



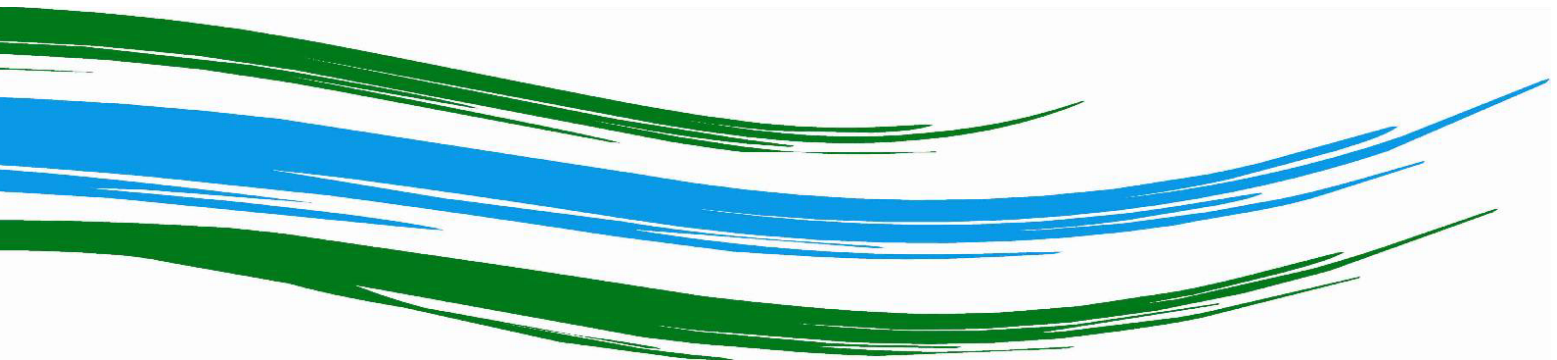
# Camden Council

## Business Paper

**Ordinary Council Meeting**  
**13 August 2013**

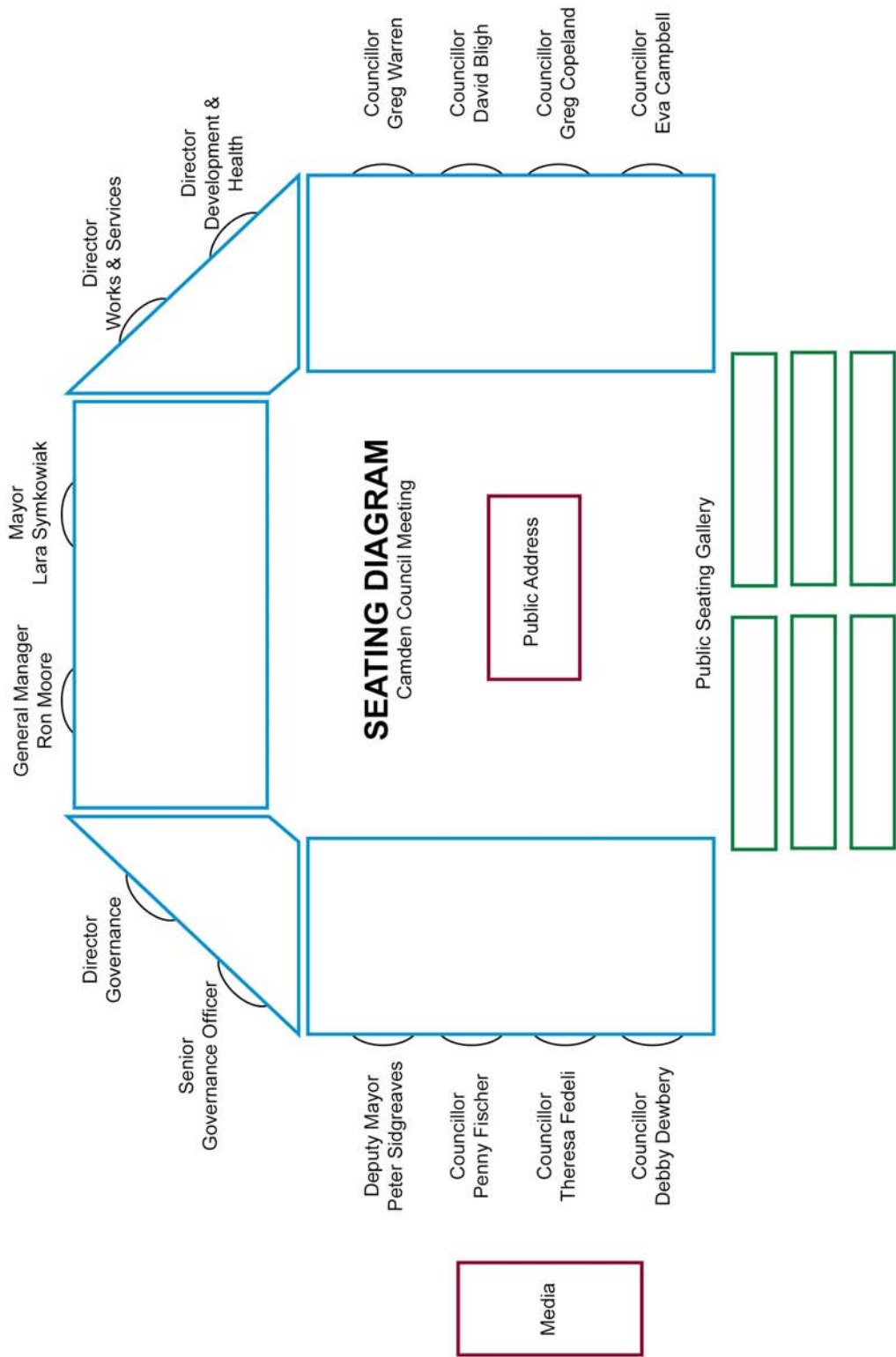
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**Camden Civic Centre**  
**Oxley Street**  
**Camden**



## 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

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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

\*\*\*\*\*

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.

## **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.

## **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 Council Meeting held 23 July 2013.

**RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting held 23 July 2013, copies of which have been circulated, be confirmed and adopted.**

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## ORDINARY COUNCIL

ORD01

ORD01

**SUBJECT: PUBLIC EXHIBITION OF DRAFT SWIMMING POOL INSPECTION PROGRAM**

**FROM:** Director, Development & Health

**TRIM #:** 13/2551

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### PURPOSE OF REPORT

The purpose of this report is to inform Council of recent amendments to the *Swimming Pools Amendment Act 2012* (the Act), and seek Council's endorsement to the public exhibition of a Swimming Pool Inspection Program (the program).

### BACKGROUND

Recent amendments to the Act require Council to develop a pool inspection program in consultation with their community. The program needs to be in place by the 29 October 2013. **A copy of the proposed Swimming Pool Inspection Program is provided as attachment 1 to this report.**

Other changes to the Act include the introduction of a Statewide online register with all swimming pool owners now required to register their pool by 29 October 2013.

This matter was discussed at a Councillor Workshop held on 25 June 2013.

### MAIN REPORT

#### **Swimming Pool Safety**

Swimming pools offer a social amenity that is of great benefit to those who have use and access to it. With this however goes an obligation outlined in legislation to maintain the pool in a safe manner.

The regulatory regime of pools on private property has been the subject of ongoing legislative review due to the tragic infant and toddler injury and death in swimming pools.

Children aged 4 years of age and under are the most vulnerable. They are dependent on their parents or carers for their safety. The personal and social cost associated with the death of a child is enormous and cannot be adequately described. The death of a young child in circumstances that could have been prevented is a tragedy for all.

#### **Swimming Pools in Camden**

There are approximately 19,000 private dwellings within Camden. It is estimated that there are approximately 6,000 swimming pools within Camden based on an industry standard of 30-35% of dwellings having pools.

It is estimated in NSW that approximately 80% of all swimming pools do not have a pool safety fence that complies with the standard. It is estimated that between 70 – 75% of all pools within Camden do not comply with the standard. The reason for a



better percentage of pool complying in Camden is a large number of pools would have been constructed within the last 10 years and are less prone to failure. The percentage is also based on inspections that staff have carried out over the years on swimming pools.

There are approximately 3,500 rented residential properties in Camden, therefore it is estimated that there are approximately 1,000 rented properties with pools.

### **State Wide Pool Register**

By 29 October 2013 all pool owners are required to have registered their pool online. As part of this process they are required to conduct a self-assessment of their pool barrier using check sheets linked to the register.

Council has placed information on its website that explains the process of registering pools and provides a link to the State website for the registering of pools.

The Division of Local Government has indicated that in the lead up to the 29 October 2013 deadline they will advertise the need for people to register their pool.

### **Swimming Pool Inspection Program**

From 29 October 2013 all Councils are required to have in place and implement a program of swimming pool inspections. The purpose of inspections is to issue a certificate indicating that pool barriers in place comply with the pool safety legislative requirements. The certificate is called a Pool Certificate of Compliance (Certificate).

#### Number of Swimming Pools Inspected Each Year

The program commits Council to undertaking a minimum of 750 swimming pool inspections per year. Given that this is a new program it is appropriate to review the program at the end of 12 months.

The program that has been prepared incorporates a risk based approach whereby the following swimming pools will be given priority:

#### *High Risk Pools*

The legislation requires properties considered high risk to have their pool inspected every 3 years. This includes pools associated with:

- a moveable dwelling, hotel, motel, tourist / visitor accommodation, serviced apartments and other multi-occupancy developments.
- backpackers, bed and breakfast, farm stay accommodation, serviced apartments and residences of more than 2 occupancies.
- Child care centre / family day care or premises accessed regularly by children for other than domestic purposes

#### *Properties being Sold or Rented / Leased*

From 29 April 2014 all properties with a pool being sold or rented / leased must have a current Certificate. Where a property with a pool is being sold or rented / leased, the pool owners must request an inspection and comply with the requirements of the inspection before a Certificate can be issued.

### *All Other Swimming Pools*

All other swimming pools in the local government area will be inspected over time with older pools or pools that have never been inspected given priority.

### **The Role of Accredited Certifiers**

The Act enables a pool owner to engage either their local council or an accredited certifier to carry out a pool inspection. Whilst the inspection fees are regulated for councils, private certifiers will set their own schedule of fees with charges in Queensland giving indications that fees might exceed \$400.

Informal discussions with a number of privately accredited certifiers would suggest that they will be reluctant to take on the responsibility of issuing pool Certificates unless there is a substantial financial benefit.

Where an accredited certifier carries out an inspection that is found to be unsatisfactory, the certifier must give a written notice to the owner setting out the non-compliance. Where the certifier deems the situation to be a significant risk to the public, the certifier must immediately forward a copy to the local council. In other situations the owner has six weeks to comply after which the certifier must forward a copy of the notice to the local council. It is then Council's responsibility to ensure the access to the pool is brought into compliance.

It is Council's responsibility to take enforcement action related to non-compliant swimming pool barriers. A private certifier is obliged by legislation to forward a copy of the Notice to the council who in turn must pursue the matter.

### **Inspection Fees**

Under the previous legislation the maximum fee that could be charged was \$70 for an application for a Swimming Pool (Child Resistant Barrier Compliance) Certificate. This fee will need to be removed from Council's Fees & Charges.

Council may charge a maximum fee of \$150 for an initial inspection and \$100 for a second inspection. No further fee may be charged regardless of the number of inspections conducted. Council's current Fees & Charges includes this fee.

It is proposed to charge the maximum fee to ensure that the cost of carrying out the program is based on a fee for service.

### **Education**

Pool owner education and awareness is essential in contributing to the success of the inspection program.

An ongoing complimentary community education and awareness program will be delivered through community publications, media releases, website information, owner self-assessment pool fence checklists and pool safety officer interaction with the public. The importance of pool barrier maintenance and adult supervision are key messages to be delivered in a program.

## FINANCIAL IMPLICATIONS

The Program proposes the inspection of a minimum of 750 swimming pools annually. Council's Fees & Charges includes a \$150 fee for an initial inspection and \$100 for one subsequent inspection. Council is unable to charge an additional fee for further inspections.

Based on approximately 70 – 75% of all swimming pools requiring a second inspection, it is estimated that there would be a minimum of 1,250 inspections annually.

It is estimated that 1.5 inspection officers will be required to ensure the program is implemented. Below is a table outlining the projected income and expenditure for the program.

<b>Projected Income</b>	
Initial Inspection Fees (750 Inspections)	\$112,500
Re-Inspection Fees (70% of Inspections)	\$52,500
<b>Total Projected Income</b>	<b>\$165,000</b>
<b>Projected Expenditure</b>	
Staffing Costs (1.5 Staff Members)	\$161,000
<b>Total Projected Expenses</b>	<b>\$161,000</b>

There will also be indirect costs associated with the introduction of the inspection program, such as debt recovery, staff administration and general systems support. The costs of the program will be monitored and reviewed at the end of 12 months.

## CONCLUSION

In order to meet its obligations under the *Swimming Pools Amendment Act 2012*, Council must develop and consult with the community on a swimming pool inspection program.

There are approximately 6,000 swimming pools in Camden and growing, and it is hoped with the introduction of a proactive approach of 750 swimming pools inspected annually that the number of compliant swimming pools will increase and therefore reduce the risk of death or injury from drowning.

It is proposed that the program be reviewed annually.

## RECOMMENDED

**That Council:**

- i. **endorse the Swimming Pool Inspection Program for a 30 day exhibition period; and**
- ii. **be provided with a further report detailing the results of the 30 day exhibition period.**

## ATTACHMENTS

1. Draft Swimming Pool Inspection Policy



# SWIMMING POOL INSPECTION PROGRAM

## 1. PURPOSE

- 1.1 The *Swimming Pools Act 1992*, Section 22B requires the Council to develop and implement a swimming pool inspection program in consultation with the community that increases pool safety awareness, and reduces infant drowning and near drowning events by ensuring compliance with the requirements of Part 2 of the Act - access to swimming pools – of the *Swimming Pools Act 1992*.
- 1.2 This program must be in place to commence implementation by 29 October 2013. Councils are then required to inspect swimming pools in accordance with the adopted program.

## 2. RELEVANT LEGISLATION AND STANDARDS

- 2.1 The legislation, regulation and standards that apply to the swimming pool inspection program include:
- *Swimming Pools Act 1992*
  - *Swimming Pools Regulations 2008*
  - *Swimming Pools Amendment Act 2012*
  - *Swimming Pools Amendment (Consequential Amendments) Regulation 2013*
  - Building Code of Australia
  - Australian standards AS 1926.1
  - Australian standards AS 1926.2

## 3. RELEVANT DEFINITIONS

- 3.1 **Certificate of Compliance** - in respect of swimming pools means a certificate issued under section 22D of the *Swimming Pools Act*.
- 3.2 **Multi-occupancy Development** – a building or buildings that is, or are, situated on premises that consists of two or more dwellings.
- 3.3 **Relevant Occupation Certificate** – in respect of a swimming pool, which means an occupation certificate issued under the *Environmental Planning and Assessment Act 1979* that is less than 3 years old and that authorises the use of the swimming pool.
- 3.4 **Swimming Pool** - means an excavation, structure or vessel:
- a. that is capable of being filled with water to a depth greater than 300 mm and
  - b. that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity, and includes a spa pool but does not include a spa bath, anything that is situated within a

bathroom or anything declared by regulations not to be a swimming pool for the purposes of this Act.

- 3.5 **Tourist and Visitor Accommodation** - means a building or place that provides temporary or short-term accommodation on a commercial basis and includes backpackers accommodation, bed and breakfast accommodation, farm stay accommodation and serviced apartments.

#### **4. THE IMPORTANCE OF POOL SAFETY**

- 4.1 Swimming pools offer a social amenity that is of great benefit to those who have use and access to it. With this however goes an obligation outlined in legislation to maintain the pool in a safe manner.
- 4.2 The regulatory regime of pools on private property has been the subject of ongoing legislative review due to the tragic infant and toddler injury and death in swimming pools.
- 4.3 Children aged 4 years of age and under are the most vulnerable. They are dependent on their parents or carers for their safety. The personal and social cost associated with the death of a child is enormous and cannot be adequately described. The death of a young child in circumstances that could have been prevented is a tragedy for all.

#### **5. THE INSPECTION PROGRAM**

- 5.1 From October 2013 all councils are required to have in place and implement a program of swimming pool inspections. The purpose of inspections is to issue a certificate indicating that pool barriers in place comply with the pool safety legislative requirements.

#### **6. WHAT IS A POOL CERTIFICATE OF COMPLIANCE?**

- 6.1 A Pool Certificate of Compliance is issued once a pool has been inspected against the relevant pool safety requirements. The certificate is valid for three years. A pool may be inspected more frequently than three years if a complaint has been received with respect to pool safety or there is good reason to suspect the pool no longer complies with the pool safety requirements.

#### **7. WHAT HAPPENS IF A POOL CERTIFICATE OF COMPLIANCE CANNOT BE ISSUED?**

- 7.1 A Pool Certificate of Compliance cannot be issued if the pool is not passed at inspection as meeting the various requirements under the applicable standards. In such a case either Council or an accredited certifier must issue a notice specifying the works required. If the works are not undertaken or the pool cannot pass a subsequent inspection then a Penalty Infringement Notice will be issued. Continuing refusal to comply will result in legal action.

## 8. HIGH RISK POOLS INSPECTED EVERY THREE YEARS

8.1 The legislation requires properties considered high risk to have their pool inspected every 3 years. This includes pools associated with:

- a moveable dwelling, hotel, motel, tourist / visitor accommodation, serviced apartments and other multi-occupancy developments.
- backpackers, bed and breakfast, farm stay accommodation, serviced apartments and residences of more than 2 occupancies.
- Child care centre / Family day care or premises accessed regularly by children for other than domestic purposes.

## 9. PROPERTIES BEING SOLD OR RENTED / LEASED

9.1 From 29 April 2014 all properties with a pool being sold or rented / leased must have a current Pool Certificate of Compliance. Where a property with a pool is being sold or rented / leased, the pool owners must request an inspection and comply with the requirements of the inspection before a Pool Certificate of Compliance can be issued.

## 10. NUMBER OF POOLS THAT WILL BE INSPECTED

10.1 Council will undertake the inspection of a minimum of 750 swimming pools per year. The proactive inspection program will incorporate a risk based approach whereby the following swimming pools will be given priority.

- High risk pools that are required to be inspected every 3 years as specified in Section 8.
- Properties that require a Pool Certificate of Compliance because the property is being sold or rented / leased.
- All other swimming pools in the local government area with older pools or pools that have never been inspected given priority.

## 11. FEES

11.1 The *Swimming Pool Act* provides that Council may charge a fee the inspection conducted by an authorised officer, being a fee that is no greater than the maximum fee prescribed by the *Swimming Pool Regulation*. At the time of gazettal of the *Swimming Pool Regulation* (April 2013) the maximum initial inspection of \$150 is payable and a second inspection fee of \$100 is payable. No fee may be charged for further inspection.

11.2 Council will charge a fee of \$150 for an initial inspection (which includes the issue of a Certificate of Compliance for complying pool fences) and \$100 for one follow-up inspection.

## 12. EDUCATION AND AWARENESS

- 12.1 Pool owner education and awareness is essential in contributing to the success of the inspection program.
- 12.2 An ongoing complimentary community education and awareness program will be delivered through community publications, media releases, website information, owner self-assessment pool fence checklists and pool safety officer interaction with the public.
- 12.3 The importance of pool barrier maintenance and adult supervision a key messages to be delivered in a program.
- 12.4 The rates of pool barrier compliance are expected to progressively increase as a result of the inspection program and the gradual improvement of the level of community education awareness.

## 13. PENALTIES

- 13.1 There are a number of offences under that Act which attract fines, as follows:

Offence under the Act	Penalty Notice (issued by Council)	Court Maximum Penalty
<b>Section 7(1):</b> Failure to comply with general requirements for outdoor pools associated dwellings	\$550	50 penalty units = \$5500
<b>Section 12:</b> Failure to comply with general requirements were comfortable pools associated with movable dwellings and tourist and visitor accommodation	\$550	50 penalty units = \$5500
<b>Section 14:</b> Failure to comply with general requirements for indoor pools	\$550	50 penalty units = \$5500
<b>Section 15(1):</b> Failure to maintain child resistant barrier	\$550	50 penalty units = \$5500
<b>Section 16:</b> Failure of occupier to keep access to pool securely closed	\$550	50 penalty units = \$5500
<b>Section 17(1):</b> Failure to display or maintain a prescribed warning notice people	\$110	5 penalty units= \$550
<b>Section 23 (3):</b> Failure to comply direction (pool safety order)	\$550	50 penalty units= \$5500
<b>Section 30B(1):</b> Failure to register a pool	\$220	20 penalty units= \$2200



**14. THE ROLE OF CERTIFIERS**

- 14.1 Pool owners may request an Accredited Certifier to provide a pool certificate of compliance. Accredited Certifiers may set their own fees. Having conducted an inspection, if the pool does not meet the applicable standard, the Accredited Certifier may allow a pool owner six (6) weeks to rectify deficiencies before advising Council, or if considered to be a significant public hazard a certifier may notify Council immediately. Upon notification Council may commence compliance action.

\* \* \*



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## ORDINARY COUNCIL

ORD02

ORD02

**SUBJECT:** SUBDIVISION TO CREATE 2 RESIDENTIAL LOTS, CONSTRUCTION OF A DWELLING AND SITE WORKS, 30 SHARMAN CLOSE, HARRINGTON PARK  
**FROM:** Director, Development & Health  
**TRIM #:** 13/8724

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**APPLICATION NO:** 18/2013  
**PROPOSAL:** Subdivision to create 2 residential lots, construction of a single storey dwelling and associated site works  
**PROPERTY ADDRESS:** 30 Sharman Close, Harrington Park  
**PROPERTY DESCRIPTION:** Lot 16, DP 1094115  
**ZONING:** R2 Low Density Residential  
**OWNER:** Mr J R Squillacioti  
**APPLICANT:** Total Homes Pty Ltd

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a subdivision to create 2 residential lots, construction of a single storey dwelling and associated site works at 30 Sharman Close, Harrington Park.

The DA is referred to Council for determination as there is a proposed variation to Camden Local Environmental Plan 2010 (LEP).

### SUMMARY OF RECOMMENDATION

That Council determine DA 18/2013 for a subdivision to create 2 residential lots, construction of a single storey dwelling and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

### EXECUTIVE SUMMARY

Council is in receipt of a DA for a subdivision to create 2 residential lots, construction of a single storey dwelling and associated site works at 30 Sharman Close, Harrington Park.

The DA 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 DA was publically exhibited for a period of 30 days in accordance with Camden Development Control Plan 2011 (DCP). No submissions were received.

The applicant proposes a variation to the minimum lot size development standard stipulated by Clause 4.1 of the LEP. The LEP requires a minimum lot size of 450m<sup>2</sup> in this area, however proposed lot 1 has an area of only 436.5m<sup>2</sup>. Council staff have assessed this LEP variation and recommend that it be supported.

The non-compliance with the minimum lot size is only 13.5m<sup>2</sup> (3%) and is minor. Given that an appropriately designed dwelling will also be constructed on proposed lot 1 as part of this development, Council staff are satisfied that the variation will not have any negative impacts upon the amenity, character or heritage significance of the surrounding area.

Importantly the variation will not set an undesirable precedent for inappropriately undersized lots in this area given that the subdivision will also provide an appropriately designed and fully compliant dwelling as part of the development. As the site has two street frontages (Sharman Close and Pearson Crescent), the proposed subdivision will provide an opportunity for a second dwelling fronting Pearson crescent which will achieve an active frontage to that road.

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

**AERIAL PHOTO**



**THE SITE**

The site is commonly known as 30 Sharman Close, Harrington Park and is legally described as Lot 16, DP 1094115.

The site has frontages of 15.26m to Sharman Close, 15.24m to Pearson Crescent, a depth of approximately 59m and an overall site area of 889m<sup>2</sup>. The site slopes gently downwards to the north east and is currently vacant. The site is located in the Struggletown Heritage Conservation Area.

The surrounding area is characterised by existing low density detached dwellings, together with their associated driveways, car parking spaces, landscaping, and fencing.

The Smeaton Grange industrial estate lies to the east of the site. To the south lies the residential suburb of Narellan with the Narellan town centre to the south west. To the north exists the residential suburb of Harrington Park.

### HISTORY

There is no relevant development history for this site.

### THE PROPOSAL

DA 18/2013 seeks approval for the remediation of contaminated land, subdivision to create 2 lots, construction of a single story dwelling and associated site works.

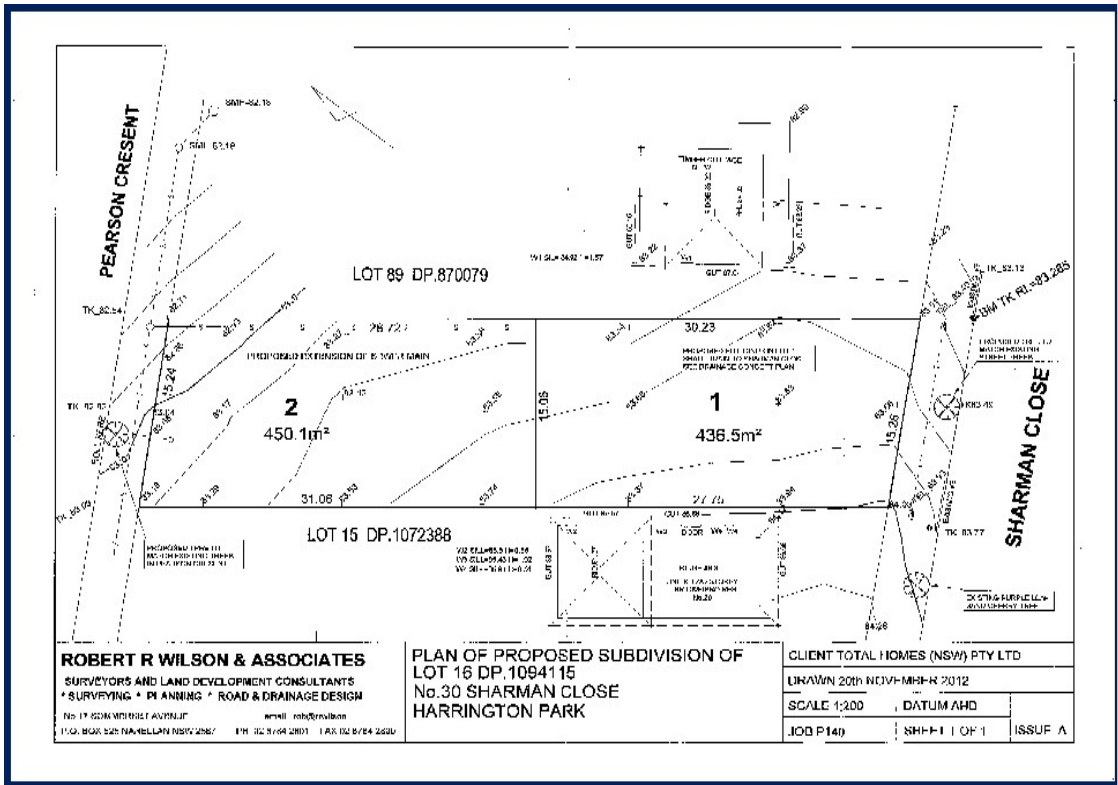
Specifically the proposed development involves:

- subdivision to create 2 residential lots. Proposed lot 1 will have an area of 436.5m<sup>2</sup> and proposed lot 2 will have an area of 450.1 m<sup>2</sup>;
- the construction of a single storey dwelling on proposed lot 1 and fronting Sharman Close. The dwelling will be of brick veneer construction with a tiled roof;
- land remediation as required; and
- associated site works including the extension of an existing sewer main to service proposed lot 1 and street tree planting.

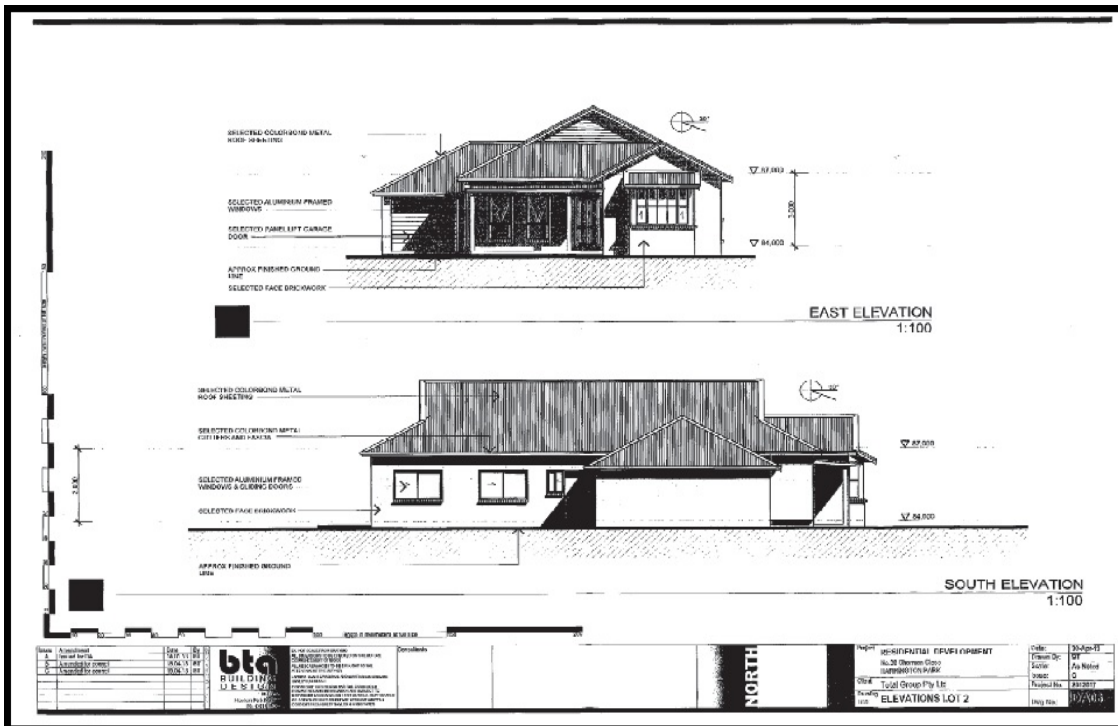
The value of the works is \$193,000.

**A copy of the proposed plans are provided as an attachment to this report and as a supporting document.**

**PROPOSED PLANS**



**PROPOSED ELEVATIONS**





## ASSESSMENT

### ***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 proposed development are:

- State Environmental Planning Policy No 55 – Remediation of Land
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Camden Local Environmental Plan 2010

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

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

The SEPP requires Council to be satisfied that the proposed site is suitable for its intended use (in terms of contamination) prior to granting consent. This applicant has submitted a contamination assessment and remediation action plan (RAP) for the site in support of this DA. The contamination assessment notes that the site is contaminated with heavy metals, asbestos fragments and organochloride and organophosphate pesticides, however the RAP provides a series of remediation actions that if implemented will fully decontaminate the site.

It is a recommended condition that the site be fully decontaminated in accordance with the submitted RAP. Subject to this occurring, the site will be made suitable for its intended residential use.

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

The proposed 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 development.

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

##### *Permissibility*

The site is zoned R2 Low Density Residential under the provisions of the LEP. The proposed development is defined as a “dwelling” by the LEP which is a permissible land use in this zone. The subdivision of land is also permitted with consent in this zone.

##### *Zone Objectives*

The objectives of the R2 Low Density Residential are as follows:

- To provide for the housing needs of the community within a low density residential environment.

Officer comment:

The proposed development will provide for the housing needs of the community in that it proposes a 2 lot residential subdivision and the construction of a dwelling on one of the lots.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for a residential land use.

- To allow for educational, recreational, community and religious activities that support the wellbeing of the community.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for a residential land use.

- To minimise conflict between land uses within the zone and land uses within adjoining zones.

Officer comment:

The proposed development will not conflict with land uses within the zone or within adjoining zones.

*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
4.1 Minimum Lot Size	Minimum 450m <sup>2</sup> lot area	2 lots proposed, lot 1 has an area of 436.5m <sup>2</sup> and lot 2 has an area of 450.1 m <sup>2</sup>	<b>No – LEP variation 1</b>
4.3 Height of Buildings	Maximum 9.5m building height	Proposed 6m building height	Yes
4.4 Floor Space Ratio	Maximum 0.5.1 floor space ratio	Proposed 0.34:1 floor space ratio	Yes
5.10 Heritage Conservation	To conserve the heritage significance of heritage items and heritage	A heritage impact statement (HIS) accompanied this DA. This	Yes

Clause	Requirement	Provided	Compliance
	conservation areas	HIS has been reviewed by Council staff and is deemed to be acceptable in that there will be no adverse impacts on the heritage significance of Struggletown as a result of the proposed development	

LEP Variation 1 – Minimum Lot Size

*LEP Development Standard*

Pursuant to Clause 4.1 of the LEP, the minimum lot size permitted on this site is 450m<sup>2</sup>.

Proposed lot 1 has an area of only 436.5m<sup>2</sup> which is 13.5m<sup>2</sup> less than the required minimum lot size.

*Variation Request*

Pursuant to Clause 4.6 (Exceptions to Development Standards) of the LEP, the applicant has submitted a written request seeking a variation to the minimum lot size development standard (Clause 4.1) on the basis that:

- the site is located in a street block that has undergone little or no change for a number of years. This is mainly because the land has not been connected to the Sydney Water sewerage system and the fact the land at the rear was not subdivided. The land at the rear has now been developed (Pearson Crescent) and has resulted in the properties within Sharman Close being able to be connected to sewer;
- the subdivision of Pearson Crescent has resulted in the properties fronting Sharman Close to have dual frontage with Pearson Crescent. The dual frontage has provided opportunities for properties on Sharman Close to create a lot frontage to Pearson Crescent. The subdivision of Pearson Crescent has therefore provided an opportunity for subdivision to occur which is consistent with surrounding development;
- the site has a contextual relationship with existing and approved residential developments in the immediate area and the proposed subdivision reflects the subdivision pattern of the area;
- the submitted plans clearly demonstrate that a dwelling can be erected on proposed lot 1 and fully comply with the standards and controls of the DCP. Proposed lot 1 is 13.5m<sup>2</sup> less than the minimum lot size and this is considered minor in nature;



- the proposed dwelling which fronts Sharman Close is in keeping with other dwellings within the heritage conservation area;
- the proposed subdivision has been carefully designed to minimise adverse amenity impacts on adjoining properties. Careful site responsive design ensures that the technical non-compliance with the required minimum lot size proposed does not give rise to significant amenity impacts for the immediate locality and is not discernible from other lots; and
- the site is constrained by existing development and if the subdivision is not granted, then the site has no development potential having regards to the zoning of the land and will only contain one large dwelling, which would not be in keeping with the character of the area, having regard to the heritage conservation requirements of the area.

#### *Council Staff Assessment*

Pursuant to Clause 4.6 of the LEP, it is considered that the applicant's justification adequately demonstrates that compliance with the minimum lot size standard is unreasonable due to the minor nature of the non-compliance, the provision of an appropriately designed dwelling fronting Sharman Close and the fact that it will not have any negative impacts upon the Struggletown Heritage Conservation Area.

In support of the LEP variation it is noted that:

- the variation to the minimum lot size of 13.5m<sup>2</sup> (3%) is minor and given that an appropriately designed dwelling will also be constructed on proposed lot 1 as part of this development, the variation will not have any negative impacts upon the character, amenity or heritage significance of the surrounding area; and
- the variation will not set an undesirable precedent for other undersized lots in this area given that the subdivision will also provide an appropriately designed and fully compliant dwelling as part of the development; and
- as the site has two street frontages (Sharman Close and Pearson Crescent), the proposed subdivision will provide an opportunity for a second dwelling fronting Pearson crescent which will help present an active frontage to that road.

Council has the assumed concurrence of the Director General of the Department of Planning and Infrastructure and therefore may determine the LEP variation.

Consequently it is recommended that Council support this proposed variation to the LEP minimum lot size development standard.

***(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 proposed development.

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

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposed development's compliance with the controls in the DCP.

<b>Control</b>	<b>Requirement</b>	<b>Provided</b>	<b>Compliance</b>
B1.1 Erosion and Sediment control	Erosion and sediment control measures	Appropriate erosion and sedimentation controls measures is a recommended condition	Yes
B1.2 Earthworks	The maximum amount of cut shall not exceed 1m	The proposed development will not exceed 1m cut and fill	Yes
B1.3 Salinity Management	Salinity resistant construction	An appropriate salinity management plan was submitted with the DA and the proposed development will be constructed in accordance with it	Yes
B1.4 Water Management	Compliance with Council's Engineering Specifications	It is a recommended condition that the proposed development comply with Council's Engineering Specifications	Yes
B1.9.1 Waste Management Plan	Waste management plan	A waste management plan has been provided and is deemed to be sufficient	Yes
B1.12 Contaminated and Potentially Contaminated Land	Contamination assessment and remediation (if required)	A contamination assessment and a RAP have been provided. Compliance with these is a recommended condition	Yes
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy	A road traffic noise impact assessment was lodged in support of the DA which complies with Council's	Yes

Control	Requirement	Provided	Compliance
		Environmental Noise Policy. It is a recommended condition that the DA complies with this report which includes recommendations for noise resistant construction	
B3.1.1 General heritage Provisions	New construction must be sympathetic to the heritage conservation area and comply with the DCP's detailed design controls	The proposed dwelling is a contemporary design and proposes the use of acceptable design features, materials, finishes and colours. The proposed dwelling is considered to be consistent with the DCP controls and it will not detract from the Struggletown Heritage Conservation Area	Yes
B3.1.3 Struggletown Heritage Conservation Area, Narellan	Existing cottage dominated streetscapes shall be retained and complemented with compatible infill developments  Large built forms in cottage dominated precincts shall be avoided	The proposed dwelling is consistent with the prevailing cottage streetscape along Sharman Close and represents a compatible infill development  The proposed dwelling is single storey and of a small, simple form appropriate for the area	Yes  Yes
B5.1 Off Street Car parking rates/requirements	2 car parking spaces for dwellings with more than 2 bedrooms	A single garage is provided with a second space located in front of the dwelling	Yes
C4 Subdivision in Established Residential Areas	Land shown to have minimum lot size of 450m <sup>2</sup> must have a 15m wide frontage and	Proposed lot 1 has a 15.26m wide frontage and will be a maximum of 30.23m in depth.	Yes

Control	Requirement	Provided	Compliance
	a 27m depth	Proposed lot 2 has a 15.24m frontage and will be a maximum of 31m in depth	
D2.1 Primary Residential Controls	Front setback (minimum) 4.5m	Front setback of 4.5m	Yes
	Front setback of garages to be 1m behind building line	Proposed garage setback of 2.7m behind building line	Yes
	Side setback of 0.9m	North east setback of 1.2m. South west setback 1.3m	Yes
	Rear setback for single storey dwellings of 4m	Rear setback of 6m	Yes
	Walls alongside boundaries to be articulated	Walls alongside boundaries will contain windows	Yes
D2.1.3 Height, Massing and Siting	The highest point of a building shall not exceed the height specified by the LEP	The building will not exceed the maximum 9.5m building height as specified by the LEP	Yes
	The ground floor level shall be no more than 1m above natural ground level	The ground floor level is not proposed to be more than 1m above the natural ground level	Yes
D2.1.4 Visual and Acoustic Privacy	The design and layout of dwellings must minimise the opportunity for sound transmission	A road traffic noise impact assessment was lodged in support of the DA which complies with Council's Environmental Noise Policy. It is a recommended condition that the DA complies with this report which includes recommendations for noise resistant construction	Yes

**ORD02**

Control	Requirement	Provided	Compliance
	Direct overlooking of the main living areas and private open spaces of adjacent dwellings should be minimised	The dwelling is single storey and will not overlook to adjoining properties	Yes
D2.1.5 Private Open Space, Site Cover and Landscape Area	Lots <450m <sup>2</sup> and containing a single storey dwelling must have a maximum site coverage of 60%	The site coverage for the proposed dwelling on proposed lot 1 is 34%	Yes
	Private open space (POS) is to be behind the building line. The total area of POS for each dwelling is to be a minimum 20% of the site area	POS is provided behind the building line and is at least 20% of the site area	Yes
	Principal Private Open Space (PPOS) directly connected to a living zone of the dwelling to have a minimum area of 24m <sup>2</sup>	The proposed development provides a PPOS area that is greater than 24m <sup>2</sup>	Yes
	3 hours of sunlight must reach at least 50% of the PPOS between 9am-3pm on 21 June	3 hours of sunlight will reach the PPOS between 9am-3pm on 21 June	Yes
	North facing windows of living areas shall receive at least 3 hours	The proposed living area has generally north facing windows and will receive 3 hours of sunlight	Yes
	Sunlight to adjacent dwellings must not be reduced	As the proposed dwelling is only single storey it will not reduce sunlight to adjacent	Yes

Control	Requirement	Provided	Compliance
	<p>One principal living area of a dwelling must face north</p> <p>PPOS shall be screened for privacy from adjacent dwellings and passers-by</p> <p>At least 65% of the POS area shall be soft landscaping</p>	<p>properties</p> <p>The proposed living area generally faces north</p> <p>The PPOS is located at the rear and will be screened by landscaping/fencing</p> <p>At least 65% of the POS will be soft landscaping</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
D2.16 Garage, Site Access and Parking	<p>The garage is to be integrated with the house façade</p> <p>The width of garage doors must not be greater than 60% of the front façade</p>	<p>The garage will dominate the house façade and integrated well</p> <p>The width of the garage door is not greater than 60% of the front façade</p>	<p>Yes</p> <p>Yes</p>
D2.1.7 Streetscape and Architectural Design	<p>The form, scale, siting, materials and colours of the building shall be appropriate to the character of the area</p> <p>The dwelling must incorporate at least 2 design features:</p> <p>Eaves should have a minimum of 450mm overhang</p> <p>Colours, materials and finishes are to be from neutral tones</p>	<p>The proposed form, scale, siting, materials and colours of the proposed dwelling are appropriate for the area</p> <p>The dwelling includes a front awning and front bay window feature which comply with the DCP</p> <p>450mm eaves have been provided</p> <p>The proposed colours, materials and finishes are neutral tones</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

**(a)(iia) 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 DA.

**(a)(iv) The Regulations**

The Regulations prescribe 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 in the locality**

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

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

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

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

The DA was publicly exhibited for a period of 30 days in accordance with the DCP. The exhibition period was from 28 February to the 29 March 2013. No submissions were received.

**(e) The public interest**

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

**EXTERNAL REFERRALS**

The DA 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 DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 18/2013 is recommended for approval subject to the conditions contained in this report.

**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:

Plan / Development No.	Description	Prepared by	Dated
JOB P140	Plan of proposed subdivision	Robert R Wilson and Associates	20 November 2012
DA 05	Floor Plans Lot 2	Bts Building Design	22 April 2013
DA 06	Elevations Lot 2	Bta Building Design	30 April 2013
Statement of Heritage Impact	30 Sharman Close Harrington Park	Stedinger Associates	September 2012

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

- (2) **Design and Construction Standards** - All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with: -

- (a) Camden Council's current Engineering Specifications, and
- (b) Camden Council's Development Control Plan 2011

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

- (5) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (6) **Connections to Sydney Water** - Both approved lots shall be connected to Sydney Water reticulated sewerage system.
- (7) **Dwelling for Lot 2** - A separate development application is required for a dwelling facing Pearson Crescent (on approved lot 2). The dwelling design shall be generally in accordance with the indicative design in the *Statement of Heritage Impact* prepared by Stedinger Associates dated September 2012.
- (8) **Dwelling Colours** -The building colours for the dwellings shall be a neutral colour scheme. The panel lift door of the front dwelling (lot 1) shall be "manor red" or similar. Cream, white and dominant colours are not acceptable for the dwelling.



- (9) **Driveway Configuration** -The driveway fronting Sharman Close (lot 1) is preferably to be either two plain concrete wheel strips or plain concrete that is neutral in colour so that it recedes visually. Stencilled, white and dark concrete is not appropriate.
- (10) **Front Fencing** – No front fencing for lot 1 is approved as part of the DA.
- (11) **Existing Side Fence** - The existing side fence adjoining No 32 Sharman shall be adjusted so that it tapers down to a maximum height of 1.2 m in front of the building line.
- (12) **Fencing Requirements** - Timber fences shall be erected between the lots. Colorbond must not be used.
- (13) **Landscaping** - Screen landscaping shall be provided between lots 1 and 2 to screen the dwelling on lot 2.

Prior to the issue of the Occupation Certificate, the applicant will be responsible to have a professionally installed, landscaped screening hedge at the rear of the subject site (lot 1).

The screening hedge is to be installed along the entire length of the rear boundary.

The screening hedge is to take the form of a 20cm raised (minimum raised height) garden bed area along the entire length of the rear boundary and be a minimum 2m in width.

The following installation specifications must be employed:

- A dwarf grafted Eucalyptus ficifolia (example: variety 'Calypso' or 'Summer Red') is to be installed every 7m apart (7m from stem to stem).
- A Melaleuca decora (or Melaleuca linariifolia) is to be installed every 5m apart (5m from stem to stem)
- The dwarf grafted Eucalyptus and the Melaleuca decora are to be evenly spaced from each other along the length of the rear boundary in staggered formation.
- The rear boundary garden bed is to also have infill planting of Doryanthus excelsa and/or Loropetalum chinensis at the rate of 1 plant per m<sup>2</sup> of garden bed area.
- All dwarf grafted Eucalyptus ficifolia and Melaleuca decora are to be sourced in minimum 45 litre container size and all other infill garden bed shrubs are to be sourced in minimum 15 litre container size.

Upon completion of the installation of the screening hedge and the issue of the Occupation Certificate, the Applicant will then have the establishment and maintenance responsibility for 12 months.

The 12 month maintenance and establishment period includes the Applicant's responsibility for the establishment, care, repair and replacement of failed plantings within the garden bed area.

At the completion of the 12 month landscaping maintenance and establishment period, all plants within the screening garden bed area must be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth and must comply with the installation specifications listed above.

- (14) **Decommissioning of on-Site Sewerage Systems** - Any septic tank and transpiration bed shall be decommissioned in accordance with the following:
- (i) The septic tank shall be emptied by a licensed liquid wastewater contractor and the contents disposed of at an approved wastewater depot. A copy of the receipt is to be submitted to Council.
  - (ii) The sides, lid, baffle (if fitted) and square junctions of the tank should be hosed down as the waste is being removed.
  - (iii) The inlets and outlets should be plugged and the tank should then be filled with clean water and disinfected to a minimum level of 5mg/l of free residual chlorine, with a one half hour contact time. The lid should be exposed to the chlorine solution. The chlorine should be allowed to dissipate naturally and not be neutralised. The contents of the tank shall then be emptied by a licensed liquid wastewater contractor.
  - (iv) The septic tank and any associated drainage and disposal field shall be removed and disposed of at a suitably licensed landfill site.
  - (v) Only clean fill shall be used to backfill the holes if necessary from where the system has been removed.
- (15) **Salinity** – All residential buildings, landscaping and associated infrastructure proposed to be constructed on the land must be built in accordance with the Salinity Management Plan as contained under " Section 6" of Salinity Assessment and Salinity Management Plan, proposed 2 lot residential development, prepared by Harvest scientific job ref: 201370 dated 17 December 2012.

## 2.0 - Construction Certificate Requirements

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

- (1) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with the relevant Development Control Plan and

Engineering Specifications, and are to be submitted for approval to the Principal Certifying Authority prior to the Construction Certificate being issued.

**Note:**

- (a) Under the *Roads Act 1993*, only the Council can issue a Construction Certificate for works within an existing road reserve.
  - (b) Under section 109E of the *Environmental Planning and Assessment Act 1997*, Council must be nominated as the Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works.
- (2) **Environmental Site Management Plan** - An Environmental Site Management Plan must be submitted to the Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 – 2005 and must address, but not be limited to, the following:
- (a) all matters associated with Council's Erosion and Sediment Control Policy;
  - (b) all matters associated with Occupational Health and Safety;
  - (c) all matters associated with Traffic Management/Control; and
  - (d) all other environmental matters associated with the site works such as noise control, dust suppression and the like.
- (3) **Dilapidation Survey** - A photographic dilapidation survey of existing public roads, kerbs, footpaths, drainage structures and any other existing public infrastructure within the immediate area of the development site must be submitted to the Council prior to the issuing of the Construction Certificate.
- The survey must include descriptions of each photo and the date when each individual photo was taken.
- (4) **Performance Bond** - Prior to the issue of the Construction Certificate, a performance bond of 10% the value of civil works must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (5) **Traffic Management Plan** – A construction Traffic Management Plan is required in accordance with Camden Council's current Engineering Design Specifications.
- (6) **Public Risk Insurance Policy** - Prior to the issue of the Construction Certificate, the owner or contractor is to take out a Public Risk Insurance Policy in accordance with Camden Council's current Engineering Design Specifications.
- (7) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS 1742.3 1985 and to the requirements and approval of Council (and the Roads and Maritime

- Services). Plans and proposals must be approved by Council (and the Roads and Maritime Services) prior to the Construction Certificate being issued.
- (8) **Drainage Design** - A Stormwater Management Plan is to be prepared prior to the issue of a Construction Certificate to ensure that the final stormwater flow rate off the site is no greater than the maximum flow rate currently leaving the development site for all storm events. This Plan must be submitted and approved by the Principal Certifying Authority. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties.
  - (9) **Stormwater Disposal** - Stormwater runoff from the whole development must be properly collected and discharged to the Council drainage system. Surface discharge across the footpath to the road gutter is not permitted. Provision must be made to cater for existing stormwater overland flow from adjoining properties.
  - (10) **Site Validation Report** - A validation report incorporating a certificate of completion must be submitted to Council in accordance with the requirements of clause 7.2.4 (a) - (d) and clause 9.1.1 of Council's Management of Contaminated Lands Policy and clause 17 & 18 of SEPP 55. The certificate/report confirming that all decontamination and remediation works have been carried out in accordance with the remediation plan must be submitted to Council and approved prior to the issue of a Construction Certificate.

### 3.0 - Prior To Works Commencing

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

- (1) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point
- (2) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (3) **Erection of Signs** – Shall be undertaken in accordance with Clause 98A of the Environmental Planning and Assessment Regulation 2000.
- (4) **Toilet Facilities** - Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one toilet for every 20 persons employed at the site.

Each toilet must:

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

- (5) **Notice of Commencement of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and clauses 103 and 104 of the Environmental Planning and Assessment Regulation 2000 shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building or subdivision works.

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

- (7) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

Where a soil erosion and sediment control plan (or details on a specific plan) has been approved with the development consent, these measures must be implemented in accordance with the approved plans. In situations where no plans or details have been approved with the development consent, site soil erosion and sediment controls must still be implemented where there is a risk of pollution occurring.

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

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

- (8) **Soil Erosion and Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with Camden Council's current Engineering Design Specifications.

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

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

The warning and fine statement wording must be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details must

be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

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

#### 4.0 - During Construction

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

- (1) **Civil Engineering Inspections** - Where Council has been nominated as the Principal Certifying Authority, inspections by Council's Engineer are required to be carried out at the following stages of construction:
  - (a) prior to installation of sediment and erosion control measures;
  - (b) prior to backfilling pipelines and subsoil drains;
  - (c) prior to casting of pits and other concrete structures, including kerb and gutter, roads, accessways, aprons, pathways and footways, vehicle crossings, dish crossings and pathway steps;
  - (d) proof roller test of subgrade and sub-base;
  - (e) roller test of completed pavement prior to placement of wearing course;
  - (f) prior to backfilling public utility crossings in road reserves;
  - (g) prior to placement of asphaltic concrete;
  - (h) final inspection after all works are completed and "Work As Executed" plans, including work on public land, have been submitted to Council.

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

- (2) **Compaction (Allotments)** - Those proposed allotments which are subject to filling must be compacted in accordance with Camden Council's current Engineering Construction Specifications. The applicant's Geotechnical Engineer must supervise the placing of fill material and certify that the work has been carried out to level 1 responsibility in accordance with Appendix B of AS 3798-1990.
- (3) **Fill Quality** – Any fill material brought in for the construction of the development must only contain uncontaminated soil, clay, shale or rock. No effluent, garbage or trade waste, including building or demolition waste, must be included in the fill. The extent and depth of filling must only occur in accordance with the approved plans and any other conditions of the Development Consent. Evidence of the certification of the fill as uncontaminated shall be provided to the Principal Certifying Authority.
- (4) **Works By Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works must be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.



- (5) **Survey Report (Peg Out)** - The building must be set out by a registered Land Surveyor. A Survey Report detailing the siting of the building in relation to the allotment boundaries shall be submitted to the Principal Certifying Authority (PCA) prior to the placement of any concrete.
- (6) **Building Platform** - This approval restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2m from the external walls of the building. Where the external walls are within 2m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level must be used.
- (7) **Retaining Walls** - If the soil conditions require it:
- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
  - (b) retaining walls must be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property.

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

- (a) where the height of an approved retaining wall exceeds 600mm above or below natural ground level, structural engineering details must be provided to the Principal Certifying Authority, prior to any works commencing on the site. Manufacturers' installation details may satisfy this requirement for treated timber products and some dry stacked masonry products;
- Note:** where Councils is nominated as the Principal Certifying Authority, construction of the retaining wall must be inspected at critical stages as nominated in the Mandatory Inspection Notice. Prior to issue of an Occupation Certificate, certification will also be required attesting that the wall has been built in accordance with the relevant standard.
- (b) adequate provisions must be made for surface and subsurface drainage of retaining walls and all water collected must be diverted to, and connected to, a stormwater disposal system within the property boundaries;
  - (c) retaining walls shall not be erected within drainage easements;
  - (d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited by the easement or entitled to release or vary the restrictions applying to the easement (electrical easement and the like), or if the erection of the retaining wall makes the purpose of the easement inconvenient or redundant (such as easements for support and maintenance).
- (8) **Hours of Work** – The hours for all construction and demolition work are restricted to between:
- (a) 7.00am and 6.00pm, Monday to Friday (inclusive);

- (b) 7.00am to 4.00pm on Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8.00am to 4.00pm;
  - (c) work on Sunday and Public Holidays is prohibited.
- (9) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
- (a) the delivery of material shall only be carried out between the hours of 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 4.00pm on Saturdays;
  - (b) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site;
  - (c) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
  - (d) waste must not be burnt or buried on site, nor should wind-blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot;
  - (e) a waste control container shall be located on the development site.
- (10) **Footpath Levels** - The ground levels of the footpath area within the road reserve (between the boundary of the subject site to the kerb and gutter) must not be altered (by cut or fill) as a consequence of building design and/or construction.
- (11) **Surface Drainage** – To prevent surface water from entering the building:
- (a) the floor level for slab on ground construction shall be a minimum of 150mm above finished ground level for habitable rooms;
  - (b) seepage and surface water shall be collected and diverted clear of the building by a sub-surface/surface drainage system;
  - (c) the control of surface water drainage shall in all respects comply with the *Building Code of Australia (Class 1 and Class 10 Buildings)*;
  - (d) where a rainwater tank is required on the site, all surface water drainage lines shall be connected to the outlet overflow drainage line from the rainwater tank.
- (12) **Shoring and Adequacy of Adjoining Property** - Shall be in accordance with Clause 98E of the Environmental Planning and Assessment Regulation 2000.
- (13) **Protection of Public Places** – If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or



(b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

- (14) **Drainage Easements** - No changes to site levels, or any form of construction shall occur within any drainage easements that may be located on the allotment.
- (15) **Roof Water to Street** - The roof of the approved dwelling shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the street gutter.

Connection to the street gutter shall only occur at the existing drainage outlet point in the street gutter. New connections that require the rectification of the street gutter shall only occur with the prior approval of Council.

All roofwater must be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The Principal Certifying Authority (PCA) must not permit construction works beyond the frame inspection stage until this work has been carried out.

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

In this condition:

- (a) relevant BASIX Certificate means:
- (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
  - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and
- (b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

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

The validation report and associated sampling location plan must:

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

For Virgin Excavated Natural Material (VENM):

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

Sampling of VENM for salinity of fill volumes:

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

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

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

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

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

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

Construction periods of 4 weeks and under:

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

Construction periods greater than 4 weeks and not exceeding 26 weeks:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed to any sensitive noise receiver.

- (19) **Soil and Sediment Control** - That the applicant and/or employees, agents or sub-contractors maybe liable to prosecution under the *Environmental Planning and Assessment Act 1979* for a breach of a condition, or *Protection of the Environment Operations Act 1997* for a pollution offence if sediment, including soil, excavated material, building materials or other materials are allowed to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways or be placed in a position where any of the aforementioned may occur which shall result in, or is likely to result in pollution. The applicant shall ensure that its employees, agents or subcontractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment.
- (20) **Unexpected Findings Contingency** - Upon the identification of any contamination or hazardous materials at any stage of the earthworks, all works in the vicinity of the findings shall cease and the affected area must be made secure from access by personnel. A qualified environmental consultant must assess the extent of the contamination / hazard in accordance with the NSW DEC Guidelines. The assessment results together with a suitable management plan must be provided to the Consent Authority (Camden Council) for assessment by an Officer of the Environment and Health Branch and be approved in writing prior to the removal or treatment of such findings contamination / hazardous materials.
- (21) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill / rubbish / asbestos, this material will need to be assessed in accordance with the NSW DECC Waste Classification Guidelines (April 2008) (refer [www.environment.nsw.gov.au/waste/envguidlms/index.htm](http://www.environment.nsw.gov.au/waste/envguidlms/index.htm)). Once assessed, the materials will be required to be disposed to a licensed waste facility suitable for the classification of the waste with copies of tipping dockets supplied to Council.
- (22) **Soil Erosion and Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with Camden Council's current Engineering Design Specifications.

- (23) **Special Findings** - In accordance with the *NSW Heritage Act 1977*, the accidental discovery of archaeological relics must be reported immediately to the NSW Office of Environment and Heritage.
- (24) **Aboriginal Objects Discovery** - The accidental discovery of Aboriginal objects must be reported immediately to the NSW Office of Environment and Heritage.
- (25) **Noise Requirements** - The dwelling shall be constructed in accordance with the recommendation made in the acoustic report prepared by SLR "Road Traffic Noise Assessment – Dual Lot residential Development, 30 Sharman Close, Harrington Park report number 610.12559-R1 dated 17 June 2013.

### 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 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) **Component Certificates** - Where Camden Council is appointed as the Principal Certifying Authority (PCA) for the development, the following component certificates, as relevant to the development, shall be provided prior to the issued of a Final Occupation Certificate:
  - (a) Insulation installation certificates.
  - (b) Termite management system installation certificates.
  - (c) Smoke alarm installation certificate from installing licensed electrician.
  - (d) Survey certificate(s), prepared by a registered land surveyor, certifying that the building has been correctly and wholly located upon the subject allotment.
  - (e) Certification attesting that retaining walls have been constructed in accordance with Engineer's details or manufacturer's specifications as applicable.
  - (f) All certificates or information relating to BASIX compliance for the development.

- (g) An 'Approval to Operate a Sewage Management System' issued by Camden Council (for areas that are not serviced by a Sydney Water sewer).
- (h) A certificate certifying that the wet areas have been waterproofed in accordance with the requirements of the *Building Code of Australia*.
- (i) All certificates relating to salinity, as required by conditions of the development consent.
- (j) Any other certificates relating to the development (for example, engineering certification for foundations, piers, reinforcing steel or hydraulic certification for all stormwater drainage works).

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

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

- (3) **Footpath Crossing Construction** – Prior to use or occupation of the development, a footpath crossing must be constructed in accordance with the Development Consent, approved plans and Camden Council's issued footpath crossing information.
- (4) **Survey Report (Completion)** - A survey report prepared by a registered land surveyor shall be provided upon completion of the building. The survey report shall be submitted to the Principal Certifying Authority (PCA) upon completion of the building and prior to the issue of an Occupation Certificate.

## 6.0 - Operational Conditions

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

- (1) **Residential Air Conditioning Units** - The operation of the approved air conditioning units must operate at all times so:
  - (a) as to be inaudible in a habitable room during the hours of 10.00pm to 7.00am on weekdays and 10.00pm to 8.00am on weekends and public holidays; and
  - (b) as to emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.
  - (c) as not to discharge any condensate or moisture onto the ground surface of the premises or into stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act, 1997.

## 7.0 - Subdivision Certificate

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

- (1) **Works as Executed Plan** - Prior to the issue of any Subdivision Certificate, a works-as-executed plan in both hard copy and electronic form (.dwg files or equivalent) in accordance with Camden Council's current Engineering Construction Specifications.
- (2) **Services** - Prior to the issue of any Subdivision Certificate the following service authority certificates/documents must be obtained and submitted to the Principal Certifying Authority for inclusion in any Subdivision Certificate application:
  - (a) a certificate pursuant to s.73 of the *Sydney Water Act 1994* stating that both water and sewerage facilities are available to each allotment.

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

- (b) a Notification of Arrangements from Endeavour Energy.
  - (c) Written advice from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the subdivision/development.
- (3) **Show Easements on the Plan of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.
- (4) **Show Restrictions on the Plan of Subdivision** - The developer must acknowledge all existing restrictions on the use of the land on the final plan of subdivision.
- (5) **Section 88B Instrument** - The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user:
  - (a) Easement for services.
  - (b) Easement to drain water.
  - (c) All residential buildings, landscaping and associated infrastructure proposed to be constructed on the land must be built in accordance with the Salinity Management Plan as contained under " Section 6" of Salinity Assessment and Salinity Management Plan, proposed 2 lot residential development, prepared by Harvest scientific job ref: 201370 dated 17 December 2012.
  - (d) The construction of the dwellings on both lots shall be constructed in accordance with the recommendation made in the acoustic report prepared by SLR " Road Traffic Noise Assessment – Dual Lot



residential Development, 30 Sharman Close, Harrington Park report number 610.12559-R1 dated 17 June 2013.

- (6) **Section 94 Contributions** - Pursuant to **Contributions Plan No 3** amended in February 1998, a contribution must be paid to Council of \$16,284, per hectare, total \$1,466, for **Trunk Drainage, Water Quality Facilities and Professional Services**.

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

The monetary contribution for Trunk Drainage and Water Quality Facilities may be offset by the value of land transferred to Council or by works-in-kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan.

- (7) **Section 94 Contributions** - Pursuant to **Contributions Plan No 18** adopted in September 1995, a contribution must be paid to Council of \$8,830 per additional lot or dwelling, total \$8,830, for **Community Facilities, Recreation Facilities and Open Space**.

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

The monetary contribution may be offset by the value of land transferred to Council or by works-in-kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan.

- (8) **Section 94 Contributions** - Pursuant to **Contributions Plan No 18** adopted in September 1995, a contribution must be paid to Council of \$1,055 per additional lot or dwelling, total \$1,055, for a **Library, Netball Courts, Swimming Pool and Professional Services**.

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

- (9) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$11,595 per additional lot or dwelling, total \$11,595 for **Drainage and Road works**.

The contribution must be indexed by the methods set out in Paragraph 2.15.1 of the plan and paid Prior to the issue of a Subdivision Certificate.

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

### **RECOMMENDED**

**That Council approve DA 18/2013 a subdivision to create 2 residential lots, construction of a single storey dwelling and associated site works at 30 Sharman Close, Harrington Park.**

## ATTACHMENTS

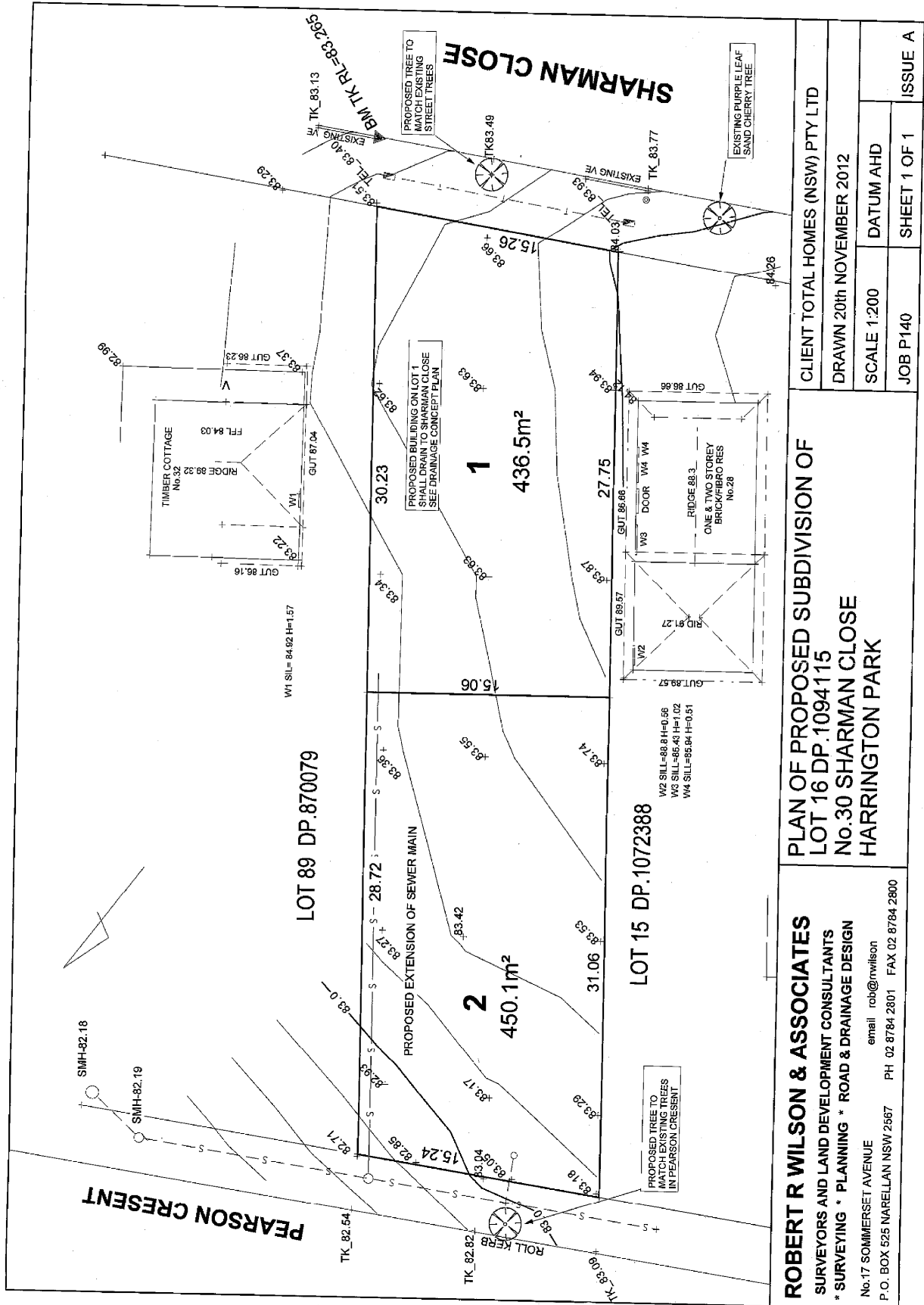
1. DA18 2013 - Site plan
2. DA18 2013 - Elevations
3. DA18 2013 - Architectural plan
4. DA18 2013 - Floor plan - *Supporting Document*

ORD02

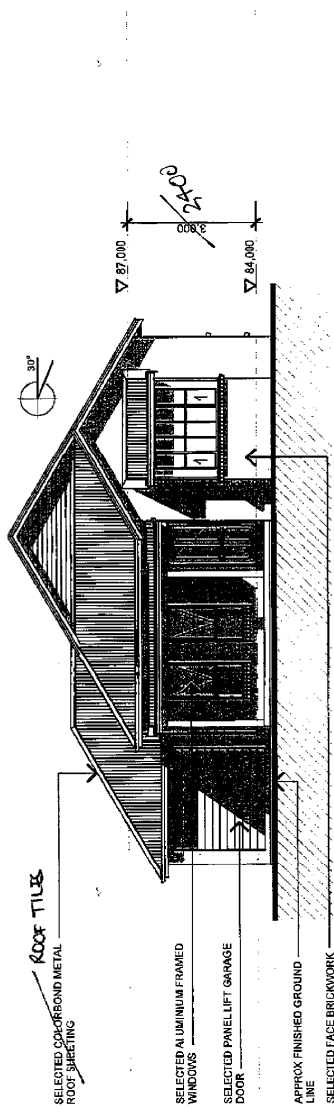


ORD02

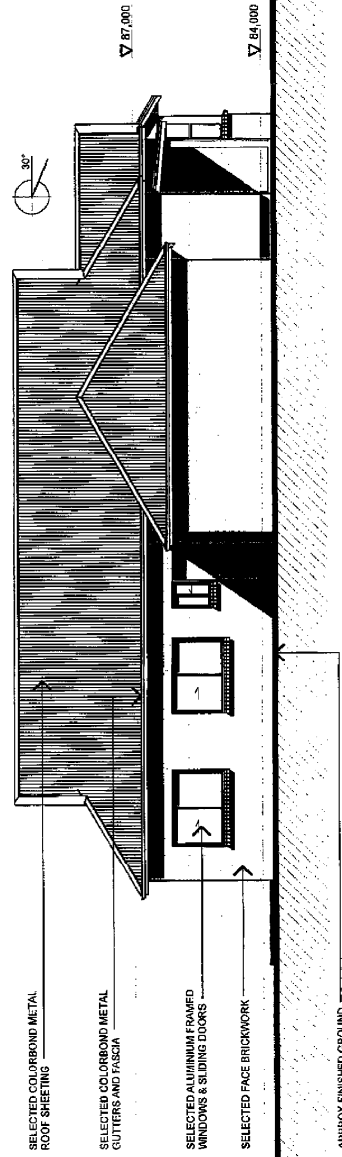
Attachment 1



<b>ROBERT R WILSON &amp; ASSOCIATES</b> SURVEYORS AND LAND DEVELOPMENT CONSULTANTS * SURVEYING * PLANNING * ROAD & DRAINAGE DESIGN No.17 SOMMERSET AVENUE P.O. BOX 525 NARELLAN NSW 2567 email: rob@rwilson PH 02 8784 2801 FAX 02 8784 2800		<b>PLAN OF PROPOSED SUBDIVISION OF</b> <b>LOT 16 DP.1094115</b> <b>No.30 SHARMAR CLOSE</b> <b>HARRINGTON PARK</b>		<b>CLIENT TOTAL HOMES (NSW) PTY LTD</b> DRAWN 20th NOVEMBER 2012	
		SCALE 1:200	DATUM AHD		SHEET 1 OF 1 ISSUE A
		JOB P140			



EAST ELEVATION  
1:100



SOUTH ELEVATION  
1:100

<p><b>Issue / Amendment</b></p> <table border="1"> <tr><th>Issue / Amendment</th><th>Date</th><th>By</th></tr> <tr><td>A. Issued for DA</td><td>14.03.13</td><td>BT</td></tr> <tr><td>B. Approved for Council</td><td>16.04.13</td><td>BT</td></tr> <tr><td>C. Amended for Council</td><td>18.04.13</td><td>BT</td></tr> </table>		Issue / Amendment	Date	By	A. Issued for DA	14.03.13	BT	B. Approved for Council	16.04.13	BT	C. Amended for Council	18.04.13	BT	<p><b>Project</b> RESIDENTIAL DEVELOPMENT 10/30 Sherman Close MARRINGTON PARK</p>		<p><b>Date:</b> 30-Apr-13 <b>Drawn By:</b> BT <b>Scale:</b> As Noted <b>Issue:</b> C <b>Project No.:</b> 2012017 <b>Drawing Title:</b> ELEVATIONS LOT 2</p>	
Issue / Amendment	Date	By															
A. Issued for DA	14.03.13	BT															
B. Approved for Council	16.04.13	BT															
C. Amended for Council	18.04.13	BT															
<p><b>Client</b> Total Group Pty Ltd</p>		<p><b>Project</b> RESIDENTIAL DEVELOPMENT</p>		<p><b>Drawn By:</b> BT</p>													
<p><b>Architect</b> bta BUILDING DESIGN</p>		<p><b>Client</b> Total Group Pty Ltd</p>		<p><b>Scale:</b> As Noted</p>													
<p><b>Address</b> 10/30 Sherman Close MARRINGTON PARK</p>		<p><b>Project</b> RESIDENTIAL DEVELOPMENT</p>		<p><b>Issue:</b> C</p>													
<p><b>Site No.</b> 10/30 Sherman Close</p>		<p><b>Client</b> Total Group Pty Ltd</p>		<p><b>Project No.:</b> 2012017</p>													
<p><b>Scale</b> As Noted</p>		<p><b>Project</b> RESIDENTIAL DEVELOPMENT</p>		<p><b>Issue:</b> C</p>													
<p><b>Author</b> BT</p>		<p><b>Client</b> Total Group Pty Ltd</p>		<p><b>Project No.:</b> 2012017</p>													
<p><b>Check</b> BT</p>		<p><b>Project</b> RESIDENTIAL DEVELOPMENT</p>		<p><b>Issue:</b> C</p>													
<p><b>Drawn</b> BT</p>		<p><b>Client</b> Total Group Pty Ltd</p>		<p><b>Project No.:</b> 2012017</p>													
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<p><b>By</b> BT</p>		<p><b>Client</b> Total Group Pty Ltd</p>		<p><b>Project No.:</b> 2012017</p>													
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<p><b>Author</b> BT</p>		<p><b>Client</b> Total Group Pty Ltd</p>		<p><b>Project No.:</b> 2012017</p>													
<p><b>Check</b> BT</p>		<p><b>Project</b> RESIDENTIAL DEVELOPMENT</p>		<p><b>Issue:</b> C</p>													
<p><b>Drawn</b> BT</p>		<p><b>Client</b> Total Group Pty Ltd</p>		<p><b>Project No.:</b> 2012017</p>													
<p><b>Scale</b> As Noted</p>		<p><b>Project</b> RESIDENTIAL DEVELOPMENT</p>		<p><b>Issue:</b> C</p>													
<p><b>Issue</b> C</p>		<p><b>Client</b> Total Group Pty Ltd</p>		<p><b>Project No.:</b> 2012017</p>													

ORD02

Attachment 3



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## ORDINARY COUNCIL

ORD03

ORD03

**SUBJECT:** ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING, USE OF PART OF THE GARAGE AS A MESSAGE HOME BUSINESS AND DISPLAY OF ONE FREE-STANDING SIGN, 41 BROUGHTON STREET, CAMDEN

**FROM:** Director, Development & Health

**TRIM #:** 13/9121

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**APPLICATION NO:** 255/2013

**PROPOSAL:** Alterations and additions to an existing dwelling, use of part of the garage as a massage home business and the display of one free-standing sign

**PROPERTY ADDRESS:** 41 Broughton Street, Camden

**PROPERTY DESCRIPTION:** Lot 2, DP 569255

**ZONING:** R2 Low Density Residential

**OWNER:** Ms J Channoom

**APPLICANT:** Absolute Design Group Pty Ltd

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for alterations and additions to an existing dwelling, use of part of the garage as a massage home business and display of one free-standing sign at 41 Broughton Street, Camden.

The DA is referred to Council for determination as there remain unresolved issues received in 3 submissions from the public.

### SUMMARY OF RECOMMENDATION

That Council determine DA 255/2013 for alterations and additions to an existing dwelling, use of part of the garage as a massage home business and display of one free-standing sign pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

### EXECUTIVE SUMMARY

Council is in receipt of a DA for alterations and additions to an existing dwelling, use of part of the garage as a massage home business and display of one free-standing sign at 41 Broughton Street, Camden.

The DA 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 DA was publicly exhibited in accordance with Camden Development Control Plan 2011. 3 submissions were received (all objecting to the proposed development). A

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

The issues raised in the submissions include insufficient off-street car parking, traffic congestion, increased rainwater run-off, impacts upon solar access to adjoining properties and queries/concerns regarding the proposed hours of operation for the home business.

When initially lodged the DA sought approval for the use of the dwelling's double garage for the home business. Council staff raised concerns with the applicant that sufficient car parking was not being provided on the site. Subsequent to this the applicant reduced the size of the home business and proposed to retain half of the garage for car parking. This, combined with 2 spaces in the driveway in front of the garage, will provide 3 off-street car parking spaces, which fully complies with Camden Development Control Plan 2011.

The proposed home business will result in minimal additional traffic. The only employee will be a resident of the dwelling and the business will serve only 1 customer per hour using an appointment system. It is a recommended condition that 15 minute gaps be kept between each appointment to further reduce any potential parking or traffic conflicts.

The potential loss of solar access and increase in rainwater run-off and has been considered. Given the proposed rear addition is only single storey, it will not result in any solar access impacts upon surrounding properties. It is a recommended condition that the proposed rear addition be connected to an on-site rainwater drainage system and also not direct rainwater discharge onto adjoining properties. This will limit the discharge of rainwater across adjoining properties.

Concerns regarding the proposed operating hours of the home business have been raised. Council staff have written to the submission writers and advised of the operating hours proposed by the applicant. The submission writers have not responded to Council following this correspondence. The proposed operating hours are 8am-8pm Monday to Friday and 9am-5pm on Saturdays. These hours are considered acceptable given the small scale nature of this business in that it will only employ one person and serve only one customer at a time.

It should be noted that the proposed home business component of this DA is Exempt Development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Exempt development does not require Council approval to be carried out. Consequently if this DA were to be refused, the home business component could still be carried out in the same manner regardless.

The proposed development **fully complies** with all applicable planning controls.

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



## AERIAL PHOTO



## THE SITE

The site is commonly known as 41 Broughton Street, Camden and is legally described as lot 2, DP 569255.

The site has a frontage of 17m to Broughton Street, a depth of 32m and an overall area of 550m<sup>2</sup>. The site slopes downwards towards the rear and accommodates an existing two storey dwelling and associated driveway, car parking and landscaping. The site is located within the Camden Heritage Conservation Area.

The surrounding area is characterised by a mix of residential and commercial properties with associated signage.

The Camden Town Centre lies to the north of the site whilst to the east exists the residential suburb of Camden and the Nepean River. To the south exists Camden Hospital and the residential suburb of Camden South. To the immediate west lies the light industrial area of Little Street with the rural residential suburb of Grasmere further to the west.

## HISTORY

There is no relevant development history for this site.

## THE PROPOSAL

DA 255/2013 seeks approval for alterations and addition to an existing dwelling, use of part of the garage as a massage home business and display of one free-standing sign.

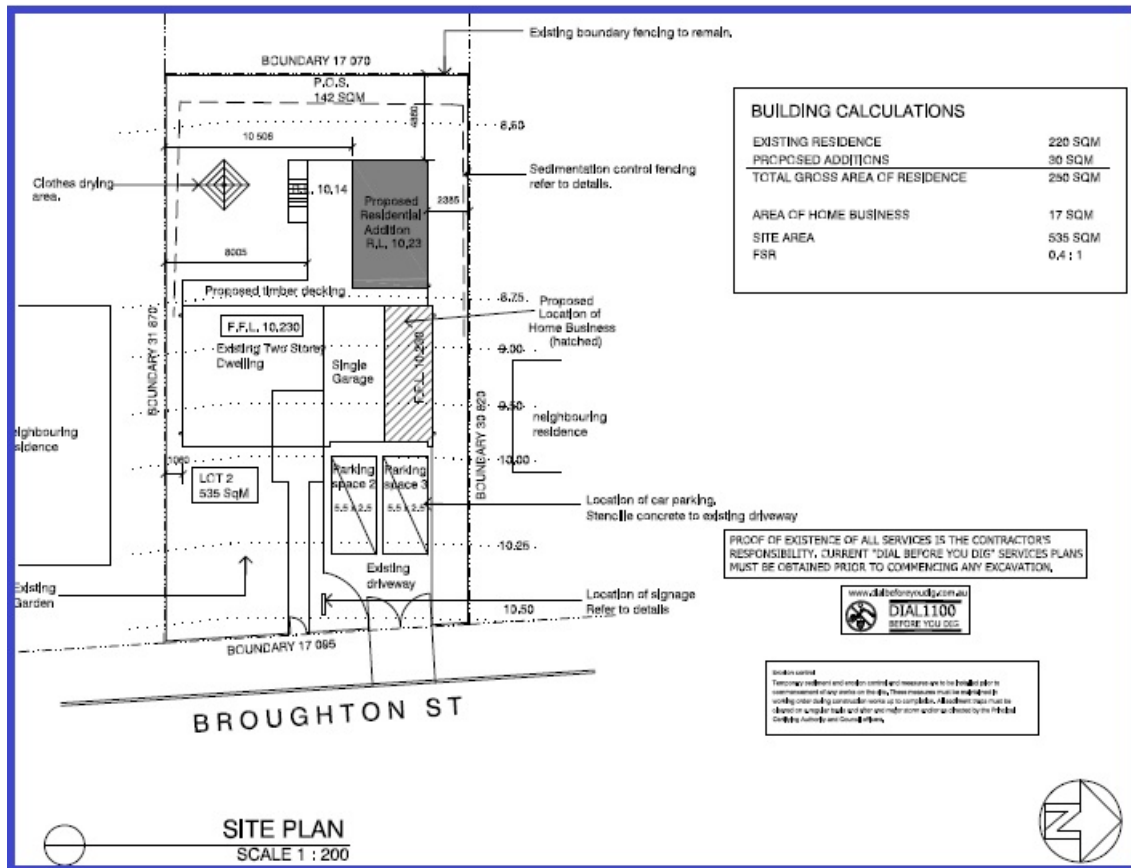
Specifically the proposed development involves:

- construction of a 28m<sup>2</sup> single storey games room addition at the rear of the dwelling;
- construction of a 36m<sup>2</sup> timber deck from the rear of the dwelling to the proposed games room addition;
- the use of approximately 17m<sup>2</sup> of the garage as a massage home business;
- home business operating hours of Monday to Friday 8am-8pm and Saturdays 9am-5pm. No work is proposed on Sundays or public holidays.
- the business will employ 1 staff member (the property owner) and will serve only 1 customer at a time by appointments only. Appointments will be made on an hourly basis; and
- the display of 1 double-sided, free-standing sign near the front of the site. The sign will be 1.8m high and have a display area of 0.7m<sup>2</sup> (1m x 0.7m). The sign will display the business name and operating details.

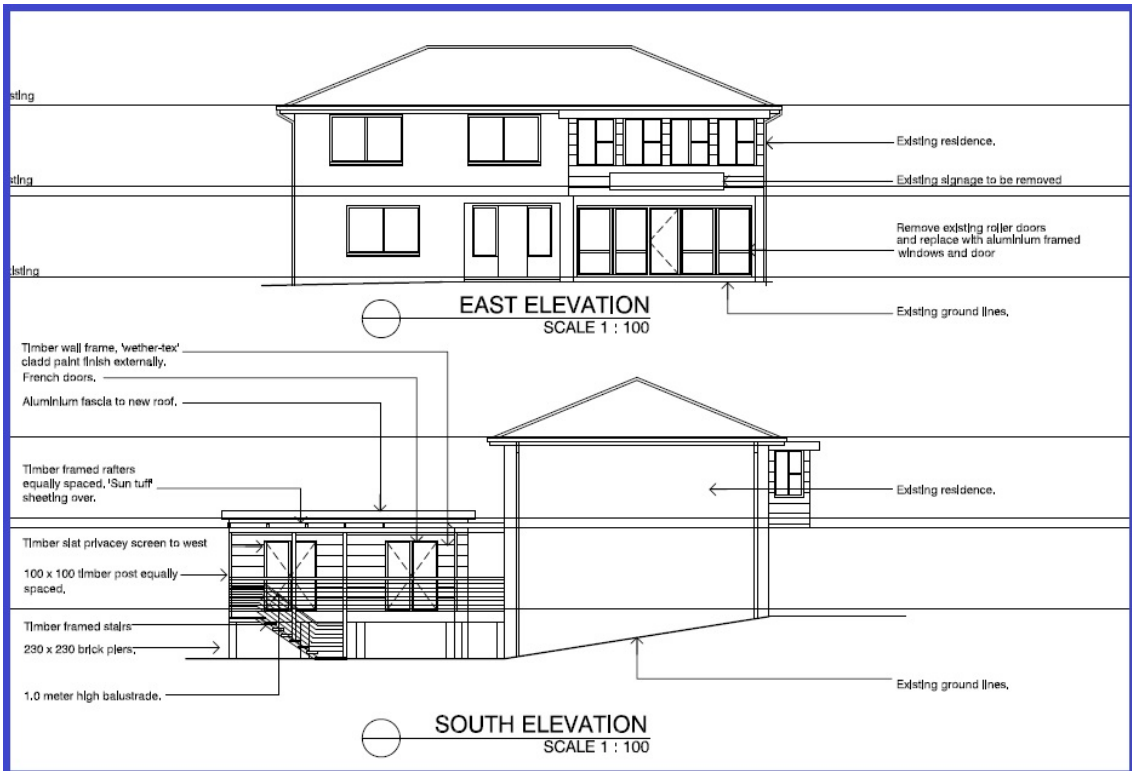
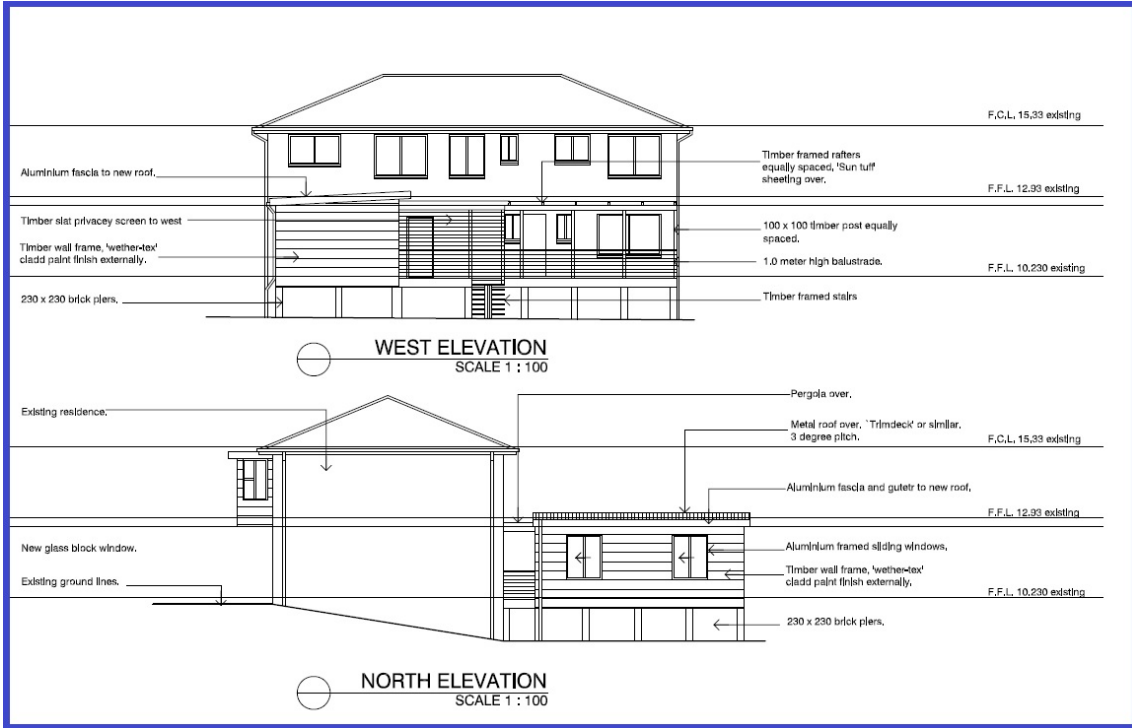
The value of the works is \$40,000.

**A copy of the proposed plans is provided as an attachment to this report.**

**PROPOSED SITE PLAN**



**PROPOSED ELEVATIONS**





## ASSESSMENT

### ***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 proposed development are:

- State Environmental Planning Policy No 64 – Advertising and Signage
- 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.

#### State Environmental Planning Policy No 64 – Advertising and Signage (SEPP)

The proposed development includes a doubled sided, 1.8m high free-standing sign with a display area of 0.7m<sup>2</sup> (1m x 0.7m).

Pursuant to Clause 4(1) of the SEPP, the proposed sign is considered to be an "advertisement" in that it includes the general advertising of services. The SEPP prohibits advertising signs in residential areas.

Consequently it is a recommended condition that the proposed sign be amended to remove all specific references to services that will be offered. This will result in the sign being defined as a business identification sign by the SEPP and allow for it to be displayed in this residential area.

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

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

The proposed 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 development.

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

##### *Permissibility*

The site is zoned R2 Low Density Residential under the provisions of the LEP. The proposed development is defined as a "home business" by the LEP which is a permissible land use in this zone. The proposed dwelling alterations and additions and sign are also permitted with consent.

*Objectives*

The objectives of the R2 Low Density Residential zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.

Officer comment:

Even with the proposed home business operating the principal land use on this will be a dwelling which will still contribute towards the housing needs of the community.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Officer comment:

The proposed home business will provide a service to meet the needs of surrounding residents and is therefore not inconsistent with this objective.

- To allow for educational, recreational, community and religious activities that support the wellbeing of the community.

Officers comment:

This objective is not relevant to the proposed development as the proposal is for a dwelling extension and home business.

- To minimise conflict between land uses within the zone and land uses within adjoining zones.

Officers comment:

The proposed development is for a small scale home business that will employ only one person and therefore it is not considered that it will conflict with other land uses in this or adjoining zones.

*Relevant Clauses*

The DA was assessed against the following relevant clauses of the LEP.

Clause	Requirement	Provided	Compliance
4.3 Height of Buildings	Maximum 7m building height	Proposed 4.5m building height	Yes
5.4 Controls relating to miscellaneous permissible uses	Home businesses must not have a floor area greater than 50m <sup>2</sup>	The proposed home business will use a floor area of 17m <sup>2</sup>	Yes
5.10 Public Utility Infrastructure	Conserve the environmental heritage of Camden	The proposed development will not negatively impact upon the Camden Heritage	Yes

Clause	Requirement	Provided	Compliance
		Conservation Area	

**(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 proposed development.

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

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposed development's compliance with the controls in the DCP.

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion and sediment control measures	It is a recommended condition that appropriate erosion and sedimentation controls measures are provided as part of the construction process for the proposed development	Yes
B1.3 Salinity Management	Salinity resistant building construction	It is a recommended condition that the development be constructed to be salinity resistant in accordance with Council policy	Yes
B1.9 Waste Management Plan	A waste management plan is required	An appropriate waste management plan has been provided	Yes
B3.1 European Heritage	To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views	The proposed dwelling alterations additions, home business and sign will not negatively impact upon the Camden Heritage Conservation Area and are consistent with the DCP controls	Yes
B 4.1 General Requirements for Signs	Signs to not detract from amenity/character	The proposed sign will not detract from the amenity/character of the area	Yes

Control	Requirement	Provided	Compliance
	Signs must be in scale with development	The proposed sign is in scale with the site's existing dwelling	Yes
	Signs must be wholly located within property boundaries	The proposed sign is located wholly within the property boundaries	Yes
B4.2 Signs on Heritage Items or in Heritage Conservation Areas	New signage should have of minimal impact on the character of the heritage conservation area	The proposed sign is consistent with the character of the area and will not negatively impact upon it	Yes
	Signage should be appropriately designed to allow the character of the conservation area to remain prominent	The proposed sign will not detract from the prominence of the heritage conservation area's character	Yes
B4.3 Residential, Rural and Environmental zones	Only one business identification sign with a maximum area 0.7m <sup>2</sup>	The proposed business identification sign has an area of only 0.7m <sup>2</sup>	Yes
	Pole or pylon signs shall not exceed 2m above natural ground level	The proposed free-standing sign will not exceed 2m above natural ground level	Yes
	Location, type, colour, design and size shall not detract from the amenity and character of the local area	The design, location, type and size of the proposed sign is consistent with existing signage located in the surrounding area	Yes
	All signs shall be located wholly within the property boundary	The proposed sign is located wholly within the property boundaries	Yes
	Illumination is not permitted	The proposed sign will not be illuminated	Yes
B5 Parking and Access	2 spaces for the existing dwelling must be retained and car parking for the home business will be considered on merit	2 spaces will be retained for the existing dwelling (1 in the garage and 1 in the driveway).  A third space will be provided for business customers in the	Yes

Control	Requirement	Provided	Compliance
		driveway. This is considered to be acceptable given the only business employee is a resident of the dwelling	
D2.1.1 Setbacks	Minimum side setback of 0.9m	2.3m provided	Yes
	Minimum rear setback of 4m for single storey or single storey portions	4.86m provided	Yes
D2.1.3 Height, Massing and Siting	Maximum building height of 9.5m pursuant to LEP and no more than two storey	The proposed rear addition will be 4.5m high and single storey	Yes
	Ground floor to be located no more than 1m above ground level	The ground floor level will be located 1m above natural ground level	Yes
D2.1.5 Private Open Space, Site Cover and Landscaped Area	Maximum site cover for lots greater than 450m <sup>2</sup> = 50%	If the additions were to be approved, the site will have a total site cover of 46%	Yes
	Minimum 30% landscaped area	A minimum of 30% landscaped area will be provided	Yes
	A dwelling shall be provided with quality, useable private open space (POS) behind the building line which will be a minimum 20% of the site area (the site is 535m <sup>2</sup> , therefore 20% is 107m <sup>2</sup> )	136m <sup>2</sup> of open space is provided behind the building line. This is in excess of the DCP's requirement	Yes
	Sunlight must reach at least 50% of the principal private open space of both the existing dwelling and of any adjoining dwelling for not less than 3 hours	The proposed development is for a ground floor extension and will not impact on solar access to this or adjoining properties	Yes

Control	Requirement	Provided	Compliance
	<p>between 9am and 3pm on 21 June</p> <p>65% of the POS area shall be soft landscaping</p>	All POS behind the building line is soft landscaping or grassed area	Yes
D5.6 Home Business and Home Industry	<p>The development must not involve the employment of more than 2 persons other than those residents</p> <p>Must not involve more than 50m<sup>2</sup> in the dwelling or building ancillary to the dwelling</p> <p>Must not interfere with amenity of locality</p> <p>Must not involve exposure to view from any adjacent premises or from any public space of any unsightly matter, goods or products</p> <p>Must not give rise to traffic levels out of keeping with the surrounding locality</p> <p>Maintains existing parking on site in accordance with park B5</p> <p>Operational hours must be between 8.30am-5.30pm Monday to Friday and 8.30am-12 noon Saturday unless it can be demonstrated that operation outside of these hours will not adversely affect the</p>	<p>One resident is the sole worker</p> <p>The proposed area for the home business is only 17m<sup>2</sup></p> <p>The proposed development will not interfere with the amenity of the locality</p> <p>The proposed development will not cause any unsightly views from adjacent premises or public spaces</p> <p>The proposed development will not give rise to significant traffic volumes</p> <p>Adequate car parking on the site will be maintained</p> <p>The proposed home business will operate between 8am-8pm Monday to Friday and 9am-5pm on Saturdays. These hours are considered to be acceptable given that only one customer at a time will visit the business and that the only employee will be a resident of the dwelling</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	amenity of adjoining dwellings or the neighbourhood 8.30am and 5.30pm, Monday to Friday and 8.30 to 12 noon Saturdays. No work Sundays or public holidays Must not involve deliveries outside of operational hours	All deliveries to the site will take place within the proposed operational hours	Yes
	Signage must comply with Section B4 of the DCP	The proposed sign fully complies with Section B4 of the DCP	Yes
	A statement of environmental effects (SEE) must be submitted	An appropriate SEE has been submitted	Yes

***(a)(iia) 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 DA.

***(a)(iv) The Regulations***

The Regulations prescribe 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 in the locality***

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

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

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

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

The DA was publicly exhibited for a period of 14 days in accordance with the DCP. The exhibition period was from 15 to 29 April 2013. 3 submissions were received (all objecting to the proposed development).

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

1. *A concern is raised over the operational hours of the proposed home business as it was not provided in the notification letter and nearby residents have young families.*

Officer comment:

Council staff have written to the submission writer with information regarding the proposed operating hours for the home business.

Council staff have reviewed the proposed operating hours and given the small scale nature of the home business, being a sole trader who will operate hourly appointments, it is not considered that there will be any negative amenity impacts upon surrounding residents.

2. *Concerns are raised over the availability of on street parking and the increase in traffic the proposal will cause.*

Officer comment:

Following discussions with the applicant, the proposed development has been modified to provide 3 on-site car parking spaces (1 in the garage and 2 in the driveway). This fully complies with the DCP controls.

The proposed home business will generate only very minimal additional traffic. The only employee will be a resident of the dwelling and the business will serve only 1 customer per hour using an appointment system. It is a recommended condition that 15 minute gaps be kept between each appointment to further reduce any potential parking or traffic conflicts.

3. *Concern has been raised about the potential increase in run off that the proposed extension may cause on adjoining properties.*

Officer comment:

It is a recommended condition that the proposed rear addition be connected to an on-site rainwater drainage system and also not direct rainwater discharge onto adjoining properties. This will limit the discharge of rainwater across adjoining properties.

4. *Concern has been raised about the potential impacts on solar access as a result of the proposed addition.*

Officer comment:

The proposed rear addition is only single storey and therefore will not impact upon solar access to adjoining properties.

**(e) The public interest**

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



**EXTERNAL REFERRALS**

The DA 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 DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 255 2013 is recommended for approval subject to the conditions contained in this report.

**CONDITIONS**

**1.0 - General Requirements**

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

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

Plan / Development No.	Description	Prepared by	Dated
1218 03/12 Issue B	Proposed Ground Floor	Absolute Design Group Pty Ltd	May 2013
1218 04/12 Issue B	First Floor Plan	Absolute Design Group Pty Ltd	May 2013
1218 05/12 Issue B	Home Business Plan	Absolute Design Group Pty Ltd	May 2013
1218 06/12 Issue C	Elevations	Absolute Design Group Pty Ltd	May 2013
1218 07/12 Issue C	Elevations	Absolute Design Group Pty Ltd	May 2013
1218 08/12 Issue C	Section	Absolute Design Group Pty Ltd	May 2013
1218 10/12 Issue B	Concept Landscaping Plan	Absolute Design Group Pty Ltd	May 2013
1218 12/12 Issue C	Signage details	Absolute Design Group Pty Ltd	May 2013
Statement of Environmental Effects	Statement of Environmental Effects	Absolute Design Group Pty Ltd	-

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

- (2) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (3) **General Requirement** – This approval relates to the activities identified in the Development Application. Where it is intended to use the home business in a

manner other than outlined in the application, further written approval must be obtained from Council prior to undertaking any such activity at the premises.

- (4) **Hand Basin** – A hand basin shall be located in the treatment area and have:
  - a) An adequate supply of potable water at a temperature of at least 40 degrees Celsius mixed from a hot and cold water supply through a single outlet;
  - b) Hands free taps;
  - c) Soap, or other substance for the cleaning of hands, located next to it; and
  - d) Single-use towels or other suitable hand drying equipment located next to it.
- (5) **Wastewater** – No wastewater from wet washing of floors is to enter the stormwater system. All wastewater is to be disposed of into the sewer as per Sydney Water requirements.
- (6) **Walls In Wet Area** - The wall(s) adjacent to all basins and sinks must be constructed of, or covered with, a material that is durable, smooth, impervious to moisture and capable of being easily cleaned. This material must comply with the following dimensions:
  - (a) from floor level or from the top of the wash basin and extend to a height of 450mm above the top of the wash basin; and
  - (b) from the centre of the wash basin and extend to a distance of 150 mm beyond each side of the basin.
- (7) **Refuse Containers** - The premises must be provided with suitable waste receptacles with tight fitting lids. Such receptacles must be smooth and impervious to moisture.
- (8) **Waste Disposal** - All non-sharps waste shall be double bagged, tied and sealed before being disposed.

**Note:** Waste bags and containers must not be overfilled as this prevents closure and increases the risk of rupture.
- (9) **Additional Services** - Council shall be notified and approval sought prior to additional services being offered and provided to members of the public from within the establishment.
- (10) **Existing Signage** – All existing signage present on site must be removed.
- (11) **No Additional Signs** – The approval of this sign does not suggest that additional signs may be erected without the prior written approval of the Camden Council.
- (12) **Sign Illumination** – The proposed sign must not be illuminated.
- (13) **Sign Dimensions and Location** - The proposed signage shall not exceed the size of the sign shown on the approved plans and shall be located as indicated on the approved plans.
- (14) **Amended Signage Content** – The proposed sign must be modified to remove specific references to any of the services offered by the massage home

business. The content of the sign must be limited to the business name, contact details, operating hours and any associated graphics or logos.

- (15) **Garage Doors** – The proposed bi-fold doors must not cover the entire garage frontage. The bi-fold doors can only be installed over the portion of the garage to be utilised for the home business.
- (16) **Use of Garage** – One side of the garage must be kept clear and maintained for car parking only. This area is not to be used for storage.
- (17) **Bunting** - Bunting must not be used to attract customers.

## 2.0 - Construction Certificate Requirements

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

- (1) **Salinity** – Council's Policy 'Building in a Salinity Prone Environment' is to be implemented in this development. Details of compliance shall be forwarded to the Certifying Authority for approval with the Construction Certificate Application.
- (2) **Air Conditioning/Mechanical Ventilation** – Any room or area not provided with natural ventilation in accordance with the provisions of Clause F4.5 of the *Building Code of Australia* must be provided with a system of mechanical ventilation that complies with the requirements of *Australian Standard 1668-1991 Parts 1 & 2*.

## 3.0 - Prior To Works Commencing

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

- (1) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (2) **Notice Of Commencement Of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and Clauses 103 and 104 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building or subdivision works.
- (3) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (4) **Erection of Signs** – Shall be undertaken in accordance with Clause 98A of the *Environmental Planning and Assessment Regulation 2000*.

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

Each toilet must:

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

- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

Where a soil erosion and sediment control plan (or details on a specific plan) has been approved with the development consent, these measures must be implemented in accordance with the approved plans. In situations where no plans or details have been approved with the development consent, site soil erosion and sediment controls must still be implemented where there is a risk of pollution occurring.

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

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

#### 4.0 - During Construction

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

- (1) **Fill Quality** – Any fill material brought in for the construction of the development must only contain uncontaminated soil, clay, shale or rock. No effluent, garbage or trade waste, including building or demolition waste, must be included in the fill. The extent and depth of filling must only occur in accordance with the approved plans and any other conditions of the Development Consent. Evidence of the certification of the fill as uncontaminated shall be provided to the Principal Certifying Authority.
- (2) **Thermal Insulation** – The development must be provided with wall and ceiling insulation, (including any wall between living areas and any garage), to conserve energy for the purposes of heating and cooling.

The minimum ratings required are:

- o Ceilings R3.5
- o Walls R1.5

Where installations are performed by an insulation company, a certificate of installation must be submitted to the Principal Certifying Authority (PCA) verifying the installation and required "R" ratings.

(3) **Hours of Work** – The hours for all construction and demolition work are restricted to between:

- (a) 7.00am and 6.00pm, Monday to Friday (inclusive);
- (b) 7.00am to 4.00pm on Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8.00am to 4.00pm;
- (c) work on Sunday and Public Holidays is prohibited.

(4) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:

- (a) the delivery of material shall only be carried out between the hours of 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 4.00pm on Saturdays;
- (b) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site;
- (c) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
- (d) waste must not be burnt or buried on site, nor should wind-blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot;
- (e) a waste control container shall be located on the development site.

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

- (a) the floor level for slab on ground construction shall be a minimum of 150mm above finished ground level for habitable rooms;
- (b) seepage and surface water shall be collected and diverted clear of the building by a sub-surface/surface drainage system;
- (c) the control of surface water drainage shall in all respects comply with the *Building Code of Australia (Class 1 and Class 10 Buildings)*;
- (d) where a rainwater tank is required on the site, all surface water drainage lines shall be connected to the outlet overflow drainage line from the rainwater tank.

(6) **Shoring and Adequacy of Adjoining Property** - Shall be in accordance with Clause 98E of the Environmental Planning and Assessment Regulation 2000.

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

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

- (8) **Roofwater Drainage System** – All roofwater from the subject building(s) shall be connected to a rainwater drainage system. No roofwater is to be directed onto adjoining properties.

All roofwater must be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The Principal Certifying Authority (PCA) must not permit construction works beyond the frame inspection stage until this work has been carried out

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

In this condition:

- (a) relevant BASIX Certificate means:
  - (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
  - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and
- (b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

- (10) **Finish of Surfaces** – Finish of all surfaces in the treatment room shall be made of materials that are impervious to water and easily cleaned.

- (11) **Floor Finish** – Floor surface of massage rooms is to be constructed of material that is non-slip, impervious to water, easily cleaned and unable to absorb oils.

- (12) **Vermin Proofing** – All openings in the walls and ceilings/roof throughout the premises shall be made proof against vermin.



- (13) **Noise** - No work shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.

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

For a cumulative period of exposure to construction activity noise of up to 4 weeks, the Laeq (15 minute) emitted by the works to specific residences should not exceed the LA90 background level by more than 20 dBA.

For a cumulative construction noise exposure period of between 4 to 26 weeks, the emitted Laeq (15 minutes) noise level should not exceed the LA90 level by more than 10 dBA.

For a cumulative construction noise exposure period greater than 26 weeks, the emitted Laeq (15 minute) noise level should not exceed the LA90 level by more than 5 dBA.

### 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) **Component Certificates** - Where Camden Council is appointed as the Principal Certifying Authority (PCA) for the development, the following component certificates, as relevant to the development, shall be provided prior to the issued of a Final Occupation Certificate:

- (a) Insulation installation certificates.
- (b) Termite management system installation certificates.
- (c) Smoke alarm installation certificate from installing licensed electrician.
- (d) Survey certificate(s), prepared by a registered land surveyor, certifying that the building has been correctly and wholly located upon the subject allotment.
- (e) Certification attesting that retaining walls have been constructed in accordance with Engineer's details or manufacturer's specifications as applicable.



- (f) All certificates or information relating to BASIX compliance for the development.
- (g) An 'Approval to Operate a Sewage Management System' issued by Camden Council (for areas that are not serviced by a Sydney Water sewer).
- (h) A certificate certifying that the wet areas have been waterproofed in accordance with the requirements of the *Building Code of Australia*.
- (i) All certificates relating to salinity, as required by conditions of the development consent.
- (j) Any other certificates relating to the development (for example, engineering certification for foundations, piers, reinforcing steel or hydraulic certification for all stormwater drainage works).

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

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

## 6.0 - Operational Conditions

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

### (1) Linen Storage -

- a) Clean Linen, garments and towels are to be used on each massage client;
- b) Used and clean towels are to be stored separately;
- c) All linen including towels, capes, gowns and other washable fabrics must be washed with laundry detergent and water, rinsed, dried and stored in a clean, dry, dust free location.

### (2) Chemical Storage -

The storage of chemicals used on site, (including massage oils), must be:

- Contained in a cool, dry, well ventilated cabinet at or near ground level to minimise the possibility of chemicals being accidentally dropped or spilled;
- Out of reach of visitors; and
- In their original containers.

### (3) Cleanliness of Premises - Premises must be maintained in a clean and sanitary condition at all times.

### (4) Maintenance of Fittings - fittings in the treatment room, such as benches shall be cleaned between clients and/or a clean covering placed over the treatment surface.

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

Monday to Friday:	8am to 8pm
Saturday:	9am to 5pm
Sunday & Public Holidays:	No Trading

**Note:** Appointments are to be staggered to provide 15 minute gaps between clients to ensure there is no overlap of car parking required.

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

- (6) **Amenity** - The business shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, adjoining occupations and residential premises.
- (7) **Offensive Noise** - The use and occupation of the premises including all plant and equipment must not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997*.
- (8) **Home Business** – The approved development must operate consistent with the definition of a home business in Camden Local Environmental Plan 2010. The development must not be used as a home occupation (sex services) or sex services premises at any time.

### **RECOMMENDED**

**That Council approve DA 255/2013 for alterations and additions to an existing dwelling, use of part of the garage as a home business and display of one free-standing sign at 41 Broughton Street, Camden.**

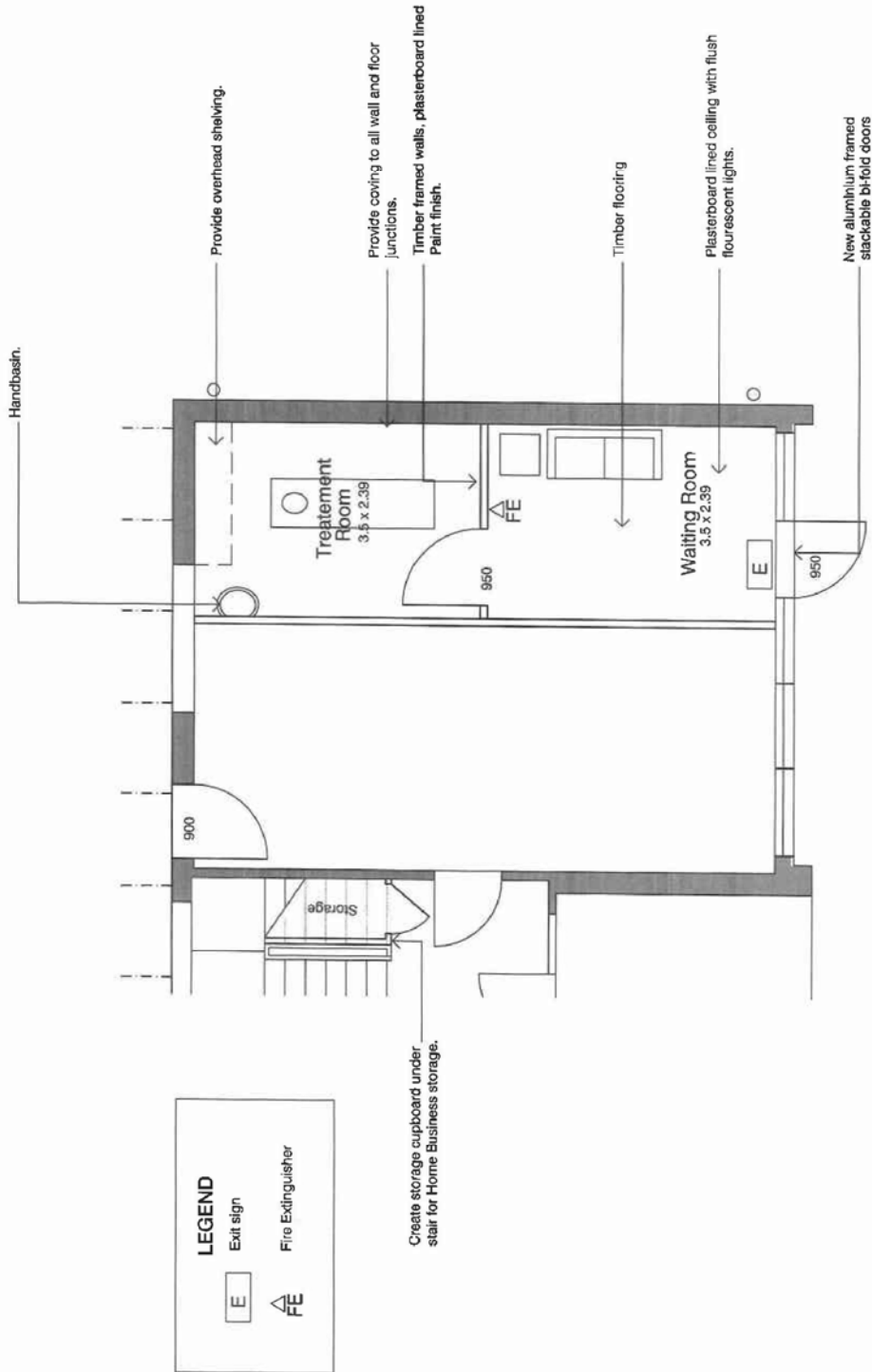
### ATTACHMENTS

1. DA 255 2013 Site Plan
2. DA 255 2013 Floor Plan - Home Business
3. DA 255 2013 Elevations
4. DA 255 2013 Signage
5. DA 255 2013 Floor Plans - *Supporting Document*
6. DA 255 2013 Submissions - *Supporting Document*



ORD03

Attachment 2



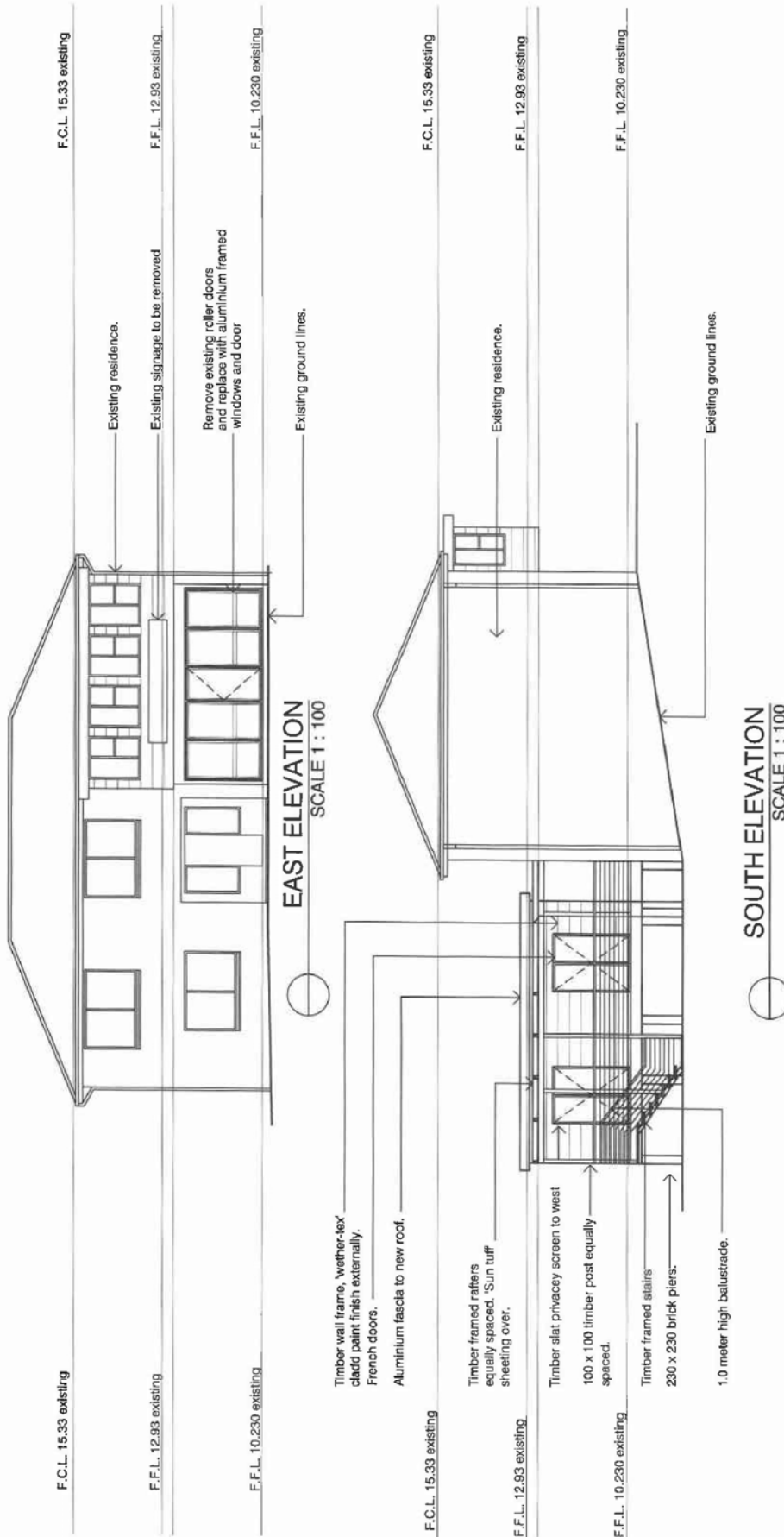
HOME BUSINESS PLAN  
SCALE 1 : 50

ISSUE	AMENDMENT	DATE	TITLE	DESIGNER	SCALE	DATE	PROJECT
A	Initial Sketches	September 2012	HOME BUSINESS PLAN	K CELEA	1 : 50	Nov 2012	B
B	REDUCTION IN THE AREA OF HOME BUSINESS	MAY 2013	Proposed Alterations and Additions to Residence and Proposed Home Business and Sign			12/18 05/12	

The architect is employed and the property of the proposed alterations and additions to the residence and proposed home business and sign are the property of Absolute Design Group Pty Ltd. Large Scale drawings and within dimensions may be used for construction purposes only. All dimensions to be checked on site prior to commencement of work. The architect assumes no responsibility for the accuracy of the information to be brought to the attention of the architect.

**Proposed Alterations and Additions to Residence and Proposed Home Business and Sign**  
 LOT 2, No. 41 DP 669255  
 Brougham Street  
 CAMDEN  
 FOR: June

**ABSOLUTE DESIGN GROUP PTY LTD**  
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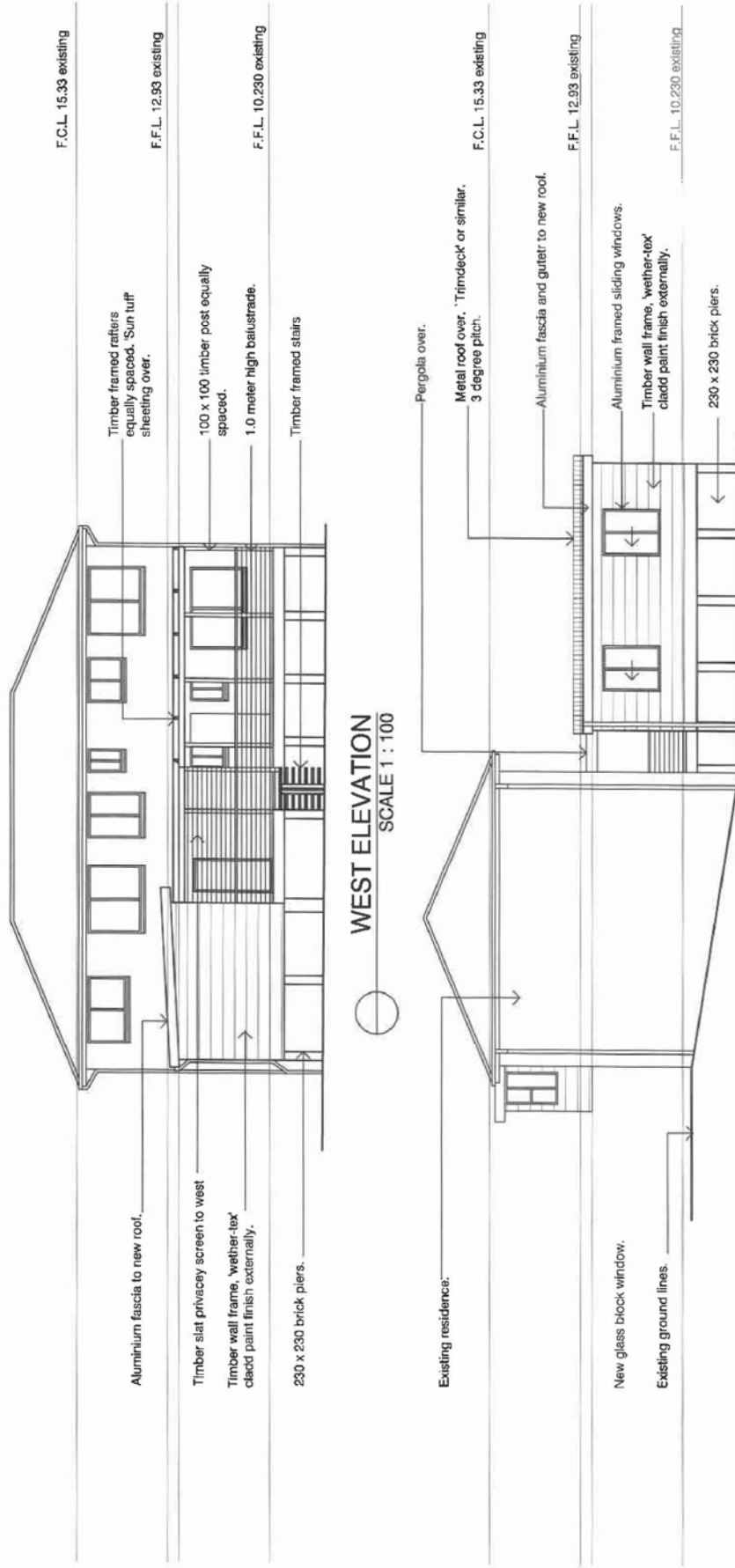
ISSUE	AMENDMENT	DATE	TITLE	Elevations
A	Initial Sketches	September 2012	Proposed Alterations and Additions to Residence and Proposed Home Business and Sign	K CELEA
B	Amended Signage	April 2013	LOT 2, No 41 DP 598255	NOV 2012
C	REDUCTION IN THE AREA OF HOME BUSINESS	MAY 2013	Broughton Street C A M D E N FOR: JUNE	SCALE 1 : 100
			DATE	1218 06/12
			JOB NO	C

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ORD03

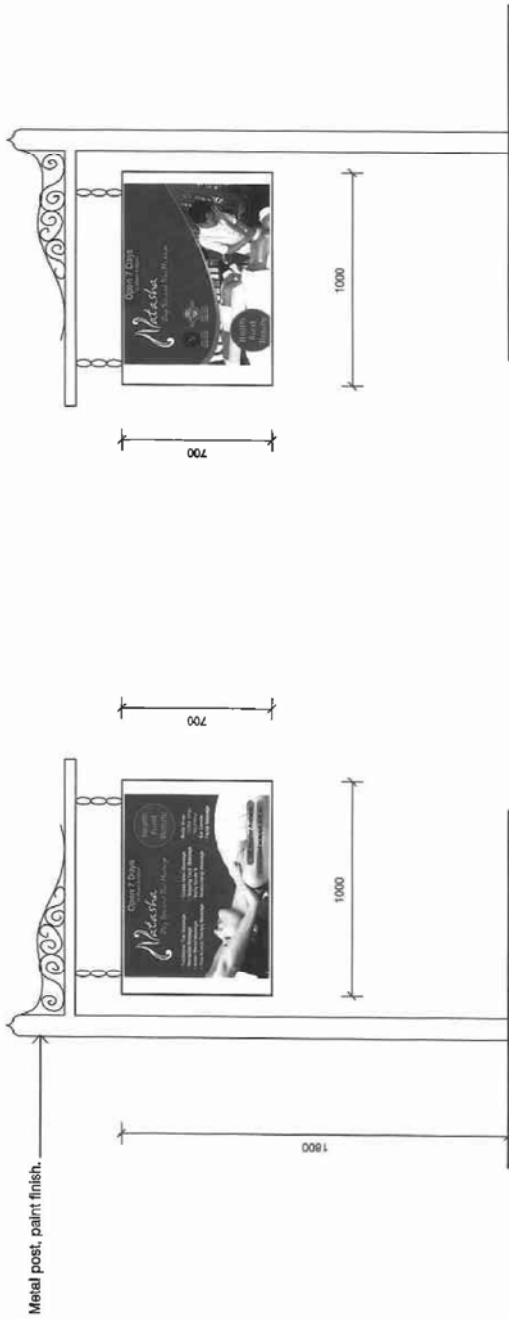
Attachment 3



WEST ELEVATION  
SCALE 1 : 100

NORTH ELEVATION  
SCALE 1 : 100

ISSUE	AMENDMENT	DATE	<p>This drawing is copyright and the property of the author. It is not to be used for any other purpose without the authority of Absolute Design Group Pty Ltd. Larger Scale drawings and written dimensions take precedence over this drawing. Do not scale from drawings. All dimensions to be checked on site prior to commencement of work. The author is not responsible for the accuracy of the author.</p>
	Initial Sketches REDUCTION IN THE AREA OF HOME BUSINESS	September 2012 MAY 2013	
<p>Proposed Alterations and Additions to Residence and Sign and Sign LOT 2, No. 11, CP 568255 Broughton Street CAMDEN FOR: June</p>			<p>ABSOLUTE DESIGN GROUP PTY LTD RESIDENTIAL COMMERCIAL INDUSTRIAL 853 Pines Creek Creek Valley New 2118, Mobile 4352 224 228 E: absolute@absolutedesign.com.au P: 08 9399 1000</p>
<p>Elevations DRAWN K CELEA DATE NOV 2012 SCALE 1 : 100 JOB No 1218 07/12</p>		<p>ISSUE B</p>	



FRONT OF SIGN SCALE 1 : 5

REAR OF SIGN SCALE 1 : 5

SIGNAGE DETAILS SCALE 1 : 5

ISSUE	AMENDMENT	DATE	TITLE
A	Initial Sketches	September 2012	<b>ABSOLUTE DESIGN GROUP PTY LTD</b> COMMERCIAL 154 Falcon Creek, Casuar Valley NSW 2159, Mobile: 0438 234 238 Email: info@absolutedesign.com.au Website: www.absolutedesign.com.au
B	Amended Signage	April 2013	
C	REDUCTION IN THE AREA OF HOME BUSINESS	MAY 2013	
Proposed Alterations and Additions to Residence and Proposed Home Business and Sign LOT 2, No 41 CP 566255 Broughton Street CAMDEN FOR: June			Signage details DRAWN: K CELEA DATE: NOV 2012 SCALE: 1 : 5 JOB No: 1218 12/12 ISSUE: C

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## ORDINARY COUNCIL

ORD04

**SUBJECT: PUBLIC EXHIBITION OF DRAFT ROAD NAMING POLICY**  
**FROM:** Director, Development & Health  
**TRIM #:** 13/5803

---

### PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement of the public exhibition of a Draft Road Naming Policy (the policy) that will guide the adoption of new road names within the Camden LGA. Also sought is Council's endorsement to invite road name suggestions from the public for a list of preferred road names currently being developed by Council staff.

### BACKGROUND

The subdivision of land commonly involves the construction and dedication of new public roads to Council. This process is increasing in regularity and volume given the urban growth that Council is and will continue to experience over the next 25 years.

Council staff are regularly approached by developers seeking guidance on proposed road names for new developments. Currently Council does not have a road naming policy and so the onus is placed on developers to provide appropriate road names for new developments.

The Geographical Names Board (GNB) provides guidelines for the naming of new public roads. All proposed names have to be endorsed by the GNB prior to them being publicly exhibited and adopted by Council. The GNB guidelines on road naming are currently under review in the form of the *Draft NSW Road Naming Policy* which was publicly exhibited between 28 May and 21 June 2013. **A copy of the GNB's Draft NSW Road Naming Policy is provided with the Business Paper supporting documents.**

### MAIN REPORT

Through recent road naming proposals, Councillors have expressed that the naming of new public roads should be linked to the physical, historical and cultural character of the area in which they are located. This is to ensure that local history and cultural connections to land are not lost when it is redeveloped for urban purposes.

Council staff have prepared a policy that will guide the adoption of new road names within the Camden LGA. **A copy of the policy is provided as attachment 1 to this report.**

The policy sets out key principles that Council will consider when adopting names for new public roads. These principles include using names from local history, the names of local eminent persons and names that are appropriate to the physical, historical or cultural character of the subject area. Importantly, the use of Aboriginal names must first be approved by the local Aboriginal Land Council and the names of living persons are to be avoided. All names must demonstrate consistency with the GNB's road naming policy of the time and the GNB's road naming procedure must be followed.

In addition, Council staff are currently developing a list of preferred road names for use in new developments. These preferred names will have strong historical and cultural links to the areas they can be used in and will be consistent with both the policy and the GNB's *Draft NSW Road Naming Policy*.

In preparing this list, Council's Local Studies Librarian has been engaged to prepare a list of preferred road names and themes for different suburbs. In addition, Council staff have met with representatives of the Camden Historical Society and requested their involvement in establishing the list. Families will be contacted prior to the inclusion of their names on the list.

Councillors recently put forward the names "Brooking" and "Winn" as appropriate road names for new developments and these names will be included in the list of preferred road names.

In order to compile a fully complete and robust list of preferred road names, it is proposed to invite road name suggestions from the public that comply with both the policy and the GNB's *Draft NSW Road Naming Policy*.

Once completed and if adopted, developers will be strongly encouraged to choose names from the list of preferred road names for new developments.

The proposed public exhibition process will involve advertising the policy in Council's weekly advert, Council's website, and will be available for public inspection at Council's offices and libraries for a 30 day period. This process will also involve inviting road name suggestions from the public.

### **FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

### **CONCLUSION**

Council staff have prepared a policy that will guide the adoption of new road names within the Camden LGA. This policy has been prepared in the context of the GNB's *Draft NSW Road Naming Policy* which was recently publicly exhibited.

Council staff are also developing a list of preferred road names that will be consistent with the policy and from which developers may choose when proposing road names for new developments.

Council's endorsement is sought for a 30 day exhibition period for the policy and also to invite road name suggestions from the public for a list of preferred road names that are consistent with both the policy and the GNB's *Draft NSW Road Naming Policy*. A further report will be provided to Council with the results of the exhibition.

### **RECOMMENDED**

**That Council:**

- i. endorse the draft road naming policy for a 30 day exhibition period;**
- ii. invite suggestions from the public for a list of preferred road names that are**

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**consistent with both the policy and the GNB's *Draft Road Naming Policy*; and**

**iii. be provided with a further report detailing the results of the 30 day exhibition period.**

ATTACHMENTS

1. Draft Road Naming Policy
2. GNB Road Naming Policy - *Supporting Document*



# ROAD NAMING POLICY

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## PART 1 - INTRODUCTION

### 1. OBJECTIVE

- 1.1 To provide consistent guidelines for Developers, the Community and Council when allocating new road names, or changing the name of existing roads.
- 1.2 To ensure road names are appropriate, will stand the test of time and preferably are of local or historical significance.
- 1.3 To adopt the Geographical Names Board (GNB) of NSW road naming guidelines as the basis for considering road names.
- 1.4 To establish a list of names for new roads within the local area in consultation with the community.

### 2. SCOPE

- 2.1 Council is the authority responsible for the naming or re-naming of public roads for which it is the roads authority.
- 2.2 Council's naming authority refers to any road under the control of Council including public roads or a road that is to be dedicated to Council by way of a subdivision of land but excludes roads under the control of any State Government Authority or private road.

## PART 2 - POLICY STATEMENT

### 3. Guidelines for Assigning Road Names

- 3.1 The key principles adopted by Council when determining Road Names are:
  - 3.1.1 Council's preferred source of road naming includes names from local history, including early explorers, settlers and other eminent local persons;
  - 3.1.2 Names should be appropriate to the physical, historical or cultural character of the area concerned;
  - 3.1.3 Thematic names will be considered where the theme relates to that area;
  - 3.1.4 The local Aboriginal Land Council must be consulted when using Aboriginal names;
  - 3.1.5 Names of living persons should be avoided;
  - 3.1.6 Names which are offensive or likely to give offence, out of place or commercial in nature will not be supported;
  - 3.1.7 Council's preferred road naming list should wherever possible be used.
- 3.2 When developers proposed road names they must provide supporting information to justify that their names comply with this policy.

### 4. Process of Road Naming

- 4.1 The following procedure is adopted by Council when considering road naming proposals:
  - 4.1.1 A proposal shall demonstrate how they satisfy Council's Road Naming Policy, in particular the guidelines and the GNB Road Naming Policy.
  - 4.1.2 The proposal shall wherever possible use names sourced from Council's Preferred Road Naming List.
  - 4.1.3 The procedure outlined by the GNB will be followed.

\* \* \*

**ORD04**

**Attachment 1**

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## ORDINARY COUNCIL

**ORD05**

**SUBJECT: PROPOSED ROAD NAMING - NEW ROADS IN MANOOKA VALLEY  
RELEASE AREA, CURRANS HILL - RESULTS OF PUBLIC  
EXHIBITION**

**FROM:** Director, Development & Health

**TRIM #:** 13/529

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### PURPOSE OF REPORT

The purpose of this report is to advise Council of the results of the public exhibition of future road names within the Manooka Valley release area, Currans Hills, and to seek Council's endorsement of the proposed names.

### BACKGROUND

The Manooka Valley release area is located to the north of Spring Hill Circuit in Currans Hill and to the south of the developing suburb of Gregory Hills. The release area is part of the Currans Hill suburb.

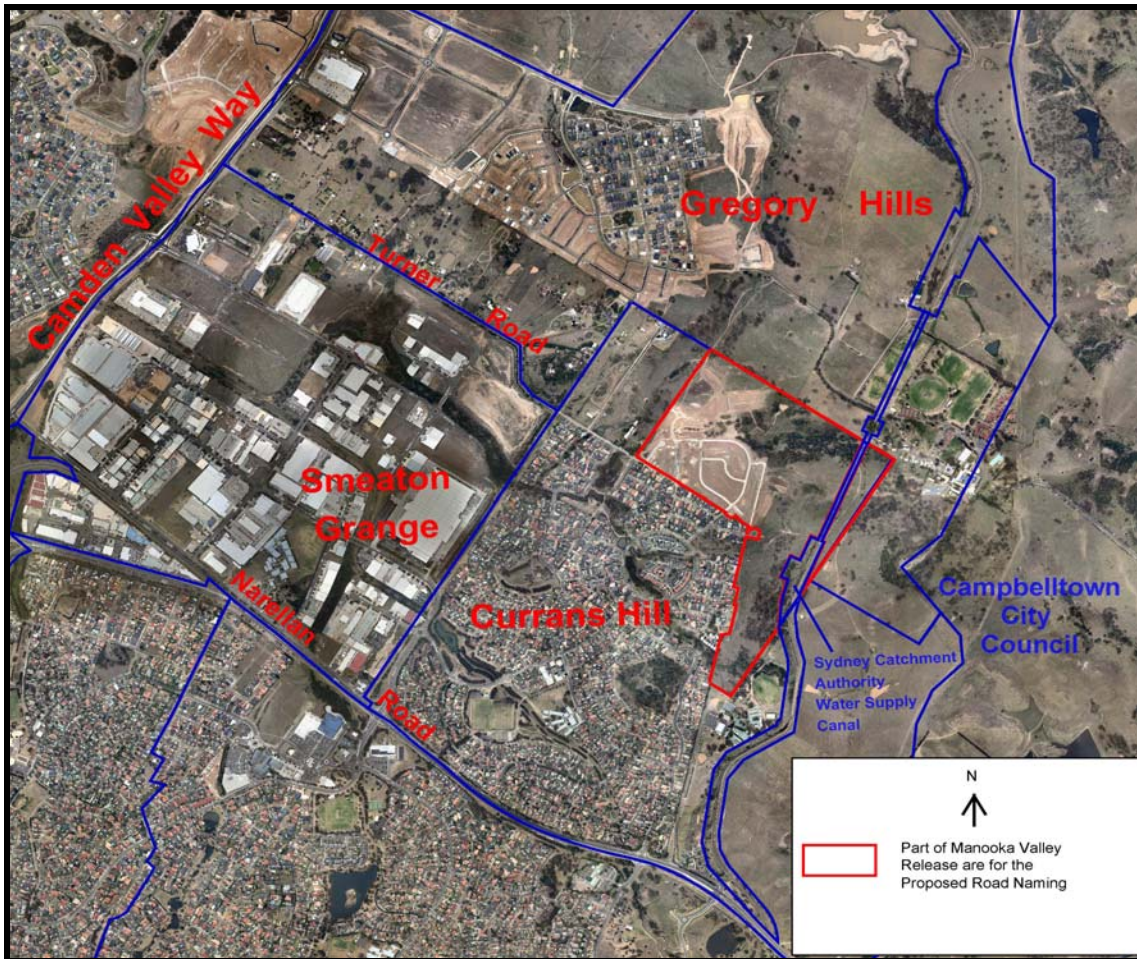
The land was rezoned for residential development in March 2006. At the Ordinary Meeting of 9 November 2010 Council resolved to approve Development Application 1291/2009 for the residential subdivision of a large part of the release area.

At the Ordinary Council meeting of 12 March 2013, Council resolved to endorse the proposed list of road names, to proceed with the road naming process, and that a further report detailing the results of a 30 day public exhibition period be provided to Council.

The proposed road names use a train and horse theme, which is consistent with names already used within the existing suburb of Currans Hill.



**AERIAL PHOTO**



**MAIN REPORT**

The road names that were placed on exhibition are:

Street Names	Street Type	Meaning
Caulfield	Street	Famous Victorian race track
Ascot	Drive	Famous English race track
Delmar	Lane	Well know Californian race track, where the turf meets the surf
Orient	Street	Orient Express train
Deccan	Drive	Prestigious train of the Indian railways
Ghan	Street	Australian passenger train operating between Darwin and

		Adelaide
Gunsynd	Place	Champion Australian thoroughbred
Octagonal	Court	Champion New Zealand thoroughbred
Red Rum	Road	Irish thoroughbred who won the Grand National 3 times
Newmarket	Street	World class UK race track
Rosehill	Street	Sydney race track
Geraldton	Drive	Perth's biggest race track
Oakbank	Close	Adelaide's steeple chase track
Penola	Street	South Australia's oldest racing club
Woodbridge	Drive	New Jersey train line
Rialto	Street	Southern California's commuter train
Bentleigh	Avenue	Victorian train station
Forsyth	Place	Train operating along the Northern Pacific mainline
Barclay	Street	Horse trainer
Chariot	Street	Horse carriage used in ancient warfare
Furlong	Drive	Measure of distance
Oaklawn	Street	Race track
Arlington	Street	American race track
Pimlico	Avenue	Race track
Hastings	Avenue	Race track
Canter	Street	Horse rhythm
Spur	Lane	Riding equipment
Bascule	Street	Arc of a horse jump
Cadence	Street	Gait
Cavaletti	Close	Horse jump
Clover	Drive	Type of hay
Cart	Street	Vehicle pulled by horses

Coach	Street	Carriage
Damsire	Lane	Grandfather of a horse on its mother's side
Diagonal	Street	Horse movement in dressage
Filly	Street	Young female horse
Float	Lane	Horse trailer
Jockey	Way	Horse rider
Martingale	Drive	A part of a harness that keeps a horse from throwing its head back
Prix	Street	International dressage level

The Geographical Names Board (GNB) has advised Council of the process to be followed by the roads authority in respect to the naming of new roads in accordance with the *Roads Act 1993*. In this instance, Council is the roads authority. The names have been considered in accordance with this process.

### **NOTIFICATION**

The proposed road names were notified for a 30 day period from 27 March 2013 to 26 April 2013. No submissions were received.

### **CONCLUSION**

The proposed road names have been assessed by Council staff in accordance with the GNB criteria and the names satisfy the GNB's guidelines for the naming of roads. The names have been publicly exhibited for 30 days with no submissions being received.

This matter is now reported to Council with a recommendation to approve the list of names for these future roads.

### **RECOMMENDED**

**That Council:**

- i. endorse the list of proposed road names for the Manooka Valley release area within the Currans Hill Suburb;**
- ii. publish the approved name in the NSW Government Gazette and in local newspapers; and**
- iii. inform Australia Post, the Registrar General and the Surveyor General of the approved names.**

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## ORDINARY COUNCIL

**ORD06**

**SUBJECT: PRE GATEWAY REVIEW OF PLANNING PROPOSAL LOT 1 IN DP 882365 & LOT 1 IN DP 554326, MACQUARIE GROVE ROAD, KIRKHAM**

**FROM:** Director Governance

**TRIM #:** 13/9238

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### PURPOSE OF REPORT

The purpose of this report is to inform Council of the lodgement of a Pre Gateway Review with the Department of Planning and Infrastructure (DPI), for the planning proposal at Macquarie Grove Road, Kirkham, and to reaffirm Councils previous position in regards to this proposal.

### BACKGROUND

In October 2008 Council received a submission to consider the rezoning of land at Macquarie Grove Road, Kirkham (Lot 1 in DP 882365 & Lot 1 of DP 554326) **Attachment 1 Subject Site**. The submission proposed to rezone 8ha of RU1 Primary Production Land (40ha minimum lot size) to R5 Large Lot Residential (4000m<sup>2</sup> minimum lot size). The proposed rezoning is to achieve 15 lots.

In March 2009 Council resolved to proceed with the proposed rezoning, and sought an s.54 approval from the DPI to commence the preparation of a Local Environmental Study (LES), approval was received in September of 2009.

In accordance with the s.54 approval the proponent was directed to prepare detailed environmental studies with regard to drainage and visual impacts as part of the LES.

In November 2010 Council reconsidered the proposal in conjunction with the drainage strategy, visual assessment, and community comments and resolved not to proceed with the rezoning.

In June 2011 the proponent resubmitted the original proposal back to Council for its consideration. At the 27 March 2012 meeting, Council resolved to reaffirm its previous position of the November 2010 meeting.

Following changes in the legislation, in November of 2012, the role of Joint Regional Planning Panels (JRPP) was expanded to review decisions made on Planning Proposals. On 23 July 2013 the proponents' representative lodged an application with the DPI for the pre gateway review of the Macquarie Grove Road, Kirkham, Planning Proposal.

### MAIN REPORT

#### The Planning Proposal

The subject site is located in the suburb of Kirkham and bound by Macquarie Grove Road to the west, Kirkham Lane to the south and the Kirkham Meadows estate to the

east. The site is currently vacant except for a two storey residence in the south east corner.

As demonstrated by **Attachment 2** to this report the subject site is adjacent to the R5 Large Lot Residential development (minimum site area 4000m<sup>2</sup>) known as the Kirkham Meadows Estate and the R2 Low Density Residential development (minimum site area 800m<sup>2</sup>) known as Kirkham Rise.

Previous consideration of this proposal has identified a number of concerns including:

- Drainage – drainage studies identified the requirement to utilise existing overland flow paths within Kirkham Meadows, as the preferred drainage method;
- Visual Impact – concerns over the impact of buildings on the rural character and surrounding development;
- Community Concerns - including drainage with related safety and rubbish issues; building footprints and setbacks; height of dwellings with related privacy impacts; costs incurred by residents to achieve previously stated landscape objectives; impact on rural character; and overdevelopment and
- Access and Traffic considerations.

### The Pre Gateway Review

In November 2012 a legislative amendment was made to the Environmental Planning and Assessment Act 1979 to enable the proponent to request a review of a Council decision, where the council has chosen not to proceed with a planning proposal, or where Council has not made a decision to prepare a planning proposal after 90 days of receiving a proponents' request.

The Pre Gateway review process provides Council with 21 days, (from notification of lodgement) to respond to the DPI request for information on the Planning Proposal.

Following the 21 day period DPI officers will prepare a report to the Minister. The report will advise whether the planning proposal has planning merit and should be further considered by the appropriate JRPP.

Where a report recommends consideration by the JRPP, the JRPP will consist of the Chairperson, 2 state members and Camden Councils' two (2) representatives. The pre-gateway review will be considered in a closed JRPP meeting.

Should the JRPP agree that there is merit in the proposal they will make a recommendation to the Minister that a gateway approval be provided to the planning proposal. The JRPP will also recommend the appointment of the relevant planning authority to proceed with the preparation and making of the LEP.

The relevant planning authority could be Council, the DPI or any other Planning authority as directed by the Minister.

The proponent for the Planning Proposal lodged an application with the DPI for pre gateway review on July 23 2013. Council expects formal notification from the DPI by the week ending August 9 2013, which will formally request Councils response within 21 days.



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## **FINANCIAL IMPLICATIONS**

There are no direct financial implications to Council as a result of this report.

## **CONCLUSION**

The DPI is in receipt of an application for the Pre Gateway Review of the Planning Proposal for Lot 1 DP 882365 and Lot 1 554326 Macquarie Grove Road, Kirkham. Council has previously resolved not to proceed with the Planning proposal on two (2) occasions. The planning proposal will now be reviewed by the DPI and Council will be requested to provide comment to be considered as part of the pre gateway review process.

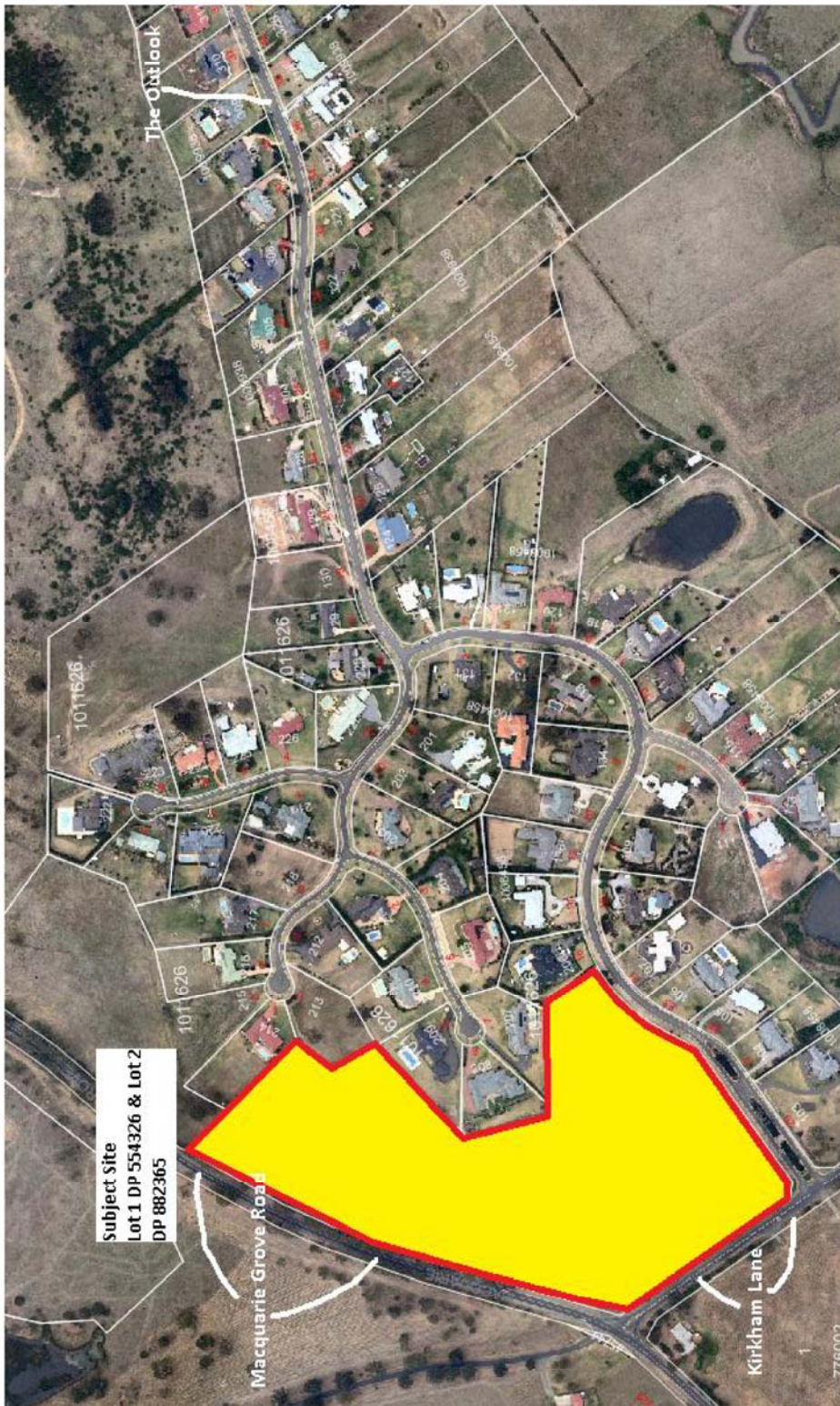
## **RECOMMENDED**

**That Council:**

- i. reaffirm its previous decision of 27 March 2012 to not support the planning proposal; and**
- ii. write to the DPI to advise of Council's position in response to the Planning Proposal.**

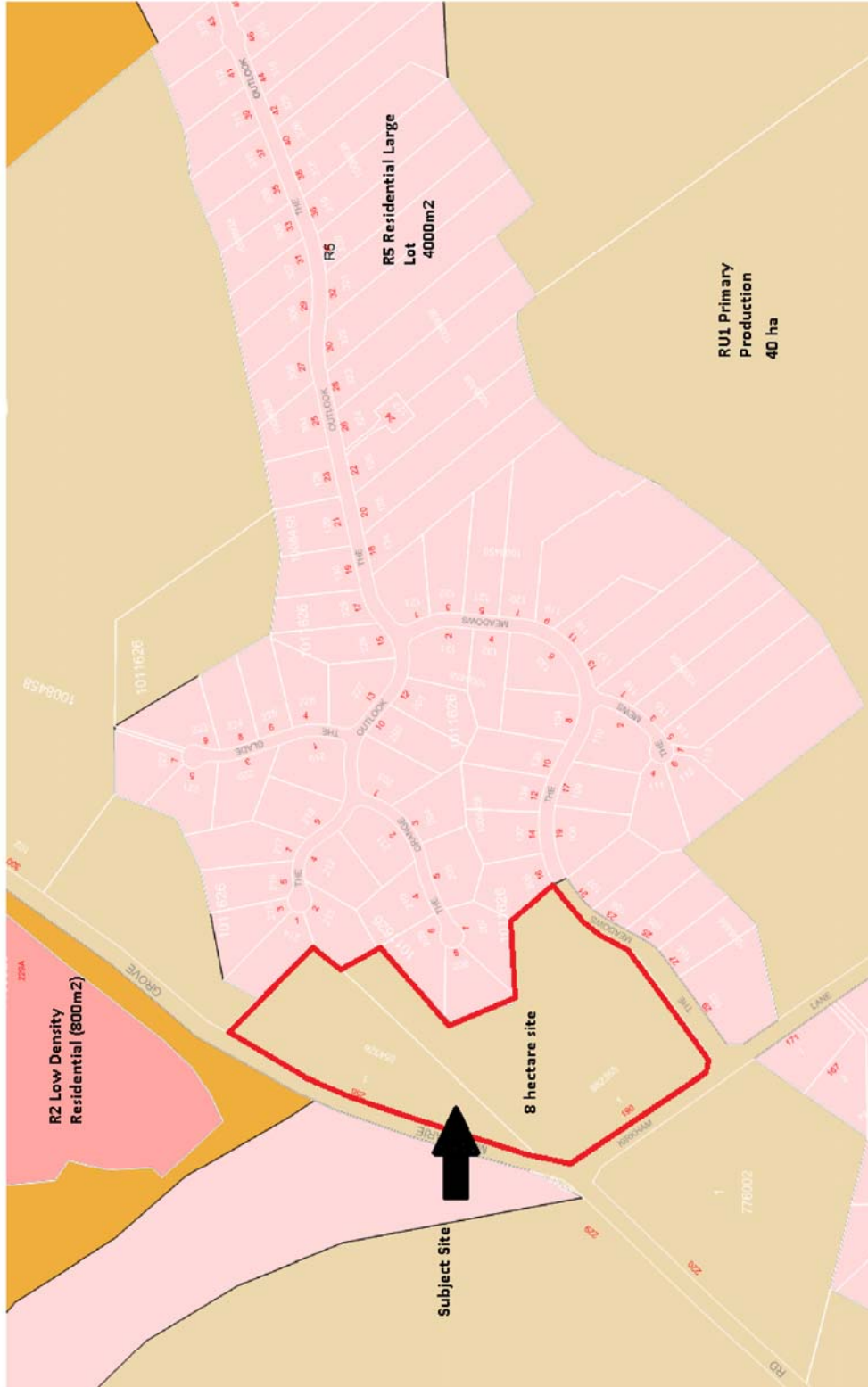
## **ATTACHMENTS**

1. Site map Kirkham
2. Adjoining areas Subject land Kirkham



ORD06

Attachment 2





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## ORDINARY COUNCIL

ORD07

ORD07

**SUBJECT: TURNER ROAD DCP AMENDMENT 7 GREGORY HILLS  
NEIGHBOURHOOD CENTRE**  
**FROM:** Director Governance  
**TRIM #:** 13/4586

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### PURPOSE OF REPORT

The purpose of this report is to seek a Council resolution to place the proposed amendment 7 to the Turner Road Development Control Plan (2007) on public exhibition. This amendment forms site specific controls for the Gregory Hills Neighbourhood Centre. **Attachment 1 Amendment 7 Part B4 – Gregory Hills Neighbourhood Centre.**

### BACKGROUND

Gregory Hills is located within the Turner Road Precinct which forms part of the South West Growth Centre. The land is bound by the Hermitage Gledswood Hills land to the North, Turner Road to the South, the Sydney Water Upper Canal to the east and Camden Valley Way to the west.

The Turner Road DCP was adopted by the Chief Executive Officer of the Department of Planning under delegation from the Director-General of the Department of Planning on 4 December 2007 when this land was first rezoned. This DCP applies to all development on the land within the Turner Road Release Area.

The Turner Road DCP is divided into two (2) parts. Part A provides broad principles, objectives and general planning controls, whilst Part B of the DCP provides site specific controls for identified precincts within the Turner Road release area. The areas that are subject to Part B DCP amendments include the Turner Road Employment Area, the Neighbourhood Centre, the Entertainment Precinct, and land containing a Riparian Protection Area.

It is the intention of the Part A DCP that detailed Part B amendments be prepared as required for the site specific areas detailed above.

The proposed amendment has been subject to detailed design workshops and reviews over the last 18 months. The design process has involved the proponent Dartwest, Camden Council Officers, and Department of Planning and Infrastructure (DPI) representatives.

All requested changes and amendments as a result of the review have now been undertaken and the proposed amendment is now suitable to be placed on public exhibition.

### MAIN REPORT

The proposed Part B amendment subject to this report applies to land within the Gregory Hills Neighbourhood Centre as shown in **Attachment 2** to this report.

The Neighbourhood centre is approximately 4.5ha in size and is bound by Gregory Hills Drive to the north and a riparian corridor to the east and two collector roads to the west and south of the site. The Neighbourhood centre will provide a focal point for the Gregory Hills community and facilitate a wide range of retail, commercial, social and community spaces, with integrated places to shop work and eat.

The Gregory Hills Neighbourhood Centre has a cap of 15,000m<sup>2</sup> Gross Lettable Area – Retail (GLAR). This would facilitate two large retail outlets and a number of smaller retailers.

**Indicative Structure Plan**



As shown above, the indicative structure plan proposes active shopfronts and street activation zones, maximising integration with surrounding landuses.

Access to the neighbourhood centre will be via Gregory Hills Drive sub arterial road, and the South Spine Road 1 and Southern Boulevard collector roads. Pedestrian and cycle access points are separated from vehicle access to maximise safety. Deliveries to the centre will be via the loading dock accessed from the Southern Boulevard.

The riparian open space which adjoins the eastern edge of the neighbourhood centre will provide opportunities for community interaction between retail and public spaces via direct linkages with adjoining pedestrian/cycle corridors.

The Part B DCP amendment proposes detailed controls to guide the development including:

- Building form and articulation;
- Public Domain;
- Access; and
- Riparian Corridor interface.

All development within this precinct will be subject a future development application, which will provide more detailed technical information regarding the design of the Gregory Hills Neighbourhood Centre.

### **Exhibition**

Should Council resolve to support the proposed amendment to the DCP, it will be publicly exhibited for a period of 28 days in accordance with the Environmental Planning and Assessment Regulation 2000. A notification will be placed in the local newspaper with the exhibition material made available at:

- Narellan Customer Service Centre and Narellan Library, Queen Street, Narellan (hard copy)
- Camden Customer Service Centre and Camden Library, John Street, Camden (hard copy)
- Council website for the length of the exhibition period (electronic copy)

At the conclusion of the exhibition period, a report will be submitted back to Council detailing the submissions received.

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications to Council as a result of this report.

### **CONCLUSION**

It is proposed to amend the Turner Road DCP Part B to facilitate the future development of the Gregory Hills Neighbourhood Centre. This amendment will ensure that the Neighbourhood Centre achieves a high quality of architectural design and integrates well with the surrounding environs, whilst providing much needed services and facilities to the Gregory Hills and Turner Road communities.

All outstanding matters relating to the proposed amendment have been resolved to the satisfaction of Council and DPI, therefore the amended DCP may proceed to public exhibition following Councils endorsement.

### **RECOMMENDED**

**That Council:**

- resolve to publicly exhibit Amendment 7 (Part B4 Gregory Hills Neighbourhood Centre) to the Turner Road DCP for a period of 28 days in accordance with the provisions of the Environmental Planning Assessment Regulations 2000; and**
- be presented with a further report to allow consideration of submissions received during the exhibition period.**

## ATTACHMENTS

1. Amendment 7 part B4 Gregory Hills Neighbourhood Centre
2. Turner Road Site Map Subject Land

# Turner Road

Development Control Plan

# 2007

Amendment No. 7

Part B4 – Gregory Hills Neighbourhood  
Centre

August 2013

Turner Road Development Control Plan 2007 – Part B4 Gregory Hills Neighbourhood Centre

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Turner Road Development Control Plan 2007 – Part B4 Gregory Hills Neighbourhood Centre

## **Part B4 Gregory Hills Neighbourhood Centre**

### **1.0 Introduction**

#### **1.1 Land to which this Part Applies**

This Part applies to the Gregory Hills Neighbourhood Centre land, as shown in **Figure 1**.

#### **1.2 The Purpose of this Part**

The purpose of this part is to outline the vision for, and facilitate development of the Gregory Hills Neighbourhood Centre.

#### **1.3 Structure of this Part**

This Part is structured as follows:

Section 1: sets out the administrative provisions of this Part.

Section 2: outlines the vision for the Neighbourhood Centre

Section 3: outlines the key controls and principles for the Neighbourhood Centre



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Turner Road Development Control Plan 2007 – Part B4 Gregory Hills Neighbourhood Centre

Figure 1: Land to which this Part applies



Attachment 1

Turner Road Development Control Plan 2007 – Part B4 Gregory Hills Neighbourhood Centre

## **2.0 Vision and Development Objectives**

### **2.1 Vision for the Gregory Hills Neighbourhood Centre**

The vision for the Gregory Hills Neighbourhood Centre is to create a focal point, and living heart of the Gregory Hills community. The Neighbourhood Centre is approximately 4.5ha in area and is located in the heart of the Turner Road Precinct adjacent to Gregory Hills Drive. The Neighbourhood Centre will provide a range of retail, commercial, social and community spaces, with integrated places to shop, work, eat and meet.

The Neighbourhood Centre will recognise and celebrate its special place in the community, providing a hub of activity associated with surrounding open space, educational and residential land uses. Given its locality, the Gregory Hills Neighbourhood Centre is uniquely placed to service both the local and regional community utilising Gregory Hills Drive. The built form and public realm will be contemporary in architecture and design, with a focus on high quality public domain outcomes.

The Neighbourhood Centre will achieve a high level of interaction and connectivity with the surrounding key pedestrian, cycle and transport linkages, creating a Neighbourhood Centre which is highly accessible for all the community. The riparian open space which adjoins the eastern edge of the Neighbourhood Centre will provide opportunities for community interaction between retail and public spaces, via direct linkages with adjoining pedestrian/cycle corridors.

## **3.0 Neighbourhood Centre Design**

### **3.1 Neighbourhood Centre Indicative Structure Plan**

The Gregory Hills Neighbourhood Centre Indicative Structure Plan has been prepared to guide future development of the Neighbourhood Centre site.

The Structure Plan demonstrates an integration of land uses promoting a vibrant Centre which maximises retail and social opportunities for both the future residents of Gregory Hills and the wider community.

The Indicative Structure Plan demonstrates that the Gregory Hills Neighbourhood Centre will provide a visible built form streetscape presence, and incorporate a range of active focal points and experiences across the site, including gateway buildings/statement features, small scale well defined areas and Neighbourhood Centre Plaza.

ORD07

Turner Road Development Control Plan 2007 – Part B4 Gregory Hills Neighbourhood Centre

The Indicative Structure Plan incorporates an integrated pedestrian, cycle and public transport network, with linkages to the broader network promoting a high level of pedestrian permeability.

**Figure 2: Gregory Hills Neighbourhood Centre Indicative Structure Plan**

(Plan prepared by The Buchan Group)



Attachment 1

Turner Road Development Control Plan 2007 – Part B4 Gregory Hills Neighbourhood Centre

**Gregory Hills Neighbourhood Centre Image Gallery**

The images below represent an indicative vision for the built form, retail, dining Town Plaza and landscape outcomes for the Neighbourhood Centre.



Design walkways and open space areas in a manner which reflects their pedestrian scale and function.



Awnings should be of a high quality durable finish and use materials which add interest to the pedestrian experience.



Provide high quality landscaped areas which utilise native plant species where appropriate, enhance pedestrian comfort and consider CPTED principles.



External and retail areas should be designed to identify clear circulation paths, integrate signage and provide for retail frontages which encourage activity.



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Turner Road Development Control Plan 2007 – Part B4 Gregory Hills Neighbourhood Centre



Outdoor Dining Areas should be designed to seamlessly integrate public and private domain areas and provide active frontages.



Attachment 1



Utilise landscaping and walkway elements to assist in defining carparking area interface with retail and public domains.

Utilise landscaping features to provide shade to car park areas and

Ensure CPTED principles are observed in the design and location of lighting structures.



Pedestrian walkways should be located to reflect pedestrian desire lines, provide visual interest and relate to passive open space/ plaza areas.



## Turner Road Development Control Plan 2007 – Part B4 Gregory Hills Neighbourhood Centre

**3.2 Land Use Principles**

The Gregory Hills Neighbourhood Centre will incorporate flexibility to allow a range of land uses over time. The design of the Gregory Hills Neighbourhood Centre is to be undertaken in a manner which is consistent with the following land use principles:

- Achieve a maximum of 15,000m<sup>2</sup> of Gross Lettable Area – Retail (GLAR) for retail premises to cater for the needs of the local and surrounding population. Gross Lettable Area Retail means the total area of a tenancy by the Property Council of Australia's 'Method of Measurement' definition of GLAR
- Land uses may incorporate a range of retail, commercial, entertainment, childcare and community uses to serve the needs of the community.
- The Gregory Hills Neighbourhood Centre will act as a central focus for the community and is to be supported by higher residential densities in close proximity to the centre.
- Deliver and encourage employment generating development and retail areas to serve the needs of the population.
- Co-locate uses and facilities where possible to maximise the efficient use of space and car parking operation.
- The Gregory Hills Neighbourhood Centre Layout will be designed to respond to planned surrounding land uses including higher density residential, schools and open space linkages.
- The Gregory Hills Neighbourhood Centre will incorporate a vibrant and active focal point in the form of a Neighbourhood Centre Plaza or internal main street which acts as a special meeting place for residents.
- The Neighbourhood Centre should be designed to incorporate elements that contribute to activation of the town plaza area.

**Note:** To support the streetscape and viability of the Neighbourhood Centre, buildings which are opposite and front the Neighbourhood Centre along the North/South Collector Road and Southern Local Street may incorporate a variety of commercial, professional and higher density residential premises. This will allow for activation of and interaction with the streetscape areas. This is permissible under Clause 5.3 of the Growth Centres SEPP.

Turner Road Development Control Plan 2007 – Part B4 Gregory Hills Neighbourhood Centre

### 3.3 Building Form and Articulation

#### Objectives

- (1) To achieve quality architecture design that is contemporary and vibrant.
- (2) To achieve architectural design that incorporates distinctive elements which help to reinforce the identity of Gregory Hills and recognises the Neighbourhood Centre as a key marker and arrival destination.
- (3) Architecture which reflects the aspirations of the community and identifies the Neighbourhood Centre as the heart of the community.
- (4) To provide a clear distinction between private and public spaces, and to encourage casual surveillance of the street.
- (5) To create an attractive and cohesive streetscape through the use of simple articulated building and roof forms.

#### Controls

- (1) Building form shall be generally consistent with the layout and principles demonstrated on the Indicative Structure Plan shown in Figure 2 on page 5 above.
- (2) Buildings may be built to the property boundary to facilitate active street frontages and interaction with the riparian corridor, subject to relevant approvals.
- (3) Buildings shall demonstrate articulation in the built form and incorporate a variety of colours and materials which provide visual interest and articulate key areas of buildings.
- (4) Buildings shall be designed to clearly identify pedestrian movement and entry ways to the Neighbourhood Centre buildings.
- (5) Where appropriate, the visual impact of large format blank walls is to be minimised through the use of a variety of colours, materials and landscape outcomes.
- (6) Building form shall assist in creating special places, such as a Neighbourhood Centre plaza or internal main street, fostering a sense of place and community interaction.
- (7) Uses that activate frontages such as restaurants, cafes and the like are to consider providing openable shopfronts.
- (8) Buildings are to be designed in an energy efficient manner, consistent with the Building Code of Australia.
- (9) At least two retail/commercial structures shall be provided within the Street Activation Zone shown in Figure 3 along the North-South Collector Road. The Structures and associated spaces shall be designed to encourage uses that will create activity along the road frontage.



Turner Road Development Control Plan 2007 – Part B4 Gregory Hills Neighbourhood Centre

(10) Waste storage areas are to be designed to minimise visual and acoustic impacts in accordance with the controls in the Part A Turner Road DCP.

**Note:** Figures 3 and 3a demonstrate indicative cross section design level outcomes across the site.

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Turner Road Development Control Plan 2007 – Part B4 Gregory Hills Neighbourhood Centre

Figure 3: Built Form Sections Plan

(Plans prepared by The Buchan Group)

Attachment 1



Turner Road Development Control Plan 2007 – Part B4 Gregory Hills Neighbourhood Centre

Figure 3a: Built Form Sections

(Plans prepared by The Buchan Group)



PLAN A



SECTION A

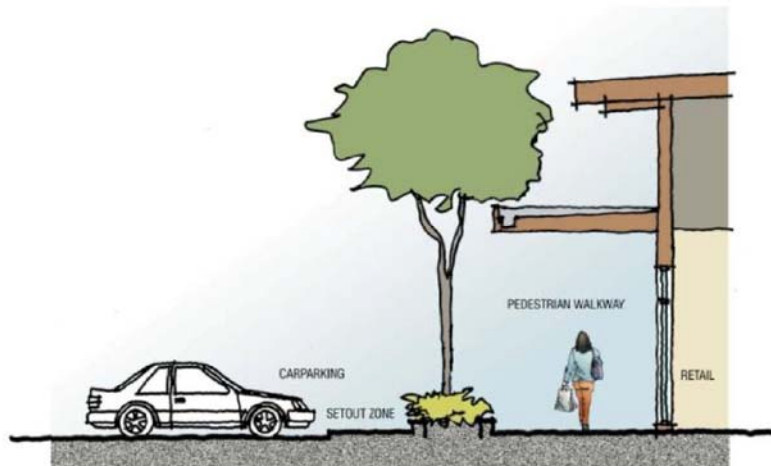
ORD07

Turner Road Development Control Plan 2007 – Part B4 Gregory Hills Neighbourhood Centre



Attachment 1

SECTION B



SECTION C

## Turner Road Development Control Plan 2007 – Part B4 Gregory Hills Neighbourhood Centre

**3.4 Public Domain****Objectives**

- (1) To deliver public domain areas which are enjoyable, amenable, of high quality and reflect the central role of the Neighbourhood Centre within the community.
- (2) To ensure that public domain areas are designed in a manner which provide a seamless transition between public and private spaces.
- (3) To provide a common public domain palette within and surrounding the Neighbourhood Centre
- (4) To provide a high level of connectivity with surrounding riparian corridors, open space areas and transport network.

**Controls**

- (1) High quality materials and finishes are to be utilised in the public realm / landscaping.
- (2) Landscape should be used to soften the visual impact of car parking and streetscape areas.
- (3) Shading and/or weather protection is to be provided where appropriate, particularly at key activity nodes as identified in **Figure 4**.
- (4) The northern façade of the Neighbourhood Centre building should be designed to incorporate an active retail façade with landscape elements such as low planting, seating and shade trees.
- (5) A landscape and street furniture palette is to be submitted with an application for retail development.
- (6) A Neighbourhood Centre Plaza should be incorporated into the Neighbourhood Centre. The plaza should be designed to reflect its importance as a key gathering place within Gregory Hills, and may incorporate a range of appropriately scaled retail, dining, recreation, public art and social activities.
- (7) The corner of Gregory Hills Drive and North/South Collector Road is to include a key structural element which identifies the site and becomes a way finding element. Details of the way finding element are to be submitted with the first Development Application lodged for the construction of buildings on site.
- (8) All signage and advertising is to be designed in a co-ordinated manner. A signage strategy is to be submitted with the first Development Application lodged for the construction of buildings on site.
- (9) Public realm areas shall be designed in consideration of Camden Council's Safer by Design Policy

ORD07

Turner Road Development Control Plan 2007 – Part B4 Gregory Hills Neighbourhood Centre

Figure 4: Activity Nodes and Linkages

(Plan prepared by The Buchan Group)

Attachment 1



(Bus stop locations are indicative only and subject to approval by relevant authorities)



## Turner Road Development Control Plan 2007 – Part B4 Gregory Hills Neighbourhood Centre

**3.5 Access****Objectives**

- (1) Achieve clear and legible access for all users of the Neighbourhood Centre
- (2) Parking provision which generally addresses Camden DCP 2011 while capitalising on shared parking opportunities
- (3) Parking areas which recognise the importance of pedestrian safety and enforce low traffic speeds
- (4) Ensure that opportunities for safe and efficient public transport are incorporated into the Neighbourhood Centre
- (5) To provide appropriately located car parking areas and on street car parking opportunities

**Controls**

- (1) Access linkages as illustrated in **Figure 4** shall incorporate structural elements which identify the Neighbourhood Centre edge and provide for way finding through the site.
- (2) Where appropriate, walking and cycling leading to/from and within the Neighbourhood Centre are to have priority over traffic circulation. In this regard, the design of the roundabout entrance to the Neighbourhood Centre off the north-south road is to appropriately manage the interface of vehicle and pedestrian access points
- (3) Sufficient parking is to be provided for the Neighbourhood Centre. Opportunities for shared parking provision are to be incorporated in the design of the centre, which recognise the variety of land uses, peak parking demands and other modes of transport.  
Parking shall generally be provided in accordance with Camden DCP 2011.
- (4) Bicycle parking facilities are to be provided at appropriate locations throughout the Neighbourhood Centre.
- (5) Where appropriate, surrounding streets shall be designed to incorporate on-street parking for convenience and to contribute to street activation and surveillance, consistent with the Gregory Hills Neighbourhood Centre Indicative Structure Plan.
- (6) The Neighbourhood Centre shall incorporate an appropriate number of loading docks to service the development. Loading Docks should be appropriately screened and generally located in accordance with the Indicative Structure Plan.
- (7) All loading, circulation and access areas shall comply with Australian Standard 2890.1.
- (8) Final bus stop locations and design for local routes are to be determined by the Local Traffic Committee during the assessment of the built form development



## Turner Road Development Control Plan 2007 – Part B4 Gregory Hills Neighbourhood Centre

application. Final bus stop locations and design for major routes are to be determined by the Roads and Maritime Services during the assessment of the built form development application.

### 3.6 Riparian Corridor Interface

#### Objectives

- (1) To provide a high level of integration between the Gregory Hills Village and the adjoining Riparian Corridor and ensure that the built form responds to the Riparian Corridor interface.
- (2) To create a positive relationship between the north eastern portion of site and the adjoining riparian corridor.
- (3) To provide a high level of connectivity with the adjoining riparian corridor and associated pedestrian/cycle network.
- (4) To ensure that the development has a neutral or beneficial impact on the quality and quantity of water in the adjoining riparian corridor.

#### Controls

- (1) The Neighbourhood Centre Plaza and associated outdoor seating areas in the north eastern corner of the site are to be designed to facilitate integration with the adjoining riparian corridor area as shown in **Figure 2** and **Figure 5** below.
- (2) Development applications lodged for the north eastern corner of the site, including the Neighbourhood Centre Plaza / outdoor seating areas as shown on **Figure 2** are to demonstrate that a visual and physical interaction and passive surveillance of the adjoining riparian area is achieved.
- (3) Pedestrian / cycle crossings and linkages are to be provided through the Riparian Corridor between the Neighbourhood Centre Plaza in the north eastern corner of the Village Centre and the educational and/or residential land uses to the east.
- (4) Where buildings do not provide an active frontage to the riparian corridor, design elements shall be provided which minimise the visual impact of the built form and create an attractive visual presentation. Variation to the facade treatment is to be provided to the building frontage where no active frontage is achieved. Facade treatments may include, but are not limited to, the following:
  - Variations in colour and built form materials.
  - Inclusion of external built form elements which project from the building facade.
  - Variation to the roof line to create articulation and shadowing on elevations.
  - Landscape screening.

Turner Road Development Control Plan 2007 – Part B4 Gregory Hills Neighbourhood Centre

- (5) Development in and adjoining riparian corridors shall be consistent with Part B2 of this DCP. In the event of any inconsistency between this DCP and the Waterfront Land Strategy, the Waterfront Land Strategy prevails.

**Riparian Corridor Interface Design Images**



Blend Urban / Natural Corridor Treatments



Interface Outdoor Dining Areas- Design active frontages to the riparian interface in an open manner to take advantage of the high quality amenity.



Provide pedestrian walkways and structures which re-enforce desire lines and create visual interest.



Blend Urban / Natural Corridor Treatments



Key pedestrian connections should be designed to accommodate shared cycle and pedestrian use.



Variations to the wall facade including protruding elements which should be encouraged along the riparian interface particularly where visible from the public domain and key pedestrian cycle links.

ORD07

Attachment 1

Turner Road Development Control Plan 2007 – Part B4 Gregory Hills Neighbourhood Centre

**Figure 5: Neighbourhood Centre Plaza Concept Perspectives**

**(Plan prepared by The Buchan Group)**



These images show an active plaza space with retail spaces opening on to the riparian corridor. In addition, it emphasises well defined edges to the different spaces created and high quality landscape treatment.





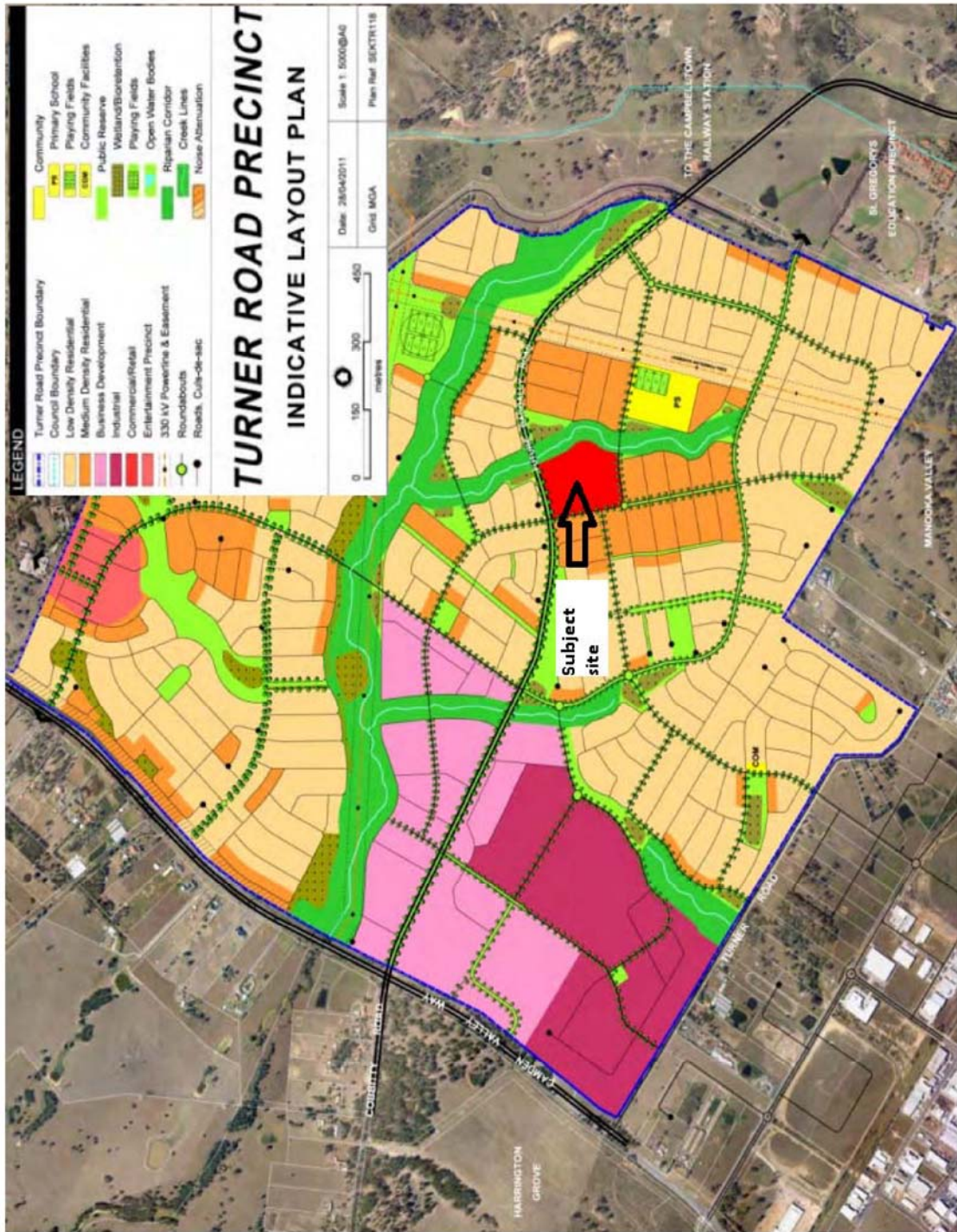
Turner Road Development Control Plan 2007 – Part B4 Gregory Hills Neighbourhood Centre

**Figure 6: Riparian Corridor Interface Indicative Elevation**

**(Plan prepared by The Buchan Group)**



This image shows an articulated wall and activated space fronting the interface with the riparian corridor. The plaza is defined as a destination point.





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## ORDINARY COUNCIL

ORD08

ORD08

**SUBJECT: INVESTMENT MONIES- JUNE 2013**  
**FROM:** Director Governance  
**TRIM #:** 13/9214

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### PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 30 June 2013 is provided.

### MAIN REPORT

The weighted average return on all investments was 4.37% p.a. for the month of June 2013.

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

The Principal Accounting Officer is the Manager Corporate Services.

### FINANCIAL IMPLICATIONS

Council's investment portfolio continues to perform above the average UBS 90 day Bank Bill Swap Rate of 2.82% and the interest received for the 2012/13 financial year is above the original budget estimate. Further performance information can be found in the attached investment report for June 2013.

### RECOMMENDED

That Council:

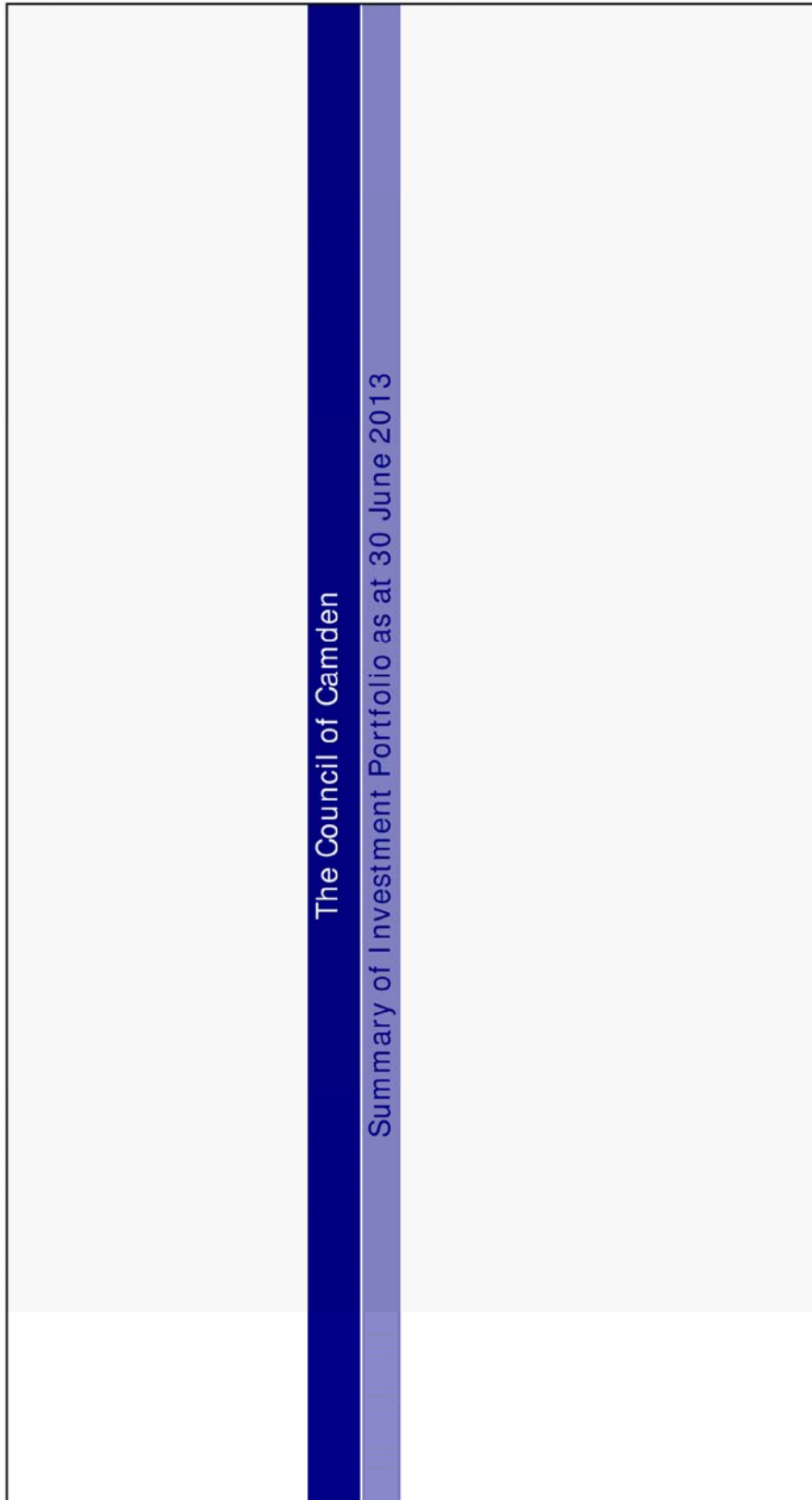
- i. **note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act, Regulations, and Council's Investment Policy*;**
- ii. **the list of investments for June 2013 be noted; and**
- iii. **the weighted average interest rate return of 4.37% p.a. for the month of June 2013 be noted.**

### ATTACHMENTS

1. Camden Report June 2013

ORD08

Attachment 1







The Council of Camden  
Investment Summary

Purchase Date	Institution	Rating	Purchase Price	Face Value	Type	Maturity	Interest Rate	Accrued Interest	Reference
3-May-12	Credit Union Australia	A-2	\$1,000,000	\$1,000,000	Term Deposits	728 days	5.95%	\$69,117.81	2518
10-May-12	Credit Union Australia	A-2	\$1,000,000	\$1,000,000	Term Deposits	728 days	5.95%	\$67,976.71	2519
27-Jul-12	Suncorp Metway	A+	\$1,000,000	\$1,000,000	Term Deposits	31-Jul-14	5.14%	\$47,738.63	2536
3-Jan-13	Members Equity Bank	A-2	\$1,000,000	\$1,000,000	Term Deposits	04-Jul-13	4.60%	\$22,558.90	2568
24-Jan-13	Commonwealth Bank of Australia	A-1+	\$1,500,000	\$1,500,000	Term Deposits	30-Jan-14	4.40%	\$28,589.86	2571
24-Jan-13	Commonwealth Bank of Australia	A-1+	\$1,000,000	\$1,000,000	Term Deposits	30-Jan-14	4.40%	\$19,046.58	2572
7-Feb-13	Commonwealth Bank of Australia	A-1+	\$1,000,000	\$1,000,000	Term Deposits	06-Feb-15	4.40%	\$17,358.90	2575
7-Feb-13	National Australia Bank Limited	AA	\$500,000	\$500,000	Term Deposits	5-Feb-15	4.50%	\$8,876.71	2576
6-Feb-13	National Australia Bank Limited	A-2	\$1,000,000	\$1,000,000	Term Deposits	08-Aug-13	4.30%	\$16,846.58	2574
14-Feb-13	Bendigo and Acelade Bank Limited	A-1	\$1,000,000	\$1,000,000	Term Deposits	11-Jul-13	4.27%	\$16,027.12	2577
21-Feb-13	Suncorp Metway	A-1	\$750,000	\$750,000	Term Deposits	17 days	4.20%	\$11,219.18	2578
21-Feb-13	Suncorp Metway	A-1	\$750,000	\$750,000	Term Deposits	147 days	4.20%	\$11,219.18	2578
21-Feb-13	Suncorp Metway	A-1	\$750,000	\$750,000	Term Deposits	182 days	4.20%	\$11,219.18	2579
28-Feb-13	Westpac Banking Corporation	A-1+	\$1,000,000	\$1,000,000	Term Deposits	29-Aug-13	4.15%	\$13,984.93	2590
28-Feb-13	Westpac Banking Corporation	A-1+	\$1,000,000	\$1,000,000	Term Deposits	189 days	4.15%	\$13,984.93	2581
1-Mar-13	Westpac Banking Corporation	A-1+	\$1,000,000	\$1,000,000	Term Deposits	189 days	4.15%	\$13,871.23	2582
8-Mar-13	Macquarie Bank Limited	A-1	\$1,000,000	\$1,000,000	Term Deposits	12-Sep-13	4.20%	\$13,871.23	2581
8-Mar-13	Commonwealth Bank of Australia	A-1+	\$500,000	\$500,000	Term Deposits	125 days	4.20%	\$13,232.88	2584
14-Mar-13	Commonwealth Bank of Australia	A-1+	\$500,000	\$500,000	Term Deposits	214 days	4.30%	\$6,773.97	2583
14-Mar-13	Members Equity Bank	A-2	\$1,000,000	\$1,000,000	Term Deposits	133 days	4.30%	\$12,841.10	2585
21-Mar-13	Heritage Bank Ltd	-	\$750,000	\$750,000	Term Deposits	126 days	4.35%	\$9,117.12	2586
31-Mar-13	Commonwealth Bank of Australia	A-1+	\$1,400,000	\$1,400,000	Term Deposits	25-Jul-13	4.50%	\$15,879.45	2588
4-Apr-13	Members Equity Bank	A-2	\$600,000	\$600,000	Term Deposits	214 days	4.50%	\$15,879.45	2588
18-Apr-13	ING Bank (Australia) Limited	A-1	\$600,000	\$600,000	Term Deposits	01-Aug-13	4.40%	\$6,364.93	2593
26-Apr-13	Bendigo and Acelade Bank Limited	A-2	\$900,000	\$900,000	Term Deposits	154 days	4.34%	\$5,279.34	2590
1-May-13	Commonwealth Bank of Australia	A-1+	\$1,000,000	\$1,000,000	Term Deposits	97 days	4.50%	\$7,353.29	2591
1-May-13	Commonwealth Bank of Australia	A-1+	\$1,000,000	\$1,000,000	Term Deposits	106 days	4.35%	\$7,269.86	2592
1-May-13	Westpac Banking Corporation	AA	\$700,000	\$700,000	Term Deposits	213 days	4.40%	\$7,353.42	2594
2-May-13	Bank of Queensland	A-2	\$500,000	\$500,000	Term Deposits	7-May-15	4.35%	\$5,088.90	2593
6-May-13	Westpac Banking Corporation	AA	\$2,000,000	\$2,000,000	Term Deposits	140 days	4.40%	\$3,616.44	2596
9-May-13	Commonwealth Bank of Australia	A-1+	\$1,500,000	\$1,500,000	Term Deposits	738 days	4.35%	\$13,347.95	2597
10-May-13	Macquarie Bank Limited	A-1	\$1,000,000	\$1,000,000	Term Deposits	214 days	4.40%	\$9,583.56	2598
16-May-13	Bank of Queensland	A-2	\$1,500,000	\$1,500,000	Term Deposits	139 days	4.20%	\$5,983.56	2599
17-May-13	Commonwealth Bank of Australia	A-1+	\$800,000	\$800,000	Term Deposits	175 days	4.25%	\$8,034.25	2600
17-May-13	Westpac Banking Corporation	AA	\$500,000	\$500,000	Term Deposits	214 days	4.25%	\$4,191.78	2603
17-May-13	Westpac Banking Corporation	AA	\$500,000	\$500,000	Term Deposits	17-Dec-13	4.25%	\$4,191.78	2603
17-May-13	Westpac Banking Corporation	AA	\$500,000	\$500,000	Term Deposits	734 days	4.35%	\$2,681.51	2601
24-May-13	Commonwealth Bank of Australia	A-1+	\$1,000,000	\$1,000,000	Term Deposits	21-May-15	4.55%	\$2,804.79	2602
24-May-13	Commonwealth Bank of Australia	A-1+	\$1,000,000	\$1,000,000	Term Deposits	1098 days	4.55%	\$4,320.55	2604
24-May-13	Commonwealth Bank of Australia	A-1+	\$1,000,000	\$1,000,000	Term Deposits	92 days	4.15%	\$4,320.55	2604
27-May-13	Suncorp Metway	A-1	\$1,000,000	\$1,000,000	Term Deposits	24-Aug-13	4.25%	\$4,424.66	2605
30-May-13	National Australia Bank Limited	A-1+	\$1,500,000	\$1,500,000	Term Deposits	214 days	4.10%	\$3,931.51	2606
31-May-13	National Australia Bank Limited	A-1+	\$1,500,000	\$1,500,000	Term Deposits	129 days	4.10%	\$5,391.78	2607
4-Jun-13	Rural Bank Limited	A-2	\$1,000,000	\$1,000,000	Term Deposits	133 days	4.10%	\$5,223.29	2608
6-Jun-13	Bank of Queensland	A-2	\$1,500,000	\$1,500,000	Term Deposits	139 days	4.10%	\$5,223.29	2608
					Term Deposits	142 days	4.30%	\$3,180.82	2609
					Term Deposits	140 days	4.30%	\$4,417.81	2610

As at 30 June 2013

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The Council of Camden  
Investment Summary

6-Jun-13	Wespac Banking Corporation	A-1+	\$1,500,000	Term Deposits	161 days	14-Nov-13	4.07%	\$4,181.51	2611
6-Jun-13	National Australia Bank Limited	A-1+	\$1,500,000	Term Deposits	168 days	21-Nov-13	4.07%	\$4,181.51	2612
7-Jun-13	National Australia Bank Limited	A-1+	\$1,000,000	Term Deposits	181 days	05-Dec-13	4.06%	\$2,689.59	2613
11-Jun-13	Suncorp Metway	A-1	\$1,000,000	Term Deposits	93 days	12-Sep-13	4.10%	\$2,246.58	2615
11-Jun-13	Commonwealth Bank of Australia	A-1+	\$500,000	Term Deposits	213 days	10-Jan-14	4.10%	\$1,123.29	2614
13-Jun-13	Members Equity Bank	A-2	\$1,500,000	Term Deposits	182 days	12-Dec-13	4.25%	\$3,143.84	2616
13-Jun-13	National Australia Bank Limited	A-1+	\$1,000,000	Term Deposits	189 days	19-Dec-13	4.11%	\$2,026.85	2617
17-Jun-13	National Australia Bank Limited	A-1+	\$1,500,000	Term Deposits	199 days	02-Jan-14	4.06%	\$2,335.89	2618
20-Jun-13	Members Equity Bank	A-2	\$500,000	Term Deposits	182 days	19-Dec-13	4.25%	\$640.41	2619
27-Jun-13	Bank of Queensland	A-2	\$1,000,000	Term Deposits	154 days	28-Nov-13	4.30%	\$471.23	2620
Totals various	Commonwealth Bank of Australia	A-1+	\$51,750,000	Call Account				\$579,076.47	At Call
Totals			\$1,815,000						
			Total Face Value						
			\$53,565,000						

\* Heritage Bank have requested S&P no longer provide a credit rating in relation to the bank. However, Heritage is still rated by Moody's (A3 long term, P2 short term) and by Fitch (BBB- longer term, F2 short term). Council's investment in Heritage continues to fully comply with the current investment Policy.



## The Council of Camden Investment Summary

<b>Compliance with Council's adopted investment policy</b>						
<b>Distribution of Funds by Financial Institution</b>						
Financial Institution	Investment Balance	Current Weighting	Investment Policy Limit	Investment Policy	Short/Long Term Rating	
Commonwealth Bank of Australia	\$13,015,000	24.30%	25%	Yes	A1+	AA-
National Australia Bank	\$8,500,000	15.87%	25%	Yes	A1+	AA-
Westpac Banking Corporation	\$8,200,000	15.31%	25%	Yes	A1+	AA-
Suncorp Bank	\$5,500,000	10.27%	15%	Yes	A1	A+
ING Bank (Australia) Limited	\$600,000	1.12%	5%*	Yes	A1	A
Macquarie Bank Limited	\$2,000,000	3.73%	15%	Yes	A1	A
Bank of Queensland	\$4,500,000	8.40%	10%	Yes	A2	BBB+
Bendigo and Adelaide Bank	\$3,900,000	7.28%	10%	Yes	A2	A-
Credit Union Australia	\$2,000,000	3.73%	10%	Yes	A2	BBB+
Members Equity Bank	\$4,600,000	8.59%	10%	Yes	A2	BBB
Heritage Bank	\$750,000	1.40%	5%	Yes	A3	BBB-
<b>Total Investment</b>	<b>\$53,565,000</b>	<b>100.00%</b>				
<b>Exposure to Rating Categories</b>						
AAA / A1+ Category	\$25,515,000	47.63%	100%	Yes		
AA / A1 Category	\$11,300,000	21.10%	75%	Yes		
A / A2 Category	\$16,000,000	29.87%	30%	Yes		
BBB / A3 Category	\$750,000	1.40%	10%	Yes		
<b>Total Investment</b>	<b>\$53,565,000</b>	<b>100.00%</b>				
<b>Term to Maturity Limits</b>						
Portfolio % < 1 yr	\$48,365,000	90.29%	min 40%	Yes		
Portfolio % > 1 yr < 3 yrs	\$5,200,000	9.71%	60%	Yes		
Portfolio % > 3 yrs < 5 yrs	\$0	0.00%	30%	Yes		

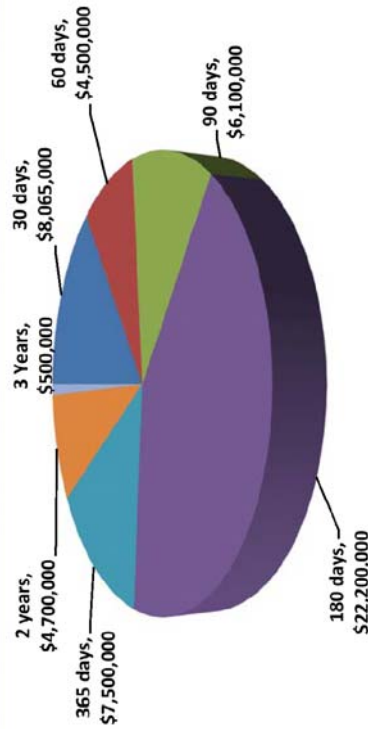
\* ING Bank (Australia) has a 5% investment policy limit as it is an authorised depository institution that is a foreign subsidiary bank

As at 30 June 2013

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The Council of Camden  
Investment Summary



Maturity Profile	Investment	Percentage
Less than 30 days	\$8,065,000	15.06%
Between 30 days and 60 days	\$4,500,000	8.40%
Between 60 days and 90 days	\$6,100,000	11.39%
Between 90 days and 180 days	\$22,200,000	41.45%
Between 180 days and 365 days	\$7,500,000	14.00%
Between 365 days and 2 years	\$4,700,000	8.77%
Between 2 years and 3 years	\$500,000	0.93%
<b>Total Investment</b>	<b>\$53,565,000</b>	<b>100.00%</b>

NUMBER OF INVESTMENTS	51
AVERAGE DAYS HELD	271
AVERAGE PERCENTAGE	4.36%
WEIGHTED PORTFOLIO RETURN	4.37%
CBA CALL ACCOUNT	3.05%
HIGHEST RATE	5.95%
LOWEST RATE	4.06%
BUDGET RATE	4.75%
OFFICIAL CASH RATE	2.75%
AVERAGE BBSW (30 Day)	2.82%
AVERAGE BBSW (90 Day)	2.82%
AVERAGE BBSW (120 Day)	2.83%

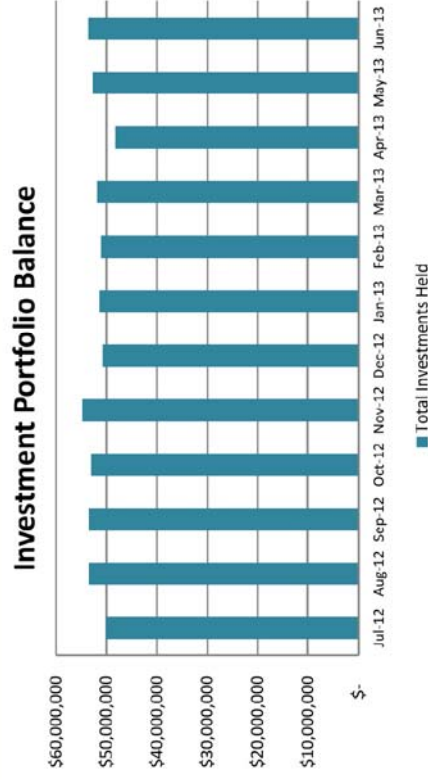
SOURCE OF FUNDS INVESTED	June (Indicative)
SEC 94 DEVELOPER CONTRIBUTIONS	\$23,377,200
RESTRICTED GRANT INCOME	\$503,800
EXTERNALLY RESTRICTED RESERVES	\$8,247,800
INTERNALLY RESTRICTED RESERVES	\$19,991,500
GENERAL FUND	\$1,444,700
<b>TOTAL</b>	<b>\$53,565,000</b>

The source of funds invested are indicative only, due to Council's annual financial reports still being finalised for 30 June 2013.

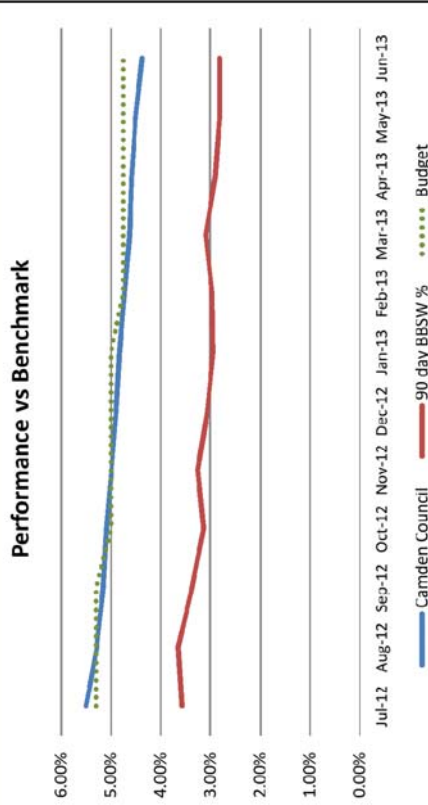




The Council of Camden  
Investment Summary



The overall increase in Council's investment portfolio of \$785,000 is primarily due to the advance payment of approximately half of the 2013/14 financial assistance grant from the Federal Government and Section 94 cash receipts received during June.



Council's portfolio had a weighted average yield of 4.37%pa for the month of June, strongly outperforming the UBS 90 day Bank Bill Swap Rate of 2.82%pa.

INTEREST RECEIVED DURING 2012/13 FINANCIAL YEAR				
	June	Cumulative (since 1 July)	Projected Interest	Original Budget Interest
General Fund	\$102,267	\$1,158,554	\$1,158,554	\$957,800
Restricted	\$100,124	\$1,378,223	\$1,378,223	\$924,200
<b>TOTAL</b>	<b>\$202,391</b>	<b>\$2,536,777</b>	<b>\$2,536,777</b>	<b>\$1,882,000</b>

As at 30 June 2013

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## The Council of Camden

## Investment Summary

**Standard & Poor's Ratings Description**

Standard & Poor's (S&P) is a professional organisation that provides analytical services. An S&P rating is an opinion of the general creditworthiness of an obligor with respect to particular debt security or other financial obligation — based on relevant risk factors.

Credit ratings are based, in varying degrees, on the following considerations:

- Likelihood of payment.
- Nature and provisions of the obligation.
- Protection afforded by, and relative position of, the obligation in the event of bankruptcy, reorganisation or other laws affecting creditors' rights.

The issue rating definitions are expressed in terms of default risk.

**S&P Short-Term Obligation Ratings are:**

**A-1:** This is the highest short-term category used by S&P. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.

**A-2:** A short-term obligation rated A-2 is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher rating categories. However, the obligor's capacity to meet its financial commitment on the obligation is satisfactory.

**A-3:** A short-term obligation rated A-3 exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.

**S&P Long-Term Obligations Ratings are:**

**AAA:** An obligation/obligor rated AAA has the highest rating assigned by S&P. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.

**AA:** An obligation/obligor rated AA differs from the highest rated obligations only in a small degree. The obligor's capacity to meet its financial commitment on the obligations is very strong.

**A:** An obligation/obligor rated A is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations/obligor in higher rated categories. However, the obligors' capacity to meet its financial commitment on the obligation is still strong.

**BBB:** An obligation/obligor rated BBB exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity to the obligor to meet its financial commitment on the obligation.

**Unrated:** Financial institutions do not necessarily require a credit rating from the various ratings agencies such as Standard and Poor's and these institutions are classed as "Unrated". Most Credit Unions and Building Societies fall into this category. These institutions nonetheless must adhere to the capital maintenance requirements of the Australian Prudential Regulatory Authority (APRA) in line with all Authorised Deposit Taking Institutions (Banks, Building Societies and Credit Unions).

**Plus (+) or Minus (-):** The ratings from "AA" to "BBB" may be modified by the addition of a plus or minus sign to show relative standing within the major rating categories. Each new investment and investment recall requires two authorised signatories.

As at 30 June 2013

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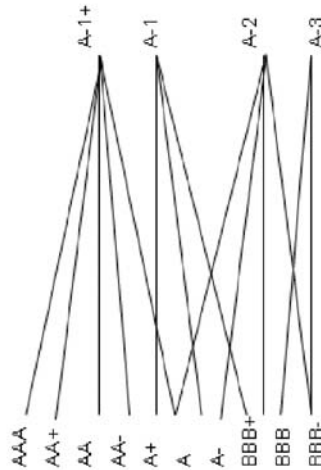
The Council of Camden  
Investment Summary

CreditWatch highlights an emerging situation, which may materially affect the profile of a rated corporation and can be designed as positive, developing or negative. Following a full review the rating may either be affirmed or changed in the direction indicated.

A Rating Outlook assesses the potential direction of an issuer's long-term debt rating over the intermediate-to-long term. In determining a Rating Outlook, consideration is given to possible changes in the economic and/or fundamental business conditions. An outlook is not necessarily a precursor of a ratings change or future CreditWatch action. A "Rating Outlook – Positive" indicates that rating may be raised. "Negative" means a rating may be lowered. "Stable" indicates that ratings are not likely to change. "Developing" means ratings may be raised or lowered.

**S&P Ratings Correlations**

The standard correlation of short-term ratings with long-term ratings is shown below.



**Profile of Recently Invested Institutions**

Bank of Queensland: (S&P: AZ/BBB+) – Australia-wide bank with Queensland as its core market segment. BoQ is listed on the Australian stock exchange with around \$40b in assets. Deposits make up 59% of total funding, wholesale funds 28%, and securitisation 15%. Its latest profit was -\$17m (12 months to Aug 2012), however this included a \$401m impairment on loans and its Tier 1 Capital Adequacy Ratio was 9.4% (Nov 2012).

Bendigo and Adelaide Bank: (S&P: AZ/A-) – Regional and community-focussed bank that operates nationwide. The bank is listed on the Australian stock exchange with around \$57b in assets. Deposits make up 80% of its total funding, 12% from securitisation, and 8% from wholesale funding. Its latest profit was \$189m (6 months to Dec 2012) and its Tier 1 Capital Adequacy Ratio was 9.3% (Dec 2012).

CUA (S&P: AZ/BBB+) – CUA is Australia's largest credit union with over \$9b in assets. CUA relies on customer deposits for about 70% of its funding, while securitisation makes up 25% of its funding requirements. Its latest profit was \$24m (6 months to Dec 2011) and its Tier 1 Capital Adequacy Ratio was 14.6% (Dec 2012).

Heritage Bank (Moody's: PZ/A3) – Queensland based bank that has over \$8b in assets. Heritage relies on customer deposits for about 50% of its funding, securitisation makes up 23% and wholesale funds around 20%. Its latest profit was \$19.6m (6 months to December 2012) and its Tier 1 Capital Adequacy Ratio was 10.2% (Dec 2012).

ME Bank: (S&P: AZ/BBB) - ME Bank is owned by industry super funds and has assets of nearly \$12b. ME Bank has a heavy reliance on securitization (57% of funding as of Jun 2012) however it is planning to reduce this to 25% by increasing its customer deposits (which make up only 30% of its funding). Its latest profit was \$4.7m (12 months to June 2012) and its Tier 1 Capital Adequacy Ratio was 11.3% (Dec 2012).



As at 30 June 2013

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## **ORDINARY COUNCIL**

**ORD09****SUBJECT: VOLUNTEER GRANT - BICENTENNIAL EQUESTRIAN PARK MEN'S SHED****FROM:** Director Works & Services**TRIM #:** 13/7756

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### **PURPOSE OF REPORT**

This report seeks Council approval to accept a grant on behalf of the Bicentennial Equestrian Park (BEP) Men's Shed.

### **BACKGROUND**

The Men's Shed operates under the auspice of the BEP Committee, a Council Committee under Section 355 of the Local Government Act. As a committee of Council, any grant funds are allocated to Council with Council having the responsibility for acceptance, management and acquittal of the funds. Equipment purchased through grant funding becomes an asset of Council and Council's procurement policies in relation to purchases must be followed.

### **MAIN REPORT**

The BEP Men's Shed applied for an Australian Government Volunteer Grant and was successful in obtaining a grant of \$4,850.00, to purchase a mower / ride on mower. Prior to the purchase, discussions will be held with the committee to ensure an appropriate plan has been developed for the storage, safe use and maintenance of the mower. The new mower will extend the current capacity of the Men's Shed volunteers and eventually replace an older machine currently in use.

To accept the funding, Council has 30 days to execute the funding documents with the deadline for project completion being September 2014.

### **FINANCIAL IMPLICATIONS**

Following the purchase of the mower, it will become an asset of Council and the purchase will be subject to Council's procurement policy. The purchase will not impact on Council's current budget as costs will be covered by the grant.

### **CONCLUSION**

The BEP Committee has been proactive in seeking external funding to assist them to undertake the responsibilities delegated to them by Council. The funds will be used to purchase additional equipment to allow the volunteers from the Men's Shed to continue to maintain the park.

**RECOMMENDED**

**That Council:**

- i. accept the funding offer of \$4,850.00, from the Department of Families, Housing, Community Services and Indigenous Affairs Volunteer Grants to purchase a mower for use at the Bicentennial Equestrian Park;**
- ii. formally thank the BEP Committee for their efforts and success in obtaining these funds; and**
- iii. formally thank the Department of Families, Housing, Community Services and Indigenous Affairs Volunteer Grants for their grant funds.**

**ORD09**

## ORDINARY COUNCIL

**ORD10**

**SUBJECT: ROADS AND MARITIME SERVICES 2013/14 BLOCK GRANT AGREEMENT AND PROGRAM FUNDING**

**FROM:** Director Works & Services

**TRIM #:** 13/4519

### PURPOSE OF REPORT

To seek Council acceptance of funding for 2013/14 under the Regional Roads Block Grant Agreement and REPAIR Program and to seek the allocation of the matching funds by Council where required.

### BACKGROUND

The Roads and Maritime Services (RMS) provides funding assistance to Councils each year through the Block Grant Agreement. Additionally, the RMS has advised that for the 2013/14 financial year, Camden Council has been successful in securing funding towards three projects under the REPAIR Program.

### MAIN REPORT

The RMS has advised Council of grant and program funding for 2013/14 as follows:

Program / Grant	Project / Budget	2013/14 Grant (\$)	Change from 2012/13
Block Grant	Roads Component	113,000	+ 2.7%
Block Grant	Supplementary Roads Component	39,000	-
Block Grant	Traffic Facilities Component	131,000	+ 2.3%
REPAIR Program*	Cawdor Road resurfacing (segment 6 near Burragorang Road end)	90,000	+337%
REPAIR Program*	Argyle Street resurfacing (Elizabeth to John Street)	62,500	
REPAIR Program*	Argyle Street intersection with Murray Street reconstruction resurfacing and repairs	50,000	
<b>TOTAL</b>		<b>485,500</b>	

Note: Items marked (\*) are discrete projects and hence year on year changes are driven by the scope of the projects proposed.

### **Regional Road Block Grant Agreement**

The expenditure of Block Grant funds is at Council's discretion, but must be directed to "acts of construction, maintenance improvements and related planning design, environmental surveys" subject to the following conditions:

- Roads component being spent on Regional Roads, as identified in the Block Grant Agreement;
- Supplementary Roads component being spent on Regional Roads, with this year's funds nominated to be spent on heavy patching on Raby Road;
- Traffic Facilities component, being spent on traffic facilities to "*assist the flow of traffic and maximise road safety*" on Regional and Local Roads;
- Expenditure of these grant monies is in accordance with the terms and conditions of the Block Grant Agreement; and
- The General Manager signing the Block Grant Agreement on behalf of Council.

Regional Roads within the Camden Local Government Area (LGA) are:

- Raby Road, Catherine Field;
- Camden Valley Way - Old The Northern Road, Narellan to Macarthur Road, Elderslie;
- Argyle Street, Camden - Macarthur Road, Elderslie to Murray Street, Camden;
- Cawdor Road, Camden - Murray Street, Camden to Westbrook Road, Cawdor;
- Murray Street, Camden - Argyle Street, Camden to Broughton Street, Camden;
- Broughton Street, Camden - Murray Street, Camden to Menangle Road, Camden;
- Old Hume Highway - Menangle Road, Camden to Camden Bypass, Camden; and
- Burraborang Road, Cawdor - Remembrance Drive, Camden to Fosters Lane, Camden.

Council has secured an increase in funding from 2012/13 of \$3,000 for the Roads Component and \$3,000 for the Traffic Facilities Component. The Supplementary Roads Component funding remains unchanged from the 2012/13 allocation.

The total value of the Block Grant is **\$283,000**. There is no match funding requirement for the Block Grant.

### **REPAIR Program**

The REPAIR Program provides additional funds for high merit projects, to supplement Block Grants. Funds are available on a dollar for dollar basis (50/50) for councils to undertake larger works of rehabilitation on Regional Roads in order to minimise the long term maintenance costs.

In 2012/13, the REPAIR Program contributed to undertake resurfacing on Argyle Street between Macarthur Road, Elderslie and Edward Street, Camden

For 2013/14, Council has secured funding to undertake the following:

1. Resurfacing works in segment 6 Cawdor Road, Camden, approximately 500 metres long, located between Burraborang Road and Sheathers Lane. The works will involve heavy patching and asphalt resheeting.
2. Resurfacing of Argyle Street, Camden, between Elizabeth Street and John Street.
3. Heavy patching, resurfacing and repairs to the roundabout at intersection of Argyle Street and Murray Street, Camden.

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## **FINANCIAL IMPLICATIONS**

The Regional Road Block Grant Agreement does not require matching funding from Council. There are no financial implications to Council in accepting the funds other than the commitment to complete the works by 30 June 2014.

The REPAIR Program does require a dollar for dollar matching financial contribution (i.e. 50%) from Council. It is proposed that **\$202,500** is allocated from the Capital Works Reserve for 2013/14, to match fund the three successful projects.

The current uncommitted balance of the Capital Works Reserve is \$947,880.

## **ASSET MANAGEMENT IMPLICATIONS**

In accepting these grants and undertaking these projects, no new classes of assets will be introduced into council's asset portfolio. However, completion of the work will increase the value of assets and reduce maintenance costs. The operational, maintenance and renewal obligations will therefore be built into Council's future resource plans (Workforce and Long Term Financial Plans) in line with the existing Asset Management Plans and Policy.

## **CONCLUSION**

The RMS has advised Council of several allocations of grant funding available in 2013/14, some of which require a matching Council contribution. It is recommended that Council match funding is allocated from the Capital Works Reserve for the REPAIR Program projects.

## **RECOMMENDED**

**That Council:**

- i. accepts RMS funding of \$283,000 under the Regional Roads Block Grant Agreement;**
- ii. accepts RMS funding of \$202,500 towards Regional Roads rehabilitation works, under the REPAIR Program with matching Council funding of \$202,500 being sourced from the Capital Works Reserve;**
- iii. authorises the relevant documentation to be completed under Council Seal as necessary; and**
- iv. write to the funding body, RMS, thanking them for their assistance.**

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## ORDINARY COUNCIL

ORD11

ORD11

**SUBJECT: TENDER T004/2013 CONSTRUCTION OF WEST CAMDEN RURAL FIRE SERVICE STATION, GRASMERE**

**FROM:** Director Works & Services

**TRIM #:** 13/6521

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### PURPOSE OF REPORT

To provide details of the tenders received for contract T004/2013, being the construction of the West Camden Rural Fire Service Station, Grasmere, and to recommend that Council accept the tender submitted by Momentum Built Pty Ltd.

### BACKGROUND

Under the NSW Rural Fires Act, Camden Council is required to provide rural fire fighting services (including infrastructure) to the Camden LGA. Council has a long standing agreement with the RFS Commissioner that they undertake certain duties in relation to rural fire fighting services on Council's behalf, however the provision for land and infrastructure (fire stations) remains the responsibility of Council.

To assist Councils in providing the necessary infrastructure to service the RFS volunteer brigades, the RFS subsidise local Councils from the Rural Fire Fighting Fund (RFFF). The RFFF is funded by contributions made by Local Government (11.7%), the state Government (14.6%) and the insurance industry (73.7%). Allocation of the fund is made by a bidding process within the RFS across the state government area.

The West Camden RFS brigade currently operates from a facility located at Ellis Lane, Grasmere. The Brigade is formed from local volunteers and managed by the RFS.

In 2005 the RFS identified that this facility no longer meets current needs, standards and brigade expectations. The RFS have allocated funds to Camden Council since 2006 from the RFFF to support the provision of a new fire station. The construction of the new station has been delayed since this time as Council was unable to provide an appropriate site for construction of the new facility.

On the 08 June 2010 Council endorsed a proposal to enter into negotiations with Carrington Care Trust to lease a site on the corner of Werombi Road and Fergusons Lane, Grasmere for the new West Camden RFS Station. A copy of the report of 8 June 2010 is **Attachment 1** at the end of this report. A lease agreement for a twenty five year term (with a five year option) was completed and endorsed by Council on the 12 June 2012. A copy of the report of 12 June 2012 is **Attachment 2** at the end of this report. A plan showing the location of the proposed RFS facility is **Attachment 3** at the end of this report.

The RFS have provided standard designs for the brigade station however the proposed site provided by Council has a number of constraints and requires cut and fill earthworks, relocation of existing Carrington Care sewer rising mains and an electrical substation to be costed into the works.

## MAIN REPORT

### Invitation to Tender

The tender for construction of West Camden Rural Fire Service Station, Grasmere was advertised in the local press, Sydney Morning Herald and the NSW e-tendering website. Tenders opened on Tuesday 5 March 2013 and closed on Wednesday 27 March 2013. Tenderers were asked to provide a lump sum for the proposed works as outlined in the tender documentation.

### Tender Submissions

Tenders were received from companies listed below in alphabetical order:

<u>Name of Tenderer</u>	<u>Location</u>
• Arcs Building Group Pty Ltd	Penrith, NSW
• Artel Constructions Pty Ltd	Gosford, NSW
• Axis Constructions Pty Ltd	Wetherill Park, NSW
• Azuam Constructions Pty Ltd	Pullenvale, Qld
• Batmac Constructions Pty Ltd	North Nowra, NSW
• Camarda & Cantrell Pty Ltd	Warilla, NSW
• C + M Constructions Pty Ltd	Parramatta, NSW
• ISV Constructions Pty Ltd	Mangrove Mountain, NSW
• Kingston Building Australia	Cardiff, NSW
• Malsave Pty Ltd	Port Kembla, NSW
• Maxtra NSW Pty Ltd	Barnsley, NSW
• Momentum Built Pty Ltd	Caringbah, NSW
• M&M Pripic Pty Ltd	Casula, NSW
• ProGroup Management Pty Ltd	Macquarie Park, NSW
• Southvale Constructions	Oran Park, NSW
• Structus Pty Ltd	Milsons Point, NSW
• Sydney Design & Construction Pty Ltd	Gladesville, NSW

A summary of the submissions is provided in the **Supporting Document**.

### Tender Evaluation

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

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

Non Price Factors considered for this project include:

- standard of submission;
- capacity including WH&S and Company Profile;
- experience in past similar projects; and
- construction program.



Momentum Built Pty Ltd has provided a competitive tender as well as meeting all requirements of Council's tender documentation. Past clients were contacted and gave positive feedback for Momentum Built Pty Ltd.

Momentum Built Pty Ltd has demonstrated a track record in delivering projects of a similar scale and nature.

The panel members all agreed that the tender by Momentum Built Pty Ltd represented the best value to Council.

### **Relevant Legislation**

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

### **Critical Dates / Time Frames**

Construction works are proposed to begin onsite in September 2013 and be completed by March 2014.

### **FINANCIAL IMPLICATIONS**

Funds for the construction of the West Camden RFS are allocated in the 2013/2014 Capital Works Program. The RFFF allocation and project costs are detailed in the attached **Supporting Documents**.

There are currently insufficient funds to construct the West Camden rural fire station due to constraints on the site which include cut to fill earthworks, relocation of sewer rising mains and construction of an electrical substation. The value of the shortfall in funding is \$135,000.

To avoid further delay in delivering the necessary infrastructure, the RFS have requested that Council forward fund the shortfall in the 2013/14 financial year. If Council agrees to forward fund the project the RFS will seek to reimburse Council from the 2014/15 RFFF through its normal bidding process. Whilst this bid process does not guarantee reimbursement of the funds to Council in the 2014/15 financial year, the RFS have advised the bid will be given a high priority by the RFS as it will be considered as a "debt" owed to Council.

The shortfall of \$135,000 can be provided from the Capital Works Reserve. Should the previous report be approved (ORD10), the balance of the uncommitted Capital Works Reserve will be \$745,380.

### **CONCLUSION**

Momentum Built Pty Ltd has provided a conforming tender. The tender assessment concludes that the offer by Momentum Built Pty Ltd represents best value to Council and the company has a proven track record of performance on projects of a similar nature.

Council is required to provide support infrastructure to the RFS. To assist Council in providing this infrastructure the RFS has allocated funds from the RFFF as indicated in the **Supporting Document**.

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Forward funding of the project funding shortfall will ensure that the infrastructure is provided, there is a mechanism in place for Council to pursue reimbursement from the RFFF and will ensure local volunteers are adequately supported in providing an important fire fighting service to the West Camden District.

**RECOMMENDED**

**That Council:**

- i. accept the construction tender provided by Momentum Built Pty Ltd for the lump sum value of \$651,842 (GST exclusive);**
- ii. authorise the transfer of \$135,000 from the Capital Works Reserve to the Construction of the West Camden RFS; and**
- iii. grant authority for the relevant documentation to be completed under the seal of Council.**

**ATTACHMENTS**

1. Council Report of 8 June 2010 - Proposed Location of the New Rural Fire Service Station
2. Council Report of 12 June 2012 - Deed of Agreement between Carrington and Council - ORD120612FR\_3
3. Rural Fire Service Location Plan
4. TenderT004 2013 - Construction of West Camden Rural Fire Service Grasmere - Commercial In Confidence - *Supporting Document*

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**ORDINARY COUNCIL****ORD10**

**SUBJECT:** PROPOSED LOCATION OF THE NEW RURAL FIRE SERVICE STATION FOR THE RURAL FIRE SERVICE, CAMDEN WEST BRIGADE

**FROM:** Director Works and Services

**FILE NO:**

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**PURPOSE OF REPORT**

To seek Council's endorsement to relocate the existing fire station for the Rural Fire Service (RFS) Camden West Brigade from Ellis Lane to a new location along Werombi Road, Grasmere, and to gain authorisation to progress negotiations to secure a site which best meets the needs of Council and the RFS.

**BACKGROUND**

As reported previously, the Camden West Brigade of the RFS has occupied a fire station on Ellis Lane for a number of years. This station currently has the ability to house two RFS vehicles, but has limited other facilities and space. Members of the Camden West Brigade therefore find this present fire station inadequate, as there is insufficient space and facilities to conduct regular required training and inadequate facilities for storage of vehicles and equipment, support of staff and parking for members when they attend training and fires.

During the last two years, the Camden West RFS Brigade has been increasing its membership, adding to the pressure on the existing site.

The station needs to be upgraded to meet current needs, standards and Brigade expectations.

In the last few years, the RFS has been seeking a new site for a new station which meets its need for now and some years into the future. The RFS had agreed with a possible location suitable for support of its operations.

At its meeting on 11 May 2010, Council considered a recommendation to relocate the existing fire station for the Rural Fire Service (RFS) Camden West Brigade from Ellis Lane to a new location along Werombi Road, Grasmere.

At that meeting, Council resolved that:

- i. further consideration of this matter be deferred to allow further negotiations and be reported back to Council in 2 meetings; and*
- ii. all relevant information on the matter be circulated to Councillors during this time.*

Since that time, there have been a number of discussions with the RFS and Carrington Centennial Care (Carrington) regarding options for the location of this station and related arrangements.



### MAIN REPORT

The Camden West RFS Brigade has been seeking a site to build a new fire station which will consist of a three-bay brigade station (a Category 3 Brigade Station with an area of 274 sqm). In addition, the site needs to have off street parking for at least 8 vehicles and sufficient room for safe fire truck manoeuvring around the station, plus room for the rain water tanks and poles for drying fire hoses.

In 2009, the cost for constructing a new facility was estimated to be \$500,000, excluding any cost for acquiring land. Sufficient funding for this work has been made available within the budget. However, the project has not been able to proceed until a new site is available.

Under Emergency Services legislation, Council is required to provide a site for RFS stations. There is not any vacant land owned by Council in the Camden West area, and discussions to lease an area either from Carrington or Sydney Water were undertaken.

However, these earlier discussions did not result in an outcome that allowed the project to progress due to potential occupancy/lease conditions (term and cost), which could impact on longer term operations and the proposed sites being located within the current odour buffer zone of the West Camden Sewage Treatment Plant (STP).

Following the resolution by Council on 11 May 2010 for further negotiations, additional discussions have been held with the RFS and Carrington. These discussions have focused around the options of utilising the road reserve on Werombi Road (the subject of the recommendation to Council at the 11 May 2010 meeting) and the site originally identified in Carrington's master plan of 2006 on the corner of Ferguson Lane and Werombi Road. This location is shown in **Attachment 1 at the end of this report**.

Council has been advised that following a discussion with Carrington after the Council meeting on 11 May, the board of Carrington has further considered Council's and RFS' requirements and has agreed to provide the site at the corner of Ferguson Lane for:

- A lease term of 25 years with a 5 year option (a longer term than earlier indicated); and
- A lease cost of \$5,000 pa indexed to CPI.

The lease term generally fits with a preferred minimum for the RFS, which gives the RFS and Council a period of tenure which provides some surety of continuity and a sound basis for investment in the building and other improvements to be located on the site.

The lease cost is a cost to Council which, on the basis of a CPI increase of 2.5% pa, would result in an approximate cost to Council of \$170,800 over 25 years and \$219,500 over 30 years. It is considered that this cost is not acceptable to Council.

Alternatively, Council could locate the proposed RFS brigade station in the road reserve on Werombi Road as proposed in the report on 11 May 2010. The area between Werombi Road roadway and the old disused road is suitable for such an infrastructure development. The location of this site is shown in **Attachment 2 at the end of this report**. At present the excess road reserve is not serving any specific function other than providing an open space. However, its location means that it has very little use by surrounding residents (however see later comments regarding Carrington discussions).

To access this location would require closure of the unutilised portion of the road reserve



under the Roads Act. This Act also outlines the options for Council in dealing with the land made available to it under the road closure provisions of the Act. Under those provisions, Council is able to make the land 'operational land', and hence be available for use by Council, including using it for the location of a RFS Brigade. However, there are constraints on disposal of the land and application of proceeds of disposal, which are required to be re-directed to roads and road work.

Nevertheless, it is clear from the discussions that Carrington believes that this location would be detrimental to the presentation of their property facing Werombi Road and that Carrington would strongly oppose the location of the brigade on that site. In Carrington's view, this area should not be developed in such a way as to detract from the future development plans for the Carrington facility.

Both sites have been reviewed by the RFS and have been confirmed as having sufficient area to accommodate the proposed fire station and support facilities which fit with the long-term proposals being developed for the RFS Macarthur Zone Strategic Plan and its requirements for the next 15-20 years. The locations also offer good visibility by road users, which would provide surveillance of the often unattended site. Even though there is expected to be a number of trees which may soften the view from the road, the visibility of the station will also provide some community promotion of the RFS.

However, the site on the corner of Ferguson Lane and Werombi Road is within the STP odour buffer zone. RFS members have indicated that their occupation frequency of the building is such that this would not present an insurmountable constraint on their operations. On the other hand, this site has acceptance from Carrington and would be expected to provide better construction conditions.

In an effort to identify alternatives, consideration has been given to the possibilities of entering into arrangements such as a land swap for leasing arrangement which provide for access to land which may be mutually beneficial to Council, the RFS and Carrington. Such an arrangement would need to satisfy the requirements of both the Local Government Act and the Roads Act. The Carrington representative has indicated that this would be an acceptable outcome, provided the appropriate legal and survey arrangements can be completed. Such an arrangement would be framed to allow Council to construct the RFS brigade accommodation at the corner of Ferguson Lane and Werombi Road, and Carrington could improve the area of land through landscaping (but no building construction) resulting from the partial road closure of Werombi Road.

Such an outcome would still require the closure of the excess road reserve (part road closure), for that part of the road reserve to vest in Council and to be classified as 'operational land', and for appropriate legal and survey actions to be able to be completed. Based on previous experiences, road closure involves the NSW Department of Lands' process and can take around 12 months to complete. However, wherever possible, parallel activity could occur which may speed up the necessary project planning and implementation.

However, should issues arise which would prevent the satisfactory finalisation of an agreement which provides Council and the RFS with the required certainty of tenure or involves Council with increased ongoing costs, Council has the option of locating the RFS brigade on the unutilised road reserve site, subject to the part road closure being completed.

#### **CONCLUSION**

Camden West RFS Brigade has outgrown its current accommodation in Ellis Lane, and requires larger premises to be able to operate effectively and meet the needs of a growing membership.

Council does not own vacant unutilised land that can accommodate the new fire station for the **Camden West Brigade** and there are issues in utilising sites on land owned by other entities.

While it has been proposed that an opportunity exists to utilise part of the excess Werombi Road road reserve at the front of Carrington, there is an alternative location which was identified previously, in Carrington's master plan, on the corner of Ferguson Lane and Werombi Road. This site would also meet the general requirements of the RFS, but would result in an ongoing cost to Council.

However, Carrington has indicated that it would be prepared to consider an alternate arrangement which could provide benefits to the Council, Carrington and the RFS, with no ongoing costs to Council. Such an arrangement still requires closure of the unutilised portion of the road reserve.

Council will need to make application for closing part of the excess road reserve and to pursue the legal and survey actions necessary to achieve such an outcome. However, should this not be achievable within a timely manner, the option of proceeding with the development of the new fire station at this site can still be pursued.

### RECOMMENDED

**That Council:**

- i. **make an application to close part of Werombi Road as indicated in this report;**
- ii. **classify the newly created lot as Operational Land;**
- iii. **at the same time, proceed to obtain legal and survey advice to reach agreement on an arrangement whereby the RFS West Camden Brigade location can be accommodated at the corner of Ferguson Lane and Werombi Road and Carrington can be provided access and the right to carry out landscaping improvements and maintenance (no building construction) on the unutilised portion of Werombi Road subject to the road closure application;**
- iv. **support the location of the proposed RFS Camden West location within the newly created lot in Werombi Road in the event that an agreement outlined in iii. above cannot be achieved by the end of 2010 (with a report back to Council at that time);**
- v. **write to all stakeholders advising them of this decision.**

### ATTACHMENTS



Attach 1 Site Location - Carrington Masterplan.pdf



Attach 2 Proposed Location - RFS Camden West Brigade.pdf

### RESOLUTION

Moved Councillor Funnell, Seconded Councillor Dewbery that Council:



- i. make an application to close part of Werombi Road as indicated in this report;
- ii. classify the newly created lot as Operational Land;
- iii. at the same time, proceed to obtain legal and survey advice to reach agreement on an arrangement whereby the RFS West Camden Brigade location can be accommodated at the corner of Ferguson Lane and Werombi Road and Carrington can be provided access and the right to carry out landscaping improvements and maintenance (no building construction) on the unutilised portion of Werombi Road subject to the road closure application;
- iv. support the location of the proposed RFS Camden West location within the newly created lot in Werombi Road in the event that an agreement outlined in iii. above cannot be achieved by the end of 2010 (with a report back to Council at that time);
- v. write to all stakeholders advising them of this decision.

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

ORD120/10

**ACTIONS**

CRMS number , Finalised 13/07/2010 8:45:50 AM

Action: Finalised,

[Link to CRMS document](#)

CRMS: 11594362 10/06/2010, 08:30:18 AM

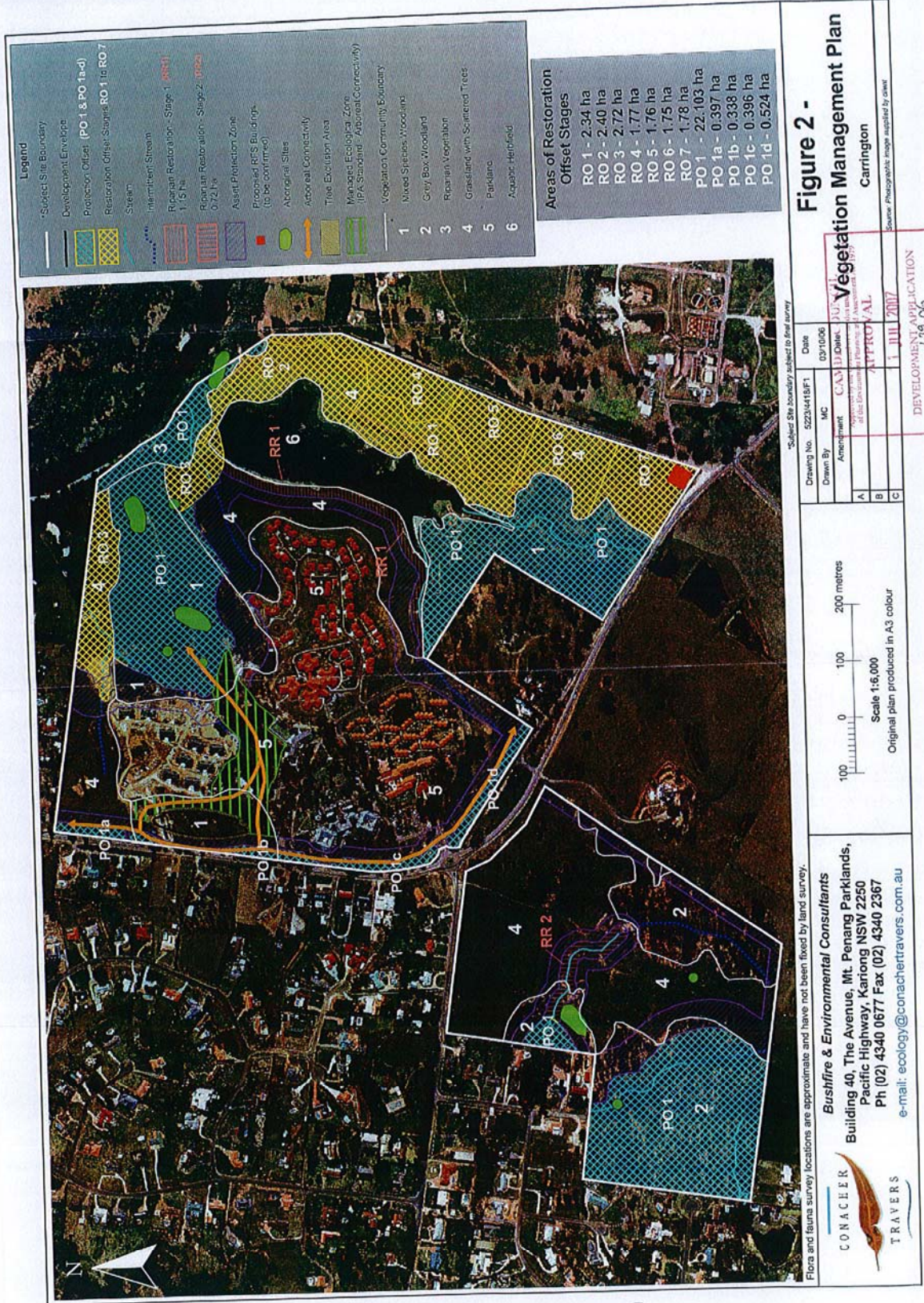
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This is the report submitted to the Ordinary Council Meeting held on 08 June 2010 - Page 5

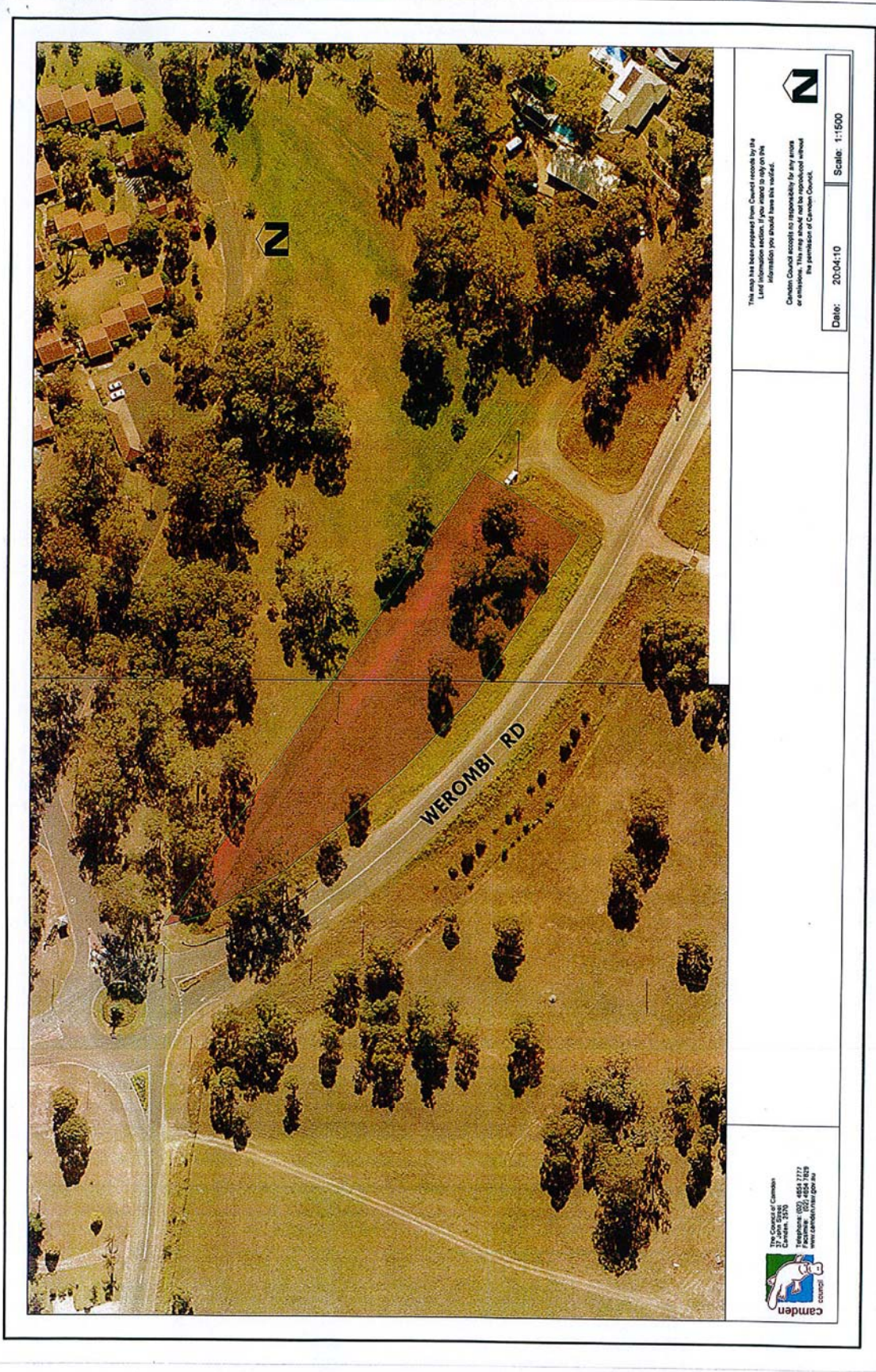


ORD11

Attachment 1







ORD11

Attachment 1

## ORDINARY COUNCIL

**ORD09**

**SUBJECT: DEED OF AGREEMENT BETWEEN CARRINGTON CENTENNIAL TRUST AND COUNCIL - LOCATION OF RURAL FIRE SERVICE STATION FOR THE RURAL FIRE SERVICE, CAMDEN WEST BRIGADE**

**FROM:** Director Governance

**BINDER:** Rural Fire Service, Camden West

### PURPOSE

To gain Council approval to attach the Seal of Council to a Deed of Agreement and Lease document in relation to the location of the Rural Fire Service Station for Camden West Brigade.

### BACKGROUND

At its meeting of 8 June 2010, Council considered a report in relation to relocating the existing Rural Fire Service (RFS) Camden West Brigade from Ellis Lane to a new location along Werombi Road.

Following consideration of the Item, Council resolved to:

- i. make an application to close part of Werombi Road as indicated in this report;*
- ii. classify the newly created lot as Operational Land;*
- iii. at the same time, proceed to obtain legal and survey advice to reach agreement on an arrangement whereby the RFS West Camden Brigade location can be accommodated at the corner of Ferguson Lane and Werombi Road and Carrington can be provided access and the right to carry out landscaping improvements and maintenance (no building construction) on the unutilised portion of Werombi Road subject to the road closure application;*
- iv. support the location of the proposed RFS Camden West location within the newly created lot in Werombi Road in the event that an agreement outlined in iii. above cannot be achieved by the end of 2010 (with a report back to Council at that time);*
- v. write to all stakeholders advising them of this decision.*

A copy of the report of 8 June 2010 is **Attachment 1 at the end of this report.**

### MAIN REPORT

Following the resolution of Council on 8 June 2010, Council Officers undertook to close the portion of road reserve in Werombi Road identified in the Council report. Given the number of services located in the road reserve, authorities such as gas, telecommunications, power and water had to be consulted. As a result, various easements needed to be created to accommodate the services, taking considerable time to prepare and for authorities and Department of Lands to give concurrence.



The portion of road was officially gazetted as closed road on 25 May 2012 and is now in Council's ownership as a parcel of land. A copy of the Deposited Plan indicating the newly created lot is **Attachment 2 at the end of this report**.

In conjunction with the road closure, negotiations with Carrington Centennial Trust (Carrington) have taken place in order for the portion of land the subject of the road closure to be utilised by Carrington for landscaping purposes in exchange for use of a portion of Carrington's land to accommodate the new Rural Fire Service (RFS) facilities. A plan showing the location of the proposed RFS facility is **Attachment 3 at the end of this report**. As a result of these negotiations, a Deed of Agreement has been prepared outlining the terms of this arrangement.

As the land the subject of the road closure is now in Council's ownership as a registered lot, being Lot 1 in DP1174315, the Deed of Agreement between Carrington and Council can now be executed. In order for the Deed of Agreement to be executed, the Council Seal must be affixed, requiring a resolution of Council to do so. Lease documents will also be prepared, formalising the arrangement for a twenty five year term (with a five year option) for both parties' use of each others' parcel of land.

Once the Deed of Agreement is executed, works can commence on the construction of the new RFS facilities. These facilities will be of standard RFS design and construction, enabling recent experience in the construction of similar facilities in Campbelltown and elsewhere to be leveraged. The project will be subject to a Development Application by Council, and is to be funded by the RFS.

### **CONCLUSION**

In order to finalise the Deed of Agreement and Lease, the Council seal must be placed on both documents. This can only be done by a resolution of Council as required by the Local Government Act 1993 and Regulations.

### **RECOMMENDED**

#### **That Council:**

- i. enter into a Deed of Agreement and a twenty five year term (with a five year option) Lease with Carrington Centennial Trust for the use of part of Lot 10 DP845472 (Carrington's land) for the construction and use of a Rural Fire Service Facility for Camden West Brigade in exchange for the use of Lot 1 DP1174315 (Council land) to enable landscaping to be carried out; and**
- ii. authorise the Council seal be affixed to the relevant documentation.**

#### **ATTACHMENTS**

1. Council Report Werombi Road 8 June 2010
2. Deposited Plan Werombi Road road closure
3. Location Plan Rural Fire Service

#### **Ordinary Council Resolution**

Resolution: Moved Councillor Funnell, Seconded Councillor Symkowiak that Council:

**ORD11**

- i. enter into a Deed of Agreement and a twenty five year term (with a five year option) Lease with Carrington Centennial Trust for the use of part of Lot 10 DP845472 (Carrington's land) for the construction and use of a Rural Fire Service Facility for Camden West Brigade in exchange for the use of Lot 1 DP1174315 (Council land) to enable landscaping to be carried out; and
- ii. authorise the Council seal be affixed to the relevant documentation.

ORD135/12      THE MOTION ON BEING PUT WAS **CARRIED**

**Attachment 2**

