge design is capable of withstanding the effects of water and water pressure due to flooding. The bridge design must be legal, permanent, fail safe and maintenance free. The certificate must be submitted to Council prior to the Construction Certificate being issued.
- (21) **Flood Risk Management Policy** – The development must comply with Camden Council's Flood Risk Management Policy prior to a construction certificate being issued.
- (22) **Water Quality Devices** – Provision of gross pollutant traps acceptable to Council are required prior to discharge into any receiving system. Gross pollutant traps are to be located within the proposed public road.
- (23) **Detailed Landscaping Plans** - Prior to the issue of a Construction Certificate, detailed Landscaping Plans prepared by a qualified Landscape Architect or qualified Landscape Designer, must be submitted with the Construction Certificate application in accordance with Camden Council's current Engineering Design Specifications.

The detailed Landscaping Plans must supply sufficient information in regards to (but not limited to):

- (1) Street trees (including the site's Camden Valley Way frontage):
- (a) ensure that the necessary street tree installation and proposed establishment maintenance details are clearly shown in the Landscaping Plans;
- (b) that the street trees have well constructed tree guard protection installed. A minimum requirement is the installation of at least 3 bollards per street tree. The bollards are to be installed approximately 1m from the main stem of the tree. The bollards are to be sourced in minimum 1.8m length, which will allow for



- 1.2m above ground exposure and .6m buried support. The bollards are to be timber (or other acceptable composite material) and a minimum 150mm x 150mm width. Timber bollards are to be a durability minimum of H4 CCA;
- (c) that Eucalyptus, Angophora and Araucaria trees are not to be used in any median or nature strip roadside planting; and
- (d) all street planting along the site's Camden Valley Way frontage must be appropriate spaced to minimise the impact upon existing view lines and corridors to Yamba cottage from Camden Valley Way. The proposed species of trees must be agreed to by Council prior to the finalisation of the landscape plan.
- (2) The detailed Landscaping Plans must mirror and be consistent with the approved Concept Landscaping Plans.
- (3) The detailed Landscaping Plans lodged for the issue of the Construction Certificate must include a planting schedule. The planting schedule must clearly detail the positioning, species by botanical and common names, quantities, planting sizes and the estimated size of the plant at approximately 20 years maturity. The planting schedule must also clearly show the proposed establishment and maintenance programme to be applied to the installed landscaping.
- (24) **Endeavour Energy Approval** – Prior to the issue of a Construction Certificate, the following information must be submitted to and approved in writing by Endeavour Energy:
- (a) A Centreline Profile Survey to be submitted so that an assessment can be carried out to ensure that statutory clearance is maintained within the easement. This is to include:
- lot and DP number of the block;
  - date, time and temperature at the time each reading is taken;
  - total length of each span;
  - pole/structure numbers; and
  - existing RL at the base of each structure.
- (b) A survey:
- in AutoCAD 2006 format;
  - have a vertical exaggerated scale of 10:1, e.g horizontal scale 1:1000, and vertical scale 1:100 or HOR-1:500 vertical 1:50; and
  - information on the paper size that the drawing needs to be printed at for the scale to be correct, for example HOR 1:1000 Vert 1:100 when printed on A2.
- (c) A long section drawing showing existing and proposed levels throughout the easement through the proposed reserve will be required to be submitted

- (d) The detail of any proposed service crossing within the easement area is required.
- (e) A landscape schedule is to be submitted for the area affected by the easement.
- (f) On the conductor close to the ground a reading is required every 10m of the existing RL (ground Level) for the entire span.

Other information may be required where the structures are strained or change of direction or on pole lines. Please contact Endeavour Energy for further information.

- (25) **Sewage Management System Diagram** - The applicant shall provide to Council a scaled diagram accurately plotting the position of the on site sewage management system (including tanks and disposal area) currently servicing the 3 existing dwellings located with proposed allotments 1, 9 and 10.

### 3.0 - Prior To Works Commencing

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

- (1) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point
- (2) **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.

Provide a stabilised entry/exit point. The access should be a minimum of 2.5m wide and extend from the kerb to the building line. The access should consist of aggregate at 30-40mm in size.

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

- (3) **Hoardings and Security Fencing** - The site must be enclosed with a suitable temporary hoarding or security fence of a type approved by Camden Council.

No site or demolition works must commence before the hoarding or fence is erected. Public thoroughfares must also not be obstructed in any manner whatsoever during demolition works.

All demolition works must comply with the requirements of AS2601:2001 - Demolition of Structures.

- (4) **Signs to be Erected on 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 demolition work is being carried out.

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

Clause 327 of the Occupational Health and Safety Regulation 2001 must also be complied with.

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

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

#### 4.0 - During Construction

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

- (1) **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, access ways, aprons, pathways and footways, vehicle crossings, dish crossings and pathway steps;
  - (d) proof roller test of sub grade and sub-base;
  - (e) roller test of completed pavement prior to placement of wearing course;
  - (f) prior to backfilling public utility crossings in road reserves;
  - (g) prior to placement of asphaltic concrete;

- (h) final inspection after all works are completed and "Work As Executed" plans, including work on public land, have been submitted to Council.

Where Council is not nominated as the Principal Certifying Authority, documentary evidence in the form of Compliance Certificates stating that all work has been carried out in accordance with Camden Council's Development Control Plan 2011 and Engineering Specifications must be submitted to Council prior to the issue of the Subdivision/Occupation Certificate.

- (2) **Construction** – All roads, infrastructure and landscaping shall be constructed in accordance with the Salinity Management Measures outlined in Report titles "Phase 1-4 Salinity Assessment prepared by Aargus dated 18 April 2011 Ref: ES4151/2 and addendum letter dated 31 August 2011.
- (3) **Fill Material** - Importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

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

\*For "Virgin Excavated Natural Material (VENM)":-

- (i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
- (ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".
- (d) confirm that the fill material:
- (i) provides no unacceptable risk to human health and the environment;
- (ii) is free of contaminants;
- (iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
- (iv) is suitable for its intended purpose and land use, and
- (v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes: -

- (e) less than 6000m<sup>3</sup> - 3 sampling locations,

- (f) greater than 6000m<sup>3</sup> - 3 sampling locations with 1 extra location for each additional 2000m<sup>3</sup> or part thereof.

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

Sampling of VENM for Contamination and Salinity should be undertaken in accordance with the following table:

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m <sup>3</sup> )
Virgin Excavated Natural Material	1 <i>(see Note 1)</i>	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) **Construction Noise Levels** – Noise levels emitted during construction 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 the following:

*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 back ground level by more than 10dB(A).

*1. 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).

- (5) **Compaction (Roads)** - All filling on roadways must be compacted in accordance with Camden Council's current Engineering Construction Specifications.
- (6) **Survey Marks** - Permanent Survey co-ordination marks must be placed within the subdivision in accordance with the Surveyors Act and Regulations.
- (7) **Compaction (Allotments)** - Those proposed allotments which are subject to filling must be compacted in accordance with Camden Council's current Engineering Construction Specifications. The applicant's Geotechnical Engineer must supervise the placing of fill material and certify that the work has been carried out to level 1 responsibility in accordance with Appendix B of AS 3798-1990.
- (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:

- (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.
- (9) **Liquid Wastes** - All liquid wastes other than stormwater generated on the site must be discharged to the sewer in accordance with the requirements of Sydney Water.
- (10) **Street Trees, their Tree Root Barrier Guards, Protective Guards and Bollards** – During any earthworks and development works relating to this Consent, the Applicant is advised:
- (a) That any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred.
  - (b) Any repairs, relocations, reinstallations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing root guard barriers, are to be completed with the same type, species, plant maturity, materials and initial installation standards and the works and successful establishment of the trees carried out prior to the issue of the Subdivision Certificate.
  - (c) An inspection must be arranged with Council's Landscape Development Officer, to determine that the street trees and any protective or installation measures have been restored correctly and some degree of reestablishment has occurred.
  - (d) The inspection must occur prior to the issue of the Subdivision Certificate.
- (11) **Soil Classification** - A geotechnical report must be submitted detailing the classification of soil type generally found within the subdivision. A general classification for each lot within the subdivision must be provided and such classifications must be made by a Geotechnical Engineer in accordance with the provisions of SAA AS 2870 "Residential Slabs and Footings". The classification reports must be submitted to Council prior to release of the Subdivision Certificate.
- (12) **Removal Of Waste Materials** - where there is a need to remove any identified materials from the site that contains fill, 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](http://www.environment.nsw.gov.au/waste/envguidlns/index.htm)). Once assessed the materials will be required to be disposed to a licenced waste facility suitable for the classification of the waste with copies of tipping dockets supplied to Council.

- (13) **Protect Existing Vegetation and Natural Landscape Features** - Approval must be sought from Council prior to the removal, pruning, impact upon or any disturbance of the existing vegetation and natural landscape features, other than any existing vegetation and/or natural landscape feature authorised for removal, pruning, impact upon or disturbance by this Consent.

The following procedures shall be strictly observed:

- (a) no additional works or access/parking routes, transecting the protected vegetation shall be undertaken without Council approval,
  - (b) pedestrian and vehicular access within and through the protected vegetation shall be restricted to Council approved access routes.
- (14) **Protection for Existing Trees and Other Landscape Features On-site** - The protection of existing trees and other landscape features, other than any existing trees and natural landscape features authorised for removal, pruning, impact upon or disturbance by this Consent, must be carried out as specified in the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

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

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.

## 5.0 - Subdivision Certificate

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

- (1) **Maintenance Bond** - A maintenance bond in the form of an unconditional bank guarantee or cash bond, being 10% of the value of civil works, must be lodged with Council prior to the 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 (12) twelve months or such longer period as determined by Council's engineer, and shall commence on the date of release of the linen plan in the case of subdivision works, or the date of the issue of the compliance certificate in the case of development works.

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

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

(2) **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 from Council upon request, a template and requirements for asset data collection.

(3) **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:

(a) Lot numbers:

(i) White number on **Blue** background located on the prolongation of both common boundaries of each lot..

(b) Street names:

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

(4) **Works as Executed Plan - Prior to the issue of any Subdivision Certificate**, a works-as-executed plan in both hard copy and electronic form (.dwg files or equivalent) in accordance with Camden Council's current Engineering Construction Specifications must be provided.

(5) **Stormwater Destination** – Prior to the issue of the Subdivision Certificate, Pit lintels must be labelled with permanent stencilled signs in accordance with Camden Council's current Engineering Design Specifications.

(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 s.73 of the *Sydney Water Act 1994* stating that both water and sewerage facilities (where such sewerage facility connections are available) are available to each allotment;

2. Application for such a certificate must be made through an authorised Water Servicing Co-ordinator.

(b) a Notification of Arrangements from Endeavour Energy; and

(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/development.

- (7) **Show Easements on the Plan of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.
- (8) **Show Restrictions on the Plan of Subdivision** - The developer must acknowledge all existing restrictions on the use of the land on the final plan of subdivision.
- (9) **Plot Watercourses** - The developer must chart the natural watercourse on the subdivision.
- (10) **Plot Piped Watercourse** - The developer must chart the piped natural watercourse on the plan of subdivision.
- (11) **Section 88b Instrument** - The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user:
  - (a) Easement for services.
  - (b) Easement to drain water.
  - (c) Drainage easement over overland flow paths.
  - 
  - (d) Easement for on-site-Detention.
  - (e) Easement for water quality.
  - (f) Reciprocal right of carriageway. The owners of the subject properties burdened by the Right-Of-Way shall be responsible for on-going maintenance and the Public Liability of the Right-Of-Way.
  - (g) Restricted building zone over the 1% flood inundation area of the natural watercourse which prohibits the erection of structures, including fences, the placement of fill and the planting of trees.
  - (h) Restriction as to user defining minimum floor levels for any lots which have any part of the lot below the 1% AEP flood level. The developer must provide the 1% AEP and 5% AEP flood profile of the natural watercourse with superimposed lot boundary location.
  - (i) Restriction as to user over all lots which stipulates that footings must be designed by a suitably qualified civil and/or structural engineer.
  - (j) Restriction as to user over sub-surface drainage pipes contained within the building area of allotments.
  - (k) Restriction as to user over any lots adjacent to a public reserve stipulating dividing fence type.
  - (l) Restriction as to user detailing that no person must alter, remove or destroy any soil, planting or any part of the fence which forms part of the

acoustic barrier without the prior approval of the Consent Authority (ie 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 owner.

- (m) 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.
- (n) 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.
- (o) Restriction as to user indicating that no buildings must be permitted outside the boundaries of the building envelopes as shown on the approved plans.
- (p) Restriction as to user on lots 2, 3, 4 and 5 specifying that any dwellings on these lots must comply with the Acoustic Assessment Road Traffic Noise for Lot 3 Camden Valley Way, Kirkham prepared by Koikas Acoustics, dated 22 November 2011, ref R221111mf2028Kirkhamv3.docx. Compliance with this assessment and DECC's Environmental Criteria for Road Traffic Noise must be demonstrated for each dwelling application.
- (q) Restriction as to user specifying that all bedrooms for each dwelling shall be orientated away from the noise exposed facades, ie. the façade that directly faces to road traffic noise.
- (r) Restriction as to user on lots 2, 3, 4, 5, 6 and 7 specifying that the design of any dwellings on these lots must comply with Camden DCP 2011, the Voluntary Planning Agreement and the Conservation Management Plan for the Yamba site.

**The following restrictions must only be created where the development is not serviced by Sydney Water sewer**

- (s) Restriction as to user on all lots specifying that:
  - (a) All applicable approvals must be sought from Council prior to the installation of any on site sewage management facility at the premises. This includes but is not limited to approvals under section 68 of the Local Government Act 1993 for the installation/construction/alteration of sewage management facilities and the operation of sewage management facilities.
  - (b) An aerated wastewater treatment system that is accredited by the NSW Department of Health shall be provided for the treatment of wastewater generated from each allotment.
  - (c) Flooding:

- i. 1% AEP (1:100yr) flood contours: The on-site sewage management facility (tanks) shall be located above the 1:100yr flood contour line (the tank shall be located on flood free land);
    - ii. 5% AEP (1:20) Flood Contours: No portion of the related effluent application area is permitted to be located below the 5% AEP (1:20) flood contour.
  - (d) Dwelling location and additional site intensification may be restricted by effluent disposal requirements for each allotment
- (t) Restriction as to user on lots 1 and 10 specifying that the existing on-site sewage management system including all drainage, tanks and disposal area shall:
  - a. be located wholly within the boundary's of the allotment;
  - b. demonstrate compliance with the required buffer distances detailed within Camden Council's Sewage Management Strategy;
  - c. be operating in a satisfactory manner

Where the existing on-site sewage management system cannot demonstrate compliance with a., b. and c., application shall be made to Council for approval for a replacement system and/or disposal area.

Where a replacement system is required for Lot 1 and or Lot 10, compliance with Camden Council's Sewage Management Strategy shall be demonstrated

- (u) Restriction as to user on lots 2 and 3 specifying that the total area required for the disposal of effluent for lots 2 and 3 shall consist of:
  - a. a primary area 583m<sup>2</sup> in size of subsurface drip irrigation;
  - b. a further 291m<sup>2</sup> reserve area.

Location and design of the effluent disposal area shall comply with all buffer distances detailed in Camden Council's Sewage Management Strategy.

Dwelling construction will be restricted to a maximum of 3 bedrooms with a maximum occupancy of 5 persons. Any proposed dwelling greater than 3 bedrooms or with an occupancy greater than 5 persons, or any proposed on-site system of sewage management other than an AWTS with sub-surface drip irrigation, may be considered where compliance with Camden Council's Sewage Management Strategy can be demonstrated.

- (v) Restriction as to user on lots 4 and 5 specifying that the total area required for the disposal of effluent for lots 4 and 5 shall consist of:
  - a. a primary area 700m<sup>2</sup> in size of subsurface drip irrigation;
  - b. a further 350m<sup>2</sup> reserve area.

Location and design of the effluent disposal area shall comply with all buffer distances detailed in Camden Council's Sewage Management Strategy.

Dwelling construction will be restricted to a maximum of 4 bedrooms with a maximum occupancy of 6 persons. Any proposed dwelling greater than 4 bedrooms or with an occupancy greater than 6 persons, or any proposed on-site system of sewage management other than an AWTs with sub-surface drip irrigation, may be considered where compliance with Camden Council's Sewage Management Strategy can be demonstrated.

- (w) Restriction as to user on lots 6 and 7 specifying that the total area required for the disposal of effluent for lots 6 and 7 shall consist of:
- a. a primary area 600m<sup>2</sup> in size of subsurface drip irrigation;
  - b. a further 300m<sup>2</sup> reserve area.

Location and design of the effluent disposal area shall comply with all buffer distances detailed in Camden Council's Sewage Management Strategy.

Dwelling construction will be restricted to a maximum of 4 bedrooms with a maximum occupancy of 6 persons. Any proposed dwelling greater than 4 bedrooms or with an occupancy greater than 6 persons, or any proposed on-site system of sewage management other than an AWTs with sub-surface drip irrigation, may be considered where compliance with Camden Council's Sewage Management Strategy can be demonstrated.

- (x) Restriction as to user on lot 7 specifying that:
- (a) approval from the Office of Water shall be obtained for works within 40m of the proposed drainage reserve. In the event that such approval is not granted for on-site wastewater disposal, the allotment will be required to be serviced by a pump-out system;
  - (b) a minimum of a 20m buffer shall be provided between the drainage reserve and effluent disposal area. Boundary buffer plantings may be conditioned at time of section 68 Application.
- (y) Restriction as to user on lot 9 specifying that all dwellings (including units) located within this allotment shall be connected to Sydney Water sewerage mains infrastructure.
- (z) Restriction to user on all lots specifying that where an allotment is unable to connect via a gravity line to Sydney Water sewerage mains infrastructure, all applicable approvals must be sought from Council prior to the installation of any pump-to-sewer sewage management facility at the premises. This includes but is not limited to approvals under section 68 of the Local Government Act 1993 for the installation/construction/alteration of sewage management facilities and the operation of sewage management facilities.

(12) **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 80% of the lots have been issued.

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

- (13) **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.
- (14) **Street Lighting** - Street lighting must be provided within the subdivision in accordance with the relevant Australian standards, Endeavour Energy approval and the satisfaction of the Principal Certifying Authority. All such work must be complete and operative prior to the issue of the Subdivision Certificate.
- (15) **Burdened Lots to be Identified** - Any lots subsequently identified during construction of the subdivision as requiring restrictions must also be suitably burdened.
- (16) **Permanent Water Quality Facility Operation, Maintenance and Monitoring Manual/s** - Prior to the issue of any Subdivision Certificate, Operation and Maintenance and Monitoring Manual/s for the permanent water quality facilities must be submitted to the Principal Certifying Authority for approval.

The manuals must be prepared by a suitably qualified professional in accordance with the requirements of the water quality criteria contained within the approved Water Cycle Master Plan and must provide detailed information regarding the following:

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

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".

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.

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

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

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

- (17) **Section 94 Contributions** - Pursuant to **Contributions Plan No 20** adopted in October 1996, a contribution must be paid to Council of \$22.00 per additional lot or dwelling, total \$176.00, for **Fire and Other Emergency Facilities and Equipment**.

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

- (18) **Section 94 Contributions** - Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$7,000.00 per additional lot or dwelling, total \$56,000.00, for **Community 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 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 issue of a Subdivision Certificate**.

- (19) **Section 94 Contributions** - Pursuant to **Camden Contributions Plan** amended July 2004, a contribution must be paid to Council of \$311.00 per additional lot or dwelling, total \$2,488.00, 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 the issue of a Subdivision Certificate**.

- (20) **Section 94 Contributions** - Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be made to Council of 112.84m<sup>2</sup> per additional lot or dwelling, total 902.72m<sup>2</sup>, for **s.94 Open Space Land Acquisition** and 3.68m<sup>2</sup> per additional lot or dwelling, total 29.44m<sup>2</sup>, 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 \$12,667.00 per additional lot or dwelling, total \$101,336.00.

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

- (21) **Voluntary Planning Agreement (VPA)** - The applicant must lodge a Construction Certificate for the upgrading of Yamba Cottage and the Workers Cottage, and the construction of the internal access road prior to making an application for a Subdivision Certificate for the residential lots in accordance with clause 7 of the Yamba Cottage Planning Agreement made between Camden Council and Joseph Mourshed dated 23 June 2009.
- (22) **Decommissioning of Existing On-site Sewage Management System(s)** – Where no connection to Sydney Water sewer is available, the septic tank/AWTS and associated drainage on all lots shall be decommissioned in accordance with the following:
- (i) the septic tank/holding well/aerated wastewater treatment system tank(s) shall be emptied by a licensed liquid wastewater contractor and the contents disposed of at an approved wastewater depot. A copy of the receipt is to be submitted to Council;
  - (ii) the sides, lid, baffle (if fitted) and square junctions of the tank should be hosed down as the waste is being removed;
  - (iii) the inlets and outlets should be plugged and the tank should then be filled with clean water and disinfected to a minimum level of 5mg/l of free residual chlorine, with a one half hour contact time. The lid should be exposed to the chlorine solution. The chlorine should be allowed to dissipate naturally and not be neutralised. The contents of the tank/ and or well shall than be emptied by a licensed liquid wastewater contractor;
  - (iv) the septic tank and any associated drainage and disposal field shall be removed and disposed of at a suitably licensed landfill site;
  - (v) materials and drainage pipes used in the construction and connection of the existing redundant transpiration beds/ absorption trenches shall be removed and disposed of at a suitably licensed landfill site (ie aggregates, rubble, sand, concrete slabs and the like). The transpiration beds/absorption trenches are to be backfilled with clean filling material and finished to the surrounding ground level;
  - (vi) receipts for the disposal of the tank and associated drainage shall be submitted to Council;
  - (vii) the excavation from the removal of the tank(s) shall be filled with VENM of a similar soil consistency of the surrounding soil type.
- (23) **Decommissioning of Existing On-site Sewage Management System(s)** - Where connection to Sydney Water sewage infrastructure is not available for all allotments, the septic tank/AWTS and associated drainage servicing the brick residence located between Lot 8 & 9 (and potentially system servicing 2 other dwellings) shall be decommissioned in accordance with the following:

- (i) The septic tank/holding well/Aerated wastewater treatment system tank(s) shall be emptied by a licensed liquid wastewater contractor and the contents disposed of at an approved wastewater depot. A copy of the receipt is to be submitted to Council,
- (ii) The sides, lid, baffle (if fitted) and square junctions of the tank should be hosed down as the waste is being removed,
- (iii) The inlets and outlets should be plugged and the tank should then be filled with clean water and disinfected to a minimum level of 5mg/l of free residual chlorine, with a one half hour contact time. The lid should be exposed to the chlorine solution. The chlorine should be allowed to dissipate naturally and not be neutralised. The contents of the tank/ and or well shall than be emptied by a licensed liquid wastewater contractor.
- (iv) The septic tank and any associated drainage and disposal field shall be removed and disposed of at a suitably licensed landfill site.
- (v) Materials and drainage pipes used in the construction and connection of the existing redundant transpiration beds/ absorption trenches/ irrigation systems shall be removed and disposed of at a suitably licensed landfill site. (ie aggregates, rubble, sand, concrete slabs and the like) The transpiration beds/ absorption trenches are to be backfilled with clean filling material and finished to the surrounding ground level.
- (vi) Receipts for the disposal of the tank and associated drainage shall be submitted to council.
- (vii) The excavation from the removal of the tank(s) shall be filled with VENM of a similar soil consistency of the surrounding soil type.

**END OF CONDITIONS**

**RECOMMENDED**

**That Council approve Development Application 290/2011 for a subdivision to create 10 lots, construction of a new road, drainage, services and landscaping at No 181 (Lot 101, DP 1143373) Camden Valley Way, Kirkham, subject to the draft development consent conditions shown above.**

**ATTACHMENTS**

1. Yamba Indicative Master Plan
2. Location map
3. Proposed Plans
4. Submission - *Supporting Document*



ORD04

Attachment 1

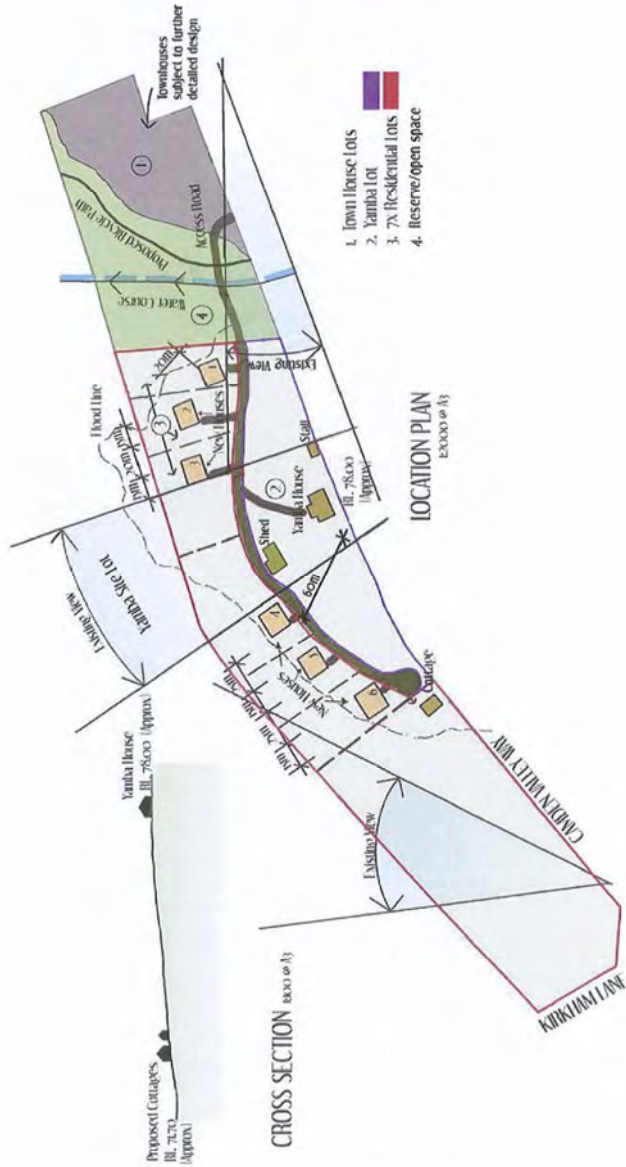
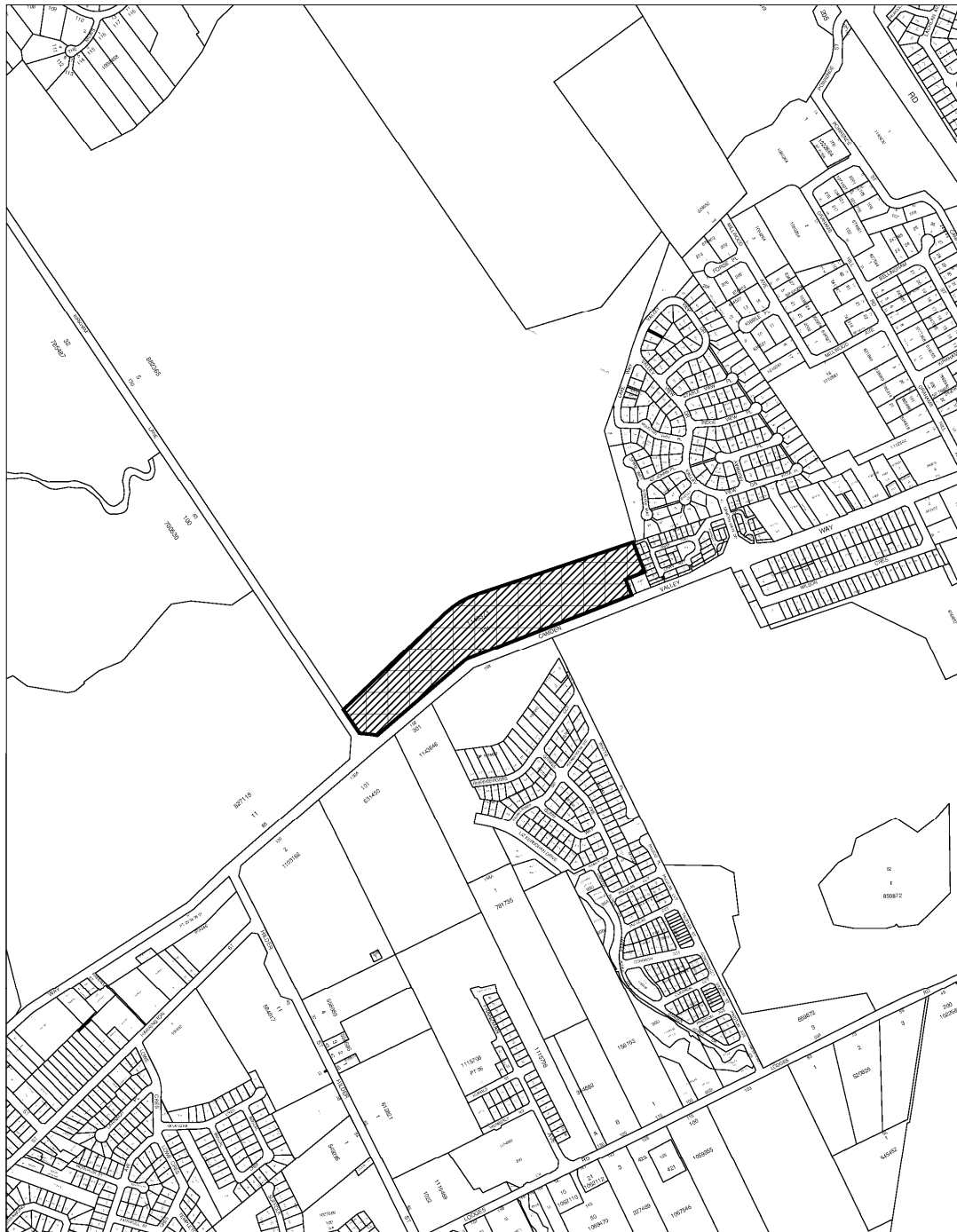
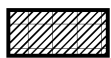


Figure C6 Yamba Indicative Master Plan



# SITE LOCATION MAP

181 Camden Valley Way  
Kirkham  
DA 290/2011



Subject Site

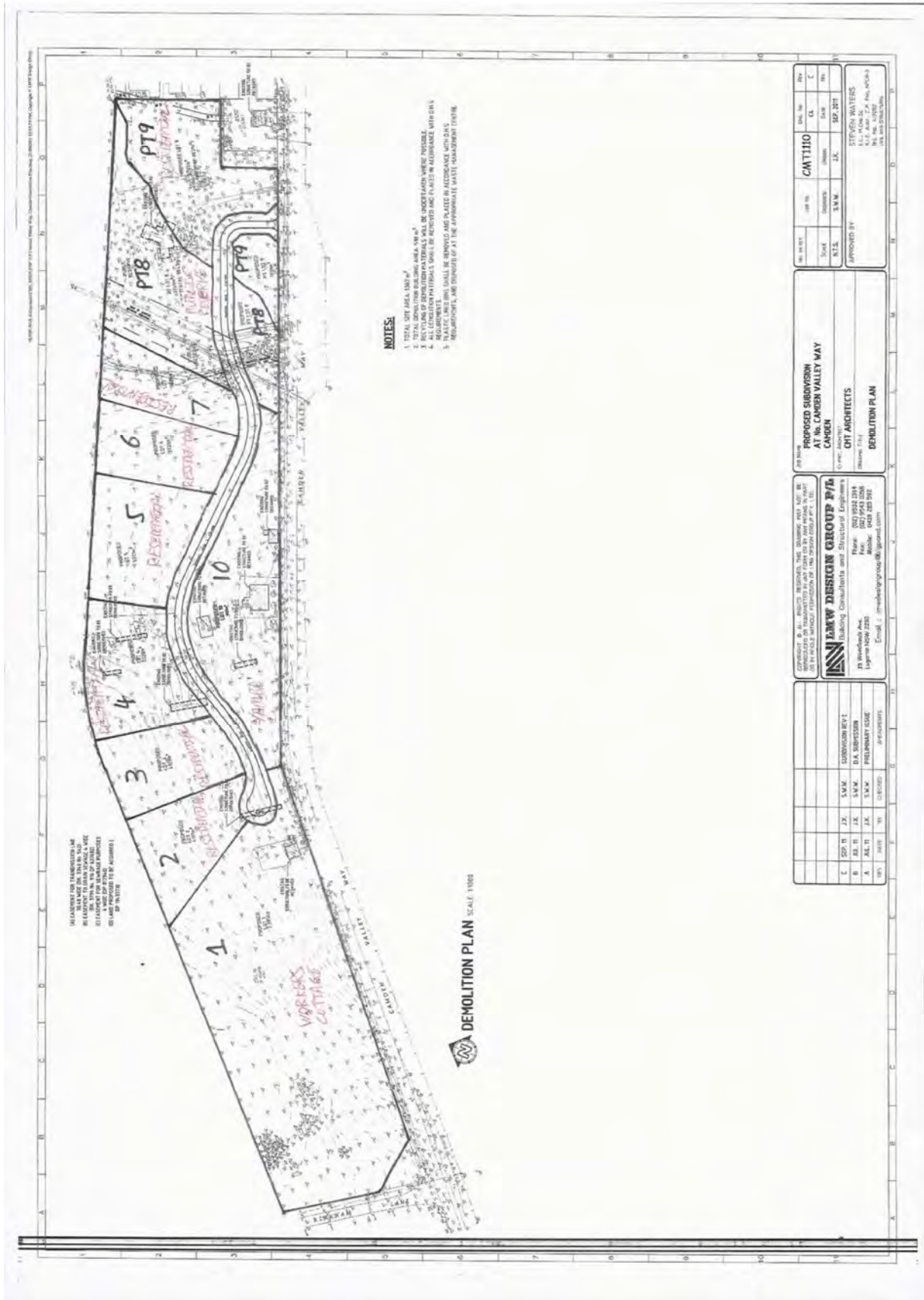
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ORD04

Attachment 2

ORD04

Attachment 3





## ORDINARY COUNCIL

ORD05

ORD05

**SUBJECT:** TWO LOT SUBDIVISION AT NO 120 (LOT 106, DP 27602) CATHERINE FIELDS ROAD, CATHERINE FIELD  
**FROM:** Director, Development and Health  
**BINDER:** DA 1160/2011

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### PURPOSE OF REPORT

The purpose of this report is for Council to consider draft Conditions of Consent and determine a Development Application (DA) for a two lot subdivision at 120 Catherine Fields Road, Catherine Field.

The application is referred to Council following a previous resolution at the Ordinary Council meeting of 13 December 2011. At this meeting Council resolved to approve the application in principle and that it be brought back for final determination at a subsequent Council meeting.

### BACKGROUND

At the Council meeting of 13 December 2011 Council considered a report recommending that a DA for a two lot subdivision at 120 Catherine Fields Road, Catherine Field be refused.

At the meeting Council resolved that:

*“Council approve in principle Development Application 1160/2011 for a two lot subdivision at 120 (Lot 106, DP 27602) Catherine Fields Road, Catherine Field with draft Conditions of Consent to be considered at the next available Council meeting. The Conditions shall include a notation on the 149(5) Certificate advising future owners that the lots may experience agricultural odour and an advice note requiring any future rental tenants that the lots may experience agricultural odour.”*

Following the above resolution, Council staff have formulated appropriate development consent conditions.

### MAIN REPORT

As per Council's resolution, a condition has been included that requires a notation to be included on the 149(5) Certificates that advises futures owners and rental tenants that the lots may experience agricultural odour.

### CONCLUSION

At the Council meeting of 13 December 2011 Councillors approved in principle a two lot subdivision at No 120 Catherine Fields Road, Catherine Field. Council also resolved that development consent conditions be considered at the next available Council meeting.

The draft Development Consent Conditions recommended below are provided for Council's consideration and determination.

## **DRAFT CONDITIONS OF CONSENT**

### **1.0 General Requirements**

The following Conditions of Consent are general conditions applying to the development.

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

<b>Plan/Development No.</b>	<b>Description</b>	<b>Prepared by</b>	<b>Dated</b>
Drawing No 001	Subdivision Plan	JMD Development Consultants	18 September 2009

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

- (2) **On Site Sewage Management System** – Where any part of the existing OSSM installation is not wholly located within the boundaries of proposed Lot 2 as specified above:
- (a) The proposed boundaries are to be altered to accommodate the existing installation and all relevant buffers in accordance with Council's Sewage Management Strategy; or
  - (b) An Application to Alter the existing system shall be lodged with Council under the provisions of s.68 of the *Local Government Act* to facilitate the relocation and reinstallation of the system wholly within the boundaries of proposed Lot 2. The application shall observe all the requirements of Council's Sewage Management Strategy.

All works necessary to ensure the location of the existing OSSM servicing the rear residence is wholly contained within proposed Lot 2 shall be subject to written approval of Camden Council and shall be completed prior to issuing of any Subdivision Certificate for the proposed development.

### **3.0 Subdivision Certificate**

- (1) **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 s.73 of the *Sydney Water Act 1994* stating that water facilities are available to each allotment;  
  
Application for such a certificate must be made through an authorised Water Servicing Coordinator.
  - (b) a Notification of Arrangements from Endeavour 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/development.
- (2) **Show Easements on the Plan of Subdivision** – The developer must acknowledge all existing easements on the final Plan of Subdivision.
- (3) **Show Restrictions on the Plan of Subdivision** – The developer must acknowledge all existing restrictions on the use of the land on the final Plan of Subdivision.
- (4) **Subdivision Certificate Application** – Prior to lodging of any Subdivision Certificate/Plan of Subdivision with the Department of Lands – Land Property Information for registration, the Subdivision Certificate/Plan of Subdivision must be endorsed by Camden Council. Accordingly, a Subdivision Certificate application must be submitted to Camden Council, together with the following:
- i) the appropriate fee as determined by Council's current Schedule of Fees and Charges,
  - ii) the original of the Plan of Subdivision,
  - iii) ten (10) **paper copies** of the original Plan of Subdivision, suitable for certification by the General Manager of Camden Council,
  - iv) the original instrument pursuant to s.898B of the *Conveyancing Act 1919*,
  - v) all service provision certificates/documents from the relevant service authorities.
  - vi) an electronic version of the proposed Plan of Subdivision in either Document Exchange format (.dxf) or Drawing Format (.dwg) prepared in the following coordinates AGD66.ISG 56/1 for integration into Council's mapping system.
- (5) **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 access ways encroach over the proposed boundaries other than as provided for by easements as created by the final Plan of Subdivision.
- (6) **Section 94 Contributions** – Pursuant to **Contributions Plan No 5** adopted in February 1993, a contribution must be paid to Council of \$11,373.00 for **Trunk Drainage and Water Qualities Facilities**.
- The contribution must be indexed to the Road Cost Index, and **paid prior to the issue of a Subdivision Certificate**.
- (7) **Section 94 Contributions** – Pursuant to **Contributions Plan No 20** adopted in October 1996, a contribution must be paid to Council of \$20.00 per additional lot or dwelling, total \$20.00, for **Fire and Other Emergency Facilities and Equipment**.

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

- (8) **Section 94 Contributions** – Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$5,686.00 per additional lot or dwelling, total \$5,686.00, for **Community Facilities**.

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

The monetary contribution 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 issue of a Subdivision Certificate**.

- (9) **Section 94 Contributions** – Pursuant to **Camden Contributions Plan** amended July 2004, a contribution must be paid to Council of \$277.00 per additional lot or dwelling, total \$277.00, 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 the issue of the Subdivision Certificate**.

- (10) **Section 94 Contributions** – Pursuant to **Camden Contributions Plan** amended July 2004, a contribution must be paid to Council of \$2,644.00 per additional lot or dwelling, total \$2,644.00, 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 the issue of the Subdivision Certificate**.

- (11) **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.

- (12) **Soil Erosion and Sediment Control Plans** – Soil Erosion and Sediment Control Plans must be designed and installed in accordance with Camden Council's current Engineering Design Specifications.

- (13) **Services** –

(a) All services within the subdivision shall be underground. All service connections to existing works in Council's Road Reserve requires a Public Road Activity approval from Council.

(b) Connections to existing works within a public reserve or drainage reserve will require owner's permission (i.e. Camden Council),

- (14) **Notation of s149(5) Certificate** – Immediately following registration of the proposed lots, a notation must be placed on the s149(5) Certificates for both lots advising future owners and rental tenants that the lots may experience agricultural odour.

**END OF CONDITIONS**



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**RECOMMENDED**

**That Council approve Development Application 1160/2011 for a two lot subdivision at No 120 (Lot 106, DP 27602) Catherine Fields Road, Catherine Field, subject to the draft Development Consent Conditions shown above.**

**ORD05**





ORD06

## ORDINARY COUNCIL

ORD06

**SUBJECT: PARKING OF MOBILE VENDING VAN SELLING SEAFOOD IN A COMMERCIAL CAR PARK AT NO 10 (LOT 4, DP 573446) MURRAY STREET, CAMDEN**

**FROM:** Director, Development and Health

**BINDER:** Development Applications 2011

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**DA NO:** 1364/2011

**OWNER:** Frank Brooking Pty Ltd

**APPLICANT:** Abode Drafting Services Pty Ltd

**ZONING:** B2 Local Centre

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a Development Application (DA) for the parking of a mobile vending van selling seafood in a commercial car park at No 10 Murray Street, Camden. The application is referred to Council in accordance with its delegations as there remain unresolved issues raised in a submission received from the public.

### SUMMARY OF RECOMMENDATION

It is recommended that Council approve this DA subject to the draft Development Consent Conditions provided at the end of this report. These Conditions provide for the development to be approved for a two (2) year period only.

### BACKGROUND

This DA was lodged with Council on 21 November 2011. Whilst the application was not publicly exhibited, as this is not required by Camden Development Control Plan 2011, a submission was received due to alleged unauthorised commencement of the development in the week before Christmas 2011.

The submission has been assessed and the application is now able to be referred to Council for determination.

### THE SITE

This site is located on Murray Street in Camden town centre between Argyle Street and Broughton Street. The site is roughly rectangular in shape, has an area of 362.3m<sup>2</sup>, and contains a commercial building and a small car parking area.

The surrounding area is characterised by a range of commercial uses on both sides of the street.

**A site location map is provided in Attachment 1 at the end of this report.**

### THE PROPOSAL

Development consent is sought for the following development:

1. The parking of a mobile vending van in a small commercial car park to sell seafood on Saturdays, Good Friday and Christmas Eve only.
2. The hours of operation are to be 7.30 am to 4.00 pm.
3. The maximum number of staff to be employed at any one time will be three (3).

The operator of the van runs a seafood business in Wollongong, but will drive to Camden to operate the van on Saturdays, Good Friday and Christmas Eve.

It is recommended that Council approve this DA for a two (2) year period only. The reason for this is to allow Council staff to further assess the van whilst it is operating, and as an additional measure to ensure that it does not have negative impacts upon adjacent properties or the surrounding area in the longer term. Following the expiry of this two (2) year period the applicant must obtain another Development Consent from Council to continue to operate. The applicant has agreed to this two (2) year period.

**A copy of the proposed plans is provided in Attachment 2 at the end of this report.**

#### **NOTIFICATION**

This DA was not publicly notified as this is not required by Camden Development Control Plan 2011. However, a submission was received due to alleged unauthorised commencement of the development in the week before Christmas 2011. The issues raised in this submission are assessed in the “1(d) – Any Submissions” section of this report.

**A copy of the submission is provided with the Business Paper supporting documents.**

#### **PLANNING CONTROLS**

The following are relevant Planning Controls that have been considered in the assessment of this application:

1. Camden Local Environmental Plan 2010
2. Camden Development Control Plan 2011

#### **ASSESSMENT**

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

###### Camden Local Environmental Plan 2010 (LEP)

###### *Permissibility*

The proposed development is defined as a “food and drink premises” by the LEP. This use is permissible with Development Consent in the applicable B2 Local Centre zone.

###### *Zone Objectives*

In terms of the proposed development’s consistency with the zone objectives, the relevant objective of this zone seek to “provide a range of retail, business,

entertainment and community uses that serve the needs of people who live in, work in and visit the local area”.

It is considered that the proposal is generally compliant with this objective. The development is for a retail use that will help serve the needs of people who live in, work in and visit the local area.

#### *Heritage Conservation*

Whilst the land is located within the Camden town centre conservation area, it is considered that there will be no impacts on the environmental heritage as it is a temporary use in relation to the parking of a van.

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

There are no relevant draft Environmental Planning Instruments that are applicable to this site or development.

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

The following parts of Camden Development Control Plan 2011 (DCP) are relevant and the proposal has been assessed against:

##### Part B5.1 – Car Parking

The van is considered to be commercial premises, which requires one (1) off-street car parking space for every 30m<sup>2</sup> of gross floor area. The size of the van does not exceed 30m<sup>2</sup> in area, so therefore only one (1) parking space is required. As the van will be located within an existing small car park, at least one (1) space will be available for use.

It is also noted that the operation of the van will not conflict with the existing business that utilises this car park. This is because the van only operates on Saturdays and around holiday times when the existing business does not operate.

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

There are no relevant Planning Agreements applicable to this site or development.

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

The Regulations do not prescribe any matters that are relevant to the proposed development.

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

The likely impacts of this development include:

##### Wastewater disposal

All waste water is to be disposed off on site into a reticulated sewer system, subject to approval from Sydney Water.

## Odour

It is considered that the use of ice to store and display the fish will ensure that odour levels are kept to a minimum.

All other likely impacts of the proposed development have been assessed elsewhere in this report.

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

This site is considered to be suitable for the proposed development. The development will not result in any unacceptable environmental impacts and is consistent with the objectives of the applicable B2 Local Centre zone. There are no site specific conditions that render this site unsuitable for the proposed development.

### **(1)(d) Any submissions**

This application was not publicly notified as this is not required by Camden Development Control Plan 2011; however a submission has been received due to alleged unauthorised commencement of the development in the week before Christmas 2011. The issues raised in the submission include:

1. The use has been approved by Council.

*Officer comment:*

No Development Consent has been issued for this development. This DA is referred via this report to Council for determination.

2. This will adversely impact on the adjoining commercial premises, and in particular the fish shop.

*Officer comment:*

The proposed use is permissible within the zone, and competition between businesses is not a matter that Councils are obliged to take into consideration in the assessment of the DA.

3. Adjoining premises were not notified of this proposal as has previously occurred in the past.

*Officer comment:*

As per Camden Development Control Plan 2011, the DA was not required to be notified. Notwithstanding, any person can lodge a submission to a DA and Council is required to take into consideration the submission.

### **(1)(e) The Public Interest**

This development is considered to be within the public interest. It represents a retail use of a zoned commercial site that is consistent with the applicable LEP. The development will serve the needs of people who live, work in and visit the local area and will not have any unreasonable environmental impacts upon adjacent properties or the surrounding area. These achievements are considered to be within the public interest.

**CONCLUSION**

Council has received a Development Application for the parking of a mobile vending van selling seafood in a commercial car park at No 10 Murray Street, Camden.

In accordance with the DCP requirements, the application was not publicly notified; however a submission was received and has been considered. The application has been assessed under Section 79C of the *Environmental Planning and Assessment Act 1979*.

Consequently the DA is recommended to Council for approval, subject to the draft Development Consent Conditions shown below.

**DRAFT CONDITIONS OF CONSENT**

**1.0 - General Requirements**

The following Conditions of Consent are general conditions applying to the development.

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the Conditions of this Consent:

Plan Development No.	Description	Prepared by	Dated
6693	Virtu Mobile Food Camden	Abode Drafting	11/11/11

Where there is an inconsistency between the approved plans/documentation and the Conditions of this Consent, the Conditions of this Consent override the approved plans/documentation to the extent of the inconsistency.

- (2) **Food Codes and Regulations Compliance** – The construction and fit out of the premises or any part thereof, to be used for the manufacture, preparation or storage of food for sale, must comply with Camden Council's Food Premises Code, the *Food Act, 2003* and the Food Regulations 2010 (incorporating the Food Standards Code).
- (3) **Sydney Water** – The Sydney Water Trade Water section must be contacted regarding their requirements for a Trade Waste Agreement.

A written response from Sydney Water must be submitted to the Consent Authority (i.e. Camden Council) and all such requirements completed by 29 February 2012.

- (4) **Food Related Areas** – The following is to occur with respect to food related areas in the van:

*Method of Construction*

- i) The fish van must be constructed to minimise contamination of food.
- ii) Flooring must be non-slip, impervious and able to be easily cleaned into a waste water sump.

- iii) Intersections of the floor with walls shall be covered so that the van can be easily cleaned.
- iv) All surfaces are to be constructed of a material which is smooth, impervious and easily cleaned.

*Protection of Food*

- i) All food stored in the van must be in sealed food grade containers and must be stored at least 150mm off the floor of the van.
- ii) A physical barrier must be provided between displayed food and the public. The preferred means of achieving this includes:
  - a) clear plastic/sneeze barriers, or
  - b) sandwich display type counters.
- iii) Potentially hazardous foods (seafood) must be kept, until sold, at temperatures below 5° C.

*Washing Facilities*

- i) A separate hand basin must be provided for washing hands within the fish van. The basin must be:
    - 1) accessible at all times;
    - 2) provided with water at least 40°C from a mixed hot and cold water supply;
    - 3) kept in a clean and sanitary condition and in good repair at all times; and
    - 4) not used for any other purpose other than the washing of hands.
  - ii) Disposable paper towels and liquid soap must be provided adjacent to the hand wash facility.
  - iii) A separate cleaning sink provided with hot and cold running water is to be provided for washing of utensils.
- (5) **Storage Cupboards** – Adequate provision must be made for the storage of cleaning chemicals and staff personal belongings.
- (6) **Light Fittings** – Light fittings must be recessed into the ceiling or flush mounted and edges sealed. They must be enclosed in unbreakable diffusers.
- (7) **Service Pipes** – All service pipes and electrical conduits shall be concealed within the floor, plinths, walls or ceilings.

OR

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

- (8) **Registration and Notification** – Proprietor/s of a business are required to register the business with Camden Council and complete a Food Business Notification Form.

## 2.0 - Operational Conditions

The following Conditions of Consent are operational conditions applying to the development.

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

Saturday:	7.30 am to 4.00 pm
Good Friday:	7.30 am to 4.00 pm
Christmas Eve:	7.30 am to 4.00 pm

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.

- (2) **Time Limit on Use** – The use shall cease after a period of two (2) years from the date of consent. A further application must be lodged not less than three (3) months before the expiration of the consent for Council's consideration and determination.

- (3) **Number of Employees** - The number of employees engaged to work at the premises shall not exceed three (3) at any one time.

- (4) **Car Parking** – The van is to be parked in such as a fashion to ensure that at least one (1) other vehicle can park within the hardstand area at any one time.

- (5) **Clothing** – Persons engaging in any food handling operations must be appropriately attired in clothing and footwear that is clean and relevant to their task.

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

- (7) **Thermometers** – Any appliance used for the storage of hot and cold food must be provided with a probe thermometer accurate to +/-1°C to measure the core temperature of food.

(It is recommended that sterile alcoholic wipes be used to sterilise the probe thermometer between use.)

- (8) **Potable Water** – The fish van must have an adequate supply of potable water for hand washing and utensil clean up.

- (9) **Waste Management** – All waste generated from the use of the site is to be removed from the site to Harbourside Fish Market Pty Limited or such other approved facility for appropriate waste disposal at the conclusion of each day's operations. The cost of disposal is to be borne by the operator and under no circumstances is garbage to be disposed of into public waste bins.

- (10) **Signage** – No signs including A frames, Digital Variable Message Boards, Posters, Banners and the like are to be displayed in a public place.

- (11) **Cleanliness** – The vehicle must at all times be maintained in a satisfactory standard of cleanliness and repair. The vehicle and equipment must be thoroughly cleaned at the conclusion of each day's operations.

- (12) **Parking of Van** – The van must be located wholly within the car park at all times and must not park over Council's footway.

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**END OF CONDITIONS**

**RECOMMENDED**

**That Council approve Development Application 1364/2011 for the parking of a mobile vending van selling seafood in a commercial car park at No 10 (Lot 4, DP 573446) Murray Street, Camden, subject to the draft Development Consent Conditions shown above.**

**ATTACHMENTS**

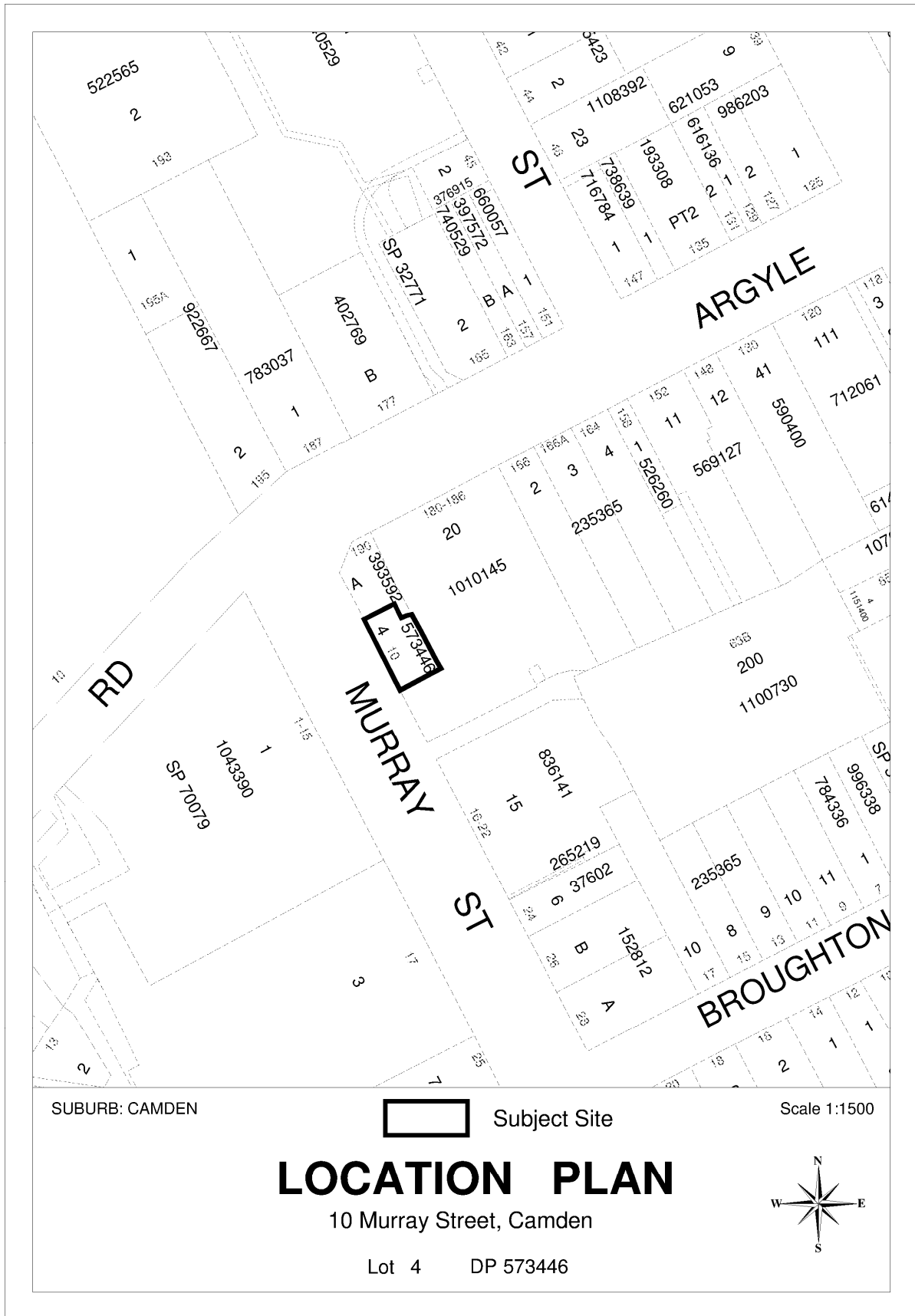
1. Location map
2. Site plan
3. Submission - *Supporting Document*

**ORD06**



ORD06

Attachment 1



SUBURB: CAMDEN



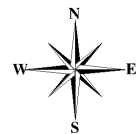
Subject Site

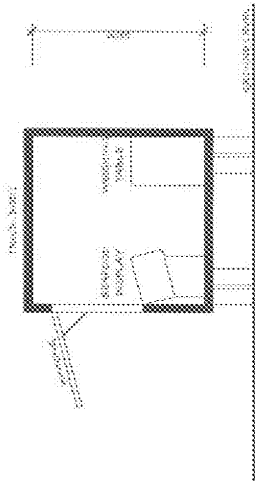
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# LOCATION PLAN

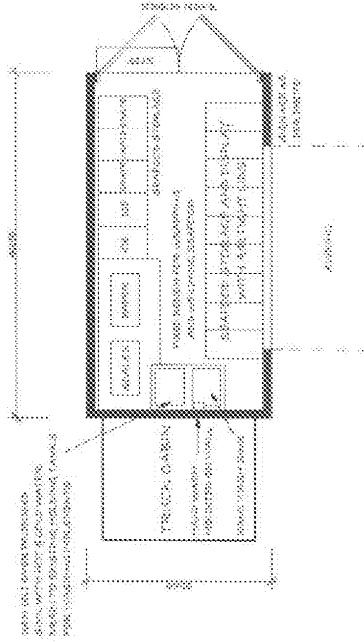
10 Murray Street, Camden

Lot 4 DP 573446

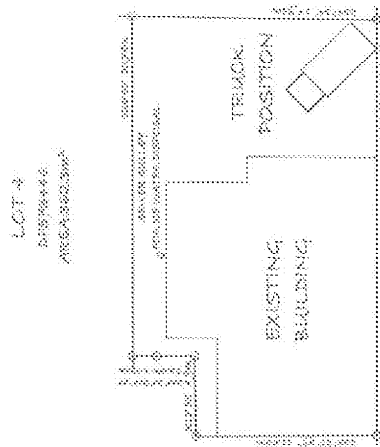




CROSS SECTION THROUGH TRACK  
SCALE 1:200



TRACK FLOOR PLAN  
SCALE 1:200



MURRAY STREET  
SCALE 1:2000

SITE PLAN  
SCALE 1:2000

VIRTU MOBILE FOOD CAMDEN

ABODE CONSULTANTS 1/87 MIDLANDS STREET PERTH 4700045 0815445633448 0815445 15445 15445 15445 15445  
 NABY  
 64-10 MURRAY STREET LOT 4 395758446

PROJECT	DATE	SCALE	REVISION
abode consulting	01	1:200	A



ORD07

## ORDINARY COUNCIL

ORD07

**SUBJECT: CAMDEN JUNIOR AUSTRALIAN FOOTBALL CLUB REQUEST FOR WAIVING OF DEVELOPMENT APPLICATION AND ASSOCIATED FEES**  
**FROM:** Director, Development and Health  
**BINDER:** DA 1498/2011

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a request from Camden Junior Australian Football Club for the waiving of Development Application and associated fees for the installation of additional floodlighting at Fairfax Reserve, Harrington Park.

### BACKGROUND

The Junior Australian Football Club has raised the \$113,000 required to upgrade the lights in this reserve through various grants, financial support from the AFL NSW/ACT and its own fundraising activities.

The Club has approximately 200 members including both a junior club and a seniors club. The reserve is also utilised by the local primary school, other community groups and residents.

The Club has requested the waiving of the Development Application and associated fees required by Council for the installation of the additional floodlighting at the reserve.

The Development Application in question (DA1498/2011) was lodged on 19 December 2011, and the Development Application, Construction Certificate, Occupation Certificate and archiving fees were paid. The applicant is Club President, Mr John Sorrenti.

Council is the owner of the land.

### MAIN REPORT

Council received the request for the waiving of Development Application and associated fees from the Camden Junior Australian Football Club on 13 December 2011. Based on the estimated project value of \$113,000.00, the fees are broken up as follows:

Fee	Purpose	Amount
Development Application fee	The assessment of the Development Application by Council	\$581.32
Construction Certificate fee	The assessment of the Construction Certificate application and the carrying out of one inspection by Council	\$635.80
Occupation Certificate including 1 inspection fee	The assessment of the Occupation Certificate application and the carrying out of one inspection by Council	\$255.00



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Archiving fee	The physical and electronic storage of the applications by Council	\$53.00
		<b>Total = \$1,525.12</b>

ORD07

At the Council meeting of 13 June 2006, Council considered a report 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.

The installation of additional floodlighting in the reserve has been requested to allow for the Club to better utilise the current reserve facilities whilst also increasing safety for the users.

### **CONCLUSION**

A request has been received by Council proposing that the Development Application and associated fees for the installation of additional floodlighting at Fairfax Reserve be waived. The total amount of those fees is \$1,525.12. The fees have been paid by the Club and hence this consideration would be for a refund.

The request is now able to be referred to Council for its consideration.

### **RECOMMENDED**

**A matter for Council, and that the applicant be advised of Council's decision.**



ORD08

## ORDINARY COUNCIL

ORD08

**SUBJECT:** CONTINUED USE OF A WOOD FIRE BURNER AT NO 11 (LOT 2069, DP 789752) CORMO CLOSE, ELDESLIE  
**FROM:** Director, Development and Health  
**BINDER:** DA 1322/2011

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**DA NO:** 1322/2011  
**OWNER:** Andrew & Kerry Lundy  
**APPLICANT:** Andrew & Kerry Lundy  
**ZONING:** R2 Low Density Residential

### PURPOSE OF REPORT

The purpose of this report is to seek from Council a determination of a Development Application (DA) for the continued use of a wood fire burner for domestic purposes. The application is referred to Council in accordance with its delegations as there is a non-compliance with Camden Development Control Plan 2011 and unresolved matters raised in two (2) submissions received from the public.

### SUMMARY OF RECOMMENDATION

It is recommended that Council approve this DA subject to the draft Development Consent Conditions provided at the end of this report.

It is also recommended that letters be sent to all slow combustion heater/open fireplace retail outlets and installers in the Macarthur Region indicating that these heaters and open fireplaces are not permitted within the Camden Local Government Area (LGA).

Furthermore, it is also recommended that a clear note be inserted on Council's website advising the public that slow combustion heaters/open fireplaces are prohibited in the Camden LGA.

### BACKGROUND

On 8 September 2011 Council received a complaint regarding the operation of a wood fire burner at No 11 Cormo Close, Elderslie. The complainant stated that smoke from a recently installed wood fire burner was creating a nuisance for neighbours in the surrounding area. The issues included smoke, noise associated with chopping of wood and the issue of the permissibility of the wood fire burner.

Following this complaint, one of Council's Environmental Health Officers conducted a site visit and noted a chimney present at the rear of the dwelling. At the time of the site visit, no one was available at the premises and information regarding the operation of slow combustion heaters (of which wood fire burners are a type) was left for the applicant.

The applicant subsequently contacted Council staff and advised that they were not aware that the installation of a wood fire burner was prohibited within the Camden LGA.

The applicant further advised that at the time of both purchase and installation, no one advised that such burners were prohibited.

The applicant has subsequently lodged the subject DA for the continued use of the installed wood fire burner. The DA has been assessed and is now able to be recommended to Council for approval.

### **THE SITE**

The site is described as No 11 (Lot 2069, DP 789752) Cormo Close, Elderslie. The site is located in proximity to the corner of Cormo Close and Ryeland Close and is bounded by Southdown Drive to the east and west. The site is rectangular in shape and has an area of 715m<sup>2</sup>. A single storey dwelling currently exists on the subject site.

The surrounding area is predominantly characterised by low density residential dwellings, along with a number of public open spaces. The site is located to the north of the Camden Bypass and to the east of Macarthur Road. The suburb of Spring Farm lies to the south of the subject site.

**A site location map is provided in Attachment 1 at the end of this report.**

### **THE PROPOSAL**

Development consent is sought for the continued use of an existing wood fire burner for domestic purposes.

### **NOTIFICATION**

Pursuant to Camden Development Control Plan 2011, this application was publicly notified for 14 days.

As a result of this public notification two (2) submissions were received. The issues raised in these submission are assessed in the "Any Submissions – S79C (1) (d)" section of this report.

**A copy of the submissions is provided with the Business Paper supporting documents.**

### **PLANNING CONTROLS**

The following are relevant Planning Controls that have been considered in the assessment of this application:

1. Camden Local Environmental Plan 2010
2. Camden Development Control Plan 2011

### **ASSESSMENT**

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

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

##### Camden Local Environmental Plan 2010 (LEP)

The relevant objective of this zone seeks to “minimise conflict between land uses within the zone and land uses within adjoining zones”.

It is considered that, subject to appropriate Development Consent Conditions, the burner can be approved without causing conflict with neighbouring properties or the wider surrounding environment.

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

There are no relevant draft Environmental Planning instruments that are applicable to this site or development.

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

The following parts of Camden Development Control Plan 2011 (DCP) are relevant and the proposal has been assessed against:

Part B1.17 – Air Quality

The air quality objectives of the DCP seek to “preserve air quality, minimise pollution and improve environmental amenity” and “ensure appropriate levels of air quality for the health and amenity of residents”.

It is also noted that slow combustion heaters (of which wood fire burners are a type) and open fire places are not permitted by the DCP.

Whilst the proposed wood fire burner is not permitted, it is considered that in this instance correct usage through compliance with a number of Australian Standards which control the manufacture, installation and operation of the heater will ensure that the air quality of residents in the area will be preserved and that any pollution will be minimised.

It is recommended as a Development Consent Condition that a Certificate of Installation be obtained from a certified installer verifying that the burner, as installed, complies with AS2918-2001, and also that it will be operated in accordance with the manufacturer’s instructions to achieve an emission level compliant with ASNZS 4013.

Furthermore, it is also a recommended Development Consent Condition that the fuel type used in the burner consists of timber which has been seasoned for at least 12 months which will minimise any potential impact on air quality.

It is noted that the installed burner (Hamersley Pedestal) has a particle emission rating of 2.2g/kg which is significantly below the maximum emission rate of 4.0g/kg. Correspondence from the NSW Office of Environment and Heritage has stated that if the air flow is kept fully open for at least the first 20 minutes of operation, the wood burns completely and cleanly. It is a recommended Development Consent Condition that the heater be operated in this manner.

Consequently it is recommended that Council support the proposed DCP non-compliance and approve the burner subject to the draft Development Consent Conditions provided at the end of this report. Compliance with these conditions will ensure that excessive smoke is not emitted, that the air quality of residents in the area

will be preserved and that any pollution will be minimised as desired by the DCP's objectives.

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

There are no relevant Planning Agreements applicable to this site or development.

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

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

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

The likely impacts of the development include:

(a) Environmental impacts

The proposed use of the wood fire burner when operated in accordance with the applicable Australian Standards will not negatively impact the air quality and amenity of neighbouring residents.

The chimney flue is a minimum of 4.6m above the floor on which the wood heater is located and complies with AS2918-2001 – Domestic Solid Fuel Burning Appliances – Installation which governs the effective discharge of smoke. A number of other Development Consent Conditions relating to the operation of the wood fire burner have been recommended to ensure that minimal impact on the site and surrounding area's air quality and amenity.

(b) Health Impacts

The Natural Heritage Trust has compiled a wood-smoke handbook "Wood Heaters, Firewood and Operator Practice", which states that wood smoke can be reduced to a level that would make it relatively insignificant compared to other pollutant sources. When operated in accordance with the applicable Australian Standards, the potential wood smoke nuisance to neighbouring properties is minimised.

The location and flue height are consistent with the applicable AS 2918-2001 which ensures that the flue system creates sufficient 'draw' to enable the fire to burn effectively and without nuisance. Further, compliance with AS 4013-1992 will ensure that the rate of particulate emissions from the wood fire burner will ensure that the air quality of residents in the area will be preserved and that any pollution will be minimised.

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

The site is considered to be suitable for the proposed development. The wood fire burner is located such that there will be adequate dispersion of smoke from the chimney. The development will not result in any unacceptable environmental or health impacts. There are no site specific conditions that render this site unsuitable for the proposed development.

**(1)(d) Any submissions**

As a result of public notification, two (2) submissions were received. The issues raised in these submissions are:



1. *The issue of bedrooms/garage/laundry smelling of smoke*

*Officer comment:*

The operation of a wood fire burner in accordance with the applicable Australian Standards ensures that the flue system creates sufficient 'draw' to enable the fire to burn effectively and thus reduces the amount of smoke emitted. A number of Development Consent Conditions have been applied to ensure the operation of the wood fire burner is carried out in accordance with AS 2918-2001, AS 4013-1992 and AS/NZ 4013.

Therefore, compliance with these Australian Standards will mitigate the impacts of smoke released from the heater.

2. *The triggering of Allergy Symptoms and other health impacts*

*Officer comment:*

As aforementioned, when operated correctly, the use of the wood fire burner will not produce large quantities of smoke or ash particles which may trigger allergies or have other significant health impacts. The use of seasoned timber along with the opening of the air flow of the flue during use mitigates any potential smoke or ash particles that may be generated during its operation.

3. *The necessity to use exhaust fans excessively due to inability to open windows*

*Officer comment:*

This again relates to the operation of the wood fire burner. It is a recommended Development Consent Condition that the wood fire burner be operated in accordance with the applicable Australian Standard for solid fuel burning appliances. This will ensure that the air quality is preserved to appropriate levels for the health and safety of surrounding residents and not result in excessive use of exhaust fans.

4. *Visible airborne ash particles in yard*

*Officer comment:*

The use of seasoned timber (a minimum of 12 months old) reduces the potential production of ash particles from wood fire burners. As stated, the wood fire burner location and flue height ensures that the flue creates sufficient 'draw' to enable the fire to burn effectively and cleanly.

5. *Splitting/chopping of wood prior to 6.00 am and noise of human effort in this task*

*Officer comment:*

The applicant has advised that all wood is purchased from Hayters Timber. It is a recommended Development Consent Condition that no wood chopping is to occur outdoors on the property prior to 8.00 am or after 5.00 pm on any day.

6. *Issue of pine trees located at the rear of the property which hinders the dispersal of smoke*

*Officer comment:*

In a discussion between Council staff and the NSW Office of Environment and Heritage (OEH), OEH stated that in certain circumstances trees can have an impact on the dispersal of smoke as they can act as a block and prevent or slow down smoke, but this is heavily dependent on wind direction.

As described throughout this report, operation of the wood fire burner in accordance with the applicable Australian Standards will ensure that no excess smoke is generated from its use and any smoke that is emitted will be sufficiently dispersed due to the chimney flue height and compliance with AS/NZ 4013, AS 2918-2001 and AS 4013-1992.

Subject to compliance with these Australian Standards, it is not anticipated that the smoke, taking into consideration the pine trees at the rear of the property, will cause any negative impacts upon any neighbouring properties.

**(1)(e) The public interest**

It is considered that the proposed continued use of a wood fire burner, whilst prohibited by Camden Development Control Plan 2011, is in the public interest in this instance.

Subject to the draft Development Consent Conditions, the wood fire burner can operate without causing negative impacts upon surrounding properties or the environment.

It is recognised that the prohibition of slow combustion heaters/open fireplaces in the Camden DCP is not sufficiently clear to the public and that the installation of the wood fire burner on this site was an honest mistake by the applicant. Writing to all retail outlets and installers of slow combustion heaters/open fireplaces in the Macarthur Region and placing a clear note on Council's website and in Council's weekly advertisement on a regular basis (four times per annum) is considered appropriate to advise the public of the prohibition.

**CONCLUSION**

Council has received a DA for the continued use of a wood fire burner on this site.

The application has been assessed in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979* and the public submissions received have been considered.

It is considered that the proposed development has:

- the ability to operate in a manner that has minimal impact on the amenity and air quality of its neighbours and surrounding area;
- identified a number of controls which minimises the risk of any potential negative impacts; and
- demonstrated that the air quality can be preserved to ensure appropriate levels of air quality for the health and amenity of surrounding residents.

It is also noted that the fact that slow combustion heaters are not permitted in the Camden LGA is not sufficiently clear to the public. To help remedy this, it is recommended that this fact is publicised to slow combustion heater/open fireplace retail outlets and installers in the Macarthur Region and to the public.

Given the above, it is considered that approval of this development will not set any undesirable precedents in that the public will now be made aware that such burners are prohibited within the Camden LGA.

Consequently the development is recommended to Council for approval, subject to the draft development consent conditions shown below.

**DRAFT CONDITIONS OF CONSENT**

**1.0 - General Requirements**

The following Conditions of Consent are general conditions applying to the development.

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the Conditions of this Consent:

Plan / Development No.	Description	Prepared by	Dated
-	Statement of Environmental Effects	Kerry and Andrew Lundy	10 November 2011
Final Inspection Record	Final Inspection Record	Jindara Heating	-
Invoice No: 1114	Wood Heater Report	A1 Transformations Pty Ltd	1 August 2011

Where there is an inconsistency between the approved plans/documentation and the Conditions of this Consent, the Conditions of this Consent override the approved plans/documentation to the extent of the inconsistency.

- (2) **Certification of Installation** - A Certificate of Compliance shall be submitted to Camden Council within one (1) month from the date of approval. The Certificate must be issued by a suitably qualified person and verify that the solid fuel heater as installed, complies with Australian Standard 2918-2001 - Domestic Solid Fuel Burning Appliances - Installation.
- (3) **Certificate of Compliance** - The solid fuel heater must be manufactured in accordance with Australian Standard 4013 - 1992 and have a current Certificate of Compliance issued by the Environmental Protection Authority. Details of such shall be submitted to Camden Council within one (1) month of approval.

**2.0 - Operational Conditions**

The following Conditions of Consent are operational conditions applying to the development.

- (1) **Fuel Types** - The fuel used must consist of timber seasoned for at least 12 months. No green wood, wet wood, painted or treated timber, paper or rubbish

may be burnt in the heater. Wood should be stored under cover in a dry ventilated area that allows air to circulate freely.

- (2) **Operation/Use** – The solid fuel heater must be operated in accordance with the manufacturer’s instruction and achieve an emission level in accordance with ASNZ4013.
- (3) **Cleaning** – The interior of the flue must be inspected for obstructions and cleaned on a regular basis, including before the commencement of the winter period.
- (4) **Air flow** – The air flow shall be kept fully open for at least the first 20 minutes of operation to create the right conditions for the wood to burn completely and cleanly. The air control shall be kept fully open for 5 minutes before and 15-20 minutes after adding logs.
- (5) **No Excessive Smoke** – At no stage shall excessive smoke be emitted from the solid fuel heater as defined under the *Protection of the Environment Operations Act, 1997*.
- (6) **Wood Chopping** – No wood chopping is to be undertaken outdoors on the property prior to 8.00 am and after 5.00 pm on any day.

#### END OF CONDITIONS

#### RECOMMENDED

**That Council approve Development Application 1322/2011 for the continued use of a wood fire burner at No 11 (Lot 2069, DP 789752) Cormo Close, Elderslie, subject to:**

- i. **the draft Development Consent Conditions shown above;**
- ii. **that Council staff send letters to all slow combustion heater/open fireplace retail outlets and installers in the Macarthur Region indicating that these heaters and open fireplaces are not permitted within the Camden Local Government Area; and**
- iii. **that Council staff insert a note on Council’s website and regularly in Council’s weekly advertisement advising that slow combustion heaters and open fireplaces are prohibited in the Camden LGA.**

#### ATTACHMENTS

1. Location map
2. Submissions - *Supporting Document*

ORD08

Attachment 1





# ORDINARY COUNCIL

**ORD09**

**ORD09**

**SUBJECT: HOUSING LAND REVIEW - LANDOWNER NOMINATED SITES FOR REZONING SUBMITTED TO THE MINISTER FOR PLANNING**

**FROM:** Director Governance

**BINDER:** Land Use and Planning

## PURPOSE OF REPORT

To advise Council of the list of landowner nominated sites that have been submitted to the Minister for Planning & Infrastructure, following the Minister's request for such sites as part of the Housing Land Review and to make recommendations as to Council's adopted position on each of the sites for a submission to the Minister.

## BACKGROUND

In mid 2011, the Minister for Planning & Infrastructure announced a Housing Land Review and invited submissions from developers and landholders for nomination of sites for rezoning to allow residential development and release of housing. This report deals with the sites that have been nominated within the Camden Local Government Area and adjoining the LGA boundary as advised by the Minister in a letter received 15 December 2011.

A list of the sites and submissions received that are to be considered in this report was circulated to Councillors by a Memorandum sent on 21 December. A copy of the submission for each site referred to in this report has been provided to Councillors as a separate attachment to this report. Council has been requested to provide comments to the Department of Planning & Infrastructure (DPI) by 3 February 2012.

## MAIN REPORT

A total of four (4) sites, within the Camden LGA, have been submitted to the Minister for consideration as short term urban release areas. Within the Wollondilly LGA, two (2) sites have been nominated in areas adjoining Camden Council boundaries and the same number in Campbelltown.

A summary and short assessment of each site is provided below.

### Camden LGA Nominated Sites

The four sites within the Camden LGA that have been nominated as part of the submission process for the Housing Land Review are:

<b>Site name</b>	<b>Site location</b>
Emerald Hills	1100 – 1150 Camden Valley Way, Leppington
Lowe's Creek, Bringelly	South West Growth Centre
"Tidapa"	Chittick Lane, Cobbitty
182-188 Raby Road, Catherine Fields	Same

A short assessment has been carried out of each site:

### 1. Emerald Hills

A Planning Proposal has been received by Council for this site to permit a range of uses, including residential, commercial and environment protection purposes. As a Planning Proposal has been received, a separate report will be provided to Council assessing the suitability of the proposed rezoning of the site. Accordingly, no assessment of the site has been carried out in this report.

In the submission to the Minister, Council should indicate that a Planning Proposal has been received for this site. Council should also advise the Minister that Council is of the opinion that any potential rezoning or release of this site be assessed and handled by way of the received Planning Proposal and the Gateway Determination process rather than the Housing Land Review.

### 2. Lowe's Creek, Bringelly

The submission forwarded to the Minister in support of the release of the Lowe's Creek area shows that the proposed release is not consistent with the boundaries of the Lowe's Creek precinct as shown in the South West Growth Centre (SWG) Structure Plan. Rather, the release as proposed in the submission is located entirely to the west of The Northern Road and includes landholdings in the adjoining precincts of Bringelly to the north and Marylands to the south.

As the area is within the SWGC, its release should be assessed by the DPI and the Minister consistent with the Growth Centres Development Code. Accordingly, the release of the area is a matter for the Minister. Notwithstanding, the release as submitted is not supported as it does not allow the precincts to be released in an orderly manner or as required by the Code. The Minister must ensure that any release of this area is carried out on a precinct basis, whether by a release of the precinct and subsequent boundary review process, or by way of the Precinct Acceleration Protocol. Releasing the land as proposed as part of another process may result in the strong structure planning focus of the SWGC being compromised.

Ultimately, the site is within the SWGC and the release of precincts (or part thereof) in the SWGC is a matter for the Minister. However, Council should submit to the Minister that any such release be consistent with the Growth Centres Development Code and should ensure efficient and streamlined delivery of urban development and infrastructure. Any release of the area must be subject to the requirements of the Growth Centres Development Code and be assessed against other precincts in determining appropriate release timeframes.

### 3. "Tidapa", Chittick Lane Cobbitty.

This site is located at the northern end of Chittick lane in Cobbitty and incorporates two main property holdings known as "Freshfields" (Lot 1 DP 239612) and "Tidapa" (Lots 2-5 DP 239612), respectively. Both properties share the majority of their eastern boundary with the boundary of the South West Growth Centre, which at this point is also the property boundary with the Denbigh Homestead holding.

The submission provides a preliminary Indicative Layout Plan for the site. The main features of the proposed development of the site are as follows:

- 1610 dwellings (165 rural residential)

- Road connection to Chittick Lane and two other connections through Denbigh
- Dwelling production to start in 2013
- A Primary School
- Riparian Corridors and Open Space linkages

The submission states that the development could be delivered by way of an expansion of the SWGC and then an accelerated precinct planning process consistent with the Growth Centres Development Code. Such an approach should not be supported. The boundary of the SWGC was delineated following detailed studies and background information prepared for the then Minister for Planning in making the State Environmental Planning Policy (SEPP) that proclaimed the Growth Centres. As a result of these studies certain areas were added to the draft SWGC. The subject site was included in such a review and unlike the sites that were added, was not considered to be appropriate for inclusion. Adding the site to the SWGC now would compromise the detailed structure planning that has been undertaken for the SWGC and the marking of its boundaries.

Further, the site is not considered to be sustainable for urban development at this time as there is insufficient infrastructure able to be provided to the site, in particular water and sewer. On this note, it is understood that amplification works are currently being undertaken to service Oran Park and the submission makes note of this. However, such amplification has not been designed to cater for the proposal. It is unlikely that there is capacity to service the proposal. Support of the proposal would be ad hoc and compete with the delivery of development in the SWGC, for which detailed planning has been carried out. Development of the site would not provide for appropriate or clear buffers between urban and rural areas in the area and would increase pressure for further urban development to the west and continued urban sprawl, rather than contained development in the SWGC and other identified release areas.

Access to the site is limited, being by way of a rural road cul de sac (Chittick Lane). Linkages as proposed across Denbigh cannot be guaranteed as they are on an adjoining landholding and one that is subject to listing on the State Heritage Register. The areas identified for the road linkages have been subject to detailed assessment as part of the Oran Park precinct planning and identified as being of high heritage significance and not suitable for any development. The road linkages would compromise the importance of Denbigh.

In addition, Council has previously considered possible planning changes in and around Cobbitty and widespread expansion and urban development as proposed in this submission was found to be unsustainable and was not supported. The proposal will result in the loss of productive agricultural land and increase pressure for continued urban sprawl, whilst being unlikely to be supported by the required infrastructure.

For the reasons above, Council should object to this submission and the release of this land for urban development.

#### 4. 182-188 Raby Road, Catherine Field

The properties to which this submission relates are located at the eastern edge of the LGA, between the Sydney Water Canal and the LGA boundary at Raby Road. Collectively, the properties form the eastern section of the current rezoning of El Caballo and Gledswood (ECB) and these properties. Council is currently progressing this rezoning and it is considered prudent to ensure that the rezoning of the subject





properties continues to be assessed and progressed as part of the wider ECB rezoning.

From the submission forwarded to the Minister, it appears that the owners of the subject site wish to expedite the rezoning of their sites compared to the rezoning of the whole area. Whilst there is an appreciation of the frustration that may be experienced in the time taken for the progression of the rezoning, it is not appropriate to split the rezoning of the ECB precinct as proposed. Council is, and will, continue to assess the proposed rezoning as a whole. Both the eastern and western portion of the ECB lands are interrelated in terms of proposed development layout and the provision of golf course holes as has always been the intention in the rezoning of the ECB lands. Any change to this approach at such a late stage is not supported as it could jeopardise the rezoning of the whole ECB lands or lead to a disjointed and sporadic rezoning, resulting in an inferior outcome.

Accordingly, Council's submission to the Minister in relation to this proposal should state that Council objects to this rezoning being considered in isolation and that the sites should continue to be considered for rezoning as part of the whole of area approach for ECB that is currently being undertaken.

Campbelltown LGA sites

Site name	Site location
Blairmount and Eagle Vale Drive	Hume Highway and Eagle Vale Drive, Blairmount
Macarthur Grange Precinct	Raby Road, Kearns

Both of the proposed sites are located in close proximity to the LGA boundary between Campbelltown and Camden. However, due to the topography of this area, being part of the Scenic Hills, both sites are unable to be viewed from any public place within the Camden LGA. Further, there are limited road links between both sites and Camden, although it is noted that the Macarthur Grange proposal is proposed to have a secondary access to Raby Road and the Blairmount proposal will link into Badgally Road/Gregory Hills Drive. Any traffic generated from the development of these sites is, however, likely to travel in an easterly and northerly direction and therefore not have any significant impact on roads within the Camden LGA.

As a result of the above, there is no express objection to the proposals, although any submission to the Department would note that they are both matters for the Department to have regard to any submission that may be made by Campbelltown Council.

Wollondilly LGA sites

Site name	Site location
Cawdor	Cawdor Road and Remembrance Driveway
Mayfarm Road	Mayfarm Road, Brownlow Hill

1. Cawdor

This site is a large single lot landholding of approximately 530 hectares in size and is bounded by Wire Lane to the North (being the LGA boundary), Remembrance Drive to the East, and Cawdor Road to the South and West. The land has been the subject of

previous proposals for urban development, however at the moment is primarily utilised for agricultural purposes.

From the submission, the following details of the proposed urban development are highlighted:

- Approximately 4,000 dwellings (a population of 10,000 approx).
- Unspecified upgrades to water and sewer systems after 300 dwellings
- 1300 dwellings created in the first five (5) years
- A Village Centre
- An additional Neighbourhood Service Centre
- Retirement Village
- Private School
- Recreation Facilities and Playing Fields

As can be interpreted from the above highlights of the proposal, it is of a significant size with a large population as a result. Although located in Wollondilly LGA, it is likely that the demand generated for facilities and community services from the development will be focussed upon the existing infrastructure in Camden due to the proximity of the site to Camden. Without any funding or capacity in existing infrastructure, Camden is unable to accommodate the proposed development. Further, it is noted that the submission in support of the proposal indicates that there is insufficient capacity in other vital infrastructure such as water and sewer to cater for the proposal as planned. No detailed assessment of the ability or otherwise to upgrade such infrastructure has been undertaken, nor whether it would be at the expense of infrastructure required to service existing release areas.

On another note, the placement of such a large development so close to the Camden Township and adjoining the LGA, which will result in demands on Camden infrastructure, may lead to discussions commencing about the appropriateness of the existing boundary.

When compared with other existing release areas and the South West Growth Centre, the proposal is not considered to be a rational response to the provision of housing in the area. Impact on the infrastructure in Camden without any additional funding or capacity being provided is also considered unacceptable. Council Officers have had discussions with Officers at Wollondilly Council and they have advised that at this stage they do not support the proposal as it is not consistent with their adopted Growth Management Strategy.

For the reasons above, the proposal is not supported and Council should advise the Minister that it objects to the proposal on the identified grounds.

## 2. Mayfarm Road

The Mayfarm Road site is located at Brownlow Hill and is focussed on the University of Sydney Farms site at that location. The nominated site also includes additional small landholders, being used primarily for rural residential purposes. The nominated area is generally bound by the Mount Hunter Rivulet to the west, the Nepean River to the north, Burragorang Road to the south and the LGA boundary to the east. The site is approximately 5 kilometres from Camden.

The main features of the proposal are:

- Approximately 3,250 dwellings
- A mix of high density development adjoining the University to lots of 1000 square metres elsewhere
- Large open space areas
- Enhanced educational facilities
- Neighbourhood Centre
- Self contained sewerage system

Having regard to the location of the site, being isolated from any urban area and being of a scale that is unlikely to be able to provide an appropriate level of facilities and services for the proposal, it should not be supported. The site is isolated and adjoins rural residential and agricultural land. In addition, the proposal as submitted isolates a pocket of land to the west by wrapping around it. Such ad hoc and isolated proposals should not be supported. The proposal will result in an increase demand for services in Camden without there being any capacity or funding to accommodate such demand. Although sewer may be able to be provided on the site, the feasibility and suitability of such an approach has not been supported in the submission. Support for the proposal would not be in keeping with sound planning or sustainability principles.

Early discussions with Wollondilly Council indicate that they also do not support the proposed rezoning. From the discussions it is understood that similar proposals have been considered by Wollondilly Council previously and not supported, or otherwise not supported by the DPI.

Council should object to this proposal being considered by the Minister.

### **CONCLUSION**

From the assessment of each proposal that has been carried out in this report, Council is now able to forward a submission to the Minister for Planning for his consideration by 3 February 2012 as required. Council's submission should be consistent with the assessment above and advise the Minister that Council does not support any rezoning of the "Tidapa" proposal at Cobbitty or the current proposal for Lowe's Creek as submitted. In addition, Council is to advise the Minister that the two proposals in the Wollondilly LGA are also not supported. Council's submission on the other nominated sites is to be as expressed in this report.

### **RECOMMENDED**

#### **That Council:**

- i. notes the report and the assessment of each site that has been carried out.**
- ii. makes a submission to the Minister for Planning on the Housing Land Review, consistent with the assessment of each proposal carried out in the report and specifically advise the Minister that Council does not support the rezoning of "Tidapa" at Cobbitty or Lowe's Creek as submitted.**
- iii. advises the Minister by way of its submission that it does not support the two rezoning proposals submitted for the Wollondilly LGA, being Cawdor and Mayfarm Road proposals respectively;**
- iv. delegates Authority to the General Manager to sign the submission to be forwarded to the Minister; and**
- v. forwards a copy of the submission to Wollondilly and Campbelltown Councils.**



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**ORD09**

## ORDINARY COUNCIL

**ORD10**

**SUBJECT:** SPRING FARM NEIGHBOURHOOD CENTRE - POST-EXHIBITION FOR AMENDMENTS TO THE CAMDEN DEVELOPMENT CONTROL PLAN 2011

**FROM:** Executive Officer Assistant to GM & Crs

**BINDER:** Spring Farm Neighbourhood Centre

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### PURPOSE OF REPORT

The purpose of this report is to advise Council of the outcome of the public exhibition of the proposed amendments to the Spring Farm Neighbourhood Centre and Camden's Development Control Plan (DCP) 2011.

### BACKGROUND

The Spring Farm Urban Release Area was approved by the Minister in May 2004, with the gazettal of the Camden Local Environmental Plan 121 and Council's adoption of the Spring Farm Development Control Plan No. 123. Since the adoption of these Plans, Council has undertaken a process in accordance with State Government directions to transition these Plans into a consolidated Camden Local Environmental Plan 2010 (LEP 2010) and DCP 2011.

SMEC Urban act for, and on behalf of, Landcom, Cornish Group Pty Limited and Mirvac Homes (NSW) Pty Limited who are the owners of the land known as Lot 1 DP 1135124, Lot 20 DP 632825 and Lot 99 DP 1121639, Spring Farm. This land is otherwise known as the Neighbourhood Centre which is located within the Spring Farm Urban Release Area. Refer to Figure 1 below:

**Figure 1 – Location of the Spring Farm Neighbourhood Centre Precinct**



On 7 October 2011, SMEC Urban submitted on behalf of the owners a proposal to amend the Masterplan of the Neighbourhood Centre. The proposed amendments to the Masterplan require an amendment to the Camden DCP 2011. This is discussed in detail later in this report.

#### Summary of amendments to Neighbourhood Centre Masterplan.

- Increase the retail/commercial floor area
- Decrease the area of the village green open space
- Decrease the dwelling density yield of the Neighbourhood Centre
- Decrease the amount of land dedicated for the purposes of a Multi-purpose Community/Youth Recreation Facility/Public Open Space
- Amend the location of the Pedestrian Cycle Network in the Neighbourhood Centre
- Propose a Median Strip along Richardson Road Main Street
- Amend Planning Principles to reflect above changes
- Miscellaneous Mapping Amendments

#### MAIN REPORT

Following Council's resolution at its meeting held on the 8 November 2011, the proposal has been placed on public exhibition for an 8.5 week period (59 days) from Wednesday 16 November 2011 to Friday 13 January 2011. The exhibition period was for a longer period of time to ensure it took into account the Christmas and New Year holiday period. Consequently, the public was given a reasonable chance to review the material during this time. Notification of the exhibition was placed in the Camden-Narellan Advertiser during this period advising interested parties the means to view and comment on the exhibited material. The exhibition material consisted of:

- Summary of the changes proposed
- Council Report and Resolution dated 8 November 2011
- Submission and proposed Masterplan from SMEC

The above material was exhibited as an electronic source on Council's website and as hard copies at the Camden Customer Service Centre and Library and also at Narellan's Customer Service Centre and Library.

Of particular note, the report to Council dated 8 November 2011 also stated the following:

#### ***"Mapping Amendments***

*As a result of the above proposed amendments to the Neighbourhood Centre, the following figures will need to be updated for the Spring Farm Urban Release Area:*

- *Figure C18 – Spring Farm Masterplan*
- *Figure C20 – Spring Farm Residential Dwelling Density Range*
- *Figure C21 – Spring Farm Staging Plan*
- *Figure C22 – Spring Farm Street Network and Design Map*
- *Figure C23 – Spring Farm Pedestrian and Cycle Path Network*
- *Figure C26 – Spring Farm Bush Corridor Water Management Features*

*These amended figures are being prepared and will form part of the exhibition."*

The Part C figures stated above were not received by Council prior to the commencement of the public exhibition period therefore were not placed on public exhibition. Instead the figures were submitted to Council towards the conclusion of the exhibition period. Council staff did not attach these figures to the material already on exhibition as it may have caused confusion for the general public if they had previously reviewed the material without the above figures.

Despite not publicly exhibiting the above figures, it is not believed to be a disadvantage for the general public. The material placed on public exhibition was considered to have given a clear understanding as to what amendments are proposed in the Spring Farm Neighbourhood Centre. The figures stated above do not provide in-depth detail about these amendments. They are only subsequent routine updates to be made to the Camden DCP 2011. These updates are reflected within the overall Masterplan maps and are required when a precinct within the Spring Farm urban release area is modified in its design.

A copy of the exhibition material and the Part C figures are provided as a **supporting document to this report**.

#### Submissions Received:

During the exhibition period, Council received no submissions.

### CONCLUSION

As outlined earlier within this report, the proposed amendments to the Spring Farm Neighbourhood Centre were placed on public exhibition for a period of 8.5 weeks (59 days) from Wednesday 16 November 2011 to 13 January 2011. During this time the proposal attracted no submissions from the public.

The proposed Masterplan amendments are supported as they will provide a functional, environmentally sensitive urban design, whilst maintaining the integrity of the key principles of Camden's DCP 2011. By providing key transport, pedestrian and cycle links as well as maintaining open space and high quality views the Masterplan amendments are a positive outcome for the area.

### RECOMMENDED

#### **That Council:**

- i. **adopt the proposed amendments to Camden Development Control Plan 2011 for the Spring Farm Neighbourhood Centre, incorporating the minor amendments outlined within this report; and**
- ii. **publicly notify Council's determination in accordance with Clause 21 of the *Environmental Planning and Assessment Regulation 2000*.**

#### ATTACHMENTS

1. Exhibition Material and Part C Figures - *Supporting Document*



## ORDINARY COUNCIL

ORD11

ORD11

**SUBJECT: PLANNING PROPOSAL AMENDMENT NO 6 - FORWARD TO DEPARTMENT OF PLANNING AND INFRASTRUCTURE FOR PLAN TO BE MADE**  
**FROM:** Director Governance  
**BINDER:** Amendment No 6 Housekeeping Amendment No 2 to LEP 2010

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### PURPOSE OF REPORT

The purpose of this report is to advise Council of the outcome regarding the public exhibition of Planning Proposal – Amendment No 6 and to seek a resolution to forward it to the Department of Planning and Infrastructure (DPI) to make amendments to Camden LEP 2010 (LEP 2010) following its gazettal.

### BACKGROUND

Camden LEP 2010 (LEP 2010) was gazetted on 3 September 2010 and became the principal planning instrument covering land use and zoning in the Camden LGA. Council staff has now had the opportunity to use and interpret the LEP and the associated maps, and several errors and omissions of a minor nature have since been identified.

At the Ordinary Council meeting of 14 December 2010, Camden Council considered a report on the preparation of a planning proposal to make minor housekeeping amendments to LEP 2010. Council resolved as follows:

- *Resolve to prepare a planning proposal and associated map amendments for Camden LEP 2010 which addresses the issues outlined in this report;*
- *Forward the planning proposal to the DPI for Gateway Determination;*
- *Pending a favourable response from DPI, proceed directly to public exhibition;*
- *If submissions are received, report back to Council at the conclusion of the public exhibition period; and*
- *If no submissions are received, forward the planning proposal directly to the DPI for the plan to be made.*

A copy of the Council report and resolution is **provided as Attachment 1 to this report**.

### MAIN REPORT

Council's previous resolution on the 14 December 2010 included forwarding this planning proposal to DPI for a Gateway Determination, and then proceeding directly to public exhibition if a favourable response was received.

The planning proposal and associated maps were forwarded to the DPI and Gateway Determination (**provided as Attachment 2 to this report**) was issued on 30 November 2011, subject to:

- *Reviewing "the proposed land use definitions and group terms with reference to the Department's Planning Circular "PS 11-011 Amendment to Standard*



*Instrument (Local Environmental Plans) Order 2006". Council is to ensure existing land use terms do not overlap across definitions and should cross reference the group term/sub term relationships."*

- Amending item 2 as *"the use of Schedule 1 to include 'Seniors Housing' as an additional permitted use on the subject land is not supported. Given the subject site 'adjoins land zoned primarily for urban purposes' Council is to consider the application of SEPP (Housing for Seniors or People with Disability) 2004 in order to progress the matter. Alternatively, Council should rezone the subject site to an appropriate zone in order to permit the use of the land for the purposes of 'seniors housing'".*

These amendments were considered minor in nature and were made to the Planning Proposal prior to public exhibition. A copy of the amended Planning Proposal that was the subject of the public exhibition is **provided as Attachment 3 to this report**. Listed below are the items contained within the document:

- Item 1 - Minor amendments to the land use tables to ensure consistency between Camden LEP 2010 and the various LEPs which were in force prior.
- Item 2 - Rezone site at Currans Hill (Lot 1 DP 1019708) from RU2 Rural Landscape to R2 Low Density Residential to allow Seniors Housing.
- Item 3 - Rectify minor anomalies in the land use table for the B5 Business Development zone on the 'Landturn' site.
- Item 4 - Ensure various 'Res 2' sites are rezoned to R3 Medium Density Residential and a minimum lot size of 250m<sup>2</sup> is applied.
- Item 5 - Apply a height limit of 6.5m to particular sites within the Elderslie Urban Release Area.
- Item 6 - Amend the zoning and minimum lot size on a site which adjoins Narellan Vale.
- Item 7 - Rezone land at the Macarthur Resource Recovery Park from RU1 Primary Production to SP2 Infrastructure.
- Item 8 - Complete miscellaneous map amendments

The Gateway Determination reflects all the items listed above.

The matters dealt with in this planning proposal are maintaining the 'status quo' with regard to planning controls applying in each of the proposed amendments. The reasons for the need to undertake the amendments to the Camden LEP 2010 are more of a technical nature. As a result, the Gateway Determination also specified that the planning proposal be publicly exhibited for 14 days. After addressing the above outstanding issues stated in the Gateway Determination, the amended planning proposal was exhibited from Wednesday 7 December to Tuesday 20 December 2011.

No submissions were received.

## **CONCLUSION**

This planning proposal aims to make minor amendments to Camden LEP 2010. These amendments will ensure "like for like" has been achieved between the various LEPs which were in force prior to the gazettal of Camden LEP 2010. Given the planning proposal has been amended, publicly exhibited and no submissions were received, it now should be sent to DPI for gazettal.



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**RECOMMENDED**

**That Council:**

- i. adopt the planning proposal and associated map amendments; and**
- ii. forward the planning proposal to DPI requesting the plan be made.**

**ATTACHMENTS**

1. Council report and resolution
2. Camden Gateway Determination
3. Planning Proposal with Attachments

**ORD11**

ORD11

Attachment 1

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## ORDINARY COUNCIL

### ORD03

**SUBJECT:** PLANNING PROPOSAL - MINOR HOUSEKEEPING  
AMENDMENTS TO CAMDEN LEP 2010

**FROM:** Director Governance

**FILE NO:** Camden LEP

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#### PURPOSE OF REPORT

The purpose of this report is to seek Council's resolution to prepare a planning proposal which includes minor housekeeping amendments to Camden Local Environmental Plan 2010 (LEP 2010), and to forward the planning proposal to the Department of Planning (DoP) for Gateway Determination so that the planning proposal may be exhibited.

#### BACKGROUND

LEP 2010 was gazetted on 3 September 2010 and subsequently became the principal planning instrument covering zoning and land use in the Camden LGA. Council staff have now had the opportunity to use and interpret the LEP and the associated maps, and several errors of a minor nature have been identified. This is a normal practice that occurs with the implementation of a new LEP. These errors will be addressed via the preparation of a planning proposal which seeks to amend the LEP. The matter was reported to Council on 23 November where Council resolved the following:

*"that the matter be deferred for further consultation clarification and brought back to the next Council meeting".*

A subsequent meeting was held with Landturn and appropriate additions made to this report.

#### MAIN REPORT

A detailed planning proposal will be prepared which includes several minor amendments to LEP 2010 and the accompanying maps. The amendments will ensure that the LEP is consistent with the 'status quo' approach adopted during the conversion of the former Camden LEPs into the new LEP template format.

The proposed amendments are grouped into two categories which are 'LEP Instrument Amendments' and 'LEP Map Amendments'.

#### **LEP Instrument Amendments**

##### Land use tables

The land use tables in LEP 2010 were created by translating the former Camden LEPs into the new LEP template format as a 'like for like' conversion. This was intended to ensure that the permissible and prohibited land uses under the former LEPs were carried over to LEP 2010 as far as the LEP template allowed.

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This is the report submitted to the Ordinary Council Meeting held on 14 December 2010 - Page 1

A review of the land use table in LEP 2010 has identified minor errors which occurred during the final legal drafting of the LEP land use tables. A list of the minor errors and the proposed amendments are included as **Attachment 1 this report**. The amendment of the land use tables will ensure that they are more consistent with the 'status quo' approach adopted in the preparation of the LEP, and will better reflect the range of permissible and prohibited land uses under the former LEPs.

The planning proposal will seek to amend the land use tables contained in LEP 2010 in accordance with Attachment 1.

Schedule 1 – Seniors housing on Lot 1 DP 1019708 No. 359 Narellan Road Currans Hill

Schedule 3 of Camden LEP 48 permitted the use of the above site for the purpose of seniors housing subject to the granting of development consent. A map showing the site is included as **Attachment 2 to this report**. Consent was granted under DA 2770/1999 and construction of the seniors housing development commenced, however the development was never fully completed.

The 'Seniors Housing' was not listed as a 'scheduled use' in Camden LEP. It is considered that this use should be reinstated as an additional use to ensure consistency between Camden LEP 48 and Camden LEP 2010.

The planning proposal will seek to amend Schedule 1 of LEP 2010 by adding a new additional permitted use which allows seniors housing on the site subject to development consent.

Schedule 1 – Landturn Site, bordered by The Northern Road, The Old Northern Road and Camden Valley Way, Narellan

A map showing the location of the Landturn site is included as **Attachment 3 to this report**.

Under LEP 46 shops were a prohibited use. Schedule 8 of the LEP did however allow a limited variety of shops with a floor space limit of a maximum 11,300 sq m provided for in schedule 5. In the conversion of the schedule uses from the existing Camden LEPs to the new Camden LEP 2010 which is based on the Template format, the scheduled use term inadvertently changed from "shop" to "retail premises". This unintended error associated with the conversion would allow a number of uses under the group term "retail premises" that were previously prohibited. It would also result in such uses being included in the floor space limitation.

In order to return the land use permissibility back to one of status quo, the planning proposal seeks to amend schedule 1 in LEP 2010 by amending Clause 19 so that it refers to "shops" rather than "retail premises". Further, "retail premises" will be noted as a prohibited use in the land use table with the exception of "food and drink premises". Food and drink premises include pubs, restaurants and take-away food and drink premises. These uses were all previously permissible uses under zone 3 (b1) in LEP 46. Food and drink premises will therefore be noted as permissible in the land use table. The result of the Planning Proposal will facilitate the previously permissible range of shops by the use of the term "neighbourhood shop" and will reinstate the cap of 11,300 sq m applying to shops.

As per the Council resolution of 23 November, 2010 discussions have been held between Council officers and the proponents of the site regarding the floor space limitation and the permissible land use controls applying to the site. This planning proposal seeks to rectify an unintended error which occurred during the preparation of the LEP and will ensure that the LEP is consistent with the status quo approach adopted in its preparation. The proponents have expressed concern that these controls limit the viability of development on the site, and therefore seek to vary these planning controls.

This is a matter which is considered to be outside of the scope of the proposed housekeeping planning proposal and should be considered as part of a separate process. Accordingly, the proponents are considering lodging a separate planning proposal and/or development application which may seek additional retail floor space and a wider range of permissible land uses on the site. As per the Council resolution, the intention of this report has been discussed with the proponents at some length.

#### Schedule 5 – Items of heritage significance

During the preparation of the final LEP 2010 instrument by Parliamentary Counsel drafting officers, the suburb names for several heritage items has been omitted from Schedule 5 of the LEP.

The planning proposal will seek to amend the list of heritage items in Schedule 5 by adding the suburb names where they have been omitted.

#### **LEP Map Amendments**

##### Miscellaneous map amendments

LEP 2010 is accompanied by a set of detailed maps which relates to various parts of the LEP. The gazetted version of the LEP maps contain some minor errors relating to suburb name spelling and the type of font used for the text. In addition, there are some minor discrepancies between the mapping cadastre (the road and lot boundary layout) and the boundaries on the maps.

The planning proposal will identify each of the minor mapping errors and will seek to amend them.

##### R3 Medium Density Residential zoning at Harrington Park

Camden DCP 2006 designates certain sites within the Currans Hill, Harrington Park and Mount Annan release areas as 'Res 2'. Under the previous LEPs, these sites had the same 2(d) Residential zoning as the surrounding land. DCP 2006 provides additional controls relating to reduced lot sizes and the suitability of these sites for medium density residential development types.

During the preparation of LEP 2010, the Res 2 sites were converted into R3 Medium Density Residential to better reflect the intended use of these lots, and the applicable minimum lot size was mapped via the Lot Size Maps rather than via the DCP. An area of land at Harrington Park was omitted from the conversion of the Res 2 lots to R3 Medium Density Residential. A map which shows the subject land is **included as Attachment 4**.

The planning proposal will seek to amend the Land Zoning Map to show the sites as

R3 Medium Density Residential, and to amend the Minimum Lot Size Map to show a minimum lot size of 250m<sup>2</sup>.

R3 Medium Density Residential zoning at 3A Stewart Street, Harrington Park (Lot 92 DP 1051164)

At the Ordinary Council Meeting held on 23 March 2010, Council resolved to approve DA 917/2009 which sought consent for the subdivision of the site for residential purposes. Three of the proposed lots were designated as 'Res 2' lots in accordance with DCP 2006. A map showing the land to which this applies is **included as Attachment 5 to this report**.

To maintain consistency with the approach outlined above regarding the zoning of Res 2 sites under LEP 2010, the planning proposal will seek to amend the Land Zoning Map to show the sites as R3 Medium Density Residential, and to amend the Minimum Lot Size Map to show a minimum lot size of 250m<sup>2</sup>.

Mater Dei heritage curtilage and zone boundary

The proponents of the Mater Dei rezoning lodged a submission during the exhibition of LEP 2010 which sought two amendments to the exhibited maps applying to the site. A map showing the land is **included as Attachment 6 to this report**.

The first amendment included the adjustment of the heritage curtilage shown on the Heritage Map so that it corresponded with the revised heritage conservation management plan. The second amendment included the realignment of the zone boundary on the Land Zoning Map so that the existing stables would be located within the same R5 Large Lot Residential zone as the rest of the heritage listed buildings at Mater Dei.

On 24 November 2009, Council resolved to support the above amendments. However, these amendments to the maps were omitted in error.

The planning proposal will seek to amend the LEP by including the above amendments.

Height of buildings on certain sites at Elderslie

As part of the rezoning process undertaken for the Elderslie Release Area, the accompanying chapter in DCP 2006 included a single storey height limit for certain land adjoining the existing residential areas at Elderslie and Narellan. This map showing this land is **included as Attachment 7 to this report**. The reduced height limit was omitted from the Height of Buildings Map in LEP 2010.

The planning proposal will seek to amend the Height of Buildings Map to show a maximum building height of 6.5m applying to this land.

Spring Farm – minimum lot size and zoning adjoining Narellan Vale

The Spring Farm Release Area and the locality of Narellan Vale each have different minimum lot sizes and land zonings applying to that land. The boundary between these two localities, and the corresponding land zoning and minimum lot size applying to land on either side of that boundary, has been shown incorrectly on the Minimum Lot Size Map and the Land Zoning Map. A map showing the subject land is **included as Attachment 8 to this report**.

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This is the report submitted to the Ordinary Council Meeting held on 14 December 2010 - Page 4

ORD11

Attachment 1

The planning proposal will seek to amend the Minimum Lot Size Map and Land Zoning Map for the subject land by applying the zoning and minimum lot size controls that applies to the Spring Farm Release Area.

#### Minimum lot size for zero lot line development at Elderslie Release Area

The preparation of LEP 2010 included the conversion of the minimum lot size controls contained in DCP 2006 into the LEP template format. The existing Elderslie Release Area control for zero lot line development (minimum 240m<sup>2</sup> lot size) could not be included in the Lot Size Map due to the limitations of the mapping technical requirements and the allocation of lot sizes and colours on the map.

The planning proposal will seek to have the minimum lot size of 240m<sup>2</sup> included in LEP 2010 via an amendment to the Minimum Lot Size map for the Elderslie Release Area, or if this cannot occur, via the inclusion of an appropriate clause in the LEP.

#### Zoning of land at Macarthur Resource Recovery Park (MRRP) at Spring Farm

Council has received notification from WSN (the proponents of the MRRP facility) regarding an amended Project Approval obtained from the Department of Planning for the waste services operations on this site. The amended approval involves the use of an adjacent lot for the purpose of slope stabilisation. The adjacent lot is currently zoned RU1 Primary Production and 'waste or resource management facilities' are permissible in this zone. WSN have requested that this land be rezoned to SP2 Waste or Resource Management Facility so that the zoning is consistent with the rest of the MRRP site. A map showing the subject land is **included as Attachment 9 to this report**.

The planning proposal will seek to rezone this lot to SP2 Waste or Resource Management Facility. This is a housekeeping matter which will result in the entire operations of the MRRP being located within the same zone.

#### **Community and government agency consultation**

The proposed amendments to LEP 2010 are housekeeping only and reflect the 'status quo' and do not seek to impose new planning provisions that have not already been subject to public exhibition or a Council resolution at a previous stage. Accordingly, it is considered that a community and government agency consultation period of 14 days is appropriate.

#### CONCLUSION

Council officers will prepare a detailed planning proposal for submission to the Department of Planning which aims to make minor amendments to the LEP as outlined in this report. These amendments will address anomalies and omissions which occurred during the conversion of the former Camden LEPs into the new LEP template process. These amendments will ensure the LEP is robust.

#### RECOMMENDED

##### **That Council:**

- i. **resolve to prepare a planning proposal and associated map amendments for Camden LEP 2010 which addresses the issues outlined in this report;**










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This is the report submitted to the Ordinary Council Meeting held on 14 December 2010 - Page 5

- ii. forward the planning proposal to the DoP for Gateway Determination;
- iii. pending a favourable response from DoP, proceed directly to public exhibition;
- iv. if submissions are received, report back to Council at the conclusion of the public exhibition period; and
- v. if no submissions are received, forward the planning proposal directly to the DoP for the plan to be made.

#### ATTACHMENTS

Attachment 1 - Land Use Table  
 Attachment 2 - Seniors Housing Currans Hill  
 Attachment 3 - Landturn  
 Attachment 4 - Harrington Park  
 Attachment 5 - R3 Medium Density 3A Stewart Street  
 Attachment 6 - Mater Dei Curtilage  
 Attachment 7 - Elderslie Building Height  
 Attachment 8 - Spring Farm  
 Attachment 9 - MRRP

 Attachment 1 - Land Use Table Amendments.doc  Attachment 2 - Seniors Housing Currans Hill.pdf  
 Attachment 3 - Landturn Site.pdf  Attachment 4 - R3 Zone Harrington Park.pdf  
 Attachment 5 - R3 Medium Density at 3A Stewart St Harrington Park.pdf  Attachment 6 Mater Dei Curtilage and Zoning.pdf  
 Attachment 7 - Elderslie Building Height.pdf  Attachment 8 - Spring Farm Land.pdf  Attachment 9 - MRRP.pdf

#### RESOLUTION

Moved Councillor Anderson, Seconded Councillor Funnell that Council:

- i. resolve to prepare a planning proposal and associated map amendments for Camden LEP 2010 which addresses the issues outlined in this report; forward the planning proposal to the DoP for Gateway Determination;
- ii. pending a favourable response from DoP, proceed directly to public exhibition;
- iii. if submissions are received, report back to Council at the conclusion of the public exhibition period; and
- iv. if no submissions are received, forward the planning proposal directly to the DoP for the plan to be made.

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

(Councillors Anderson, Campbell, Cagney, Cottrell, Dewbery, Funnell, Symkowiak, Patterson and Warren voted in favour of the Motion.  
 No Councillor voted against the Motion).

ORD274/10

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This is the report submitted to the Ordinary Council Meeting held on 14 December 2010 - Page 6



**ORD11**

**Attachment 1**

**ACTIONS**

CRMS number , Finalised 12/20/2010 3:40:41 PM

Action: Finalised,

Completed

Council resolution noted

Link to CRMS document

CRMS: 12536264 15/12/2010, 02:23:43 PM

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This is the report submitted to the Ordinary Council Meeting held on 14 December 2010 - Page 7



Planning &  
Infrastructure



qB181617

11/21101

Department Generated Correspondence (Y)

Contact: Cho Cho Myint  
 Phone: (02) 9873 8500  
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 Email: ChoCho.Myint@planning.nsw.gov.au  
 Postal: Locked Bag 5020, Parramatta NSW 2124

Our ref: PP\_2011\_CAMDE\_002\_00 (11/15092-1)

Mr Greg Wright  
 General Manager  
 Camden Council  
 PO Box 183  
 CAMDEN NSW 2570

Dear Mr Wright,

**Re: Planning Proposal to make minor housekeeping amendments to Camden LEP 2010, to rectify anomalies and errors in the written instrument and associated maps**

I am writing in response to your Council's letter requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Camden Local Environmental Plan LEP 2010 to make minor housekeeping amendments as follows:

- **Item 1.** To rectify minor inconsistencies in the land use table;
- **Item 2.** To include 'seniors housing' as an additional permitted use under Schedule 1 of Camden LEP 2010;
- **Item 3.** To replace 'retail premises' with 'shops' under Clause 19 of Schedule 1 of Camden LEP 2010;
- **Item 4.** To amend the Land Zoning Map and Lot Size Map for various sites at:
  - (a) Harrington Park
  - (b) Struggletown
  - (c) Garden Gates Estate, Mount Annan South;
- **Item 5.** To apply a 6.5m height limit to certain land in the Elderslie Release Area;
- **Item 6.** To amend the Minimum Lot Size and land zoning for land that forms part of the Spring Farm Release Area;
- **Item 7.** To rezone land at the Macarthur Resource Recovery Park from RU1 Primary Production to SP2 Infrastructure (Waste or Resource Management Facility); and
- **Item 8.** To correct minor map amendments to zone boundaries, words, fonts and colours.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to variations as required by conditions in the attached Gateway Determination.

In regards to item 1, it is noted that some of the proposed amendments to the Land Use Table will have the effect of duplicating uses already permitted or prohibited in the zone (e.g. prohibiting 'retail premises' from the B5 zone will duplicate the existing prohibition of 'cellar door premises' and 'roadside stalls' in the zone. Council is to review the proposed land use definitions and group terms to ensure consistency with the Department's guidelines and circulars for preparing LEPs prior to the commencement of public exhibition.

In regards to item 2, the use of Schedule 1 to include 'Seniors Housing' as an additional permitted use on the subject land is not supported. Given the subject site 'adjoins land zoned primarily for urban purposes' Council is to consider the application of SEPP (Housing for Seniors or People with a Disability) 2004 in order to progress the matter. Alternatively, Council

Bridge Street Office: 23-33 Bridge Street, Sydney NSW 2000      GPO Box 39 Sydney NSW 2001      DX 22 Sydney  
 Telephone: (02) 9228 6111      Facsimile: (02) 9228 6455      Website: www.planning.nsw.gov.au

ORD11

Attachment 2

ORD11

should rezone the subject site to an appropriate zone in order to permit the use of the land for the purposes of 'seniors housing'. Council is to amend the planning proposal accordingly prior to the commencement of public exhibition and provide the Department's regional team with a copy of the revised proposal.

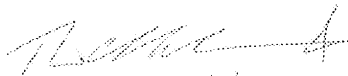
The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 6.2 Reserving Land for Public Purposes and 6.3 Site Specific Provisions are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Cho Cho Myint of the Regional Office of the Department on 02 9873 8500

Yours sincerely,



30/1/11  
**Tom Gellibrand**  
Deputy Director General  
Plan Making & Urban Renewal



## Gateway Determination

*Planning Proposal (Department Ref: PP\_2011\_CAMDE\_002\_00): to make minor housekeeping amendments to Camden LEP 2010 to rectify anomalies and errors in the written instrument and associated maps*

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Camden Local Environmental Plan LEP 2010 to make minor housekeeping amendments as follows:

- **Item 1.** To rectify minor inconsistencies in the land use table;
- **Item 2.** To include 'seniors housing' as an additional permitted use under Schedule 1 of Camden LEP 2010;
- **Item 3.** To replace 'retail premises' with 'shops' under Clause 19 of Schedule 1 of Camden LEP 2010;
- **Item 4.** To amend the Land Zoning Map and Lot Size Map for various sites at:
  - (d) Harrington Park
  - (e) Struggletown
  - (f) Garden Gates Estate, Mount Annan South;
- **Item 5.** To apply a 6.5m height limit to certain land in the Elderslie Release Area;
- **Item 6.** To amend the Minimum Lot Size and land zoning for land that forms part of the Spring Farm Release Area;
- **Item 7.** To rezone land at the Macarthur Resource Recovery Park from RU1 Primary Production to SP2 Infrastructure (Waste or Resource Management Facility); and
- **Item 8.** To correct minor map amendments to zone boundaries, words, fonts and colours

should proceed subject to variations as required by the following conditions:

1. In regards to item 1, Council is to review the proposed land use definitions and group terms with reference to the Department's Planning Circular "PS 11-011 Amendment to Standard Instrument (Local Environmental Plans) Order 2006". Council is to ensure existing land use terms do not overlap across definitions and should cross reference the group term/sub term relationships.
2. In regards to item 2, the use of Schedule 1 to include 'Seniors Housing' as an additional permitted use on the subject land is not supported. Given the subject site 'adjoins land zoned primarily for urban purposes' Council is to consider the application of SEPP (Housing for Seniors or People with a Disability) 2004 in order to progress the matter. Alternatively, Council should rezone the subject site to an appropriate zone in order to permit the use of the land for the purposes of 'seniors housing'.
3. Council is to amend the planning proposal as required by conditions 1 and 2 above for the purposes of public exhibition and provide the Department's regional team with a copy of the revised proposal.
4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
  - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **14 days**; and

Camden PP\_2011\_CAMDE\_002\_00 (11/15092-1)

ORD11

**Planning &  
Infrastructure**

- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
5. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
7. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Dated 30<sup>th</sup> day of November 2011.

A handwritten signature in black ink, appearing to read 'Tom Gellibrand'.

**Tom Gellibrand**  
Deputy Director General  
Plan Making & Urban Renewal  
Delegate of the Minister for Planning and  
Infrastructure

Camden PP\_2011\_CAMDE\_002\_00 (11/15092-1)

Attachment 2



## **CAMDEN COUNCIL**

# **PLANNING PROPOSAL**

**Amendment No. 6 - housekeeping  
amendments to Camden LEP 2010**

October 2011

**ORD11**

Amendment No.6 – housekeeping amendments to Camden LEP 2010

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**Contents**

Background..... 3

Part 1 – Objectives or Intended Outcomes ..... 4

Part 2 – Explanation of provisions..... 5

Part 3 – Justification..... 37

Part 4 – Community Consultation ..... 39

Appendix A – Applicable section 117 directions..... 40

**Attachment 3**

Amendment No.6 – housekeeping amendments to Camden LEP 2010

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### **Background**

Camden LEP 2010 (LEP 2010) was gazetted on 3 September 2010 and became the principal planning instrument covering land use and zoning in the Camden LGA. Council staff have now had the opportunity to use and interpret the LEP and the associated maps, and several errors and omissions of a minor nature have been identified.

At the Ordinary Council Meeting of 23 November 2010, Camden Council considered a report on the preparation of a planning proposal to make minor housekeeping amendments to LEP 2010. Council resolved as follows:

- (a) *resolve to prepare a planning proposal and associated map amendments for Camden LEP 2010 which addresses the issues outlined in this report;*
- (b) *forward the planning proposal to the DoP for Gateway Determination;*
- (c) *pending a favourable response from DoP, proceed directly to public exhibition;*
- (d) *if submissions are received, report back to Council at the conclusion of the public exhibition period; and*
- (e) *if no submissions are received, forward the planning proposal directly to the DoP for the plan to be made.*

A copy of the Council report and resolution is included as **Attachment A**.

Following the resolution of Council, this planning proposal and associated maps have been prepared so that the matter may proceed to Gateway Determination.

In addition, this planning proposal incorporates two additional matters which were covered by previous resolutions of Council, but are yet to be incorporated into Camden LEP 2010. These matters will be discussed in greater detail elsewhere in this proposal.



ORD11

Attachment 3

Amendment No.6 – housekeeping amendments to Camden LEP 2010

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### ***Part 1 – Objectives or Intended Outcomes***

The planning proposal seeks to make minor housekeeping amendments to LEP 2010. The amendments include the rectification of anomalies or errors in the written instrument and associated maps, the amendment of maps to reflect the approved subdivision pattern in some urban release areas, and the amendment of maps to reflect recent resolutions of Council with respect to approved development applications.

The amendments will ensure that the planning provisions contained within LEP 2010 are consistent with those featured in the various Camden LEPs which were in place prior to the gazettal of LEP 2010. This is consistent with the philosophy adopted by Council during the preparation of LEP 2010 where the 'status quo' was to be maintained as far as possible. In addition, the amendments will ensure that the controls and maps applying to various urban release areas are up-to-date and reflect the approved subdivision pattern.

Amendment No.6 – housekeeping amendments to Camden LEP 2010

**Part 2 – Explanation of provisions**

Note: the following map legend applies to the various land zoning, minimum lot size and height of buildings maps throughout this planning proposal:



Figure 1 – Map legend

ORD11

Attachment 3

ORD11

Amendment No.6 – housekeeping amendments to Camden LEP 2010

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1. **Camden LEP 2010 land use tables**

A detailed review of the land use tables in LEP 2010 has revealed minor inconsistencies between LEP 2010 and the various LEPs which were in force prior to the gazettal of LEP 2010.

It is proposed that the land use tables in Camden LEP 2010 will be amended by inserting or removing land uses as outlined in **Attachment B**.

Attachment 3

Amendment No.6 – housekeeping amendments to Camden LEP 2010

**2. Seniors Housing on Lot 1 DP 1019708 no. 359 Narellan Road, Currans Hill**

The subject land is located to the north of Narellan Road as shown at **Figure 2**. The land (previously known as Part Lot 220 DP 850132 and Lot 1 DP 605149) benefited from an additional permitted use under Camden LEP 48 for the purposes of "aged persons' accommodation, meaning a group of single storey buildings for the purpose of accommodating aged persons with ancillary buildings to cater for the needs of the residents". This is considered to be defined as 'seniors housing' under Camden LEP 2010.

The site was zoned 7(d) Environmental Protect (Scenic) under LEP 48, and is now zoned RU2 Rural Landscape (the equivalent zone) under Camden LEP 2010. The existing land zoning map is shown at **Figure 3**. Seniors housing is not a permitted use in this zone under LEP 2010, and SEPP (Housing for Seniors or People with a Disability) 2004 does not apply to the RU2 Rural Landscape zone.

DA 2770/199 was approved in 2000 and DA 64/2002 was approved in 2002 to permit the construction of seniors housing on this site. Construction of this development commenced but was never completed to occupation stage. The proponents of the site have advised that the existing buildings have significant structural and termite damage and it is not economically feasible to repair the buildings, therefore demolition is required.

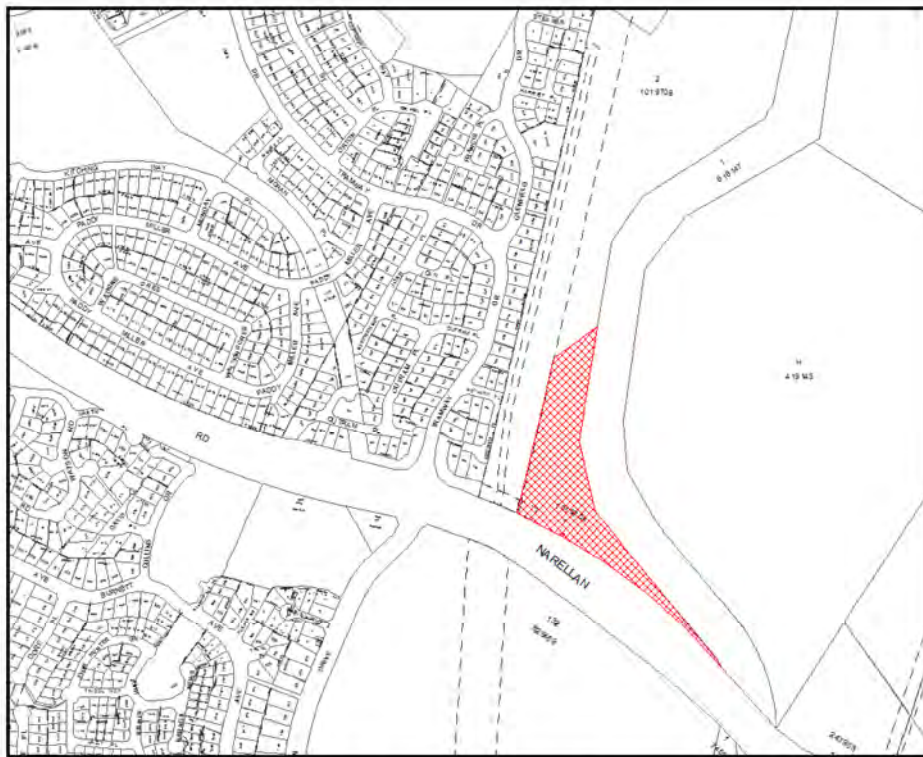
Council proposed that the additional permitted use be reinstated so that the proponents may redesign the proposal to meet current industry best-practice design, and facilitate the lodgement of a new development application so that the site may be developed as originally envisaged. However the Department of Planning and Infrastructure do not believe in making an additional permitted use for this site.

As such, Council have had to find an appropriate zone for the site. Accordingly, it is proposed to rezone the site from RU2 Rural Landscape to R2 Low Density Residential. Council considers the R2 Low Density Residential zone to be the most suitable zone for the site as it permits Seniors Housing and the SEPP (Housing for Seniors or People with a Disability) 2004 can be applied to the site. This will ensure Seniors Housing is a permissible use on the site subject to the granting of development consent.

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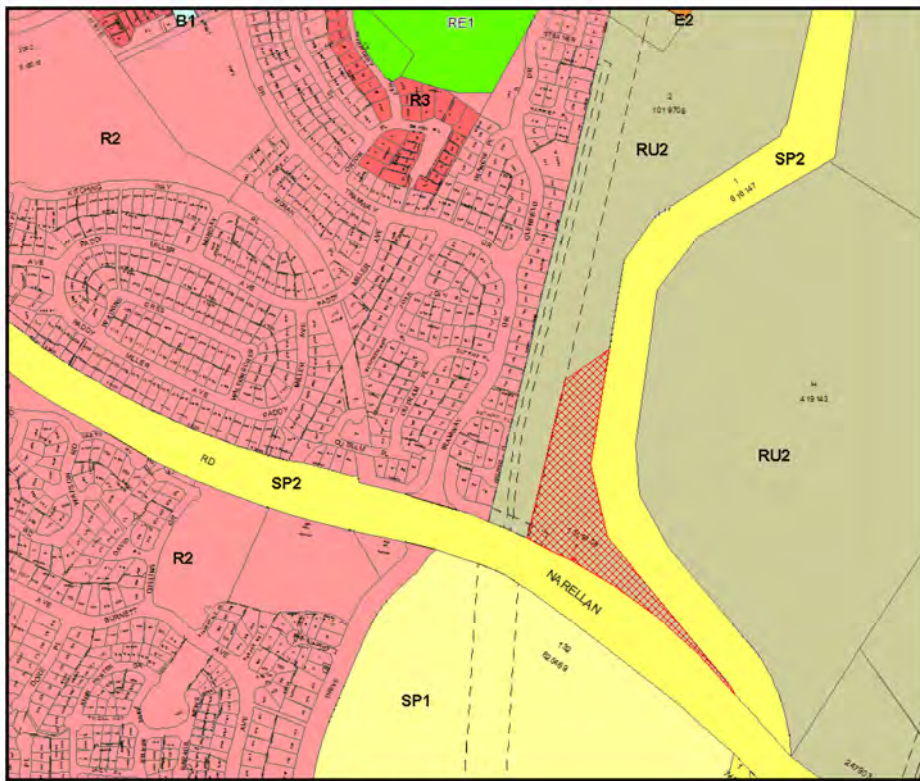
Attachment 3

Amendment No.6 – housekeeping amendments to Camden LEP 2010



**Figure 2 - Location Map Lot 1 DP 1019708 no. 359 Narellan Road Currans Hill  
Corresponds to Land Zoning Map – Sheet LZN\_017**

Amendment No.6 – housekeeping amendments to Camden LEP 2010



**Figure 3 - Zoning Map Camden LEP 2010**  
**Corresponds to Land Zoning Map – Sheet LZN\_017**

**ORD11**  
**Attachment 3**

**3. 'Landturn' site, bordered by The Northern Road, The Old Northern Road, and Camden Valley Way, Narellan**

The subject site is located between Camden Valley Way, The Northern Road, and The Old Northern Road, Narellan. The location of the site is shown at **Figure 4**. The site is zoned B5 Business Development and the current land zoning map for the site is shown at **Figure 5**.

The site is subject to an additional permitted use under Schedule 1 of LEP 2010 which reads as follows:

- (1) *This clause applies to land at the corner of Camden Valley Way and The Northern Road, Narellan, being Lot 50, DP 1119720, Lots 2–5, DP 1090266, Lot 2, DP 847690, Lot 41, DP 1105578, Lot 71, DP 806800, Lot 2, DP 779732, Lot 2, DP 735948, Part Lot 4, DP 217026, Lot 1, DP 795656, Lot 61, DP 1036014, Lot 8, DP 744960, and Lot 1, DP 782191.*
- (2) *Development for the purposes of retail premises is permitted with development consent if:*
  - (a) *the gross floor area of all retail premises on the land is not more than 11,300 square metres, and*
  - (b) *the development is to be designed to address both The Northern Road and Camden Valley Way frontages reinforcing their main street function and character.*

The additional permitted use for this land was described as 'shops' under Camden LEP 46, and was converted to 'retail premises' during the conversion of LEP 46 into the Standard Instrument format.

The use of the definition 'retail premises' rather than 'shop' has created a situation where a wide range of types of retail premises will be counted towards the 11,300m<sup>2</sup> floor space cap on this site, rather than 'shops' only as intended by the additional permitted use listed in LEP 46. This will result in an overall development which is significantly smaller than envisaged for this site.

To address these anomalies, it is proposed that Schedule 1 Clause 19 of Camden LEP 2010 will be amended by substituting the term 'retail premises' with the term 'shops' and amending the land use table for the B5 Business Development zone by adding 'retail premises' as a prohibited use.

Furthermore, the land use table for the B5 Business Development zone should also be amended by adding 'food and drink premises' as permitted with consent. Despite being overlooked in terms of forming part of the 23 November 2010 Council report, this matter is still considered to form part of the objective of the council report by:

- ensuring the LEP is consistent with the 'status quo' approach adopted during the conversion of the former Camden LEPS into the new LEP template format

## Amendment No.6 – housekeeping amendments to Camden LEP 2010

- only being of a housekeeping nature, and
- not seeking to impose new planning provisions.

Schedule 8 of Camden LEP 46 permitted the use of the Landturn Site for the purpose of shops subject to meeting certain conditions and subject to the granting of development consent. Permitted shops in the zone included:

- Antiques (second-hand) furniture shop
- Automotive parts and accessories shop
- Butcher's shop
- Chemist's shop
- Corner shop trading principally in groceries, small goods and associated small items for residents in its vicinity
- Electrical goods shop
- Floor coverings shop
- Fruit shop
- Furniture shop
- Hardware shop
- Lighting shop
- Newsagent's shop
- Office supplies shop
- Outdoor products (such as lawn mowers, clothes hoists, garden sheds, swimming pool equipment and outdoor furniture) shop
- Takeaway food shop
- Tobacconist
- Toys and sporting equipment shop
- Video hire shop

The above list states different types of shops, some of which fall under the 'food and drink premises' definition in Camden LEP 2010. Food and drink premises is excluded from the definition of 'shop' under Camden LEP 2010.

In order to ensure status quo from Camden LEP 46 to Camden LEP 2010 'food and drink premises' should also be included as part of this planning proposal by adding it as permitted with consent in the land use table for the B5 Business Development zone (refer to Attachment B – Land Use Table Amendments).



ORD11

Attachment 3

Amendment No.6 – housekeeping amendments to Camden LEP 2010

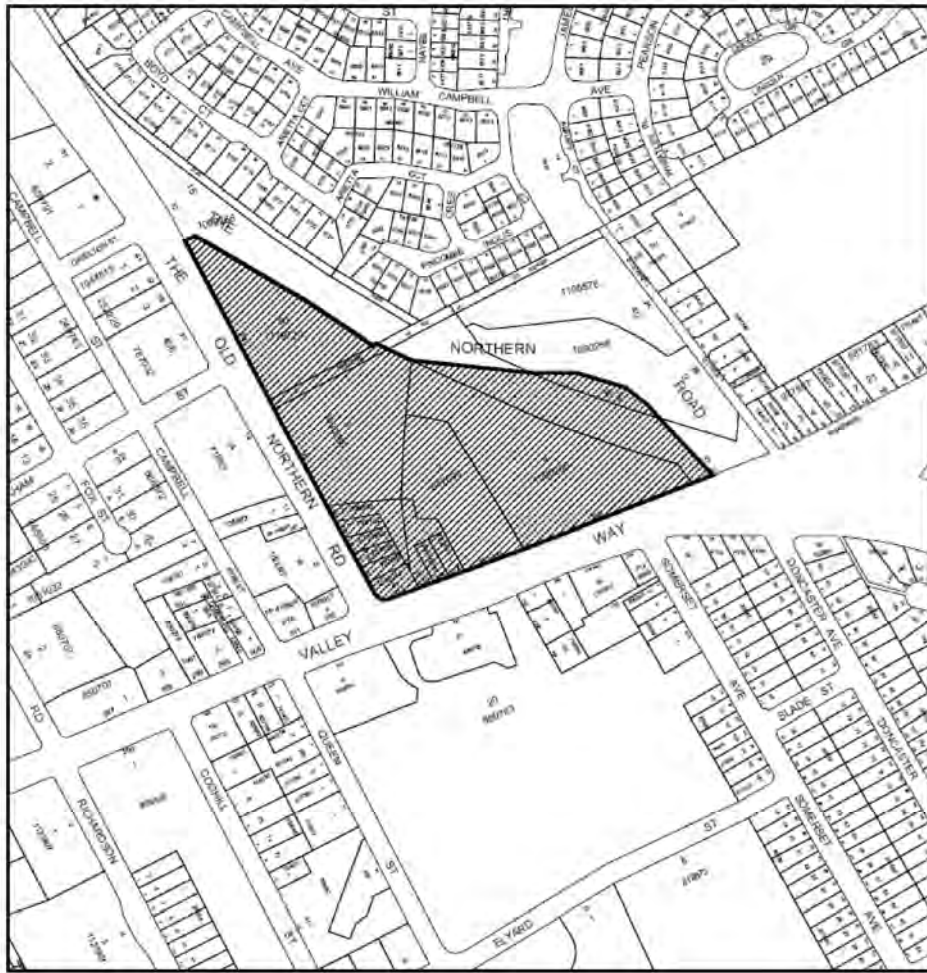


Figure 4 - Location Map Landturn Site

Corresponds to Land Zoning Map – Sheet LZN\_012

Amendment No.6 – housekeeping amendments to Camden LEP 2010

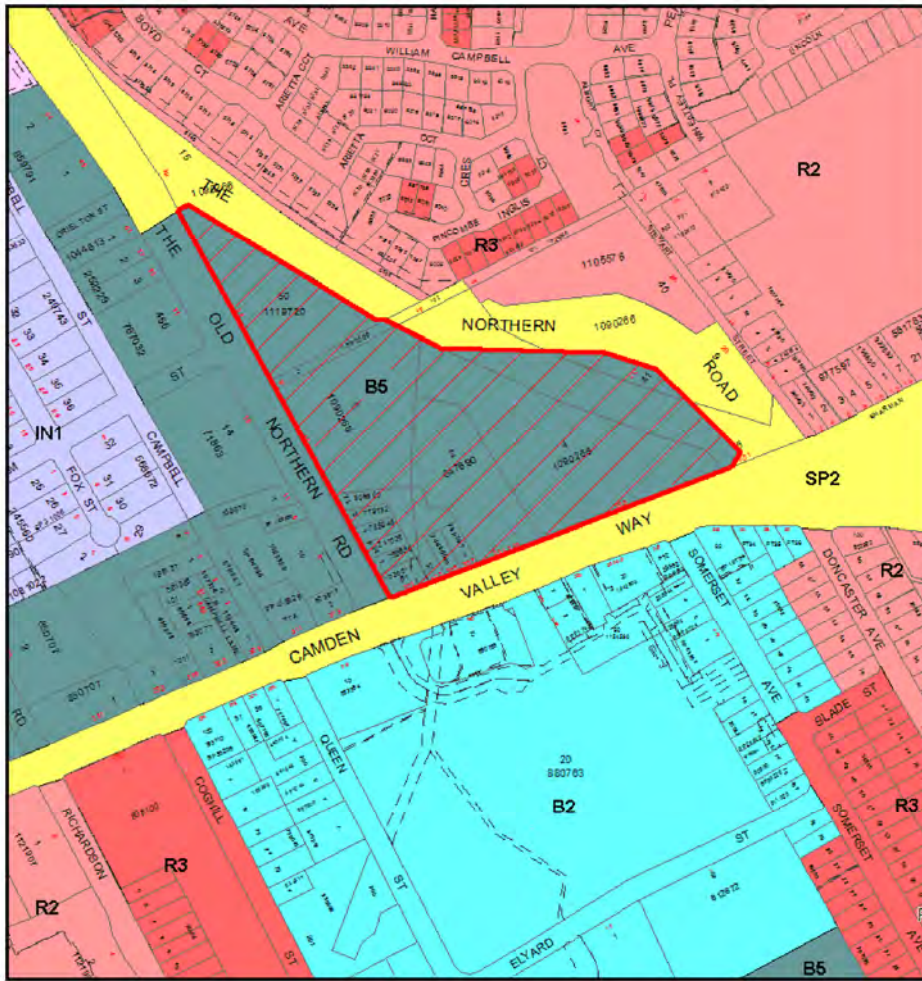


Figure 5 - Zoning Map Camden LEP 2010  
Corresponds to Land Zoning Map – Sheet LZN\_012

ORD11

Attachment 3

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#### 4. R3 Medium Density Residential zone and former 'Res 2' sites

##### Preface

Under the various Camden LEPs which were in place prior to the gazettal of Camden LEP 2010, the urban release areas within the Camden LGA were generally zoned 2(d) Residential which is the equivalent zone to R1 General Residential under the Standard Instrument. Camden DCP 2006 contained a site-specific chapter for each release area which identified certain sites as Residential 2 or 'Res 2'. These sites were identified as being suitable for medium density residential development.

As part of the 'status-quo' conversion of the existing Camden LEPs into the Standard Instrument format, the release areas were zoned R2 Low Density Residential and the 'Res 2' sites were zoned as R3 Medium Density Residential, with a minimum lot size of 250m<sup>2</sup> applied to these sites via the lot size map in Camden LEP 2010.

This planning proposal seeks to amend the Land Zoning Map and Lot Size Map for various sites which were erroneously omitted from the 'Res 2' to 'R3' conversion process. These sites are discussed in greater detail below.

##### 4(a) R3 Zone at Harrington Park

The subject land includes multiple lots and is bounded by Fairwater Drive, Harrington Park to the west, and land zoned RE1 to the north, east and south as shown at **Figure 6**. The land is currently zoned R2 Low Density Residential and the current zoning map is shown at **Figure 7**.

The land was nominated as 'Res 2' under Chapter 7 of Camden DCP 2006 which identified the site as being suited for multi dwelling housing and applied a minimum lot size of 250m<sup>2</sup> to the land. However, the subject site was erroneously omitted from the conversion process to R3 Medium Density Residential under LEP 2010. A copy of the map from DCP 2006 is shown at **Figure 8**.

It is proposed that LEP 2010 will be amended by rezoning the abovementioned land to R3 Medium Density Residential and applying a 250m<sup>2</sup> minimum lot size.

Amendment No.6 – housekeeping amendments to Camden LEP 2010



**Figure 6 - Location Map R3 Site Harrington Park  
Corresponds to Land Zoning Map – Sheet LZN\_012**

**ORD11**

**Attachment 3**

ORD11

Attachment 3

Amendment No.6 – housekeeping amendments to Camden LEP 2010

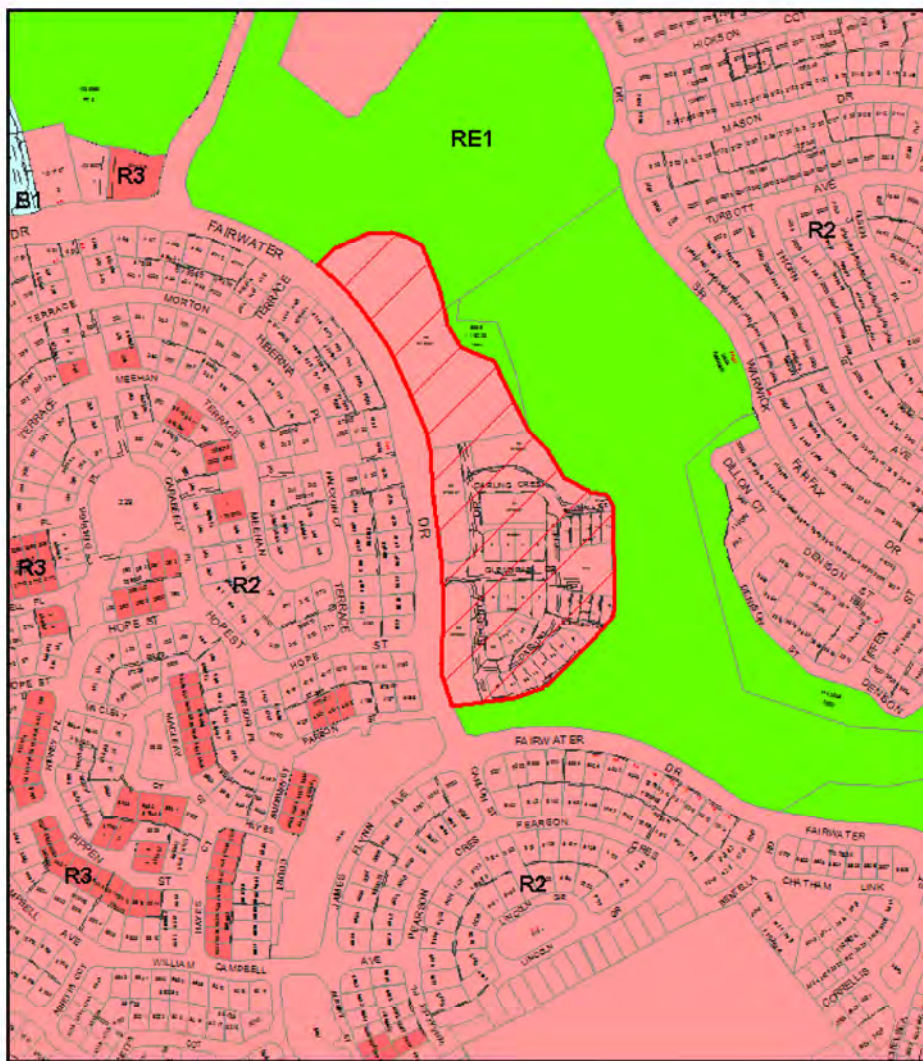
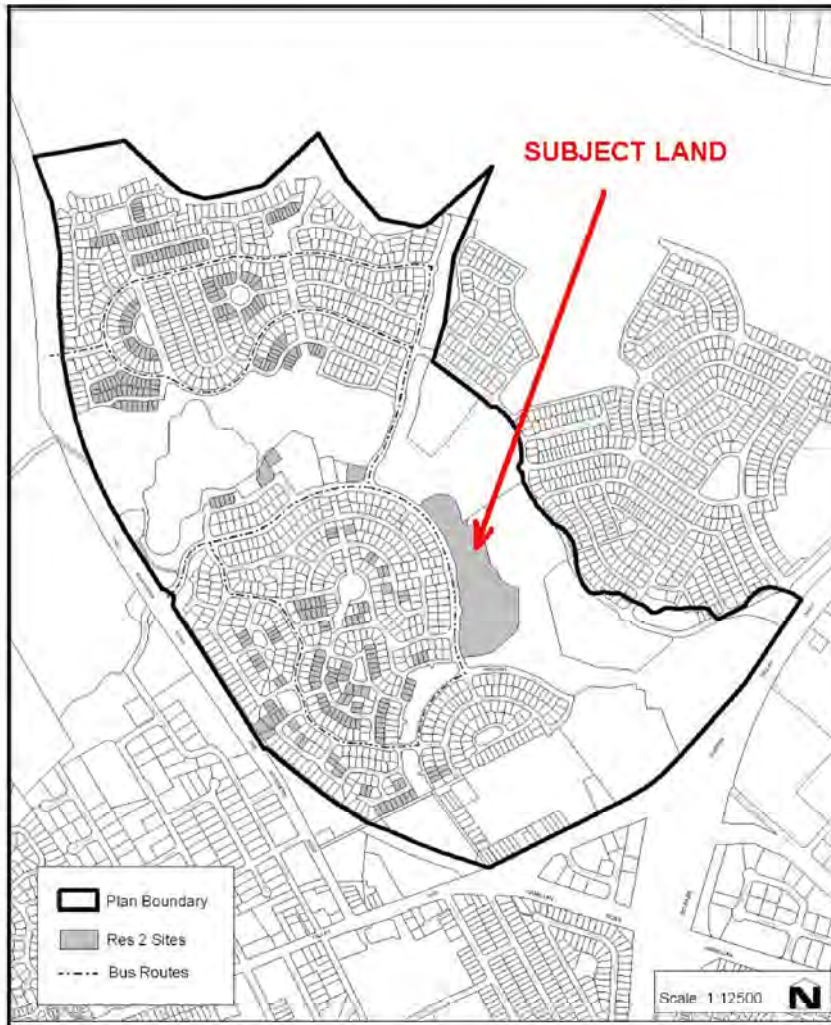


Figure 7 - Zoning Map Camden LEP 2010

Corresponds to Land Zoning Map – Sheet LZN\_012

Amendment No.6 – housekeeping amendments to Camden LEP 2010



**Figure 8 - Extract from Camden DCP 2006 Chapter 7 'Res 2' Sites Map  
Corresponds to Land Zoning Map – Sheet LZN\_012**

ORD11

Attachment 3

ORD11

Attachment 3

Amendment No.6 – housekeeping amendments to Camden LEP 2010

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**4(b) R3 Zone at Struggletown**

The subject sites are located within a large 'parent' parcel of land located at the rear of the 'Struggletown' Heritage Conservation Area at Narellan as shown at **Figure 9**. The land is currently zoned R2 Low Density Residential as shown on the existing land zoning map included as **Figure 10**. The parent parcel of land is benefited by a development consent allowing the subdivision of the land (DA 917/2009) following a resolution of Council at the meeting of 23 March 2010. A copy of the Council resolution is included as **Attachment C**. The approved plan of subdivision is included as **Figure 11**.

The application proposed to nominate three lots within the proposed subdivision as 'Res 2' sites under the Camden DCP 2006 which was still in force at the time. Council's resolution of 23 March 2010 included the following sub-resolution:

*ii. endorse the Residential 1 and Residential 2 land classifications with a view to include the subdivision plan within the precinct plan of Camden Development Control Plan 2006 and to incorporate this plan into the draft amendments being made to Camden Development Control Plan 2006 in association with a review necessitated through the making of Camden Local Environmental Plan 2010 and subsequently within the first review of the Camden Local Environmental Plan.*

Accordingly, it is proposed that the land zoning map and lot size map be amended to reflect a zoning of R3 Medium Density Residential and a lot size of 250m<sup>2</sup> for the subject sites.

Amendment No.6 – housekeeping amendments to Camden LEP 2010



**Figure 9 – Location of subject sites at Struggletown, Narellan  
Corresponds to Land Zoning Map – Sheet LZN\_012**

ORD11

Attachment 3



ORD11

Attachment 3

Amendment No.6 – housekeeping amendments to Camden LEP 2010

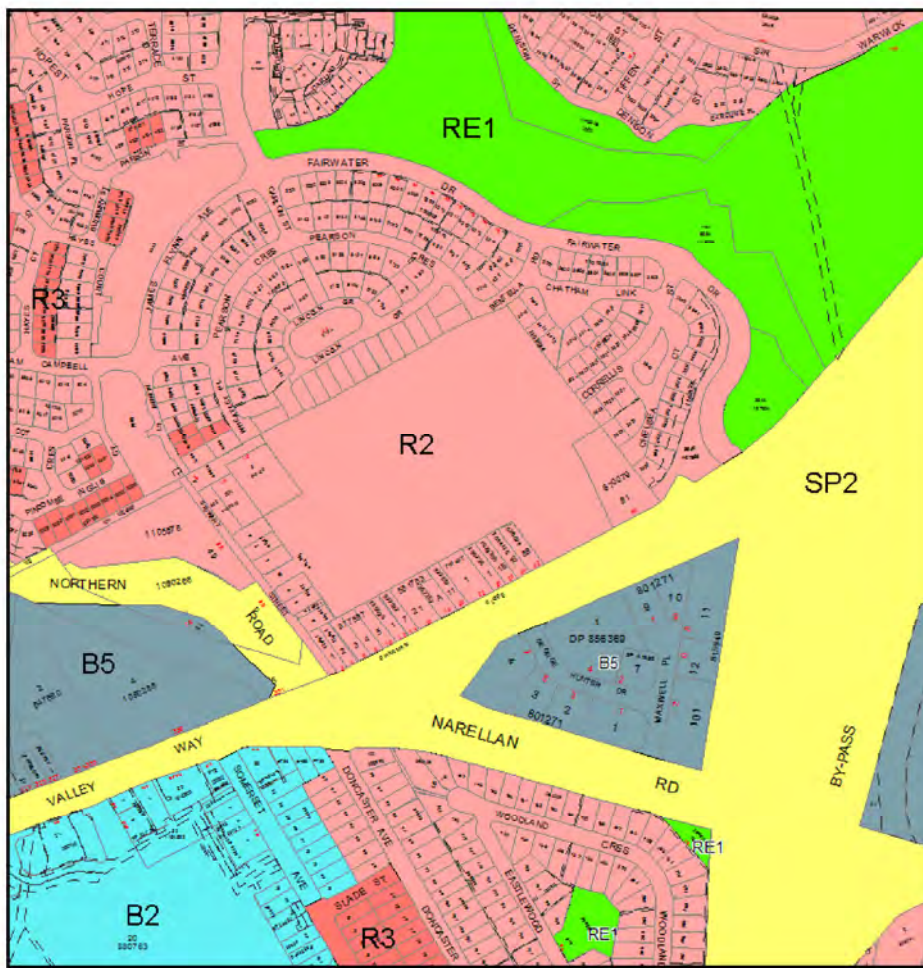


Figure 10 – existing zoning map at Struggletown  
Corresponds to Land Zoning Map – Sheet LZN\_012

Amendment No.6 – housekeeping amendments to Camden LEP 2010



Figure 11 – Approved subdivision pattern at Struggletown with 'Res 2' sites shown hatched.

Corresponds to Land Zoning Map – Sheet LZN\_012

ORD11

Attachment 3

ORD11

Attachment 3

Amendment No.6 – housekeeping amendments to Camden LEP 2010

**4(c) R3 zone at Garden Gates Estate, Mount Annan South (Lot 3605 DP 1136099)**

The subject site is located within the 'Garden Gates Estate' at Mount Annan South. Diagrams showing the location of the site, the current land zoning map and the current lot size map are included at **Figures 12, 13 and 14** respectively.

DA 30017/2002 granted consent to the subdivision of land within the estate and included the nomination of several sites as 'Res 2'. The proponents lodged a s96 amendment to the above consent which sought to add Lot 3605 DP 1136099 as a 'Res 2' site. On 9 February 2010, Council resolved to approve DA 30017/2002 as follows:

- i) *Council approve the Section 96 Modification application to existing Development Consent 300017/2002, being for the amendment of plans to include one additional Residential 2 lots at approved Lot 3605;*
- ii) *The plans which indicate the Residential 1 and 2 classifications within the Mount Annan South precinct be incorporated into the amendments being made to Camden DCP 2006 in association with the review necessitated through the making of Camden LEP 2010 and also the subsequent review of Camden LEP 2010.*

A copy of the Council report and resolution is included as **Attachment D**.

It is proposed that the land zoning map and lot size map be amended to reflect a zoning of R3 Medium Density Residential and a lot size of 250m<sup>2</sup> for the abovementioned sites.





Amendment No.6 – housekeeping amendments to Camden LEP 2010

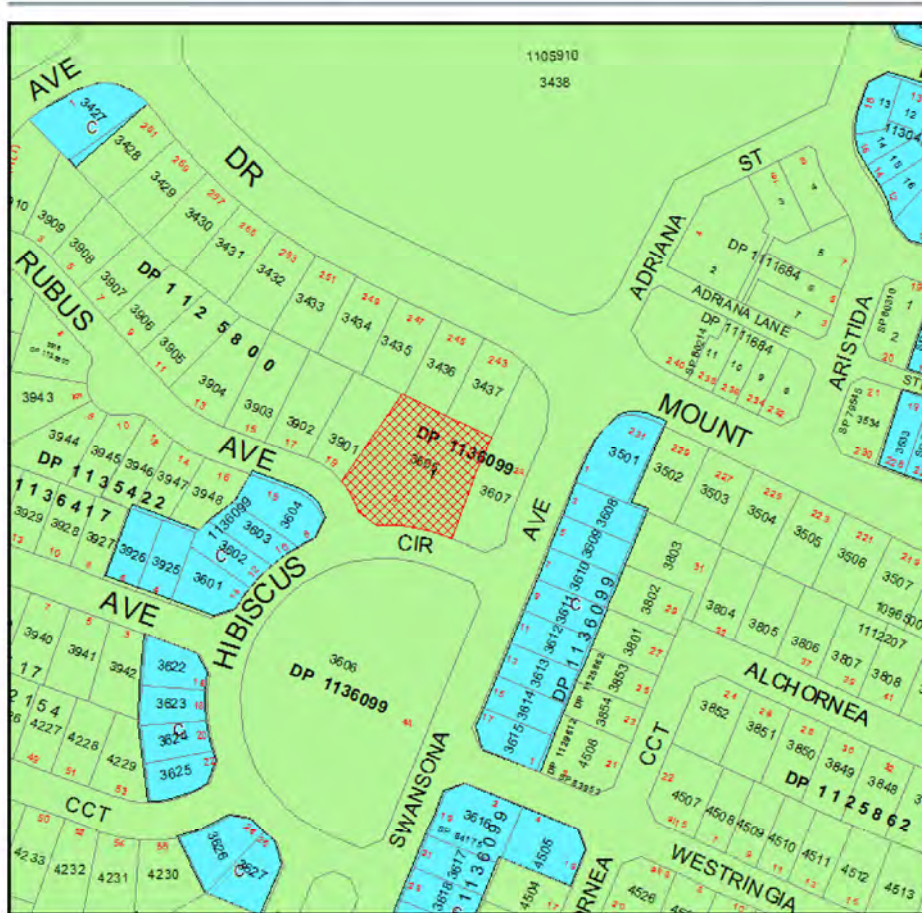


Figure 14 – Lot Size Map for Lot 3605 DP 1136099 under Camden LEP 2010  
Corresponds to Land Zoning Map – Sheet LZN\_017

Attachment 3  
ORD11

#### 5. Height of buildings in Elderslie Release Area

The subject land is located on the fringes of the Elderslie urban release area as shown hatched at **Figure 16**. The existing height of buildings map for Elderslie is shown at **Figure 17**, and the existing land zoning map is shown at **Figure 18**.

As part of the original rezoning process undertaken for the Elderslie release area, the accompanying chapter in Camden DCP 2006 included a single storey height limit for the subject land. This height control was introduced to address concerns originally raised by residents who lodged objections when the land was first rezoned.

The height limit was inadvertently omitted from the height of buildings maps prepared in conjunction with Camden LEP.

The planning proposal seeks to amend the height of buildings map by applying a 6.5m height limit to the subject sites in the Elderslie Release Area.



**Figure 16 – Elderslie location map showing subject sites**

**Corresponds to Land Zoning Map – Sheet LZN\_013 (Figures 17 and 18 also)**

Amendment No.6 – housekeeping amendments to Camden LEP 2010

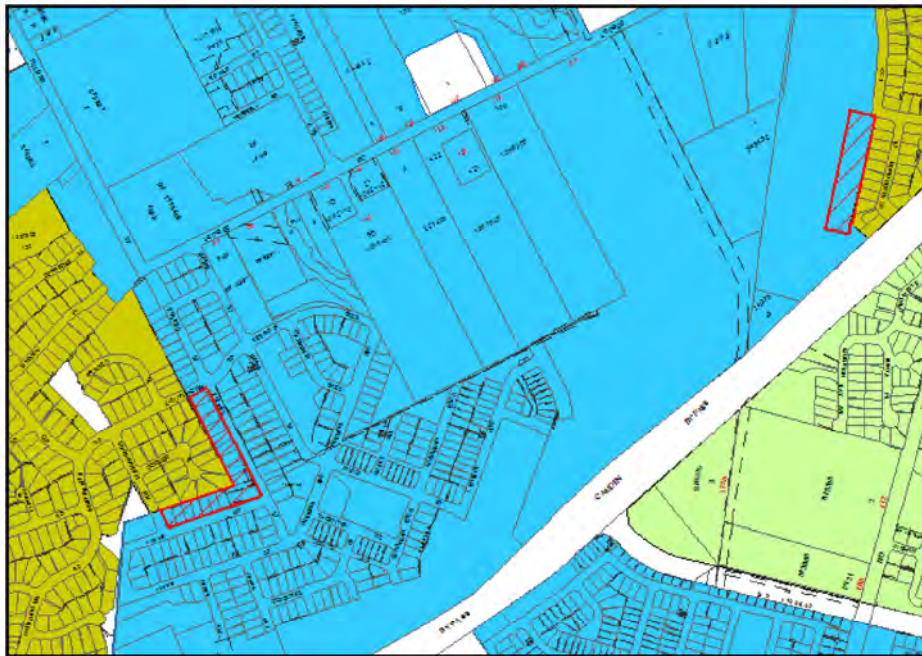


Figure 17 – Elderslie height of buildings map (current)

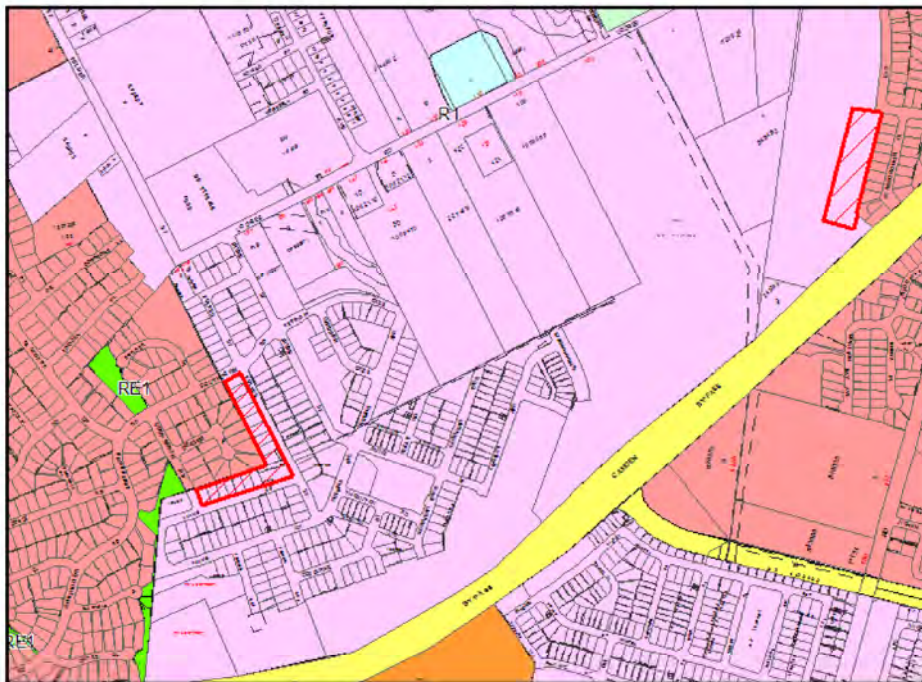


Figure 18 – Elderlise land zoning map (current)



**6. Spring Farm minimum lot size and zoning adjoining Narellan Vale**

The subject land is located adjacent to the Camden By-pass and to the north of the future Spring Farm Link Road as shown at **Figure 19**. The land forms part of the Spring Farm release area. The existing land zoning map is shown at **Figure 20** and the existing height of buildings map is shown at **Figure 21**.

During the preparation of maps for Camden LEP 2010, this land was erroneously mapped as part of the Narellan Vale area, with a zoning of R2 Residential and a minimum lot size of 450m<sup>2</sup> applied to the land. Given that the land actually falls within the Spring Farm release area, this land should instead be zoned R1 General Residential with a minimum lot size of 300m<sup>2</sup> and be subject to the provisions of clause 4.1A (with a heavy blue line surrounding the subject land, as is the case for all of Spring Farm).

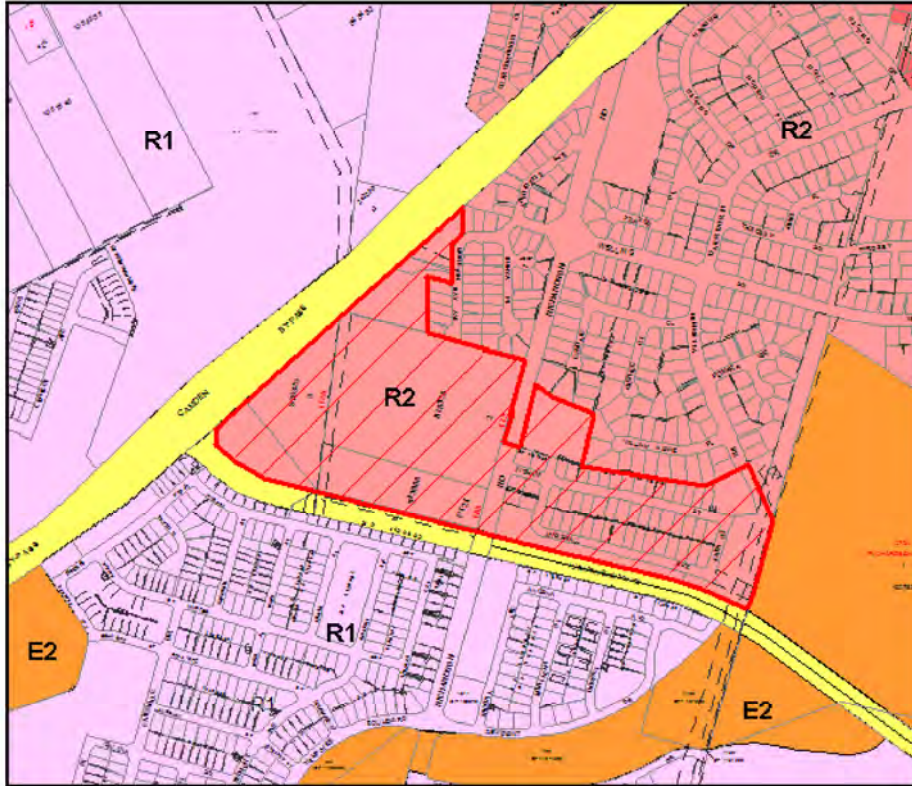
It is proposed that the land zoning map be amended to show a R1 General Residential and the lot size map be amended to show a minimum lot size of 300m<sup>2</sup> for the subject land, with a heavy blue line to correlate with clause 4.1A of the LEP.



**Figure 19 – Spring Farm land location map**

**Corresponds to Land Zoning Map – Sheet LZN\_013**

Amendment No.6 – housekeeping amendments to Camden LEP 2010



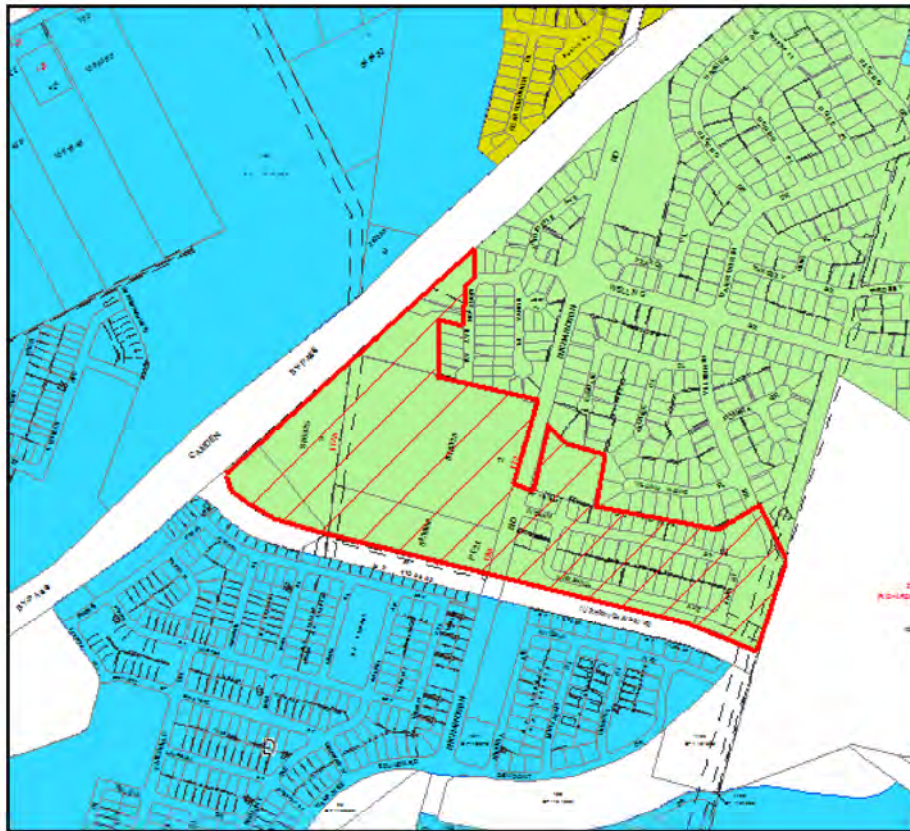
**Figure 20 – Spring Farm land zoning map (current)**  
**Corresponds to Land Zoning Map – Sheet LZN\_013**

ORD11

Attachment 3

**Attachment 3**  
**ORD11**

Amendment No.6 – housekeeping amendments to Camden LEP 2010



**Figure 21 – Spring Farm lot size map (current)**

**Corresponds to Land Zoning Map – Sheet LZN\_013**

Amendment No.6 – housekeeping amendments to Camden LEP 2010

#### 7. Zoning of land at the Macarthur Resource Recovery Park (MRRP)

Council has received notification from the proponents of the MRRP regarding an amended Project Approval obtained from the Department of Planning & Infrastructure for water services operations on the subject site. The amended approval affects Lot 21 DP 1125616. This lot is predominantly zoned SP2 Infrastructure (Waste or Resource Management Facility), however the lower southern portion of the lot is currently zoned RU1. This RU1 zoned portion of the lot is the subject of this planning proposal and is identified in **Figure 22** and **Figure 23**.

The subject site has an area of approximately 6,950m<sup>2</sup> and the amended approval includes the use of this land for the purposes of slope stabilisation. The adjacent lot to the east (Lot 22 DP 1125616) is currently zoned RU1 Primary Production and 'waste or resource management facilities' are permissible in this zone.

However the proponents have requested that the subject site be rezoned to SP2 Infrastructure (Waste or Resource Management Facility) so that the zoning is consistent with the rest of the lot and the MRRP site.

This planning proposal seeks to rezone the identified site in **Figures 22** and **23** to SP2 Infrastructure (Waste or Resource Management Facility).

ORD11

Attachment 3

ORD11

Attachment 3

Amendment No.6 – housekeeping amendments to Camden LEP 2010

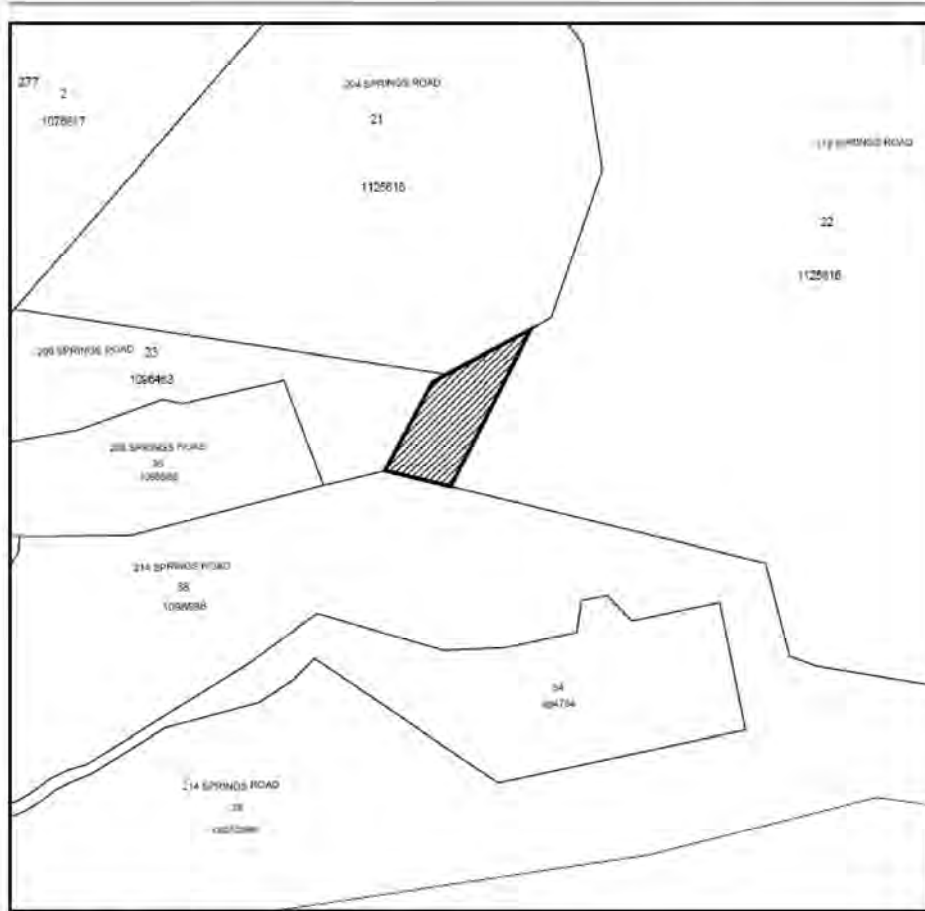


Figure 22 – location of subject site at MRRP

Corresponds to Land Zoning Maps – Sheet LZN\_018

Amendment No.6 – housekeeping amendments to Camden LEP 2010

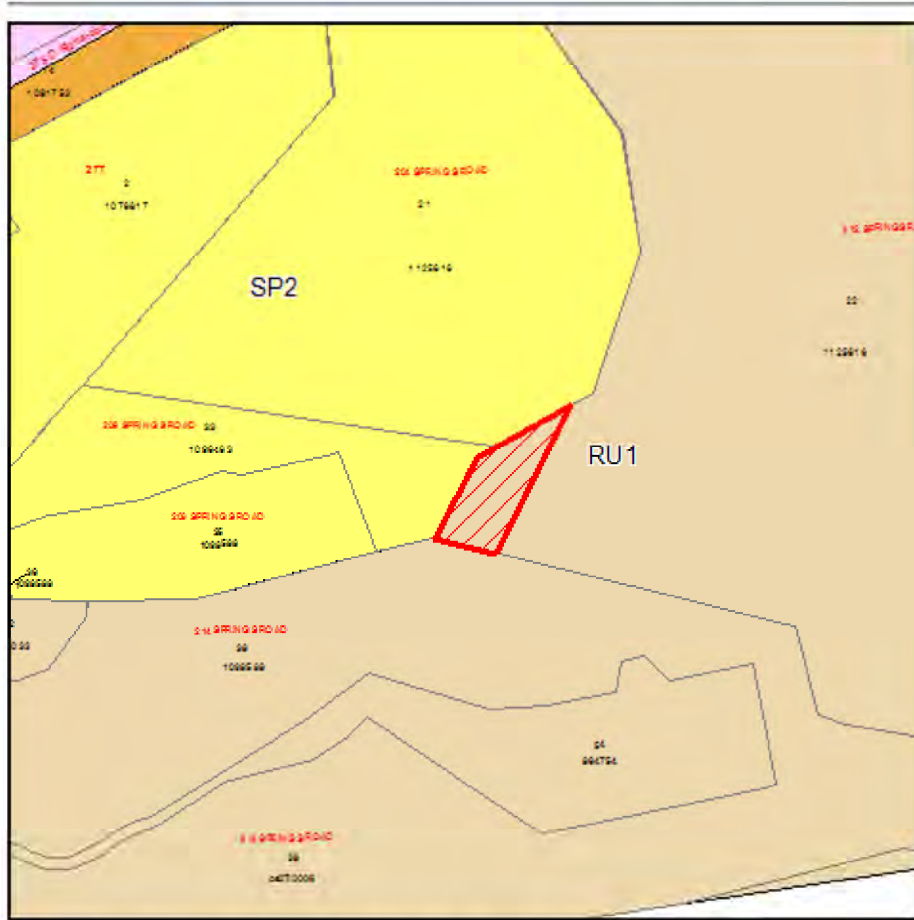


Figure 23 – existing land zoning map for subject site at MRRP

Corresponds to Land Zoning Maps – Sheet LZN\_018

ORD11

Attachment 3

#### 8. Miscellaneous map amendments

A comprehensive review of the maps accompanying the Camden LEP 2010 has been undertaken, and numerous anomalies have been identified.

Table 1 identifies minor map amendments which address errors and anomalies in the gazetted maps which involve words, fonts or colours.

Table 2 identifies minor map amendments to the boundaries between different zones or development standards on the maps as a result of errors in the original mapping, or revised cadastral information following the approval of recent development applications in urban release areas.

**Table 1 – Proposed map amendments to address mapping errors and anomalies**

Map Reference	Map amendment
All maps ending with the prefix “_002” and “_003”	Amend suburb name from 'Lus Lane' to 'Ellis Lane'
All maps ending with the prefix “_009”	Amend text font for 'Camden', 'Elderslie' and 'Spring Farm' to Arial font
All maps ending with the prefix “_013”	Amend suburb name from 'Narellanvale' to 'Narellan Vale'
LZN_013 and LZN_014	Amended colour for zone E1 National Parks and Nature Reserves to correspond with correct colour under DP&I mapping guidelines
All LZN maps	Amend zone name from 'RU4 Rural Small Holdings' to 'RU4 Primary Production Small Lots'

Amendment No.6 – housekeeping amendments to Camden LEP 2010

**Table 2 – Proposed map amendments to map polygon boundaries to address errors or ensure maps are consistent with approved subdivision boundaries**

Map Reference	Map amendment
LSZ_007, LZN_007, HOB_007	<p>Figure 28 shows the extent of the Sydney Region Growth Centre (SRGC) land at Oran Park. All of the map sheets numbered ‘_007’ in Camden LEP 2010 show an incorrect boundary between the SRGC land and the Camden LEP 2010 land. The boundary under the SRGC SEPP is shown at <b>Figure 26</b>. As a result, part of Cobbitty Road is not mapped via either instrument.</p> <p>The planning proposal intends to amend boundary between SRGC and Camden LEP 2010 along Cobbitty Road by including the land outlined in red at <b>Figure 27</b> within the Camden LEP 2010; and amend LSZ_007, LZN_007, HOB_007 so that the zone, lot size and height of building control applying to the adjoining land also applies to this land.</p>
LZN_009, LZN_011, LZN_013 and LZN_014 – Spring Farm.	<p>Amend zone boundary for all of Spring Farm between R1 General Residential and E2 Environmental Conservation zones to correspond with the Section 94 contribution plan (Camden Contribution Plan) which applies to this land. This amendment will also make the map consistent with LEP 121 and the Spring Farm Master Plan. A map showing the existing Camden LEP 2010 zone boundary in blue and the proposed zone boundary in red is included as <b>Attachment E</b>.</p>



ORD11

Attachment 3

Amendment No.6 – housekeeping amendments to Camden LEP 2010

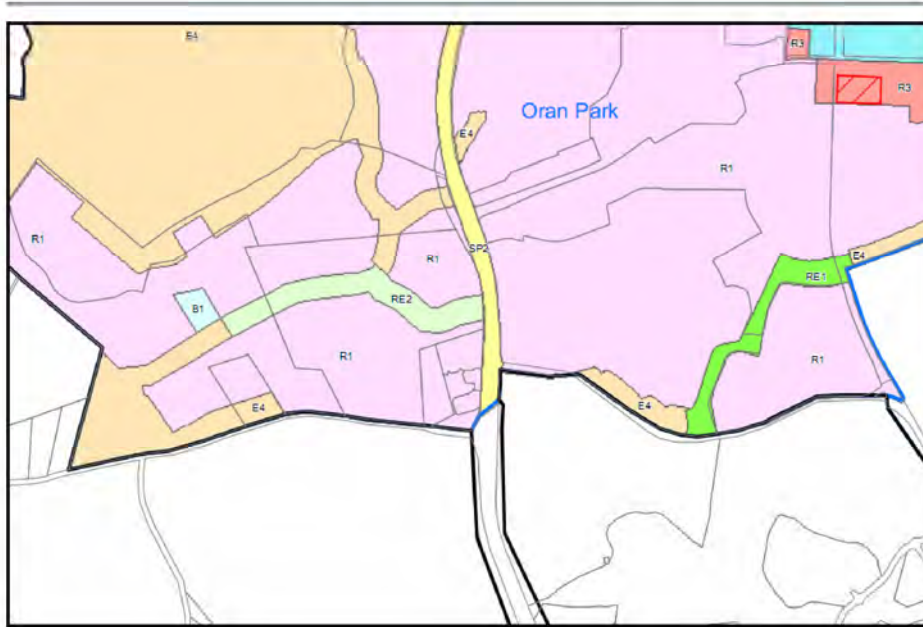


Figure 26 – existing SRGC boundary which excludes most of Cobbitty Road  
Corresponds to Land Zoning Maps – Sheet LZN\_007

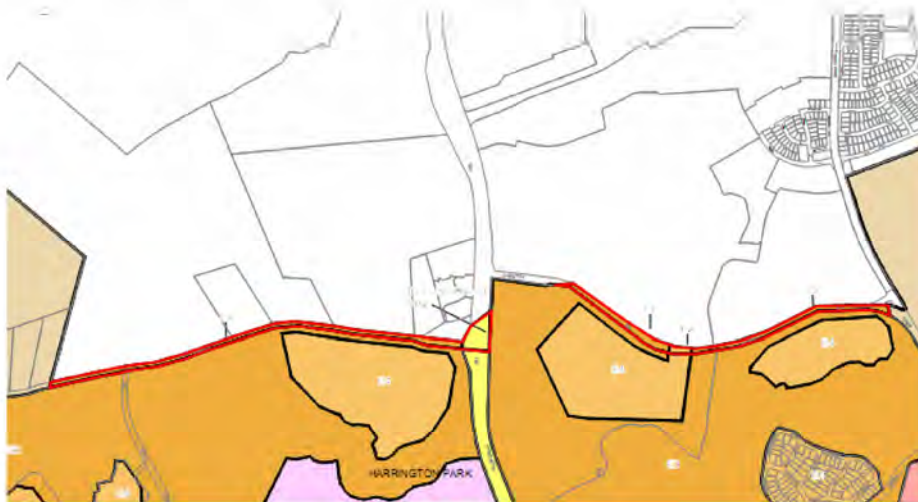


Figure 27 – Camden LEP 2010 map sheet \_007 showing existing land zoning  
map and land proposed to be included within Camden LEP 2010 outlined in  
red

Amendment No.6 – housekeeping amendments to Camden LEP 2010

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### **Part 3 – Justification**

#### **Section A – Need for the planning proposal.**

**1. Is the planning proposal a result of any strategic study or report?**

The planning proposal is not a result of any strategic study or report. The planning proposal addresses matters which are of a housekeeping nature.

**2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

It is considered that the planning proposal provides the best way of achieving the intended outcome as it seeks to address the minor anomalies and amendments in a relatively prompt and efficient manner.

**3. Is there a net community benefit?**

Given the minor housekeeping nature of the matters contained within this planning proposal, it is not considered that a Net Community Benefit Test need be undertaken. The matters addressed by this planning proposal will strengthen the Camden LEP 2010 by ensuring that it is up-to-date and robust, thereby providing the community with greater certainty.

#### **Section B – Relationship to strategic planning framework.**

**4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

The planning proposal is consistent with both the draft South Western Regional strategy and the Sydney Metro Strategy.

**5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?**

The planning proposal is consistent with Camden Council's Strategic Plan Camden 2040.

**6. Is the planning proposal consistent with applicable state environmental planning policies?**

The planning proposal is consistent with applicable state planning policies.

**7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

The planning proposal is consistent with applicable Ministerial Directions as explained in Appendix A.

ORD11

Attachment 3

Amendment No.6 – housekeeping amendments to Camden LEP 2010

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**Section C – Environmental, social and economic impact.**

- 8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

There is no likelihood of any adverse affect on any critical habitat or threatened species, populations or ecological communities, or their habitats, as a result of this proposal.

- 9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

There are no likely environmental effects as a result of this planning proposal.

- 10. How has the planning proposal adequately addressed any social and economic affects?**

Not applicable.

**Section D – State and Commonwealth interests.**

- 11. Is there adequate public infrastructure for the planning proposal?**

Not applicable.

- 12. What are the views of state and Commonwealth public authorities consulted in accordance with the gateway determination?**

Given the minor nature of the issues listed in this planning proposal, no state or commonwealth public authorities have been consulted.

Amendment No.6 – housekeeping amendments to Camden LEP 2010

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## ***Part 4 – Community Consultation***

### **Background and Strategy**

The matters dealt with in this planning proposal are of a housekeeping nature, and do not result in any adverse impacts upon the community. Accordingly, it is considered that an exhibition period of two weeks is appropriate for this planning proposal.

Due to the housekeeping nature of this planning proposal, it is considered that consultation with State or Commonwealth public authorities is not required in this instance.

ORD11

Attachment 3

**Appendix A – Applicable section 117 directions**

<b>Direction</b>	<b>Objective</b>	<b>Response</b>
1 Business and Industrial Zones	The objectives of this direction are to: (a) encourage employment growth in suitable location, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	Item 3: Landturn Site, Narellan. The planning proposal includes permitting 'shops' and 'food and drink premises' in the B5 Business Development Zone. This will protect and encourage employment and support the viability of the centres whilst preserving the characteristic of what the B5 Business Development zone should entail.
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	Item 2: Seniors Housing, Currans Hill. This planning proposal is maintaining the 'status quo' with previous LEP 48. The subject site had an additional permitted use under LEP 48 and a development application was approved in 2002 to construct seniors housing. Therefore given the unique character of the site, Schedule 1 should be amended by inserting a clause. Rezoning the site may result in other non-suitable uses becoming permissible on the rural zoned land.
2.1 Environment Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	Item 9: Miscellaneous map amendments. The planning proposal includes minor amendments to the zone boundary between R1 and E2 zoned land at Spring Farm. This amendment will ensure that the LEP is consistent with the 'status quo' approach adopted during the conversion of the former

# ORD11 Attachment 3

Amendment No.6 – housekeeping amendments to Camden LEP 2010

Direction	Objective	Response
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Camden LEPs into the new LEP template format. Item 4(b): R3 zone at Struggletown. The subject sites are located within a large 'parent' parcel of land located at the rear of the "Struggletown" Heritage Conservation Area at Narellan. This amendment will ensure that "Res 2" sites under the Camden DCP 2006 are preserved and carried over to the new LEP 2010.
3.1 Residential Zones	The objectives of this direction are: (a) To encourage a variety and choice of housing types to provide for existing and future housing needs. (b) To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) To minimise the impact of residential development on the environment and resource lands.	The planning proposal makes minor amendments to residential zone boundaries to address errors, inconsistencies and reflect the approved subdivision pattern in urban release areas. In addition, the planning proposal involves minor zone amendments to ensure that all "Res 2" sites are shown as R3 Medium Density Residential as outlined in Item 4 of this planning proposal. Accordingly, the planning proposal is considered to be consistent with this direction.
5.1 Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	The planning proposal is consistent with the aims and objectives of all relevant Regional Strategies.
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Item 2: Seniors Housing, Currans Hill. This item seeks to amend Schedule 1 of the LEP by reinstating an additional permitted

Direction	Objective	Response
7.1 Implementation of the Metropolitan Strategy	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.	The proposal is compatible with the Metropolitan Strategy in that it assists in residential greenfield development.
		<p>use which was previously in place under Camden LEP 48 (which was repealed upon the gazettal of Camden LEP 2010).</p> <p>The use of a site-specific planning control is appropriate in this instance as it will reinstate the previous additional permitted use and ensure the site can be developed for the purpose originally envisaged under Camden LEP 48.</p> <p>It is considered inappropriate to facilitate the development of the site via a rezoning as this may allow additional unsuitable forms of development to occur on this site.</p> <p>Item 3: Landturn Site, Narellan.</p> <p>This planning proposal seeks to amend Schedule 1 clause 19 of LEP 2010 by substituting the term 'retail premises' with the term 'shops'. This ensures that 'status quo' is achieved between Camden LEP 2010 and the previous LEP 46 which applied to the site.</p>

# Attachment 1

Council Report 23 November 2010, including minutes

**ORD11**

**Attachment 3**



ORD11

Attachment 3

**ORDINARY COUNCIL****ORD06**

**SUBJECT:** PLANNING PROPOSAL - MINOR HOUSEKEEPING  
**AMENDMENTS TO CAMDEN LEP 2010**  
**FROM:** Director Governance  
**FILE NO:** Camden LEP

**PURPOSE OF REPORT**

The purpose of this report is to seek Council's resolution to prepare a planning proposal which includes minor housekeeping amendments to Camden Local Environmental Plan 2010 (LEP 2010), and to forward the planning proposal to the Department of Planning (DoP) for Gateway Determination so that the planning proposal may be exhibited.

**BACKGROUND**

LEP 2010 was gazetted on 3 September 2010 and subsequently became the principal planning instrument covering zoning and land use in the Camden LGA. Council staff have now had the opportunity to use and interpret the LEP and the associated maps, and several errors of a minor nature have been identified. This is a normal practice that occurs with the implementation of a new LEP. These errors will be addressed via the preparation of a planning proposal which seeks to amend the LEP.

**MAIN REPORT**

A detailed planning proposal will be prepared which includes several minor amendments to LEP 2010 and the accompanying maps. The amendments will ensure that the LEP is consistent with the 'status quo' approach adopted during the conversion of the former Camden LEPs into the new LEP template format.

The proposed amendments are grouped into two categories which are 'LEP Instrument Amendments' and 'LEP Map Amendments'.

**LEP Instrument Amendments****Land use tables**

The land use tables in LEP 2010 were created by translating the former Camden LEPs into the new LEP template format as a 'like for like' conversion. This was intended to ensure that the permissible and prohibited land uses under the former LEPs were carried over to LEP 2010 as far as the LEP template allowed.

A review of the land use table in LEP 2010 has identified minor errors which occurred during the final legal drafting of the LEP land use tables. A list of the minor errors and the proposed amendments **are included as Attachment 1 this report**. The amendment of the land use tables will ensure that they are more consistent with the 'status quo' approach adopted in the preparation of the LEP, and will better reflect the range of permissible and prohibited land uses under the former LEPs.

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This is the report submitted to the Ordinary Council Meeting held on 23 November 2010 - Page 1

The planning proposal will seek to amend the land use tables contained in LEP 2010 in accordance with Attachment 1.

Schedule 1 – Seniors housing on Lot 1 DP 1019708 No. 359 Narellan Road Currans Hill

Schedule 3 of Camden LEP 48 permitted the use of the above site for the purpose of seniors housing subject to the granting of development consent. A map showing the site **is included as Attachment 2 to this report**. Consent was granted under DA 2770/1999 and construction of the seniors housing development commenced, however the development was never fully completed.

The 'Seniors Housing' was not listed as a 'scheduled use' in Camden LEP. It is considered that this use should be reinstated as an additional use to ensure consistency between Camden LEP 48 and Camden LEP 2010.

The planning proposal will seek to amend Schedule 1 of LEP 2010 by adding a new additional permitted use which allows seniors housing on the site subject to development consent.

Schedule 1 – Landturn Site, bordered by The Northern Road, The Old Northern Road and Camden Valley Way, Narellan

Schedule 5 of Camden LEP 46 permitted the use of the Landturn Site for the purpose of shops subject to meeting certain conditions and subject to the granting of development consent. A map showing the location of the Landturn Site **is included as Attachment 3 to this report**. In the conversion of the scheduled uses from the existing Camden LEPs to the new Camden LEP 2010, the 'scheduled use' was inadvertently changed from 'shops' to 'retail premises'.

Retail premises is a group term which encompasses other types of premises in addition to shops. One of the conditions applying to development on the Landturn Site is that the floor area of all retail premises must not exceed 11,300m<sup>2</sup>. It was only intended that this cap apply to shops and not the broader group of uses encompassed in retail premises. The use of the group term 'retail premises' will result in a number of other uses being inadvertently captured by the term 'retail premises' and would therefore be included in the floor area calculation.

The planning proposal will seek to amend Schedule 1 in LEP 2010 by amending Clause 19 so that it refers to 'shops' rather than 'retail premises'.

Schedule 5 – Items of heritage significance

During the preparation of the final LEP 2010 Instrument by Parliamentary Counsel drafting officers, the suburb names for several heritage items has been omitted from Schedule 5 of the LEP.

The planning proposal will seek to amend the list of heritage items in Schedule 5 by adding the suburb names where they have been omitted.

**LEP Map Amendments**

Miscellaneous map amendments

LEP 2010 is accompanied by a set of detailed maps which relates to various parts of the LEP. The gazetted version of the LEP maps contain some minor errors relating to suburb name spelling and the type of font used for the text. In addition, there are some minor discrepancies between the mapping cadastre (the road and lot boundary layout) and the boundaries on the maps.

The planning proposal will identify each of the minor mapping errors and will seek to amend them.

#### R3 Medium Density Residential zoning at Harrington Park

Camden DCP 2006 designates certain sites within the Currans Hill, Harrington Park and Mount Annan release areas as 'Res 2'. Under the previous LEPs, these sites had the same 2(d) Residential zoning as the surrounding land. DCP 2006 provides additional controls relating to reduced lot sizes and the suitability of these sites for medium density residential development types.

During the preparation of LEP 2010, the Res 2 sites were converted into R3 Medium Density Residential to better reflect the intended use of these lots, and the applicable minimum lot size was mapped via the Lot Size Maps rather than via the DCP. An area of land at Harrington Park was omitted from the conversion of the Res 2 lots to R3 Medium Density Residential. A map which shows the subject land **is included as Attachment 4.**

The planning proposal will seek to amend the Land Zoning Map to show the sites as R3 Medium Density Residential, and to amend the Minimum Lot Size Map to show a minimum lot size of 250m<sup>2</sup>.

#### R3 Medium Density Residential zoning at 3A Stewart Street, Harrington Park (Lot 92 DP 1051164)

At the Ordinary Council Meeting held on 23 March 2010, Council resolved to approve DA 917/2009 which sought consent for the subdivision of the site for residential purposes. Three of the proposed lots were designated as 'Res 2' lots in accordance with DCP 2006. A map showing the land to which this applies **is included as Attachment 5 to this report.**

To maintain consistency with the approach outlined above regarding the zoning of Res 2 sites under LEP 2010, the planning proposal will seek to amend the Land Zoning Map to show the sites as R3 Medium Density Residential, and to amend the Minimum Lot Size Map to show a minimum lot size of 250m<sup>2</sup>.

#### Mater Dei heritage curtilage and zone boundary

The proponents of the Mater Dei rezoning lodged a submission during the exhibition of LEP 2010 which sought two amendments to the exhibited maps applying to the site. A map showing the land **is included as Attachment 6 to this report.**

The first amendment included the adjustment of the heritage curtilage shown on the Heritage Map so that it corresponded with the revised heritage conservation management plan. The second amendment included the realignment of the zone boundary on the Land Zoning Map so that the existing stables would be located within the same R5 Large Lot Residential zone as the rest of the heritage listed buildings at

#### Mater Dei.

On 24 November 2009, Council resolved to support the above amendments. However, these amendments to the maps were omitted in error.

The planning proposal will seek to amend the LEP by including the above amendments.

#### Height of buildings on certain sites at Elderslie

As part of the rezoning process undertaken for the Elderslie Release Area, the accompanying chapter in DCP 2006 included a single storey height limit for certain land adjoining the existing residential areas at Elderslie and Narellan. This map showing this land **is included as Attachment 7 to this report**. The reduced height limit was omitted from the Height of Buildings Map in LEP 2010.

The planning proposal will seek to amend the Height of Buildings Map to show a maximum building height of 6.5m applying to this land.

#### Spring Farm – minimum lot size and zoning adjoining Narellan Vale

The Spring Farm Release Area and the locality of Narellan Vale each have different minimum lot sizes and land zonings applying to that land. The boundary between these two localities, and the corresponding land zoning and minimum lot size applying to land on either side of that boundary, has been shown incorrectly on the Minimum Lot Size Map and the Land Zoning Map. A map showing the subject land **is included as Attachment 8 to this report**.

The planning proposal will seek to amend the Minimum Lot Size Map and Land Zoning Map for the subject land by applying the zoning and minimum lot size controls that applies to the Spring Farm Release Area.

#### Minimum lot size for zero lot line development at Elderslie Release Area

The preparation of LEP 2010 included the conversion of the minimum lot size controls contained in DCP 2006 into the LEP template format. The existing Elderslie Release Area control for zero lot line development (minimum 240m<sup>2</sup> lot size) could not be included in the Lot Size Map due to the limitations of the mapping technical requirements and the allocation of lot sizes and colours on the map.

The planning proposal will seek to have the minimum lot size of 240m<sup>2</sup> included in LEP 2010 via an amendment to the Minimum Lot Size map for the Elderslie Release Area, or if this cannot occur, via the inclusion of an appropriate clause in the LEP.

#### Zoning of land at Macarthur Resource Recovery Park (MRRP) at Spring Farm

Council has received notification from WSN (the proponents of the MRRP facility) regarding an amended Project Approval obtained from the Department of Planning for the waste services operations on this site. The amended approval involves the use of an adjacent lot for the purpose of slope stabilisation. The adjacent lot is currently zoned RU1 Primary Production and 'waste or resource management facilities' are permissible in this zone. WSN have requested that this land be rezoned to SP2 Waste or Resource Management Facility so that the zoning is consistent with the rest of the MRRP site. A map showing the subject land **is included as Attachment 9 to this report**.

ORD11

Attachment 3

The planning proposal will seek to rezone this lot to SP2 Waste or Resource Management Facility. This is a housekeeping matter which will result in the entire operations of the MRRP being located within the same zone.

#### **Community and government agency consultation**

The proposed amendments to LEP 2010 are housekeeping only and reflect the 'status quo' and do not seek to impose new planning provisions that have not already been subject to public exhibition or a Council resolution at a previous stage. Accordingly, it is considered that a community and government agency consultation period of 14 days is appropriate.

#### **CONCLUSION**

Council officers will prepare a detailed planning proposal for submission to the Department of Planning which aims to make minor amendments to the LEP as outlined in this report. These amendments will address anomalies and omissions which occurred during the conversion of the former Camden LEPs into the new LEP template process. These amendments will ensure the LEP is robust.

#### **RECOMMENDED**

##### **That Council:**

- i. resolve to prepare a planning proposal and associated map amendments for Camden LEP 2010 which addresses the issues outlined in this report;
- ii. forward the planning proposal to the DoP for Gateway Determination;
- iii. pending a favourable response from DoP, proceed directly to public exhibition;
- iv. if submissions are received, report back to Council at the conclusion of the public exhibition period; and
- v. if no submissions are received, forward the planning proposal directly to the DoP for the plan to be made.

#### **ATTACHMENTS**

Attachment 1 - Land Use Table  
 Attachment 2 - Seniors Housing Currans Hill  
 Attachment 3 - Landturn  
 Attachment 4 - Harrington Park  
 Attachment 5 - R3 Medium Density 3 A Stewart St  
 Attachment 6 - Mater Dei Curtilage  
 Attachment 7 - Elderslie Building Height  
 Attachment 8 - Spring Farm  
 Attachment 9 - MRRP

Attachment 1 - Land Use Table Amendments.doc Attachment 2 - Seniors Housing Currans Hill.pdf  
 Attachment 3 - Landturn Site.pdf Attachment 4 - R3 Zone Harrington Park.pdf  
 Attachment 5 - R3 Medium Density at 3A Stewart St Harrington Park.pdf Attachment 6 Mater Dei Curtilage and Zoning.pdf



Attachment 7 - Elderslie Building Height.pdf



Attachment 8 - Spring Farm Land.pdf



Attachment 9 - MRRP.pdf

### RESOLUTION

### MOTION

Moved Councillor Warren, Seconded Councillor Symkowiak that the matter be deferred for further consultation clarification and brought back to the next Council meeting.

THE MOTION ON BEING PUT WAS CARRIED.

ORD261/10

### ACTIONS

CRMS number , Finalised 11/25/2010 2:10:42 PM

Action: Finalised.

memo to council being prepared - meeting is being arranged - the matter will be reported back to council next meeting

Link to CRMS document

[CRMS: 12779210 24/11/2010, 02:18:24 PM](#)

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This is the report submitted to the Ordinary Council Meeting held on 23 November 2010 - Page 6

**ORD11**

**Attachment 3**

A graphic for Attachment 2 featuring a vertical blue line on the left side of the text. The text "Attachment 2" is in a large, blue, serif font, and "Land Use Table Amendments" is in a smaller, black, sans-serif font below it.

## Attachment 2

Land Use Table Amendments

## Camden LEP 2010 – Land Use Table Amendments

Zone	Land use	Comment	Recommendation
General	Home businesses	Currently not listed in any land use table	Amend land use tables to include Home Businesses in all zones where dwelling houses are permitted with consent
	Home based child care	Currently only listed as permissible with consent in B1 Neighbourhood Centre zone	Amend land use tables to include Home Businesses in all zones where dwelling houses are permitted with consent
RU1	Public administration building	Currently listed in land use table as permitted with consent	Amend land use table so that this use is prohibited
	Warehouses or distribution centres	Currently listed as permitted with consent	Amend land use tables so that this use is prohibited in all zones apart from B4, B5, IN1 and IN2.
	Heliports	Currently listed as prohibited	Amend land use table so that this use is permitted with consent
RU2	Truck depots	Currently listed as permitted with consent but should be prohibited	Amend land use table so that this use is prohibited
	Sawmill or log processing works	Currently listed as prohibited but should be permitted with consent	Amend land use table so that this use is permitted with consent
	Signage	Currently listed as prohibited but should be permitted with consent	Amend land use table so that this use is permitted with consent
	Advertising Structure	As a result of permitting "Signage" with consent, this is will also permit "Advertising Structure". This use should be listed as prohibited	Amend land use table so that this use of prohibited.
	Highway service centres	Currently listed as prohibited yet not listed in any other land use table	Amend land use table by removing this use as the Camden LGA does not have any classified highways
R5	Research station	Currently not listed in land use table but should be prohibited	Amend land use table so that this use is prohibited
	Forestry	Currently not listed in land use table but should be prohibited	Amend land use table so that this use is prohibited
	Boarding houses	Currently not listed in land use table but should be prohibited	Amend land use table so that this use is prohibited
	Neighbourhood shops	Currently not listed in land use table but should be prohibited	Amend land use table so that this use is prohibited
B1	Farm buildings	Currently listed as prohibited, however this use is ancillary to agriculture which is prohibited in the zone, therefore it does not need to be included in land use table which is prohibited.	Amend land use table by removing this use
B5	Neighbourhood shops	Currently not listed in land use table but should be permitted with consent	Amend land use table so that this use is permitted with consent
	Retail premises	Currently not listed in land use table but should be prohibited	Amend land use table so that this use is prohibited
	Food and Drink	Currently prohibited in land use	Amend land use table so that this use is

ORD11

Attachment 3



ORD11

Attachment 3

	Premises	table but should be permitted with consent.	permitted with consent.
IN1	Exhibition homes	Currently not listed in land use table but should be prohibited	Amend land use table so that this use is prohibited
	Mortuaries	Currently listed as prohibited but should be permitted with consent	Amend land use table so that this use is permitted with consent
	Agricultural produce industries	Currently not listed in land use table but should be permitted with consent	Amend land use table so that this use is permitted with consent
	Vehicle sales or hire premises	Currently not listed in land use table but should be permitted with consent	Amend land use table so that this use is permitted with consent
IN2	Exhibition homes	Currently not listed in land use table but should be prohibited	Amend land use table so that this use is prohibited
	Mortuaries	Currently listed as prohibited but should be permitted with consent	Amend land use table so that this use is permitted with consent
E4	Signage	Currently not listed in land use table but should be permitted with consent	Amend land use table so that this use is permitted with consent
	Advertising Structure	As a result of permitting "Signage" with consent, this is will also permit "Advertising Structure". This use should be listed as prohibited.	Amend land use table so that this use is prohibited.
	Sewerage systems	Currently listed as permissible with consent but should be prohibited	Amend land use table so that this use is prohibited

# Attachment 3

Council Report Res 2 Sites Struggletown

**ORD11**

**Attachment 3**

ORD11

Attachment 3

**ORDINARY COUNCIL****ORD03**

**STAGED SUBDIVISION OF LAND TO CREATE 97 RESIDENTIAL LOTS AND 2 RESIDUE LOTS - WORKS TO INCLUDE DEMOLITION OF EXISTING BUILDINGS INCLUDING CARINYA COTTAGE, SITE REMEDIATION WORKS, TREE REMOVAL, LANDFORMING AND CONSTRUCTION OF ASSOCIATED INFRASTRUCTURE AND ASSOCIATED LANDSCAPE WORK AT NO 3A (LOT 92 DP 1051164) STEWART STREET, HARRINGTON PARK**

<b>FROM:</b>	Director Development and Health
<b>FILE NO:</b>	Binder: Development Applications 2009
<b>DA NO:</b>	DA 917/2009
<b>OWNER:</b>	Nepean Quarries and Mr & Mrs Purtle
<b>APPLICANT:</b>	Cardno (NSW) Pty Ltd
<b>ZONING:</b>	2(d) Residential
<b>APPLICABLE PLANNING INSTRUMENT:</b>	Camden Local Environmental Plan 74

**PURPOSE OF REPORT**

The purpose of this report is to seek a determination from Council of a Development Application for the subdivision of land which also includes the demolition of a dwelling known as Carinya Cottage.

The application is referred to Council in accordance with its delegations, as there remain unresolved matters raised in submissions which were received during the notification period.

**SUMMARY OF RECOMMENDATION**

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

In addition, it is recommended that Council endorse the plans which indicate the Residential 1 and 2 classifications and also the Building Design Guidelines for the purpose of including such controls as draft amendments to the Harrington Park South Precinct Plan component of the Camden Development Control Plan 2006, which is currently under review and, on review of Camden LEP 2010, incorporate these sites within the appropriate low and medium density zones.

Finally, Council's resolution to notify the Building Design Guidelines and Residential 1 and 2 classifications for a period of 28 days is sought.

**BACKGROUND**

The site has been subject to various development proposals over the last few years. In 2006 the then owners lodged a Development Application to subdivide the land into 5 large superlots with a view to developing the land through a masterplanned approach

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This is the report submitted to the Ordinary Council Meeting held on 23 March 2010 - Page 1

for a multi-unit dwelling development. The proposed built outcome consisted of semi-detached housing, attached townhouses and residential flat buildings which had an anticipated yield of approximately 220 dwellings.

This proposal was reflective of the desired future character statement within the then Development Control Plan which allowed *higher density residential opportunities as a transition from low density residential* (Harrington Park) *to the commercial centre of Narellan*. This strategy continues to be communicated within the current Camden Development Control Plan 2006 (the DCP) given the site's proximity to the expanding commercial centre.

That application was later refused as the proponent had not supplied Council with the necessary information to assess the Development Application.

The current application was lodged in September 2009 and has since been the subject of ongoing assessment and negotiation with the applicant to address issues identified in the application review process. That process is now completed and the application is able to be referred to Council for determination.

#### THE SITE

The land is located at No 3A (Lot 92 DP1051164) Stewart Street, Harrington Park. The subject site is bounded by Sharman Close to the south and Stewart Street to the west. Running parallel to these two roads are Camden Valley Way and The Northern Road.

Immediately north is the urban release area of Harrington Park and immediately south is the Struggle Town heritage conservation area which is made up of various dwellings and commercial uses and is regarded as having specific cultural, historical and architectural value.

There is also a single storey cottage known as "Carinya" on the site. Other structures within close proximity to the house and still on the subject site include a garage constructed of timber and the remains of an old timber shed which the applicant states was destroyed by fire a number of years ago. No part of the site or dwelling is part of the conservation area.

The site is located approximately 500m north of the developing Narellan Town Centre and is of irregular shape, predominately flat and is cleared of any significant vegetation.

Currently vehicle access is gained from Stewart Street. At the northern and western boundary there are existing local roads which terminate at the subject site and currently serve the existing residential subdivision of Harrington Park. The proposal seeks to remove the Stewart Street vehicle access and gain alternate access by connecting into the existing road network via Harrington Park. **A site location map is provided at the end of this report.**

#### THE PROPOSAL

The applicant seeks to carry out the development in three stages which comprises the following:

##### Stage One

ORD11

Attachment 3

- Demolition of the existing cottage & ancillary buildings;
- Demolition of the old auction building & ancillary buildings and structures which includes the removal of 2 septic tanks;
- Removal of trees identified within the Arborist Assessment;
- Remediation of contaminated land;
- Land forming;
- Subdivision of land to create 43 residential lots;
- Associated infrastructure and landscape work.

#### Stage Two

- Subdivision of land to create 36 residential lots and 1 residue lot;
- Associated infrastructure and landscape work.

#### Stage Three

- Subdivision of land to create 18 residential lots and 1 residue lot;
- Construction of temporary footway over residue lot;
- Associated infrastructure and landscape works.

The subdivision will create 94 "Residential 1" (R1) lots and 3 "Residential 2" (R2) lots. The R1 lots range in size from 437m<sup>2</sup> to 710m<sup>2</sup> and have lot frontages of between 13m and 32m. The R2 lots range in size from 802m<sup>2</sup> to 888m<sup>2</sup> and have lot frontages from 22m to 35m.

The R1 and R2 sites are a result of the Harrington Park component of the DCP which aims to deliver single detached dwellings (R1 land) and alternative housing being multi-unit dwellings (R2 land) in specific locations. This will be discussed further in the report. **A copy of the proposed plans is provided at the end of the report.**

#### NOTIFICATION

The proposal was notified between 23 September, 2009 and 22 October, 2009. A total of 48 properties surrounding the subject site were notified and an advertisement was placed in the local newspaper. In addition, three locally known community groups were notified including Camden Historical Society.

Five submissions were received during the exhibition period. The relevant matters raised in the submissions are discussed under the below heading 'Any submissions made'. **Copies of the submissions are provided with the Business Paper supporting documents.**

#### PLANNING CONTROLS

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

- State Environmental Planning Policy No 55 – Remediation of Land
- Deemed State Environmental Planning Policy No 20: Hawkesbury/Nepean River
- Camden Local Environmental Plan No 74
- Exhibited Draft Camden Local Environmental Plan 2010
- Camden Development Control Plan 2006
- Camden Residential Strategy 2008.

## 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:

### **The provisions of any Environmental Planning Instrument**

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

SEPP 55 seeks to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health.

Clause 7(1) of SEPP 55 requires council to consider whether the land is contaminated and if so is satisfied *that the land will be remediated before the land is used for that purpose.*

SMEC Testing Services was commissioned to undertake contamination investigations within the site. Following the investigation it was established that remediation of the land is required for the residential development and the report recommended a level of remediation.

Other than those identified, it was determined that there is no significant widespread contamination impacting the site.

A Remedial Action Plan (RAP) has been prepared and has been accepted by Council staff. Works to be undertaken for the land to be remediated form part of the draft development consent conditions shown below.

The RAP was publicly advertised in accordance with clause 16 of SEPP 55 for 30 days with the Development Application.

#### Deemed 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 the proposed drainage system has been designed to comply with the relevant guidelines (for example, NSW Floodplain Management Manual, NSW Department of Housing Manual, "Managing Urban Stormwater – Soils and Construction 2004" and Camden Council's Engineering Design Specification 2009), thereby minimising any adverse impacts to the river system.

Further, clause 11 (4) of this Deemed SEPP states that all remediation works within Camden Local Government Area require development consent. As discussed earlier in this report, a RAP has been submitted and was advertised with the Development Application.

Therefore it is considered that the proposal is consistent with the aims and provisions of the Deemed SEPP 20 provided the site is suitably remediated to a state suitable for residential development. Remediation of the site will be required prior to release of any subdivision certificate.

#### Camden Local Environmental Plan No 74

ORD11

Attachment 3

*Statement of Permissibility*

The land is currently zoned 2(d) Residential under Camden Local Environment Plan 74 (LEP 74). The development proposal being subdivision of land is not listed as a prohibited activity and is permitted under Clause 20 Subdivision of LEP 74 which states

*"a person shall not subdivide land to which this plan applies except with the consent of the Council"*.

The other development types listed under the heading 'The proposal' are all ancillary activities to the subdivision of land and are not listed as prohibited development.

*Statement to achieving the aims and objectives of the zone*

The objectives of the 2(d) Residential zone are as follows:

- a. to promote a distinctive character and quality of development, based on the historic and natural characteristics of the land,
- b. to allow the provision of a range of housing types,
- c. to promote the provision of accessible and convenient commercial, social, recreational, educational, religious, community and employment facilities close to public transport so as to serve the needs of the residential district for education, recreation, religious, community service and welfare activities,
- d. to provide an appropriate urban drainage system in an environmentally sensitive manner that provides a dual use facility for control of stormwater and for recreational use,
- e. to provide a visual and auditory buffer between residential areas and Camden Valley Way and The Northern Road,
- f. to allow open space for such active and passive recreation as may be required for proper accessibility and distribution in relation to the population generally and to young children in particular,
- g. to allow land for pedestrian and cycle routes between areas of activity,
- h. to protect and enhance areas of landscape and vegetation significance,
- i. to protect the ecological integrity of bush and riparian corridors by facilitating sensitive development on land adjoining land within Zone No 7 (a) and Zone No 7 (d4) and integrating existing bushland into planning for open space and active recreation areas,
- j. to ensure that development retains the significance of heritage items and archaeological sites and their settings and does not adversely impact on significant views,
- k. to protect the rural character of Cobbitty Road.

With respect to the relevant objectives and having regard to the ultimate development, the various lot sizes will allow the provision of a range of housing types which include both attached and detached housing. This is supported by the inclusion of different allotments to R1 and R2 which allow various density potentials, and therefore satisfies objective (b).

The development plays an important role in achieving objective (g) because it will ultimately connect the existing residential precinct to the north of the site (Harrington Park) to Narellan Town Centre by providing a shared public accessway which connects from the subject subdivision onto Stewart Street. It is proposed to provide this path over the residual lot marked stage 4 on the development plans.

This lot will be subject to future development, however the applicant has agreed to construct a temporary path until such time that further development occurs on the site. The reason for this is that the design and construction of a permanent pathway should be determined concurrently with adjoining development to ensure that, amongst other things, principles of Safer by Design and suitable landscape treatments are considered.

Finally, it is considered that the development retains the significance of the adjoining heritage items as required by objective (j) as the applicant has agreed to provide building design guidelines for the future development of residential lots immediately adjoining the conservation area of Struggle Town.

*Other provisions*

*Clause 13A Land forming operations* – This clause states that certain landforming operations require development consent. The proposal includes carrying out of such works over the identified threshold as noted in subclause 2 and as such the relevant conditions have been recommended below.

*Clause 29 Development in the vicinity of heritage items and archaeological sites* – This clause requires Council to consider the likely impact of the proposed development on the heritage significance of a heritage item (or conservation area) when determining an application for consent to carry out development on land in its vicinity. As discussed above, the subject land is adjacent to the heritage conservation area of Struggle Town.

The applicant has submitted a Heritage Impact Assessment. An assessment of the above is incorporated into the assessment of likely heritage impacts detailed further in this report.

**Any draft Environmental Planning Instrument**

Exhibited Draft Camden Local Environmental Plan 2010

*Statement of Permissibility*

The land is proposed to be zoned Residential 1 (R1) under the exhibited Draft Local Environmental Plan (LEP 2010). The development proposal being subdivision of land is not listed as a prohibited activity and is permitted under draft Clause 2.6 Subdivision – consent requirements. In the event that consent to the development is granted, it is appropriate to include the Residential 1 and 2 zoning classifications of individual allotments in the first review of the land to reinforce the site potential of those lots.

The other development types listed under the heading 'The proposal' are all ancillary activities to the subdivision of land and are not listed as prohibited development.

*Statement to achieving the draft aims and objectives of the zone*

The proposed objectives of the Residential 1 zone are as follows:

- a. to provide for housing needs of the community,
- b. to provide for a variety of housing types and densities,
- c. to enable other land uses that provide facilities or services to meet the day to day needs of residents,
- d. to allow for educational, recreational, community and religious activities that support the well-being of the community,



- e. to minimise conflict between land uses within the zone and land uses within adjoining zones.

The development fulfils the objectives in that it provides opportunities for a variety of housing types and densities as required by objective (a) and (b), and is represented by the range of lot sizes for a growing and diverse community.

In addition, the subject site plays an important role in achieving objective (e) in that the final outcome of the proposed development allows for an urban corridor which provides a transition between traditional detached dwellings (Harrington Park), as well as providing opportunities for higher density housing (where permitted) to be located closer to the establishing commercial precinct and transport corridors.

*Other provisions*

Other relevant clauses within the draft exhibited LEP 2010 include clause 4.1 Minimum subdivision lot sizes and 2.6 C Earthworks. No part of the proposed development is contrary to any of the development standards within these clauses.

**Any Development Control Plan**

Camden Development Control Plan 2006

*Part D: General Provisions*

*Chapter 2: Cut + Fill, land forming operations and erosion + sediment control*

The controls within this chapter primarily relate to the protection of the environment as a result of any site works that need to be undertaken for the purpose of the subdivision.

In accordance with the definitions of this chapter, the extent of landforming is considered as minor, and given this all protective measures to ensure environment risks such as erosion and sediment control movement are minimised, and would be managed by imposing the relevant conditions of development consent.

*Part E: Residential Development and Subdivisions*

*Chapter 1: Residential Subdivision*

This chapter provides the minimum general standards for the subdivision of land for both R1 and R2 lots. Relevantly, controls for subdivision of land within the 2(d) Residential zone are as follows:

*Control 2.2.c - Minimum lot sizes and dimensions; Residential 2(d) – Residential 1*

- (i) Minimum area: 450m<sup>2</sup>*
- (ii) Minimum width: 15m (at building line)*
- (iii) Minimum depth: 27m*

*Control 2.2.d - Minimum lot sizes and dimensions; Residential 2(d) – Residential 2*

*Alternative housing forms to provide a higher residential density. Lot areas are expected to be less than 450m<sup>2</sup> for a single dwelling, with an average of 350m<sup>2</sup>.*

*Control 2.2f – Minimum lots sizes and dimensions; Corner Lots*

- (i) *Corner lots shall have a minimum area of 650m<sup>2</sup>.*
- (ii) *The area of a corner lot within an integrated housing development (small lots) shall be assessed as part of a Development Application.*
- (iii) *The preferred outcome is for a dwelling to front both roads for it to provide a better presentation to the overall streetscape.*
- (iv) *Privacy side fencing must be a minimum of 3m from the boundary to comply with 'Crime Prevention Through Environmental Design' guidelines.*

With respect to R1 lands, the control requires a minimum lot size of 450m<sup>2</sup>, however the development seeks to vary 30 of the 94 R1 lots to produce a minimum lot size of 437m<sup>2</sup>, which is approximately 3% smaller than the minimum lot size required under the DCP.

In addition, a variation is being sought for the minimum width control of 15m. The proposed development includes 70 lots with frontages less than 15m, with the smallest frontage being 13.015m (which is made up of approximately 32 of the 70 non-compliant lots).

Strict compliance with these controls is difficult because the block layouts were determined firstly by an existing road network which terminates at the subject site, and secondly the subdivision was designed to ensure that the number of common or adjacent boundaries was minimised.

This variation is supported by the current objectives of this Chapter which allows a higher density, as the site is considered as a 'transitional zone' site between the low density residential development (Harrington Park) and the commercial centre of Narellan. Despite this non-compliance the proposed yield supports this planning objective which is traditionally allocated for low density developments.

The applicant also states that the proposed lot sizes are adequate to provide the required setbacks, maintain site features and useable building space. This is supported by a solar assessment and maximum building footprint analysis which was prepared by Cardno, and adopts minimum setbacks and Camden Council's DCP Part E: Chapter 1 and Solar Access for Lots.

On the basis that the overall development achieves the specific density objective of this land and has the potential to meet the minimum building controls, it is recommended that this variation be supported.

The controls relating to R2 and corner sites land are complied with.

*Other controls within the DCP*

*Control 3 Building envelopes* – As required by this control, a plan was submitted which included building envelopes illustrating footprints, solar access zones, services and landscape as part of the Development Application documentation. The building envelope plan demonstrates each lot having the ability to satisfy the design criteria relating to solar access, provision of private open space and adequate setbacks.

*Control 4 Solar assessment* – As noted above, a solar analysis was undertaken as part of the development planning process. The analysis illustrates a level of compliance with solar access with the exception where the width of the block is required to increase depending on the orientation and slope.

ORD11

Attachment 3

This requirement was difficult to achieve given the site constraints as discussed above, however it is considered that the intention of solar access considerations were achieved in that the lots were designed to facilitate adequate solar access to each dwelling's future principal private open space and living zones.

*Control 7 Road networks and Control 8 Road Design* – The road networks generally comply with the DCP requirements. In summary, the three roads created within the subdivision will be considered as minor access roads and are capable of accommodating the traffic generated by this development.

*Control 13 Open space and Landscaping* – The development does not propose any open space and the applicant has stated that the provision for open space will be addressed through Section 94 Contribution.

*Control 16 Crime Prevention Through Environmental Design (CPTED)* – This section requires consideration of the design of the subdivision, both in the built and natural environment in ways which will enhance public surveillance and to ensure all public areas are well maintained to maximise their usage and discourage vandalism.

The applicant has submitted a CPTED analysis based on the four key CPTED principles being natural surveillance, access control, territorial reinforcement/ownership and space management. One main area identified that will be required to be specifically addressed within the overall development is a pedestrian and cycle accessway that connects Stewart Street to the proposed subdivision.

Upon final completion of this accessway it will be approximately 71.6m long and 4m wide and will share a boundary with one existing privately owned residential lot to the south. The remainder is bound by the residual lot proposed within this application. This access serves as an important function in achieving permeability and accessibility between the residential precinct and Narellan Town Centre.

Natural surveillance considerations are difficult in this case because the accessway will be mostly bounded by land subject to future development, however the width of this area allow for safe usage until that development is constructed. A condition of consent can be imposed to ensure that the relevant considerations (ie Safer by Design) and any other Council requirements are considered at the time the residual lot is developed.

*Control 17 Noise Attenuation* - An Environmental Noise Assessment for the proposal was submitted. Environmental noise factors assessed include traffic noise from Camden Valley Way and The Northern Road. As a result it was recommended that to achieve the required noise levels within the residential lots and dwellings, a noise fence barrier was required in addition to specific dwelling construction requirements.

The noise barrier, being a 1.8m high fence, is to be constructed along rear boundaries of Lot 319 and 320 to attenuate noise for the residential allotments proposed in the subdivision.

The applicant states that the fence along Lot 319 will be temporary and subject to a future noise assessment once this land is developed to ensure that both the subject site and residential allotments created are protected from noise. The fence along Lot 320 will be permanent.

This, and the recommended building construction requirements would form part of the proposed 88B Restrictions and draft development consent conditions at the end of this report.

*Control 18 Waste Collection* – The DCP requires consideration be given to the ability of waste trucks to manoeuvre and access the residential properties. The application was assessed in accordance with the relevant standards and the appropriate conditions would be imposed.

*Part G: Site Specific Controls*  
*Chapter 7: Harrington Park*

*Control 7 Residential 2 areas* – Controls within this section requires that all R2 lands are:

- (a) within 200m of a bus stop;
- (b) no more than 500m from the neighbourhood centre or a village centre;  
and
- (c) the proposed development form shall not adversely affect adjoining lower density development.

The applicant has provided aerial photography demonstrating that all R2 lots are within 200m of a bus stop and are no more than 500m from the town centre, thereby achieving (a) and (b). With respect to control (c), the development of such dwellings will be subject to a detail assessment upon lodgment of a Development Application for a dual occupancy.

*Control 9 Water Quality and Control 10 Drainage and flood mitigation* – The objectives of these controls are to ensure that development is carried out in such a manner so as to avoid any harmful effects or deterioration of the water quality of the water bodies and creeks within the Harrington Park Area and the creeks and rivers downstream (water quality), and finally to protect and prevent damage to the built and natural environment from changes in discharge levels within the site and from the site in a safe manner (drainage and flood mitigation).

The applicant states that the proposed drainage system has been designed to comply with the relevant guidelines and therefore minimises any adverse impacts to the river system.

*Control 11 Noise* – As discussed above, an acoustic assessment report was lodged as part of the Development Application and would be dealt with through various conditions of development consent.

*Control 14 Archaeology* – The applicant pursued a search of the Department of Environment and Climate Change and Water, Aboriginal Heritage Information Management System (AHIMS) and concluded that there is no record of any Aboriginal objects at the subject site.

Notwithstanding, a condition of consent would be imposed to ensure that all works cease in the event that any potential relics are encountered during any excavation. In addition the condition would make the applicant responsible for contacting the relevant government agencies immediately after any find to determine the appropriate course of action.

*Chapter 22: Narellan*

The purpose of this chapter was to articulate desired future characters of various precincts within Narellan and Harrington Park South. Each area is defined as different 'places' and its focus aims to deliver a certain development outcome which strengthens and complements the Narellan Township.

The subject site is within the place of Harrington Park South. The character statement can be summarised as follows:

- a. any new development associated with these cottages will be located at the rear of the properties and will support their conservation, minimise visibility from the street and maintain the predominantly domestic scale;
- b. the precinct immediately adjoining Harrington Park offers higher density residential opportunities as a transition from low density residential to the commercial centre of Narellan;
- c. future development shall be sympathetic to the existing character of adjoining development. The layout of the area will be based around a central open space, which will be designed to act as a community focal point; and
- d. pedestrian and cycle linkages between this Place, Harrington Park and Narellan will be maximised.

It is considered that the subject site plays an important role in achieving statement (b) given its proximity to the town centre. The developer proposes to provide a density marginally higher than the standard 450m<sup>2</sup> lot sizes as communicated in this statement.

As a result, this achieves an urban transition zone between the low residential dwellings in the existing Harrington Park residential area to a higher density area.

Historically it was always envisaged that the site was suitable to provide a higher density development and therefore a control was imposed within the development control plan to ensure that open space is provided within any proposed development.

However as the development is significantly less dense than previously planned, it is considered that statement (c) is not required to be achieved.

Finally, the development will provide an integral link between the two land uses by providing a pathway from the proposed subdivision to Stewart Street, therefore achieving the requirements of objective (d).

**Any planning agreements**

No planning agreements are subject to this land.

**The likely impacts of the development**Impacts on surrounding neighbourhood during construction

Standard conditions would be imposed to ensure that all environmental impacts and amenity of the surrounding existing neighbourhood during the construction of the subdivision is minimised. For example, noise and dust impacts emanating from construction works.

#### Traffic and Noise

Once finished the proposed subdivision will provide residential lots consisting of attached and detached housing. The likely negative impacts from the finished development include traffic impacts and noise. These have been assessed and are not considered to be unreasonable.

Noise impacts are mitigated by the noise barrier and construction material for the dwelling, and traffic impacts would not be more than that expected for a residential environment.

#### Heritage

A Heritage Impact Statement was lodged as part of the Development Application with a view to assessing both the heritage significance of Carinya Cottage and also any likely impacts the subdivision would have on Struggle Town.

With respect to Carinya Cottage the Statement concluded that *"the significance of Carinya Cottage has been assessed as being of some historic and aesthetic interest as a characteristic early Federation Edwardian cottage dwelling, however it is not considered to be an exceptional example of the style and although relatively intact, the dwelling is not particularly refined in its architectural quality and detailing....it is therefore considered that the Carinya Cottage and associated land, being Lot 92 DP 1051164 does not meet the criteria for heritage listing"*.

Furthermore and with respect to Carinya's contribution to Struggletown, the statement concludes *"that the dwelling does not relate to the Struggletown Conservation Area and cannot therefore be regarded as contributory"*.

Council requested further analysis on the associative significance be undertaken with a number of local historical identities in Camden as a result of various concerns raised the submissions about this matter.

In response to this the author of the report concluded that *"the cottage is not demonstrative of or directly associated with the contribution or accomplishments of any of the noted families and its retention or demolition will not alter their contributions as long term Narellan families. The house does not demonstrate strong or special associations with the life or works these individuals or families"*.

Council acknowledges that the dwelling was owned by some local identities who have contributed to the community of Camden. However, as the supplementary report concludes, there is limited contributive heritage significance between the dwelling and those local identities that justifies the physical retention of the dwelling.

On this basis it is recommended that a photographic archival record be prepared and submitted to Council prior to the commencement of any works to record the general context, setting and dwelling. The proposed conditions shown below state that the guide should be prepared in accordance with the minimum standards for Archival Recording prepared by the NSW Heritage Office and a copy of the report be lodged with Camden Council's Local History Library.

With respect to impacts from the subdivision to the Struggletown Conservation Area, the Statement concludes that *"the proposed residential subdivision is a consistent use in relation to the Struggletown Conservation Area. It is considered that the distances*

*between the proposed new buildings and the Conservation Area, combined with the recommended Design Principles, will result in a minimal additional visual impact of both the Conservation Area and listed items. The Design Principles recommend roof forms, setbacks, materials and colours where relevant".*

The recommended design principles within the Statement relate to proposed residue Lots 319 and 201. The principles also suggest design outcomes on the residential corner lots facing Stewart Street being Lots 126, 202, 220 and 301. It is considered that the best way to achieve the principles is to have 'Design Principal Guidelines' communicated within the 88B Instrument of the specific property. This is noted in the 88B Instrument restrictions within the draft development consent conditions below.

In addition, a reference would be included within the DCP to ensure that such design guidelines need to be referred to for all building Development Application designs and assessments

#### Social and Community Impact

On completion of the development the subdivision will complete an urban corridor between the established Harrington Park and developing Narellan Town Centre and will create a pedestrian and cycle network which connects into the existing network of Harrington Park to both Struggle Town precincts and Town Centre.

In addition, should the application be approved, positive economic impacts will be realised with the increase of population (and the higher densities) located within the commercial precinct which will ultimately support the town centre and existing commercial premises within the Struggle Town precinct.

#### **The suitability of the site for the development**

The site is considered suitable in terms of the environmental, engineering and planning issues associated with the proposal and the site's attributes are conducive to the proposed development.

#### **Any submissions made**

As stated above five (5) submissions were received during the notification period. The following summarises the issues raised and provides comments on those issues.

##### 1 Heritage

The following is a summary of comments made with respect to both the assessment of the Heritage Impact Statement and general comments relating to Heritage:

- lack of understanding of the contextual setting of the cottage (Carinya) in the history of the Narellan area;
- although not vernacular in style, the cottage is highly representative of a period in Australian history when progress development in rural areas was not measured in the fussiness of an architectural style;
- the cottage is representative of a simple Federation style that is found in a number of similar cottages in other parts of Camden LGA. Local residents built cottages that were representative of the lifestyle and aspirations;
- the cottage is part of the social and cultural fabric of Narellan local history

- through its association with the Cross and Paxton families, who are pioneers and local identities of substance;
- The cottage is a valued part of the rural landscape of the Narellan area.

*Officer comment:*

A Heritage Impact Statement and subsequent Supplementary Report was prepared and submitted to Council.

The reports concluded that while *'the cottage has been assessed as being of some historic and aesthetic interest as a characteristic early Federation Edwardian Cottage dwelling....it is not an exceptional example of the style and is not particularly refined in its architectural quality and detailing'* and therefore is considered not critical to be retained.

This analysis noted various bibliography and references including correspondence with local historians, reference to the Camden History website and the NSW Heritage Office.

The Supplementary Report was requested by Council to further consider the associative significance of the dwelling to the Narellan area along with further providing a comparative analysis with respect to the conclusions reached regarding the architectural value. As mentioned previously, this was initiated due to various concerns within the submissions received by the community.

The supplementary report concluded that the relationship with Carinya cottage and the contribution of the past owners does not substantiate a direct historical connection between the life or works of the past owners with the cottage which would be required to meet the criteria for listing.

Further, the report concludes that the cottage does not achieve the rarity significance criteria when assessing the comparative design (of the cottage) within the context of the broader Camden Local Government Area.

## 2 Other

### Loss of vehicular access to rear of property

*Officer Comment:*

A review of relevant deposited plans for both the site owned by the objector and land subject to this Development Application did not find any legal right-of-way access into the objector's property. The current legal access onto the site is from Stewart Street and as such it appears that the owner has enjoyed free and full access from the subject development site while the land has remained vacant. With the site having legal access from Stewart Street, it is considered that no other legal access needs to be maintained.

### Lack of sewerage connection availability for the existing homes in Stewart Street

*Officer Comment:*

The obligation of the developer is to ensure that each site created within the proposed development will be adequately serviced. This has been demonstrated by the submission of a concept sewer plan.



ORD11

Attachment 3

With respect to the sites along both Stewart Street and Sharman Close which are currently unsewered and adjoin the subject site, the developer has provided a sewer main up to the boundary of the adjoining residential allotment within the area currently unsewered. This will ultimately provide opportunities for lots to connect into the reticulated sewer main.

During the assessment of the Development Application Council wrote to Sydney Water seeking a commitment for the Corporation to deliver the construction of the reticulated sewer main to these lands concurrently with construction of the subdivision.

The Corporation responded by stating *"Sydney Water has advised residents in this area that in line with our "New Connections" Policy (copy of Sydney Water's Guidelines enclosed) we may enter into a cost sharing arrangement towards wastewater construction dependent on the outcome of a feasibility investigation to identify the total cost of providing a sewer connection to the existing lots"*.

The letter concludes by stating *"The progression of a new investigation is dependant on the adjoining developer committing to the construction of wastewater facilities to service the proposed subdivision and secondly the receipt of a new application by one or more of the property owners. At this stage no plans have been received from the developer detailing the proposed extension of the wastewater system"*.

Should this Development Application be approved the developer will initiate the application for extending the reticulated sewer main (but as discussed only to service the subject development land), however in relation to the sites within Sharman Close and Stewart Street, Council officers will raise this matter with the Local Member.

Narellan proper was provided with reticulated sewer some 25 years ago and the lack of access to sewer has disadvantaged the residents of this group of dwellings for that period of time. Council proactively lobbied Sydney Water on behalf of residents of the precinct in the early 1990's for the provision of sewer on the then 'backlog sewerage program' to no avail.

Sydney Water responded by saying that there was no access to a reticulated main on the north-western side of Camden Valley Way and that sewer would be provided when development occurred in that immediate area. It now appears that the cost of the installation of mains to the area will be at the cost of the existing ratepayers of the precinct, whereas the remainder of Narellan was sewerred at the cost of the State Government. It is considered that Sydney Water has a responsibility to service these few remaining sites and this work should be done and funded by that authority as part of this development.

This leaves a pocket of allotments that rely on 'pump out services' or on-site systems that generally do not perform well and are amid newer development that is fully serviced.

This matter will be the subject of a separate report to Council within the near future. This report will highlight the issues that may be faced by residents/owners of properties in Sharman Close and Stewart Street in ensuring their septic systems are appropriate and do not impact on the adjoining land once it is developed.

Security and safety concern for pedestrian accessway*Officer Comment:*

The accessway will be subject to a detailed assessment on the principles of Crime Prevention Through Environmental Design upon lodgment of a Development Application for works within Lot 201. Camden Police advise that there are no objections to the development proposed.

Need access to construction site manager*Officer Comment:*

As required by the Environmental Planning and Assessment Act, 1979 a notice shall be displayed at the entry of the development site which provides the contact details of the Principal Certifying Authority (PCA). The PCA is responsible for ensuring that all conditions of development consent are being complied with and this includes all conditions relating to managing impacts directly related to construction works.

Non-provision of public open space*Officer Comment:*

The requirement for public open space on the subject site was intended to support the medium density development originally proposed for the site where it was envisaged that approximately 220 dwellings/townhouses could be constructed on this parcel of land.

However given that there has been a significant reduction in the dwelling yield under this proposal, it is considered that the existing open space within 500m of the site is adequate to cater for the projected future population of the subdivision.

**The public interest**

At completion of the subdivision the development will not only serve an important role in completing the urban corridor to the existing residential area of Harrington Park, but will also contribute to the viability of the both Narellan Town Centre and existing and future businesses within the adjoining Struggle Town Conservation area.

This will provide both a local community advantage and will provide positive social and economic outcomes. Therefore it is considered that the approval of the Development Application will be in the public interest.

**CONCLUSION**

Council has received a Development Application for the subdivision of land within Harrington Park (south). The development will create 97 residential allotments and 2 residual lots. The subdivision of land will also see the classification of Residential 1 and Residential 2 sites as required by the Harrington Park Development Control Plan. This plan aims to deliver single detached dwellings (R1 land) and alternative housing being multi-unit dwellings (R2 land) in specific locations where it can be demonstrated that the sites are within close proximity to transport corridors and commercial centres.

The development of this land will also include some remediation and earth works, landscaping and demolition of various buildings, including the existing cottage which is

ORD11

Attachment 3

commonly known as Carinya Cottage.

Given the age of the cottage and the proximity of the land to the Struggle Town Conservation Area, the applicant was required to provide a Heritage Impact Statement. The statement was required to assess both the impacts to Struggle Town (as a result of the ultimate development) and the historical value of Carinya cottage.

The report concluded that the development will not have any adverse impact on the fabric or contribution of Struggle Town and recommended that building design guidelines be implemented on certain lots that may adjoin or are visible from the conservation area. This will be incorporated as a restriction as to user on the subject land and also be referenced within Camden Development Control Plan 2006.

Finally, with regard to the historical significance of Carinya Cottage, the report concluded that while some local identities have lived in the cottage and that its architectural design is unique to the immediate locality, there is limited direct contributive or architectural heritage significance.

Therefore it is recommended that approval be granted to remove the cottage subject to a detailed photographic archival report being produced by a suitably qualified person in accordance with the Heritage Branch Guidelines.

Council received five (5) submissions during the exhibition period. The submissions primarily relate to:

- a) heritage significance of Carinya cottage;
- b) lack of sewer connection for properties along Stewart Street;
- c) loss of vehicle access;
- d) amenity impacts to the surrounding environment as a result of construction works;
- e) security and safety concern for pedestrian access way; and
- f) lack of open space.

These objections have been considered and addressed as part of the assessment process.

The proposal has been assessed on its merits pursuant to Section 79C of the Environmental Planning and Assessment Act, 1979, and is now recommended for approval subject to the draft conditions shown below.

#### **DRAFT CONDITIONS OF CONSENT**

##### **1.0 - General Requirements**

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

- (a) Plan title – Plan of proposed subdivision; Drawing number - YN294100 SA-01; Revision C; dated 28 February 2010 as prepared by Cardno (NSW) Pty Ltd
- (b) Landscape and Street Tree Plan being Dwg. No. L01 dated 8 September 2009 as prepared by HLS Pty Ltd
- (c) Camden Council's standard drawing SD31 Rev. A dated Jan 2009

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

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

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

- (2) **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) The proposed 'screen planting' indicated on the approved Landscape and Street Tree Plan and along the southern boundary of the site shall be deleted
  - (b) The street alignment edge of all concrete footpaths, as contained within the footways, is to be 900mm from the street alignment.
  - (c) The 'temporary construction entry' at the intersection of Bentella Road and Pearson Crescent is to be deleted. The construction site shall be serviced from the proposed 'temporary construction entry' at Correllis Street only.
  - (d) The road carriageway, at the curves denoted on the approved plans, shall be widened to provide for the swept turning path of the Heavy Rigid Vehicle (MRV) as noted in the current edition of AS/NZS 2890.2. Details of such widening shall be incorporated into the road design plans.
- (3) **Staging** - The development is to be constructed across three separate stages as listed below:

Stage One

- Demolition of the existing cottage & ancillary buildings;
- Demolition of the old auction building & ancillary buildings and structures which includes the removal of two septic tanks;
- Removal of trees identified within the Arborist Assessment;
- Remediation of contaminated land;
- Land forming;
- Subdivision of land to create 43 Residential lots;
- Associated infrastructure and landscape work

Stage Two

- Subdivision of land to create 36 Residential lots and 1 Residue lot;
- Associated infrastructure and landscape work

Stage Three

- Subdivision of land to create 18 Residential lots and 1 Residue lot;
- Construction of temporary footway over Residue lot;
- Associated infrastructure and landscape works

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 and earth 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.

ORD11

Attachment 3

The above details must be submitted to the Consent Authority (i.e. Camden Council) **prior to the Construction Certificate being issued.**

Further, details of any proposed easements, temporary public roads and/or other facilities to ensure the independent operational status of each individual stage shall also be included in the above plans.

- (4) **Design and Construction Standards** - All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with: -

- (a) Camden Council's current Engineering Specifications, and
- (b) the recommendations of the Salinity Management Plan.

**It should be noted that designs for linemarking and regulatory signage associated with any proposed public road within this subdivision MUST be submitted to and approved by the Roads Authority, Camden Council prior to the issue of any Construction Certificate.**

- (5) **Provision of Public Infrastructure** - All infrastructure associated with any proposed and/or existing public land such as roads, public/drainage reserves, drainage easements, etc. contained within this subdivision must comply with the requirements of Camden Council's: -

- (a) Development Control Plan 2006, and
- (b) Current Engineering Specification and
- (c) Camden Council's Landscape and Streetscape Elements Manual 2006

- (6) **Footpath/Shared Way Construction (Road)**- The construction of any concrete footpath and/or pedestrian/cycle shared way, within any proposed/existing public road, **must not be** commenced until:

- (a) a Subdivision Certificate has been issued by the Principal Certifying Authority, Camden Council,
- (b) the Subdivision Certificate/Plan of Subdivision has been registered with the Department of Lands - Land and Property Information,
- (c) the terms of any bond for such work have been confirmed to be satisfied by the Roads Authority, Camden Council, and
- (d) a Public Road Activity (Roadwork) application has been submitted to and approved by the Roads Authority, Camden Council.

- (7) **Construction of shared cycleway/foot path along Residual Lot 201** - A shared cycleway/footpath (shared way hereunder) shall be constructed on land marked Stage 4 on the approved plans for the purpose of achieving pedestrian connectivity between the proposed subdivision and Stewart Street. The construction of the shared way must be in accordance with the following:

- a) the shared way shall be reconstructed to maintain a 4 metre wide path,
- b) the pram ramp constructed as part of the access way shall align with the pram ramp on the opposite side of Road 2,

- c) the path shall be signed and marked in accordance with Australian Standard AS 1742.9. Manual of Uniform Traffic Control Devices, and
- d) the construction specification of the shared path shall be as follows in accordance with Council's Engineering Specifications.

All work associated with the construction of the shared way shall be at no cost to Camden Council or the Roads and Traffic Authority.

- (8) **Landscaping Maintenance & Establishment Period** – Notwithstanding any condition of this development consent, all Landscaping works associated with this Consent (Landscape Plan - L01, Dated 8 Sept 2009, Job No0907, Drawn by HLS P/L) are to be maintained by the developer for a period of 24 months. The Maintenance and Establishment period is to commence from the date of issue of the Subdivision Certificate.

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

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

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

- (9) **Location of Proposed Street Trees** – The final location of all proposed street trees must comply with the requirements and directions of the Principal Certifying Authority. In that regard the location of such trees may require road alignments to be varied/modified with such variations to be included in any proposed Plan of Subdivision.
- (10) **Remediation Works** - All works proposed as part of the Remediation Action Plan that includes: remediation, excavation, stockpiling, onsite and offsite disposal, asbestos management that includes storage, cut, fill, backfilling, compaction, monitoring, validations, site management and security, health and safety of workers, must be undertaken on the site in accordance with the Remediation Action Plan Report titled "*Remediation Action Plan: Sharman Close Harrington Park, Prepared for Nepean Quarries Pty Ltd, Prepared by SMEC Testing Services Pty Ltd, Report No 06/1016, Dated October 2006.*"

Note: The only **exception** to the Remediation Action Plan (for compliance) is that Council does not accept the "*hotspot criteria of 2.5 times the relevant criteria*" when assessing for validation. This criterion is not to be utilised in any validation assessment.

Any further variation or modification to the Remediation Action Plan in terms of compliance work or reference to criteria must be requested from the Consent Authority (Camden Council) in writing prior to variation. With regard to remediation work, any proposed variation of works must be approved by the Consent Authority (Camden Council) in writing prior to the works being undertaken.

- (11) **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 Management of Contaminated Lands Policy and clause 17 & 18 of SEPP 55 for the completed remediation works. The notice/s or report/s must confirm that all decontamination and remediation works have been carried out in accordance with the remediation plan and must be submitted to the Consent Authority (Camden Council) within 30 days following the completion of the works.
- (12) **Compliance Of Remediation Work** - All remediation work must also comply with the following requirements:
- Contaminated Land Management Act 1997;
  - Department of Urban Affairs and Planning – Contaminated Land Planning Guidelines 1998;
  - State Environmental Planning Policy No 55 – Remediation of Land;
  - Sydney Regional Plan No. 20 Hawkesbury Nepean River (No.2 –1997); and,
  - Camden Council's Adopted Policy for the Management Of Contaminated lands.
- (13) **Timing of Remediation Works** – Remediation works is permitted to occur at the same time as construction works on the site providing that:
- (i) the construction project manager is made aware of all remediation works as per the Remediation Action Plan; and
  - (ii) a qualified environmental consultant is engaged to execute or oversee and report on the remediation and validation works and ensure that construction workers are not exposed to harmful contaminants.
- (14) **Works As Executed Plan** - A works as executed plan that identifies the areas requiring remediation and the extent of the works undertaken (that includes any encapsulation work) must be prepared by a registered surveyor and be submitted to the Consent Authority (Camden Council) with the final Site Validation Report.
- (15) **Licenses** – It is the responsibility of the applicant / land owner / site operator to ensure that all relevant licenses are obtained from all appropriate authorities in accordance with relevant legislation requirements prior to the commencement of remediation works.
- (16) **Approvals from Other Authorities** – It is the applicant's responsibility to acquire all other necessary approvals/permits from all other approval authorities as required. The General Terms of Approvals from the Rural Fire Service are attached to and form part of this Development Consent.
- (17) **Alternative Ventilation for Habitable Rooms** - For Lots 312-318, Lot 220, and Lots 301-311, with reference to "Section 6.2 – Table 10 – Option 1" of the report titled "Road Traffic Noise Impact Assessment: Harrington Park South Residential Subdivision, Prepared for Cardno NSW Pty Ltd, Ref No TE473-01F02 (REV4) Dated 3/09/09." all facades identified in "Table 10" will 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

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This is the report submitted to the Ordinary Council Meeting held on 23 March 2010 - Page 21

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.

- (18) **Construction of Acoustic Boundary Fence** – Notwithstanding any other condition of this consent an acoustic barrier must be constructed around the perimeter of the subdivision development land to reduce road traffic noise impacts from Camden Valley Way, The Northern Road and Narellan Road on the proposed development.

This fence shall:

- (a) be constructed to a height of 1.8 metres from the finished ground level along the boundaries as required by Section 6.3 – Boundary Fence and as indicated on the map within Appendix C – Noise Prediction (Plan ref TEA73-01; Figure P01; Dated 02/08/09) contained within the acoustic report titled *“Road Traffic Noise Impact Assessment: Harrington Park South Residential Subdivision, Prepared for Cardno NSW Pty Ltd, Ref No TE473-01F02 (REV4) Dated 3/09/09”*,
- (b) notwithstanding the above, where the barrier is to be constructed along a common boundary of an adjoining allotment then it must be constructed in accordance with the Dividing Fence Act, 1991, and
- (c) not be located or not encroach onto any drainage reserve.

**Note 1** - Camden Council will not be responsible for the structural integrity of the wall/fence at any time.

**Note 2** - All work associated with the proposed noise attenuation treatments shall be at no cost to Camden Council.

- (19) **Turning Facilities** – All turning and manoeuvring facilities, including turning heads, cul-de-sac, etc., shall be designed in accordance with the current edition of AS 2890.2 and more specifically with the Heavy Rigid Vehicle (HRV) swept turning path contained within that document, or as approved by the Principal Certifying Authority.

- (20) **Location of Public Utility Services** – The location of all Public Utility Services shall comply with the following requirements:

- i) All proposed Public Utility Authority plant/infrastructure shall be located in proposed public roads and shall be:
  - a) contained within the footway/s of that road, in accordance with the provisions of the current Streets Opening Conference, and
  - b) where visible, located within a distance of 1 metre either side of the prolongation of proposed lot boundaries (if any) except when such plant/infrastructure is to be located adjacent to splay corner/s associated with road intersections.
- ii) Notwithstanding i) above, the following plant/infrastructure:
  - a) Electrical pad-mounted substations, and



- b) Sewer Access Chambers and mains, **MUST NOT** be located within any proposed: –
- c) public road reserve,
- d) public reserve, and
- e) drainage reserve

**EXCEPT** where such subsurface plant/infrastructure, associated with such, is required to traverse a proposed public road. In such circumstances the traverse length must be minimal with the final location of the traverse being confirmed by the Principal Certifying Authority **prior to the commencement of any associated work.**

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

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

- (21) **Salinity Management Plan (SMP)** - All proposed work that includes earthworks, landscaping and public infrastructure at the subject site, must be undertaken in accordance with "Section 6 – Salinity Management Plan" of the report titled "Salinity Management Plan: Sharman Close Harrington Park, Prepared for Nepean Quarries Pty Ltd, Prepared by SMEC Testing Services Pty Ltd, Report No 07/1549, Dated November 2007."
- (22) **No approval for additional works** - This approval does not grant or imply any approval for works other than for the purpose of Subdivision and Acoustic Wall (i.e. Retaining Walls). Any additional works will be subject to separate Development Consent.

## 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 Prior to Commencement** – This development consent does not permit site and/or building works to commence, nor does it imply that the plans attached to this consent are suitable or adequate for the purposes of a Construction Certificate. All construction work associated with this development consent must be supported by an issued Construction Certificate and such works must only commence after a Principal Certifying Authority (PCA) has been appointed.
- (2) **Public Utility Service Plans** – Public Utility Service plans shall be submitted to the Certifying Authority for inclusion in any Construction Certificate application. The plan/s shall:
  - (a) be prepared by a designer accredited by a scheme approved by relevant Public Utility Service Authorities,
  - (b) be suitable for approval by relevant Public Utility Service Authorities,
  - (c) incorporate any relevant conditions associated with this Development Consent,
  - (d) recognise all provisions and requirements of the current Streets Opening

~~Conference~~

- (3) **Soil Erosion And Sediment Control Plans** - Erosion and sediment control plan/s must be:

- (a) prepared by persons with experience in civil engineering design,
- (b) designed in accordance with Camden Council's Development Control Plan 2006 and included in the Environmental Site Management Plan (ESMP), and
- (c) endorsed by a practicing engineer with National Professional Engineering Registration and associated General Area of Practice in civil engineering, and
- (d) be incorporated into the Environmental Site Management Plan.

Such plans shall detail the following:

- (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) location of the Stabilised Access Point (SAP)

**Control measures both with the subdivision site and any existing road reserve adjacent shall be maintained during the entire period of construction.**

- (4) **Flood Study** - A flood study:

- (a) prepared by a person with experience in the design of stormwater reticulation and management facilities, and
- (b) endorsed by a practising engineer/s with National Professional Engineering Registration and associated General Area of Practice in civil engineering,

shall be prepared in order to determine the impact of the proposed development on the flood behaviour of the existing watercourse. The results and recommendations of the study must be:

- (i) incorporated into the Stormwater Management Plan, and
- (ii) submitted to the Certifying Authority for inclusion in any application for a Construction Certificate.

- (5) **Traffic Management Plan** – A construction traffic management plan relating to all

ORD11

Attachment 3

public places must be included in the submitted Environmental Site Management Plan (ESMP) associated with this development consent. The purpose of such is to ensure public safety and minimise/control potential adverse impacts on existing pedestrian and vehicular traffic systems. Plans detailing such matters shall: -

- (a) be prepared in accordance with the most current edition of AS1742.3, and
- (b) indicate, but not be limited to, all disposal and delivery routes, the location of the Stabilised Access Point/s (SAP) and any vehicular diversionary thoroughfares associated with the construction.
- (c) be submitted to and approved by the Roads Authority, Camden Council **prior to the issue of any Construction Certificate**. In that regard, a Public Road Activity (Other) application must be submitted to Camden Council.

Public Road Activity application forms are available from Council's Customer Service Counter or from Council's internet site <http://www.camden.nsw.gov.au/>

- (6) **Environmental Site Management Plan** - An Environmental Site Management Plan must be submitted to the Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared: -

- (a) in accordance with AS/NZ ISO 14000 – 2005, and
- (b) must address, but not be limited to, the following:
  - (i) all matters associated with Part D Chapter 2 of Camden Council's Development Control Plan 2006;
  - (ii) all matters associated with Occupational Health and Safety;
  - (iii) all matters associated with Traffic Management/Control;
  - (iv) all other environmental matters associated with the site works such as noise control, dust suppression and the like.

- (7) **Additional Management and Operational Plan** – To support the remediation strategy additional Management and Operational Plans are required to be completed and submitted to the Certifying Authority for concurrence prior to the issue of the Construction Certificate. The plans shall include a:

- Emergency Response Plan (ERP);
- Occupational Health and Safety Plan (OH&SP);
- Contingency Management Plan (CMP); and
- Safe Work Method Statements.

- (8) **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.

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

- (9) **Public Risk Insurance Policy - Prior to the issue of any Construction Certificate**, the owner/contractor is to lodge with Camden Council a Certificate of Currency for a Public Risk Insurance Policy. The policy is to relate to the use, occupation of and works within Council's road reserve for all activities associated with this proposed subdivision. The certificate must provide the following details:

- (a) confirmation that such a policy provides a minimum public liability cover of \$20

million.

- (b) currency period for the policy.
- (c) the land to which the policy relates, and
- (d) the details of the person/company to whom the policy has been issued
- (e) The Certificate of Currency must remain current for the duration of all construction activities and until the Plan of Subdivision has been registered by Department of Lands - Land and Property Information.

- (10) **Performance Bond - Prior to the issue of the Construction Certificate** a performance bond of \$200,000 and must be lodged with Camden Council. Should any of Council's property sustain damage or the implementation of the development place the environment or public at risk, Council will perform any works necessary on behalf of the applicant to rectify these works.

The bond will be refunded when:

- (a) all work both within the subdivision site and the existing public road adjacent, has been completed in accordance with the issued consents, and
- (b) the Bond for Rectification of Public Work has been lodged with Council.

The applicant is 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 & 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 performance bond, unless a suitable replacement bond is submitted.

- (11) **Provision of Kerb Outlets** – Where proposed lots grade to an existing/proposed public road, kerb outlets shall be provided in the kerb and gutter adjacent to those lots.

Such kerb outlets shall be:

- (a) located within two (2) metres downstream of the prolongation of the lot corner with the lowest reduced level and to the requirements of the Principal Certifying Authority. In that regard, where a location coincides with a stormwater drainage pit a connection to that pit shall be provided in lieu of the kerb outlet.
- (b) constructed in accordance with Camden Council's current Engineering Specification/s, and
- (c) indicated in any design plan submitted to the Certifying Authority for the purposes of obtaining a Construction Certificate.

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

- (13) **Common Drainage Lines** – Common drainage lines shall be constructed to service all lots that do not grade naturally to the road drainage system located

adjacent to any proposed lot. The drainage lines shall be designed for the 5% AEP, with a minimum pipe diameter of 150mm. The maximum number of lots to be serviced by any such common drainage system shall not exceed eight (8). Where necessary, and prior to the issue of any Subdivision Certificate, the Principal Certifying Authority, may require additional drainage work, not necessarily shown on the approved plans, to be constructed so as to protect proposed/existing lots downstream from flooding as a result of any overland flow.

Where sewer main construction is proposed adjacent to the proposed common drainage system, such system shall be installed after the sewer main has been constructed.

- (14) **Road Design Criteria** - Dimensions and pavement design details for proposed roads must align with the following:

ROAD NO	ROAD RESERVE	CARRIAGEWAY	Footway	DESIGN E.S.A'S	COMMENTS
1	16	8	4	5 x 105	
2	15	8	3.5	5 x 105	
3	16	8	4	5 x 105	

(Measurements are in metres)

The pavement design/report shall be prepared by a person with experience in the geotechnical aspects of earthworks and endorsed by a practising engineer with National Professional Engineering Registration and a Specific Area of Practice in Subdivisional Geotechnics.

Design parameters shall also comply with the provisions of Camden Council's current Engineering Design Specification and be included any application for a Construction Certificate.

- (15) **Temporary Turning Facility** – A temporary turning/manoeuvring facility shall be provided at the end of any proposed road that terminates as a result of the proposed staging plan. The facility shall be designed in accordance with:

- (a) the current edition of AS 2890.2 and more specifically the Heavy Rigid Vehicle (HRV) swept turning path contained within that document.
- (b) Camden Council's Development Control Plan 2006.

The manoeuvring area within the facility shall incorporate the pavement and wearing course design associated with the adjoining proposed public road and there shall be no kerb and gutter of any type within the facility. Any additional land required to accommodate the facility, adjacent to the proposed public road, shall be provided with such land being dedicated as a temporary public road in accordance with s.9, 39 and 40 of the *Roads Act 1993*.

The status of the facility shall remain as a temporary public road until such time as an alternative facility has been provided and dedicated as either:

- (i) public road, or
- (ii) temporary public road.

- (16) **Works Within the Site** - Plans for drainage (including all water quality facilities), roads, retaining walls, earthworks, road pavements, linemarking, vehicle/pedestrian

safety barriers, traffic management details and all other matters associated with this subdivision shall be: -

- (a) prepared by persons with experience:
  - (i) in civil and structural engineering design, and
  - (ii) the geotechnical aspects of earthworks
- (b) endorsed by a practising engineer/s with National Professional Engineering Registration and
  - (i) associated General Areas of Practice in civil and structural engineering, and
  - (ii) a Specific Area of Practice in Subdivisional Geotechnics.
- (c) submitted to the Certifying Authority for inclusion in any application for a Construction Certificate.

**It should be noted that designs for linemarking and regulatory signage associated with any proposed public road within this subdivision MUST be submitted to and approved by the Roads Authority, Camden Council prior to the issue of any Construction Certificate.**

- (17) **Works Adjacent to the Site** – Any proposed activity (not including those of any Public Utility Authority) within any existing public road associated with the site must be approved by the Roads Authority, Camden Council, prior to the issue of any Construction Certificate.

In that regard the following items/matters are required to be completed **prior to the issue of any Subdivision Certificate**:

- (a) Work within the Stewart St road reserve
- (b) Kerb return reconstruction at the Pearson Cres/Bentella Rd intersection
- (c) All drainage work in Bentella Rd and Correllis St

Accordingly, a Public Road Activity (Roadworks) application for the above must be submitted to the Roads Authority, Camden Council. Public Road Activity application forms are available from Council's Customer Service Counter or from Council's internet site <http://www.camden.nsw.gov.au/>

The application shall:

- (a) include supporting information that addresses/details all proposed and related activities, and
- (b) include associated plans/documentation:
- (c) be prepared by a persons with experience in civil and structural engineering design, and
- (d) be endorsed by a practicing engineer/s with National Professional Engineering Registration and associated General Areas of Practice in civil and structural engineering.

It should be noted that designs for linemarking and regulatory signage for any proposed/existing public road associated with this subdivision MUST be:

- (a) included with this application, and

(b) have prior approval from the Roads Authority, Camden Council.

- (18) **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**. Applications forms are available from Council's Customer Service Counter or from Council's internet site <http://www.camden.nsw.gov.au/>

**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.

- (19) **Water Quality Conditions** – The following Water Quality conditions shall be complied with:

**Water Quality - Stage 1, Phase 1**

- (a) **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:

- (i) for sediment control, generally, Managing Urban Stormwater - Soils and Construction, Volume 1, 4th Edition, March 2004 as produced by Landcom,
- (ii) Camden Council's Current Engineering Design Specification,

and must not concentrate final discharge flows from the facility.

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

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

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

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

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

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

- (d) **Fencing of the "Construction" On-site Detention/Sediment Control Basin** - Any "construction" on-site detention/ sediment control basin must be enclosed by a 2.1m high security fence of a type approved by the Consent Authority (Camden Council). Any such fence is to be continually maintained and is to remain in place until this facility is removed or reconstructed to a temporary/permanent water quality facility.

#### **Water Quality - Stage 1, Phase 2**

- (e) **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:

- (i) a filter medium must be included in the design.
  - (ii) 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.
- (f) **Modified "Construction" On-site Detention/Sediment Control Basin and Water Quality Facility, Operation, Maintenance and Monitoring Manual** - Prior to the completion of the modified "construction" on-site detention/sediment control basin and water quality facility, an Operation, Maintenance and Monitoring Manual must be submitted to the Principal Certifying Authority for approval.

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

- (a) method of desilting
- (b) method of removal of sediment and gross pollutants
- (c) method of removal of noxious weeds.

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

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

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



sampling period.

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

- (i) the conversion of the modified "construction" on-site detention/sediment control basin and water quality facility to a temporary/permanent water quality facility, and/or
- (ii) the removal of the modified "construction" on-site detention/ sediment control basin and water quality facility and reinstatement of the area in accordance with the approved plan must be lodged with Camden Council.

The bond:

- (i) applies only where such a facility is located in existing and/or proposed public land,
- (ii) has been determined at an amount of \$70,000, and
- (iii) will be retained by Council until: -
- (iv) such works have been completed in accordance with the approved plans and to the requirements of Council,
- (v) a permanent water quality facility has been provided in a public infrastructure location approved by Council, and
- (vi) the completion of such work has been confirmed, in writing, by Council.

**Water Quality - Stage 2**

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

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

(i) **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.

**Water Quality - Stage 3**

- (j) **Design of the Permanent Water Quality Facility** - The design of the water quality facility must be prepared in accordance with the requirements of Camden Council.

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

- (k) **Construction of Permanent Water Quality Facilities** - A permanent water quality facility must be constructed: -

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

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

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

The manuals must be prepared by a suitably qualified professional in accordance with the requirements of the water quality criteria contained within the approved Water Cycle Master Plan and must provide detailed information regarding the following:

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

- (m) **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"

- (n) **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.

- (o) **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.

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

determined.

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

(q) **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.

(20) **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:

- written advice from the Rural Fire Service that the development is compliant with the current Planning for Bushfire Protection document, or
- 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:

- All access roads have sufficient carriageway width.
- Verge widths are sufficient.
- Longitudinal grades are not too great.
- Horizontal geometry provides for appropriate access.
- Turning/manoeuvring is achievable.
- Kerb types are appropriate.
- On street parking (kerbside and indented) is not expected to be problematic for fire fighting vehicles to gain access.
- On street parking restrictions / signage is not expected to be problematic for fire fighting vehicles to gain access.
- Access requirements with regards to perimeter roads has been achieved.
- The required Asset Protection Zones have been achieved.
- All requirements of the Rural Fire Service's General Terms of Approval reference D08/1768, dated 3 November 2009, as noted in Section 8.0 of the development consent have been met.

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

### 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) **Signs To Be Erected On Demolition, Building and Subdivision Sites** – Pursuant to cl.98A of the *Environmental Planning and Assessment Regulation*

2000, a sign must be erected on any site on which building, subdivision and/or demolition work is being carried out advising of the following:

- (a) the name, address and telephone number of the Principal Certifying Authority (PCA)
- (b) full details of the Construction Certificate/s
- (c) full details of Development Consent No 917/2009
- (d) the name of the 'principal contractor' (if applicable) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (e) unauthorised entry to the work site is prohibited.

The sign must be:

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

**Note:**

1. The Principal Certifying Authority and principal contractor must ensure that the sign/s required by this condition are erected and maintained.
2. Any such sign may only be removed when the Department of Lands - Land and Property Information have registered the Subdivision Certificate/Plan of Subdivision.
3. This clause does not apply to building work carried out inside an existing building that does not affect the external walls of the building.

- (2) **Stabilised Access Point** - A Stabilised Access Point (SAP) must be installed and maintained at the construction ingress/egress location, in accordance with Camden Council's standard drawing SD31 Rev. A dated Jan 2009, **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 to/from the site must be limited to a single point unless noted otherwise on the approved plans. Refer to the approved Soil Erosion and Sediment Control Plan for location details.

**The SAP must be sufficient for all proposed construction traffic associated with the proposed subdivision.**

- (3) **Pollution Warning Sign** – Pollution warning signs must be erected at all entrances to the subdivision site prior to work commencing; such signage must be maintained until the subdivision has reached 80% occupancy. The signs must be constructed of durable materials, be of minimum dimensions 1200 x 900mm. And provide the following information: -

"WARNING - UP TO \$1,500 **penalty**. 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." with: -

- (a) "WARNING - UP TO \$1,500 **penalty**" being in upper case text 120mm high and red in colour,

- (b) all other text being in lower case 60mm high and black in colour, and text in (a) and (b) above being on white background surrounded by a red border.
- (4) **WorkCover Approval** - It is the responsibility of the owner to contact WorkCover Authority with respect to any demolition work or use of any crane, hoist, plant or scaffolding prior to any work commencing on the site.
- (5) **Disconnection of Services** - All services (ie sewer, phone, gas, water and electricity) must be disconnected prior to commencement of demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (6) **Destination of Waste Material** – Demolition materials must be disposed of to an approved land-fill site and where appropriate to an approved recycling outlet. Details of the method of waste disposal must be lodged with the Consent Authority (ie Camden Council) prior to commencement of work.
- (7) **Information Required by Council Prior to Demolition** - The demolisher shall lodge with Council at least forty-eight (48) hours prior to the commencement of work:
- (a) written notice indicating the date when demolition of the building is to commence;
- (b) details of name, licence, address and business hours contact number;
- (c) a copy of the demolishers current public liability/risk insurance policy indicating cover of at least \$20,000,000.
- (8) **Demolition (WorkCover Licence)** - Persons undertaking demolition work shall be licensed under the Occupational Health and Safety (Demolition Licensing) Regulation 1995. WorkCover issue demolition licences to applicants who successfully undertake the Demolition Supervision Course, and who can demonstrate their ability and experience in the field.
- (9) **Giving Notice to Other Statutory Authorities** - The notice does not preclude the demolisher from the requirement of giving notice to other Statutory Authorities as the Sydney Water, WorkCover, etc.
- (10) **Erosion Control Demolition** - Prior to demolition commencing, erosion control measures shall be provided on site eg, siltation fences etc.
- (11) **Demolition Sign to Restrict Entry** - A sign shall be erected on the site stating that unauthorised entry is not permitted.
- (12) **Notice of Commencement of Work** – Notice as:
- (a) required by s.81A(4)(c) of the *Environmental Planning and Assessment Act 1979*, and
- (b) prescribed by cl.104 of the *Environmental Planning and Assessment Regulation 2000*,
- shall be lodged with Camden Council **at least 2 days prior to the commencement of any subdivision work.**
- (13) **Archival Report** – Prior to the commencement of any works, the Heritage Impact

Statement, dated September 2009 and Supplementary Report, dated December 2009 as prepared by Urbis shall be submitted to Camden Council (at no cost to Council) in a form in accordance with the minimum standards of "Archival Recording" (NSW Heritage Office) and shall include:

- a) A location plan which cross references the photographs within the Statement of Heritage Impact
- b) A electronic version of the photographs as described in (a) and
- c) A written consent from the author/s of the Statement verifying that the report and photographs can be placed in Camden Council's Local History Library for the purpose of being publicly accessible.

#### 4.0 - During Construction

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

- (1) **Principal Certifying Authority Inspections** – Due to the nature of this development consent Camden Council **must** be nominated as the Principal Certifying Authority (PCA). Inspections required by the PCA are required at the following stages of construction:
  - (a) prior to the installation of sediment and erosion controls measures,
  - (b) prior to the backfilling of pipelines and subsoil drains,
  - (c) prior to the casting of pits and other concrete structures including kerb and gutter, roads, accessways, aprons, footpaths, shared pedestrian/cycle paths, footpath crossings, dish/gutter crossings, steps, etc
  - (d) proof testing of road pavement sub-grade and sub-base layers,
  - (e) final proof testing of completed road pavement prior to the placement of the wearing course,
  - (f) prior to the backfilling of public utility service trenches within proposed road reserves,
  - (g) prior to the placement of asphaltic concrete,
  - (h) final inspection after all works are completed and "Works as Executed" plans have been submitted to the PCA,
  - (i) any other inspections deemed necessary by the PCA.
- (2) **Remediation Works Inspections** – A qualified environmental consultant or scientist will be required to supervise the remediation works to confirm compliance with the RAP and all health and safety requirements.
- (3) **Remediation and 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) **Vehicles Leaving The Site** - The contractor / demolisher / construction supervisor **MUST** ensure that: -
- (a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
  - (b) the wheels of vehicles leaving the site:
    - (i) do not track soil and other waste material onto any public road adjoining the site
    - (ii) fully traverse the Stabilised Access Point (SAP).
- (5) **Dust Control** – Potential dust generation areas on-site shall be provided with vegetation cover and/or aerial water sprays to ensure that airborne particles are suppressed especially during periods of dry/windy weather.
- (6) **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.
- (7) **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 7 am - 6pm Monday to Friday and between 8am - 5pm 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) All construction activities shall be confined to the curtilage of the site. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner.
  - (d) Construction waste must not be burnt or buried on site, nor should any wind-blown matter be permitted to leave the site. All waste must be disposed of at an approved Waste Disposal Depot.

A waste control container shall be located within the development site.

- (8) **Salinity** – Site road works should be planned to reduce cut and fill to an absolute minimum and the earthworks undertaken in stages to alleviate erosion and localised instability problems. To minimise the effects of erosion, all road batters whether in cut or fill should be stabilized by planting (or the application of spray-on mulch) with appropriate species or vegetation as soon as practical after construction.

When planning and constructing the road way consideration should be given to the potential impacts of mild to moderately aggressive soil conditions on concrete and steel due to the pH of the soils at the site.

Any landscaping plans for the site are to reflect the moderately saline environment and should recommend the use of plants capable of growth in sodic soils of 5dS/m.

- (9) **Compaction (Roads)** - All filling on roadways must be compacted at 100% standard compaction and tested in accordance with Camden Council's current Engineering Specification and the most current edition of AS1289.

Compaction activities shall be undertaken by a practising engineer with National Professional Engineering Registration and a Specific Area of Practice in Subdivisional Geotechnics to Level 1 responsibility in accordance with the requirements of AS 3798 - 1996

Sample testing is to be undertaken by a NATA registered laboratory with laboratory reports being:

- (a) endorsed by the engineer noted above, and
- (b) submitted to the Principal Certifying Authority/Roads Authority **prior to the issue of any Subdivision Certificate.**

- (10) **Compaction (Lots)** – All proposed lots subject to filling shall be compacted to 95% standard compaction and tested in accordance with Camden Council's current Engineering Specification and the current edition of AS1289.

A practising engineer with National Professional Engineering Registration and a Specific Area of Practice in Subdivisional Geotechnics shall supervise compaction activities to Level 1 responsibility in accordance with the requirements of AS 3798 - 1996

Sample testing is to be undertaken by a NATA registered laboratory with laboratory reports being:

- (a) endorsed by the engineer noted above, and
- (b) submitted to the Principal Certifying Authority **prior to the issue of any Subdivision Certificate.**

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



ORD11

Attachment 3

or replaced with the same type, species and maturity.

Any necessary repair or replacement is to take effect prior to the finish of the Consent conditioned 12-month maintenance and establishment period.

- (12) **Conditional Approval for Tree Removal** - Consent is granted for the removal of those trees as indicated in the Arboricultural Assessment Report, prepared by Horticulture Management Services, Dated 28th August 2009.

Where possible all green waste generated from the approved tree work is to be recycled into mulch, reused on site or composted at a designated facility

The issuing of this Consent is conditioned upon the planting and maintenance of suitable replacement trees as a means to achieve a "No Nett Loss" approach to vegetation management. The plantings in this instance are indicated on the approved Landscaping Plan relating to this Consent.

At the appropriate time, arrangements will be made by the Applicant for a Council officer to inspect the planting's (referred to in the clause above) to ensure that Council's objectives for vegetation management are being achieved.

- (13) **Responsibility for Damage for Tree Removal** - The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicants' agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.
- (14) **Demolition Australian Standard** - Demolition of the building shall be carried out in accordance with the requirements of Australian Standard 2601 - 1991 where applicable.
- (15) **Asbestos** - All material in the building which contains asbestos shall be removed in accordance with the guidelines of the WorkCover Authority (telephone 9370 5099) and requirements of the Environmental Protection Authority.
- (16) **Demolition Access Authorised Persons** - Access to the site shall be restricted to Authorised Persons only and the site shall be secured against unauthorised entry when building work is not in progress or the site is otherwise unoccupied.
- (17) **Demolition (On Site Burning)** - The burning of any demolished material on the site is not permitted. Offenders will be prosecuted under the Environmental Protection Operations Act.
- (18) **Prevention of Nuisance to Inhabitants** - All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind blown dust, debris, noise and the like.
- (19) **Unexpected findings Contingency** - Upon the identification of additional contamination or hazardous materials at any stage of the remediation or other construction processes all remediation / construction works in the vicinity of the findings shall cease and the affected area must be made secure from access by personnel. A qualified environmental consultant must assess the extent of the

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This is the report submitted to the Ordinary Council Meeting held on 23 March 2010 - Page 39

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.

- (20) **Workcover Authority** - All remediation work must comply with relevant requirements of NSW WorkCover Authority.
- (21) **Offensive Noise, Dust, Odour, Vibration** - Remediation and construction work shall not give rise to offensive noise or give rise to dust, odour, vibration as defined in the Protection of the Environment Operations Act 1997" when measured at the property boundary.
- (22) **Sedimentation and Erosion Control** - Sedimentation and erosion control measures are to be installed prior to any soil remediation or excavation activity and maintained for the full period of works.
- (23) **Location of Stockpiles** - Stockpiles of soil should not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.
- (24) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (25) **Fill Material For Remediation or Residential Subdivision - Prior to the importation and/or placement of any fill material on the subject site** a validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

- (a) be prepared by a person with experience in the geotechnical aspects of earthworks, and
- (b) be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics, and
- (c) be prepared in accordance with:
  - (i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
  - (ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".
- (d) confirm that the fill material:
  - (i) provides no unacceptable risk to human health and the environment;
  - (ii) is free of contaminants;
  - (iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
  - (iv) is suitable for its intended purpose and land use, and
- (e) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

ORD11

- (f) less than 6000m<sup>3</sup> - 3 sampling locations,  
 (g) greater than 6000m<sup>3</sup> - 3 sampling locations with 1 extra location for each additional 2000m<sup>3</sup> or part thereof.

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

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

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (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.*

- (26) **Removal Of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill / rubbish / asbestos, this material will need to be assessed in accordance with the NSW DECC Waste Classification Guidelines (April 2008) (refer [www.environment.nsw.gov.au/waste/envguidlms/index.htm](http://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.
- (27) **Decommissioning of the existing on-site sewage management system** - The septic tank and transpiration bed shall be decommissioned in accordance with the following:
- The septic tank/holding well and grease trap shall be emptied by a licensed liquid wastewater contractor and the contents disposed of at an approved wastewater depot. A copy of the receipt is to be submitted to Council,
  - The sides, lid, baffle (if fitted) and square junctions of the tank should be hosed down as the waste is being removed,
  - The inlets and outlets should be plugged and the tank should then be filled with clean water and disinfected to a minimum level of 5mg/l of free residual chlorine, with a one half hour contact time. The lid should be exposed to the chlorine solution. The chlorine should be allowed to dissipate naturally and not be neutralised. The contents of the tank/ and or well shall then be emptied by a licensed liquid wastewater contractor.
  - The septic tank and any associated drainage and disposal field shall be removed and disposed of at a suitably licensed landfill site.
- The septic tank system shall be de-commissioned in the following manner:
- the septic tank and holding well shall be emptied by an authorised wastewater removal contractor and the contents disposed of at an approved wastewater depot,

Attachment 3

- (f) receipts for emptying of tanks and disposal of contents shall be submitted to the Certifying Authority,
  - (g) the septic tank and holding well shall be thoroughly dusted with commercial grade agricultural lime,
  - (h) the base(s) of the tank(s) is to be punctured (to prevent future holding of water), the lids broken in and the top edges broken down 300mm below ground level, and
  - (i) the tanks are to be backfilled with clean filling material and finished to the surrounding ground level.
  - (j) materials and drainage pipes used in the construction and connection of the existing redundant transpiration beds/ absorption trenches shall be removed and disposed of at a suitably licensed landfill site. (I.e. aggregates, rubble, sand, concrete slabs and the like) The transpiration beds/ absorption trenches are to be backfilled with clean filling material and finished to the surrounding ground level.
- (28) **Occupation Hygienist Certification** – Following the demolition of any dwellings and related infrastructure a qualified occupational hygienist must inspect the demolition site (after the removal of all demolition materials) and provide certification that the land is free of hazardous building materials. The certification must be provided to the Certifying Authority prior to further development works being conducted on the demolition site.
- (29) **Potential Archaeological Site Monitoring** - In the event that any potential archaeological relics are encountered during excavation, it is the applicant's responsibility to ensure that all ground disturbances in the area of the find cease and that relevant authorities are contacted immediately to determine an appropriate course of action.
- (30) **Compliance with the Noxious Weeds Act 1993** – During construction works for each stage of the development the developer must ensure that;
- (a) All measures are taken to fully and continuously suppress and destroy, by appropriate means, noxious weeds found to be present on the property.
  - (b) Other noxious or invasive weed infestations that occur during or after subdivision and prior to sale of the new lots, must be reported to Council and fully eradicated by appropriate means; and
  - (c) At all times any machinery, vehicles or other equipment entering or leaving the site must be cleaned and free from any noxious weed material, to prevent the spread of noxious weeds to or from the property.

#### 7.0 - 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 Release** - The issue of a Subdivision Certificate is not to occur until:
  - (a) all conditions of this consent have been satisfactorily addressed and all

ORD11

Attachment 3

engineering works are complete;  
 (b) the acoustic barrier has been constructed in accordance with the relevant conditions of this development consent and to the satisfaction of Camden Council,  
 unless otherwise approved in writing by the Principal Certifying Authority.

- (2) **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 1**

- (a) Pursuant to **Contributions Plan No 3** amended in February 1998, a contribution must be paid to Council of \$14,707.00 per hectare, total \$44,662.00, for **Trunk Drainage, Water Quality Facilities and Professional Services**.

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

The monetary contribution for Trunk Drainage and Water Quality Facilities may 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.

- (b) Pursuant to **Contributions Plan No 18** adopted in September 1995, a contribution must be paid to Council of \$8,824.00 per additional lot or dwelling, total \$379,432.00, for **Community Facilities, Recreation Facilities and Open Space**.

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

The monetary contribution may 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.

- (c) Pursuant to **Contributions Plan No 18** adopted in September 1995, a contribution must be paid to Council of \$1,054.00 per additional lot or dwelling, total \$45,322.00, for a **Library, Netball Courts, Swimming Pool and Professional Services**.

The contribution must be indexed by the Building Price 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 \$25.00 per additional lot or dwelling, total \$1,075.00, 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.

**Stage 2**

- (e) Pursuant to **Contributions Plan No 3** amended in February 1998, a contribution must be paid to Council of \$14,707.00 per hectare, total \$34,182.00, for **Trunk Drainage, Water Quality Facilities and Professional Services**.

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

The monetary contribution for Trunk Drainage and Water Quality Facilities may 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.

- (f) Pursuant to **Contributions Plan No 18** adopted in September 1995, a contribution must be paid to Council of \$8,824.00 per additional lot or dwelling, total \$326,488.00, for **Community Facilities, Recreation Facilities and Open Space**.

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

The monetary contribution may 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.

- (g) Pursuant to **Contributions Plan No 18** adopted in September 1995, a contribution must be paid to Council of \$1,054.00 per additional lot or dwelling, total \$38,998.00, for a **Library, Netball Courts, Swimming Pool and Professional Services**.

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

- (h) Pursuant to **Contributions Plan No 20** adopted in October 1996, a contribution must be paid to Council of \$25.00 per additional lot or dwelling, total \$925.00, 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.

### Stage 3

- (i) Pursuant to **Contributions Plan No 3** amended in February 1998, a contribution must be paid to Council of \$14,707.00 per hectare, total \$28,621.00, for **Trunk Drainage, Water Quality Facilities and Professional Services**.

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

The monetary contribution for Trunk Drainage and Water Quality Facilities may 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.

ORD11

Attachment 3

- (j) Pursuant to **Contributions Plan No 18** adopted in September 1995, a contribution must be paid to Council of \$8,824.00 per additional lot or dwelling, total \$158,832.00, for **Community Facilities, Recreation Facilities and Open Space**.

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

The monetary contribution may 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.

- (k) Pursuant to **Contributions Plan No 18** adopted in September 1995, a contribution must be paid to Council of \$1,054.00 per additional lot or dwelling, total \$18,972.00, for a **Library, Netball Courts, Swimming Pool and Professional Services**.

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

- (l) Pursuant to **Contributions Plan No 20** adopted in October 1996, a contribution must be paid to Council of \$25.00 per additional lot or dwelling, total \$450.00, 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.

- (3) **Sydney Water Service Covers – Prior to the issue of any Subdivision Certificate** all Sydney Water service covers ie hydrants, stop valves etc., are to be made clearly identifiable by the installation of appropriate kerb markings and blue coloured raised reflective pavement markers placed at the centreline of the road opposite the hydrant to comply with AS2419. These pavement markers are to be reinstated after placement of the final layer of asphaltic concrete and prior to the release of the Final Layer Asphaltic Concrete bond.
- (4) **Street Signs** – Street signs are to be installed:
- in accordance with the requirements of the Principal Certifying Authority (PCA) and the Roads Authority, Camden Council, and
  - prior to the issue of any Subdivision Certificate.**
- (5) **Stormwater Destination - Prior to the issue of any Subdivision Certificate** pit lintels must be permanently stenciled to clearly identify the watercourse into which stormwater from the pit drains. The stenciling medium must be of a good quality UV stabilised road marking/concrete paving paint and colour "Brunswick Blue" or similar; stencils are available from Camden Council.
- (6) **Damaged Assets** – Damage to Council's assets/infrastructure caused by any activity and/or work associated with public utility relocation shall incur no cost to Council. Any such damage must be made good **prior to the issue of any Subdivision Certificate**.
- (7) **Services - Prior to the issue of any Subdivision Certificate** the following service

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This is the report submitted to the Ordinary Council Meeting held on 23 March 2010 - Page 45

authority certificates/documents must be obtained and submitted to the Principal Certifying/Certifying Authority for inclusion in any Subdivision Certificate application:

- (a) a certificate pursuant to s.73 of the *Sydney Water Act 1994* indicating the status of availability of water and sewerage facilities for each allotment.

Application for such a certificate must be made through an authorised Water Servicing Coordinator.

- (b) a Notification of Arrangements from Integral Energy.
- (c) Written advice from an approved telecommunications service provider (Telstra, Oplus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the subdivision/development.

- (8) **Geotechnical Certification – Prior to the issue of any Subdivision Certificate** certification from a practicing engineer with National Professional Engineering Registration and a Specific Area of Practice in Subdivisional Geotechnics shall be submitted to the Principal Certifying Authority (PCA) verifying that:

- (a) the work indicated in the approved plans and any associated geotechnical reports have been undertaken/completed:
- (i) in accordance with those documents, and
  - (ii) with an appropriate level/s of supervision (level/s to be stated), and
- (b) the assumptions made, relating to site conditions, during the preparation of the subject documents were validated during construction.

The certification shall make reference to both the Works-as-executed and Fill plans.

- (9) **Fill Plan** – A Fill plan must be submitted to the Principal Certifying Authority (PCA) prior to the issue of any Subdivision Certificate. The plan must:

- (a) show lot boundaries,
- (b) show road/drainage/public reserves,
- (c) show street names,
- (d) show final fill contours and boundaries, and
- (e) show depth of filling in maximum 0.5m increments.

be submitted electronically in Portable Document Format (.pdf) at 150 dpi with a maximum individual file size not exceeding 2 Megabytes and submitted both electronically and on A1 paper plan.

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

- (11) **Flood Line Identification** – A plan, indicating the following information, shall be included in any application for a Subdivision Certificate:



ORD11

Attachment 3

- (a) contours sufficient to determine any/all watercourses and associated areas of existing flood affectation,
- (b) 1% AEP and PMF advice, to AHD, noted at the areas determined in (a) above and at maximum 150 metres sectional intervals along the flowpath centreline within each area, and
- (c) a report or correspondence relating to a report that confirms/certifies the information referred to in (b) above

(12) **Surveyors Report - Prior to the issue of any Subdivision Certificate** certification prepared by a registered surveyor stating that:

- (a) all drainage lines and associated structures have been laid within their respective easements,
- (b) that no services or accessways encroach upon any proposed boundary other than as provided for by easements as created by the final Plan of Subdivision.

The certificate must be referenced to the works-as-executed plan, be submitted to the Principal Certifying Authority (PCA) and included in any application for a Subdivision Certificate.

(13) **Footpath Construction Bond - Prior to the issue of the Subdivision Certificate** the applicant is to lodge a bond with Camden Council for the construction of concrete footpath and/or pedestrian/cycle shared way.

The bond is to be in the form of cash or an unconditional bank guarantee in favour of Camden Council, and must be equivalent to 200% of the value of such work, including the cost of all reinstatement works, with the estimated cost of such work being determined by reference to Council's current Schedule of Fees and Charges or as agreed with Council.

The work is to be completed within 5 years from the registration of the Subdivision Certificate/Plan of Subdivision **or** when Occupation Certificates for dwellings associated with 70-80% of the lots created by the subdivision, directly adjacent to the footway where the subject construction is proposed, have been issued.

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

**Note 1:** In accordance with Council's current Schedule of 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 bond until:

- (a) the work has been completed to the requirements of Camden Council, and/or
- (b) where applicable a suitable replacement bond is submitted.

(14) **Soil Classification** - A soil classification report must be submitted to the Principal Certifying Authority (PCA) for inclusion **in any application for a Subdivision Certificate**. The report must:

- (a) indicate the classification of soil type generally found within the subdivision,

- (b) provide a lot classification for each lot within the subdivision,
  - (c) be prepared:
    - (i) by a person with experience in geotechnical aspects of earthworks
    - (ii) in accordance with the requirements of the current editions of AS 2870 "Residential Slabs and Footings" and AS 3798 "Guidelines on Earthworks for Commercial and Residential Development"
  - (d) be endorsed by a practising engineer with National Professional Engineering Registration and a Specific Area of Practice in Subdivisional Geotechnics.
- (15) **Works as Executed Plan** – A Works as Executed plan shall be submitted to the Principal Certifying Authority (PCA) **prior to the issue of any Subdivision Certificate**. The plan shall:
- (a) be prepared in accordance with the requirements of Camden Council's current Engineering Specification,
  - (b) include Flood Line Identification requirements,
  - (c) be endorsed by a registered Land Surveyor,
  - (d) be submitted to the Principal Certifying Authority (PCA) for approval, and
  - (e) be submitted electronically in Portable Document Format (.pdf) at 150 dpi with a maximum individual file size not exceeding 2 Megabytes and submitted both on compact disk and an A1 paper plan.
- (16) **Street Lighting** – Street lighting must be provided within the subdivision in accordance with the relevant Australian standards, Integral Energy approval and the requirements of the Principal Certifying Authority. All such work must be complete and operative **prior to the issue of the Subdivision Certificate**.
- (17) **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 stenciling medium must be of a good quality UV stabilised road marking/concrete paving paint and applied to the kerb accordingly:
- (a) Lot numbers:
    - White number on Brunswick Green, or similar, background located on the prolongation of both common boundaries of each lot.
  - (b) Street names:
    - White lettering on Brunswick Green, or similar, background at kerb and gutter tangent points or at such locations as directed by the Principal Certifying Authority

ORD11

Attachment 3

(18) **Value of Works - Prior to issue of any Subdivision Certificate** the applicant must submit an itemised value of civil works for inclusion in Council's Asset Management System. The applicant can obtain a valuation sheet from Council upon request. A separate sheet is required for this work.

(19) **Final Layer Asphaltic Concrete (Roads)**- The final asphaltic concrete wearing course layer **must not** be placed on the carriageway of any road until:

- (a) a Subdivision Certificate has been issued by the Principal Certifying Authority, Camden Council,
- (b) the Subdivision Certificate/Plan of Subdivision has been registered with the Department of Lands - Land and Property Information,
- (c) the terms of any bond for such work have been confirmed to be satisfied by the Roads Authority, Camden Council, and
- (d) a Public Road Activity (Roadworks) application has been submitted to and approved by the Roads Authority, Camden Council.

(20) **Final Layer of Asphaltic Concrete (Bond) - Prior to the Issue of the Subdivision Certificate** the applicant shall lodge a monetary bond with the Consent Authority, Camden Council, for the placement of the final layer of asphaltic concrete wearing course for all proposed roads within this subdivision.

The bond is to be in the form of cash or an unconditional bank guarantee in favour of Camden Council, and must be equivalent to 200% of the value of such work, including the cost of all reinstatement works, with the estimated cost of such work being determined by reference to Council's current Schedule of Fees and Charges or as agreed with the Consent Authority.

The work is to be completed within 5 years from the registration of the Subdivision Certificate/Plan of Subdivision **or** when Occupation Certificates for dwellings associated with 70-80% of the lots created by the subdivision directly adjacent and adjoining such road/s have been issued.

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

**Note 1:** In accordance with Council's current Schedule of 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 bond until:

- (a) the work has been completed to the requirements of Camden Council, and/or
- (b) where applicable a suitable replacement bond is submitted.

(21) **Bond for Defect Rectification of Public Work - Prior to the issue of any Subdivision Certificate**, a bond for the rectification of any existing and/or proposed public work must be lodged with Camden Council.

The bond has been determined to be 10% of the contract value of all proposed/reconstructed public infrastructure, with a minimum amount of \$5000, and will be retained by Council for a period of six (6) months after work is

completed. Please be advised that:

- (a) this bond and the bond period extends to all work:
  - (i) previously rectified under the terms of this bond, and
  - (ii) that has not been completed for which an appropriate bond has also been lodged with Camden Council.
- (b) The contract value/bond amount must be confirmed by Camden Council prior to the lodging of any such bond.
- (c) Camden Council, must confirm the satisfactory completion of such work, in writing, prior to any release/ fund of the bond.

It should be noted that a bond processing administration fee is applicable and that such a fee aligns with Council's current Fees and Charges.

- (22) **Temporary turning heads for Waste Trucks – Prior to the issue of any Subdivision Certificate** for any stage of the development the developer must provide the following:

- (a) temporary turning heads must be constructed on Road No. 2 adjacent to Lot 126 within Stage 1, Road No. 2 adjacent to Lot 237 within Stage 1 and Road No. 2 adjacent to Lot 220 within Stage 2, and
- (b) all temporary turning heads are to be constructed in accordance with Council's requirements. The dimensions are required to be followed for heavy vehicle manoeuvrability without posing a hazard to either the community or drivers.

- (23) **Easements and restrictive/positive covenants** - Prior to the issue of any Subdivision Certificate an instrument pursuant to Division 4 of the Conveyancing Act 1919 must be prepared and submitted to the Principal Certifying Authority for approval. The instrument must incorporate, but not be limited to, the following applicable easements, restrictions to user and covenants:

- (a) Easement for services.
- (b) Easement to drain water over all common drainage lines.
- (c) 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.
- (d) Easement for water quality.
- (e) Easement for on-site-Detention.
- (f) Drainage easement over overland flow paths.
- (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 detailing that no person must alter, remove or destroy

ORD11

Attachment 3

any part of the fence which forms part of the acoustic fence 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 owner.

- (i) Restriction as to user on all lots which stipulates that all work that includes earthworks, landscaping, construction of dwellings, public infrastructure, at the subject site must be undertaken in accordance with "Section 6 – Salinity Management Plan" of the report titled "Salinity Management Plan: Sharman Close Harrington Park, Prepared for Nepean Quarries Pty Ltd, Prepared by SMEC Testing Services Pty Ltd, Report No 07/1549, Dated November 2007." The only exception to the SMP is that for "Concrete Floor Slabs" for dwellings, there must be a "Damp Proof Membrane" (rather than a Vapour Proof Membrane) laid under the slab. Compliance with the above must be demonstrated for each residential development application.
- (j) Restriction as to user on all lots indicating that the footings for any proposed structure/dwelling must be designed and certified by an accredited certify with Structural Engineering accreditation.
- (k) Restriction as to user on lots 126, 201, 219, 319, 320, 301 requiring that any future development application on these lots shall adhere to the Building Design Guidelines contained within the Heritage Impact Statement; produced by Urbis dated September 2009.
- (l) Restriction as to user on lots 312-318, Lot 220, and Lots 301-311, with reference to "Section 6.2 – Table 10 – Option 1" of the report titled "Road Traffic Noise Impact Assessment: Harrington Park South Residential Subdivision, Prepared for Cardno NSW Pty Ltd, Ref No TE473-01F02 (REV4) Dated 3/09/09." all facades identified in "Table 10" will 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.

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

**(24) General Terms of Approval from Rural Fire Service**

- (a) Water, electricity and gas are to comply with Section 4.1.3(1) of Planning for Bush Fire Protection 2006.
- (b) Public Road Access shall comply with section 4.1.3(1) of Planning for Bush Fire Protection 2006.

**END OF CONDITIONS**

**RECOMMENDED**

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This is the report submitted to the Ordinary Council Meeting held on 23 March 2010 - Page 51

**That Council:**

- i. approve Development Application No 917/2009 for the purpose of a staged subdivision of land to create 97 residential lots and 2 residue lots. Works to also include demolition of various structures, including Carinya cottage, removal of various trees, remediation of land, bulk earth works, roads, associated infrastructure, landscaping works and access pathway at 3A (Lot 92 DP 1051164) Stewart Street, Harrington Park;
- ii. endorse the Residential 1 and Residential 2 land classifications with a view to include the subdivision plan within the precinct plan of Camden Development Control Plan 2006 and to incorporate this plan into the draft amendments being made to Camden Development Control Plan 2006 in association with a review necessitated through the making of Camden Local Environmental Plan 2010 and subsequently within the first review of the Camden Local Environmental Plan; and
- iii. endorse the Building Design Guidelines for specific allotments within the proposed subdivision with a view to incorporating the relevant aims and objectives within the draft amendments being made to Camden Development Control Plan 2006 for the purpose of protecting the visual impact of Narellan Struggletown Conservation Area.

**ATTACHMENTS**

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



Location plan 3A Stewart St Harrington Park.pdf



DA 917-2009\_Development Plans.pdf



Submissions DA917-2009.pdf

**RESOLUTION****MOTION**

Moved Councillor Funnell, Seconded Councillor Symkowiak that Council:

- i. approve Development Application No 917/2009 for the purpose of a staged subdivision of land to create 97 residential lots and 2 residue lots. Works to also include demolition of various structures, including Carinya cottage, removal of various trees, remediation of land, bulk earth works, roads, associated infrastructure, landscaping works and access pathway at 3A (Lot 92 DP 1051164) Stewart Street, Harrington Park;
- ii. endorse the Residential 1 and Residential 2 land classifications with a view to include the subdivision plan within the precinct plan of Camden Development Control Plan 2006 and to incorporate this plan into the draft amendments being made to Camden Development Control Plan 2006 in association with a review necessitated through the making of Camden Local Environmental Plan 2010 and subsequently within the first review of the Camden Local Environmental Plan; and
- iii. endorse the Building Design Guidelines for specific allotments within the proposed

ORD11

subdivision with a view to incorporating the relevant aims and objectives within the draft amendments being made to Camden Development Control Plan 2006 for the purpose of protecting the visual impact of Narellan Struggletown Conservation Area.

- iv. write to the Local MP, Mr Geoff Corrigan, requesting he contact Sydney Water requesting the allocation of sewerage to Sharman Place and Stewart Street, Harrington Park

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

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

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

ORD50/10

#### **ACTIONS**

CRMS number , Finalised 15/04/2010 8:57:19 AM

Action: Finalised,

Completed

Consent issued

Link to CRMS document

[CRMS: 11071414 25/03/2010, 08:12:44 AM](#)

Attachment 3

# Attachment 4

Council Report Res 2 Site Mount Annan South

**ORD11**

**Attachment 3**



ORD11

Attachment 3

**ORDINARY COUNCIL****ORD01****SECTION 96 MODIFICATION OF DEVELOPMENT CONSENT NO 300017/2002  
(PART 5) PROPOSAL TO INCREASE THE ALLOCATION OF RESIDENTIAL 2  
SITES WITHIN MOUNT ANNAN SOUTH**

<b>FROM:</b>	Director Development and Health
<b>FILE NO:</b>	Binder: Development Applications Pre-EDMS
<b>DA NO:</b>	300017/2002 (Part 6)
<b>OWNER:</b>	Landcom
<b>APPLICANT:</b>	Landcom
<b>ZONING:</b>	2(d) Residential
<b>APPLICABLE PLANNING INSTRUMENT:</b>	Local Environmental Plan 47

**PURPOSE OF REPORT**

The purpose of this report is to seek a determination from Council of an application to modify a development consent. The application is made under Section 96 of the Environmental Planning and Assessment Act, 1979 (the Act). The application seeks to modify condition No 1 of the development consent by amending the approved plan to including another two Residential 2 (R2) lots within the approved subdivision layout.

The application is referred to Council as there are unresolved objections and the application seeks a significant variation to Camden Development Control Plan (DCP) 2006.

**SUMMARY OF RECOMMENDATION**

That the Section 96 Modification of development consent for the purpose of amending the approved plan adding two R2 lots to the approved subdivision layout within the Mount Annan South precinct be approved, subject to the draft amended conditions of development consent shown later in this report.

**BACKGROUND**

The original development consent was granted under delegation on 11 December, 2003, and approved stage one of a three stage subdivision development. The stage one subdivision approved 458 lots which were to be released over 12 subsequent stages.

As part of this development consent, approval was also granted for certain lots to be classified as Residential 2 (R2) land. Primarily R2 land allows for the development of integrated small lot housing (or multi-unit dwellings) which forms part of the overall planning objectives for the Mount Annan South area.

The objective of the R2 sites originates from the previous land release of Mount Annan which is supported by Part G Site Specific; Chapter 11 Mount Annan of DCP 2006. In

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This is the report submitted to the Ordinary Council Meeting held on 09 February 2010 - Page 1

summary, Mount Annan south has been developed with the R1 (single dwelling) lots and R2 multi-unit lot principal. This philosophy is also reflected in the main planning policy (being the Camden Local Environmental Plan). In this case the DCP is used to control the number of multi-unit developments within the Mount Annan south area.

The DCP provides the following definitions for a R1 and R2 land:

*Residential 1 land use objectives are:*

- (a) to provide for traditional one or two-storey single dwelling units;
- (b) to achieve a residential density of 10 to 12 dwellings per hectare.

*Residential 2 land use objectives are:*

- (a) to allow alternative housing forms to be provided, such as town houses, courtyard housing, dual occupancies and integrated housing. These may be attached or detached, one or two storey in height;
- (b) to achieve a residential density of 15 to 25 dwellings per hectare.

The map within the DCP does not show the land, the subject of this application, however it is Council's intention to include the land area upon a comprehensive review of the DCP. The existing controls within the DCP have been considered for the purpose of this assessment.

The current development application approved 107 R2 sites, and now the applicant seeks to add an additional two, being approved lots 3605 and lot 3910. **A plan showing the subdivision and proposed location is provided at the end of this report.**

The allocation of R2 land is dependent on its proximity to open space, bus routes and commercial or neighbourhood shops. It is considered that the sites within the current Section 96 modification application are located within close proximity to such places. The application has satisfactorily demonstrated that the sites are worthy of R2 allocation. This will be discussed further in this report.

### THE SITE

The subject sites being proposed as R2 are within the subdivision commonly known as Garden Gates.

Lot 3605 is located on Hibiscus Circle and has a land area of approximately 2,046m<sup>2</sup>. The site shares boundaries with two residential lots to the north which are currently occupied by single display homes; a privately owned/occupied single storey dwelling to the west and an open drainage channel to the east. The site is generally flat and has an irregular front boundary line. The site is located across from a future public reserve and is approximately 7,400m<sup>2</sup> in area.

Lot 3910 is located on the corner of Rubus and Myoporum Avenue and has a land area of approximately 775m<sup>2</sup>. Currently the site adjoins vacant land to the east and a car park to the north. The car park has been approved by development consent 797/2007 which services the adjacent display village.

Upon the expiration of the use of the display village, the car park will revert back to a residential property which is already approved as a R2 site. The subject site is also

located diagonally across from a riparian corridor (approximately 2.27ha), which is yet to be dedicated to Council. The corridor has already been constructed and will provide future opportunities for passive recreation for residents.

The distance from approved Lots 3605 and 3910 to Mount Annan Drive is less than 100m and 45m, respectively.

#### THE PROPOSAL

The proposal is to modify the existing development consent by including an additional two Residential 2 lots within the Mount Annan south area. The intent of the Residential 2 land is to allow for a variety of multi-unit integrated housing on a parcel of land where it can be demonstrated that the land is in close proximity to open space, bus routes and commercial or neighbourhood shops.

#### NOTIFICATION

The application was publicly notified to the surrounding land owners for a period of 14 days from 6 August to 20 August, 2009. As a result of the exhibition period two submissions were received. The submissions are discussed in detail under the subheading 'submissions'.

#### PLANNING CONTROLS

- Camden Local Environmental Plan 47
- Draft Camden Development Control Plan 2009
- Camden Development Control Plan 2006

#### ASSESSMENT

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

#### **Provisions of any Environmental Planning Instrument**

##### Camden Local Environmental Plan 47

*Clause 10 Zone objectives and development control table*

*The Statement of Permissibility:*

The subject lands are zoned 2(d) Residential pursuant to Camden Local Environmental Plan 47 (LEP 47). There is no specific definition applicable for the proposal being the allocation of land for a future multi-unit development proposal. However having regard to the intended future development for multi-unit housing, this land use is currently permissible with development consent pursuant to clause 10 Zone objectives and the development control table.

*Objectives of 2(d) Residential zone:* the objective relevant for this proposal is as follows:

*'to promote a distinctive character and quality of development in each release area, based on the historic and natural characteristics of the land'.*

As discussed above, Mount Annan south has been developed on the R1 and R2 principal and as a result has allowed for a distinct built character to be established within the area. It is envisaged that approval of this Section 96 application would contribute to this objective for the Mount Annan south area. Capacity of the road system and site constraints are important considerations when additional density is proposed, particularly due to the constrained width of Mount Annan Drive which is the major collector road for the precinct. It is important to ensure if additional sites are to be added, the traffic generation can be accommodated, and most importantly the sites have capacity to accommodate required parking on-site. It is considered these criteria are satisfied in this case.

No other clause within Camden Local Environmental Plan 47 applies to the subject proposal.

#### **Provision of any Draft Environmental Planning Instrument**

The subject application was lodged prior to Draft Camden Local Environmental Plan 2010 being adopted as a draft exhibited Environmental Planning Instrument. Therefore no considerations have been made for the purpose of this assessment.

#### **Provisions of any Development Control Plan**

##### Camden Development Control Plan 2006

##### *Part G Site Specific Controls; Chapter 11 Mount Annan*

##### *Control 6 Subdivision requirements*

This control does not provide any numerical standard, however it does require reference to be made to Part E Residential Development and Subdivision of the DCP. An assessment has been made against the relevant controls within Part E and is discussed below.

##### *Control 9 - Subdivision*

- (a) This control states that alternative or further areas for "Residential 2" land may be considered, but such applications must be accompanied by supporting documentation showing that they meet the following criteria:
- (i) the location is within 200m of a bus stop;
  - (ii) the proposed development form will not adversely affect adjoining, lower density development.

##### *Officer comment*

A site inspection concluded that there are two bus stops within 200m of the subject sites. The applicant has stated that the local bus service (Busways) currently operates the 891 bus route service within the area and runs along Mount Annan Drive.

With respect to control (ii), the built form considerations will be subject to a detailed assessment upon the lodgment of a development application for multi-unit housing, should this Section 96 application be approved. The applicant has provided indicative plans of a multi-unit development, and a preliminary assessment concluded that the proposed densities would not adversely impact on the surrounding residential properties; and those objectives for maintaining adjoining solar and privacy can be achieved through building placement and window

orientation. Adequate area is available to provide for the parking and open space needs of residents of the development.

It must be noted that both sites are located at the end of the perimeter block and share less common residential boundaries than a site which would be located towards the middle of the block. Therefore it is considered that the location of the lots would minimise the impact on surrounding residential properties.

- (b) *Consideration will be given when processing a comprehensive subdivision development application to alternative distribution of 'Residential 2' areas within the proposed development. This will require an appropriate amendment to Map No 1 reflecting the approved development application.*

*Officer comment*

As discussed above, the map within the DCP does not outline the land subject to this application, however it is Council's intention to include the land area subject to a comprehensive review of the DCP. Notwithstanding, for the purpose of this assessment, the considerations outlined within the DCP for determining the allocation of R2 sites have been used.

*Control 10 - Controls*

This control makes reference to Part E Residential Development and Subdivision of Camden DCP 2006. An assessment has been made against the relevant controls and is discussed below.

*Part E Residential Development and Subdivisions, Chapter 1 Residential Subdivision*

The purpose of this chapter is to provide controls for subdivision proposals. No subdivision is being proposed as part of this Section 96 application.

Part E Residential Development and Subdivisions, Chapter 2 Detached dwellings and multi-unit housing

*Control 5 Development Density*

A dual occupancy site requires a minimum land area of 800m<sup>2</sup> for corner sites. Indicative plans lodged by the applicant show approved Lot 3910 as a dual occupancy site, however the land area of the site is 774.8m<sup>2</sup>. The applicant has requested a variation to this control as the site has a shortfall of approximately 25.2m<sup>2</sup>. The justification used is based on the fact the lot is in keeping with the definition of integrated housing development, being 'development of a larger lot to create a group of dwellings (multi-unit housing) on separate small lots (averaging about 350m<sup>2</sup>)'.

Given that the numerical standard relies on the 350m<sup>2</sup> lot size then it is considered that the site could still accommodate a dual occupancy provided that the performance base criteria and other controls are achieved. This assessment will be made subject to a separate development application being lodged with Council, should this Section 96 application be approved.

With respect to a multi-unit development on approved Lot 3605, there are no numerical standards and therefore it relies on an assessment of the performance base criteria outlined in the multi-unit development DCP. As discussed above, a detailed assessment of the development will be subject to a separate development application being lodged with Council.

Notwithstanding, the site's location and proximity to open space, commercial areas and

public transport and ability to accommodate suitably designed dwellings with adequate carparking and open space, would complement a multi-unit development. Therefore the reclassification of this land to R2 will enable a further assessment of the built form. All other controls apply to design criteria and environmental considerations for the built form. This will be subject to an assessment upon lodgement of an application to construct the dwellings.

#### **Provision of any planning agreements**

No planning agreements are relevant to the subject development application.

#### **The likely impacts of the development**

##### *Amenity impacts on surrounding residential properties*

Whilst the plans submitted are indicative in nature, it is important to ensure that if the land is reclassified to Residential 2, that the sites are capable of accommodating multi-unit housing developments. The following is a summary of relevant considerations.

##### *Privacy impact*

The indicative plans submitted for approved Lot 3605 show no habitable room windows on the second floor of the dwellings adjacent to any boundary being shared with another residential property. In addition, no balcony for the purpose of open space is within any lines of sight into the adjoining neighbours' properties.

Currently approved Lot 3910 has a 2-3m fall to the rear of the site and it is considered that a detached dual occupancy would be a better design outcome than a single large dwelling. As such, any overlooking concern could be mitigated by effective window placement or screening.

##### *Shadowing*

Any shadowing from approved Lot 3605 would be towards the street or drainage channel due of the site's south-west orientation. In addition, if any overshadowing was caused by the development it is considered that it would not be extensive due to the separation of the dwellings, which could be achieved by having a reasonable separation between the buildings.

With respect to approved Lot 3910, the subject site is located on the western side of the adjoining residential property and as such would result in only minimal overshadowing.

##### *Traffic impacts*

Any development application for multi-unit developments would be subject to meeting the requirements for off-street parking. This consideration would be subject to a development application being lodged with Council, however the plans submitted show that parking needs can be accommodated on-site.

##### *Impact on built environment*

The location of the subject lots would allow for an alternative housing form and would be located on the perimeter of traditional dwelling stock being constructed within this area. The provision of higher densities on corner lots allows not only for better urban design outcomes to be achieved but will also minimise any privacy impact to the existing built environment, below what would result if a similar development was being proposed on a standard allotment.

### The suitability of the site for the development

It is considered that the proposed allocation of R2 lands on the subject sites is suitable in the proposed locations. Having regard to the site's proximity to open space, bus routes and neighbourhood shops, it is considered that it would not only have a positive impact to the surrounding land uses, but also will encourage a range of demographic profiles and housing types into the area. Importantly, the land is of sufficient size to accommodate multi-unit housing.

### Submissions

The application was publicly notified to the surrounding land owners for a period of 14 days. As a result of the exhibition period two submissions were received. Council officers met with the authors of the letters and as a result the objections detailed below remain. **Copies of the submissions are provided with the Business Paper supporting documentation.**

#### (a) Amenity impact

##### *Officer comment:*

The objections primarily relate to the potential impact of traffic, privacy, noise and overshadowing as a result of any development on both sites. As discussed above, this development application seeks only to reclassify the land as R2 for the purpose of dual occupancy and multi-unit housing. Therefore the impact on the built form will be assessed upon a detailed development application being lodged with Council.

Notwithstanding, the housing proposals will need to comply with controls and performance criteria outlined in the current detached housing and multi-unit housing development control plan. Indicative plans have been lodged (for information purposes only) as part of this development application and it would appear that the housing products would comply with the current controls.

Any such proposal will be subject to a consultation period in accordance with Council's Notification Policy, inviting comment on the proposed development. Therefore all concerns specifically relating to the built form will be addressed at this stage of the development.

#### (b) Sites were not marked as R2 land when land was purchased

##### *Officer comment:*

This is correct, Development Consent No 17/2002 approved a 631 lot subdivision known as Mount Annan South which has been marketed by Landcom as the Garden Gates Estate. The plans approved under this consent nominated sites as multi-unit housing as a R2 classification. These controls have not to date been incorporated into Camden DCP 2006. Camden LEP 47 applies to the land and the release areas of Mount Annan, Currans Hill and Narellan Vale. Whilst multi-unit housing is permitted with consent in the Residential 2d (Release Areas) zone, the extent of multi-unit housing is controlled by way of the R2 land classifications. Council has consistently applied these provisions and its community is aware that these controls designate sites where multi-unit housing will occur. Whilst Council is not responsible for marketing material, an expectation in the community that the remaining lots will contain single dwellings is relevant and the persons making the

submissions have been advised to discuss this concern with the land owners.

Both submissions state that the subject sites did not have any reference to future R2 housing on the exhibition material for the land release and therefore state the public has been 'deceived' on the developer's intention for the properties.

As discussed above, Mount Annan south has been developed under a R1 single dwelling lots and R2 multi-unit lot principal. The Mount Annan section of the DCP (Part G; Chapter 11) is used to control the number of multi-unit developments within the Mount Annan Release area (by classifying each land either R1 or R2), however it is relevant to note that the maps in this section have not been amended to reflect the subdivision of the Mount Annan South precincts. This will occur in the amendments to be undertaken in association with the gazettal of Camden LEP and will reflect the plans approved under development consent 17/2002. However, as discussed above, it is considered reasonable to reclassify the subject lands as R2.

#### **The public interest**

It is considered that the public interest will not be adversely impacted by approving the new lots to be reclassified to R2, as the land is capable of containing multi-unit housing developments, and the process to reclassify the land prior to any development application being received has been followed.

#### **CONCLUSION**

Council has received an application to modify a development approval under Section 96 of the Environmental Planning and Assessment Act, 1979. The application seeks to modify condition No 1 of the development consent by amending the approved plan with a view to including an additional two Residential 2 lands within the approved subdivision.

The basis of Residential 2 land is to allow alternative housing forms such as town houses, dual occupancies and integrated housing within the Mount Annan south area. The allocation of such lots does not approve any building works as this would be subject to a more detailed development application being lodged and assessed by Council.

The application was publicly notified and two submissions were received. The concerns primarily relate to the impact of privacy, traffic and overshadowing to the neighbouring properties. It is considered that such concerns can be dealt with during the assessment of any application for multi-unit development.

The proposal has been assessed against principals of R2 land allocation within the Mount Annan South precinct and it is considered that the location of the lots are consistent with the criteria outlined in Camden Development Control Plan, Part G Site Specific; Chapter 11 Mount Annan. Therefore it is recommended that approval be given to the land being allocated as R2 to allow for development applications to be lodged for the purpose of multi-unit/integrated development.

#### **DRAFT CONDITIONS OF CONSENT**

***Condition 1 to be amended and now read:***



ORD11

Attachment 3

**APPROVED PLANS** – The development must be carried out strictly in accordance with the plans prepared by YSCO GEOMATICS, dated Feb 2002 and numbered S01 Issue D Stage 1 Works; S02-S013 Issue C Stage 1 Works, PED 01 Issue C dated July 2002, and Plan showing Section 96 Amendment to the lot layout of Precinct 41A, Reference LC50309/2/41A-2, dated 6/7/2009 and amended Development Layout Plan dated July 2009; Reference P50309/Resid-2-Areas (sheet 1 and 2).

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

**AMENDMENTS** – Modifications to the approved plans and specifications requires the prior approval of the Consent Authority (i.e. Camden Council). The procedure for applying to amend the approved plans is to submit an "Amended Development Application" form pursuant to Section 96 of the *Environmental Planning and Assessment Act 1979*.

**All other conditions of development consent 300017/2002 issued on the 11 December, 2003 (as amended) are to remain valid and applicable.**

#### END OF CONDITIONS

#### RECOMMENDED

That:

- i. Council approve a Section 96 Modification application to existing Development Consent 300017/2002, being for the amendment of plans to include two additional Residential 2 lots at approved Lots 3605 and 3910; and
- ii. the plans which indicate the Residential 1 and 2 classifications within the Mount Annan South precinct be incorporated into the amendments being made to Camden DCP 2006 in association with the review necessitated through the making of Camden LEP 2010 and also the subsequent review of Camden LEP 2010.

#### ATTACHMENTS

1. Subdivision plan and location plan
2. Submissions (sup doc)



Subdivision location plan DA3000-17 Res 2 sites.pdf



Submissions DA300017-02 Res 2 Sites.pdf

#### RESOLUTION

Moved Councillor Symkowiak, Seconded Councillor Funnell that:

- i. Council approve a Section 96 Modification application to existing Development Consent 300017/2002, being for the amendment of plans to include two additional Residential 2 lots at approved Lots 3605 and 3910; and
- ii. the plans which indicate the Residential 1 and 2 classifications within the Mount Annan South precinct be incorporated into the amendments being made to Camden DCP 2006 in association with the review necessitated through the making of Camden LEP 2010 and also the subsequent review of Camden LEP 2010.

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

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

#### **MOTION**

Moved Councillor Cagney, Seconded Councillor Cottrell that the Section 96 Modification to existing Development Consent 300017/2002, being for the amendment of plans to include two additional Residential 2 lots at approved Lots 3605 and 3910 be refused for the following reasons:

- Amenity of the area;
- Impact of vehicle movements;
- Traffic noise;
- Lot 3910 has an area less than that required by Council's DCP for dual occupancy dwellings; and
- The surrounding lots are occupied.

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

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

#### **FURTHER MOTION**

Moved Councillor Campbell, Seconded Councillor Warren that:

- i. Council approve the Section 96 Modification application to existing Development Consent 300017/2002, being for the amendment of plans to include one additional Residential 2 lots at approved Lot 3605;
- ii. Council refuse the Section 96 Modification application to existing Development Consent 300017/2002, being for the amendment of plans to include one additional Residential 2 lots at approved Lots 3910 be refused for the following reasons:
  - Overshadowing of the site;
  - Traffic noise;
  - Impact of vehicle movements;
  - Lot 3910 has an area less than that required by Council's DCP for dual occupancy dwellings; and
  - Impact on the amenity of adjoining land.
- iii. the plans which indicate the Residential 1 and 2 classifications within the Mount Annan South precinct be incorporated into the amendments being made to Camden DCP 2006 in association with the review necessitated through the making of Camden LEP 2010 and also the subsequent review of Camden LEP 2010.

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

(Councillors Anderson, Campbell, Cottrell, Cagney, Dewbery, Funnell, Patterson, Symkowiak and Warren voted in favour of the Motion. No Councillor voted against the Motion).

**ORD11**

ORD17/10

**ACTIONS**

CRMS number , Finalised 11/02/2010 9:55:48 AM

Action: Finalised,

Completed

Noted. To be actioned as per the instructions as per the Action Sheet from the Council meeting.

Link to CRMS document

[CRMS: 10739822 11/02/2010, 08:19:27 AM](#)

**Attachment 3**

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This is the report submitted to the Ordinary Council Meeting held on 09 February 2010 - Page 11

# Attachment 5

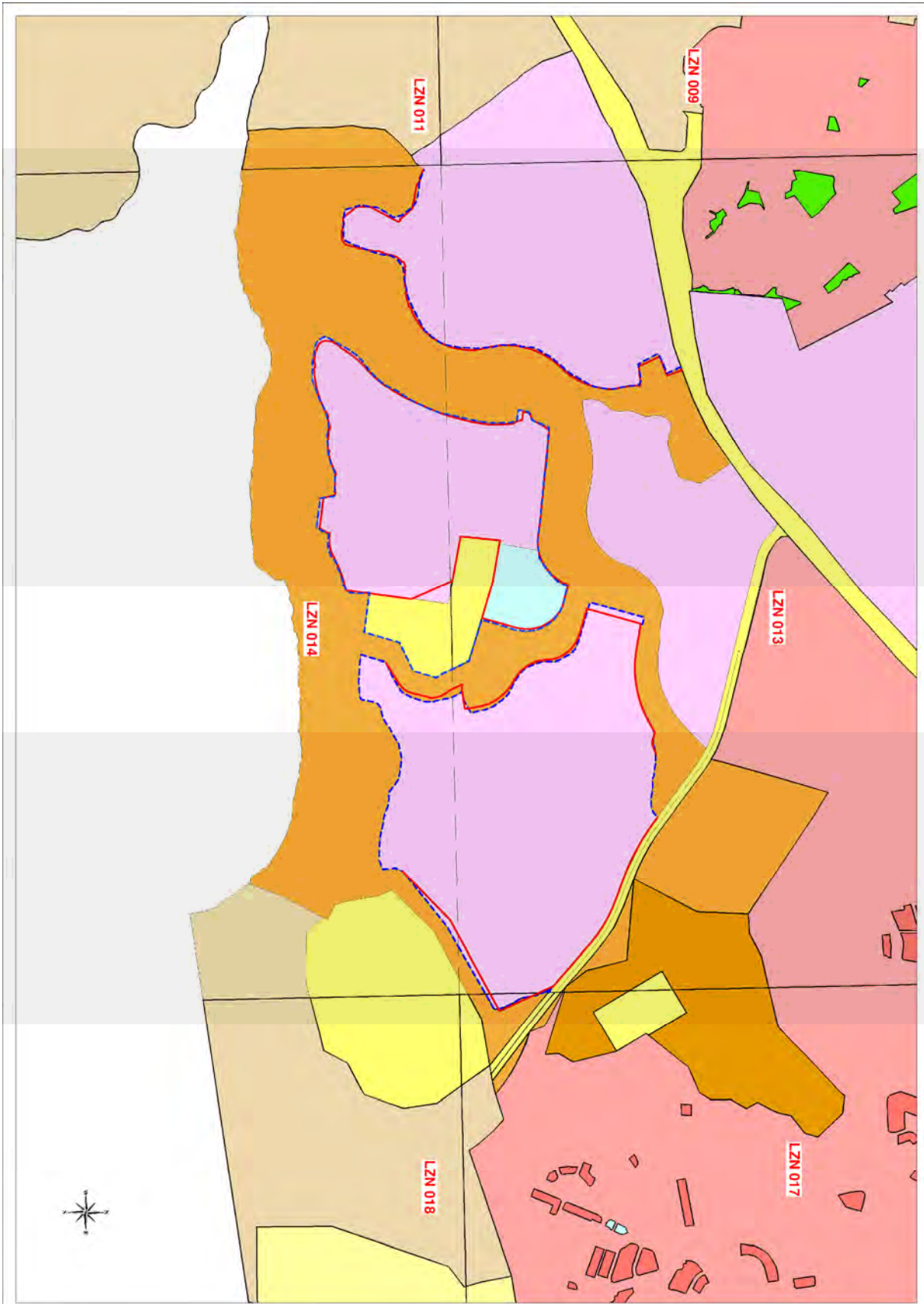
Spring Farm Boundary Adjustments

**ORD11**

**Attachment 3**

ORD11

Attachment 3



# ORDINARY COUNCIL

ORD12

ORD12

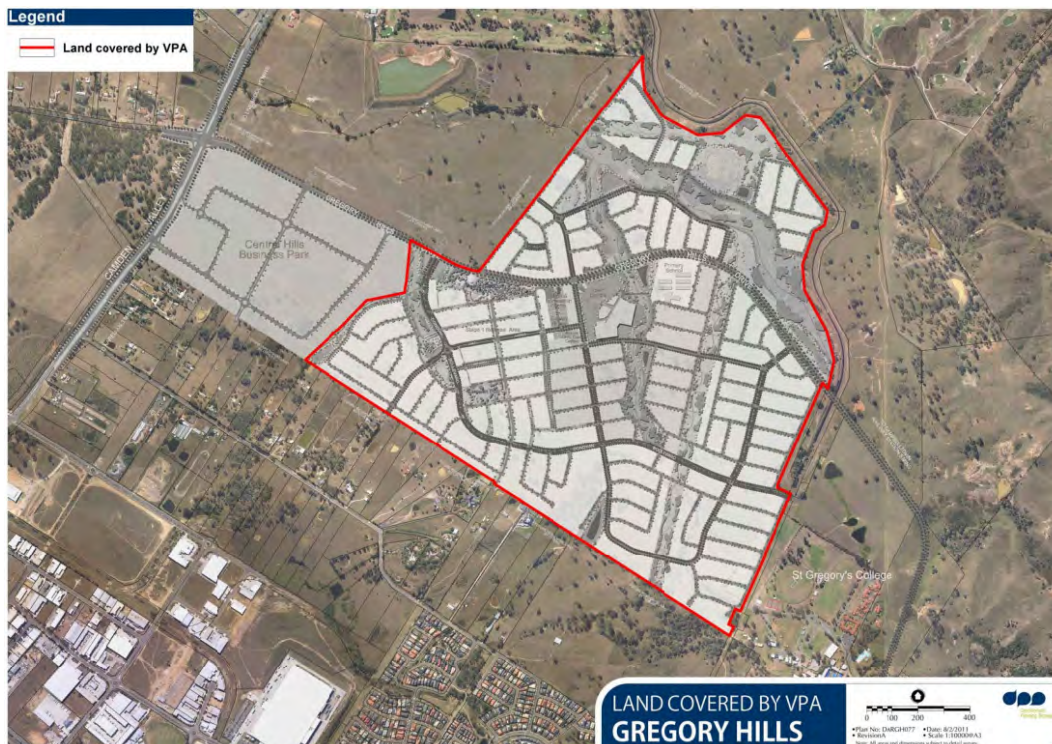
**SUBJECT:** GREGORY HILLS VPA  
**FROM:** Director Governance  
**BINDER:** Turner Road

## PURPOSE OF REPORT

The purpose of this report is to seek a Council resolution to publicly exhibit a Draft Voluntary Planning Agreement (VPA) offered by Dart West to support the future development of its land at Gregory Hills. Due to the size of the document, the draft VPA including the schedule of works and explanatory note has been provided to Councillors **under separate cover**.

## BACKGROUND

The land is located within the Turner Road precinct of the South West Growth Centre (SWG) and comprises the residential component of the Gregory Hills development. The Gregory Hills Business Park sits between the site and Camden Valley Way, while St Gregory's College lies to the east. A Locality Map is included as **Figure 1** below.



**Figure 1 – Locality Map**

The land is owned by the Trustees of the Marist Brothers and is being developed by Dart West Developments Pty Ltd.

The planning regime for the site is set by the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP). The residential

component of the site is zoned R1 General Residential. The proposed riparian corridors are zoned E4 Environmental Living. The proposed site of the Gregory Hills Town Centre site is zoned B1 Neighbourhood Centre.

Dart West and Council previously entered into a Works-in-Kind Agreement (WIKA) dated 12 January 2011 for the construction and dedication of Thomas Donovan Park and the adjoining water detention basins. Those works have now been completed and the relevant land dedicated to Council.

Dart West is offering to enter into a VPA with Council to deliver all of the infrastructure, services and facilities related to the Gregory Hills development in accordance with the Oran Park and Turner Road Contributions Plan (OPTR CP). The total package includes \$64,298,200.60 worth of works, land dedication and monetary contributions and features:

- the works already delivered under the WIKA;
- a double sports playing field;
- a multi-purpose community centre;
- local parks and playgrounds;
- a two lane road bridge over South Creek;
- riparian and electricity corridors embellished with pathways;
- water detention and treatment basins and swales; and
- monetary contributions to off site works and project management costs.

The VPA offer is in accordance with the OPTR CP and has been reviewed and is supported by Council officers, including the Development Contributions Management Committee (DCMC).

This VPA offer is being made voluntarily by the landowner and the developer and represents their commitment to working in partnership with Council to deliver high quality facilities and environments to the future residents of Gregory Hills.

## **MAIN REPORT**

### **VPA development contributions**

The negotiated development contributions which will be provided under the VPA are summarised below. They are based upon the OPTR CP and negotiations with Dart West. The location of the facilities and infrastructure is show on the Staging Plans located in Schedule 1 of the VPA which has been forwarded to Councillors **under separate cover**.

#### **Open Space and Recreation Facilities and Community Facilities**

- Construction and dedication of double sporting field capable of being used as two football fields or one senior cricket / AFL field.
- Construction and dedication of one 515m<sup>2</sup> multi-purpose community centre on a 1218m<sup>2</sup> site.
- Construction and dedication of three local parks and playgrounds.

The total value of Open Space and Community Facilities works and land dedication is \$26,149,017.74.

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### Transport Management Facilities

- Construction of a two lane bridge over South Creek.
- Construction of six (6) bus stops in locations to be agreed with Council.
- Construction of 2.6km of shared pedestrian and bike paths within open space and recreation land.

The total value of Transport Management Facilities is \$2,261,425.41

### Water Cycle Management Facilities

- Construction of all water cycle management facilities and associated dedication of land required to meet the needs of the development. These are to be provided in accordance with an adopted Water Cycle Management Strategy and to be handed over to Council progressively.

The total value of Water Cycle Management Facilities and land dedication is \$17,310,779.27.

### Monetary Contributions

- Payment of \$268,638.41 in project management and VPA administration costs over the life of the VPA.
- Payment of a settle-up amount of \$10,499,155.35 which is calculated by subtracting the value of the all works, land dedication, project management costs and any early cash payments made under the VPA from the amount that would have been paid by Dart West under the OPTR CP. The settle-up amount will be paid on a per-lot basis once Dart West has constructed all of the works under the VPA. Based upon Dart West's staging plans for the development, this is likely to occur around the release of the 2000<sup>th</sup> lot. The OPTR CP requires contributions to a number of recreation facilities, such as an athletics track and sports park that are to be located within the future Maryland growth centre precinct. The monetary contributions will be used to assist in funding the construction of these facilities.

### Riparian Corridors and Transmission Easements

At the meeting of 12 October 2010, Council resolved to provide in-principle support for the dedication of 2.45 hectares of riparian land associated with Stage 1 of the Gregory Hills development, and that Council enters into VPA negotiations in relation to the dedication of the land. The report acknowledged that there would be future offers of land dedication (from Dart West and others) in accordance with the policies.

Dart West have prepared submissions in accordance with Council's Dedication of Riparian Corridors Policy and Dedication of Land Burdened by Transmission Easements Policy for the dedication of an additional 22.5 hectares of embellished riparian land and 9.87 hectares of embellished transmission easement land to Council. The embellishment of the land will strike a balance between environmental restoration, public accessibility and minimisation of future maintenance costs to Council. The embellishment will include 2.6km of pedestrian and cycle paths which will provide an important north-south linkage through Gregory Hills. The dedication of land will be at no cost to Council and Dart West is seeking no credits or offsets for the embellishment and dedication of the land.



Dart West will maintain each parcel of riparian corridor and transmission easement land for five (5) years from the date of registration of each respective parcel. This will ensure that the land will be sufficiently established prior to hand over to Council, minimising the ongoing maintenance costs. Council estimates the ongoing maintenance costs for the riparian corridor and transmission easement land to be approximately \$8,600 per hectare per annum. The future costs of maintaining the land should be noted in Council's future budget estimates.

The dedication of the land to Council is considered to deliver significant short and long term benefits to Council, the community and the environment compared to a private ownership and maintenance regime. This rationale has underpinned Council's previous acceptance of riparian corridor land under the Oran Park VPA and in Stage 1 of the Gregory Hills development.

**Security**

A recent Land and Environment Court ruling has made clear that VPAs must provide Council with adequate financial capability to step in and complete any works proposed under a VPA if the developer fails, or becomes unable to do so. Security provisions in the VPA have been structured to give Council that ability.

A bank guarantee is considered an appropriate form of security and is defined in the VPA as being an irrevocable and unconditional undertaking without an expiry date in favour of the Council issued by an Australian trading bank with a minimum Standard and Poors rating of AA, or any other financial institution approved by the Council in its absolute discretion.

Security is being provided as outlined below.

Double Playing Field and Multi-Purpose Community Centre

The double playing field and multi-purpose community centre are significant community assets which will be constructed at later stages of the development, with the multi-purpose community centre to be completed by the 1050<sup>th</sup> lot and the double playing field to be completed by the 2000<sup>th</sup> lot.

Dart West will provide Council with bank guarantees at certain stages of the development as outlined in the table below. It is noted that the amount of security required prior to the 1051<sup>st</sup> lot is lower than that required at the 501<sup>st</sup> lot. Given that the multi-purpose community centre is to be completed by the 1050<sup>th</sup> lot, security is no longer required for the cost of construction of this item, hence the reduction in the amount of the bank guarantee.

<b>Timing</b>	<b>Amount</b>
On execution of the VPA	\$717,040
Prior to the issue of the subdivision certificate that creates the 501 <sup>st</sup> lot	\$1,505,784
Prior to the issue of the subdivision certificate that creates the 1051 <sup>st</sup> lot	\$1,363,335
Prior to the issue of the subdivision certificate that creates the 1501 <sup>st</sup> lot	\$1,817,780

Development Staging Plan

Dart West have prepared a Staging Plan which forms Schedule 1 of the VPA. Schedule 3 of the VPA itemises the contribution items to be provided within each stage of development and includes their monetary value. For the purposes of providing

adequate security, the VPA stipulates that Council shall not release the Subdivision Certificate for the first residential lot within the Stage unless the works tied to that Stage have been completed, or the developer has provided security in the form of a bank guarantee for the value of any work not completed.

### Additional Security

Security will also be provided in the following ways:

- The Agreement is proposed to be registered on the land title, binding all current and future owners of the land;
- The works and land dedications are linked to the release of lots. If the developer fails to deliver works when required, Council can withhold the release of Subdivision Certificates;
- Council has the ability to acquire land to be dedicated under the terms of the VPA for \$1 if the land is not dedicated; and
- Council has the ability to take action under the *EP&A Act* to remedy any breach of the Agreement.

This package of security gives Council greater certainty that the agreed undertakings will be completed. The magnitude of the security being offered is unique to this Agreement and reflects the scope of the land and works contributions being offered and the length of time the Agreement will operate.

### **Public Exhibition**

It is proposed to place the draft VPA and Explanatory Note on public exhibition for a period of four (4) weeks, in accordance with the *Act* and to advertise the exhibition in the local newspapers. All relevant documentation will be available at Council Customer Service Centres in Camden and Narellan as well as the Camden and Narellan libraries. Subject to the VPA being supported by Council, exhibition is proposed to occur from Wednesday 8 February to Wednesday 7 March 2012.

Following the conclusion of the exhibition, a report will be presented to Council on submissions received. Council can then consider entering into the VPA.

### **CONCLUSION**

The landowner and developer of the Gregory Hills land are proposing to enter into a VPA to deliver over \$53 million worth of infrastructure, services and facilities and over \$10 million worth of monetary contributions related to their development in accordance with the OPTR CP. This includes the construction of a multi-purpose community centre, double sports field, local parks, an open space network which includes existing riparian and electricity corridors, a road bridge over South Creek, six (6) bus stops, cycle paths and monetary contributions towards off-site facilities and project management. The embellished riparian corridor and transmission easement land will be dedicated to Council and will become a significant community asset.

The VPA will ensure that infrastructure, services and facilities are delivered in a timely manner whilst significantly reducing the future construction and Section 94 management obligations upon Council for the Gregory Hills development.

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The VPA and Explanatory Note will be publicly exhibited for 28 days in accordance with the requirements of the *Environmental Planning and Assessment Act*. A further report to Council will be prepared outlining the results of the exhibition process.

**RECOMMENDED**

**That Council:**

- i. endorses the draft Voluntary Planning Agreement and Explanatory Note;**
- ii. publicly exhibits the draft Voluntary Planning Agreement and Explanatory Note for a period of 28 days in accordance with the provisions of the *Environmental Planning and Assessment Act and Regulation* ; and**
- iii. requires a further report be provided to Council detailing the results of the exhibition.**



## ORDINARY COUNCIL

ORD13

ORD13

**SUBJECT: COUNCIL SEAL - RELEASE OF EASEMENTS - MARSHALL AVENUE, SPRING FARM**  
**FROM:** Director Governance  
**BINDER:** Council Property Easements

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### PURPOSE OF REPORT

To obtain a Council resolution to affix the Council Seal to a plan of subdivision and associated 88B instrument for the removal of two easements benefiting Council.

### MAIN REPORT

Previous stages of the Spring Farm development created two drainage easements in Marshall Avenue that benefited Council. These existing easements are indicated in Deposited Plan 1142286, as shown in Attachment 1 to this report.

As a result of a recently approved Development Application for a 23 lot subdivision (Stages 17 and 19 of the Spring Farm development), the subdivision layout as shown in DP 1142286 was amended. This has resulted in the two drainage easements becoming unnecessary in their current form.

As the release of the subdivision removes the two easements that benefit Council, the Council Seal must be affixed to the plan of subdivision and associated 88B instrument in order for registration with the Land and Property Information Authority. A copy of the Deposited Plan to be registered is attached.

Council officers are currently assessing the Subdivision and the plan will need to be signed under Council Seal upon release of the Subdivision Certificates.

This is a procedural requirement and Council staff have investigated the existing and proposed easements and are satisfied all legislative requirements have been met.

### RECOMMENDED

**That the Council seal be affixed to the Plan of Subdivision and Section 88B Instrument of Lot 1618 and 1617 DP 1142286 for the removal of two (2) drainage easements associated with Stages 17 and 19 Spring Farm, upon release of the Subdivision Certificates.**

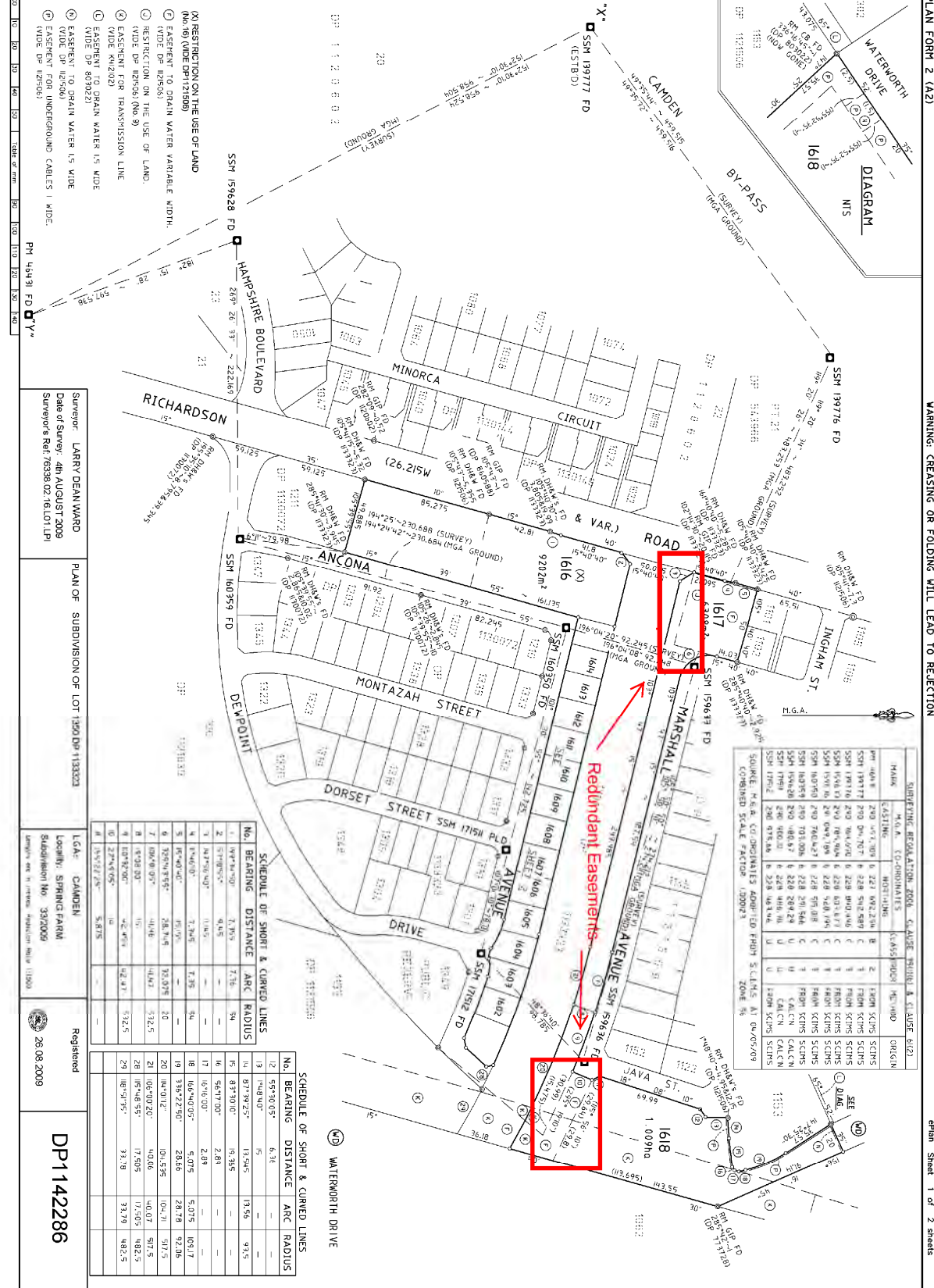
### ATTACHMENTS

1. Current Deposited Plan 1142286
2. Plan to be Registered

Box:e-IDS /Doc:DP 1142286 P /Rev:27-Aug-2009 /Sts:SC.OK /Prt:28-Aug-2009 03:11 /Pgs:ALL /Seq:1 of 4 DP1142286  
 WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.

ORD13

Attachment 1



PLAN FORM 2 (A2)  
 WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Urban Sheet 1 of 2 sheets

Surveyor: LARRY DEANWARD  
 Date of Survey: 4th AUGUST 2009  
 Surveyor's Ref: 76338 02 76101 LPI

PLAN OF SUBDIVISION OF LOT 1300 DP 1133333

LGA: CAMDEN  
 Locality: SPRING FARM  
 Subdivision No: 3322009

Registered  
 26 08 2009

DP1142286

ORD13

Attachment 2

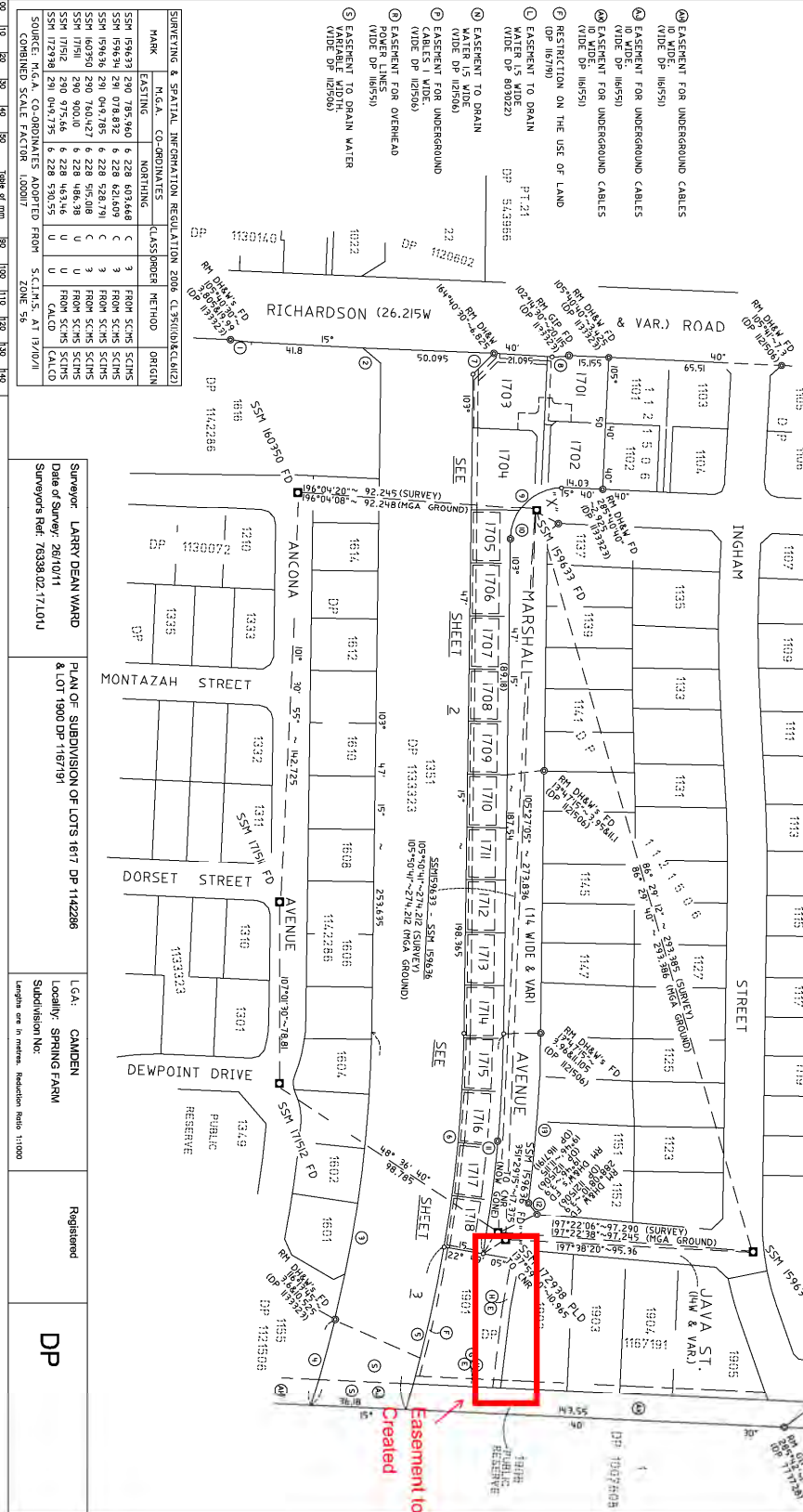
PLAN FORM 2 (A2)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Sheet 1 of 3 sheets

SCHEDULE OF SHORT & CURVED LINES

No.	BEARING	DISTANCE	ARC RADIUS
1	108°34'00"	7.365	7.36
2	53°00'55"	9.45	—
3	102°19'35"	14.3	143.83
4	118°5'35"	33.78	333.74
5	236°19'05"	63.17	632.05
6	288°18'10"	81.59	815.75
7	327°55'40"	114.5	—
8	174°6'10"	7.345	7.35
9	164°06'20"	19.74	20.645
10	120°09'40"	11.275	11.43
11	108°18'10"	83.655	83.94
12	64°33'05"	5.595	—
13	107°08'55"	64.085	64.25



SURVEYING & SPATIAL INFORMATION REGULATION 2006 CLASSIFICATION

MARK	N.G.A. CO-ORDINATES	NORTHING	EASTING	CLASS	BORDER	METHOD	ORIGIN
SSM 159633	290 785.960	6 228 603.648	C	3	FROM SCHEM	SCHEM	SCHEM
SSM 159634	291 018.832	6 228 624.404	C	3	FROM SCHEM	SCHEM	SCHEM
SSM 159635	290 945.785	6 228 628.274	C	3	FROM SCHEM	SCHEM	SCHEM
SSM 159636	290 945.785	6 228 628.274	C	3	FROM SCHEM	SCHEM	SCHEM
SSM 171512	290 900.00	6 228 466.38	U	U	FROM SCHEM	SCHEM	SCHEM
SSM 171513	290 975.66	6 228 463.46	U	U	FROM SCHEM	SCHEM	SCHEM
SSM 172938	291 043.735	6 228 530.55	U	U	FROM SCHEM	SCHEM	SCHEM

SOURCE: N.G.A. CO-ORDINATES ADAPTED FROM S.C.I.M.S. AT 13/01/11  
COMBINED SCALE FACTOR 1.00017

Surveyor: LARRY DEAN WARD  
Date of Survey: 26/10/11  
Surveyor's Ref: 7638802/171011

PLAN OF SUBDIVISION OF LOTS 1617 DP 1142286 & LOT 1900 DP 1167191  
L.G.A.: CAMDEN  
Locality: SPRING FARM  
Subdivision No:  
Lengths are in metres. Reduction Ratio: 1:1000

Registered  
DP

## ORDINARY COUNCIL

ORD14

**SUBJECT:** REGIONAL TOURISM STRATEGY 2012 - 2015  
**FROM:** Director Governance  
**BINDER:** Regional Tourism Strategy

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### PURPOSE OF REPORT

To present the draft Macarthur Regional Tourism Strategy and Action Plan 2012 – 2015 for adoption by Council.

### BACKGROUND

A report was provided to at the meeting of 13 December 2011 advising the finalisation of the Macarthur Regional Tourism Strategy (2008 – 2011). The report also provided a summary of completed actions and key achievements.

### MAIN REPORT

For a number of years, Camden Council has demonstrated a commitment to developing and supporting tourism within the Local Government area.

In 2008, an increased regional approach to tourism promotion was adopted and as a result the The Macarthur Regional Tourism Strategy 2008 – 2011 was developed. This Strategy further complemented existing regional project, established the Macarthur branding and provided a clear vision and strategic direction for the future.

The Macarthur Regional Tourism Strategy and Action Plan 2012 - 2015 will continue to build upon those actions and projects which were successful in the previous Strategy. A copy of the Macarthur Regional Tourism Strategy and Action Plan 2012 - 2015 **is attached to the report.**

The Strategy provides a vision, target markets, as well as key strategic themes encompassing:

- Tourism product development and partnerships
- Marketing and promotion
- Industry support
- Visitor servicing.

Each strategic theme includes desired outcomes and actions for implementation where possible within specified timeframes as outlined in the Strategy.

The development of the Macarthur Regional Tourism Strategy and Action Plan 2012 - 2015 plays an essential role in further increasing the profile of the region and ultimate success of tourism within Macarthur. The implementation of the actions and review of the Strategy on an annual basis will assist in the realisation of the key outcomes.

### RECOMMENDED

**That the draft Macarthur Regional Tourism Strategy and Action Plan 2012- 2015 be adopted.**



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## ATTACHMENTS

1. Macarthur Regional Tourism Strategy and Action Plan 2012 - 2015

**ORD14**

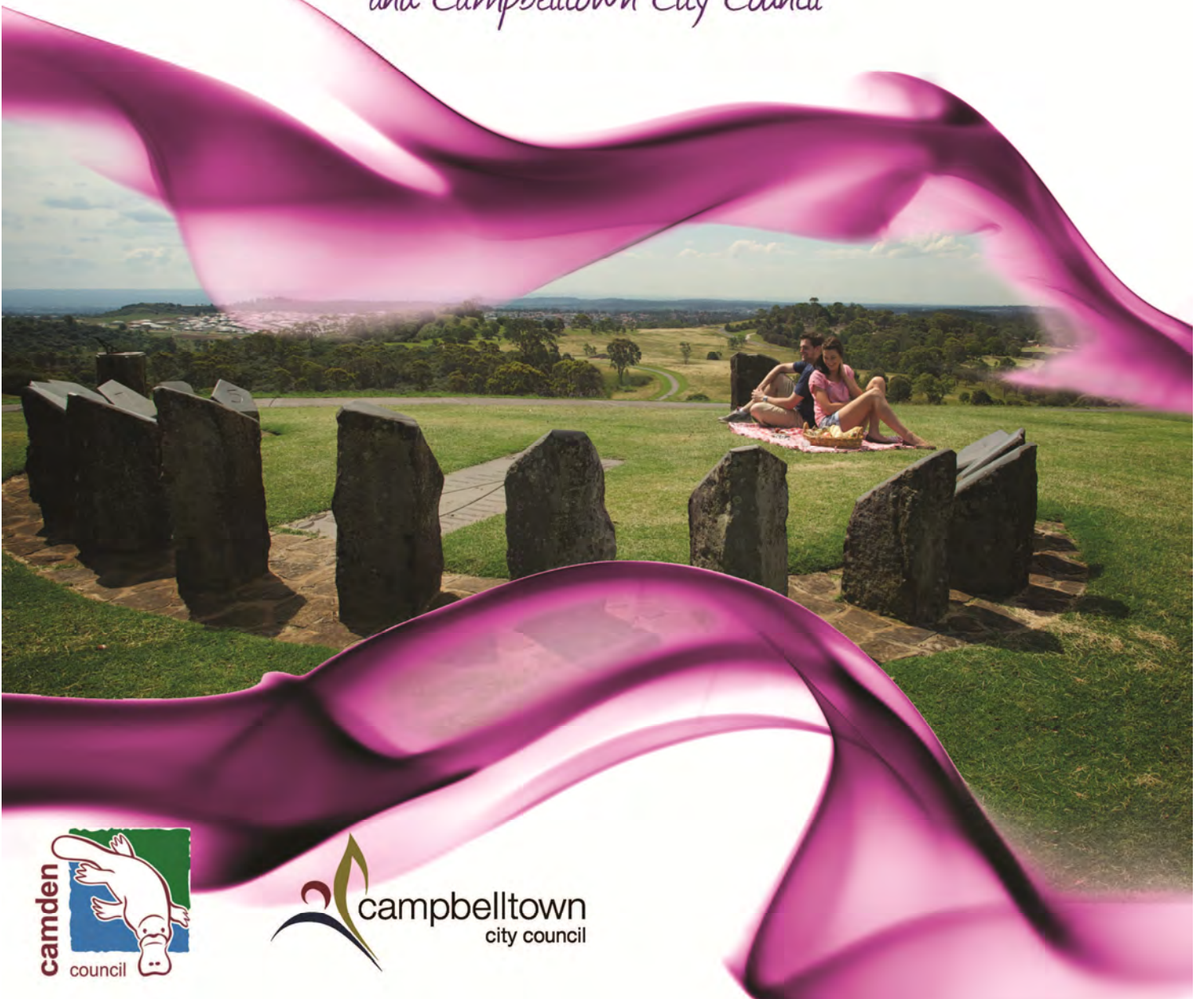


# MACARTHUR

## Regional Tourism Strategy

### 2012 - 2015

*A joint project between Camden Council  
and Campbelltown City Council*



## Foreword

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Tourism is an important contributor to Australia's economy. It helps to generate substantial investment and jobs. It also adds to our cultural and recreational experiences.

The Macarthur region, comprising the townships of Camden and Campbelltown, located in Sydney's south-west, benefits from tourism activity. Tourism directly supports many small businesses and has a strong multiplier effect on other sectors of our economy such as business services, sport and recreation and retail. In addition, it provides a 'window' for people outside of Macarthur to view our area as a place to visit and explore further. In time visitors may choose to live, work and invest in the Macarthur. Tourism also builds community pride and a sense of ownership among local people.

Both Camden Council and Campbelltown City Council have supported tourism for many years. Council's role in supporting tourism includes visitor servicing (eg resourcing the Camden and Campbelltown Visitor Information Centres), implementing promotional media and marketing activities, supporting local events that will potentially attract visitors to the region, establishing new partnerships, helping new tourism product to be established, as well as building and promoting Macarthur's tourism assets. Additionally, both Councils work to develop strong relationships with the travel writing media to generate positive media coverage.

Council's Tourism Officers work closely with local tourism businesses by providing access to networking and professional development initiatives. These help businesses to stay informed, be innovative and educate their staff to provide visitors with high quality experiences.

In summary, the Macarthur Tourism Strategy 2012 – 2015 provides guidance for the future direction of tourism within Macarthur with both short term and longer term goals. Drawing on the broader region, it emphasises developing new tourism experiences, involving local people in tourism product development and facilitating stronger relationships between Council and the local tourism industry. It also aims to raise the profile of Macarthur as a quality repeat visitor destination and further develop the key tourism market segments.

## Introduction

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The Macarthur Tourism Strategy and Action Plan 2012 – 2015 is a result of Camden Council and Campbelltown City Council’s need to update, refine and enhance the previous strategy to ensure the region’s tourism industry continually thrives in a rapidly evolving environment. Its development has been guided by:

- a review of the previous Macarthur Tourism Strategy and Action Plan 2008 – 2011
- current key trends in the tourism industry
- research of related documentation
- input and feedback from local tourism operators
- feedback from visitors and tour coordinators.

Building on the previous strategy, the 2012 – 2015 strategy is designed to provide focus and direction to ensure tourism continues to develop during the next three years. A number of strategic themes are presented in the strategy, which provide achievable, realistic and practical actions.

### Vision

All of the actions outlined in the Macarthur Tourism Strategy and Action Plan 2012 - 2015 will work towards the achievement of the following vision for the region:

*That the Macarthur region is a well recognised and well regarded tourism region offering a diverse range of experiences. It is our aim to build on Macarthur’s existing tourism assets and improve the visitor experience.*

### Target Markets

The Macarthur Tourism Strategy and Action Plan aims to target a number of key tourism markets including:

- the Visiting Friends and Relatives (VFR) market
- the Greater Sydney market
- the Seniors / over 55s market
- families / holiday makers
- special interest groups including school groups, seniors groups and the corporate incentive market.

### Strategy Themes

This strategy has a number of themes, each with their individual set of outcomes. The themes encompass:

- tourism product development and partnerships
- marketing and promotion
- industry support
- visitor servicing.

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## What is Tourism?

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Tourism incorporates activities that bring people into an area they don't normally reside in for a period of time. This brings in 'new money' to a local economy. The World Tourism Organisation defines tourists as people who "travel to and stay in places outside their usual environment for more than 24 hours and not more than one consecutive year for leisure, business and other purposes not related to the exercise of an activity remunerated from within the place visited."<sup>1</sup>

Tourism can be found in activities including:

- food and wine - dining
- accommodation
- shopping
- attractions
- sports and recreational activities
- art and cultural activities
- community or special events and festivals
- visiting for business purposes
- visiting friends and relatives (VFR)
- appreciating local flora and fauna and enjoying the outdoors
- education (eg school groups, visits to Macarthur's education institutions etc).

Tourism also includes people who visit a destination for less than 24 hours for the aforementioned purposes, such as daytrips.

The Macarthur region has some significant tourism drawcards, often referred to as the 'must see, must do' attractions including:

- close proximity to Sydney CBD and airport / coast / Blue Mountains / Southern Highlands
- major attractions including The Australian Botanic Garden, Mount Annan, Campbelltown Arts Centre and Camden Airport's aviation experiences
- adventure based activities such as horse riding, aviation and paintball
- a major annual events calendar including food and wine festivals, Camden Park House Open Weekend, Campbelltown Challenge Walk, Enduro Trail Races, Festival of Fisher's Ghost, Farm Sunday at Belgenny Farm and New Year's Eve
- quality and good value for money accommodation facilities.

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<sup>1</sup> "UNWTO Technical Manual: Collection of Tourism Statistics". World Tourism Organisation. 1995.

ORD14

Attachment 1

## Strengths, Weaknesses, Opportunities and Threats (SWOT) of the Macarthur region

STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> <li>▪ Proximity to key markets, especially Greater Sydney.</li> <li>▪ Variety of experiences within a rural setting.</li> <li>▪ Good access to major road and rail networks (Hume Highway/M5, M7, countrylink and cityrail trains).</li> <li>▪ Central location as a base for other important tourism regions (eg Blue Mountains, Southern Highlands, Sydney and Wollongong).</li> <li>▪ Large number of significant heritage sites.</li> <li>▪ A range of sporting and shopping facilities.</li> <li>▪ The Australian Botanic Garden – free entry.</li> <li>▪ Campbelltown Arts Centre – major regional gallery with a significant exhibition and performance program.</li> <li>▪ Rydges and Quest, Campbelltown – new 4½ star properties. Appealing to corporate market.</li> <li>▪ The Cube – continue to attract entertainment and major conferences.</li> <li>▪ Camden township – retains its historic village style and café culture.</li> <li>▪ Campbelltown township – cultural diversity, ethnic food stores and restaurants.</li> <li>▪ Open space – Campbelltown bordered by Georges River Nature Reserve and Camden surrounded by a rural setting.</li> </ul> <p><b>These strengths have been considered when developing marketing initiatives in the action plan.</b></p>	<ul style="list-style-type: none"> <li>▪ Perceptions and negative image of the region.</li> <li>▪ Lack of public transport beyond train stations.</li> <li>▪ Lack of tourism welcome signage on key highways.</li> <li>▪ Relatively small number of significant attractions.</li> <li>▪ Lack of access to some key attractions for independent travellers (eg Belgenny Farm, Gledswood Homestead which are not open to the public).</li> <li>▪ Lack of operators not following branding guidelines on promotional material and websites.</li> <li>▪ Proximity – too close to Sydney for overnight stays.</li> <li>▪ Some businesses looking tired and run down and lack funding to make improvements.</li> <li>▪ Size, location and staffing of Camden Visitor Information Centre.</li> </ul> <p><b>Many of these weaknesses can be addressed through public relations activities and destination marketing and resolved with strategies/actions outlined in this plan.</b></p>

OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> <li>▪ Increase signage on the M5/Hume Highway to capture passing traffic.</li> <li>▪ Continue to increase industry working together: <ul style="list-style-type: none"> <li>- active network/association</li> <li>- further collaboration and packaging</li> <li>- workshops, education, training.</li> </ul> </li> <li>▪ To finalise the formation of a local tourism association/network.</li> <li>▪ Regional Visitor Centre located at The Australian Botanic Garden, Mount Annan.</li> <li>▪ Online booking facility on <a href="http://www.macarthur.com.au">www.macarthur.com.au</a> to facilitate accommodation and group tour bookings (once a regional VIC is established).</li> <li>▪ Development of downloadable smart phone applications to help promote tourism in Macarthur.</li> <li>▪ Greater utilisation of Dharawal National Park and Georges River Nature Reserve for tourism activity.</li> <li>▪ Further promotion of the multicultural venues, eateries and tours in Campbelltown town centre.</li> <li>▪ To attract further tourism oriented public events.</li> <li>▪ Potential to capture more of the Visiting Friends and Relatives Market which should grow based on an increasing local residential population.</li> <li>▪ Increase public access to significant heritage sites.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Downturn in the economy – reducing disposable income used for travelling and day trips.</li> <li>▪ Urbanisation compromising rural / scenic feel to the region.</li> <li>▪ Competition from nearby regions / destinations.</li> <li>▪ Lack of support from Destination NSW to be recognised as a region on <a href="http://www.sydney.com">www.sydney.com</a></li> </ul>

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## Themes

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### **Theme 1: Tourism Product Development and Partnerships**

Improved tourism product development and increased partnerships are vital for Macarthur's tourism future.

In order to appeal to a broad market, the products and experiences available within the Macarthur region need to adapt to the needs of these broader markets. While the traditional seniors market is happy to visit and observe, the younger age group markets are more likely to want to actively engage. They want unique, memorable experiences that they can participate in. They also want information and interpretation and the opportunity to actively participate where possible.

It is important to be able to increase and improve local tourism experiences by exploring non-traditional products and encouraging the bundling of tourism experiences to create a wider variety of things to see and do.

Desired outcomes:

- new or enhanced product to offer visitors
- increased partnering/packaging and bundling activities and services to create a value-add for visitor (such as accommodation and dining)
- increased and active positive participation of local businesses in tourism
- increased engagement with key stakeholders
- improved infrastructure, signage and accessibility.

### **Theme 2: Marketing and Promotion**

Marketing and promotion are key elements of tourism development. Marketing tells a story about what the visitor will experience once they arrive in the Macarthur region.

Information technology (eg internet) is a critical tool to help prospective and repeat visitors to make choices about their tourism experiences, and is increasingly replacing the traditional brochure.

Innovative and creative marketing solutions are important. An active public relations campaign is recommended as the most cost effective means of raising awareness and desire to travel to the region.

A review of current and planned marketing activities being undertaken indicate that budgets are being well utilised and the appropriate markets are being targeted through destination advertising and by attending targeted trade shows.

It is also important to engage local residents in the promotion of the region. Marketing activities promoting things to do "in your own backyard" creates a sense of community pride, therefore expanding opportunities for positive exposure.

Desired outcomes:

- increased awareness and demand for Macarthur experiences
- increased and repeat visitation
- increased profile of Macarthur as a tourist destination
- increased sense of community pride in the region
- positive publicity and exposure.

### **Theme 3: Industry Support**

There are many players involved with advancing tourism within NSW. It is important at a local level to have in place leaders that can advocate for small, local operators and be the driving force behind the operator network.

Council's support of tourism will continue to strengthen Macarthur as a visitor destination and foster an active, progressive and collaborative tourism industry for the region.

When local operators work together, they can achieve common objectives by pooling resources and contributing to the advancement of Macarthur's tourism assets.

Desired outcomes:

- the Macarthur region is represented at networks and partnerships including Destination NSW (formerly Tourism NSW) and Greater Sydney Tourism
- tourism operators working collaboratively for the benefit of the region and each other
- calendar of industry development opportunities, supported and attended by operators
- indirect tourism businesses become a part of the wider industry and educated about the benefits of tourism.

### **Theme 4: Visitor Servicing**

Support for Macarthur region's accredited Visitor Information Centres (VICs) is important, as they provide valuable services to both the community and the local tourism industry. Almost half of the visitors to the VICs are locals asking for local things to see and do, as well as local services.

The role of a VIC is to influence visitors to stay in the region longer than originally planned, increasing local expenditure, enriching a visitors' experience through talking to passionate VIC staff and volunteers, and referring visitors on to local businesses.



There is the potential to improve the VICs in the Macarthur region via the establishment of a Regional Visitor Information Centre at The Australian Botanic Garden, Mount Annan.

Desired outcomes:

- a regional VIC established at The Australian Botanic Garden, Mount Annan
- capitalising on the increasing number of visitors to the Garden, resulting in increased visitation to the proposed regional VIC
- continue to meet and exceed visitor expectations via quality customer service and provision of comprehensive information and services.

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## Actions

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### Theme 1: Tourism Product Development and Partnerships

ACTIONS
<ul style="list-style-type: none"> <li>▪ Support and encourage existing, new and potential tourism businesses in the region.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Work with industry to expand on tourism experiences available in Macarthur.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Encourage operators to network and link their products/experiences (eg packaging and bundling).</li> </ul>
<ul style="list-style-type: none"> <li>▪ Continue to encourage operators to use the Macarthur tourism brand on all marketing collateral and promotions.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Explore potential nature based tourism opportunities once Dharawal formally becomes a national park.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Continue to investigate tourism potential within the Georges River Nature Reserve.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Explore possible potential tourism opportunities should the cycle link through The Australian Botanic Gardens, Mount Annan be established.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Explore the possibility of local historical societies implementing a program of regular heritage walking tours in the town centres.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Continue to support and promote cultural and community events to increase visitation to Macarthur.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Investigate avenues to incorporate new events in the Macarthur region to increase visitation.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Grow the TASTE Macarthur Week program to become a bi-annual program held in conjunction with Macarthur's food and wine festivals.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Support operators in the development of cooperative marketing activities through the network.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Support operators in the development of a Macarthur touring map.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Investigate opportunities to encourage investment in tourism business and infrastructure.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Continue to monitor what other developing regions are doing and what product successes they having. Emulate these.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Investigate the suitability of interactive smart phone applications to enhance visitor experiences.</li> </ul>

ORD14

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**Theme 2: Marketing and Promotion**

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Attachment 1

ACTIONS
<ul style="list-style-type: none"> <li>▪ Continue with the implementation of an annual public relations campaign.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Aim to distribute one press release per week, featuring a positive story about the region and its attractions, to media travel editors.</li> </ul>
<ul style="list-style-type: none"> <li>▪ In conjunction with key operators, conduct familiarisation tours showcasing the region's diverse tourism offerings.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Target lifestyle and TV shows to film segments within the region. Encourage TV news crews to attend and cover local events.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Continue to encourage operators within the region to utilise the Macarthur tourism logo on all of their marketing collateral.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Explore the possibility of visitor signage at train and bus interchanges.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Continue to explore the possibility of welcome signage along the M5/Hume Highway.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Attend travel and lifestyle trade shows in the key markets of Canberra and Sydney. Recommended: Sydney Lifestyle and Retirement Expo, Canberra Spring Home and Leisure Expo, Sydney Adventure Travel and Backpackers Expo.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Attend relevant wedding expos. Recommended: Western Sydney Bridal Expo.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Attend expos targeting the group travel market. Recommended: Trade Travel</li> </ul>
<ul style="list-style-type: none"> <li>▪ Attend trade shows targeting the conference and incentive market. Recommended: RSVP.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Review and update all destination marketing collateral and publications as required including, but not limited to, the:               <ul style="list-style-type: none"> <li>- Regional Visitor Guide</li> <li>- Group Tour Ideas Kit</li> <li>- School Excursion Ideas Kit</li> <li>- Cartoscope Map</li> <li>- Macarthur Top Attractions Brochure</li> <li>- Heritage Directory.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>▪ Advertise in key markets using a variety of different media outlets including regional television, newspapers and online campaigns.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Generate publicity through competitions with radio stations and suburban newspapers by offering supplier donated prizes (eg weekend package for two with activities and dining included).</li> </ul>
<ul style="list-style-type: none"> <li>▪ Continue to focus marketing efforts on 'must see, must do' experiences.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Ensure the tourism photo library contains images that are current, fresh and engaging. Distribute upon request (eg media enquiries, Destination NSW etc).</li> </ul>
<ul style="list-style-type: none"> <li>▪ Regularly review and update content on Tourism Australia, Sydney.com and other tourism websites.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Coordinate the transfer of the macarthur.com.au site to the new Content Management System. Refresh and update elements of the site where applicable.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Regularly review the macarthur.com.au site to ensure that content is current and well presented.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Continue to improve search engine optimisation for the macarthur.com.au site.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Increase the use of social media as a marketing tool and regularly update information and respond to comments and requests within appropriate timelines.</li> </ul>

▪ Develop a campaign called 'That's My Macarthur' to increase local community pride and encourage residents to explore the attractions in the region.
▪ Investigate the possibility of developing an annual 'My Macarthur' Rewards Program offering discounts and incentives to the local community.
▪ Develop annual promotions targeting the visiting friends and relatives (VFR) market. Distribute to local residents via the Council rates notice.
▪ Continue to work with coach companies and group tour operators to expand the group and school excursion market.

**ORD14****Attachment 1**

**Theme 3: Industry Support****ORD14****Attachment 1**

<b>ACTIONS</b>
<ul style="list-style-type: none"> <li>▪ Support opportunities to connect tourism industry businesses and stakeholders. Support the development of a self governing tourism network.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Encourage tourism operators to participate in product development/educational workshops.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Establish a regular tourism survey of visitors to help identify the industry's strengths, issues and challenges.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Encourage tourism operators to visit each other's businesses and provide feedback on product and service delivery.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Continue to produce an industry newsletter updating operators on tourism activities and initiatives.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Work with Destination NSW staff to educate them on Macarthur product and investigate the suitability of Macarthur's inclusion in Destination NSW's visiting journalist program.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Continue to work with and support Greater Sydney Tourism projects and initiatives where suitable.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Support ways to acknowledge and recognise Macarthur's tourism industry achievements, such as supporting and encouraging applications into the Greater Sydney Tourism Awards.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Explore ways for Macarthur tourism businesses or events to secure funding assistance.</li> </ul>

**Theme 4: Visitor Servicing**

<b>ACTIONS</b>
▪ Maintain Visitor Information Centre (VIC) Accreditation for Camden and Campbelltown Visitor Centres.
▪ Continue to investigate and support the proposal of a Regional Visitor Information Centre located off Narellan Road, close to the Hume Highway off ramp, within The Australian Botanic Garden, Mount Annan.
▪ Identify and investigate the suitability of online booking packages within the current Visitor Centres or Regional Visitor Centre.
▪ Support VIC casual and volunteer staff in their role as information providers by providing regular training and familiarisation trips.
▪ Review tourism signposting (brown and white signs). Remove redundant/outdated signs.

**ORD14****Attachment 1**



ORD15

## ORDINARY COUNCIL

ORD15

**SUBJECT:** INVESTMENT MONIES- NOVEMBER 2011  
**FROM:** Director Governance  
**BINDER:** Investment Monies

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### 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 30 November 2011 is provided.

### MAIN REPORT

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 5.72% p.a. for the month of November 2011.

The Principal Accounting Officer is the Manager Corporate Services.

### RECOMMENDED

**That Council:**

- 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 November 2011 be noted.**
- iii. the weighted average interest rate return of 5.72% p.a. for the month of November 2011 be noted.**

### ATTACHMENTS

1. Investment Listing - November 2011

**CAMDEN COUNCIL**

Investments as at: 30th November 2011

INSTITUTION (Long term / short term credit ratings)	TYPE	IBD NO.	TERM	MATURITY DATE	INTEREST RATE (p.a.)	PORTFOLIO %	INVESTMENT AMOUNT
<b>WESTPAC</b>	TD	2448	164	22-Dec-11	6.03%		1,000,000
AA / A-1+	TD	2451	204	9-Feb-12	6.06%		2,500,000
	TD	2452	204	16-Feb-12	6.16%		1,000,000
	TD	2453	140	21-Dec-11	6.11%		1,000,000
	TD	2454	204	23-Feb-12	6.26%		1,000,000
	TD	2458	154	24-Jan-12	5.90%		2,500,000
	TD	2469	90	13-Jan-12	5.79%		2,500,000
	TD	2476	153	25-Apr-12	5.80%		1,500,000
						22%	<u>13,000,000</u>
<b>BANK WEST</b>	TD	2470	182	19-Apr-12	5.75%		1,000,000
AA / A-1+	TD	2472	105	16-Feb-12	5.85%		2,500,000
	TD	2475	113	8-Mar-12	5.60%		2,000,000
						9%	<u>5,500,000</u>
<b>NAB</b>	TD	2443	183	22-Dec-11	6.18%		2,000,000
AA / A-1+	TD	2445	195	12-Jan-12	6.14%		1,500,000
	TD	2447	198	19-Jan-12	6.15%		1,400,000
	TD	2449	199	26-Jan-12	6.17%		1,500,000
	TD	2450	198	2-Feb-12	6.14%		2,000,000
	TD	2465	86	15-Dec-11	5.93%		2,500,000
	TD	2478	121	29-Mar-12	5.89%		2,000,000
						21%	<u>12,900,000</u>
<b>ING DIRECT</b>	TD	2440	176	1-Dec-11	6.21%		2,000,000
A+ / A-1	TD	2464	120	12-Jan-12	5.96%		2,000,000
	TD	2466	126	31-Jan-12	6.00%		2,400,000
	TD	2467	119	1-Feb-12	5.90%		1,500,000
	TD	2468	125	8-Feb-12	5.90%		1,500,000
						16%	<u>9,400,000</u>
<b>SUNCORP METWAY</b>	TD	2474	92	1-Mar-12	5.66%		1,000,000
A+ / A-1	TD	2439	183	8-Dec-11	6.21%		2,000,000
	TD	2483	92	15-Feb-12	5.65%		1,500,000
	TD	2471	183	26-Apr-12	5.79%		1,000,000
						9%	<u>5,500,000</u>
<b>ST GEORGE</b>	TD	2444	188	5-Jan-12	6.13%		1,600,000
AA / A-1+	TD	2446	167	15-Dec-11	6.00%		1,500,000
	TD	2477	99	8-Mar-12	5.80%		1,000,000
	TD	2462	93	7-Dec-11	5.80%		1,000,000
	TD	2461	91	1-Dec-11	5.81%		2,000,000
	TD	2473	183	10-May-12	5.81%		2,500,000
	TD	2479	92	29-Feb-12	5.80%		1,500,000
						19%	<u>11,100,000</u>
<b>CBA</b>	CALL			Call	5.25%	4%	2,310,000
AA / A-1+							
<b>TOTAL INVESTMENTS HELD</b>						<b>100%</b>	<b><u>59,710,000</u></b>



**CAMDEN COUNCIL**

Investments as at: 30th November 2011

SOURCE OF FUNDS INVESTED	
SEC 94 DEVELOPER CONTRIBUTIONS	23,578,000
RESTRICTED GRANT INCOME	606,900
EXTERNALLY RESTRICTED RESERVES	13,764,500
INTERNALLY RESTRICTED RESERVES	16,535,700
GENERAL FUND	5,224,900
<b>TOTAL</b>	<b>59,710,000</b>

Council's investment portfolio has increased by \$1,361,000 since the October reporting period. The increase is primarily a result of the receipt of second instalment payments for rates and annual charges.

<b>NUMBER OF INVESTMENTS</b>	<b>34</b>
<b>AVERAGE DAYS HELD</b>	<b>148</b>
<b>AVERAGE PERCENTAGE</b>	<b>5.95% p.a.</b>
<b>WEIGHTED PORTFOLIO RETURN</b>	<b>5.72% p.a.</b>
<b>CBA CALL ACCOUNT *</b>	<b>5.25% p.a.</b>
<b>HIGHEST RATE</b>	<b>6.26% p.a.</b>
<b>LOWEST RATE</b>	<b>5.60% p.a.</b>
<b>BUDGET RATE</b>	<b>6.30% p.a.</b>
<b>AVERAGE BBSW (30 Day)</b>	<b>4.71% p.a.</b>
<b>AVERAGE BBSW (90 Day)</b>	<b>4.60% p.a.</b>
<b>AVERAGE BBSW (120 Day)</b>	<b>4.53% p.a.</b>

\*Note: CBA call account is not included in the investment performance calculations

**TD** - Term Deposit - This is a secure investment with a fixed interest rate for the term of the investment.

**BB** - Bank Bills - This is a negotiable security that is sold at a discount to face value with the full face value paid on maturity.

**NCD/TCD** - Negotiable/Transferable Certificate of Deposit - Very similar to Bank Bills but often have a higher minimum investment and can have longer maturity dates.

**CRI** - Committed Rolling Investment - For terms of 1-3 years. The interest rate is set at a margin above the bank bill swap rate for the term of the investment. The investment rolls monthly or quarterly and the BBSW is reset at roll date.

**FRN** - Floating Rate Note - Generally have 5-10 year terms but are tradable securities that can be bought & sold at prevailing market rates. The interest rate is set at a margin above the bank bill swap rate. Interest coupon is paid quarterly and the rate is reset on coupon date.

**BBSW** - Bank bill swap rate

**LONG-TERM AND SHORT-TERM CREDIT RATINGS AS ISSUED BY STANDARD & POOR'S**

A credit rating is a current opinion of an obligor's overall financial capacity (its creditworthiness) to pay its financial obligations.

**Long-Term Issuer Credit Ratings**

**AAA** - An obligor rated 'AAA' has an extremely strong capacity to meet its financial commitments. 'AAA' is the highest issuer credit rating assigned.

**AA** - An obligor rated 'AA' has very strong capacity to meet its financial commitments. It differs from the highest-rated obligors only to a small degree.

**A** - An obligor rated 'A' has a strong capacity to meet its financial commitments but is somewhat more susceptible to the adverse effects of changes in circumstance and economic conditions than obligors in higher rated categories.

**BBB** - An obligor rated 'BBB' has adequate capacity to meet its financial commitments. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitments.

**Short-Term Issuer Credit Ratings**

**A-1** - An obligor rated 'A-1' has strong capacity to meet its financial commitments. It is rated in the highest category.

**A-2** - An obligor rated 'A-2' has satisfactory capacity to meet its financial commitments. However, it is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligors in the highest rating category.

**Plus (+) or Minus (-)**

Both long-term and short-term ratings may be modified by the addition of a plus (+) or minus (-) sign to show relative standing within the rating categories.



## ORDINARY COUNCIL

ORD16

ORD16

**SUBJECT:** INVESTMENT MONIES- DECEMBER 2011  
**FROM:** Director Governance  
**BINDER:** Investment Monies- December 2011

---

### 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 2011 is provided.

### MAIN REPORT

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 5.91% p.a. for the month of December 2011.

The Principal Accounting Officer is the Manager Corporate Services.

### RECOMMENDED

**That Council:**

- 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 2011 be noted.**
- iii. the weighted average interest rate return of 5.91% p.a. for the month of December 2011 be noted.**

### ATTACHMENTS

1. Investment Listing- December 2011

ORD16

Attachment 1

## CAMDEN COUNCIL

Investments as at: 31st December 2011

INSTITUTION (Long term / short term credit ratings)	TYPE	IBD NO.	TERM	MATURITY DATE	INTEREST RATE (p.a.)	PORTFOLIO %	INVESTMENT AMOUNT
<b>WESTPAC</b>	<b>TD</b>	2451	204	<b>9-Feb-12</b>	6.06%		2,500,000
AA / A-1+	<b>TD</b>	2452	204	<b>16-Feb-12</b>	6.16%		1,000,000
	<b>TD</b>	2454	204	<b>23-Feb-12</b>	6.26%		1,000,000
	<b>TD</b>	2458	154	<b>24-Jan-12</b>	5.90%		2,500,000
	<b>TD</b>	2469	90	<b>13-Jan-12</b>	5.79%		2,500,000
	<b>TD</b>	2476	153	<b>25-Apr-12</b>	5.80%		1,500,000
	<b>TD</b>	2483	183	<b>7-Jun-12</b>	5.95%		1,000,000
						21%	<u>12,000,000</u>
<b>BANK WEST</b>	<b>TD</b>	2470	182	<b>19-Apr-12</b>	5.75%		1,000,000
AA / A-1+	<b>TD</b>	2472	105	<b>16-Feb-12</b>	5.85%		2,500,000
	<b>TD</b>	2482	97	<b>7-Mar-12</b>	5.80%		1,000,000
	<b>TD</b>	2488	92	<b>22-Mar-12</b>	6.00%		2,000,000
	<b>TD</b>	2475	113	<b>8-Mar-12</b>	5.60%		2,000,000
						14%	<u>8,500,000</u>
<b>NAB</b>	<b>TD</b>	2445	195	<b>12-Jan-12</b>	6.14%		1,500,000
AA / A-1+	<b>TD</b>	2447	198	<b>19-Jan-12</b>	6.15%		1,400,000
	<b>TD</b>	2449	199	<b>26-Jan-12</b>	6.17%		1,500,000
	<b>TD</b>	2450	198	<b>2-Feb-12</b>	6.14%		2,000,000
	<b>TD</b>	2478	121	<b>29-Mar-12</b>	5.89%		2,000,000
	<b>TD</b>	2486	125	<b>18-Apr-12</b>	5.97%		2,500,000
						18%	<u>10,900,000</u>
<b>ING DIRECT</b>	<b>TD</b>	2464	120	<b>12-Jan-12</b>	5.96%		2,000,000
A+ / A-1	<b>TD</b>	2466	126	<b>31-Jan-12</b>	6.00%		2,400,000
	<b>TD</b>	2467	119	<b>1-Feb-12</b>	5.90%		1,500,000
	<b>TD</b>	2468	125	<b>8-Feb-12</b>	5.90%		1,500,000
						12%	<u>7,400,000</u>
<b>SUNCORP METWAY</b>	<b>TD</b>	2474	92	<b>1-Mar-12</b>	5.66%		1,000,000
A+ / A-1	<b>TD</b>	2471	183	<b>26-Apr-12</b>	5.79%		1,000,000
	<b>TD</b>	2485	92	<b>15-Feb-12</b>	5.65%		1,500,000
	<b>TD</b>	2481	105	<b>15-Mar-12</b>	5.70%		2,000,000
	<b>TD</b>	2489	105	<b>5-Apr-12</b>	6.00%		1,000,000
	<b>TD</b>	2490	84	<b>15-Mar-12</b>	6.00%		2,000,000
						14%	<u>8,500,000</u>
<b>ST GEORGE</b>	<b>TD</b>	2444	188	<b>5-Jan-12</b>	6.13%		1,600,000
AA / A-1+	<b>TD</b>	2477	99	<b>8-Mar-12</b>	5.80%		1,000,000
	<b>TD</b>	2473	183	<b>10-May-12</b>	5.81%		2,500,000
	<b>TD</b>	2479	92	<b>29-Feb-12</b>	5.80%		1,500,000
	<b>TD</b>	2484	189	<b>15-Jun-12</b>	5.86%		2,000,000
	<b>TD</b>	2487	90	<b>14-Mar-12</b>	6.00%		1,000,000
	<b>TD</b>	2480	182	<b>31-May-12</b>	5.82%		2,000,000
						19%	<u>11,600,000</u>
<b>CBA</b>	<b>CALL</b>			<b>Call</b>	5.25%	2%	1,000,000
AA / A-1+							
				<b>TOTAL INVESTMENTS HELD</b>		<b>100%</b>	<u><b>59,900,000</b></u>

**CAMDEN COUNCIL**

Investments as at: 31st December 2011

<b>SOURCE OF FUNDS INVESTED</b>	
SEC 94 DEVELOPER CONTRIBUTIONS	25,181,000
RESTRICTED GRANT INCOME	900,300
EXTERNALLY RESTRICTED RESERVES	13,972,000
INTERNALLY RESTRICTED RESERVES	16,448,000
GENERAL FUND	3,398,700
<b>TOTAL</b>	<b>59,900,000</b>

Council's investment portfolio has increased by \$190,000 since the November reporting period. The increase in Section 94 Contributions relates to income received for development activity in growth precincts. The net reduction in General Fund investments has been used to fund Council's operations and services.

<b>NUMBER OF INVESTMENTS</b>	<b>35</b>
<b>AVERAGE DAYS HELD</b>	<b>143</b>
<b>AVERAGE PERCENTAGE</b>	<b>5.92% p.a.</b>
<b>WEIGHTED PORTFOLIO RETURN</b>	<b>5.91% p.a.</b>
<b>CBA CALL ACCOUNT *</b>	<b>5.25% p.a.</b>
<b>HIGHEST RATE</b>	<b>6.26% p.a.</b>
<b>LOWEST RATE</b>	<b>5.60% p.a.</b>
<b>BUDGET RATE</b>	<b>6.30% p.a.</b>
<b>AVERAGE BBSW (30 Day)</b>	<b>4.50% p.a.</b>
<b>AVERAGE BBSW (90 Day)</b>	<b>4.48% p.a.</b>
<b>AVERAGE BBSW (120 Day)</b>	<b>4.46% p.a.</b>

**\*Note: CBA call account is not included in the investment performance calculations**

**TD** - Term Deposit - This is a secure investment with a fixed interest rate for the term of the investment.

**BB** - Bank Bills - This is a negotiable security that is sold at a discount to face value with the full face value paid on maturity.

**NCD/TCD** - Negotiable/Transferable Certificate of Deposit - Very similar to Bank Bills but often have a higher minimum investment and can have longer maturity dates.

**CRI** - Committed Rolling Investment - For terms of 1-3 years. The interest rate is set at a margin above the bank bill swap rate for the term of the investment. The investment rolls monthly or quarterly and the BBSW is reset at roll date.

**FRN** - Floating Rate Note - Generally have 5-10 year terms but are tradable securities that can be bought & sold at prevailing market rates. The interest rate is set at a margin above the bank bill swap rate. Interest coupon is paid quarterly and the rate is reset on coupon date.

**BBSW** - Bank bill swap rate

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**Plus (+) or Minus (-)**

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ORD17

## ORDINARY COUNCIL

ORD17

**SUBJECT: NATION BUILDING BLACK SPOT PROGRAM 2011/12 - ADDITIONAL FUNDING TOWARDS WEROMBI ROAD PROJECT**

**FROM:** Director Works & Services

**BINDER:** Grants and Subsidies / Programs / Federal Accident Blackspot

---

### PURPOSE OF REPORT

To seek Council acceptance of additional grant funding for 2011/12 under the Nation Building Black Spot Program.

### BACKGROUND

At its meeting on 13 September 2011, Council was advised that Council had been successful in securing funding under the Federal Government's Nation Building Black Spot Program of \$690,000. Part of this grant covers funding to install road safety measures on Werombi Road and Sheathers Lane, Grasmere, in the 2011/12 financial year. Council has since made a further application for additional funding towards this project to undertake additional works, which has been successful.

### MAIN REPORT

This financial year, Council secured \$315,000 funding from the Nation Building Black Spot Program to undertake road shoulder and delineation improvements on Werombi Road and Sheathers Lane. The works are aimed at treating specific crash patterns and must accord with the grant submission. It is noted that Council has also allocated funding in the 2011/12 budget towards the reconstruction of Segment 2 of Werombi Road.

In November 2011 the NSW Roads and Maritime Services (RMS) revised the speed zones on Werombi Road and Sheathers Lane. North of Smalls Road, through Grasmere village, including the area fronting Carrington, the speed limit has been reduced from 80km/hr to 60km/hr. Southeast of Smalls Road, where there is no direct residential accesses, the limit has been set at 80km/hr. This has resulted in the speed limit being increased for a short section of Werombi Road, from 60km/hr to 80km/hr. There is a crest on this section of road, approximately 300 to 400 metres from Smalls Road, which is not in accordance with design standards for the new posted limit of 80km/hr.

A revised design for this section of road has been completed in accordance with relevant standards, improving the vertical alignment by lowering the road. This design also aims to reduce the risk of crashes by improving the visibility of vehicles turning into, and out of, Werombi Road. A variation application of \$116,000 has been made to the Black Spot Program to fund the excavation work and removal of material associated with lowering the road. Council has already budgeted this financial year to fund the full reconstruction of this section of road pavement, (but not lowering the road) as part of the rolling road maintenance program.

Council has been advised by RMS (administering on behalf of the Federal Government) that this variation application has been successful.

---

### **FINANCIAL IMPLICATIONS**

The Nation Building Black Spot Program funds allocated in 2011/12 do not require matching funding from Council. There are no financial implications to Council in accepting the funds other than the commitment to complete the works by 30 June 2012.

### **CONCLUSION**

The RMS has advised Council that it has been successful in securing an additional grant \$116,000 from the Nation Building Black Spot Program in 2011/12. This is to undertake an improved vertical alignment on Werombi Road. The grant does not require match funding from Council.

### **RECOMMENDED**

**That Council: accepts additional Federal Government funding of \$116,000 under the Nation Building Black Spot Program to lower a section of Werombi Road, Grasmere in conjunction with other work being undertaken along Werombi Road and Sheathers Lane.**



ORD18

## ORDINARY COUNCIL

ORD18

**SUBJECT: BICENTENNIAL EQUESTRIAN PARK COMMITTEE MEMBERSHIP**  
**FROM:** Director Works & Services  
**BINDER:** BEP

---

### PURPOSE OF REPORT

Late last year, at the request of the Bicentennial Equestrian Park Community Management Committee (the BEP Committee), Council called for nominations to fill vacant positions on the BEP Committee.

### BACKGROUND

The BEP Committee is delegated care and control of the BEP by Council under Section 355 of the *Local Government Act*. All Committee members must be appointed by Council and the term of current committees will end within three months of the Local Government Election to be held in September this year.

### MAIN REPORT

Vacancies exist following the resignation of BEP Committee members, including Mr Peter Standen. Mr Standen has played a significant role in the development and operation of the BEP and has filled the role of Park Coordinator for a number of years. His contribution was acknowledged and recognised by the BEP Committee at its December meeting. Whilst standing down from committee responsibilities, Mr Standen will continue to be actively involved as Coordinator of the Men's Shed project which operates at the BEP.

Two nominations have been received for membership of the BEP Committee and the committee has recommended that both nominees be appointed by Council. The people nominated are:

- Mr Patrick White, who is a member of the Men's Shed and also lives close to the BEP; and
- Mr David Johns, a member of the Camden Rodeo and Campdrafting Club and who owns and runs a building consultancy company in Camden.

The BEP Committee has indicated that the skills that each of these people can bring to the Committee can be utilised and has identified Committee portfolios for which each would be responsible. Additional information is available in supporting documents.

### CONCLUSION

The current BEP Committee has structured itself so that each member has specific functional management portfolio responsibilities and has identified specific skills and expertise that the people nominated will bring to the Committee. Accordingly, the BEP Committee has recommended Council appoint the nominees to the BEP Committee.

**RECOMMENDED**

**That Council:**

- i. acknowledge and thank Mr Peter Standen for his valuable and long term contribution to the Bicentennial Equestrian Park; and**
- ii. appoint Mr David Johns and Mr Patrick White as members of the BEP Community Management Committee.**

**ATTACHMENTS**

1. BEP Nominations - *Supporting Document*

**ORD18**





ORD19

## ORDINARY COUNCIL

ORD19

**SUBJECT: REQUEST FOR SPONSORSHIP - MACARTHUR LIONS ANZAC FUN RUN 2012**  
**FROM:** Director Works & Services  
**BINDER:** Sponsorship

---

### PURPOSE OF REPORT

To seek approval for Council sponsorship for the Macarthur Lions' ANZAC Fun Run 2012, and for such sponsorship to be funded from Councillor Ward funds.

### BACKGROUND

In 2008, Camden Council, in conjunction with Macarthur Lions Club and Camden RSL Sub-branch, organised the inaugural Fun Run which was held at the Bicentennial Equestrian Park (BEP) on 4 May 2008. In 2009 and 2010, Council again worked with both Macarthur Lions and the RSL to hold the event. In 2011, Council's role reduced with Macarthur Lions taking up the logistical and administrative organisation of the event. However, Council remained a major sponsor.

Between 350 and 450 entrants have participated in the Fun Run each year, raising funds for Lifeline Macarthur and for local projects sponsored by the RSL. The event is designed to link in with community runs organised by many RSL Clubs in conjunction with ANZAC Day commemorations. Beneficiaries of last year's event were again Lifeline Macarthur and Camden RSL projects.

### MAIN REPORT

Macarthur Lions has approached a number of organisations, including Council, seeking sponsorship and support for the 2012 run. This sponsorship is sought to meet the costs of the event and its promotion, including the equipment and facilities required to hold the event.

Last year, apart from Camden Council's support via promotion and through venue preparation, Council donated \$2,500 from Councillor Ward funds. This amount compared favourably with the value of 'in kind' contributions in previous years.

This year, Macarthur Lions are seeking to enhance the event by improving the time recording for the increasing number of serious participants, school teams and families involved in the event. Lions are proposing to access more sophisticated timing equipment to more accurately and easily record and produce records of times for individual competitors and teams. This equipment is used in other similar events, but will not be owned by Macarthur Lions.

To utilise this equipment, Lions have requested whether Council would be prepared to increase its sponsorship this year to \$3,500. A copy of the Lions' club request is in the **business paper supporting documents**.

Council does not have a specific sponsorship budget. Therefore it is proposed that this sponsorship be provided from Councillor Ward Funds, which currently has a balance of



\$11,378. Council would also continue to promote the event through “Let’s Connect’ and its website.

Previous sponsors have included the YMCA promoting Mount Annan Leisure Centre, NSW Sydney South West Area Health Service, Camden Advertiser, Marsdens Solicitors, Brooks, Narellan Physiotherapy, Lifeline Macarthur, local developers and others.

### **CONCLUSION**

It is considered that this sponsorship again provides an opportunity for Council to promote its support for community involvement in significant events, while promoting an event which contributes to community well-being for both residents and visitors.

### **RECOMMENDED**

**That Council:**

- i. provide “gold” level sponsorship of \$3,500 to the Macarthur Lions’ ANZAC Run 2012 from Councillor Ward Funds; and**
- ii. promote the event on Council’s website and other publications and communications.**

### ATTACHMENTS

1. Request for Sponsorship - Anzac Fun Run - *Supporting Document*



ORD20

## ORDINARY COUNCIL

ORD20

**SUBJECT:** CAMDEN STATE EMERGENCY SERVICE - LOCAL CONTROLLER  
**FROM:** Director Works & Services  
**BINDER:** SES

---

### PURPOSE OF REPORT

To seek Council's recommendation for the appointment of the Camden State Emergency Service (SES) Local Controller.

### BACKGROUND

The SES is one of the State's emergency services, with each unit being run in close liaison with the local council which provides a portion of its funding and facilities. Under the *State Emergency Service Act 1989* (the SES Act), the SES is responsible "*to protect persons from dangers to their safety and health, and to protect property from destruction or damage, arising from floods, storms and tsunamis*" and is the designated 'combat agency' when such events occur.

Under Section 17 (1) of the *SES Act*, the SES Commissioner may, on the recommendation of the Council, appoint a Local Controller for the SES in the Camden LGA.

The term of appointment for a Local Controller is up to two years, but the Controller may be eligible for re-appointment at the end of that term.

### MAIN REPORT

During 2011, the then current Local Controller of the Camden SES, Mr Phil Murray resigned from this position due to work pressures, but continues to play a role in the SES in a broader regional role. The SES appointed Mr Andrew Ellis as Acting Local Controller to lead the unit and he has continued to build upon the foundations left by Mr Murray.

Given the growth of the population within the Camden LGA, the impact of violent storms on people within the LGA could increase over time. Similarly, more people could be affected by the impact of flooding, with transport or other services being affected.

It is therefore important that the ability for the SES to continue to provide protection and have the necessary structures and capabilities in place is important to the Camden community. With this in mind, an approach has been made to the SES Regional Office to formalise the appointment of the Local Controller.

Based on comments made by the SES Regional Officers, Mr Ellis has developed the Unit further, where membership is strong and growing, training is managed to address areas identified where there may be deficiencies, and response operations locally are generally within the capabilities of the Unit's volunteers. In addition, the Regional Office has relied on the Camden SES Unit to provide trained volunteers for deployment elsewhere in the State when calls for assistance come from State Headquarters.

The SES Regional Officers further describe Mr Ellis as a “*capable leader and competent manager*”, having the support and confidence of both his management team and the Unit’s membership. The formal appointment of Mr Ellis would add to the stability and continuity of the Unit, supported by a capable management team within the Unit.

Mr Ellis has already shown that he wishes to continue the close relationship between Council and the SES Unit to provide mutual support in planning for actions to be taken in times of emergencies and for special events. He has also demonstrated an understanding that the needs of the SES need to be balanced against the resources available through Council for logistical support of the Unit.

Council has a number of options when seeking a new Local Controller. It can recommend Mr Ellis, as he has performed the role in a competent and responsible manner, it can recommend someone else, or it can initiate a recruitment process and make a recommendation following a selection process.

Given Mr Ellis’ performance in the Acting role, it is recommended that Mr Ellis be recommended by Council to the Commissioner, SES. In addition, it is recommended that Council formally thank Mr Murray for his contribution to the development of the Unit during his terms as Local Controller.

### **CONCLUSION**

To assist the Local SES Unit to have stability and continuity, a formal appointment of a Local Controller for the Camden SES Unit should be made. Such an appointment is made by the SES Commissioner, who will take a recommendation from Council into consideration.

Mr Andrew Ellis has been fulfilling the role as temporary Local Controller following Mr Phil Murray’s resignation in 2011, and feedback from the SES Regional Office indicates that Mr Ellis has been performing all the duties and responsibilities of this role in an exemplary manner.

It is therefore appropriate to recommend the appointment of Mr Ellis for the role of Local Controller of the Camden SES to the SES Commissioner, and to thank his predecessor, Mr Murray, for his service in developing and leading the Unit over recent years.

### **RECOMMENDED**

#### **That Council:**

- i. recommend to the Commissioner of the SES that Mr Ellis be appointed as the Local Controller of the Camden SES Unit, recognising his commitment to the role and to the Camden community; and**
- ii. acknowledges Mr Murray’s sound management of the Unit during his terms as Local Controller and thank him for his service in that role.**