



# Camden Council

## Business Paper

**Ordinary Council Meeting**  
**8 July 2014**

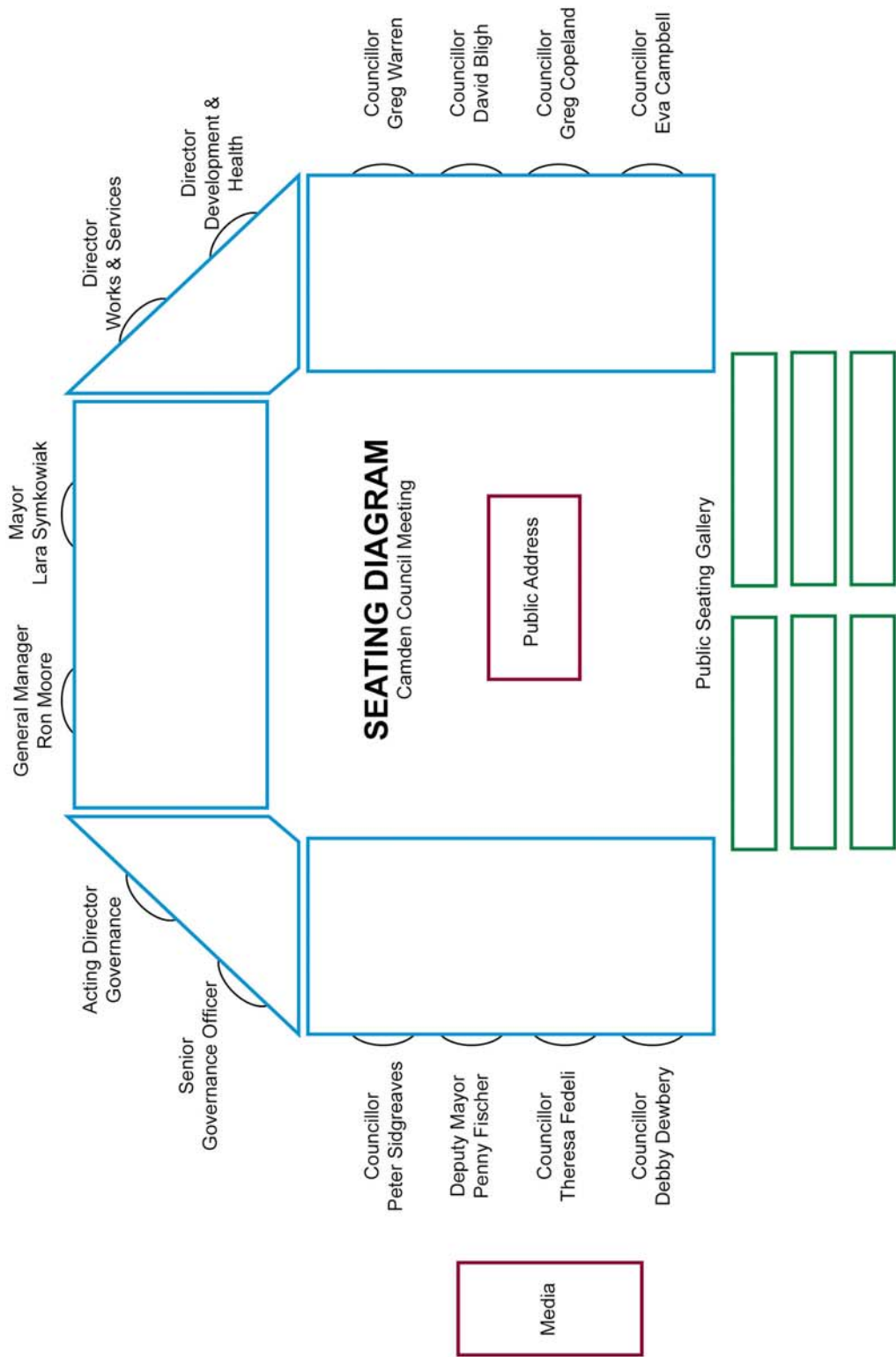
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**Camden Civic Centre**  
**Oxley Street**  
**Camden**



## 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
DoPE	Department of Planning & Environment
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
OLG	Office of Local Government, Department of Premier & Cabinet
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

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

Amen

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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 24 June 2014

**RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting held 24 June 2014, copies of which have been circulated, be confirmed and adopted.**

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## **ORDINARY COUNCIL**

**SUBJECT:       MAYORAL MINUTE**

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Consideration of Mayoral Minute (if any).



ORD01

## ORDINARY COUNCIL

ORD01

**SUBJECT:** SUBDIVISION TO CREATE 28 RESIDENTIAL LOTS, 1 RESIDUE LOT AND ASSOCIATED SITE WORKS AT 47C AND 65 HILDER STREET, ELDELSLIE  
**FROM:** Director, Development & Health  
**TRIM #:** 14/1083

**APPLICATION NO:** 399/2013  
**PROPOSAL:** Subdivision to create 28 residential lots, 1 residue lot and associated site works  
**PROPERTY ADDRESS:** 47C and 65 Hilder Street, Elderslie  
**PROPERTY DESCRIPTION:** Lot 3, DP 1178733 and Lot 1, DP 612821  
**ZONING:** R1 General Residential  
**OWNER:** Corfield Developments Pty Ltd  
**APPLICANT:** John M Daly & Associates Pty Ltd

### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a subdivision to create 28 residential lots, 1 residue lot and associated site works at 47C and 65 Hilder Street, Elderslie.

The DA is referred to Council for determination as there remain unresolved issues received in three submissions and one petition from the public, and there is a proposed variation to Camden Development Control Plan 2011 (DCP).

### SUMMARY OF RECOMMENDATION

That Council determine DA 399/2013 for a subdivision to create 28 residential lots, 1 residue lot 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 28 residential lots, 1 residue lot and associated site works at 47C and 65 Hilder Street, Elderslie.

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 proposed development represents stage 2 of the subdivision across the site. Stage 1 was previously approved under DA 1387/2011 at the Ordinary Council meeting of 23 October 2012. Stage 1 approved a total of 32 residential lots, 1 residue lot, 1 riparian corridor lot and associated site works and was located on the south-western side of the riparian corridor which traverses the middle of the site.

The subject DA was publicly exhibited in accordance with The DCP. There were two exhibition periods with the first being from 6 June to 6 July 2013. Three submissions and one petition (with 19 signatories) were received during this period (all objecting to the proposed development). The second exhibition period was from 11 September to 11 October 2013. No further submissions were received during this second period. **A copy of the submissions and petition is provided with the Business Paper supporting documents.**

The issues raised in the submissions and petition relate to concerns about lot sizes, lot widths, loss of property values and increased traffic in the area.

Since the public exhibition periods, the subdivision plans have been amended. On 1 July 2014, the applicant lodged amended plans which include the deletion of 3 residential lots, an increase in lot sizes in the south eastern corner from between 320m<sup>2</sup> and 450m<sup>2</sup> to between 384m<sup>2</sup> and 615m<sup>2</sup> and an increase in lot widths from a minimum of 10m to a minimum of 12m (the DCP permits lot widths of 8m). The amended plans are assessed in this report.

The proposed subdivision plan complies with the Elderslie Masterplan in relation to the minimum and average lot sizes, minimum lot widths and the overall street layout. Whilst lots with areas of 384m<sup>2</sup> are smaller than the average lot sizes which currently exist in Weirberly Road and Kowald Street, the DCP permits higher densities (and lots with areas as low as 300m<sup>2</sup>) in the subject area due to its closer proximity to the riparian corridor open space link and facilities such as Elderslie Public School. **A copy of the Elderslie Masterplan for the area is provided as attachment 2 to this report.**

The subdivision will provide an opportunity for a variety of housing types, including small lot detached housing (as permitted for the lots proposed in Area 2 of the Elderslie urban release area), to facilitate housing choice and meet the requirements of people with different housing needs. Smaller lots within the area have been located closest to open space and facilities.

There is no evidence to suggest that the proposed development will impact on surrounding property values. In any case, the potential impact on property values is not an issue that can be considered as part of this assessment. The building form and materials proposed for future dwellings will be subject to further assessment and compliance with the applicable dwelling controls.

The proposed street widths and cross sections comply with the DCP's minimum requirements for local streets (including laneways), Australian Standards and Council's engineering and design specifications, ensuring adequate space for all types of vehicles required to access residential areas (including emergency service vehicles and waste trucks). The overall road network has been designed to cater for the adopted density targets in the Elderslie urban release area.

The applicant proposes a variation to Figure C15 of the DCP. This Figure requires a pedestrian path to be provided along the north-eastern side of Gracie Avenue. The proposed development does not include the construction of a pedestrian path in this location. Council staff have assessed this variation and recommend that it be supported.

There will be no loss of amenity for residents if the additional path was not provided given the other pedestrian paths and shared pedestrian/cycle path along the riparian corridor that will be provided. This arrangement is identical to that approved by Council

for the stage 1 subdivision of this site and in other locations in the area including along Camden Acres Drive further to the north-east.

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 comprises two properties commonly known as 47C and 65 Hider Street, Elderslie and is legally described as lot 3, DP 1178733 and lot 1, DP 612821.

The majority of the development will be on the north-eastern side of 65 Hider Street. A small amount of filling and temporary drainage works are proposed in the southern corner of 47C Hider Street (a property lot to the north).

The site (65 Hider Street) has a frontage of 265m to Hider Street, a depth of 230m and an overall area of 6.084ha. The south-eastern and north-western sides of the site fall gently towards its centre where there is an existing riparian corridor known as the Oxley Rivulet (shown as future lot 32 on the proposed plans). The stage 1 subdivision previously approved by Council is at an advanced stage of construction on the south-western side of the site.

The site is located within the Elderslie urban release area, the South Campbelltown Mine Subsidence District and the middle of it is identified as being bushfire prone.

The area of the site proposed to be developed under this DA is limited to the north-eastern side of the site.



The development area of stage 2 is currently vacant, however has recently undergone minor earthworks and contains 4 temporary turning heads which will be removed when the remainder of these local streets are constructed (subject to approval of this DA).

The surrounding area is characterised by a mixture of residential and recreational land uses with the developing Elderslie urban release area to the east, Elderslie Public School to the south-east, the existing part of Elderslie to the south and west, Elderslie High School to the west and the public recreation areas known as Harrington Green and Kirkham Park to the north-west and north.

**HISTORY**

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

Date	Development
30 June 2005	Approval of DA 1025/2003 for new utilities/services including trunk drainage works within the riparian corridor
11 January 2008	Approval of DA 1174/2007 for the demolition of 2 dwellings
9 March 2010	Approval of DA 1165/2006 for the subdivision of land to create 16 residential lots, 2 residue lots and a drainage reserve (it is noted that these works have never commenced)
23 October 2012	Approval of DA 1387/2011 for a subdivision to create a total of 32 residential lots, 1 residue lot, 1 riparian corridor lot and construction of roads, drainage, landscaping and associated site works
24 April 2013	Approval Section 96(1A) Modification 1387(2)/2011 for the rectification of conditions relating to Section 94 Contributions

**THE PROPOSAL**

As amended, DA 399/2013 seeks approval for a subdivision to create 28 residential lots and 1 residue lot.

Specifically the proposed development involves:

- creation of 28 residential lots (lots 2001-2028) with areas ranging between 318m<sup>2</sup> to 615m<sup>2</sup> and creation of 1 residue lot (lot 2032) with an area of 494m<sup>2</sup>;
- removal of 4 trees and the carrying out of bulk earthworks, including importation of approximately 30,000m<sup>3</sup> of fill;
- construction of local roads, drainage and utility services; and
- installation of landscaping, including turf and a total of approximately 57 street trees within local street verges.

The value of the works is \$830,000 including GST.

**A copy of the proposed plans is provided as attachment 1 to this report.**



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## **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 site is suitable for its intended use (in terms of contamination) prior to granting consent. The applicant submitted contamination assessments which confirmed that the site can be made suitable subject to testing areas where 2 previous dwellings were removed as well as testing of 3 soil stockpiles (stockpiles A, C and D) and 1 building rubbish stockpile (stockpile B).

This testing has been completed and a validation report was also submitted which confirms that all samples from these areas were below the relevant contamination criteria for residential development, with the exception of Stockpile B. The report recommends that Stockpile B be removed from the site in order to make it suitable for residential use.

A condition is recommended to ensure that the proposed development is carried out in accordance with the submitted reports. A condition is also recommended that stipulates that should any unexpected finds of contamination be identified, works will be required to cease until a qualified consultant has assessed the materials and recommended appropriate remedial treatment and validation. 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. Conditions requiring erosion and sediment control measures to be installed prior to the commencement of any works are recommended, and appropriate long-term water pollution control devices (stormwater detention/quality basins) will also be provided for the development as these works have been completed under separate DAs.

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## Camden Local Environmental Plan 2010 (LEP)

The site is zoned R1 General Residential under the provisions of the LEP. The proposed development is defined as “earthworks” and “roads” by the LEP which are permitted with consent in this zone. The subdivision of land is also permitted with consent in this zone.

### *Objectives*

The objectives of the R1 General Residential zone are as follows:

- To provide for the housing needs of the community.

### Officer comment:

The proposed development will provide opportunities for housing to be provided for the community subject to the approval of separate DAs or Complying Development Certificate applications for dwellings.

- To provide for a variety of housing types and densities.

### Officer comment:

The proposed development consists of a variety of lot sizes ranging from 318m<sup>2</sup> to 615m<sup>2</sup> which will accommodate a variety of housing types and densities.

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

### Officer comment:

The proposed development includes the construction of a 2.5m wide shared pedestrian/cyclist path in accordance with the Elderslie masterplan. This path will provide access for residents through the subdivision and the wider area.

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

### Officer comment:

The proposed subdivision will adjoin the Oxley Rivulet riparian corridor which will contain a 2.5m wide shared path (for pedestrians and cyclists) which continues through the majority of Elderslie. This open space corridor will provide recreational opportunities for local residents as well as scenic views for the lots adjacent to the corridor.

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

### Officer comment:

The proposed development has been assessed and it is not considered that it will have any unacceptable environmental impacts upon any land uses within the zone or in adjoining zones.

*Relevant Clauses*

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

<b>Clause</b>	<b>Requirement</b>	<b>Provided</b>	<b>Compliance</b>
4.1 Minimum Lot Size	Minimum 300m <sup>2</sup> lot area	The minimum lot area proposed is 318m <sup>2</sup>	Yes
5.9 Preservation of Trees or Vegetation	Development consent required to remove trees	The DA proposes the removal of 4 trees. This has been assessed and deemed to be acceptable given the revegetation of the adjacent riparian corridor and the planting of 57 street trees within the subdivision	Yes
5.10 Heritage Conservation	Heritage assessment required for development within vicinity of heritage item	The site is not located as a State or local heritage item, nor is it identified as a potential heritage item. The western corner of the overall lot adjoins local heritage Item No. I107, the stage 2 development area is located on the opposite side of the corridor (which is not located near any heritage items), therefore a heritage assessment was not required for the subject DA. Heritage impacts of the stage 1 development were previously assessed under DA 1387/2011	Yes
6.1 Arrangements for Designated State Public Infrastructure	Satisfactory arrangements for State infrastructure	The site is located within the Western Sydney Growth Areas special contributions area. A condition is recommended which requires the payment of State Infrastructure Contributions prior to the issue of a Subdivision Certificate	Yes
6.2 Public Utility Infrastructure	Appropriate public utility infrastructure to service the development	The site will be serviced by appropriate public utility infrastructure including water, sewer and electricity. A	Yes

Clause	Requirement	Provided	Compliance
		condition is recommended to ensure that this occurs prior to the issue of a Subdivision Certificate	
7.1 Flood Planning	Development to be compatible with flood hazard, not adversely affect flood behaviour or the environment, and not result in major social/economic costs	Only a small part of the northern end of the riparian corridor is flood affected. No residential lots are proposed below the 1 in 100 year flood level and the proposed development will not have an adverse impact on the flooding characteristics of the area. The development complies with Elderslie Water Cycle Management Plan which has been designed having taken into account potential flooding impacts	Yes
7.4 Earthworks	Council to consider impacts of fill on adjoining land and waterways, including drainage patterns, reuse of the land, fill quality, amenity of adjoining properties and impacts on environmentally sensitive land	30,000m <sup>3</sup> of fill is proposed to be imported for the proposed development and placed along the eastern edge of the riparian corridor. This is necessary to achieve compliant road gradings, ensure there is no risk of flood for future residents and to enable appropriate stormwater and drainage infrastructure to be installed. A fill management plan has been submitted which confirms appropriate measures will be in place to ensure fill being brought onto the site is appropriately controlled. Conditions are also recommended which require appropriate erosion, sediment and dust controls to be provided throughout the development to protect	Yes

Clause	Requirement	Provided	Compliance
		the amenity of the Oxley Rivulet and surrounding residents	

**(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. Discussion of any variations of the controls is provided after the compliance table.

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion and sediment control plan required	A condition is recommended which requires an erosion and sediment control plan to be provided prior to the issue of a Construction Certificate	Yes
	Sediment, erosion and dust controls to be installed prior to commencement of works and maintained until the site is stabilised	Conditions are recommended to ensure that appropriate measures are installed and maintained throughout all stages of the proposed development	Yes
B1.2 Earthworks	Subdivisions to respond to the site's natural topography and minimise cut and fill	Approximately 30,000m <sup>3</sup> of fill will be brought onto the site to achieve compliant road gradings, ensure there is no risk of flood for future residents and to enable appropriate stormwater and drainage infrastructure to be installed. This will not significantly alter the overall topography of the site	Yes

Control	Requirement	Provided	Compliance
	Only clean fill material must be used	The development will be carried out in accordance with a fill management plan which only permits clean fill material to be used on the site	Yes
	DAs involving earthworks to include supporting information which addresses potential impacts	Appropriate drainage and landscaping plans have been provided. Conditions relating to fill management are recommended	Yes
B1.3 Salinity Management	Groundwater recharge to be minimised	Water sensitive urban design measures including landscaped road verges will help to minimise the potential for groundwater recharge	Yes
	Roads in saline areas to have subsoil drainage and run along or perpendicular to contours	The proposed road verges will contain subsoil drainage and the roads generally run perpendicular to the finished contours and riparian corridor	Yes
	Sediment and erosion controls required	Conditions requiring sediment and erosion controls to be installed prior to the commencement of works are recommended	Yes
	Salinity investigation and management plan required	A salinity investigation and management plan has been provided, however a condition is recommended to ensure that the report is updated to reflect current standards prior to the issue of a Construction Certificate. Compliance with this amended report during construction is also a recommended condition	Yes
B1.4 Water Management	Development to comply with Council's Engineering Specifications in terms	The proposed water management strategy includes inter-allotment drainage to connect to	Yes



Control	Requirement	Provided	Compliance
	of stormwater detention, drainage and water sensitive urban design	Council's existing stormwater system, before eventually entering the Oxley Rivulet riparian corridor. The proposed development will fully comply with Council's Engineering Specifications	
B1.5 Trees and Vegetation	Development consent required for tree removal	The DA proposes to remove 4 trees. Council staff have assessed this and deem it to be acceptable given the eventual revegetation of the adjacent riparian corridor and the planting of 57 street trees within the subdivision	Yes
B1.6 Environmentally Sensitive Land	DAs to identify and describe impacts of development on environmentally sensitive land including ameliorative measures to reduce impact	The riparian corridor lot contains a remnant stand of River Flat Eucalypt Forest. This DA does not propose the construction of any additional drainage works within the corridor, however the developer is required to construct a 2.5m shared path and safety fencing. These minor construction works will be carried out in accordance with Council's engineering specifications and will not have a significant impacts upon the riparian corridor	Yes
B1.7 Riparian Corridors	All uses including paths but excluding drainage works are prohibited within the core riparian and vegetated buffer zones  Appropriate fencing and signage to be constructed to control direct access into the corridor	No prohibited infrastructure will be constructed within the core riparian protection area of the creek  Conditions are recommended which require the developer to install appropriate safety fencing and signage identifying the flood levels prior to the issue	Yes  Yes

Control	Requirement	Provided	Compliance
	Riparian areas to front public road system and stormwater to be treated prior to discharging into the watercourse	of a Subdivision Certificate  The riparian area will front Gracie Avenue and stormwater from stage 2 will be treated in existing stormwater detention/quality basins prior to entering the core riparian area	Yes
	Following disturbance of corridor, natural regeneration and rehabilitation to occur using endemic species wherever possible	The developer is required to pay monetary contributions in accordance with Camden Contributions Plan 2011 (CP). The CP levies these contributions in part to pay for the eventual regeneration and rehabilitation of the adjacent riparian area. Appropriate conditions are recommended to ensure the developer makes monetary contributions in accordance with the CP	Yes
	Physical barriers to be installed to prevent unauthorised vehicle access	A condition is recommended which requires the developer to install appropriate safety fencing prior to the issue of a Subdivision Certificate	Yes
	Pedestrian and cycle paths to be located outside of core riparian protection area and integrated with landscaping	A 2.5m shared pedestrian and cycle path will be located immediately adjoining Gracie Avenue (outside of the core riparian protection area) and will be integrated with landscaping	Yes
B1.8 Environmental and Declared Noxious Weeds	Subdivision developments to include noxious weed control and management	A condition is recommended which requires noxious weed control and management in accordance with the DCP	Yes

Control	Requirement	Provided	Compliance
B1.9.2 Waste Management Plan for Subdivisions	A waste management plan (WMP) is required	An adequate WMP has been provided	Yes
	Street layout and road designs to make satisfactory provision for waste collection	The proposed development includes 5 local streets and 1 laneway. Each of these will sufficiently accommodate Council's waste collection vehicles. Notwithstanding this, a condition is recommended which requires the nomination of bin collection areas at the front of each lot (without conflict with future driveways, street lights or other structures) to be provided prior to the issue of a Construction Certificate	Yes
B1.10 Bushfire Risk Management	Bush fire assessment report required for DAs on bushfire prone land	The DA was referred to RFS for assessment as the development proposes the subdivision of bushfire prone land and therefore requires a bushfire safety authority, pursuant to Section 100B of the <i>Rural Fires Act 1997</i> . The RFS recommended that the development be approved, subject to general terms of approval relating to the maintenance of asset protection zones, water, services etc. Compliance with these general terms of approval is a recommended condition	Yes
B1.11 Flood Hazard Management	Development to comply with Council's Engineering Specifications and Flood Risk Management Policy which is located within and affected by flood prone land	None of the area within stage 2 is identified as being within the 1 in 100 year flood line. Additional fill will also be brought onto the site to further raise finished contour levels. The development has been assessed and fully complies with	Yes

Control	Requirement	Provided	Compliance
		Council's Engineering Specifications and Council's Flood Risk Management Policy	
B1.12 Contaminated and Potentially Contaminated land	Contamination assessment and remediation (if required) to be prepared in accordance with Council's Management of Contaminated Lands Policy	A phase 2 contamination assessment has been provided which confirms that apart from the removal of building waste, there is no further remediation required. A standard unexpected finds condition is also recommended	Yes
B1.13 Mine Subsidence	Mine Subsidence Board (MSB) Approval required	MSB approval has been obtained by the applicant and submitted with the DA	Yes
B2 Landscape Design	Landscape plan required	A street tree landscaping plan has been provided and is acceptable	Yes
B3.1.5 Environmental Heritage – Cultural and Visual Landscapes	Development to optimise the preservation and interpretation of the identified significant cultural and visual landscapes	<p>The site is not identified as a local or State heritage item. The stage 2 development area is not in close proximity to any adjoining or surrounding heritage items. However the site is identified within view corridors V1 (views from Camden Bypass to Camden and Blue Mountains) and V4 (views between local heritage Item Nos I108 (Hillsyde homestead) and I109 (cottage on Lodges Road).</p> <p>The proposed subdivision will not have any adverse impacts on view corridors V1 and V4. Whilst some fill is being brought onto the site to raise levels, the finished contours will remain lower than the surrounding subdivision pattern and the land will continue to slope down towards the riparian</p>	Yes

Control	Requirement	Provided	Compliance
		<p>corridor. The site is also surrounded by multiple two storey residential dwellings, a local primary school and a church, therefore the proposed lots will not have any effect on the existing view lines. The LEP also limits building heights in this area to a maximum of 9.5m, further limiting the impacts of future development</p>	
<p>C5.1 Neighbourhood Amenity and Subdivision Design</p>	<p>High level of pedestrian connectivity</p> <p>Legible and permeable street hierarchy</p> <p>Maximum street block size of 250m x 70m</p> <p>Lot orientations of generally north/south, east/west. This may be varied where views or</p>	<p>The land proposed to be subdivided is located within close proximity to open space (i.e. the Oxley Rivulet), public transport corridors (including Lodges Road) and a local school. Pedestrian footpaths will be constructed on one side of each local street (excluding the laneway) and an additional 2.5m shared pedestrian and cycle path will be provided along Weirberly Road and the edge of the riparian corridor, providing further connectivity to surrounding facilities</p> <p>The proposed streets are legible and permeable to existing and future adjoining developments</p> <p>The proposed lots will adjoin 4 existing street blocks, however none of these blocks will exceed 250m in length or 70m in width as a result of the proposed additional lots</p> <p>The proposed lot orientation is generally north-west/south-east and south-west/north-</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	high level amenity exists	east. However this is acceptable as many of the lots have been orientated to be front the adjacent riparian corridor. It is also noted that the lot orientation is constrained by an existing subdivision pattern to the west	
	Lots generally rectangular and battle-axe lots limited	Each of the proposed lots is generally rectangular and no battle-axe lots are proposed	Yes
	Easements for services to be incorporated into road reserves	All utility services will generally be located within the proposed road reserves with the exception of the proposed inter-allotment drainage	Yes
	Smaller lots to be located closer to neighbourhood centre, public transport and parks	The proposed mix of lot sizes (318m <sup>2</sup> – 615m <sup>2</sup> ) is appropriate for their location within the urban release area adjacent to a riparian corridor	Yes
C5.2 Street Network and Design	Street layout to be consistent with the Elderslie Master Plan	The proposed street network is consistent with the Elderslie Master Plan	Yes
	Streets to comply with the minimum required cross sections	The proposed laneway, local streets and riparian corridor edge road are compliant with the relevant cross sections in the DCP	Yes
	All streets and roundabouts to comply with Council's engineering specifications	A condition is recommended to ensure the detailed Construction Certificate plans are compliant with Council's engineering specifications	Yes
	Where roads are adjacent to riparian	The applicant has proposed a 1m verge	Yes

Control	Requirement	Provided	Compliance
	<p>corridors, verge widths may be reduced to a minimum of 1m subject to footpaths, utilities and asset protection zones for bushfire management being maintained</p> <p>Street trees to be provided on all streets</p>	<p>along Gracie Avenue (riparian corridor edge). A 2.5m wide shared pedestrian and cycle path will be provided adjacent to the verge, within the corridor, prior to its dedication to Council</p> <p>A suitable street tree landscaping plan has been provided</p>	<p>Yes</p>
C5.3 Pedestrian and Cycle Network	Pedestrian and cycle connections to be consistent with the Elderslie Master Plan	All required pedestrian and cycle paths will be provided, with the exception of 1 additional pedestrian footpath located along the south-eastern side of Gracie Avenue (fronting the riparian corridor)	<b>No – DCP Variation 1</b>
C5.7 Provision of Adequate Infrastructure and Facilities	Demonstrate local public infrastructure and facilities will be provided	Conditions are recommended which require the installation of all public utility services prior to the issue of a Subdivision Certificate, as well as the payment of Section 94 Contributions in accordance with Camden Contributions Plan 2011	Yes
C6.1 Introduction to Elderslie release Area	<p>Compliance with the Elderslie Master Plan, including:</p> <p>Minimum lot size of 300m<sup>2</sup> - 450m<sup>2</sup> for Area 2</p> <p>Minimum lot size of 450m<sup>2</sup> for Area 3</p> <p>Average lot size of 375m<sup>2</sup> for Area 2</p> <p>Average lot size of</p>	<p>Proposed minimum lot size within Area 2 is 318m<sup>2</sup></p> <p>Proposed minimum lot size within Area 3 is 525m<sup>2</sup></p> <p>Proposed average lot size within Area 2 is 415.8m<sup>2</sup>, which exceeds the average lot size required</p> <p>Proposed average lot</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	525m <sup>2</sup> for Area 3	size within Area 3 is 527m <sup>2</sup>	
	Minimum lot width of 8m for Area 2	Proposed minimum lot width within Area 2 is 12m	Yes
	Minimum lot width of 15m for Area 3	Proposed minimum lot width within Area 3 is 16.2m	Yes
C6.2 Neighbourhood and Subdivision Design	Compliance with minimum lot size, average lot size and minimum lot width controls in Figure C12	As demonstrated above, the proposed development achieves compliance with each of these controls	Yes
	Protect view corridors	The site is located within view corridor "V4" which contains views between the heritage properties "Hillsyde" on Hilder Street and a cottage on Lodges Road. "V4" will not be compromised as a result of the development (including future dwellings on the proposed lots within Area 2), due to the elevation of the heritage items and stage 2 being located lower, towards the riparian corridor, and the existing built form in the area, including Elderslie Public School	Yes
C6.3 Street Network and Design	Comply with street network in the Elderslie Master Plan and compliance with the DCP's cross section for a laneway, local access road and riparian corridor edge road	The proposed street network and design complies with the Elderslie Master Plan	Yes
C6.4 Pedestrian and Cycle Network	Comply with Elderslie pedestrian and cycle network map (Figure C15)	Figure C15 requires pedestrian footpaths to be constructed on one side of each local street (excluding the laneway) and a 2.5m shared pedestrian and cycle within the riparian corridor. These paths	<b>No – DCP Variation 1</b>



Control	Requirement	Provided	Compliance
		have been identified on the submitted plans and are compliant, with the exception of 1 pedestrian footpath not being provided along the eastern side of Gracie Avenue (opposite the riparian corridor edge)	
C6.5 Public Transport Network	Bus stops required within 400m of dwellings	Public transport links in the form of bus routes and bus stops are available nearby in Lodges Road and Hilder Street	Yes

DCP Variation 1 – Exclusion of Secondary Pedestrian Path on Gracie Avenue

*DCP Control*

Figure C15 – “Elderslie Pedestrian/Cycle Network” of the DCP requires a pedestrian path to be provided along the north eastern side of Gracie Avenue. The proposed development does not include the construction of a pedestrian path in this location.

Figure C15 – Elderslie Pedestrian/Cycle Network

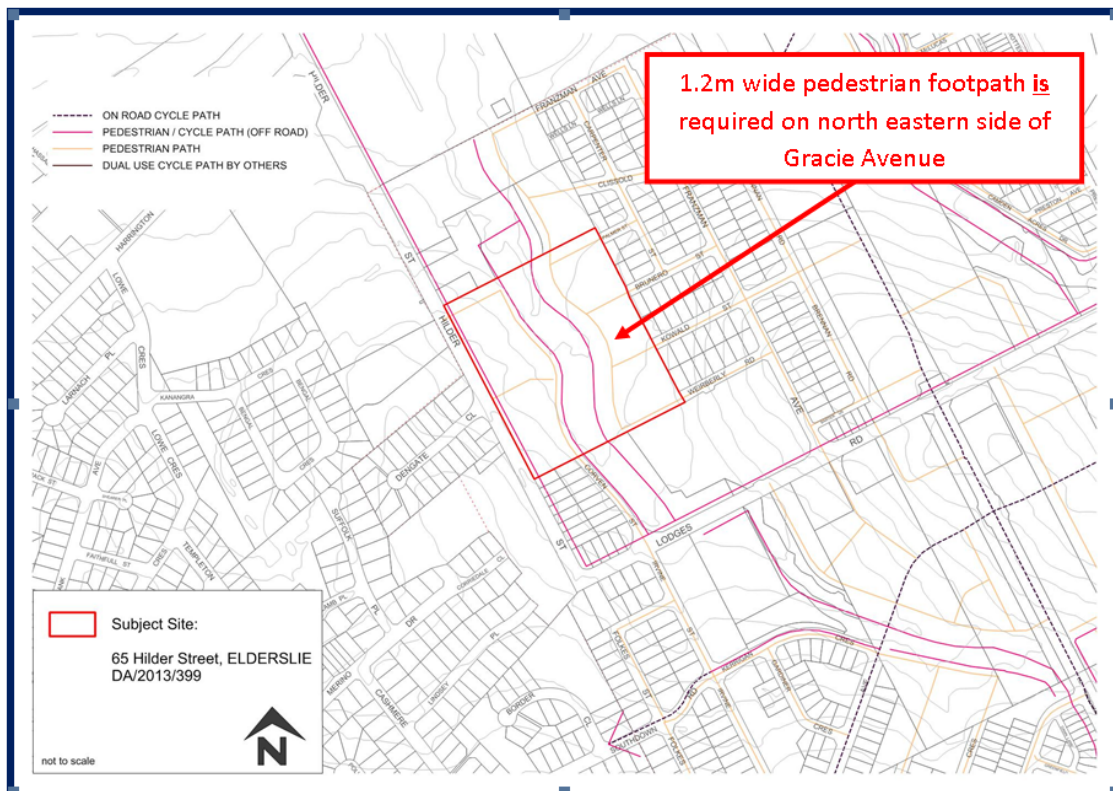
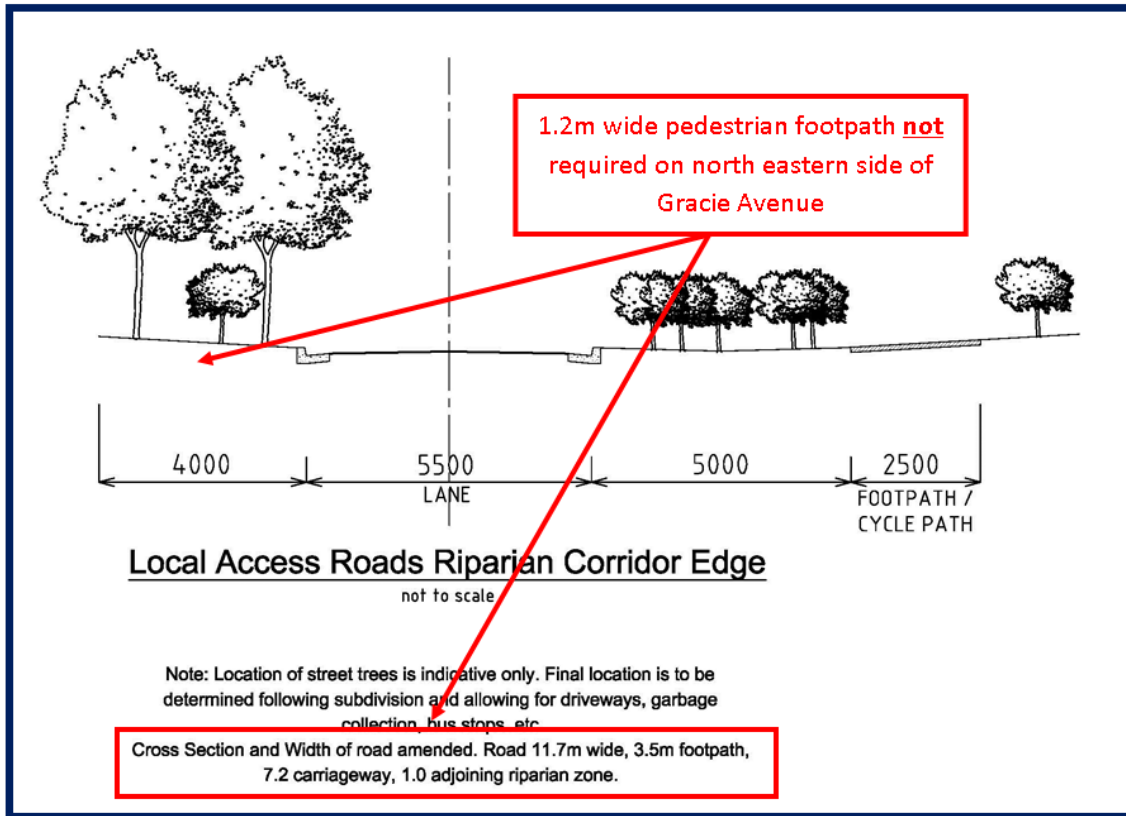


Figure C14.4 – Elderslie Local Access Roads Riparian Corridor Edge



*Variation Request*

The applicant has requested that Council support a variation to this DCP control on the basis that:

- there is a conflict between controls contained within the DCP. Figure C15 – “Elderslie Pedestrian/Cycle Network” is inconsistent with Figure C14.4 – “Elderslie Local Access Roads Riparian Corridor Edge”, which does not require paths to be provided on both sides of the road. The development is consistent with the more specific cross section contained within Figure C14.4;
- Gracie Avenue will already be provided with a 2.5m shared pedestrian and cycle path adjoining the edge of the riparian corridor (on the south western side of Gracie Avenue) and the 1.2m wide pedestrian paths within the other internal streets will each connect to this shared path via standard road crossing points, therefore an additional path on the eastern side of Gracie Avenue would be superfluous; and
- the riparian edge road has been designed identically to the riparian corridor edge road assessed and approved by Council for stage 1 (on the opposite side of the corridor).

*Council Staff Assessment*

Council staff have reviewed this variation request and recommend that it be supported for the following reasons:

- it is acknowledged that Figure C15 does conflict with Figure C14.4. Figure C14.4 is more specific for the character of the riparian edge road, therefore should take precedence over Figure C15 which just requires paths generally;
- there will be no loss of amenity for residents if the additional path was not provided given the other pedestrian paths and shared pedestrian/cycle path along the riparian corridor that will be provided, and this will also result in less long term maintenance for Council;
- Council has previously approved other subdivisions in Elderslie with riparian edge roads being consistent with Figure C14.4 rather than Figure C15, for example the approved stage 1 subdivision on this site and the riparian edge road in Camden Acres Drive which only have a 2.5m shared pedestrian/cyclepath and no additional pedestrian path on the opposite side of the road.

Consequently it is recommended that Council support this proposed variation to the DCP.

***(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.

**Safer by Design Considerations/Security Issues:**

Council has considered the safety of the riparian corridor for residents of the proposed subdivision. The primary function of the riparian corridor is for drainage in contrast to active open space. The 2.5m shared path will be located along the higher contours of the embankment (parallel to the Gracie Avenue road reserve) to avoid conflict with the adjacent stormwater detention/quality basins. Therefore residents would be discouraged from entering the corridor due to the steep rock embankment and bicycle fence required to be erected by the developer alongside the shared path.

The shared path will be illuminated at night by the adjacent street lights on Gracie Avenue and overlooked by dwellings, which will provide passive surveillance of this public thoroughfare. Therefore the path along the corridor will be safe for future residents.

**(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**

This DA was publicly exhibited in accordance with The DCP. There were two exhibition periods with the first being from 6 June to 6 July 2013. Three submissions and one petition (with 19 additional signatories) were received (all objecting to the proposed development). The second exhibition period was from 11 September to 11 October 2013. No further submissions were received during this second period. **A copy of a public exhibition and submissions map is provided with the Business Paper supporting documents**

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

1. *During the assessment of the stage 1 DA, Council excluded the area within stage 2 from the approval, as it did not comply with the DCP. The current plans do not appear to have changed much within the area of stage 2 and still contain lot sizes as low as 320m<sup>2</sup>. Blocks this size are not in keeping with what currently exists in Weirberly Road and Kowald Street, therefore Council should again, not support stage 2 in its current form.*

Officer comment:

The applicant requested to withdraw stage 2 from the assessment of the original DA (1387/2011) as they were unable to design a subdivision layout at that time which achieved compliance with the Elderslie Masterplan, including the positioning of roads and laneways, as well as compliance with the required minimum and average lot sizes and lot widths. Council staff agreed to defer the assessment of the stage 2 area to instead be part of a separate future DA.

The plans originally submitted with this DA (399/2013) did include 11 lots with areas of 320m<sup>2</sup> – 322m<sup>2</sup> in the south eastern portion of the site; however, following the DA's exhibition periods, the applicant has further amended the plans by deleting 3 lots in this area, increasing the remaining lot sizes to between 384m<sup>2</sup> to 615m<sup>2</sup> and lot widths to a minimum of 12m. The amended plans exceed the minimum controls prescribed by the DCP achieve full compliance with the Elderslie Masterplan, including the required minimum and average lot sizes, minimum lot widths and the overall street layout.

Whilst lots with an area of 384m<sup>2</sup> are smaller than the average lot sizes which currently exist in Weirberly Road and Kowald Street, the DCP permits higher densities (and lots with areas as low as 300m<sup>2</sup>) in the subject area due to its closer proximity to the riparian corridor open space link and facilities such as Elderslie Public School. The lot size requirements for the subject site have also been adopted by Council since 2006, prior to the registration of the existing lots in Weirberly and Kowald Streets. Therefore this information was available for residents interested in purchasing in the area.

2. *Lot widths of 10m will result in dwelling frontages of 8m (taking into account side setbacks). Houses this size will be limited to single garages, further exacerbating existing traffic issues in the local streets surrounding Elderslie Public School. Other smaller lots usually have garages which back onto a rear laneway, therefore not increasing cars on the road, however the 320m<sup>2</sup> lots proposed do not have a laneway.*

Officer comment:

As amended, the smaller lots in Area 2 (adjoining existing properties on Kowald Street and Weirberly Road) have increased in size from 320m<sup>2</sup> to 384m<sup>2</sup>. Also, the lot widths have increased from a minimum of 10m to 12m, and comply with the DCP (which permits lot widths of 8m in Area 2 of the Elderslie urban release area).

The proposed lot widths will provide an opportunity for a variety of housing types, including small lot detached housing (as permitted for the lots proposed in Area 2), to facilitate housing choice and meet the requirements of people with different housing needs. Smaller lots within the precinct have been located closest to areas of highest amenity and proximity to open space and facilities. Zero lot lines are also permitted on one side of the lots within Area 2 of the subject development, enabling an increased dwelling frontage of 9m.

3. *Streets which look like a car park will devalue the existing houses and small lots will encourage rental housing and cookie cutter houses, all looking exactly the same.*

Officer comment:

There is no evidence to suggest that the proposed development will impact on surrounding property values. In any case, the potential impact on property values is not an issue that can be considered as part of this assessment.

The building form and materials proposed for future dwellings will be subject to further assessment and compliance with the applicable dwelling controls. The DCP prescribes a range of lot sizes to encourage a variety of housing forms and types. Whilst parts of the surrounding area have been developed to include slightly larger lots, the subject development complies with the DCP's controls for this area and will provide an acceptable level of variation within the streetscape.

4. *The size of the blocks and the street frontages are far too small and do not meet the area's average block size of around 500m<sup>2</sup>. The smaller lots are inconsistent with the existing streetscape and will result in additional traffic, which may impede emergency service vehicles and waste trucks.*

Officer comment:

The proposed development complies with all applicable DCP controls for the subject site, including average lot sizes. The proposed street widths and cross sections also comply with the DCP's minimum requirements for local streets (including laneways), Australian Standards and Council's engineering and design specifications, ensuring adequate space for all types of vehicles required to access residential areas (including emergency service vehicles and waste trucks). The overall road network has been designed to cater for the adopted density targets in the Elderslie urban release area.

**(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**

*NSW Rural Fire Service (RFS)*

The DA was referred to RFS for assessment as the development proposes the subdivision of bushfire prone land and therefore requires a bushfire safety authority pursuant to Section 100B of the *Rural Fires Act 1997*. The RFS recommended that the development be approved, subject to general terms of approval relating to the maintenance of asset protection zones, water, services etc. Compliance with these general terms of approval is a recommended condition.

*NSW Office of Water (NOW)*

The DA was also referred to NOW for assessment as the development proposes works within 40m of a watercourse and therefore requires a Controlled Activity Approval, pursuant to Part 3 of the *Water Management Act 2000*. NOW recommended that the development be approved, subject to conditions generally relating to sediment and erosion controls and protecting the amenity of the watercourse. A condition requiring compliance with this is included with the conditions contained in this report.

*Mine Subsidence Board (MSB)*

The site is located within the South Campbelltown mine subsidence district, therefore approval from MSB is required pursuant to Section 15 of the *Mine Subsidence Compensation Act 1961*. The DA was not required to be referred to MSB as part of the assessment process as the applicant had already obtained approval from MSB prior to lodging the DA. Compliance with this approval is a recommended condition.

**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 399/2013 is recommended for approval subject to the conditions contained in this report.

**CONDITIONS**

**1.0 - General Requirements**

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

Plan / Development No.	Description	Prepared by	Dated
08078(2)PS – Sheet 1 of 1	Plan of Proposed Subdivision	JMD Development Consultants	1/7/14
08078(2)DS – Sheet 1 of 1	Plan of Contours Over Site	JMD Development Consultants	18/3/13
08078(2)SA – Sheet 1 of 1	Site Analysis Plan	JMD Development Consultants	18/3/13
08078(2)E1 – Sheet 1 of 1	Stormwater Strategy	JMD Development	15/5/13

	Plan	Consultants	
08078(2)E7 – Sheet ADD2 of ADD2	Oxley Rivulet 100 Year ARI & Probable Maximum Flow Flood Levels	JMD Development Consultants	31/1/13
08078(2)LS – Sheet 1 of 1	Landscape Plan	JMD Development Consultants	13/5/13
08078(2)E1 – Sheet 1 of 8, Rev. B	Cover Sheet	JMD Development Consultants	30/3/14
08078(2)E1 – Sheet 2 of 8, Rev. B	Plan of Proposed Civil Works and Stormwater Strategy Plan	JMD Development Consultants	30/3/13
08078(2)E1 – Sheet 3 of 8, Rev. B	Longitudinal Section Road No. 2 and Weirberly Road	JMD Development Consultants	30/3/13
08078(2)E1 – Sheet 4 of 8, Rev. B	Longitudinal Sections Palmer St, Brunero St and Kowald St	JMD Development Consultants	30/3/13
08078(2)E1 – Sheet 5 of 8, Rev. B	Cross Sections Road No. 2 and Weirberly Road CH960 to CH1066.407	JMD Development Consultants	30/3/13
08078(2)E1 – Sheet 6 of 8, Rev. B	Cross Sections Road No. 2 and Weirberly Road CH1080 to CH1245	JMD Development Consultants	30/3/13
08078(2)E1 – Sheet 7 of 8, Rev. B	Cross Sections Road No. 2 and Weirberly Road CH1260 to CH1305	JMD Development Consultants	30/3/13
08078(2)E1 – Sheet 8 of 8, Rev. B	Cross Sections Brunero and Kowald Streets	JMD Development Consultants	30/3/13
08078	Statement of Environmental Effects	JMD Development Consultants	Undated
131015	Waste Management Plan	JMD Development Consultants	Undated
JT11643F-r1	Fill Management Plan	GeoEnviro Consultancy Pty Ltd	February 2014
JT11653E-r1	Validation and Stockpile Classification Report	GeoEnviro Consultancy Pty Ltd	16/5/13
201357	Review of Site Conditions (Contamination and Salinity)	Harvest Scientific Services Pty Ltd	14/8/12

ORD01

**Note** – The position of lot boundaries and lot numbers is to be consistent with the approved Plan of Proposed Subdivision prepared by JMD dated 1 July 2014. This plan supersedes the position of boundaries and lot numbers shown on any other approved engineering or landscaping plans.

- (2) **Landscaping Maintenance and Establishment Period** - Commencing from the Date of Practical Completion (DPC), the Applicant will have the establishment and maintenance responsibility for all hard and soft landscaping elements associated with this Consent.

The 12 month maintenance and establishment period includes (but not limited to) the Applicant's responsibility for the establishment, care and repair of all landscaping elements including all street tree installations.

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

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

At the completion of the 12 month landscaping maintenance and establishment period, all hard and soft landscaping elements (including any nature strip and road verge areas, street trees, street tree protective guards and bollards) must be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth

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

- (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 Camden Council prior to the issue of any Construction Certificate.

- (3) **Sewer Access Chambers and Mains** -
- (a) No sewer access chambers are to be constructed within the proposed Road Reserves, Public Reserves and Drainage Reserves without prior approval of the Principal Certifying Authority.
  - (b) No sewer mains are to be constructed within both proposed and existing Public Reserves and Drainage Reserves without prior approval of the Principal Certifying Authority.
- (4) **Noxious Weeds** -
- (a) The applicant must fully and continuously suppress and destroy, by appropriate means, any noxious or environmentally invasive weed infestations that occurs during or after subdivision and prior to sale of new lots. New infestations must be reported to Council.
  - (b) As per the requirements of the *Noxious weeds Act 1993*, the applicant must also ensure at all times any machinery, vehicles or other equipment entering or leaving the site must be cleaned and free from any noxious weed material, to prevent the spread of noxious weeds to or from the property.



- (c) Maintenance work is to be carried out, involving regular surveys to determine if any species are becoming established through time. Any noxious or environmental weed infestations that occurs during subdivision and prior to sale of new lots. These must be reported to Council and fully and continuously suppress and destroy, by appropriate means.
- (5) **Compliance with External Authority Approvals** – The development must be carried out in accordance with the general terms of approval contained within:
- (a) Bush Fire Safety Authority from the NSW Rural Fire Service granted for DA 399/2013;
  - (b) General Terms of Approval from the NSW Office of Water, dated 20 August 2013; and
  - (c) Mine Subsidence Board approval dated 26 July 2013.

## 2.0 - Construction Certificate Requirements

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

- (1) **Updated Salinity Management Plan** – Prior to the issue of a Construction Certificate, the findings of the Salinity Management Plan contained in Section 2 of the report titled Soil Contamination Assessment and Salinity Management Plan, Lot 1 Hilder Street, Elderslie, prepared by Harvest Scientific Services Pty Ltd, Job Reference 200904, dated 01/05/2007 must be updated to reflect the changes made to Australian Standards relevant to building in salinity prone environments. A copy of the updated report must be submitted to the Consent Authority (i.e. Camden Council) prior to the issue of a Construction Certificate to ensure that the development will be constructed to an approved level of salinity protection (particularly for roads and drainage infrastructure which will later be dedicated to Council) and so that appropriate Section 149 Planning Certificate notations can be made for each of the residential lots created by the approved subdivision (following registration).
- (2) **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.

- (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) **Provision of Kerb Outlets** – Where proposed lots grade to an existing/proposed public road, kerb outlets shall be provided in the kerb and gutter adjacent to those lots. Such kerb outlets shall be:

- (a) located within 2m downstream of the prolongation of the lot corner with the lowest reduced level and to the requirements of the Principal Certifying Authority;
- (b) constructed in accordance with Camden Council’s current Engineering Specification/s; and
- (c) indicated in any design plan submitted to the Certifying Authority for the purposes of obtaining a Construction Certificate.

- (5) **Performance Bond** - Prior to the issue of a Construction Certificate, a performance bond of 10% must be lodged with Camden Council in accordance with Camden Council’s Engineering Construction Specifications.

- (6) **Inter-Allotment Drainage Construction** – Inter-allotment drainage lines must be installed in accordance with Camden Council’s current Engineering Specifications. Inter-allotment drains must be installed after Sydney Water sewerage lines have been installed, where sewer is proposed adjacent to inter-allotment drains.

- (7) **Flood Line Identification** - The 1:100 year flood line (1% AEP) must be marked on the plan of subdivision.

- (8) **Location of the “Construction” On-site Detention/Sediment Control Basin** - A “construction” on-site detention/sediment control basin must be provided for within the site.

- (9) **Location of Temporary Water Quality Facilities** - A temporary water quality facility must be provided for the site. The facility may be provided in the following locations:

- (a) within any proposed public road and/or drainage reserve contained within the site,
- (b) within any proposed residue lot contained within the site,
- (c) within any adjoining property that is privately owned. In this regard appropriate easements, pursuant to s.88B of the *Conveyancing Act 1919*, must be registered by the Department of Lands – Land and Property Information, prior to the issue of any Construction Certificate.

- (10) **Location of Permanent Water Quality Facilities** - A permanent water quality facility must be provided for the site. Such a facility must be located within

proposed and/or existing public land.

- (11) **Design of “Construction” On-site Detention/Sediment Control Basin** - The design of the “construction” on-site detention/ sediment control basin and water quality facility must be prepared in accordance with the requirements of:

- (a) for sediment control generally, Managing Urban Stormwater – Soils and Construction, Volume 1, 4th Edition, March 2004 as produced by Landcom,
- (b) Camden Council’s current Engineering Design Specification,
- (c) and must not concentrate final discharge flows from the facility.

The construction of the on-site detention/sediment control basin must contain an impervious layer to provide water harvesting.

The design must be prepared and certified by an Accredited Certifier and must be submitted to the Certifying Authority for inclusion in any application for a Construction Certificate.

- (12) **Soil Erosion and Sediment Control Plans** - Soil erosion and sediment control plans must be designed in accordance with Camden Council’s current Engineering Design Specifications and submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.

- (13) **Bush Fire Safety** - Prior to the Issue of a Construction Certificate, the applicant must provide to the Certifying Authority, written confirmation that the development proposal is compliant with all requirements of the Rural Fire Service.

This written confirmation may be by way of either:

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

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

- (a) All access roads have sufficient carriageway width.
- (b) Verge widths are sufficient.
- (c) Longitudinal grades are not too great.
- (d) Horizontal geometry provides for appropriate access.
- (e) Turning/manoeuvring is achievable.
- (f) Kerb types are appropriate.

- (g) On street parking (kerbside and indented) is not expected to be problematic for fire fighting vehicles to gain access.
  - (h) On street parking restrictions/signage is not expected to be problematic for fire fighting vehicles to gain access.
  - (i) Access requirements with regards to perimeter roads has been achieved.
  - (j) The required Asset Protection Zones have been achieved.
  - (k) All requirements of the Rural Fire Service's General Terms of Approval for this Development Consent have been met.
- (14) **Waste Bin Collection** – A waste bin collection point for each lot must be shown on the plans prior to the issue of a Construction Certificate. The area is to be 3m long x 0.9m wide and allow a 3.9m clear vertical space to allow for the truck lifting arm. The plans must also indicate that the waste bin collections points are clear from the positioning of future driveways, tree plantings (or canopies), street lighting or other fixtures.
- (15) **Design of Fencing to be Provided Within Riparian Corridor Lot** - The approved shared path along the north eastern side of the riparian corridor must demonstrate full compliance with Part 6A Pedestrian and Cyclist paths Section 7.7.2 of Austroads, including the provision of a safety barrier fence between the 2.5m shared path and the rock retaining wall of the embankment. Details of compliant fencing must be demonstrated on the submitted plans prior to the issue of a Construction Certificate. The fence is to be recessive in colour (charcoal or black) and made from metal.

### 3.0 - Prior To Works Commencing

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

- (1) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point
- (2) **Construction of the “Construction” On-site Detention/Sediment Control Basin** - Prior to the commencement of any other subdivision work the “construction” on-site detention/sediment control basin and the associated immediate stormwater drainage system must be constructed:
  - (a) in accordance with the approved plans, and
  - (b) to the requirements of the Principal Certifying Authority.

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

- (3) **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.

- (4) **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.

- (5) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (6) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (7) **Erection of Signs** – The erection of signs shall be undertaken in accordance with Clause 98A of the *Environmental Planning and Assessment Regulation 2000*.

#### 4.0 - During Construction

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

- (1) **Site Management (No Nuisance Creation)** - The developer must carry out work at all times in a manner which will not cause a nuisance to owners and occupiers of adjacent properties by the generation of unreasonable noise dust or other activity.

- (2) **Compliance with Fill Management Plan** – The importation and placement of fill must be conducted in accordance with the requirements set out in the Fill Management Plan prepared by GeoEnviro Consultancy Pty Ltd, report reference JT11643F-r1, dated February 2014. All records required by the Fill Management Plan must be kept on-site and be made available to Camden Council officers when requested.

- (3) **Construction Noise** – Construction 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.

- (4) **Salinity Management Plan** - All proposed construction works that includes earthworks, imported fill, landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with the management strategies as contained within the Salinity Management Plan as contained under Section 2 of the report titled *Soil Contamination Assessment and Salinity Management Plan, Lot 1 Hilder Street, Elderslie*, prepared by Harvest Scientific Services Pty Ltd, Job Reference 200904, dated 01/05/2007 **as required to be amended by Condition No. 2.0(1) of this development consent.**

- (5) **Vehicles Leaving the Site** - The contractor/demolisher/construction supervisor must ensure that:

- (a) all vehicles transporting material from the site, cover such material so as to minimise sediment transfer;
- (b) the wheels of vehicles leaving the site:
  - (i) do not track soil and other waste material onto any public road adjoining the site,
  - (ii) fully traverse the Stabilised Access Point (SAP).

- (6) **Subdivision, Building and Demolition Work Hours** - All such work must be restricted to the following hours:

- a) between 7.00am and 6.00pm, Mondays to Fridays (inclusive); and
- b) between 8.00am to 5.00pm on Saturdays.

Work is prohibited on Sundays and Public Holidays.

- (7) **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.

- (8) **Compaction (Roads)** - All filling on roadways must be compacted in accordance with Camden Council's current Engineering Construction Specifications.
- (9) **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.
- (10) **Unexpected Finds Contingency (General)** - Should any further suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material etc.) be encountered during any stage of earth works/site preparation/construction, then such works must cease immediately until a qualified environmental consultant has been contacted and conducted a thorough assessment. In the event that contamination has been identified as a result of this assessment and remediation is required, site works must cease in the vicinity of the contamination and the Consent Authority must be notified immediately.

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

- (11) **Shoring and Adequacy of Adjoining Property** – The shoring and adequacy of adjoining properties shall be in accordance with Clause 98E of the Environmental Planning and Assessment Regulation 2000.

- (12) **Offensive Noise, Dust, Odour and Vibration** - No work shall give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (13) **Installation of Street Trees and Their Protective Guards and Bollards** –
- (a) The Applicant is advised that all street trees are to have well constructed tree guard protection installed. A minimum requirement is the installation of at least 3 bollards per street tree. The bollards are to be installed approximately 1m from the main stem of the tree. The bollards are to be sourced in minimum 1.8m length, which will allow for 1.2m above ground exposure and .6m buried support. The bollards are to be timber (or other acceptable composite material) and a minimum 150mm x 150mm width. Timber bollards are to be a durability minimum of H4 CCA;
  - (b) All street trees are to have root barrier installation to the kerb;
  - (c) Prior to the issue of the Subdivision Certificate, any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored; and
  - (d) Any repairs, relocations, installations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing root guard barriers, are to be completed with the same type, species, plant maturity, materials and initial installation standards and the works and successful establishment of the trees carried out prior to the issue of the Subdivision Certificate.
- (14) **Street Trees, their Tree Root Barrier Guards, Protective Guards and Bollards** - During any earthworks and development works relating to this Consent, the Applicant is advised:
- (a) That any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred; and
  - (b) Any repairs, relocations, reinstallations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing root guard barriers, are to be completed with the same type, species, plant maturity, materials and initial installation standards and the works and successful establishment of the trees carried out prior to the issue of the Subdivision Certificate.
- (15) **Dust Control** - Potential dust sources on-site must be minimised through the maintenance of vegetation cover and the use of water sprays to suppress dust from exposed areas during periods of dry and/or windy weather.

### 5.0 - Subdivision Certificate

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



- (1) **Soil Classification** - A geotechnical report must be submitted detailing the classification of soil type generally found within the subdivision. A general classification for each lot within the subdivision must be provided and such classifications must be made by a Geotechnical Engineer in accordance with the provisions of SAA AS 2870 "Residential Slabs and Footings". The classification reports must be submitted to Council prior to release of a Subdivision Certificate.
- (2) **Section 88B Instrument** - The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user:
  - (a) Easement for services.
  - (b) Easement to drain water.
  - (c) Drainage easement over overland flow paths.
  - (d) Restriction as to user for all lots – All construction works that includes earthworks, imported fill, landscaping, buildings, and associated infrastructure proposed to be constructed on the lot must be built in accordance with the Salinity Management Plan (SMP) as contained under Section 2 of the report titled Soil Contamination Assessment and Salinity Management Plan, Lot 1 Hilder Street, Elderslie, prepared by Harvest Scientific Services Pty Ltd, Job Reference 200904, dated 01/05/2007 as required to be amended by Condition No. 2.0 (1) of this development consent. Compliance with the SMP must be demonstrated for each residential dwelling application.
- (3) **Services** - All services (water, sewer, electricity, telephone and gas) to all allotments are to be installed and fully operational prior to the issue of any Subdivision Certificate being issued.
- (4) **Maintenance Bond** - A maintenance bond in the form of an unconditional bank guarantee or cash bond, being 10% of the value of civil works must be lodged with Council prior to the release of a Subdivision Certificate. This bond is to cover the maintenance of civil works constructed during subdivision works and any damage to existing roads, drainage lines, public reserves or other Council property or works required as a result of work not in accordance with Council's standards, and/or development consent conditions.

The maintenance bond shall be for (12) twelve months or such longer period as determined by Council's engineer, and shall commence on the date of release of the linen plan in the case of subdivision works or the date of the issue of the compliance certificate in the case of development works.

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

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

- (5) **Value of Works** - Prior to release of a Subdivision Certificate, the applicant must submit itemised data and value of civil works for the inclusion in Council's Asset Management System. The applicant can obtain from Council upon request, a template and requirements for asset data collection.
- (6) **Lot Numbers and Street Names** - Prior to Issue of a Subdivision Certificate, lot numbers, house numbers and street names must be stencilled on the face of kerb, or in such location as directed by the Principal Certifying Authority.

The stencil medium must be of a good quality UV stabilised paint and applied to the kerb accordingly:

(a) Lot numbers:

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

(b) House numbers:

- (i) **Blue** number on white background located adjacent the middle of the lot.

(c) Street names:

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

- (7) **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.

- (8) **Delineation on Plan of Subdivision** – Prior to the issue of any Subdivision Certificate a draft Plan of Subdivision must be submitted to the Principal Certifying Authority (PCA) for approval. The plan shall: -

- (a) indicate 1% AEP contour/s watercourses,
- (b) indicate public reserves,
- (c) indicate drainage reserves, the extent of which is determined by 1% AEP, and
- (d) align with the approved work-as-executed plan.

The approved draft Plan of Subdivision shall form the basis for a final Plan of Subdivision associated with any application for a Subdivision Certificate.

- (9) **Stormwater Destination** – Prior to the issue of the Subdivision Certificate, pit lintels must be labelled with permanent stencilled signs in accordance with Camden Council's current Engineering Design Specifications.
- (10) **Surveyor's Report** - Prior to the issue of the Subdivision Certificate a certificate from a registered surveyor must be submitted to the Certifying

Authority, certifying that all drainage lines have been laid within their proposed easements. Certification is also to be provided stating that no services or accessways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.

- (11) **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.

- (12) **Show Easements on the Plan of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.

- (13) **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.

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

- (15) **Special Infrastructure Contribution** – Prior to the issue of any Subdivision Certificate, the applicant must submit to the consent authority written evidence from the Department of Planning and Environment that a special infrastructure contribution has been made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

Information on the Special Infrastructure Contribution can be found on the Department of Planning and Environment's website:

[www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/language/en-US/Default.aspx](http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/language/en-US/Default.aspx)

- (16) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$7,110 per additional lot or dwelling, total \$199,080 for Open Space, Recreation & Community Land.

The contribution must be indexed by the methods set out in Paragraph 2.15.2 of the plan and paid prior to the issue of a Subdivision Certificate.

The monetary contribution may at the sole discretion of Council be offset by the

value of land transferred to Council or by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such an agreement is to be undertaken, it must be signed prior to the release of a Subdivision Certificate.

- (17) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$9,971 per additional lot or dwelling, total \$279,188 for Recreation & Community Facilities, Volunteer Emergency Services Facilities and Plan Preparation & Administration Services.

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.

- (18) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$41,827 per additional lot or dwelling, total \$1,171,156 for Drainage, Roadworks, Traffic Facilities, Open Space Embellishment and Masterplan.

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

- (19) **Update of Bush Fire Prone Land Maps** - Prior to the issue of the Subdivision Certificate a revised draft Bush Fire Prone Land Map shall be produced showing all Asset Protection Zones and Bush Fire Prone Land within the subdivision and shall include the following:

- (a) Statement that clarifies and certifies that the changes to the Maps are in accordance with the *Planning for Bush Fire Protection Guidelines* and *Guideline for Bush Fire Prone Land Mapping NSW Rural Fire Service*. See [http://www.rfs.nsw.gov.au/dsp\\_content.cfm?CAT\\_ID=900](http://www.rfs.nsw.gov.au/dsp_content.cfm?CAT_ID=900). Such Statement shall be undertaken by a suitably qualified and experienced consultant who has:
- (i) experience in identifying bushfire prone land within NSW,
  - (ii) experience in assessing potential bushfire impact, and developing and submitting bushfire risk assessments and deemed to satisfy designs and plans for development in bushfire prone areas,
  - (iii) a detailed knowledge of, and experience with the bushfire planning, design and construction guidelines requirements for NSW (such as Planning for Bushfire Protection and Australian Standards) for subdivisions, new buildings, modifications to existing buildings,
  - (iv) a detailed knowledge of, and experience with, the bushfire provisions and hierarchy within the *Building Code of Australia*,

- (v) a detailed understanding of, and experience with, the bushfire provisions within, and the operation of the NSW and Local Government planning systems,
- (vi) a thorough understanding of the Macarthur District Bush Fire Risk Management Plan, Macarthur District Bush Fire Operations Plan,
- (vii) public liability/professional indemnity insurance, each to a minimum of \$20 Million

**Note:** The above criteria has been adopted from the Certification Guides for Bushfire Planning and Design BPAD (A & D)- Certified Practitioners (as per the FPA (Fire Protection Australia) Certified Practitioner and Business Programme) (see website <http://www.fpaa.com.au/certification/index.php?certification=bpad>)

- (b) Maps to be provided shall include the final layout of the subdivision and as a separate layer in .dxf or .dwg format.
- (21) **Fencing to be Provided Within Riparian Corridor Lot** – All safety barrier fencing required to be installed along the 2.5m wide shared path along the north eastern side of the riparian corridor (as approved with the Construction Certificate documentation) must be permanently erected prior to the issue of a Subdivision Certificate.

### **RECOMMENDED**

**That Council approve DA 399/2013 for a subdivision to create 28 residential lots, 1 residue lot and associated site works at 47C and 65 Hilder Street, Elderslie, subject to the conditions listed above.**

### ATTACHMENTS

1. Proposed Plan of Subdivision
2. Elderslie Master Plan
3. Submissions - *Supporting Document*
4. Public Exhibition and Submissions Map - *Supporting Document*



ORD02

## ORDINARY COUNCIL

ORD02

**SUBJECT:** SUBDIVISION TO CREATE 66 RESIDENTIAL LOTS, 5 SUPER LOTS, 1 RESIDUE LOT AND ASSOCIATED CIVIL WORKS AND LANDSCAPING AT A THE HERMITAGE WAY, 29 TARRAWARRA DRIVE & 810C CAMDEN VALLEY WAY, GLEDWOOD HILLS

**FROM:** Director, Development & Health

**TRIM #:** 14/84750

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**APPLICATION NO:** 268/2014  
**PROPOSAL:** Subdivision to create 66 residential lots, 5 super lots, 1 residue lot and associated civil works and landscaping  
**PROPERTY ADDRESS:** A The Hermitage Way, 29 Tarrawarra Drive & 810C Camden Valley Way, Gledswood Hills  
**PROPERTY DESCRIPTION:** Lot 4117 DP1173178  
Lot 2076 DP1161618  
Lot 5 DP1175488  
**ZONING:** R1 General Residential  
**OWNER:** SH Camden Valley Pty Limited  
**APPLICANT:** SH Camden Valley Pty Limited

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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 for Stage 24 of the Hermitage estate to create 66 residential lots, 5 super lots, a residue lot (for future development) and associated civil works and landscaping at A The Hermitage Way, 29 Tarrawarra Drive, 46 Lilydale Avenue and 810C Camden Valley Way, Gledswood Hills.

The DA is referred to Council for determination as there remain unresolved issues received in one public submission, and there are proposed variations to Turner Road Development Control Plan 2007 (DCP).

### SUMMARY OF RECOMMENDATION

That Council determines DA 268/2014 for a subdivision of the land to create 66 residential lots, 5 superlots, a residue lot, and associated civil works and landscaping, 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 has received a DA for a subdivision to create 66 residential lots (Stage 24 of the Hermitage estate), 5 super lots and a residue lot (for future development), with associated site works and landscaping.

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.

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The DA was publicly notified for a period of 14 days in accordance with Camden Development Control Plan 2011. One submission was received (objecting to the proposed development). **A copy of the submission is provided with the Business Paper supporting documents.**

The issues raised in the submission relate to stormwater drainage flows from the site adversely impacting properties across Camden Valley Way and that the outlet of the proposed detention basin appears to be in breach of the natural flow of water.

This application proposes the construction of a on-site detention and sediment basin adjacent to the western boundary of the site to manage and control stormwater flows from the subdivision and development of the land, and address water quality of these flows by use of bio retention measures ("rain garden"). The basin will include a detention outlet directed to a pipe connecting to culverts crossing Camden Valley Way, which are legal points of discharge constructed by the RMS.

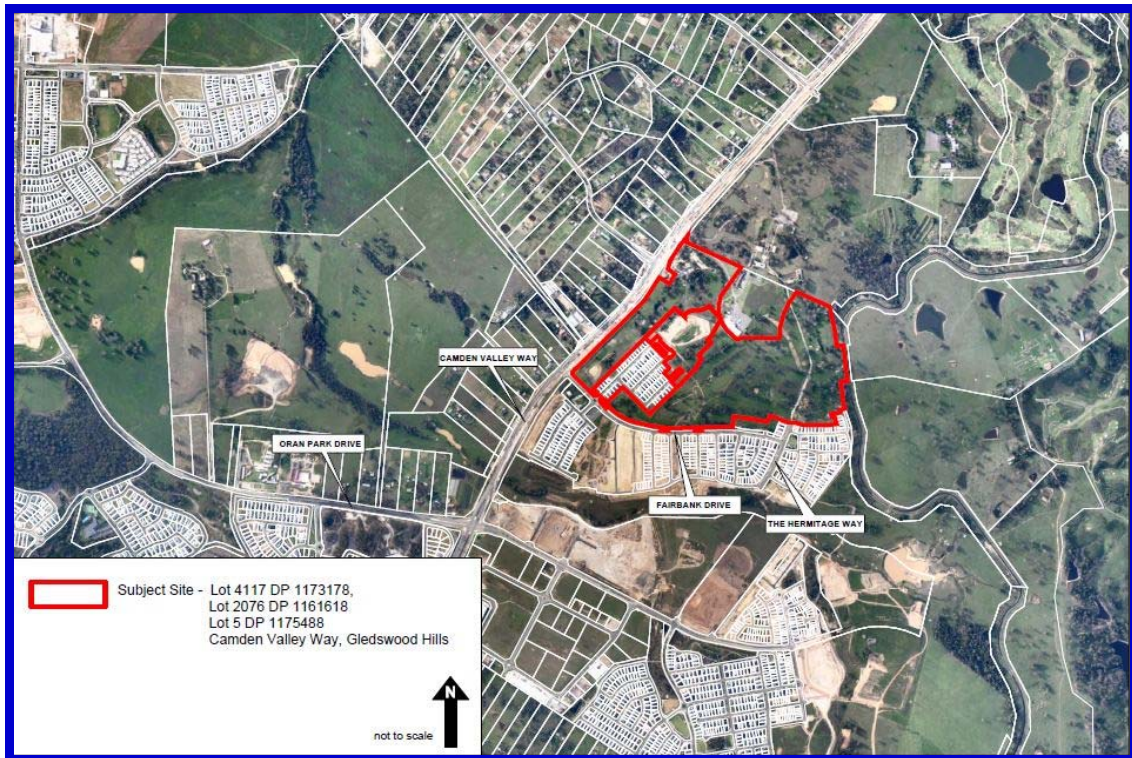
The stormwater management strategy for the subdivision and development of the land has been assessed by Council's development engineers. This strategy will satisfactorily manage stormwater flows, in accordance with Council's Engineering Specifications.

The recommended conditions of approval require a final Stormwater Management Plan be prepared 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, to be approved prior to issue of a Construction Certificate.

The applicant proposes two variations to the Turner Road DCP 2007 relating to a minor variation to the adopted street pattern and the provision of matching lot frontages in one location. Council staff have assessed this DCP variation and recommend that it be supported.

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 located on the eastern side of Camden Valley Way, and is known as A The Hermitage Way, 29 Tarrawarra Drive & 810C Camden Valley Way. It is legally described as Lot 4117 DP1173178, Lot 2076 DP1161618, and Lot 5 DP1175488.

The site has a frontage of approximately 780m to Camden Valley Way, and an overall site area of 51.18ha, with an area of 4.41ha for the proposed residential lots.

The subdivision provides for Stage 24 of the Hermitage estate, which forms part of the Turner Road Precinct of the South West Growth Centre.

The site is located to the north of Fairbank Drive, the central spine road within the estate, and either side of the approved extension of Lilydale Ave connecting north to the Hermitage Way, the estate's proposed northern spine road.

The Camden Valley Country Club (formerly Camden Valley Golf Club) is located to the north of the site, while further north is the former El Caballo Blanco tourist park site. To the south is stage 2A of the Hermitage estate, which has been largely developed with low density single dwellings.

The site is currently vacant, with remediation works and site works being carried out subject to development consents to previous applications, DA727/2104 and DA 854/2013 (refer to History, below).



## HISTORY

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

Date	Development
26 November 2013	DA 727/2013 for the construction of a new road, remediation of land, drainage, landscaping and associated site works approved at an Ordinary Council Meeting
28 January 2014	DA 854/2013 for remediation of land approved at an Ordinary Council Meeting
27 May 2014	DA 189/2014 for bulk earthworks and associated site works approved at an Ordinary Council Meeting

Amended plans for DA268/2014 were submitted by the applicant on 13 May 2014 following the conclusion of the notification of the DA. The amended plans reduced the number of residential lot from 67 lots to 66 lots, by deleting one residential lot on the north-eastern side of Road 601. The purpose of these amendments was to facilitate future development intentions for the proposed super lot 2467. The amended plans were not renotified due to the minor nature of the amendments which reduced any potential impacts. The amended plans are assessed in this report.

## THE PROPOSAL

DA 268/2014 seeks approval for subdivision of the land to create 66 residential lots (stage 24 of the Hermitage estate), 5 super lots and a residue lot.

Specifically the proposed development involves subdivision of the land:

- to create 66 residential lots, ranging in size from 375m<sup>2</sup> to 690m<sup>2</sup>;
- to create 5 super lots (lots 2467 to 2471) ranging in size from 2.52ha to 5.04ha;
- to create a residue lot 2472, of 27.8ha;
- minor earthworks;
- construction of the internal road network, including 3 local road extensions; and
- other civil works, including drainage, services, landscaping, acoustic attenuation and associated works. These works will include construction of a 3m high acoustic mound along the western site boundary to Camden Valley Way (being an extension north of existing acoustic mounding to the Camden Valley Way frontage of the Hermitage estate), and construction of a detention/sediment basin adjacent to the western boundary of the site (within proposed super-lot 2468).

The value of the works is \$2,373,710.

**A copy of the proposed plans are provided as attachments to this report.**

**PROPOSED PLANS**

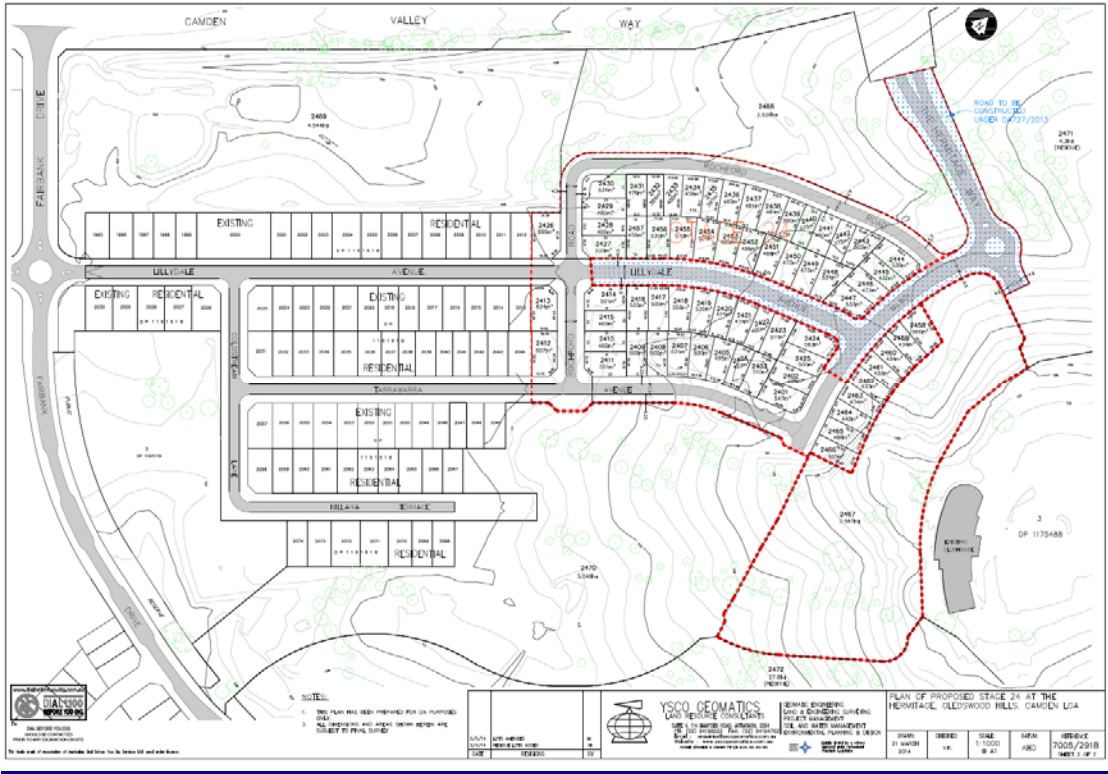


Figure 1: Plan of Proposed Stage 24, The Hermitage

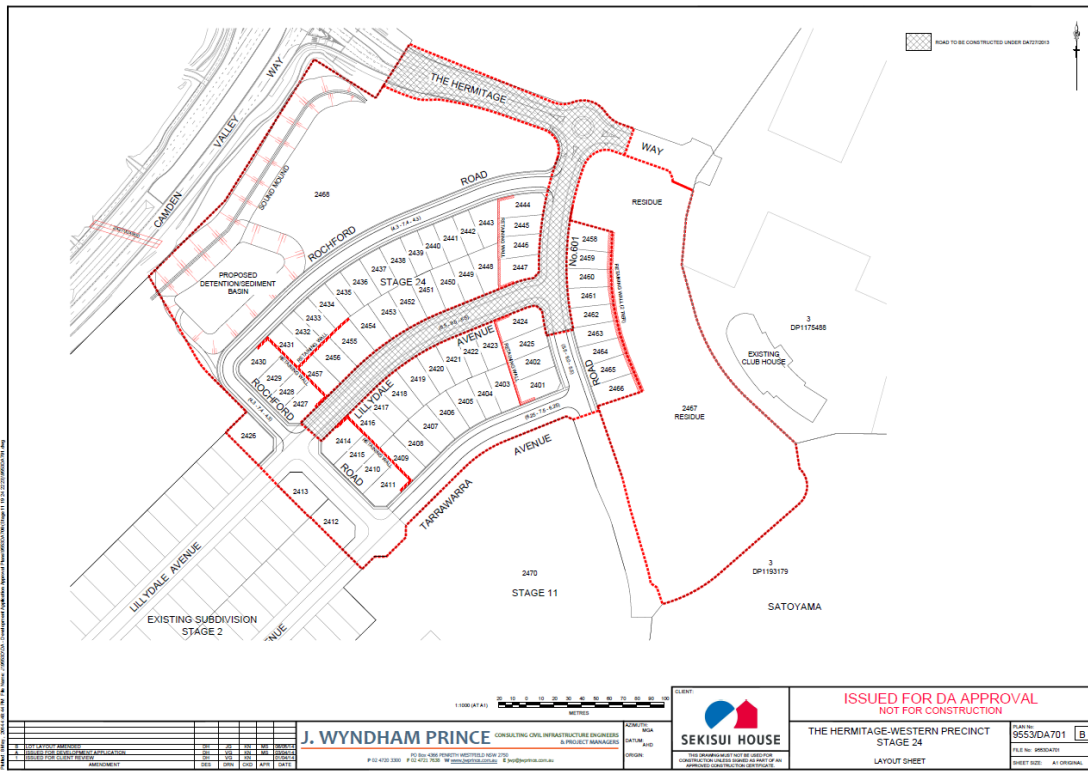


Figure 2: Subdivision Layout

**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 (Sydney Region Growth Centres) 2006;
- State Environmental Planning Policy No 55 – Remediation of Land; and
- Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 - 1997), a deemed State Environmental Planning Policy.

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

**State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP)**

*Permissibility*

The site is zoned R1 General Residential under the provisions of the SEPP and Appendix 1 Oran Park and Turner Road Precinct Plan. The development proposes a subdivision of land which is a permissible under clause 2.6 of the Precinct Plan.

*Zone Objectives*

The relevant objectives of the R1 General Residential zone are as follows:

- To provide for the housing needs of the community.

Officer comment:

The DA proposes a subdivision to create 66 residential lots which will provide for the future housing needs of the community.

- To provide for a variety of housing types and densities.

Officer comment:

The DA proposes a range of residential lots sizes from 375m<sup>2</sup> to 690m<sup>2</sup>. This will allow for a variety of housing types and densities to be provided within the estate.

*Relevant Clauses*

The DA was assessed against the following relevant clauses of the Oran Park and Turner Road Precinct Plan, as set out in Table 1.

Clause	Requirement	Provided	Compliance
4.1 Minimum Lot	Minimum subdivision lot size of 125m <sup>2</sup>	The proposed residential lots range from 375m <sup>2</sup> to	Yes

Clause	Requirement	Provided	Compliance
Size		690m <sup>2</sup>	
4.1A Minimum Lot Sizes for other Development	Minimum lot size of 250m <sup>2</sup> for dwelling house; and 125m <sup>2</sup> for attached dwelling	The proposed lot sizes are suitable for both dwelling houses and attached dwellings as a minimum	Yes
4.1C Residential Density – Turner Rd Precinct	Deliver 4,020 new dwellings in the Turner Road precinct	The provision of 66 residential lots for stage 24 of the Hermitage estate will contribute to meeting the density targets	Yes
5.9 Preservation of Trees or Vegetation	Removal of trees and vegetation requires consent	No tree removal is proposed as part of this application. Tree removal has been approved under DA189/2014, as part of the approved bulk earthworks	Yes
6.1 Public Utility Infrastructure	Adequate arrangement are required for public utility infrastructure		Yes

**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.

A 2007 Phase 2 contamination assessment and audit identified Areas of Environmental Concern (AEC) in the vicinity of proposed site works, being asbestos pipe irrigation systems, tees and greens associated with a former golf course use. The proposed residential lots in Stage 24 will be substantially outside the AEC.

A Remediation Action Plan (RAP) to remediate site contamination was approved by Council on 28 January 2014 under development consent DA 854/2013.

This remediation will need to be completed and site validation reports and site validation statements will need to be finalised prior to the issue of any construction certificates.

It is considered that the site can therefore be made suitable for its intended residential use, subject to the satisfactory implementation of the approved RAP and remediation of the land in accordance with the conditions DA 854/2013.

**Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No.2 -1997) (Deemed State Environmental Planning Policy)**

The proposed development is consistent with the aim of the deemed 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. Conditions are recommended to provide sediment and erosion control measures as part of the proposed development.

***(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***

Turner Road Development Control Plan 2007 (Turner Road DCP)

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

Control	Requirement	Provided	Compliance
A 2.1 Indicative Layout Plan	Development to be in accordance with the indicative layout plan (ILP). The ILP nominates the site for low density residential development (12.5 - 20 dwellings/ha).	The proposed development is generally in accordance with the requirements of the ILP, including the provision of low density development – approx. 15 dwellings/ha, 66 dwellings over 4.41ha.	Yes
A 2.2 Vision and Objectives	Development to be in accordance with the vision and objectives for the Turner Road Precinct.	The proposed development is consistent with the vision and objectives for the Turner Road precinct.	Yes
A 2.3 Density Targets	The residential density target for sub-precinct B of 214 dwellings must be achieved.	This will be the first development within sub-precinct B. There is potential for future subdivisions within sub-precinct B to achieve the set target for the sub-precinct.	Yes
A 3.1 Street Network and Design	Street network design must be provided in accordance with the ILP and Street	The proposed street network provides for grid pattern which will be generally in accordance with the	<b>No - DCP Variation 1</b>

Control	Requirement	Provided	Compliance
	Network Plan in the DCP.	ILP and Street Network Plan, with a minor variation to the road alignment in the south west corner, to remove and angled road alignment shown in the ILP.	
	Roads are to be provided in accordance with the cross-sections of the DCP:  - Local Street requires a minimum 14.4m cross-section with a 7.4m carriageway and 3.5m verge	Three local roads with satisfactory widths of: 16m (Rochford Rd) with 7.4m carriageway and 4.3m verges; 20m (Tarrawarra Rd) with 7.5m carriageway and 6.25m verges; and 20m (Road 601) with 9.0m carriageway and 5.5m verges	Yes
	Local streets must have front loaded access to no more than 30 allotments where the minimum road cross section is proposed.	More than minimum road cross sections, therefore front loaded access to all proposed allotments.	Yes
	Traffic management devices should be provided in local streets and access ways.	Appropriate traffic management can be provided.	Yes
	Intersection spacing and design is to be consistent with the best practice guidelines of the DCP.	The subdivision is proposed in accordance with the best practice guidelines of the DCP	Yes
	Street trees are required on all streets.	Blueberry and Claret Ash trees will be planted as street trees which will be consistent with other streets within the Hermitage subdivision.	Yes

Control	Requirement	Provided	Compliance
	<p>Detailed design of street tree planting within the road reserve is to be submitted.</p>	<p>Landscape plans detailing street tree planting have been submitted with the DA and are sufficient to meet the requirements of this control</p>	<p>Yes</p>
	<p>Location and design of signage, street furniture and street lighting is to be indicated on the engineering construction drawings.</p>	<p>Appropriate street lighting etc. can be provided consistent with this existing infrastructure within the estate. Street lighting is addressed by recommended conditions.</p>	<p>Yes</p>
	<p>The design of signage, street furniture and street lighting is to be consistent with Council's Landscape and Streetscape Elements Manual for Camden.</p>	<p>Street lighting and the like can be provided which will be generally consistent with the aims and objectives of the Elements Manual.</p>	<p>Yes</p>
	<p>The minimum kerb radii for intersections of local roads shall be 7.5m with a minimum verge width of 3.5m.</p>	<p>The local road intersections propose radii of at least 7.5m and a verge width greater than 3.5m.</p>	<p>Yes</p>
<p>A 3.2 Pedestrian and Cycle Network</p>	<p>Pedestrian and cycleway routes are to be provided in accordance with Figure 14 in the DCP, along with relevant road cross sections.</p>	<p>A cycleway route in Figure 14 traverses Road No. 601, which forms part of Stage 24. The relocation to the east and north east of a shared path and cycleway was considered and a DCP variation was approved by Council as part of DA727/2013, which was approved on 26/11/2013 and included new public roads.</p>	<p>Yes</p>

Control	Requirement	Provided	Compliance
A 3.3 Public Transport Network	Bus routes are to be provided generally in accordance with the Figure 15 in the DCP.	The proposed bus route does not immediately impact the lots and local streets within Stage 24, but will be within walking distance along the North Spine Road (The Hermitage Way).	Yes
A 4.1 Public Parks and Landscape Strategy	Public parks and other open space areas to be provided generally in accordance with Figure 16 of the DCP.  Landscape plan to be submitted at time of subdivision and provide details on elements including earthworks, landscaping treatments and plant species.	The 'open space' wetland/bio-retention is within proposed super lot 2469, and includes the proposed detention/sediment basin. This will be generally in accordance with the DCP, but this lot is not proposed to be dedicated as part of this application.  An appropriate landscape plan has been submitted with the application for street tree planting. Landscaping of the extension of the acoustic mound to the Camden Valley Way site frontage will be subject to recommended conditions requiring suitable landscaping consistent with the existing mound to the south.	Yes
A 6.2 Flooding and Water cycle Management	Residential lots to be above the 1 in 100 year flood line plus a 500mm freeboard.  Subdivision DAs to be accompanied with a Water Sensitive Urban	All proposed residential lots are above the 1 in 100 year flood line, including minimum freeboard.  The stormwater report submitted includes WSUD measures with	Yes  Yes



Control	Requirement	Provided	Compliance
	Design (WSUD) Strategy.	detention/bio-retention basin. The stormwater report complies with the required environmental stormwater objectives.	
A 6.3 Salinity and Soil Management	Salinity assessment required for salinity constrained sites.	A suitable salinity assessment and management plan was submitted with the application.	Yes
A 6.6 Bush Fire Hazard Management	DAs on bush fire affected properties must include a Bush Fire Assessment Report.	A Bush Fire Assessment Report has been submitted with the DA. In addition, the NSW Rural Fire Service have also reviewed the proposal and provided a Bush Fire Safety Authority subject to compliance with conditions with respect to water and utilities, access. Any future DAs for dwellings on the proposed lots will be required to comply with "Planning for Bush Fire Protection 2006".	Yes
A 6.8 Contamination Management	Council will require a Phase 1 Preliminary Contamination Investigation. Based on the findings of the Phase 1, a Phase 2 Environmental Site Investigation and a RAP may also be required.	Remediation of contamination within the subject site was approved under previous development consent DA854/2013, subject to a satisfactory phase 2 assessment and RAP.	Yes
A 6.10 Acoustics	Compliance with Council's Environmental Noise Policy	An acoustic report for the proposed subdivision has been submitted with the DA. The report demonstrates compliance with the internal and external amenity criteria	Yes

Control	Requirement	Provided	Compliance
		<p>contained within the Policy, subject to:</p> <ul style="list-style-type: none"> <li>- alternate ventilation will be required for sleeping room windows on various ground or upper floor facades, for 35 lots; and</li> <li>- solid side boundary fencing to 3 lots.</li> </ul> <p>Compliance with the acoustic report can be achieved through a recommended condition requiring a section 88B instrument to restrict the title of affected lots.</p> <p>The application also includes the construction of a 3m high acoustic mound along the boundary to Camden Valley Way. Construction of the noise attenuation mound in accordance with acoustic report is part of the recommended conditions.</p>	
<p>A 7.1 Neighbourhood and Subdivision Design</p>	<p>Street blocks are generally to be no more than 250m long x 70m wide.</p> <p>Diverse range of lot types and frontages with a minimum change in lot width of 2m.</p>	<p>The curved length of the largest street block will be approx. 258.4m, and will be generally in accordance with max 250m.</p> <p>A diverse range of lot types are proposed from with a non-compliant variation in lot widths for lots 2458 to 2466.</p>	<p>Yes</p> <p><b>No - DCP Variation 2</b></p>

Control	Requirement	Provided	Compliance
	Minimum size of lots for detached dwellings is 250m <sup>2</sup> with a depth of 20 metres	All lots are above 250m <sup>2</sup> with a minimum block depth of 30m.	Yes
A 7.5 Corner lots	Minimum spays for corner lots are to comply with Figure 29 in the DCP (which requires a minimum of 3m).	The proposed spays for corner lots are consistent with the requirements of the DCP.	Yes
A 8.1 Visual and Acoustic Privacy	Internal layout of residential buildings to be designed to minimise noise impact and transmission.	The acoustic report submitted addresses attenuation requirements for future residential dwellings. Recommendations for 3m acoustic mound; and provision of solid boundary fencing to some lots; and alternative ventilation to some dwellings.	Yes
A 8.3 Stormwater and Construction Management	Stormwater concept plan to be submitted with the DA.	The applicant has submitted details in relation to soil and water management which have been reviewed by council staff and are considered to be acceptable.	Yes
A 8.4 Waste Management	A Waste Management Plan (WMP) is required to be submitted.	A WMP has been submitted which adequately details the management of waste during the development's construction phase.	Yes
	Waste collection areas should be located in front of each lot.	Waste collection areas for future residential development are proposed to be located in front of the properties.	Yes
	Subdivisions to be designed to ensure garbage collection is	There is no 4 lane sub-arterial road existing within the	Yes

Control	Requirement	Provided	Compliance
	not required to be undertaken from 4 lane sub-arterial roads.	development site.	
A 8.5 Site Facilities and Servicing	Underground services are required for all domestic serving utilities, including electrical services.	All required services will be provided underground within the proposed road infrastructure.	Yes
A 8.7 Safety and Surveillance	Pedestrian and communal areas are to have sufficient lighting, be designed to minimise opportunities for concealment and to incorporate principles of Crime Prevention through Environmental Design (CPTED).	The proposed footpaths within the public domain will be adequately lit by street lighting. All lots will be oriented to the street to encourage passive surveillance opportunities.	Yes

DCP Variation 1

*DCP Control*

Street network design must be provided in accordance with the ILP and Street Network Plan in the DCP.

*Variation*

The applicant has indicated that the proposed street network and layout reflects a grid pattern generally consistent with the Indicative Layout Plan in the DCP. While it is generally consistent, there is a minor variation to the layout in the area circled in red in Figure 3.

The applicant also indicated that the proposed road layout will provide a clear and logical street hierarchy.

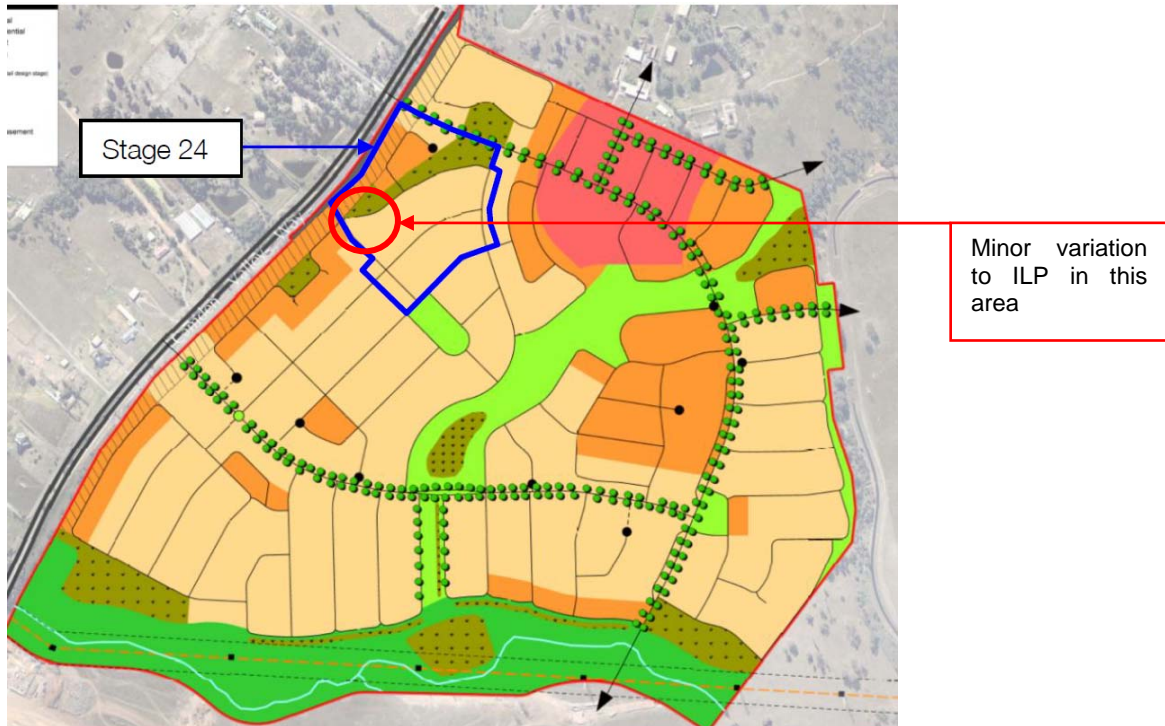


Figure 3: Turner Road DCP- Indicative Layout Plan

#### *Council Officer Assessment*

Council staff have reviewed this variation and recommend that it be supported for the following reasons:

- the modified street layout is consistent with the principles for an alternative network set out in the DCP, and in particular it will still achieve a permeable network of streets based upon a modified grid pattern;
- the variation will still provide for the delivery of land and works in accordance with the DCP and the relevant VPA. In particular the variation will allow for the provision of a suitable detention and bio-retention basin within this area;
- the variation is considered to be minor in nature.

Consequently it is recommended that this proposed variation to the DCP be supported.

#### DCP Variation 2

##### *DCP Control*

The DCP requires a diverse range of lot types and frontages with no more than 3 lots in a row of the same frontage without a minimum change in lot width of 2m. There will be a non-compliant variation of lot widths as the subdivision includes 10 adjoining lots (proposed lots 2458 to 2466) having frontages between 14.5 and 15.76m.

##### *Variation Request*

The applicant has requested that Council support a variation to this DCP control, including on the basis of the following reasons:

- individual lots vary between 375m<sup>2</sup> and 690m<sup>2</sup> in area with frontages ranging from 12.5m up to 21m. The range in width and area provide a variety of lot sizes that will accommodate a range of housing forms and sizes;
- the residential lots are all typically rectangular in shape, and designed to respond to local topography. The geometry of the sites would not restrict their development potential or solar access, with allotments having sufficient width, depth and areas to provide for suitable and site responsiveness orientation of future dwellings; and
- all lots are greater than 350m<sup>2</sup>.

*Council Officer Assessment*

Council staff have reviewed this variation and recommend that it be supported for the following reasons:

- the subdivision continues to provide a range of densities, lot sizes and potential for differing future dwelling types which will allow the fostering of a diverse community and interesting streetscape;
- the proposed subdivision is considered to achieve the objectives of the DCP control;
- the proposed variation is minor in nature.

Consequently it is recommended that Council support this proposed variation to the DCP.

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, sediment and dust control measures to be provided	Appropriate erosion, sediment and dust control measures have been proposed and will also be required to be implemented as part of the recommended conditions of approval	Yes
B1.2 Earthworks	Subdivision to respond to site's natural topography and minimise cut and fill	An acceptable amount of cut and fill is proposed to establish final levels for the residential lots. This will be necessary to establish level building platforms for future dwellings. The depths of cut and fill would not significantly alter the existing site levels or topography.	Yes

Control	Requirement	Provided	Compliance
	Clean fill material should be used	A condition of approval is recommended which will require that clean fill material is used.	Yes
	DAs involving earthworks to include supporting information which addresses fill, stormwater management and site revegetation	Appropriate cut and fill details, soil and water management and landscaping have been provided, to meet the requirements of the DCP	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**

The Gledswood Hills Planning Agreement between Council and SH Camden Valley Pty Limited (as amended 14 February 2014) applies to the Hermitage estate and to Stage 24 which is the subject of this DA268/2014.

Stage 24 is partially located within Stages A and D of the planning agreement. One item is identified within Stage A of the VPA (which includes Stage 24) being a water quality device or detention basin adjacent to Camden Valley Way, refer to Figure 4.



**Figure 4: VPA Facilities – Stage A of VPA – including Stage 24 subject of DA268/2104**

The applicant has advised that the proposed subdivision is in accordance with the terms of the VPA as it makes provision for the future dedication of a water quality and detention basin within this land (which will be within the proposed super lot 2468 for future development). The applicant has further indicated that the water quality/detention land area identified in the VPA is not proposed to be dedicated to

Council as part of this DA268/201, but will be the subject of a separate future DA for the development of super lot 2468. The detention basin and water quality device to be constructed in this area as part of DA268/2014 will be treated as a temporary basin to accommodate the development proposed in Stage 24 until future development is determined for super lot 2469.

#### *Council Officer Assessment*

Council staff have reviewed this matter and there are no issues proceeding with the water quality and detention basin proposed in this DA on the basis of this being a “temporary basin”, as the developer could still deliver the water quality land and works in accordance with the VPA with future DAs for super lot 2468.

#### **(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.

#### Road traffic noise

An acoustic report for the proposed subdivision has been submitted with the application which addresses the potential impacts of road traffic noise on the future dwellings within Stage 24 from traffic using Camden Valley Way and Hermitage Way. The report demonstrates compliance with relevant internal and external noise amenity criteria (within Council's Environmental Noise Policy and within the EPA's *Environmental Criteria for Road Traffic Noise*) subject to:

- alternate ventilation requirements for sleeping room windows on various ground or upper floor facades, for 35 of the proposed lots;
- solid fencing to specified boundaries of 3 lots; and
- construction of a 3m high acoustic mound along the boundary to Camden Valley Way (being an extension north of existing acoustic mounding to the Camden valley Way frontage of the Hermitage estate).

The acoustic report has been reviewed by Council environmental staff. Compliance with the recommendation of the acoustic assessment report is to be achieved through the recommended conditions of approval, including restriction on the relevant lots through a section 88B instrument, to confirm the ventilation and fencing requirements.

#### **(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 application was publicly notified for 14 days in accordance with the DCP. The notification period was from 28 April to 12 May 2014. One submission was received (objecting to the proposed development). **A copy of a public exhibition and submissions map is provided with the Business Paper supporting documents.**

The following discussion addresses the issues and concerns raised in the submission and petition.

1. *The proposed drainage pipe leading from the proposed detention/sediment basin directs water to properties across Camden Valley Way which appears to be in breach of the natural flow of water.*

*Council Officer Comments:*

This application proposes the construction of a detention and sediment basin adjacent to the western boundary of the site to manage and control stormwater flows from the subdivision and development of the land, and address water quality of these flows by use of bio-retention measures ('rain garden').

The basin will include an outlet directed to a pipe connecting to culverts crossing Camden Valley Way, consistent with existing drainage patterns with the area. The RMS has constructed new culverts under Camden Valley Way to convey water from east to west, which are legal points of discharge for the subject site.

The stormwater management strategy for the subdivision and development of the land has been assessed by Council's development engineers. The basin is designed so that post development water flows from the subdivision occur at a rate that matches or is less than pre-developed flows.

The recommended conditions require that a final Stormwater Management Plan is to be prepared 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 prior to the issue of a Construction Certificate. It must also cater for future development of land adjoining the site and overland flow from adjoining properties.

2. *The submitter also indicated that a dam on private property the opposite side of Camden Valley Way filled up on 15 May 2014, and there had been no water running into the dams since June last year*

*Council Officer Comments:*

This incident has been investigated by Council's officers, who inspected the site on the day. The incident resulted from dewatering of a farm dam on the subject site. Land owners can dewater dams provided no environmental harm/pollution is caused. The discharge of water may not necessarily coincide with a rain event.

Following the incident Council officers met with the developer and their contractors, to address resident concerns about dewatering, including the need to release water at a slower rate. Upstream development will be designed to ensure that post development flow rates from the Hermitage estate subdivision match or are less than pre-developed flow rates. Council officers will inspect the upstream development regularly to monitor soil and water management, in particular following any significant rain event.

**(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**

*NSW Rural Fire Service (RFS)*

The proposal is integrated development and was referred to the RFS pursuant to Section 91 of the *Environmental Planning & Assessment Act 1979*, as the subject site includes bushfire prone land, and the proposed subdivision requires a bushfire safety authority.

The RFS raised no objections to the proposed development and have provided General Terms of Approval (GTA) for the issue of a bush fire safety authority, under section 100B of the *Rural Fires Act 1997*. The GTA relate to water and utilities and to access.

Compliance with the bush fire safety authority is a recommended condition of consent. In addition, any future DAs for dwellings on the proposed lots will be required to comply with the “Planning for Bush Fire Protection 2006” requirements.

**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, DA268/2014 is recommended for approval subject to the conditions contained in this report:

**CONDITIONS**

**1.0 - General Requirements**

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

<b>Plan Development No.</b>	<b>Description</b>	<b>Prepared by</b>	<b>Dated</b>
7005/291B Sheet 1	Plan of Proposed Stage 24 at The Hermitage, Gledswood Hills	YSCO Geomatics	5/5/2014
7005/219B Sheet 2	Plan of Proposed Stage 24 at The Hermitage, Gledswood Hills	YSCO Geomatics	5/5/2014

9553/DA701	Layout Sheet	J.Wyndham Prince	08/05/2014 - B
9553/DA702	Cut/Fill Plan	J.Wyndham Prince	03/04/2014 A
9553/DA703	Drainage Layout Plan	J.Wyndham Prince	03/04/2014 A
9553/DA704	Road Longitudinal Sections Sheet 1	J.Wyndham Prince	03/04/2014 A
9553/DA705	Road Longitudinal Sections Sheet 2	J.Wyndham Prince	03/04/2014 A
9553/DA706	Soil & Water Management Plan	J.Wyndham Prince	03/04/2014 A
9553/DA707	Detention Basin Detail Plan	J.Wyndham Prince	03/04/2014 A
LD DA 003	Street Planting Plan	Tract Consultants	02/04/2014
LD DA 004	Landscaping details	Tract Consultants	02/04/2014
9553 Rpt 2B	Stormwater Management Strategy – The Hermitage, Western Precinct	J Wyndham Prince	March 2013
214 036	DA Acoustic Report	PKA Acoustic Consulting	April 2014
13SUTBUS-0034	Bushfire Protection Assessment The Hermitage Stage 24	Eco Logical Australia Pty Limited	25 March 2014
34295.37	Salinity Investigation and Management Plan The Western Precinct, The Hermitage Estate	Douglas Partners	March 2014

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

- (2) **Landscaping Maintenance and Establishment Period** – Commencing from the Date of Practical Completion (DPC), the Applicant will have the establishment and maintenance responsibility for all landscaping elements associated with this Consent.

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

The 12 month maintenance and establishment period includes the Applicant's responsibility for the establishment of all street tree installations and acoustic mound landscaping.

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

At the completion of the 12 month landscaping maintenance and establishment period, all acoustic mound areas, the nature strip and road verge areas, street trees, street tree protective guards and bollards must be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

- (3) **Design and Construction Standards** - All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with Council's current Engineering Specifications.

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 Council prior to the issue of any Construction Certificate.

- (4) **Bush Fire Safety Authority** – The development must be carried out in accordance with the conditions listed in the letter issued by the NSW Rural Fire Service dated 2 June 2014, in respect to requirements for a bushfire safety authority under section 100B of the *Rural Fires Act 1997*.

- (5) **General requirement** – all activities associated with the development must be carried out within the boundaries of the site and must be carried out in an environmentally satisfactory manner as defined under section 95 of the *Protection of the Environment Operations Act 1997*.

- (6) **Weed Management** – The applicant must fully and continuously suppress and destroy, by appropriate means, any noxious or environmentally invasive weed infestations that occur during or after subdivision and prior to sale of new lots. New infestations must be reported to Council.

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

Maintenance work is to be carried out involving regular surveys to determine if any weed species are becoming established through time. Any noxious or environmental weed infestations that occur during subdivision and prior to the sale of the new lots must be reported to Council and fully and continuously suppressed and destroyed by appropriate means.

- (7) **Turning Facilities** – All turning and manoeuvring facilities, including turning heads and culs-de-sac, shall be designed in accordance with the current edition of AS2890.2 and in accordance Council's current engineering specifications.

- (8) **Waste Disposal Areas** – A waste bin collection point must be provided for each residential allotment and must be in accordance with the following requirements:

- (a) each residential allotment must be provided with a level area adjacent to the kerb suitable for the placement of bins for collection. This area must be at ground level parallel to the rear of the kerb and measured 3 metres long x 0.9 metres wide with 4.2 metres clear vertical space to allow for the truck-lifting arm.

Note:

The collection vehicle must be able to approach parallel to the collection area either directly next to or within a car width of the kerb. The designated area must also be clear from the positioning of tree plantings (or tree canopies) street lighting or other fixtures.

It is recommended that all street trees should be relocated from the middle of property frontages to the property boundaries.

- (b) to facilitate waste collection from proposed lot 2466 a temporary turning head, or suitable turning facility, should be provided to the temporary termination of Road No. 601, to allow heavy vehicle manoeuvrability and reduce the risks associated with heavy vehicle reversing. 'No parking' signs should also be placed at the end of Road No. 601 to reduce the risk of collision and obstructions.
- (9) **Noise impact attenuation** – The development shall adopt all the noise control recommendations made in section 6 of the DA Acoustic Report for The Hermitage – Stage 24, Gledswood Hills (Project 214036) prepared by PKA Acoustic Consulting, dated April 2014.

## 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% of the value of works shall be lodged with Camden Council.

Should any of Council's property sustain damage or the development place the environment or public at risk, Council will perform any works necessary on behalf of the applicant to rectify these works. This bond will be refunded once all works have been completed to the satisfaction of council. The applicant must be responsible for any damage caused to existing public utilities, footpaths or public roads during construction works.

- (5) **Pavement Design** - A pavement design prepared by a suitably qualified geotechnical engineer for all proposed roads and access ways based upon Councils Pavement Design Specification must be submitted to the principle Certifying Authority prior to road works proceeding past subgrade level.

- (6) **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.

- (7) **Design of "Construction" On-site Detention/Sediment Control Basin** - The design of the "construction" on-site detention/ sediment control basin" and water quality facility must be prepared in accordance with the requirements of:

- (a) for sediment control, generally, Managing Urban Stormwater – Soils and Construction, Volume 1, 4th Edition, March 2004 as produced by Landcom,
- (b) Council's Current Engineering Design Specification,
- (c) and must not concentrate final discharge flows from the facility.

The construction of the on-site detention/sediment control basin must contain an impervious layer to provide water harvesting.

The design must be prepared and certified by an accredited certifier and must be submitted to the Certifying Authority for inclusion in any application for a Construction Certificate.

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

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

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

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

- (9) **Public Risk Insurance Policy** - Prior to the issue of a Construction Certificate, the owner or contractor is to take out a Public Risk Insurance Policy in accordance with Council's current Engineering Design Specifications.
- (10) **Detailed Landscape Plan** - A detailed Landscape Plan prepared by a qualified Landscape Architect or qualified Landscape Designer for the acoustic mound area applicable to this Consent, must be submitted for approval with the Construction Certificate and must be in accordance with Camden Council's current Engineering Design Specifications.

The detailed Landscape Plan must:

- (a) provide for the landscaping of the acoustic mound area to ensure that the landscaping is consistent with, and a continuation of, the existing acoustic mound to the south;
- (b) provide for the planting of the *Araucaria cunninghamii* (Hoop pines) with numbers and installation techniques for these trees to continue and mirror the existing acoustic mounding containing the *Araucaria cunninghamii*; and
- (c) provide for the planting of *Araucaria cunninghamii* trees sourced in a minimum 200 litre container size that are not to be multi-stemmed and should be able to stand alone without the need for staking.

### 3.0 - Prior To Works Commencing

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

- (1) **Notice of Commencement of Work 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.
- (2) **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.

- (3) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point.
- (4) **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.

- (5) **Construction of the “Construction” On-site Detention/Sediment Control Basin** - Prior to the commencement of any other subdivision work the “construction” on-site detention/sediment control basin and the associated immediate stormwater drainage system must be constructed:
- (a) in accordance with the approved plans, and
  - (b) to the requirements of the Principal Certifying Authority.

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

- (6) **Erection of Signs** – Erection of signs must be undertaken in accordance with Clause 98A of the Environmental Planning and Assessment Regulation 2000.

#### 4.0 - During Construction

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

- (1) **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.



- (2) **Vehicles Leaving the Site** - The contractor/construction supervisor must ensure that:
- (a) all vehicles transporting material from the site, cover such material so as to minimise sediment transfer;
  - (b) the wheels of vehicles leaving the site:
    - (i) do not track soil and other waste material onto any public road adjoining the site.
    - (ii) fully traverse the Stabilised Access Point (SAP).

- (3) **Subdivision, Building and Demolition Work Hours** - All such work must be restricted to the following hours:

- a) between 7am and 6pm Mondays to Fridays (inclusive);
- b) between 8am to 5pm Saturdays.

Work is prohibited on Sundays and Public Holidays.

- (4) **Civil Engineering Inspections** - Where Council has been nominated as the Principal Certifying Authority, inspections by Council's Engineer are required to be carried out at the following stages of construction:

- (a) prior to installation of sediment and erosion control measures;
- (b) prior to backfilling pipelines and subsoil drains;
- (c) prior to casting of pits and other concrete structures, including kerb and gutter, roads, access ways, aprons, pathways and footways, vehicle crossings, dish crossings and pathway steps;
- (d) proof roller test of subgrade and sub-base;
- (e) roller test of completed pavement prior to placement of wearing course;
- (f) prior to backfilling public utility crossings in road reserves;
- (g) prior to placement of asphaltic concrete;
- (h) final inspection after all works are completed and "Work As Executed" plans, including work on public land, have been submitted to Council.

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

- (5) **Fencing of the "Construction" On-site Detention/Sediment Control Basin** – Any "construction" on-site detention/ sediment control basin must be enclosed by a 2.1m high security fence of a type approved by the Consent Authority (Camden Council). Any such fence is to be continually maintained and is to remain in place until this facility is removed or reconstructed to a temporary/permanent water quality facility.
- (6) **Salinity Management** - All earthworks, infrastructure and landscaping on the site shall be carried out in accordance with the Report on Salinity Investigation

and Management Plan, The Western Precinct, The Hermitage Estate prepared by Douglas Partners, project 34295.37, dated March 2014.

- (7) **Unexpected Findings Contingency** – Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material etc.) be encountered during any stage of earthworks / site preparation / construction, then such works must cease immediately until a qualified environmental consultant has been contacted and conducted a thorough assessment. In the event that contamination has been identified as a result of this assessment and remediation is required, site works must cease in the vicinity of the contamination and the Consent Authority must be notified immediately.

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

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

The validation report and associated sampling location plan must:

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

For Virgin Excavated Natural Material (VENM):

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

Sampling of VENM for salinity of fill volumes:

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

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

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

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

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

- (9) **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.

- (10) **Offensive Noise, Dust, Odour and Vibration** - Bulk earthworks work shall not give rise to offensive noise, dust, odour and vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (11) **Construction Noise Levels** - Noise levels emitted during remediation/ bulk earth works must be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends;

Construction period of 4 weeks and under:

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).

Construction period greater than 4 weeks:

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

- (12) **Soil and Water Management** – All construction and earthworks works shall be conducted in accordance with a soil and water management plan. A copy of the plan shall be kept on-site and made available to Council officers on request.

All erosion and sediment measures must be maintained in a functional condition throughout the remediation works. Erosion and sediment controls shall be implemented in accordance with the Blue Book – Managing Urban Stormwater Soils and Construction Manual, 4<sup>th</sup> edition.

- (13) **Delivery Register** - The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Council officers on request and be submitted to the Council at the completion of the development.
- (14) **Street Trees, Their Tree Root Barrier Guards, Protective Guards and Bollards** - During any earthworks and development works relating to this Consent, the Applicant is advised that any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred.
- (a) During any earthworks and development works, any repairs, relocations, reinstallations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing root guard barriers, are to be completed with the same type, species, plant maturity, materials and initial installation standards and the works and successful establishment of the trees carried out prior to the issue of the Subdivision Certificate;
- (b) During the 12 month maintenance and establishment period, any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred;
- (c) At the completion of the 12 month landscaping maintenance and establishment period, all nature strip and road verge areas, street trees, street tree protective guards and bollards must be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

### 5.0 - Subdivision Certificate

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

- (1) **Subdivision Certificate Release** - The issue of a Subdivision Certificate is not to occur until all conditions of this consent have been satisfactorily addressed and all engineering works are complete unless otherwise approved in writing by the Principal Certifying Authority.
- (2) **Maintenance Bond** - A maintenance bond in the form of an unconditional bank guarantee or cash bond, being 10% of the value of civil works must be lodged with Council prior to the release of the Subdivision Certificate. This bond is to cover the maintenance of civil works constructed during subdivision works and any damage to existing roads, drainage lines, public reserves or other Council property or works required as a result of work not in accordance with Council's standards, and/or development consent conditions.

The maintenance bond shall be for (12) twelve months or such longer period as determined by Council's engineer, and shall commence on the date of release of the linen plan in the case of subdivision works or the date of the issue of the compliance certificate in the case of development works.

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

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

- (3) **Bond for Final Layer of Asphaltic Concrete** - Prior to the issue of the Subdivision Certificate the applicant is to lodge a monetary bond with Camden Council for the placement of the final layer of asphaltic concrete wearing course on all proposed public roads within this subdivision.

The bond is to be in the form of cash or an unconditional bank guarantee in favour of Camden Council, and must be equivalent to 130% of the value of the works, including the cost of all reinstatement works, with the estimated cost of such work being determined by reference to Council's current Schedule of Fees and Charges.

The work is to be completed within 5 years from the registration of the Subdivision Certificate/Plan of Subdivision or when Occupation Certificates for dwellings associated with 80% of the lots created by a subdivision adjoining such road have been issued.

Camden Council reserves the right to claim against the bond at any time.

**Note 1:** An administration fee, in accordance with Council's current Schedule of Fees and Charges, is applicable for the processing of bonds.

**Note 2:** It should be noted that Council will not refund/release the bond until the work has been completed to the requirements of Camden Council.

- (4) **Value of Works** - Prior to release of the Subdivision Certificate, the applicant must submit itemised data and value of civil works for the inclusion in Council's Asset Management System. The applicant can obtain from Council upon request, a template and requirements for asset data collection.
- (5) **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.
- (6) **Incomplete Works** - Prior to the issue of the Subdivision Certificate the applicant is to lodge a bond with Camden Council for the construction of incomplete works, including concrete footpath and/or pedestrian/cycle shared way, in accordance with Camden Council's current Engineering Construction Specifications.
- (7) **Surveyor's Report** - Prior to the issue of the Subdivision Certificate a certificate from a registered surveyor must be submitted to the Certifying

Authority certifying that all drainage lines have been laid within their proposed easements. Certification is also to be provided stating that no services or access ways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.

- (8) **Soil Classification** - A geotechnical report must be submitted detailing the classification of soil type generally found within the subdivision. A general classification for each lot within the subdivision must be provided and such classifications must be made by a Geotechnical Engineer in accordance with the provisions of SAA AS 2870 "Residential Slabs and Footings". The classification reports must be submitted to Council prior to release of the Subdivision Certificate.
- (9) **Street Lighting** - Street lighting must be provided within the subdivision in accordance with the relevant Australian standards, Endeavour Energy approval and the satisfaction of the Principal Certifying Authority. All such work must be complete and operative prior to the issue of the Subdivision Certificate.
- (10) **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.
- (11) **Construction of Permanent Water Quality Facilities** – A permanent water quality facility must be constructed:
- (a) in accordance with the approved plans;
  - (b) to the requirements of Camden Council; and
  - (c) when Occupation Certificates for dwellings associated with 80% of the lots have been issued.

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

- (12) **Permanent Water Quality Facility Operation, Maintenance and Monitoring Manual/s** - Prior to the issue of any Subdivision Certificate, Operation and Maintenance and Monitoring Manual/s for the permanent water quality facilities must be submitted to the Principal Certifying Authority for approval.

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

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

Sampling - water quality sampling should be undertaken for all relevant Water quality parameters contained within the approved "Water Cycle Master Plan". Samples are to be taken from the inlet point of the "on-site detention / sediment Control Basin" and the outlet point of the "Water Quality Facility".

Frequency - The frequency of sampling for each facility must include quarterly sampling. Where prolonged drought conditions exist and water is unavailable for testing on a quarterly basis then a minimum of 4 samples must be taken (within a 12 month period) when water is available with a minimum of 2 months between sampling periods.

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

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

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

- (13) **Section 88B Instrument** - The developer must prepare a Section 88B Instrument, for approval by the Principal Certifying Authority, which incorporates the following easements, restrictions to user and public positive covenants:

- (a) Public positive covenant, over any proposed lot/s containing:
  - (i) modified "construction" on-site detention/sediment control basin and water quality facility, and/or
  - (ii) permanent water quality facility,

for the maintenance, repair and insurance of such a facility.

- (b) Restriction as to user noting that for lots 2426 to 2460 inclusive and, all facades identified in Section 6 (Table 6.1) of the Acoustic Report The Hermitage - Stage 24 Gledswood Hills project 214 036 dated April 2014 prepared by PKA Acoustic Consulting the provision of alternative ventilation will be required, being mechanical ventilation or air conditioning which meets the requirements of the Building Code of Australia. Compliance with these ventilation requirements is to be demonstrated for each dwelling application on the affected lots.

- (c) Restriction as to user for lots 2426, 2430, and 2444 specifying that a 1.8m high fence constructed of colorbond or double lapped and capped timber (ensuring minimum 30mm continuous thickness and no gaps between palings) must be constructed to the boundaries of each lot, as indicated in Section 6 of the Acoustic Report 'The Hermitage' - Stage 24 Gledswood Hills, Project No. 213 036, dated April 2014 prepared by PKA Acoustic Consulting.
- (d) Easement for services.
- (e) Easement to drain water.
- (f) Drainage easement over overland flow paths.
- (g) Easement for on-site-Detention.
- (h) Easement for water quality.
- (i) Right of carriageway, where applicable.
- (j) Restriction as to user detailing that no person must alter, remove or destroy any soil, planting or any part of the fence which forms part of an acoustic barrier without the prior approval of the Consent Authority (ie Camden Council) and that the landowners or their assignees must maintain the acoustic barrier in good order at all times.

Note: All existing easements and restrictions on the use of land must be acknowledged on the final plan of subdivision.

- (14) **Fill Plan** - A fill plan shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of any Subdivision certificate, in accordance with Council's current Engineering Specifications.
- (15) **Footpath Construction Bond** - A footpath construction bond in the form of an unconditional bank guarantee or cash bond, being 200% of the cost of the works, must be lodged with Council prior to the issue of a Subdivision Certificate.

The footpath construction will generally be delayed for a period of twelve (12) months or until majority (approximately 80%) of development has been erected within the development/subdivision. This bond can be released once a satisfactory inspection has been undertaken by Council.

- (16) **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 as approved under DA854/2013 have been carried out in accordance with the remediation plan must be submitted to the Principal Certifying Authority within 30 days following completion of the works and prior to the issue of a subdivision certificate for this DA.
- (17) **Site Audit Statement** – At the conclusion of all remediation works, as approved under Development Consent DA854/2013, the applicant must have remediation



work and validation documentation reviewed by an independent NSW EPA Accredited Site Auditor under the *Contaminated Land Management Act 1997*. The auditor must undertake a full site audit of the works and documentation and provide a Site Audit Statement (SAS) that clearly identifies that the land is suitable for the intended use. The SAS must be submitted to the Consent Authority (Camden Council) within 30 days following the completion of the remediation works and prior to the issue of a Subdivision Certificate for this DA.

- (18) **Special Infrastructure Contribution** – Prior to the issue of any Subdivision Certificate, the applicant must submit to the consent authority written evidence from the Department of Planning and Environment that a special infrastructure contribution has been made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative), where applicable.

Information on the Special Infrastructure Contribution can be found on the Department of Planning and Infrastructure's website: [www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/language/en-US/Default.aspx](http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/language/en-US/Default.aspx)

- (19) **Voluntary Planning Agreement (VPA)** – The development must be undertaken in accordance with the terms and conditions of the Voluntary Planning Agreement (VPA) made between Camden Council and SH Camden Valley Pty limited, pursuant to section 93F of the Environmental Planning & Assessment Act 1979. In accordance with the VPA the following payments must be made:

i. \$730.00 per additional hectare (total \$3,219.00) for **Administration**.

- (20) **Installation of Landscaping to the Acoustic Mound fronting The Camden Valley Way Road** - Prior to the issue of the Subdivision Certificate, the Acoustic mound area, applicable to this Consent, is to have all landscaping installed as detailed in the approved detailed Landscape Plan.

During any development works relating to this Consent, if any acoustic mound tree installations are disturbed, relocated, removed, or damaged, then they must be successfully restored.

The same type, species, plant maturity, materials and initial installation standards must be applied and the works and successful establishment of the trees carried out prior to the issue of the Subdivision Certificate.

During the 12 month maintenance and establishment period, any acoustic mound trees which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred.

At the completion of the 12 month landscaping maintenance and establishment period, all Acoustic mound trees must be in an undamaged, safe and functional condition and have signs of healthy and vigorous growth.

**RECOMMENDED**

**That Council approve DA 268/2014 for a subdivision to create 66 residential lots, 5 super lots and a residue lot, and associated civil works and landscaping at A The Hermitage Way, 29 Tarrawarra Drive, 46 Lilydale Avenue and 810C Camden Valley Way, Gledswood Hills subject to the conditions listed above.**

ATTACHMENTS

1. Proposed Plan of Subdivision A3
2. Proposed Layout Plan - A3
3. Submission - *Supporting Document*
4. Public Exhibition and Submissions Map - *Supporting Document*

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## ORDINARY COUNCIL

ORD03

ORD03

**SUBJECT: IPART - LOCAL GOVERNMENT COMPLIANCE AND ENFORCEMENT  
REGULATION REVIEW - SUBMISSION ON DRAFT REPORT**

**FROM:** Director, Development & Health

**TRIM #:** 14/88970

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### PURPOSE OF REPORT

For Council to consider a submission to the draft report on Local Government Compliance and Enforcement Regulation Review October 2013 prepared by the Independent Pricing and Regulatory Tribunal (IPART).

### BACKGROUND

The NSW Government has engaged IPART to undertake a review of local government compliance and enforcement activity in NSW. Under the Terms of Reference of the review, IPART has been tasked with examining local government enforcement and compliance activity (including regulatory powers conferred or delegated under NSW legislation) and with providing recommendations that will reduce regulatory burdens for business and the community.

On 22 May 2014, IPART placed a Draft Report which included 39 recommendations on exhibition. A response from stakeholders including councils is being sought. **A copy of the Executive Summary and associated recommendations is provided with the Business Paper supporting documents.** A full copy of the Draft Report can be found at:

[http://www.ipart.nsw.gov.au/Home/Industries/Regulation\\_Review/Reviews/Local\\_Government/Local\\_Government\\_Compliance\\_and\\_Enforcement](http://www.ipart.nsw.gov.au/Home/Industries/Regulation_Review/Reviews/Local_Government/Local_Government_Compliance_and_Enforcement)

### MAIN REPORT

The IPART review has been conducted as part of a broader program by the NSW State Government to reduce red tape costs to the community and business by \$750 million by June 2015. The review and its subsequent recommendations relate only to improving the existing stock of regulation that is administered by local government.

Under the Terms of Reference for the review, IPART considered:

- ways to improve governance of local government compliance and enforcement activities including local government roles relative to, and interactions or coordination with, the NSW Government;
- ways to improve the capacity and capability of local government to undertake their regulatory responsibilities;
- ways of improving the quality of regulatory administration by local government including consistency of approach, economies of scale and mutual recognition across local government areas;
- the 'culture' of regulatory services including the extent to which local government considers and understands best practice regulatory principles and approaches (such as consideration of the economic impacts of their regulatory actions);

- issues relevant to priority regulatory areas including building and construction, parking and road transport, public health and safety, environmental regulation, planning and companion animals management;
- best practice approaches to local government compliance and enforcement activity in NSW and other jurisdictions;
- the merits of NSW adopting leading practices identified by the Productivity Commission in its 2012 report Performance Benchmarking of Australian Business Regulation: The Role of Local Government as Regulator;
- ways to ensure regular assessment of regulatory performance;
- changes to local government regulatory services to maximise the opportunities arising from the current review of the NSW planning system.

The review has made a number of suggestions that aim to improve the working relationship between the State Government and its various agencies (including the Department of Planning and Infrastructure, the Environment Protection Authority and the Office of Local Government), increase the capacity and capability of local government, improve consistency and reduce duplication.

Council officers have reviewed the Draft Report and prepared a draft submission. Council officers are supportive of initiatives that will reduce red tape and improve working relationships with stakeholders, including other tiers of government. There are some areas where it is suggested that further consideration is needed. In these instances, a comment has been provided at the relevant recommendation. Where there is agreement with the recommendation, no comment is provided.

**A copy of the proposed Submission on the Draft Report is provided as attachment 1 to this report.**

### **FINANCIAL IMPLICATIONS**

Financial implications associated with the Draft Report are unknown at this stage.

### **CONCLUSION**

IPART has conducted a review of local government compliance and enforcement activity in NSW. Council officers have reviewed the Draft Report and prepared a draft submission. The draft submission is generally supportive of the intent of the recommendations contained in the Draft Report. Comments have been provided where further clarification or consideration is sought.

### **RECOMMENDED**

**That Council:**

- endorse the draft submission prepared for the Draft Report – Local Government Compliance and Enforcement Regulation Review; and**
- authorise the Director Development & Health to sign and forward the Submission to the Independent Pricing and Regulatory Tribunal.**

## ATTACHMENTS

1. IPART Submission on draft report - version 1 June 2014
2. IPART Executive Summary - *Supporting Document*

**ORD03**

## ORDINARY COUNCIL

ORD04

**SUBJECT: MACQUARIE GROVE ROAD, KIRKHAM, SUBMISSION TO JRPP ON PRE GATEWAY REVIEW**

**FROM:** Director, Development & Health

**TRIM #:** 14/93373

### PURPOSE OF REPORT

The purpose of this report is to update Council on the status of the Pre Gateway review of the planning proposal at Macquarie Grove Road, Kirkham (Lot 1 of DP 882365 & Lot 1 of DP 554326), and to consider Councils submission to the Joint Regional Planning Panel (JRPP) on additional information provided by the proponent.

### BACKGROUND

In October 2008, Council received an application to consider the rezoning of land at Macquarie Grove Road, Kirkham (Figure 1). 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 will achieve 13 additional lots with 2 existing.



**Figure 1** Subject Site – Lot 1 of DP 882365 and Lot 1 of DP 554326 – 256 Macquarie Grove Rd & 190 Kirkham Lane, Kirkham

Since 2008, Council has considered this proposal five (5) times. On three (3) occasions Council resolved not to support the planning proposal. Council has also expressed concerns regarding the removal of decision making powers from local government, on issues that are of local significance.

**Attachment 1** to this report provides a detailed chronology of Council meetings and key events with regards to this planning proposal.

On 23 July 2014, the proponent for this site made an application to the Department of Planning and Environment (formally *Department of Planning and Infrastructure*) for a review of the Council resolution not to support this application. Following consideration of the proposal by Department of Planning officers it was recommended that the proposal be forwarded to the JRPP for consideration. The JRPP considered this application on April 4<sup>th</sup> 2014 (see **Attachment 2 Record of Decision**).

*“The Panel (JRPP) ...refused to recommend the planning proposal for Macquarie Grove Road at the present time, because the majority determined that certain issues remained unresolved. Additional material was requested from the applicants, it was noted that this will need to be reviewed by the Council’s assessment officers, namely”:*

- *Landscaping Proposal;*
- *Drainage Proposal; and*
- *Traffic Analysis.*

Following the consideration of the additional information and Council officers comments the JRPP will reconsider the pre gateway application for this site. Should it be recommended to proceed, the proposal will be subject to the standard requirements for planning proposals.

At the Council Workshop of June 24, 2014 Councillors were briefed on the additional material.

## **MAIN REPORT**

Council officers have now received and reviewed the additional information as requested by the JRPP (see **Attachment 3 – Submission to Joint Regional Planning Panel.**) The following is an outline of outstanding concerns.

### **Additional Information**

#### **Drainage Proposal**

##### Outstanding Issue

*JRPP requested a proposal that restricts flows from the site to current levels or less. The proposal must be based on consolidated onsite detention facilities not facilities located on each of the proposed allotments.*

##### Council Comments

The revised design proposes two (2) consolidated on-site detention (OSD) basins that collect storm water for the southern and central catchments of the site; these are proposed to be dedicated to Council as drainage reserves. The northern catchment can be collected and stored via the drainage infrastructure within the proposed road.

The revised proposal does not demonstrate the ability to comply with Council's engineering standards. Council's specifications require a formed "escape path" downstream of basins for overland flows, this enables safe conveyance of stormwater should the OSD basin fail.

The current proposal would see water directed across private property on no formed path should the OSD basins fail. To enable compliance, the proposed development would require the permission of owners in the adjacent lots (The Meadows) to form these channels.

In its current form, Council officers do not support the proposed stormwater design, as it has not been demonstrated that the proposal can comply with Council's engineering specifications.

At present it has not been demonstrated that this site has sufficient drainage capacity to support residential development.

### **Landscaping Proposal**

#### **Outstanding Issue**

*The JRPP requested a Landscaping proposal that addresses the section of the site visible to motorists in a manner that is consistent with the rural character of the immediate locality and the more general approach to Camden Town.*

#### **Council Comments**

The revised design provides for a 10m landscaped buffer for those lots backing onto Macquarie Grove Road. The proponent proposes to manage the maintenance of the buffer by imposing a s.88B (restriction to title) on these lots until such time as trees within the buffer meet the requirements for protection under Councils Tree Preservation Order (TPO).

Council's officers have assessed the proposed landscape design and agree that the proposed design could help preserve the rural feel of Macquarie Grove Road. However it is noted that the additional information does not include information on fencing design or restriction on the location of outbuildings within the buffer.

Officers have also raised concerns over the ability to enforce and monitor the s.88B instrument to ensure maintenance of trees and restrict inappropriate development within the 10m buffer.

### **Traffic Analysis**

#### **Outstanding Issue:**

*The JRPP requested an access proposal and accompanying traffic analysis that demonstrates an acceptable level of traffic safety and traffic impact on Macquarie Grove Road and Kirkham Lane.*

#### **Council Comments**

The proponent has not undertaken any additional traffic analysis. The additional information submitted reiterates the status of the previous Traffic Safety Audit Report undertaken by the proponent in 2008.



Given the limited information provided, it is not possible for Council officers to provide definitive advice with regards to the safety of the intersection from Macquarie Grove Road.

There are however outstanding concerns regarding the impact of the proposed intersection on Macquarie Grove Road, in particular with regard to the removal of vegetation to provide sight lines and the impact on the rural nature of the existing road as a result of potential widening.

Council officers have previously requested the proponent to undertake assessment of the potential access from the existing Meadows Estate, as this could potentially have less impact and provide safer access to the site. This has not been undertaken and remains an outstanding issue.

### **Outstanding Council Concerns**

In addition to the information requested by the JRPP, Council officers have a number of outstanding concerns with regard to the planning proposal.

#### **1. Community Objections and Concerns**

There remains community objection to the proposed development of this site. Since the lodging of this planning proposal Council has received 14 letters in objection from existing residents in the Meadows and the Outlook.

Issues identified by objectors include:

- Privacy impacts – Subject site is higher than surrounding development and will create overlooking concerns for existing residents
- Concern over inequity where previous rules were applied to applications in the Meadows which are now proposed to be superseded i.e. RL90 development restrictions.

These objections remain outstanding and have not been addressed by the additional information provided. In addition this planning proposal has never been formally exhibited and formal exhibition is likely to expose wider community concerns.

#### **2. Visual Impacts**

The subject site has high visual significance to the Camden LGA and can be clearly seen from Camden Valley Way. The Macquarie Grove Road corridor also has high visual and cultural significance.

The proposed development will impact on the rural significance of Macquarie Grove Road, due to tree removal and possible road widening to enable safe access. The proposed landscaping will not fully mitigate this impact and it remains an outstanding concern for Council.

There is also concern about the ability to impose and monitor mitigation measures such as landscaping requirements and building colour and material control. If rezoned to R5 Large Lot Residential future development within the site will be

subject to the Exempt and Complying SEPP, which will not require full consideration of Council's DCP controls.

### **3. Exempt and Complying SEPP**

Once rezoned the subject lands will meet the criteria for assessment under the Exempt and Complying SEPP – Rural Housing Code. Therefore where Council has site specific DCP controls to mitigate impacts i.e. setbacks, dwelling design requirements, vegetation requirements, these will be overridden by the SEPP requirements.

In addition approval under the Exempt and Complying SEPP could be undertaken by a private certifier, providing less certainty for the community over the outcomes of the proposed development.

### **4. Housing Diversity**

The planning proposal lodged by the applicant contends that this development will contribute to a diversity of housing product (R5 Large Lot Residential)

Council has significant existing stock of R5 lands (approximately 1,200 lots) with additional large lots proposed as part of a number of new developments in areas, such as Emerald Hills. Council is also committed to ensuring new development within the South West Growth centres deliver a range of housing options and lot sizes to ensure housing diversity.

It is therefore not supported that the proposed 15 lots are necessary for the provision of housing diversity.

### **5. State and Local Government Strategic Planning Objectives**

The subject site is not identified within any state or local strategic planning documentation for future development. Council is already exceeding targets with regard to population requirements and does not need to provide additional development.

The proposal is also contrary to the directions provided within Camden 2040. It does not contribute to the community's aspiration to maintain the country town feel, rural setting and lifestyle, and enhance its history, trees and open space.

During the development of the Camden LEP 2010, Council officers considered protection of rural lands. It was considered that maintaining the existing rural zoning and minimum lot size that prohibited further subdivision was the best method to protect such lands from development.

One of the key requirements of a planning proposal progressing beyond the gateway process is meeting the strategic state and local planning objectives, of which this proposal does not.

## **Where to from here?**

The JRPP will consider the additional information provided by the proponent and Council officers comments.

Once the JRPP have considered the information they will then make a recommendation to the Minister for Planning as to whether the planning proposal should be forwarded to the Department of Planning and Environment for gateway approval.

Should the Minister determine that the planning proposal proceed to gateway, a planning authority will also be appointed.

## **FINANCIAL IMPLICATIONS**

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

## **CONCLUSION**

Following the JRPP review of the planning proposal at Macquarie Grove Road, Kirkham on April 4<sup>th</sup> 2014, Council officers have now reviewed the additional information forwarded by the proponent.

The additional information has not satisfied Council officers concern with regard to storm water and drainage on the subject site. The amended design does not demonstrate compliance nor the ability to comply with Council's Engineering Standards, and can therefore not be supported at this time.

Officers also have concerns regarding the ability to enforce identified mitigation measures on the site, such as restriction on colours and materials and enforcement of vegetation management requirements agreed as part of the rezoning process.

In addition, there are a number of concerns that were not required to be addressed (as determined by the JRPP) but remain outstanding.

## **RECOMMENDED**

### **That Council:**

- i. endorse the submission to be forwarded to the Joint Regional Planning Panel for consideration**
- ii. reaffirm its decision of the meeting of August 13, 2014 not to support the planning proposal**

## **ATTACHMENTS**

1. Attachment 1 – Kirkham Timeline of Key Events
2. Attachment 2 Record of Decision JRPP
3. Attachment 3 - Macquarie Grove Rd, Kirkham – Pre Gateway Review - Submission Doc 3July 2014

**ORD04**

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## ORDINARY COUNCIL

ORD05

ORD05

**SUBJECT: INCOMING CORPORATE SPONSORSHIP**

**FROM:** Acting Director Governance

**TRIM #:** 14/69755

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### PURPOSE OF REPORT

The purpose of this report is to address how Council will seek sponsorship and provide procedures and guidelines to ensure that sponsorship sought by Council is dealt with in a professional, transparent and equitable manner.

### BACKGROUND

At its meeting on 8 October 2013 Council adopted and endorsed the Community Sponsorship Program as an additional component of the existing Community Financial Assistance Policy.

The Community Sponsorship Program addresses how Council will administer sponsorship requests (outgoing) however Council needs to take into consideration how it seeks sponsorship (incoming) for its events and activities.

### MAIN REPORT

Currently Council seeks sponsorship for a variety of its activities such as the Camden Festival, Christmas Light Competition, Paws in the Park etc. however there is no policy, guidelines or procedures in place to assist Council Officers in their pursuit of sponsorship, both monetary and in-kind.

The adoption of an Incoming Corporate Sponsorship Policy, incorporating sponsorship guidelines and procedures, will provide processes and principles for the pursuit and assessment of sponsorship to enhance the resources available to Council in providing for the needs of the community.

The principles address how Council will approach groups, businesses, or individuals that are seen as appropriate/relevant to the nature of the event based on the ICAC principles (ICAC Sponsorship in the Public Sector 2006), Council policies and social constraints.

It will also ensure that sponsorship from business, community groups and organisations to Council is dealt with in a transparent and equitable manner and that Council is able to reserve the right not to agree to a sponsorship proposal if it is deemed, in Council's sole opinion, to be a conflict of interest.

Whilst Council has addressed outgoing sponsorship as part of the Community Financial Assistance Policy, a separate stand-alone policy for incoming sponsorship would be of benefit in providing Council Officers with the tools to pursue sponsorship for the events and activities we provide to the community.

Each Council event is different in regards to the types and amount of sponsorship that is sought. Each Council Officer responsible for the event/activity will be required to

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prepare a Sponsorship Plan, Sponsorship Package and Sponsorship Agreement relevant to their particular event/activity.

Evidence of the success of adopting such guidelines and procedures can be seen in the development of a professional Sponsorship Package for the 2014 Camden Festival which has already resulted in two new sponsors (Gold & Silver) coming on board.

This policy predominately deals with external stakeholders and for that reason it is considered prudent to place the policy on public exhibition.

**A draft Incoming Corporate Sponsorship Policy, guidelines and procedures has been developed and a copy is attached.**

### **FINANCIAL IMPLICATIONS**

Sections of Council, such as Communications and Community Services, have budget allocations to hold various activities and events for the community. Council would benefit from the seeking of sponsorship to ensure that Council delivers and is able to enhance its activities and events to a level that meets both community expectations and its target audiences.

### **CONCLUSION**

The adoption of a separate stand-alone policy for incoming sponsorship will ensure transparency and protect Council's needs and interest in seeking sponsorship for its events and activities. The adoption of an Incoming Corporate Sponsorship Policy, guidelines and procedures will also provide processes and principles for the pursuit of sponsorship by Council and ensure that they are dealt with in a consistent and professional manner.

### **RECOMMENDED**

**That Council:**

- i. endorse the Incoming Corporate Sponsorship Policy to be placed on public exhibition for a period of 28 days and;**
- ii. be provided with a further report detailing the outcome of the public exhibition period.**

### **ATTACHMENTS**

1. Final Incoming Sponsorship Policy

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## ORDINARY COUNCIL

ORD06

ORD06

**SUBJECT: CAMDEN TOWN CENTRE IMPROVEMENTS**

**FROM:** Director Works & Services

**TRIM #:** 14/100528

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### PURPOSE OF REPORT

The purpose of this report is to seek endorsement for a range of upgraded works for the Camden Town Centre, and to undertake community consultation following the recent adoption of Council's four year delivery plan, which includes:

- \$1.754M towards Stage 1 Camden Town Centre Improvements; and
- \$3.6M for the construction of a decked car park.

### **The proposed key initiatives are to:**

- introduce traffic signals on Argyle Street at the intersection of Oxley Street and pedestrian signals between John and Hill Street, on Argyle Street;
- increase the footpath width on Argyle Street by 1 metre;
- locate a decked car park at the existing Council car park on Oxley Street;
- improve the footpath slope;
- upgrade furniture and paving material; and
- to advise Council of the Communication Strategy for this project.

### BACKGROUND

In the year 2040, Camden is set to be a dynamic, modern, urban place which is defined by its unique history and rural backdrop and has realised the many opportunities presented by urban development and population growth. Camden Council will experience considerable pressure from urban growth associated with the significant urban release areas, identified in Sydney's South West Growth Centre.

Camden's country town feel is greatly valued by both residents and visitors and is an important part of the place and the economy of the town. Also of importance to many in the community is Camden's main street.

The Town Centre of Camden has a distinctly different character and townscape than other more recent nearby centres, with a semi-rural setting, an attractive tree lined main street (Argyle Street), a coherent, human scale built form and extensive heritage, all contributing to the creation of a centre that people spend time in.

In 2012, Council resolved to relocate to Oran Park in 2016. In mid 2013, Council established an internal committee to develop a range of strategies and options to enhance the Camden and Narellan commercial precincts by the time Council relocates.

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This committee is about to undertake a Retail & Commercial Study of the Camden Town Centre. This Study will deliver a sustainable vision for Camden Town Centre which clearly defines its form, focus and function.

In addition to this, for over twelve months, Council has been undertaking detailed reviews of the important infrastructure elements of the Town Centre, including traffic movements, car parking, drainage, street lighting, paving and furniture. These reviews will update the findings of the Camden Town Centre Strategy (2008), which was the vision Council endorsed for the upgrade of the Town Centre.

In March 2013, Council engaged a consultant to undertake a traffic study for Camden Town Centre. The Camden Town Centre Traffic and Transport Study 2013 focused on transport infrastructure necessary to achieve greater accessibility for all pedestrians and road users, whilst also seeking to retain the unique aspects that the Town Centre currently provides, in terms of its heritage and 'country town' environment.

Previous studies and periods of consultation have highlighted the need to respect, protect and build on the area's unique history, while recognising the area's contribution to the rapidly growing vitality and diversity of the remainder of the LGA. As a first step in this process, Council has prepared a strategy that begins to give physical form to the detailed planning undertaken over the past years. The initial focus of these works will be an upgrade of Argyle Street and the construction of an open top decked car park.

Council has developed an Argyle Street Concept Plan which builds on the 2008 Camden Town Centre Strategy, and the Camden Town Centre Traffic and Transport Study 2013. This is a Plan for Argyle Street which will be implemented in stages. This includes the construction of traffic lights, upgraded pavement alignments and finishes to create a pedestrian friendly environment which will complement the outcomes of the Retail & Commercial Study of the Town Centre, and respect the town's unique character. This upgraded environment will be furnished with lighting, furniture, landscaping, signage as appropriate to each place in the street and its planned activity. The extent of Stage 1 works will be determined through the detailed design process in the coming months.

In November 2013 and June 2014, Council held workshops to examine the proposed works. The next phase of the project is an extensive consultation with all stakeholders, including resident and business stakeholders.

The purpose of this report is to seek endorsement from Council for the works proposed for the Camden Town Centre.

### **MAIN REPORT**

The current suite of works proposed for the Camden Town Centre, draws upon the detailed reviews of the important infrastructure elements of the Town Centre, which have been carried out by Council Officers. This suite of proposed works is the beginning point in realising a vision for Camden that has been developing over a number of years.



**The aim of these works are to:**

- create an environment that will encourage slower speed vehicular transit;
- create an environment which upgrades and enhances pedestrian mobility safety and access;
- enhance the main street of Camden so that it can continue to be relevant in a growing and changing LGA, as well as the broader region;
- create additional parking close to Argyle Street; and
- facilitate the continued retail and commercial success of the Town Centre.

The Camden Town Centre Traffic and Transport Study 2013 (**Attachment 1**) focused on transport infrastructure necessary to achieve greater accessibility for all pedestrians and road users, whilst also seeking to retain the unique aspects that the Town Centre currently provides, in terms of its heritage and 'country town' environment.

The study recommended a range of potential upgrades to be implemented in the short, medium and long term, covering the road network, pedestrian network, bicycle networks, public parking, town square, public transport operations, potential bus terminus locations, road geometry, speed limits, street lighting and streetscape works.

Council has since undertaken an analysis of these recommendations to determine the items of highest priority and greatest community benefit. The recommendations Council are seeking to implement as part of Stage 1 works are to:

- signalise Argyle Street at the intersection of Oxley Street (removing the existing pedestrian crossing west of John Street, subject to RMS approval);
- signalise the existing marked foot crossing in Argyle Street between John Street and Hill Street (subject to RMS approval);
- narrow all lanes in Argyle Street, allowing for a wider footpath;
- construct a decked car park, serving the long term needs of the town; and
- upgrade the Streetscape on Argyle Street.

The remainder of the recommended upgrades in the Traffic and Transport Study 2013, will be reviewed and considered at a later date with a further package of works.

The report suggested that a decked car park is a longer term option, however Council is committed to the provision of this facility and are seeking to bring the construction of this facility into the short term Capital Works program (2016/2017). The provision of such a facility, close to Argyle Street, in the short term will complement the developing commercial and retail vision of the Town Centre and lead to long term community benefits.

**The proposed key initiatives are:**

**1. Introduction of Traffic Signals on Argyle Street**

The Camden Town Centre Traffic and Transport Study 2013 recommends the introduction of traffic signals on Argyle Street, at the intersection of Oxley Street, as well as the introduction of pedestrian signals at the existing pedestrian crossing, east of John Street. Traffic signals at these locations will improve traffic flow and pedestrian connectivity within the Camden Town Centre. Following a Councillor Workshop in

November 2013, Council engaged a specialist signal designer to fully test the intersection design and performance.

The consultant has confirmed through detailed investigation, to the satisfaction of Council Officers, that there are traffic signal layouts which satisfy the level of service requirements at both locations.

**a. Oxley Street and Argyle Street (Figure 1)**

It is proposed that Oxley Street become a fully signalised intersection. The major additional traffic movement would be a right turn out of Oxley Street onto Argyle Street. This would relieve pressure from the surrounding network and improve traffic flow at the John Street/Argyle Street intersection. Signals also facilitate improved pedestrian and traffic movements in all directions. The signals design would not allow a right turn movement from Argyle Street into Oxley Street. As part of this work, the existing pedestrian crossing outside the Camden Post Office will be relocated to this signalised intersection.

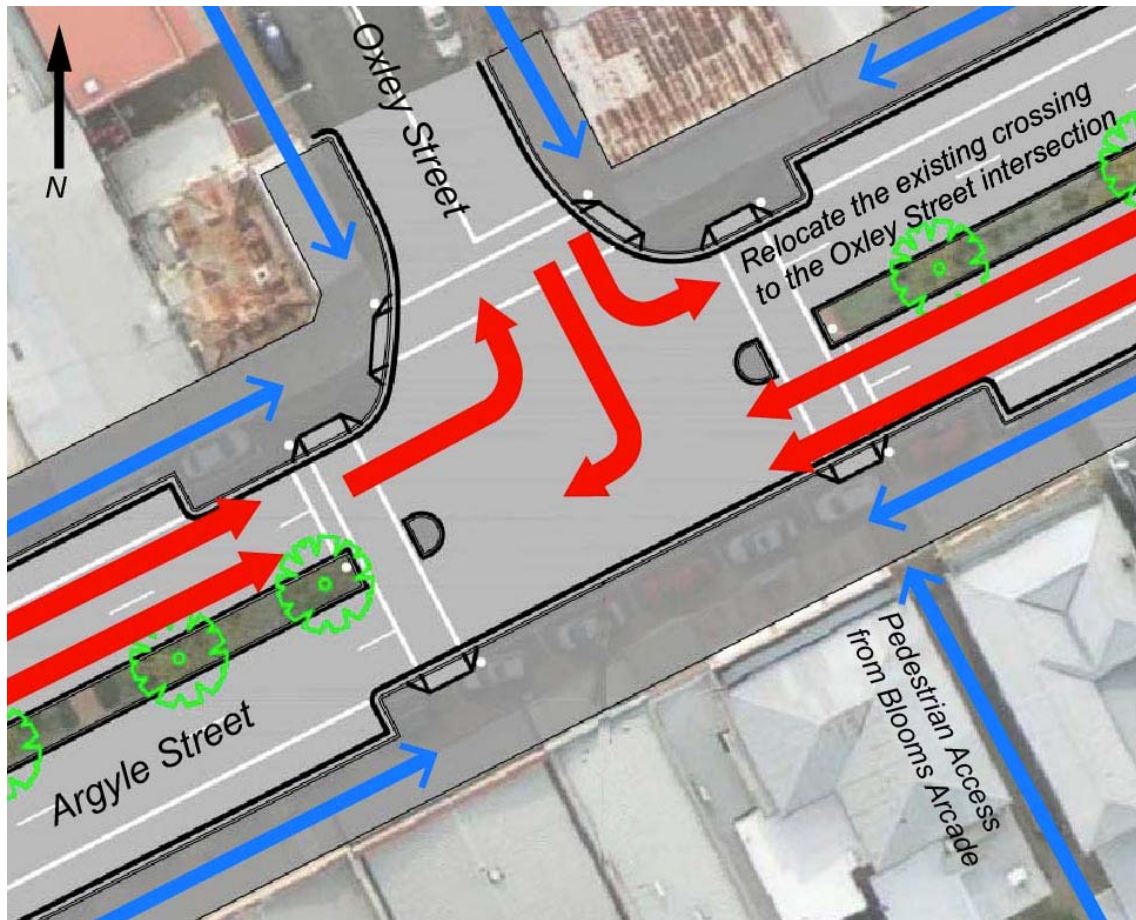


Figure 1 - Proposed signalised intersection corner Argyle Street and Oxley Street

**b.**

### Pedestrian Signals (Figure 2)

It is proposed that the existing pedestrian crossing, east of John Street become a signalised pedestrian crossing. This would create a safer pedestrian environment through a controlled crossing point. The most effective location for this crossing is approximately five (5) metres to the east of the existing crossing point. This brings the crossing closer to the existing pedestrian arcade as well as taking it further from the John Street roundabout, reducing the impact of traffic queuing on the roundabout. Council is satisfied that the criteria for RMS approval has been met, but ultimately the detailed location of the crossing point is subject to RMS approval.

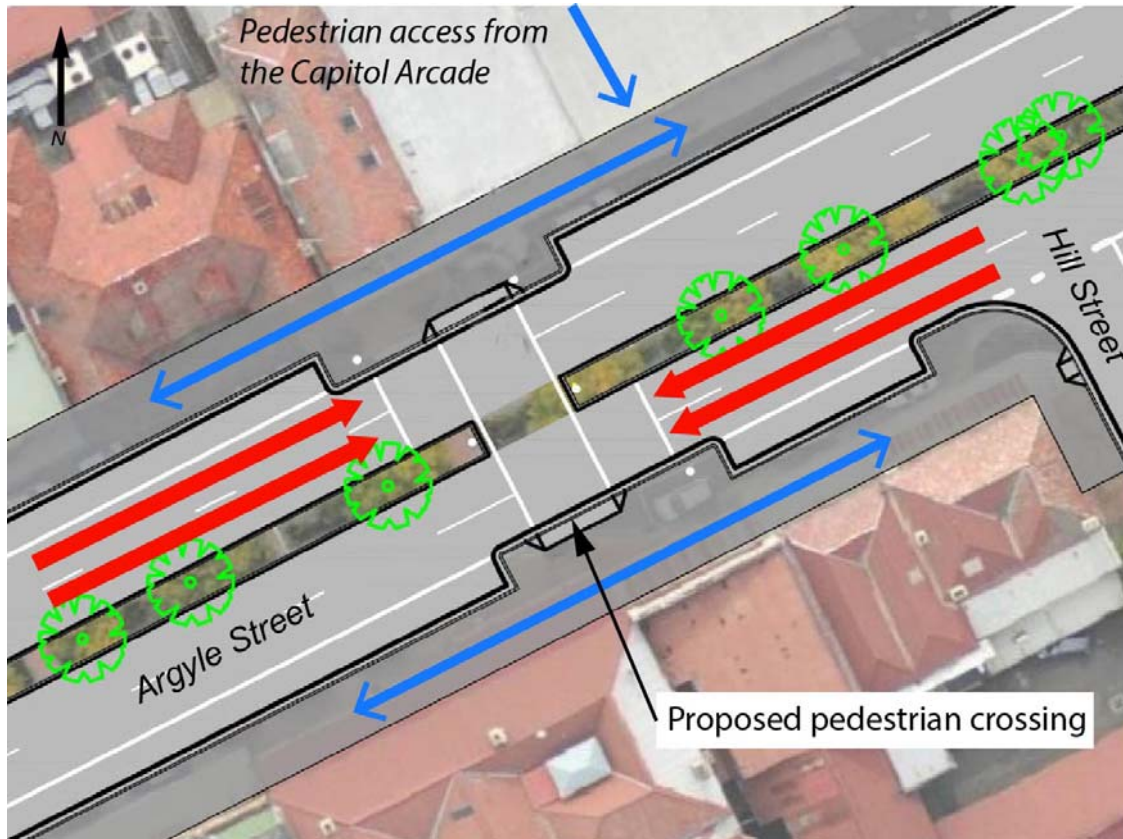


Figure 2 - Mid Block pedestrian crossing between John Street and Hill Street

2.

### Decked Car Park in the Camden CBD

Following a Councillor Workshop in November 2013, Council engaged a consultant to undertake an assessment of potential decked car park locations within Camden. The sites reviewed (Figure 3) were:

- 1 - John Street / Murray Street
- 2a - Oxley Street
- 2b - Oxley Street / Mitchell Street
- 3 - Larkin Place
- 4 - Hill Street / John Street



*Figure 3 - Five potential car park sites*

Four of the sites identified are in the current ownership of Council and one (Larkin Place), is a dedicated road reserve. A detailed comparative assessment of each site was undertaken to determine the most appropriate location (**Attachment 2**).

Based on the assessment undertaken, Site 2a Oxley Street Car Park and Site 3 Larkin Place Car Park are the most cost effective options with the highest overall scores respectively. However, it should be noted that there are additional constraints on the Larkin Place site, such as:

- conflict with pick up/drop off facilities associated with the adjacent school;
- may require new associated pedestrian facilities;
- restrict access to the rear of the existing shops; and
- that the road reserve would reduce the available car park footprint.

Taking these constraints into account the cost per additional space would increase.

The Oxley Street Site 2a is not affected by the same constraints associated with Larkin Place. Further, as Council reassesses its service provision within Camden, the potential creation of a civic precinct on John Street, as well as further utilisation of Council's assets in and around Oxley Street, the option recommended to be the most effective is Location 2a on Oxley Street. The reasoning is summarised below.

#### a. Site 2a – Oxley Street Car Park

- i. The site is very close to Argyle Street (45 metres from the nearest point of the car park) and would link directly to the proposed crossing of Argyle Street at Oxley Street.
- ii. All pedestrian links associated with this location are owned and maintained by Council, providing good public access to Argyle Street.
- iii. The car park is clearly visible from Oxley Street and will therefore require minimal sign posting to advertise motorists of its location.
- iv. It will rarely be underutilised due to its location adjacent to Argyle Street and the Civic Centre.
- v. Council own the entire block of land on which the car park would be located, as well as some surrounding and adjacent properties.
- vi. There are no heritage properties that would be immediately impacted by the location of this car park.

Stage 1 of the decked car park is intended to be a single deck car park **with no roof**. It is proposed to design the car park to allow for an additional deck in the future should the need arise. The design will also ensure a façade treatment that is **sympathetic to the nature and character of Oxley Street and Camden**.

### 3. Reduce Vehicular Travel and Parking Lane Widths and Increase The Footpath Widths

As a way to calm traffic throughout the Town Centre, the Camden Town Centre Traffic and Transport Study 2013 suggested that it would be possible to narrow the existing traffic and parking lanes on Argyle Street. The existing traffic lane widths are well above the minimum national standards.

The effect of this road narrowing would be to increase the width of the footpaths by one metre, greatly improving the slope, while at the same time slowing and calming traffic.

Council have since tested this recommendation and have determined that it is possible to extend the footpath from the existing 3.66m to approximately 4.66m and greatly improve the footpath slope. This recommendation is illustrated in the following Figures 4 and 5.

This would not only provide a more pedestrian friendly environment, but also has the potential to encourage the greater utilisation of the footpath, creating an active street environment.

**Typical section – Argyle Street existing**

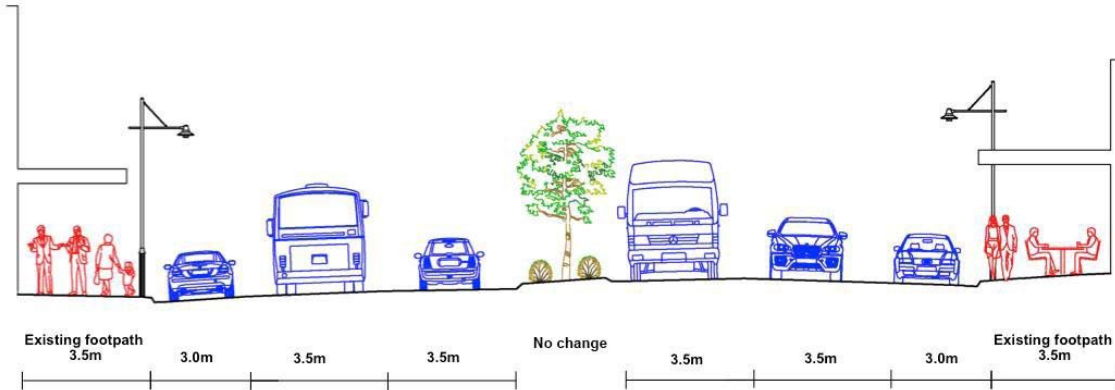


Figure 4

**Typical section – Argyle Street proposed**

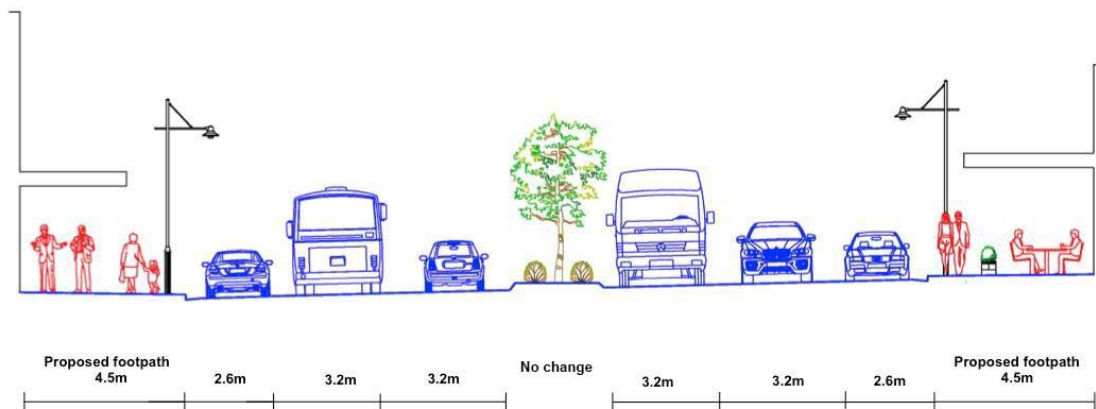


Figure 5

**4. Footpath Paving Material**

As part of Council’s review it is proposed to upgrade the pavement material on Argyle Street. The proposed widening of the footpath provides Council with an opportunity to upgrade the paving material to achieve a consistent finish.

This will include upgrading of footpath subsurface materials as well as drainage and service relocations.

Council considered the following paving materials:

- Grey granite pavers
- Grey concrete composite pavers
- Clay brick pavers
- Concrete

Council undertook an assessment of each material to determine the most appropriate paving material selection for Argyle Street (**Attachment 3**). From the assessment, the option of **grey granite pavers** as the primary paving material for Argyle Street, is recommended to Council for their consideration. A dark grey paver is also supported as an appropriate heritage response.

Grey granite provides a paving surface that does not make a feature of itself. It will provide the base for the architecturally and historically important elements of the town to come to the fore, and be a recessive element of the street. When materials become old and worn, they tend to be noticed more often. The durability of granite affords the best opportunity to get the most effective long term solution.

Suppliers of the granite have advised Council that due to the durability of the product, the maintenance of the finished surface will be reduced over the life of the product. Whereas, other pavement selections will require a greater intensity of maintenance, for example, resealing at approximately 5 year intervals.

Though there is a greater initial capital investment required to procure the granite, as there is a higher base rate cost per m<sup>2</sup>, it is anticipated that the longevity and durability of the product, as well as the ease with which the product can be maintained, justifies the selection over the long term. This product has also been used in most major city centres, such as City of Sydney, further proving its long term durability.

## 5. Street Furniture

Camden's existing street furniture is characterised by inconsistent furnishings and finishes. In addition, many of the existing pieces of furniture are nearing the end of their life and need replacing.

In order for streets to remain uncluttered and usable, furniture selections need to be simplistically styled in a basic and consistent colour scheme. Different materials can be introduced as necessary for comfort and durability. However, by deliberately limiting the range of elements, uniformity in street character and maintenance practices is achieved.

Council reviewed a number of furniture styles. They are:

- Existing – Maintain existing furniture style and selection
- Customised – Design furniture which references specific features of Camden
- Historically Sensitive – Simplistically styled – neutral selection which recedes into the backdrop of the town
- Modern – Modern materials and design adding an additional layer of history to the town

Council undertook an assessment of each style to determine the most appropriate furniture selection for Argyle Street (**Attachment 4**). From the assessment, the *Historically Sensitive* option is recommended as the primary furniture selection for Argyle Street.

Heritage policies developed in Australia do not specifically refer to street or park furniture. However, the common urban design and heritage planning response for places of historical significance is to follow the Guidelines of the Australian International Council on Monuments and Sites (ICOMOS) Charter for the Conservation of Places of Cultural Significance (known as The Burra Charter).

The most relevant sections of the Burra Charter in relation to street furniture:

*“22.1 New work such as additions to the place may be acceptable where it does not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation”.*

*“22.2 New Work should be readily identifiable as such”.*

Alongside Article 22 the Explanatory Note offers further clarification of this article. This Explanatory Note states that:

*“New work may be sympathetic if its siting, bulk, form, scale, character, colour, texture and material are similar to the existing fabric, but imitation should be avoided”.*

As an attempt to draw on the characteristic of the township, some of the existing furniture elements are themselves features rather than acting as part of a simple palette of public domain elements. This detracts from the items of real historical value in the township.

Camden’s value and historical importance comes from its strong street grid and its diversity of architectural styles. The street furniture should not compete with this, and as such it is recommended that it needs to be simplistically styled in order to allow the items of true heritage importance be presented in the most appropriate way. The *Historically Sensitive* option is recommended as the primary furniture selection for Argyle Street, as approved by Council’s Heritage Consultant.

## **SUMMARY OF RECOMMENDED WORKS**

### **Traffic Signals**

Council has undertaken an assessment to determine the most appropriate location for the introduction of traffic signals on Argyle Street.

The assessment of the street indicates that traffic signals on Argyle Street at the intersection of Oxley Street, as well as the introduction of pedestrian signals at the existing pedestrian crossing between John Street and Hill Street, are the most appropriate locations, providing improved pedestrian safety and traffic flow within Camden. It is recommended that Council endorse the progression of the traffic light locations to community consultation, based on:

- the Camden Town Centre Traffic and Transport Study 2013 and pedestrian connectivity.

The signalisation of both the pedestrian crossing and intersection facilities are subject to final RMS approval.



### **Decked Car Park**

Council has undertaken an assessment to determine the appropriate location for the development of a decked car park as an extension of the Camden Town Centre Traffic and Transport Study.

Of the five potential sites, Site 2a Oxley Street is the most functional and cost effective for the development of a decked car park. Accordingly, it is recommended that Council adopt Site 2a Oxley Street as the preferred site to community consultation, based on:

- the Decked Car Park Assessment matrix (scoring the highest);
- increased car park capacity in close proximity to Argyle Street; and
- minimal impact on adjoining sites.

### **Footpath Width**

Council has undertaken an assessment to determine the feasibility of increasing the width of the footpath from 3.66m to 4.66m. This has shown that it is possible to extend the footpath width and greatly improve the footpath slope. Accordingly, it is recommended that Council endorse the progression of a wider footpath for Argyle Street, to community consultation, based on:

- improving footpath slopes;
- the opportunity for greater Town Centre activity; and
- providing additional space for pedestrians.

### **Paving Material**

Council has undertaken an assessment to determine the most appropriate paving material for Argyle Street, Camden.

The assessment of the material choices indicates that grey granite is the most appropriate long term paving choice for Argyle Street. Accordingly, it is recommended that Council endorse the progression of the material selection to community consultation, suggesting grey granite as the primary paving material for Argyle Street, based on:

- the durability of granite affords the best opportunity to get the most effective long term solution; and
- based on Heritage advice, granite is an acceptable option.

### **Furniture**

Council has undertaken an assessment to determine the most appropriate furniture style for Argyle Street, Camden.

The assessment of the furniture choices indicates that a selection that is simple and historically sensitive is the most appropriate long term furniture choice for Argyle Street. Accordingly, it is recommended that Council endorse the progression of the furniture selection (Historically Sensitive) to community consultation, based on the most historically appropriate response to the town, based on:

- the street furniture nominated does not compete with Camden's current historical and architectural elements as confirmed by Council's Heritage Consultant.

**Proposed Staging and Timing**

The upgrade of Argyle Street is a long term project for Council, with staff currently detailing plans for the implementation over a number of years.

At Council’s Ordinary Meeting of 24 June 2014, Council approved a budget allocation of \$1.754M for the implementation of **Stage 1** Camden Town Centre upgrade. The focus of this work will be between John Street and Oxley Street, with the final extent of Stage 1 works being subject to detailed design investigation. This location has been selected due to recommendations by Council Officers, based on the steeper footpath slopes, high pedestrian volume and proximity to the proposed decked car park. Further, it is envisaged that Stage 1 works will be undertaken between the months of May and November 2015. This construction period is scheduled to fall outside of major events planned in Argyle St (e.g. Camden Show, Anzac Day & Light Up Camden).

The proposed decked car park is planned for construction in 2016/17. Detailed designs will commence following public exhibition.



Figure 6 - Works Summary

**COMMUNITY AND STAKEHOLDER ENGAGEMENT**

It is proposed to undertake extensive public exhibition, inviting feedback from the community over an eight (8) week period, commencing second half of July.

It is recommended that the exhibition occur in conjunction with the community engagement phase of the Retail and Commercial Study for the Camden Town Centre. The goals of this package of works and the Retail and Commercial Study are closely linked.

During the exhibition phase, the views of stakeholders, including business and community stakeholders, will be sought. The exhibition will include:

- advertisements in local papers, road side banners;
- stakeholder engagement events;
- surveys with business and community representatives;
- information and regular updates on Council's website, Facebook, media releases; and
- information displays at various locations including Council Offices and Libraries.

On completion of the public exhibition, a further report will be submitted to Council to consider feedback and submissions received.

### **FINANCIAL IMPLICATIONS**

At the Ordinary Council Meeting of 24 June 2014, Council adopted its revised Delivery Program 2014/15 Operational Plan (including budget).

In the budget, Council has allowed \$1.754M towards Stage 1 Camden Town Centre Upgrade. The extent of Stage 1 works will be determined through the detailed design process.

In addition, Council has adopted a \$3.6M allocation to be funded from Section 94 and Reserve Parking funds, for the construction of a decked car park in Camden (Construction 2016/17).

Officers will continue to explore other funding opportunities to progress future stages of the Camden Town Centre Improvement project.

### **CONCLUSION**

In 2012, Council made a decision to relocate its administration offices to Oran Park in 2016.

In making that decision Council has always been committed to ensuring that it leaves Camden as a viable Town Centre with a strong and sustainable future. To support this, an internal committee has been working to develop a range of strategies and options to enhance the Camden and Narellan commercial precincts.

As part of this work, a Retail and Commercial Study of the Camden Town Centre is being prepared. This Study will deliver a sustainable vision for the Camden Town Centre which clearly defines its form, focus and function.

Supplementing this, for more than twelve months, Council has been undertaking detailed reviews of the important infrastructure elements of the Town Centre, including traffic movements, car parking, drainage, street lighting, paving and furniture. These reviews update the findings of the Camden Town Centre Strategy (2008).

Whilst this work is ongoing, we are at an important stage of these projects. This report presents the findings of a number of these reviews and seeks Council's support for a range of works and projects. Subject to Council's endorsement of these works and projects, an extensive public exhibition phase is proposed to be held in conjunction with the stakeholder engagement phase of the Retail and Commercial Study.

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**RECOMMENDED**

**That Council:**

- i. endorse the key initiatives as recommended (Items 1 – 5 of this report) for public exhibition, including:**
  - **traffic lights and pedestrian lights on Argyle Street;**
  - **a decked car park located in Oxley Street (Site 2a);**
  - **reduced traffic lanes and increased footpath width;**
  - **footpath paving material; and**
  - **street furniture.**
- ii. undertake an eight (8) week public exhibition as outlined in this report; and**
- iii. be provided with a further report detailing the results of the public exhibition.**

**ATTACHMENTS**

1. Camden Town Centre - Traffic and Transport Study 2013
2. Camden Town Centre Decked Car Park Study
3. Argyle Street - Paving Material Selection Assessment
4. Argyle Street - Street Furniture Selection Assessment
5. Argyle Street Plan