



# Camden Council

## Business Paper

**Ordinary Council Meeting**  
**12 February 2013**

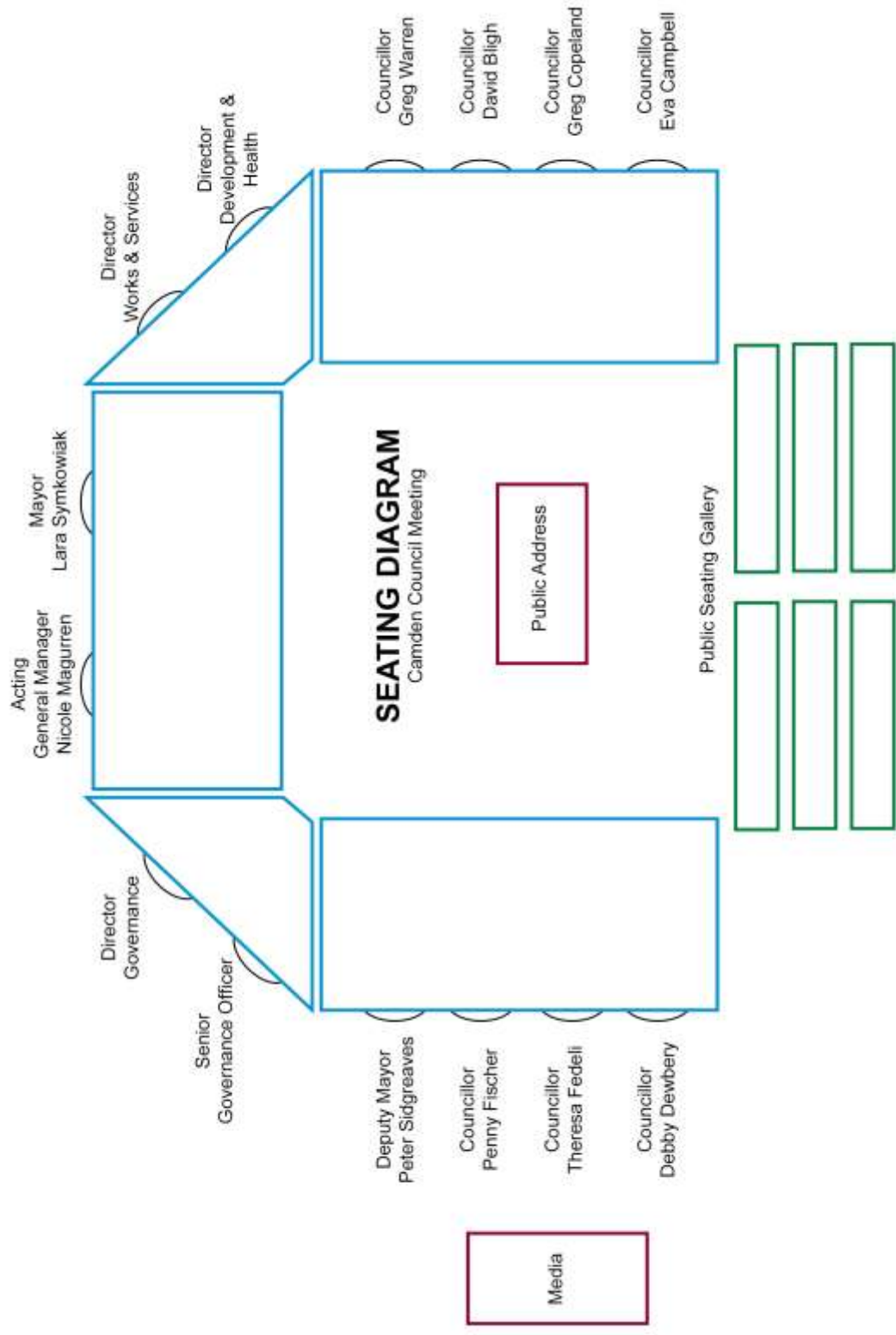
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**Camden Civic Centre**  
**Oxley Street**  
**Camden**



## 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 by members of the public at any time.**



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# ORDINARY COUNCIL

## ORDER OF BUSINESS - ORDINARY COUNCIL

Prayer .....	6
Acknowledgment of Country .....	7
Recording of Council Meetings .....	8
Apologies .....	9
Declaration of Interest .....	10
Public Addresses .....	11
Confirmation of Minutes .....	12
ORD01    Section 96(2) Modification Application - Modifications to Approved Cemetery .....	13
ORD02    Coal Seam Gas .....	47
ORD03    Turner Road Development Control Plan Amendment - Removal of Bulky Goods Cap Applying to the Turner Road Employment Lands .....	59
ORD04    Draft Planning Precinct Package Exhibition and Submission - Catherine Fields Part Precinct .....	61
ORD05    Council Seal - Easement for Padmount Substations - Lodges Road, Elderslie .....	87
ORD06    Renewal of Partnership Agreement to Continue Access to the Free 'Your Tutor' Online Tutoring Service .....	90
Diary .....	92



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## ORDINARY COUNCIL

SUBJECT: PRAYER

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### PRAYER

Almighty God, bless all who are engaged in the work of Local Government. Make us of one heart and mind, in thy service, and in the true welfare of the people we serve: We ask this through Christ our Lord.

Amen

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Almighty God, give thy blessing to all our undertakings. Enlighten us to know what is right, and help us to do what is good: We ask this through Christ our Lord.

Amen

\*\*\*\*\*

Almighty God, we pause to seek your help. Guide and direct our thinking. May your will be done in us, and through us, in the Local Government area we seek to serve: We ask this through Christ our Lord.

Amen

\*\*\*\*\*

### AFFIRMATION

We affirm our hope and dedication to the good Government of Camden and the well being of all Camden's residents, no matter their race, gender or creed.

We affirm our hope for the sound decision making by Council which can improve the quality of life in Camden.

*Either – "So help me God" or "I so affirm" (at the option of councillors)*

\*\*\*\*\*

We pledge ourselves, as elected members of Camden Council, to work for the provision of the best possible services and facilities for the enjoyment and welfare of the people of Camden.

*Either – "So help me God" or "I so affirm" (at the option of councillors)*

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## **ORDINARY COUNCIL**

**SUBJECT: ACKNOWLEDGMENT OF COUNTRY**

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I would like to acknowledge the traditional custodians of this land on which we meet and pay our respect to elders both past and present.



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## **ORDINARY COUNCIL**

**SUBJECT: RECORDING OF COUNCIL MEETINGS**

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In accordance with Camden Council's Code of Meeting Practice and as permitted under the Local Government Act this meeting is being audio recorded by Council staff for minute taking purposes.



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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.

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 and Closed Council Meeting held 29 January 2013.

**RECOMMENDED**

**That the Minutes of the Ordinary and Closed Council Meeting held 29 January 2013, copies of which have been circulated, be confirmed and adopted.**



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## ORDINARY COUNCIL

ORD01

ORD01

**SUBJECT:** SECTION 96(2) MODIFICATION APPLICATION - MODIFICATIONS TO APPROVED CEMETERY

**FROM:** Acting Director, Development & Health

**BINDER:** DA 1203(2)/2010

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**APPLICATION NO:** 1203(2)/2010

**PROPOSAL:** Section 96(2) Modification Application – Modifications to approved cemetery works

**PROPERTY ADDRESS:** 6 Richardson Road, Narellan

**PROPERTY DESCRIPTION:** Lot 4, DP 737284

**ZONING:** SP1 Special Activities

**OWNER:** The Lebanese Moslem Association

**APPLICANT:** Paul Davies Pty Ltd

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a Section 96(2) modification application to the Narellan Cemetery at 6 Richardson Road, Narellan.

The application is referred to Council for determination due to 4 submissions from the public being received.

### SUMMARY OF RECOMMENDATION

That Council determine Section 96(2) Modification Application No 1203(2)/2010 for the modification of approved cemetery works pursuant to Section 96 of the *Environmental Planning and Assessment Act 1979* subject to the modified conditions contained in this report.

### EXECUTIVE SUMMARY

Council is in receipt of a Section 96(2) modification application to Narellan Cemetery at 6 Richardson Road, Narellan. The proposed modifications include realignment of a central access path, restaging of the burial plot layout, provision of additional access paths between grave rows and modifications to various conditions relating to vegetation management, an access path along the northern boundary and an approved amenities building.

The original development application (DA) was approved by Council at the Ordinary Council meeting of 9 August 2011.

The modification application has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The modification application was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011 (DCP). The exhibition period was from 22 October to 5 November 2012. 4 submissions were received (all objecting



ORD01

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to the modified development). **A copy of the submissions is provided with the Business Paper supporting documents.**

The issues raised in these submissions relate to the proposed relocation of graves, the proposed deletion of a disabled access path providing access to the heritage section of the cemetery and suggested screening along the northern shared boundary between this site and Narellan Public School.

Concerns were raised that existing grave plots V44, V45 and V46 belonging to the "Friend" family would be relocated. The submission also required confirmation that the use of any adjacent or surrounding plots, as well as landscaping, would not encroach or hinder access to these graves. The applicant has confirmed that plots V44, V45 and V46 will not be relocated. The amended burial plot staging plan does not indicate any new graves or landscaping in the vicinity of the Friend family graves which would impede access to them.

The issue regarding the deleted access path relates to an approved path along the northern boundary of the site (adjacent to Narellan Public School). The applicant proposes to delete this path due to the grade of the land (which would prevent it from complying with disabled access standards) and to allow for better landscaping along this boundary. An alternative path location that provides access to the heritage section of the cemetery through the middle of the site has been provided. Council staff consider it to be a reasonable compromise between providing appropriate access through the site and ensuring sufficient landscape screening along the northern boundary of the site.

One submission suggested that a permanent screen or wall should be erected along the northern boundary of the site in order to prevent children at Narellan Public School witnessing burial ceremonies, and to increase privacy for mourners at the cemetery. It is noted that Council previously approved the planting of landscaping that will grow up to 2m high along this boundary. This landscaping will provide adequate screening for privacy and is safe and appropriate for a site that adjoins children.

Based on the assessment, it is recommended that the DA be approved subject to the conditions contained in this report.

## AERIAL PHOTOS



ORD01



## THE SITE

The subject site is commonly known as 6 Richardson Road, Narellan and is legally described as Lot 4, DP 737284.

The site has frontages of 91m to Richardson Road and 113m to the unsealed section of Elyard Street (which lies perpendicular to Richardson Road) and an overall site area of 1ha. The site currently accommodates the Narellan Cemetery which includes existing graves within the heritage section of the cemetery (shown in blue on the above aerial photo), more recent graves towards the south-east of the site and scattered mature vegetation. The site is mapped as being bush fire prone and is listed as a local heritage item. The official heritage item name for the cemetery is “St. Thomas’ cemetery.”

The surrounding area is characterised by a mix of residential, community and recreational uses including Narellan Public School to the north, Narellan Town Centre to the east, the residential suburb of Narellan to the south-east, Camden Golf Club (Studley Park) to the south-west and an unnamed Council reserve to the west. The Narellan Police Station exists to the north-west and Camden Valley Way lies further to the north.

## HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
21 January 2009	Approval of DA 30/2009 for the removal of 6 small trees on the site
26 June 2010	Withdrawal of DA 1366/2009 for works within the existing cemetery to include tree removal, additional landscaping, construction of a maintenance compound, amenities building, perimeter fencing and pathways
9 August 2011	Approval of DA 1203/2010 for works within the existing cemetery to include tree removal, additional landscaping, construction of a maintenance compound, amenities building, perimeter fencing and pathways

## THE PROPOSAL

Section 96(2) Modification 1203(2)/2010 seeks approval for the modification of approved cemetery works to Narellan Cemetery at 6 Richardson Road, Narellan.

Specifically the proposed modifications involve:

- deletion of the originally approved access path along the northern boundary of the site and provision of an alternative access path through the middle of the site. The location of the alternative access path is shown in green on the site layout plan provided below;
- removal of the requirement to retain and propagate the two existing *pimelia spicata* plants on the site and replacement with a requirement to maintain undisturbed areas of the site so that the plant may generate naturally;
- the retention of the requirement to provide interpretative signage on the site and to consult with the Friends of Narellan cemetery to inform the wording of the signage;

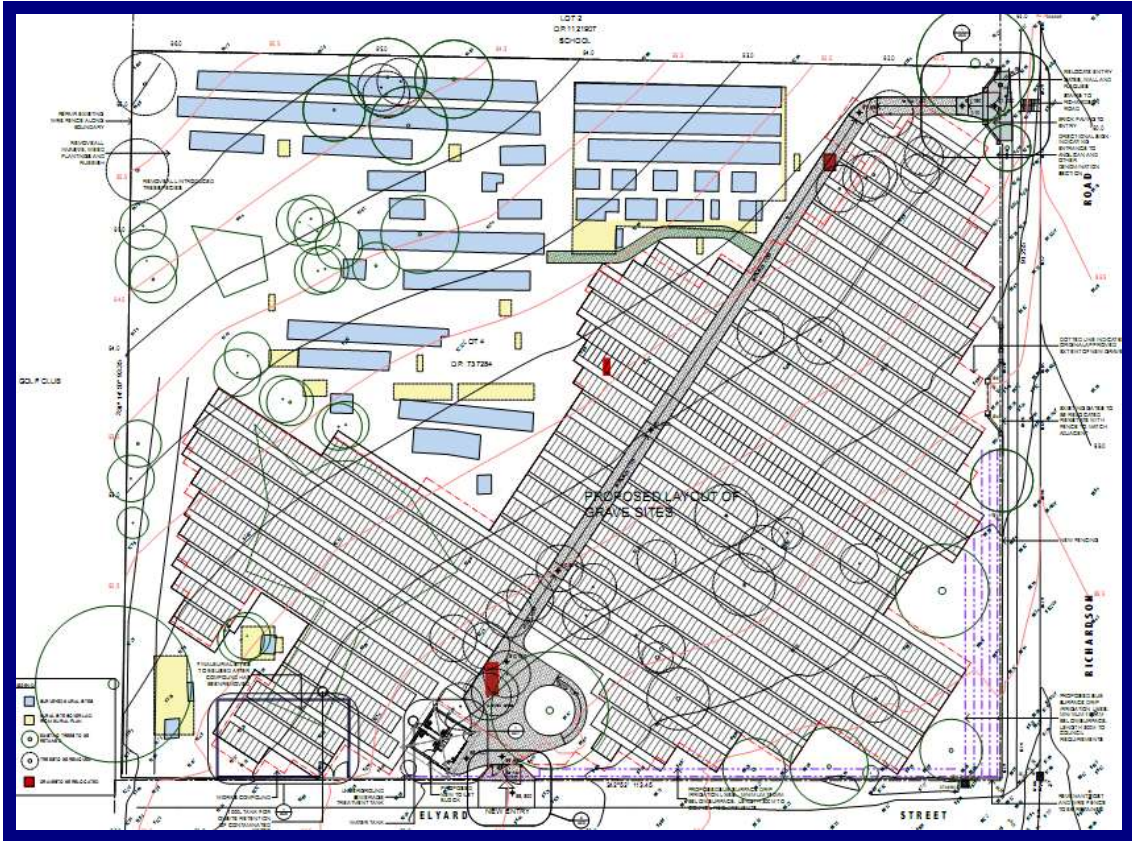


- realignment of the central access path approximately 8m to the west to ensure disabled access throughout the site (including compliant ramp lengths at the Richardson Road and Elyard Street entries);
- modification of the staging of burial plots, due to the access requirements listed above. The modified staging is shown on the amended staging plan provided below;
- modification of the grave layout including the addition of an access path between each row of graves. This will result in a reduction in the total number of graves from 4,846 to 4,016 (830 less graves, which is a reduction of 17%);
- modification of the amenities block to replace previously approved laminated glass windows to provide better ventilation, and remove the safety and vandal risks associated with glass;
- relocation of the Elyard Street entry gate approximately 4.5m to the west in order to provide more efficient entry to the realigned central access path and amenities building;
- modification of the previously approved sewer management design (on site effluent disposal) to provide options to either provide an on site effluent disposal management system or connect to Sydney Water's sewer infrastructure; and
- modifications to the details of various conditions that were imposed on the original consent. A table describing the proposed modifications to the conditions is provided in the "(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality" section of the report.

**A copy of the modified plans are provided as attachment 1 to this report.**



**SITE LAYOUT PLAN**



**STAGING PLAN**





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## **ASSESSMENT**

Pursuant to Section 96 of the *Environmental Planning and Assessment Act 1979*, the modified development is considered to be substantially the same as the originally approved development. In addition, the DA has been publicly exhibited and the 4 submissions received have been considered. An assessment against Section 79C of the *Environmental Planning and Assessment Act 1979* is provided below:

### ***Environmental Planning and Assessment Act 1979 – Section 79(C)(1)***

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

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

The Environmental Planning Instruments that relate to the modified development are:

- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Camden Local Environmental Plan 2010

An assessment of the proposed development under the Environmental Planning Instruments is detailed below.

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

The modified development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed modifications.

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

##### *Permissibility*

The site is zoned SP1 Special Activities under the provisions of the LEP. The proposed development is defined as a “cemetery” and is permitted with consent in this zone.

##### *Objectives*

The objectives of the SP1 Special Activities zone are as follows:

- To provide for special land uses that are not provided for in other zones.

##### Officer comment:

The proposed modifications will facilitate the continued use of the site’s existing cemetery which is a special land use.

- To provide for sites with special natural characteristics that are not provided for in other zones.

##### Officer comment:



ORD01

The proposed modifications will ensure the preservation of the unique heritage and landscape character of the cemetery.

- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

Officer comment:

The proposed modifications will enhance the special heritage and natural landscape characteristics of the site and facilitate orderly and controlled maintenance and upgrade works of the cemetery. The proposed modifications will not have any adverse impacts on surrounding land.

*Relevant Clauses*

The DA was assessed against the following relevant clauses of the LEP. Discussion of any variations of the controls is provided after the compliance table.

Clause	Requirement	Provided	Compliance
5.9 Preservation of Trees or Vegetation	Consent is required before removing any trees or vegetation which has an applicable development control plan	This modification application seeks consent from Council for the removal of condition 1.0 (25), which requires the propagation and replacement of any plants removed as a result of the development	Yes
	Consent must not be granted to the removal of any trees or vegetation that forms part of a heritage item unless Council is satisfied that the removal is of a minor nature or for the maintenance of the heritage item and that the removal will not adversely affect the heritage significance of the heritage item	Council officers have assessed the proposed removal of two existing <i>pimelia spicata</i> plants and do not consider that their removal will have any impact on the heritage significance of the site	Yes
5.10 Heritage Conservation	Impact(s) of the proposed works on heritage significance must be considered as part of the assessment	A heritage assessment has been provided in the SEE submitted and further heritage consideration was provided in response to	Yes



Clause	Requirement	Provided	Compliance
		submissions. Overall there will be no adverse impacts on the heritage significance of the site	

**(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).**

There is no draft Environmental Planning Instrument applicable to the modified development.

**(a)(iii) The Provisions of any Development Control Plan**

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the modified development's compliance with the controls in the DCP. Discussion of any variations of the controls is provided after the compliance table.

Control	Requirement	Provided	Compliance
B1.4 Water Management	Compliance with Council's Engineering Specifications and relevant stormwater targets	The submitted concept design is considered acceptable subject to further details to be provided prior to the issue of a Construction Certificate. All stormwater will be managed in accordance with Council's Engineering Specifications	Yes
B1.5 Trees and Vegetation	Consent required to remove trees and assessment to consider the aesthetical, botanical, ecological, cultural and heritage importance of the trees to be removed	The original DA granted consent to the retention of mature trees, planting of native grasses near such trees, removal of invasive plants and installation of new plantings around the site boundaries, paths and graves. The proposed modifications do not propose to remove any trees, however the two existing <i>Pimelia spicata</i> plants are proposed to be removed	Yes
B1.6	Applications to be	The site contains	Yes



ORD01

Control	Requirement	Provided	Compliance
Environment ally Sensitive Land	accompanied by information that adequately addresses the impact of the development on existing threatened or regionally significant species	approximately 2 <i>pimelia spicata</i> plants which are proposed to be removed  An addendum to the original Flora and Fauna Impact Statement was submitted with this modification application which examined the site in October 2012. The addendum confirmed that the removal of the two existing <i>pimelia spicata</i> species will have no impact on the existing population in the area	
B3.1.1 General Heritage Provisions	Consider design, siting, roofs, materials, colours, fences, gates, landscaping, outbuildings, vehicle access, signage and associated structures, in terms of suiting the heritage character of the site  Also to consider minor works and maintenance required	Minor changes to the amenities block are proposed, but no change to its overall shape or size. These minor changes will not have any negative heritage impacts  Changes to the layout of graves proposed with the overall number of graves being reduced by 17%  The proposed staging of landscaping to match staging of development is considered acceptable, with landscaping around the heritage section of the cemetery to be carried out in stage 1  The proposal for long term heritage maintenance plan/schedule of works to change from a 10 year plan to being reviewed every 5 years is a positive outcome	Yes
B4.2 Signs on Heritage Items or in	Signage in heritage areas to be discreet, minimal in number and complimentary to heritage	This application proposes a modification to the original condition that required interpretive	Yes



Control	Requirement	Provided	Compliance
Heritage Conservation Areas	items	signage throughout the site. A more prescriptive condition is recommended to require the signage to be installed prior to practical completion of the stage 1 works (this has also been agreed to by the applicant)	
B5 Access and Parking	Consider pedestrian and traffic safety	The modifications to the Richardson Road gate entrance (including the addition of stairs and a handrail) and the overall path network throughout the site is considered safe and acceptable. There are no changes proposed to the informal parking area in Elyard Street, on street parking on Richardson Road or to the informal access driveway located along the site's western boundary	Yes

***(a)(iv) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F***

No relevant agreement exists or has been proposed as part of this application.

***(a)(v) The Regulations***

The Regulations contain several matters that are addressed in the conditions contained in this report.

***(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality***

As demonstrated by the above assessment, the modification development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

The following table outlines the proposed modifications to the conditions that were imposed on the original consent. Council staff assessment of the modifications are also provided.



ORD01

Landscaping and Vegetation Management

Condition No.	Condition Requires	Proposed Change	Officer Comment
1.0 (3) Vegetation Management Plan (VMP)	VMP required, including changes to 2 sections of Flora and Fauna report recommendations	The condition should be modified to more clearly state which parts of the VMP are to be modified	Supported. It is recommended that the condition be modified to more clearly identify which parts of the VMP are to be modified
1.0 (5) Site Landscaping	All landscaping to be installed prior to the commencement of any works approved by the DA	Landscaping along the northern and western boundaries to be completed within 3 months of commencement of works. Rest of landscaping to be installed with each stage of works	Supported to ensure that landscaping along the northern and western boundaries is installed within 3 months to provide screening, and to ensure the rest of the landscaping is installed with each stage of works and is not damaged by the carrying out of other approved works
1.0 (6) Landscape Maintenance and Establishment Period	12 month maintenance period from date of practical completion of landscaping	12 month maintenance period from the date of practical completion of each stage of works	Supported to ensure the start date of each maintenance period matches the proposed staging of the works
1.0 (7) Additional Landscape Requirements	(a) Minimum 4m width of tree species along western boundary  (b) Approved trees to occupy area between northern boundary and heritage cemetery and between the graves as much as is practical	(a) Conflicts with the requirements to retain driveway access and existing trees. Reword condition to require provision to retain existing trees and allow sufficient space for vehicle access  (b) This part of the condition implies that trees are to be planted <b><u>between</u></b> graves, which is not intended as it may cause damage to graves.	(a) Supported to ensure appropriate vehicle access  (b) Supported. It is recommended that the condition be amended to clarify the landscaping is to be located along the northern boundary adjacent to Narellan



		Condition should be amended	Public School
1.0 (25) <i>pimelea spicata</i>	Seeds from existing specimens of <i>pimelia spicata</i> to be harvested and propagated, then replanted on site to replace any specimens lost during development	Propagation from seed is difficult. Condition should require undisturbed areas of the site to be maintained to allow <i>pimelia spicata</i> plants to generate. Where such plants are located in areas of future graves, they are to be relocated to undisturbed areas	Supported in part. The adjoining Camden Golf Club site and unnamed Council reserve contain a large population of <i>pimelia spicata</i> which is subject to a regeneration program. The loss of the existing 2 plants on this site is not considered to be significant. Propagation and relocation of the plants also requires a licence from the Office of Environment and Heritage (OEH), which is not recommended by OEH due to the risk of spreading disease.  It is recommended that the condition be modified to read "undisturbed areas of the site are to be maintained to allow <i>pimelia spicata</i> to generate naturally" and that no requirement for their relocation within the site is imposed.

Amenities Block and Signage

Condition No.	Condition Requires	Proposed Change	Officer Comment
1.0 (13) Use of Toilet Block	Use of toilet block limited to when site manager is present	Site manager may not be present at every burial so amend condition to read "site manager or his delegate"	Supported to provide flexibility for site manager or an authorised delegate
1.0 (15) Signage	Small directional sign required at	In the condition text, add the word	Supported in principle, however





ORD01

	entry gate adjacent to Hope Christian School indicating entry to heritage section of the cemetery	“former” in front of Hope Christian School for clarity	the condition should now be modified so that it does not refer to the specific names of any adjoining property to avoid future obsolescence
1.0 (24) Signage	Interpretive signage required around the cemetery. Details of sign (words, font etc) to be determined in consultation with Friends of Narellan cemetery, the cemetery owners and Council	Details of interpretive signage to be submitted to Council for approval and installation prior to completion of stage the 1 works. Consultation with Friends of Narellan Cemetery “encouraged”	Supported in principle, however the condition should require and not simply “encourage” consultation with Friends of Narellan cemetery and Council

Heritage Issues

Condition No.	Condition Requires	Proposed Change	Officer Comment
1.0 (18) Schedule of Works for Long Term Conservation Works	Separate DA to be lodged for long term conservation works for heritage area of cemetery, within 6 months of date of consent. Plan to specify works to be done every 10 years	6 months has lapsed. 12 month submission date proposed (i.e. due by 12 August 2012). Management plan to contain works for every 5 years, with an updated report (of works completed and future works) to be submitted to Council	Supported, however the time period for submission to be within 6 months of determination of this modification application (ie. due by 12 August 2013). The 5 year plan (instead of 10 years) is also supported to ensure more regular works are carried out
2.0 (2) Schedule of Conservation Works for Maintenance and Urgent Work	Prior to the issue of any Construction Certificate (CC) for works, a “Schedule of works for maintenance and urgent work” is to be submitted to Council for approval	This conflicts with condition 1.0 (18) and should be incorporated into that condition to avoid duplication and to ensure the principal certifying authority is not assessing a CC for works that are subject to a separate DA (for	Supported in principle. The two conditions have been amalgamated into one, however the combined schedule of works (including urgent maintenance works) must be submitted to Council prior to the issue of any CC for the proposed



		the long term heritage management plan)	development as was required by the original condition
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Site Accessibility

Condition No.	Condition Requires	Proposed Change	Officer Comment
1.0 (19) Entry Gate	Gates on Richardson Road to be carefully relocated to the north (without damage) and areas where a fence was located to be reinstated with the same fence type on either side	Consent has already been granted to put a new post and wire fence along this boundary. Request clarification that the fence on either side of the old gate location be of the new approved fence materials, not the existing fence materials	It is recommended that this condition be modified to require that when the gates are relocated, a fence matching that which exists along this frontage at that time, be provided in the gap left by the relocated gate. This will ensure that in the event the new fence for this frontage has not yet been constructed, the gap is filled by a fence that matches what is there at the time to ensure consistency in appearance along the frontage
1.0 (20) Access for People with Disabilities	Disabled access to be provided in accordance with Part D3 of the BCA and plans to be amended to reflect this	Complying disabled access can only be achieved for amenities building and access from street, due to existing gradients. Condition should read "disabled access required for the entry points from Richardson Road and Elyard Street, the main central access path and to the amenities building"	Supported. The BCA only applies to new buildings. The pedestrian entry points and amenities building comply with Part D3 of the BCA. The modified plans reflect this
1.0 (23) Site Accessibility	(a) Disabled access required from the current access in Elyard Street	(a) There is no current formal access from Elyard Street; the whole area is open to the	(a) Supported. This formalised access complies with the BCA



ORD01

		public. Condition to require disabled access from the new formalised entry on Elyard Street	
	(b) Disabled access path to be provided from new gates on Richardson Road boundary to the heritage section of the cemetery for half the length of the northern boundary	(b) Path cannot be provided due to gradients of site and BCA requirements for stepped ramps, kerbs, handrails etc. In addition, this area is required to be landscaped in a separate condition and will adversely impact on heritage values. Part (b) should be modified to reference the alternative location for an access path through the middle of the site	(b) Supported. It is recognised that a BCA compliant path in this location is not possible and better landscape screening along the northern boundary (providing privacy for the cemetery and Narellan Public School) can be achieved without it. An alternative path will now be provided to the heritage cemetery through the middle of the site, which is acceptable
	(c) Vehicular access to remain from Elyard Street along western boundary to the heritage section of the cemetery	(c) Informal driveway access will remain. In stage 3 when the Elyard Street fencing is extended, a set of gates to match the fencing should be installed	(c) Supported. It is recommended that this condition be amended to include a requirement for a gate at the informal driveway entrance and all driveways to comply with Council's Engineering Specifications
	(d) Subject to Local Traffic Committee (LTC) approval, stairs to be constructed at the foot of the relocated gates on the Richardson Road boundary	(d) Stair details provided as part of the Section 96 documents. Council to refer to the LTC	(d) Not supported. The stair details are compliant with the BCA, however no referral is required to the LTC as the LTC only assesses traffic control devices. Deletion of this requirement from the condition is required
6.0 (2) General	Machinery and goods to be	Word "daily" to be deleted as burial	Supported. It is however



Requirements (storage of machinery)	stored in compound when not in use and all waste and spoil material to be removed from site daily or covered and stored in compound	times may not permit fill to be removed at any hour	recommended that the condition be modified to include requirements for sediment and erosion control measures for soil management
6.0 (8) Vehicle Access	Vehicle access from Elyard Street to the heritage section of the cemetery to be retained. If any future graves conflict with this, they are to be deleted	Duplication of condition 1.0 (23)(c). Delete this condition and amalgamate wording with condition 1.0 (23)(c)	Supported as this does duplicate condition 1.0 (23)(c). It is recommended that this condition be amalgamated with condition 1.0 (23)(c) as requested

Drainage

Condition No.	Condition Requires	Proposed Change	Officer Comment
2.0 (4) Civil Engineering Plans	Engineering plans to be submitted to the PCA prior to issue of a CC and notes about Roads Act and Subdivision	Notes about Roads Act and Subdivision are not relevant to this DA and should be deleted from the condition	Supported as the notes are not relevant to this condition. It is recommended that they be deleted from the condition
2.0 (5) Drainage Design	Stormwater plan required to demonstrate post development flows are no greater than existing. Designs to cater for future developments of land adjoining the site and overland flow from adjoining properties	Unreasonable to expect this site to cater for unknown future developments of adjoining land. This development should only be required to consider current conditions. If further development occurs surrounding the site, stormwater management is the responsibility of each owner, should they wish to develop	Supported as this is consistent with other developments and is reasonable. It is recommended that the condition be modified to delete the requirement to cater for future surrounding developments
2.0 (8) Civil Engineering Plans	Engineering plans to be submitted to the PCA prior to issue of a CC	Duplicate of condition 2.0 (4). Should be deleted	Supported as this is a duplicate of condition 2.0 (4). It is recommended that this condition be deleted as requested



ORD01

Wastewater

Condition No.	Condition Requires	Proposed Change	Officer Comment
1.0 (11) Waste Water Approval	A Section 68 approval is required for an on site effluent disposal system	This condition should be modified to provide an option for either an on site effluent disposal system or connection to Sydney Water sewer	Supported as this provides a flexible option for either an on site effluent disposal system or connection to Sydney Water sewer

Grave Issues

Condition No.	Condition Requires	Proposed Change	Officer Comment
1.0 (16) Ground Investigation for Unmarked Graves	Test scrapes to be undertaken at only certain stages throughout the development	Test scrapes should apply to the whole development, prior to each area being developed, not just to certain stages. Council is also not authorised to make decisions about grave sites. Condition should be amended to reflect this and replace "results submitted to Council" with "should a potential grave site be discovered, NSW Health is to be notified immediately and Council to be advised of required actions"	Supported as Council has no role in making decision regarding grave sites. It is recommended that this condition be modified to expand the test scrapes to all stages of the development, which is a more positive outcome, and that Council only be notified of any actions required by NSW Health
6.0 (6) Grave Site Investigations	Stage 1 to be investigated for unmarked graves using ground penetrating radar unless acceptable data on the effectiveness of test scrapes is provided to Council and accepted. Rest of cemetery to be investigated prior	This conflicts with condition 1.0 (16) and should be deleted. Most reliable method of investigation is by test scraping. Council's preferred method should be confirmed in the consent	Supported. Council staff have confirmed that test scraping is more reliable than ground penetrating radar. It is recommended that the condition be deleted as Council's preferred method is outlined in condition 1.0 (16)



	to being developed		
6.0 (7) Additional Requirements (unmarked burials)	Information about how unmarked burials will be managed to be provided to Council	This conflicts with conditions 1.0 (16) and 6.0 (6) which are more prescriptive, and should be deleted	Supported. This conflicts with condition 1.0 (16) which contains requirements for the treatment of unmarked graves (test scrapes). Subject to the modifications to condition 1.0 (16) described previously in this table, it is recommended that this condition be deleted

Accessibility Impacts

The issue of disabled access into and throughout the site has been addressed to the extent that is physically possible for this site, by way of providing BCA compliant access ramps, stairs and paths where possible. In areas where complying disabled access paths are not achievable, such as along the northern boundary to the heritage section of the cemetery, an alternative path design has been proposed to ensure an acceptable level of access is provided. This will result in an outcome which is an improvement to the current site conditions whilst preserving the important heritage and landscape values of the site.

Privacy Impacts

There are no changes proposed to the approved boundary landscaping, which will provide an acceptable level of screening between the cemetery and Narellan Public School. This, in addition to the deletion of the heritage cemetery access path along the site's northern boundary and its relocation through the middle of the site, will ensure an acceptable level of privacy for both sites.

Biodiversity Impacts

Whilst the importance of preserving the *pimelia spicata* species on site was raised during the assessment of this proposed modifications, advice was received from experienced and qualified consultants, as well as Council staff, which confirmed that the loss of two or less plants on the site would have no net impact on the species in the area. OEH also do not recommended the relocation of two existing plants due to the risk of spreading disease. As aforementioned, it is noted that the adjacent Camden Golf Club site and the unnamed Council reserve contain a large population of the *pimelia spicata* plant.

Safer by Design Considerations

Safer by design principles have been considered in the assessment of the modified development. The proposed removal of glass from the amenities building will reduce the potential for damage caused by vandals. The required schedule of conservation works for maintenance and urgent work and the secure storage of equipment within the



compound overnight will also protect the safety of workers and visitors to the site. There are no changes proposed to the existing hours of operation, which are confined to the hours between prayers with most burials held mid-afternoon. There will be no activity on the site after 5.00pm, avoiding the risks of reduced vision and passive surveillance at night.

**(c) *The suitability of the site***

As demonstrated by the above assessment, the site is considered to remain suitable for the modified development.

**(d) *Any submissions made in accordance with this Act or the Regulations***

The modification application was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011 (DCP). The exhibition period was from 22 October to 5 November 2012. 4 submissions were received (all objecting to the modified development).

The following discussion addresses the issues and concerns raised in the submissions.

1. *Concerns that the "Friend" family ancestral graves V44, V45 and V46 (located in the back south western corner of the cemetery) will be relocated to make way for new graves. Also seeking confirmation that there will be no adjacent plots or landscaping that will restrict or hinder easy access to these graves.*

Officer comment:

The applicant has confirmed that there is no intention to relocate plots V44, V45 and V46, which are located in the last stage of the cemetery's development. The proposed restaging plan does not indicate any new graves or landscaping in the vicinity of the Friend family's graves which would impede access to them.

2. *If a path providing disabled access is not able to be achieved along the northern boundary, an alternative complying path should be provided, as per the attached sketch. The applicant's amended sketch does not extend far enough into this area.*

Officer comment:

The applicant has provided an alternative access path from the main central path in a westerly direction towards the heritage section of the cemetery. This is to replace the deleted access path originally approved along the northern boundary of the site due to the gradient of the land and the inability to achieve sufficient landscape screening between this site and the adjoining Narellan Public School. Whilst the amended path does not fully penetrate the heritage section of the cemetery (in order to preserve its natural and historical significance and avoid removing trees), it provides an acceptable level of pedestrian access. The existing informal access driveway along the western boundary of the site will also be maintained to provide a second to the heritage section of the cemetery.

3. *Concerns that students of Narellan Public School will be exposed to Islamic burial rituals. A permanent screen or wall should be required to be erected along the shared boundary, which will also provide privacy for friends and family of the bereaved.*



Officer comment:

A review of the previously approved landscaping revealed that it will reach up to 2m and provide sufficient screening for both the cemetery and school. The application has proposed the relocation of the northern access path which will ensure the screen landscaping can grow to full maturity which will ensure an acceptable level of privacy for both sites.

As this is a modification to an approved DA, Council cannot require the provision of additional conditions unless a nexus is established between the proposed modifications and the issue. In this instance there are no additional impacts created as a result of the proposed changes therefore no nexus exists.

**(e) The public interest**

The public interest is served through the detailed assessment of this Section 96 Modification under the *Environmental Planning and Assessment Act 1979*, Environmental Planning and Assessment Regulations 2000, Environmental Planning Instruments, Development Control Plans and policies. Based on the above assessment, the modified development is consistent with the public interest.

**EXTERNAL REFERRALS**

This modification application was not required to be referred to any external agency for comment.

**FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

**CONCLUSION**

The application has been assessed in accordance with Section 96 of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, Section 96(2) Modification No. 1203(2)/2010 is recommended for approval subject to the conditions listed in this report.

**Details of Conditions**

**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>
A01, Rev. D	Existing Site Plan	Paul Davies Pty Ltd	20/6/12
A02, Rev. G	Proposed Plan	Paul Davies Pty Ltd	11/12/12
A03, Rev. E	Staging Plan	Paul Davies Pty Ltd	20/6/12





ORD01

A04, Rev. E	Landscaping Approach	Paul Davies Pty Ltd	20/6/12
A07, Rev. A	Amenities Building Details	Paul Davies Pty Ltd	20/6/12
A08, Rev. A	Compound Layout	Paul Davies Pty Ltd	20/6/12
A09, Rev. A	Gate and Stair Details	Paul Davies Pty Ltd	20/6/12
N/A	Statement of Environmental Effects	Paul Davies Pty Ltd	June 2012
N/A	Letter from Paul Davies describing modifications	Paul Davies Pty Ltd	19/6/12

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.

**(This condition was modified by Section 96 1203(2)/2010 on 12 February 2013).**

- (2) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (3) **Vegetation Management Plan** – Prior to any works commencing for works subject to this development application a Vegetation Management Plan (VMP) shall be produced and shall include the long term work requirements in accordance with Point 7 Ameliorative Conditions and Recommendations listed within the Flora & Fauna Impact Assessment for New Facilities and Landscaping at Narellan Cemetery produced by GIS Environmental Consultants; dated September 2010; except as amended:
  - (a) Dot point 7(3) shall require separate development approval prior to any translocating occurring;
  - (b) Point 7(1) shall be amended to include the replacement of logs to colour treated, unobtrusive metal posts that are at the same height; and
  - (c) A section that includes weed eradication controls as per the requirements of the Noxious Weeds Act 1993. This section shall state that the land owner must ensure that at all times any machinery, vehicles or other equipment entering or leaving the site must be cleaned and free from any noxious weed material to prevent the spread of noxious weeds to or from the property; and that this work shall 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.

The VMP shall be implemented and adhered to in perpetuity. Any amendments to the Plan shall be approved by Council.

**(This condition was modified by Section 96 1203(2)/2010 on 12 February 2013).**

- (4) **Tree removal** – Tree removal shall be in accordance with the following:



- (a) Consent is granted for the removal of 82 trees as indicated on the drawing titled Landscape Approach, Project No 3-020, dated May 2010;
  - (b) the tree removal shall occur in accordance with the stages as per the staged development plans illustrated on the approved Staging Plan within Condition 1.1.a except for the density of trees located within stage 2. These trees are to be removed only at the time that this area is required for burials. The trees encroaching onto the building footprint of the compound shall only be removed prior to this stage;
  - (c) where possible all green waste generated from the approved tree work is to be recycled into mulch or composted at a designated facility; and
  - (d) all reasonable measures must be taken to protect the remaining vegetation on the site from damage during the approved tree removal works.
- (5) **Site Landscaping** – The landscaping of the site shall be in accordance with the approved landscape plan: Landscape Approach, Drawing No A04, Issue E, dated 20/6/12.

All landscaping required along the northern and western boundaries of the site must be installed within 3 months of the commencement of any works approved by this Development Application.

The landscaping related to each stage of works is to be completed with that stage before any work on the following stages commences.

**(This condition was modified by Section 96 1203(2)/2010 on 12 February 2013).**

- (6) **Landscaping Maintenance and Establishment Period** - For a period of 12 months, commencing from the Date of Practical Completion (DPC) of each stage of works, the Applicant will have the maintenance responsibility for all landscaping works associated with this Consent. The Applicant will also be responsible to ensure the landscaping works are successfully established during this 12 month period for each stage.

The Date of Practical Completion (DPC) is taken to mean completion of all soil preparation and treatment and initial weed control, and completion of all planting, turf installation and mulching.

The DPC will be that date when the Applicant and the Principal Certifying Authority (PCA) agree that the landscaping works have been satisfactorily completed for each stage.

It is the applicant's responsibility to arrange a site inspection with the PCA, upon initial completion of the landscaping works, to determine and agree upon an appropriate DPC for each stage.

At the completion of the landscaping maintenance and establishment period for each stage, all areas of lawn and plantings, must have signs of healthy and vigorous growth



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

**(This condition was modified by Section 96 1203(2)/2010 on 12 February 2013).**

- (7) **Additional Landscape Requirements** – The following additional requirements shall be incorporated within the Landscaping Strategy:
- (a) Tree species must be planted along the western boundary of the site as shown on the approved plans, making provision to retain existing trees and allow sufficient space for vehicle access past those trees; and
  - (b) landscaping (as approved by this consent) must be planted along the length of the northern boundary of the site, leaving sufficient space for a 1.8m wide access track. The plantings are to be stepped and irregularly placed to create an informal line of plantings.

**(This condition was modified by Section 96 1203(2)/2010 on 12 February 2013).**

- (8) **Approvals from Other Authorities** – It is the applicant's responsibility to acquire all other necessary approvals/permits from all other approval authorities as required.
- (9) **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 ceases and that relevant authorities are contacted immediately to determine an appropriate course of action.
- (10) **No Filling** – The importation of any fill is strictly not to occur on the site.
- (11) **Waste Water Approval** - Prior to the toilet block being constructed, an Application to Install, Construct, Alter a Sewage Management System under Section 68 of the Local Government Act 1993 shall be submitted to Council and approved. The application shall be supported by all such documents as detailed in Camden Council's Sewage Management Strategy.

Alternatively, in the event that a permanent sewer connection becomes available, all required approvals must be sought from Sydney Water.

**(This condition was modified by Section 96 1203(2)/2010 on 12 February 2013).**

- (12) **Colour of Toilet Block** - The external colour of the walls of the toilet block shall be Dulux "Linseed", with "Bedbox" trim and dark grey colourbond roof or the like to blend in with the area.
- (13) **Use of Toilet Block** – The use of the toilet block is strictly limited to when the site manager or an authorised delegate is present at the site. The toilet block shall be locked during all other times.

**(This condition was modified by Section 96 1203(2)/2010 on 12 February 2013).**



- (14) **Fencing** - The remnant post and wire fencing adjacent to Elyard Street must be retained. This shall be included on the Construction Certificate plans.
- (15) **Signage** – A small directional sign shall be erected within the property at the relocated entry gates on the Richardson Road eastern boundary that indicates entry to the Anglican and other denominations section. The sign must blend in with the rural character and must be of earthy materials and colours.

**(This condition was modified by Section 96 1203(2)/2010 on 12 February 2013).**

- (16) **Ground Investigation for Unmarked Graves** – Test scrapes to locate possible unmarked grave sites are to be carried out prior to each new stage of works commencing. In the event that a potential grave site is discovered, NSW Health is to be immediately notified and all approvals and required processes are to be followed to their requirements.

Council are to be advised of actions in relation to any discovered grave sites.

**(This condition was modified by Section 96 1203(2)/2010 on 12 February 2013).**

- (17) **Exhumation of Body** – An application for approval to exhume the remains of the body must be made to the Director-General of NSW Department of Health. A copy of this approval must be submitted to Council prior to the exhumation taking place and Council shall be notified no less than 24 hours prior to the exhumation occurring.

Note: A person shall not proceed with the exhumation unless an officer of the NSW Health or an Environmental Health Officer approved by NSW Health is present at the exhumation.

- (18) **Schedule of Works for Long Term Conservation Works and Urgent Maintenance Works**

Schedule of Long Term Conservation Works

A separate Development Application, for the assessment of a schedule of long term conservation works (accompanied with a Heritage Impact Statement) for the existing heritage fabric of the cemetery, is required to be submitted **within 6 months** of the approval date of this Section 96 Modification No 1203(2)/2010.

The schedule shall provide for works for each 5 years, annual work and works that are required more frequently than annual.

Schedule of Conservation Works for Maintenance and Urgent Work

Prior to the issue of a Construction Certificate a “Schedule of Conservation Works for Maintenance and Urgent Work” for the cemetery is to be prepared and submitted to Council that deals with the type, frequency and method of the maintenance work required on the site. Such works shall include, but not be limited to:

- (a) weed eradication works within and around graves;

- (b) minor pruning of tree branches that are unsafe or are likely to cause damage to graves;
- (c) mowing regime. The schedule must state that edging machines or grass cutters will not be used to trim around historic graves;
- (d) landscape establishment and maintenance regime for new plantings;
- (e) fencing maintenance work;
- (f) these shall include best practice methods to maintain but ensure minimal intervention to historic fabric;
- (g) urgent works where the historic fabric of the old graves are in danger of damage. Such works shall include: Headstones and grave surrounds that are at risk of falling, collapse or which are loose and capable of being vandalised; will be refixed, secured and made safe. This shall include best practice methods prepared by a heritage consultant to stabilise but ensure minimal intervention to historic fabric.

**(This condition was modified by Section 96 1203(2)/2010 on 12 February 2013).**

- (19) **Entry Gate** - The relocation of the entry gate and plaques on the Richardson Road boundary must be carefully done so as not to cause any damage to the fabric of the gate. When the gates are relocated, a new fence must be installed in the gap to match the current fence along Richardson Road present at that time.

**(This condition was modified by Section 96 1203(2)/2010 on 12 February 2013).**

- (20) **Access For People With Disabilities** - Access for people with disabilities must be provided in accordance with the requirements of Part D3 of the Building Code of Australia at the entry points from Richardson Road and Elyard Street, the main central access path connecting these two entrances and the amenities building. Compliance with this must be reflected on the plans prior to the issue of a Construction Certificate.

**(This condition was modified by Section 96 1203(2)/2010 on 12 February 2013).**

- (21) **Removal of Compound** – The removal of the maintenance compound shall occur at Stage 2 of the Reserved Plots, shown on the Staging Plan, Drawing No A03, Issue E, dated 20 June 2012. All materials must be suitably disposed of.

**(This condition was modified by Section 96 1203(2)/2010 on 12 February 2013).**

- (22) **NSW Health** – All works approved by this consent must consider the requirements contained within the letter by Sydney South West Area Health Service dated 22 January 2010.

- (23) **Site Accessibility** – The following site accessibility shall be implemented on site:

- (a) disabled access is required to be provided to the site at the new formalised access gates in Elyard Street. This is required prior to the current vehicular access gate in Richardson Road being relocated;

- (b) disabled access in the form of a paved path is to be provided from the proposed relocated gates in Richardson Road and as a separate path which branches off the main central access path in a western direction towards the heritage cemetery, as shown on the approved plans (refer to Proposed Plan, Drawing No A02, Issue G, dated 11/12/12). This path is required to be installed prior to the access gates on the Richardson Road boundary being relocated;
- (c) vehicular access must remain possible from the Elyard Street frontage to the area of the heritage cemetery along the western side of the site. If it is necessary to accommodate this, the last row on the southern side of Stage 3 of the grave sites is to be deleted (as per the approved Staging Plan, Drawing No A03, Issue E, dated 20/6/12). In Stage 3 of the approved works, a set of gates matching the fencing along the Elyard Street boundary must be installed, as well as a rural driveway crossing which is designed in accordance with Council's Engineering Specification; and
- (d) a set of stairs, constructed in accordance with all relevant Australian Standards and the Building Code of Australia, are to be constructed to connect the kerb and footpath in Richardson Road, at the location of the relocated gates.

**(This condition was modified by Section 96 1203(2)/2010 on 12 February 2013).**

- (24) **Signage** - Interpretative signage must be provided at appropriate locations throughout the heritage section of the cemetery prior to the completion of Stage 1 works.

The signs may include information such as dates of burials and the names of any local or significant deceased persons. All details of the signs, including the content, size, font, colours, materials and locations are to be determined in consultation with the representatives of the Friends of Narellan Cemetery and the owners of the cemetery prior to the completion of Stage 1 works.

**(This condition was modified by Section 96 1203(2)/2010 on 12 February 2013).**

- (25) **Pimelea Spicata** – Any undisturbed areas of the site (not included within the footprint of approved works) which contain the Pimelia spicata species are to be maintained to allow such plants to generate naturally.

**(This condition was modified by Section 96 1203(2)/2010 on 12 February 2013).**

## 2.0 - Construction Certificate Requirements

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

- (1) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of the 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.

**(This condition was deleted by Section 96 Modification 1203(2)/2010 on 12 February 2013).**

- (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:

- Amend all plans to indicate stabilised gravel and porous pavers for access pathways and not exposed aggregate concrete paving.

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

**(This condition was modified by Section 96 1203(2)/2010 on 12 February 2013).**

- (4) **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.

Note: the stormwater management strategy may be incorporated with the landscape design.

- (5) **Performance Bond - Prior to the issue of the Construction Certificate** a performance bond of \$3,000.00 must be lodged with Camden Council. Should any of Council's property sustain damage or the development place the environment or public at risk, Council will perform any works necessary on behalf of the applicant to rectify these works. This bond will be released once all works have been completed to the satisfaction of Council. The applicant must be responsible for any damage caused to existing public utilities, footpaths or public roads during construction works.

**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 performance bond, unless a suitable replacement bond is submitted.

- (6) **Construction Standards** - All civil engineering work associated with the development must be carried out strictly in accordance with Camden Council's Development Control Plan 2011 and Engineering Specifications for roadworks, drainage and other works associated with subdivisions and other developments.



(This condition was deleted by Section 96 Modification 1203(2)/2010 on 12 February 2013).

### 3.0 - Prior To Works Commencing

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

- (1) **Notice of Commencement of Work** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act, 1979* and Clause 103 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building works.
- (2) **Access From Public Places** - Construction access from public places (reserves, parks, walkways and the like) other than roads shall not occur without the prior consent of Camden Council. Bonds or legal agreements may be required to protect Council's assets if access from these places is approved.
- (3) **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 SD31 shall be used for construction which is to be approved in Elyard Street.

### 4.0 - During Construction

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

- (1) **Storing of Material During Construction Period** - There is to be no storage of materials (i.e. building materials) or spoil on public land adjoining this property.
- (2) **Hours of Work for Maintenance and Embellishment Work** – The hours for all construction work are restricted to between:
  - (a) 7am and 6pm Monday to Friday (inclusive);
  - (b) 7am to 4pm Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8am to 4pm;
  - (c) work on Sunday and Public Holidays are prohibited.
- (3) **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 revegetation).





(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:

- the delivery of material shall only be carried out between the hours of 7am - 6pm Monday to Friday, and between 8am - 4pm on Saturdays;
- stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site;
- builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
- waste must not be burnt or buried on site, nor should wind blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot;
- a waste control container shall be located on the development site.

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

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

(6) **Damaged Assets** – All engineering works and public utility relocation shall incur no cost to Camden Council. Any damage to Camden Council's assets shall be rectified at no cost to Council prior to the commencement of use or occupation of a building.

### 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) **Gutter crossing** - 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 rural driveway crossing at all points of ingress and egress.

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

## 6.0 - Operational Conditions

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

- (1) **Dust Control** - Potential dust sources on-site must be minimised. No stockpile shall be permitted to remain exposed on the site.
- (2) **General Requirements** – All machinery and goods must be stored within the site compound when not in use.

All waste and spoil material shall be removed from the site on a daily basis unless, stored and covered in the site compound.

If waste and spoil can not be removed permanently from the site, or moved from the grave site and into the compound at the end of each day, then the following applies:

- (a) all waste and spoil material is to be completely covered and sediment fences installed around it to prevent pollution due to wind and/or water action; and
- (b) all waste and spoil material shall be removed from the site on the following day.

**(This condition was modified by Section 96 1203(2)/2010 on 12 February 2013).**

- (3) **Noise** - The use of machinery and equipment shall not cause an offensive noise within the meaning of the *Protection of the Environment Operations Act 1997*.
- (4) **Site Management** - The land owner must ensure that the carrying out of all work is undertaken in a manner which will not cause a nuisance by the generation of unreasonable noise, dust or other activity, to owners and occupiers of adjacent properties.
- (5) **Heritage Significance** - Ensure the heritage significance of the cemetery is maintained, all existing and proposed grave sites to be maintained in a neat and orderly way, with any dislodged grave stones, brick paving repaired when required.

**(This condition was deleted by Section 96 Modification 1203(2)/2010 on 12 February 2013).**

- (6) **General Site Maintenance** - Graves in the Islamic sections are to be maintained to a uniform finished standard, with ground level edgings, small black granite headstones and free of additional embellishments or plantings, as



ORD01

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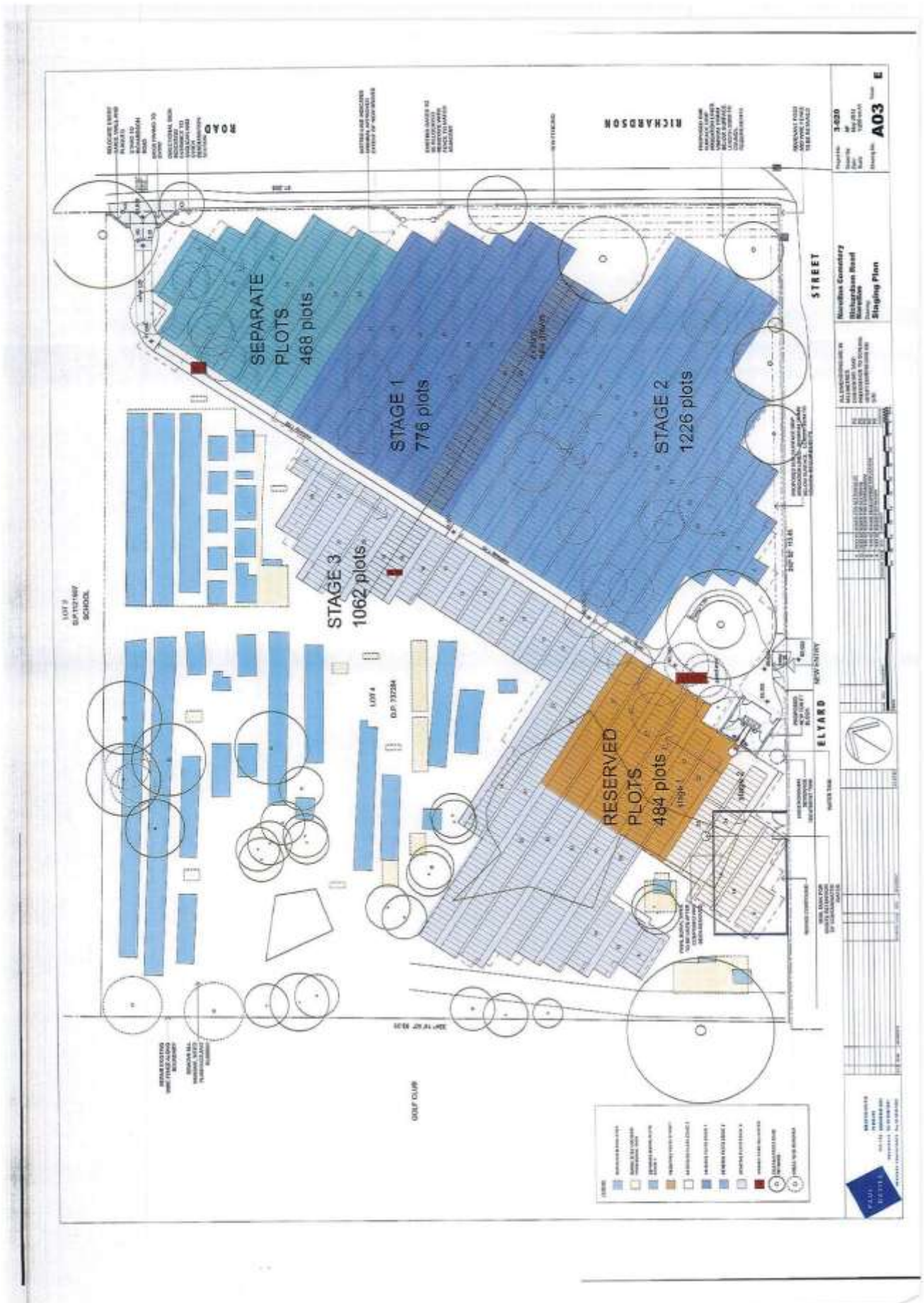
per the conditions established for the Muslim areas of Narellan Cemetery by the Lebanese Muslim Association.

**RECOMMENDED**

**That Council approve Section 96(2) Modification No 1203(2)/2010 for the modification of approved cemetery works to Narellan Cemetery at 6 Richardson Road, Narellan subject to the conditions listed above.**

ATTACHMENTS

1. Modified plans
2. Submissions - *Supporting Document*

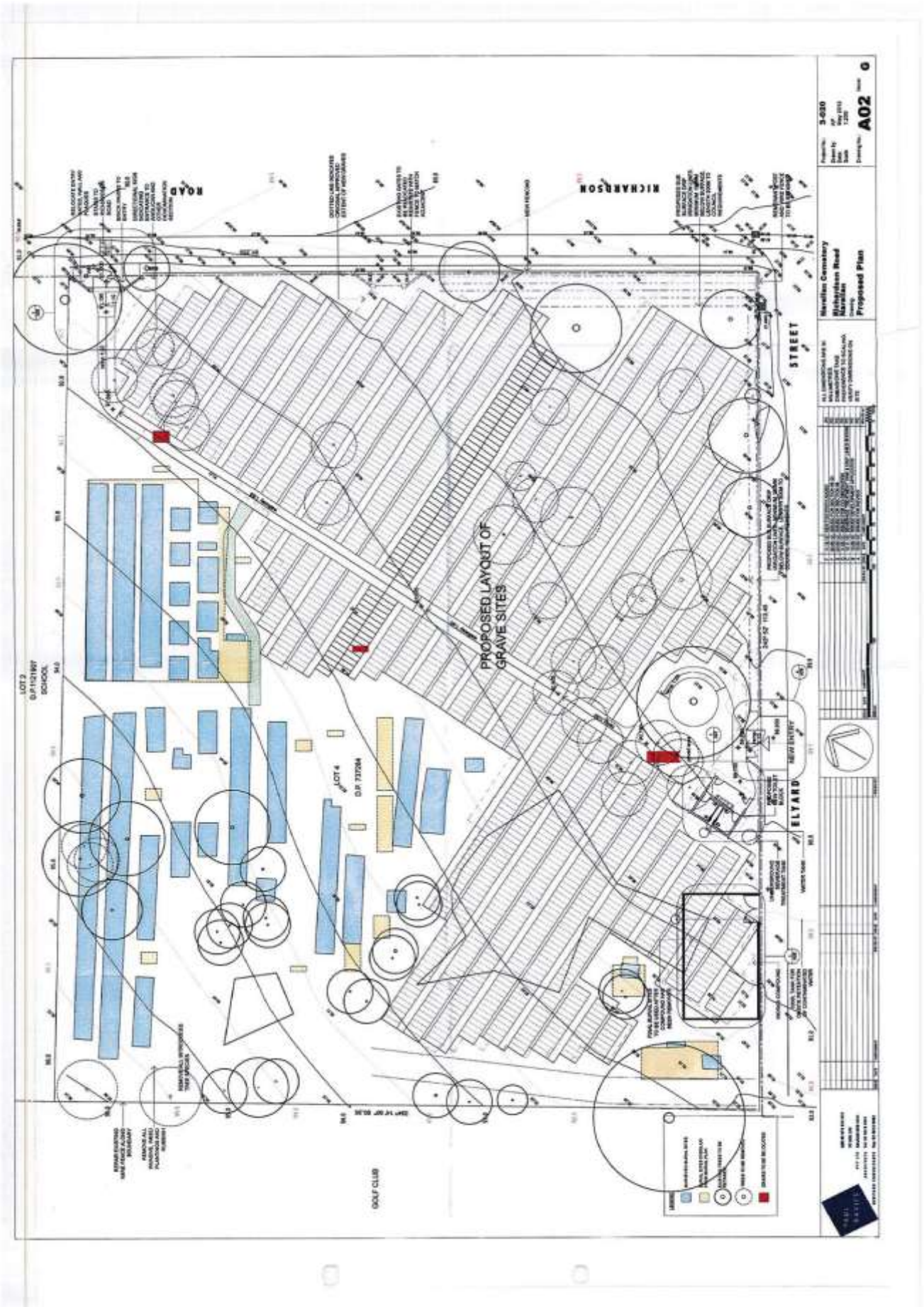


ORD01

Attachment 1

ORD01

Attachment 1





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## ORDINARY COUNCIL

ORD02

ORD02

**SUBJECT: COAL SEAM GAS**  
**FROM:** Director Governance  
**BINDER:** Coal Seam Gas/Camden Gas Project

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### PURPOSE OF REPORT

The purpose of this report is to establish a draft policy position in relation to the exploration, leasing and production of Coal Seam Gas (CSG) within the Camden Local Government Area and to place the draft policy position paper on public exhibition for input from the community.

### BACKGROUND

The Camden Gas Project, covering land in the Camden, Wollondilly and Campbelltown LGAs has been producing CSG since 2001 and consists of:

- 86 producing CSG wells;
- 100 km of gas gathering lines and associated infrastructure; and
- The Rosalind Park Gas Plant, located in the Menangle area, for gas treatment and sales.

An application for production of AGL's Stage 3 of the Camden Gas Project (Northern Expansion) is currently being considered by the Department of Planning and Infrastructure (DPI). Stage 3 is known as the Camden Gas Project Northern Expansion and is located in an area to the north of Narellan Road and to the east of Camden Valley Way across to Campbelltown LGA. This application was re-exhibited from 6 November to 18 December 2012. The exhibition period was subsequently extended until 8 February 2013. Council made a submission to this application in late 2012.

Previous reports have been presented to Council in relation to the Camden Gas Project. As a result of the need to meet timeframes for submissions, the focus of these reports has been on the individual project and matters such as locations of wells and individual impacts like noise.

In contrast to the previous reports, this report focuses on the key points surrounding CSG to establish Council's position in relation to the exploration, leasing and production of CSG wells within the LGA.

### MAIN REPORT

#### The need for a Policy Position

Council's previous primary focus, on matters relating to CSG, has been in relation to specific projects. This approach is the result of the need to meet legislative timeframes in making submissions to the State Government as part of the planning process.

With the increasing number of CSG projects, possible impacts on the community of the Camden LGA and public concern, Council should now move to the point of developing and establishing a policy position on the matter.



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## **Establishing Council's Policy Position**

The attached Position Paper sets out a policy position for Council to consider. The Position Paper is **Attachment 1 to this report**.

The key points considered in the Position Paper include:

- Camden Gas Project History
- Energy Security
- Environmental Impacts
- Scientific Knowledge
- Government responses
- Public Health

From the discussion carried out within the Position Paper, there is a lack of scientific evidence on matters of concern. The Position Paper calls for a moratorium on further CSG exploration and production in the Camden LGA until such time as the required research is carried out.

### **Options**

In establishing its policy position, in relation to CSG, there are various options available to Council including;

1. Support the CSG Industry as a result of the economic benefits and energy security that it provides.
2. Limited endorsement subject to clarification of issues raised in submissions.
3. Adopt the attached Policy Position Paper as Policy. The paper calls for a moratorium on further CSG developments in the Camden LGA until such time as all of the gaps identified have been appropriately considered and addressed by independent scientific research and evidence.

Based on the issues contained within the Position Paper and information available to Council at this point in time, it is recommended that Council adopt Option 3 as its general policy in relation to CSG production.

Given the community interest in CSG and its impacts, it is recommended that the Position Paper be placed on public exhibition for a period of 28 days. At the conclusion of the exhibition a further report will be submitted to Council on any submissions received and to seek the final adoption of a policy position.

### **FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

### **CONCLUSION**

This report, through the attached Position Paper considers the impacts of CSG and establishes a policy position for Council on the matter.



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## **RECOMMENDED**

**That Council:**

- i. adopts, for the purposes of exhibition, a policy of calling for a moratorium on further CSG developments in the Camden LGA until such time as all of the gaps identified have been appropriately considered and addressed by independent scientific research and evidence;**
- ii. places the Position Paper attached to this report on public exhibition for 28 days; and**
- iii. receives a report at the conclusion of the public exhibition period to consider any submissions received and to confirm its policy position on CSG developments in the Camden LGA.**

## **ATTACHMENTS**

- 1. Position Paper**

**ORD02**



ORD02

Attachment 1



# Camden Council

## Draft Position Paper on Coal Seam Gas in the Camden Local Government Area

February 2013





## Background

Coal Seam Gas (CSG) has been defined in the recently published NSW Upper House Inquiry. The Report produced by the Inquiry states that CSG *“is an unconventional natural gas that occurs naturally within the pores or fractures of coal seams”*. CSG is typically found at a depth of 800m in the Camden Area. CSG is used for industrial and domestic uses, as well as in gas turbines to generate electricity. CSG consists largely of methane with a concentration of approximately 95% but may also contain small amounts of carbon dioxide and nitrogen.

In order to extract the CSG, a well is drilled into the coal strata and the water pressure is lowered by removing the water from the coal. This process of depressurisation allows the flow of gas out of the fractures in the coal seam and then to the surface. Once the well is established and operational, a CSG well may produce gas for between 10 to 20 years.

Each well site can contain up to 6 individual wells. Each individual horizontal well can take up to four weeks to set up, drill and complete. New technologies in horizontal drilling broaden the CSG catchment area to approximately a 2km radius from the surface location at depths specified above. Each well is lined with two layers of steel casing with cement pumped between each of the layers. All wells are designed to seal and isolate aquifers to prevent water and gas from interacting between each sub-strata.

With pressure on existing gas and energy reserves, there has been a move towards the extraction and use of CSG, including in the Camden Local Government Area and surrounding district. With the increase in production and experience there has been increased exposure in the public realm of CSG and the Camden Gas Project in particular. With this exposure there has been ongoing concerns expressed by the residents of the Camden LGA.

Historically, Council has approached matters relating to CSG on a project basis, considering specific projects or applications within the Camden Gas Project Area. As a result of the need to meet timeframes for submissions, the focus of these reports has been on the individual project and matters such as locations of wells and individual impacts like noise.

As an evolution of the historic approach towards a broader policy approach, this paper focuses on the key points surrounding CSG in an attempt to determine a position for Council in relation to the exploration, leasing and production of CSG wells within the LGA.

Any large organisation, be it a council or private company, is under an obligation to provide evidence for its actions. No large enterprise ought to be undertaken without due diligence being observed, irrespective of the results of any scientific studies – good or bad. Camden Council is answerable to its community. At the



very least, if there were to be any adverse consequences, an organisation should inform itself so it can weigh up the cost benefit and take mitigating action, if any were required.

## Council's Current Role

Council's current role and response to CSG is predominantly focussed on participation in the Development Approval process. Development proposals identified as State Significant Development under Part 4 of the *Environmental Planning Assessment Act 1979 (EPA Act 1979)*, are managed by the Department of Planning and Infrastructure (DPI), with the Minister being the consent authority. However, in accordance with the EPA Act 1979, the application is required to be placed on public exhibition for a minimum period of 30 days.

Since Council is not the Consent Authority, it is at this point that Council has the opportunity for input into the proposal and offer comments to voice its concerns. Any submission that Council makes is taken into consideration and must be addressed prior to the determination of the State Significant Development Application.

## Gas in the Camden Area

The Camden Gas Project has been producing CSG since 2001 with the project originally being carried out by Sydney Gas Limited. Since AGL's takeover of Sydney Gas Limited in 2009, the wells have continued operation and expanded to include a network currently consisting of:

- 86 producing CSG wells;
- 100 km of gas gathering lines and associated infrastructure; and
- The Rosalind Park Gas Plant, located in the Menangle area, for gas treatment and sales.

The Camden Gas project is operating under Petroleum Production Licences PPL 1, 2, 4, 5 and 6 issued by the state government (which are explained later in this report). Currently, AGL has eight CSG producing wells within the Camden LGA, which are located within Stage 2 of development (Spring Farm and Glenlee). An application for production of Stage 3 is currently being considered by the DPI.

Within the Camden LGA CSG extraction is currently focussed in the Stage 2 area at Spring Farm. CSG extraction in Stage 2 utilises the horizontal drilling method to access and recover the resource. No fracking methods are used in CSG mining at this point in time. CSG well collection points are located, in parts, approximately 100 metres from the closest residential development.

Stage 3 is known as the Camden Gas Project Northern Expansion and is located in an area from Gregory Hills to the north.



This position paper only applies to future developments of CSG in the Camden LGA and not existing wells.

## Policy Issues

### **Energy Security**

A major reason for the recent spike in activity has resulted from the need to secure the State's energy supply. It has been documented that more than 95% of the State's gas requirements are met by importing gas from other states and off-shore. In this regard, NSW is not in a position of strength when it comes to the security of gas supply, consequently inflating the prices of natural gas and electricity supply in NSW.

As a result of population and housing growth and industry needs, the demand for natural gas and electricity in NSW will proportionately increase. Meanwhile, gas supply is decreasing due to the expiration of contracts and the lack of mining local resources. Camden LGA has significant resources of CSG.

Although the constraints on energy supply are recognised and of significant importance, this should not be the only consideration in approaching the CSG debate within the Camden LGA,

### **Regulation and Legislation**

The exploration and production of CSG is regulated by a number of legislative instruments at both the state and federal level. Applications and approvals for a CSG operation are a state responsibility and in NSW are dealt with by the DPI. The application process involves consultation and concurrent approvals from other governmental and public agencies. Applications for projects are considered after the process of granting Petroleum Exploration and then production Licences. The construction and operation of a CSG project is primarily regulated by the following legislation:

- *NSW Petroleum (Onshore) Act 1991;*
- *NSW Environmental Planning and Assessment (EP&A) Act 1979;*
- *Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999;*
- *NSW Protection of the Environment Operations (POEO) Act 1997; and*
- *NSW Water Management Act 2000.*



The Regulation of the Industry is trailing the rollout of CSG projects and needs to be widened to consider all of the impacts of CSG mining, particularly near urban areas.

#### ***Land Owner Consultation***

In accordance with Clause 8F the Environmental Planning and Assessment Regulation 2000, owners consent is not required for applications relating to mining or petroleum production projects. This is reiterated further within Clause 64 of the *Petroleum (On shore) Act 1991*, whereby any application 'accompanied by the consent of the owner of the land has no effect'.

Notwithstanding the above, owners of the land are notified under Clause 8F of the regulations where the 'proponent is required to give notice of the application... to the public by advertisement published in a newspaper circulating in the area of the project before the end of the period of 14 days after the application is made.'

Similar to the situation that Council is notified of the project, land owners are given a second opportunity for comment during the public participation period.

Public concern was exacerbated by the realisation that possession of an exploration permit for CSG entitled the holder of that permit to have access to land even without the consent of the landowner. There are very few examples of a company seeking to enforce that legal right, but it nonetheless adds to community anxiety about the industry.

#### ***Government Strategies in relation to CSG***

In April 2010, the NSW Government called for input into its strategy for the CSG industry. AGL has called for greater community consultation requirements, stronger water management regulations and a code of conduct to set minimum industry standards for CSG projects in New South Wales.

In May 2012, the NSW Upper House Inquiry into CSG produced its findings and recommendations. Some of the key recommendations arising from that Inquiry included:

- Tightening the Draft Code of Practice for CSG production
- Maintaining the moratorium on the fracking technique in CSG production until a national assessment of the toxicity of fracking chemicals as been undertaken
- Monitoring and measurement the amount of water produced by CSG mining
- Notify local councils of Petroleum Exploration Licence applications once received.



In September 2012, following the "Strategic Land Use Review" and the resultant "Code of Practice for Coal Seam Gas Explorers", the NSW Government lifted the ban on the use of the fracking technique in CSG exploration and production.

The Federal Government has produced the Draft National Harmonised Regulatory Framework – Coal Seam Gas. This Draft Report and Framework was produced in December 2012. The main intent of the document is to create a national framework for the regulation of CSG production rather than impose further requirements on the industry.

All of the recommendations of the NSW Upper House Inquiry should be put in place as a minimum response, in the attempt to have the regulation of the industry catch up with the rollout of production.

### ***Population Growth***

In line with the NSW Government's policy, there is to be significant population growth in the Camden LGA. Most of the growth is concentrated in the South West Growth Centre. The State Government is encouraging a significant amount of residential investment and development in the South West Growth Centre area for the provision of much needed housing. Camden's population is predicted to increase dramatically from 57,000 to approximately 250,000 due to its inclusion in the South West Growth Centre area.

Policies such as State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and the State Government's recent collaborations with private land holders for releases of private land for residential subdivision will increase the potential for conflict between CSG production and residential expansion. This is already becoming apparent in the Stage 3 of the Camden Gas Project (The Northern Expansion).

## **Environmental Issues**

### ***Current Scientific Knowledge/Evidence***

The current knowledge of groundwater resources for the existing Camden Gas Project production areas has been based on desktop studies only. No groundwater monitoring network has been installed. A baseline groundwater study has recently commenced for the northern expansion, but limited work has been done so far.

It is known that there is interconnectivity between aquifers, but the extent of that interconnectivity is not certain. However, data obtained in recent years is showing that there is more connectivity than first thought. When a coal seam is



depressurised to allow gas to flow, there is the potential for water to leak from overlying and underlying aquifers.

Currently there is a real absence of scientific knowledge or evidence on the cumulative impacts of CSG on aquifers. Geoscience Australia states in a report for the Federal Government that the "overriding issue in CSG development is the uncertainty surrounding the potential cumulative, regional scale impacts of multiple developments". The NSW Parliamentary Inquiry report states at point 3.45 that "...we need more data on specific water systems, and the interconnectivity of aquifers, if any, in these systems and the potential cumulative impacts of multiple CSG projects."

CSG mining in the Camden LGA should have a moratorium placed on any further expansion unless and until the scientific research and evidence is provided to address these knowledge gaps.

#### ***Groundwater Extraction***

For the Camden Gas Project the depressurisation required to allow gas to flow, results in the extraction of approximately 795,000 litres per well of coal seam water on average in the first 12 months. The ongoing water extraction from each of the 86 wells within the Camden Gas Project can vary from nil to approximately 3 million litres.

CSG water extracted is on general terms, moderate to high salinity which is approximately 1/3 as salty as seawater. Whilst this water is stated to be reused, it is generally highly processed in a treatment plant before its re-use for industrial purposes.

It is established that there is some amount of connectivity between coal seams and overlying, and underlying aquifers. However, the extent of this connection is unknown. Upon the decommissioning of the wells, the time taken for water levels in coal seams to re-establish may be many decades to centuries. In the event that a small amount of inter-connectivity or leakage between aquifers is identified, the extent of impact can be substantial over the timeframe to re-establish the water content. This is identified in the Upper House Inquiry as it notes in Point 3.45 of the report "...we need more data on specific water systems, and the interconnectivity of aquifers, if any, in these systems and the potential cumulative impacts of multiple CSG projects."

Camden Council calls for this research to be undertaken before any further rollout of CSG.

#### ***Risk Management***

The CSG mining impacts, being a relatively new form of resource recovery, are not necessarily established in a way to provide a reliable indicator of *future*



environmental impacts. Due to the timeframes to re-establish water content within the de-watered strata, impacts may not become apparent for many decades.

This situation is unacceptable and must be addressed by the Industry and Government regulators.

### ***Hydraulic Fracturing***

Whilst the CSG industry has publicly disclosed the chemical additives used during the hydraulic fracturing process (commonly referred to as 'fracking'), very little is known about the effect of these chemicals, when combined on the environment and its ecosystems. The CSG industry refute claims that the chemicals used in fracking are hazardous or harmful to the environment stating that the chemicals used are found in common household products and food stuffs. It is noted that some of these chemicals may be harmless in isolation, however, further the environmental impact once these chemicals are combined is unknown and of concern. This has created concern amongst the public and environmentalists fearing that the CSG industry is not revealing the environmental effects 'for a reason'.

Furthermore, the rate of recovery of fracking fluids is unknown. Due to the volumes of fracking fluids used in each frac, even 1% of un-recovered fluid is considered a significant volume with potential to contaminate the coal seam water.

Throughout the public exhibition of the Camden Gas Project Northern Expansion, AGL has repeatedly stated that it does not intend to utilise the fracking technique to recover the resource. However, consistent with the documents placed on public exhibition, AGL have recently stated that they may use the technique in circumstances where this is required. The documents on exhibition state that this technique may be needed to be used in approximately 10-20% of production well sites.

A recently released report by the NSW Chief Scientist appears to state that the fracking method will be used out of necessity in particular areas of the state, including the Sydney Region and Camden LGA.

The use of fracking is not supported by Camden Council.

### ***Greenhouse Impacts and Fugitive Emissions***

Methane gas (the main component of CSG) is a very strong greenhouse gas with a greenhouse warming potential about 25 times greater than Carbon Dioxide. The CSG industry claims that the electricity generation from CSG produces around 50% less greenhouse emissions than conventional coal-fired electricity generation. Fugitive emissions (i.e. leaks) of CSG from the various components



ORD02



of a CSG project question the notions of whether CSG has lower greenhouse gas emissions compared with coal burning.

Minimal research has been done to conclude how much CSG is lost due to fugitive emissions and therefore what the true greenhouse impact of CSG production. Further research of the potential impacts must be carried out.

## Health Issues

There is little independent scientific evidence as to the impact of CSG on the community within which it is undertaken. The South West Sydney Local Health District has raised this as a concern in relation to the Camden Gas Project. There needs to be such research carried out and the precautionary principle applied.

## Summary

Camden Council supports the use of the precautionary principle in relation to the formulation of policy. Based on the significant knowledge gaps and community concerns that exist in relation to CSG production in Camden, as outlined in this paper:

**Council calls for a moratorium on any further CSG production or exploration in the Camden LGA. The moratorium should only be lifted once all of the gaps identified in this report have been appropriately considered and addressed by independent scientific research and evidence.**

Attachment 1



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## ORDINARY COUNCIL

ORD03

ORD03

**SUBJECT: TURNER ROAD DEVELOPMENT CONTROL PLAN AMENDMENT -  
REMOVAL OF BULKY GOODS CAP APPLYING TO THE TURNER  
ROAD EMPLOYMENT LANDS**

**FROM:** Director Governance

**BINDER:** Turner Road Precinct

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### PURPOSE OF REPORT

The purpose of this report is to re-adopt the amendments to the Turner Road Development Control Plan (DCP) to enable removal of the bulky goods cap applying to the Turner Road employment lands.

### BACKGROUND

At its meeting of the 28 August 2012 Council resolved to adopt the Planning Proposal to remove the bulky goods cap applying to the Turner Road employment lands. **A copy of this report is provided with the Business Paper supporting documents.** This planning proposal sought to amend the Growth Centres SEPP. At this meeting Council also adopted the amendments to the Turner Road DCP to enable the removal of the bulky goods cap controls.

This re-adoption of the amendments to the DCP is a procedural matter only. This will enable the DCP to be in line with the provisions of the amended Growth Centres SEPP.

### MAIN REPORT

The amendment to the Growth Centres SEPP to remove the bulky goods cap was published on the 21 December 2012. So that the Turner Road DCP is in line with the SEPP the DCP amendment now needs to come into effect. While the DCP amendment has already been adopted by Council, the *Environmental Planning and Assessment (EP&A) Regulation 2000* Clause 21 requires that Council give public notice of its adoption in a local newspaper within 28 days after the decision is made. As a result of this regulation, a reaffirmation of adoption of the amendment is required.

The detail of the amendments to the DCP is as follows:

- Amend Table 1 in Section 2.5 – Hierarchy of Centres and Employment Areas by deleting the text relating to the Turner Road Business Area which states *“The maximum aggregate of bulky good premises (not including landscape and garden supplies and timber and building supplies) is 40,000m<sup>2</sup> GFA”,* and
- Deleting Clause 5 under ‘Controls’ in Section 3.1 – Land Uses of Part B of the DCP. This clause states *“A total maximum of 40,000m<sup>2</sup> of GFA of bulky goods premises is to be provided in the Business Development Lands fronting Badgally Road [now known as Gregory Hills Drive]. Of this maximum, 20,000m<sup>2</sup> is to be provided along either the northern or the southern frontages of Badgally Road”.*



Previously legal advice has been sought as to the best way to overcome these legislative timing requirements for notifying of the DCP. It was advised that Council could endorse the amendments and then delegate the decision to the General Manager to adopt the DCP following the gazettal of the planning proposal. While this method has been used since Council received legal advice, the legal advice post-dates the bulky goods cap DCP amendment.

The Turner Road DCP was prepared by the Department of Planning and Infrastructure. However Council now has delegation to amend the DCP but must notify the Director General at least 15 days before the plan is made. It is with this in mind that it is Council officers' intention to forward the DCP to the Director General if Council reaffirms its resolution to adopt the amendments to the DCP.

### **FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

### **CONCLUSION**

The reaffirmation of the resolution to adopt the amendments to the Turner Road DCP to enable to the removal of the bulky goods cap from the Turner Road employment lands will allow the DCP controls to be in line with the Growth Centres SEPP.

### **RECOMMENDED**

**That Council:**

- i. reaffirm its resolution to adopt the amendments to the Turner Road DCP as outlined in the report;**
- ii. forward the amended Turner Road DCP to the Director General in line with Council's delegations; and**
- iii. place a notice in the local paper notifying of the adoption of the DCP amendments.**

### **ATTACHMENTS**

- 1. Council Report 28 August 2012 - *Supporting Document***



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## ORDINARY COUNCIL

ORD04

ORD04

**SUBJECT: DRAFT PLANNING PRECINCT PACKAGE EXHIBITION AND SUBMISSION - CATHERINE FIELDS PART PRECINCT**

**FROM:** Director Governance

**BINDER:** Catherine Fields Part Precinct

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### PURPOSE OF REPORT

To outline the features of the Catherine Fields (Part) Draft Precinct Planning Package to:

- Identify and discuss the key issues for Council arising from the draft package;
- endorse the draft submission to the Department of Planning & Infrastructure in relation to the Draft Precinct Planning Package as attached.

### BACKGROUND

The Catherine Fields Part Precinct was released for precinct planning purposes by the Minister for Planning & Infrastructure in August 2011 and concluded in November 2012. The Precinct was released in accordance with the Precinct Acceleration Protocol (PAP), with the main landowner at the time, Valad Group (Valad), contributing to the cost of Precinct Planning. Valad's landholdings were transferred to Hixson Pty Ltd (Hixson) in the middle of 2012. Hixson have assumed the rights and responsibilities of Valad pursuant to the PAP.

The Department of Planning & Infrastructure (DPI) conducted the public exhibition of the Draft Precinct Planning Package from 21 November until 21 December, 2012. A Council staff member has represented Council at the community drop-in sessions held at the Oran Park House, situated within the Precinct. The sessions have had high attendances from landowners and other interested people. Having regard to the timing of exhibition and Council meeting dates, the DPI has allowed Council an extension of time to make a submission on the Draft Package.

The South West Growth Centre (SWGC) Structure Plan was prepared by the then Department of Planning in 2005 and provides an important guide to the detailed planning of Precincts. A copy of the South West Growth Centre Structure Plan is provided as **Attachment 1 to this report**.

The location of the Precinct in a regional context is provided as **Attachment 2 to this report**.

The Precinct comprises an area of 322 hectares. Land ownership within the Precinct is highly fragmented along the edges at Camden Valley Way and Oran Park Drive, with the remainder being effectively owned or controlled by 2 major landholders. Oran Park House, a proposed State Heritage Item, is located within the precinct.

Camden 2040 has been prepared with due consideration of the various strategies and policies that impact on the local area from both the State (including the Metropolitan Strategy and the State Plan) and Federal Government levels. The future growth within the SWGC, including this precinct is acknowledged in Camden 2040. The planning for



the precinct is consistent with the Rural and Urban Planning outcomes and success indicators outlined in Camden 2040.

## **MAIN REPORT**

### **Catherine Fields Naming**

The precinct was named Catherine Fields by the Department of Planning when the South West Growth Centre was gazetted in 2005. The naming of the precinct is not consistent with the locality name of Catherine Field and Council staff have made representations to the Department on this matter previously and will continue to do so.

### **Governance Structure**

The Minister for Planning and Infrastructure has the responsibility for recommending (or not) to the Governor the Publication (formerly gazettal) of the proposed amendment to the Growth Centres SEPP. The Director-General of Planning and Infrastructure has the authority to adopt the proposed DCP. Council is the consent authority for future development and has responsibility for the implementation of the DCP.

### **Project Coordination**

The precinct planning process is overseen and directed by a Project Control Group (PCG). The Catherine Fields (Part) Precinct PCG consists of representatives from DPI and Camden Council. The PCG is responsible for reviewing and directing the project.

The Project is led by the DPI. The precinct planning has been carried out by the Project Working Group (PWG) involving DPI, Council, Valad and Hixson, the master planning consultant, State agencies, consultants and relevant stakeholders. Representatives of Valad and Hixson were included in the PWG as part of the PAP and associated agreements between the Minister and the Developers. Where required, such as in the discussion of Section 94 matters, the representatives were not involved in those discussions.

### **The Draft Precinct Planning Package**

The Draft Precinct Planning Package comprises:

- Precinct Planning Report (including Draft Camden Growth Centre Precincts Development Control Plan (DCP));
- Draft Indicative Layout Plan (ILP);
- Infrastructure Services Assessment;
- Proposed State Environmental Planning Policy (SEPP) Amendment;
- Draft Section 94 Contributions Plan (currently on exhibition), and
- Consistency with the Biodiversity Certification Order 2007.

Specialist investigations were carried out to identify the existing conditions and the implications for Precinct planning. Copies of the technical studies are provided in the Draft Precinct Planning Package. The specialist investigations included:

- Biodiversity and Ecology
- Water Cycle Management (including Riparian and Flooding)
- Land Capability, Salinity and Contamination
- Odour

- Noise
- Bushfire
- Indigenous Heritage
- Non-Indigenous Heritage
- Transport
- Demographics and Social Infrastructure
- Retail and Employment Demand
- Infrastructure Servicing Strategy

### **Comments on the public exhibition**

The DPI has advised that there were a significant percentage of residents and landholders from the precinct attending the community drop-in sessions. The positive attendance rate is partly a function of the number of landowners in the precincts and the size of the precinct and the location of the drop in sessions being held on site. Two additional workshops were also held with landowners through the initial precinct planning process.

Some of the main issues raised by attendees at the community drop-in sessions have included:

- What is the proposed zoning for my land and what can be developed under that zone?
- What impact will the proposed zoning have on my rates?
- Is my land affected by constraints such as flooding or drainage?
- If my property or part of it is included for acquisition, who will buy it and when and for how much?
- When will the services be provided so that the land can be developed?

People have generally wanted help to find the key information that relates to their property and to get a direct answer to their questions. People have also passed on to staff their knowledge about their land and the community. The community drop-in sessions have been an important part of the project.

### **The Camden Growth Centre Precincts Draft DCP**

A Camden Growth Centre Precincts Draft DCP was originally exhibited with the Leppington North Precinct. The DCP has been re-exhibited as part of the East Leppington Precinct and now with Catherine Fields (Part) Precinct. Minor changes have been made to the document in the latest iteration compared to the original document. The Draft DCP applies to the whole of the Growth Centre within the Camden LGA except for Oran Park and Turner Road which have an existing DCP. Although adjoining Oran Park and Turner Road, it is appropriate for Catherine Fields (Part) Precinct to be subject to the Growth Centres DCP as it reflects the latest Council requirements and specifications that may not be present in the Oran Park and Turner Road DCPs.

The Draft DCP has been prepared to enable the Councils to make amendments to the DCP under delegated authority from the Director-General of DPI. In these situations, the DPI retains the ability to respond to any proposed DCP amendments that are not consistent with planning policy or objectives that apply broadly to, and necessitate a consistent approach across, the Growth Centres.

The draft DCP has been structured in this way to enable it to apply, with only minor amendments, to other Growth Centre Precincts as Precinct Planning is completed.



Each Precinct has a specific Schedule to implement local controls. In Catherine Fields (Part) Precinct, the main focus of the local controls is the requirements imposed on development within the curtilage of Oran Park House. Currently, a minimum lot size of 1000 square metres is proposed for the large lot residential development to be carried out within the curtilage. This lot size is consistent with Council's recommendations throughout the precinct planning process.

The structure and controls of the Draft DCP has been prepared in partnership between Council and the DPI. The overall Draft DCP will be adopted with the first precinct to be published and the Catherine Fields (Part) Precinct Schedule will be adopted upon publication of the SEPP amendment for the Precinct.

### **ILP & DCP Key Points**

The draft ILP sets the framework for the future residential areas and hierarchy of centres, identifies the road pattern, infrastructure requirements, landscape corridors and stormwater management measures for the precinct. The draft ILP represents the preferred planning guide for the precinct based on the findings of specialist investigations and key planning principles. The draft ILP is provided as **Attachment 3 to this report**.

Some of the key highlights of the Draft ILP include:

- A curtilage around Oran Park House, including large lot residential (1000m<sup>2</sup> sized lots) and open space areas,
- The retention of the South Creek Corridor as an area of Environmental Conservation, currently proposed to be retained in private ownership,
- A mix of residential densities to provide for approximately 3,300 dwellings in the precinct, with 80% of residential areas to be at a density of 15 dwellings/ha ,
- 2 double sports fields and various open space areas. 1 double playing field in the eastern portion of the precinct and the other in the western portion. Open space areas are provided as a mix of shared paths and passive space and formal parks.
- Rickard Road Transit Boulevard, a road of four lanes in width and a public transport focus with a future link to Leppington Town Centre and Leppington Railway Station,
- A small neighbourhood centre of 500m<sup>2</sup> in area and a small community facility as an adaptive reuse of the historic coach house,
- A primary school site.

The ILP and DCP provide for a general lot size across the precinct of 450m<sup>2</sup>. Proposed lot sizes range from 125m<sup>2</sup> for attached dwellings to 1000m<sup>2</sup> for development surrounding Oran Park House. A minimum lot size of 250m<sup>2</sup> is required for the purposes of detached dwellings.

Where lots to be created less than 350m<sup>2</sup> are proposed in a Development Application for subdivision, then the DCP requires that a building envelope demonstrating compliance with matters such as solar access, private open space and setbacks be provided with that application. Unlike Integrated Housing, this approach only demonstrates that there may be an ability for a house to be built on the allotment rather than requiring that specific design to be constructed.

Council has raised concerns with this approach throughout the precinct planning process in Catherine Fields and also at Leppington North and East Leppington. This

approach does not place any requirement for later Development Applications for dwelling houses to be consistent with the submitted envelope and means that other designs could be approved by Certifying Authorities at a later date that might not meet the required criteria. This is not an acceptable outcome and there needs to be a further mechanism included in the DCP to ensure compliance with the building envelope parameters or otherwise require the submission of plans (the Integrated Housing approach) and the attached submission seeks such action from the Department.

The location of medium density development is spread throughout the precinct, yet has high levels of concentration along key transport corridors such as the Rickard Road extension and Camden Valley Way. Council would generally prefer a more spread out approach, however in this circumstance the benefits of providing the denser development concentrated on key transport routes is two-fold and considered to be an appropriate response to the constraints and opportunities in the precinct. Firstly, the concentration allows for higher access to public transport nodes. Secondly, the higher density development provides a noise barrier from these noise sources to the remainder of the precinct. Without such approach, there would be a high percentage of land sterilised from development or the need for significant attenuation work, such as high noise barriers, to be provided.

### **Infrastructure Services Assessment (ISA)**

As part of the PAP and associated agreements, the landowner being party to the agreement is required to fund the upfront delivery of certain infrastructure. An ISA was prepared as part of the precinct planning. As part of the Draft Precinct Planning Package a Draft VPA between major landholders and the Minister was also placed on exhibition. The Draft VPA places obligations on the landholders/developers to deliver certain infrastructure within the precinct.

The ISA outlines local and regional level infrastructure required to meet the needs of the future residential and working population, including electricity, water, sewer, trunk drainage, roads, education facilities, community facilities and open space. The ISA also discusses delivery mechanisms for the infrastructure and the likely timing and staging of development, as it relates to essential infrastructure provision.

The ISA identifies two key stages in the delivery of infrastructure to enable development to occur:

- an interim servicing strategy to ensure essential infrastructure is available for early stages of development (this is based on the augmentation of existing infrastructure prior to needing to commit to the full suite of infrastructure); and
- the ultimate or long term, servicing strategy, which requires major investment in large scale infrastructure to ensure services are available across the whole of the Precincts.

The ISA is intended to be used by infrastructure agencies to commence more targeted planning and detailed design of infrastructure to specific timeframes and prepare preliminary costs for the works. The ISA has also been used to formulate the list of required infrastructure to be provided as part of the VPA proposed to be entered into with the Minister.

The ISA and resultant VPA deal with some key issues for Council and is supported.





Key issues for Council are considered in the draft submission which is **Attachment 5 to this report**.

### **Government Special Infrastructure Contribution**

The South West Growth Centre is supported by the State Government Special Infrastructure Contribution (SIC) toward the provision of state and regional infrastructure including roads (relevant roads for the precinct are listed below); land for education, health and emergency service facilities; environmental conservation purposes; and planning delivery.

The SIC funds (at least in part) the upgrade of the following roads:-

- Rickard Road extension (Transit Boulevard);
- Oran Park Drive;
- Camden Valley Way.

The Rickard Road extension was incorporated into the SIC as a result of the precinct planning process and representation from Council that the road should be funded by the State having regard to the importance of the link. Subsequently, the road forms part of the work to be delivered by way of the VPA proposed to be entered into between the Minister and the major landowners.

### **Regional roads and upgrades**

Because SIC road funding is controlled by the State Government, the DPI considers it appropriate that the RMS be responsible for the acquisition of land for SIC roads. However, the RMS has indicated to the DPI that it is not able to take on responsibility for SIC roads other than those it already has responsibility for. The Precinct Planning Report states these regional roads will either be delivered by the RMS or the Councils. As noted elsewhere in this report, the regional roads within the precinct (Rickard Road extension and Oran Park Drive upgrade) are to be delivered as part of the VPA between the Minister and the major landholders.

### **The Key Issues for Council**

The key issues for Council are outlined in the draft submission provided in **Attachment 5 to this report**.

Key Issues outlined in the draft submission include:

- Under Provision of Open Space
- The Drainage Strategy and the proposed filling in floodplain
- Development Control Plan changes and delegation/control.
- Riparian Areas and ownership

Three of the key issues for Council are highlighted below.

#### **1. Provision of open space**

A summary of the provision of open space for the overall ILP is provided in **Attachment 4 to this report**. Contributions will also be made to District and Regional Facilities at Marylands.

The precinct provides for 2.82ha of open space for each 1000 persons of population. This is consistent with the provision at OPTR, yet is less than the 3.64ha per 1000 persons that Council generally requires. This area calculation includes the large passive open area along South Creek that provides a visual amenity, although it is to remain in private ownership. It is not appropriate to include the privately owned land in Open Space calculations as it will not be publicly accessible or provide any significant benefit other than visual amenity. When the privately owned riparian corridor is excluded from the calculations for open space there is a drastic and unacceptable under provision of open space in the precinct.

The draft submission objects to the under provision of open space within the precinct as proposed and also objects to the calculation method used in determining the open space to be provided in the precinct.

It is noted that there are open space facilities provided in adjoining precincts that may service the Catherine Fields Part Precinct, however these have already been accounted for in the provision rate for the precincts in which they exist. Wayne Gardner Reserve in Oran Park is over and above the calculated provision in Oran Park, however it is not of a size to offset the under provision in Catherine Fields Part Precinct and in any case is used predominantly by the adjoining private school under arrangements with Council.

## **2. Drainage Strategy**

One of the key matters to which an objection is laid out in the attached draft submission is the approach to drainage in the precinct and particularly the appropriateness of filling in the flood plain. This is a major concern having regard to the work carried out by Council in the Flood Risk Management Plan and Study. The concerns are technical in nature and outlined in the draft submission. The general concern, however, is that there appears to be significant filling in the floodplain. This approach of allowing filling in the floodplain requires further detailed study and review.

## **3. Delegation of Development Control Plan**

The Camden Growth Centres Development Control Plan is to apply to all precincts that have been rezoned in the Growth Centres, except for Oran Park and Turner Road. In the near future, this means the DCP will apply to Leppington North, East Leppington and Catherine Fields (Part) Precinct. Although only applying to areas within the Camden LGA, the DCP is not a document controlled by Council. The DCP is a Department of Planning and Infrastructure document.

Council will be given delegation by the Minister for Planning to make changes to the DCP. However, changes may only be made after notification is given to the Department. This raises the risk of Council not being able to make changes as it sees fit to ensure the DCP remains appropriate for local conditions. The Oran Park and Turner Road DCPs are also subject to this restriction.

The Department has advised that they are unable to provide Council with the full control of the document at this stage as a result of the Biodiversity Certification requirements that apply to the SWGC. The benefits of Biodiversity Certification are seen to be greater than that of providing full control of the DCP to Council.



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In the attached submission and as previously conveyed to the Department, Council seeks full control of the DCP and for the matter of Biodiversity Certification and its impact on the ability to provide such control to be settled.

#### **4. Long term ownership of creeks and riparian land**

Two major creek lines exist within the Precinct. South Creek is the main stream through the precinct running from Camden Valley Way in a North Westerly direction to Oran Park Precinct and then further north. An unnamed creek is located in the north eastern section of the precinct and runs into South Creek.

Most of the creeks will remain within private ownership. The majority of South Creek and associated floodplain is proposed to be zoned "E2" Environmental Conservation and retained in private ownership, subject to any future developer agreements that may be forthcoming. The tributary is to have an area zoned "E4" Environmental Living. This allows for development potential of the riparian areas by way of large lot residential development, with the structures outside of the riparian area. This is similar to the approach adopted in Oran Park.

#### **Project timeline from here**

The DPI has been consulting Council staff on the scope of project works to be completed post exhibition and this will be finalised as part of the ongoing planning process for the precinct.

Council staff are in discussion with the DPI on a range of further studies that may be required. Council has recently adopted the Upper South Creek Flood Study that in part has been funded by the DPI. A copy of the flood study has been provided to the DPI so that the DPI and its consultants can review this as part its post exhibition works.

The DPI and the PWG and PCG will assess submissions received during the public exhibition and complete supplementary technical work. The ILP will be updated followed by preparation of gazettal material for the Minister. Publication of the SEPP is expected by mid-2013.

The draft Section 94 Plan has been exhibited and will be the subject of a further report to Council for consideration following any changes made to precinct planning post exhibition and submissions received in relation to the draft Section 94 Plan. Subject to the changes that may be made, particularly to correspond with the final adopted ILP; there may be a need for re-exhibition of the S94 plan. Should the changes result in the average contribution for a residential allotment to exceed the \$30,000 cap, then even further work will be required, including the need to gain approval from IPART.

#### **FINANCIAL IMPLICATIONS**

The precinct planning package for Catherine Fields Part Precinct does not have any direct financial implications for Council, subject to the adoption of the Contributions Plan for the precinct.

#### **CONCLUSION**

The Catherine Fields Part Precinct will provide regional level transit links and opportunities for affordable housing delivery in the Sydney Metropolitan Region. The Precinct Planning Package balances competing natural and man-made opportunities and constraints present in the precincts with the potential to deliver a good quality of



life for residents by providing access to a range of employment opportunities, services and amenity.

With the current Draft Section 94 Plan being under the cap and the Draft State VPA for the delivery of state level infrastructure, there is a reduced risk that local and regional infrastructure for the precinct will not be delivered subject to the outcome of the open space issues as discussed in this report and the impact that this may have on Section 94 rates and the contributions cap.

Council, however, has significant concerns with parts of the Draft precinct Planning Package, in particular in relation to the provision of open space and the water cycle management that is proposed. Both are unacceptable. Council's submission as attached outlines these and other concerns. Subject to the satisfactory resolution of these matters, the rezoning and release of the precinct is supported in principle.

### **RECOMMENDED**

#### **That Council:**

- i. endorse the submission attached to this report that generally supports the rezoning of the Catherine Fields (Part) Precinct, as outlined in the Draft Precinct Planning Package, in principle and subject to the satisfactory resolution of the matters outlined in the submission;**
- ii. continue to advance the Precinct Planning Project and Draft Section 94 Plan in partnership with the Department of Planning & Infrastructure.**

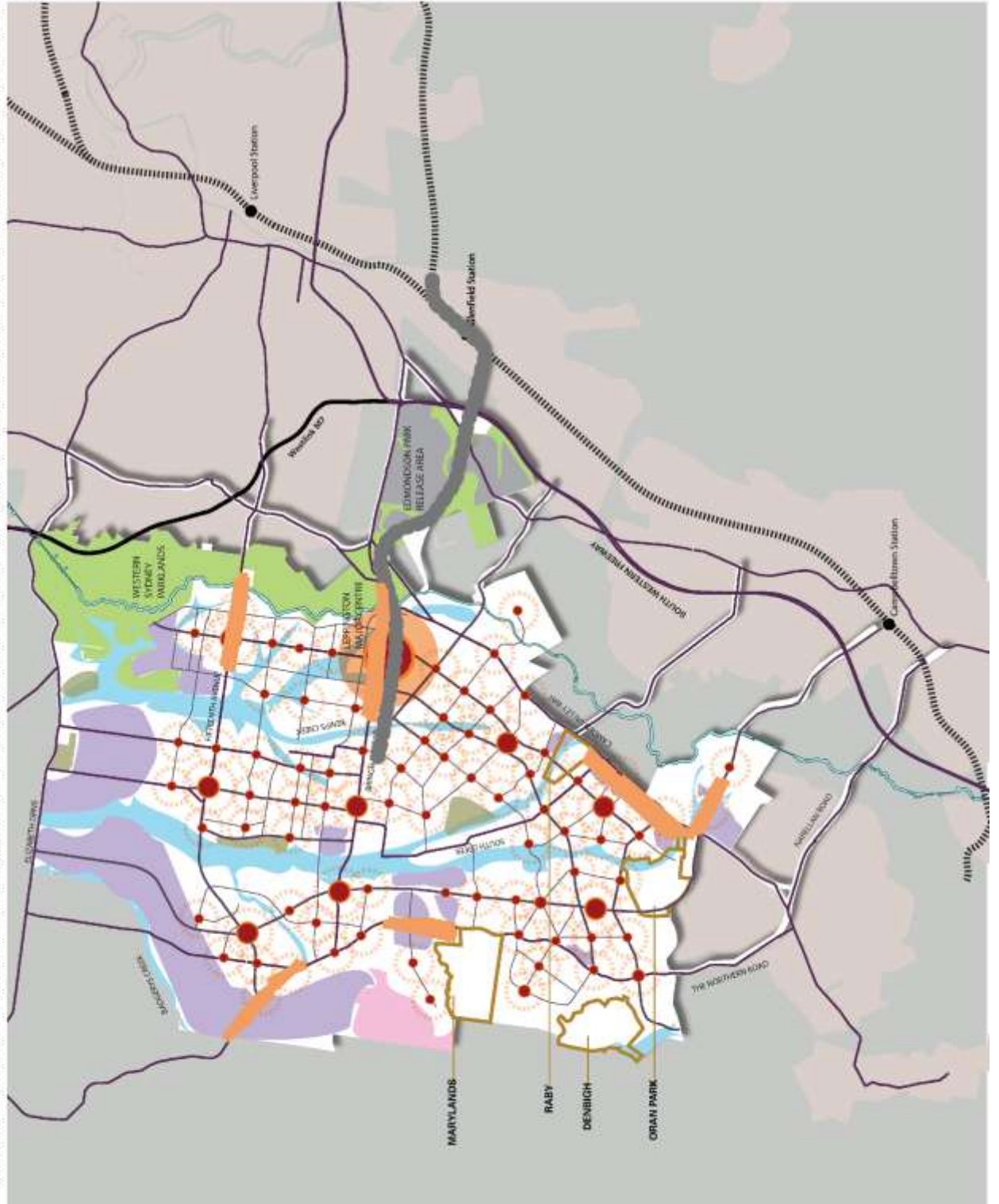
#### **ATTACHMENTS**

1. South West Growth Centre Structure Plan
2. Location of Catherine Fields Part Precinct
3. Draft ILP - as exhibited
4. ILP-Key Features
5. Draft Submission

ORD04

Attachment 1

SOUTH WEST GROWTH CENTRE STRUCTURE PLAN (EDITION 3)



**LEGEND**

**MAJOR CENTRES**

**TOWN & VILLAGE CENTRES**

**MULTIPLE NEIGHBOURHOODS**

A key element of the urban form is the multiple neighbourhood model which is the preferred urban form to reduce the need for long distance travel. The model is based on the concept of multiple neighbourhoods and multiple job centres. The model is based on the concept of multiple neighbourhoods and multiple job centres. The model is based on the concept of multiple neighbourhoods and multiple job centres.

**SOUTHWEST LINK**

A pair of the government's transport corridors, the Sydney to Melbourne Expressway and the Sydney to Melbourne Freeway, is shown crossing the proposed alignment.

**FLOOD PRONE LAND & WATERS COURSES**

**CONSERVATION / OPEN SPACE**

**HEALTHZ OUTLETS**

**TRANSITIONAL LANDS**

**INDUSTRIAL / EMPLOYMENT LANDS**

**MULTI USE EMPLOYMENT CORRIDORS**

**NSW GOVERNMENT** | **Planning**



ORD04

Attachment 3



**CATHERINE FIELDS (PART)  
PRECINCT**

**DRAFT INDICATIVE LAYOUT PLAN**

14 June 2012

- Part Precinct Boundary
- Land to which the Precinct Plan applies
- Low to Medium Density Residential
- Low Density Residential
- Very Low Density Residential
- Environmental Living
- Indicative School Location
- Neighbourhood Centre
- Passive Open Space
- Active Open Space
- Environmental Conservation
- Electricity Substation
- Drainage
- Riparian Corridor
- Major Road
- Local Road
- Heritage Driveways
- Pedestrian Path
- Potential Transmission Realignment
- Existing Transmission Easement
- Heritage Building
- Creek



#### Attachment 4: Key Features of the Catherine Fields (Part) Draft Indicative Layout Plan

Key Features of the overall ILP are summarised in the following table extract from the Precinct Planning Report.

ILP Feature	Description
Residential areas	<ul style="list-style-type: none"> <li>• Capacity for approximately 3,100 dwellings and 9,500 people</li> <li>• A mix of housing types ranging from town houses and terrace style houses to single dwellings on large blocks.</li> <li>• Minimum residential densities to encourage efficient use of land and infrastructure.</li> <li>• Medium density residential areas concentrated around open space and along key public transport corridors.</li> <li>• Environmental living zones and Large Lot Residential which allow houses on large lots to respond to environmental constraints including flooding and land with high heritage value or amenity.</li> </ul>
Activity centres	<ul style="list-style-type: none"> <li>• A neighbourhood centre in the vicinity of Oran Park House to provide an adaptive reuse of the Coach House and take advantage of transport/road links.</li> </ul>
Employment areas	<ul style="list-style-type: none"> <li>• Focus of precinct is on residential development with employment located in adjoining precincts.</li> <li>• Small neighbourhood centre will provide limited employment.</li> <li>•</li> </ul>
Education Facilities	<ul style="list-style-type: none"> <li>• Indicative locations for one primary school.</li> <li>• St Justins and St Benedict's Catholic Primary/High School located within precinct.</li> </ul>
Road network	<ul style="list-style-type: none"> <li>• Roads have been generally located to respond to issues of existing fragmented ownership and the constraints and opportunities of the precinct. Roads have been positioned, where possible, to enable each current land holding to be developed independently of others.</li> <li>• Upgrades and provision to and of major roads including Oran Park Drive and the Rickard Road extension.</li> <li>• Connections to Oran Park and a left in/out intersection at Camden Valley Way.</li> </ul>
Open space and community facilities	<ul style="list-style-type: none"> <li>• 9 hectares of active open space (2 x double sporting fields)</li> <li>• 5 hectares of passive open space (local and district parks), including green/shared path links near the major creeks.</li> <li>• A local community centres at the Neighbourhood Centre.</li> <li>• Contributions towards district and regional community and sporting facilities at Oran Park and Maryland respectively.</li> <li>• The majority of passive open space is concentrated along South Creek and will be in private ownership. Adjoining this area will be a vital green link and focus for pedestrian and cyclist activity for both local and regional movements.</li> <li>• Active open space is provided in 2 double playing fields. 1 facility is located in the north east of the precinct and the other is located to the north west. Both are located adjacent to creek lines and on the flood plain.</li> </ul>



**Attachment 4: Key Features of the Catherine Fields (Part) Draft Indicative Layout Plan**

ILP Feature	Description
Pedestrian and cycleway network	<ul style="list-style-type: none"> <li>• Pedestrian paths and cycleways within the open space network along key watercourses.</li> <li>• On road cycle lanes and off-road pedestrian or shared paths on all collector and major roads.</li> <li>• Connections are also provided to cross the South Creek corridor and link with the neighbourhood centre.</li> </ul>
Nearby major facilities	<ul style="list-style-type: none"> <li>• Other major facilities include a Regional Sports facility likely to be located nearby within the Maryland precinct. These facilities are to be funded by a variety of Development Contributions.</li> </ul>
Public transport	<ul style="list-style-type: none"> <li>• The construction of Rickard Road extension, as a Transit Boulevard with an eventual link to the new Leppington Station is proposed.</li> <li>• The road network provides opportunities for bus routes within walking distance of at least 90% of homes, to provide access to Leppington Major Centre (eventually), and to other regional destinations (eg. Oran Park, Camden, Narellan and Campbelltown).</li> </ul>
Protection of the natural and built environment	<ul style="list-style-type: none"> <li>• Creek corridors along South Creek and the other unnamed tributaries will be retained and progressively rehabilitated.</li> <li>• Establishment of a curtilage around Oran Park House and the protection of the House and new curtilage. Large lots are to be provided around the lots along with open spaces.</li> <li>• Important historic links to the Oran Park House, such as Daimler and Moore's Driveways are protected and incorporated into the Draft ILP.</li> <li>• Where possible, the full extent of riparian corridors is incorporated into drainage and open space reserves and will be privately owned, except where adjoining public open space.</li> <li>• Where parts of the riparian corridors aren't bought into public ownership, the Growth Centres SEPP has a Riparian Protection Area Map and provisions to ensure that riparian corridors are restored and managed in the future.</li> <li>• Existing Native Vegetation is retained and protected to meet the requirements of the Biodiversity Certification.</li> <li>• Most protected vegetation is on land zoned either Environmental Conservation, public open space or drainage.</li> </ul>
Responding to land fragmentation	<ul style="list-style-type: none"> <li>• The main local roads have been positioned to align with property boundaries wherever possible to facilitate development of the fragmented land holdings.</li> <li>• The centre-lines of local roads have generally been aligned to follow existing property boundaries where possible.</li> <li>• While the local road pattern is indicative, positioning local street centre lines on property boundaries enables properties on either road frontage to be developed by the landowner constructing half the road width. Locating roads on property boundaries also provides flexibility to retain existing houses and subdivide the surrounding land.</li> </ul>

## **Camden Council submission to the exhibition of the Draft Catherine Fields Part Precinct Plan February 2013**

ORD04

### **GENERAL COMMENTS**

#### **Consistency of reports**

**Council notes that there are inconsistencies between many of the background reports and studies for the Precinct.** These inconsistencies are a likely consequence of the tight timeframe within which the Precinct Plan was completed and placed on public exhibition. Council expects that these inconsistencies will be addressed in any revised reports.

#### **Section 94 Contribution Plan and funding of non-essential items**

**Council continues to work on the Contributions Plan following its exhibition.**

Council has worked in partnership with the DP& I to advance the Section 94 Plan for Catherine Field Part Precinct to its current state, enabling the plan to be exhibited close to the same timeframe as the Precinct. Council hopes and requests that such a partnership continues to ensure that the Section 94 Plan can be considered in any post exhibition changes to the Precinct Planning Package and so it can be finalised ready for the date of publication of the rezoning. Accordingly, it is essential that work on the Contributions Plan continues and that any post-exhibition amendments to the ILP are reflected in the Contributions Plan work.

#### **Zoning and land use flexibility**

**Council requests that the Department continue to discuss this matter with Council as part of the post exhibition work to be carried out.**

Council notes that the exhibited land zoning maps for Catherine Fields Part precinct show the majority of residential land as R2 Low Density Residential. In addition, specific zonings have been applied to the future parks/reserves and drainage land.

It has been Council's experience that the use of the R1 General Residential zone in the Oran Park and Turner Road precincts, in conjunction with the ILP and DCP to inform the location of higher residential densities, has provided sufficient flexibility regarding the subdivision pattern and the location of various uses throughout the precincts. A more rigid zoning regime would have resulted in a significant number of planning proposals to enable the eventual subdivision pattern to be approved, creating significant delays in releasing residential land to the market. It is considered essential that the zoning regime allows for the subdivision layout to be 'ground truthed' during the development application process without the need for amendments to the SEPP via planning proposals.

Notwithstanding the above, Council understands the need to provide certainty in the precinct and in particular one where there is a level of land fragmentation. The certainty provided by the proposed regime also ensures that the Contributions Plan is supported. Council looks forward to continue to discuss this matter with the Department through the post exhibition work.

Attachment 5

## LEVEL OF PROVISION OF OPEN SPACE LAND

### **Council objects to the provision of open space proposed within the precinct.**

The current rate of provision of open space overall is beneath that established by best-practice guidelines. Whilst 2.82ha per 1000 persons is consistent with the standard set in Oran Park and Turner Road, it is less than Council's requirement of 3.64ha per 1000 persons. The reliance upon the riparian corridor in private ownership within the calculations for open space at a 100% loading is not supported. This results in a drastic undersupply of open space in the precinct.

The electricity easements are also included in this provision. These lands are to remain in private ownership subject to later negotiations. In any respect, such land is not considered appropriate to incorporate in open space provisions by way of the nature of the easement and its ownership.

Council notes and welcomes the inclusion of the 2 double playing fields in the precinct as requested by Council throughout the planning process. The provision of these fields is also consistent with the demand that is growing for such facilities in the LGA.

Further, Council acknowledges that there may be parks in Oran Park that are in a reasonable distance of the precinct, however those parks have been provided to cater for the population of Oran Park and should not be incorporated in considerations of any future changes to the provision of open space. Wayne Gardner Reserve in Oran Park was provided over and above those requirements as a single playing field. However, it is noted that with this in mind that Council has agreed to a licencing arrangement with the Anglican School for exclusive use of this park at certain times and it is not appropriate to reduce open space in Catherine Fields Precinct as a consequence.

Some further general comments are also provided below:

1. There is recognition that there is undersupply of passive open space as the amount identified currently includes the riparian corridor that is in private ownership and may not be accessible by the public. The report should really provide an indication of what the shortfall is and whether shortfall works can be provided elsewhere
2. Attachment 4 indicates contributions towards district and regional community and sporting facilities at Oran Park and Maryland respectively. The facilities to be provided outside of the precinct needs to be identified and specified.
3. As already outlined, it is not appropriate to imply that public open space is being provided as it is in private ownership. The function of private open space providing a natural setting is not relevant as there is no guarantee this will remain so.
4. The issues paper indicates, under the section on open space and recreation that if any additional open space is to be provided then there will be an impact on contribution rates – how equitable is this compared to other developments where the open space contributions have been provided?
5. It has been indicated that the open space along South Creek, in private ownership, will be a vital green link and focus for pedestrian and cyclist activity – however on the coloured draft indicative layout plan pedestrian paths are not shown along the corridor, only crossing the creek in 3 locations.
6. The indicative layout plan appears to have road frontage to the drainage/riparian corridor creek systems, as do the transmissions line

easements. How will the corridors be identified as private ownership – as one long corridor to a corporate body? Given Council will have a piece of passive space in the southern portion of the corridor the management of the corridor may impact on the public open space.

7. Has car parking provision been included in the calculation and layout of the open space provision in the ILP?

Council is also cognisant of the possible impact on contributions rates as a result of the above comments being incorporated in any post exhibition changes to the ILP.

### **RETAIL & EMPLOYMENT LANDS STUDY**

**Council concurs with the recommendations of the Employment and Retail study** with respect to the proposed neighbourhood centre and the demand for employment land along Camden Valley Way not being justified.

Notwithstanding this, Council encourages the Department to consider the need to ensure that employment lands be provided throughout the planning of the SWGC to ensure that residential development is balanced with employment opportunities.

### **ILP GENERAL LAYOUT**

**Council is generally supportive of the layout of the ILP as exhibited subject to the matters arising from Council's submission being incorporated into any changes.**

Council notes that the primary school site adjoins a public open space area and that the Department of Education and Community (DEC) has requested that they have access to the open space or part thereof for play space. Whilst Council is willing to consider co-location of facilities with the DEC, this has not been agreed to as of yet and should not be relied upon, particularly having regard to the shortfall in open space already existing in the precinct. Council has not received any advice from the DEC as to what they essentially require or are able to provide Council in return.

The location of low-medium density areas in areas of high amenity and convenience is supported. Although Council would not ordinarily support a concentration of medium density development in one area, the need for medium density development to be located along the periphery of the precinct at Camden Valley Way and part of Oran Park Drive, to allow for acoustic attenuation is acceptable in this case.

### **DCP COMMENTS**

**Council seeks changes to the DCP as outlined, and for the reasons provided, below.**

Council has reviewed the Camden Growth Centres DCP as included in the precinct planning package and the Catherine Fields Schedule. There has been considerable ongoing work between Council and DP&I in relation to the 'working' version of the Camden Growth Centres DCP and Council looks forward to continuing to work with the Department in this regard. Comments in relation to specific sections of the DCP are contained below and also in relevant technical comments.

Generally, the format and layout of the DCP needs to be amended to aggregate all the controls for environmental aspects of development into one section. In contrast,

the layout of the Draft CFPP DCP has spread environmental controls throughout the document.

An example of this can be seen when looking at the acoustic provisions. Section 2.3.9 contains some general controls for development that is affected by noise, and for development that will generate noise. Then in section 4.3.4 there is another set of acoustic assessment controls related to residential development. A similar situation exists for salinity controls.

The easy and efficient use of the document would be enhanced if all the noise controls were placed in the one section.

The following comments are provided for specific controls or sections need to be amended:

**2.3.3 Salinity and Soil Management** – A specific control requiring the developer/applicant to undertake detailed salinity investigations as part of any bulk earthworks or subdivision development application is required. This is due to the very broad nature of the salinity investigations that were undertaken in support of rezoning.

The current wording of Control 1 only requires that development applications are to be “accompanied by information detailing how the design and construction of the proposed subdivision intends to address salinity issues”. This is inadequate. Further, additional work at the earthworks/subdivision stage is required so that a more detailed picture of aggressivity across the precinct can be gained and appropriate conditions of consent imposed where necessary.

**2.3.7 Site Contamination** – Control 2 needs to be re-written so that it is consistent with Control 3 in that if a Remedial Action Plan is required, it is clear that the RAP is required to be prepared and submitted as part of the DA and that Council may require a Site Audit Statement during any stage of the investigation or remediation process.

In addition, since the preparation of the contamination reports supporting the rezoning, a clandestine drug lab has been identified at Lot 2, DP 31996, known as 735 Camden Valley Way. This site is now considered High Risk and the potential contamination risk ranking figure needs to be updated to reflect this.

**2.3.9 Noise** – The Potential Noise Attenuation Measures figure referred to is not provided in Schedule 3. Without this figure Council can not make a full and thorough assessment of the adequacy of the controls in section 2.3.9.

Notwithstanding, Control 3 needs to be re-worded to state *“The acoustic report shall demonstrate compliance with the criteria contained in Council’s Environmental Noise Policy and that the criteria in Development Near Rail Corridors and Busy Roads – Interim Guideline has been considered”*. The use of “considered” in relation to Council’s policy is not sufficient, especially for the protection of external acoustic amenity in private open space. Further, the Interim Guideline only applies to roads that have greater than 40,000 vehicles per day. None of the roads within or bounding CFPP currently has such a level of vehicle movements, yet road traffic noise impacts will be experienced at sensitive receivers along Camden Valley Way, Oran Park Drive and most likely the Rickard Road extension.

The format and controls contained in Section 6.9 of the Oran Park DCP 2007 and 6.10 of the Turner Road DCP 2007 provides the template for the acoustic controls that need to be inserted.

**2.3.10 Odour Assessment and Control** – Council is concerned at the lack of any controls in this section of the DCP, with the text simply stating that Council may require the applicant to submit an odour report for development deemed to be affected by odour. No reference has been made to the results of the odour modelling done in support of the rezoning which shows considerable areas of the land in the north of CFPP to be affected by odour.

Council request that a control that quarantines odour affected land from development whilst the poultry farms are still operating be inserted. The controls contained in Section 6.8 – Odour of the Oran Park DCP 2007, particularly the use of the 2 odour unit contour as the boundary of development whilst the poultry farms are still in operation, provide a suitable template. Without such controls there is no mechanism to facilitate the cessation of poultry farming operations.

The physical limit of odour impacts outlined in the technical report should be reflected in the DCP.

**2.4 Demolition** – Council agree with the controls included in this section. However Council requests that Control 10 should be amended to specifically require the applicant to conduct a reconciliation of the estimated quantities of waste (as detailed in the Waste Management Plan) against the tipping dockets for waste actually disposed of. Such a control will hopefully prevent the illegal dumping of demolition waste.

Further, another control that requires the applicant to submit a clearance certificate from an occupational hygienist at the completion of demolition to verify that the footprint of the building is free of contaminants such as asbestos and lead containing materials needs to be included.

**2.6 Earthworks** – Council generally agrees with the controls included in this section, with the exception of Control 12. We agree with the intent of the control 12, but not the way it is written. Firstly, the *Site Investigations for Urban Salinity* guideline does not contain criteria for fill. Secondly, the control does not contain any guidance for what the validation report needs to include in the way of soil sampling.

### **3.2.1 Subdivision Design**

Council continues to seek to have the control at point 7 changed to require the submission of plans, rather than a building envelope. There is no requirement for the building envelope to be adhered to in subsequent Development Applications nor an ability to register the building envelope on the title of the subdivided allotment. Council insists that this requirement be substituted with the need for plans of a dwelling to be submitted and for those plans to form part of any Development Consent.

### **General**

As a general comment, Council notes that although adjoining Oran Park and Turner Road, it is appropriate for Catherine Fields (Part) Precinct to be subject to the Growth Centres DCP as it reflects the latest Council requirements and specifications that may not be present in the Oran Park and Turner Road DCPs.

The Draft DCP has been prepared to enable the Councils to make amendments to the DCP under delegated authority from the Director-General of DPI. In these situations, the DPI retains the ability to respond to any proposed DCP amendments that are not consistent with planning policy or objectives that apply broadly to, and necessitate a consistent approach across, the Growth Centres.

Council requests that full control of the DCP be granted to Council.

### **TRAFFIC**

**Council is generally satisfied with the Traffic Study provided by AECOM in relation to traffic modelling and analysis that has been carried out. Suggestions and comments are provided below.**

Council has some suggestions in relation to traffic that relate to overall traffic planning and strategic network matters. These issues, in the majority, have been raised throughout the planning process and Council requests that they be incorporated into any changes to the ILP, post exhibition.

Council is generally satisfied with the proposed intersections/entries into the precinct. Council supports the extension of Dan Cleary Drive (Cobbitty Road) into the precinct. It is noted that there are two options for this intersection outlined in the report by AECOM. Council requests that this intersection be restricted to a roundabout in design and that this is incorporated into the Development Control Plan Schedule for Catherine Fields Part Precinct.

Rickard Road as proposed is suitable, but is subject to the outcomes of the Rickard Road Route Strategy. Council looks forward to working with the Department further on this matter.

As requested throughout the planning process, Council is supportive of Peter Brock Drive entering into the precinct to ensure its funding and construction as well as providing connectivity between the precinct and Oran Park Town Centre. However, Council urges the Department to reconsider the layout of the ILP as it relates to Peter Brock Drive to ensure it turns north sooner to be consistent with the SWGC Road Network Strategy, rather than connect with Rickard Road extension. The current layout will lead to a major and fundamental change to the Road Network Strategy and the modelling the RMS has carried out to formulate this strategy. Whilst Council understands the Department's position of not endorsing the Strategy, Council is supportive of the Strategy and requests that it be followed in the planning for Catherine Fields Part Precinct.

Finally, Council supports the connection to South Circuit in Oran Park over Kolombo Creek. Council requests that the proposed connecting road be given priority over South Circuit at their intersection and that this be reflected in any traffic study update carried out as part of post exhibition works.

## **WATER CYCLE MANAGEMENT**

**For the reasons provided in the discussion below, Council objects to the Water Cycle Management Strategy proposed for the precinct.**

Council provided comments on the earlier report dated March 2012 and noted that there was a lack of information concerning:

- The modeling methodology, including calibration and/or verification parameters used;
- Model schematisation, particularly in regard to the hydraulic modeling;
- Use of the 500 year ARI event for evacuation planning rather than the PMF event as per the Flood Development Manual; and
- A general lack of acknowledgement of Camden Council's requirements pertinent to the development.

The updated report has been received as part of the exhibition material and the following comments are offered.

### **Summary of water cycle management comments**

Council acknowledges that numerous concerns raised in the previous review of March 2012 have been addressed in the revised report, and thanks the consultant for responding. However, it remains the case that Council cannot endorse the report as it fails to provide adequate information for Council to be sure that modeling undertaken is best practice and that adequate measures are in place to mitigate impacts for downstream residents. The 150mm baseline discrepancy previously conveyed by Council to both the Department and Browns Consulting has not been adequately addressed or incorporated into the report.

In numerous sections the wording of the updated May report (Brown 2012,) has not been appropriately updated to reflect Council's review and/or updates in other sections of the report, such as figures for example. Also the report does not provide answers in regard to various issues of importance to Council. For example, suggested works, such as detention basins and filling, are likely to cause impacts that have not been adequately investigated. The main issues found in the review are summarised in the sections below.

### **Filling**

Filling is proposed in the floodplain. However the extent of filling in the floodplain is unclear. There are no figures showing the areas to be filled and the Indicative Layout Plan has not been overlaid onto the existing flood extent. Generally the report (Brown 2012) provides inadequate information describing the area to be filled, particularly in the context of the revised flood extents as per WMAwater (2012). For example Figure 5.1 does not adequately define flood fringe areas nor does any other figure provided in the report.

Also whilst impact mapping has been provided in regard to proposed filling, the report has failed to address the logical consequence of filling in the floodplain, i.e. the loss of floodplain storage and hence, according to basic hydrological theory, the exacerbation of downstream peak flow, reduced time to achieve peak flow downstream and also the exacerbation of flood levels in downstream areas.



As per the Floodplain Development Manual (NSW, 2005) the report should also address the issue of the cumulative impact of filling, as ultimately it could negatively impact on downstream areas. A key lack in Brown's report is the absence of quantification of impact on downstream peak flow. Results from a progress report prepared by Cardno for the Upper South Creek Floodplain Risk Management Study and Plan also indicate that the cumulative filling of the floodplain in Oran Park, Turner Road and Catherine Field Part Precinct will increase flood levels for properties downstream.

Council is willing to offer the use of it's modelling in the finalisation of the post exhibition work on drainage.

### **Detention Basins**

Brown's report describes the use of detention basins in order to mitigate post-development flows. Of concern to Council is that it appears that the intent is to capture all flow in the 2Y ARI event and less. Council is concerned regarding the impact this may have on the downstream environment as it is likely to markedly change creek ecosystems given that they will presumably be drier for more of the time than previously.

Further clarification of the basins is required, i.e. do they capture flow, without release, in some scenarios. Further analysis of the impact of a flood event that exceeds the 100Y ARI design event should form part of any post exhibition work.

### **Flood Response Planning**

Council finds that the current work provided by Brown (May, 2012) in regard to flood egress is inadequate as it fails to detail which roads will be overtopped in the event of flooding and hence which parts of the proposed development may be cut-off from road egress and for how long. Should it be the case that the overall design is not yet specific enough to assess which roads may be overtopped, perhaps the proponent could specify which roads are to be designed so that will remain flood free. A figure depicting the PMF and the Indicative Layout Plan should be provided.

Council has responsibility for residents' safety in the event of flooding and hence it is not unreasonable for Council to request information that permits it to make informed decisions in regarding to ease of evacuation.

The response plan outlined in Brown (May, 2012) is limited to evacuation in place. What this does not account for however is that during a flooding event people may need to leave (hospital emergencies etc.) and if safe vehicular egress is not available then evacuation can become highly complicated and place those evacuating and those facilitating such evacuation in danger.

Please note then that evacuation in place is not a complete solution and information on the possibilities regarding vehicular egress is required for Council to adequately assess the development proposal.

### **Flood Extents**

Particular mention is made of the analysis provided in Brown's report (Page 6, Section 2.5 and Page 12 Section 5.1.1).

Firstly a reference is made to flood extents comprised of flood depths between 1-4 mm in depth. Council's earlier review referred the proponent to the updated flood

study information (WMAwater, 2012) which saw trimmed flood extents presented in reporting. Council suggests that this section of the proponent's report be updated as it is currently out of date and invalidates other calculations within the report.

The same comment applies to Page 12 where once again the report has not been updated as per Council's earlier review to take into account the updated flood study report.

### **Stream Erosion Index**

Section 8.7 of the Brown Report provides a statement that the Stream Erosion Index is expected to be satisfactory. Such a statement without providing any calculations or evidence that this is the case is unacceptable. The SEI for the watercycle masterplan should be calculated and the masterplan modified as needed to ensure that the SEI complies with Growth Centre specifications.

## **BIODIVERSITY, RIPARIAN AND BUSHFIRE STUDIES**

**Council requests that the following matters be addressed before it is satisfied with the work carried out so far on these matters.**

The following headings reference the headings in the relevant studies.

### ***Catherine Fields Part Precinct Biodiversity Assessment***

#### **3 Terrestrial Biodiversity Assessment**

##### **3.8 Discussion /Recommendations**

The report indicates that there are a number of hollow bearing trees found in the south western corner of the site that have been identified as providing valuable breeding habitat for native fauna as well as enhancing the habitat connectivity both within the Part Precinct and the wider region.

By comparing "Figure 4 Vegetation Communities and Condition" with "Figure 11 Catherine Fields indicative Layout Plan" it appears that the majority of tree hollows that have been identified within the study site will be removed. To assess whether hollow bearing trees have been retained in open space areas, the locations of these trees should have been included on Figure 11. Identification of those hollow bearing trees that were of particular importance should be clearly indicated. Council recommends that the retention of these trees be considered as part of post exhibition works.

### ***Catherine Fields Part Precinct Riparian Assessment***

#### **3 Results**

##### **3.1 Field Investigations and Desktop Riparian Corridor Mapping**

It is **recommended** that dams that are proposed for removal should be staged, particularly if more than one is to be removed at one time. To enable any aquatic fauna potentially utilising these areas as habitat, have the opportunity to seek alternative habitat. Council requests that controls to this effect be investigated.

## 6 Recommendations and the ILP Assessment

### 6.1 ILP Assessment

In regards to the statement *'There is no current requirement for retention of remnant vegetation, or ongoing management of riparian areas within drainage and environmental living zones.'*

Riparian areas within drainage zones in particular will need to be maintained to ensure that they are functioning correctly. Otherwise this could potentially be considered a liability. The maintenance and management of these areas needs to be considered and set as a part of post exhibition works.

#### Recommendations

- Dam removal be staged to enable any aquatic fauna that may potentially be utilising these areas as habitat, have the opportunity to seek alternative habitat.
- Clear identification of hollow bearing trees that are to be retained onsite. Council wants confirmation as per recommendation Section 3.8 of the *Catherine Fields Biodiversity Assessment* report that that the hollow bearing trees are being retained in pocket parks or as street trees.
- Clarify who will be responsible to cover the potential risk if riparian areas within drainage zones are not managed.
- The rehabilitation works must closely follow the former Department of Environment and Conservation's 2005 document titled *Recovering bushland on the Cumberland Plain – Best practice guidelines for the management and restoration of bushland*. It may also be necessary to refer to the former Department of Environment, Climate Change and Water's Approved Recovery Plan *Cumberland Plain Recovery Plan January 2011*.

#### HERITAGE

**Council supports the curtilage to be provided to Oran Park House and the listing of the House as a State Heritage Item. Council also supports the 1000 square metre minimum lot size proposed in the planning package for the large lots adjoining Oran Park House. This is consistent with approaches taken elsewhere in the SWGC in the Camden LGA. However, Council requests that the matters raised below also be considered and addressed as part of any post exhibition work carried out:**

1. **SEPP & DCP**
  - a. There no land use control tables for 'very low' and 'low-medium' density zones that surround the Oran Park House (OPH) lot. Council requests that the zoning of this area be reconsidered or uses be further controlled in the DCP having regard to the importance of the curtilage and the uses that should be carried out in such a sensitive area.
  - b. Draft Indicative Layout Plan (ILP) –
    - The SHR curtilage should be plotted on the ILP to show the heritage sensitive area.

- Colours are too close to distinguish low and very low density. Fig 28 in the Precinct Planning Report is clearer.

**2. Section 2.3.4 - General heritage provisions of Camden Growth Centre Precincts DCP:**

Figure names must be consistent e.g. "Aboriginal Cultural heritage site" in Section 2.3.4 is referred to as "Indigenous Cultural heritage site" in Schedule 3 fig 2-5.

**3. Camden Growth Centre Precincts DCP - Schedule 3**

- a. Suggested minor hand written wording alterations are attached.
- b. Section 3.1 – should make reference to potential archaeology in Coach House area.
- c. Fig 3-2: Active frontages should also adjoin the pedestrian path for safety.
- d. Fig 4-1: is missing figure number and title. The figure should indicate the views as per fig 16 in Precinct Planning Report as the controls require these views to be maintained. The figure should plot the OPH perimeter road.
- e. Fig 4-2: is inconsistent with the ILP in the densities south-east of OPH (areas 6 and 7). It is considered that fig 4-2, being the detailed design, is correct and the ILP should be amended accordingly.
- f. Fig 4-3: min lot width must be 31.25 to comply with 1000m<sup>2</sup> min lot area.
- g. Fig 4-6: should indicate the 1m high low planting described in Schedule 3, Section 4.1 Control 15.
- h. Fig 4-7: for clarity should cross reference the different precincts shown in Fig 17 in the Precinct Planning Report and/or description on pg 50 of the Landscape and Visual Analysis Report.

**4. Heritage Recommendations that are missing from DCP and that must be addressed**

- a. Confirmation that an arborist assessment will be carried out on the tree groups identified in figure 17 of the Planning Precinct Report and as recommended in 2.6 and 2.8.1 in the Landscape and Visual Analysis Report. A location plan and control to retain the groups of trees (if supported by the arborist report) are required in the DCP.
- b. Confirm the time frame when outstanding reports are to be completed including the revised Conservation Management Plan, Building Maintenance Plan, Landscape Management Plan and Interpretation plan.
- c. The GML Heritage Report (pg 52) recommends a 10m setback to the coach house on all sides. The DCP recommends 4m. How was the lower setback decided upon?
- d. The GML Heritage Report (pg 52) recommends a 10m setback from the silo to the new road. Confirmation that this is satisfied is required.
- e. Section 4.1, Control 6 should make reference to the revised Conservation Management Plan and *Landscape and Visual Analysis Report*, by Aecom, dated 6 March 2012.

**5. Landscape and Visual Analysis Report**

It appears that the following issues from this report have not been covered in the DCP and the DCP must be updated to include these matters:

- a. Recommends substantial setbacks on the 1000m<sup>2</sup> lots. Fig 4-3 indicates a 5m façade setback which is a standard residential setback and not considered substantial.

- b. Recommends no front or side fencing to the 1000m<sup>2</sup> lots throughout the report so as to not obscure the important views of OPH along the historic driveways. However in the DCP - Section 4.1, Controls 5, 21 and 24 permits fencing designed by an urban designer or landscape architect. It is considered that Section 4.1, Control 5, points ii, v, vii and viii; and Controls 21 and 24 should be designed by a person with suitable heritage qualifications and experience.
- c. The recommended park at the intersection of the Cobbitty historic driveway with Oran Park Drive (see fig 12 of that report) has not been provided.
- d. Confirmation is required that the strategies described to retain the views in the design of the public domain will be carried out as outlined in recommendations 2.3.1, 2.4.1 and the Appendix.

## **6. Aboriginal Heritage Assessment**

In summary, there are 16 identified aboriginal heritage sites in the precinct (half are of moderate significance, the rest are of low significance). All will be harmed by the ILP. Measures are recommended by the consultant to salvage and interpret a representative sample of the 8 moderately significant places. An AHIP (permit) is required for all places, which will involve further consultation with the aboriginal community. This recommendation and process is acceptable and no issues are raised.



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## ORDINARY COUNCIL

ORD05

ORD05

**SUBJECT: COUNCIL SEAL - EASEMENT FOR PADMOUNT SUBSTATIONS -  
LODGES ROAD, ELDERSLIE**

**FROM:** Director Governance

**BINDER:** Council Properties - Easements

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### PURPOSE OF REPORT

To obtain a Council resolution to affix the Council Seal to the Transfer Granting Easement and Restrictions on the use of land by a Prescribed Authority for the creation of easements for two padmount substations.

### MAIN REPORT

Council is the owner of Lot 5 DP 859872 Lodges Road, Elderslie and Lot 429 DP 1106634 Lodges Road, Elderslie.

Lodges Road was recently reconstructed from a rural road to urban standard road utilising a State Government Local Infrastructure Fund loan. Part of the works included the undergrounding of power in Lodges Road and the provision of streetlighting to an appropriate standard for road users and pedestrians.

As part of the works to upgrade the power supply in Lodges Road, Endeavour Energy required an additional two padmount transformers and a switching station. As part of the agreement, Council provided a \$45,000 bond as security to ensure the easements would be registered following the completion of the works. Endeavour Energy completed its works in September 2012 and the bond will be released when the easements are registered with Land and Property Information.

Lot 5 Lodges Road is currently leased to the Camden Golf Club and as such, the Club will also need to sign the easement documentation. The Club has agreed to the installation of the padmount substation on this land.

The land in question is classified as "community land" under the *Local Government Act 1993* and as such, Council is permitted to grant easements for the provision of public utilities and works associated with public utilities. These easements would fall into this category.

This is a procedural requirement in order to obtain Council approval for the easement and authorisation to affix the Council Seal to the necessary documentation to allow the registration of the documents at the Land and Property Information Office.

### FINANCIAL IMPLICATIONS

There may be a number of minor incidental expenses associated with the registration of this easement. These costs will be met by the budget allocated to the Lodges Road project.



ORD05

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**RECOMMENDED**

That Council confirm the granting of the easements and authorise the seal of Council to be affixed to the Transfer Granting Easement and Restriction on the use of Land by a Prescribed Authority for the creation of an easement for a padmount substation on Lot 5 DP 859872 Lodges Road, Elderslie and an easement for a padmount substation on Lot 429 DP 1106634 Lodges Road, Elderslie.

ATTACHMENTS

1. Location Plan







ORD06

## ORDINARY COUNCIL

ORD06

**SUBJECT: RENEWAL OF PARTNERSHIP AGREEMENT TO CONTINUE ACCESS TO THE FREE 'YOUR TUTOR' ONLINE TUTORING SERVICE**

**FROM:** Director Works & Services

**BINDER:** Camden Council Library Service

### PURPOSE OF REPORT

To seek Council's endorsement to renew the partnership agreement between Camden Council Library Service and the University of Western Sydney (UWS) to continue access to the free 'Your Tutor' online tutoring service for the coming twelve months.

### BACKGROUND

'Your Tutor' is an online tutoring service provided by Tutoring Australasia originally catering for school students from years 4 to 12. The service has been recently extended to include years 3 to 12 providing assistance from 4pm to 8pm on weekdays. Since 2010, Camden Council Library Service and the University of Western Sydney have partnered to provide this service to hundreds of school students in the Camden LGA.

More than 917 members of Council's Library Service have accessed this free program since the service started. The program provides 430 tutorials throughout the school year with one-to-one tutoring and learning support in core academic subjects and study skills. Feedback from students provided via online surveys at the completion of tutor sessions indicate a greater than 75% satisfaction level, and that the users would recommend others to the service.

### MAIN REPORT

Access to the 'Your Tutor' service requires membership of Council's Library Service but can be accessed from the students home, school or elsewhere. The majority of students access the program from home. The Library Service and the University of Western Sydney would like to continue this partnership to ensure that students continue to experience and benefit from the 'Your Tutor' service.

The UWS will match Council's funding and will contribute \$5,500 (GST inclusive) to the 'Your Tutor' service for 12 months as part of its community engagement strategy. The University believes that this partnership would assist to increase local students' skills and confidence, options and educational attainment.

The continuation of such a partnership is important in the provision of Library and Information Services in order to enable the delivery of high quality and innovative services to the community. Such a program will also assist Council to achieve an 'enriched and connected community' as outlined in Camden 2040.

### FINANCIAL IMPLICATIONS

Council has already allocated a recurrent budget of \$5,000 for this program, so no additional funds will be required.



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## **CONCLUSION**

The 'Your Tutor' service via Council's Library Service continues to have good usage rates and provides valuable assistance for students in years 3 to 12. Renewing our partnership with UWS will allow us to continue to provide access to students and support families and our community. It also assists UWS in their community engagement which is aimed at improving educational opportunities for local communities.

## **RECOMMENDED**

**That Council:**

- i. endorse the 'Your Tutor' tutoring agreement partnership between Camden Council Library Service and the University of Western Sydney; and**
- ii. agree to execute the document.**