

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD  
11 AUGUST, 2003, CIVIC CENTRE, OXLEY STREET, CAMDEN - 5.30PM**

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**ORDER OF BUSINESS – DEVELOPMENT COMMITTEE**

DECLARATION OF PECUNIARY OR CONFLICT OF INTEREST.....2

DEVELOPMENT COMMITTEE PUBLIC ADDRESSES.....2

1. 28 Lot Subdivision Comprising 26 Residential Lots, 1 Lot Dedicated to Sydney Water and 1 Lot Dedicated to Council as Public Reserve with Associated Road Dedication at No 19 (Lot 102 DP841639) Corner Werombi Road and The Old Oaks Road, Grasmere .....3

2. Section 94 Plan No. 6 – Rehabilitation and Management: Elderslie Sand Deposits ..... 18

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**Present:** Cr Anderson (Mayor/Chairman), Cr Corrigan, Cr Patterson, Cr Winn, Cr Batros, Cr Fekete, Cr McFadden.

**Staff:** General Manager, Director Works & Services, Director Governance & Outcomes, Director Development & Environment, Manager Outcomes, Manager Engineering, Manager Development, Manager Community Services, Administration Officer.

**Apologies:** An apology was received from Cr Campbell and Cr Senise from this meeting.

*Resolved on the Motion of Cr Corrigan, seconded Cr Fekete that leave of absence be granted to Cr Campbell and Cr Senise for this meeting.*

DC077/03      *THE MOTION WAS **CARRIED.***  
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The Mayor welcomed Mr Jack Stewart, City Manager of California City and his wife Kitty who are here from the United States of America through the Local Government Managers Australian Exchange program.

**DECLARATION OF PECUNIARY OR CONFLICT OF INTEREST**

There were no declarations.

**DEVELOPMENT COMMITTEE PUBLIC ADDRESSES**

Mr Alisdair Darling addressed the Committee in relation to Item 1.

Mr Garrie Tollis addressed the Committee in relation to Item 1.

**1. 28 Lot Subdivision Comprising 26 Residential Lots, 1 Lot Dedicated to Sydney Water and 1 Lot Dedicated to Council as Public Reserve with Associated Road Dedication at No 19 (Lot 102 DP841639) Corner Werombi Road and The Old Oaks Road, Grasmere**

**File No:** DA8125.15-2/2(Director, Development & Environment Division)  
**DA No:** DAS10/2003  
**Owner:** Dimpalis Pty Ltd  
**Zoning:** 1(c) Rural "C" (0.4ha) and 1(a) Rural "A" (40ha) LEP 48 and Environmentally Sensitive Land Clause 12(4)

**Purpose of Report**

This report seeks Council approval for a 28 Lot Rural/Residential Subdivision under Local Environmental Plan No 48 and the Grasmere Masterplan. This development is "Integrated Development" which necessitated the application being referred to the Department of Land and Water Conservation for consideration due to the presence of a creek on the land.

As the application does not comply with all the development standards contained in LEP No 48, the matter is referred for Council's consideration. In this regard, a State Environmental Planning Policy (SEPP) No 1 objection to the minimum lot size in the 1(a) zone of 40ha and also that lot density exceeds 2.5 lots per hectare in the 1(c) zone. Council must determine this application before the matter can be submitted to the Department of Infrastructure, Planning and Natural Resources (DIPNR) for concurrence.

Three submissions were also received as part of the notification process and these submissions will be addressed in the report.

**Summary of Recommendation**

It is recommended that Council support Development Application No 10/2003 and refer the matter to the Director General of the Department of Infrastructure, Planning and Natural Resources [DIPNR] seeking concurrence to the proposed subdivision.

Upon receipt of the Director's concurrence, it is further recommended that a deferred commencement consent be issued for the subdivision subject to conditions as shown in **Tabled Document "DC 1"**. It is to be deferred until an agreement is reached between the owners of Lots 101 and 102, DP841639 on the issues addressed below under the title Public Interest/Submissions.

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Finally, it is recommended that those persons who made submissions are advised of Council's decision.

**The Proposal**

The applicant proposes to subdivide the subject lot into 26 rural/residential allotments generally in accordance with Local Environmental Plan No 48 and the Grasmere Master Plan. The proposed lots vary in size between 2340m<sup>2</sup> to 5.588ha. This complies with the minimum lot size of 2000m<sup>2</sup>.

Lot 27 is to be dedicated to Sydney Water for the purpose of a sewer pumping station. It is proposed that this lot will have direct access to the proposed road network.

A proportion of this land is to be dedicated to Council as Drainage Reserve. This will incorporate two existing dams to be modified and made safe as well as proposed bio-ribbons and cycle paths.

A plan of the subdivision layout forms **Tabled Document "DC 2"**.

**The Site**

The subject lot is currently vacant with the only improvements being farm dams and an all weather access across the property to the adjoining property known as "Talimba". The land is currently used for grazing. The odour buffer from the West Camden Sewerage Treatment works affects the property.

The land contains a creek system as described under the Rivers and Foreshores Act. DIPNR has placed conditions upon the development in respect of the adjoining creek lines. A part 3A licence will need to be obtained from DIPNR for any works within or adjoining such creeks. Discussions have been held with DIPNR and they are satisfied with the proposed development subject to conditions. A copy of the locality plan forms **Tabled Document "DC 3"**.

**Notification**

All adjoining residents were notified of the proposed development. Three (3) submissions were received by Council and copies of these **were provided separately to Councillors**. The concerns raised in the submissions relate to:

- (a) Increase in traffic hazard at the intersection of The Old Oaks Road and Werombi Road.
- (b) Potential environmental damage to the remnant native woodland located adjacent to the watercourse on the north side of Werombi Road.

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- (c) Rights of carriageway and easements for services form part of the indefeasible title to lot 101 (Tallimba). The rights and benefits will not be surrendered unless and until satisfactory alternative arrangements are made including, but not limited to, an alternative site of access to Tallimba across the north-eastern boundary of lot 101. Currently the owner does not consent to the removal or relocation of his existing rights.
- (d) Existing water supply and easement over water supply—the owner will not consent to any interference with the existing water supply unless and until satisfactory arrangements are made for a replacement supply.
- (e) View Line from Tallimba – The objective of the masterplan is “to maintain the predominant view lines to the east”.
- (f) The proposed plan contains a lot on a now disused sullage pit of considerable dimensions and contains native vegetation within the area of the sullage pit. The submission objects to removal of the sullage pit.
- (g) Sydney Water does not support residential development within the odour buffer area. Any lot that encroaches into the buffer area should have an 88B restriction placed on the lots to prevent any residential building (including granny flats and the like) on the portion of lot within the buffer area. Further to this an area outside the odour buffer area, restricting development to that area is required to be shown. In addition, the odour buffer line is to be shown on the linen plan.

The grounds of the submissions will be addressed elsewhere in this report. Since receipt of submissions, the concerns raised have been discussed with the applicant and the current plan developed which, whilst varying from the masterplan, addresses many of the concerns raised. The original plan is shown as **Tabled Document “DC 4”**.

**Planning Controls**

The relevant planning instruments and development control plans are:

- Camden 2025
- Camden Local Environmental Plan No. 48
- Camden Local Environmental Plan No. 118
- Grasmere Master Plan.
- Sydney Regional Environmental Plan No.20, Hawkesbury Nepean River (SREP 20)
- Safer By Design Guidelines.

**Assessment**

The application has been assessed in accordance with section 79C of the Environmental Planning & Assessment Act. The

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following points are provided with respect to the critical aspects of the assessment.

**(a) the provisions of any environmental planning instrument/ development control plan**

Camden 2025

Camden 2025 has a number of key areas for Council to consider in the development of the Camden LGA. The strategies applicable to this development are Managing Urban Growth, Accessibility and Environmental systems. Each strategy has outcomes and actions

In terms of Managing Urban Growth, the proposed development meets the objectives in terms of development occurring in a planned and orderly way, including appropriate service infrastructure provision. Stress on the natural environment is minimised.

The Accessibility strategy requires issues of public transport and connectivity to existing areas to be provided and maintained. The subdivision provides for cycleway access to connect the existing and proposed subdivision to Werombi Road and to the Old Oaks Road. The realignment of The Old Oaks Road is to also occur as a result of the masterplanning for this and adjoining lands.

The Environment strategy considers such matters as protecting and restoring water quality of creeks and rivers; introduction of rainwater tanks; protection of riparian zones and minimising the impacts of salinity. The applicant will undertake certain works to meet these requirements, including a notation on the 88B Instrument for rainwater tanks to be connected to toilets and used for garden watering. A landscape plan will be submitted to Council detailing works to be carried out within the subdivision. DIPNR has specified works required along the creek system and these would be included in any Part 3A permit issued.

Draft Scenic and Cultural Landscape Study

The Draft Scenic and Cultural Landscape Study does not refer to this particular land, as the main aspects of the study are views from various vantage points, particularly along the Werombi Road ridgeline near Carrington Hospital and the southern side of The Old Oaks Road. The Study does however refer to the need to maintain the low-density rural streetscape character and retain rural character of land in views. The proposed subdivision complies with these requirements.

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SREP No 20 - Hawkesbury-Nepean River

Provides that Council shall not grant consent to any application to carry out development, which drains to the Hawkesbury-Nepean River system, unless it has taken into account the effect, that development will have on the river system.

This matter is addressed under Water Quality and Quantity later in this report.

Camden LEP 118

Camden Local Environmental Plan No 118 amends LEP 48 so that the land is zoned 1(c) rural 0.4ha and 1(a) rural 40ha pursuant to that plan. The proposed development is permissible with the consent of Council.

The relevant objectives of the 1[c] zone are:

- (i) To provide for small holding rural residential living opportunities on land not being of prime crop or pasture potential and having ready access to urban areas;
- (ii) To ensure development is carried out in a manner that minimises risk from natural hazards, particularly bushfires and flooding and does not detract from the scenic quality of the rural area.

The proposed development satisfies the objectives of the particular zones. The area zoned 1(c), being the area outside of the odour buffer zone, covers an area of approximately 9.9ha. Pursuant to Clause 12(3)(e) of LEP 48 the lot density shall not exceed 2.5 lots per hectare. This would therefore allow 24.75 lots to be created on the land which is zoned 1(c).

The land holding includes the odour buffer and the proposed lots extend within this area. The inclusion of this land has the numerical effect of meeting the density required, however the land extends beyond that zoned for smaller lots and results in a further reduction in the size of the land zoned 1(a) – 40ha. The proposal is for 26 lots and to support this variation, a SEPP 1 application has been submitted with the application. The relevant issues raised for consideration by the applicant are:-

- The increase does not have an adverse impact on the aims and objectives of the Masterplan or LEP 48, in that a rural village is created and the lots have an average size greater than 4,000m<sup>2</sup>.

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- The adoption of 2.5 lots per hectare is arbitrary, and does not reflect the best use of the land. It has in all likelihood been adopted to ensure an average lot size of 4000m<sup>2</sup>. This average has been exceeded in part by careful use of the buffer zone with an intended section 88B instrument. This land will remain rural and the lots large even in the event that the buffer is removed. It is far more appropriate to consider the additional lot on its merit, and as all other constraints can be met, it is unreasonable to exclude the lot based solely upon the 2.5 lots per hectare.

In addition to the reasons given, the applicant has developed a subdivision plan which better addressed the road design for the site than that initially espoused in the masterplan. This will require the construction of additional roadways however the ultimate layout is considered superior in terms of traffic safety and visual impact. The amended layout also protects view corridors from the adjacent premises.

The relevant objectives of the 1[a] zone are:

- (i) To provide suitable land for agricultural use;
- (ii) To ensure compatible forms of development, including recreation and tourist orientated uses to be carried out, if they are keeping with the rural character of the locality, and carried out in an environmentally sensitive manner.

The area zoned 1(a), being the area inside the odour buffer zone, covers 11ha of the site. As part of the proposal some of the rural / residential lots will extend into this area. It should be noted however that the building envelopes will not encroach upon the odour buffer zone. This factor further assists in justifying the SEPP 1 variation.

Grasmere Masterplan

The relevant objectives of the Masterplan are:

- (i) To maintain and enhance the rural character where possible through a sensitive subdivision design
- (ii) To promote a mix of lot sizes to enable a variety of housing types
- (iii) To protect the existing creek
- (iv) To provide water quality and trunk drainage system, which at least maintains the existing water quality and stormwater, outflows.

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In addition to the previous SEPP 1 issues regarding lot sizes the applicant has proposed minor modifications to the masterplan. These changes relate to the following matters.

The master plan requires the three existing downstream dams to be remodelled and converted for stormwater and water quality purposes. These water quality ponds are proposed to be dedicated to Council for care and maintenance and are generally in accordance with the requirements of the Masterplan. As the development upstream of the proposed development has added a water quality pond to treat their site, the developers propose the removal of the lowest dam on the site. This is in accordance with the wishes of DIPNR.

The proposal also seeks to vary the building setbacks set by the master plan. The masterplan states:

*“Setbacks from the street should typically range from 10 metres for the 2,000m<sup>2</sup> with a transitional 15 to 20 metres for the 2,000m<sup>2</sup> to 4,000m<sup>2</sup> and 20 metres for the 4,000m<sup>2</sup> and above. This area is to be free of any structures other than driveways, and mail boxes. The setback area is to be landscaped”.*

The developer proposes to vary the setbacks between 10m and 20m across all lots no matter the size of the lots and determine setbacks upon topography and the best location for the dwelling. Building envelopes for all lots are nominated and are considered appropriate and therefore the issue of setbacks can be conditioned to be completed prior to the release of the subdivision certificate.

The applicant also seeks approval to relocate the internal road layout mainly due to the site topography and view lines. The road in its original location would require some four metres of excavation into the hill in order to achieve acceptable vehicle sight distance. Removing the crest of the hill is also considered to be problematic in terms of salinity issues and removal of view lines. This original proposal also had dwellings located close to the crest of the hills. In response to these issues the road was relocated around the base of the hill and lots re-configured.

In general the changes to the Masterplan provide for a better design outcome to the land.

Safety, Security and Crime Prevention

This application was jointly assessed by Council and the NSW Police Service under Safer by Design principles and Council policy. Concerns were raised regarding safety in relation to the pathway and the need to ensure that any fencing allows observation of the area. In this regard the lots adjoining the pathway are to have a fence (rural type) and any landscaping is to be low growing so as not to create a "hotspot". This issue is addressed in the suggested conditions of consent.

**(b) The impact of the development on the natural and built environment**

Water quality/quantity

A water quality and on-site detention pond is proposed at the downstream end of the subject site. A stormwater management report was submitted with this application and concludes that water quality/quantity can be maintained at the pre development rates through a series of bio retention filter systems. As the road alignment has been relocated as described above from that shown on the masterplan and initial application, the stormwater management report will have to be re-investigated, but the relocation should only benefit the situation. Such requirement can be addressed prior to release of any Construction Certificate.

Flora and Fauna

There are no significant stands of vegetation on the site, which originally would have supported Cumberland Plain Woodland (CPW). It is apparent that past clearing for agricultural purposes has removed this community. No existing threatened habitat is known on the subject site in its present state.

Landscaping

Full landscape plans are to be prepared to the satisfaction of Council. The subject site is relatively clear of vegetation. Council staff will work closely with the applicant to ensure that the landscaping of the site re-establishes and maintains the CPW within the development and blends in with the existing CPW of the immediate area.

Energy

Energy efficiency is outlined in The Grasmere Masterplan. Dwellings must be designed to achieve

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maximum thermal efficiency. This will be assessed at the Development Application stage for the dwellings.

Noise and Vibration

The proposed development will not impose excessive noise levels on the surrounding environment. The two adjoining noise influences on the development are Camden Airport and Werombi Road.

Council has not required a noise report as the development is outside the zone of influence associated with the operation of the Camden Airport.

Adjoining residents will be affected by construction noise during the subdivision and building stages. However, conditions will be imposed stipulating construction hours to minimise this impact.

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

Context and Setting

The site is undulating in character and is bound by a ridge that follows The Old Oaks Road. Elevations range from approximately RL72m AHD to RL 102m AHD. This topography facilitates a number of small dams of which some are proposed to be filled. The preparation of this Masterplan was extensive in nature and considered impacts that subdivision of this land would have on the character of the area.

Access and Traffic Matters

The Old Oaks Road is classified as a local road and is under the control of Council. The Old Oaks Road is proposed to be realigned under Contributions Plan 16 to create a safer intersection with Werombi Road. The current intersection is dangerous given the poor sight distance and the speed of vehicles. Funds have been set aside for the construction of this road on the new alignment and action commenced to compulsorily acquire the necessary road alignment. Therefore, on finalisation of construction, the addition of this subdivision will have little impact on traffic matters as the proposed new intersection has allowed for the increase in traffic.

As this subdivision will be access-denied to Werombi Road, an emergency vehicle access point has been provided adjoining the proposed sewer pumping station. This would facilitate emergency access to the public reserve and proposed roads should it be required.

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Public Domain

In accordance with the Masterplan, a pathway/cycleway is provided which connects Benwerrin Crescent with Werombi Road. The pathway will be of concrete construction. A water quality/quantity basin will also be constructed and dedicated to Council as part of the public reserve.

Services

The applicant proposes to provide water, sewer, telecommunications, gas and electricity to all proposed lots.

Access

Access to the proposed lots will be via The Old Oaks Road on the completion of the subdivision adjoining the southwest boundary of this development. This was approved by Council on the 28<sup>th</sup> January 2003.

Should the adjoining subdivision not be complete prior to the completion of this subdivision, temporary access to Werombi Road may be required through proposed lot 13, where the current access to "Tallimba" is. This can be constructed and appropriately restricted on the linen plan and associated 88B at the time if required.

Natural Hazards

The NSW Rural Fire Service has carried out an assessment of bushfire threat in relation to the proposed development. The assessment was based on plans and documentation including a report entitled "Bushfire Hazard and Threat Assessment" carried out by Mr RA Free (Bushfire Management Consultant).

The Rural Fire Service raises no objection to this proposal and has provided comments in relation to this development. All suggestions of the Rural Fire Service can be addressed as conditions of any consent issued and incorporated as Restrictions as to User on the titles of the land.

**(d) any submissions**

The application was advertised in accordance with Council's policy. Below is a summary of main points submitted by the public and Council's comments in relation to the issues raised.

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- (i) *Increased traffic hazard at the intersection of The Old Oaks Road and Werombi Road. Upgrading should take place before further residential development is approved and not after domestic residences have been completed.*

Comment:

The intersection at The Old Oaks Road and Werombi Road is in the process of being re-located as part of Contribution Plan 16. This should minimise the traffic hazard and hopefully be completed prior to the completion of any proposed domestic residences.

- (ii) *Potential environmental damage to the remnant native woodland located adjacent to the watercourse on the north side of Werombi Road. The woodland contains a wide range of native flora and fauna. The nutrient run-off and associated weed infestation from the proposed development has the potential to damage this important remnant of native bushland located in close proximity to Camden.*

Comment:

The proposed subdivision contains water quality ponds and bio-retention swales to minimise the nutrients and suspended solids to levels less than they are currently. In addition the quantity of water from the development will not increase the existing quantity of water flowing from the site. Significant replanting of native vegetation will be required as a condition of any consent issued and DIPNR will require appropriate riparian works adjacent to the creek system as a condition of their Part 3A permit.

- (iii) *Rights of carriageway and easements for services form part of the indefeasible title to lot 101 (Tallimba). The rights and benefits will not be surrendered unless and until satisfactory alternative arrangements are made including, but not limited to, an alternative site of access to Tallimba across the north eastern boundary of lot 101. Currently the owner does not consent to the removal or relocation of his existing rights.*

Comment:

The applicant has offered the following items to help solve the objections:

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- Access - Provide an all weather access to Council standards from the proposed road No.3 via right of way 6 metres wide and an easement for services 3 metres wide generally as per the master plan to join to the existing driveway at no cost to the owner. On the existing lot 101 DP 841639 "Tallimba" gaining new access upon subdividing their land the proposed right of way and easement for services be extinguished. Road access to the south-western boundary of the property will be provided by the adjacent subdivision to facilitate any future subdivision of the property.
  
- Sewer - A sewer main is to be extended to the boundary of the existing lot 101 DP 841639 "Tallimba" running through proposed lot 3, thereby granting legal means of disposal at no cost to the owner. Currently the lot is serviced by a septic system and may be connected to the sewer main provided. This will be at the owner's cost.
  
- Power - Temporary electricity is to be provided to the house during construction until a permanent connection can be made via the easement for services. At no time will the existing lot 101 DP 841639 "Tallimba" be without power for any extended period beyond a change over of supply.
  
- Drainage - An easement to drain water in accordance with Council's design specification shall be created over lot 4 to allow for existing and future drainage of lot 101 DP 841639 "Tallimba". A suitably sized drainage line shall be provided to the boundary of lot 101 DP 841639 "Tallimba" at no cost to the owner.

This is all subject to the owner of lot 101 DP 841639 "Tallimba" acknowledging these gains and will have his entry point re-sited, and release all unnecessary easements when appropriate.

- (iv) *Existing water supply and easement over water supply- the owner will not consent to any interference with the existing water supply unless*

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*and until satisfactory arrangements are made for a replacement supply.*

Comment:

It is proposed that the existing water main be capped at a convenient point and town water be provided via the easement for services from the proposed road No.3 and connected inside lot 101 DP 841639 "Tallimba" to the existing water main at no cost to the owner. Water will be made available at all times, except for a brief time switching over the water mains.

- (v) *View Line from Tallimba – The objective of the masterplan is "to maintain the predominant view lines to the east".*

Comment:

In relocating proposed road No.3 from the location shown on the masterplan, the proposed building envelopes that were previously located near the crest of the hill have been relocated down the hill and no longer interrupt the view lines.

- (vi) *The proposed plan contains a lot with a now disused silage pit of considerable dimensions and contains native vegetation within the area of the silage pit. The submission objects to removal of the silage pit.*

Comment:

The disused sullage pit will require removal and rectification, which may cause the removal of some existing vegetation, but the potentially contaminated material must be removed.

- (vii) *Sydney Water does not support residential development within the odour buffer area. Any lot that encroaches into the buffer area to have an 88B restriction placed on the lot to prevent any residential building (including granny flats and the like) on the portion of lot within the buffer area. Further to this an area outside the odour buffer area, restricting development to that area to be shown. In addition that the odour buffer line be shown on the linen plan.*

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Comment:

Building envelopes are all created outside of the odour buffer zone with the appropriate 88B instrument restrictions to be applied. The odour buffer line will be shown on the linen plan as requested.

**Conclusion**

The site has been zoned for rural/residential development. The subdivision is sympathetic to the inherent qualities of the surrounding estates and buildings. The land can adequately accommodate the subdivision subject to the appropriate conditions with regard to siting, landscaping, stormwater management and water quality and road construction.

The development meets the aims and objectives of the Desired Future Character statement and Camden 2025.

On this basis, deferred commencement approval of Development Application No 10/2003 for 28 lots, 26 being for rural residential purposes, 1 for public reserve, 1 lot to be dedicated to Sydney Water and creation of roads is recommended, subject to appropriate conditions of development consent and the concurrence of the Director General of the Department of Infrastructure, Planning and Natural Resources.

The resolution of access and easement issues with the adjoining land owner is required before the consent will become operative. This appears to be nearing resolution as can be seen from the recent correspondence between parties, **which was provided separately to Councillors.**

Recommended: That:

- (i) Development Application No 10/2003 to create a Torrens Title subdivision comprising of 26 rural/residential lots, a further lot to be dedicated to Sydney Water and the creation of roads and a public reserve at No 19 (Lot 102 DP841639) being the corner of The Old Oaks Road and Werombi Road, Grasmere, be referred to the Director General of the Department of Infrastructure, Planning and Natural Resources seeking concurrence to the proposed subdivision.
- (ii) Upon receipt of the Directors concurrence, a deferred commencement consent be issued for the subdivision subject to conditions as shown in **Tabled Document "DC 1"**. It is to be deferred until an agreement is reached

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between the owners of Lots 101 and 102 DP841639 on outstanding issues.

- (iii) Those persons who made submissions are advised of Council's determination of the application.

Resolved on the Motion of Cr Batros, seconded Cr McFadden that:

- (i) *Development Application No 10/2003 to create a Torrens Title subdivision comprising of 26 rural/residential lots, a further lot to be dedicated to Sydney Water and the creation of roads and a public reserve at No 19 (Lot 102 DP841639) being the corner of The Old Oaks Road and Werombi Road, Grasmere, be referred to the Director General of the Department of Infrastructure, Planning and Natural Resources seeking concurrence to the proposed subdivision.*
- (ii) *Upon receipt of the Directors concurrence, a deferred commencement consent be issued for the subdivision subject to conditions as shown in **Tabled Document "DC 1"**. It is to be deferred until an agreement is reached between the owners of Lots 101 and 102 DP841639 on outstanding issues.*
- (iii) *Those persons who made submissions are advised of Council's determination of the application.*

DC078/03 THE MOTION WAS **CARRIED.**

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*(Cr Anderson and Cr Batros voted against the Motion).*

**2. Section 94 Plan No. 6 – Rehabilitation and  
Management: Elderslie Sand Deposits**

(File 3424/2)(Director Governance and Outcomes)

**Purpose of Report**

This report comments on a submission received to the notification of the intention to repeal Contributions Plan No. 6 and recommends that the plan be repealed by way of notice in the local newspaper

**Background**

Council at its meetings held on the 10 and 23 June considered a report on this matter and on the 23 June resolved in terms of the following:

- (i) *Having regard to the advice from the independent Extractive Industry Consultant and Council's Probity Auditor, Council not call tenders for the sale of sand from the lowering of Springs Road.*
- (ii) *Council accept the offer of \$200,000 from Nepean Quarries Pty Ltd And M. Collins & Sons (Contractors) Pty Ltd to purchase the sand located within the Springs Road Reserve between Springs Creek and the entrance to Camden Zone Substation subject to the following conditions:*
  - (a) *Preparatory works to provide access to the sand are carried out by others;*
  - (b) *The extraction is carried out in conjunction with the lowering of the road;*
  - (c) *Sand removed from the Road Reserve and associated batters can be stockpiled, processed and sold from currently approved sites in accordance with existing conditions of consent for a period of five years from commencement of work;*
  - (d) *The extraction is completed to create a final landform in accordance with the masterplan submitted to the Extractors by Lean and Hayward.*
- (iii) *Council repeal Contribution Plan No. 6 Rehabilitation and Management: Elderslie Sand and Soil Deposits.*
- (iv) *Council advertise the Repeal of the Contribution Plan in accordance with the requirements of the Environmental Planning and Assessment Act 1979.*
- (v) *Council review the use of the remaining funds from CP No 6 upon the determination of the costs to prepare the design and necessary approval documents for the lowering, extraction of sand, design and construction of*

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*temporary road diversions, relocation of services and reconstruction of the road.*

- (vi) Council authorise the preparation of the documentation to:
- (a) *re-design Springs Road and prepare the statement of environmental effect of the proposed work;*
  - (b) *prepare the site for the extraction of the sand;*
  - (c) *the construction of the temporary diversion road or roads;*
  - (d) *the relocation of services; and*
  - (e) *the construction of the road.*

**Submission**

A submission on the notification of the repeal of Contributions Plan No. 6 has been received from Camden Residents Action Group (CRAG). The submission supports the repeal of the Plan provided that a large percentage of the remaining funds are used for conservation and rehabilitation of native vegetation in the Elderslie sand mining area. It states "Meaningful ecological restoration of the endangered Elderslie Banksia Scrub, must be the highest priority". The submission also states "that the conservation strategy covers the entire Elderslie sand deposits area and not just the area affected by development" and that the sand proposed to be sold may be needed to reinstate the natural soils vegetation in degraded areas of native vegetation".

CRAG has also supported the acquisition of "any remaining Elderslie Banksia Scrub areas in private ownership". A copy of the submission from CRAG forms **Tabled Document "DC 5"**.

**Comments**

The reasons for the repeal of Contributions Plan No 6 (CP 6) were detailed to Council in previous reports (Item 13, 16 December 2002, Item 8, 10 June 2003 and Item 1, 23 June 2003). Funds from CP 6 can only be used for items contained within the work schedule adopted by that Plan. The priority for the use of the funds from the work schedule of CP 6 was adopted by Council in December 2002 and on the 23 June Council resolved to review the use of the remaining funds from CP 6 upon determination of the costs to prepare the documentation for the lowering, extraction of sand and redevelopment of Springs Road.

The Conservation Strategy being finalised for the Spring Farm Release Area does cover all of the Elderslie sand deposits and includes the conservation of Cumberland Plain Woodland, Sydney Coastal River-flat Forest as well as Elderslie Banksia Scrub Forest. The conservation of these communities will be funded by the local component for Spring Farm contained

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within the Comprehensive Camden Section 94 Plan currently on exhibition.

The sale of the sand resource has had regard to the quality of the sand and the requirements of the Department of Mineral Resources to maximise the extraction of the sand resource in this area. The Conservation Strategy for the Elderslie Banksia Scrub Forest has been prepared in consultation with the NPWS with the knowledge that sufficient quantities of sand are available from the area known as the "knoll" to rehabilitate and re-establish the Elderslie Banksia Scrub Forest.

The use of part of the remaining funds to acquire lands adjoining the Nepean River has been included in the priority for the use of the funds adopted previously by Council. A review of the use of the remaining funds is to be undertaken after completion of the documentation of the lowering, extraction of sand and redevelopment of Springs Road.

**Conclusion**

The support of CRAG to the repeal of CP 6 is noted and the importance of the conservation and re-establishment of Elderslie Banksia Scrub Forest is acknowledged. The funding of the conservation of Cumberland Plain Woodland, Sydney River-flat Forest and Elderslie Banksia Forest within the Bush Corridor for Spring Farm is part of the Consolidated Camden Section 94 Plan currently on public exhibition. The use of the remaining funds from CP 6 has included the acquisition of the riparian areas adjoining the Nepean River in the priority list. The list of priorities for the use of funds from CP 6 is to be reviewed upon completion of the documentation for the lowering, extraction of sand and redevelopment of Spring Road.

**Recommended:** That:

- (i) The submission from CRAG to the notice of intention to repeal Contributions Plan No. 6 – Rehabilitation and Management: Elderslie Sand Deposits be noted and a copy of the above report be forwarded to CRAG.
- (ii) Council Repeal Contributions Plan No. 6 – Rehabilitation and Management: Elderslie Sand Deposits by notice in the local newspaper.

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*Resolved* on the Motion of Cr McFadden, seconded Cr Patterson that:

- (i) *The submission from CRAG to the notice of intention to repeal Contributions Plan No. 6 – Rehabilitation and Management: Elderslie Sand Deposits be noted and a copy of the above report be forwarded to CRAG.*
- (ii) *Council Repeal Contributions Plan No. 6 – Rehabilitation and Management: Elderslie Sand Deposits by notice in the local newspaper.*
- (iii) *Cr Batros be nominated as the Councillor representative to the Extractive Industries Committee.*

DC079/03 THE MOTION WAS **CARRIED.**  
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The Meeting closed at 6pm.