



Camden Council

Business Paper

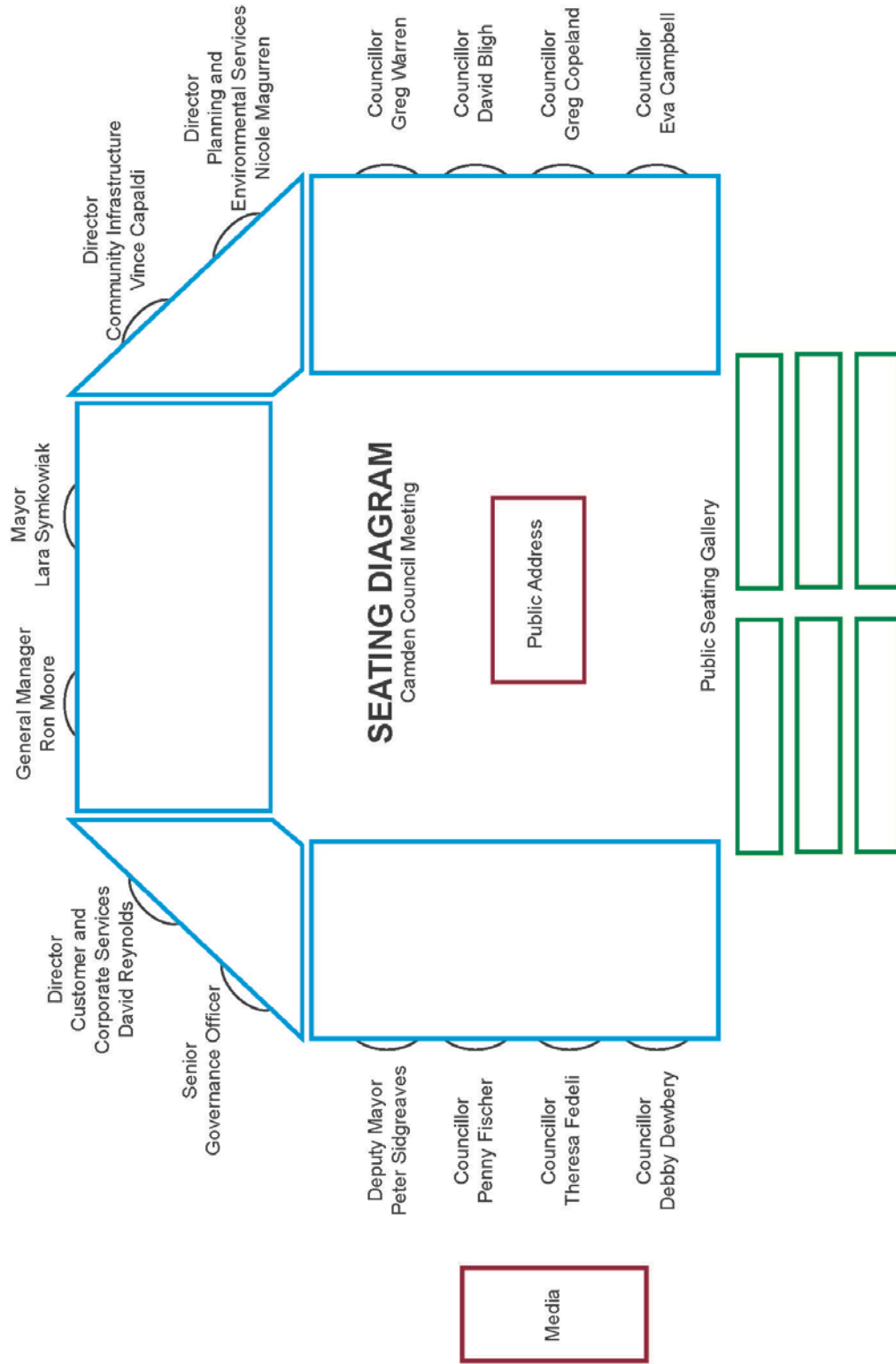
Ordinary Council Meeting
22 September 2015

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.*

ORDINARY COUNCIL

ORDER OF BUSINESS - ORDINARY COUNCIL

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ORDINARY COUNCIL

SUBJECT: PRAYER

PRAYER

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

Amen

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

Amen

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

Amen

AFFIRMATION

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

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

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

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

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

ORDINARY COUNCIL

SUBJECT: ACKNOWLEDGEMENT OF COUNTRY

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

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.

No other recording by a video camera, or any other electronic device capable of recording speech, is permitted without the prior approval of the Council. The Council has not authorised any other recording of this meeting. A person may, as provided by section 10(2)(a) or (b) of the Local Government Act be expelled from a meeting of a Council for using or having used a recorder in contravention of this clause.

ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.

ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

NSW legislation provides strict guidelines for the disclosure of pecuniary and non-pecuniary Conflicts of Interest and Political Donations.

Council's Code of Conduct also deals with pecuniary and non-pecuniary conflict of interest and Political Donations and how to manage these issues (Clauses 7.5 -7.27).

Councillors should be familiar with the disclosure provisions contained in the Local Government Act 1993, Environmental Planning and Assessment Act, 1979 and the Council's Code of Conduct.

This report provides an opportunity for Councillors to disclose any interest that they may have or Political Donation they may have received relating to a Report contained in the Council Business Paper and to declare the nature of that interest.

RECOMMENDED

That the declarations be noted.

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

The Public Address segment (incorporating Public Question Time) in the Council Meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper agenda or on any matter within the Local Government area which falls within Council jurisdiction.

Speakers must book in with the Council office via telephone to Council's Governance Team 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. The commencement and conclusion of time shall be advised by the Mayor/Chairperson.

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.

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 8 September 2015

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 8 September 2015, copies of which have been circulated, be confirmed and adopted.

ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE

Consideration of Mayoral Minute (if any).

ORDINARY COUNCIL

ORD01

SUBJECT: STAGED SUBDIVISION OF LAND TO CREATE 123 RESIDENTIAL LOTS, REMEDIATION OF LAND, CONSTRUCTION OF ROADS, DRAINAGE, LANDSCAPING AND ASSOCIATED SITE WORKS AT 235, 237 AND 240 MACARTHUR ROAD AND 12 ATTWOOD ROAD, SPRING FARM

FROM: Director Planning & Environmental Services

TRIM #: 15/236956

APPLICATION NO: 147/2015

PROPOSAL: Staged subdivision of land to create 123 residential lots, remediation of land, construction of roads, drainage, landscaping and associated site works

PROPERTY ADDRESS: 235, 237 and 240 Macarthur Road and 12 Attwood Road, Spring Farm

PROPERTY DESCRIPTION: Lot 12, DP 534539, Lot 4135, DP 1195599, Lot 4353, DP 1195601 and Lot 4426, DP 1195602

ZONING: R1 General Residential

OWNER: Cornish Group Spring Farm Pty Ltd
Mr N J Clinton

APPLICANT: Minotaur Project Management Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the staged subdivision of land to create 123 residential lots, remediation of land, construction of roads, drainage, landscaping and associated site works at 235, 237 and 240 Macarthur Road and 12 Attwood Road, Spring Farm.

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

SUMMARY OF RECOMMENDATION

That Council determine DA 147/2015 for the staged subdivision of land to create 123 residential lots, remediation of land, construction of roads, drainage, landscaping 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 the staged subdivision of land to create 123 residential lots, remediation of land, construction of roads, drainage, landscaping and associated site works at 235, 237 and 240 Macarthur Road and 12 Attwood Road, Spring Farm.

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

The DA was publicly exhibited for a period of 30 days in accordance with the DCP. Three submissions (from one submitter) have been received, objecting to the proposal. **A copy of the submissions are provided with the Business Paper supporting documents.**

Council staff contacted the submission writer to discuss their concerns and provided copies of revised plans and documentation for further consideration. The final submission received reiterated the submitter's overarching concern in relation to the compatibility of the existing quarry operation and the future residential development. The correspondence however notes that a number of the issues raised could be addressed through the inclusion of a number of conditions.

The key issues raised in the submissions relate to the compatibility of the existing quarry related activities and the future residential development in terms of air quality, acoustics and potential vehicle conflicts and traffic safety.

To address the compatibility of the quarry related activities at M. Collins & Sons and the future residential development, the applicant has submitted an air quality assessment in support of the application. Council staff requested a number of changes to the report to include the findings of dispersion modelling and further assessment of particulate matter impacts. The revised air quality assessment dated 1 July 2015 demonstrates that there is sufficient distance between the existing quarry operations at M. Collins & Sons and the future residential development to ensure that there is minimal particulate emission to the future occupiers of the site. A condition is recommended requiring a notation to be included on the Section 149 (5) Certificate advising the proximity of the site to M. Collins & Sons extraction operation.

Council staff raised a number of concerns in relation to the findings of the initial acoustic report submitted with the application, specifically in relation the requirement to provide an assessment of future residential lots within 20m of the quarry operations, an assessment of noise sources, and recommended attenuation measures. The findings of the revised acoustic assessment show that noise from the quarry operations can be satisfactorily mitigated through the provision of fencing along the rear boundary of the future lots within stage 46 of the development. A condition is recommended requiring a 2.1m high masonry, acoustic wall along the north western boundary of the site. In addition, an 88B restriction is recommended requiring lots 4601 to 4615 of stage 46 and lot 6142 of stage 61 to be of a single storey construction or a further acoustic assessment be provided as part of a future DA if a two storey dwelling is proposed to determine the necessary acoustic treatment.

A traffic assessment was submitted as part of the application to address the potential traffic implications on the surrounding area as a result of the proposed development. The report concludes that there will be no significant impact on the Spring Farm road network. Council staff have reviewed the report and are satisfied that there will be no significant conflict between traffic/pedestrians associated with the development and heavy vehicles using Macarthur Road. In addition, alternative connections are available to significant roads such as Springs Road and Richardson Road for all existing and future users, including vehicles, cyclists and pedestrians.

Council staff have worked with the applicant to address a number of additional issues in relation to engineering design, contamination, Aboriginal heritage, air quality and acoustic attenuation. All issues have now been resolved subject to the conditions contained within the report.

The applicant has lodged a Class 1 Appeal to the Land and Environment Court against the deemed refusal of the application on 21 August 2015.

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

AERIAL PHOTO



THE SITE

The site is commonly known as 235, 237 and 240 Macarthur Road and 12 Attwood Road, Spring Farm and is legally described as Lot 12 DP 534539, Lot 4135 DP 1195599, Lot 4353 DP 1195601 and Lot 4426 DP 1195602.

The site is irregular in shape and has a frontage of approximately 145m to Macarthur Road, a depth of approximately 520m and an overall site area of 7.71ha.

A number of dwellings and associated outbuildings exist across the site. There is also a number of scattered trees and vegetation present on the site.

The surrounding area is characterised by a mix of residential land uses, rural-residential occupation, non-intensive agriculture and extractive industry. Directly to the north and east of the site lies the approved residential subdivision as part of Cornish Group development stages 40 – 44. Further to the north, on the opposite side of Springs Road, lies vacant land which is bound by the Camden Bypass and awaiting commencement of further subdivision works. Further to the east lies riparian/bush corridor and Spring Farm developing south and east villages. To the south of site lies undeveloped rural land, which is bound by the Nepean River. To the west of the site lies further undeveloped rural land and M. Collins & Sons Soil and Sand Extraction operation.

HISTORY

There is no relevant development history in relation to the application site.

THE PROPOSAL

DA 147/2015 seeks approval for a staged subdivision of land to create 123 residential lots, remediation of land, construction of roads, drainage, landscaping and associated site works.

Specifically the proposed development involves:

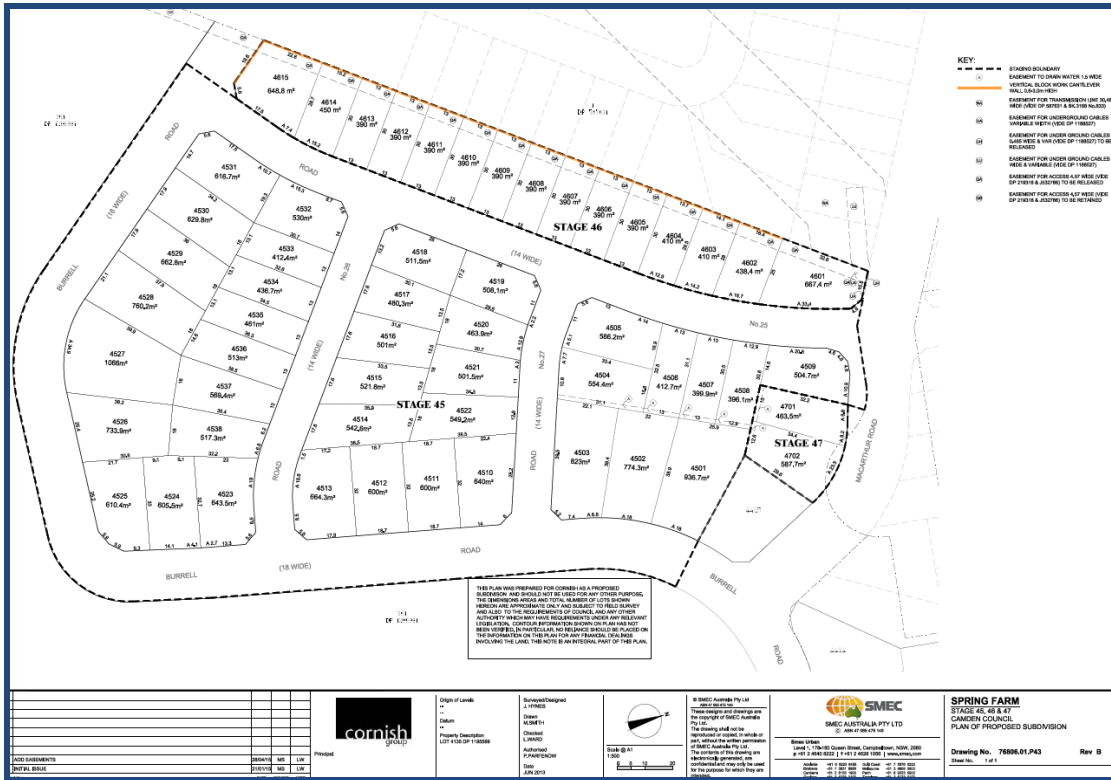
- staged subdivision of land to create 123 residential lots ranging in size from 361m² to 1066m²;
- partial construction of a Collector Road - Bush Corridor Edge (Burrell Road) with a road reserve of 18m in width;
- partial construction of a Local Access Road (Road no. 12) with a road reserve of 17m in width;
- construction of 6 local roads (Road no's 13, 17, 25, 26 27 and 61) with road reserves of 14m in width;
- tree and vegetation removal throughout the site; and
- drainage and associated site works.

The capital investment value of the works is \$16.4 million

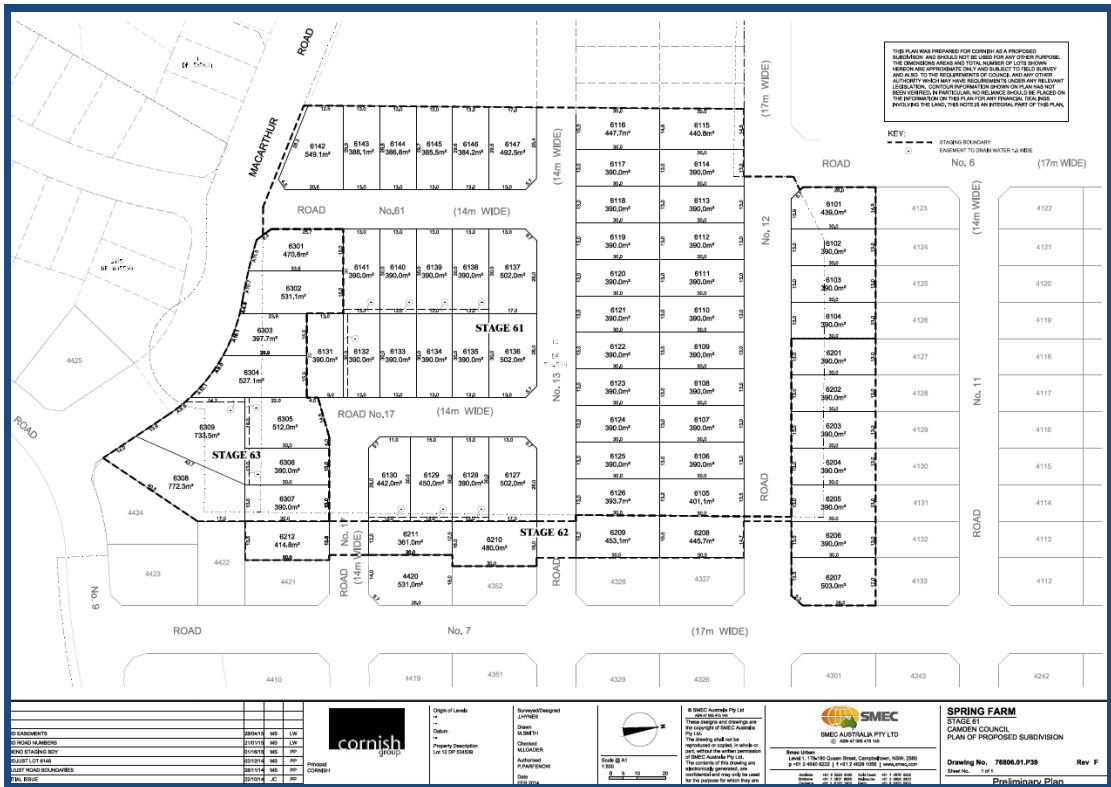
A copy of the proposed plans are provided as attachment 1 to this report.

PROPOSED PLANS

STAGES 45 – 47



STAGES 61 – 63



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 (Mining, Petroleum Production and Extractive Industries) 2007
- State Environmental Planning Policy No 55 – Remediation of Land
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Deemed State Environmental Planning Policy No 9 – Extractive Industry
- Camden Local Environmental Plan 2010

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

State Environmental Planning Policy Mining, Petroleum Production and Extractive Industries) 2007 (SEPP)

The aim of this policy is to provide for the proper management and development of mineral, petroleum and extractive material sources for the purpose of promoting the social and economic welfare of the State.

Clause 13 of the SEPP requires the proposed development to be assessed in terms of its compatibility with current and future mining, petroleum production and extractive industries.

Sand and soil extraction is currently taking place immediately to the north west of the proposed site (the M. Collins & Sons site on Macarthur Road).

The revised air quality assessment dated 1 July 2015 demonstrates that there is sufficient distance between the existing quarry operations at M. Collins & Sons and the future residential development to ensure that there is minimal particulate emission to the future occupiers of the site. In addition, the findings of the acoustic assessment show that noise from the quarry operations can be satisfactorily mitigated through the provision of fencing along the rear boundary of the future lots within stage 46 of the development. Council staff have reviewed both reports and are satisfied that the findings demonstrate a satisfactory relationship between the quarry related activities at M. Collins & Sons and the future residential development.

Furthermore, the existing conditions of consent for the operations at M. Collins & Sons will further ensure that the development will not be significantly adversely affected by noise, dust or reduced visual amenity from the quarry operations, thereby satisfying the requirements of SEPP.

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 phase 2 contamination assessment was submitted as part of the application, which identified contaminants within the site such as TRH, PAH, copper, zinc, lead and asbestos. The report concludes that the site would be suitable for its intended residential use, subject to the implementation of the Remediation Action Plan (RAP). Council staff have

reviewed the RAP and are satisfied that the report addresses the remediation works, with adopted remediation strategies and validation procedures.

A condition is recommended to ensure that any unexpected finds are dealt with in an appropriate manner.

Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (No 2 - 1997) (Deemed SEPP)

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. Appropriate erosion and sediment control measures have been proposed and a condition is recommended to ensure compliance.

Deemed State Environmental Planning Policy No 9 – Extractive Industry (SEPP)

Pursuant to Clause 8 of the SEPP, the application was referred to the Department of Trade & Investment - Resources and Energy for their comment, in that the subject site is located within an area identified as having extractive material of regional significance. The Department of Trade & Investment - Resources and Energy have raised no issue with the proposed development and recommend that the development be staged in such a way that the resources associated with the Elderslie Operation are not sterilised due to encroaching development or measures are put in place to mitigate potential impacts. Council is satisfied that there will be no future land conflict as a result of the proposed development.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned R1 General Residential under the provisions of the LEP. The proposed development is defined as 'subdivision', 'drainage' and 'roads' by the LEP. The works proposed are all permissible land uses in this zone.

Zone Objectives

In terms of the proposed development's consistency with the zone objectives, the relevant objectives of the zone seek "to provide for the housing needs of the community", "to provide for 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", "to allow for educational, recreational, community and religious activities that support the wellbeing of the community" and "to minimise conflict between land uses within the zone and land uses within adjoining zones".

It is considered that the proposed development is generally consistent with these objectives. The development provides residential development land which will service the needs of people who live and work in the area. The provision of additional roads and drainage infrastructure will also help minimise conflict between land uses within the area.

Relevant Clauses

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

| Clause | Requirement | Provided | Compliance |
|---|---|---|------------|
| 2.6 Subdivision - consent requirements | Subdivision requires development consent | Consent has been sought for the proposed subdivision as part of this DA | Yes |
| 4.1 Minimum Lot Size | Minimum 300m ² lot size | <p>The DA proposes the subdivision of land to create 123 residential lots, ranging in size from 361m² to 1066m²</p> <p>It is considered that the proposed areas of subdivision are sufficient to ensure dwellings can be constructed and active private open space areas can be provided</p> | Yes |
| 5.9 Trees or Vegetation | Preserve the amenity of the area though the preservation of trees and other vegetation | The DA proposes the removal of trees within the site. The trees are scattered and are not considered to represent a significant vegetation community. | Yes |
| 6.1 Arrangement for Designated State Public Infrastructure (SIC) | Satisfactory arrangements must be made before the subdivision of land in an urban release area to satisfy the needs that arise from the development on the land | <p>Lot 4135, DP 1195599, Lot 4353, DP 1195601 and Lot 4426, DP 1195602 are subject to a Voluntary Planning Agreement (VPA) with the Minister for Planning, which was executed on 5 March 2014. The Department of Planning and Environment have issued a satisfactory arrangements certificate.</p> <p>Lot 12, DP 534539 does not form part of the above VPA with the Minister for Planning. As such, a SIC condition is applied to this land in accordance with the SIC Practice Note</p> | Yes |
| 6.2 Public Utility Infrastructure | Appropriate public utility infrastructure to service the development | A condition is recommended which requires the installation of all necessary services prior to the issue of a Subdivision Certificate | Yes |
| 6.5 Matters to be | Before granting consent for the | | |

ORD01

| Clause | Requirement | Provided | Compliance |
|---|---|--|----------------------------------|
| <p>specifically considered for residential development at Spring Farm</p> | <p>subdivision of the urban release area known as 'Spring Farm', Council to consider whether:</p> <p>(a) remnant vegetation and bush corridors will be protected, enhanced and managed;</p> <p>(b) adverse odour impacts from the Macarthur Resource Recovery Park will be mitigated; and</p> <p>(c) adverse noise and dust impacts from the sand mining operations will be mitigated</p> | <p>The proposed subdivision will not impact any remnant vegetation or bush corridors</p> <p>The proposed subdivision will not be impacted by the Macarthur Resource Recovery Park, due to its location being more than 2km to the east of the subject site</p> <p>Stage 46 of the proposed development is located adjacent to M. Collins & Sons Sand and Soil Extraction operations.</p> <p>The applicant has undertaken air quality and acoustic assessments to evaluate the impact of the extractive industry on the future residential development. Based on the findings of these assessments, Council staff are satisfied that potential impact from noise, dust and other particulate matter will be within acceptable limits having regard to the relevant NSW EPA Criteria to ensure a suitable environment for future residential occupiers.</p> <p>It should also be noted that the NSW Department of Planning and Environment has issued an approval for the M. Collins & Sons operations and the consent contains conditions relating to the management of the</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> |

| Clause | Requirement | Provided | Compliance |
|-------------------|--|--|------------|
| | | dust and noise operations. As such, it is not considered that there will be any significant adverse impacts on the proposed development as a result of these operations. | |
| 7.1 Flooding | Minimise flood risk to life and property associated with the use of land | The subject site is flood affected. A condition is recommended requiring the preparation of a flood management plan in accordance with Council's Flood Risk Management Policy prior to the issue of a Construction Certificate. In addition, a section 88B restriction is recommended requiring the definition of minimum floor levels for any lots where any part of the lot is below the flood planning level | Yes |
| 7.4 Earthworks | Ensure that earthworks will not have a detrimental impacts | The proposed earthworks are minor in nature. It is not considered that there will be any adverse impacts as a result of these works | Yes |

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

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

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

Camden Development Control Plan 2011 (DCP)

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

| Control | Requirement | Provided | Compliance |
|-----------------------------------|---------------------------------------|---|------------|
| B1.1 Erosion and Sedimentation | Erosion and sediment control measures | Appropriate erosion and sedimentation controls have been proposed and are deemed to be acceptable | Yes |
| B1.2 | Building work | The DA proposes cut and fill | Yes |

| Control | Requirement | Provided | Compliance |
|---|--|---|------------|
| Earthworks | <p>must be designed to ensure minimal cut and fill is required</p> <p>Use of clean fill</p> | <p>as part of the development and this is deemed to be acceptable</p> <p>Any importation of fill on site will be required to comply with the standard Council requirements for clean fill material and this requirement is a recommended condition</p> | Yes |
| B1.3 Salinity Management | Salinity resistant construction | The development will be constructed to be salinity resistant. A condition is recommended to ensure compliance with the supporting Salinity Management Plan | Yes |
| B1.4 Water Management | Stormwater management and drainage to comply with Council's Engineering Specifications | Plans detailing concept on-site stormwater detention and disposal have been lodged in support of the DA. These plans are considered to be acceptable and it is a recommended condition that further details on the design be provided prior to the issue of a Construction Certificate. It is also a recommended condition that the proposed development comply with Council's engineering specifications | Yes |
| B1.5 Trees and Vegetation | Preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation | The DA proposes the removal of a number of trees within the site. The trees are scattered and are not considered to represent a significant vegetation community | Yes |
| B1.8 Environmental and Declared Noxious Weeds | All applications for development are to consider the need to minimise weed dispersion and to ensure weed infestations are managed during the stages of development | It is a recommended condition that the applicant must fully and continuously suppress and destroy, by appropriate means, any noxious or environmentally invasive weed infestations that occur during and after construction works | Yes |

| Control | Requirement | Provided | Compliance |
|--|---|---|------------|
| B1.9.1 Waste Management Plan | A waste management plan is required | A waste management plan has been provided and is deemed to be satisfactory. It is a recommended condition that all waste complies with Part B1.1.9 of the DCP. This will ensure the requirements of this control are met | Yes |
| B1.10 Bushfire Risk Management | Development must comply with Planning for Bush Fire Protection 2006 | Pursuant to Section 79BA of the <i>Environmental Planning and Assessment Act 1979</i> , the DA was referred to the NSW Rural Fire Service (RFS) for comment. The RFS have issued General Terms of Approval which recommend that the proposed development comply with a number of conditions relating to asset protection zones, the provision of adequate water and utilities and suitable access arrangements. Compliance with these requirements is a recommended condition | Yes |
| B1.12 Contaminated and Potentially Contaminated Land Management | A contamination assessment and remediation (if required) | A phase 2 contamination assessment and remediation action plan (RAP) have been submitted as part of the application. The report and RAP conclude that subject to the remediation of land, the land would be suitable for the future residential use. A condition is also recommended that provides instruction in the instance any unexpected contamination finds are encountered | Yes |
| B1.13 Mine Subsidence | Applications for development within the area shown on Figure B2 requires the approval of the Mine Subsidence Board (MSB) prior to the submission of a | Approval from the MSB has been sought and stamped plans have been lodged as part of the application | Yes |

| Control | Requirement | Provided | Compliance |
|------------------------------|--|--|------------|
| | DA to Council | | |
| B1.16 Acoustic Amenity | Compliance with Council's Environmental Noise Policy (ENP) | <p>The applicant has submitted an acoustic report, which outlines the requirement for acoustic attenuation measures including the provision of boundary treatment between the residential properties within proposed stage 46 of the development and M. Collins & Sons Soil and Sand Extraction site. A condition is recommended requiring a 2.1m high masonry, acoustic wall along the north western boundary of the site. It should be noted that the provision of a fence at the above height will only protect ground floor rooms. As such an 88B restriction is recommended requiring that any future dwellings within lots 4601 to 4615 of stage 46 and lot 6142 of stage 61 should be of a single storey construction. The restriction also notes that a further acoustic assessment can be undertaken if two storey dwellings are proposed to determine façade treatments suitable</p> <p>The above is consistent with Council's ENP</p> | Yes |
| B1.17 Air Quality | Development that is likely to be impacted upon by air quality from existing land uses may require the undertaking of an air quality assessment | <p>The revised air quality assessment dated 1 July 2015 demonstrates that there is sufficient distance between the existing quarry operations at M. Collins & Sons and the future residential development to ensure that there is minimal particulate emission to the future occupiers of the site</p> <p>It should also be noted that the NSW Department of Planning and Environment has issued an approval for</p> | Yes |

| Control | Requirement | Provided | Compliance |
|--|---|--|------------|
| | | <p>the M. Collins & Sons operations and the consent contains conditions relating to the management of the dust and noise operations</p> <p>As such, it is not considered that there will be any adverse impacts on the proposed development as a result of these operations</p> | |
| B2 Landscape Design | A landscape plan must be provided | A landscape plan was lodged with the DA which provides for a high quality landscaping design to screen and soften the proposed development. However, the species of tree shown in stage 46 is not suitable for the development. As such, a condition is recommended requiring the submission of a revised landscaping plan prior to the submission of a Construction Certificate | Yes |
| B3.2 Aboriginal Cultural Heritage | An Aboriginal Heritage Impact Permit is required from the Office of Environment and Heritage (OEH) for any activity likely to have an impact on aboriginal objects and other heritage matters | The applicant has undertaken a heritage assessment in support of the application which demonstrates that no Aboriginal heritage exists on or within the vicinity of the application site. Council staff have reviewed this documentation and are satisfied that the requirements of the DCP have been suitably addressed | Yes |
| C5.1 Neighbourhood Amenity & Subdivision Design | High level of pedestrian connectivity must be provided | The proposed development provides roads and footpaths which will link future residential subdivisions approved to the north and east of the site | Yes |
| | Subdivision layout must provide a legible and permeable street hierarchy | The proposed streets are legible, permeable and will encourage pedestrian and vehicular movement within the subdivision | Yes |
| | Street blocks are to be a maximum 250m | The proposed street blocks have a maximum dimension of 160m x 60m | Yes |

| Control | Requirement | Provided | Compliance |
|---------------------------------|--|--|------------|
| | x 70m | | |
| | The preferred lot orientation is north-south, east-west | All of the residential lots proposed have a north-south, east-west orientation | Yes |
| | Residential lots must generally be rectangular and battle-axe lots are to be limited | All proposed residential lots are generally rectangular and no battle-axe lots are proposed | Yes |
| | Lots smaller than 300m ² require dwelling plans to be submitted upon lodgement | All proposed residential lots are in excess of 300m ² | Yes |
| | Easements for services to be incorporated into road reserves | All utility services will be located within the proposed road reserves and will not burden any lots | Yes |
| | Smaller lots located closer to neighbourhood centre, public transport and park | The proposed residential lots are located to the south west of Spring Farm Neighbourhood Centre. As such, the lot sizes are appropriate for their location | Yes |
| C5.2 Street Network & Design | Street layout to be consistent with the Spring Farm Master Plan (see attachment 1) | The proposed subdivision generally complies with the street layout identified in the Spring Farm Master Plan | Yes |
| | Streets to comply with the minimum required cross sections for the Spring Farm urban release area (see attachment 2) | The proposed subdivision generally complies with the cross sections within Figures C22.1 to C22.11 | Yes |
| | Local streets designed with the minimum cross sectional width must play a minor role in the road | The local minor streets proposed (14m wide) provide for low volume traffic to connect into the roads of higher order including Springs Road and Macarthur Road | Yes |

| Control | Requirement | Provided | Compliance |
|--|---|---|------------|
| | network, provide low volume linkages and connections to more significant roads | | |
| | All streets and roundabouts to comply with Council's engineering specifications | The proposed roads and intersections comply with Council's engineering specifications | Yes |
| | For local streets, traffic management is to be used to produce a low speed traffic environment | The design of the proposed roads do not lend themselves to high speed environments due to shorter block lengths and therefore comply with this control | Yes |
| | Street trees to be provided on all streets | The landscape plan shows the provision of street trees on all streets within the development site | Yes |
| C5.3 Pedestrian & Cycle Network | Pedestrian and cycle connections to be consistent with the Spring Farm Master Plan C18 (see attachment 2) | It is a recommended condition that both cycle and pedestrian cycle connections fully comply with the Spring Farm pedestrian and cycle path network | Yes |
| C5.4 Public Transport Network | Bus routes and stops to be in accordance with the Spring Farm indicative bus route map C22 (see attachment 2) | Burrell Road has been designed to be bus capable in accordance with the requirements of the Figure C24 of the DCP | Yes |
| C5.7 Provision of adequate Infrastructure & Facilities | Demonstrate local public infrastructure and facilities will be provided | Conditions are recommended which require the payment of Section 94 Contributions in accordance with Camden Contributions Plan 2011 and compliance with the Cornish Spring Farm Voluntary Planning Agreement | Yes |
| C7.1 Residential Density Targets and Staging for Spring Farm | Demonstrate that density targets for Spring Farm (15 dwellings per hectare) and the | Figure C20 of the DCP identifies an overall dwelling density of 146 – 157 for this section of the western village. The current application proposes to create 123 | Yes |

| Control | Requirement | Provided | Compliance |
|--|---|--|------------|
| | dwelling targets in Figure C20 will be achieved (see attachment 2) | residential lots. A future development application for Lot 11, DP 534539 will further subdivide the land and create the remaining lot yield. The development is therefore considered to be satisfactory and in accordance with the requirements of the DCP | |
| | Demonstrate staging plan is achieved in accordance with Figure C21 (see attachment 2) | The proposed subdivision is located within Stage 8 as illustrated within Figure C21 of the DCP. The timing of the design and construction of this stage is consistent with the development approved within Spring Farm to date and is deemed acceptable | Yes |
| C7.2 Neighbourhood and Subdivision Design | Typical block dimensions 60m x 200m | The proposed street blocks have a typical dimension of 160m x 60m | Yes |
| | No residential development below 100 year ARI flood line | None of the proposed residential lots will be below the 100 year ARI flood line | Yes |
| | Electricity easements incorporated into road reserves | All electrical utilities will be located within public road reserves and will not burden private lots | Yes |
| | View corridors protected and curtilage of heritage items to be protected | The development is not located within any significant view corridors or adjoining any heritage items | Yes |
| C7.3 Street Network and Design | Compliance with Figure C22 – Spring (see attachment 2) | The proposed subdivision generally complies with the street layout identified within the Spring Farm Master Plan | Yes |
| | The existing alignments of Richardson and Springs Roads are to be retained | The proposed subdivision will not impact the existing alignments of Springs Road or Richardson Road in accordance with Figure C22 | Yes |

| Control | Requirement | Provided | Compliance |
|--------------------------------------|---|---|------------|
| | Kerb returns of 8.5m radius for intersections between streets must be provided | Each of the intersections proposed can achieve kerb returns with a minimum radius of 8.5m | Yes |
| | Streets are to be constructed in accordance with Figure C22 (see attachment 2) | The proposed subdivision generally complies with the cross sections within Figures C22.1 to C22.11 | Yes |
| C7.4 Pedestrian and Cycle Network | The pedestrian and cycle path network is to be constructed to comply with Figure C23 (see attachment 2) | Figure C23 requires the provision of an off-road combined pedestrian and cycle path along Burrell Road. To ensure compliance, the pedestrian and cycle connections have been conditioned to fully comply with the Spring Farm Master Plan | Yes |
| C7.5 Public Transport | Figure C24 (see attachment 2) illustrates the proposed bus routes through Spring Farm and the connections with the surrounding area | Burrell Road has been designed to be bus capable in accordance with the requirements of the Figure C24 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 Cornish Spring Farm Planning Agreement between Council and Cornish Group No. 1 Pty Ltd, Cornish Group Spring Farm Pty Ltd and Cornish Group No. 3 Pty Ltd (as executed on 9 March 2015) applies to Lot 4135, DP 1195599, Lot 4353, DP 1195601 and Lot 4426, DP 1195602 which are the subject of this DA. Council staff have reviewed the submitted documentation and consider that the development complies with the requirements of the VPA.

A condition is recommended which requires compliance with the VPA applicable to the site.

(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.

Air Quality Impacts

An air quality assessment has been undertaken in support of the application to assess the potential particulate matter impacts associated with air emissions surrounding the development site. Based on the findings of the revised air quality assessment dated 1 July 2015, the report concludes that due to location of the quarry operations in association with M. Collins & Sons, the risk of long term exceedances of the air quality criteria is considered to be minimal. In addition, the report notes that the quarry operations are planned to progress further the west (away from the development site) as part of future operations and as such the risk of impact will further decrease. Council staff have reviewed the air quality assessment and are satisfied that the development will not be unduly impacted by the quarry operations at M. Collins & Sons.

Council staff also note that the existing conditions of consent for the operations at M. Collins & Sons will further ensure that the quarry operations are managed in a suitable manner.

Acoustic Impacts

An acoustic report for the proposed subdivision has been submitted with the application to address the potential noise impacts from the quarry operations at M. Collins & Sons on the future residential development. The report notes that there will be a minor exceedance above the relevant noise criteria to proposed stage 46 of the development. The report therefore recommends that a rear boundary fence to dwellings in stage 46 would provide the required attenuation to ensure that the relevant internal and external noise amenity criteria within Council's Environmental Noise Policy is complied with.

The acoustic report and associated documentation has been reviewed by Council's environmental staff, who consider that the minor exceedance to the requirements is satisfactory subject to the construction of a 2.1m high masonry, acoustic wall along the north western boundary of stage 46. Compliance with the recommendation of the acoustic assessment report is to be achieved through the recommended conditions of approval, including a restriction on the relevant lots through an 88B instrument to ensure that the dwellings on lots 4601 to 4615 of stage 46 and lot 6142 of stage 61 are either of a single storey construction or a further acoustic report is to be prepared to address façade treatment of two storey dwellings within stage 46 and lot 6142 of stage 61 as part of future DA's.

Traffic Safety Implications

A traffic assessment has been submitted as part of the application to address the potential traffic implications on the surrounding area as a result of the proposed development. The report concludes that there will be no significant impact on the Spring Farm road network. Council staff have reviewed the report and are satisfied that there will be no significant conflict between traffic/pedestrians associated with the development and heavy vehicles using Macarthur Road. In addition, alternative

connections are available to significant roads such as Springs Road and Richardson Road for all existing and future users, including vehicles, cyclists and pedestrians.

(c) *The suitability of the site*

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

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

The DA was publicly exhibited for a period of 30 days in accordance with the DCP. The exhibition period was from 26 February 2015 to 27 March 2015. Three submissions (from the same submitter) have been received, objecting to the proposal. **A copy of a public exhibition and submissions map is provided with the Business Paper supporting documents.**

Council staff contacted the submission writer to discuss their concerns and provided copies of revised plans and documentation for further consideration. The final submission received reiterated the submitter's overarching concern in relation to the compatibility of the existing quarry operation and the future residential development. The correspondence however notes that a number of the issues raised could be addressed through the inclusion of a number of conditions.

The following discussion addresses the issues, concerns and potential consent conditions raised in the submissions.

1. *Concerns relating to the incompatibility of quarry related activities and residential amenity.*

Officer Comment

Detailed assessment has been undertaken with respect to the compatibility of the quarry related activities and the proposed residential development. Consideration has been given to matters such as potential air quality implications, acoustic attenuation and potential vehicle conflict and traffic safety. As aforementioned, each of the submitted specialist reports have been assessed with consideration to the impact of the quarry related activities on the future residential development, as well as the potential impact the future residential dwellings may have on the M. Collins & Sons operations. Council staff are satisfied that there will be a suitable relationship between the adjoining land uses, subject to compliance with a number of recommended conditions and 88B restrictions.

2. *False assumptions and limitations are contained within the acoustic assessment, the air quality review the statement of environmental effects.*

Officer Comment

Council staff have reviewed the air quality report submitted as part of the application. A number of changes to the report were requested to include the findings of dispersion modelling and further assessment of particulate matter impacts. The applicant subsequently provided an amended assessment in support of the proposed development to address the concerns raised. Council's environmental staff have reviewed the revised documentation and consider it satisfactory.

Council staff raised a number of issues within the initial acoustic report submitted with the DA and further information was requested. The revised acoustic information noted that there was the potential for exceedances to the relevant noise criteria however these exceedances could be mitigated through the construction of a boundary treatment along the rear boundary of stage 46. Council staff have considered the findings of the report and are satisfied that the noise impacts to the future occupiers of the site are acceptable subject to compliance with a recommended condition to construct a 2.1m high masonry, acoustic wall along the north western boundary of stage 46 to attenuate the noise impacts to an acceptable level. In addition, an 88B restriction is recommended requiring lots 4601 to 4615 of stage 46 and lot 6142 of stage 61 to be of a single storey construction. The restriction also notes that a further acoustic assessment will be required for any future DA if a two storey dwelling is proposed to determine the necessary façade treatment.

The statement of environmental effects was reviewed as part of the assessment process. Any limitations of the report have been addressed in the revised documentation submitted by the applicant.

- 3. The development will result in potential conflict between pedestrians, cars and bikes and the heavy vehicles accessing the sand and soil quarry.*

Officer Comment

A traffic assessment has been submitted as part of the application to address the potential traffic implications on the surrounding area as a result of the proposed development. The report concludes that there will be no significant impact on the Spring Farm road network. Council staff have reviewed the report and are satisfied that there will be no significant conflict between traffic/pedestrians associated with the development and heavy vehicles using Macarthur Road. In addition, alternative connections are available to significant roads such as Springs Road and Richardson Road for all existing and future users, including vehicles, cyclists and pedestrians.

- 4. The statement of environmental effects states that the Macathur Road will be temporarily closed until the ultimate configuration is raised, while the Traffic Report states that there would be no direct result on the road network as a result of the development.*

Officer Comment

Council's traffic engineer has reviewed the traffic assessment and raises no objection to sections of Macarthur Road being closed to traffic provided that alternative access is available to all existing properties. Any closures would require a traffic management plan to be submitted and approved by the Local Traffic Committee. Notwithstanding, Council staff are satisfied that there will be no significant conflict between traffic/pedestrians associated with the development and heavy vehicles using Macarthur Road. As such, no condition is recommended as part of this DA to close Macarthur Road.

- 5. The stormwater management system should be designed having regard to ultimate limited development of M. Collins & Sons land.*

Officer Comment

The submitted water quantity catchment plan submitted as part of the application demonstrates that the provision of a stormwater management has given consideration to M. Collins & Sons land in accordance with the Spring Farm master plan.

6. *The controls state that for stage 8(a) to proceed (inclusive of the subject proposal) the sand mining rehabilitation works must be completed*

Officer Comment

Figure C21 of the Camden Development Control Plan 2011 shows the indicative staging of the Spring Farm release area to ensure the orderly development of land and the protection of future residents from the effects of mining, industry and waste disposal activities. The application site is located within stage 8 (residential subdivision) of the staging plan. The timing of the design and construction of this stage is consistent with the development approved within Spring Farm to date and is deemed acceptable.

It should be noted that stage 8(a) as noted by the submitter relates to the land associated with the quarry activities at M. Collins & Sons.

7. *The proposal fails to demonstrate the integration of post extractive levels and proposed subdivision design levels.*

Officer Comment

Extractive levels change once quarry related activities at M. Collins & Sons have ceased operation. Future subdivision applications for the adjoining site will be required to demonstrate that these post extractive levels are consistent with the approved levels at the development site. The current DA shows that levels along the north western boundary adjoining M. Collins & Sons land are at natural surface level. Council staff are satisfied that the proposed levels are suitable as proposed.

8. *The level of documentation accompanying the application is considered to be grossly deficient.*

Officer Comment

Council staff have reviewed all plans and documentation submitted as part of the development proposal. Additional and revised information was requested to address a number of matters in relation to the engineering design, contamination, air quality impacts and acoustic measures. Revised information was subsequently received, which was considered to address all concerns satisfactorily.

9. *Should the approval authority be inclined to grant consent, a number of conditions should be imposed.*

- a) *Placement of residential development as far as practicable from the western boundary.*

Officer Comment

The residential dwelling controls contained within the Camden Development Control Plan 2011 will ensure that all future dwellings are located away from the north western boundary of stage 46. In addition, an 88B restriction is recommended requiring a 4m wide easement from the rear boundary of lots 4601 to 4615 (stage 46) for support and maintenance purposes. As such, future

dwelling will be located at a sufficient distance from the rear boundary of stage 46.

b) Installation of first flush systems on rain water tanks.

Officer Comment

An 88B restriction is recommended requiring that the first flush systems be installed on rain water tanks for lots 4601 to 4615 of stage 46 and Lot 6142 of stage 61.

c) Orientation of buildings to provide adequate air flow, i.e. no long, narrow spaces with large high rise buildings either side where wind may be funnelled at high speed. Buildings would be developed in accordance with the Camden Council Development Control Plan.

Officer Comment

The detailed design of the dwellings, including the suitability of air flow will be assessed as part of a future application.

d) Consideration of ventilation, air conditioning and design buildings so that living and work area of buildings do not do not directly face dust sources.

Officer Comment

As noted above, the detailed design of the future dwellings will be assessed as part of a future application.

e) Use of visual screening fencing and retaining walls, as shown in the concept plan, along the quarry boundary to assist in reducing dust by increasing dispersion/reducing wind speed during periods of westerly winds.

Officer Comment

A condition is recommended requiring the construction of a 2.1m high masonry acoustic wall along the north western boundary of proposed stage 46. Council staff consider that this will sufficiently attenuate any noise and air quality impacts from the adjoining quarry operations at M. Collins & Sons.

(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 the RFS for assessment as the development is classified as Integrated Development in that it requires authorisation under Section 100B in respect

of bushfire safety of land that could lawfully be used for residential purposes pursuant to the Rural Fires Act 1997.

The RFS raise no objection to the proposed development subject to general terms of approval. Compliance with these general terms of approval is a recommended condition.

Department of Trade & Investment (DTI)

The DA was referred to the Department of Trade and Investment (DTI) for assessment in accordance with clause 8 of State Environmental Planning Policy No. 9 – Extractive Industry.

The DTI raise no objection to the proposal and recommend that any DA be staged in such a way as to mitigate potential impacts (e.g. noise, dust and vibration) on any development by use of buffer zones between remaining quarries and the development. Adequate buffer distances exist between the existing sand and soil extraction site along Macarthur Road, thereby satisfying the requirements of the SEPP.

Sydney Water

The application was referred to Sydney Water due to proximity of Sydney Water infrastructure and easements to the development site. Sydney Water have provided comments in relation to the location of the nearest drinking water and waste water mains available for connection and requirements for the installation of infrastructure.

Endeavour Energy

An Endeavour Energy easement traverses the application site. Pursuant to clause 45 of the State Environmental Planning Policy (Infrastructure) 2007, the DA was referred to Endeavour Energy for comment. Endeavour Energy have raised no objection to the proposal, however note that an application for release of the easement needs to be submitted via Endeavour Energy's Network Connection Branch. Council staff have recommended a condition specifying that approval must be sought from Endeavour Energy for the relocation of any easements prior to the issue of a Construction Certificate.

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 147/2015 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Conditions of Consent

- (1) **General Terms of Approval** - The General Terms of Approval from state authorities shall be complied with prior to, during, and at the completion of the development.

The General Terms of Approval are:

1. Rural Fire Service, reference number D/15/0480 dated 23 March 2015.
- (2) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

| Plan Reference/ Drawing No. | Name of Plan | Prepared by | Date |
|--|--|----------------|------------|
| MMD-350354-C-DR-00-45- DA001 Rev P2 | Cover Sheet – Site Plan and Locality Plan | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-45-DA502 Rev P2 | Cut and Fill Plan Sheet 2 | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-45-DA501 Rev P2 | Cut and Fill Plan Sheet 1 | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-45-DA212 Rev P2 | Road Longitudinal Sections Sheet 2 | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-45-DA211 Rev P2 | Road Longitudinal Section Sheet 1 | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-45-DA201 Rev P2 | Typical Cross Section | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-45-DA110 Rev P2 | Site Sections | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-45-DA102 Rev P2 | Proposed Site Regrading Plan Sheet 2 | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-45-DA101 Rev P2 | Proposed Site Regrading Plan Sheet 2 | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-45-DA006 Rev P2 | Alignment Control Plan Sheet 2 | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-45-DA005 Rev P2 | Alignment Control Plan Sheet 1 | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-45-DA002 Rev P2 | Sheet Schedule and Notes | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-45-DA601 Rev P2 | Concept Drainage Plan Sheet 1 | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-45-DA916 Rev P2 | Basin Sections and Details of Sheet 2 of 2 | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-45-DA915 Rev P2 | Basin Sections and Details Sheet 1 of 2 | Mott MacDonald | 5 May 2015 |

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|---------------------------------------|---|----------------|-----------------|
| MMD-350354-C-DR-00-45-DA910 Rev P2 | Basin Plan | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-45-DA903 Rev P2 | Water Quality MUSIC Catchment Plan Sheet 1 of 2 | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-45-DA902 Rev P2 | Water Quality MUSIC Catchment Plan Sheet 2 of 2 | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-45-DA901 Rev P2 | Water Quality Catchment Plan Sheer 1 of 2 | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-45-DA711 Rev P2 | Soil and Water Management Details and Notes | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-45-DA702 Rev P2 | Soil and Water Management Plan Sheet 2 | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-45-DA902 Rev P2 | Soil and Water Management Plan Sheet 1 | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-45-DA902 Rev P2 | Concept Drainage Plan Sheet 2 | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-46-DA001 Rev P1 | Cover Sheet – Site Plan and Locality Plan | Mott MacDonald | 27 January 2015 |
| MMD-350354-C-DR-00-46-DA903 Rev P1 | Water Quality MUSIC Plan | Mott MacDonald | 27 January 2015 |
| MMD-350354-C-DR-00-46-DA902 Rev P1 | Water Quality Catchment Plan Sheet 2 of 2 | Mott MacDonald | 27 January 2015 |
| MMD-350354-C-DR-00-46-DA901 Rev P1 | Water Quality Catchment Plan Sheet 1 of 2 | Mott MacDonald | 27 January 2015 |
| MMD-350354-C-DR-00-46-DA711 Rev P1 | Soil and Water Management Details and Notes | Mott MacDonald | 27 January 2015 |
| MMD-350354-C-DR-00-46-DA701 Rev P1 | Soil and Water Management Plans | Mott MacDonald | 27 January 2015 |
| MMD-350354-C-DR-00-46-DA501 Rev P1 | Cut and Fill Plan | Mott MacDonald | 27 January 2015 |
| MMD-350354-C-DR-00-46-DA110 Rev P1 | Site Sections | Mott MacDonald | 27 January 2015 |
| MMD-350354-C-DR-00-46-DA101 Rev P1 | Proposed Site Regrading Plan | Mott MacDonald | 27 January 2015 |
| MMD-350354-C-DR-00-46-DA002 Rev P1 | Sheet Schedule and Notes | Mott MacDonald | 27 January 2015 |
| MMD-350354-C-DR-00-47-DA001 Rev P2 | Cover Sheet – Site Plan and Locality Plan | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-47-DA903 | Water Quality MUSIC Catchment | Mott MacDonald | 5 May 2015 |

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|---------------------------------------|---|----------------|-----------------|
| Rev P2 | Plan | | |
| MMD-350354-C-DR-00-47-DA902 Rev P2 | Water Quality Catchment Plan Sheet 2 of 2 | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-47-DA901 Rev P2 | Water Quality Catchment Plan Sheet 1 of 2 | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-47-DA711 Rev P2 | Soil and Water Management Details and Notes | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-47-DA701 Rev P2 | Soil and Water Management Plans | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-47-DA501 Rev P2 | Cut and Fill Plan | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-47-DA201 Rev P2 | Typical Cross Sections | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-47-DA110 Rev P2 | Site Sections | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-47-DA101 Rev P2 | Proposed Site Regrading Plan | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-47-DA002 Rev P2 | Sheet Schedule and Notes | Mott MacDonald | 5 May 2015 |
| MMD-350354-C-DR-00-61-DA001 Rev P1 | Cover Sheet – Site Plan and Locality Plan | Mott MacDonald | 27 January 2015 |
| MMD-350354-C-DR-00-61-DA902 Rev P1 | Water Quality Catchment Plan Sheet 2 of 2 | Mott MacDonald | 27 January 2015 |
| MMD-350354-C-DR-00-61-DA901 Rev P1 | Water Quality Catchment Plan Sheet 1 of 2 | Mott MacDonald | 27 January 2015 |
| MMD-350354-C-DR-00-61-DA711 Rev P1 | Soil and Water Management Details and Notes | Mott MacDonald | 27 January 2015 |
| MMD-350354-C-DR-00-61-DA701 Rev P1 | Soil and Water Management Plans | Mott MacDonald | 27 January 2015 |
| MMD-350354-C-DR-00-61-DA602 Rev P1 | Concept Drainage Design Sheet 2 | Mott MacDonald | 27 January 2015 |
| MMD-350354-C-DR-00-61-DA601 Rev P1 | Concept Drainage Plan Sheet 1 | Mott MacDonald | 27 January 2015 |
| MMD-350354-C-DR-00-61-DA502 Rev P1 | Cut and Fill Plan Sheet 2 | Mott MacDonald | 27 January 2015 |
| MMD-350354-C-DR-00-61-DA501 Rev P1 | Cut and Fill Plan Sheet 1 | Mott MacDonald | 27 January 2015 |
| MMD-350354-C-DR-00-61-DA212 Rev P1 | Road Longitudinal Section Sheet 2 | Mott MacDonald | 27 January 2015 |
| MMD-350354-C- | Road Longitudinal | Mott MacDonald | 27 January 2015 |

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|---|---|---------------------------|-----------------|
| DR-00-61-DA211 Rev P1 | Sections Sheet 1 | | |
| MMD-350354-C- DR-00-61-DA202 Rev P1 | Typical Cross Sections Sheet 2 | Mott MacDonald | 27 January 2015 |
| MMD-350354-C- DR-00-61-DA201 Rev P1 | Typical Cross Sections Sheet 1 | Mott MacDonald | 27 January 2015 |
| MMD-350354-C- DR-00-61-DA110 Rev P1 | Site Sections | Mott MacDonald | 27 January 2015 |
| MMD-350354-C- DR-00-61-DA102 Rev P1 | Proposed Site Regrading Plan Sheet 2 | Mott MacDonald | 27 January 2015 |
| MMD-350354-C- DR-00-61-DA101 Rev P1 | Proposed Site Regrading Plan Sheet 1 | Mott MacDonald | 27 January 2015 |
| MMD-350354-C- DR-00-61-DA006 Rev P1 | Alignment Control Plan Sheet 2 | Mott MacDonald | 27 January 2015 |
| MMD-350354-C- DR-00-61-DA005 Rev P1 | Alignment Control Plan Sheet 1 | Mott MacDonald | 27 January 2015 |
| MMD-350354-C- DR-00-61-DA002 Rev P1 | Sheet Schedule and Notes | Mott MacDonald | 27 January 2015 |
| 76806.01.P43 Rev B | Stage 45, 46 and 47 Plan of Proposed Subdivision | SMEC Australia Pty Ltd | 28 April 2015 |
| 76806.01.P39 Rev F | Stage 61 Plan of Proposed Subdivision | SMEC Australia Pty Ltd | 28 April 2015 |

(3) **Modified Documents and Plans** - The development shall be modified as follows:

- a) the *Fraxinus raywoodii* species of tree shown in landscaping plans for stage 46 (14 trees) and in stage 61 (19 trees) must be substituted. A list of suitable alternative species are attached to the consent.

Amended plans or documentation demonstrating compliance shall be provided to the Certifying Authority and Council prior to the issue of a Construction Certificate

(4) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications and the relevant DCP.

(5) **Protection of adjoining Bushland and/or Waterfront Areas** - To limit the potential for damage to the adjoining Bushland areas and/or Waterfront areas, the boundaries to these areas must be fenced prior to the commencement of any earthworks, demolition, excavation or construction works. As well as the fencing prior to any earthworks commencing, other protection measures must be completed in accordance with the standards as specified in AS 4970-2009 Protection of Trees on Development sites.

The fencing must be kept in place until the completion of development and maintenance works and be marked by appropriate signage notifying all site visitors that the subject trees and vegetation areas are protected. The fencing should be a minimum of a 1.8 metres high chain link or welded mesh fencing.

- (6) **Noxious Weeds Management** - Noxious weeds management shall occur in accordance with Camden Development Control Plan 2011.
- (7) **Remediation Works** - All works proposed as part of the Remediation Action Plan that includes: remediation, excavation, stockpiling, on-site and off-site disposal; that includes storage, cut, fill, backfilling, compaction, monitoring, validations, site management and security must be undertaken in accordance with Remediation Action Plan, Proposed Residential Development, Stage 45-47 and 61, Spring Farm NSW, prepared Douglas Partners, Project 34288.23, dated February 2015. Any variation or modification to the Remedial Action Plan in terms of compliance work must be requested from the Consent Authority (Camden Council) in writing prior to validation. With regard to remediation work, any proposed variation of works must be approved by the Consent Authority (Camden Council) in writing prior to the works being undertaken.
- (8) **Limit of Works** – All works, including the construction of the acoustic wall along the north western boundary of the site must be wholly contained within the development site.

2.0 - Prior to Issue of Construction Certificate

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

- (1) **Cycle and Pedestrian Paths** – Cycle and pedestrian connections shall fully comply with the requirements of the Spring Farm Masterplan. Details demonstrating compliance shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.
- (2) **Endeavour Energy** – In accordance with Section 45 of the State Environmental Planning Policy (Infrastructure) 2007, written approval must be obtained from Endeavour Energy for all proposed activities within the easement and shall be provided to the Certifying Authority with any future Construction Certificate application.
- (3) **Flood Management Plan** - A Flood Management Plan prepared by a suitable qualified engineer in accordance with Camden Council's Flood Risk Management Policy. Details demonstrating compliance shall be provided to the Certifying Authority
- (4) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

Note. Under the *Roads Act 1993*, only the Council can approve commencement of works within an existing road reserve.

- (5) **Dilapidation Report – Council Property** - A Dilapidation Report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the subject site. Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.
- (6) **Stormwater Detention and Water Quality** - An on-site detention system and water quality system shall be provided for the site and designed in accordance with Council's Engineering Specifications.
- (7) **Validation Report** - A Validation Report prepared by a suitability qualified person shall be provided to the Certifying Authority and Council within 30 days following completion of the remediation works, which demonstrates:
 - a) compliance with the approved RAP;
 - b) that the remediation acceptance criteria (in the approved RAP) has been fully complied with;
 - c) that all remediation works undertaken comply with the contaminated lands planning guidelines, *Contaminated Lands Management Act 1997*, SEPP 55 and Council's Management of Contaminated Lands Policy;

and includes:
 - d) Works-As-Executed Plan(s) that identify the extent of the remediation works undertaken (that includes any encapsulation work) prepared by a registered surveyor;
 - e) a "notice of completion of remediation work" as required under Clause 18 of SEPP 55; and
 - f) statement confirming that the site following remediation of contamination is suitable for the intended use.
- (8) **Remediation Works Inspection** - A qualified environmental consultant or scientist will be required to frequently inspect the remediation works to confirm compliance with the RAP that includes all health and safety requirements.
- (9) **Environmental Management Plan** - An Environmental Management Plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the Certifying Authority.

The Environmental Management Plan shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining land uses and the natural environment is not unacceptably impacted upon by the proposal. The Environment Management Plan shall include but not be necessarily limited to the following measures:

- a) Measures to control noise emissions from the site;

- b) Measures to suppress odours and dust emissions;
 - c) Soil and sediment control measures;
 - d) Measures to control air emissions that includes odour;
 - e) Measures and procedures for the removal of hazardous materials that includes waste and their disposal;
 - f) Any other recognised environmental impact; and
 - g) Community Consultation.
- (10) **Salinity** - The proposed development works, landscaping and associated works for the development shall comply with the requirements of the Salinity Management Plan titled "Report in Salinity Investigation and Management Plan, Proposed Residential Subdivision, Stage 45 – 47 and Stage 61, Spring Farm, prepared by Douglas Partners, project 34288.23 and dated February 2015.
- Alternatively, a site specific analysis including recommendations, prepared by a suitably qualified consultant and referencing Australian Standard AS2870-2011 and Council's Building in a Saline Prone Environment Policy shall be submitted to the Certifying Authority.
- Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (11) **Acoustic Fence Details** – Prior to the issue of a Construction Certificate, construction drawings (including plans, sections and elevations) of the 2.1m high masonry, acoustic wall along the north western boundary of Lots 4601 to 4615 are to be submitted as part of the Construction Certificate application.
- (12) **Works As Executed Plan** - A works as executed plan that identifies the areas requiring remediation and the extent of the works undertaken (that includes any encapsulation work) must be prepared by a registered surveyor and be submitted to the Consent Authority (Camden Council) with the final Site Validation Report. The plan must include lot boundaries. Digital data must be in AutoCAD .dwg or .dxf format and the data projection coordinate must be in GDA94.MGA zone 56.
- (13) **Bush Fire Safety – Subdivision** - The site is located within a bush fire prone area. Certification from a suitably qualified bush fire consultant shall be provided to certify that the development complies with:
- a) the RFS' General Terms of Approval for the DA (if applicable);
 - b) the Bush Fire Report provided with the DA (if applicable); and
 - c) the NSW Rural Fire Service publication "Planning for Bush Fire Protection 2006."
- (14) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work that cost \$25,000 or more.

3.0 - Prior to Commencement of Works

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

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.
- (2) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
 - a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.
- (3) **Notice Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
 - a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (4) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:

- a) a Construction Certificate has been issued by a Consent Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours;
 - c) the name, address and telephone number of the PCA.
- The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.
- (6) **Performance Bond** - Prior to commencement of works a performance bond of 10% the value of works must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (7) **Site is to be Secured** - The site shall be secured and fenced to the satisfaction of the PCA. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.
- (8) **Demolition Work** - Consent is granted for the demolition of buildings currently existing on the property, subject to compliance with the following conditions:
- a) The developer shall notify adjoining residents of demolition works seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite, the demolition site.
 - b) Written notice shall be given to the PCA for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following inspection shall be undertaken by the PCA:

- i) a pre-commencement inspection when all the site works are installed on the site and prior to demolition commencing;
 - ii) a final inspection when the demolition works have been completed.
 - c) Prior to demolition, the applicant shall erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
 - d) Prior to demolition, the applicant shall erect a 1.8m high temporary fence and hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site shall be restricted to authorised persons only and the site shall be secured against unauthorised entry when work is not in progress or when the site is otherwise unoccupied.
 - e) Suitable erosion and sediment control measures in accordance with an approved ESCP shall be installed prior to the commencement of demolition works and shall be maintained at all times.
 - f) A Work Plan prepared by a suitably qualified person in accordance with AS 2601 'Demolition of Structures' shall be provided to the PCA for approval prior to demolition works commencing. The Work Plan shall identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
 - g) If the property was built prior to 1987, an asbestos survey shall be carried out by a suitably qualified person prior to demolition. If asbestos is found, a WorkCover Authority licensed contractor shall remove all asbestos in accordance with the requirements of the WorkCover Authority, including notification of adjoining neighbours of asbestos removal.
 - h) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
 - i) Care shall be taken during demolition to ensure that existing services on the site (i.e. sewer, electricity, gas, phone, etc) are not damaged. Any damage caused to existing services is to be repaired by the relevant authority at the expense of the applicant.
- (9) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this Development Consent.
- Soil erosion and sediment control measures shall be maintained during construction works and shall 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).
- (10) **Hazardous Building Materials Assessment** - A Hazardous Building Material Assessment (HBMA) shall be undertaken on all buildings and structures to be demolished that identifies all hazardous components on site. A HBMA report shall be provided to the PCA and Council.

Once hazardous components are identified, all demolition works that involve the demolition and removal of the hazardous materials shall ensure that all site personnel are protected from risk of exposure in accordance with relevant NSW WorkCover Authority and NSW Demolition Guidelines. Premises and occupants on adjoining land shall also be protected from exposure to any hazardous materials.

4.0 - During Works

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

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Traffic Management Plan Implementation** - All construction traffic management procedures and systems identified in the approved Construction Traffic Management Plan shall be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (3) **Site Management Plan** - The following practices shall be implemented during construction works:
 - a) a sign shall be erected at all entrances to the subdivision site and be maintained until the subdivision has reached 80% occupancy. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read 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 wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

- (4) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines (2008) (refer to: www.environment.nsw.gov.au/waste/envguidlns/index.htm)

Once assessed, the materials shall be disposed to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.

- (5) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.

- (6) **Hazardous Building Materials Assessment** - All works (including demolition and materials handling, storage, transport and disposal) shall be undertaken in accordance with the requirements outlined in the Hazardous Building Material Assessment (HBMA).
- (7) **Noise** - All work shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act (1997)*. All work shall comply with the requirement of the NSW Industrial Noise Policy and the Environment Protection Authority 'Environmental Noise Manual.
- (8) **Fill Assessment Reporting Requirements** - A fill assessment report prepared as a requirement of the approved Fill Management Plan Fill Management Protocol, Proposed Residential Subdivision, Stage 45-47 and Stage 61, Spring Farm NSW, prepared Douglas Partners, Project 34288.27, dated May 2015 must be provided to the PCA on a monthly basis to facilitate an audit for compliance with the Fill Management Plan.
- (9) **Fill Importation** – The importation of fill material must be undertaken in accordance of the report titled Fill Management Protocol, Proposed Residential Subdivision, Stage 45-47 and Stage 61, Spring Farm NSW, prepared Douglas Partners, Project 34288.27, dated May 2015.
- (10) **Location of Stockpiles** - Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.
- (11) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (12) **Offensive Noise, Dust, Odour and Vibration** - All work shall not 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) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be installed and maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the Soils and Construction – Managing Urban Stormwater manual (Blue Book).
- (14) **Unexpected Finds Contingency (General)** - 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 works (including earthworks, site preparation or construction works, etc), such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

5.0 – Ongoing Use

- (1) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.
- (2) **Landscaping Maintenance Establishment Period** - Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain all hard and soft landscaping elements associated with this consent.

The 12 month maintenance and establishment period includes the applicant's responsibility for the establishment, care and repair of all landscaping elements including all street tree installations, plantings, lawn and hardscape elements including paths, walls, bins, seats, BBQs, shelters, playground equipment and soft fall treatments.

The date of practical completion is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting, turn installation, street tree installation and mulching.

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, etc) shall 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 shall comply with the approved landscape plans.

6.0 - Prior to Issue of a Subdivision Certificate

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

- (1) **Requirement for a Subdivision Certificate** - The application for subdivision certificate(s) shall be made in accordance with the requirements of Clause 157 of the Environmental Planning & Assessment Regulation 2000.
- (2) **Show Easements/ Restrictions on the Plan of Subdivision** - The developer shall acknowledge all existing easements and/or restrictions on the use of the land on the final plan of subdivision.
- (3) **Burdened Lots to be Identified** - Any lots subsequently identified during construction of the subdivision as requiring restrictions shall also be suitably burdened.
- (4) **Subdivision Certificate** - The issue of a Subdivision Certificate is not to occur until all conditions of this development consent have been satisfactorily addressed and all engineering works are complete, unless otherwise approved in writing by the PCA.

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- (5) **Section 149 Certificate** - The Section 149 Certificate must be updated advising the proximity of the site to M. Collins & Sons Sand and Soil Extraction operation.
- (6) **Acoustic Fence** – A 2.1m high masonry acoustic fence must be constructed along the north western boundary of Lots 4601 to 4615 as part of stage 46 prior to the issue of a Subdivision Certificate.
- (7) **Fill Plan** - A Fill Plan shall be provided to the PCA prior to the issue of any Subdivision certificate. The plan must:
- a) Show lot boundaries
 - b) Show road/drainage/public reserves
 - c) Show street names
 - d) Show final fill contours and boundaries, and
 - e) Show depth in filling in maximum 0.5m Increments.

It is to be provided electronically in Portable Document Format (.PDF) at 150dpi with a maximum individual file size not exceeding 2 megabytes and provide both on compact disk and an A1 paper plan.

- (8) **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.
- (9) **Surveyor's Report** - Prior to the issue of the Subdivision Certificate a certificate from a registered surveyor must be provided to the PCA, 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.
- (10) **Value of Works** - Itemised data and value of civil works shall be provided to Council for inclusion in Council's Asset Management System in accordance with Council's Engineering Specifications.
- (11) **Soil Classification** - A Soil Classification Report prepared by a suitable qualified person in accordance with the AS 2870 'Residential Slabs and Footings', detailing the general classification of soil type generally found within the subdivision, shall be provided to the PCA. A classification shall be provided for each lot within the subdivision. The Soil Classification Report shall also be provided to Council.
- (12) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the PCA:
- a) Energy supplier – Evidence demonstrating that satisfactory arrangements have been made with the energy supplier to service the proposed development.
 - b) Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development.

- c) Water supplier – Evidence demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.
- (13) **Works as Executed Plan** - Works as Executed Plans shall be prepared and provided in accordance with Council's Engineering Specifications.
- Digital data must be in AutoCAD .dwg or .dxf format, and the data projection coordinate must be in (GDA94.MGA zone 56).
- (14) **Section 88B Instrument** - The applicant shall prepare a Section 88B Instrument for approval by the PCA which incorporates the following easements, positive covenants and restrictions to user where necessary:
- a) easement for services;
 - b) easement to drain water;
 - c) easement for support and maintenance;
 - d) easement for support and maintenance 4m wide along the north western boundary of Lots 4601 to 4615;
 - e) restriction as to user defining minimum floor levels for any lots which have any part of the lot below the flood planning level (the developer shall provide the flood planning level flood profile of the natural watercourse with superimposed lot boundary location);
 - f) 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 the report titled "Report on Salinity Investigation and Management Plan, Proposed Residential Subdivision, Stage 45-47 and Stage 61, Spring Farm", prepared Douglas Partners, Project 34288.23 and dated February 2015;
 - g) Lot 4601 to 4615 and Lot 6142 must be of a single storey construction. If a two storey dwelling is to be constructed an acoustic assessment in accordance with Council's Environmental Noise Policy must be undertaken to determine what standard of façade treatment need to be provided to ensure internal noise criteria are not exceeded as a result of activities at the adjacent quarry; and
 - h) Lots 4601 to 4615 and Lot 6142 must install a first flush system on rain water tanks.
- (15) **Section 149 Certificate Notation** – The Section 149 (5) Certificate must be updated advising the proximity of the site to M. Collins & Sons Sand and Soil Extraction operation.
- (16) **Water Quality Facility** - A water quality facility must be constructed for the site in accordance with the approved plans and Council's Engineering Specifications.

- (17) **Water Quality Facility Operation, Maintenance and Monitoring Manual/s** - Operation, Maintenance and Monitoring Manual/s ('Manuals') for the permanent water quality facility shall be provided for approval to the PCA. The Manuals shall be prepared by a suitably qualified person in accordance with Council's Engineering Specifications.
- (18) **Cornish Spring Farm Planning Agreement (VPA)** – the development shall be undertaken in accordance with the terms and conditions of the Voluntary Planning Agreement (VPA) made between Camden Council, Cornish Group No. One Pty Limited, Cornish Group Spring Farm Pty Limited and Cornish Group No. Three Pty Limited, pursuant to Section 93F of the Environmental Planning and Assessment Act 1979, dated 9 March 2015.

Monetary Contributions – The following monetary contributions must be indexed to the Consumer Price Index and paid prior to issue of the Subdivision Certificate.

- Stage 45 (Lots 4501 to 4538) - \$424 per final lot, total \$16,112 for Administration
- Stage 47 (Lots 4701 and 4702) - \$424 per final lot, total \$848 for Administration
- Stage 62 (Lots 6206 to 6212) - \$424 per final lot, total \$2,968 for Administration

- (19) **Section 94 Contributions – Monetary (Stage 46)** - A contribution pursuant to the provisions of Section 94 of the *EP&A Act 1979* for the services and amounts detailed below for Lots 4601 to 4615.

| Plan Name | Contribution Type | Indexed Rate | Amount Payable |
|--------------------------------|---|---------------------------------|---------------------|
| Camden Contributions Plan 2011 | Open Space Land Acquisition - indexed Annually by land values. | \$7,066.00 per lot or dwelling | \$ 105,990.00 |
| Camden Contributions Plan 2011 | Community Land Acquisition - indexed Annually by land values. | \$44.00 per lot or dwelling | \$660.00 |
| Camden Contributions Plan 2011 | Drainage, Roadworks, Traffic Facilities, Open Space Embellishment and Masterplan - indexed Quarterly to the CPI. | \$42,512.00 per lot or dwelling | \$637,680.00 |
| Camden Contributions Plan 2011 | Recreation and Community Facilities, Volunteer Emergency Services Facilities and Plan Preparation and Administration Services - indexed Quarterly to the CPI. | \$10,226.00 per lot or dwelling | \$153,390.00 |
| | Total | | \$897,720.00 |

- (20) **Section 94 Contributions – Monetary (Stage 61)** - A contribution pursuant to the provisions of Section 94 of the *EP&A Act 1979* for the services and amounts detailed below for Lots 6101 to 6147.

| Plan Name | Contribution Type | Indexed Rate | Amount Payable |
|--------------------------------|---|---------------------------------|-----------------------|
| Camden Contributions Plan 2011 | Open Space Land Acquisition - indexed Annually by land values. | \$7,066.00 per lot or dwelling | \$ 332,102.00 |
| Camden Contributions Plan 2011 | Community Land Acquisition - indexed Annually by land values. | \$44.00 per lot or dwelling | \$2,068.00 |
| Camden Contributions Plan 2011 | Drainage, Roadworks, Traffic Facilities, Open Space Embellishment and Masterplan - indexed Quarterly to the CPI. | \$42,512.00 per lot or dwelling | \$1,998,064.00 |
| Camden Contributions Plan 2011 | Recreation and Community Facilities, Volunteer Emergency Services Facilities and Plan Preparation and Administration Services - indexed Quarterly to the CPI. | \$10,226.00 per lot or dwelling | \$480,622.00 |
| | Total | | \$2,812,856.00 |

- (21) **Section 94 Contributions – Monetary (Stage 62)** - A contribution pursuant to the provisions of Section 94 of the *EP&A Act 1979* for the services and amounts detailed below for Lots 6201 to 6212.

| Plan Name | Contribution Type | Indexed Rate | Amount Payable |
|--------------------------------|---|---------------------------------|---------------------|
| Camden Contributions Plan 2011 | Open Space Land Acquisition - indexed Annually by land values. | \$7,066.00 per lot or dwelling | \$35,330.00 |
| Camden Contributions Plan 2011 | Community Land Acquisition - indexed Annually by land values. | \$44.00 per lot or dwelling | \$220.00 |
| Camden Contributions Plan 2011 | Drainage, Roadworks, Traffic Facilities, Open Space Embellishment and Masterplan - indexed Quarterly to the CPI. | \$42,512.00 per lot or dwelling | \$212,560.00 |
| Camden Contributions Plan 2011 | Recreation and Community Facilities, Volunteer Emergency Services Facilities and Plan Preparation and Administration Services - indexed Quarterly to the CPI. | \$10,226.00 per lot or dwelling | \$51,130.00 |
| | Total | | \$299,240.00 |

- (22) **Section 94 Contributions – Monetary (Stage 63)** - A contribution pursuant to the provisions of Section 94 of the *EP&A Act 1979* for the services and amounts detailed below for Lots 6301 to 6309.

| Plan Name | Contribution Type | Indexed Rate | Amount Payable |
|--------------------------------|---|---------------------------------|---------------------|
| Camden Contributions Plan 2011 | Open Space Land Acquisition - indexed Annually by land values. | \$7,066.00 per lot or dwelling | \$ 63,594.00 |
| Camden Contributions Plan 2011 | Community Land Acquisition - indexed Annually by land values. | \$44.00 per lot or dwelling | \$396.00 |
| Camden Contributions Plan 2011 | Drainage, Roadworks, Traffic Facilities, Open Space Embellishment and Masterplan - indexed Quarterly to the CPI. | \$42,512.00 per lot or dwelling | \$382,608.00 |
| Camden Contributions Plan 2011 | Recreation and Community Facilities, Volunteer Emergency Services Facilities and Plan Preparation and Administration Services - indexed Quarterly to the CPI. | \$10,226.00 per lot or dwelling | \$92,034.00 |
| | Total | | \$538,632.00 |

- (23) **Special Infrastructure Contribution** - The applicant shall make a special infrastructure contribution (SIC) in accordance with the determination made by the Minister administering the *EP&A Act 1979* under Section 94EE of that Act and as in force on the date of this consent. This contribution shall be paid to the DP&E.

Evidence of payment of the SIC shall be provided to Council and the PCA.

- (24) **Maintenance Bond** - The applicant is to lodge a maintenance bond in the form of an unconditional bank guarantee or cash bond, being 10% of the value of works, with Council prior to the issue of a Subdivision Certificate.

The bond covers the maintenance during or after subdivision works for a stipulated period (6 months) for matters such as riparian corridor and WSUD, public reserves or other public property that require on-going maintenance as a result the Development Consent conditions.

- (24) **Defects and Liability Bond** - The applicant is to lodge a defects and liability bond in the form of an unconditional bank guarantee or cash bond, being 10% of the value of works, with Council.

The bond covers any defects and liabilities of the public infrastructure.

RECOMMENDED

That Council: approve DA 147/2015 for a staged subdivision of land to create 123

residential lots, remediation of land, construction of roads, drainage, landscaping and associated site works at 235, 237 and 240 Macarthur Road and 12 Attwood Road, Spring Farm subject to the conditions listed above.

ATTACHMENTS

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



ORDINARY COUNCIL

ORD02

ORD02

SUBJECT: ERECTION OF A TELSTRA TELECOMMUNICATIONS FACILITY INCLUDING A 41M MONOPOLE, FLUSH PANEL ANTENNAS AND REMOTE RADIO UNITS, AND CONSTRUCTION OF AN ANCILLARY EQUIPMENT SHELTER, SECURITY FENCING AND ASSOCIATED SITE WORKS, 222 RICHARDSON ROAD, SPRING FARM

FROM: Director Planning & Environmental Services
TRIM #: 15/206127

APPLICATION NO: DA 338/2015
PROPOSAL: Erection of a Telstra telecommunications facility, including a 41m monopole, flush panel antennas and remote radio units, construction of an ancillary equipment shelter, security fencing and associated site works

PROPERTY ADDRESS: 222 Richardson Road, Spring Farm
PROPERTY DESCRIPTION: LOT: 92 DP: 1121639
ZONING: E2 Environmental Conservation
OWNER: Camden Council
APPLICANT: Urbis

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the erection of a Telstra telecommunications facility, including a 41m high monopole, flush panel antennas and remote radio units, construction of an ancillary equipment shelter, security fencing and associated site works.

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

SUMMARY OF RECOMMENDATION

That Council determine DA 338/2015 for the erection of a Telstra telecommunications facility, including a 41m high monopole, flush panel antennas and remote radio units, construction of an ancillary equipment shelter, security fencing 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 the erection of a Telstra telecommunications facility, including a 41m high monopole, flush panel antennas and remote radio units, construction of an ancillary equipment shelter, security fencing and associated site works.

Many telecommunication facilities do not require development consent from Council as they are exempt under both Federal legislation and State environmental planning policies. To be exempt, they must meet certain size and location requirements. The

proposed facility does not meet these exemption requirements and therefore requires development consent from Council.

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

The DA was publicly exhibited in accordance with Camden Development Control Plan 2011. Six submissions were received (all objecting to the proposed development). **A copy of the submissions is provided with the Business Paper supporting documents.**

The key issues raised in the submissions relate to the visual impact of the telecommunication facility within the Spring Farm locality, the health implications resulting from the development and the site selection process.

The DA proposes a telecommunications facility with an overall height of 41.32m. Council staff have considered the location, design and impact of the facility on the surrounding locality and consider that while the monopole will be visible, the slimline design of the facility and neutral colour finish will minimise the visual impacts of the development within the Spring Farm locality.

In relation to the impact of the development on the health of existing and future residents within the Spring Farm locality, the application has addressed all relevant health standards for telecommunication facilities by the Australian Communications and Media Authority (ACMA) and the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). An assessment of the proposed telecommunication facility against these standards and guidelines of ACMSA and ARPANSA has been detailed in the application. The proposed facility has a maximum level of radiofrequency EME of 0.31% which is significantly less than the standard's maximum exposure level. Council staff are therefore satisfied that the development meets all relevant standards.

Furthermore, the application provides a detailed analysis of the site selection process undertaken to find sites that could meet the technical demands of improving the network to deliver essential mobile services. An assessment was undertaken of existing telecommunication infrastructure to identify the possibility of co-location, as well as an examination of a range of new sites within the Spring Farm area. Based on the site selection process detailed in the *Statement of Environmental Effects*, Council staff consider that an adequate selection process was undertaken.

Other issues were raised in the submissions in relation to the colour of the monopole, the detailed construction of the boundary fencing and driveway, access to power and the location of telecommunication infrastructure in relation to the development to the south of the site. Council staff have worked with the applicant to resolve these issues and the conditions contained within the report address these particular concerns raised.

The proposed telecommunications facility will be located on Council land, therefore there will be a financial benefit for Council as the land owner. Council has not entered into a lease agreement with Telstra at this stage and this would only occur subsequent to the application being approved. For the purposes of probity, the application has been reviewed by an external party who is satisfied with the assessing officer's recommendation and that the application has been appropriately assessed. **A copy of the external peer review is provided as an attachment to this report.**

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

AERIAL PHOTO



THE SITE

The site is commonly known as 222 Richardson Road, Spring Farm and is legally described as Lot 92, DP 1121639.

The site is irregular in shape, with a frontage of 18m to Richardson Road, a maximum depth of 39.5m and an overall area of 412m².

The site is vacant, however there are number of scattered trees and low level vegetation present within the site area.

The surrounding area is characterised by a mix of residential uses, rural residential occupation, non-intensive agriculture and extractive industry. To the north, east and west of the site lies existing and future Spring Farm Bush Corridor land. To the south and south-east of the site lies the future Spring Farm Neighbourhood Centre, which will comprise a mix of retail, community, residential and open space uses.

HISTORY

On 9 October 2012 DA 586/2012 approved the erection of a 40m high monopole, flush panel antennae and ancillary equipment shelter at 279 Richardson Road, Spring Farm, nearby the subject site.

This monopole was not erected and the above development application DA586/2012 has since lapsed. There is no telecommunications facility within the Spring Farm area.

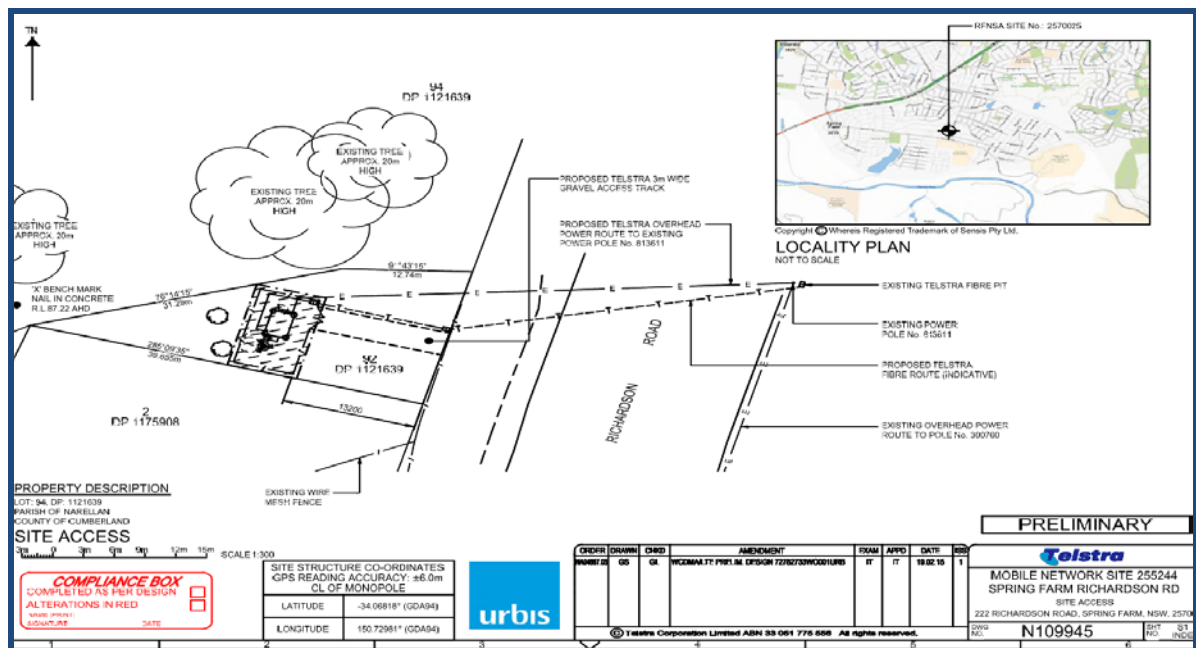
THE PROPOSAL

DA 338/2015 seeks approval for a new telecommunications facility. Specifically the proposed development involves:

- installation of a 41.32m high monopole with a non-reflective, neutral colour finish;
- installation of 6 panel antennaes (each with the following dimensions 2533mm x 353mm x 209mm). Three of the antennas will be located at a height of 36.9m and the remaining 3 will be located at a height of 40m;
- construction of an ancillary equipment shelter to accommodate electrical and telecommunication equipment associated with the facility (dimensions of 3.28m x 2.28m x 2.995m) within a fenced off area with 3m wide double access gates;
- installation of 6 remote radio units located beneath the antennaes;
- clearing of land, including the removal of 3 trees;
- installation of associated feeder cable running internally within the monopole, providing a connection from the monopole to the equipment shelter;
- ancillary works to include the installation of a concrete footing and the provision of a 600mm wide Telstra cable ladder; and
- access to the site for construction and maintenance purposes from Richardson Road.

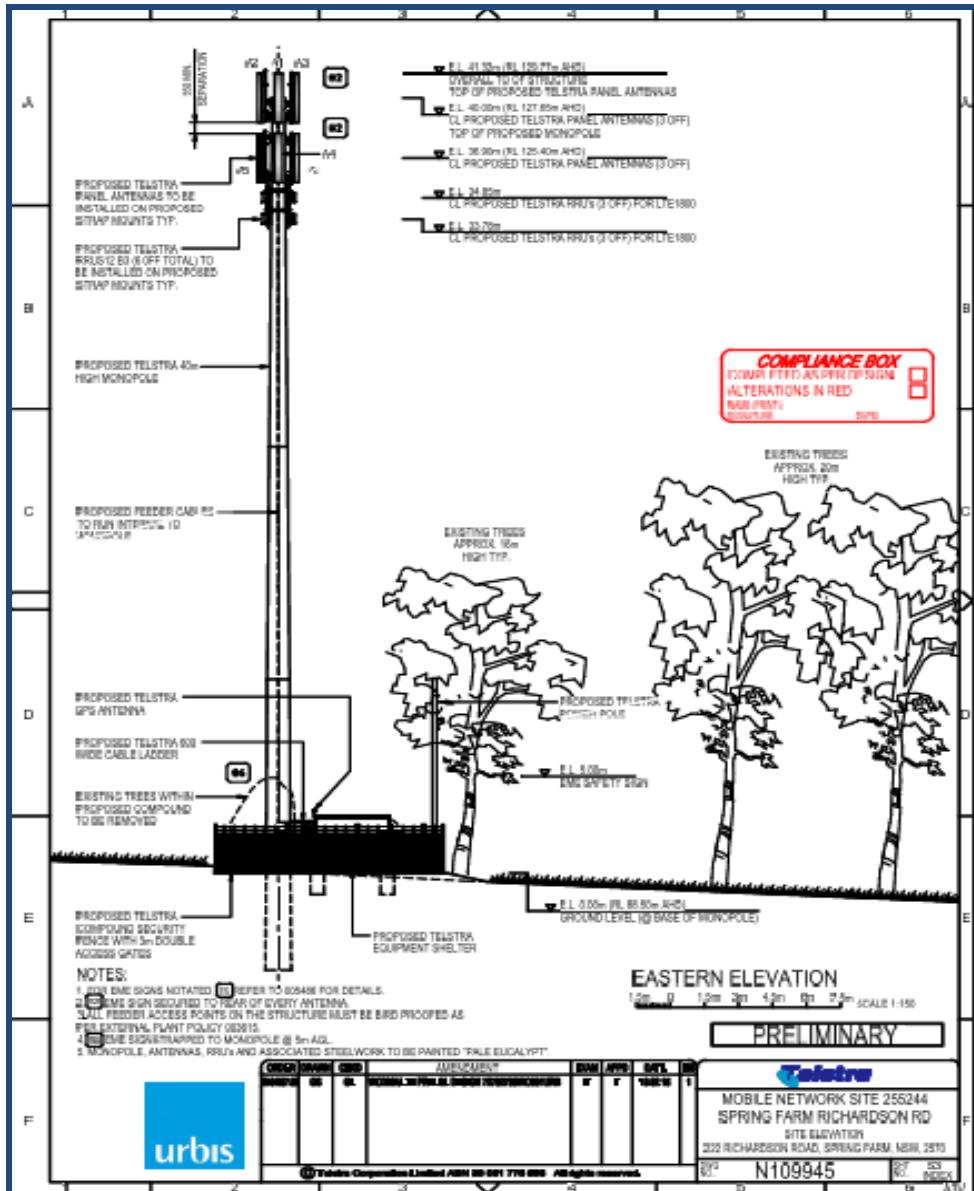
A copy of the proposed plans is provided as an attachment to this report.

PROPOSED SITE PLAN



PROPOSED ELEVATION

ORD02



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 (Infrastructure) 2007
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
- Deemed State Environmental Planning Policy No 9 – Extractive Industries

- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Camden Local Environmental Plan 2010
- Camden Development Control Plan 2011

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

State Environmental Planning Policy (infrastructure) 2007 (SEPP)

The SEPP defines the proposed development as a “telecommunications facility”. Pursuant to Clause 115 of the SEPP telecommunications facilities may be carried out by any person with development consent on any land. The proposed development is therefore permissible with development consent on the subject land.

The SEPP also requires any guidelines concerning site selection, design, construction or operating principles for telecommunication facilities must be taken into consideration in the assessment of a DA. An assessment against planning principles of the NSW Telecommunications Facilities Guidelines Including Broadband 2010 has been undertaken as follows:

- Principle 1: A telecommunications facility is to be designed and sited to minimise visual impact.

A detailed visual impact assessment has been submitted in support of the application. Overall it is anticipated that the proposed development will not have a significant visual impact on the surrounding area. The telecommunication facility is proposed in a slimline arrangement in the form of a monopole with almost flush antennae in comparison to traditional type structures with bulky heads frames which minimises the potential visual impact of the facility.

- Principle 2: Telecommunication facilities should be co-located wherever practical.

Prior to the application being made to Council, the applicant undertook a site selection process which has been detailed in the submitted statement of environmental effects. Co-location was considered as part of the process but was deemed unsuitable due to network coverage requirements, however the proposed facility will provide for co-location opportunities in the future by other providers.

- Principle 3: Health standards for exposure to radio emissions will be met.

Health standards for telecommunication facilities are administered by the Australian Communications and Media Authority (ACMA) and the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). An assessment of the proposed telecommunication facility against the standards and guidelines of ACMA and ARPANSA has been detailed in the application. The proposed facility has a maximum level of radiofrequency EME of 0.31% which is significantly less than the standard's maximum exposure level.

- Principle 4: Minimise disturbance and risk and maximise compliance.

The proposed development generally complies with all requirements of the Commonwealth Telecommunication Act 1997, The ACIF Industry Code for the Deployment of Mobile Phone Network Infrastructure, the Australian Communications

and Media Authority guidelines, the standards of the Australian Radiation Protection and Nuclear Safety Agency and Council's development controls.

Deemed State Environmental Planning Policy (Mining Petroleum Production and Extractive Industries) 2007

The aim of this policy is to provide for the proper management and development of mineral, petroleum and extractive material sources for the purpose of promoting the social and economic welfare of the State.

Clause 13 of the SEPP requires that the proposed development be assessed in terms of its compatibility with current and future mining, petroleum production and extractive industries.

Sand and soil extraction is currently taking place approximately 1.5km to the west of the proposed site (the M Collins and Sons site on Macarthur Road). It is considered that an adequate buffer exists between the extractive industry and the proposed development and that the existing conditions of consent for this industry will ensure that the development will not be adversely affected by noise, dust or reduced visual amenity, thereby satisfying the requirements of the SEPP.

Deemed State Environmental Planning Policy No 9 – Extractive Industries (SEPP)

Pursuant to Clause 8 of the SEPP, the application was referred to the Department of Trade & Investment Resources and Energy for comment, in that the subject site is located within an area identified as having extractive material of regional significance. The Department of Trade & Investment Resources and Energy has raised no issues with the proposed development. Council officers are satisfied that there will be no future land conflict as a result of the proposed development.

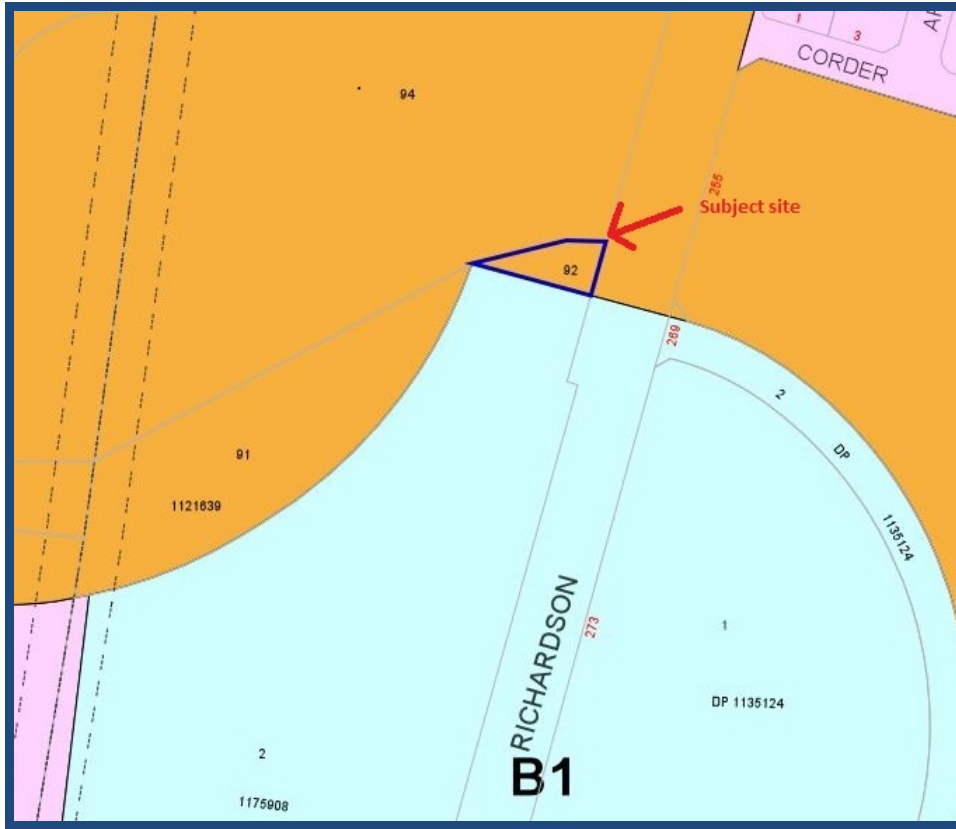
Deemed State Environmental Planning Policy 20 – Hawkesbury/Nepean River (SEPP)

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. Appropriate erosion and sediment control measures have been proposed and conditions are recommended to ensure that the aims and objectives of the SEPP are met.

Camden Local Environmental Plan 2010 (LEP)

The subject site is located on the fringe of the E2 Environmental Conservation zone and adjoins the B1 zoned land which is to be a future neighbourhood centre. This is shown in the map below.



Permissibility

The site is zoned E2 Environmental Conservation under the provisions of the LEP. The proposed development is defined as a "telecommunications facility" by the LEP which is not specified as a permissible land use in this zone, however Clause 115 of the State Environmental Planning Policy (Infrastructure) 2007 overrides the LEP in that a "telecommunications facility" may be carried out by any person with development consent on any land.

Objectives

In terms of the proposed development's consistency with the zones objectives, the relevant objectives of the zone seek to "protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values", "to prevent development that could destroy, damage or otherwise have an adverse effect on those values", "to protect and enhance the ecology, hydrology and scenic views of the waterway, riparian land, groundwater resources and dependant ecosystems".

It is considered that the development is generally consistent with these objectives. The proposed facility will not restrict the effective protection, management and restoration of the surrounding bush corridor. No significant or mature trees are required to be removed as a result of the proposal. The design of the telecommunication facility, incorporating a slimline design with a neutral colour finish will ensure that any impact on the surrounding Spring Farm Bush Corridor is minimised.

Relevant Clauses

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

| Clause | Requirement | Provided | Compliance |
|---------------------------------------|---|--|------------|
| 5.9 & 5.9AA Trees or Vegetation | Preserve the amenity of the area through the preservation of trees and other vegetation | All vegetation within the site is proposed to be removed including three small wattle trees and non-native understory vegetation. A Flora and Fauna assessment has been submitted in support of the application and Council's Natural Resource Officer is satisfied that the vegetation removal is acceptable. A condition is recommended requiring the submission of a detailed landscaping plan prior to the issue of a Construction Certificate | Yes |
| 7.2 Airspace Operations | Development within the Obstacle Limitation Surface requires referral to the airport authority | The proposed monopole is not within the mapped OLS and does not require referral to Camden Airport Authority | Yes |

(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 Instruments 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 measures | Appropriate erosion and sedimentation controls have been proposed and are deemed to be | Yes |

| Control | Requirement | Provided | Compliance |
|--|--|--|------------|
| | | acceptable | |
| B1.4 Water Management | To protect natural and enhance natural watercourses, riparian corridors and wetlands | The development has been designed with consideration to the adjoining waterfront land. The DA was referred to NSW Office of Water for comment. The response requested that a number of conditions be included in any future consent. Compliance with conditions is a recommended condition | Yes |
| B1.5 Trees and Vegetation | Preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation | The vegetation removal as proposed is minimal and has been assessed by Council's Natural Resource officer and is therefore deemed acceptable | Yes |
| B1.6 Environmentally Sensitive Land | Development within ESL must be designed to avoid adverse environmental impact | Only a small portion of the site is shown as ESL and no development is proposed within this area | Yes |
| B1.8 Environmental and Declared Noxious Weeds | All applications for development are to consider the need to minimise weed dispersion and to ensure weed infestations are managed during the stages of development | It is a recommended condition that the applicant must suppress and destroy by appropriate means any noxious or environmentally invasive weed infestations that occur during and after construction works | Yes |
| B1.10 Bushfire Risk Management | Development must comply with Planning for Bush Fire Protection 2006 | Pursuant to Section 79BA of the Environmental Planning and Assessment Act 1979, the DA was referred to the NSW Rural Fire Service (RFS) for comment. The RFS has recommended that the proposed | Yes |

| Control | Requirement | Provided | Compliance |
|--|---|--|------------|
| | | development comply with a number of conditions relating to Asset Protection Zones, water and utilities services, design and construction and landscaping. Compliance with these conditions is a recommended condition of consent | |
| B1.13 Mine Subsidence | Applications for development within the area shown on Figure B2 requires the approval of the Mine Subsidence Board (MSB) prior to the submission of a DA to Council | Plans of the proposed development have been approved in-principle by the MSB prior to lodgement with Council | Yes |
| B1.15 Development near Camden Airport | Structures must not exceed the obstacle height limit shown on the OLS map | The site is outside the OLS map | Yes |
| B3.2 Aboriginal Cultural Heritage | An AHIP is required from OEH for any activity likely to impact Aboriginal items or areas | The applicant has conducted an Aboriginal Due Diligence assessment and concluded there are no Aboriginal heritage items on site | Yes |
| B3.1.5 Cultural Visual Landscapes | Optimise cultural and visual landscapes | The proposed facility does not obstruct cultural and visual landscapes identified with the DCP | Yes |

(a)(iii) 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

There are no matters prescribed by the Regulations that apply to the proposed development.

(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.

Health Impacts

Under Commonwealth Legislation, mobile phone carriers are required to adhere to regulations administered by the Australian Communications and Media Authority (ACMA).

In 2003, ACMA adopted the Radiotelecommunication (Electromagnetic Radiation Human Exposure) Standard 2003 (the Standards) which was prepared by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). This standard is recommended by the World Health Organisation. All telecommunication facility operators are bound by this standard.

The standard limits the amount of electromagnetic energy (EME) that can be emitted from telecommunication facilities and sets out appropriate maximum levels designed to protect people when in the vicinity of such facilities.

The use of this standard has been tested and supported in decisions made by the NSW Land and Environment Court (LEC) in the case of Telstra Corporation Limited Vs. Hornsby Shire Council [2006] in which the Court ruled in favour of Telstra for the reason that the standards which are set by ACMA are considered to be an appropriate health standard for such facilities to comply with.

The proposed development has a maximum level of radiofrequency of 0.31% of the standards maximum exposure level. The maximum EME levels achieved by the proposed development are significantly less than the mandated exposure limit and therefore comply with the relevant health standard.

Visual Impacts

The telecommunications facility has an overall height of 41.32m. The height of the proposed development was determined based on two factors. Firstly, the height is necessary to achieve target service coverage, which takes into account surrounding topography, vegetation and structures. Secondly, the facility provides for co-location by other service providers in the future.

While the proposed development is high and will be visible, the applicant proposes to minimise the visual impact through the slimline design of the monopole, combined with a non-reflective, neutral colour finish and an almost flush antennae arrangement.

It is considered that the slimline design will be less obtrusive and will blend more effectively with the surroundings compared to the traditional lattice design of telecommunication facilities. Furthermore the neutral colour of the proposed facility will allow for more effective camouflaging of the facility.

If the monopole was proposed at lower height, provision for other service providers would require either a height extension to the proposed facility or the installation of separate facilities by means of additional telecommunication facilities in the same area. One telecommunication facility with the opportunity for co-location is preferred, rather than multiple telecommunication facilities within the one coverage area.

Spring Farm is currently undergoing significant urban development. With the ongoing development of the urban release area, including the future town centre immediately south of the site, residential areas and bush corridors, the facility will become less prominent visually and will blend further into the suburban character of the area

On balance, it is considered that the proposed facility achieves an acceptable visual outcome for the following reasons:

- the proposed telecommunication facility will have the capacity to co-locate future providers onto one facility, therefore limiting the need for additional facilities for other service providers within the coverage area in the future;
- the slimline monopole design with the proposed antennae will be less obtrusive to sightlines in and out of the area compared to the lattice type structure with mounted bulky head frame;
- the colour of the proposed facility will allow for the monopole to easily blend in with the natural setting of the surrounding locality; and
- future development of the neighbourhood centre and the establishment of the bush corridor in Spring Farm's West Village will provide a visual buffer to part of the telecommunication facility.

(c) *The suitability of the site*

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

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

The DA was publicly exhibited for 30 days in accordance with the DCP. The exhibition period was from 14 May 2015 to 12 June 2015. 1161 properties were notified and 6 submissions (two from the same objector) were received (all objecting to the proposed development). **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. The visual impact of the facility will affect the amenity of the area

Officer Comment

The visual impact of the proposed development has been addressed in the "likely impact of the development" section of this report. As previously discussed, the visual impacts of the proposed development will be minimised by the monopoles slimline design, its colour finish to help it blend in to its surroundings and the proposed antennae arrangement. Approval of such a facility will also provide co-location opportunities which will help reduce the need for additional telecommunications facilities in the future.

2. The development will negatively impact on existing and future residents health in the long term

Officer Comment

Health standards for telecommunication facilities are administered by the Australian Communications and Media Authority (ACMA) and the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). An assessment of the proposed telecommunication facility against the standards and guidelines of ACMA and ARPANSA has been detailed in the application. The proposed facility has a maximum level of radiofrequency EME of 0.31% of the public exposure limit. Council's Environmental Health Officer is satisfied that the development meets the exposure levels.

3. *There are many other locations where the telecommunication tower could be located*

Officer Comment

It is considered that the site selection process has been adequately undertaken. The submitted statement of environmental effects (SEE) lodged with the application includes a site selection process which was undertaken as part of the preliminary application process.

An assessment of the existing telecommunication infrastructure surrounding Spring Farm was reviewed as part of the site selection process. The sites reviewed include Roads and Maritime Services land adjacent to Camden Bypass in Elderslie, Studley Park Golf Course in Narellan and Glenlee Road, Mount Annan. These sites were not considered to be appropriate as they already accommodate Telstra facilities and co-locating at these sites would not reach or improve service coverage in Spring Farm.

Four new sites were subsequently looked at within the coverage area to accommodate a new telecommunication facility. The new sites identified and reviewed include Endeavour Energy – Nepean substation at 148 Springs Road (Site A), 279 Richardson Road (Site B), 254 Richardson Road (Site C) and 222 Richardson Road (Site D).

Sites A and B were considered to be appropriate sites for the proposed development, however the land owners did not indicate interest in housing a telecommunications facility as it would compromise future development potential of the land. Site C was considered to be inappropriate for a telecommunication facility as the location would have potentially interfered with the primary access/exit to the Woolworths development within the Spring Farm Neighbourhood Centre. Site D was considered to be a suitable candidate as it would provide the necessary coverage for the locality without any significant environmental impact. Site D was selected as the subject site for the proposed development.

Based on the site selection process detailed in the SEE, Council staff consider that an adequate site selection was undertaken.

4. *The infrastructure will cause house prices to fall in the Spring Farm locality*

Officer Comment

This matter is not a relevant consideration as part of this current application.

5. *Not all documents were available for viewing on Council's website*

Officer Comment

All documents were subsequently made available for viewing on Council's website. No further submissions were received.

6. *Due to the location of main sewer servicing Precincts 500, 600 and 800 of East Village along the southern boundary of the site, the monopole should be located away from this boundary between 3m – 4m.*

Officer Comment

Council staff have discussed this matter with the applicant, who has confirmed that they are willing to locate the monopole away from the southern boundary of the site to ensure that an appropriate separation distance is provided. As such, a condition is recommended requiring details to be submitted with a Construction Certificate application.

7. *The existing power poles, overhead lines and fibre route are to be relocated underground as part of the reconstruction of Richardson Road. Therefore the proposed overhead electrical connection will not work as proposed by the development. Telstra will be therefore be required to underbore the road and avoid existing and proposed services*

Officer Comment

Council staff note that the power supply in the area is being relocated from overhead lines to underground cabling. The applicant has accepted that a condition of consent will require amended plans showing the revised power and fibre routes to be submitted with the Construction Certificate application. This will address the issue raised.

8. *A concrete driveway and landscaping should be provided to Richardson Road*

Officer Comment

The applicant has agreed that a concrete driveway and landscaping to Richardson Road can be provided as part of the development. Accordingly, conditions are recommended requiring to the submission of landscaping plan and details relating to the construction of the driveway from Richardson Road.

9. *Due to the location of the site adjacent to Spring Farm Neighbourhood Centre, the monopole should be painted green and the proposed chain wire fencing at street level should be converted to PVC to better blend in.*

Officer Comment

The applicant proposes to paint the monopole "green" in colour, which will ensure that the facility blends in with the surrounding natural landscape. Furthermore, the applicant has agreed to amend the fencing along the boundary of the site. Conditions are recommended requiring details to be submitted with a Construction Certificate application.

(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 (NSW RFS)

The DA was referred to the NSW RFS for comment as the site is mapped as bush fire prone land. The RFS has raised no issues with the proposed development subject to compliance with a number of conditions relating to Asset Protection Zones, water and utilities, design and construction and landscaping. Compliance with these conditions is a recommended condition of consent.

NSW Office of Water

The DA was referred to the NSW Office of Water for assessment as the development requires an activity approval under Part 3 of Chapter 3 of the *Water Management Act 2000*. The proposed development is therefore classified as Nominated Integrated Development.

NSW Office of Water raised no objection to the proposed development subject to General Terms of Approval relating to further notification in the event that the application is amended. Compliance with these General Terms of Approval is a recommended condition.

Department of Trade & Investment Resources and Energy (DTI)

Pursuant to Clause 8 of the SREP, the application was referred to the Department of Trade & Investment Resources and Energy for their comment in that the subject site is located within an area identified as having extractive material of regional significance. DTI has raised no issues with the proposed development. Council is satisfied that there will be no future land conflict as a result of the proposed development.

Endeavour Energy

An Endeavour Energy easement traverses the site along the northern boundary. Pursuant to Clause 45 of the *State Environmental Planning Policy (Infrastructure) 2007*, the DA was referred to Endeavour Energy for comment. Endeavour Energy has raised no objection to the proposed construction of a telecommunication facility.

FINANCIAL IMPLICATIONS

The proposed telecommunications facility will be located on Council land, therefore there will be a financial benefit for Council as the land owner. Council has not entered into a lease agreement with Telstra at this stage and this would only occur subsequent to the application being approved. For the purposes of probity the application has been reviewed by an external party who is satisfied with the assessing officer's recommendation and that the application has been appropriately assessed.

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 338/2015 is recommended for approval subject to the conditions contained in this report:

CONDITIONS

1.0 - General Conditions of Consent

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

- (1) **General Terms of Approval** - The General Terms of Approval from state authorities shall be complied with prior to, during, and at the completion of the development.

The General Terms of Approval are:

- 1. NSW Office of Water, reference number 10 ERM2015/0402 dated 19 June 2015
- (2) **Compliance with the NSW RFS Requirements** – The development must be carried out in accordance with the requirements of the NSW Rural Fire Service specified in the letter dated 26 May 2015 (Reference number D158/1237).
- (3) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

| Plan Reference/ Drawing No. | Name of Plan | Prepared by | Date |
|--------------------------------|-----------------------------|-------------|------------------|
| N109945 Sheet S1 | Site Access | Urbis | 19 February 2015 |
| N109945 Sheet S1-1 | Site Layout | Urbis | 19 February 2015 |
| N109945 Sheet S3 | Site Elevation | Urbis | 19 February 2015 |
| N109945 Sheet S3-1 | Antenna Configuration table | Urbis | 19 February 2015 |

- (4) **Modified Documents and Plans** – The development shall be modified as follows:
 - a) the monopole must be setback 4m from the southern boundary of the site which must also be confirmed by Sydney Water to ensure sufficient separation between the facility and the future mains sewer servicing surrounding residential development;
 - b) the powerpole must be removed from the plans and revised details must be provided showing the underground power and fibre routes to the facility;
 - c) the monopole must be painted in a green colour finish details;

- d) the security fencing surrounding the site must be constructed on PVC and painted black;
- e) the driveway from Richardson Road must be of a concrete construction; and
- f) a landscaping design must be provided within the site along the interface with Richardson Road.

Amended plans or documentation demonstrating compliance shall be provided to the Certifying Authority and Council prior to the issue of a Construction Certificate.

- (5) **Compliance with Requirements of Relevant Authorities** – The requirements of the relevant referral authorities as specified in the following correspondence shall be complied with:
 - a) NSW Department of Trade and Investment – Resources and Energy, reference number OUT15/12341 dated 12 June 2015
 - b) Endeavour Energy correspondence, dated 12 June 2015
- (6) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (7) **Approved Facility Height** – The approved monopole must not exceed the height as approved on the plans.
- (8) **Protection of adjoining Bushland and/or Waterfront Areas** - To limit the potential for damage to the adjoining Bushland areas and/or Waterfront areas, the boundaries to these areas must be fenced prior to the commencement of any earthworks, demolition, excavation or construction works. As well as the fencing prior to any earthworks commencing, other protection measures must be completed in accordance with the standards as specified in AS 4970-2009 Protection of Trees on Development sites.

The fencing must be kept in place until the completion of development and maintenance works and be marked by appropriate signage notifying all site visitors that the subject trees and vegetation areas are protected. The fencing should be a minimum of a 1.8 metres high chain link or welded mesh fencing.
- (9) **Noxious Weed Management** – Noxious weed management shall occur in accordance with Camden Development Control Plan 2011.
- (10) **Lease Agreement** – Prior to the commencement of works, a Lease Agreement must be entered into with Council's Property Division for the use and occupation of the land.

2.0 - Prior to Commencement of Works

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

-
- (1) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.
- (2) **Notice Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (3) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Consent Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;

- d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours;
 - c) the name, address and telephone number of the PCA.

The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.

- (5) **Site is to be Secured** - The site shall be secured and fenced to the satisfaction of the PCA. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.
- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this Development Consent.

Soil erosion and sediment control measures shall be maintained during construction works and shall 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).

3.0 - During Works

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

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Site Management Plan** - The following practices are to be implemented during construction:
- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
 - b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from

these activities shall be contained on site and disposed of in an appropriate manner;

- c) waste shall not be burnt or buried on site, nor shall wind blown rubbish be allowed to leave the site. All waste shall be disposed of at an approved waste disposal depot;
 - d) a waste control container shall be located on the site;
 - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
 - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (3) **Salinity Management** – All proposed construction works that includes earthworks, imported fill, landscaping, roadways, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with the report titled *“Salinity Hazard Assessment and Management Plan: Spring Farm Stage 1 & 2 Camden. Prepared by SMEC Australia Pty Ltd, Dated June 2005, Project No 31570.001.”*
- (4) **Noise** - All work shall not give rise to an ‘offensive noise’ as defined in the *Protection of the Environment Operations Act (1997)*.

All work shall comply with the requirement of the NSW Industrial Noise Policy and the Environment Protection Authority’ Environmental Noise Manual.

- (5) **Delivery Register**- The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Camden Council officers on request and be provided to the Council at the completion of the development.
- (6) **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 provided 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:

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 6000m³ - 3 sampling locations,
- f) greater than 6000m³ - 3 sampling locations with 1 extra location for each additional 2000m³ 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 ³) |
|-----------------------------------|--------------------------|----------------------------------|
| 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.

- (7) **Offensive Noise, Dust, Odour and Vibration** - All work shall not 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.
- (8) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be installed and maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the Soils and Construction – Managing Urban Stormwater manual (Blue Book).
- (9) **Unexpected Finds 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 works (including earthworks, site preparation or construction works, etc), such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

4.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Occupation Certificate Required**- An Occupation Certificate shall be obtained prior to any use or occupation of the development.

5.0 – Ongoing Use

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

- (1) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.
- (2) **Removal of Graffiti** - The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.

- (3) **Hours of Maintenance** - The facility must only be accessed for maintenance between 9.00am and 5.30pm. However 24 hour access is permitted in the event of essential/emergency maintenance.
- (4) **Driveways to be Maintained** - All access crossings and driveways shall be maintained in good order for the life of the development.
- (5) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.
- (6) **Landscaping Maintenance Establishment Period** - Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain all hard and soft landscaping elements associated with this consent.

The 12 month maintenance and establishment period includes the applicant's responsibility for the establishment, care and repair of all landscaping elements including all street tree installations, plantings, lawn and hardscape elements including paths, walls, bins, seats, BBQs, shelters, playground equipment and soft fall treatments.

The date of practical completion is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting, turn installation, street tree installation and mulching.

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, etc) shall 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 shall comply with the approved landscape plans

RECOMMENDED

That Council approve DA 338/2015 for erection of a Telstra telecommunications facility including a 41m high monopole, flush panel antennas and remote radio units; and construction of an ancillary equipment shelter, security fencing and associated site works at 222 Richardson Road, Spring Farm, subject to the conditions listed above.

ATTACHMENTS

1. Site Plans
2. Independent Peer Review
3. Submissions - 222 Richardson Road - *Supporting Document*
4. Public Exhibition and Submissions Map - *Supporting Document*

ORDINARY COUNCIL

ORD03

ORD03

SUBJECT: PRE-GATEWAY REVIEW - FINDINGS AND RECOMMENDATIONS REPORT

FROM: Director Planning & Environmental Services

TRIM #: 15/251549

PURPOSE OF REPORT

The purpose of this report is to inform Council of the Department of Planning and Environment's (DPE) review of the pre-Gateway review process and to seek a resolution to forward a submission on the review to the DPE.

BACKGROUND

In 2009, the State Government introduced a number of changes to the LEP making process. This included the introduction of a Gateway determination which allowed the Minister for Planning to assess at an early stage whether a planning proposal had merit before significant resources were allocated.

In 2012, further reforms were made to the LEP making process including the introduction of a pre-Gateway review. The pre-Gateway review allows a proponent to apply to the DPE to seek a review of a planning proposal by an independent panel, where Council has resolved not to support a planning proposal or where Council fails to forward a planning proposal for Gateway determination within 90 days of receipt.

The DPE has recently undertaken a review of the pre-Gateway review process. On 3 September 2015, the DPE released a *Pre-Gateway Review – Findings and Recommendations Report* and invited comment by 14 October 2015. This report is provided as **Attachment 1 to this report**.

Council currently has one planning proposal the subject of a pre-Gateway review. A site at Macquarie Grove Road, Kirkham, which was submitted by the proponent to the DPE for pre-Gateway review on 23 July 2013. This matter is currently waiting determination by the DPE.

At its meeting of 8 July 2014, whilst considering the Kirkham matter, Council resolved to write to the State Member for Camden, Mr Chris Patterson requesting that the State Government scrap the pre-Gateway review process.

In addition, the Mayor and Council officers have written to the current Minister for Planning and the DPE outlining Council's in principle concern that pre-Gateway reviews are not in accordance with the State Government's intentions to return planning powers to the community and that the process does not allow sufficient local representation.

MAIN REPORT

Notwithstanding Council's concerns with pre-Gateway reviews, Council officers have considered the recommendations provided in the DPE's report.

A summary of the key changes is outlined below and a response to the report is provided as **Attachment 2**, which if endorsed will form Council's submission to the DPE.

Pre-Gateway Review – Findings and Recommendations Report
Summary of Recommendations

A number of procedural changes are recommended including:

1. Recommendation:

Referral of all pre-Gateway review requests by the DPE to the Joint Regional Planning Panels (JRPP) within three days.

Officer Comment:

Whilst this recommendation is expected to reduce the time taken for a review to be completed, it removes the opportunity for DPE officers to assess the planning proposal prior to referral to the JRPP.

There is a concern that this recommendation removes the opportunity for planning proposals to be assessed by a planner and/or other specialists (as required) with the relevant qualifications and experience along with knowledge of local planning issues and concerns.

2. Recommendation:

Community notification that a pre-Gateway review request has been received by DPE within five days of receipt.

Officer Comment:

Community notification of a pre-Gateway review is supported, however clarification is required on the proposed method of notification.

It is recommended that on receipt of a pre-Gateway review, the DPE notify and consult with all affected and surrounding landowners to assist in understanding local issues and resident concerns.

3. Recommendation:

Strengthening the test for a pre-Gateway review, including better linking it to adopted or draft regional, sub-regional or local planning strategies and taking into account the time that has elapsed since the community last provided their feedback on zoning in the area.

Officer Comment:

It is recommended that pre-Gateway reviews be primarily assessed against local planning documents and strategies. In some instances it can be difficult to assess planning proposals against broader planning strategies such as "The Plan for Growing Sydney" and associated sub-regional plans, as these strategies lack detail on local planning matters.

4. Recommendation:

Increasing the role of the Joint Regional Planning Panels (JRPPs) who will carry out the assessment and determine the pre-Gateway review.

The report recommends that DPE officers no longer undertake an initial assessment of a planning proposal submitted for pre-Gateway review. Instead this

assessment will be undertaken by the JRPP. Power to appoint an alternative planning authority and plan making powers will also be delegated to the JRPP.

Officer Comment:

Council's officers currently work closely with DPE officers on local and regional planning strategies. Therefore there is some concern that by removing the assessment by DPE officers, local planning issues may not be taken into consideration.

5. Recommendation:

Where a Council refuses the JRPPs request to act as the Relevant Planning Authority (RPA), or does not respond to that request within 42 days, the relevant JRPP will become the RPA.

Officer Comment:

Depending on the nature of the planning proposal, a decision on whether Council agrees to act as the RPA may not be achievable within 42 days. The need for a time limit is acknowledged, however it is recommended that Councils be granted 60 days to respond to such requests.

OUTSTANDING CONCERNS

Council's recent involvement in the pre-Gateway review process has identified additional concerns that have not been addressed by the review.

Resource impost on Councils

In some instances, such as with the Kirkham planning proposal, significant Council resources are required to be committed to the pre-Gateway review process.

The review recommends that proponents not be permitted to modify a planning proposal lodged for review, from that previously considered by Council. This recommendation will in part address resource impacts however Council resources will still be required to be dedicated to pre-Gateway reviews.

It is also noted that the pre-Gateway review process currently allows for the JRPP to meet with Council, the proponent and the DPE as required. These meetings are not identified in the proposed pre-Gateway review process. Council therefore seeks clarity on whether there will be an opportunity for Council to discuss the review with the JRPP.

JRPP representation

The pre-Gateway review recommends additional responsibility be given to the JRPP. There is a concern that not all members of the JRPP may have a full understanding of local planning issues and community concerns.

It is however noted that as part of the recent announcement of the Greater Sydney Commission (GSC), the role and structure of the JRPP is identified to change. The proposal includes changes to the structure of the JRPP in the following way – two local specialists, two State appointees, and a GSC district Commissioner (chair). Council is waiting further information in relation to this matter.

FINANCIAL IMPLICATIONS

The matter has no direct financial implications for Council.

CONCLUSION

On 3 September 2015, the DPE released a *Pre-Gateway Review – Findings and Recommendations Report* and invited comment by 14 October 2015.

The recommended changes are mostly procedural in nature. It is acknowledged that the recommendations address some current procedural issues, however they do not address Council's fundamental concern with the pre-Gateway process. Council continues to advocate that the pre-Gateway review process should be scrapped.

RECOMMENDED

That Council:

- i. endorse the submission to the review of the pre-Gateway review process; and**
- ii. forward a copy of the submission document to the Department of Planning and Environment.**

ATTACHMENTS

1. Review of the pre- Gateway review process - Findings and Recommendation Report
2. Attachment 2 PRE-GATEWAY REVIEW PROCESS final

ORDINARY COUNCIL

ORD04

ORD04

SUBJECT: AMENDMENT TO CAMDEN LEP 2010 TO REFLECT LGA BOUNDARY RE-ALIGNMENT NEAR EAST LEPPINGTON (WILLOWDALE) AND EMERALD HILLS

FROM: Director Planning & Environmental Services

TRIM #: 15/242327

PREVIOUS ITEMS: ORD04 - Boundary Re-alignment - East Leppington (Willowdale) - Ordinary Council - 09 Dec 2014 6.00pm

PURPOSE OF REPORT

To seek Council's endorsement of a planning proposal (**included as Attachment 1 to this report**) to amend various maps in the Camden Local Environmental Plan (LEP) 2010 to reflect the upcoming gazettal of the re-alignment of the Local Government Area (LGA) boundary between Camden and Campbelltown near East Leppington (Willowdale) and Emerald Hills and to forward the planning proposal to the Department of Planning and Environment (DPE) to seek a Gateway Determination.

BACKGROUND

At its meeting of 9 December 2014, Council considered a report on the proposed re-alignment of the LGA boundary between Camden and Campbelltown. At that time Council resolved:

"That Council:

- i. agree to re-align the Camden Council – Campbelltown City Council boundary from Denham Court Road to Raby Road in accordance with the boundary map as attached to this report; and*
- ii. request the Office of Local Government to refer the boundary re-alignment to the Minister and Governor for approval."*

Figure 1 shows the location of the existing LGA boundary in yellow and the proposed amendments to the LGA boundary in orange.

Following Council's resolution on 9 December 2014, an application was forwarded to the Office of Local Government (OLG) to endorse the proposal.

The gazettal of the LGA boundary re-alignment is likely to occur in the coming months. Following gazettal, Council can proceed with the necessary amendments to the Camden LEP 2010, Camden DCP 2011, Camden Growth Centres DCP and the East Leppington VPA to reflect the LGA boundary re-alignment.

It is noted that this report deals with the proposed amendments to the LEP only and that a further report will be submitted to Council with regards to the proposed DCP and VPA amendments. The LEP changes have a longer lead time for preparation than the DCP and VPA changes due to the statutory process for LEP amendments. It is for this reason that this report is being submitted at this time to facilitate commencement of the

process. It is important that the Camden LEP and Campbelltown LEP amendments be gazetted simultaneously and Council officers are working to ensure this occurs.



Figure 1 – Existing LGA boundary (yellow) and proposed amendments (orange)

MAIN REPORT

Amendments at East Leppington/Willowdale

Figure 2 shows the location of the existing LGA boundary in yellow and the proposed LGA boundary in orange at East Leppington/Willowdale.



Figure 2 – Existing LGA boundary (yellow) and proposed amendments (orange) at East Leppington/Willowdale

Amendments to State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The land at East Leppington/Willowdale was rezoned under State Environmental Planning Policy (Sydney Region Growth Centres) 2006, in March 2013.

The zoning and associated development controls apply across the precinct and do not have regard to the LGA boundary which traverses the site. No change is proposed to the zoning, SEPP controls or maps as a result of the LGA boundary re-alignment.

Amendments to Camden LEP 2010

The LGA boundary re-alignment requires an amendment to various LEP maps at East Leppington/Willowdale to reflect the new LGA boundary.

The following LEP maps at East Leppington/Willowdale are proposed to be amended to reflect the LGA boundary adjustment:

- Land Application Map
- Land Zoning Map
- Height of Buildings Map
- Lot Size Map
- Land Reservation Acquisition Map
- Heritage Map; and
- Additional Permitted Uses Map.

Amendments to Camden Growth Centres DCP

The LGA boundary re-alignment at East Leppington/Willowdale requires an amendment to various figures in the Camden Growth Centres DCP to reflect the new LGA boundary. The draft DCP amendment will be reported to Council in future and is intended to be exhibited concurrently with the planning proposal.

Amendment to East Leppington Voluntary Planning Agreement (VPA)

The LGA boundary re-alignment at East Leppington/Willowdale requires a minor amendment to the VPA map indicating the land to which the VPA applies. The draft VPA amendment will be reported to Council in future and is intended to be exhibited concurrently with the planning proposal.

Amendments at Emerald Hills

Figure 3 shows the location of the existing LGA boundary in yellow and the proposed LGA boundary in orange at Emerald Hills.

Amendments to Camden LEP 2010

The LGA boundary re-alignment at Emerald Hills requires an amendment to various LEP maps.

Under the LGA boundary re-alignment, the following land at Emerald Hills will be located within the Camden LGA:

- the Emerald Hills biobanking/environmental conservation land
- the land within the Ingleburn Dam catchment lot; and
- the land within the Sydney Upper Canal lot.

An E2 Environmental Conservation zone and a minimum lot size of 2 hectares is proposed to be applied to the Emerald Hills biobanking/environmental conservation land. This is consistent with the zoning and minimum lot size which applies to the remainder of the Emerald Hills biobanking/environmental conservation land.

The following maps are proposed to be amended:

- Land Application Map
- Land Zoning Map
- Height of Buildings Map
- Lot Size Map
- Land Reservation Acquisition Map
- Heritage Map
- Additional Permitted Uses Map; and
- Urban Release Areas Map.



Figure 3 – Existing LGA boundary (yellow) and proposed amendments (orange) at Emerald Hills

Amendments to Camden DCP 2011

The LGA boundary re-alignment at Emerald Hills requires an amendment to various figures in the Camden Growth Centres DCP to reflect the new LGA boundary. The draft DCP amendment will be reported to Council in future and is intended to be exhibited concurrently with the planning proposal.

Amendment to Emerald Hills Voluntary Planning Agreement (VPA)

The LGA boundary re-alignment at Emerald Hills does not require an amendment to the Emerald Hills VPA as the boundary adjustment will not result in the potential for any additional lots to be created.

Next Steps

The planning proposal has been prepared ahead of the gazettal of the LGA boundary re-alignment so that it is ready to be forwarded to the Department for a Gateway Determination upon gazettal of the boundary re-alignment, which is expected shortly.



The amendments to the Camden DCP 2011, the Camden Growth Centres DCP and the East Leppington VPA are currently underway and will be reported to Council in future, with the intention of exhibiting the planning proposal (subject to receiving Gateway Determination) concurrently with the amendments to the VPA and DCPs. The public exhibition is intended to run for a period of 28 days in accordance with legislative requirements.

Council intends to use its delegation pursuant to Section 23 of the *Environmental Planning and Assessment Act 1979* for this planning proposal.

Council officers will work with Campbelltown Council to ensure that the changes to the relevant instruments occur simultaneously so that land owners have clarity regarding the planning controls that apply to their land.

FINANCIAL IMPLICATIONS

There are no direct financial implications for Council.

CONCLUSION

The draft planning proposal seeks to amend various maps under the Camden LEP 2010 to reflect the LGA boundary re-alignment between Camden and Campbelltown at East Leppington/Willowdale and Emerald Hills. **A copy of the draft planning proposal is provided as an attachment to this report.**

The LEP map amendments at East Leppington/Willowdale will reflect the amended LGA boundary and no other changes are proposed.

The LEP map amendments at Emerald Hills will result in the entire environmental conservation/biobanking lot at Emerald Hills falling within the Camden LGA boundary. It is proposed to apply an E2 Environmental Conservation zoning and 2 hectare minimum lot size to this land which is consistent with the remainder of the lot.

A further report will be submitted to Council for consideration of the amendments to the Camden DCP 2011, the Camden Growth Areas DCP and the East Leppington VPA.

RECOMMENDED

That Council:

- i. endorse the draft planning proposal regarding the gazettal of the re-aligned LGA boundary between Camden and Campbelltown;**
- ii. upon gazettal of the LGA boundary adjustment, forwards the planning proposal to the Department of Planning and Environment to seek a Gateway Determination and advise that Council will be using its delegation pursuant to Section 23 of the Environmental Planning and Assessment Act 1979; and**
- iii. consider future reports regarding the amendments to the Camden DCP 2011, the Camden Growth Areas DCP and the East Leppington VPA.**

ATTACHMENTS

1. Draft planning proposal - boundary realignment A4

ORD04

ORDINARY COUNCIL

ORD05

SUBJECT: PROPOSED NAMING KIRKHAM PARK RUGBY LEAGUE SPORTS FIELD - "HARVEY SHEPHARD PLAYING FIELD"

FROM: Director Customer & Corporate Services

TRIM #: 15/31637

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement of the proposed naming of the Kirkham Park Rugby League sporting field to the "Harvey Shephard Playing Field". A resolution is also sought to refer the proposed name to the Geographical Names Board (GNB) for public exhibition as per their guidelines.

BACKGROUND

A relative of the Shephard family has requested that Council give consideration to naming the Kirkham Park Rugby League sporting field, within Kirkham Park, as the "Harvey Shephard Playing Field".

According to the supporting documents submitted, Harvey Shephard was born on the 15 January 1929 and passed away on the 19 August 2013. He was a long term member of the original club that organised the funding and construction of the field and clubhouse. He was also instrumental in establishing the level playing field as it is today and was the primary grounds keeper for approximately 25 years.

Kirkham Park is located within the suburb of Elderslie, on the corner of Camden Valley Way and Hilder Street.

AERIAL PHOTO



MAIN REPORT

A relative of the Shephard family has requested that Council give consideration to naming the Kirkham Park Rugby League sporting field within Kirkham Park to be the "Harvey Shephard Playing Field".

Kirkham Park Rugby League Sporting field and its clubhouse was officially opened by the Mayor, Graham Bush on the 23 February 1985. For the next 20 plus years, Harvey was a regular visitor to the sporting field and performed many tasks, including mowing, marking of the pitch and general cleaning around the oval. Information received by Council indicates that Harvey Shephard has contributed countless hours in the pursuit of fund raising for the club, and along with other members of the original Limited Club, provided personal financial assistance.

Harvey Shephard was a lifelong volunteer and fundraiser for the rugby league club, a member of the Referees Appointment Board, Group 6 Judiciary Board and the manager of numerous junior rugby league sides. Harvey's commendations include the Jim "Doc" McClean Medal, Group 6 Honour Board and a Group 6 Merit Award.

The Camden Rams Rugby League club and the Shephard family met on the 3rd of June 2015, and agreed to support naming the existing main playing field at Kirkham Park to the 'Harvey Shephard Playing Field'. Subsequently, on the 16 July 2015 the Camden Rams Rugby League Club formally advised Council that they agree to the naming of the Kirkham Park playing field to "Harvey Shephard Playing Field".

The Geographical Names Board (GNB) is the naming authority in this instance and has the role of assigning names to places and natural features. The GNB's guidelines and procedures are aimed at ensuring community input, as well as avoiding the duplication of names.

As per the GNB's guidelines and subject to Council's endorsement, the submission will be forwarded to the GNB who will exhibit the proposed name in the local media for a period of 30 days.

In the event that there are objections to the proposed naming, the GNB will refer those back to Council for a determination. If there are no objections, the GNB will proceed to gazette the proposed name and notify Council of the gazettal once completed.

FINANCIAL IMPLICATIONS

A naming sign will be erected as per Council processes and funded from existing budgets set out for this purpose.

CONCLUSION

A relative of the late Harvey Shephard, has submitted an application requesting that consideration be given to the naming of the playing field within Kirkham Park to be the "Harvey Shephard Playing Field" and as the GNB is the naming authority in this instance, subject to Council endorsement that the naming request be submitted to the GNB for a 30 day public exhibition period.

In the event that there are objections to the proposed naming, the GNB will refer those back to Council for a determination. If there are no objections, the GNB will proceed to gazette the proposed name and notify Council of the gazettal once completed.

RECOMMENDED

That Council:

- i. endorse the name “Harvey Shephard Playing Field” for the Kirkham Rugby League Sporting Field within the Kirkham Park precinct.**
- ii. refer the application to the GNB in accordance with the GNB place naming process for a 30 day exhibition period and subject to no objections being received, proceed with the gazettal; and**
- iii. advise the Shephard Family and the Camden Rams Rugby League Club of Council’s decision.**

ORDINARY COUNCIL

ORD06

ORD06

SUBJECT: REVIEW OF WARD BOUNDARIES 2015
FROM: Director Customer & Corporate Services
TRIM #: 15/253831

PURPOSE OF REPORT

The purpose of this report is to determine a preferred option for ward boundaries and place the preferred option on public exhibition for a period of 28 days allowing for the receipt of submissions for up to 42 days after the day on which public exhibition commences.

BACKGROUND

Section 211 of the *Local Government Act 1993* ("the Act") requires Council to keep its ward boundaries under review. If, during the term of office, a council becomes aware that the number of electors in one ward differs by more than 10% from the number of electors in any other ward, the council must alter the boundaries so that the number of electors does not differ by more than 10% between wards.

Section 210A of the Act:

- i. Requires public notice of not less than 28 days of any proposal to review ward boundaries;
- ii. Allows persons to make submissions to a council regarding the ward boundary plan for a period of not less than 42 days; and
- iii. Requires consultation with the NSW Electoral Commission ("NSWEC") and the Australian Statistician to ensure that, as far as practicable, ward boundaries correspond to appropriate subdivisions and census districts, as well as ensuring that there is no variation of more than 10% between the number of electors in each ward.

The NSWEC has set a deadline of 14 December 2015 for submission of boundary change proposals. All consultations and exhibitions must be completed and the final proposal adopted by Council before that date.

If approved by the NSWEC, the new ward boundaries will apply to the local government elections in 2016.

A Councillor Briefing was provided to Councillors on 8 September 2015 to discuss this matter.

MAIN REPORT

Camden Council is currently broken into three wards – South, Central and North Wards. A copy of Council's current Ward Boundary Map is attached (see **Attachment 1**). Based upon the August 2015 NSWEC enrolment statistics, there is a percentage variance of 21.65% between the ward with the largest number of voters and that with the smallest. The method of calculating this variance involves taking the difference between the largest and smallest wards and dividing it by the number of electors in the largest ward.

As the difference exceeds 10%, Council must adjust its ward boundaries so that the difference is no more than 10%.

Option 1

Given most of the population growth is anticipated to be in the North Ward, the first option is to move Narellan from Central Ward to South Ward so that all of Narellan is within South Ward; and Currans Hill moves from North Ward to Central Ward.

A map depicting this option is attached (see **Attachment 2**).

Under this proposal, there will be a maximum variance of 8.57% between wards.

Option 2

The second option is for the following to occur:

- Narellan moves from Central Ward to South Ward so that all of Narellan is contained within the South Ward;
- Currans Hill and Smeaton Grange move from North Ward to Central Ward;
- Part of Spring Farm moves from Central to South Ward so that all of Spring Farm is contained within the South Ward;
- Part of Mount Annan moves from South Ward to Central Ward so that all of Mount Annan is contained in Central Ward; and
- Narellan Vale is also fully contained in Central Ward.

A map depicting this option is attached (see **Attachment 3**).

Under this proposal, there will be a maximum variance of 8.80% between wards.

Whilst this proposal involves more changes, Option 2 provides for an opportunity to refine the wards so as to minimise the splitting of suburbs across wards. It also provides for a clear delineation between wards along major roads and arterial routes.

Public Exhibition Process

The preferred option will be advertised in Council's local papers and on Council's website.

In accordance with the Act, the draft option must be on public exhibition for a period of 28 days allowing for the receipt of submissions for up to 42 days after the day on which public exhibition commences.

Consultation with the NSWEC and Australian Statistician on the preferred option is also to occur and will be conducted at the same time as the public consultation.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

CONCLUSION

The above two options have been prepared for Council's consideration and determination. Both achieve the requirements of the Act. Following the public

exhibition period and consultation with the NSWEC and the Australian Statistician, a report will be brought back to Council on any submissions received and the results of consultation.

RECOMMENDED

That Council:

- i. determine a preferred option for ward boundaries;**
- ii. place the preferred option on public exhibition for a period of 28 days, allowing for receipt of submissions for up to 42 days after the day on which public exhibition commences;**
- iii. seek feedback from the NSW Electoral Commissioner and the Australian Statistician concerning the preferred option; and**
- iv. following the public exhibition period and consultation with the NSW Electoral Commissioner and the Australian Statistician, report back to Council on any submissions received and the results of consultation.**

ATTACHMENTS

1. Current Ward Boundary Map
2. Ward Boundary Option 1
3. Ward Boundary Option 2

ORDINARY COUNCIL

ORD07

SUBJECT: INVESTMENT MONIES - AUGUST 2015
FROM: Director Customer & Corporate Services
TRIM #: 15/250540

PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 30 August 2015 is provided.

MAIN REPORT

The weighted average return on all investments was 3.51% p.a. for the month of August 2015. The industry benchmark for this period was 2.15% (Ausbond Bank bill Index).

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

The Principal Accounting Officer is the Manager Finance & Corporate Planning.

Council's Investment Report is an **attachment to this report**.

RECOMMENDED

That Council:

- i. **note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act*, Regulations, and Council's Investment Policy;**
- ii. **note the list of investments for August 2015 and;**
- iii. **note the weighted average interest rate return of 3.51% p.a. for the month of August 2015.**

ATTACHMENTS

1. Investment Report August 2015

ORDINARY COUNCIL

ORD08

SUBJECT: CIVIC CENTRE CULTURAL PERFORMANCE SUBSIDY
FROM: Director Customer & Corporate Services
TRIM #: 15/236813

PURPOSE OF REPORT

This report seeks approval to allocate funding to local community groups, organisations and individuals through Camden Council's Civic Centre - Cultural Performance Subsidy, one of the programs in Council's Financial Assistance Policy (**copy attached**).

BACKGROUND

The Cultural Performance Subsidy calls for applications annually and provides up to \$1200 per event to subsidise the cost of hiring the Camden Civic Centre. Council provides the funds to not for profit organisations providing musical or performance art presentations within the venue. These funds increase the capacity of local groups to access the venue, provide a platform to showcase their talents to an audience and to provide quality affordable entertainment to the community.

The Cultural Performance Subsidy seeks to attract high quality, cultural performances to meet key demographic groups in our community; seniors, family, youth and children. When the subsidy budget allocation is not fully expended Centre Management use the remaining funds to source entertainment that further meets the needs of the community, if any suitable option is available.

The Cultural Performance Program objectives are:

- To increase accessibility to the Camden Civic Centre venue for not for profit community performance groups
- To enhance community awareness and involvement in cultural performances, and to heighten the profile of community performance groups, and
- To enhance community well-being and sense of belonging through exposure to high quality cultural events and activities that are of interest to key demographic groups.

Applications are reviewed and assessed against the following criteria:

- Demonstrate value to both the Camden community and Camden Council through the provision of high quality cultural performances;
- Involve participation and audience from local residents;
- Indicate local support either financial or in kind;
- Show evidence that the proposed activity is well planned and likely to attract the target audience;
- Contribute to the Annual Civic Centre cultural program.

The intention of the policy is to provide the community with the most appealing range of entertainment and ensure community access to the venue.

Eligibility

- Cultural performances scheduled to be held within the Camden Civic Centre.
- Funds are available to non-government organisations which are not profit and/or community groups based in the LGA, or undertaking a performance of direct benefit to the community and people of Camden
- Applications may be for a portion of venue hire costs to the value of and not exceeding \$1200 (excluding GST).

In 2014/2015 eight subsidized events offered excellent entertainment, appealed to a large number of people and played to significant audiences; in most instances audiences exceeded 500 people.

In addition to those funded through the application process, Centre Management worked in partnership with local promoters to bring Peter Powers, a professional entertainer with a quality reputation, into the venue, meeting the need for a performance targeting a general audience. The performer played to a sellout audience, receiving excellent feedback.

MAIN REPORT

The 2015/2016 funding round was advertised in the local paper, by direct mail out to previous applicants and the Centre's database, on Council and Civic Centre websites, Let's Connect and via Facebook.

Council received 9 applications in this round. Application requests total \$10,000 with \$12,400 available for 2015/2016. As the applications are reviewed annually two of the applicant's events have been held. This was done on the proviso that funding may not be available and the events would be charged full hire fees, subject to a future decision by Council.

The following applications (**refer to supporting documents**) were received:

| | Applicant | Event Date/Demographic | Amount Requested/ Funded in 2014/15 |
|---|--|--------------------------|--|
| 1 | Camden Uniting Church - Watoto Children's Choir. Watoto is a free concert to the community which raises awareness of orphans in Africa and has an opportunity to raise money for Watoto's continued work. | Family Held July 2015 | \$1200 Yes |
| 2 | ADFAS (Australian Decorative and Fine Arts Society) - Kiddies Concert. This is the fifth concert ADFAS has conducted in the Ferguson Gallery aimed at the 2-6yr age group and their parents/grandparents. The Fishers Ghost Youth orchestra works with the children to introduce the children to the world of music. | Children March 2016 | \$400 Yes |
| 3 | Mater Dei - Performing Arts Night. | Family | \$1200 |

| | | | |
|---|---|--|---------------|
| | The performance provides students with an opportunity to showcase their wonderful talents to the community. Mater Dei encourages participation, provides an excellent production and receives excellent feedback. The rehearsal matinee is an opportunity for local schools and seniors to come along and see the performance at no charge. | November 2015 | Yes |
| 4 | Quota Club Macarthur - Cavalcade of Fashion. A cultural, historical presentation of past fashions that appeal to many in the community. Local school students studying textiles and design will benefit from this educational event. Several previous performances have been very successful with all tickets sold. | All age predominantly female audience, textiles and design students. March 2016 | \$1200 No |
| 5 | Quota Club of Macarthur - Sydney Welsh Choir. A professionally presented high quality choir performing a variety of musical items. This group has not performed in our area for about 15 years and at the time was well attended. | All Age Held 13 September 2015 | \$1200 No |
| 6 | Campbelltown Camden District Band INC. The CCBB conduct 2 concerts each year one in Camden and one in Campbelltown and have done for over fifteen years. The concert encompasses training bands, Youth Ensemble, Daytones and Main Wind Ensemble providing a variety of repertoire for concert band audiences. | Family October 2015 | \$1200 Yes |
| 7 | Community Connections - Christmas Concert for Seniors. A delightful afternoon of quality entertainment featuring Peter Byrne the number one Neil Diamond impersonator. This affordable event will provide local over 55's and elderly a great local lunchtime Christmas event. | Senior December 2015 | \$1200 No |
| 8 | Rockwave Dance Party/Electronic Music Festival for Youth brings youth 12 -25yrs together in a safe environment to enjoy local entertainment provided by youth utilising the event to showcase their talents. The event has been in | Youth April 2016 | \$1200 Yes |

| | | | |
|---|---|-------------------|---------------|
| | place for five years and has been well received by the youth, growing each year. | | |
| 9 | 2016 Camden Shorts - A showcase of young local talent in storytelling, theatre, music and dance aged between 12 and 25 years of age | Youth May 2016 | \$1200 Yes |

| | |
|-------------------------------|-----------------|
| Total Funds Requested | \$10,000 |
| Total Events Requested | 9 |
| New Events | 3 |

Consideration in the review of applicants has been given to:

- Anticipated audience
- Previous history of events staged within the venue
- Value to the community in terms of showcasing local talent and provision of quality entertainment
- Available dates and marketing lead time
- Other Council funding provided to the applicant.

FINANCIAL IMPLICATIONS

An amount of \$12,400 is allocated in the budget for 2015/2016 and the recommended applications total \$10,000. All groups who requested funds can be supported within the existing budget allocation. In keeping with previous practice the remaining funds will enable civic centre management to source two additional events catering to community interest from available opportunities when and if they arise. Should these events be staged they will be reported to Council as part of next year’s allocation. As mentioned earlier in this report the remaining funds from 2014/15 were used to deliver a sell out performance by Peter Powers a professional entertainer.

CONCLUSION

The Civic Centre Cultural Performance Subsidy Program supports local groups to access the Civic Centre and to provide a range of entertainment options for the local community.

A number of the 2015/2016 applicants have successfully applied for funding in previous funding rounds, and have proven their capacity to provide exceptional, high quality entertainment to the community. They have worked with volunteers to create a series of events which form part of the annual Camden events program.

The 2015/2016 applicants represent a reasonable selection of events catering for youth, children, families and seniors which complement the existing calendar of events.

It is recommended that each applicant be funded fully on the basis of their application, past history and anticipated community involvement in terms of performance and audience with the balance of funds used to source performances that may further enhance the program offered by the Centre.

RECOMMENDED

That Council:

- i. Approve the subsidy requests set out in this report and the resulting allocation of \$10,000 to be drawn from the Civic Centre Cultural Performance Subsidy Program for the 2015/16 year and advise each applicant in writing.
- ii. Utilise the balance of funds to secure performances that may further enhance the Centre's program.

ATTACHMENTS

1. Attach. Civic Centre Cultural Performance Subsidy Policy 4.31
2. Civic Centre Cultural Performance Subsidy Applications - Supp. Doc - *Supporting Document*

ORDINARY COUNCIL

ORD09

ORD09

SUBJECT: CAMDEN WAR MEMORIAL POOL - SURVEY RESULTS
FROM: Acting Director Community Infrastructure
TRIM #: 15/253019

PURPOSE OF REPORT

The purpose of this report is to provide Council with the results of the recently completed Camden War Memorial Pool Survey.

MAIN REPORT

A survey related to the use of the Camden War Memorial Pool was undertaken to determine the use and requirements of the user groups. The pool survey was made available to the public on 3 June 2015 for a period of six weeks. The survey was available on Council's website. Hard copies of the survey were distributed upon request. The survey closed on 17 July 2015 with 280 responses received. It should be noted that not all participants chose to answer all of the questions, therefore there were varying response numbers recorded for each question.

Camden Pool was closed during the survey period however during the closure period pool users access the aquatic facilities at Mount Annan Leisure Centre. The YMCA notified patrons about the survey at Mount Annan. Camden Swim Club were also notified about the survey and encouraged to participate. The survey questions and responses are provided in **Attachment 1**.

The pool survey has indicated that the Community would like to see an extension of hours on the weekends for both Saturday and Sunday afternoons, throughout the opening season of the Camden War Memorial Pool. Based on the outcome of the survey it is proposed that Council consider an extension of hours on the weekend, in line with the current operational hours Monday to Friday.

The General Conditions of Contract with YMCA under Clause 7 allow for Variations to Services via a Variation Notice. The Variation Notice is considered minor in nature and can be undertaken by Council officers under their current delegation. The Variation Notice must set out the following:

- Details of the Variation
- The date from which the variation will take effect
- The time period during which the Variation shall have effect if it is of a temporary nature; and
- Whether the Principal (Council) requires the Contractor (YMCA) to submit a plan for implementing the variation.

YMCA has indicated that there would be a variation to budget in the sum of \$6,240, should Council approve the additional hours. There are no other operational costs associated with the increased hours, as pool utilities are continually operating during the season.

FINANCIAL IMPLICATIONS

The financial implications associated with the proposed hour changes are listed below:

| Extension of Opening times by 2 hours every Saturday & Sunday | | | | |
|--|-----------------------------|------------------------------------|--------------------------|-----------------------|
| Number of Weekends | Increased hours per weekend | Cost per Staff Hour incl. On Costs | Number of Staff Required | Total Cost for Season |
| 26 | 4 | \$30 | 2 | \$6,240 |

The \$6,240 is currently not included in the 2015/16 annual budget for Camden War Memorial Pool and could be included as part of Council's quarterly review process.

It is preferred, that should the increase in hours be approved, that it is implemented for the commencement of the summer season which begins on 26 September 2015, opening with a Pool Fun Day.

Whilst this amount is a variation to the annual budget for the Camden War Memorial Pool, should the increased hours result in an increase in patronage and performance against budget, as per the current contract Council will share in the increased profits which will be determined at the end of the financial year.

CONCLUSION

A survey of patrons who utilise the Camden War Memorial Pool was made available to the public from 3 June 2015 for a period of six weeks during this time Council received 280 responses.

The survey results indicate that a vast majority of those surveyed would like to see the pool open for longer hours on the weekend during the current opening season. It is therefore proposed to increase the operational hours on Saturday and Sunday by 2 hours each day at an additional operating cost of \$6,240.

RECOMMENDED

That Council:

- i. approve the increase of operational hours of Camden War Memorial Pool on Saturday and Sunday by 2 hours, closing at 7:00pm each day;**
- ii. write to YMCA requesting a variation to the pool hours via a Variation Notice; and**
- iii. approve an increase in budget by \$6,240 at the September quarterly budget review.**

ATTACHMENTS

1. Camden War Memorial Pool - Survey Results



ORDINARY COUNCIL

ORD10

ORD10

SUBJECT: TENDER T003/2016 - SPRINGS ROAD STAGE 2 URBAN UPGRADE AND ROUNDABOUT CONSTRUCTION

FROM: Acting Director Community Infrastructure

TRIM #: 15/241132

PURPOSE OF REPORT

To provide details of the tenders received for Contract T003/2016, being the construction of Stage 2 of the Urban Upgrade of Springs Road and Roundabout Construction, and to recommend that Council accepts the tender submitted by TJ & RF Fordham Pty Ltd (TRN).

BACKGROUND

In 2012, Council completed the first stage of upgrade works to Springs Road. Council has allocated funding in the 2015/2016 Capital Works Delivery Program for the completion of Springs Road Upgrade, through to, but excluding the intersection with Macarthur Road.

The proposed works are to increase the width of the road pavement, provide new concrete kerb and gutter, stormwater drainage, and lower the road where it joins the works previously completed under Stage 1. The works also include the underground installation of the existing overhead transmission and distribution power, which is currently underway under a separate contract.

At the Ordinary Council Meeting held on 12 May 2015, Council resolved to approve amendments to the scope of works to include construction of a roundabout and bus bay pick up/drop off in Springs Road.

MAIN REPORT

Invitation to Tender

Tenderers were asked to provide a lump sum price for the Urban Upgrade of Springs Road and Roundabout Construction. The invitation to submit a tender was advertised on 4 August 2015 in the Macarthur Chronicle and the Sydney Morning Herald, and on the 6 August on the NSW e-tendering website. The tender closed on 27 August and 10 submissions were received.

Tenders were received from the following companies listed in alphabetical order:

| <i>Company</i> | <i>Location</i> |
|--|------------------------|
| • Celtic Civil Pty Ltd | Concord NSW |
| • Citywide Civil Engineering NSW Pty Ltd | Kingsgrove NSW |
| • Downer Group | Silverwater NSW |
| • Ford Civil Contracting Pty Limited | Arncliffe NSW |
| • Hi Quality Group | Kemps Creek NSW |

- J K Williams Contracting Pty Ltd Penrith NSW
- North Shore Paving Company Pty Ltd Lindfield West NSW
- Starcon Group Pty Limited Greenacre NSW
- Statewide Civil Pty Ltd Seven Hills NSW
- TRN Group Spring Farm NSW

An assessment of the tenders was undertaken in line with the Tender Evaluation Plan. A summary of this assessment is provided in the **Supporting Documents**. Please note this information is Commercial in Confidence.

Tender Evaluation

The intention of the tender process was to appoint a contractor with proven capacity and experience in similar scale projects as well as providing good value and quality services to Council.

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

Non Price Factors considered for this project included:

- Understanding of the project and proposed methodology;
- Experience on projects of similar nature;
- Project Program;
- Proposed project team, capacity, and systems; and
- Work Health & Safety.

TRN provided the most competitive tender in terms of cost and meeting all requirements of Council's tender documentation.

TRN has demonstrated an extensive proven track record in delivering projects of a similar scale and nature. They have an impressive record of similar projects for Local Government.

The panel members all agreed that the tender by TRN represented the best value to Council.

Relevant Legislation

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

Critical Dates / Time Frames

TRN have tendered to complete the works within Council's required timeframe.

FINANCIAL IMPLICATIONS

Council has sufficient funds currently allocated in the 2015/16 Capital Works Delivery Program to proceed with the proposed contract.

CONCLUSION

TRN has provided a conforming tender.

The tender assessment concludes that the offer by TRN represents the best value to Council and the company has a proven track record of performance on projects of a similar nature.

RECOMMENDED

That Council:

- i. accept the tender provided by TJ & RF Fordham Pty Ltd for the lump sum of \$ 1,025,839.17 (GST exclusive); and**
- ii. authorise the relevant documentation to be completed under Council's Power of Attorney, granted on 27 August 2013, Minute Number ORD215/13.**

ATTACHMENTS

1. Tender Evaluation - Stage 2 Upgrade of Springs Road and Roundabout Construction - *Supporting Document*