



# Camden Council

## Business Paper

### Ordinary Council Meeting



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## ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

### RECOMMENDED

That leave of absence be granted.

### RESOLUTION

Moved Councillor Cottrell, Seconded Councillor Anderson that Councillor Cagney be granted a leave of absence.

THE MOTION ON BEING PUT WAS CARRIED.

ORD01/10

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## ORDINARY COUNCIL

**SUBJECT: DECLARATION OF INTEREST**

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

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

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

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

### **RECOMMENDED**

**That the declarations be noted.**

### **RESOLUTION**

There were no declarations to be noted.

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

ORD02/10

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## ORDINARY COUNCIL

**SUBJECT: PUBLIC ADDRESSES**

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

Speakers must book in with the Council office by 4.00pm on the day of the meeting and must advise the topic being raised. Only seven (7) speakers can be heard at any meeting. A limitation of one (1) speaker for and one (1) speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' and should only be considered where the total number of speakers does not exceed seven (7) at any given meeting.

Where a member of the public raises a question during the Public Address segment, a response will be provided where Councillors or staff have the necessary information at hand; if not a reply will be provided at a later time. There is a limit of one (1) question per speaker per meeting.

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

Public Addresses are 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**

There were no public addresses to be noted.

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

ORD03/10

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## **ORDINARY COUNCIL**

**SUBJECT: CONFIRMATION OF MINUTES**

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Confirm and adopt Minutes of the Ordinary Council Meeting held 8 December 2009 and the Minutes of the Local Traffic Committee Meeting held 14 December 2009.

### **RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting held 8 December 2009, the Minutes of the Extraordinary Council Meeting held 15 December 2009 and the Minutes of the Local Traffic Committee Meeting held 14 December 2009, copies of which have been circulated, be confirmed and adopted.**

### **RESOLUTION**

Moved Councillor Funnell, Seconded Councillor Dewbery that the Minutes of the Ordinary Council Meeting held 8 December 2009, the Minutes of the Extraordinary Council Meeting held 15 December 2009 and the Minutes of the Local Traffic Committee Meeting held 14 December 2009, copies of which have been circulated, be confirmed and adopted.

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

ORD04/10

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## ORDINARY COUNCIL

### ORD01

**THREE STAGE, 25 LOT TORRENS TITLE SUBDIVISION AND DEMOLITION OF A DWELLING AND ASSOCIATED OUTBUILDINGS AT 239 (LOT 1 IN DP 397936) AND 247 (LOT 4 IN DP 1135124) RICHARDSON ROAD, SPRING FARM**

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|--|---------------------------------|
| <b>FROM:</b>                           | Director Development and Health |
| <b>FILE NO:</b>                        |                                 |
| <b>DA NO:</b>                          | 894/2008                        |
| <b>OWNER:</b>                          | Landcom                         |
| <b>APPLICANT:</b>                      | Lean & Hayward P/L              |
| <b>ZONING:</b>                         | 2(d) Residential                |
| <b>APPLICABLE PLANNING INSTRUMENT:</b> | Camden LEP 121                  |

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#### PURPOSE OF REPORT

The purpose of this report is to allow Council to determine an application for a three stage, 25 Lot Torrens title subdivision including demolition at 239 (Lot 1 in DP 397936) and 247 (Lot 4 in DP 1135124) Richardson Road, Spring Farm. The application is referred to Council in accordance with its delegations, as the proposal does not fully comply with all of the controls under Part G, Chapter 18 (Spring Farm) of the Camden Development Control Plan 2006.

#### SUMMARY OF RECOMMENDATION

It is recommended that Development Application No. 894/2008 for a three stage, 25 Lot Torrens title subdivision with 2 residual lots at 239 (Lot 1 in DP 397936) and 247 (Lot 4 in DP 1135124) Richardson Road, Spring Farm be approved, subject to draft conditions of the development consent provided at the end of the report.

#### BACKGROUND

An application for a 25 Lot Torrens title subdivision was lodged with Council on 3 October, 2008. In November 2008 amended plans were received to divide the proposal into 3 stages. This will be outlined in greater detail later in this report.

The application has been the subject of on-going discussions as it seeks to vary the road network adopted in the Spring Farm Masterplan. The applicant has amended the road layout as it considered this better reflects current subdivision layout planning approaches and provides for a more efficient and effective road network.

In addition, the applicant has reviewed and amended the proposed stormwater management scheme within the development to negate the need for centrally located

bio-swailes within the north-south primary access road located at the eastern side of the current development site. A bio-swale is an elongated water quality facility which is dry under normal circumstances, but which drains stormwater during storm events and which attempts to capture suspended sediment and water-bourne nutrients before the stormwater run-off reaches downstream receiving waters.

The revised application has now been assessed by Council officers and is able to be referred to Council for determination.

## **THE SITE**

The site consists of two lots on Richardson Road (Lot 1 in DP 3979636 and Lot 4 in DP 1135124). The site has a combined frontage of 163m to Richardson Road, a depth of approximately 400m and a total area of about 9.56Ha. The land falls from the north to the south. Lot 4 currently has a dwelling and a few associated buildings, which will eventually be demolished. **A site location map is provided at the end of this report.**

## **THE PROPOSAL**

The proposal is for a 3 stage, 25 Lot Torrens title subdivision with 2 residual lots. The stages are as follows:

- **Stage 1:** Re-subdivision of the 2 lots to create Lots 100 and 101.
- **Stage 2:** Subdivision of Lot 100 to create 16 residential lots (Lots 1101 to 1116), 1 superlot (Lot 1117), and 1 residual lot (Lot 1118), which will ultimately be dedicated as a road reserve. Lot 101 is to remain as a residual lot.
- **Stage 3:** Subdivision of Lot 1117 to create 9 residential lots (Lots 1201 to 1209), with the 2 residual lots (Lots 1118 and 101) remaining.

Stage 2 will have lots ranging from 416.9m<sup>2</sup> to 792m<sup>2</sup> with building envelopes shown for the lots under 450m<sup>2</sup>. It will also involve the construction of a 30m east-west boulevard from Richardson Road, three north-south 14m wide access roads that branch off the boulevard to the north and a 21m wide primary access north-south road that dissects through the east-west boulevard. It will also include the construction of two roundabouts at the intersection of the 30m east-west boulevard and Richardson Road and the 30m boulevard and the 21m north-south primary access road. **Plans of the proposal are provided at the end of this report.**

This DA is for subdivision only, with dwelling houses and other associated structures to be subject to separate Development Applications.

The application is non-compliant with the Spring Farm chapter of the Camden DCP 2006, in that it is inconsistent with the master plan as shown in Figure 4 of that Chapter, with an amended street layout relating to the internal streets, a re-alignment of the east-west boulevard and a reduction in the easternmost north-south road from a 30m wide boulevard to a 21m wide primary access road. **A copy of the adopted Master Plan Road Layout is provided with the business paper supporting documents.**

## **NOTIFICATION**

The application was advertised between 12 December, 2008 and 12 January, 2009 in accordance with the provisions of Clause 13(2) of SEPP No 55 - Remediation of Land, which specifies that all land that requires remediation is defined as advertised development. No submissions were received.

## **PLANNING CONTROLS**

- Camden LEP 121
- Camden Draft LEP 2009
- SEPP (Infrastructure) 2007
- Camden DCP 2006

## **ASSESSMENT**

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

### **(a) (i) the provisions of any environmental planning instrument**

#### **Camden LEP 121**

*Clause 3 – Desired future character:* The subdivision is to be located within the confines of one of the urban villages identified and will facilitate a range of housing forms. It is considered consistent with the character envisaged for the Spring Farm release area.

*Clause 4 – Objectives:* The subdivision will address the community's housing needs by providing a range of lot sizes and housing forms and promotes ecologically sustainable development practices by way of a lot orientation that allows maximisation of solar access principles.

*Clause 11 – Zone objectives:* The land on which this proposed subdivision is located is zoned 2(d) Residential. It complies with the objective in terms of the amended street layout allowing for permeability within the urban village. Subdivision of land is permissible in this zone.

*Clause 18 – Bushfire protection:* A Bushfire Safety Authority has been received from the NSW Rural Fire Service.

*Clause 19 – Protection of trees:* The removal of certain trees is permitted and will be conditioned where applicable.

*Clause 39 – Development affecting sites of Aboriginal Heritage significance:* An Aboriginal Heritage Assessment was commissioned as part of the Development Application. No Aboriginal sites were identified during the survey of the study area, however the Department of Environment, Climate Change and Water has conditioned that a Section 87 Aboriginal Heritage Impact permit will be required. This requirement is reflected in the draft consent conditions.

*Clause 41 – Development within the vicinity of a potential heritage item:* Schedule 3 relates to two potential heritage items, being a collection of sheds and fencing (Item 12) and a residence and associated structures (Item 13). A Statement of Heritage Impact and Review of Adaptive Re-use Options report was commissioned as part of the Development Application. The sheds no longer exist, however it will be conditioned that the fencing is to be retained and used as part of the new development.

It is deemed that the house is not rare or uncommon in an architectural sense. Its importance is related to its historical and aesthetic significance. It will be conditioned that an archival record is to be taken, which will be part of an interpretative study that is to be prepared prior to the issue of a Construction Certificate.

#### SEPP: Hawkesbury – Nepean River

Clause 6 of this SEPP (formerly known as a Sydney Regional Environmental Plan No 20) has specific planning policies and related recommended strategies that are to be considered. The relevant sections to be considered relate to total catchment management, water quality, urban development and the Metropolitan Strategy. It is considered that this proposal complies with these relevant strategies as it is part of a master planned development in which these have been taken into account.

#### SEPP 55: Remediation of land

Clause 9(d) specifies that remediation works relating to contamination require consent if it is specified within another SEPP or SREP. As specified earlier, the SEPP for the Hawkesbury – Nepean River specifies that consent is required for such works.

#### SEPP (Infrastructure) 2007

The DA was referred to Integral Energy in accordance with Clause 45, as the proposed subdivision is within or immediately adjacent to an easement for electricity. Written notification was undertaken with no response being received within 21 days. Therefore, in accordance with the legislative provisions it is deemed that Integral Energy has no objections to the proposed subdivision.

### **(a) (ii) any draft environmental planning instrument**

#### Camden Draft LEP 2010

The Draft Camden LEP 2010 was placed on exhibition on 2 September, 2009 and was formally adopted by Council on 24 November, 2009.

*Land use table:* The land is zoned R1 General Residential. The proposed development complies with the objectives and subdivision of land is deemed to be a permissible use with consent.

*Clause 4.1 – Minimum subdivision lot size:* The minimum lot size specified in the land use map is 450m<sup>2</sup> and it is noted that 2 lots are under this, however the adopted DCP permits lot sizes under 450m<sup>2</sup>. Clause 4.6 of the draft LEP will permit exceptions to this development standard, however as the LEP is currently a draft, no exception is sought nor has been assessed.

*Clause 5.9 – Preservation of trees or vegetation:* The removal of certain trees is permitted and will be conditioned where appropriate.

*Clause 5.10 – Heritage conservation:* This only relates to heritage items as specified in Schedule 5, which does not include any of the potential items specified in Schedule 3 of Camden LEP 121.

*Clause 6.4 – Arrangements for designated state public infrastructure:* An Interim Land Release Contribution Certificate has been obtained from the Department of Planning.

*Clause 6.7 – Matters to be specifically considered for development at Spring Farm:* Adequate ecological and restoration works have been carried out for the purposes of residential development.

**(a) (iii) any development control plan**

Camden DCP 2006: Part G, Chapter 18: Spring Farm

The proposed development has been assessed against the relevant controls in this chapter. It has been assessed that the development does not comply with the master plan as shown in Figure 4, with an amended street layout and also north-south road on the eastern edges of the subdivision being nominated as a 21m wide primary access road instead of a 30m wide boulevard.

*Part 1 – Introduction:*

The proposed subdivision is located in the Eastern Village. The street layout does not comply with the master plan layout in Figure 4, with a more pronounced grid layout and a 21m wide primary access road instead of a 30m road reserve (identified as Road 4), with a central median. The applicant's submission is that Road 4 will ultimately act as a lower order local road rather than a higher order collector road. The intent of the central median in the DCP is to act as a bio-swale connection between the bushland corridors and also house utility installations, such as electricity cables. Council will support a 21m wide collector road, with the electricity cables to be placed underneath the road surface, as per standard Integral practice for large capacity power mains. This will be conditioned within any consent that may be issued.

The applicant has also sought a variation to the street layout, stating that it does not undermine the objectives and performance requirements relating to road hierarchy, permeability and connectivity. Additionally, it does not compromise the lot yield requirements as specified in the DCP. Along with the adjoining subdivision to the north, it will ultimately comply with the residential density range as specified in Figure 5, within the range of 65 to 71 lots that is recommended. The submission has been assessed and it is considered the proposal is able to be supported and the proposed variation to the DCP approved.

*Part 2: General Development Controls:*

The extent of cut and fill that is proposed does not exceed 0.5m. This is considered acceptable and responds to the topography of the site. A contamination study and a salinity investigation were lodged as part of the Development Application. These have been assessed by Council, with an amended Remediation Action Plan required prior to

the issue of a Construction Certificate and the subdivision to comply with Council's technical document "Building In A Saline Environment".

Proposed Lot 1101 will have a secondary frontage on to Richardson Road. This lot will have an 88B restriction placed on it relating to dwelling windows facing Richardson Road. The restriction will require internal noise levels to be controlled in accordance with the requirements outlined in the Australian Standard for Recommended Design Sound Levels and Reverberation times for Building Interiors due to the noise associated with the ultimate traffic volumes anticipated along this road.

The heritage controls have already been discussed earlier in this report.

The Development Application was referred to the NSW Rural Fire Service, as per Section 100B of the Rural Fires Act 1997 as an Integrated Development. A Bushfire Safety Authority was issued, which will be an attachment on to any consent that may be issued.

*Part 3: Public Area Development Controls:*

The subdivision demonstrates street widths as specified in the street hierarchy with 14m access roads, a 21m primary access road and a 30m boulevard. Permeability is maintained throughout the proposed subdivision.

With the subdivision design, most of the lots are greater than 450m<sup>2</sup> with a width greater than 15m with the exception of 2 lots ( Lots 1115 and 1116) which are less than 450m<sup>2</sup>,but which have a width greater than 12.5m. Building envelopes have been lodged for these 2 lots to demonstrate that dwellings can physically fit on the land meeting the remaining development control provisions under the DCP.

One of the performance requirements of any water management component of a development in Spring Farm is that it maintains the aquatic and terrestrial corridor function and connectivity of drainage lines. The impacts on this performance requirement of removing the median (and hence the bio-swales) from the north-south primary access road have been assessed. The ability for bio-swales to provide predator-free flora and fauna migration in a relatively small 9m wide median is limited and it is considered that the remaining bush corridor components of development in Spring Farm will provide for this function.

The proposal is considered to satisfy all other relevant controls in this chapter.

**(a) (iv) any planning agreements**

There are no planning agreements that apply to this proposal.

**(b) the likely impacts of the development**

The application has addressed the issues of heritage, acoustics, salinity, contamination and bushfire hazard and these have been addressed earlier in this report.

The impacts on stormwater management of the removal of the originally proposed bio-swales from the north south primary access road have been assessed and the applicant has demonstrated that required water quality standards will still be achieved,

using more centralised water quality facilities.

As the proposed works include the construction of a new roundabout in Richardson Road, it is important to ensure that the timing of this work does not coincide with the closure and rebuilding of Springs Road. This reconstruction of Springs Road is a major component of the Spring Farm urban release and will commence this year. Richardson Road will be the only road available to service Spring Darm and the Glenlee industrial area when Springs Road is closed and accordingly it is not appropriate to carry out any works that will affect the capacity of Richardson Road at this time. A consent condition in relation to the timing of the construction is included in the drafts recommended to Council.

#### Social impacts

The proposed development will potentially contribute to diversity through provision of a range of housing stock, subject to separate Development Applications. It will also contribute positively to neighbourhood development.

#### Economic impacts

The development will contribute to labour force employment during the development phase, whilst the resident population will ultimately contribute to viability of support services in the local economy.

#### **(c) the suitability of the site for the development**

The site is capable of accommodating the subdivision without any adverse impacts on the environment. A Bushfire Safety Authority has been issued by the Rural Fire Service, concurrence has been received from the Mine Subsidence Board and an amended Remediation Action Plan will recommend the course of action for contaminated land.

#### **(d) any submissions made**

No submissions were received.

#### **(e) the public interest**

It is considered in that the public interest will be served positively by the proposed subdivision, as the supply of additional lots contributes to housing affordability and will increase the viability of local businesses and employment generating development, as the Spring Farm release area grows.

### **CONCLUSION**

Council has received an application for the construction of a three stage, 25 Lot Torrens title subdivision at 239 (Lot 1 in DP 397936) Richardson Road, Spring Farm. The proposal is permissible under the prevailing zone in Camden Local Environmental Plan No. 121.

No submissions have been received during the notification, however the proposal does not comply with all the controls as outlined under Part G, Chapter 18 (Spring Farm) of the Camden Development Control Plan 2006. These non compliances relate to the inconsistency with the master plan as showed in Figure 4, with an amended street layout, relating to the internal streets, a re-alignment of the east-west boulevard and a reduction in the easternmost north-south road from a 30m wide road to a 21m wide primary access road primarily due to the removal of the bio-swale from this road. These variations are deemed to be acceptable.

The development has been assessed on its merits in accordance with the Environmental Planning and Assessment Act 1979 and is now considered able to be recommended to Council for approval subject to conditions shown below.

## DRAFT CONDITIONS OF CONSENT

### 1.0 - General Requirements

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

- Proposed Subdivision Precinct 1, Stage 0, Boundary Adjustment, Drawing No. 76744.01.P06, Amendment F, dated 10/11/08;
- Proposed Subdivision Precinct 1, Stage 1, Infrastructure and 16 residential lots, Drawing No. 76744.01.P19, dated 10/11/08;
- Proposed Subdivision Precinct 1, Stage 2, 9 residential lots, Drawing No. 76744.01.P20, dated 10/11/08;
- Road Network Plan, Drawing No. 76744.01.M59, Sheet 2 of 17, dated September 2008;
- Proposed Longitudinal Section, Drawing Nos. 76744.01.M60 - 76744.01.M64, Sheets 3 of 7, dated September 2008;
- Drainage and Water Quality Concept Plan, Drawing No. 76744.01.M65, Sheet 8 of 17, dated September 2008;
- Pre and Post Development and External Catchment Boundaries, Drawing No. 76744.01.M66, Sheet 9 of 17, dated September 2008;
- Site Regrading Plan, Drawing No. 76744.01.M67, Sheet 10 of 17, dated September 2008;
- Cut / Fill Plan, Drawing No. 76744.01.M68, Sheet 11 of 17, dated September 2008;
- Protection of Existing Electrical Reticulation Plan, Drawing No. 76744.01.M69, Sheet 12 of 17, dated September 2008;
- Proposed Works Within Transmission Easement General Plan, Drawing No. 76744.01.M70, Sheet 13 of 17, dated September 2008;
- Pedestrian and Cycle Path Network, Drawing No. 76744.01.M71, Sheet 14 of 17, dated September 2008;
- Soil and Water Management Plan, Drawing No. 76744.01.M65, Sheet 15 of 17, dated September 2008;
- Soil and Water Management Details, Drawing No. 76744.01.M65, Sheet 16 of 17, dated September 2008;

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

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

This development consent should be read in conjunction with the following studies and reports:

- Bushfire Constraints Analysis - Bushland Corridor, Spring Farm DA Stages 1 and 2, prepared by Conacher Travers Pty Ltd, dated 3 May 2007;
- Statement of Heritage Impact and Review of Adaptive Re-Use Options, prepared by Rappoport Pty Ltd, dated October 2008;
- Heritage Landscape Assessment, prepared by Musecape Pty Ltd, dated December 2008;
- Aboriginal Heritage Assessment, prepared by Kayandel Archaeological Services, dated June 2009.

(2) **Amendments To Approved Plans** - The amendments indicated and described below must be incorporated in the overall development and must be reflected in any plans prepared for the purpose of obtaining a Construction Certificate:

- Road 4B is to be made 21 metres wide.

(3) **Staging** - The development is to be constructed across three separate stages and is listed below:

**Stage 1:**

Boundary adjustment between Lot 2 (being subdivision of Lot 1 in DP 39736 and Lots 95 and 96 in DP 1121639), and Lot 4 in DP 1135124.

**Stage 2:**

Subdivision of Lot 100 into up to 16 residential lots (Lots 1101 to 1116), 1 road reserve lot and 1 residual lot (Lot 1117).

**Stage 3:**

Subdivision of Lot 1117 into up to 9 residential lots.

(4) **Completed in Stages** - Where the development must be completed in stages, a plan must be submitted showing details of subdivision boundaries for each stage and their relationship to adjoining buildings, together with details as to site works, landscaping works, road and drainage works and erosion and sediment control works to be undertaken in conjunction with each stage, and the expected timing of such development.

In addition, details must be shown as to any proposed reciprocal rights of access and rights of way or easement designed to ensure the effective future functioning, maintenance and use of common areas such as roadways and open spaces.

The above details must be submitted to the Consent Authority (ie Camden Council) **prior to the Construction Certificate being issued.**

- (5) **Bushfire Safety Authority** – a Bushfire Safety Authority has been issued by the NSW Rural Fire Service under Section 100B of the Rural Fires Act 1997, Ref D08/1971, dated 13 November 2008. All conditions listed in this Bushfire Safety Authority are to be fully satisfied.
- (6) **Landscaping Maintenance & Establishment Period** - All Landscaping works associated with this Consent (such as Street Tree planting as planned) are to be maintained for a period of 12 months from the Date of Practical Completion.

At the completion of the 12 month landscaping maintenance period, all areas of lawn and plantings, including any nature strip/road verge areas and garden bed areas, shall have signs of healthy and vigorous growth. Any trees, shrubs, grasses, nature strip/road verge areas, 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.

At the completion of the 12 month landscaping maintenance period, the landscaping works must comply with the Consent approved Landscaping plans.

Any landscaping that requires repair or replacement at the end of the 12 month maintenance period is to be repaired or replaced within 40 days following the end date of the 12 month maintenance period.

- (7) **Protect Existing Vegetation and Natural Landscape Features:** Approval must be sought from Council prior to the removal, pruning, impact upon or any disturbance of the existing vegetation and natural landscape features, other than any existing vegetation and/or natural landscape feature authorised for removal, pruning, impact upon or disturbance by this Consent.

The following procedures shall be strictly observed:

- no additional works or access/parking routes, transecting the adjoining Bush Corridor area shall be undertaken without Council approval.
- pedestrian and vehicular access within and through the adjoining Bush Corridor area shall be restricted to Council approved access routes.

- (8) **Protection of adjoining Bushland, Bush Corridor and Waterfront Areas** - To limit the potential for damage to the adjoining Bushland, Bush Corridor areas and Waterfront areas, the boundaries to these areas must be fenced and appropriate sediment measures installed, prior to the commencement of any earthworks, demolition, excavation or construction works.

The sediment controls and fencing must be kept in place until the completion of development and maintenance works and be marked by appropriate signage

notifying all site visitors that the subject areas are protected. The fencing should be a minimum of a 1.8 metres high chain link or welded mesh fencing.

Any stormwater outlet must be designed to spread the stormwater prior to discharge into the restriction zone, the outlet shall be designed so that the area within the 40m restriction zone is not adversely affected by the subdivision's stormwater.

- (9) **Additional Works to be completed Prior to the issue of any Subdivision Certificate** - The two Roundabouts and frontage works depicted on the approved plans shall be constructed prior to the issue of the Subdivision Certificate for the relevant stage. The construction must be to the requirements of the Roads Authority. Timing of the construction of the roundabout and frontage works is to be approved by Camden Council and shall not coincide with the closure of Springs Road for its reconstruction.
- (10) **Location of Public Utility Services –**
- (a) All proposed Public Utility Service plant, except small electrical turrets, pad mounted substations and lighting columns, within the subdivision site must be located at or below the design surface level as indicated on plans associated with the issued Construction Certificate.
- (b) Any proposed visible and/or accessible Public Utility Service plant to be located in any proposed public road must be: -
- (i) contained within the footway/s of that road,
  - (ii) located on the prolongation of proposed lot boundaries, and
  - (iii) located and constructed in accordance with the directions of the Principal Certifying Authority (PCA).
- (c) All proposed Public Utility Service plant connections to existing plant within dedicated public road must comply with the provisions of the Memorandum of Agreement associated with the current Streets Opening Conference.

**Notwithstanding the above: -**

- (d) Pad mounted substation/s **must not** be located in any proposed road/public/drainage reserve without the prior approval of the Principal Certifying Authority (PCA).
- (e) Sewer Access Chambers **must not** be located in any proposed road/public/drainage reserve without the prior approval of the Principal Certifying Authority (PCA).
- (f) Sewer Mains: -
- (i) **must not** be located in any proposed road/public/drainage reserve without the prior approval of the Principal Certifying Authority (PCA).

- (ii) **must not** be located in any existing road/public/drainage reserve without the prior approval of Camden Council.
- (11) **Mature Trees** – Any trees that are considered by a qualified arborist to have a significantly safe and useful life expectancy, and which are consistent with the landscaping guidelines for the subdivision are to be retained.
- (12) **Requirements of the Department of Environment and Climate Change and Water** – Application must be made to DECCW for S87 and S90 Approvals under the *National Parks and Wildlife Act, 1974* .
- (12) **Water Quality Conditions -**

#### **Stage 1- Phase 1**

##### **1. Design of “Construction” On-site Detention/Sediment Control Basin -**

The design of the “construction” on-site detention/ sediment control basin must be prepared in accordance with the requirements of:

- a) For sediment control, generally, Managing Urban Stormwater – Soils and Construction, Volume 1, 4<sup>th</sup> Edition, March 2004 as produced by Landcom,
- b) Camden Council’s Current Engineering Design Specification.

and **must not** concentrate final discharge flows from the facility.

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

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

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

##### **3. Construction of the “Construction” On-site Detention/Sediment Control Basin -** Prior to the commencement of any other subdivision work the “construction” on-site detention/sediment control basin and the associated immediate stormwater drainage system must be constructed: -

- a) in accordance with the approved plans, and
- b) to the requirements of the Principal Certifying Authority.

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

4. **Fencing of the “Construction” On-site Detention/Sediment Control Basin** – Any “construction” on-site detention/ sediment control basin must be enclosed by a 1.8m high security fence of a type approved by the Consent Authority (Camden Council). Any such fence is to be continually maintained and is to remain in place until this facility is removed or reconstructed to a temporary/permanent water quality facility.

#### **Stage 1- Phase 2**

5. **Modification of the “Construction” On-site Detention/ Sediment Control Basin** – After three (3) months of the registration of the Subdivision Certificate/Plan of Subdivision by the Department of Lands – Land and Property Information, the “construction” on-site detention/sediment control basin must be modified to include a water quality component, .

The water quality component must have the following: -

- a) a filter medium must be included in the design.
- b) 50% of the total number of “macrophyte” type plants, the details of which are noted on the approved plans, must be planted within the filter medium area.

6. **Modified “Construction” On-site Detention/Sediment Control Basin and Water Quality Facility, Operation, Maintenance and Monitoring Manual - Prior to the completion of the modified “construction” on-site detention/sediment control basin and water quality facility**, an Operation, Maintenance and Monitoring Manual must be submitted to the Principal Certifying Authority for approval.

The manual must be prepared by a suitably qualified professional in accordance with the requirements of Managing Urban Stormwater – Soils and Construction, Volume 1, 4<sup>th</sup> Edition, March 2004 as produced by Landcom and must provide detailed information regarding the following:

- method of desilting
- method of removal of sediment and gross pollutants
- method of removal of noxious weeds.

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

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

Water quality sampling and monitoring results/reports are required and must be submitted to the Council within one (1) month after each complete quarterly sampling period.

**7. Bond for the Decommissioning of the Modified “Construction” On-site Detention/ Sediment Control Basin and Water Quality Facility - Prior to the issue of any Subdivision Certificate** a bond for: -

- a) the conversion of the modified “construction” on-site detention/sediment control basin and water quality facility to a temporary/permanent water quality facility, and/or
- b) the removal of the modified “construction” on-site detention/ sediment control basin and water quality facility and reinstatement of the area in accordance with the approved plan

must be lodged with Camden Council.

The bond:

- a) applies only where such a facility is located in existing and/or proposed public land,
- b) has been determined at an amount of \$50,000
- c) will be retained by Council until: -
  - i) such works have been completed in accordance with the approved plans and to the requirements of Council,
  - ii) a permanent water quality facility has been provided in a public infrastructure location approved by Council, and
  - iii) the completion of such work has been confirmed, in writing, by Council.

**8. Design of the Permanent Water Quality Facility** - The design of the water quality facility must be prepared in accordance with the requirements of the Spring Farm Water Cycle Masterplan & Addendum.

The design must: -

- a) be prepared by a person with experience in the design of stormwater reticulation and management facilities,
- b) be endorsed by a practising engineer with National Professional Engineering Registration and with a General Area of Practice in Civil Engineering.
- c) identify the 1% AEP and PMF values.

d) be submitted to the Certifying Authority for **inclusion in any application for a Construction Certificate.**

**9. Location of Permanent Water Quality Facilities** - A permanent water quality facility must be provided for the site; such a facility must be located within proposed and/or existing public land.

**10. Construction of Permanent Water Quality Facilities** – A permanent water quality facility must be constructed: -

- a) in accordance with the approved plans,
- b) to the requirements of Camden Council,
- c) when Occupation Certificates for dwellings associated with 70-80% of the lots have been issued.

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

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

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

- vegetation management
- removal of noxious weeds
- replacement of filter medium
- water quality
- Sampling- water quality sampling should be undertaken for all relevant Water quality parameters contained within the approved “Water Cycle Master Plan”. Samples are to be taken from the inlet point of the “on-site detention / sediment Control Basin” and the outlet point of the “Water Quality Facility”.
- Frequency- The frequency of sampling for each facility must include quarterly sampling. Where prolonged drought conditions exist and water is unavailable for testing on a quarterly basis then a minimum of 4 samples must be taken (within a 12 month period) when water is available with a minimum of 2 months between sampling periods.
- Methodology for attainment of the required water quality discharge parameters.
- Discussion of sampling results. A comparison of results with respect to the level of compliance with water quality targets/ criteria will be required

and include recommendations for corrective action where non-compliance is determined.

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

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

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

- i) within any proposed public road and/or drainage reserve contained within the site,
- ii) within any proposed residue lot contained within the site,
- iii) within any adjoining property that is privately owned. In this regard appropriate easements, pursuant to s.88B of the *Conveyancing Act 1919*, must be registered by the Department of Lands – Land and Property Information, **in conjunction with the Subdivision Certificate.**

**13. Demolition of Temporary Water Quality Facilities** – Any temporary water quality facility will be made redundant upon the provision of an approved permanent water quality facility. In that regard the temporary water quality facility must be demolished and the area containing the facility reinstated. Any resulting impediment to existing permanent infrastructure, as a result of the removal of the associated stormwater drainage system is to be rectified to the requirements of Camden Council.

Prior to the commencement of any such demolition all contributing stormwater flows to the facility must be diverted to the permanent water quality facility by way of a stormwater drainage system approved by Camden Council.

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

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

- ii) permanent water quality facility

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

**15. Works as Executed Plan** - A works-as-executed plan is to be prepared and submitted to Camden Council prior to the issue of the Subdivision Certificate in accordance with the requirements of Council's current Engineering Construction Specification, certified by both:

- i) a surveyor registered with the Institute of Surveyors confirming that the completed facility is wholly contained within the proposed lot, and
- ii) an accredited certifier with civil engineering accreditation confirming that the facility has been constructed in accordance with the approved plans.

**16. Bond for Defect Rectification of Public Work - Prior to the issue of any Construction Certificate** a bond for the rectification of any existing and /or proposed public work must be lodged with Camden Council.

The bond must be for 10% of the contract value of all proposed public infrastructure and will be retained by Council for a period of six (6) months after work is completed. Camden Council, must confirm the satisfactory completion of such work, in writing, prior to any release/ fund of the bond.

It should be noted that this bond extends to all such work including work that is not completed for which an appropriate bond has also been lodged with Camden Council.

It should be noted that a bond processing administration fee is applicable and that such a fee aligns with Council's current Fees and Charges.

(13) **Placement of transmission cabling under the road pavement –**  
The following matters are to be considered:

- All the standards applied by Integral Energy or other utilities are complied with for safety purposes;
- The crossing over (above) the trench by other services needs to be avoided (to facilitate any road reconstruction without needing to deal with shallowly laid services);
- Services need to run parallel to the transmission cable trench, which may require services to run on both sides of the road;
- Where crossings are required, these should be laid to go under the transmission cable trench, preferably in conduits;
- Service crossings should be minimised, and be well recorded and marked;
- Design of transmission route and trenching, as well as other services and road levels, should be cohesively so that the interactions are understood and clear
- Joint bays should be in parking bays / lanes to minimise the traffic lane deterioration likely to occur due to the shallower 'top of side wall' impact on the pavement;
- Specific Quality Assurance should be applied during construction, with

preference for certification of construction/compliance with Integral specifications.

## 2.0 - Construction Certificate Requirements

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

(1) **Interpretation Strategy** – An interpretation strategy is to be prepared **prior to the issue of the Construction Certificate for Stage 1**. The following points should be given consideration in the strategy:

- Opportunities for public art and / or an interpretive display that reflects the historic and aesthetic cultural values of the place;
- Opportunities for street naming to reflect local identities associated with the place;
- Opportunities to salvage and incorporate remnant 1950's and 1960's timber fencing, as it contributes to the overall rural character of the area and is indicative of the historic use of the area for agricultural purposes;
- Opportunities to relate to the historic use of the property and past land use in the area, from pre-European settlement through early land grants to agricultural pursuits, including the Riordan family association, and more recent subdivision and land use.

(2) **Requirements of the Department of Environment Climate Change and Water** – Application must be made to DECCW for S87 and S90 Approvals under the *National Parks and Wildlife Act, 1974*. The S87 methodology to be submitted prior to the release of the **Construction Certificate for the relevant stage**.

(3) **Remediation Action Plan (RAP)** - All work proposed as part of the final approved RAP that includes: remediation, excavation, stockpiling, onsite and offsite disposal, that includes storage, cut, fill, backfilling, compaction, monitoring, validations, site management and security, health and safety of workers, must be undertaken on the site in accordance with the approved Remediation Action Plan Report, which is to be completed before a Construction Certificate is issued for Stage 1.

Any further variation or modification to the final approved RAP in terms of compliance work beyond what is contained in the final approved RAP that must be requested from the Consent Authority (Camden Council) in writing prior to variation. With regard to remediation work, any proposed variation of works must be approved by the Consent Authority in writing prior to the works being undertaken.

(3) **Soil Erosion and Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with the Consent Authority's (i.e. 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.
- (4) **Works within the Site** - Plans for drainage (including all water quality facilities), roads, retaining walls, earthworks, road pavements, linemarking, vehicle/pedestrian safety barriers, traffic management details and all other matters associated with this subdivision shall be: -
- i) prepared by persons with experience: -
    - a) in civil and structural engineering design, and
    - b) in geotechnical design for the geotechnical aspects of earthworks
  - ii) endorsed by a practising engineer/s with National Professional Engineering Registration and: -
    - a) associated General Areas of Practice in civil and structural engineering, and
    - b) a Specific Area of Practice in Subdivisional Geotechnics for the geotechnical aspects of earthworks.
  - iii) submitted to the Certifying Authority for inclusion in any application for a Construction Certificate.

**It should be noted that designs for line marking and regulatory signage**

**associated with any proposed public road within this subdivision MUST be submitted to and approved by the Roads Authority, Camden Council prior to the issue of any Construction Certificate.**

- (5) **Works adjacent to the Site** – Any proposed activity (not including those of any Public Utility Authority) within any existing public road associated with the site must be approved by the Roads Authority, Camden Council, **prior to the issue of any Construction Certificate.**

Accordingly, a Public Road Activity (Roadworks) application for the above must be submitted to the Roads Authority, Camden Council. Public Road Activity application forms are available from Council's Customer Service Counter or from Council's internet site <http://www.camden.nsw.gov.au/>

The application shall: -

- (i) include supporting information that addresses/details all proposed and related activities, and
- (ii) include associated plans/documentation: -
- (iii) be prepared by a persons with experience in civil and structural engineering design, and
- (iv) be endorsed by a practising engineer/s with National Professional Engineering Registration and associated General Areas of Practice in civil and structural engineering, and

**It should be noted that designs for linemarking and regulatory signage for any proposed/existing public road associated with this subdivision MUST be: -**

- (v) included with this application, and
- (vi) have prior approval from the Roads Authority, Camden Council.

- (6) **Provision of Kerb Outlets** – Where proposed lots grade to an existing/proposed public road, kerb outlets must be provided in the adjacent kerb & gutter.

Such kerb outlets must be:

- Located opposite the corner of any lot with the lowest reduced level or to the requirements of the Principal Certifying Authority,
- Constructed in accordance with Council's current Engineering Design & Construction Specifications, and
- Included in any design plan submitted to the Certifying Authority for the purposes of obtaining a Construction Certificate.

- (7) **Performance Bond - Prior to the issue of any Construction Certificate** a performance bond in the form of a Letter of Undertaking, being for 10% of the value of all works associated with this subdivision must be lodged with Camden Council. Should any of Council's property sustain damage or the development place the environment or public at risk, Council will perform any works necessary on behalf of the applicant to rectify these works. This bond will be released once all works have been completed to the satisfaction of Council. The applicant must be responsible for any damage caused to existing public utilities, footpaths or public roads during construction works.

"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 lodgement of such bond."

**Note 1:** It should be noted that Council will not refund/release the performance bond, unless a suitable replacement bond is submitted.

- (8) **Roadway Widths** - The widths and pavement design parameters for the proposed road works must be in accordance with the approved plan and Camden Councils Current Design Specification.

A pavement design prepared by a suitably qualified Geotechnical Engineer for all proposed roads and accessways based upon Council's Pavement Design specification must be submitted and approved by the Principal Certifying Authority **prior to roadworks proceeding past subgrade level.**

- (9) **Temporary Turning Head** - A temporary sealed turning head with a 9.2 metre radius must be provided at the end of any proposed dead end road or Y-head design (to be approved by Council). The pavement must be constructed to the ultimate road levels and pavement depth. Any additional land required for such works must be provided for the ultimate road alignment by way of a Right of Way to be extinguished upon extension of the road.

- (10) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and minimise the 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 (and the Roads and Traffic Authority). Plans and proposals must be approved by Council (and the Roads and Traffic Authority) **prior to any Construction Certificate being issued.**

- (11) **Public Risk Insurance Policy - Prior to the issue of any Construction Certificate**, the owner or contractor is to take out Public Risk Insurance Policy with a minimum cover of \$20 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 revised Certificate of Currency from the insurer provided.

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.

- (12) **Design Standards** - Engineering design drawings are to be prepared strictly in accordance with Camden Council's Development Control Plan 2006 and Engineering Specifications.
- (13) **Civil Engineering Details** - The developer must submit details of all engineering works on engineering plans to the Certifying Authority for approval **prior to any Construction Certificate being issued.**
- (14) **Common Drainage Lines** – Common drainage lines must be constructed to service all lots that do not grade naturally to the road drainage system located adjacent to any proposed lot. The drainage lines shall be designed for the 5% AEP, with a minimum pipe diameter of 150mm. The maximum number of lots to be served by any such common drainage line must not exceed (8) eight. Where necessary, and prior to the issue of any Subdivision Certificate, the Principal Certifying Authority may require drainage works, not necessarily shown in the approved drawings, to be constructed to protect proposed lots and existing land downstream from flooding as a result of any overland flow.

**Where sewer main construction is proposed adjacent to common drainage lines, the common drainage line must be installed after the sewerage main has been constructed.**

- (15) **Stormwater Detention** - The capacity of the existing stormwater drainage system must be checked to ensure its capability of accepting the additional run-off from this development. If necessary an on site detention system must be provided to restrict stormwater discharges from the site to pre-development flows. The system is to provide for all storms up to and including the 1% AEP event. Engineering details and supporting calculations must be prepared by a qualified Hydrology Engineer and submitted to the PCA for approval with any Construction Certificate application.

On completion of the on-site detention system, Works-as-Executed plans are to be prepared by a registered surveyor or the design engineer and submitted to the Principal Certifying Authority. If Camden Council is not the Principal Certifying Authority, a copy is to be submitted to the Council **prior to the issue of any Subdivision Certificate.** The plans are to be certified by the designer and are to clearly make reference to:

- the works having been constructed in accordance with the approved plans,
- actual storage volume and orifice provided,
- the anticipated performance of the system with regard to the design intent.

The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user:

Restriction as to user indicating that the on-site detention basin must be maintained at all times to a level sufficient to ensure efficient operation of the basin, and that the Consent Authority (ie Camden Council) must have the right to enter upon the burdened lot with all necessary materials and equipment at all reasonable times and on reasonable notice (but at any time and without notice in the case of an emergency) to:

- (i) view the state of repair of the basin;
  - (ii) to execute any work required to remedy a breach of the terms of this covenant if the proprietor has not within fourteen (14) days of the date of receipt by the proprietor of written notice from the Council, requiring remedy of a breach of the terms of this covenant, taken steps to remedy the breach and without prejudice to the Council's other remedies the Council may recover as a liquidated debt the cost of such remedial work from the proprietor forthwith upon demand.
  - (iii) Restriction as to user indicating that the on-site detention basin must not be altered, or removed in part, or structures erected thereon without the prior consent of Council.
- (16) **Destination** - Pit lintels must be labelled with permanent stencilled signs to identify the watercourse into which the pit drains.

### 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) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia* . Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (2) **Archival Record** – An archival record is to be prepared prior to the commencement of works for Stage 1 and lodged with Council. The Department of Planning Heritage Branch's Minimum Standards for preparing archival records should be followed. Features to be recorded include:
  - General landscape
  - Remnant fencing
  - External and internal record of the house at 247 Richardson Road
- (3) **Pollution Warning Sign** – A sign must be erected at all entrances to the subdivision site prior to work commencing and maintained until the subdivision has reached 80% occupancy. The sign must be constructed of durable

materials and be a minimum of 1200 x 900mm. The wording of the sign must be as follows:-

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

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

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

- (4) **Environmental Protection Authority** - The developer must comply with any requirement of the Environment Protection Authority **prior to the commencement of the development.**
- (5) **WorkCover** - The developer must comply with any requirements of the WorkCover Authority **prior to commencement of the development.**
- (6) **Hoarding and Ancillary Requirements** - The site must be enclosed with a suitable temporary hoarding or security fence of a type approved by the Consent Authority (ie Camden Council). An application must be lodged with and approved by Council prior to the erection of any hoarding or fence.

**Note 1** No site or demolition works must commence before the hoarding or fence is erected and a Construction Certificate, if applicable, granted by a Certifying Authority.

**Note 2** Public thoroughfares must not be obstructed in any manner whatsoever during demolition works.

**Note 3** All demolition works must comply with the requirements of AS 2601 - 1991.

- (7) **Destination of Waste Material** - Demolition materials must be disposed of to an approved land-fill site and where appropriate to an approved recycling outlet.
- (8) **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.**

- (9) **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.
- (10) **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.
- (11) **Soil Erosion And Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

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

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

An Infringement Notice issued under the Environmental Planning and Assessment Act, 1979, which imposes a monetary penalty of \$600, may be initiated by the Principal Certifying Authority (PCA) and issued by Camden Council where the implementation or maintenance of measures is considered to be inadequate. In the event that a risk of environmental pollution occurs an Infringement Notice issued under the Protection of the Environment Operations Act 1997, which imposes a monetary penalty of \$750 for an individual or \$1500 for a corporation may be issued by Camden Council.

- (12) **Single Access Point** - A single access point must be provided to the site **prior to commencing construction work**.
- (13) **Provide a Truck Shaker** - An approved truck shaker must be provided at the construction entry point in accordance with Council's standards **prior to commencement of work** to prevent dust, dirt and mud falling on roadways. Ingress and egress from the site must be limited to this single access point only.
- (14) **WorkCover Approval** – It is the responsibility of the owner to contact WorkCover Authority with respect to any demolition work or use of any crane, hoist, plant or scaffolding prior to any work commencing on the site.
- (15) **Information Required by Council Prior to Demolition** – The demolisher shall lodge with Council at least forty-eight (48) hours prior to the commencement of work:
  - (i) Written notice indicating the date when demolition of the building is to commence;
  - (ii) Details of name, licence, address and business hours contact number;
  - (iii) Copy of the demolishers current public liability/risk insurance policy indicating cover of at least \$5,000,000.
- (16) **The applicant shall give written notice** to adjoining land owners and residents seven (7) days prior to the commencement of demolition advising of commencement date
- (17) **Giving Notice To Other Statutory Authorities** - The notice does not preclude the demolisher from giving notice to other Statutory Authorities as the Sydney Water, WorkCover, etc.
- (18) **Erosion Control Demolition** - Prior to demolition commencing, erosion control measures shall be provided on site eg, siltation fences etc.
- (19) **Demolition Sign to Restrict Entry** - A sign shall be erected on the site stating that unauthorised entry is not permitted.
- (20) **Demolition Sign Name of Builder** - A sign shall be displayed on the site indicating the name of the builder or another person responsible for the site and a telephone number of which the builder or other person can be contacted outside normal working hours or when the site is unattended.

#### **4.0 - During Construction**

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

- (1) **Nature Strip/Road Verge, Street Trees and Street Tree protective guards** - Any nature strip/road verge area, street tree, lawn area, tree guards if applicable, protective bollards if applicable which are disturbed, removed or damaged during the development and maintenance works, shall be repaired and the tree, lawn area, bollards, tree guards, nature strip/road verge area repaired or replaced with the same type, species and maturity.
- (2) **Site Management (No Nuisance Creation)** - The developer must carry out work at all times in a manner which will not cause a nuisance by the generation of unreasonable noise dust or other activity, to owners and occupiers of adjacent properties.
- (3) **No fill material** is to be imported to the site without the prior approval of Camden Council in accordance with Council's specifications. All fill material to be imported shall be validated by an appropriately qualified person as posing no unacceptable risk to human health and the environment, and as being suitable for its intended purpose and land use. Putrescible and non-putrescible solid waste (including demolition material) must not be permitted.

All validation works must be carried out in accordance with Council's specifications, the ANZECC and NH&MRC Guidelines and the applicable NSW Environmental Protection Authority Guidelines. The samples of soil for quality validation shall be taken from the compacted fill area. The number of samples to be tested is to be determined by Council's engineer based on the quality, type, proposed landuse and the conditions of the origin source of the fill material. A copy of this certification plus plans detailing the location of the source of imported fill material, together with documentary evidence that confirms that the extraction of the fill material was lawfully obtained must be submitted to Camden Council **prior to the issue of the Occupation/Subdivision Certificate**.

- (4) **Delivery Register** - In order to comply with the above, the applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Camden Council officers on request and be submitted to the Council at the completion of the development.
- (5) **Vehicles Leaving the Site** - The demolisher shall:
  - (i) cause motor lorries leaving the site with demolition material and the like to have their loads covered;
  - (ii) ensure the wheels of vehicles leaving the site do not track soil and other waste material onto the public roads adjoining the site.
- (6) **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 is prohibited.
- (7) **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.
- (8) **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.
- (9) **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 Camden Council's Development Control Plan 2006 and Engineering Specifications must be submitted to Council **prior to the issue of the Subdivision/Occupation Certificate.**

- (10) **Compaction (Roads)** - All filling on roadways must be compacted at 100% standard compaction and tested in accordance with Camden Council's

Engineering Works Development Control Plan and associated guidelines and AS1289 by a NATA registered laboratory.

- (11) **Survey Marks** - Permanent survey co-ordination marks must be placed within the subdivision in accordance with the Surveyors Act and Regulations.
- (12) **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.
- (13) **Remediation Works Inspections** – A qualified environmental consultant or scientist will be required to supervise the remediation works to confirm compliance with the RAP and all health and safety requirements.
- (14) **Unexpected findings Contingency** – Upon the identification of additional contamination or hazardous materials at any stage of the remediation process all remediation works in the vicinity of the findings shall cease and the affected area must be made secure from access by personnel. A qualified environmental consultant must assess the extent of the contamination / hazard in accordance with the NSW DEC Guidelines. The assessment results together with a suitable management plan must be provided to the Consent Authority (Camden Council) for written approval prior to the removal or treatment of such findings contamination / hazardous materials.
- (15) **Workcover Authority** - All remediation work must comply with relevant requirements of NSW WorkCover Authority.
- (16) **Licenses** – It is the responsibility of the applicant / land owner / site operator to ensure that all relevant licenses are obtained from all appropriate authorities in accordance with relevant legislation requirements prior to the commencement of remediation works.
- (17) **Offensive Noise, Dust, Odour, Vibration** - Remediation work shall not give rise to offensive noise or give rise to dust, odour, vibration as defined in the Protection of the Environment Operations Act 1997” when measured at the property boundary.
- (18) **Sedimentation and Erosion Control** - Sedimentation and erosion control measures are to be installed prior to any soil remediation or excavation activity and maintained for the full period of works.
- (19) **Location of Stockpiles** - Stockpiles of soil should not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.
- (20) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.

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

The validation report and sampling location plan must be prepared: -

- i) by a practising engineer with National Professional Engineering Registration and with a Specific Area of Practice in Subdivisional Geotechnics, and

ii) in accordance with: -

- a) the Department of Land and Water Conservation publication “Site investigation for Urban Salinity”, and
- b) The Department of Environment and Conservation – Contaminated Sites Guidelines “Guidelines for the NSW Site Auditor Scheme (Second Edition) – Soil Investigation Levels for Urban Development Sites in NSW”.

iii) and confirm that the fill material:

- a) provides no unacceptable risk to human health and the environment;
- b) is free of contaminants;
- c) has had salinity characteristics identified in the report;
- d) is suitable for its intended purpose and land use, and
- e) has been lawfully obtained.

The sampling for salinity of fill volumes less than 6000m<sup>3</sup> must provide for 3 sampling locations; fill volumes exceeding 6000m<sup>3</sup>, require one sampling location for each additional 2000m<sup>3</sup>. A minimum of 1 sample from each sampling location must be provided for assessment.

The sampling for Contamination should be undertaken in accordance with the following table:-

| <b>Classification of Fill Material</b> | <b>No. of samples per volume</b> | <b>Volume of fill (m3)</b> |
|--|----------------------------------|----------------------------|
| Virgin Excavated<br>Natural Material   | 1<br>(see note 1)                | 1000                       |

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

- (22) **Remediation and Construction Noise Levels** – Noise levels emitted during remediation 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;

**Construction period of 4 weeks and under:**

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

**Construction period greater than 4 weeks:**

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

- (23) **Removal Of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill / rubbish / asbestos, this material will need to be assessed in accordance with the NSW DECC Waste Classification Guidelines (April 2008) (refer [www.environment.nsw.gov.au/waste/envguidlms/index.htm](http://www.environment.nsw.gov.au/waste/envguidlms/index.htm)) Once assessed, the materials will be required to be disposed to a licensed waste facility suitable for the classification of the waste with copies of tipping dockets supplied to Council.

- (24) **Compliance Of Remediation Work** - All remediation work must also comply with the following requirements:

- Contaminated Land Management Act 1997;
- Department of Urban Affairs and Planning – Contaminated Land Planning Guidelines 1998;
- SEPP55 – Remediation of Land;
- Sydney Regional Plan No. 20 Hawkesbury Nepean River (No.2 –1997); and,
- Camden Council's Adopted Policy for the Management Of Contaminated lands.

- (25) **Soil and Water Management** – The management of soil and water on the subdivision must be addressed with reference to "Section 6 – Soil And Water Management" contained in the report titled "*Geotechnical Assessment: Richardson Road Spring Farm, Prepared for Landcom, Prepared by SMEC Testing Services Pty Ltd, Report No. 08/0834, Dated September 2008.*"

- (26) **Burying Of Demolition Materials** - No demolition materials shall be buried on the site, other than with the consent of Council.

- (27) **Prevention Of Nuisance To Inhabitants** - All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind blown dust, debris, noise and the like.

- (28) **Removal Of Hazardous And/Or Intractable Wastes** - Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant Statutory Authorities, and receipts submitted to Council for verification of appropriate disposal.
- (29) **Demolition - On Site Burning** - The burning of any demolished material on the site is not permitted. Offenders will be prosecuted under the Environmental Protection Operations Act.

## 7.0 - Subdivision Certificate

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

- (1) **Site Validation Report** - A validation report incorporating a notice of completion must be submitted to the Consent Authority in accordance with the requirements of clause 7.2.4 (a) - (d) and clause 9.1.1 of Council's Contaminated Lands policy and clause 17 & 18 of SEPP 55 for the completed remediation works. The notice/s or report/s must confirm that all decontamination and remediation works have been carried out in accordance with the remediation plan and must be submitted to the Consent Authority within 30 days following the completion of the works.
- (2) **Fill Plan** - A separate fill plan on plastic (sepia) film must be submitted to Council **prior to the release of the Subdivision Certificate for Stages 1 and 2**. The fill plan must show allotment boundaries, road reserves and street names only and include details of fill, boundaries, depth of such filling in maximums of 0.5m increments and overall finished contours.
- (3) **Compliance Certificate** - A Compliance Certificate from a suitably qualified and experienced Geotechnical Engineer must be submitted verifying that the works detailed in the geotechnical report have been undertaken under his/her supervision and to his/her satisfaction, and that the assumptions relating to site conditions made in preparation of the report were validated during construction. This certificate must accompany the "Works as Executed" drawings.
- (4) **Soil Classification** - A geotechnical report must be submitted detailing the classification of soil type generally found within the subdivision. A general classification for each lot within the subdivision must be provided and such classifications must be made by a Geotechnical Engineer in accordance with the provisions of SAA AS 2870 "Residential Slabs and Footings". The classification reports must be submitted to Council **prior to release of the Subdivision Certificate for Stages 1 and 2**.
- (5) **Street Lighting** - Street lighting must be provided within the subdivision in accordance with the relevant Australian standards, Integral Energy approval and the satisfaction of Council. All physical works must be complete **prior to the issue of the Subdivision Certificate for Stages 1 and 2**.

- (6) **Services - Prior to the issue of any Subdivision Certificate** the following service authority certificates/documents must be obtained and submitted to the Principal Certifying Authority for inclusion in any Subdivision Certificate application:
- i) a certificate pursuant to s73 of the *Sydney Water Act 1994*.  
Application for such a certificate must be made through an authorised Water Servicing Co-Ordinator.
  - ii) a Notification of Arrangements from Integral Energy.
  - iii) written advice from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the subdivision site.
- (6) **Show Easements on the Plan of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.
- (7) **Show Restrictions on the Plan of Subdivision** - The developer must acknowledge all existing restrictions on the use of the land on the final plan of subdivision.
- (8) **Section 88b Instrument** - The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user:
- (a) Easement for services.
  - (b) Easement to drain water.
  - (c) Drainage easement over overland flow paths.
  - (d) Easement for on-site detention (should on-site detention be required).
  - (e) Temporary easement for Phase 1 and 2 water quality facilities.
  - (f) Reciprocal right of carriageway. The owners of the subject properties burdened by the Right-of-Way shall be responsible for ongoing maintenance and the Public Liability of the Right-of-Way.
  - (g) Restricted building zone over the 1% flood inundation area of the natural watercourse which prohibits the erection of structures including fences, the placement of fill and the planting of trees.
  - (h) Restriction as to user which defines a restricted building zone.
  - (i) Restriction as to user defining minimum floor levels for any lots which have any part of the lot below the 1% AEP flood level. The developer must provide the 1% AEP flood profile of the natural watercourse with superimposed lot boundary location.
  - (j) Restriction as to user over any filled lots which stipulates that footings must be designed by a suitably qualified civil and/or structural engineer.

- (k) Restriction as to user over Lots which stipulates that footings must be designed by a suitably qualified civil and/or structural engineer.
- (l) Restriction as to user over sub-surface drainage pipes contained within the building area of allotments.
- (m) Restriction as to user over any lots adjacent to a public reserve stipulating dividing fence type.
- (n) Temporary right of carriageway and services over the frontage lot in favour of the rear lot. Such restriction to be extinguished when the benefiting lot acquires a frontage to a public road.
- (p) Restriction as to user preventing the alteration of the final overland flow path shape, and the erection of any structures (other than open form fencing) in the overland flow path without the written permission of Council.
- (q) Restriction as to user on those lots adjacent to the overland flow paths to ensure that the floor level of any habitable room is not less than 600mm above the 1% AEP level, such levels to be detailed on the Section 88B Instrument and related to AHD.
- (r) For Lot 1101 in Stage 1 being adjacent to Richardson Road, an acoustic assessment report prepared by a suitably qualified consultant is required that must detail compliance with Council's Environmental Noise Policy. The report must consider how external amenity for private open space is or can be achieved. Compliance with the relevant noise criteria must be demonstrated for any residential development application.

If there is a requirement for any dwelling windows facing any roadway to be closed to achieve "internal noise levels" as stated in "*AS/NZS2107:2000 Acoustics – Recommended Design Sound Levels and Reverberation times for Building Interiors*" ventilation must still comply with the minimum standards prescribed by the Building Code of Australia.

- (9) **Burdened Lots to be Identified** - Any lots subsequently identified during construction of the subdivision as requiring restrictions must also be suitably burdened.
- (10) **Maintenance Bond** - A maintenance bond in the form of an unconditional Bank guarantee or cash bond or Letter of Undertaking, being 10% of the value of civil works, must be lodged with Council **prior to the release of the Subdivision Certificate for Stages 1 and 2**. 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.

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

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

- (11) After completion of all the engineering works and prior to final inspection, one electronic copy and one 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 Specification Development Control Plan and associated Guidelines.
- (12) **Road Surfacing Bond - Prior to the issue of the Subdivision Certificate for Stages 1 and 2** 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 or Letter of Undertaking 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 is to cover work which should take place within the period from the date of issue of Subdivision Certificate and 5 years from completion or upon at least 80% of the subdivision occupancy whichever occurs first.

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 in the 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.

- (13) **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.
- (14) **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.

- (15) **Lot Numbers and Street Names - Prior to issue of a Subdivision Certificate for Stages 1 and 2** lot numbers, house numbers and street names must be stencilled on the face of kerb, or in such location as directed by the Principal Certifying Authority.

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

1 Lot numbers:

White number on Brunswick Green background located on the prolongation of both common boundaries of each lot.

2. Street names:

White lettering on Brunswick Green background at kerb and gutter tangent points or at such locations as directed by the Principal Certifying Authority.

- (16) **Construction Standards** - All civil engineering work associated with the development must be carried out strictly in accordance with Camden Council's Development Control Plan 2006 and Engineering Specifications for roadworks drainage and other works associated with subdivisions and other developments.

- (17) **Subdivision Certificate Release** - The issue of a Subdivision Certificate is not to occur until all conditions of this consent have been satisfactorily addressed and all engineering works are complete, unless otherwise approved in writing by the Principal Certifying Authority.

- (18) **Footpath Construction Bond** - A footpath construction bond in the form of an unconditional bank guarantee, cash bond or Letter of Undertaking, being 200% of the cost of the works, must be lodged with Council **prior to the issue of the Subdivision Certificate for Stages 1 and 2.**

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

**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.

- (19) **Surveyor's Report - Prior to the issue of the Subdivision Certificate for Stages 1 and 2** a certificate from a registered surveyor must be submitted to

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

- (20) Section 94 Contributions – **Prior to the Subdivision Certificate being issued for each stage of the development**, the following Section 94 Contributions must be paid as prescribed hereunder:

**Stage 1**

*No Contributions to be paid as it is a boundary adjustment*

**Stage 2**

- (a) Pursuant to **Contributions Plan No. 8** amended in September 1997, a contribution must be paid to Council of \$16 per additional lot or dwelling, total \$272 for **Secondary Roundabout R6 (Richardson Road/Lodges Road)**.

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

- (b) Pursuant to **Contributions Plan No. 20** adopted in October 1996, a contribution must be paid to Council of \$25 per additional lot or dwelling, total \$425 for **Fire and Other Emergency Facilities and Equipment**.

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

- (c) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$10,367 per additional lot, total \$182,257 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 Subdivision Certificate.

The monetary contribution may be offset by the value of land transferred to Council or by works in kind at the discretion of Camden Council. 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.

- (d) Pursuant to **Camden Contributions Plan** amended July 2004, a contribution must be paid to Council of \$361 per additional lot or dwelling, total \$6,188 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 Subdivision Certificate.

- (e) Pursuant to **Camden Contributions Plan** amended in July 2004, a

contribution must be made to Council of 112.84m<sup>2</sup> per additional lot or dwelling, total 1,918.28m<sup>2</sup> for **s.94 Open Space Land Acquisition** and 3.68m<sup>2</sup> per additional lot or dwelling, total 62.56m<sup>2</sup> for **s.94 Community Land Acquisition**.

The land must be dedicated free of charge in accordance with paragraph 5.1.6 of the plan and clearly identified on the plan of subdivision.

Alternatively, a contribution must be paid to Council of \$11,337 per additional lot or dwelling, total \$194,259.

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

(f) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$36,594 per additional lot or dwelling, total \$627,011 for **Drainage, Roadworks, Traffic Facilities, Open Space Embellishment, Newcomers Programme and Masterplan**.

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

The monetary contribution for Drainage, Roadworks, Traffic Facilities, Open Space Embellishment, Newcomers Programme and Masterplan 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.

### **Stage 3**

(a) Pursuant to **Contributions Plan No. 8** amended in September 1997, a contribution must be paid to Council of \$16 per additional lot or dwelling, total \$128 for **Secondary Roundabout R6 (Richardson Road/Lodges Road)**.

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

(b) Pursuant to **Contributions Plan No. 20** adopted in October 1996, a contribution must be paid to Council of \$25 per additional lot or dwelling, total \$200 for **Fire and Other Emergency Facilities and Equipment**.

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

(c) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$10,637 per additional, total \$85,768 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 Subdivision Certificate.

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

- (d) Pursuant to **Camden Contributions Plan** amended July 2004, a contribution must be paid to Council of \$361 per additional lot or dwelling, total \$2,912 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 Subdivision Certificate.

- (e) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be made to Council of 112.84m<sup>2</sup> per additional lot or dwelling, total 902.72m<sup>2</sup> for **s.94 Open Space Land Acquisition** and 3.68m<sup>2</sup> per additional lot or dwelling, total 29.44 m<sup>2</sup> for **s.94 Community Land Acquisition**.

The land must be dedicated free of charge in accordance with paragraph 5.1.6 of the plan and clearly identified on the plan of subdivision.

Alternatively, a contribution must be paid to Council of \$11,337 per additional lot or dwelling, total \$91,416.

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

- (f) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$36,594 per additional lot or dwelling, total \$295,064 for **Drainage, Roadworks, Traffic Facilities, Open Space Embellishment, Newcomers Programme and Masterplan**.

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

The monetary contribution for Drainage, Roadworks, Traffic Facilities, Open Space Embellishment, Newcomers Programme and Masterplan 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.

END OF CONDITIONS

## **RECOMMENDED**

**That Development Application No 894/2008 for a three stage, 25 Lot Torrens title**

subdivision with 2 residual lots at 239 (Lot 1 in DP 397936) and 247 (Lot 4 in DP 1135124) Richardson Road, Spring Farm be approved, subject to draft conditions:

### ATTACHMENTS

1. Locality Plan
2. Proposed Plans
3. Adopted Master Plan Road Layout (Supp. Doc)



Location Plan 239 and 247 Richardson Rd Spring Farm.pdf proposed plans da894-2008.pdf



Adopted Master Plan Road Layout - Figure 4.pdf

### RESOLUTION

### MOTION

Moved Councillor Warren, Seconded Councillor Funnell that:

- i. Development Application No 894/2008 for a three stage, 25 Lot Torrens title subdivision with 2 residual lots at 239 (Lot 1 in DP 397936) and 247 (Lot 4 in DP 1135124) Richardson Road, Spring Farm be approved, by way of Deferred Commencement Development Consent, pending the receipt by Council of written confirmation from the Department of Planning that the Regional Transport Levy has been determined by the development; and
- ii. the operational consent will be subject the draft conditions and the following additional condition:

*Residential Lot Threshold - Council has identified the current road capacity in Spring Farm is 1,226 lots. Once this threshold is reached it will be necessary to provide alternate road access. This will require the provision of a signal controlled intersection at the Camden Bypass and construction of the associated connecting road linking Lodges Road to the Camden Bypass. In this regard the Principal Certifying Authority will not release any linen plan of subdivision until the required roadworks are complete and operational.*

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

(Councillors Anderson, Cottrell, Campbell, Dewbery, Funnell, Symkowiak, Patterson and Warren voted in favour of the Motion.

No Councillors voted against the Motion).

ORD05/10

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## ORDINARY COUNCIL

ORD02

**SUBJECT:** PETITION CONCERNING SPEED AND VOLUME OF  
TRAFFIC USING ROSE DRIVE, MOUNT ANNAN  
**FROM:** Director Works and Services  
**FILE NO:** Traffic and Transport/Complaints and Requests/Speeding

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### PURPOSE OF REPORT

To note receipt of a petition from residents in Rose Drive, Mount Annan regarding safety concerns with the volume and speed of traffic in Rose Drive and their support for measures to discourage through traffic.

### BACKGROUND

Council has received a letter and an accompanying petition (containing 26 signatures) from a resident in Rose Drive, Mount Annan. A copy of the letter is **provided with the business paper supporting documents**.

### MAIN REPORT

A letter received from a resident of Rose Drive in October 2009 raises concerns about safety and noise created by traffic using Rose Drive.

The letter states that local residents have undertaken traffic speed and volume surveys and passed these on to the majority of residents in Rose Drive. It notes that approximately 55% of those residents have signed the petition which states:

*"I/We... Of... have safety concerns with the volume of traffic and increased vehicle speed that continues almost every day and night. And support the proposed request to Camden Council for alterations to Rose Drive to discourage the amount of unnecessary through traffic."*

The letter proposes the following traffic control measures:

*"A] The construction of several elevated paved Type Speed Humps.  
B] Signage showing 3 Tonne Limit."*

Existing traffic control measures in Rose Drive include a roundabout at the intersection with Welling Drive, a roundabout with textured surface threshold treatments at the intersection with Burnett Avenue, a road narrowing with textured surface treatment between Burnett Avenue and Mount Annan Drive and a divided carriageway with textured surface threshold treatment at the intersection with Mount Annan Drive.

Council has a record of previous complaints about vehicle speeds and volumes on Rose Drive over several years. Traffic surveys undertaken in 2002 indicated that traffic

speeds and volumes were relatively high for a local road. Since that time some additional development has been completed in the Mount Annan area.

Further investigation into this matter, including new traffic surveys, is currently under way.

### **CONCLUSION**

Concerns have been raised by a number of residents about speed and traffic volumes in Rose Drive and further investigation is under way. It is recommended that the findings of the investigation are reported to the Camden Local Traffic Committee together with any potential options available to address these findings.

### **RECOMMENDED**

**That Council:**

- i. note the petition regarding traffic speed and volume in Rose Drive, Mount Annan;**
- ii. forward the petition and the findings of further investigation to the Local Traffic Committee for consideration; and**
- iii. advise the lead petitioner of this resolution.**

### **ATTACHMENTS**

#### **SUPPORTING DOCUMENTS**



Rose Drive Petition [Sup Doc].pdf

### **RESOLUTION**

#### **MOTION**

Moved Councillor Warren, Seconded Councillor Symkowiak that Council:

- i. note the petition regarding traffic speed and volume in Rose Drive, Mount Annan;
- ii. forward the petition and the findings of further investigation to the Local Traffic Committee for consideration;
- iii. advise the lead petitioner of this resolution; and
- iv. write to the Camden Police Local Area Command, forwarding the petition and the findings of further investigation regarding speeding and traffic volumes on Rose Drive.

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

ORD06/10

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## ORDINARY COUNCIL

ORD03

**SUBJECT:** UNAUTHORISED INSTALLATION OF SEWAGE  
MANAGEMENT FACILITY - 5 (LOT 1 DP731144)  
SUNNYSIDE DRIVE, ELLIS LANE

**FROM:** Director Development and Health

**FILE NO:** ST7525.10

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### PURPOSE OF REPORT

The purpose of this report is to recommend that legal proceedings be commenced for failure to obtain approval for the installation of a new Aerated Wastewater Treatment System (AWTS) and related effluent application area at No 5 (lot 1 DP731144) Sunnyside Drive, Ellis Lane against the plumber/occupier, the distributor of the system and the owner of the premises.

### BACKGROUND

During routine field inspections a Council Officer noticed that a new Aerated Wastewater Treatment System (AWTS) had been installed at the subject premises.

Council's Officer undertook an inspection of the new system on 20 October, 2009 and found that a replacement AWTS and moveable irrigation line had been installed without the prior approval of Council. It is becoming apparent that an increasing number of these systems are being installed without Council approval being obtained and in many cases undertaken in a manner contrary to the requirements of Council's On-Site Sewage Management Strategy. In the majority of these cases the owners of these properties are faced with additional costs in rectifying non-compliant work and Council officers spend substantial time issuing Orders and following up on the rectification works.

### MAIN REPORT

Under Section 68 of the Local Government Act, 1993 (the Act) '*A person may only carry out the installation, construction or alterations to a waste treatment device or a human waste storage facility or a drain connected to any such device or facility with the prior approval of the Council*'. Similarly, the operation of a system of sewage management also requires prior approval of the Council.

Under section 626(3) of the Act '*A person who carries out an activity specified in Parts B-F of the Table to Section 68 without having obtained a prior approval of the council under Part 1 of Chapter 7 required for the carrying out of that activity is guilty of an offence*'.

The maximum penalty is 20 penalty units. A penalty unit is currently \$110 and therefore the maximum penalty that can apply is \$2,200.

Furthermore, Section 669 of the Local Government Act provides that:

A person:

- (a) *who causes the commission of an offence against this Act or the regulations, or*
- (b) *by whose order or direction such an offence is committed, or*
- (c) *who aids, abets, counsels or procures or by act or omission is directly or indirectly concerned in the commission of such an offence;*  
*is guilty in the same degree and liable to the same penalty as the principal offender.*

There are several practical reasons for the legislation requiring a person to gain the prior approval of the Council prior to installing drainage and waste treatment devices.

These reasons include assessing the application for compliance with relevant legislation, guidelines and Council's On-Site Sewage Management Strategy which all serve to ensure that the drainage and system are suited to the property and installed correctly, consequently protecting the health of residents and their neighbours from the spread of disease and the environment from potential for pollution.

Conditions imposed as part of an approval (consent) would include the requirement for inspections of drainage and tank excavation; for works to be undertaken by licenced tradespeople; that the system and related effluent application area (irrigation system) be located in an appropriate position and for ongoing servicing of the system.

Investigations undertaken by Council Officers into this particular site reveal that there is a relationship between the owner of the premises and the tenant by way of a tenancy agreement which requires additional investigation and legal review. Furthermore the distributor of the brand of system installed on the premises is Brojes Pty Ltd being a company carrying on the business under the name of Envirocycle NSW. A Director of that company has advised Council Officers that he supplied the system to the plumber/occupier. He arranged delivery of the system to the site, had the old system pumped out, installed the new tank system and commissioned the system. He had not forwarded any advice of the installation of the system to Council.

The plumber, who is also the tenant/occupier of the property has advised that he arranged for the installation of the new AWTS following the old AWTS failing. He arranged for the distributor to supply the system and undertook drainage works to install the system. He also had not forwarded any advice of the installation of the system to Council.

It is considered that distributors of AWTS and plumbers are employed in the industry of drainage and installation of AWTS and are therefore well aware of requirements to gain approvals from Councils to instal septic systems. Similarly, such persons are well aware of requirements to call for drainage and tank excavation inspections. At this time, Council is not in receipt of service sheets for the system.

It is considered that the owners of the property, the distributor of the AWTS and the plumber/occupier are all responsible under the Local Government Act, 1993 for failing to obtain the approval of Council to instal the system of sewage management on this site.

It is proposed that Orders will be issued under the provisions of Section 124 of the Local Government Act 1993 to the owners of the property in an effort to gather the outstanding information, certifications and to have the Related Effluent Application Area (REAA) - or irrigation area) installed. All of these matters should have been approved as part of the installation process. The work as installed did not comply with Council Requirements, in that a fixed irrigation area has not been installed.

The breaches of the Local Government Act are considered serious and worthy of prosecution.

Council officers have come across several installations where Council approval has not been sought. In these instances, due to statutory timeframes, prosecution has not been an option. Rather, Council Officers are placed in a time consuming position of having to gain the relevant paperwork, certification, issuing Orders to ensure the system operates in a satisfactory manner and does not result in health risks to the occupants of the property. Further, inspections of the installations cannot be undertaken and Council is placed in a difficult position of having to accept certifications. The owners may have an installation of which they have no certainty as to the quality of the installation or the ongoing Council requirements. In many circumstances the owners are faced with additional costs as the installers do not rectify works which have not been conditioned by Council to meet certain standards. There is no provision for a Penalty Infringement Notice (on the spot fine) to be issued for this offence.

Councillors may recall a Report to Council on 25 November, 2008 where Council resolved to prosecute the plumber and distributor of a new Aerated Wastewater System (AWTS) to 1037 The Northern Road, Bringelly. The results of those matters will be reported to Council separately however in brief, the plumber entered a plea of Guilty and was fined \$200 in Camden Local Court. The distributor of the system, Gurat Pty Ltd, entered a plea of Not Guilty. The Magistrate found the matter proven and handed down a penalty of \$250 and professional costs of \$3800. Gurat Pty Ltd subsequently appealed the matter to Campbelltown District Court, where the appeal was upheld (i.e. the conviction was overturned) on a technical point of law.

Pending receipt of legal advice specific to this matter it is to be recommended that proceedings be brought against the plumber and occupier of the site Brendan Tayler and the distributor of the system being Brojes Pty Ltd trading as Envirocycle NSW. It is to be furthermore recommended that dependant on Council's legal advice, that the owner of the property is also prosecuted.

## **CONCLUSION**

It is clear that the new AWTS installed at No 5 Sunnyside Drive, Ellis Lane has been installed without the prior approval of Council which is a breach of the provisions of Section 68 of the Local Government Act, 1993. Those involved in the installation should be held accountable for not gaining the relevant Council approvals. Given the statutory timeframes, it is necessary to seek Council's resolution in this matter before the matter can proceed . Legal advice is being sought to ensure the action is not prejudiced by the decisions on the previous appeal.

## **RECOMMENDED**

That pending legal advice from Council's Solicitors, that Council instigate legal proceedings against:

- (a) the plumber Brendan Tayler and/or if trading as a company that company;
- (b) the distributor of the system Brojes Pty Ltd being a company carrying on business under the name of Envirocycle NSW; and
- (c) the owner of the property Blair John Munford

For contravention of Section 626(3) & Section 669 of the Local Government Act 1993 (LGA) in that an activity specified in Parts B-F of the Table to Section 68 of the LGA was carried out without having obtained a prior approval of the Council under Part 1 of Chapter 7 of the LGA.

## **RESOLUTION**

### **MOTION**

Moved Councillor Funnell, Seconded Councillor Dewbery that:

- i. Council issue orders to the owner to comply with Camden Council's Policy on On-Site Sewerage Disposal;
- ii. Council work with the owners for a successful positive outcome;
- iii. Council embark on a programme to educate plumbers, septic tank installers and suppliers as to Council requirements;
- iv. the emphasis be that, even if minor or major repairs or replacements are made, Council must be informed under Section 626(3) of the Act;
- v. on this occasion, Court proceedings not be proceeded with.

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

(Councillors Funnell, Warren, Dewbery, Symkowiak and Cottrell voted for the Motion. Councillors Patterson, Campbell and Anderson voted against the Motion).

ORD07/10

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## ORDINARY COUNCIL

**ORD04**

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

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### **Purpose of Report**

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 30 November 2009 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 4.55% p.a. for the month of November 2009.

### **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 November 2009 be noted.**
- iii. the weighted average interest rate return of 4.55% p.a. for the month of November 2009 be noted.**

### **ATTACHMENTS**



Investment Report November 09.xls

### **RESOLUTION**

**Moved Councillor Symkowiak, Seconded Councillor Funnell 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 November 2009 be noted.
- iii. the weighted average interest rate return of 4.55% p.a. for the month of November 2009 be noted.

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

ORD08/10

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## ORDINARY COUNCIL

**ORD05**

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

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### **Purpose of Report**

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 31 December 2009 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 4.96% p.a. for the month of December 2009.

### **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 December 2009 be noted.**
- iii. the weighted average interest rate return of 4.96% p.a. for the month of December 2009 be noted.**

### **ATTACHMENTS**



Investment Report December 09.xls

### **RESOLUTION**

**Moved** Councillor Symkowiak, Seconded Councillor Funnell 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 December 2009 be noted.
- iii. the weighted average interest rate return of 4.96% p.a. for the month of December 2009 be noted.

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

ORD09/10

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## ORDINARY COUNCIL

**ORD06**

**SUBJECT:** RTA PROPOSED BRINGELLY ROAD UPGRADE - CAMDEN VALLEY WAY TO THE NORTHERN ROAD  
**FROM:** Director Works and Services  
**FILE NO:** Traffic and Transport/Planning/Traffic/CVW Upgrade

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### **PURPOSE OF REPORT**

To allow Council to consider the recent information released by the RTA regarding the proposed upgrade of Bringelly Road from Camden Valley Way to The Northern Road, and for Council to endorse a proposed submission to the RTA.

### **BACKGROUND**

The development of the South West Growth Centre has precipitated the need for the upgrade of several key items of infrastructure, including the major road corridors of Camden Valley Way, Bringelly Road and The Northern Road.

In January 2009, Council considered a report and made a subsequent submission to the RTA regarding their proposed Access Strategy and associated plans for the upgrading of Camden Valley Way.

More recently the RTA released, for exhibition, its plans for the upgrade of Bringelly Road; a 10km stretch of road between Camden Valley Way and The Northern Road. Information was sent to Councillors in early December with details of the proposed upgrade and opportunities for the community to review and comment of the RTA's plans. A copy of the RTA's exhibition material is provided in the **Supporting Documents**.

### **MAIN REPORT**

For some time now Council has been in close liaison with the RTA as it develops plans for the upgrade of Bringelly Road, from Camden Valley Way through to The Northern Road. These plans have now been placed on exhibition for public comment.

The RTA has stated in its exhibition material that this is the first stage of a five stage process for the delivery of the upgraded Bringelly Road. The five stages are as follows:

1. Community comments on proposed access strategy.
2. Concept Design and Environmental Impact Assessment.
3. Project Approvals for the Final Concept Design.
4. Detailed Design.
5. Construction to be undertaken in stages.

The main points contained within the RTA's proposal are;

- Upgrade from a two lane to a four lane divided road with central median.
- Vehicle speed limit of 80km/h.
- Provision of landscaping in the central median.
- A 3 metre wide off-road shared pedestrian/cyclist path.
- Two metre wide shoulders
- Adjustments to public utilities such as gas, electricity and telephone services along the route.
- Designated turning lanes and bicycle provisions at traffic lights.
- Bus priority at traffic lights and indented bus bays on each side of Bringelly Road.

A review of the RTA's information, exhibition material and plans raises a number of concerns and issues which are highlighted below. It is proposed that these matters be raised through a formal submission to the RTA.

#### Timing and Funding

The information provided to date is silent on the proposed timing and commitment to funding for the proposed upgrade of Bringelly Road.

Similar to Council's submission regarding Camden Valley Way, a clear commitment from the State Government for the funding and timing is critical. Importantly the upgrade should be undertaken in totality and not in a piecemeal fashion.

It is recommended that Council strongly request, from the State Government, a clear commitment regarding the funding and timing for the upgrade to full urban form of Bringelly Road for the full length from Camden Valley Way through to The Northern Road.

#### Consistency with South West Growth Centre Structure Plans

The access strategy presented by the RTA identifies preferred locations for intersections onto Bringelly Road. The strategy appears to align with predetermined principles which were developed though the planning for the South West Growth Centre (Structure Plan).

However, detailed precinct planning for the areas adjoining Bringelly Road is yet to commence and as such determining intersection locations (and configurations) now somewhat pre-empts the findings of more detailed precinct planning. It is acknowledged that route planning is critically required now, but it is also important that the plans be flexible enough to accommodate possible changes which may result from the more detailed precinct planning process and to respond to opportunities/issues as they arise. It should be noted that the precinct planning for North Leppington will commence in the near future.

The access strategy should therefore be flexible to accommodate future planning outcomes. It is recommended that Council's submission request that the access strategy be considered as a guide to the future planning and design of the Bringelly Road upgrade and that the RTA recognise that detailed precinct planning may result in alternative or additional intersection proposals or alternative access arrangements such as service roads.

On a more specific point, the Dickson Road and Fourth Ave intersection has been designed to be blocked off at Bringelly Road. Whilst it is understood that preliminary

planning identified Eastwood Road as one of the major north – south routes, if the Leppington Town Centre is to be successful it should be accessible from as many signalised intersections off Bringelly Road as possible, including Dickson/Fourth. The issues around Leppington Town Centre are addressed in more detail below. It is recommended that Council seek clarification from the RTA regarding the proposed closure of Fourth Avenue and Dickson Road at Bringelly Road.

#### Leppington Town Centre

The upgrading of Bringelly Road is critically linked to the design and development of the Leppington Town Centre; and vice versa. Further, the design and function of the rail station and any transport interchange needs are critically linked to the upgrade of Bringelly Road. From the information provided to date, the RTA proposes to retain the existing alignment of Bringelly Road in the vicinity of the proposed Leppington Town Centre and rail station.

The relationship of this significant transport corridor (Bringelly Road) to the design and functionality of a substantial commercial/retail and public transport hub is critical and integration is essential. To this end the alignment of and access to/from Bringelly Road, particularly in this segment must be flexible. Council has raised similar concerns with the RTA in the past and stressed the need to possibly consider flexibility in the design to shift the alignment north.

Maintaining the integrity of Bringelly Road as an efficient and effective transport corridor, would be impacted upon if, for example, the road was designed through the proposed Leppington Town Centre precinct. Similarly, the location of a major road within or directly adjacent to a major town centre may impact on the use, function and amenity of the town centre, particularly with regard to pedestrian movements.

Flexibility in the road design and location is important to securing a design outcome which addresses the needs of all stakeholders and achieves the best possible outcome for this future commercial/retail/transport precinct.

It is recommended that Council seek RTA consideration to incorporate flexibility into the Bringelly Road Access Strategy, particularly in the vicinity of the Leppington Town Centre retail/commercial/transport precinct.

#### Leppington Railway Station and Line

The future Leppington Railway Station and associated railway lines are proposed in close proximity to Bringelly Road. The concept design of Bringelly Road should be developed in parallel with the design of the railway infrastructure to ensure that both are designed correctly and the layout of the Leppington Town Centre is not compromised.

Council has lobbied for the railway line to be extended to the west and additional stations provided. The concept design of Bringelly Road and the proposed intersections should take into consideration the possibility of an extension of the rail line. The concept design will need to take into consideration both the horizontal and vertical alignment requirements of the railway line and other collector roads.

#### Urban Design Strategy for Bringelly Road

As raised in Council's previous submission in relation to Camden Valley Way, the

urban design associated with the upgrade of Bringelly Road is critical. The RTA had previously developed an urban design strategy for Camden Valley Way, and it is strongly recommended that a similar process be undertaken to accompany the upgrade of Bringelly Road.

It is recommended that Council's submission request that the RTA develop a comprehensive urban design strategy to accompany the proposed upgrade of Bringelly Road.

#### Delivery

As noted above the delivery of the upgrade of Bringelly Road should to be completed in totality. As development of the South West Growth Centre proceeds, opportunities exist for the RTA to work in partnership with key stakeholders to ensure the timely delivery of Bringelly Road.

As raised by Council in connection with Camden Valley Way, the RTA should not wait for adjoining developments to be responsible solely for the construction of independent and disconnected sections of the ultimate road form. However, should urban development of land adjoining the corridor proceed ahead of the RTA's works program, opportunities for delivery of appropriate road upgrading works by developers should be facilitated.

It is recommended that Council urge the RTA to investigate partnerships with the Department of Planning, Camden Council, Liverpool City Council, key developers and landholders, to develop an agreed implementation strategy that will see the upgrade of Bringelly Road funded and implemented in a timely manner.

#### Alignment and Widening

The alignment and (possible) widening of Bringelly Road as a result of the upgrade is vital to the success of the project. Equally however, the alignment and widening is a constraint and determining factor on the design of adjoining development. Hence it is important that the specific details of the alignment and widening be released for comment.

It is recommended that Council request details of the alignment and widening required to facilitate the upgrade of Bringelly Road and that the RTA advance the design process of the Bringelly Road upgrade to facilitate planning of the Leppington Town Centre.

#### Flood Safe

Bringelly Road is a key access route which is traversed by several creeks and tributaries. It is important that this route remain open as a key transport corridor and evacuation route under emergency conditions.

It is recommended that Council request the RTA assess and incorporate flood safe access provisions along the full length of Bringelly Road. The RTA will need to ensure that they have the most up to date hydrologic modeling of the catchment to ensure that any waterway crossing is designed with the ultimate development of the catchment in mind.

#### Waterway Crossing Design

As mentioned above, Bringelly Road crosses several natural creek systems. By its nature the road formation acts a “dam” and restricts the flow of flood waters through a series of culverts. It is critical through the design of the upgrade of Bringelly Road, that the RTA consider the impacts of flooding on upstream properties through the design of the ultimate road formation. It is recommended that the RTA consider and investigate “bridging” structures sufficient to manage the flood flows which prevail at each of the respective creek (waterway) crossings.

These bridging structures should also be designed to be the most environmentally friendly crossing possible. As part of the planning for the South West Growth Centre, the creek and waterway corridors will benefit from significant restoration and the bridging structures that will be required to traverse these waterways should enable the migration of fauna along these corridors. The RTA should review the appropriateness of their existing bridges or culverts with a view towards replacement if possible, and not just augmentation of these structures.

#### Vegetation Management

The current Bringelly Road corridor consists of significant stands of vegetation which have been part of the character of this road for many years. The details provided by the RTA to date do not provide evidence that this vegetation corridor will be managed, retained and/or offset.

It is recommended that Council seek the RTA’s urgent detailed advice on the vegetation management strategy which accompanies the route strategy for the upgrade of Bringelly Road.

#### Noise Management Strategy

It is important that the RTA assess, consider and manage the impacts of noise resulting from the upgrade of Bringelly Road. The assessment and design of measures should consider the full final upgrade and further consider all future development scenarios which will border the length of Bringelly Road as the South West Growth Centre is developed.

Importantly the design of noise management “structures” should adopt appropriate urban design principles, which do not result (as an example) in the erection of substantial walls along the full length of Bringelly Road.

It is recommended that Council request details of the RTA’s noise management strategy which accompanies the route strategy for the upgrade of Bringelly Road. Further it is recommended that Council strongly urge the RTA to consider appropriate urban design principles which avoid, wherever possible, the use of extensive walls.

#### Maintenance of Bringelly Road

The current road formation and pavement structure is inadequate to cater for the anticipated volume of traffic; from both a serviceability and a safety perspective. Should the RTA elect to upgrade Bringelly Road in a staged fashion, then motorists will be, in some sections of the road serviced by inadequate and potentially unsafe pavement conditions and road formation.

It is recommended that Council request from the RTA a detailed management regime on the existing road formation and intersections, should the RTA elect to upgrade

Bringelly Road in a staged process.

#### Access to existing Bringelly Road Properties

The upgrade of Bringelly Road has adopted a formation which includes a divided carriageway and continuous central median. This has implications on access for existing residents, particularly those which front Bringelly Road. These properties are currently unrestricted with ingress and egress to their respective properties.

It is recommended that Council request details from the RTA confirming how it proposes to manage access arrangements to existing properties along Bringelly Road as a result of the proposed upgrade.

#### Masterfield Street Flooding Implications

A significant flood management system, including a levee, flood gate and flood storage basin, has been constructed at Masterfield Street. Maintaining the integrity of this system is critical through the design and upgrade of Bringelly Road. The Masterfield Street and Ramsay Road intersection has been nominated as a primary signalised intersection, and as such, detailed plans of how the upgrading accommodates these critical flood plain management structures, need to be prepared and submitted to Council for consideration.

It is recommended that Council request details of how the Masterfield Street flood management system is addressed and accommodated through the design of the upgrade of Bringelly Road.

Given that Bringelly Road is the boundary between Camden and Liverpool Council areas, a copy of Council's submission should be provided to Liverpool Council for information.

### **CONCLUSION**

The RTA has released, for consultation, the proposed strategy for the upgrade of Bringelly Road from Camden Valley Way through to The Northern Road. The information provided to date raises a number of concerns in terms of detail, and like Camden Valley Way the most significant issue remains the lack of commitment to an appropriate timeframe for the completion of the project in totality, and also a commitment to funding to achieve that goal.

It is recommended that Council endorse a detailed submission to the RTA by Friday 29 January 2010, based on the information contained within this report.

### **RECOMMENDED**

**That Council:**

- i. endorse a submission to the RTA based on the contents of this report;**
- ii. request a timeframe from the RTA for the accelerated completion of the upgrade of Bringelly Road, to full urban form, from Camden Valley Way through The Northern Road;**
- iii. write to the Member for Camden, Mr Geoff Corrigan MP, seeking representations and support for Council's submission to the RTA and further**

- seeking support for the urgent and complete upgrade of Bringelly Road; and  
iv. provide a copy of the submission to Liverpool City Council for information.

## ATTACHMENTS

### SUPPORTING DOCUMENTS



bringelly\_road\_cu\_december09.pdf

## RESOLUTION

Moved Councillor Warren, Seconded Councillor Anderson that Council:

- i. endorse a submission to the RTA based on the contents of this report;
- ii. request a timeframe from the RTA for the accelerated completion of the upgrade of Bringelly Road, to full urban form, from Camden Valley Way through The Northern Road;
- iii. write to the Member for Camden, Mr Geoff Corrigan MP, seeking representations and support for Council's submission to the RTA and further seeking support for the urgent and complete upgrade of Bringelly Road; and
- iv. provide a copy of the submission to Liverpool City Council for information.

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

ORD10/10

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## ORDINARY COUNCIL

ORD07

**SUBJECT:** ARTS PROGRAM FUNDING  
**FROM:** Director Works and Services  
**FILE NO:** Camden and Recreation Services/Grants and  
Subsidies/External Grants/Arts NSW

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### PURPOSE OF REPORT

To seek Council acceptance of a grant from the State Government of \$75,000 (excl. GST), approved under the Arts Funding Program for 2010.

### BACKGROUND

Arts NSW provides program funding to assist Councils and other eligible organisations to deliver an annual program of cultural activities. Camden Council will receive \$75,000 (excl. GST) for 2010.

### MAIN REPORT

In 2009, Council, applied to Arts NSW for support of a program to foster arts skills development in Camden. The theme of the 2010 program submission is "Overcoming Adversity and Celebrating Diversity" - four innovative activities embracing creativity, education, up-skilling and social cohesion, while attracting people of various ages, backgrounds and abilities.

It is proposed these activities will be conducted primarily at Camden Creative Studios and the newly developing ArtyCaf arts café. The funds will be used to engage specialist staff to assist in program delivery.

The proposed projects will be in areas of dance, music, environment and writing, and consist of:

- a disability performance dance project - "go the Wheelie Tango";
- a musical recording project with Polynesian young people;
- Don't eat Plastic - an environmental digital documentary; and
- Written from Left to Right - Arabic Women's stories.

Each of these projects match aspects of Camden's adopted Cultural Plan, providing better access to cultural and arts facilities, augmenting our Council's own internal resources and providing opportunity for contemporary creations. They also recognise the diversity within the community and provide opportunity for education and training.

The original submission requested \$142,000 for all of these projects. Council staff are currently renegotiating the project parameters with Arts NSW to reduce the projects' scopes, while still meeting the primary outcomes within the the funds provided.

## **CONCLUSION**

Funding from Arts NSW allows Council's Cultural program to proceed each year and for Council to continue to implement the aims of the adopted Cultural Plan.

In accepting this calendar year's funding there will be a need to revote funds into the 2010/11 budget as the project spans both financial years.

## **RECOMMENDED**

- i. That Council accepts the offer of funding of \$75,000 (excl GST) from Arts NSW; and**
- ii. Subject to agreement of new parameters within the amount of funding received, the General Manager be authorised to execute funding documents including affixing Council's Seal as appropriate.**

## **RESOLUTION**

Moved Councillor Dewbery, Seconded Councillor Anderson that:

- i. Council accepts the offer of funding of \$75,000 (excl GST) from Arts NSW; and
- ii. subject to agreement of new parameters within the amount of funding received, the General Manager be authorised to execute funding documents including affixing Council's Seal as appropriate.

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

ORD11/10

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## ORDINARY COUNCIL

ORD08

**SUBJECT:** FILM FESTIVAL FUNDING  
**FROM:** Director Works and Services  
**FILE NO:** Community Services/Community Planning and  
Development/Community Services/Cultural  
Development/Cultural Planning 2010

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### PURPOSE OF REPORT

To seek Council acceptance of a special one-off Ministerial grant funding of \$7,500 (GST excl.) from the Hon Paul Lynch MP, Minister for Disability Services to allow further development of a film festival, with a focus on inclusion of people with a disability.

### BACKGROUND

Following the success of Council's 2009 "From Pause to Play" film event held for International Day of People with a Disability, (the world premiere of a series of short films made by people who have a disability), Council has received one-off funding of \$7,500.00 (GST excl) to enable a short film festival to be held in 2010.

### MAIN REPORT

In 2009, Council supported a program to assist people with disabilities to create a series of short films. This program allowed participants to write, direct, edit and exhibit their films at a special showing of the films, billed as the world premiere of a series of short films made by people with a disability. This showing was supported by United Cinemas at Narellan where a cinema was provided at no charge to Council. The premiere drew a full house on the night.

This project was designed to meet the needs of the people involved and to give them the opportunity to learn new skills and to experience the special showcasing of their creations. It also delivered against aspects of Camden's adopted Cultural Plan by providing better access to cultural and arts facilities and providing an opportunity for education and training.

Council has already received an indication of ongoing support from Narellan Cinemas for the project. The funds will be used to provide prize money to encourage groups to participate and to subsidise some groups who wish to use Camden Creative Studios as their production premises.

### CONCLUSION

The one-off funding will assist to establish an inclusive short film festival to be held in

Narellan.

**RECOMMENDED**

**That Council accept the one-off grant funding of \$7,500.00 (GST excl.)**

**RESOLUTION**

**MOTION**

Moved Councillor Warren, Seconded Councillor Campbell that Council:

- i. accept the one-off grant funding of \$7,500.00 (GST excl) and
- ii. write and thank the Minister for Disability Services for the grant funding.

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

ORD12/10

**THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 19 JANUARY  
2010 WERE ADOPTED AT AN ORDINARY COUNCIL MEETING HELD 9  
FEBRUARY 2010. MIN. NO. ORD 16/10**

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

**CHAIRPERSON**