
ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.

RESOLUTION

Moved Councillor Cagney, Seconded Councillor Whiteman that Councillor Funnell be granted a leave of absence from the meeting.

THE MOTION ON BEING PUT WAS CARRIED.

ORD125/07

ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

Council Policy requires Councillors who have a Pecuniary Interest in an item on the Agenda to declare the Interest at this stage and to leave the Meeting during consideration of the item.

Councillors may also use this opportunity to disclose any non-pecuniary interests and to identify how they will be dealing with those interests.

RECOMMENDED

That the declarations be noted.

RESOLUTION

There were no declarations to be noted.

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

ORD126/07

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 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.

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.

All speakers are limited to 4 minutes, with a 1 minute warning given to speakers prior to the 4 minute time period elapsing.

Public Addresses are tape 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. A copy of the tape recording may be available to third parties (in certain circumstances).

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.

RESOLUTION

- Q. Ms Pam Browne asked a question in relation to the upgrading of signage in the Narellan area. Could Council investigate "Narellan" signage localities in relation to the development/upgrading of the Narellan Road extension. There are concerns of vehicles bypassing Narellan and Camden.
- A. The Manager Environmental Sustainable Design stated that there was an opportunity on a section of land near the Narellan McDonalds. Consultation will be conducted between Council and the RTA to provide landscaping to complement that location and provide an entry statement on the site. When the plans are provided Council will consult with the community also.
- Q. Ms Pam Browne asked a question in relation to scheduling a workshop with Councillors in relation to Narellan. Could this workshop be scheduled for 15 minutes with another workshop.

Mr Rob Kitson addressed the Council in relation to Item 1.

Moved Councillor Cagney, Seconded Councillor Whiteman that the public addresses be noted.

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

ORD127/07

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of Ordinary Council Meeting held 14 May 2007, and Minutes of Local Traffic Committee held 14 May 2007.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 14 May 2007 and the Minutes of the Local Traffic Committee Meeting held 14 May 2007 copies of which have been circulated, be confirmed and adopted.

RESOLUTION

Moved Councillor Cagney, Seconded Councillor Whiteman that the Minutes of the Ordinary Council Meeting held 14 May 2007 and the Minutes of the Local Traffic Committee Meeting held 14 May 2007 copies of which have been circulated, be confirmed and adopted.

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

ORD128/07

ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE - MOUNT ANNAN LEISURE CENTRE
FROM: Mayor
FILE NO:

In December 1998 Council entered into an agreement with Australian Recreation Systems Pty Ltd (ARS) to design, construct and operate for a period of 5 years, the Mount Annan Leisure Centre. This agreement formally ends on 31 May 2007. The YMCA of Sydney will commence interim management of the Centre from this time.

The Centre will close on Thursday 31 May at 12.00pm and reopen on Saturday 2 June at 8.00am. This shutdown period will enable the YMCA to establish management of the Centre, re-organise equipment, carry out a thorough clean, attend to repairs and present a fresh image for the centre.

Various loose furniture and equipment required to operate the facility is owned by the current operator ARS, and therefore needs to be purchased in order to continue operation under the new, interim management.

YMCA of Sydney have estimated that \$60,000 will be required for fit out and equipment in the reception and administration areas. This includes computers, workstations, safe, lunch room furniture and whitegoods. A further \$70,000 is required to purchase swim equipment, first aid and safety equipment, lockers, pool inflatables and radio equipment.

The existing gym equipment has been assessed by the YMCA, and is considered to be in reasonable condition. ARS have offered to sell this equipment to Council and it is recommended that Council purchase the existing equipment and negotiate with ARS an appropriate price.

The carpets to the gym and exercise areas are heavily worn and need to be replaced. The estimated costs of replacing the carpets is \$35,000.

A detailed condition audit of the building has been carried out and has revealed that significant repairs are required in order to bring the facility up to an acceptable standard. A further report will be prepared for Council detailing the extent of these works. It is estimated that \$30,000 is required in the short term to address immediate issues that will affect the operation and safety of the Centre. These include maintenance and certification of the essential fire services, repairs to mechanical services and repairs to lighting.

YMCA have estimated a net operational deficit budget of \$262,840 will be required for the next 13 months. This result is dependant upon Council acquiring gym equipment. Without this additional equipment YMCA have advised that it is unlikely that Council will achieve the necessary income levels required to meet the estimated operational deficit budget of \$262,840. The \$100,000 of equipment recommended to be acquired in September this year will be assessed further and a separate report prepared for Council's consideration.

The initial new equipment valued at \$150,000 will be at no cost to Council in the first year, with a commitment to purchase or lease after this time.

RECOMMENDED

- i. That approval be given for up to \$250,000 to be funded from Council's Capital Works Reserve for the fit out, equipment and immediate repairs required for the operation of Mount Annan Leisure Centre.
- ii. That approval be given for the estimated \$262,840 operational deficit budget. This will be funded from the following sources:
 - a. \$80,000 from the 2006-2007 budget surplus, and
 - b. \$182,840 from the Draft 2007-2008 budget surplus.
- iii. That Council endorse the acquisition of new equipment valued at \$150,000 at no cost to Council in the first year, with a commitment to purchase or lease in July 2008.

RESOLUTION

Moved Councillor Patterson that:

- i. That approval be given for up to \$250,000 to be funded from Council's Capital Works Reserve for the fit out, equipment and immediate repairs required for the operation of Mount Annan Leisure Centre.
- ii. That approval be given for the estimated \$262,840 operational deficit budget. This will be funded from the following sources:
 - a. \$80,000 from the 2006-2007 budget surplus, and
 - b. \$182,840 from the Draft 2007-2008 budget surplus.
- iii. That Council endorse the acquisition of new equipment valued at \$150,000 at no cost to Council in the first year, with a commitment to purchase or lease in July 2008.

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

ORD129/07

ORDINARY COUNCIL

ORD01

SUBDIVISION, REALIGNMENT OF DRAINAGE RESERVE, CONSTRUCTION OF A SHOPPING COMPLEX, CAR PARK AND ASSOCIATED LANDSCAPING, NO 221A (LOT 186 DP1065170) WATERWORTH DRIVE, MOUNT ANNAN

FROM:	Director Development and Health
FILE NO:	Binder: Development Applications 2006
DA NO:	1297/2006
OWNER:	FKP commercial Developments
APPLICANT:	FKP Commercial Developments
ZONING:	3(g) District Business Zone
APPLICABLE PLANNING INSTRUMENT:	LEP 47

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application to establish a Shopping Complex at 221A Waterworth Drive, Mount Annan. The application is referred to Council in accordance with its delegations, as 12 submissions and a petition containing 10 signatures were received objecting to the proposal. These objections were unable to be resolved through mediation or with development consent conditions. There was also one submission received in support of the proposal.

SUMMARY OF RECOMMENDATION

It is recommended that Development Application No 1297/2006 for the subdivision, realignment of drainage reserve, construction of a shopping complex, car park, and associated landscaping be approved subject to conditions of development consent.

BACKGROUND

The subject site has been designated within Camden Development Control Plan (DCP) 2006 as '*District Centre Support (Mixed Uses)*' as part of the Mount Annan District Centre.

Many discussions have been undertaken between the applicant and Council with a number of concept designs having been developed. The concept designs have included a focus on both multi unit residential development and retail development.

The current application was lodged on 7 December 2006 and has formalised the applicant's plans for the site. The application has been assessed and is now referred to Council for determination.

THE SITE

The subject site is described as Lot 186 DP 1065170 and has frontage to Waterworth and Holdsworth Drives, Mount Annan. It is located on the northern side of Waterworth

Drive and to the west of Holdsworth Drive and generally opposite the roundabout intersections of Main Street, Holdsworth Drive and Waterworth Drive.

The allotment is approximately 4 hectares in size and is of irregular shape. **A location plan is provided at the end of this report.**

THE PROPOSAL

The Development Application seeks approval for the construction of a retail / commercial complex comprising 4,650m² of floor area in a mall-like shopping context. The proposed facility includes parking, service and utility infrastructure provision, landscaping and the rehabilitation of the existing creek. **A copy of the proposed plans is provided at the end of the report.**

The proposal also includes subdivision so as to create five allotments for separate functions. A concept plan has been developed portraying a medium density residential precinct and a commercial transition precinct comprising a coffee shop/car wash and a child care centre. Development consent is not sought as part of this application for this conceptual plan.

NOTIFICATION

The application was notified to adjoining land owners of the site. The proposed development was also advertised in the local newspaper appearing 13 December 2006. At the close of the exhibition period, which was extended due to the Christmas break, 13 submissions and a petition containing 10 signatures were received. Of the 13 submissions received one of those was in support for the proposal. **Copies of the submissions are provided with the Business Paper Supporting Documents.**

PLANNING CONTROLS

The following plans and policies have been considered in the assessment of this application:

- Camden Council Strategic Plan: Camden 2025
- Camden Local Environmental Plan No 47
- Camden Development Control Plan 2006
- State Environmental Planning Policy No 11 (SEPP 11) - Traffic Generating Developments
- Sydney Regional Environmental Plan No 20 (SREP 20) - Hawkesbury Nepean River

ASSESSMENT

The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979 (the Act). The following comments are made with respect to the critical aspects of the applications.

(a) the provision of any environmental planning instrument

Camden 2025

Of paramount importance to the strategic vision of Camden is that of accessibility to a range of services and facilities for all members of the community. The proposed development will comprise the balance of the undeveloped component of the Mount

Annan District Centre. The proposal will serve the residents of the Mount Annan area wishing to utilise the centre. The centre will increase and diversify business and employment opportunities and will ensure facilities service the immediate needs of the community.

The development proposal seeks to address the accessibility objective by reinforcing a diverse means of accessing the site.

The proposal is considered to contribute to a positive urban and landscape design outcome and enhances quality of life and community safety. Further, the proposal also seeks to contribute to the sense of community and local identity by creating a 'place' of character and attraction, rather than just a commercial development.

The development proposal is also focused on producing positive and sustainable environmental outcomes. This is reflected in the Total Water Cycle Management Strategy, rehabilitation of the riparian zone, a commitment to landscaping and erosion and sediment control, and the provision of water harvesting tanks. A noise attenuation strategy has also been produced to minimise adverse impacts. A commitment to pedestrian and cycle access also contributes to reducing adverse impacts on air quality.

Camden Local Environmental Plan No 47

Clause 2 of the LEP sets out the aims of the Plan. The aims are general and focus principally upon residential development (refer to aims (a) and (b)). The aims detailed in (c), (d) and (e) are generally concerned with achieving high quality and sustainable development.

It is considered that the proposed development provides a high quality and sustainable outcome. This is reflected in the layout and architectural treatment, the application of passive solar design principles, the application of safer-by-design principles, the landscape treatment, the application of Water Sensitive Urban Design Principles, the focus upon Total Water Cycle Management, the rehabilitation of the riparian zone, the waste management strategy, the accessibility strategy, the proposed arrangement of land uses generally and the commitment to creating a sense of place.

The subject site is zoned 3(g) District Business Zone, wherein the proposed development is permissible with development consent. The relevant objectives of the zone are:

- (a) to provide a district centre with retail, commercial, community and recreational facilities which are fully serviced, drained and landscaped to meet the requirements of the Narellan growth area; and
- (b) to provide medium density residential development on any part of the land included in this zone which is not required for development for other purposes permissible in this zone.

It is considered the current proposal is consistent with the aims and objectives of LEP 47.

Camden Development Control Plan 2006

The application has been assessed against Council's adopted policy for the Mount Annan District Centre contained within DCP 2006. The policy provides the vision for

the Mount Annan District Centre in the form of the Desired Future Character Statement. It is considered that the "Concept Plan / Masterplan" has been designed to comply with and facilitate the realisation of this vision. The following is a summary of compliance with each element:

- Provision of a traditional town centre role for surrounding places.
- Accommodates a mix of landuses (ultimately), including a strong focus on retailing and commercial services.
- Contributes to a community focus by providing a "meeting context".
- Provides high quality building design and public domain areas.
- Highly accessible to pedestrians and designed to minimise pedestrian / vehicular conflict.
- Provides safe and convenient pedestrian and cycleway linkages to other areas within the place and to surrounding places.
- Serviced by non-prominent vehicle parking and heavy vehicle access.
- Capacity exists in the "Concept / Masterplan" for the proposed Child Care Centre and Coffee Shop / Car Wash to benefit from shared parking arrangements during peak usage periods. It should be noted that there is no guarantee that these developments will occur, the purpose of the masterplan is to show that the subdivision proposed can accommodate appropriate land uses. Separate development applications will be developed for those lots.
- All parking areas are generously landscaped and well lit.
- Air conditioning units and service plant is appropriately screened.
- Roof areas and exposed elevations generally employ non-reflective materials.
- Signage will be rationalised and integrated within the building design (signage will be subject to a separate development application).
- The residential component contained in the "Concept Plan / Masterplan" provides for a medium density residential environment using innovative urban design. Further, it acts as a transition from the commercial centre to adjoining residential neighbourhoods. Again, separate development applications will be required for the development of this portion of the site.

The DCP details a range of aims which seek to realise the Statement of Desired Future Character. This is required to be achieved in a manner which is responsive to community and market demands, without compromising urban design or impacting adversely upon residential amenity. As detailed above, the development proposal and ultimate "Concept Plan / Masterplan" have been demonstrated to comply with the Statement of Desired Future Character. The application is also accompanied by an Economic Impact Assessment, which is discussed elsewhere in this report.

Building Height

DCP 2006 stipulates a maximum height of 10 metres for retail / commercial buildings excepting for architectural features such as towers and the like. The development is proposed to be 7.5 metres from the ground level to the ridge line. The height from the ground level to the maximum height of the building (being the condenser deck) is 9.4 metres.

Floor Space

DCP 2006 restricts retail and commercial development within the district centre to a maximum gross floor area of 22,000m². The provision of retail / commercial floorspace within the Mount Annan District Centre is summarised as follows:

- Existing Floor Space 13,458m²

- Approved floorspace 3,906m² (not developed)
- Floorspace proposed in this application 4,650m² (3200m² of supermarket and 1450m² of specialty shops) plus the provision of the future car wash / coffee shop.

Total Floorspace = 22,014m²

The provision of the future car wash / coffee shop will be assessed under a separate development application. It should also be noted that Council has communicated to the applicant that the future Child Care Centre would not be calculated as commercial floorspace. Council has approved a medium density development on the remaining land within the Mt Annan District Centre so apart from one small lot on the current Marketplace site, all land will have consents reflecting anticipated development.

To substantiate this increase in the maximum gross floor area for retail and commercial activities in the district centre, the applicant has provided an Economic Impact Assessment prepared by Hill PDA. The applicant has also commissioned a "peer review" to be conducted attesting to the veracity of the assessment. This was conducted by Leyshon Consulting.

Submissions received however have raised concerns regarding Map No. 1 Mount Annan District Centre contained in Part G Chapter 12 of the DCP. This map designates land within the district centre as being either '*District Centre Core*' or '*District Centre Support (Mixed Uses)*'. The subject site is situated within the '*District Centre Support (Mixed Uses)*' area. The DCP does not define what is expected within these two areas. The submissions generally believe that the proposed development is not consistent with the intended use of the '*support*' area and therefore is in direct competition with the business of the '*core*' area. As stated above the application has been accompanied by an Economic Impact Assessment which is discussed below.

The Hill PDA assessment included the following:

- An analysis of existing commercial centres in the Camden LGA (including their imminent growth) and greater Campbelltown.
- An examination of the demand for additional retail floor space in Mount Annan.
- An impact review.
- An overview of economic benefits.

The subject assessment led to a conclusion that the subject development proposal was supportable on economic grounds because of the following:

- As evident by the number of households in the trade area and the Camden LGA and by reported turn over figures, there is sufficient expenditure to justify the addition of another supermarket and further specialty retail space.
- There is significant growth in the trade area and the LGA and the subject proposal is responding to that growth.
- The proposal is an in-centre location and is not out-of-centre. As such its impacts are net positive and is strengthening Mount Annan's role as a Town Centre.
- Whilst the nature of competition may result in loss of trade on a few existing retailers, the benefits outweigh those minor costs and many existing and new specialty stores will benefit from a strong nexus relationship with the anchor tenant.
- All other retail centres in the Camden Local Government Area will continue to enjoy growth in trade due to considerable growth in their respective trade areas.

Further, the proposal will contribute approximately 190 permanent and part time

positions.

The peer review provided by Peter Leyshon indicates that in his opinion the Economic Impact Assessment provides an adequate assessment of the likely impacts of the proposal in terms of the requirements of Section 79C of the Act. Mr Leyshon reports that, from his reading of the report and his knowledge of the area, there appears to be sufficient available expenditure to support a third supermarket at Mount Annan. The development is therefore considered appropriate on economic grounds for the site.

Vegetation Management

It is proposed to rehabilitate the informal and degraded drainage depression running through the site as a naturalistic system. Given the low flow regime of the stream it is proposed that the rehabilitation reflect a dry creek bed featuring clumped native vegetation and rock placement.

It is proposed to recreate the creek line using riffles, meanders, appropriately sized bed control structures and vegetation providing habitat, energy dissipation and erosion control for storm events.

The proposal includes a diverse, effective and permanent vegetation cover containing a suite of species typical of local natural streams. Vegetation will feature native ground cover, shrubs and tree species in clumps and open sections.

The proposed rehabilitation will exceed requirements for this category of stream providing greater levels of riparian zone rehabilitation than those exhibited in developments approved up stream and down stream of this site.

Car Parking

The proposed development includes provision for the parking of 224 cars in a landscaped carpark which is contiguous with the shopping mall. The car park is oriented to the pedestrian spine that leads and directs customers to the main entry of the retail mall.

DCP 2006 requires that parking be calculated as per the following:

- Supermarket - 1 space per 20m²
- Retail (shops) - 1 space per 30m²

Therefore the development should provide a total of 154 spaces for the supermarket and 56 spaces for the shops equating to a total parking need of 210 spaces.

It is considered that the carpark layout makes circulation and navigation within the site legible and avoids hidden corners. Further, the car park configuration provides for good casual driver / pedestrian surveillance.

Service Vehicles

DCP 2006 stipulates the following parking requirements for service vehicles:

- 1 space per 400m² GFA or part thereof for the first 2,000 m² and 1 space per 800m² or part thereof thereafter (50% of spaces adequate for trucks).

Therefore the proposed shopping centre is required to provide eight spaces for service vehicles with four spaces being suitable for trucks.

Due to the restricted turning areas within the site, articulated vehicles will not service the development. This would become a condition of consent should Council approve the application. As such the loading dock of the supermarket can accommodate two heavy rigid trucks at the same time, with two further loading dock spaces available for trucks. Five additional spaces are also provided within the service vehicle area and will be signposted for service vehicles only.

Overall it is considered that the service vehicle parking area and loading dock is adequate for the proposed development which will minimise potential service vehicle, shopping vehicle and pedestrian conflict.

State Environmental Planning Policy No 11 (SEPP 11) - Traffic Generating Developments

The application was referred to the Roads and Traffic Authority (RTA), with the application subsequently referred to the Sydney Regional Development Advisory Committee (SRDAC) Meeting. The SRDAC requested that a number of conditions be placed on the development. These are detailed below and would become conditions of consent, should Council approve the application.

- Line marking changes to provide dual right turn lanes from Waterworth Drive (north) into Main Street (ie the kerbside lane in Waterworth Drive (north) changed to 'Left Right and Through'), in accordance with the submitted traffic report. Any necessary kerb/pavement works should also be undertaken to facilitate the necessary dual right turn lane.
- Parking provision to Council's satisfaction.
- The layout of the car parking areas associated with the subject development (including, driveways, turn paths, sight distance requirements, aisle widths, and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for any servicing areas.
- Council should ensure that the retail site is limited to 12.5m heavy rigid vehicle (HRV) for servicing.
- Parking restrictions to be placed along the aisle adjacent to the Riparian Corridor.
- Pedestrian crossing facilities within the local street system should be reviewed through Council's Local Traffic Committee.
- All works / regulatory signposting associated with the proposed development shall be at no cost to the RTA.

Sydney Regional Environmental Plan No 20 (SREP 20) - Hawkesbury Nepean River

SREP 20 provides that Council shall not grant consent to any application to carry out development that drains to the Hawkesbury-Nepean River system unless it has taken into account the effect that development will have on the river system.

It is considered that the modified development will have no significant impact on the Hawkesbury-Nepean River system.

External Concurrence

The application is classified as "integrated development" pursuant to Section 91A of the Act. The concurrence of the Department of Natural Resources is required before consent can be issued. The Department of Natural Resources has issued its General

Terms of Approval for this development following its assessment. These terms of approval would form part of the conditions of development consent, should Council approve the application.

(b) the likely impacts on both the natural and built environment

Natural Environment

The application has been accompanied by a Flora, Fauna & Aquatic Assessment prepared by Hayes Environmental. The assessment indicates that there are no endangered terrestrial species or threatened fish species. The Vulnerable Adams Emerald Dragonfly although technically capable of being present is most unlikely given the nature of the creek and the rehabilitation philosophy of a largely "dry creek".

The amount of water and nature of flows (post development) through the sub-catchment are likely to be of a nature that means that the recreated riparian zone will largely emulate a "dry creek" (except during significant storm events). As such, the aquatic qualities of the rehabilitated riparian zone are likely to be particularly limited.

Built Environment

Traffic, Transport and Accessibility

A comprehensive Traffic Report assessing the existing network and services and the impact of the proposed development was undertaken by Masson Wilson Twiney Consultants. The conclusions derived in respect of the projected performance and impact of the proposed development are summarised as follows.

- The proposed development as a whole would generate some 490 additional Thursday PM peak vehicle trips per hour.
- The traffic generated by the proposed development will not have a significant impact on the surrounding streets.
- The future traffic flows as a result of the proposed developments remain within acceptable levels given the function of the streets.
- Intersections surrounding the development site would continue to operate at good levels of service.

It is considered however that the performance of the Main Street / Waterworth Drive / Welling Drive intersection when analysed with the Marketplace Development expansion impact, declines in level of service but still remains acceptable in average traffic terms. Notwithstanding, it is recommended by both the RTA and the Traffic Report that dual right turn lane marking be effected at this intersection.

It has been proposed to have the costs of this work shared between the proponent of this application and the Market Place Development. However this is unable to be facilitated through the development assessment process as it is only through the construction of the proposed development that the intersection declines in level of service. The Market Place development has already been approved and, although a further application is currently with Council, a determination is unknown at this stage. As such the works would be conditioned to this development application and required to be completed prior to the issue of an Occupation Certificate.

In relation to issues raised in submissions, the following points should be considered:

- The proposed shopping centre carpark provides parking in excess of the DCP

- requirements.
- The design and layout of the shopping centre carpark complies with the Australian Standard.
- Vehicles wishing to access the shopping centre carpark have been given priority therefore minimising the risk of traffic queuing back into the existing roundabout at Holdsworth Drive / Main Street.
- The loading dock facilities have been reviewed and found to be appropriate.

Overall the potential traffic impact of the proposed development was considered to be satisfactory. Existing bus stops will service the development and, due to the proposed change to traffic conditions in Waterworth Drive, it is not appropriate to install any additional stops in the vicinity of the development.

Additional submitted Traffic Information

Post the RTA's Sydney Regional Development Advisory Committee Meeting, the applicant was requested to provide information on the following matters, with comment also provided.

- Details regarding the internal access road and roundabout, with specific attention directed at line marking and entry driveways to the child care centre and car wash.

Comment: Access into the site via a new fourth leg driveway off the existing roundabout at Holdsworth Drive / Main Street is generally supported. The internal small roundabout is also generally supported with the roundabout and four legs being designed to the appropriate standards. 'No Stopping' restrictions are required along both sides of the access road between the two roundabouts. The proposed kerb blister on the access road when exiting the site and traffic islands at all four legs of the roundabout are required to be constructed of permanent materials ie full kerb and gutter.

- Details of the pedestrian crossing facility in Holdsworth Drive.

Comment: A pedestrian refuge has been recommended as the most appropriate form of crossing facility. This refuge is to be provided on Holdsworth Drive to the north of the existing driveway servicing the site opposite. Details will need to be provided with an application for a construction certificate with the designs demonstrating that the present road configuration (5.5m - 2.0m - 5.5m) is appropriate to accommodate the proposed pedestrian refuge. Upgraded street lights will also need to be incorporated with the design.

The following additional comments were provided in relation to traffic and access impacts of the development.

- To ensure that service vehicles can readily access the loading dock, 'No Stopping' restrictions along the aisle adjacent to the riparian corridor should be provided.
- A fence along the frontage of Holdsworth Drive should be provided to control pedestrian movements from the site onto Holdsworth Drive and vice versa. An appropriate opening in the fence should be provided to safely channel pedestrians to a designated crossing point in relation to the pedestrian refuge.
- The applicant is to provide footpaths both internal and external to the site with particular attention to the perimeter car parking spaces along Holdsworth Drive and the new internal access road.
- An extension to the pedestrian area shall be provided at the entry to the development adjacent to the disabled parking spaces. This is to be raised from the

car park pavement and formed by a barrier kerb and pram ramp. This is to be accompanied by a marked pedestrian crossing connecting to the footway area of the car park.

- The first 30 metres of new access road is to be dedicated to Council for maintenance purposes with the remainder to stay in the ownership of the land owner. Maintenance of all future internal signage and line marking will be the responsibility of the applicant.

It should be noted that the proposed pedestrian refuge including location, accompanying signposting and line markings as well as signage associated with the internal access road and loading dock will need to be referred to the Local Traffic Committee for their consideration.

It is considered that these additions to the development will result in enhanced vehicular and pedestrian useability of the site. Additionally the formalised network will result in improved connectivity between the site and adjacent land uses.

Total Water Cycle Management

The application has been accompanied by a comprehensive Stormwater Management Report, prepared by Robert Bird Group and a Riparian Stream Design Report, prepared by Storm Consulting.

The critical aspects of these reports deal with the following issues:

- Riparian zone rehabilitation
- Managing storm events
- Water quality
- Sustainable water use

The stormwater management strategies have been assessed and are considered to be sensitive to environmental outcomes and sustainable.

Landscaping

A comprehensive landscape plan has been provided with the Development Application. Landscaping is considered a key feature of the development proposal. It is described as drawing upon the reformation of the naturalistic stream with the overarching objective being to work in concert with the architecture to create a desirable place. The landscaping is described as achieving a variety of environmental objectives focused on screening, shading, water quality, salinity management and aesthetics.

The landscaping proposal has been assessed and is considered adequate for the proposed development. **The landscape plan is provided at the end of this report.**

Noise

The development application has been accompanied by a Noise Impact Report prepared by Day Design Pty Ltd. The report identifies that the proposed development is likely to emit noise in excess of acceptable noise criteria, as a result of traffic manoeuvring in the carpark, the movement of delivery vehicles on the northern boundary of the development precinct and the air conditioning and refrigeration equipment proposed on the roof of the supermarket (operating intermittently 24 hours per day, seven days per week).

As such the report proposes to adopt the following noise engineering controls:

- Erection of a 5 metre high sound barrier wall along the supermarket boundary for a distance of 30 metres, adjacent to the loading bay area. The sound barrier will be constructed of a combination of masonry and 10mm thick clear polycarbonate sheets.
- Noise control barriers or similar surrounding the air conditioning equipment and incorporation of silencers in the four systems.

The impact of noise from the entry / exit driveway on adjacent residential premises was also a concern raised in submissions and has been assessed within the noise report. The noise report assumed that the period of most frequent trips would be in the afternoon when local residents returned home on weekdays and during the day time on weekends. It is then assumed that the maximum flow of cars leaving the site would be 40 cars over a period of 30 minutes. The level, measured at the nearest residential premises (approximately 23m from the entry / exit driveway) was found to be 45 dBA. This is equivalent to the day time criterion of 45dBA and is therefore considered acceptable.

The proposed noise control measures have been assessed and are considered adequate to mitigate the potential noise emitted from the site.

Hours of Operation

The proposed trading hours of the supermarket are projected to extend from 6.00am to 12.00 midnight, seven days per week. Deliveries to the supermarket are proposed between the hours of 6.00am to 10.00pm, seven days per week.

The specialty shops are likely to operate generally within the time frame of 7.00am to 7.00pm seven days per week. This is with the exception of food outlets and the like which may operate later into the evening. It should be noted that all individual tenancies will require separate development approval prior to operation.

Lighting

The application has been accompanied by a lighting plan. The plan indicates the illuminance measurement is strongest at the light source and then fades the further away from the source the measurement is taken so that there will be no amenity impacts to adjoining residents.

All proposed lighting within the carpark will be required to face down to reduce the spill of light onto adjacent properties. The submitted lighting plan is considered adequate for the proposed development.

Signage

Details in respect of the proposed signage will be the subject of a separate development application. Whilst no signage has been applied for with this application, areas have been designated within the design of the building to incorporate signage for individual tenancies.

Waste Management

The Development Application has been submitted with a Waste Management Strategy. This strategy has regard to the anchor tenants commitment to waste minimisation and

optimum recycling. This strategy has been assessed and is considered adequate for the proposed development.

Safer By Design

The application was referred to the NSW Police Service to undertake a Crime Prevention Through Environmental Design Assessment. The recommendations of the assessment are set out in a number of categories including surveillance, lighting, landscaping, territorial re-enforcement, environmental maintenance, space / activity management and access control. The recommendations critical to this application are detailed below.

- All fire exit doors should be alarmed.
- CCTV should be installed to cover the whole of the inside of the development, especially entrances and exits. Any CCTV footage needs to follow all legal responsibilities, including that all recorded footage must be retained for a minimum period of seven days.
- Any ATM's installed must be placed in areas away from main doors, must be secured properly and covered by CCTV.
- The fences around the boundary should not restrict surveillance opportunities.
- Lighting Standard 1158 - must be used throughout the development.
- A light maintenance policy needs to be established for the development.
- Bollard lighting is not recommended as it does not light the area sufficiently. These types of lights are also more prone to vandalism.
- Strong consideration should be given to the use of graffiti resistant materials, particularly on the fences, ground floor and areas which are accessible by other structures to reduce such attacks or assist in the quick removal of such attacks.
- Bollards should be installed at the main entrance to eliminate any ram raids.

The recommendations detailed above would form the basis of development consent conditions.

Economic Impact

A comprehensive economic impact assessment has been prepared by Hill PDA, with a "peer review" also having been conducted attesting to the veracity of the assessment. This has been discussed elsewhere in the report.

Social Impact

The social impact of the development has been assessed. It is considered that the development will contribute a range of positive social impacts which include:

- Rehabilitate a degraded creek and improve the natural amenity of the neighbourhood.
- Provide enhanced pedestrian accessibility.
- Provide an increase in the range of retail and commercial services and enhance choice.
- Foster a sense of place.
- Create natural mass and a likelihood of an increased level of facilities and services in the broader centre.
- Provide further local employment opportunities.

Sustainability

It is considered that the applicant has had regard to a sustainable outcome. Elements of the project which reflect in the long-term sustainability of the development and broader precinct include:

- The inclusion of water tanks for the harvesting of water for irrigation use on the landscaping.
- The approach to total water cycle management.
- The rehabilitation of the riparian zone.
- The minimisation of the waste through the use of a management strategy.
- Enhanced pedestrian connectivity.
- The pursuit of passive solar design principles.
- Planning for current and future acoustic amenity.
- The priority afforded to safer by design principles.
- Significant and sustainable landscape treatment.
- The ultimate mixed-use nature of the precinct.

(c) suitability of the site for development

The site is considered suitable for the development. The aims, zoning and special provisions of the relevant planning instruments can be met. The proposal is consistent with the Statement of Desired Future Character for the locality, in providing for a mixed use development that integrates with surrounding land uses, capitalises upon and expands service infrastructure and restores the riparian zone.

The development of the site as proposed provides an opportunity for creating a quality place which links the surrounding and disparate landuses.

The potential adverse environmental impacts of the proposed development have been addressed in the integrated design solution. As such the site is considered suitable for the proposed development.

(d) any submissions made in accordance with the Act or Regulation

Thirteen (13) submissions have been received in relation to the development application, as well as a petition containing ten (10) signatures. Of the thirteen submissions received one of those was in support of the proposal with the remaining twelve in objection to the development. **A table detailing the submissions received with comments is provided at the end of this report.** The major issues of concern raised in the submissions have been dealt with elsewhere in this report.

One of the issues raised in the submissions related to the perceived reduction in land value due to the proposed development. Whilst this is a perception of the current land owners this cannot be verified. Whilst Section 79C of the Act does not provide for Council to consider the effect on land values of development proposals, it is important to note that the proposed shopping complex is a conforming land use in the zone and therefore contemplated under planning provisions. It is considered that the value of adjoining land takes this factor into account.

(e) the public interest

Its is considered that the public interest will be served positively by the proposed development. This view is highlighted by the following summary of positive outcomes of broad public benefit.

- A vacant site is developed and managed.

- A degraded creekline is rehabilitated and becomes an attractive publicly accessible feature.
- Pedestrian access across and through the site is formalised and enhanced.
- An expansion of retail / commercial activities and choice is afforded to the community with little adverse trade consequences.
- A sense of place is fostered within the District Centre.
- The supplementary benefits of an expanded district centre accrue to the local residents.
- Potential adverse environmental impacts are managed in a sensitive, pro-active manner.
- Enhanced employment prospects for the locality attach to the proposed scheme both during construction and operational phase.

CONCLUSION

Council has received a Development Application for the subdivision, realignment of drainage reserve, construction of a shopping complex, car park, and associated landscaping at No 221A Waterworth Drive Mount Annan. The subject site is a residue site in the Mount Annan District Centre. The mixed use development brings with it a suite of positive outcomes of general public benefit.

The site has been extensively investigated and a proposal and a design solution prepared which is considered responsive to the sites qualities, its immediate context and the broader dynamics of the local area.

The mixed use nature of the development brings vitality to the place, facilitates sensitive integration with surrounding landuses and provides a series of conduits which facilitate enhanced local connectivity.

Local employment opportunities will be expanded with the impact on the trade of other local and sub regional facilities being considered limited and tolerable. The site is appropriately zoned with the proposal generally complying with the relevant planning controls.

The development has been assessed in accordance with the Act and is able to be recommended to Council for approval, subject to the following conditions of development consent:

DETAILS OF CONDITIONS

1.0 – General Requirements

- (1) Consent is granted for the realignment, realignment of the drainage reserve, construction of a shopping complex, car parking and associated landscaping and subdivision in a staged development.

Consent is not granted for any works on proposed lots 1, 2 and 5. Development of these lots will require separate development consent.

2.0 – Construction Certificate Requirements

- (1) **Civil Engineering Plans** – Indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with Camden Council's Engineering Specifications

and are to be submitted for approval to the Principal Certifying Authority **prior to the Engineering Construction Certificate being issued**. The Construction Plans must indicate the Cut and Fill details of the proposed site.

- under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve.
- under section 109E of the Environmental Planning and Assessment Act 1997, Council must be nominated as the Principal Certifying Authority and has the option of undertaking inspection of physical construction works.

Note: The developer must obtain a Construction Certificate prior to commencement of any physical site works.

All works associated with the development are to be undertaken at no cost to Council.

- (2) **Dilapidation Survey** – A photographic dilapidation survey of existing public roads, kerbs, foot paths, drainage structures and any other existing public infrastructure within the immediate area of the development site must be submitted to the Council prior to the issuing of the Construction Certificate. The survey must include descriptions of each photo and the date when each individual photo was taken. The dilapidation survey must include a video record of the condition of the existing 1200mm triple culverts and the inlet and outlet structures.
- (3) **Environmental Management Plan** – An Environmental Site Management Plan must be submitted to the Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 – 2005 and must address, but not be limited to, the following issues:
 - (a) All matters associated with Council's Erosion and Sediment Control Policy.
 - (b) All matters associated with Occupational Health and Safety.
 - (c) All matters associated with Traffic Management/Control.
 - (d) All other environmental matters associated with the site works such as noise control, dust suppression, waste management and the like.
- (4) **Traffic Management Procedure** – Traffic management procedures and systems must be introduced during construction of the development to ensure safety minimise effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS1742.3 1985 and to the requirements and approval of Council. Plans and proposals **must be approved by Council prior to the Construction Certificate being issued**.
 - (a) The Traffic Management Plan must address the construction process and construction access for the development for all stages of the development, the storage of materials, location of site offices, turning area for the delivery vehicles, parking for construction staff, any casting and erection of building components including the machinery use for such work. Appropriate Traffic Control Plans shall be submitted for all stages of constructions.
 - (b) The Traffic Control Plan shall be prepared and implemented for the access of the construction traffic to facilitate the safe and unobstructed vehicular and pedestrian traffic flow in Holdsworth Drive
 - (c) Prior to commencement of any work on public roads appropriate Traffic Control measures must be installed. This is to ensure the safety and unobstructed flow of vehicular and pedestrian traffic is maintained in accordance with the Traffic

Control Plan prepared by a RTA Accredited Certifier.

- (5) **Design Standards** - Engineering design drawings are to be prepared strictly in accordance with Camden Council's Guidelines for engineering design specification.
- (6) **Public Risk Insurance Policy - Prior to the release of the Construction Certificate**, the owner or contractor is to take out Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve. The Policy is to note Council as an interested party and a certificate of currency from the insurer of such policy must be submitted to the Council as evidence of such policy. Where the coverage of such policy expires during the period of construction of the works, the policy must be renewed prior to the expiration of the policy and a Certificate of Currency from the insurer provided to Council as evidence of the currency of the policy before the policy expires.

Failure to keep the works insured shall be reason for Council to make the works safe and all costs associated with making the works safe shall be a cost to the owner of the land. A Subdivision Certificate will only be issued where any amount required to be paid to Council is not outstanding in relation to this matter.

- (7) **Soil Erosion and Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with the Consent Authority's (ie Camden Council) "Soil Erosion and Sediment Control Policy".

Control measures must be maintained during the entire development procedure and can only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised.

Plans containing a minimum of four (4) sets of the undermentioned information must be prepared and submitted to the Principal Certifying Authority for approval **prior to a Construction Certificate being issued:**

- (a) existing and final contours
- (b) the location of all earthworks including roads, areas of cut and fill and re-grading
- (c) location of impervious areas other than roads
- (d) location and design criteria of erosion and sediment control structures
- (e) location and description of existing vegetation
- (f) site access (to be minimised)
- (g) proposed vegetated buffer strips
- (h) catchment area boundaries
- (i) location of critical areas (vegetated buffer strips, drainage lines, water bodies, unstable slopes, flood plains and seasonally wet areas)
- (j) location of topsoil or other stockpiles
- (k) signposting
- (l) diversion of uncontaminated upper catchment around areas to be disturbed
- (m) proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground
- (n) procedures for maintenance of erosion and sediment controls
- (o) details for staging of works
- (p) details and procedures for dust control.

3.0 - Prior To Works Commencing

The following conditions of consent shall be complied with prior to any works

commencing on the construction site.

- (1) **Notice Of Commencement Of Work** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act, 1979* and Clause 103 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building works.
- (2) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia* . Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (3) **Access From Public Places** - Construction access from public places (reserves, parks, walkways and the like) other than roads shall not occur without the prior consent of Camden Council. Bonds or legal agreements may be required to protect Council's assets if access from these places is approved.
- (4) **Stabilised Access Point** – A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location **prior to the commencement of any work**. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point.

4.0 – During Construction

- (1) **Construction Site Noise** – Noise Levels emitted during construction works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends the following level restrictions;
 - (i) Construction period of 4 weeks and under:
 - a. The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90)level by more than 20dB(A) when assessed to any sensitive noise receiver.
 - (ii) Construction period greater than 4 weeks :
 - a. The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A) when assessed to any sensitive noise receiver.
- (2) **Prior to the Exportation of Waste** – Prior to the exportation of waste (including fill or soil) from the site the material should be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Environmental Guidelines Assessment, Classification and Management of Non-Liquid Wastes. The classification of the material is essential to determine where the waste may be legally taken.
- (3) **Soil and Sediment Control** – The applicant and/or employees, agents or

subcontractors may be liable to prosecution under the Environmental Planning and Assessment Act, 1979 for a breach of a condition, or Protection of the Environment Operations Act, 1997 for a pollution offence if sediment, including soil, excavated material, building material or other materials are allowed to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways or be placed in a position where any of the aforementioned may occur which results in, or is likely to result in pollution. The applicant shall ensure that its employees, agents or subcontractors provide and maintain sediment control measures and suitable site practices to protect stormwater or waterways from the ingress of sediment.

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

- (a) 7am and 6pm Monday to Friday (inclusive);
- (b) 7am to 4pm Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8am to 4pm;
- (c) work on Sunday and Public Holidays are prohibited.

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

A security deposit of \$25,000.00 shall be lodged to Camden Council prior to the issue of a Construction Certificate.

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

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

(7) **Compaction** – Any filling on the site must be compacted to 95% standard compaction and be tested in accordance with Camden Council's Engineering Construction Specification and AS 1289 by a NATA registered laboratory. The validation of the fill material must be done prior to use of any fill material and validation report must be submitted to the Certifying Authority prior to the issues of the Construction Certificate.

(8) **Dust Control** – Potential dust sources on-site must be minimised through the maintenance of vegetation cover and the use of water sprays to suppress dust from exposed areas during periods of dry and/or windy weather.

Stage 1 – Diversion of existing creek and earth works

5.0 – Construction Certificate Requirements

- (1) **Creek Construction** – The construction work associated with the diversion of the Creek shall be carried out while the existing creek is operating in order to cater for storm events and control of pollution. The Engineering Plans must indicate the full design details of the new creek and work associated with the access, parking and the buildings. All civil engineering work and the landscaping work must be completed prior to the commencement of the back filling of the existing creek.
- (2) **Geotechnical Report** – A geotechnical report prepared by an Accredited Professional Engineer indicating that the all dams and channels are filled with approved materials and compacted to the council's standard prior to the construction of the main building, access and the car park must be submitted to the Principle Certifying Authority prior to the Construction Certificate being issued for Stage 2.
- (3) **Work in Drainage Reserve** – All work located in the drainage reserve must be designed and constructed subject to a Construction Certificate from Camden Council. This work is to be inspected by Council at all stages, with the standard fees to apply. The overland flow path over the culvert under the service road and the overland flow from the existing triple Culvert is to be designed to comply with the Council's Standards.
- (4) **Requirements of the Department of Natural Resources** – The following is required by the Department of Natural Resources.
 - (a) The Department requires notification if the documents are amended and these amendments change or result in additional 'works' in or within 40 metres of the riparian zone. Once notified, the department will ascertain if the amended plans require review and variation/s to these requirements. This requirement applies even if the proposed works are part of the Consent Authorities (ie. Camden Council) proposed consent conditions and the 'works' do not appear in the original documentation.
 - (b) The applicant must obtain a Part 3A Permit from the Department of Natural Resources, and provide a copy of same to the Consent Authority (ie. Camden Council) **prior to the issue of a Construction Certificate.**
 - (c) The applicant must comply with the General Terms of Approval of the Department of Natural Resources as detailed in Attachment B.

6.0 - Prior To Works Commencing

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

- (1) **Damage Bond for the Drainage System in Holdsworth Drive** – The applicant must keep a bond of \$50,000.00 in form of cash or bank guarantee to cover the potential cost of damage to the drainage system by the proposed work in the access road off Holdsworth Drive.

Stage 2 – Subdivision and construction of the shopping complex, access road, car park and landscaping

7.0 - General Requirements

- (1) **Approved Plans** – The development must be carried out strictly in accordance with the following approved plans:

Plans Prepared By	Drawing Number	Revision Number
DEM	ar-cv01	b01
	ar-0101	b01
	ar-0201	b01
	ar-0202	b01
	ar-0203	b01
	ar-1201	b01
	ar-12-2	b01
	ar-12-3	b01
	ar-2201	b01
	ar-2601	b01
	la-8901	a05
	la-0501	as amended
	la-0502	a02
North Western Surveys	12569 dated 14/5/05	01
	12569 dated 14/5/05	00
Mason Wilson Twiney	Figure 1 dated 20/3/07	as amended
FKP Developments	Dwg A1 dated April 07	
Storm Consulting	595/D02	
	595/P01	

The development must also comply with the conditions of approval imposed by Council hereunder.

Amendments or modification of the approved development requires the prior approval of Camden Council.

- (2) **Detailed Landscape Plans** - Prior to the issue of a Construction Certificate, **detailed** landscaping plans must be lodged with and approved by the Landscaping Consent Authority (ie Camden Council).

A proposed Conceptual Landscaping Plan (la—0501: la—0502: la—8901: Project No 3923-01 rev No a01, Drawn by dem, Dated December 2006), has been approved by the Consent Authority (ie Camden Council) to allow the issue of Development Application Consent. To ensure the Development is adequately landscaped and maintained, further Landscaping Plans containing more detail must be prepared by a suitably qualified Landscape Architect or Landscape Designer.

The detailed plans must be consistent with the Landscaping Concept Plan, Council's Landscaping guidelines, local masterplans and supply enough information to enable an informed assessment by Council of the proposed landscaping.

Amendments to be made when designing the detailed landscape plans include the following:

- (a) Those additions made to the Amended Landscape Plan.
- (b) Street tree selection, instillation and protection details.
- (c) Details of any retaining walls proposed.

- (d) Details of guard rail installation for any 'drop off' areas of 600mm or greater fall.

It should also be noted that any signage proposed must be contained wholly within privately owned land. No signage will be permitted on Council Owned land.

- (3) **Maintenance Period of Landscaping Works** – All works associated with the Consent Authority (i.e., Camden Council) approved Detailed Landscaping Plans (Drawing Nos la—0501: la—0502: la—8901: Project No 3923-01 rev No a01, Drawn by dem, Dated December 2006), are to be maintained for a period of 12 months from the date that the landscaping works are deemed compliant with the Development Consent by Camden Council's Landscaping Development Officer.

All proposed Landscaping works in the realigned drainage channel and associated riparian area, as detailed in the Stream Design Summary report, prepared by Storm Consulting P/L (Project No 595, Issue B, Dated November 2006) are to be maintained for a period as specified in the DNR issued 3A Permit for the works. The maintenance handover of the drainage channel and associated riparian area to Council is reliant upon the satisfactory sign off by DNR of all approved works in this area.

The applicant is to ensure that Camden Councils Landscaping Development Officer is notified of the impending practical completion of the landscaping works and an inspection arranged of the landscaping works to ensure that the landscaping works are compliant with the Consent Authority (i.e., Camden Council) approved Detailed Landscaping Plans.

At the completion of the 12 month landscaping maintenance period, all areas of lawn and plantings, including the nature strip area and garden bed areas, shall have signs of healthy, vigorous growth. The plantings as detailed in the Consent Authority (i.e., Camden Council) approved Detailed Landscaping Plans shall have a successful establishment rate of not less than 95%. Any trees, shrubs, garden areas or lawn areas in a state of decline, damaged or missing are to be replaced or restored to a healthy and vigorous condition and compliant with the Consent Authority (i.e., Camden Council) approved Detailed Landscaping Plans.

The applicant is to ensure that Camden Councils Landscaping Development Officer is notified of the impending completion of the landscaping maintenance period and an inspection arranged of the landscaping maintenance works. If any defects, deficiencies or variations from the approved Landscaping Plans are found, they are to be rectified within 28 days of the landscaping inspection and the cost of any rectification works will be the responsibility of the Development applicant.

- (4) **Advertising Signs Application** - Outdoor advertising structures require prior development consent. A development application must be submitted and approval granted by the Consent Authority (ie Camden Council) prior to the erection of any advertising signs.

The design, style, colour, height and type of any advertising sign must have regard to the character of the development, any existing advertising theme and DCP 2006.

- (5) **External Signage (Individual Tenancies)** – External signage for individual tenancies shall be located only in the areas indicated on the approved plans. A development application must be submitted and approved by Council prior to the erection of any advertising signs for the individual tenancies.

- (6) **Provision of Locks and Removable Bollards** - Prior to the issue of the Subdivision Certificate all gates and removable bollards that provide restricted access to Council reserves, bridges and other property shall be fitted with a padlock, which is required to be master keyed to Camden Council's requirements. The supply of the padlocks is at the applicants cost. Enquiries are to be directed to Council's Works and Services Branch, Parks and Gardens Division.

For this Development it is a requirement that removable bollards are installed to prevent vehicle access to pedestrian bridges and other areas to be determined prior to the issue of a Subdivision Construction Certificate.

- (7) **Building Code Of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia* .
- (8) **Individual Tenancies** (unknown use) – The use and occupation of all individual tenancies, including the mini-major stores is subject to a separate Development Application being lodged with the Consent Authority.

For food premises, plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by the consent authority prior to the issue of the development application:

- (a) The layout, disposition and method of installation of fixtures and fitting together with wall, floor and ceiling finishes of all food preparation and storage areas
STANDARD REQUIREMENT- Camden Councils Food Premises Code and standard 3.2.3 of the Australian and New Zealand Food Standards Code under the food Act 2003 and regulations.
- (9) **External Colours and Finishes** – The external colours and finishes of the shopping centre shall be in accordance with those indicated within the Statement of Environmental Effects prepared by Pascoe Planning Solutions and dated, December 2006.
- (10) **Trolley Return** – A strategy for the return of shopping trolleys from the site and the public domain is to be submitted to Council for approval **prior to the issue of an Occupation Certificate.**

8.0 - Construction Certificate Requirements

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

- (1) **Section 94 Contribution** – Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$8.21 per square metre, total \$38,177, for **Community Facilities.**

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan paid prior to issue of the Construction Certificate.

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

- (2) **Section 94 Contribution** – Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$3,772 per hectare, total \$9,002, for **s.94 Administration and Management**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan and paid prior to issue of the Construction Certificate.

- (3) **Salinity** – Due to the inherent characteristics of the Camden Local Government Area landscape, buildings erected in the area may be susceptible to soil salinity levels that will have a cumulative damaging effect on the building over time.

For these reasons, the Structural Engineer may have to incorporate in the design of the structural elements of the building, measures to reduce/prevent any detrimental effect to the building from accumulative salt deposits. A Structural Engineer's Certificate is to be submitted to the certifying authority prior to the issue of a Construction Certificate, stating that the soil salinity was considered when designing the structural elements of the building.

- (4) **Access For People With Disabilities** - Access for people with disabilities shall be provided in accordance with the requirements of Part D3 of the Building Code of Australia. Prior to the issue of a construction certificate, the plans shall be amended to reflect the above.

- (5) **Fire Safety Measures** – Prior to the issue of the Construction Certificate, the following information is to be submitted to the certifying authority:

- (a) A list of any fire safety measures that are **proposed** to be implemented in the building or on the land on which the building is situated, and
- (b) If the application relates to a proposal to carry out any alteration or rebuilding of, or addition to, an existing building, a separate list of those measures **currently** implemented in the building or on the land on which the building is situated.

- (6) **Construction in a Saline Environment** – That all concrete used in the development shall have a minimum compressive strength of 40Mpa. Details are to be provided with an application for a **Construction Certificate**.

- (7) **Acoustic Wall** – A five (5) meter high barrier is to be erected along the supermarket boundary, from the supermarket wall for a distance of 30meters as shown in figure 1 of the acoustic report prepared by Day Design dated 1 December 2006. The barrier shall be constructed from masonry, or autoclaved aerated concrete, or with 10mm thick solid polycarbonate sheets. The polycarbonate sheet should be clear in order to allow light through. Details are to be provided with an application for a **Construction Certificate**.

- (8) **Mechanical Ventilation Shafts** – Adequate provision is to be made for the installation of mechanical ventilation shafts designed to discharge effluent air above roof level for food premises where cooking/heating of food is to be carried out, such discharges being in accordance with the requirements of AS 1668, Parts 1 and 2. Details are to be provided with an application for a **Construction Certificate**.

- (9) **Garbage Room** – Details of the garbage room should include the following and provided with an application for a **Construction Certificate**:

- (a) The garbage room shall be constructed of solid material, cement rendered and steel trowelled to a smooth even surface.
 - (b) The floor of the garbage room shall be constructed of impervious material, coved at the intersection of the walls and graded and drained to an approved floor waste that discharges to the sewer.
 - (c) The hot and cold hose cock be located within or close proximity to the garbage room, to enable bins to be washed out. Waste water must drain to the floor waste.
 - (d) The garbage rooms design and construction be made vermin proof.
 - (e) The garbage room be ventilated to the external air by natural ventilation or an approved mechanical ventilation system.
- (10) **Annual Fire Safety Statement** – An annual fire safety statement for all essential services shall be submitted to Council every 12 months from the date of occupation.
- (11) **Parking Spaces** – A minimum of 224 car parking spaces must be provided on site. These spaces, and associated access driveways and manoeuvring areas must conform with Camden Council's Car Parking Code (DCP 2006), and must be designed in accordance with a pavement design prepared by a Geotechnical Engineer and the Consent Authority's (ie Camden Council) standard. Documentary evidence of compliance from an Accredited Certifier/Suitably qualified person must be submitted to the Principal Certifying Authority **prior to the Construction Certificate being issued.**
- (12) **Speed Control** – Speed humps or similar measures must be provided along the internal driveway(s) at sufficient intervals so as to discourage the travel of vehicles within the development at unreasonable speeds. **Details are to be provided with an application for a Construction Certificate.**
- (13) **Car Parking Design** - The design, construction details of the parking spaces, access thereto and all other external hard paved areas must conform to the Consent Authority's (ie Camden Council) standard, and documentary evidence of compliance of above condition must be submitted by a Accredited Certifier/suitably qualified person/Council or the Principal Certifying Authority **prior to the Construction Certificate being issued.**
- A work-as-executed plan and/or documentary evidence of compliance with the above, conditions must be provided by an Accredited Certifier or Council **prior to the Occupation Certificate being issued.**
- For the purpose of this condition a parking space must only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity. Wheel stops are to be provided for all parking spaces.
- (14) **Perimeter Kerbing** – The perimeter of the parking area that abuts a pedestrian thoroughfare is to be fitted with non-mountable kerbing to protect pedestrians from traffic.

- (15) **Line Marking** – All car parking spaces on the site are to be line-marked on the car park tarmac surface in an appropriate permanent medium.
- (16) **Work in Part of the Public Road and Overland flow paths** – All work located in the part of the road to be dedicated to council and the overland flow paths must be designed and constructed subject to a Construction Certificate from Camden Council. This work is to be inspected by Council at all stages, with the standard fees to apply. The overland flow path over the culvert under the service road and the overland flow from the existing triple Culvert is to be designed to comply with the Council's Standards.
- (17) **Drainage Design** – A stormwater management plan is to be prepared **prior to the issue of a Construction Certificate**. This plan must be submitted and approved by the Principal Certifying Authority. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties.
- (a) The grates located in driveways shall be provided with heavy duty grates.
 - (b) The overland flow path over the access road shall be properly designed and submitted to council prior to the release of the Construction Certificate. An appropriate easement shall be provided to cover the extent of the overland flow paths.
 - (c) The existing overland flow path for the 3x1200 diameter pipe shall be retained in the proposed lot 2 in order to reduce the flooding of the intersection of Holdsworth Drive and the proposed road.
- (18) **Water Quality Management** – A compressive water quality strategy shall be prepared and implemented for the management of all the pollutants generating from the proposed development. The details shall be provided including the maintenance programme prior to the issue of the Construction Certificate for the development.
- (19) **Roads Act 1993 Consent** – **Prior to the issue of any Construction Certificate**, consent pursuant to s.138 of the Roads Act 1993 must be obtained from the roads authority (Camden Council), for the design and construction of all the proposed work in, on or over the road reserves adjacent to the subject site.

The design must include, but not be limited to, plans/documents associated with:

- i) the construction of kerb and gutter, road shoulder and drainage
- ii) footway formation
- iii) public utility service adjustment or installation
- iv) an Environmental Site Management Plan

The design and subsequent construction of items i – iii above is for the express purpose of providing pedestrian and vehicular facilities as a result of the subdivision.

Further all such plans and documents associated with the design must be certified by:

- v) persons who are suitably accredited by a scheme approved by the N.S.W Department of Planning or where no scheme exists;
- vi) persons who are suitably qualified, are specialists and in that regard, currently practicing in that specialist area; or
- vii) in the case of a Public Utility Authority, an appropriately delegated officer of that

Authority or accredited person by that Authority.

And prepared in accordance with Camden Council's Draft Engineering Design Specification – May 2003.

- (20) **Internal Site Signage and Lighting** – A plan indicating comprehensive details of the signage, directional arrows, line marking and other means to facilitate access to the development and the parking areas shall be submitted to council for approval. An appropriate lighting scheme shall be provided to the car parking areas and the access roads, pathways and the overhead bridge. **Details to be provided prior to the issue of a Construction Certificate.**
- (21) **Amended Landscape Plan** – The stamped approved landscape plan with amendments denotes the following required changes. These changes are to be incorporated in the detailed landscape plan and must be lodged with and approved by the Landscaping Consent Authority (ie Camden Council).
- (a) All areas required to be provided with foot path.
 - (b) The pedestrian link through the site to Holdsworth Drive, including the approximate location of the pedestrian link (including required refuge) to the adjacent lot. This link is to include access through the proposed landscaping fronting Holdsworth Drive.
 - (c) All areas required to be provided with fencing.
 - (d) All areas required to be provided with 'No Stopping' signs.
 - (e) Areas thought to be allocated for trolley return bays. More details of the location of trolley return bays are to be provided with the Trolley Return Strategy.
 - (f) Areas required to be raised concrete islands.
 - (g) The amended plan also indicates an extension to the pedestrian area to be provided at the north entrance into the retail mall between tenancies 10 and 13. This is to be formed by barrier kerb and provided with a pram ramp complying with AS 1428-4. This pedestrian area extension is to be accompanied by a zebra crossing (as indicated on the plans) linking the shopping mall to the internal pedestrian zone.
- (22) **Local Traffic Committee Approval** – The following matters are required to be approved by the Local Traffic Committee. Details of these matters are to be provided and approved by the Consent Authority (ie. Camden Council) prior to the issue of a Construction Certificate. However implementation / construction is subject to Traffic Committee Approval which is required to be sought prior to the issue of an Occupation Certificate.
- (a) As identified in the traffic report prepared by Masson Wilson Twiney, dated 4 December 2006, the intersection of Waterworth Drive / Main Street / Welling Drive is to have the following works completed:
 - i. Linemarking changes to provide dual right turn lanes from Waterworth Drive (north) into Main Street (ie. Kerb side lane in Waterworth Drive – north changed to LTR);
 - ii. Any necessary kerb / pavement works to facilitate the abovementioned dual right turn movement.
 - (b) All required regulatory signposting and line markings as required by this development and/or indicated on the Amended Landscape Plan.
 - (c) The proposed pedestrian refuge within Holdsworth Drive as detailed in the additional Traffic Report, prepared by Masson Wilson Twiney, dated 19 March 2007. This pedestrian refuge is to be positioned to the north of the existing

driveway opposite the site. It will need to be demonstrated that the present road configuration (5.5m – 2.0m – 5.5m) is adequate to incorporate the proposed pedestrian refuge.

- (d) Upgraded street lighting to suite the proposed access road and pedestrian refuge.

The abovementioned works are to be constructed at no cost to Council.

- (23) **Loading Zone** – Access to the loading zone area is to be denied to customers of the shopping complex as indicated on the Amended Landscape Plan. This area is to be clearly line marked and signposted as a restricted area for service vehicles only. The five parking spaces in this area are also to be signposted for 'Service Vehicles Only'. All line marking and signposting associated with the loading zone is to be approved by the Local Traffic Committee prior to the issue of an Occupation Certificate.

- (24) **Internal Roundabout** – The internal roundabout is to be constructed in accordance with the plans prepared by Masson Wilson Twiney, dated 20 March 2007, as amended. Details are to be provided with an application for a Construction Certificate. The four access points to the roundabout will need to be designed in accordance with the relevant standards. Any proposed line marking and signposting is to be approved by the Local Traffic Committee prior to the issue of an Occupation Certificate.

- (25) All works / regulatory signposting associated with the proposed development shall be at no cost to The RTA or Camden Council.

- (26) **Electrical Substation** – Prior to the issue of a Construction Certificate, a written clearance is to be obtained from Integral Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

The electrical substation detailed on the plans within the landscaped area fronting Waterworth Drive is to be relocated to within the building. Details of this are to be provided with an application for a Construction Certificate.

9.0 - During Construction

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

- (1) **Building Inspections** – The Principal Certifying Authority (PCA) must determine when inspections of critical building components are necessary. The 'principal contractor' for the building works (as defined by the *Environmental Planning and Assessment Act, 1979*) must notify the PCA for the inspection of the building components. Where Camden Council has been nominated as the PCA, the following stages must be inspected and passed prior to proceeding to the subsequent stage of construction.

Note: If Council is appointed as the PCA, the Council agrees to the commencement inspection being combined with the first required inspection.

- (a) **Commencement of Building Works** - When environmental controls are in place.

- (b) **Wall & Roof Framing** - When the wall and roof frame have been completed

(with plumbing and electrical wiring installed), brick work complete and the roof covering fixed, prior to internal lining.

- (c) **Wet Area Waterproofing** - Prior covering of waterproofing in any wet areas for a minimum of 10% of rooms with wet areas within the buildings.
- (d) **Stormwater Line-work** - When stormwater drainage lines have been laid and connection to a street kerb or, drainage easement, or rubble pit, prior to backfilling of lines.
- (e) **Occupation Certificate (final inspection)** - Upon completion of the development and before occupation or commencement of use.

The *Environmental Planning and Assessment Act 1979* and *Regulation* may prescribe other 'critical stage inspections' of the works. It is recommended that you discuss and confirm all required inspections with the PCA.

Missed critical stage inspections are an offence under the *Environmental Planning and Assessment Act, 1979* , and may prohibit the issue of an Occupation Certificate.

10.0 - Prior To Issue Of Occupation Certificate

The following conditions shall be complied with prior to the issuing of an Occupation Certificate. The issue of an "interim" Occupation Certificate may occur if the Principal Certifying Authority (PCA) is satisfied that outstanding matters will be completed within a reasonable time frame. Additional fees for the issue of interim Occupation Certificates may be applied by the PCA.

- (1) **Nature Strip, Street Trees and Street Tree protective guards** - Where applicable, any nature strip area, street tree, tree guards if applicable, protective bollards if applicable which are disturbed, removed or damaged during the course of construction, or during the agreed 12 month maintenance period of the landscaping works, shall be repaired and the tree, bollards, tree guards, nature strip area repaired with the same type, species and maturity, prior to handover of maintenance responsibility to Council.
- (2) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

The PCA must submit a copy of the Occupation Certificate to Camden Council (along with the prescribed lodgement fee) within two (2) days from the date of determination and include all relevant documents and certificates that are relied upon in issuing the certificate.

The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with.

- (3) **Fire Safety Certificates** – A Fire Safety Certificate is to be submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000* . The Fire Safety Certificate is to certify that each fire safety

measure specified in the current fire safety schedule for the building to which it relates:

- (a) has been assessed by a properly qualified person; and
- (b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

As soon as practicable after the Final Fire Safety Certificate has been issued, the owner of the building to which it relates:

- (a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades, and
- (b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

- (4) **Gutter Crossing** – The following works must be constructed **prior to the issue of the Occupation Certificate** and under the Roads Act 1993 must be approved by Camden Council:

- (a) provision of a heavy duty industrial gutter crossing at all points of ingress and egress for future access to proposed lots 1 and 2.

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

- (5) **Seal Up Redundant Gutter Crossings** – All redundant gutter crossings and footpath crossings must be reinstated to the existing standards on the road.

- (6) **Works as Executed Plan - Prior to the Occupation Certificate being issued**, a works-as-executed drawing signed by a registered surveyor must be submitted to the Principal Certifying Authority showing that the stormwater drainage and finished ground levels have been constructed as approved.

- (7) **Crime Prevention Through Environmental Design** – The development is to incorporate the following measures to ensure compliance with the principles of Crime Prevention Through Environmental Design. Where necessary details of these measures are to be provided with an application for a Construction Certificate, with implementation required **prior to the issue of an Occupation Certificate**.

- (a) All fire exit doors are to be alarmed.
- (b) CCTV should be installed to cover the whole of the inside of the development, especially entrances and exits. Any CCTV footage needs to follow all legal responsibilities, including that all recorded footage must be retained for a minimum period of seven days.
- (c) Any ATM's installed must be placed in areas away from main doors, must be secured properly and covered by CCTV.
- (d) The fences around the boundary should be of an open design so as not to restrict surveillance opportunities.
- (e) Lighting Standard 1158 - must be used throughout the development.

- (f) A light maintenance policy needs to be established for the development. It should be noted that bollard lighting is not recommended as it does not light the area sufficiently. These types of lights are also more prone to vandalism.
- (g) Strong consideration should be given to the use of graffiti resistant materials, particularly on the fences, ground floor and areas which are accessible by other structures to reduce such attacks or assist in the quick removal of such attacks.
- (h) Ram raid deterrents are to be constructed along the frontages of the shops that have direct frontage to the car park.

11.0 - Operational Conditions

- (1) **Bunting** - Bunting must not be used to attract customers.
- (2) **Flashing or Revolving Lights** - Flashing or revolving lights must not be used to attract customers.
- (3) **No Signs on Public Land** - Sandwich boards including 'A' frame advertising panels and any other sign shall not be placed on a public footpath or road reserve.
- (4) **Inflatable Balloons** - The use of inflatable balloons for advertising purposes must not be erected without prior development consent. In any case the use of such balloons will only be permitted for promotional purposes for a limited duration.
- (5) **Hours of Operation** – The hours of operation for the approved land-use are:

Monday to Friday:	6.00am to 12 Midnight
Saturday:	6.00am to 12 Midnight
Sunday & Public Holidays:	6.00am to 12 Midnight

Any alteration to these hours will require the prior approval of the Consent Authority.

- (6) **Delivery Hours** – The delivery hours for goods to the shopping complex are restricted to between 6.00am to 10.00pm seven days per week.
- (7) **Legionella Control** – Microbial (Legionella) control for the developments air conditioning system shall comply with the provisions of the *Public Health Act, 1991*.
- (8) **Mechanical Plant Noise** – That noise from the supply air fans, air conditioning plant and refrigeration compressors shall be controlled by the way of acoustic barriers and silencers incorporated in the fan system. The LAeq15minute noise level from such equipment shall not exceed the following criteria when measured at the nearest residential boundary;
 - 45dB(A) during the day
 - 47dB(A) in the evening
 - 35dB(A) at night
- (9) **Offensive Noise** - The use and occupation of the premises, including all plant and equipment installed thereon, must not give rise to any offensive noise within the meaning of the Protection of the Environment Operations Act, 1997.
- (10) **Air Conditioning Units** - The operation of the approved air conditioning units must operate at all times so:

- (a) as to be inaudible in neighbouring dwellings during the hours of 10.00pm to 7.00am on weekdays and 10.00pm to 8.00am on weekends and public holidays; and
- (b) as not to discharge any condensate or moisture onto the ground surface of the premises or into stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act, 1997.
- (11) **Acoustic Compliance Report** – A compliance report shall be submitted to the Principal Certifying Authority within 3 months after occupying the premises. The report shall be prepared by an independent acoustic consultant and be submitted to the Principal Certifying Authority certifying if noise levels from the use of the loading docks, mechanical plant and operating equipment, and the normal operation of the shopping centre comply with the following criteria when measured at the nearest residential boundary;
- 45dB(A) during the day
 - 47dB(A) in the evening
 - 35dB(A) at night

For any non-compliance, the acoustic compliance report must make recommendations for compliance or further attenuation of noise sources and these recommendations will be enforced by Council at the cost of the owner / occupier.

If further attenuation is required, the owner / occupier must then provide a supplementary acoustic report to the Principal Certifying Authority certifying that all compliance works have been completed and that noise levels comply with the abovementioned criteria.

- (12) **Service Vehicles** – Under no circumstances is the site to be serviced by 'Articulated Vehicles'. Servicing the site is to be limited to the use of 12.5 metre 'Heavy Rigid Vehicles'.
- (13) **Service Trucks** – Servicing of the site is to be conducted by 12.5 metre Heavy Rigid Vehicles (HRV) only. The development has not been designed to accommodate any vehicles of a larger size.
- (14) **Light Spillage** – The lighting of the premises must be directed so as not to cause nuisance to owners or occupiers of adjoining premises and must be provided in accordance with plans prepared by FKP Developments, numbered DWG A1 and dated, April 2007.

12.0 - Subdivision Certificate

- (1) **Section 94 Contribution** – Pursuant to **Contributions Plan No 3** amended in February 1998, a contribution must be paid to Council of \$73,077 per hectare, total \$174,398, for **Trunk Drainage, Water Quality Facilities and Professional Services**.

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

The monetary contribution for Trunk Drainage and Water Quality Facilities may be offset by the value of land transferred to Council or by works in kind. Such works

cannot commence until an agreement is made with Council pursuant to the Contributions Plan.

- (2) **Construction Standards** - All civil engineering work associated with the development must be carried out strictly in accordance with Camden Council's Engineering Works Development Control Plan and the guidelines for Construction Specification for roadworks, drainage and other works associated with subdivisions and other developments.
- (3) **Maintenance Bond** - A maintenance bond in the form of an unconditional trading bank guarantee or cashbond, being 10% of the value of civil works, must be lodged with Council **prior to the release of the Subdivision Certificate**. This bond is to cover the maintenance of civil works constructed during subdivision works and any damage to existing roads, drainage lines, public reserves or other Council property or works required as a result of work not in accordance with Council's standards, and/or development consent conditions.

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

"In accordance with Council's Fees and Charges a non refundable administration fee of \$110 for cash/cheque bonds and \$220 for bank guarantees must be paid to Council upon lodgment of such bond."

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

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

- (4) **Road Surfacing Bond - Prior to the issue of the Subdivision Certificate** the applicant is to lodge a monetary bond with the consent authority (ie Camden Council) for the placement of the final layer of asphaltic concrete wearing course for any proposed Public Road within this subdivision.

The bond is to be in the form of cash or unconditional bank guarantee in favour of the consent authority (ie Camden Council), and must be equivalent to 130% of the value of the works including the cost of all reinstatement works. The bond amount will be determined by reference to Council's current unit rates for such works.

The bond period is to commence on the date of issue of Subdivision Certificate and the work is required to be completed after 5 years or upon at least 80% of the subdivision occupancy.

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

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

Note 2: It should be noted that Council will not refund/release the maintenance

bond, unless a suitable replacement bond is submitted.

- (5) **Linen Plan Release Fee** - A linen release fee of \$803.25 must be deposited to Camden Council's Account No A.2681.402.9, together with the linen plan of subdivision and 88b instrument with ten (10) copies of plans suitable for certification by the General Manager and lodgement at the Land and Property Information. The Section 88B Instrument must be submitted to the Certifying Authority for approval with the Subdivision Certificate application. Council must be nominated as the only authority permitted to modify, vary or rescind the easements and restrictions as to user. The cost and expense of any such variation or modification must be borne by the person or corporation requesting the same in all respects.
- (6) **Value of Works - Prior to release of the Subdivision Certificate** the applicant must submit an itemised value of civil works for the inclusion in Council's Asset Management System. The applicant can obtain a valuation sheet from Council upon request.
- (7) **Compliance Certificate - Prior to the issue of the Subdivision Certificate** the applicant must submit to Council documentary evidence/ compliance certificate to confirm compliance of all conditions of the subject consent.
- (8) **Works as Executed Plans** – After completion of all the engineering works and prior to final inspection, sepia work-as-executed drawings signed by a registered surveyor and compaction certificates are to be submitted to the principal certifying authority in accordance with Camden Council's Engineering works Development Control Plan and associated Guidelines.
- (9) **Right Of Way** – A following right of ways are to be created and incorporated in the subdivision plan:
 - (a) A right of way 3.0 metres wide for the footpath from Chappel Court to the proposed public road (30m length) on either side of the cul-de-sac in order to accommodate the foot path. The minimum width of the foot path shall be 1.5m.
 - (b) A right of way 3.0 metres wide for the pedestrian bridge over the riparian zone.
- (10) **Drainage Easement** – The drainage easements for overland flow path shall accommodate the 1% AEP and the minimum free board of 300mm.
- (11) **Internal Access Road** – The first 30 metres of the new forth leg of the roundabout at Holdsworth Drive / Main Street is to be dedicated to Council for maintenance purposes. The remainder of this access road is to remain in the ownership of the landowner. This is to be indicated on the final plans of subdivision.

RECOMMENDED

That Development Application No 1297/2006 for the subdivision, realignment of drainage reserve, construction of a shopping complex, car park and associated landscaping at No 221A (Lot 186 DP 1065170) Waterworth Drive, Mount Annan be approved subject to the above development consent conditions.

ATTACHMENTS

1. Location Plan

2. Plans
3. Table of Submissions
4. Submissions (Supp Doc)

Table of Submissions	Plans	Submissions (Supp Doc)	Location Plan
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RESOLUTION

MOTION

Moved Councillor Anderson, Seconded Councillor Elliott that Development Application No 1297/2006 for the subdivision, realignment of drainage reserve, construction of a shopping complex, car park and associated landscaping at No 221A (Lot 186 DP 1065170) Waterworth Drive, Mount Annan be approved subject to the above development consent conditions, with the following amendments to the conditions:

Condition (10) in 7.0 - General Requirements to read:

Trolley Return – A strategy for the return of shopping trolleys from the site and the public domain is to be submitted to Council for approval **prior to the issue of an Occupation Certificate**. The strategy shall incorporate pay for use trolley return.

Condition (5) in 11.0 - Operation Conditions to read:

Hours of Operation – The hours of operation for the approved land-use are to be consistent with the operational hours of the other retail centres within Mount Annan.

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

(Councillors Whiteman and Cagney voted against the Motion).

ORD130/07

ORDINARY COUNCIL

ORD02

DEMOLITION OF EXISTING STRUCTURES ON SITE AND CONSTRUCTION OF A THREE STOREY COMMERCIAL BUILDING WITH BASEMENT CAR PARKING AND SEPP1 OBJECTION TO VARY TWO STOREY HEIGHT LIMIT WITHIN LEP 46 - NO 3-5 (LOTS 38 & 39 DP 25582) SOMERSET AVENUE NARELLAN.

FROM:	Director Development and Health
FILE NO:	7250.50
DA NO:	826/2006
OWNER:	Messrs SRYL & LH Ma & Ms C C TAM
APPLICANT:	Ardesign
ZONING:	3 (a) GENERAL BUSINESS
APPLICABLE PLANNING INSTRUMENT:	LEP 46

PURPOSE OF REPORT

The purpose of this report is to assist Council in its determination of the subject application. This development application has been referred to Council under its delegations as it contains a State Environmental Planning Policy (SEPP) 1 objection to vary the two storey height limit within Local Environmental Plan (LEP) 46 applying to the site.

SUMMARY OF RECOMMENDATION

It is recommended that Council approve the application subject to conditions of development consent.

BACKGROUND

The development application was lodged on 9 August 2006. A number of changes to the original plans have been requested and provided by the applicant to comply with Council's requirements relating to issues including stormwater, waste collection, car parking and vehicular access resulting in the current proposal before Council.

A future Council car park is proposed to be constructed at the rear of the proposed development. Consequently, it is necessary to ensure that the proposed development is compatible with the future car park. The future car park comprises land at the rear of existing properties in Somerset Avenue and a smaller amount of land fronting Doncaster Avenue. A 17.5 metre strip of land at the rear of the proposed development will form part of the car park. Future extensions to the car park will then be dependent on further development applications being lodged and approved for other properties along Somerset Avenue.

Access to the property will be from a right-of-way which extends through number 1 Somerset Avenue. Access from Slade Street will ultimately be available once development applications are lodged and approved for properties along Somerset Avenue from numbers 7 to 17. Additionally Council has purchased land to the rear of

the property along Doncaster Avenue to be included as part of the future car park. This will then allow alternative future access to the subject property.

With amended plans having been provided by the applicant which addressed the car parking and other issues that were problems in the original plans, it is considered that the development application can now be determined by Council.

THE SITE

The site is located at 3-5 Somerset Avenue, Narellan and currently contains two detached houses which have been occupied for commercial uses and comprise a hairdresser and accountancy practice. A number of commercial buildings are situated within the street which consist of two storey and single storey developments as well as detached houses which were constructed some time ago and have been fitted out for commercial uses.

More specifically, a two storey commercial building exists adjacent to the site at No 1 Somerset Avenue which was approved by Council (DA 1720/2000). Detached houses exist to the rear of the site on Doncaster Avenue including properties which are Council owned (and tenanted).

The site is rectangular in shape and consists of a total area of 1,300 square metres. The dimensions of the site are approximately 43 x 31 metres. Car parking for the existing uses is situated to the rear of the buildings with access via a driveway from Somerset Avenue. **A location plan is attached with this report.**

THE PROPOSAL

The proposal is to demolish the existing structures on site and construct a three storey commercial building with basement car parking. The proposed building has a total floor space area of 1,427.8 square metres. The total floor space area of each floor is:

Ground Floor: 483.3 square metres
First Floor: 496.3 square metres
Second Floor: 448.2 square metres

A total of 41 car parking spaces are proposed and will be located both underground and to the rear of the building. The car parking spaces to the rear of the building are to be dedicated to Council, which is a requirement of Camden Development Control Plan 2006 and will form part of a common, Council-owned car park. The area to the rear of the proposed building, apart from car parking spaces, includes a 1.5 metre wide footpath.

The ground floor consists of an arcade leading from Somerset Avenue to the car park at the rear, with four suites proposed for use as shops and two for other commercial uses. The first floor contains a total of six commercial suites and the second floor four commercial suites. A lift and stairwell from the basement car park to upper levels are provided. The use of the individual suites within the proposed building will be subject to future separate applications to Council. However the applicant has indicated that the building is intended to be used as a medical centre. **Plans of the proposed development are attached with this report.**

NOTIFICATION

Neighbouring property owners were notified of the proposed development by mail in

accordance with the provisions of Camden Development Control Plan 2006. No submissions were received.

PLANNING CONTROLS

The following planning controls were primarily considered in the assessment of the application:

- Camden Local Environmental Plan No. 46
- State Environmental Planning Policy No. 1 - Development Standards
- Draft Camden Development Control Plan No. 131
- Draft Camden Local Environmental Plan No. 136
- Camden Development Control Plan 2006

ASSESSMENT

The application has been assessed in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*. The following information is provided in relation to the relevant aspects of the assessment.

The provisions of any Environmental Planning Instrument

Camden Local Environmental Plan No. 46

The land is zoned 3 (a) GENERAL BUSINESS under LEP46. The proposed development is not listed as prohibited within the zone and is permissible with consent from Council. The objectives of the zone are as follows:

- (a) to provide sufficient opportunities for the development of retail and commercial activities designed to satisfy the needs of the community in an environmentally sensitive manner;*
- (b) to encourage the development and expansion of business activities which will contribute to the economic growth of, and the creation of employment opportunities within, the Municipality of Camden; and*
- (c) to encourage a wide range of retail, commercial and recreational facilities.*

It is considered that the proposed development is consistent with the objectives of this zone. The proposed development will provide for a range of retail and commercial facilities within the Camden local government area and will satisfy the needs of the community in an environmentally sensitive manner.

The proposed development does not comply with clause 20(A)(1) of LEP46 which provides that:

A building must not exceed two storeys in height. A storey does not include a roof void if the pitch of the roof does not exceed 45 degrees.

This non-compliance with the LEP is the subject of the SEPP1 objection and is discussed below.

State Environmental Planning Policy No. 1 - Development Standards

Council may assume the concurrence of the Director-General of the Department of

Planning under SEPP1 for all applications other than rural subdivisions.

SEPP1 provides flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5 (a) (i) and (ii) of the *Environmental Planning and Assessment Act 1979*.

SEPP1 provides that:

Where development could, but for any development standard, be carried out under the Act (either with or without the necessity for consent under the Act being obtained therefore) the person intending to carry out that development may make a development application in respect of that development, supported by a written objection that compliance with that development standard is unreasonable or unnecessary in the circumstances of the case, and specifying the grounds of that objection.

The development standard that is sought to be varied is Part 3 Clause 20(A)(1) of LEP46.

The applicant has given the following reasons for Council to support the SEPP1 objection:

- To substantiate a building of any merit it must be economically viable. Given the 19 metre portion of land at the rear which is to be dedicated to Council for car parking, the extra storey helps to achieve this result.
- The achieved floor space ratio is only 1.1:1.
- The provision of an increased street setback to the third storey together with the use of various materials in the facade treatment provides an even balance with relationship to the height.

The views articulated are supported and, accordingly, maintaining the two storey height limit contained within LEP46 for this site is not considered to be necessary in this particular case. A significant amount of land at the rear of the site is to be dedicated to Council for use as a car park as required under Council's development control plan. Given that this land is to be dedicated to Council, the floor space ratio of the proposed building is 1.1:1, which is not considered to be excessive especially considering the fact that the required floor space ratio for the site in Council's Development Control Plan is 1:1.

The three storey height of the proposed development is not considered to be excessive and is consistent with the desired future character of the area. The height of the building from ground level to its highest point at the rear is 13.8 metres. The height of the building from ground level to the awning fronting Somerset Avenue is approximately 11.4 metres. The development of a three storey building as opposed to a two storey building in this location is not expected to generate any unreasonable traffic, overshadowing, noise or other impacts that will negatively impact on the amenity of neighbouring properties.

Considering these reasons and the absence of a significant, negative impact associated with the proposed three story development, it is considered the SEPP 1 objection is able to be supported by Council.

The provisions of any Draft Environmental Planning Instrument

Draft Camden Local Environmental Plan No. 136

Draft LEP136 has been approved by Council and awaits approval and gazettal by the Minister for Planning. The draft LEP does not change the permissibility of the development proposal under the existing LEP46. The draft LEP increases the height limit for buildings situated on corner lots to three stories. However this development proposal is not situated on a corner lot. The height limit for the subject site remains two stories under the draft LEP, hence the SEPP1 objection.

The provisions of any Development Control Plan

Camden Development Control Plan (DCP) 2006

Part G Chapter 17 "Somerset Avenue Narellan" of the DCP lists a number of controls for the site and other properties on Somerset Avenue, Narellan. The proposed development generally complies with the DCP.

The objectives of this chapter of the DCP are as follows:

- (a) To provide development principles for the area of Somerset Avenue Narellan as outlined in the map attached to this plan;*
- (b) To promote an active and accessible place for people to meet, shop and do business;*
- (c) To encourage a mix of commercial uses with buildings outwardly focussed onto a lively and vibrant street;*
- (d) To provide a built form that is rationalised, packaged and staged so as to facilitate adequate access, quality urban design and timely and appropriate infrastructure outcomes;*
- (e) To provide car parking to the rear of properties facing Somerset Avenue accessed via driveways onto Somerset Avenue and Slade Street;*
- (f) To provide sufficient footpath width to accommodate pedestrians, street trees and street furniture.*

It is considered that the proposed development is consistent with these objectives and the building will encourage a mix of commercial uses within the area. The proposed development also contributes to the proposed Council car park at the rear of the building.

The proposed development does not comply with all of the provisions of this chapter of the DCP. Differences between the development proposal and the relevant development standards of the DCP are listed below:

- Floor space ratio: The DCP states that floorspace ratio(FSR) shall be 1:1. The proposed floorspace ratio is 1.1:1. The DCP standard is difficult to achieve due to Council requiring the applicant to provide an arcade linking the street to the proposed car park at the rear of the proposed building. For this reason, the minor variation to the FSR is supported.
- Building Height: The DCP states that building height shall be limited to a maximum of two stories, except where the building is located on a corner and forms a landmark feature. This is similar to the clause in the LEP which restricts height to no greater than two stories in all locations. Consequently, this is the basis of the SEPP1 objection to Council. The proposed building is not located on a corner lot. The issues relating to the height limit are assessed above under the LEP.

Part D: Chapter 1 "Car Parking" of the DCP says that based upon the amount of floorspace in the proposed building, a total of 42.38 car parking spaces are required. The applicant proposes a total of 41 car parking spaces with the additional two spaces required being provided through a Section 94 (developer) contribution to be levied by Council as a condition of development consent.

Draft Camden Development Control Plan No. 131

This draft DCP amends a number of development controls throughout Narellan. However the controls in this draft DCP do not affect the permissibility of the development proposal and the draft DCP does not introduce any new clauses requiring the development proposal to be amended.

The likely impacts of the development

The development is not expected to have any significant adverse impacts on the surrounding area. The development is not expected to generate any significant noise, privacy, overshadowing or any other negative impacts.

The height of the proposed development will be somewhat taller than surrounding properties. A two storey commercial building is situated adjacent to the site. Detached houses exist along most of the remainder of the site, which are generally used for commercial purposes. The one to two storey difference in height between the proposed development and the surrounding properties is not considered to be excessive or incompatible.

The suitability of the site for the development

The site is considered to be suitable for the proposed development. The development proposal is situated on a site that is zoned for commercial/retail use and commercial/retail buildings predominate throughout the street.

The public interest

The development proposal meets the objectives of the relevant zone and is not listed as a prohibited development within the zone. The proposed development does not comply with the two storey height limit under clause 20A (1). However the applicant has demonstrated through the SEPP1 objection that the proposal meets the objectives of the relevant zone and LEP. As a result it is considered that the proposed development is in the public interest.

CONCLUSION

Council is in receipt of a development application for the demolition of existing structures and the construction of a three storey commercial building with basement car parking incorporating a SEPP1 objection to the two-storey height limit contained within clause 20A(1) of LEP46. The application has been publicly exhibited and no submissions have been received. The application has also been assessed in accordance with the provisions of the Act and it is considered that the proposed development may be approved subject to the following development consent conditions:

DETAILS OF CONDITIONS

1.0 - General Requirements

(1) **Approved Plans** – The development must be carried out strictly in accordance with the following approved plans or other documentation:

- Plans prepared by Ardesign, dated July 06, labelled 465-02 – 465-10.
- Plans prepared by Siteplus, dated 4 December 2006, labelled Dwg No. 06282C, sheets 1 - 3.

The development must also comply with the conditions of approval imposed by Council hereunder.

Amendments or modification of the approved development requires the prior approval of Camden Council.

(2) **Individual Tenancies (unknown use)** – Approval is given for the construction of shops and offices. The use and occupation of all individual tenancies are subject to a separate Development Application being lodged with the Consent Authority.

(3) **Installation, Establishment And Maintenance Costs** – All costs involved with the landscaping installation (including the street trees), establishment and maintenance works, as detailed in the approved Landscaping plans and Development Consent, will be paid for by the applicant. The costs involved will include, but not limited to, such items as electricity costs, planting hole preparation and water usage.

(4) **Building Code Of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia* .

(5) **Work over Footpath** - A section 68 approval under the Local Government Act 1993 must be obtained from Council for any building work that will be constructed over Council's Footpath.

(6) **Comprehensive Sign Package (Multi-Tenant Development)** – A separate development application shall be lodged with the Consent Authority (ie Camden Council) for a comprehensive advertising scheme for all units of the development. These signs shall be of uniform size, colour and designed in accordance with the architectural style of the development and the provisions of Camden Development Control Plan 2006.

(7) **Footpaths** - Footpaths are to be constructed to Council's standards for the Narellan Business Area, contained within Schedule 2, Part G: Chapter 17 of Camden DCP 2006 and must be appropriately transitioned to the existing footpath to provide safe access for pedestrians at all times. All service relocations and adjustment shall be carried out at no cost to Council.

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

(9) **Gutter & Footpath Crossings** - All redundant gutter crossings and footpath crossings must be reinstated to the existing standards on the road.

2.0 - Construction Certificate Requirements

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

- (1) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$8.18 per square metre, total \$11,679.00 for **Community Facilities**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan paid prior to issue of the Construction Certificate.

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

- (2) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$3,760.00 per hectare, total \$485.00 for **s.94 Administration and Management**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan and paid prior to issue of the Construction Certificate.

- (3) Pursuant to **Camden Contributions Plan** adopted in November 2003, a contribution must be paid to Council of \$20,858.27 per car space, total \$41,717.00, for **Car Parking**.

The contribution must be indexed to the Consumer Price Index and paid prior to issue of the Construction Certificate.

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

- (4) Pursuant to **Contributions Plan No 17** amended in November 2003, a contribution must be paid to Council of \$39.50 per m² of additional gross leasable floor area, total \$56,398.00 for **Streetscape and Public Domain, Traffic Facilities and Roadworks and Rights of Carriageway**.

The contribution must be indexed to the Consumer Price Index and paid prior to issue of the Construction Certificate.

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

- (5) **Fire Safety Measures** – Prior to the issue of the Construction Certificate, the following information is to be submitted to the certifying authority:

- (a) A list of any fire safety measures that are **proposed** to be implemented in the building or on the land on which the building is situated, and
- (b) If the application relates to a proposal to carry out any alteration or rebuilding of, or addition to, an existing building, a separate list of those measures **currently** implemented in the building or on the land on which the building is situated.
- (6) **Salinity** - Due to the inherent characteristics of the Camden Local Government Area landscape, buildings erected in the area may be susceptible to soil salinity levels that will have a cumulative damaging effect on the building over time.

For these reasons, the Structural Engineer may have to incorporate in the design of the structural elements of the building, measures to reduce/prevent any detrimental effect to the building from accumulative salt deposits. A Structural Engineer's Certificate is to be submitted to the certifying authority prior to the issue of a Construction Certificate, stating that the soil salinity was considered when designing the structural elements of the building.

- (7) **Access For People With Disabilities** - Access for people with disabilities shall be provided in accordance with the requirements of Part D3 of the Building Code of Australia. Prior to the issue of a construction certificate, the plans shall be amended to reflect the above.
- (8) **Disabled Toilets** - Plans and details of the disabled toilet complying with the provision of AS1428.1 - 2001, shall be submitted to Council or an Accredited Certifier **prior to issue of a Construction Certificate.**
- (9) **Stacked Parking Spaces** – The three stacked car parking spaces indicated on the approved plans must be made available and clearly marked for the parking of employees vehicles only.
- (10) **Location of Bus Stop** - The applicant shall seek approval from Local Traffic Committee for the temporary relocation of the bus stop and bus shelter fronting the street at No. 5 Somerset Avenue to a location that is suitable to Council. The cost of relocating the bus stop and bus shelter shall be met by the applicant/owner of the property and shall be at no cost to Council. Approval shall be obtained and the bus stop relocated **prior to the issue of the Construction Certificate.**
- (11) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with Camden Council's Engineering Standards and associated Guidelines and are to be submitted for approval to the Principal Certifying Authority **prior to the Engineering Construction Certificate being issued.**
- under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve;
 - under section 109E of the Environmental Planning and Assessment Act 1997, Council must be nominated as the Principal Certifying Authority and has the option of undertaking inspection of physical construction works.

Note: The developer must obtain a Construction Certificate prior to commencement of any physical site works.

All works associated with the development are to be undertaken at no cost to Council.

- (12)**Geotechnical Report** - A geotechnical report prepared by an Accredited Professional Engineer shall be submitted to the Consent Authority (ie Camden Council) **prior to the issue of the Construction Certificate.**

The geotechnical report shall include an assessment of the stability of adjoining buildings and the public road as a result of the proposed excavation and include a strategy to address the integrity of the structures during the construction of the basement and other activities carried out within close proximity to the basement

- (13)**Environmental Management Plan** - An Environmental Site Management Plan must be submitted to the Principal Certifying Authority for approval and be included in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 – 2005 and must address, but not necessarily be limited to, the following matters:

- (a) All matters associated with Council's Erosion and Sediment Control Policy;
- (b) All matters associated with Occupational Health and Safety;
- (c) All matters associated with Traffic Management/Control;
- (d) All other environmental matters associated with the site works such as noise control, dust suppression, waste management and the like.

- (14)**Parking Spaces** - A minimum of 41 car parking spaces must be provided on site. These spaces, and associated access driveways and manoeuvring areas must conform with Camden Development Control Plan 2006, and must be designed in accordance with a pavement design prepared by a Geotechnical Engineer and the Consent Authority's (ie Camden Council) standard. Documentary evidence of compliance from an Accredited Certifier/Suitably qualified person must be submitted to the Principal Certifying Authority **prior to the Construction Certificate being issued.**

- (15)**Car Parking Design** - The design, construction details of the parking spaces, lighting, access thereto and all other external hardpaved areas must conform to the Consent Authority's (ie Camden Council) standard, and documentary evidence of compliance with above condition must be submitted by a Accredited Certifier/suitably qualified person/Council or the Principal Certifying Authority **prior to the Construction Certificate being issued.**

A work-as-executed plan and/or documentary evidence of compliance with the above, conditions must be provided by an Accredited Certifier or Council **prior to the Occupation Certificate being issued.**

For the purpose of this condition a parking space must only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.

Wheel stops are to be provided for all car parking spaces.

- (16)**Design Standards** - Engineering design drawings are to be prepared strictly in

accordance with Camden Council's Engineering Standards and the Guidelines for engineering design specification.

(17)**Amendment to Parking Configuration at No 1 Somerset Av** - A plan indicating amendments to the car parking configuration at No.1 Somerset Avenue with consent from the Body Corporate of the subject property shall be submitted to Council. The amended configuration shall allow access for vehicles to Nos 3 & 5 Somerset Av from the property. All amendments to the parking configuration shall be implemented **prior to the issue of the Construction Certificate.**

(18)**Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and minimise effects on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with the current version of AS1742.3 and to the requirements and approval of Council. Plans and proposals **must be approved by Council prior to the Construction Certificate being issued** and must be referred to Council's Local Traffic Committee for the change in use of the kerbside space.

- The Traffic Management Plan must address the construction process and construction access for the development at all stages, including the storage of materials, location of site offices, turning areas for delivery vehicles, parking for construction staff and any machinery use for casting and the erection of building components. Appropriate Traffic Control Plans shall be submitted for all stages of construction.
- The Traffic Control Plan shall be prepared and implemented for the access of construction traffic to facilitate safe and unobstructed vehicular and pedestrian traffic in Somerset Avenue and the car park to the rear of No.1 Somerset Av.
- Prior to the commencement of any work on public roads, appropriate Traffic Control measures must be installed to ensure that safety and the unobstructed flow of vehicular and pedestrian traffic is maintained in accordance with the Traffic control plan prepared by an RTA Accredited Certifier.

(19)**Work in ROW and Public Car park** - All work located in the Right of Way from Somerset Av and No.1 Somerset Av. and the parking area to be dedicated to Council must be constructed subject to a Construction Certificate from the Council and all work must be inspected by Council at all stages.

(20)**Public Risk Insurance Policy - Prior to the release of the Construction Certificate**, the owner or contractor is to take out Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve. The Policy is to note Council as an interested party and a certificate of currency from the insurer of the policy must be submitted to the Council as evidence of such policy. Where the coverage of such policy expires during the period of construction of the works, the policy must be renewed prior to the expiration of the policy and a Certificate of Currency from the insurer provided to Council as evidence of the currency of the policy before the policy expires.

Failure to keep the works insured shall be reason for Council to make the works safe and all costs associated with making the works safe shall be a cost to the owner of the land. An Occupation Certificate will only be issued where any

amount required to be paid to Council is not outstanding in relation to this matter.

(21)**Drainage Design** - A stormwater management plan is to be prepared **prior to the issue of the Construction Certificate** to ensure that the final stormwater from the subject site is properly collected and discharged to Council's system to be installed in Somerset Avenue. The plan must be submitted to and approved by Council. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties.

- The non return valve shall be fully located in the basement. The maintenance procedure should be incorporated into the Building Management System.
- The grates located in access driveways to the basement shall be provided with high level pipes line to the sump at the non-return valve.
- The design and the construction of the external car park and the driveways to the basement shall be carried out to minimise the run off to the basement.
- A drainage line from the development shall be connected to the storm water system to be provided by Council instead of the on-site detention facilities. The design of the pipe lines should match the levels of the existing pipe in No.1 Somerset Av. Any adjustment to the existing drainage structures in No.1 Somerset Av is the responsibility of the applicant. The proposed drainage line must be extended to the boundary between No.5 and No.7 Somerset Av and provided with a pit and stub line for future connection.

(22)**Adjustment to the Drainage System in Somerset Av** - The applicant must keep a bond in form of cash or bank guarantee to cover the cost of adjustment to the proposed drainage work in Somerset Av prior to the commencement of drainage work in Somerset Av by Council. The detailed estimate of cost of such work will be provided prior to the commencement of work and any unspent funds will be returned to the applicant following the completion of the work. The applicant must provide all construction details including the deepened pits and line to the basement in an amended plan to Council's design plan.

(23)**Soil Erosion and Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with the Consent Authority's (ie Camden Council) "Soil Erosion and Sediment Control Policy".

Control measures must be maintained during the entire development procedure and can only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised.

Plans containing a minimum of four (4) sets of the undermentioned information must be prepared and submitted to the Principal Certifying Authority for approval **prior to a Construction Certificate being issued**:

- (a) existing and final contours
- (b) the location of all earthworks including roads, areas of cut and fill and re-grading
- (c) location of impervious areas other than roads
- (d) location and design criteria of erosion and sediment control structures
- (e) location and description of existing vegetation
- (f) site access (to be minimised)
- (g) proposed vegetated buffer strips

- (h) catchment area boundaries
- (i) location of critical areas (vegetated buffer strips, drainage lines, water bodies, unstable slopes, flood plains and seasonally wet areas)
- (j) location of topsoil or other stockpiles
- (k) signposting
- (l) diversion of uncontaminated upper catchment around areas to be disturbed
- (m) proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground
- (n) procedures for maintenance of erosion and sediment controls
- (o) details for staging of works
- (p) details and procedures for dust control.

(24)**Pre-Treatment Of Surface Water** - The external ground surface of the site must be graded to a collection system and covered with a suitable hard surface. The drainage system must flow to a suitable pre-treatment device prior to discharge. The applicant is advised to contact the Appropriate Regulatory Authority for the design criteria.

(25)**Dilapidation Survey** – A photographic dilapidation survey of existing public roads, kerbs, foot paths, drainage structures and any other existing public infrastructure within the immediate area of the development site must be submitted to Council prior to the issue of the Construction Certificate.

The survey must include the Right of way from Somerset Av and No.1 Somerset Av. The survey must also include descriptions of each photo and the date when each individual photo was taken.

(26)**Roads Act 1993 Consent – Prior to the issue of any Construction Certificate**, consent pursuant to s.138 of the Roads Act 1993 must be obtained from the Roads Authority (ie Camden Council) for the design and construction of all the proposed work in, on or over the road reserves adjacent to the subject site.

The design must include, but not necessarily be limited to, plans/documents associated with:

- i) The construction of kerb and gutter, road shoulder and drainage
- ii) Footway formation
- iii) Public utility service adjustment or installation
- iv) An Environmental Site Management Plan

The design and subsequent construction of items i – iii above is for the express purpose of providing pedestrian and vehicular facilities as a result of the development.

Further all such plans and documents associated with the design must be certified by:

- i) persons who are suitably accredited by a scheme approved by the N.S.W Department of Planning or where no scheme exists
- ii) persons who are suitably qualified, are specialists and in that regard, currently practising in that specialist area, or
- iii) in the case of a Public Utility Authority, an appropriately delegated officer of that Authority or accredited person by that Authority.

Plans must be prepared in accordance with Camden Council's Draft Engineering Design Specification – May 2003.

3.0 - Prior To Works Commencing

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

- (1) **Signs To Be Erected On Building And Demolition Sites** – Under Clause 98A of the *Environmental Planning and Assessment Regulation 2000*, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, and
- (b) showing the name of the 'principal contractor' (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work carried out inside an existing building that does not affect the external walls of the building.

Note: The PCA and principal contractor must ensure that signs required by this condition are erected and maintained.

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

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

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

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

- (5) **Access From Public Places** - Construction access from public places (reserves, parks, walkways and the like) other than roads shall not occur

without the prior consent of Camden Council. Bonds or legal agreements may be required to protect Council's assets if access from these places is approved.

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

4.0 - During Construction

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

- (1) **Survey Report (Peg Out)** - The building must be set out by a registered land surveyor. A survey report detailing the siting of the building in relation to the allotment boundaries shall be submitted to the Principal Certifying Authority (PCA) prior to the placement of any concrete.
- (2) **Support For Neighbouring Buildings** - If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- must preserve and protect the building from damage, and
 - if necessary, must underpin and support the building in an approved manner, and
 - must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. In this condition, 'allotment of land' includes a public road and any other public place.

- (3) **Protection Of Public Places** – If the work involved in the erection or demolition of a building:
- is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - building involves the enclosure of a public place,

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

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

- (4) **Building Inspections** - The Principal Certifying Authority (PCA) must determine

when inspections of critical building components are necessary. The 'principal contractor' for the building works (as defined by the *Environmental Planning and Assessment Act, 1979*) must notify the PCA for the inspection of the building components. Where Camden Council has been nominated as the PCA, the following stages must be inspected and passed prior to proceeding to the subsequent stage of construction.

Note: If Council is appointed as the PCA, the Council agrees to the commencement inspection being combined with the first required inspection.

- (a) Commencement of Building Works** - When environmental controls are in place.
- (b) Pier Holes** – Excavated pier holes prior to pouring of concrete.
- (c) Strip Footings** – When foundation excavations have been undertaken and steel reinforcement provided, prior to footings being poured with concrete.
- (d) Slab On Ground** – When steel reinforcement and associated formwork has been provided, prior to the slab being poured with concrete.
- (e) Formwork and Steel Placement** - When formwork and reinforcement of structural components (such as concrete lintels, beams, columns, walls, swimming pools, etc) have been completed, prior to pouring of concrete.
- (k) Wall & Roof Framing** - When the wall and roof frame have been completed (with plumbing and electrical wiring installed), brick work complete and the roof covering fixed, prior to internal lining.
- (l) Wet Area Flashing** - When wall and floor junctions have been flashed with an approved product, prior to installation of floor/wall coverings. Wet areas include bathrooms, laundries, sanitary compartments, en suites and the like.
- (m) Drainage Line-work** - When roofwater or stormwater drainage lines have been laid and connection to a street kerb or, drainage easement, or rubble pit, prior to backfilling of lines.
- (o) Occupation Certificate (final inspection)** - Upon completion of the development and before occupation or commencement of use.

The *Environmental Planning and Assessment Act 1979* and *Regulation* may prescribe other 'critical stage inspections' of the works. It is recommended that you discuss and confirm all required inspections with the PCA.

Missed critical stage inspections are an offence under the *Environmental Planning and Assessment Act, 1979*, and may prohibit the issue of an Occupation Certificate.

- (5) Hours Of Work** – The hours for all construction and demolition work are restricted to between:
 - (a) 7am and 6pm Monday to Friday (inclusive);
 - (b) 7am to 4pm Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8am to 4pm;
 - (c) work on Sunday and Public Holidays are prohibited.

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

A security deposit of \$25,000.00 shall be lodged with the application for the Construction Certificate.

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

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

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

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

Where Council is not nominated as the Principal Certifying Authority, documentary evidence in the form of Compliance Certificates, stating that all work has been carried out in accordance with Council's Engineering Standards and associated Guidelines must be submitted to Council **prior to the issue of the Occupation Certificate**.

- (9) **Compaction** - Any filling on the site must be compacted to 95% standard compaction and be tested in accordance with Camden Council's Engineering Construction Specification and AS 1289 by a NATA registered laboratory. The validation of the fill material must be completed prior to use of any fill material and a validation report must be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

5.0 - Prior To Issue Of Occupation Certificate

The following conditions shall be complied with prior to the issuing of an Occupation Certificate. The issue of an "interim" Occupation Certificate may occur if the Principal Certifying Authority (PCA) is satisfied that outstanding matters will be completed within a reasonable time frame. Additional fees for the issue of interim Occupation Certificates may be applied by the PCA.

- (1) **Survey Report (Completion)** - A survey report prepared by a registered land surveyor shall be provided upon completion of the building. The survey report shall be submitted to the Principal Certifying Authority (PCA) upon completion of the building and prior to the issue of an Occupation Certificate.
- (2) **Structural Certification (Completed Building)** – Prior to the issue of an Occupation Certificate, a certificate prepared by a practising structural engineer, certifying the structural adequacy of the building, shall be submitted to the Principal Certifying Authority (PCA).
- (3) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

The PCA must submit a copy of the Occupation Certificate to Camden Council (along with the prescribed lodgement fee) within two (2) days from the date of determination and include all relevant documents and certificates that are relied upon in issuing the certificate.

The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with.

- (4) **Compliance with Conditions** - The Principal Certifying Authority must submit a copy of the Occupation Certificate to the Consent Authority (ie Camden Council) within seven (7) days from the date of determination and include all relevant documents and certificates that are asked for as conditions of development approval.

The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with. **The use or occupation of the development prior to compliance with all conditions of development consent may make the applicant/developer liable to legal proceedings.**

- (6) **Fire Safety Certificates** – A Fire Safety Certificate is to be submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*. The Fire Safety Certificate is to certify that each fire safety measure specified in the current fire safety schedule for the building to which it relates:
 - (a) has been assessed by a properly qualified person; and
 - (b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which

the certificate is issued.

As soon as practicable after the Final Fire Safety Certificate has been issued, the owner of the building to which it relates:

- (a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades, and
 - (b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.
- (7) **Dedication of Car Park** – The completed ground level car park and adjacent footpath must be dedicated to council **prior to the issue of the Occupation Certificate**.
- (8) The following works must be constructed **prior to the issue of the Occupation Certificate** and under the Roads Act 1993 must be approved by Camden Council:
- (a) Provision of a light duty industrial gutter crossing at all points of ingress and egress

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

- (9) **Works as Executed Plan - Prior to the Occupation Certificate being issued**, a works-as-executed drawing signed by a registered surveyor must be submitted to the Principal Certifying Authority showing that the stormwater drainage and finished ground levels have been constructed as approved.

6.0 - Operational Conditions

- (1) **Bunting** - Bunting must not be used to attract customers.
- (2) **Flashing or Revolving Lights** - Flashing or revolving lights must not be used to attract customers.
- (3) **No Signs on Public Land** - Sandwich boards including 'A' frame advertising panels and any other sign shall not be placed on a public footpath or road reserve.
- (4) **Inflatable Balloons** - The use of inflatable balloons for advertising purposes must not be erected without prior development consent. In any case the use of such balloons will only be permitted for promotional purposes for a limited duration.
- (5) **General Requirements** – The storage of goods and materials must be confined within the building. At no time must goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve.
- (6) **Plan of Signage** - A plan indicating comprehensive details of traffic/parking signage and directional arrows, line marking and other means to facilitate

access to the development and the parking areas shall be submitted to Council for approval **prior to the issue of the Occupation Certificate**. Appropriate lighting shall be provided to the car parks (ground level and the basement parking) in accordance with the relevant Australian Standard.

- (7) **Parking** - During opening hours of the premises, access to the basement carpark shall be provided to allow its use by occupants and visitors to the site.
- (8) Twenty four (24) hours unrestricted access through the site is to be provided from Somerset Avenue to the rear carpark.

RECOMMENDED

It is recommended that:

- i. **Council support the SEPP 1 objection to the development standard that all buildings must not exceed two stories in height.**
- ii. **Council use the delegation provisions of SEPP 1 and grant consent to the demolition of existing structures and the construction of a three storey commercial building at 3-5 (Lots 39 & 39 DP 25582) Somerset Avenue, Narellan subject to the development consent conditions above.**

ATTACHMENTS

- 1. Location Plan
- 2. Proposed Plans

Proposed Plans Location Plan

RESOLUTION

Moved Councillor Elliott, Seconded Councillor Anderson that:

- i. Council support the SEPP 1 objection to the development standard that all buildings must not exceed two stories in height.
- ii. Council use the delegation provisions of SEPP 1 and grant consent to the demolition of existing structures and the construction of a three storey commercial building at 3-5 (Lots 39 & 39 DP 25582) Somerset Avenue, Narellan subject to the development consent conditions above.

THE MOTION ON BEING PUT WAS **CARRIED**.
(Councillors Whiteman, Cagney and Campbell voted against the Motion).

ORD131/07

ORDINARY COUNCIL

ORD03

SUBJECT: VARIATION TO CAMDEN DCP 2006- SPRING FARM. NO.
215 RICHARDSON ROAD (LOT 1 DP 397935) SPRING
FARM
FROM: Director Development and Health
FILE NO: Binder: Development Applications 2007

PURPOSE OF REPORT

The purpose of this report is to advise Council of the outcome of the exhibition of a proposed variation of the Spring Farm Masterplan component of Camden Development Control Plan (CDCP) 2006 to enable the processing and determination of two current Development Applications. A further purpose is to seek Council's adoption of the proposed variation to CDCP 2006.

BACKGROUND

Council adopted DCP 123 - Spring Farm on 15 December, 2003 which provided the Spring Farm release area with a masterplan for orderly development. This DCP has been replaced by CDCP 2006 which was adopted by Council on 10 July, 2006 and incorporates the provisions of the previous DCP 123.

Council is in receipt of two Development Applications for subdivision, being DA 841/2005 and DA 105/2007, which require a variation to the adopted masterplan's road layout and open space location before a determination can be considered.

At the meeting of 12 March, 2007 Council resolved to adopt for exhibition purposes a variation to DCP 2006 to allow the two development applications to be assessed and determined.

The exhibition has now been completed and the proposed variation to the DCP is now able to be referred to Council for determination.

MAIN REPORT

The proposed variation to the Spring Farm Masterplan involves the relocation of a local park to a location adjacent to the riparian corridor (bush corridor) and a variation to the local road layout. **An extract of the approved Masterplan and the proposed new road layout and park location are provided at the end of this report.**

The reason for the proposed variation is to rationalise the small park with the bush/riparian corridor. The function of the park is to allow for the control of water quality for this section of the release area. The road and lot layout has been amended as a result of the proposed 'arterial road' that adjoins this site to the north being moved to the south of this site.

The subject amendment was advertised in the local newspaper in accordance with the statutory requirements. At the close of this period no submissions had been made.

Clause 21 of the Environmental Planning and Assessment Act Regulation 2000 allows

Council to approve the DCP amendment in the form it was publicly exhibited, or with alteration.

The proposed variation will facilitate the determination of current development applications. The variation has been advertised and no public concerns have been raised regarding the proposal. As such, it is considered appropriate that the variation be recommended to Council for approval.

CONCLUSION

The benefits of rationalising the location of a small proposed park to be closer to the riparian/bush corridor in Spring Farm and the need to vary road and lot layouts to suit the relocation of an arterial road has meant the Spring Farm component of CDCP 2006 needs to be varied. Formal notification of the amendment has now occurred for a period of 28 days, pursuant to the provisions of Clause 18 of the EP&A Regulations. Following the exhibition, no submissions were received by Council.

The proposed variation to the DCP is considered to be of a minor nature and is consistent with the overall objectives of the DCP. The amendment, as exhibited, is therefore recommended for approval.

RECOMMENDED

That:

- i. Council approve the variation, as exhibited, to CDCP 2006 and Masterplan.**
- ii. Council's decision be notified in the local newspaper.**

ATTACHMENTS

Variation to DCP
2006

RESOLUTION

(Councillor Whiteman left the Chamber, the time being 7.15pm, and took no part in voting) .

Moved Councillor Johnson, Seconded Councillor Anderson that:

- i. Council approve the variation, as exhibited, to CDCP 2006 and Masterplan.**
- ii. Council's decision be notified in the local newspaper.**

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

ORD132/07

ORDINARY COUNCIL

ORD04

SUBJECT: CAMDEN TOWN FARM MASTERPLAN EXHIBITION
FROM: Director Governance
FILE NO: Camden Town Farm

PURPOSE OF REPORT

The purpose of this report is to document the results of the public exhibition of the "Camden Town Farm Masterplan" and to seek Council's endorsement for the Masterplan.

BACKGROUND

PUBLIC EXHIBITION

Council resolved at its meeting of 26 March 2007 to place the Camden Town Farm Masterplan on public exhibition to facilitate further community comment. The Masterplan was publicly exhibited for 28 days from 18 April to 16 May 2007 at Council's Camden and Narellan offices and libraries.

HISTORY

The Camden Town Farm was bequeathed to the Camden community on the passing of Miss Llewella Davies in 2000. The farm is managed on behalf of Council by a Community Management Committee. The Committee members were selected through an expression of interest process and represent local businesses and schools, dairy farmers and environmentalists.

At its meeting of 14 November 2005, Council adopted a Vision for the farm which states:

"The Farm will be developed and maintained primarily for agricultural, tourism and educational purposes. It will be operated and managed in a sustainable manner that retains its unique character and encourages and facilitates community access, participation and visitation."

The document also identifies strategies to assist in advancing the vision including:

- Foster agricultural pursuits and activities
- Facilitate tourism and visitation
- Integrate educational uses and activities
- Establish best practice environmental management
- Portray history of farm

MASTERPLAN

Since the adoption of the vision, the Committee has undertaken a master planning process, which seeks to deliver on the vision established. The Masterplan identifies a range of potential land uses and how they might be able to be accommodated. Potential uses identified include:

- Grow feed crops
- Demonstration herds
- Event area & education space
- Recreational fishing
- Community garden
- Growers' market
- Dairy museum
- Educational space
- Agri-forestry
- Walking, bicycle & horse trails
- Cafe
- Retail outlet
- Picnic and BBQ area
- Car park

A copy of the proposed Masterplan is provided as **Attachment 1** and offers a description of activities and their location together with full colour maps and photographs.

FUNDING

It is envisaged that the realisation of the masterplan will take some 10 to 15 years and will require considerable financial support. Such financial support could come in the form of grants from State and Federal Government Agencies. Other funding opportunities may include local business sponsorship and other partnerships.

It should be noted that some funding opportunities may require a financial or in-kind contribution from Council. Such funding would be identified through the usual budget processes.

MAIN REPORT

RESULTS OF EXHIBITION

Council received nine(9) written submissions during the exhibition of the Masterplan (**submissions attached as supporting documents**). Each submission is reviewed and discussed below:

1. **Mr and Mrs B. Midson** requested Council to consider two additional uses which included:
 - an area being set aside for schools to visit where they can learn about plants and their production; and
 - the possibility of establishing a scented garden and walking trail for the sight impaired.

2. **Mr R. Fisher-Sharpe** a local resident with tourism development experience provided Council with a substantial vision statement. This vision outlined a strategy for the Town Farm which involved:
 - the agricultural theme development of the farm as a tourist attraction;
 - promotion of the farm as multipurpose venue for local business enterprises;
 - suggesting a range of 22 enterprises that might be developed on the farm site;
 - outlining a strategy for the funding of the town farm through local business partnerships; and
 - how the town farm could be linked with other local tourism enterprises to promote Camden generally.

3. **Mr P.E. Macintosh** requested Council to consider:
 - establishing part of the site as a venue for "sustainable development" and "sustainable products" exhibitions; and
 - using the Town Farm as a site for future cycling activities and as the hub of a bicycle network that could be developed and promoted in Camden.
4. **Mr. M. Brown (Kidfish Australia)** submitted an expression of interest to use the Town Farm as a location for the operation of his business "kidfish Australia". Mr Brown runs fishing classes for children and other groups and would like to pursue running classes on the farm site.
5. **Mr T. Liadro** submitted an expression of interest for the use of the Town Farm as a venue for the "Camden Sheepdog Workers Club" a club that would be formed by local people and would be affiliated with the *Australian Sheepdog Workers Club* . The proposal involved:
 - grazing 40 to 50 sheep on the farm; and
 - weekend use of part of the farm site.
6. **Dr I. Willis** supported the masterplan project and submitted that:
 - the Masterplan was consistent with supporting the rural character of the farm and the continued vision of Camden as a " working country town";
 - the Town Farm could be a field study centre for schools;
 - the Camden High School facilities could be used to compliment a field study centre;
 - similar field study centres such as the "*Wilsonton Agricultural Field Study Centre*" in Toowoomba Qld already operated successfully.
7. **W. and L. McGrath** submitted an expresion of interest to run the town farm. The proposal included:
 - presenting the town farm as tourist attraction;
 - running a demonstration herd of Swiss Brown Dairy cows;
 - farming feed crops;
 - operating a dairy museum community garden, Cafe and retail outlet;
 - running a growers and or craft market;
8. **Mr P. Standen** submitted that:
 - the findings of the Masterplan were not supported by either a market survey or economic feasibility study;
 - the Masterplan does not appear to be integrated with the surrounding Town Centre, Equestrian Park and adjoining land uses;
 - Council needed to consider a more flexible merits based approach to development of flood liable land to support the Town Farm and the Camden Town Centre.
9. **Camden Council Tree Planting & Tidy Towns Committee** submitted that:
 - they would like to promote the establishment of a community garden or nursery on the Farm site.

DISCUSSION

The additional uses proposed in the above submissions are consistent with the general principles underlying the proposed future use and management of the Town Farm. The exact combination of uses will require further investigation by the Town Farm Steering Committee and Council.

The expressions of interest by "*Kidfish Australia*", the "*Camden Sheepdog Workers Club*" and W and L McGrath for the use of the Town Farm are consistent with the agricultural, educational and tourism themes proposed for the farm. The suitability of these proposals require further investigation by the Town Farm Steering Committee and Council.

The Masterplan's focus has always been on the Town Farm Precinct in order to develop a vision and possible options for the use of the farm in accordance with Miss Davies' bequest. The integration of the Town Farm with the Camden Town Centre will be further investigated in the upcoming Camden Town Centre Strategy. This study will also examine the issue of development on flood liable land.

The development of the Town Farm will take place over a number of years. The Masterplan is intended to serve as a management framework for testing the feasibility of proposals. Any proposal on the site will require a rigorous commercial assessment to be undertaken by Council prior to approval.

CONCLUSION

The Camden Town Farm is a valuable asset to the Camden community providing opportunities for education, tourism, environmental protection and passive recreation.

The broad range of potential uses that have been identified by the Masterplan and suggested through the public exhibition process are consistent with the future use of the site in accordance with Miss Davies bequest. Adopting the *Camden Town Farm Masterplan* will ensure that those uses are able to be accommodated on the site in a co-ordinated and sustainable manner.

The future use of the Town Farm for any specific proposal will require an economic assessment by Council and the Town Farm Steering Committee.

RECOMMENDED

That Council:

- i. Adopt the Camden Town Farm Masterplan**
- ii. Forward the submissions and the expressions of interest from "*Kidfish Australia*", the "*Camden Sheepdog Workers Club*" and W and L MacGrath to the Town Farm Community Management Committee for consideration;**
- iii. Encourage the Community Management Committee to explore funding opportunities to implement the Masterplan, and**
- iv. Thank the Camden Town Farm Section 355 Committee for its work in managing the Town Farm and for its efforts in preparing the Masterplan.**

ATTACHMENTS

Attachment 1 - copy of Camden Town Farm Masterplan
Supporting documents - copy of submissions

supporting
documents

RESOLUTION

(Councillor Whiteman returned to the Chamber, the time being 7.18pm).

MOTION

Moved Councillor Cagney, Seconded Councillor Whiteman that:

- i. Council adopt the Camden Town Farm Masterplan;
- ii. Council forward the submissions and the expressions of interest from "Kidfish Australia", the "Camden Sheepdog Workers Club" and W and L MacGrath to the Town Farm Community Management Committee for consideration;
- iii. The Council staff and Community Management Committee explore funding opportunities to implement the Masterplan;
- iv. A memo or report be presented to Council in six (6) months time, outlining the progress of funding opportunities; and
- v. Council thank the Camden Town Farm Section 355 Committee for its work in managing the Town Farm and for its efforts in preparing the Masterplan.

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

(Councillors Patterson and Johnson voted against the Motion).

ORD133/07

ORDINARY COUNCIL

ORD05

SUBJECT: REMEMBRANCE DRIVE – PROPOSED STREET LIGHTING
FROM: Director Works and Services
FILE NO: Traffic and Transport/Street Lighting

PURPOSE OF REPORT

The purpose of this report is to advise Council of the outcomes of negotiations for the provision of street lighting for a length of Remembrance Drive, Camden South.

MAIN REPORT

At its meeting of 26 June 2006, Council approved the 2006/07 Management Plan and Budget; including a Traffic Facilities Capital Expenditure allocation of \$22,000 for the implementation of street lighting improvements along Remembrance Drive, Camden South. The project was identified through the community and the budget estimate was based on preliminary advice from Integral Energy.

Integral Energy was subsequently engaged to prepare a detailed lighting scheme design for the length of Remembrance Drive from Ulmarra Avenue through to Wire Lane. The lighting scheme consisted of a series of columns erected within the central median, accommodating double outreaches and lanterns. Importantly, the proposed lighting design considered each of the intersections along this route. The columns proposed to be located within the central median were designed as standard frangible poles with slip bases, to mitigate risk should impact occur.

The proposed lighting scheme was designed to meet the requirements of the relevant Australian Standard for street lighting and the design estimate fell within Council's available budget.

As Remembrance Drive is a State Road, under the care and control of the RTA, the proposed lighting scheme was presented to the RTA for consideration and endorsement. The RTA, noting that the poles were located along the central median, sought assurances from Council that the columns were designed as frangible poles with slip bases; Council confirmed same.

The RTA subsequently wrote to Council requesting that consideration be given to the redesign of the lighting scheme, locating the proposed columns outside of the road verges rather than along the central median; stating that the poles *"... have the potential when hit, to fall on the carriageway creating a secondary accident and may also result in traffic delay"* .

Council sought advice from the lighting designer (Integral Energy) as to the potential cost implications of amending the design to satisfy the RTA's requirements. The revised budgetary estimate is in the order of \$250,000.

Council again wrote to the RTA seeking their reconsideration of the matter given the significant budgetary implications. The RTA reiterated previous advise stating the *"... proposed street lighting scheme within the median is not an acceptable option because*

this option has significant secondary accident potential and may result in traffic delays" .

It would appear that the provision of a street lighting scheme within the central median, as proposed by the lighting designer (Integral Energy) and Council, is not an acceptable option to the RTA. The RTA's preferred option of lighting this section of Remembrance Drive from the road verges, whilst practical, significantly exceeds the current available budget and hence renders the project uneconomical and unviable at this time.

In consultation with the original proponent of the lighting scheme, an alternate (modified) lighting scheme proposal was discussed. The modified proposal included the lighting of a portion of the Old Hume Highway between Ulmarra Avenue and Elizabeth Macarthur Drive. With consideration to the RTA's constraints, Council sought advice from Integral as to the potential cost estimates for the modified scheme.

Integral have advised that the provision of lighting along the verges of the Old Hume Highway between Ulmarra Avenue and Elizabeth Macarthur Avenue would also far exceed Council's available budget of \$22,000. Two scenarios were promoted and estimated to cost approximately \$75,000 (utilising existing infrastructure) and \$100,000 (installing new infrastructure) respectively.

CONCLUSION

Council included a budgetary allocation of \$22,000 for the provision of street lighting along Remembrance Drive, from Ulmarra Avenue through to Wire Lane, Camden South. The original lighting scheme (lights within the central median) fell within budget, but has been deemed unacceptable to the RTA.

The RTA's preferred option (lighting from the outside of the road verges) has proven to be exceedingly costly and outside of Council's available budget. Further, a proposed modified scheme, between Ulmarra Avenue and Elizabeth Macarthur Avenue, also exceeds Council's available budget.

RECOMMENDED

That Council:

- i. Remove the lighting of Remembrance Drive from the 2006/07 Management Plan and Budget and report same through the quarterly review process.**
- ii. Include an amount of \$250,000 for Street Lighting along Remembrance Drive to be added to the 2007/2008 Discretionary List for consideration at future budget reviews.**

RESOLUTION

Moved Councillor Johnson, Seconded Councillor Elliott that Council:

- i. Remove the lighting of Remembrance Drive from the 2006/07 Management Plan and Budget and report same through the quarterly review process.**
- ii. Include an amount of \$250,000 for Street Lighting along Remembrance Drive to be added to the 2007/2008 Discretionary List for consideration at future budget reviews.**

THE MOTION ON BEING PUT WAS **CARRIED**.
(Councillor Dewbery voted against the Motion).

ORD134/07

ORDINARY COUNCIL

ORD06

SUBJECT: NATIONAL GENERAL ASSEMBLY OF LOCAL
GOVERNMENT
FROM: General Manager
FILE NO:

PURPOSE OF REPORT

To canvass the view of Council on the issue of attendance at the 2007 National General Assembly of Local Government from 26 - 29 November, 2007 and to determine if there are issues that Council wishes to submit as motions for debate at the Assembly.

BACKGROUND

The Australian Local Government Association (ALGA) holds each year its annual general assembly. The ALGA is the peak national body for local government in Australia and its president is a member of the Council of Australian Government with the Prime Minister and state Premiers.

MAIN REPORT

The National General Assembly is normally held each year in Canberra and brings together representatives and elected councillors from around the country to debate issues of national importance to local government and to determine policy that will be advocated with the Federal Government.

This year, for only the second time in 14 years, the Assembly will be held outside of Canberra. This year's Assembly is to be held in Darwin.

Council is able to submit motions for debate and the call for motions has now been made. In order for motions to be accepted for the Assembly they must meet the following criteria:

1. they must refer to an issue of national significance
2. they must be relevant to the work of local government
3. they must not be directly contrary to the interests of any one state or territory

Camden Council has been represented when the Assembly has been held in Canberra in past years by the Mayor and/or General Manager of the time.

CONCLUSION

The National General Assembly of Local Government has been considered to be a worthwhile event in the past as it does consider, debate and develop policy of national importance to local government.

RECOMMENDED

1. That Council identify any motions it might wish to submit for debate at the National General Assembly and convey them to the General Manager for submission by the deadline of 10 August, 2007.
2. That Council determine if it will be represented at the 2007 National General Assembly between 26 - 29 November, 2007.

RESOLUTION

(Councillor Campbell left the Chamber, and took no part in voting, the time being 7.55pm).

MOTION

Moved Councillor Johnson, Seconded Councillor Anderson that:

- i. Council identify any motions it might wish to submit for debate at the National General Assembly and convey them to the General Manager for submission by the deadline of 10 August, 2007.
- ii. Council determine if it will be represented at the 2007 National General Assembly between 26 - 29 November, 2007.
- iii. Council Officers to bring back to Council a summary of the costs associated with a Councillor and the General Manager to attending the Conference.

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

(Councillor Campbell returned to the Chamber, the time being 7.56pm).

ORD135/07

ORDINARY COUNCIL

ORD07

SUBJECT: COUNCILLOR FEES - DETERMINATION BY REMUNERATION
TRIBUNAL
FROM: Director Governance
FILE NO: 719/6

PURPOSE

To advise Councillors of a determination by the Local Government Remuneration Tribunal of the level of Councillor fees payable for the 2007/08 year.

MAIN REPORT

The Local Government Remuneration Tribunal sets the range of fees for all Councillors and Mayors in NSW each year. The Tribunal has concluded the 2007 annual review and, having regard to key economic data and the views of the assessors, it has determined that an increase of 4% in fees for Councillors and mayors is appropriate. The increases are effective on and from 1 July 2007. Camden Council is a Category 2 Council and the increased fees payable are as follows:

COUNCILLORS	MAYOR
Minimum \$6,610 - Maximum \$14,540	Minimum \$14,050 - Maximum \$31,740

The current fee payable to Councillors is \$13,440 per annum and \$29,345 for the Mayor and were set by Council in February, 2006 to be effective from 1st March, 2006.

It is interesting to note, the Tribunal stated in its report that the fees " *are not salaries: they are essentially to provide some compensation to Councillors for the time and effort they spend on Council business. Councillors and Mayors are elected. Applicants who aspire to such office do so voluntarily.*" The Tribunal also rejected the Local Government Association submission that Mayors and Councillors are most closely aligned to those of chair and directors of a board and also rejected the nexus between fees of Mayors and MPs.

It is now a matter for Council to determine the level of fees payable to Councillors and the Mayor for the 2007/08 year within the range set by the Tribunal.

RECOMMENDED

That Council determine the level of fees payable to Councillors and Mayor for 2007/08 year.

RESOLUTION

MOTION

Moved Councillor Elliott, Seconded Councillor Anderson that the level of fees payable to Councillors and Mayor for 2007/08 year be set at \$14,540 for Councillors and

\$31,740 for the Mayor.

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

(Councillors Whiteman, Cagney and Johnson voted against the Motion).

ORD136/07

ORDINARY COUNCIL

ORD08

SUBJECT: INVESTMENT MONIES
FROM: Director Governance
FILE NO: Investment Business Papers

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 April 2007 is provided.

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 weighted average return on all investments was 6.52% for the month of April 2007.

RECOMMENDED

That:

- i. Council note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the Local Government Act, Regulations, and Council's Investment Policy.
- ii. The list of investments for April 2007 be noted.
- iii. The weighted average interest rate return of 6.52% for the month of April 2007 be noted.

ATTACHMENTS



Investments
April 2007

RESOLUTION

Moved Councillor Anderson, Seconded Councillor Whiteman that:

- i. Council note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the Local Government Act, Regulations, and Council's Investment Policy.
- ii. The list of investments for April 2007 be noted.
- iii. The weighted average interest rate return of 6.52% for the month of April 2007 be noted.

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

ORD137/07

ORDINARY COUNCIL

ORD09

SUBJECT: MANAGEMENT PLAN REVIEW - 31 MARCH 2007
FROM: Director Governance
FILE NO: Management Plan

Council prepares a Management Plan and Budget annually, which sets out strategies and actions for the next three years. The Local Government Act requires quarterly reports to be submitted to Council showing progress to date on each of the strategies and actions within the Management Plan for the current 12 months.

The March 2007 review has been completed and is **provided in the Business Paper Supporting Documents**. The attachment highlights the progress of Council's adopted strategies and provides comments on each of the items.

RECOMMENDED

That the March 2007 Management Plan review be noted.

ATTACHMENTS

1. Management Plan (Supp Doc)

Management
Plan (Supp Doc)

RESOLUTION

(Councillor Cagney left the Chamber, and took no part in voting, the time being 8.09pm).

Moved Councillor Elliott, Seconded Councillor Johnson that the March 2007 Management Plan review be noted.

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

ORD138/07

ORDINARY COUNCIL

ORD10

SUBJECT: MARCH REVIEW OF 2006/07 BUDGET
FROM: Director Governance
FILE NO:

PURPOSE OF REPORT

This report presents the March Quarterly Budget Review for the 2006/07 Financial Year in accordance with Part 9, Division 3, Clause 203 of the Local Government (General) Regulation 2005.

Its purpose is to inform Council of the necessary changes to the 2006/07 Budget since the December Review of the 2006/07 Management Plan, and to consider other changes put forward for determination.

SUMMARY OF BUDGET REVIEW

The March Review of the 2006/07 Budget indicates a revised forecast of accumulated working funds at the end of the financial year (30/06/2007) of \$1,156,745. This represents an increase of \$1,811 in accumulated working funds for the January to March period. Taking into consideration Council's desired minimum working funds level of \$1,000,000, this review provides for a budget surplus of \$156,745.

Further information and explanation of the proposed variations are as follows:

NOTE 1 – PROPOSED VARIATIONS

This section deals with proposed budget variations submitted by senior management for Council to consider. These proposed adjustments are primarily based on **actual** income and expenditure trends to date, or **forecast** variations to the budget based on information at hand. The following table highlights significant budget variations submitted by senior management and recommended for inclusion.

DESCRIPTION	Expenditure Increase/ (Decrease)	Income Increase/ (Decrease)	Impact on Council's Working Funds Increase/ (Decrease)
Corporate Salaries & Oncosts	\$88,912	\$39,942	(\$48,970)
Corporate Superannuation Payments	\$13,996	\$0	(\$13,996)
Recruitment Related Expenses	\$70,000	\$0	(\$70,000)
Training - Professional Development	(\$20,316)	\$0	\$20,316
Corporate Travelling Expenses	(\$42,596)	\$3,185	\$45,781
Corporate Interest on Investments	\$0	\$102,900	\$102,900
Corporate Rates Income	\$0	(\$52,600)	(\$52,600)
S575 Pensioner Subsidy Adjustments	\$7,000	(\$6,400)	(\$13,400)
Corporate Information Systems	\$73,472	\$0	(\$73,472)
Corporate Administration Expenses	\$34,166	\$0	(\$34,166)
Insurance Excess Payments	(\$22,422)	(\$5,000)	\$17,422
Jacks Gully Host Levy Income	\$0	\$40,715	\$40,715
Street Lighting Charges	(\$25,000)	\$0	\$25,000
Insurance Performance Rebates	\$0	\$22,514	\$22,514
Pre-DA Rezoning/Planning Studies	\$34,500	\$43,500	\$9,000
Development Legal Expenses	\$18,208	\$11,656	(\$6,552)
Councillors Civic Related Expenses	(\$12,139)	\$0	\$12,139
MALC - Asset Condition Assessment	\$14,000	\$0	(\$14,000)
Community Facilities Hall Hire Income	\$0	\$13,173	\$13,173
Variations under \$10,000	(\$18,206)	\$1,801	\$20,007
TOTAL PROPOSED VARIATIONS	\$213,575	\$215,386	\$1,811

1. Corporate Salaries & Oncosts - Reduction in working funds of \$48,970

The increase in corporate salaries of \$48,970 represents a movement of 0.4% of total salaries and wages payments. This increase relates primarily to the timing of appointing new staff, the need to fund interim replacement staff in frontline services, and higher grade payments made to staff relieving in senior positions. There has also been an increase in leave entitlements payable to departing staff, which is partly funded from Council's leave entitlements reserve.

2. Recruitment Related Expenses - Reduction in working funds of \$70,000

During the January - March reporting period, Council was successful in recruiting key professional staff in the areas of Community & Recreational Services, Development Services and Strategic Planning. Due to industry shortages in these areas, Council was required to utilise alternative methods of recruitment, including the use of recruitment agencies and additional advertising within industry specific media forms.

3. Corporate Interest on Investments (General Fund) - Increase in working funds of \$102,900

Council's investment portfolio has performed strongly against budgeted expectations throughout 2006/07. A combination of factors have contributed to this result including, official cash rates exceeding the original budget estimate of 5.75%, and a higher than anticipated average pool of funds available for investment throughout the year.

4. Rates & Related Charges - Reduction in working funds of \$52,600

The decrease in rate income is due to lower than expected supplementary rate income. The number of supplementary rate issues has declined in line with appeals to the Valuer General regarding land value. This impacts Council's overall rates income base (notional yield), providing for refunds on residents who have successfully appealed land values.

5. Corporate Information Systems - Reduction in working funds of \$73,472

Council has recently undertaken a core systems upgrade which has required the updating of hardware & equipment to ensure the full benefits of enhancements included are reflected within current business practices. The upgrade has also required additional support from the service provider at various stages throughout the upgrade, which has required Council to purchase additional support agreement units.

6. Corporate Administration Expenses - Reduction in working funds of \$34,166

An overall increase in corporate administration expenses relates primarily to an increase in expenditure for telecommunications, resident mail-outs, and printing & stationary. A portion of this increase can be attributed to the relocation of Council's Governance Division to the Narellan administration building.

NOTE 2 – AUTHORISED VARIATIONS

This section deals with the budget variations that Council has authorised since the original adopted budget. Council has authorised several budget variations, a summary of which follows:

DESCRIPTION	Expenditure Increase/ (Decrease)	Income Increase/ (Decrease)	Impact on Council's Working Funds Increase/ (Decrease)
Regional Approach to Sustainability Council Minute ORD 72/07	\$110,550	\$110,550	\$0
Sustainability Plan Preparation Council Minute ORD 72/07	\$20,000	\$20,000	\$0
Recreational Trails Network Strategy Council Minute ORD 72/07	\$5,000	\$5,000	\$0
Gundungurra Reserve Trail Links Council Minute ORD 72/07	\$31,428	\$31,428	\$0
TOTAL AUTHORISED VARIATIONS	\$166,978	\$166,978	\$0

NOTE 3 – CONTRA ADJUSTMENTS

This section deals with all offsetting adjustments between income and expenditure or a transfer of funds between allocations. These adjustments have NO impact on Council's working funds as both movements of income and expenditure are of equal value.

A summary of the significant contra adjustments are as follows. Please refer to appendix A for a full listing of contra adjustments proposed in this review.

- **Section 94 Works in Kind Infrastructure & Land Dedications - \$3,297,081**

These works have been deferred due to timing issues with the provision of infrastructure, such as drainage and road networks, within the Elderslie In-Fill land release. The removal of "Works-In-Kind dedications" has no effect on Council's budget result, it is simply a book entry done upon inheriting the asset to recognise the capitalisation of non-cash assets dedicated to Council.

- **Section 94 Capital & Operating Cash Contributions - \$3,040,000**

Council's original program budget for 2006/07 forecasted cash revenues for S94 Developer Contributions at \$6,215,420. In light of timing issues regarding land releases within the Elderslie In-Fill and Spring Farm areas, this figure has been scaled down in line with current growth rates. This item has no effect on Council's budget result, as once the income has been received, it is restricted for the purpose of providing infrastructure as required.

- **Elderslie In Fill Openspace Land Acquisition - \$3,300,000**

As part of the WIK agreement in the Elderslie In Fill area any Section 94 credits not taken up by the developer upon completion of stages 1, 2, and 3 were to be refunded from Section 94. The remaining Section 94 credits came about predominately due to the value of open space dedicated to Council. These contributions will be returned over the life of the plan.

NOTE 4 – EXPENDITURE REVOTES

To assist Council in framing a realistic and accurate 2007/08 Budget, Managers and Directors were encouraged to identify any programmed works/projects that will NOT commence or be completed by 30th June 2007.

The following table summarises the suggested revotes as submitted by Managers and Directors for the March Budget Review.

Description	Total Revote	Council Funds	Other Funds
Birriwa Res Amenities Design (S94 Developer Contributions)	\$17,291	\$0	\$17,291
Elizabeth Res Amenities Design (S94 Developer Contributions)	\$7,091	\$0	\$7,091
Liquidamber Reserve Carpark (S94 Developer Contributions)	\$27,702	\$0	\$27,702
Camden Cycleway Program 06/07 (Capital Works Reserve & Grant)	\$102,923	\$0	\$102,923
Major Plant Maintenance (Revotes Reserve)	\$58,656	\$0	\$58,656
Sheathers Lane Improvements (S94 Contributions & Gen Revenue)	\$364,000	\$279,000	\$85,000
Somerset Avenue Improvements (S94 Developer Contributions)	\$364,482	\$0	\$364,482
Camden Town Centre Review (General Revenue)	\$15,000	\$15,000	\$0
Residential Strategy Review (State Government Subsidy & General Revenue)	\$27,900	\$0	\$27,900
Camden Local Plan Preparation (State Government Subsidy & General Revenue)	\$15,500	\$12,900	\$2,600
TOTAL EXPENDITURE REVOTES	\$1,000,545	\$306,900	\$693,645

SUMMARY OF MARCH REVIEW ADJUSTMENTS

The following table is a summary of budget adjustments up to 31st March 2007.

Description	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	Impact on Council's Working Funds Increase / (Decrease)
Balance of Available Working Capital brought forward from 30/06/06			\$1,823,846
Add: 2006/07 Adopted Original Budget Surplus	\$80,087,589	\$80,315,134	\$227,545
Total Available Working Capital as at 01/07/06			\$2,051,391
LESS: Minimum Desired Level of Working Funds			(\$1,000,000)
LESS:2006/07 September Review Adjustments	(\$2,978,298)	(\$3,904,578)	(\$926,280)
ADD: 2006/07 December Review Adjustments	(\$829,312)	(\$799,489)	\$29,823
Total Available Working Capital as at 31/03/07			\$154,934
2006/07 March Review Adjustments:			
NOTE 1: Proposed Variations	\$213,575	\$215,386	\$1,811
NOTE 2: Authorised Variations	\$166,978	\$166,978	\$0
NOTE 3: Contra Adjustments	(\$2,822,012)	(\$2,822,012)	\$0
NOTE 4: Revotes	(\$1,000,545)	(\$1,000,545)	\$0
Total of March Review Adjustments			\$1,811
EQUALS: Surplus of Funds			\$156,745

CONCLUSION

Given the minor increase in working funds for this period, it would seem appropriate to leave this surplus uncommitted until a specific project / item is identified.

RECOMMENDED

That:

- i. Council approve the necessary budget adjustments as identified in the categories of 'Proposed Variations', 'Contra Variations', and 'Expenditure Revotes' of this report.
- ii. That the budget surplus of \$156,745 remain uncommitted for any specific purpose until the June Review is conducted and reported to Council.

ATTACHMENTS

Budget Appendix

RESOLUTION

Moved Councillor Anderson, Seconded Councillor Johnson that:

- i. Council approve the necessary budget adjustments as identified in the categories of 'Proposed Variations', 'Contra Variations', and 'Expenditure Revotes' of this report.
- ii. That the budget surplus of \$156,745 remain uncommitted for any specific purpose until the June Review is conducted and reported to Council.

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

ORD139/07

ORDINARY COUNCIL

ORD11

SUBJECT: TREE MAINTENANCE CONTRACT NO. 05/2007
FROM: Director Works and Services
FILE NO: Public Tree Maintenance

PURPOSE OF REPORT

The purpose of this report is to grant the extension of Council's Public Domain Tree Maintenance Contract No.05/07.

BACKGROUND

At the Resources and Services meeting held on the 14 June 2005, the resolution was made by Council to accept the tendered rates submitted by CPE Tree Services for Council's Tree Maintenance Contract 05/07: the contract extended for a period of approximately two years, up until 30 June, 2007.

MAIN REPORT

Under the Conditions of Tendering (*C.T.24, Contract Period*) of the Contract, Council has the option to extend the contract period for a further twelve months subject to satisfactory workmanship and the prompt completion of work.

Over the course of the contract period Council has continually assessed CPE Tree Services on response time, workmanship, safety and cost and found them to be committed to providing a high standard of service for Camden Council.

CPE Tree Services has complied with the Special Conditions (*S.C.11 Completion of Works*) and have exercised a high standard of workmanship consistent with Council's expectations and the relevant Australian Standards. The tendered rates submitted by CPE Tree Services are considered to represent the best value for Council.

Council has requested CPE Tree Services to indicate their willingness to continue under the current contract conditions for a further twelve months. CPE Tree Services has indicated to Council that the twelve month contract would be accepted without price adjustment. This provides economic benefit to Council as the opportunity to introduce a CPI increase to the adopted rates was available to CPE Tree Services.

CONCLUSION

It is considered that CPE Tree Services have adequately complied with the tender conditions and demonstrated the capacity to fulfil the service requirements of Council's Public Domain Tree Maintenance Contract 05/07.

It is considered that the price scheduled submitted by CPE Tree Services under the contract continues to represent good value to Council.

RECOMMENDED

That:

- i. Council exercise its option under the Conditions of Tendering (C.T.24, Contract Period) to extend the Public Domain Tree Maintenance Contract 05/2007 for a further twelve (12) months, until 30 June 2008.
- ii. Council advise CPE Tree Services in writing that approval for the extension of the contract is approved under the terms of the contract.

RESOLUTION

Moved Councillor Anderson, Seconded Councillor Whiteman that:

- i. Council exercise its option under the Conditions of Tendering (C.T.24, Contract Period) to extend the Public Domain Tree Maintenance Contract 05/2007 for a further twelve (12) months, until 30 June 2008.
- ii. Council advise CPE Tree Services in writing that approval for the extension of the contract is approved under the terms of the contract.

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

(Councillor Cagney returned to the Chamber, the time being 8.11pm).

(Councillor Elliott left the Chamber, and took no part in voting, the time being 8.11pm).

ORD140/07

ORDINARY COUNCIL

ORD12

SUBJECT: TELECOMMUNICATIONS FACILITY - FICUS PLACE, NARELLAN
VALE
FROM: Director Works and Services
FILE NO: Public Utility Authorities Maintenance

PURPOSE OF REPORT

The purpose of the report is for Council to consider and determine a request for the installation of a proposed telecommunications facility at Ficus Place, Narellan Vale. The facility is part of the 3GIS telecommunications network.

BACKGROUND

In December 2005, CPS Global approached Council seeking to enter into a commercial agreement for the establishment, installation and operation of a telecommunications facility at Ficus Place, Narellan. 3GIS had engaged Telstra Corporation who has appointed CPS Global to act on behalf of 3GIS to secure suitable sites. The proposed facility being a cellular Mobile Phone Base Station.

The agreement, at the time, intended for Council to enter into a Heads of Agreement and Access Deed with 3GIS Pty Ltd, granting access to a small section (approximately 10 sq metres) of road reserve at Ficus Place Narellan Vale to establish the facility.

The key elements of the agreement included unrestricted access, for a period of 20 years, to access, install, inspect, maintain, construct, excavate, replace, repair, renew, alter, clean, operate and remove the facility. In return Council would receive an access fee and reimbursement of legal fees associated with the preparation and execution of the required documentation.

The proposed facility was deemed to be low impact, including the installation of cabinets at the base of a substantial power pole adjacent to the Camden Bypass, and the attachment of a small antenna to the existing pole.

Council sought legal advice and subsequently provided in principle support for the proposed facility, subject to CPS Global (1) undertaking detailed consultation with the adjoining and surrounding residents, (2) review the Access Fee in accordance with comparable facilities, and (3) clarifying associated legal expenses. CPS Global commenced a consultation process.

Legal advice obtained at the time indicated that the proposed facility appears to constitute a "low-impact-facility" and therefore Council has limited opportunities to object to the installation. The Telecommunications Act provides a wide range of powers for the carrier to enter upon and carry out the works without Council's consent.

Detailed consultation was undertaken by CPS Global with the adjoining and surrounding residents. In April 2006, Council received a copy of an objection from a

resident in the vicinity of the proposed facility. **A copy of the letter is provided with the supporting documents.** Concerns raised included the proposed facility, alternate sites, property values, noise, electromagnetic energy and vandalism.

Council made appropriate representations on behalf of the resident and sought consideration and response from CPS Global.

MAIN REPORT

In March 2007, following a period of hiatus, CPS Global again approached Council seeking to establish a telecommunications facility at the Ficus Place site.

Council responded, reiterating the concerns previously expressed by the adjoining property owner and rejecting the offer.

In April 2007, Council Officers met with representatives from Telstra and CPS Global. CPS Global provided Council with detailed documentation which has since been reviewed by our Solicitors; several minor amendments were required.

A set of plans depicting the proposed facility are included at the end of the report.

Council has provided in principle support to the agreement. The key components of the agreement include;

- a) Resident concerns – CPS (or Telstra) shall write (again) to the adjoining residents advising of the proposed facility and addressing any concerns raised.
- b) Legal expenses – the amount of \$4,000 available to Council for legal expenses was noted. Council provided conditional agreement asserting the position that Council shall not be “out of pocket” through this process.
- c) Access Fee – the stated access fee of \$16,000 pa is considered acceptable to Council.
- d) Length of term – the length of term was confirmed at 20 years
- e) Public risk – a mechanism needs to be established within the Heads of Agreement and Access Deed that facilitates the increase in public liability insurance over the 20 year term in line with typical insurance expectations.

CPS Global wrote to the residents of Ficus Place (No.s 2, 3, 4, 5, 7, 9, 11, 13, 15 & 17) to advise them of the proposed works and to address the concerns previously raised. **A copy of the letter is provided with supporting documents.** The letter addressed issues such as property values, outdoor equipment units, noise levels and landscaping, electromagnetic energy, the increase in vandals, service and maintenance, power supply of the unit, noise, benefit, OH&S issues, parking and location objectives.

In response, Council received a letter of objection from a resident of Ficus Place. **A copy of the letter is provided with the supporting documents.** The submission reiterated the concerns from the previous submission and highlighted issues such as house sales/values, facility being an “eye sore”, graffiti, anti-social behaviour, landscaping, alternate locations and possible impacts on mobile phone reception.

CONCLUSION

The scale of the facility and visual impact at this location is minimal, as Telstra is only strap mounting the antennas to an existing (significant high) Integral Energy HV concrete pole, together with outdoor equipment units located nearby, with screening

from existing and proposed landscaping.

As stated by CPS Global *“The facility will provide improved communications services for both Telstra and Hutchison (‘3’) networks”*

Notwithstanding the detailed concerns of the adjoining property owner, the impact of the proposed facility is considered minima given the proposed attachment to an existing large concrete power pole and the proponents have agreed to measures, including landscaping, to minimise the visual impact of the proposed facility.

RECOMMENDED

That:

- i. Council support the installation of the proposed telecommunications facility at Ficus Place, Narellan Vale.**
- ii. Authority be granted to the General Manager to complete all necessary documentation associated with the proposed telecommunications facility and authorise the affixation of the Council Seal if applicable.**
- iii. Council advise objectors of the resolution.**

ATTACHMENTS

Attachments:

Ficus Place Plan 1
Ficus Place Plan 2
Ficus Place Plan 3

Supporting Documents:

Resident letter of objection 20.03.07
Resident letter of objection 17.05.07
CPS Letter to Residents

Resident Letter of Objection 200307 Resident Letter of Objection 170507 Ficus Place Plan 1 Ficus Place Plan two Ficus Place Plan #

CPS letter to residents

RESOLUTION

(Councillor Elliott returned to the Chamber, the time being 8.14pm).

Moved Councillor Anderson, Seconded Councillor Johnson that:

- i. Council support the installation of the proposed telecommunications facility at Ficus Place, Narellan Vale.**
- ii. Authority be granted to the General Manager to complete all necessary documentation associated with the proposed telecommunications facility and authorise the affixation of the Council Seal if applicable.**
- iii. Council advise objectors of the resolution.**

THE MOTION ON BEING PUT WAS **CARRIED**.
(Councillor Cagney voted against the Motion).

ORD141/07