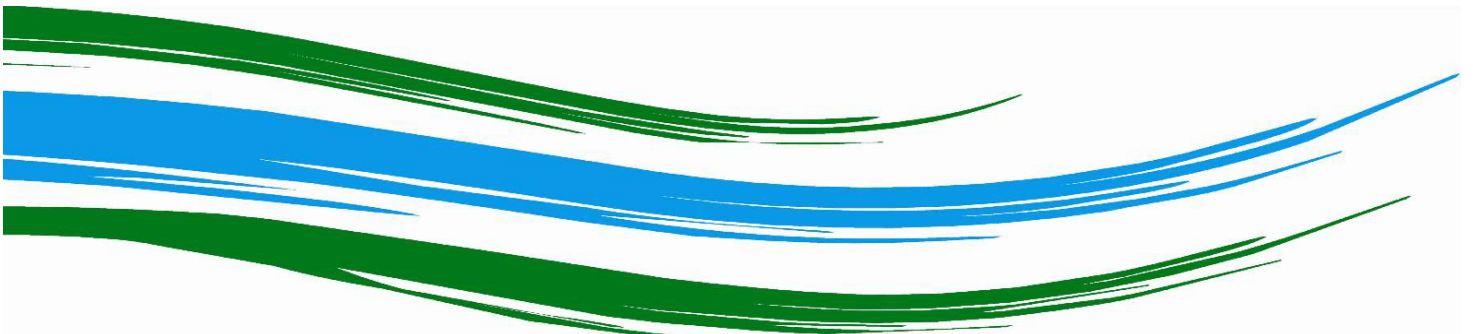




Camden Council

Business Paper

Ordinary Council Meeting



ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.

RESOLUTION

There were no leave of absence to be granted.

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

ORD44/10

ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

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

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

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

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

RECOMMENDED

That the declarations be noted.

RESOLUTION

Councillor Campbell declared an interest in Item ORD02 regarding the construction of a commercial warehouse and residence in Argyle Street as Councillor Campbell and her husband are the owners of a business adjoining the property.

Councillor Patterson declared a pecuniary interest in Item ORD 02 regarding the construction of a commercial warehouse and residence in Argyle Street as Councillor Patterson's family are the owners of the Merino Tavern adjoining the property.

Moved Councillor Funnell, Seconded Councillor Symkowiak that the declarations be noted.

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

ORD45/10

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

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

Speakers must book in with the Council office by 4.00pm on the day of the meeting and must advise the topic being raised. Only seven (7) speakers can be heard at any meeting. 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

Councillor Campbell, having previously declared an Interest in Item ORD02, left the Chamber, the time being 6.03pm.

CHAIRMANSHIP OF MEETING

The Mayor, Councillor Patterson, having previously declared a Pecuniary Interest in

Items ORD02 vacated the Chair and left the Chamber, the time being 6.03pm.

The Deputy Mayor, Councillor Warren assumed the role of Chairperson.

Mr Max Boardman addressed the Council in relation to Item ORD02.

Mr Sandy Dekleva addressed the Council in relation to Item ORD02.

Councillor Campbell returned to the Chamber, the time being 6.10pm.

CHAIRMANSHIP OF MEETING

The Mayor, Councillor Patterson returned to the Chamber and resumed the Chair, the time being 6.10pm.

Mr Ian Willis addressed the Council in relation to Item ORD03.

Mr Ted Cassidy addressed the Council in relation to Item ORD01.

Moved Councillor Funnell, Seconded Councillor Symkowiak that a two (2) minute extension be granted.

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

Ms Kim Dunlop addressed the Council in relation to Item ORD01.

Moved Councillor Funnell, Seconded Councillor Campbell that a two (2) minute extension be granted.

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

Miss Lyn Cairncross addressed the Council in relation to Item ORD01.

Moved Councillor Campbell, Seconded Councillor Dewbery that a one (1) minute extension be granted.

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

Moved Councillor Dewbery, Seconded Councillor Symkowiak that the public addresses be noted.

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

ORD46/10

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 9 March 2010, and the Minutes of the Local Traffic Committee Meeting, held 8 March 2010.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 9 March 2010, and the Minutes of the Local Traffic Committee Meeting held 8 March 2010, copies of which have been circulated, be confirmed and adopted.

RESOLUTION

Moved Councillor Warren, Seconded Councillor Anderson that the Minutes of the Ordinary Council Meeting held 9 March 2010, and the Minutes of the Local Traffic Committee Meeting held 8 March 2010, copies of which have been circulated, be confirmed and adopted.

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

ORD47/10

ORDINARY COUNCIL

ORD01

ERECTION OF TELECOMMUNICATIONS FACILITY INCLUDING A 25M HIGH MONOPOLE, ANTENNAE AND ANCILLARY EQUIPMENT CABIN AT NO 293 (LOT 77, DP 28380) EASTWOOD ROAD, LEPPINGTON

FROM:	Director Development and Health
FILE NO:	Binder: Development Applications 2009
DA NO:	1078/2009
OWNER:	Mr M & Mrs R Kazzi
APPLICANT:	Telstra Corporation Ltd
ZONING:	1(b) Rural (2ha)
APPLICABLE PLANNING INSTRUMENT:	LEP 48

PURPOSE OF REPORT

The purpose of this report is to seek from Council a determination of a Development Application for the erection of a telecommunications facility on this site. The application is referred to Council in accordance with its delegations as there remain unresolved issues raised in submissions from the public.

SUMMARY OF RECOMMENDATION

It is recommended that Council approve this Development Application subject to the draft development consent conditions provided at the end of this report.

BACKGROUND

In 1997 the Commonwealth Telecommunications (Low-impact Facilities) Determination 1997 (the Determination) was made pursuant to the Telecommunications Act 1997. The Determination lists many types of telecommunications facilities that are exempt from NSW planning law and therefore do not require development consent from Council. This proposal is not defined as low impact and accordingly the application is necessary.

In June 2009 the Department of Planning released a consultation draft of the NSW Telecommunications Facilities Code (the Code). The Code sought to provide a single location for development controls relating to telecommunications facilities and to make several types of telecommunications facilities exempt and complying development. At the Ordinary Meeting of 14 July, 2009 Council resolved to endorse a draft submission on the Code and forward it to the Department of Planning (the Department) for consideration. To date the Code has not been adopted by the Department and is still in draft form.

The subject Development Application was received by Council on 13 October, 2009. The application was publicly notified between 4 and 18 November, 2009. Sixty five (65) submissions and 1 petition (in the form of written letters and e-mails) were received as a result of this notification. The petition was previously reported to Council on 8 December, 2009.

The application, including the public submissions and petition, have been assessed and is now able to be determined by Council.

THE SITE

This site is located on the south eastern side of Eastwood Road, Leppington. The site slopes upwards to the rear, has an area of approximately 2.04ha and contains a detached dwelling, sheds and a large shade structure that is used to grow fruit and vegetables. Some mature trees and vegetation exist along the rear and side boundaries of the site. The site is located in the future Leppington precinct of the South West Growth Centre.

The surrounding area is predominantly rural in character with undulating topography, with a mix of rural-residential properties, small agricultural landholdings and scattered mature vegetation. **A site location map is provided at the end of the report.**

THE PROPOSAL

Development consent is sought for the erection of a telecommunications facility near the south eastern corner of this site. This will involve:

- construction of a 25m high monopole;
- installation of 3 panel antennae mounted onto the monopole, bringing its overall height to 29.5m;
- construction of an equipment shelter to house electrical and telecommunications equipment associated with the facility; and
- construction of a 2.8m high security fence around the facility compound.

The facility will be accessed and serviced only very occasionally by Telstra maintenance staff during normal business hours (9.00am-5.30pm). However the applicant has also advised that in exceptional circumstances (when immediate maintenance is essential) the facility could be accessed at other any time through the day/night.

The applicant has advised that the purpose of the facility is to ensure that adequate mobile phone and wireless broadband services are available in the area (having particular regard to the area's future urban development as part of the South West Growth Centre).

It is noted that the proposed development is not defined as a "Low-Impact Facility" pursuant to the Determination. The proposal therefore requires development consent

from Council as the Consent Authority. **A copy of the proposed plans is provided at the end of this report.** NOTE: The plans are the originally proposed 35m tower, and the reduced height is addressed in the draft consent conditions as alternate plans have not been submitted.

NOTIFICATION

Public notification was carried out between 4 and 18 November, 2009. Notification letters were sent to surrounding properties in accordance with Council's Development Control Plan 2006 (DCP 2006). 65 submissions and 1 petition (in the form of written letters and e-mails) were received as a result of this notification. The submissions and petition are assessed in the "Any submissions" section of this report. It should be noted that the original plans submitted with the application proposed a tower of 35m and, in recognition of issues raised during the exhibition, the height has been reduced and amended plans submitted. It is these amended plans that are the subject of this report. **A copy of the submissions are provided with the Business Paper supporting documents.**

PLANNING CONTROLS

The following are relevant planning controls that have been considered in the assessment of this application:

- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- State Environmental Planning Policy (Infrastructure) 2007
- Deemed State Environmental Planning Policy No 20: Hawkesbury/Nepean River
- Camden Local Environmental Plan No 48
- Draft Camden Local Environmental Plan 2010

ASSESSMENT

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

(1)(a)(i) The provisions of any Environmental Planning Instrument

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

The site is located in the future Leppington precinct of the South West Growth Centre. The SEPP's Clauses 16 and 23 list several matters that Council must consider before granting development consent in future precincts. Following assessment the proposed development is considered consistent with the relevant SEPP provisions.

State Environmental Planning Policy (Infrastructure) 2007 (SEPP)

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

No other parts of the SEPP are relevant to the proposed development.

Deemed State Environmental Planning Policy No 20: Hawkesbury/Nepean River (SEPP)

It is considered that the aims and objectives of this policy will not be prejudiced by this development and that there will be no detrimental impacts upon the Hawkesbury/Nepean River system. This is on the basis that the proposed development is a telecommunications facility with a small built footprint relative to other development.

Camden Local Environmental Plan No 48 (LEP)

The site is zoned 1(b) Rural (2ha) pursuant to Camden Local Environmental Plan No 48. Neither the LEP nor the Environmental Planning and Assessment (Model Provisions) 1980 define telecommunications facilities and therefore they are not listed as being either permissible with development consent or prohibited in this zone.

However it is noted that Clause 115 of State Environmental Planning Policy (Infrastructure) 2007 permits the development of telecommunications facilities by any person with development consent on any land. As the SEPP permits the development on this land, the development becomes permissible with development consent in this zone as the SEPP overrides local plans.

Clause 9(3) of the LEP prohibits Council from granting development consent for any development unless Council is of the opinion that the development is consistent with the objectives of the zone.

The objectives of this zone are:

- (a) to provide for rural residential living opportunities on land having ready access to urban areas and facilities;
- (b) to ensure that development maintains and contributes to the rural character of the locality and minimises disturbances to the landscape and agricultural activities;
- (c) to ensure that development does not adversely affect rural and residential amenity and does not create unreasonable or uneconomic demands for provision or extension of public amenities and services;
- (d) to make provision for a reasonable range of suitable activities associated with rural residential occupations of the land; and
- (e) to permit alternative forms of accommodation which do not imperil the rural productivity of the area and which are consistent with the environmental quality of the immediate area.

The proposed development is considered to be generally consistent with the relevant objectives of this zone (objectives (b) and (c)) in that it will not unreasonably detract from the predominantly rural character of the locality and will not adversely affect rural and residential amenity.

The locality is characterised by rural-residential properties, small agricultural landholdings, scattered mature vegetation and undulating topography. Whilst a monopole and antennae with an overall height of 29.5m are not characteristic of existing development in the locality, it is not considered that the existence of this facility will significantly detract from the predominantly rural character of the area.

Views into, through, and out of the locality will remain dominated by the rural character of the area which is further enhanced by the existing mature vegetation that is scattered throughout the area. The proposed facility will be noticeable, but this in itself will not significantly undermine the dominant rural character of the area.

It is noted that the wider area contains other telecommunications facilities with similar height monopoles and high voltage electricity transmission lines.

The assessment of the development's impacts on rural character has also been made in the context of future development of this area as a South West Growth Centre precinct (Leppington). Whilst the ultimate form of development for this precinct is currently unknown and the existing rural character of the area is the primary consideration, it is recognised that the locality will be subject to significant urban development in the future.

It is also noted that the proposed development will have only minor impacts upon the landscape and agricultural activities carried out in the locality, given its minimal built footprint and that there will only be occasional visits from Telstra maintenance staff. The agricultural use of the balance of the land will continue.

It is however a recommended development consent condition that landscape screening is planted and maintained around the facility to soften and screen views of the base infrastructure. This landscaping will be to a maximum height of 20m which will not entirely obscure the monopole but is the maximum possible height so as not interfere with its operations. This is considered a reasonable balance between permitting the facility to operate whilst appropriately integrating it into the surrounding landscape.

It is considered the proposed development is acceptable in terms of the relevant objectives and controls of the LEP.

(1)(a)(ii) The provisions of any Draft Environmental Planning Instrument

Draft Camden Local Environmental Plan 2010 (draft LEP)

This site's current 1(b) Rural (2ha) zone is replaced by the RU4 Rural Small Holdings zone by the draft LEP. "Telecommunications facilities" are permissible with development consent in this zone.

The development is considered to be consistent with the relevant objectives of the RU4 Small Holdings zone in that the overall rural and scenic character of the land will be maintained. No unreasonable demands for increased public services or facilities will be created and land use conflict between the subject development and the adjoining properties will be minimised.

No other parts of the draft LEP are relevant to the proposed development.

(1)(a)(iii) The provisions of any Development Control Plan

No part of Council's Development Control Plan is relevant to the proposed development.

(1)(a)(iiia) The provisions of any Planning Agreement

There are no relevant planning agreements applicable to this site or development.

(1)(a)(iv) The provisions of the Regulations

The Regulations do not specify any matters that are relevant to this development.

(1)(b) The likely impacts of the development

All likely impacts of the development, including potential health impacts, have been assessed elsewhere in this report (in the "Any submissions" section of this report).

(1)(c) The suitability of the site for the development

The key impact from this development will be visual. As detailed in the "Camden Local Environmental Plan No 48" section of this report, it is considered that the existing rural character of the area will still dominate even with the existence of the proposed facility and that any overall loss of rural character to the area is only minor. The impact is not significant, and therefore not considered to be a reason to refuse the application.

The development is compliant with the applicable SEPPs and LEPs and there are no site specific conditions that render the site unsuitable for it. Consequently this site is considered to be suitable for the proposed development.

(1)(d) Any submissions

Public notification was carried out between 4 and 18 November, 2009. Notification letters were sent to surrounding properties in accordance with Council's Development Control Plan (DCP). Sixty five submissions and one petition (in the form of written letters and e-mails) were received as a result of this notification. The issues raised by the submissions and petition include:

1. *Health impacts from radiation exposure (including scientific studies of cluster illnesses occurring in people living near telecommunications structures) including impacts on people with existing epilepsy, neuro degenerative diseases, cancers etc.*

Officer comment:

It is recognised that considerable public concern exists regarding the potential health impacts of living close to telecommunications facilities.

The Australian telecommunications industry is subject to Commonwealth legislation that is administered by the Australian Communications and Media Authority (ACMA).

In 2003 ACMA adopted the Radiocommunications (Electromagnetic Radiation - Human Exposure) Standard 2003 (the Standard) which was prepared by the Australian Radiation Protection and Nuclear Safety Agency. This standard is recommended by the International Commission for Non-Ionising Radiation Protection, an agency associated with the World Health Organisation. All telecommunications facility operators are bound by this standard.

The standard limits the amount of electromagnetic energy (EME) that can be emitted from telecommunications facilities and sets an appropriate maximum exposure level designed to protect all people, everywhere, at all times.

It is noted that on 24 March, 2006 the Land and Environment Court upheld an appeal in the case of Telstra Corporation Limited v Hornsby Shire Council (2006) NSWLEC 133. The Court held that it was not appropriate for the Court to pioneer its own health standards and that the determination of new standards is the responsibility of other authorities with specialist expertise.

It is therefore judged that the standard adopted by ACMA is an appropriate health standard for this facility to comply with at this time.

As the facility's maximum EME levels will be only 0.086% of the standard's maximum exposure level, the proposal complies with the relevant health standard and so in accordance with that standard, should not result in adverse impacts upon the health of surrounding residents.

2. *The proposed tower will disrupt wireless phones and computer/internet access.*

Officer comment:

There is no accepted evidence that suggests telecommunications facilities disrupt the function of wireless phones and computer/internet access. The proposed facility will be operated by Telstra for the purposes of actually improving wireless broadband access in this area.

3. *A nearby water tower (Woolgen Park Road) should be used as an alternative site.*

Officer comment:

Locating the proposed facility on or against this existing water tower would not be feasible as it would interfere with the operations of Telstra's existing Leppington site at No 46 Woolgen Park Road. This alternative site is also too far away from the area to which Telstra is seeking to provide coverage.

The applicant has investigated a number of alternative sites, however these have either been inappropriate due to topography, lack of area coverage or the property owners have not been interested in having such a facility on their land. The area within which the facility can be erected is constrained by topography and existing coverage and usage.

4. *The tower will greatly affect property values in the area surrounding it (particularly considering this is a future growth centre precinct).*

Officer comment:

Concerns have been raised regarding the proposal's negative effect on property values in the surrounding area, however no evidence has been provided or is available to substantiate this assertion.

Whilst this issue is a real concern for the submitter, Section 79C of the Act which lists the heads of consideration when assessing a Development Application does not make provision for Council to consider such an impact.

5. *Properties adjacent, and with a direct line of sight to the tower will have their future development potential reduced.*

Officer comment:

It is not envisaged that this facility will limit the future development potential of surrounding sites. As stated previously in the response to submission issue 1, the proposed facility complies with the relevant health standard.

From a development perspective, it will have no sterilisation effects on surrounding land and as such will not reduce the development potential of that land.

It is also not envisaged that the facility's location will unreasonably limit the physical subdivision and development of the surrounding land in the future.

6. *The proposed development has not been shown on any previous state or local government proposals.*

Officer comment:

It is correct to say the facility has not been detailed on any previously issued public documentation, however once the application was received it was publicly notified in accordance with Council's DCP. Therefore all statutory requirements regarding public notification have been satisfied.

7. *The height of the tower exceeds the height restrictions that would be placed on any other development in the area.*

Officer comment:

The height of the tower does exceed the existing buildings in the surrounding area. However the proposal is not for a dwelling or rural shed, and telecommunications facilities which have no statutory controls regulating height will commonly involve a monopole of similar heights.

The proposed height is necessary to ensure service coverage taking into account surrounding topography, vegetation and structures. Regardless, the facility must still be subject to detailed visual amenity and character assessment. This assessment has been undertaken throughout the report. The height of the tower has been reduced during the course of consideration of the application from the originally proposed 35m to 25m with antennae to 29.5m.

8. *Telstra must have other sites that would not expose residents to health risks.*

Officer comment:

As detailed in the response to submission issues 1 and 3, the proposal complies with the relevant health standard and alternative sites have been investigated but found to be unsuitable for various reasons.

9. *Will Telstra or Camden Council compensate adjoining property owners from loss of development potential or buy these properties outright?*

Officer comment:

As detailed in the response to submission issue 5, the facility will not limit the future development potential of surrounding sites. Therefore compensation from Telstra is not anticipated and compensation from Council is not required and will not be forthcoming.

10. *Have the State Government's residential development plans for the area been considered?*

Officer comment:

As detailed in State Environmental Planning Policy (Sydney Region Growth Centres) 2006 section (the SEPP) of this report, the requirements of the SEPP (which exist to ensure that Council considers the future residential development of the area) have been considered.

It is also noted that the coverage provided by the proposed facility will provide a valuable service to future residents of the area.

11. *The proposed tower will be a blot on the landscape and cause visual pollution; will be visible from the living quarters and rear yards of adjacent properties; will dominate the outlook of adjacent battleaxe lots; and is not in keeping with the rural character of the area.*

Officer comment:

The visual amenity and character impacts of the proposal have been detailed in the "Camden Local Environmental Plan No 48" section of this report.

It is acknowledged that the proposed facility will be visible from the windows and yard areas of dwellings on surrounding lots, however as the development proposes only a single monopole it is not considered that it will unreasonably dominate views from adjoining properties. The height of the structure has also been reduced from that shown in the plans which were exhibited.

As all surrounding lots are relatively open and have a minimum area of 2ha there are many other views available. It is a recommended development consent condition that landscape screening be provided around the facility to help soften and screen its appearance from adjacent sites.

12. *Has the re-introduction of the Leppington rail link been considered?*

Officer comment:

Whilst the future Leppington Rail link has been reintroduced, the subject site will not be burdened by the link.

13. *Considering the frequency of lighting strikes during bad storms in the area, will the tower make it more dangerous to live in the area?*

Officer comment:

As with tall electrical structures, the proposed facility will be earthed and so in the event of a lightning strike no danger will be posed to surrounding residents.

14. *Leasing part of this lot for the facility amounts to a subdivision, below the minimum lot size, by stealth.*

Officer comment:

Leasing part of this lot for the facility does not involve the subdivision of land as no separate title will be created. The dwelling entitlement for this lot will not be increased and no unreasonable precedents will be created for future subdivisions.

Leasing a small part of a larger site for such purposes is a common occurrence for such facilities and is a private arrangement between the applicant and the land owner.

15. *Access to the tower outside of business hours will cause disturbance to adjacent properties.*

Officer comment:

The facility will be accessed and serviced only very occasionally by Telstra maintenance staff during normal business hours (9.00am-5.30pm). However the applicant has also advised that in exceptional circumstances (when immediate maintenance is essential) the facility could be accessed at other any times through the day/night.

Given that maintenance access to the site will be infrequent and largely confined to business hours, it is not considered that any unreasonable disturbances to surrounding residents will result.

16. *Will the height of the tower interfere with passing aircraft and will it require a light to make it visible to aircraft at night?*

Officer comment:

The applicant has confirmed that as the proposed monopole is less than 30m high there is no requirement to install an aircraft warning light. Therefore there will be no impact upon passing aircraft.

In an attempt to address the issues raised in submissions, the applicant, at Council's request, investigated alternate sites within the area. **A further report which details the outcome of that investigation is provided as a Business Paper supporting document.**

(1)(e) The public interest

The proposed development is considered to be within the public interest. It will provide enhanced telecommunication and wireless broadband facilities for the area and will not result any unreasonable impacts upon the rural character of the area.

Additionally, the facility will comply with the relevant health standard and will therefore not have any adverse public health impacts in accordance with the current standards.

CONCLUSION

Council has received a Development Application for the erection of a telecommunications facility on this site. The application has been publicly notified and the submissions and petition received has been considered. The application has also been assessed in accordance with Section 79C of the Act.

The proposal will provide benefits for existing and future residents of this area in the form of enhanced telecommunications and wireless broadband facilities, it will have minimal impacts upon the rural character of the area and complies with the relevant health standard for telecommunications facilities.

Consequently the development is recommended to Council for approval, subject to the draft development consent conditions shown below.

DRAFT CONDITIONS OF CONSENT

1.0 - General Requirements

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

- (1) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia* .
- (2) **Approved Plans** – The development must be carried out strictly in accordance with the following approved plans or other documentation:
 - Drawings no. N108629 sheets S1 and S3 by Aurecom subject to (3) below regarding final height.
 - Planning Report for proposed telecommunications facility by urbis.

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

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

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

- (3) **Approved Facility Height** – The approved monopole must be a maximum height of 25 metres with the approved antennae bring the overall height of the facility to a maximum of 29.5 metres.

2.0 - Prior To Works Commencing

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

- (1) **Signs To Be Erected On Building And Demolition Sites** – Under Clause 98A of the *Environmental Planning and Assessment Regulation 2000* , a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, and
 - (b) showing the name of the ‘principal contractor’ (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.

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

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

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

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

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

- (3) **Notice of Commencement Of Work** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act, 1979* and Clause 103 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated ‘principal contractor’ for the building works.
- (4) **Construction Certificate before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia* . Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (5) **Additional Landscaping** – The following landscaping (sourced in 35 litre containers) must be planted around the perimeter of the facility, 6 metres apart, in a

scattered pattern:

- 7 x Cupaniopsis anarcardiodes
- 7 x Melaleuca decora
- 7 x Melaleuca linariifolia

3.0 - During Construction

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

(1) **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.

(2) **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.

(3) **Footpath Levels** - The ground levels of the footpath area within the road reserve must not be altered (by cut or fill) as a consequence of building design and/or construction.

(4) **Protection of Public Places** – If the work involved in the erection or demolition of a building:

- is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- building involves the enclosure of a public place,

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

If necessary, an awning is to be erected, sufficient to prevent any substance from,

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

- (5) **Noise Levels** - Noise Levels emitted during construction and 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).

4.0 - Prior To Issue Of Occupation Certificate

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

- (1) **Structural Certification (Completed Building)** – Prior to the issue of an Occupation Certificate, a certificate prepared by a practicing structural engineer, certifying the structural adequacy of the building, shall be submitted to the Principal Certifying Authority (PCA).
- (2) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

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

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

5.0 - Operational Conditions

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

- (1) **Protection of the Environment Operations Act 1997** – The use of all plant and

equipment installed on the premises must not give rise to any offensive noise within the meaning of the Protection of the Environment Operations Act 1997.

- (2) **Hours of Maintenance** – The facility must only be accessed for maintenance between 9.00am-5.30pm each day. However 24 hour access is permitted in the event of necessary essential/emergency maintenance.

END OF CONDITIONS

RECOMMENDED

That Development Application 1078/2009 for the erection of a telecommunications facility including a 25 metre high monopole, antennae and ancillary equipment cabin at No 293 (Lot 77, DP 28380) Eastwood Road, Leppington be approved subject to the above draft development consent conditions.

ATTACHMENTS

1. Location plan
2. Proposed plans
3. Submissions (sup doc)
4. Alternative site report (sup doc)



Telstra submissions.pdf



Location plan 293 Eastwood Rd Leppington.pdf



Proposed plans DA1078-2009.pdf



Alternative site report - DA1078-2009.pdf

RESOLUTION

MOTION

Moved Councillor Funnell, Seconded Councillor Symkowiak that Development Application 1078/2009 for the erection of a telecommunications facility including a 25 metre high monopole, antennae and ancillary equipment cabin at No 293 (Lot 77, DP 28380) Eastwood Road, Leppington be refused for the following reasons:

- i. Telstra have not fully researched alternative and more suitable sites;
- ii. if the telecommunications facility is to service 2000 extra people in a new subdivision then the obvious location is in that subdivision;
- iii. the owner of 293 Eastwood Road (Lot 77 DP28380), Leppington will not be affected by the telecommunications facility as it is located on the boundary of his property however his neighbours will be;
- iv. the lowering of the telecommunications facility from 35 metres to 25 metres is not the answer and could possibly create more problems with the jury still out regarding health issues;
- v. people in the area have unanimously opposed the telecommunications facility, with all saying they currently have good telephone reception;
- vi. Sixty five (65) public submissions have been received against the

- telecommunications facility;
- vii. perceived to be a rushed development for the broadband rollout;
 - viii. due to the size, scale and bulk of the structure it is not compatible with the surrounding rural area.

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

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

Councillor Anderson voted against the Motion).

ORD48/10

ORDINARY COUNCIL

ORD02

**CONSTRUCTION OF A TWO STOREY BUILDING COMPRISING OF
COMMERCIAL SHOE WAREHOUSE/ STORAGE AND CARETAKER'S
RESIDENCE, NO 53 (LOT 13 DP 882815) ARGYLE STREET, CAMDEN**

FROM:	Director Development and Health
FILE NO:	Binder: Development Applications 2009
DA NO:	DA524/2009
OWNER:	E & M Dekleva
APPLICANT:	E Dekleva
ZONING:	3(e) Town Centre
APPLICABLE PLANNING INSTRUMENT:	Camden Local Environmental Plan No 45 - Camden Town Centre

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of the erection of a new two storey building comprising a warehouse and dwelling. The application is referred to Council in accordance with its delegations as there remain unresolved issues with regard to submissions from the public.

SUMMARY OF RECOMMENDATION

That Council approve Development Application 524/2009 subject to the draft development consent conditions provided at the end of this report.

BACKGROUND

Development Application 524/2009 was lodged with Council on 12 June, 2009.

The application was notified to adjoining shop owners on 9 July, 2009 and as a result four (4) submissions were received, three of which were strongly opposing the proposed development. Mediation of issues raised in the submissions was attempted at a site meeting which occurred on the 10 July, 2009. Further correspondence between Council officers and neighbours which occurred after this date failed to resolve the original issues raised within the submissions.

A request for additional information was sent to the applicant on 20 July, 2009 which sought the completion of a contamination investigation, acoustic assessment and amended plans resolving design and operational concerns raised by Council and objectors. This request was partially satisfied on 27 November, 2009. Issues raised by objectors remain outstanding.

THE SITE

The site is identified as No 53 (Lot 13 DP 882815) Argyle Street, Camden. The subject site is located on the eastern side of the Larkin Place car park to which it has its primary frontage, near the intersection with Elizabeth Street, Camden. Despite its address, the land does not have any frontage to Argyle Street. The total area of the site is 236.7m², having an irregular shape with a frontage of 11.88m. The site is currently vacant with a significant impervious (stormwater flows off rather than through) area which is currently utilised for the purposes of a driveway and informal car parking area.

The site adjoins the following properties:

- 35 Argyle Street (The Merino Tavern) directly adjoins the right of way easement to the east of the site;
- 47 Argyle Street (Federal Member offices) to the south-east of the site;
- 49 Argyle Street (incorporating a future Thai restaurant and newsagency) adjoins the right of way over the subject site to the south-east;
- 55-57 Argyle Street (deli bar) adjoins the site to the south-east, directly behind the proposed building;
- 59 Argyle Street (Divas Diamonds) adjoins the site to the south and west encompassing a rear shed which is currently encroaching upon the subject land.

A 3.46m wide right of carriageway off Larkin Place burdens the site. This right of carriageway was provided for rear access for Nos 47, 49 and 55 Argyle Street as well as the subject site (53 Argyle Street). The right of carriageway currently exists over a concrete driveway which runs along the eastern edge of the site adjoining No 35 Argyle Street.

The easement commences at the carpark in Larkin Place and heads approximately south-east then turns at a right angle, to run north-east into an existing rear access laneway which aligns Nos 47 and 49 Argyle Street. The right of carriageway also encompasses a triangular area of approximately 19m² over the rear corner of the site in order to allow for vehicular access to the rear of No 55 Argyle Street. **A location plan is provided at the end of this report.**

THE PROPOSAL

The proposed development seeks consent for the erection of a two storey dwelling and warehouse. The latter will house shoes and related products which support the retail business 'Shoe Talk' at No 111 Argyle Street. The envelope of the proposed building will occupy the entire lot with the exception of the right of carriageway, having a total floor area of 209.70m².

The existing shed on the adjoining property at No 59 Argyle Street partly encroaches on the subject site. The encroachment will be removed as part of the works to be carried out.

The areas of each proposed use are:

Storage Area:	33.03m ²
Visitor Space:	19.37m ²

Ground Floor Entry:	13.73m ²
Caretaker's Garage:	20.91m ²
Patio:	6.97m ²
Caretaker's residence:	103.34m ²

The ground floor of the building will encompass the warehouse/ storage area, two covered car parking spaces and an entry foyer. An exterior feature connected to the eastern wall of the ground floor is an open patio area.

The first floor will encompass the caretaker's residence which incorporates a primary and secondary bedroom, kitchen, combined dining and living room, bathrooms and a balcony. The proposed area of the residence is 103.34m², being approximately 49% of the premises' total floor space.

The staircase allowing access to the first floor is located at the front right corner of the proposed building. The ground level patio area will act as the primary access/ entry to the building, however a rear access door is to be provided on the rear left corner wall which will open into an additional small storage area/ void.

The building materials to be used to construct the proposed development include:

- colourbond roofing, awnings and fascia, and
- selected, grooved wall, precast panel.

The proposed hours of operation of the warehouse/ commercial storage facility are Monday to Friday 8.00am to 6.00pm and Saturday 8.00am to 3.00pm. A delivery van will access the storage area to unload goods as required during hours of operation. The goods stored will be accessed as required by staff from the retail premise at No 111 Argyle Street. **A plan of the proposed development is provided at the end of this report.**

NOTIFICATION

In accordance with Camden Development Control Plan 2006 the subject application was required to be notified as the proposal was identified as development where it would be in the public interest to notify the application.

As a result of the notification of the application, four (4) submissions objecting to the proposed development were received. Issues raised are listed and discussed in detail in the section headed "Any Submissions - S 79C (1)(d)" in this report.

PLANNING CONTROLS

The application has been assessed in accordance with Section 79(c) on the Environmental Planning and Assessment Act, 1979 (the Act). In particular, the application has been assessed having regard to the following Environmental Planning Instruments and Development Control Plans:

- Camden Local Environmental Plan No 45
- Camden Draft Local Environmental Plan No 149
- Draft Camden Local Environmental Plan 2009
- Camden Development Control Plan (DCP) 2006.

ASSESSMENT

The provisions of any environmental planning instrument (s79C(1)(a)(i))

Camden Local Environmental Plan No 45

Pursuant to Camden LEP No 45, the subject site is zoned 3(e) Town Centre. The proposal would be best defined as a warehouse in conjunction with a dwelling as defined in the Environmental Planning & Assessment Model Provisions:

Warehouse means a building or place used for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade.

- (2) A reference in this clause to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose.
- (3) The substitution or amendment of a definition in this clause does not have the effect of prohibiting the carrying out of development that was being lawfully carried out immediately before the definition was substituted or amended.

Dwelling means a room or suite or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

In accordance with the relevant controls specified within the 3(e) Town Centre Zone, dwelling houses are prohibited development unless used in conjunction with another use which is permitted within the zone. A warehouse is identified as a permissible use within the zone subject to Council consent, hence the proposal is permissible. Conditions of consent are proposed to ensure the dwelling (caretaker's residence) is used in conjunction with the warehouse and separately subdivided.

The objectives of the 3(e) Town Centre Zone are as follows:

- (a) to encourage office, retail and service development appropriate to the town centre's status and subregional functions,
- (b) to maintain and enhance the historic character of Argyle, Hill and John Streets in the town centre,
- (c) to ensure that development is arranged and carried out in a way that maximises convenience and comfort for pedestrians,
- (d) to accommodate other development which complements or supports the primary office and retail functions of the zone, and
- (e) to permit development which adds to the vitality and diversity of the commercial centre while not prejudicing its principal function.

The proposed development is considered to generally be consistent with the objectives of the 3(e) Town Centre zone as the proposed warehouse/ residence:

- maintains the historic character of Argyle Street with its proposed conceptual façade and other external design features which are considerate of the surrounding building stock,
- does not restrict or prohibit the movement of pedestrians across the site or along

Larkin Place,

- supports the primary retail business 'Shoe Talk' on Argyle Street,
- will add to the vitality and diversity of the Camden Town Centre zone as it is proposing to introduce at least one full time resident in the dwelling,
- a key use being established is the warehouse which is considered to support the primary functions of the town centre zone.

Consideration of the following Special Provisions from CLEP No 45 is required as part of this development assessment:

13 Development principles—Zones Nos 3 (e) and 3 (f)

The Council shall not grant consent to development on land within Zone No 3 (e) or 3 (f) unless it is satisfied that:

- (a) the development will not cause significant overshadowing or overlooking of public places, relative to the patterns of usage of those places,*
- (b) the development will not detract from significant existing views and vistas,*
- (c) the development is of a type, scale, design and character that complements the established character of the centre, having regard to the particular character of the particular part of the town centre in which the development is proposed to be carried out,*
- (d) the development incorporates appropriate measures for convenient, sheltered access for pedestrians, including access to other land,*
- (e) the development makes appropriate provision for the supply of parking space demanded by the development, whether on the same land as the development or other land, or both, relative to the characteristics of the development, possible future changes of use of the development, and the capacity of the street system serving the land on which the development is to be carried out,*
- (f) the development incorporates adequate facilities for deliveries,*
- (g) the development will complement or reinforce the retail functions of the centre, particularly along Argyle Street frontages and associated pedestrian accessways, and*
- (h) the development is unlikely to suffer significant risk of damage or increase the risk of damage to other land in the vicinity, in the event of a flood.*

It is considered that the development proposal is consistent with the above Special Provision as:

- the development will not cause significant overshadowing of public spaces or neighbouring structures. However it is acknowledged that there is moderate potential for overlooking into 49 and 55 Argyle Streets. As such the consent would impose specific conditions including glazed windows to minimise any impact,
- the proposed development has through specific design for the site, produced a building which complements the historical nature and character of the Camden town centre. The location is considered to be appropriate for the proposed development as the height, scale & bulk of the buildings along Argyle Street will adequately screen the loading & rear sections of the building. An effective balcony and patio area have also been suitably located at the building elevation which fronts Larkin Place,

- pedestrian movements will continue to be provided along the footpath on Larkin Place. Due to the enclosed nature of the rear of the site, no thoroughfare access to Argyle Street will be created,
- the proposal provides off street parking spaces in accordance with the relevant section of Camden DCP 2006,
- the existing right of carriageway, in conjunction with the layout of the building and orientation of the loading facility within the ground storey of the building, will adequately provide for safe and efficient deliveries using an 8.8 m service vehicle. Appropriate conditions would be applied requiring entering and leaving the site in a forward direction,
- the proposal will both complement and support the existing retail shoe business on Argyle Street. The proposed development, not having its frontage to Argyle Street is considered to be appropriate in its proposed location, and
- the site is not flood hazard affected.

14 Height of buildings

CLEP No 45 requires the following:

- (1) *A building shall not be erected on land within Zone No 3 (e) or 3 (f) to a height greater than 2 floors or 7m above ground level (whichever is lower) unless the Council is satisfied that the building will not unnecessarily or unreasonably intrude upon:*
 - (a) an item of the environmental heritage,*
 - (b) the existing character of buildings in the locality, or*
 - (c) significant streetscapes or vistas.*
- (2) *A building must not exceed two storeys in height. A storey does not include a roof void if the pitch of the roof does not exceed 45°.*
- (3) *Basement car parking must not extend more than 1m above ground level.*

The proposal is considered to be consistent with these principles as the proposed building is not more than two storey in height and the total height of the proposed structure is 7m.

20 Development in the vicinity of heritage items, heritage conservation areas and archaeological sites

CLEP No 45 requires the following:

The Council must consider the likely effect the proposed development will have on the heritage significance of a heritage item, heritage conservation area, archaeological site or potential archaeological site when determining an application for consent to carry out development on land in its vicinity.

The construction and operation of the proposed development is not envisaged to significant detrimental impact upon the heritage significance of the neighbouring heritage items and town centre conservation area. Certain design elements of the

façade and materials are sympathetic to the existing architectural elements of those heritage items along Argyle Street. The scale of the structure is similar to those neighbouring buildings. From Argyle Street the building will be entirely screened and not visually invasive from the perspective of both 49 and 55 Argyle Street.

The provisions of any draft environmental planning instrument (s79C(1)(a)(ii))

Draft Camden Local Environment Plan No 149

The Draft CLEP 149 identifies the site as being within the Camden Town Centre Conservation Area. As a result the proposal requires a thorough consideration of the impacts of the proposed development upon the heritage significance of the town centre under Clause 20 of CLEP45. As discussed above the proposed development, if carried out, is expected to have minimal impact upon the existing significant heritage items and more broadly, the historical character of the town.

Draft Camden Local Environmental Plan 2009

In accordance with Section 79C Clause 1(a)(ii) of the Act, Council in its assessment of a Development Application must consider '*any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority*'. The Draft Camden Local Environmental Plan 2009 (Draft CLEP 2009) is currently being exhibited and as such must be considered as part of this development assessment.

The site is zoned B2 Local Centre pursuant to the Draft CLEP 2009. The proposed development is best defined as either one or both of the following outlined within the Standard LEP template:

Residential Accommodation means a building or place used predominantly as a place of residence, but does not include tourist and visitor accommodation.

Storage Premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any business premises or retail premises on the same parcel of land.

In accordance with the controls of the B2 zoning, the residential component of the proposed development is broadly defined as 'residential accommodation' which is not permissible within the B2 Zone unless the residential component is ancillary to a permitted use. The 'warehouse' component of the proposed development being broadly defined as a 'storage premise' is prohibited development within the zone. The 'warehouse' component of the proposed development would therefore be prohibited within the future B2 Zone which incorporates the subject parcel and surrounding town centre area. This is a function of the LEP Template prescribed by the State Government and not the intention of the draft plan which, in accordance with Council resolution, was to maintain the status quo for permissible land uses.

The objectives of the B2 Zone are as follows:

- *to provide a range of retail, business, entertainment and community uses that*

- *serve the needs of people who live in, work in and visit the local area,*
- *to encourage employment opportunities in accessible locations,*
- *to maximise public transport patronage and encourage walking and cycling,*
- *to ensure that mixed use developments present an active frontage to the street by locating business, retail and community uses at ground level.*

It is considered that the proposed development satisfies the above listed objectives of the B2 Local Centre Zone as:

- the proposed development will be a subsidiary use to the existing retail shoe business located on Argyle Street, Camden,
- the development will provide a growth in the primary retail business which is expected to procure an additional need for staff,
- the proposed development is a mixed use which will foresee the location of the primary retail warehouse located at the ground floor, with the caretaker's residence located above on the first floor. This will allow for staff members to easily access the warehouse from Larkin Place.

The following Clauses from Part 4 'Principal development standards' will apply to the assessment of this Development Application:

4.3 Height of buildings [optional]

(1) The objectives of this clause are:

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality, and*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development, and*
- (c) to minimise the adverse impact of development on heritage conservation areas and heritage items.*

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Height of Buildings Map HOB-009 covers the subject land and is applicable to this Development Application. It specifies a building height limit of 7m with which the proposed structure complies.

Therefore a consideration of Draft CLEP 2009 indicates that while the use would not be permissible in accordance with the definitions attached to the future zoning, the development remains consistent with the objectives of the future zoning, as well as the Principal Development Standards within the new LEP as they apply to the building height.

The provisions of any development control plan (s79C(1)(a)(iii))

Camden Development Control Plan 2006

The following provisions from the Camden DCP 2006 will be applicable to the assessment of the proposed development on the land.

Part D Chapter 1: Car Parking:

The proposed development is best defined as a warehouse and a small dwelling house for the purposes of calculating the required number of carparking spaces for the development. The calculation of these required spaces is carried out below:

Warehouse = 1 space per 200m² of GFA.

The storage area is 33.03m² and therefore 1 space is required.

Dwelling with less max 3 bedrooms and floor area not exceeding 160m² = 1 space
1/2 bedroom dwelling unit = 1 space required.

1 space (warehouse) + 1 space (1 bedroom residential unit) = 2 spaces.

The proposed car parking provision of two spaces is considered to be adequate for the proposed development.

Part D Chapter 5: Heritage Conservation

The site is situated within the Camden Town Centre which is identified as a Heritage Conservation Area. The land also adjoins a listed item of local heritage significance to the south-east, being White House, identified as No 44-50 Argyle Street Camden. As such the proposed development is subject to an assessment under this section of the Camden DCP.

The following control is applicable to any future development of the site:

3.2 Heritage Conservation Areas

Development involving a heritage conservation area shall address all aspects of the place taking account of and respect:

- *the overall historic plan of the conservation area;*
- *road layout and subdivision pattern of the conservation area;*
- *the relationship between the historic plan and all building elements;*
- *street hierarchy;*
- *streetscape;*
- *front and side setbacks;*
- *the pattern of architectural forms within the street;*
- *integrity as a precinct;*
- *the public domain;*
- *townscape and landscape elements;*
- *architectural style and consistency of buildings;*
- *urban design characteristics of the conservation area.*

The following comment is offered in relation to how the proposed development has taken into account and respected these principles:

- a) it will not alter the original layout of the historic subdivision;
- b) the proposed architectural features of the building are sympathetic to the surrounding historic buildings & heritage listed items throughout the Camden Town Centre;

- c) the proposed development has attempted to be sympathetic to the overall street hierarchy of the Camden Town Centre and no significant impact upon overall traffic flows is expected;
- d) the proposed development has taken into account the existing streetscape along Larkin Place and has incorporated a design which will act to beautify the existing space;
- e) the proposed setbacks for the building are appropriate and in accordance with Council's standards;
- f) the proposed architectural form of the structure will correspond with the existing forms to the rear of the site along Argyle Street.

The provisions of any planning agreement - S79C (1)a(iii)

There are no planning agreements which will be applicable in the assessment of this Development Application.

The likely impacts of the development - S 79C (1)(b)

The impact of the proposed development is expected to be positive. The carrying out of the development will see an under utilised space transformed into a warehouse and residential facility which will support one of Camden's main street retail stores. The warehouse use will also go to create a storage space which will exist to support continual transitioning businesses along Argyle Street, Camden. The inclusion of a small ancillary living space backing onto Camden's main street will provide future opportunities for rent and potential for increased safety along Argyle Street and Larkin Place.

The suitability of the site for the development - S 79C (1)(c)

The site subject is currently a vacant lot and is often utilised as an informal public parking area. Approximately 80-90% of the site is impervious and is strictly bound to its perimeters by adjoining fences and walls. The proposed storage facility has been designed considering the right of way easement and has been appropriately setback from neighbouring properties. The storage warehouse and residence, being a supportive use, is considered suitable for the location of the site being within the heart of the Camden Township, abutting the main street retail hub.

Any submissions - S 79C (1)(d)

A total of four (4) submissions were received by Council in response to this Development Application when publically notified. The objections which were raised in respect of the development proposal are as follows:

Lot Size

The entire area of the lot is too small to be considered developable.

Officer comment:

The size of the lot is suitable for the proposed development, having regard to setbacks and the right of way easement. It is a registered lot and therefore must have some development potential.

Incompatible Land Use

The use of the proposed development (being a warehouse with a conjoined caretaker's residence) is not considered to be complementary to the existing surrounding retail land uses.

Officer comment:

The use of the proposed building as a warehouse/ storage facility with a conjoined dwelling is permissible within the 3(e) zoning and is also thought to be appropriate as it will go to support a main street retail business in the heart of Camden.

Safety and Surveillance

Concern is raised with regard to the casual surveillance which will be achieved from the proposed living quarters to the rear of several businesses existing along Argyle Street.

Officer comment:

It is envisaged that the surveillance which will be achieved onto Larkin Place and the right of carriageway will go to improve general safety around the area which is currently poorly lit. This aspect of the development parallels those guidelines which are set out for development in 'Crime Prevention through Urban Design' guidelines.

Neighbour Conflict

The nature of the businesses and their late night/ early morning operations are foreseen to be potentially disturbing to the future caretaker and as a result it is expected that conflicts will occur between existing tenants and the future caretaker.

Officer comment:

The resident will be aware of the operations of the warehouse and surrounding businesses and will be appreciative of the number and type of deliveries which will have to be made to neighbouring properties. An acoustic report has been submitted with the application which incorporates recommendations to address the issue of noise from adjoining premises. These recommendations are included as draft conditions of consent.

Right of Carriageway

The installation of the proposed building will impact somewhat upon the ability for certain vehicles to access and manoeuvre via the access driveway to reach the rear of 55-57 Argyle Street.

Officer comment:

The design of the proposed building has taken into consideration the right of access carriageway which burdens the land. The building does not encroach on the legal access carriageway apart from three awnings at the upper level which provide architectural interest to the building. A clearance of 5.4m is provided which ensures that vehicles using the right-of-way will not be obstructed .

Pedestrian Safety

The installation of the proposed building will impact upon the current vehicle sight lines, especially when reversing which has the potential to lead to vehicle pedestrian conflict and accidents.

Officer comment:

All vehicles entering and leaving the area via the right of carriageway must do so in a forward motion, this will mitigate the potential for accidents and conflicts between vehicles and pedestrians. This has been incorporated into the draft conditions of consent. Those sites which utilise the current right-of-way will not have any further restrictions imposed on the use of that land as a result of the proposed development and accordingly, the legal access arrangements will remain unchanged.

Service Easements

Service easements for sewer and electricity are located within the laneway which runs behind 49 Argyle Street. It has been considered that with the restrictions placed upon the size of vehicles which can now access this space, service vehicles and emergency vehicles may also be restricted.

Officer comment:

Service and emergency vehicles will be able to access the easements and rear sections of the buildings along Argyle Street via the legal right of way. No change to the current arrangements is proposed.

Damage to Property

The building identified as 55-57 Argyle Street has in the past been the subject of damage as a result of delivery trucks attempting to manoeuvre around the already constrained access carriageway.

Officer comment:

Council is aware of the fact that due to the width of the right of carriageway, it is probable that it will not be practical to have large delivery trucks accessing the rear of the shops adjoining the carriageway. This is an issue associated with the width of the right-of-way that serves these properties. It is the onus of the owners of that land to ensure that they only utilise the land to which they have legal entitlement for access and not rely on land owned by others for that access.

Potential for Additional Congestion

With the restriction of movements from and towards the access carriageway, potential for congestion along Larkin Place may increase due to the residential component of the structure.

Officer comment:

The proposed development will provide parking for a delivery van and the resident's vehicle, otherwise the development is not expected to generate any additional traffic volumes along Larkin Place.

Scale of the Proposed Building

The proposed scale of the building is considered by the objectors as unnecessarily large due to the residential component of the structure.

Officer comment:

Although the warehouse component of the proposed building equates to only 33m², it is considered that the actual living space is modest. Two carparking spaces are required by Council in accordance with the prevailing Development Control Plan.

Out of Character

The proposed size, materials to be used and siting of the proposed building on the lot is considered not to be sympathetic to those of the existing surrounding buildings and general historic character of the town centre.

Officer comment:

The scale of the proposed building is not significantly larger than any of the existing buildings along Argyle Street. It is considered that although a more modern design has been adopted for this particular development, it is not incompatible with the historic character of the Camden Township and has incorporated appropriate setbacks from surrounding neighbours.

Vandalism and Anti-Social Behaviour

The siting of the two storey structure being so close to the building identified as 55-57 Argyle Street will create a "shielding effect" which could potentially lead to acts of vandalism and anti-social behaviour.

Officer comment:

It is considered that several CPTED (Crime Prevention through Urban Design) principles have been incorporated into the design of this proposed structure including casual surveillance which is achieved through the incorporation of a well placed patio and large open windows at the rear and front of the building which will act to deter vandals and anti-social behaviour.

Sun and Shadow

The building is expected to cast some level of shading over neighbouring buildings and land.

Officer comment:

Shadow will inevitably be cast upon neighbouring commercial/ retail buildings, however this shadow is not expected to cause any detrimental impact upon the operations of neighbouring businesses. None of the land is used for open space associated with residential occupation of these premises, the majority of the land being used for access and/or parking.

Shared Carriageway

The carriageway is currently registered as a shared access for pedestrians and vehicles, however there is concern that with the confinement of the carriageway it is likely to become dominated by vehicles.

Officer comment:

Both vehicles and pedestrians will be able to continue using the shared right of carriageway. It is not expected an unreasonable number of vehicles will begin using the right of way. Prior to the erection of the building those parties which benefit from the right of way can negotiate with the owner of the property to widen the right of way. Whilst this would necessitate amended plans, it is the only way the owners can improve their legal access.

Rear Door

A fire escape door from the rear garage of the proposed building is to open outwardly, which has the potential to be a safety hazard for passing vehicles.

Officer comment:

The detail of the design will be assessed further in conjunction with the relevant Building Code of Australia Standards. The door would only be used in an emergency as alternate access is provided to the storage space through the roller shutter which is likely to be the main point of access to this area.

Question of the True Nature of the Use

It is the opinion of the objectors that the subject application is predominantly for the use of the building as a residence, rather than a warehouse. Residential uses are prohibited within the Camden Town Centre.

Officer comment:

Whether or not the residential component of the development has a greater floor space ratio than that of the warehouse is not considered the main consideration in this case.

Camden Local Environment Plan No 45 specifies that a dwelling house is permissible within the 3(e) zone is established in conjunction with a permissible use (such as a warehouse).

Copies of submissions as well as a submissions summary table are provided with the Business paper supporting documents.

The public interest - S 79C (1)(e)

The proposed development is not considered to be contrary to the public interest in that:

- the installation of the subject building is expected to complement the existing architectural styles & urban design elements present within the Camden Town centre,
- the use will add to the diversity of one of Camden's most prolific retail hubs,
- the proposed shop top type living quarters has the potential to add an element of safety through surveillance along Larkin Place, and
- it is considered to be in the best interests of the public to develop the vacant lot abutting Argyle Street to further support the retail uses on Argyle Street.

CONCLUSION

Council has received a Development Application for the erection of a warehouse and conjoined residence at the site. The warehouse component of the structure will incorporate a total floor area of 33.03m², being the space dedicated to the storage of shoes and shoe related products which are to be redistributed and sold from the retail shop located on Argyle Street. One car space adjoining this storage area will be set aside for deliveries which will be made between the wholesaler, the proposed warehouse and the shop.

The application was notified to all adjoining land and property owners with Council having received a total of three (3) submissions, all objecting to the proposed development. These submissions have been summarised and comments from

Council's assessment officer have been made addressing each.

In accordance with Camden Local Environmental Plan 45, the proposed development is a permissible use within the zone and meets the relevant objectives and controls within Camden Development Control Plan 2006.

The proposed development is considered to support existing retail uses within Argyle Street, as well as infuse further vitality to the area by way of offering residential opportunities in the Camden Town centre. The development has been assessed on its merits in accordance with the Act and is considered able to be approved by Council, subject to the draft conditions of shown consent below.

DRAFT CONDITIONS OF CONSENT

1.0 - General Requirements

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

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

- Working Drawing of Proposed Caretaker's Residence & Storage Area at 53 Argyle Street incorporating Site & Floor Plans, sections and elevations. Prepared by Algorry Zappia & Associates Pty Ltd for Mr. E. Dekleva, Job No:2009-08, Amended version received by Council in November 2009.
- Sun Study prepared by Algorry Zappia & Associates Pty Ltd for Mr. E. Dekleva, Job No: 2009-08, June 2009.
- Colour Schedule prepared by Algorry Zappia & Associates Pty Ltd for Mr. E. Dekleva, Job No: 2009-08, Sheet No. A00.
- Statement of Environmental Effects prepared by C.C. Weston & Associates, June 2009.
- Acoustic Report prepared by Sebastian Giglio, Ref No.204217/Do2a, November 2009.
- Environmental Site Assessment prepared by EBG Environmental Geoscience, Report ID: EBG-ESA.01891.rpt, September/ October 2009.

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

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

(2) **Light Spillage** - The lighting of the premises must be directed so as not to cause nuisance to owners or occupiers of adjoining premises.

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

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

- (4) **Disability Discrimination Act** - This approval does not necessarily guarantee compliance with the Disability Discrimination Act 1992, and the applicant/owner is therefore advised to investigate their liability under the Act.

Your attention is drawn to AS1428 parts 2, 3 and 4 inclusive. This may be used as a comprehensive guide for disability access.

- (5) **Residential Portion** - The residential portion of the property shall be occupied in conjunction with the approved warehouse use of the property herein approved, and shall not be let or used separately, and used for any other commercial purpose including storage, without further development consent.
- (6) **Fork Lift Trucks** - Fork lift trucks or other similar loading, lifting and/or carrying appliances used in conjunction with the premises shall not be operated over or upon any public road or footway at any time.

2.0 - Construction Certificate Requirements

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

- (1) **Obscured Glazing** - All windows from bathrooms and water closets (except for street elevation windows) must be fitted with translucent or obscure glazing for the purposes of providing adequate privacy between adjoining residents.
- (2) **Parking Spaces** - A minimum of two (2) car parking spaces must be provided on site. These spaces, and associated access driveways and manoeuvring areas must conform with Camden Council's Car Parking Code (Development Control Plan No. 97), and must be designed in accordance with a pavement design prepared by a Geotechnical Engineer and the Consent Authority's (ie Camden Council) standard. Documentary evidence of compliance from an Accredited Certifier/Suitably qualified person must be submitted to the Principal Certifying Authority **prior to the Construction Certificate being issued.**

Parking area shall be revised to comply with the AS 2890.1 by providing 300mm additional clearance next to walls and obstructions.

- (3) **WorkCover** - The developer must comply with any requirements of the WorkCover Authority **prior to commencement of the development.**
- (4) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with Camden Council's Development Control Plan 2006 and Engineering Specifications and are to be submitted **for approval to the Principal Certifying Authority prior to the Engineering Construction Certificate being issued.**

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

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

- (5) **Access From Public Places** - Construction access from public places (reserves, parks, walkways and the like) other than roads shall not occur without the prior consent of Camden Council. Bonds or legal agreements may be required to protect Council's assets if access from these places is approved.
- (6) **Environmental Management Plan** - An Environmental Site Management Plan must be submitted to the Principal Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 - 2005 and must address, but not be limited to, the following issues:
- (a) All matters associated with Council's Erosion and Sediment Control Policy.
 - (b) All matters associated with Occupational Health and Safety.
 - (c) All matters associated with Traffic Management/Control during construction, which should address issues of access of construction traffic, storage material, location of site office, and parking for workers, use of equipment and other matters which has an impact on the road network or immediate environment.
 - (d) All other environmental matters associated with the site works such as noise control, dust suppression, waste management and the like.
 - (e) Any construction work which involved access to public road shall be subject to an approval of a Public Road Activity Application to Council accompanied by a Traffic Control Plan prepared by a RTA accredited Certifier.
- (7) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point
- (8) **Car Parking Design** - The design, construction details of the parking spaces, access thereto and all other external hardpaved areas must conform to the Consent Authority's (ie Camden Council) standard, and documentary evidence of compliance of above condition must be submitted by a Accredited Certifier/suitably qualified person/Council or the Principal Certifying Authority **prior or the Construction Certificate being issued.**

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

For the purpose of this condition a parking space must only be used for the parking

of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.

- (9) **Construction Standards** - All civil engineering work associated with the development must be carried out strictly in accordance with Camden Council's Development Control Plan 2007 and Engineering Specifications for roadworks drainage and other works associated with subdivisions and other developments.
- (10) **Civil Engineering Details** - The developer must submit details of all engineering works on engineering plans to the Certifying Authority for approval **prior to a Construction Certificate being issued.**
- (11) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS 1742.3 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 the Construction Certificate being issued.**

The Traffic Management Plan must address the construction process and construction access for the development for all stages of the development, the storage of materials, import of the fill materials, location of site offices, turning area for the delivery vehicles, parking for construction staff, any casting and erection of building components. Appropriate Traffic Control Plans shall be submitted for all stages of constructions including the use of Council's road and footpath for construction purposes.

Prior to commencement of any work on public roads an approval under Roads Act should be obtained from the Council and such application must include an appropriate Traffic Control Plans which provides details of Traffic Control measures to be installed to ensure the safety and unobstructed flow of vehicular and pedestrian traffic and such control plan must be prepared by a RTA Accredited Certifier.

- (12) **Public Risk Insurance Policy - Prior to the issue of the 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 Certificate of Currency from the insurer provided to Council as evidence of the currency of the policy before the policy expires.

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

The drainage concept plan shall be amended to collect water from the existing

Right of Way including overland flow path. All proposed work in Council's carpark shall be done subject to approval by Council and inspection by Council subject to lodgement of formal application (PRA) **prior to the issue of the Construction Certificate** for the main development.

(13) **Drainage Design** - A stormwater management plan is to be prepared **prior to the issue of a Construction Certificate** to ensure that the final stormwater flow rate off the site is no greater than the maximum flow rate currently leaving the development site for all storm events. This Plan must be submitted and approved by the Principal Certifying Authority. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties. The overland flow path shall be designed for 1%AEP.

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

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

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

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

(15) The following works must be constructed **prior to the issue of the Subdivision/Occupation Certificate** and under the Roads Act 1993 must be approved by Camden Council:

- (a) The layback and the footpath crossing shall be extended to line with the existing ROW. All services within 1.0m of the crossing and all affected services due to

the proposed work shall be adjusted in consultation with the appropriate Service Authority.

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

- (16) Eaves and gutters shall be contained wholly within the allotment and shall not encroach Larkin Place.
- (17) **Liquid Wastes** - All liquid wastes other than stormwater generated on the premises must be discharged to the sewer in accordance with the requirements of Sydney Water.
- (18) **Trade Waste Bins** - Provision must be made for the storage of the trade waste bin within the building. Trade waste bins must be emptied on a regular basis to prevent odour and fire hazard occurring.

The location of the trade waste bin must be clearly indicated on building plans and submitted to the Principal Certifying Authority for approval **prior to a Construction Certificate being issued**. The location chosen for storage of the bins should not diminish the allocated number of off-street parking spaces nor have any detrimental impact upon access to fire services and emergency exit doorways.

(19) **Acoustic Compliance -**

- (a) Glazing to the bedrooms is to be rated at Rw34. This can usually be achieved with the 10.38mm laminated glass in a heavy – duty frame fitted with Schlegel acoustic seals.
- (b) The glazed windows to the living–dining-kitchen are to be rated at Rw30. This can usually be achieved with 6mm glass in heavy duty frame fitted with Schlegel acoustic seals.
- (c) The glazed bi-fold doors to the living-dining area are to be rated at Rw30-32. This can usually be achieved with 6.38mm laminated glass in heavy duty frame fitted with Schlegel acoustic seals.
- (d) The ceiling to the bedrooms shall consist of 2 layers of 13mm plasterboard. Ceilings to other rooms can be conventional.
- (e) Insulation batts shall be provided in ceiling space, laid over the ceiling of at least R2.0. This is in addition to the roof anti-condensation blanket.
- (f) The front entry doors shall be at least 35mm thick solid core doors, fitted with acoustic seals equal to Raven RP 94Si (plant on seals to the top and sides) and Raven RP99Si (drop seals at the bottom of the door).
- (g) As alternate ventilation is required, one of the following two options shall be installed:

- i) ducted air-conditioning, which must include the provisions of outside air. The system must also incorporate acoustic flexible ducts at least 2m long with double laminated foil outer skin, or
- ii) provide a supply –air vent to each room. The vent and fan can be installed in the roof space. It will be necessary for the designer of the system to verify that the airflow quantities conform to the Building Code of Australia.

(20) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$8.71 per square metre, total \$456.00 for **Community Facilities**.

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

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

(21) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$4,002.00 per hectare, total \$95.00 for **s.94 Administration and Management**.

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

(22) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$8.89 per square metre, total \$1,692.00, for **Community Facilities**.

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

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

(23) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$4,086.00 per hectare, total \$97.00, for **s.94 Administration and Management**.

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

3.0 - Prior To Works Commencing

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

- (1) **Notice Of Commencement Of Work** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act, 1979* and Clause 103 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building works.
- (2) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia* . Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.

4.0 - During Construction

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

- (1) **Hours Of Work** – The hours for all construction and demolition work are restricted to between:
 - (a) 7am and 6pm Monday to Friday (inclusive);
 - (b) 7am to 4pm Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8am to 4pm;
 - (c) work on Sunday and Public Holidays are prohibited.
- (2) **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 at no cost to Council prior to the commencement of use or occupation of a building.
- (3) **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.
- (4) **Roof-Water Destination** - The roof of the subject building(s) shall be provided with

guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to other method(s) as approved by Council.

- (5) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (6) **Development Application For Air Conditioning Unit** - A separate development application must be lodged for any air conditioning unit that does not meet the requirements as “Exempt Development” under *Camden Council Development Control Plan 2006 (DCP 2006)*.
- (7) **Building Inspections** - The Principal Certifying Authority (PCA) must determine when inspections of critical building components are necessary. The ‘principal contractor’ for the building works (as defined by the *Environmental Planning and Assessment Act, 1979*) must notify the PCA for the inspection of the building components. Where Camden Council has been nominated as the PCA, the following stages must be inspected and passed prior to proceeding to the subsequent stage of construction.

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

- (a) **Commencement of Building Works** - When environmental controls are in place.
- (b) **Foundation Preparation** - The foundation material prior to the placement of slab preparation (prior to sand base and plastic membrane).
- (c) **Floor Joists & Bearers** - When sub-floor wall and/or floor framing are completed and damp-proofing, ant-capping and drains are in position **before** they are covered with flooring.
- (d) **Pier Holes** – Excavated pier holes prior to pouring of concrete.
- (e) **Strip Footings** – When foundation excavations have been undertaken and steel reinforcement provided, prior to footings being poured with concrete.
- (f) **Slab On Ground** – When steel reinforcement and associated formwork has been provided, prior to the slab being poured with concrete.
- (g) **Formwork and Steel Placement** - When formwork and reinforcement of structural components (such as concrete lintels, beams, columns, walls, swimming pools, etc) have been completed, prior to pouring of concrete.
- (k) **Wall & Roof Framing** - When the wall and roof frame have been completed (with plumbing and electrical wiring installed), brick work complete and the roof covering fixed, prior to internal lining.
- (l) **Wet Area Flashing** - When wall and floor junctions have been flashed with an approved product, prior to installation of floor/wall coverings. Wet areas include

bathrooms, laundries, sanitary compartments, en suites and the like.

- (m) **Drainage Line-work** - When roofwater or stormwater drainage lines have been laid and connection to a street kerb or drainage easement or rubble pit, prior to backfilling of lines.
- (n) **Sewer Line-work** - When external line-work has been laid and connected to the approved wastewater treatment system.

Note: Septic tank(s) excavation must be inspected prior to backfilling.

- (o) **Occupation Certificate (final inspection)** - Upon completion of the development and before occupation or commencement of use.

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

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

- (8) **Surface Drainage** – To prevent surface water from entering the building:
 - The floor level for slab on ground construction shall be a minimum of 150 mm above finished ground level for habitable rooms;
 - Seepage and surface water shall be collected and diverted clear of the building by a sub-surface/surface drainage system;
 - The control of surface water drainage shall in all respects comply with the *Building Code of Australia (Housing Provisions)* ;
 - Where a rainwater tank is required on the site, all surface water drainage lines shall be connected to the outlet overflow drainage line from the rainwater tank.
- (9) **Smoke Alarms** - An automatic smoke alarm system is to be installed for the building in accordance with the requirements of the *Building Code of Australia* . Certification for the installation of the required smoke alarms from the installing licensed electrician shall be submitted to the Principal Certifying Authority (PCA).
- (10) **Building Code Of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia* .
- (11) **Excavation And Backfilling** – All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (12) **Protection Of Public Places** – If the work involved in the erection or demolition of a building:
 - is likely to cause pedestrian or vehicular traffic in a public place to be obstructed

- or rendered inconvenient, or
- building involves the enclosure of a public place,

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

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

(13) **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.

(14) **Offensive Noise** - The use and occupation of the premises including all plant and equipment installed thereon, must not give rise to any offensive noise within the meaning of the Protection of the Environment Operations Act, 1997.

(15) **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). 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 docket supplied to Council.

(16) **General Waste Service Contract** - The business proprietor shall enter into a commercial contract for the collection of trade waste and recycling. A copy of this agreement shall be held on the premises at all times.

5.0 - Prior To Issue Of Occupation Certificate

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

- (1) **Structural Certification (Completed Building)** – Prior to the issue of an Occupation Certificate, a certificate prepared by a practicing structural engineer, certifying the structural adequacy of the building, shall be submitted to the Principal Certifying Authority (PCA).
- (2) **Fire Safety Certificates** – A Fire Safety Certificate is to be submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*. The Fire Safety Certificate is to certify that each fire safety measure specified in the current fire safety schedule for the building to which it relates:
 - (a) Has been assessed by a properly qualified person; and
 - (b) Was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

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

- (a) Must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades, and
 - (b) Must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.
- (3) **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) prior to backfilling public utility crossings in road reserves;
 - (e) 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.**

- (4) **Works As Executed Plan - prior to the Occupation Certificate being issued, a**

works-as-executed drawing signed by a registered surveyor must be submitted to the Principal Certifying Authority showing that the stormwater drainage and finished ground levels have been constructed as approved.

- (5) **Footpath Crossing Construction** - Prior to the issue of any Occupation Certificate a footpath crossing must be constructed in accordance with Camden Council's issued footpath crossing information.

To obtain such information a Public Road Activity application must be submitted to Camden Council with the appropriate fee. Applications forms are available from Council's:

- Customer Service Centre, and/or
- Internet site - www.camden.nsw.gov.au

- (6) A certificate of compliance from a suitably qualified person shall be issued to the certifying authority **prior to the issue of the Occupation Certificate** that all the conditions of 2.0 (19) have been implemented.

6.0 - Operational Conditions

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

- (1) **Hours of Operation** - The hours of operation for the approved land-use are:

Monday to Friday:	8am till 5pm
Saturday:	8am till 4pm
Sunday & Public Holidays:	Closed

All vehicle movements, deliveries and any other operations associated with the use of the premises must be restricted to approved hours of operation. Any alteration to these hours will require the prior approval of the Consent Authority.

- (2) **Retailing Prohibited** - This consent does not authorise the sale or display of goods for retail to the general public.
- (3) **General Requirements** – The storage of goods and materials must be confined within the building. At no time must goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve.
- (4) **Management of Stored Goods** - The storage of goods, materials, equipment, machinery, refuse or refuse bins (including industrial waste containers) must:
- (a) not take place between the building and the street alignment, nor on the road reserve;
 - (b) be confined to the area specifically designed for that purpose; and
 - (c) be screened by an approved structure with a minimum height of 2m, so that

such stored items are not visible from the public street.

- (5) **Vehicles that Service the Site** - Vehicles that service the site must comply with the following requirements at all times:
- (a) All vehicles must enter and exit the site in a forward direction.
 - (b) All vehicles awaiting loading, unloading or servicing must be parked on-site and not on adjacent or nearby public roads.
 - (c) Articulated or heavy rigid vehicles in excess of 11 metres in length shall not service the premises due to the limited manoeuvring capabilities of the site.
- (6) **Amenity** - The business shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, adjoining occupations and residential premises.
- (7) **Loading And Storage** - All loading and storage of motor vehicles, goods or materials or any industrial activity whatsoever, shall take place wholly within the site, in a manner that does not interfere with parking areas, driveways or landscaping.
- (8) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

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

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

END OF CONDITIONS

RECOMMENDED

That Council approve Development Application 524/2009 for the construction of a two storey warehouse and ancillary caretaker's residence at No 53 (Lot 13 DP 882815) Argyle Street, Camden subject to the imposition of the above draft conditions of consent.

ATTACHMENTS

1. Location plan
2. Proposed plan
3. Submissions (sup doc)
4. Summary of Submissions (sup doc)



Location Plan DA 524-2009 53 Argyle St.pdf Summary of Submissions.xls Plan.pdf Submissions.pdf

RESOLUTION

Councillor Campbell, having previously declared an Interest in Item ORD02, left the Chamber, the time being 7.10pm.

CHAIRMANSHIP OF MEETING

The Mayor, Councillor Patterson, having previously declared a Pecuniary Interest in Item ORD02 vacated the Chair and left the Chamber, the time being 7.10pm.

The Deputy Mayor, Councillor Warren assumed the role of Chairperson.

MOTION

Moved Councillor Dewbery, Seconded Councillor Funnell that Council:

- i. approve Development Application 524/2009 for the construction of a two storey warehouse and ancillary caretaker's residence at No 53 (Lot 13 DP 882815) Argyle Street, Camden subject to the imposition of the above draft conditions of consent; and
- ii. write to the owner/applicant advising that, given the proximity of the site to a hotel, a newsagency, public carpark, school and other noise generating activities, no action will taken in relation to noise complaints made by the residents of the proposed dwelling associated with those uses.

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

(Councillor Anderson, Cagney, Cottrell, Dewbery, Funnell, Symkowiak and Warren voted in favour of the Motion.

No Councillor voted against the Motion).

(Councillor Cagney left the Chamber, the time being 7.13pm.

Councillor Funnell left the Chamber, the time being 7.15pm.

Councillor Funnell returned to the Chamber, the time being 7.15pm.

Councillor Cagney returned to the Chamber, the time being 7.16pm).

Councillor Campbell returned to the Chamber, the time being 7.24pm.

CHAIRMANSHIP OF MEETING

The Mayor, Councillor Patterson returned to the Chamber and resumed the Chair, the time being 7.24pm.

ORD49/10

ORDINARY COUNCIL

ORD03

STAGED SUBDIVISION OF LAND TO CREATE 97 RESIDENTIAL LOTS AND 2 RESIDUE LOTS - WORKS TO INCLUDE DEMOLITION OF EXISTING BUILDINGS INCLUDING CARINYA COTTAGE, SITE REMEDIATION WORKS, TREE REMOVAL, LANDFORMING AND CONSTRUCTION OF ASSOCIATED INFRASTRUCTURE AND ASSOCIATED LANDSCAPE WORK AT NO 3A (LOT 92 DP 1051164) STEWART STREET, HARRINGTON PARK

FROM:	Director Development and Health
FILE NO:	Binder: Development Applications 2009
DA NO:	DA 917/2009
OWNER:	Nepean Quarries and Mr & Mrs Purtle
APPLICANT:	Cardno (NSW) Pty Ltd
ZONING:	2(d) Residential
APPLICABLE PLANNING INSTRUMENT:	Camden Local Environmental Plan 74

PURPOSE OF REPORT

The purpose of this report is to seek a determination from Council of a Development Application for the subdivision of land which also includes the demolition of a dwelling known as Carinya Cottage.

The application is referred to Council in accordance with its delegations, as there remain unresolved matters raised in submissions which were received during the notification period.

SUMMARY OF RECOMMENDATION

It is recommended that Council approve this Development Application subject to the draft development consent conditions provided at the end of this report.

In addition, it is recommend that Council endorse the plans which indicate the Residential 1 and 2 classifications and also the Building Design Guidelines for the purpose of including such controls as draft amendments to the Harrington Park South Precinct Plan component of the Camden Development Control Plan 2006, which is currently under review and, on review of Camden LEP 2010, incorporate these sites within the appropriate low and medium density zones.

Finally, Council's resolution to notify the Building Design Guidelines and Residential 1 and 2 classifications for a period of 28 days is sought.

BACKGROUND

The site has been subject to various development proposals over the last few years. In 2006 the then owners lodged a Development Application to subdivide the land into 5 large superlots with a view to developing the land through a masterplanned approach for a multi-unit dwelling development. The proposed built outcome consisted of semi-detached housing, attached townhouses and residential flat buildings which had an anticipated yield of approximately 220 dwellings.

This proposal was reflective of the desired future character statement within the then Development Control Plan which allowed *higher density residential opportunities as a transition from low density residential (Harrington Park) to the commercial centre of Narellan*. This strategy continues to be communicated within the current Camden Development Control Plan 2006 (the DCP) given the site's proximity to the expanding commercial centre.

That application was later refused as the proponent had not supplied Council with the necessary information to assess the Development Application.

The current application was lodged in September 2009 and has since been the subject of ongoing assessment and negotiation with the applicant to address issues identified in the application review process. That process is now completed and the application is able to be referred to Council for determination.

THE SITE

The land is located at No 3A (Lot 92 DP1051164) Stewart Street, Harrington Park. The subject site is bounded by Sharman Close to the south and Stewart Street to the west. Running parallel to these two roads are Camden Valley Way and The Northern Road.

Immediately north is the urban release area of Harrington Park and immediately south is the Struggle Town heritage conservation area which is made up of various dwellings and commercial uses and is regarded as having specific cultural, historical and architectural value.

There is also a single storey cottage known as "Carinya" on the site. Other structures within close proximity to the house and still on the subject site include a garage constructed of timber and the remains of an old timber shed which the applicant states was destroyed by fire a number of years ago. No part of the site or dwelling is part of the conservation area.

The site is located approximately 500m north of the developing Narellan Town Centre and is of irregular shape, predominately flat and is cleared of any significant vegetation.

Currently vehicle access is gained from Stewart Street. At the northern and western boundary there are existing local roads which terminate at the subject site and currently serve the existing residential subdivision of Harrington Park. The proposal seeks to remove the Stewart Street vehicle access and gain alternate access by connecting into the existing road network via Harrington Park. **A site location map is provided at the end of this report.**

THE PROPOSAL

The applicant seeks to carry out the development in three stages which comprises the following:

Stage One

- Demolition of the existing cottage & ancillary buildings;
- Demolition of the old auction building & ancillary buildings and structures which includes the removal of 2 septic tanks;
- Removal of trees identified within the Arborist Assessment;
- Remediation of contaminated land;
- Land forming;
- Subdivision of land to create 43 residential lots;
- Associated infrastructure and landscape work .

Stage Two

- Subdivision of land to create 36 residential lots and 1 residue lot;
- Associated infrastructure and landscape work.

Stage Three

- Subdivision of land to create 18 residential lots and 1 residue lot;
- Construction of temporary footway over residue lot;
- Associated infrastructure and landscape works.

The subdivision will create 94 "Residential 1" (R1) lots and 3 "Residential 2" (R2) lots. The R1 lots range in size from 437m² to 710m² and have lot frontages of between 13m and 32m. The R2 lots range in size from 802m² to 888m² and have lot frontages from 22m to 35m.

The R1 and R2 sites are a result of the Harrington Park component of the DCP which aims to deliver single detached dwellings (R1 land) and alternative housing being multi-unit dwellings (R2 land) in specific locations. This will be discussed further in the report. **A copy of the proposed plans is provided at the end of the report.**

NOTIFICATION

The proposal was notified between 23 September, 2009 and 22 October, 2009. A total of 48 properties surrounding the subject site were notified and an advertisement was placed in the local newspaper. In addition, three locally known community groups were notified including Camden Historical Society.

Five submissions were received during the exhibition period. The relevant matters raised in the submissions are discussed under the below heading 'Any submissions made'. **Copies of the submissions are provided with the Business Paper supporting documents.**

PLANNING CONTROLS

The following list identifies the planning documents that are relevant to the proposal. Each is discussed in further detail later in this report.

- State Environmental Planning Policy No 55 – Remediation of Land
- Deemed State Environmental Planning Policy No 20: Hawkesbury/Nepean River
- Camden Local Environmental Plan No 74
- Exhibited Draft Camden Local Environmental Plan 2010
- Camden Development Control Plan 2006
- Camden Residential Strategy 2008.

ASSESSMENT

This 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 proposal:

The provisions of any Environmental Planning Instrument

State Environmental Planning Policy (SEPP) No 55 – Remediation of Land

SEPP 55 seeks to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health.

Clause 7(1) of SEPP 55 requires council to consider whether the land is contaminated and if so is satisfied *that the land will be remediated before the land is used for that purpose*.

SMEC Testing Services was commissioned to undertake contamination investigations within the site. Following the investigation it was established that remediation of the land is required for the residential development and the report recommended a level of remediation.

Other than those identified, it was determined that there is no significant widespread contamination impacting the site.

A Remedial Action Plan (RAP) has been prepared and has been accepted by Council staff. Works to be undertaken for the land to be remediated form part of the draft development consent conditions shown below.

The RAP was publicly advertised in accordance with clause 16 of SEPP 55 for 30 days with the Development Application.

Deemed State Environmental Planning Policy No 20: Hawkesbury/Nepean River

The aim of this plan is to protect the function of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The applicant states that the proposed drainage system has been designed to comply with the relevant guidelines (for example, NSW Floodplain Management Manual, NSW Department of Housing Manual, "Managing Urban Stormwater – Soils and Construction 2004" and Camden Council's Engineering Design Specification 2009), thereby

minimising any adverse impacts to the river system.

Further, clause 11 (4) of this Deemed SEPP states that all remediation works within Camden Local Government Area require development consent. As discussed earlier in this report, a RAP has been submitted and was advertised with the Development Application.

Therefore it is considered that the proposal is consistent with the aims and provisions of the Deemed SEPP 20 provided the site is suitably remediated to a state suitable for residential development. Remediation of the site will be required prior to release of any subdivision certificate.

Camden Local Environmental Plan No 74

Statement of Permissibility

The land is currently zoned 2(d) Residential under Camden Local Environment Plan 74 (LEP 74). The development proposal being subdivision of land is not listed as a prohibited activity and is permitted under Clause 20 Subdivision of LEP 74 which states

"a person shall not subdivide land to which this plan applies except with the consent of the Council".

The other development types listed under the heading 'The proposal' are all ancillary activities to the subdivision of land and are not listed as prohibited development.

Statement to achieving the aims and objectives of the zone

The objectives of the 2(d) Residential zone are as follows:

- a. to promote a distinctive character and quality of development, based on the historic and natural characteristics of the land,
- b. to allow the provision of a range of housing types,
- c. to promote the provision of accessible and convenient commercial, social, recreational, educational, religious, community and employment facilities close to public transport so as to serve the needs of the residential district for education, recreation, religious, community service and welfare activities,
- d. to provide an appropriate urban drainage system in an environmentally sensitive manner that provides a dual use facility for control of stormwater and for recreational use,
- e. to provide a visual and auditory buffer between residential areas and Camden Valley Way and The Northern Road,
- f. to allow open space for such active and passive recreation as may be required for proper accessibility and distribution in relation to the population generally and to young children in particular,
- g. to allow land for pedestrian and cycle routes between areas of activity,
- h. to protect and enhance areas of landscape and vegetation significance,
- i. to protect the ecological integrity of bush and riparian corridors by facilitating sensitive development on land adjoining land within Zone No 7 (a) and Zone No 7 (d4) and integrating existing bushland into planning for open space and active recreation areas,
- j. to ensure that development retains the significance of heritage items and

- archaeological sites and their settings and does not adversely impact on significant views,
- k. to protect the rural character of Cobbitty Road.

With respect to the relevant objectives and having regard to the ultimate development, the various lot sizes will allow the provision of a range of housing types which include both attached and detached housing. This is supported by the inclusion of different allotments to R1 and R2 which allow various density potentials, and therefore satisfies objective (b).

The development plays an important role in achieving objective (g) because it will ultimately connect the existing residential precinct to the north of the site (Harrington Park) to Narellan Town Centre by providing a shared public accessway which connects from the subject subdivision onto Stewart Street. It is proposed to provide this path over the residual lot marked stage 4 on the development plans.

This lot will be subject to future development, however the applicant has agreed to construct a temporary path until such time that further development occurs on the site. The reason for this is that the design and construction of a permanent pathway should be determined concurrently with adjoining development to ensure that, amongst other things, principles of Safer by Design and suitable landscape treatments are considered.

Finally, it is considered that the development retains the significance of the adjoining heritage items as required by objective (j) as the applicant has agreed to provide building design guidelines for the future development of residential lots immediately adjoining the conservation area of Struggle Town.

Other provisions

Clause 13A Land forming operations – this clause states that certain landforming operations require development consent. The proposal includes carrying out of such works over the identified threshold as noted in subclause 2 and as such the relevant conditions have been recommended below.

Clause 29 Development in the vicinity of heritage items and archaeological sites – This clause requires Council to consider the likely impact of the proposed development on the heritage significance of a heritage item (or conservation area) when determining an application for consent to carry out development on land in its vicinity. As discussed above, the subject land is adjacent to the heritage conservation area of Struggle Town.

The applicant has submitted a Heritage Impact Assessment. An assessment of the above is incorporated into the assessment of likely heritage impacts detailed further in this report.

Any draft Environmental Planning Instrument

Exhibited Draft Camden Local Environmental Plan 2010

Statement of Permissibility

The land is proposed to be zoned Residential 1 (R1) under the exhibited Draft Local Environmental Plan (LEP 2010). The development proposal being subdivision of land is not listed as a prohibited activity and is permitted under draft Clause 2.6 Subdivision – consent requirements. In the event that consent to the development is granted, it is appropriate to include the Residential 1 and 2 zoning classifications of individual allotments in the first review of the land to reinforce the site potential of those lots.

The other development types listed under the heading 'The proposal' are all ancillary activities to the subdivision of land and are not listed as prohibited development.

Statement to achieving the draft aims and objectives of the zone

The proposed objectives of the Residential 1 zone are as follows:

- a. to provide for housing needs of the community,
- b. to provide for a variety of housing types and densities,
- c. to enable other land uses that provide facilities or services to meet the day to day needs of residents,
- d. to allow for educational, recreational, community and religious activities that support the well-being of the community,
- e. to minimise conflict between land uses within the zone and land uses within adjoining zones.

The development fulfils the objectives in that it provides opportunities for a variety of housing types and densities as required by objective (a) and (b), and is represented by the range of lot sizes for a growing and diverse community.

In addition, the subject site plays an important role in achieving objective (e) in that the final outcome of the proposed development allows for an urban corridor which provides a transition between traditional detached dwellings (Harrington Park), as well as providing opportunities for higher density housing (where permitted) to be located closer to the establishing commercial precinct and transport corridors.

Other provisions

Other relevant clauses within the draft exhibited LEP 2010 include clause 4.1 Minimum subdivision lot sizes and 2.6 C Earthworks. No part of the proposed development is contrary to any of the development standards within these clauses.

Any Development Control Plan

Camden Development Control Plan 2006

Part D: General Provisions

Chapter 2: Cut + Fill, land forming operations and erosion + sediment control

The controls within this chapter primarily relate to the protection of the environment as a result of any site works that need to be undertaken for the purpose of the subdivision.

In accordance with the definitions of this chapter, the extent of landforming is considered as minor, and given this all protective measures to ensure environment

risks such as erosion and sediment control movement are minimised, and would be managed by imposing the relevant conditions of development consent.

*Part E: Residential Development and Subdivisions
Chapter 1: Residential Subdivision*

This chapter provides the minimum general standards for the subdivision of land for both R1 and R2 lots. Relevantly, controls for subdivision of land within the 2(d) Residential zone are as follows:

Control 2.2.c - Minimum lot sizes and dimensions; Residential 2(d) – Residential 1

- (i) Minimum area: 450m²*
- (ii) Minimum width: 15m (at building line)*
- (iii) Minimum depth: 27m*

Control 2.2.d - Minimum lot sizes and dimensions; Residential 2(d) – Residential 2

Alternative housing forms to provide a higher residential density. Lot areas are expected to be less than 450m² for a single dwelling, with an average of 350m².

Control 2.2f – Minimum lots sizes and dimensions; Corner Lots

- (i) Corner lots shall have a minimum area of 650m².*
- (ii) The area of a corner lot within an integrated housing development (small lots) shall be assessed as part of a Development Application.*
- (iii) The preferred outcome is for a dwelling to front both roads for it to provide a better presentation to the overall streetscape.*
- (iv) Privacy side fencing must be a minimum of 3m from the boundary to comply with 'Crime Prevention Through Environmental Design' guidelines.*

With respect to R1 lands, the control requires a minimum lot size of 450m², however the development seeks to vary 30 of the 94 R1 lots to produce a minimum lot size of 437m², which is approximately 3% smaller than the minimum lot size required under the DCP.

In addition, a variation is being sought for the minimum width control of 15m. The proposed development includes 70 lots with frontages less than 15m, with the smallest frontage being 13.015m (which is made up of approximately 32 of the 70 non-compliant lots).

Strict compliance with these controls is difficult because the block layouts were determined firstly by an existing road network which terminates at the subject site, and secondly the subdivision was designed to ensure that the number of common or adjacent boundaries was minimised.

This variation is supported by the current objectives of this Chapter which allows a higher density, as the site is considered as a 'transitional zone' site between the low density residential development (Harrington Park) and the commercial centre of Narellan. Despite this non-compliance the proposed yield supports this planning objective which is traditionally allocated for low density developments.

The applicant also states that the proposed lot sizes are adequate to provide the required setbacks, maintain site features and useable building space. This is supported by a solar assessment and maximum building footprint analysis which was prepared by Cardno, and adopts minimum setbacks and Camden Council's DCP Part E: Chapter 1 and Solar Access for Lots.

On the basis that the overall development achieves the specific density objective of this land and has the potential to meet the minimum building controls, it is recommended that this variation be supported.

The controls relating to R2 and corner sites land are complied with.

Other controls within the DCP

Control 3 Building envelopes – As required by this control, a plan was submitted which included building envelopes illustrating footprints, solar access zones, services and landscape as part of the Development Application documentation. The building envelope plan demonstrates each lot having the ability to satisfy the design criteria relating to solar access, provision of private open space and adequate setbacks.

Control 4 Solar assessment – As noted above, a solar analysis was undertaken as part of the development planning process. The analysis illustrates a level of compliance with solar access with the exception where the width of the block is required to increase depending on the orientation and slope.

This requirement was difficult to achieve given the site constraints as discussed above, however it is considered that the intention of solar access considerations were achieved in that the lots were designed to facilitate adequate solar access to each dwelling's future principal private open space and living zones.

Control 7 Road networks and Control 8 Road Design – The road networks generally comply with the DCP requirements. In summary, the three roads created within the subdivision will be considered as minor access roads and are capable of accommodating the traffic generated by this development.

Control 13 Open space and Landscaping – The development does not propose any open space and the applicant has stated that the provision for open space will be addressed through Section 94 Contribution.

Control 16 Crime Prevention Through Environmental Design (CPTED) – This section requires consideration of the design of the subdivision, both in the built and natural environment in ways which will enhance public surveillance and to ensure all public areas are well maintained to maximise their usage and discourage vandalism.

The applicant has submitted a CPTED analysis based on the four key CPTED principles being natural surveillance, access control, territorial reinforcement/ownership and space management. One main area identified that will be required to be specifically addressed within the overall development is a pedestrian and cycle accessway that connects Stewart Street to the proposed subdivision.

Upon final completion of this accessway it will be approximately 71.6m long and 4m

wide and will share a boundary with one existing privately owned residential lot to the south. The remainder is bound by the residual lot proposed within this application. This access serves as an important function in achieving permeability and accessibility between the residential precinct and Narellan Town Centre.

Natural surveillance considerations are difficult in this case because the accessway will be mostly bounded by land subject to future development, however the width of this area allow for safe usage until that development is constructed. A condition of consent can be imposed to ensure that the relevant considerations (ie Safer by Design) and any other Council requirements are considered at the time the residual lot is developed.

Control 17 Noise Attenuation - An Environmental Noise Assessment for the proposal was submitted. Environmental noise factors assessed include traffic noise from Camden Valley Way and The Northern Road. As a result it was recommended that to achieve the required noise levels within the residential lots and dwellings, a noise fence barrier was required in addition to specific dwelling construction requirements.

The noise barrier, being a 1.8m high fence, is to be constructed along rear boundaries of Lot 319 and 320 to attenuate noise for the residential allotments proposed in the subdivision.

The applicant states that the fence along Lot 319 will be temporary and subject to a future noise assessment once this land is developed to ensure that both the subject site and residential allotments created are protected from noise. The fence along Lot 320 will be permanent.

This, and the recommended building construction requirements would form part of the proposed 88B Restrictions and draft development consent conditions at the end of this report.

Control 18 Waste Collection – The DCP requires consideration be given to the ability of waste trucks to manoeuvre and access the residential properties. The application was assessed in accordance with the relevant standards and the appropriate conditions would be imposed.

Part G: Site Specific Controls
Chapter 7: Harrington Park

Control 7 Residential 2 areas – *Controls within this section requires that all R2 lands are:*

- (a) within 200m of a bus stop;*
- (b) no more than 500m from the neighbourhood centre or a village centre; and*
- (c) the proposed development form shall not adversely affect adjoining lower density development.*

The applicant has provided aerial photography demonstrating that all R2 lots are within 200m of a bus stop and are no more than 500m from the town centre, thereby achieving (a) and (b). With respect to control (c), the development of such dwellings will be subject to a detail assessment upon lodgment of a Development Application for a dual occupancy.

Control 9 Water Quality and Control 10 Drainage and flood mitigation – The objectives of these controls are to ensure that development is carried out in such a manner so as to avoid any harmful effects or deterioration of the water quality of the water bodies and creeks within the Harrington Park Area and the creeks and rivers downstream (water quality), and finally to protect and prevent damage to the built and natural environment from changes in discharge levels within the site and from the site in a safe manner (drainage and flood mitigation).

The applicant states that the proposed drainage system has been designed to comply with the relevant guidelines and therefore minimises any adverse impacts to the river system.

Control 11 Noise – As discussed above, an acoustic assessment report was lodged as part of the Development Application and would be dealt with through various conditions of development consent.

Control 14 Archaeology – The applicant pursued a search of the Department of Environment and Climate Change and Water, Aboriginal Heritage Information Management System (AHIMS) and concluded that there is no record of any Aboriginal objects at the subject site.

Notwithstanding, a condition of consent would be imposed to ensure that all works cease in the event that any potential relics are encountered during any excavation. In addition the condition would make the applicant responsible for contacting the relevant government agencies immediately after any find to determine the appropriate course of action.

Chapter 22: Narellan

The purpose of this chapter was to articulate desired future characters of various precincts within Narellan and Harrington Park South. Each area is defined as different 'places' and its focus aims to deliver a certain development outcome which strengthens and complements the Narellan Township.

The subject site is within the place of Harrington Park South. The character statement can be summarised as follows:

- a. any new development associated with these cottages will be located at the rear of the properties and will support their conservation, minimise visibility from the street and maintain the predominantly domestic scale;
- b. the precinct immediately adjoining Harrington Park offers higher density residential opportunities as a transition from low density residential to the commercial centre of Narellan;
- c. future development shall be sympathetic to the existing character of adjoining development. The layout of the area will be based around a central open space, which will be designed to act as a community focal point; and
- d. pedestrian and cycle linkages between this Place, Harrington Park and Narellan will be maximised.

It is considered that the subject site plays an important role in achieving statement (b)

given its proximity to the town centre. The developer proposes to provide a density marginally higher than the standard 450m² lot sizes as communicated in this statement.

As a result, this achieves an urban transition zone between the low residential dwellings in the existing Harrington Park residential area to a higher density area.

Historically it was always envisaged that the site was suitable to provide a higher density development and therefore a control was imposed within the development control plan to ensure that open space is provided within any proposed development.

However as the development is significantly less dense than previously planned, it is considered that statement (c) is not required to be achieved.

Finally, the development will provide an integral link between the two land uses by providing a pathway from the proposed subdivision to Stewart Street, therefore achieving the requirements of objective (d).

Any planning agreements

No planning agreements are subject to this land.

The likely impacts of the development

Impacts on surrounding neighbourhood during construction

Standard conditions would be imposed to ensure that all environmental impacts and amenity of the surrounding existing neighbourhood during the construction of the subdivision is minimised. For example, noise and dust impacts emanating from construction works.

Traffic and Noise

Once finished the proposed subdivision will provide residential lots consisting of attached and detached housing. The likely negative impacts from the finished development include traffic impacts and noise. These have been assessed and are not considered to be unreasonable.

Noise impacts are mitigated by the noise barrier and construction material for the dwelling, and traffic impacts would not be more than that expected for a residential environment.

Heritage

A Heritage Impact Statement was lodged as part of the Development Application with a view to assessing both the heritage significance of Carinya Cottage and also any likely impacts the subdivision would have on Struggle Town.

With respect to Carinya Cottage the Statement concluded that *"the significance of Carinya Cottage has been assessed as being of some historic and aesthetic interest as a characteristic early Federation Edwardian cottage dwelling, however it is not considered to be an exceptional example of the style and although relatively intact, the*

dwelling is not particularly refined in its architectural quality and detailing.....it is therefore considered that the Carinya Cottage and associated land, being Lot 92 DP 1051164 does not meet the criteria for heritage listing".

Furthermore and with respect to Carinya's contribution to Struggletown, the statement concludes *"that the dwelling does not relate to the Struggletown Conservation Area and cannot therefore be regarded as contributory".*

Council requested further analysis on the associative significance be undertaken with a number of local historical identities in Camden as a result of various concerns raised the submissions about this matter.

In response to this the author of the report concluded that *"the cottage is not demonstrative of or directly associated with the contribution or accomplishments of any of the noted families and its retention or demolition will not alter their contributions as long term Narellan families. The house does not demonstrate strong or special associations with the life or works these individuals or families".*

Council acknowledges that the dwelling was owned by some local identities who have contributed to the community of Camden. However, as the supplementary report concludes, there is limited contributive heritage significance between the dwelling and those local identities that justifies the physical retention of the dwelling.

On this basis it is recommended that a photographic archival record be prepared and submitted to Council prior to the commencement of any works to record the general context, setting and dwelling. The proposed conditions shown below state that the guide should be prepared in accordance with the minimum standards for Archival Recording prepared by the NSW Heritage Office and a copy of the report be lodged with Camden Council's Local History Library.

With respect to impacts from the subdivision to the Struggletown Conservation Area, the Statement concludes that *"the proposed residential subdivision is a consistent use in relation to the Struggletown Conservation Area. It is considered that the distances between the proposed new buildings and the Conservation Area, combined with the recommended Design Principles, will result in a minimal additional visual impact of both the Conservation Area and listed items. The Design Principles recommend roof forms, setbacks, materials and colours where relevant".*

The recommended design principles within the Statement relate to proposed residue Lots 319 and 201. The principles also suggest design outcomes on the residential corner lots facing Stewart Street being Lots 126, 202, 220 and 301. It is considered that the best way to achieve the principles is to have 'Design Principal Guidelines' communicated within the 88B Instrument of the specific property. This is noted in the 88B Instrument restrictions within the draft development consent conditions below.

In addition, a reference would be included within the DCP to ensure that such design guidelines need to be referred to for all building Development Application designs and assessments

Social and Community Impact

On completion of the development the subdivision will complete an urban corridor between the established Harrington Park and developing Narellan Town Centre and will create a pedestrian and cycle network which connects into the existing network of Harrington Park to both Struggle Town precincts and Town Centre.

In addition, should the application be approved, positive economic impacts will be realised with the increase of population (and the higher densities) located within the commercial precinct which will ultimately support the town centre and existing commercial premises within the Struggle Town precinct.

The suitability of the site for the development

The site is considered suitable in terms of the environmental, engineering and planning issues associated with the proposal and the site's attributes are conducive to the proposed development.

Any submissions made

As stated above five (5) submissions were received during the notification period. The following summarises the issues raised and provides comments on those issues.

1 Heritage

The following is a summary of comments made with respect to both the assessment of the Heritage Impact Statement and general comments relating to Heritage:

- lack of understanding of the contextual setting of the cottage (Carinya) in the history of the Narellan area;
- although not vernacular in style, the cottage is highly representative of a period in Australian history when progress development in rural areas was not measured in the fussiness of an architectural style;
- the cottage is representative of a simple Federation style that is found in a number of similar cottages in other parts of Camden LGA. Local residents built cottages that were representative of the lifestyle and aspirations;
- the cottage is part of the social and cultural fabric of Narellan local history through its association with the Cross and Paxton families, who are pioneers and local identities of substance;
- The cottage is a valued part of the rural landscape of the Narellan area.

Officer comment:

A Heritage Impact Statement and subsequent Supplementary Report was prepared and submitted to Council.

The reports concluded that while *'the cottage has been assessed as being of some historic and aesthetic interest as a characteristic early Federation Edwardian Cottage dwelling...it is not an exceptional example of the style and is not particularly refined in its architectural quality and detailing'* and therefore is considered not critical to be retained.

This analysis noted various bibliography and references including correspondence with local historians, reference to the Camden History website and the NSW Heritage Office.

The Supplementary Report was requested by Council to further consider the associative significance of the dwelling to the Narellan area along with further providing a comparative analysis with respect to the conclusions reached regarding the architectural value. As mentioned previously, this was initiated due to various concerns within the submissions received by the community.

The supplementary report concluded that the relationship with Carinya cottage and the contribution of the past owners does not substantiate a direct historical connection between the life or works of the past owners with the cottage which would be required to meet the criteria for listing.

Further, the report concludes that the cottage does not achieve the rarity significance criteria when assessing the comparative design (of the cottage) within the context of the broader Camden Local Government Area.

2 Other

Loss of vehicular access to rear of property

Officer Comment:

A review of relevant deposited plans for both the site owned by the objector and land subject to this Development Application did not find any legal right-of-way access into the objector's property. The current legal access onto the site is from Stewart Street and as such it appears that the owner has enjoyed free and full access from the subject development site while the land has remained vacant. With the site having legal access from Stewart Street, it is considered that no other legal access needs to be maintained.

Lack of sewerage connection availability for the existing homes in Stewart Street

Officer Comment:

The obligation of the developer is to ensure that each site created within the proposed development will be adequately serviced. This has been demonstrated by the submission of a concept sewer plan.

With respect to the sites along both Stewart Street and Sharman Close which are currently unsewered and adjoin the subject site, the developer has provided a sewer main up to the boundary of the adjoining residential allotment within the area currently unsewered. This will ultimately provide opportunities for lots to connect into the reticulated sewer main.

During the assessment of the Development Application Council wrote to Sydney Water seeking a commitment for the Corporation to deliver the construction of the reticulated sewer main to these lands concurrently with construction of the subdivision.

The Corporation responded by stating "*Sydney Water has advised residents in this*

area that in line with our “New Connections” Policy (copy of Sydney Water’s Guidelines enclosed) we may enter into a cost sharing arrangement towards wastewater construction dependent on the outcome of a feasibility investigation to identify the total cost of providing a sewer connection to the existing lots”.

The letter concludes by stating “The progression of a new investigation is dependant on the adjoining developer committing to the construction of wastewater facilities to service the proposed subdivision and secondly the receipt of a new application by one or more of the property owners. At this stage no plans have been received from the developer detailing the proposed extension of the wastewater system”.

Should this Development Application be approved the developer will initiate the application for extending the reticulated sewer main (but as discussed only to service the subject development land), however in relation to the sites within Sharman Close and Stewart Street, Council officers will raise this matter with the Local Member.

Narellan proper was provided with reticulated sewer some 25 years ago and the lack of access to sewer has disadvantaged the residents of this group of dwellings for that period of time. Council proactively lobbied Sydney Water on behalf of residents of the precinct in the early 1990's for the provision of sewer on the then 'backlog sewerage program' to no avail.

Sydney Water responded by saying that there was no access to a reticulated main on the north-western side of Camden Valley Way and that sewer would be provided when development occurred in that immediate area. It now appears that the cost of the installation of mains to the area will be at the cost of the existing ratepayers of the precinct, whereas the remainder of Narellan was sewered at the cost of the State Government. It is considered that Sydney Water has a responsibility to service these few remaining sites and this work should be done and funded by that authority as part of this development.

This leaves a pocket of allotments that rely on 'pump out services' or on-site systems that generally do not perform well and are amid newer development that is fully serviced.

This matter will be the subject of a separate report to Council within the near future. This report will highlight the issues that may be faced by residents/owners of properties in Sharman Close and Stewart Street in ensuring their septic systems are appropriate and do not impact on the adjoining land once it is developed.

Security and safety concern for pedestrian accessway

Officer Comment:

The accessway will be subject to a detailed assessment on the principles of Crime Prevention Through Environmental Design upon lodgment of a Development Application for works within Lot 201. Camden Police advise that there are no objections to the development proposed.

Need access to construction site manager

Officer Comment:

As required by the Environmental Planning and Assessment Act, 1979 a notice shall be displayed at the entry of the development site which provides the contact details of the Principal Certifying Authority (PCA). The PCA is responsible for ensuring that all conditions of development consent are being complied with and this includes all conditions relating to managing impacts directly related to construction works.

Non-provision of public open space

Officer Comment:

The requirement for public open space on the subject site was intended to support the medium density development originally proposed for the site where it was envisaged that approximately 220 dwellings/townhouses could be constructed on this parcel of land.

However given that there has been a significant reduction in the dwelling yield under this proposal, it is considered that the existing open space within 500m of the site is adequate to cater for the projected future population of the subdivision.

The public interest

At completion of the subdivision the development will not only serve an important role in completing the urban corridor to the existing residential area of Harrington Park, but will also contribute to the viability of the both Narellan Town Centre and existing and future businesses within the adjoining Struggle Town Conservation area.

This will provide both a local community advantage and will provide positive social and economic outcomes. Therefore it is considered that the approval of the Development Application will be in the public interest.

CONCLUSION

Council has received a Development Application for the subdivision of land within Harrington Park (south). The development will create 97 residential allotments and 2 residual lots. The subdivision of land will also see the classification of Residential 1 and Residential 2 sites as required by the Harrington Park Development Control Plan. This plan aims to deliver single detached dwellings (R1 land) and alternative housing being multi-unit dwellings (R2 land) in specific locations where it can be demonstrated that the sites are within close proximity to transport corridors and commercial centres.

The development of this land will also include some remediation and earth works, landscaping and demolition of various buildings, including the existing cottage which is commonly known as Carinya Cottage.

Given the age of the cottage and the proximity of the land to the Struggle Town Conservation Area, the applicant was required to provide a Heritage Impact Statement. The statement was required to assess both the impacts to Struggle Town (as a result of the ultimate development) and the historical value of Carinya cottage.

The report concluded that the development will not have any adverse impact on the fabric or contribution of Struggle Town and recommended that building design guidelines be implemented on certain lots that may adjoin or are visible from the conservation area. This will be incorporated as a restriction as to user on the subject land and also be referenced within Camden Development Control Plan 2006.

Finally, with regard to the historical significance of Carinya Cottage, the report concluded that while some local identities have lived in the cottage and that its architectural design is unique to the immediate locality, there is limited direct contributive or architectural heritage significance.

Therefore it is recommended that approval be granted to remove the cottage subject to a detailed photographic archival report being produced by a suitably qualified person in accordance with the Heritage Branch Guidelines.

Council received five (5) submissions during the exhibition period. The submissions primarily relate to:

- a) heritage significance of Carinya cottage;
- b) lack of sewer connection for properties along Stewart Street;
- c) loss of vehicle access;
- d) amenity impacts to the surrounding environment as a result of construction works;
- e) security and safety concern for pedestrian access way; and
- f) lack of open space.

These objections have been considered and addressed as part of the assessment process.

The proposal has been assessed on its merits pursuant to Section 79C of the Environmental Planning and Assessment Act, 1979, and is now recommended for approval subject to the draft conditions shown below.

DRAFT CONDITIONS OF CONSENT

1.0 - General Requirements

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

- (a) Plan title – Plan of proposed subdivision; Drawing number - YN294100 SA-01; Revision C; dated 28 February 2010 as prepared by Cardno (NSW) Pty Ltd
- (b) Landscape and Street Tree Plan being Dwg. No. L01 dated 8 September 2009 as prepared by HLS Pty Ltd
- (c) Camden Council's standard drawing SD31 Rev. A dated Jan 2009

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

Where there is an inconsistency between the approved plans/documentation and conditions of consent, the conditions of consent take precedence to the extent of

the inconsistency.

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

(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.

- (a) The proposed 'screen planting' indicated on the approved Landscape and Street Tree Plan and along the southern boundary of the site shall be deleted
- (b) The street alignment edge of all concrete footpaths, as contained within the footways, is to be 900mm from the street alignment.
- (c) The 'temporary construction entry' at the intersection of Bentella Road and Pearson Crescent is to be deleted. The construction site shall be serviced from the proposed 'temporary construction entry' at Correllis Street only.
- (d) The road carriageway, at the curves denoted on the approved plans, shall be widened to provide for the swept turning path of the Heavy Rigid Vehicle (MRV) as noted in the current edition of AS/NZS 2890.2. Details of such widening shall be incorporated into the road design plans.

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

Stage One

- Demolition of the existing cottage & ancillary buildings;
- Demolition of the old auction building & ancillary buildings and structures which includes the removal of two septic tanks;
- Removal of trees identified within the Arborist Assessment;
- Remediation of contaminated land;
- Land forming;
- Subdivision of land to create 43 Residential lots;
- Associated infrastructure and landscape work

Stage Two

- Subdivision of land to create 36 Residential lots and 1 Residue lot;
- Associated infrastructure and landscape work

Stage Three

- Subdivision of land to create 18 Residential lots and 1 Residue lot;
- Construction of temporary footway over Residue lot;
- Associated infrastructure and landscape works

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 and earth 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.

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

Further, details of any proposed easements, temporary public roads and/or other facilities to ensure the independent operational status of each individual stage shall also be included in the above plans.

- (4) **Design and Construction Standards** - All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with: -

- (a) Camden Council's current Engineering Specifications, and
- (b) the recommendations of the Salinity Management Plan.

It should be noted that designs for linemarking 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) **Provision of Public Infrastructure** – All infrastructure associated with any proposed and/or existing public land such as roads, public/drainage reserves, drainage easements, etc. contained within this subdivision must comply with the requirements of Camden Council's: -

- (a) Development Control Plan 2006, and
- (b) Current Engineering Specification and
- (c) Camden Council's Landscape and Streetscape Elements Manual 2006

- (6) **Footpath/Shared Way Construction (Road)**- The construction of any concrete footpath and/or pedestrian/cycle shared way, within any proposed/existing public road, **must not be** commenced until:

- (a) a Subdivision Certificate has been issued by the Principal Certifying Authority, Camden Council,
- (b) the Subdivision Certificate/Plan of Subdivision has been registered with the Department of Lands - Land and Property Information,
- (c) the terms of any bond for such work have been confirmed to be satisfied by the Roads Authority, Camden Council, and
- (d) a Public Road Activity (Roadwork) application has been submitted to and approved by the Roads Authority, Camden Council.

- (7) **Construction of shared cycleway/foot path along Residual Lot 201** – A shared cycleway/footpath (shared way hereunder) shall be constructed on land marked Stage 4 on the approved plans for the purpose of achieving pedestrian connectivity between the proposed subdivision and Stewart Street. The construction of the shared way must be in accordance with the following:

- a) the shared way shall be reconstructed to maintain a 4 metre wide path,
- b) the pram ramp constructed as part of the access way shall align with the pram ramp on the opposite side of Road 2,
- c) the path shall be signed and marked in accordance with Australian Standard AS 1742.9. Manual of Uniform Traffic Control Devices, and
- d) the construction specification of the shared path shall be as follows in accordance with Council's Engineering Specifications.

All work associated with the construction of the shared way shall be at no cost to Camden Council or the Roads and Traffic Authority.

- (8) **Landscaping Maintenance & Establishment Period** – Notwithstanding any condition of this development consent, all Landscaping works associated with this Consent (Landscape Plan - L01, Dated 8 Sept 2009, Job No0907, Drawn by HLS P/L) are to be maintained by the developer for a period of 24 months. The Maintenance and Establishment period is to commence from the date of issue of the Subdivision Certificate.

At the completion of the 24 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 24 month landscaping maintenance period, the landscaping works must comply with the approved Landscaping Plans.

Any landscaping that requires repair or replacement at the end of the 24 month maintenance period is to be repaired or replaced within 40 days following the end date of the 24 month maintenance period.

- (9) **Location of Proposed Street Trees** – The final location of all proposed street trees must comply with the requirements and directions of the Principal Certifying Authority. In that regard the location of such trees may require road alignments to be varied/modified with such variations to be included in any proposed Plan of Subdivision.

- (10) **Remediation Works** - All works proposed as part of the Remediation Action Plan that includes: remediation, excavation, stockpiling, onsite and offsite disposal, asbestos management 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 Remediation Action Plan Report titled *“Remediation Action Plan: Sharman Close Harrington Park, Prepared for Nepean Quarries Pty Ltd, Prepared by SMEC Testing Services Pty Ltd, Report No 06/1016, Dated October 2006.”*

Note: The only **exception** to the Remediation Action Plan (for compliance) is that Council does not accept the *“hotspot criteria of 2.5 times the relevant criteria”* when assessing for validation. This criterion is not to be utilised in any validation assessment.

Any further variation or modification to the Remediation Action Plan in terms of compliance work or reference to criteria 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 (Camden Council) in writing prior to the works being undertaken.

- (11) **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 Management of 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 (Camden Council) within 30 days following the completion of the works.
- (12) **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;
 - State Environmental Planning Policy No 55 – 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.
- (13) **Timing of Remediation Works** – Remediation works is permitted to occur at the same time as construction works on the site providing that:
- (i) the construction project manager is made aware of all remediation works as per the Remediation Action Plan; and
 - (ii) a qualified environmental consultant is engaged to execute or oversee and report on the remediation and validation works and ensure that construction workers are not exposed to harmful contaminants.
- (14) **Works As Executed Plan** - A works as executed plan that identifies the areas requiring remediation and the extent of the works undertaken (that includes any encapsulation work) must be prepared by a registered surveyor and be submitted to the Consent Authority (Camden Council) with the final Site Validation Report.
- (15) **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.
- (16) **Approvals from Other Authorities** – It is the applicant's responsibility to acquire all other necessary approvals/permits from all other approval authorities as required. The General Terms of Approvals from the Rural Fire Service are attached to and form part of this Development Consent.
- (17) **Alternative Ventilation for Habitable Rooms** - For Lots 312-318, Lot 220, and

Lots 301-311, with reference to “Section 6.2 – Table 10 – Option 1” of the report titled “Road Traffic Noise Impact Assessment: Harrington Park South Residential Subdivision, Prepared for Cardno NSW Pty Ltd, Ref No TE473-01F02 (REV4) Dated 3/09/09.” all facades identified in “Table 10” will require windows to be closed (but not necessarily sealed) to meet internal noise criteria. As a result, the provision of alternative ventilation (possibly mechanical provided there is a fresh air intake) that meets the requirements of the Building Code of Australia (BCA) will need to be provided to habitable rooms on these facades to ensure fresh airflow inside the dwellings when windows are closed. Consultation with a mechanical engineer to ensure that BCA and AS1668 are achieved may be required. Compliance with the above ventilation requirement is to be demonstrated for each dwelling application on the affected lots.

- (18) **Construction of Acoustic Boundary Fence** – Notwithstanding any other condition of this consent an acoustic barrier must be constructed around the perimeter of the subdivision development land to reduce road traffic noise impacts from Camden Valley Way, The Northern Road and Narellan Road on the proposed development.

This fence shall:

- (a) be constructed to a height of 1.8 metres from the finished ground level along the boundaries as required by Section 6.3 – Boundary Fence and as indicated on the map within Appendix C - Noise Prediction (Plan ref TEA73-01; Figure P01; Dated 02/08/09) contained within the acoustic report titled “Road Traffic Noise Impact Assessment: Harrington Park South Residential Subdivision, Prepared for Cardno NSW Pty Ltd, Ref No TE473-01F02 (REV4) Dated 3/09/09”,
- (b) notwithstanding the above, where the barrier is to be constructed along a common boundary of an adjoining allotment then it must be constructed in accordance with the Dividing Fence Act, 1991, and
- (c) not be located or not encroach onto any drainage reserve.

Note 1 - Camden Council will not be responsible for the structural integrity of the wall/fence at any time.

Note 2 - All work associated with the proposed noise attenuation treatments shall be at no cost to Camden Council.

- (19) **Turning Facilities** – All turning and manoeuvring facilities, including turning heads, cul-de-sac, etc., shall be designed in accordance with the current edition of AS 2890.2 and more specifically with the Heavy Rigid Vehicle (HRV) swept turning path contained within that document, or as approved by the Principal Certifying Authority.

- (20) **Location of Public Utility Services** – The location of all Public Utility Services shall comply with the following requirements:

- i) All proposed Public Utility Authority plant/infrastructure shall be located in

proposed public roads and shall be:

- a) contained within the footway/s of that road, in accordance with the provisions of the current Streets Opening Conference, and
 - b) where visible, located within a distance of 1 metre either side of the prolongation of proposed lot boundaries (if any) except when such plant/infrastructure is to be located adjacent to splay corner/s associated with road intersections.
- ii) Notwithstanding i) above, the following plant/infrastructure:
- a) Electrical pad-mounted substations, and
 - b) Sewer Access Chambers and mains,
MUST NOT be located within any proposed: -
 - c) public road reserve,
 - d) public reserve, and
 - e) drainage reserve

EXCEPT where such subsurface plant/infrastructure, associated with such, is required to traverse a proposed public road. In such circumstances the traverse length must be minimal with the final location of the traverse being confirmed by the Principal Certifying Authority **prior to the commencement of any associated work.**

- iii) The design of proposed Public Utility Authority plant/infrastructure must be consistent with all aspects of the approved road design associated with the issued Construction Certificate.

All proposed Public Utility Authority plant/infrastructure connections in existing public roads must comply with the provisions of the Memorandum of Agreement associated with the current Streets Opening Conference.

(21) **Salinity Management Plan (SMP)** - All proposed work that includes earthworks, landscaping and public infrastructure at the subject site, must be undertaken in accordance with “*Section 6 – Salinity Management Plan*” of the report titled “*Salinity Management Plan: Sharman Close Harrington Park, Prepared for Nepean Quarries Pty Ltd, Prepared by SMEC Testing Services Pty Ltd, Report No 07/1549, Dated November 2007.*”

(22) **No approval for additional works** - This approval does not grant or imply any approval for works other than for the purpose of Subdivision and Acoustic Wall (i.e. Retaining Walls). Any additional works will be subject to separate Development Consent.

2.0 - Construction Certificate Requirements

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

- (1) **Construction Certificate Prior to Commencement** – This development consent does not permit site and/or building works to commence, nor does it imply that the

plans attached to this consent are suitable or adequate for the purposes of a Construction Certificate. All construction work associated with this development consent must be supported by an issued Construction Certificate and such works must only commence after a Principal Certifying Authority (PCA) has been appointed.

(2) **Public Utility Service Plans** – Public Utility Service plans shall be submitted to the Certifying Authority for inclusion in any Construction Certificate application. The plan/s shall:

- (a) be prepared by a designer accredited by a scheme approved by relevant Public Utility Service Authorities,
- (b) be suitable for approval by relevant Public Utility Service Authorities,
- (c) incorporate any relevant conditions associated with this Development Consent,
- (d) recognise all provisions and requirements of the current Streets Opening Conference.

(3) **Soil Erosion And Sediment Control Plans** - Erosion and sediment control plan/s must be:

- (a) prepared by persons with experience in civil engineering design,
- (b) designed in accordance with Camden Council's Development Control Plan 2006 and included in the Environmental Site Management Plan (ESMP), and
- (c) endorsed by a practicing engineer with National Professional Engineering Registration and associated General Area of Practice in civil engineering, and
- (d) be incorporated into the Environmental Site Management Plan.

Such plans shall detail the following:

- (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.
- (q) location of the Stabilised Access Point (SAP)

Control measures both with the subdivision site and any existing road

reserve adjacent shall be maintained during the entire period of construction.

(4) Flood Study - A flood study:

- (a) prepared by a person with experience in the design of stormwater reticulation and management facilities, and
- (b) endorsed by a practising engineer/s with National Professional Engineering Registration and associated General Area of Practice in civil engineering,

shall be prepared in order to determine the impact of the proposed development on the flood behaviour of the existing watercourse. The results and recommendations of the study must be:

- (i) incorporated into the Stormwater Management Plan, and
- (ii) submitted to the Certifying Authority for inclusion in any application for a Construction Certificate.

(5) Traffic Management Plan – A construction traffic management plan relating to all public places must be included in the submitted Environmental Site Management Plan (ESMP) associated with this development consent. The purpose of such is to ensure public safety and minimise/control potential adverse impacts on existing pedestrian and vehicular traffic systems. Plans detailing such matters shall: -

- (a) be prepared in accordance with the most current edition of AS1742.3, and
- (b) indicate, but not be limited to, all disposal and delivery routes, the location of the Stabilised Access Point/s (SAP) and any vehicular diversionary thoroughfares associated with the construction.
- (c) be submitted to and approved by the Roads Authority, Camden Council **prior to the issue of any Construction Certificate.** In that regard, a Public Road Activity (Other) application must be submitted to 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/>

(6) Environmental Site Management Plan - An Environmental Site Management Plan must be submitted to the Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared: -

- (a) in accordance with AS/NZ ISO 14000 – 2005, and
- (b) must address, but not be limited to, the following:
 - (i) all matters associated with Part D Chapter 2 of Camden Council's Development Control Plan 2006;
 - (ii) all matters associated with Occupational Health and Safety;
 - (iii) all matters associated with Traffic Management/Control;
 - (iv) all other environmental matters associated with the site works such as noise control, dust suppression and the like.

(7) Additional Management and Operational Plan – To support the remediation strategy additional Management and Operational Plans are required to be completed and submitted to the Certifying Authority for concurrence prior to the issue of the Construction Certificate. The plans shall include a:

- Emergency Response Plan (ERP);
- Occupational Health and Safety Plan (OH&SP);
- Contingency Management Plan (CMP); and
- Safe Work Method Statements.

- (8) **Dilapidation Survey** – A photographic dilapidation survey of existing public roads, drainage reserves, drainage easements and any other public infrastructure within the immediate area of the development site must be submitted to the Certifying Authority for approval and inclusion in any application for a Construction Certificate.

The survey must include descriptions of each photo and the date when each individual photo was taken.

- (9) **Public Risk Insurance Policy - Prior to the issue of any Construction Certificate**, the owner/contractor is to lodge with Camden Council a Certificate of Currency for a Public Risk Insurance Policy. The policy is to relate to the use, occupation of and works within Council's road reserve for all activities associated with this proposed subdivision. The certificate must provide the following details:

- (a) confirmation that such a policy provides a minimum public liability cover of \$20 million.
- (b) currency period for the policy.
- (c) the land to which the policy relates, and
- (d) the details of the person/company to whom the policy has been issued
- (e) The Certificate of Currency must remain current for the duration of all construction activities and until the Plan of Subdivision has been registered by Department of Lands - Land and Property Information.

- (10) **Performance Bond - Prior to the issue of the Construction Certificate** a performance bond of \$200,000 and must be lodged with Camden Council. Should any of Council's property sustain damage or the implementation of the development place the environment or public at risk, Council will perform any works necessary on behalf of the applicant to rectify these works.

The bond will be refunded when:

- (a) all work both within the subdivision site and the existing public road adjacent, has been completed in accordance with the issued consents, and
- (b) the Bond for Rectification of Public Work has been lodged with Council.

The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during construction works.

Note 1: In accordance with Council's current Fees & 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 performance bond, unless a suitable replacement bond is submitted.

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

Such kerb outlets shall be:

- (a) located within two (2) metres downstream of the prolongation of the lot corner with the lowest reduced level and to the requirements of the Principal Certifying Authority. In that regard, where a location coincides with a stormwater drainage pit a connection to that pit shall be provided in lieu of the kerb outlet.
- (b) constructed in accordance with Camden Council's current Engineering Specification/s, and
- (c) indicated in any design plan submitted to the Certifying Authority for the purposes of obtaining a Construction Certificate.

(12) **Location of Drainage Pits** – Where drainage kerb inlet pits are proposed adjacent to any lot such pits shall be located within two (2) metres of either side of the prolongation of any proposed side/common boundary of the lot. The location of these structures shall be clearly delineated in any drainage infrastructure plan submitted to the Certifying Authority for inclusion in any application for a Construction Certificate.

(13) **Common Drainage Lines** – Common drainage lines shall 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 serviced by any such common drainage system shall not exceed eight (8). Where necessary, and prior to the issue of any Subdivision Certificate, the Principal Certifying Authority, may require additional drainage work, not necessarily shown on the approved plans, to be constructed so as to protect proposed/existing lots downstream from flooding as a result of any overland flow.

Where sewer main construction is proposed adjacent to the proposed common drainage system, such system shall be installed after the sewer main has been constructed.

(14) **Road Design Criteria** - Dimensions and pavement design details for proposed roads must align with the following:

ROAD NO	ROAD RESERVE	CARRIAGEWAY	Footway	DESIGN E.S.A'S	COMMENTS
1	16	8	4	5 x 105	
2	15	8	3.5	5 x 105	
3	16	8	4	5 x 105	

(Measurements are in metres)

The pavement design/report shall be prepared by a person with experience in the geotechnical aspects of earthworks and endorsed by a practising engineer with National Professional Engineering Registration and a Specific Area of Practice in Subdivisional Geotechnics.

Design parameters shall also comply with the provisions of Camden Council's current Engineering Design Specification and be included any application for a Construction Certificate.

(15) **Temporary Turning Facility** – A temporary turning/manoeuvring facility shall be provided at the end of any proposed road that terminates as a result of the proposed staging plan. The facility shall be designed in accordance with:

- (a) the current edition of AS 2890.2 and more specifically the Heavy Rigid Vehicle (HRV) swept turning path contained within that document.
- (b) Camden Council's Development Control Plan 2006.

The manoeuvring area within the facility shall incorporate the pavement and wearing course design associated with the adjoining proposed public road and there shall be no kerb and gutter of any type within the facility. Any additional land required to accommodate the facility, adjacent to the proposed public road, shall be provided with such land being dedicated as a temporary public road in accordance with s.9, 39 and 40 of the *Roads Act 1993*.

The status of the facility shall remain as a temporary public road until such time as an alternative facility has been provided and dedicated as either:

- (i) public road, or
- (ii) temporary public road.

(16) **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: -

- (a) prepared by persons with experience:
 - (i) in civil and structural engineering design, and
 - (ii) the geotechnical aspects of earthworks
- (b) endorsed by a practising engineer/s with National Professional Engineering Registration and
 - (i) associated General Areas of Practice in civil and structural engineering, and
 - (ii) a Specific Area of Practice in Subdivisional Geotechnics.
- (c) submitted to the Certifying Authority for inclusion in any application for a Construction Certificate.

It should be noted that designs for linemarking 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.

(17) **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**.

In that regard the following items/matters are required to be completed **prior to the issue of any Subdivision Certificate**:

- (a) Work within the Stewart St road reserve
- (b) Kerb return reconstruction at the Pearson Cres/Bentella Rd intersection
- (c) All drainage work in Bentella Rd and Correllis St

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:

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

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

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

- (18) **Hoarding and Ancillary Requirements** - The site must be enclosed with a suitable temporary 'A' class type hoarding or security fence of a type approved by the Consent/Roads Authority, Camden Council. Such hoardings **MUST NOT** encroach upon any road reserve or other private land without the prior written concurrence of the affected property owner.

If it is proposed to locate such a hoarding within any property owned/controlled by Camden Council then a Public Road Activity (Hoarded Zone) Application must be submitted to and approved by Camden Council prior to its installation and **the issue of any Construction Certificate**. Applications forms are available from Council's Customer Service Counter or from Council's internet site <http://www.camden.nsw.gov.au/>

Note 1 No site work may commence until the hoarding/fence is installed.

Note 2 Public thoroughfares must not be obstructed during the course of construction work.

- (19) **Water Quality Conditions** – The following Water Quality conditions shall be

complied with:

Water Quality - Stage 1, Phase 1

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

- (i) for sediment control, generally, Managing Urban Stormwater - Soils and Construction, Volume 1, 4th Edition, March 2004 as produced by Landcom,
- (ii) 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 Certifying Authority for inclusion in any application for a Construction Certificate.

(b) **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.

(c) **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:

- (i) in accordance with the approved plans, and
- (ii) 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.

(d) **Fencing of the "Construction" On-site Detention/Sediment Control Basin** - Any "construction" on-site detention/ sediment control basin must be enclosed by a 2.1m high security fence of a type approved by the Consent Authority (Camden Council). Any such fence is to be continually maintained and is to remain in place until this facility is removed or reconstructed to a temporary/permanent water quality facility.

Water Quality - Stage 1, Phase 2

(e) **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:

- (i) a filter medium must be included in the design.
 - (ii) 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.
- (f) **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, 4th Edition, March 2004 as produced by Landcom and must provide detailed information regarding the following:

- (a) method of desilting
- (b) method of removal of sediment and gross pollutants
- (c) 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.

- (g) **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: -
- (i) 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
 - (ii) 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:

- (i) applies only where such a facility is located in existing and/or proposed public land,
- (ii) has been determined at an amount of \$70,000, and
- (iii) will be retained by Council until: -
- (iv) such works have been completed in accordance with the approved plans and to the requirements of Council,
- (v) a permanent water quality facility has been provided in a public infrastructure location approved by Council, and
- (vi) the completion of such work has been confirmed, in writing, by Council.

Water Quality - Stage 2

(h) **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, **prior to the issue of any Construction Certificate.**

(l) **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.

Water Quality - Stage 3

(j) **Design of the Permanent Water Quality Facility** - The design of the water quality facility must be prepared in accordance with the requirements of Camden Council.

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

(k) **Construction of Permanent Water Quality Facilities** – A permanent water quality facility must be constructed: -

- (i) in accordance with the approved plans,

- (ii) to the requirements of Camden Council,
- (iii) 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.

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

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

- (i) vegetation management
 - (ii) removal of noxious weeds
 - (iii) replacement of filter medium
 - (iv) water quality
- (m) **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"
 - (n) **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.
 - (o) **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.
 - (p) **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.

- (q) **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.

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

This written confirmation may be by way of either:

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

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

- All access roads have sufficient carriageway width.
- Verge widths are sufficient.
- Longitudinal grades are not too great.
- Horizontal geometry provides for appropriate access.
- Turning/manoeuvring is achievable.
- Kerb types are appropriate.
- On street parking (kerbside and indented) is not expected to be problematic for fire fighting vehicles to gain access.
- On street parking restrictions / signage is not expected to be problematic for fire fighting vehicles to gain access.
- Access requirements with regards to perimeter roads has been achieved.
- The required Asset Protection Zones have been achieved.
- All requirements of the Rural Fire Service's General Terms of Approval reference D08/1768, dated 3 November 2009, as noted in Section 8.0 of the development consent have been met.

(21) **Waste Bin Provision** – Waste bin collection points must be provided for each residential lot. This area is to be 3 metres long x 0.9 metres wide and allow a 3.9 metre clear vertical space to allow for the waste collection vehicle truck-lifting arm. It must also be positioned parallel to the back of the kerb and ensure the positioning of driveways, tree plantings (or tree canopies), street lighting or other fixtures.

3.0 - Prior To Works Commencing

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

(1) **Signs To Be Erected On Demolition, Building and Subdivision Sites** – Pursuant to cl.98A of the *Environmental Planning and Assessment Regulation 2000*, a sign must be erected on any site on which building, subdivision and/or demolition work is being carried out advising of the following:

- (a) the name, address and telephone number of the Principal Certifying Authority (PCA)
- (b) full details of the Construction Certificate/s

- (c) full details of Development Consent No 917/2009
- (d) the name of the 'principal contractor' (if applicable) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (e) unauthorised entry to the work site is prohibited.

The sign must be:

- (a) located within the site,
- (b) clearly visible and legible from the carriageway of any adjacent public road,
- (c) a minimum size of 300mm x 400mm,
- (d) erected prior to the commencement of any work, and
- (e) maintained throughout the duration of the construction works.

Note:

1. The Principal Certifying Authority and principal contractor must ensure that the sign/s required by this condition are erected and maintained.
2. Any such sign may only be removed when the Department of Lands - Land and Property Information have registered the Subdivision Certificate/Plan of Subdivision.
3. This clause does not apply to building work carried out inside an existing building that does not affect the external walls of the building.

- (2) **Stabilised Access Point** - A Stabilised Access Point (SAP) must be installed and maintained at the construction ingress/egress location, in accordance with Camden Council's standard drawing SD31 Rev. A dated Jan 2009, **prior to the commencement of any work.**

The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress to/from the site must be limited to a single point unless noted otherwise on the approved plans. Refer to the approved Soil Erosion and Sediment Control Plan for location details.

The SAP must be sufficient for all proposed construction traffic associated with the proposed subdivision.

- (3) **Pollution Warning Sign** – Pollution warning signs must be erected at all entrances to the subdivision site prior to work commencing; such signage must be maintained until the subdivision has reached 80% occupancy. The signs must be constructed of durable materials, be of minimum dimensions 1200 x 900mm. And provide the following information: -

“WARNING - UP TO \$1,500 **penalty**. 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.” with: -

- (a) “WARNING - UP TO \$1,500 **penalty**” being in upper case text 120mm high and red in colour,
- (b) all other text being in lower case 60mm high and black in colour, and text in (a) and (b) above being on white background surrounded by a red border.

- (4) **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.
- (5) **Disconnection of Services** - All services (ie sewer, phone, gas, water and electricity) must be disconnected prior to commencement of demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (6) **Destination of Waste Material** – Demolition materials must be disposed of to an approved land-fill site and where appropriate to an approved recycling outlet. Details of the method of waste disposal must be lodged with the Consent Authority (ie Camden Council) prior to commencement of work.
- (7) **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:
- (a) written notice indicating the date when demolition of the building is to commence;
 - (b) details of name, licence, address and business hours contact number;
 - (c) a copy of the demolishers current public liability/risk insurance policy indicating cover of at least \$20,000,000.
- (8) **Demolition (WorkCover Licence)** - Persons undertaking demolition work shall be licensed under the Occupational Health and Safety (Demolition Licensing) Regulation 1995. WorkCover issue demolition licences to applicants who successfully undertake the Demolition Supervision Course, and who can demonstrate their ability and experience in the field.
- (9) **Giving Notice to Other Statutory Authorities** - The notice does not preclude the demolisher from the requirement of giving notice to other Statutory Authorities as the Sydney Water, WorkCover, etc.
- (10) **Erosion Control Demolition** - Prior to demolition commencing, erosion control measures shall be provided on site eg, siltation fences etc.
- (11) **Demolition Sign to Restrict Entry** - A sign shall be erected on the site stating that unauthorised entry is not permitted.
- (12) **Notice of Commencement of Work** – Notice as:
- (a) required by s.81A(4)(c) of the *Environmental Planning and Assessment Act 1979*, and
 - (b) prescribed by cl.104 of the *Environmental Planning and Assessment Regulation 2000*,
- shall be lodged with Camden Council **at least 2 days prior to the commencement of any subdivision work.**
- (13) **Archival Report** – Prior to the commencement of any works, the Heritage Impact

Statement, dated September 2009 and Supplementary Report, dated December 2009 as prepared by Urbis shall be submitted to Camden Council (at no cost to Council) in a form in accordance with the minimum standards of "Archival Recording" (NSW Heritage Office) and shall include:

- a) A location plan which cross references the photographs within the Statement of Heritage Impact
- b) A electronic version of the photographs as described in (a) and
- c) A written consent from the author/s of the Statement verifying that the report and photographs can be placed in Camden Council's Local History Library for the purpose of being publicly accessible.

4.0 - During Construction

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

- (1) **Principal Certifying Authority Inspections** – Due to the nature of this development consent Camden Council **must** be nominated as the Principal Certifying Authority (PCA). Inspections required by the PCA are required at the following stages of construction:
 - (a) prior to the installation of sediment and erosion controls measures,
 - (b) prior to the backfilling of pipelines and subsoil drains,
 - (c) prior to the casting of pits and other concrete structures including kerb and gutter, roads, accessways, aprons, footpaths, shared pedestrian/cycle paths, footpath crossings, dish/gutter crossings, steps, etc
 - (d) proof testing of road pavement sub-grade and sub-base layers,
 - (e) final proof testing of completed road pavement prior to the placement of the wearing course,
 - (f) prior to the backfilling of public utility service trenches within proposed road reserves,
 - (g) prior to the placement of asphaltic concrete,
 - (h) final inspection after all works are completed and "Works as Executed" plans have been submitted to the PCA,
 - (i) any other inspections deemed necessary by the PCA.
- (2) **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.
- (3) **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).

(4) **Vehicles Leaving The Site** - The contractor / demolisher / construction supervisor **MUST** ensure that: -

(a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;

(b) the wheels of vehicles leaving the site:

(i) do not track soil and other waste material onto any public road adjoining the site

(ii) fully traverse the Stabilised Access Point (SAP).

(5) **Dust Control** – Potential dust generation areas on-site shall be provided with vegetation cover and/or aerial water sprays to ensure that airborne particles are suppressed especially during periods of dry/windy weather.

(6) **Protection Of Public Places** – If the work involved in the erection or demolition of a building:

(a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

(b) building involves the enclosure of a public place,

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

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

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

(a) The delivery of material shall only be carried out between the hours of 7 am - 6pm Monday to Friday and between 8am - 5pm on Saturdays.

(b) 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.

(c) All construction activities shall be confined to the curtilage of the site. All

pollutants from these activities shall be contained on site and disposed of in an appropriate manner.

- (d) Construction waste must not be burnt or buried on site, nor should any wind-blown matter be permitted to leave the site. All waste must be disposed of at an approved Waste Disposal Depot.

A waste control container shall be located within the development site.

- (8) **Salinity** – Site road works should be planned to reduce cut and fill to an absolute minimum and the earthworks undertaken in stages to alleviate erosion and localised instability problems. To minimise the effects of erosion, all road batters whether in cut or fill should be stabilized by planting (or the application of spray-on mulch) with appropriate species or vegetation as soon as practical after construction.

When planning and constructing the road way consideration should be given to the potential impacts of mild to moderately aggressive soil conditions on concrete and steel due to the pH of the soils at the site.

Any landscaping plans for the site are to reflect the moderately saline environment and should recommend the use of plants capable of growth in sodic soils of 5dS/m.

- (9) **Compaction (Roads)** - All filling on roadways must be compacted at 100% standard compaction and tested in accordance with Camden Council's current Engineering Specification and the most current edition of AS1289.

Compaction activities shall be undertaken by a practising engineer with National Professional Engineering Registration and a Specific Area of Practice in Subdivisional Geotechnics to Level 1 responsibility in accordance with the requirements of AS 3798 - 1996

Sample testing is to be undertaken by a NATA registered laboratory with laboratory reports being:

- (a) endorsed by the engineer noted above, and
- (b) submitted to the Principal Certifying Authority/Roads Authority **prior to the issue of any Subdivision Certificate.**

- (10) **Compaction (Lots)** – All proposed lots subject to filling shall be compacted to 95% standard compaction and tested in accordance with Camden Council's current Engineering Specification and the current edition of AS1289.

A practising engineer with National Professional Engineering Registration and a Specific Area of Practice in Subdivisional Geotechnics shall supervise compaction activities to Level 1 responsibility in accordance with the requirements of AS 3798 - 1996

Sample testing is to be undertaken by a NATA registered laboratory with laboratory reports being:

- (a) endorsed by the engineer noted above, and
- (b) submitted to the Principal Certifying Authority **prior to the issue of any Subdivision Certificate.**

- (11) **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/or establishment and maintenance period, 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.

Any necessary repair or replacement is to take effect prior to the finish of the Consent conditioned 12-month maintenance and establishment period.

- (12) **Conditional Approval for Tree Removal -** Consent is granted for the removal of those trees as indicated in the Arboricultural Assessment Report, prepared by Horticulture Management Services, Dated 28th August 2009.

Where possible all green waste generated from the approved tree work is to be recycled into mulch, reused on site or composted at a designated facility

The issuing of this Consent is conditioned upon the planting and maintenance of suitable replacement trees as a means to achieve a "No Nett Loss" approach to vegetation management. The plantings in this instance are indicated on the approved Landscaping Plan relating to this Consent.

At the appropriate time, arrangements will be made by the Applicant for a Council officer to inspect the planting's (referred to in the clause above) to ensure that Council's objectives for vegetation management are being achieved.

- (13) **Responsibility for Damage for Tree Removal -** The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicants' agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.

- (14) **Demolition Australian Standard -** Demolition of the building shall be carried out in accordance with the requirements of Australian Standard 2601 - 1991 where applicable.

- (15) **Asbestos -** All material in the building which contains asbestos shall be removed in accordance with the guidelines of the WorkCover Authority (telephone 9370 5099) and requirements of the Environmental Protection Authority.

- (16) **Demolition Access Authorised Persons -** Access to the site shall be restricted to Authorised Persons only and the site shall be secured against unauthorised entry when building work is not in progress or the site is otherwise unoccupied.

- (17) **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.

- (18) **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.
- (19) **Unexpected findings Contingency** – Upon the identification of additional contamination or hazardous materials at any stage of the remediation or other construction processes all remediation / construction 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.
- (20) **Workcover Authority** - All remediation work must comply with relevant requirements of NSW WorkCover Authority.
- (21) **Offensive Noise, Dust, Odour, Vibration** - Remediation and construction 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.
- (22) **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.
- (23) **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.
- (24) **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.
- (25) **Fill Material For Remediation or Residential Subdivision - 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 and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

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

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

Sampling of VENM for salinity of fill volumes:

- (f) less than 6000m³ - 3 sampling locations,
- (g) greater than 6000m³ - 3 sampling locations with 1 extra location for each additional 2000m³ or part thereof.

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

Sampling for Contamination should be undertaken in accordance with the following table:

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m3)
Virgin Excavated Natural Material	1 (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.*

(26) **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/envguidlns/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.

(27) **Decommissioning of the existing on-site sewage management system** - The septic tank and transpiration bed shall be decommissioned in accordance with the following:

- (a) The septic tank/holding well and grease trap shall be emptied by a licensed liquid wastewater contractor and the contents disposed of at an approved wastewater depot. A copy of the receipt is to be submitted to Council,

- (b) The sides, lid, baffle (if fitted) and square junctions of the tank should be hosed down as the waste is being removed,
- (c) The inlets and outlets should be plugged and the tank should then be filled with clean water and disinfected to a minimum level of 5mg/l of free residual chlorine, with a one half hour contact time. The lid should be exposed to the chlorine solution. The chlorine should be allowed to dissipate naturally and not be neutralised. The contents of the tank/ and or well shall than be emptied by a licensed liquid wastewater contractor.
- (d) The septic tank and any associated drainage and disposal field shall be removed and disposed of at a suitably licensed landfill site.

The septic tank system shall be de-commissioned in the following manner:

- (e) the septic tank and holding well shall be emptied by an authorised wastewater removal contractor and the contents disposed of at an approved wastewater depot,
 - (f) receipts for emptying of tanks and disposal of contents shall be submitted to the Certifying Authority,
 - (g) the septic tank and holding well shall be thoroughly dusted with commercial grade agricultural lime,
 - (h) the base(s) of the tank(s) is to be punctured (to prevent future holding of water), the lids broken in and the top edges broken down 300mm below ground level, and
 - (i) the tanks are to be backfilled with clean filling material and finished to the surrounding ground level.
 - (j) materials and drainage pipes used in the construction and connection of the existing redundant transpiration beds/ absorbtion trenches shall be removed and disposed of at a suitably licensed landfill site. (I.e. aggregates, rubble, sand, concrete slabs and the like) The transpiration beds/ absorbtion trenches are to be backfilled with clean filling material and finished to the surrounding ground level.
- (28) **Occupation Hygienist Certification** – Following the demolition of any dwellings and related infrastructure a qualified occupational hygienist must inspect the demolition site (after the removal of all demolition materials) and provide certification that the land is free of hazardous building materials. The certification must be provided to the Certifying Authority prior to further development works being conducted on the demolition site.
- (29) **Potential Archaeological Site Monitoring** - In the event that any potential archaeological relics are encountered during excavation, it is the applicant's responsibility to ensure that all ground disturbances in the area of the find cease and that relevant authorities are contacted immediately to determine an appropriate course of action.

- (30) **Compliance with the Noxious Weeds Act 1993** – During construction works for each stage of the development the developer must ensure that;
- (a) All measures are taken to fully and continuously suppress and destroy, by appropriate means, noxious weeds found to be present on the property.
 - (b) Other noxious or invasive weed infestations that occur during or after subdivision and prior to sale of the new lots, must be reported to Council and fully eradicated by appropriate means; and
 - (c) At all times any machinery, vehicles or other equipment entering or leaving the site must be cleaned and free from any noxious weed material, to prevent the spread of noxious weeds to or from the property.

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) **Subdivision Certificate Release** - The issue of a Subdivision Certificate is not to occur until:
- (a) all conditions of this consent have been satisfactorily addressed and all engineering works are complete;
 - (b) the acoustic barrier has been constructed in accordance with the relevant conditions of this development consent and to the satisfaction of Camden Council,
- unless otherwise approved in writing by the Principal Certifying Authority.
- (2) **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

- (a) Pursuant to **Contributions Plan No 3** amended in February 1998, a contribution must be paid to Council of \$14,707.00 per hectare, total \$44,662.00, for **Trunk Drainage, Water Quality Facilities and Professional Services**.

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

The monetary contribution for Trunk Drainage and Water Quality Facilities may be offset by the value of land transferred to Council or by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan.

- (b) Pursuant to **Contributions Plan No 18** adopted in September 1995, a contribution must be paid to Council of \$8,824.00 per additional lot or dwelling, total \$379,432.00, for **Community Facilities, Recreation Facilities and Open Space**.

The contribution must be indexed by the Building Price Index, 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.

- (c) Pursuant to **Contributions Plan No 18** adopted in September 1995, a contribution must be paid to Council of \$1,054.00 per additional lot or dwelling, total \$45,322.00, for a **Library, Netball Courts, Swimming Pool and Professional Services**.

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

- (d) Pursuant to **Contributions Plan No 20** adopted in October 1996, a contribution must be paid to Council of \$25.00 per additional lot or dwelling, total \$1,075.00, for **Fire and Other Emergency Facilities and Equipment**.

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

Stage 2

- (e) Pursuant to **Contributions Plan No 3** amended in February 1998, a contribution must be paid to Council of \$14,707.00 per hectare, total \$34,182.00, for **Trunk Drainage, Water Quality Facilities and Professional Services**.

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

The monetary contribution for Trunk Drainage and Water Quality Facilities may be offset by the value of land transferred to Council or by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan.

- (f) Pursuant to **Contributions Plan No 18** adopted in September 1995, a contribution must be paid to Council of \$8,824.00 per additional lot or dwelling, total \$326,488.00, for **Community Facilities, Recreation Facilities and Open Space**.

The contribution must be indexed by the Building Price Index, 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.

- (g) Pursuant to **Contributions Plan No 18** adopted in September 1995, a contribution must be paid to Council of \$1,054.00 per additional lot or dwelling,

total \$38,998.00, for a **Library, Netball Courts, Swimming Pool and Professional Services.**

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

- (h) Pursuant to **Contributions Plan No 20** adopted in October 1996, a contribution must be paid to Council of \$25.00 per additional lot or dwelling, total \$925.00, for **Fire and Other Emergency Facilities and Equipment.**

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

Stage 3

- (i) Pursuant to **Contributions Plan No 3** amended in February 1998, a contribution must be paid to Council of \$14,707.00 per hectare, total \$28,621.00, for **Trunk Drainage, Water Quality Facilities and Professional Services.**

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

The monetary contribution for Trunk Drainage and Water Quality Facilities may be offset by the value of land transferred to Council or by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan.

- (j) Pursuant to **Contributions Plan No 18** adopted in September 1995, a contribution must be paid to Council of \$8,824.00 per additional lot or dwelling, total \$158,832.00, for **Community Facilities, Recreation Facilities and Open Space.**

The contribution must be indexed by the Building Price Index, 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.

- (k) Pursuant to **Contributions Plan No 18** adopted in September 1995, a contribution must be paid to Council of \$1,054.00 per additional lot or dwelling, total \$18,972.00, for a **Library, Netball Courts, Swimming Pool and Professional Services.**

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

- (l) Pursuant to **Contributions Plan No 20** adopted in October 1996, a contribution must be paid to Council of \$25.00 per additional lot or dwelling, total \$450.00,

for **Fire and Other Emergency Facilities and Equipment.**

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

- (3) **Sydney Water Service Covers – Prior to the issue of any Subdivision Certificate** all Sydney Water service covers ie hydrants, stop valves etc., are to be made clearly identifiable by the installation of appropriate kerb markings and blue coloured raised reflective pavement markers placed at the centreline of the road opposite the hydrant to comply with AS2419. These pavement markers are to be reinstated after placement of the final layer of asphaltic concrete and prior to the release of the Final Layer Asphaltic Concrete bond.
- (4) **Street Signs** – Street signs are to be installed:
 - (a) in accordance with the requirements of the Principal Certifying Authority (PCA) and the Roads Authority, Camden Council, and
 - (b) **prior to the issue of any Subdivision Certificate.**
- (5) **Stormwater Destination - Prior to the issue of any Subdivision Certificate** pit lintels must be permanently stenciled to clearly identify the watercourse into which stormwater from the pit drains. The stenciling medium must be of a good quality UV stabilised road marking/concrete paving paint and colour “Brunswick Blue” or similar; stencils are available from Camden Council.
- (6) **Damaged Assets** – Damage to Council’s assets/infrastructure caused by any activity and/or work associated with public utility relocation shall incur no cost to Council. Any such damage must be made good **prior to the issue of any Subdivision Certificate.**
- (7) **Services - Prior to the issue of any Subdivision Certificate** the following service authority certificates/documents must be obtained and submitted to the Principal Certifying/Certifying Authority for inclusion in any Subdivision Certificate application:
 - (a) a certificate pursuant to s.73 of the *Sydney Water Act 1994* indicating the status of availability of water and sewerage facilities for each allotment.

Application for such a certificate must be made through an authorised Water Servicing Coordinator.
 - (b) a Notification of Arrangements from Integral Energy.
 - (c) Written advice from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the subdivision/development.
- (8) **Geotechnical Certification – Prior to the issue of any Subdivision Certificate** certification from a practicing engineer with National Professional Engineering Registration and a Specific Area of Practice in Subdivisional Geotechnics shall be submitted to the Principal Certifying Authority (PCA) verifying that:

- (a) the work indicated in the approved plans and any associated geotechnical reports have been undertaken/completed:
 - (i) in accordance with those documents, and
 - (ii) with an appropriate level/s of supervision (level/s to be stated), and
- (b) the assumptions made, relating to site conditions, during the preparation of the subject documents were validated during construction.

The certification shall make reference to both the Works-as-executed and Fill plans.

- (9) **Fill Plan** – A Fill plan must be submitted to the Principal Certifying Authority (PCA) prior to the issue of any Subdivision Certificate. The plan must:
- (a) show lot boundaries,
 - (b) show road/drainage/public reserves,
 - (c) show street names,
 - (d) show final fill contours and boundaries, and
 - (e) show depth of filling in maximum 0.5m increments.

be submitted electronically in Portable Document Format (.pdf) at 150 dpi with a maximum individual file size not exceeding 2 Megabytes and submitted both electronically and on A1 paper plan.

- (10) **Access Denial for Specific Lots** – The Principal Certifying Authority shall confirm the “access denied” location of any proposed lot adjacent to a proposed/existing public road. A description of the access denied section of the lot shall be noted in a restriction-as-to-user pursuant to s.88B of the Conveyancing Act 1919 and be included in any application for a Subdivision Certificate.

- (11) **Flood Line Identification** – A plan, indicating the following information, shall be included in any application for a Subdivision Certificate:

- (a) contours sufficient to determine any/all watercourses and associated areas of existing flood affectation,
- (b) 1% AEP and PMF advice, to AHD, noted at the areas determined in (a) above and at maximum 150 metres sectional intervals along the flowpath centreline within each area, and
- (c) a report or correspondence relating to a report that confirms/certifies the information referred to in (b) above

- (12) **Surveyors Report - Prior to the issue of any Subdivision Certificate** certification prepared by a registered surveyor stating that:

- (a) all drainage lines and associated structures have been laid within their respective easements,
- (b) that no services or accessways encroach upon any proposed boundary other than as provided for by easements as created by the final Plan of Subdivision.

The certificate must be referenced to the works-as-executed plan, be submitted to the Principal Certifying Authority (PCA) and included in any application for a Subdivision Certificate.

- (13) **Footpath Construction Bond - Prior to the issue of the Subdivision Certificate** the applicant is to lodge a bond with Camden Council for the construction of concrete footpath and/or pedestrian/cycle shared way.

The bond is to be in the form of cash or an unconditional bank guarantee in favour of Camden Council, and must be equivalent to 200% of the value of such work, including the cost of all reinstatement works, with the estimated cost of such work being determined by reference to Council's current Schedule of Fees and Charges or as agreed with Council.

The work is to be completed within 5 years from the registration of the Subdivision Certificate/Plan of Subdivision **or** when Occupation Certificates for dwellings associated with 70-80% of the lots created by the subdivision, directly adjacent to the footway where the subject construction is proposed, have been issued.

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

Note 1: In accordance with Council's current Schedule of 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 bond until:

- (a) the work has been completed to the requirements of Camden Council, and/or
- (b) where applicable a suitable replacement bond is submitted.

- (14) **Soil Classification** - A soil classification report must be submitted to the Principal Certifying Authority (PCA) for inclusion **in any application for a Subdivision Certificate**. The report must:

- (a) indicate the classification of soil type generally found within the subdivision,
- (b) provide a lot classification for each lot within the subdivision,
- (c) be prepared:
 - (i) by a person with experience in geotechnical aspects of earthworks
 - (ii) in accordance with the requirements of the current editions of AS 2870 "Residential Slabs and Footings" and AS 3798 "Guidelines on Earthworks for Commercial and Residential Development"
- (d) be endorsed by a practising engineer with National Professional Engineering Registration and a Specific Area of Practice in Subdivisional Geotechnics.

- (15) **Works as Executed Plan** – A Works as Executed plan shall be submitted to the

Principal Certifying Authority (PCA) **prior to the issue of any Subdivision Certificate.** The plan shall:

- (a) be prepared in accordance with the requirements of Camden Council's current Engineering Specification,
 - (b) include Flood Line Identification requirements,
 - (c) be endorsed by a registered Land Surveyor,
 - (d) be submitted to the Principal Certifying Authority (PCA) for approval, and
 - (e) be submitted electronically in Portable Document Format (.pdf) at 150 dpi with a maximum individual file size not exceeding 2 Megabytes and submitted both on compact disk and an A1 paper plan.
- (16) **Street Lighting** - Street lighting must be provided within the subdivision in accordance with the relevant Australian standards, Integral Energy approval and the requirements of the Principal Certifying Authority. All such work must be complete and operative **prior to the issue of the Subdivision Certificate.**
- (17) **Lot Numbers and Street Names - Prior to issue of a Subdivision Certificate** lot numbers, house numbers and street names must be stencilled on the face of kerb, or in such location as directed by the Principal Certifying Authority.

The stenciling medium must be of a good quality UV stabilised road marking/concrete paving paint and applied to the kerb accordingly:

- (a) Lot numbers:
 - White number on Brunswick Green, or similar, background located on the prolongation of both common boundaries of each lot.
 - (b) Street names:
 - White lettering on Brunswick Green, or similar, background at kerb and gutter tangent points or at such locations as directed by the Principal Certifying Authority.
- (18) **Value of Works - Prior to issue of any Subdivision Certificate** the applicant must submit an itemised value of civil works for inclusion in Council's Asset Management System. The applicant can obtain a valuation sheet from Council upon request. A separate sheet is required for this work.
- (19) **Final Layer Asphaltic Concrete (Roads)-** The final asphaltic concrete wearing course layer **must not** be placed on the carriageway of any road until:
- (a) a Subdivision Certificate has been issued by the Principal Certifying Authority, Camden Council,
 - (b) the Subdivision Certificate/Plan of Subdivision has been registered with the

Department of Lands - Land and Property Information,

- (c) the terms of any bond for such work have been confirmed to be satisfied by the Roads Authority, Camden Council, and
- (d) a Public Road Activity (Roadworks) application has been submitted to and approved by the Roads Authority, Camden Council.

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

The bond is to be in the form of cash or an unconditional bank guarantee in favour of Camden Council, and must be equivalent to 200% of the value of such work, including the cost of all reinstatement works, with the estimated cost of such work being determined by reference to Council's current Schedule of Fees and Charges or as agreed with the Consent Authority.

The work is to be completed within 5 years from the registration of the Subdivision Certificate/Plan of Subdivision **or** when Occupation Certificates for dwellings associated with 70-80% of the lots created by the subdivision directly adjacent and adjoining such road/s have been issued.

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

Note 1: In accordance with Council's current Schedule of 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 bond until:

- (a) the work has been completed to the requirements of Camden Council, and/or
- (b) where applicable a suitable replacement bond is submitted.

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

The bond has been determined to be 10% of the contract value of all proposed/reconstructed public infrastructure, with a minimum amount of \$5000, and will be retained by Council for a period of six (6) months after work is completed. Please be advised that:

- (a) this bond and the bond period extends to all work:
 - (i) previously rectified under the terms of this bond, and
 - (ii) that has not been completed for which an appropriate bond has also been lodged with Camden Council.
- (b) The contract value/bond amount must be confirmed by Camden Council prior to

the lodging of any such bond.

- (c) 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 a bond processing administration fee is applicable and that such a fee aligns with Council's current Fees and Charges.

(22) Temporary turning heads for Waste Trucks – Prior to the issue of any Subdivision Certificate for any stage of the development the developer must provide the following:

- (a) temporary turning heads must be constructed on Road No. 2 adjacent to Lot 126 within Stage 1, Road No. 2 adjacent to Lot 237 within Stage 1 and Road No. 2 adjacent to Lot 220 within Stage 2, and
- (b) all temporary turning heads are to be constructed in accordance with Council's requirements. The dimensions are required to be followed for heavy vehicle manoeuvrability without posing a hazard to either the community or drivers.

(23) Easements and restrictive/positive covenants - Prior to the issue of any Subdivision Certificate an instrument pursuant to Division 4 of the Conveyancing Act 1919 must be prepared and submitted to the Principal Certifying Authority for approval. The instrument must incorporate, but not be limited to, the following applicable easements, restrictions to user and covenants:

- (a) Easement for services.
- (b) Easement to drain water over all common drainage lines.
- (c) 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.
- (d) Easement for water quality.
- (e) Easement for on-site-Detention.
- (f) Drainage easement over overland flow paths.
- (g) 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.
- (h) Restriction as to user detailing that no person must alter, remove or destroy any part of the fence which forms part of the acoustic fence without the prior approval of Camden Council and that the landowners or their assigns must maintain the acoustic barrier in good order at all times. If the acoustic barrier is not maintained to the satisfaction of Camden Council, Council may enter upon the land and carry out the necessary work at full cost to the owner.

- (i) Restriction as to user on all lots which stipulates that all work that includes earthworks, landscaping, construction of dwellings, public infrastructure, at the subject site must be undertaken in accordance with “Section 6 – Salinity Management Plan” of the report titled “Salinity Management Plan: Sharman Close Harrington Park, Prepared for Nepean Quarries Pty Ltd, Prepared by SMEC Testing Services Pty Ltd, Report No 07/1549, Dated November 2007.” The only exception to the SMP is that for “Concrete Floor Slabs” for dwellings, there must be a “Damp Proof Membrane” (rather than a Vapour Proof Membrane) laid under the slab. Compliance with the above must be demonstrated for each residential development application.
- (j) Restriction as to user on all lots indicating that the footings for any proposed structure/dwelling must be designed and certified by an accredited certify with Structural Engineering accreditation.
- (k) Restriction as to user on lots 126, 201, 219, 319, 320, 301 requiring that any future development application on these lots shall adhere to the Building Design Guidelines contained within the Heritage Impact Statement; produced by Urbis dated September 2009.
- (l) Restriction as to user on lots 312-318, Lot 220, and Lots 301-311, with reference to “Section 6.2 – Table 10 – Option 1” of the report titled “Road Traffic Noise Impact Assessment: Harrington Park South Residential Subdivision, Prepared for Cardno NSW Pty Ltd, Ref No TE473-01F02 (REV4) Dated 3/09/09.” all facades identified in “Table 10” will require windows to be closed (but not necessarily sealed) to meet internal noise criteria. As a result, the provision of alternative ventilation (possibly mechanical provided there is a fresh air intake) that meets the requirements of the Building Code of Australia (BCA) will need to be provided to habitable rooms on these facades to ensure fresh airflow inside the dwellings when windows are closed. Consultation with a mechanical engineer to ensure that BCA and AS1668 are achieved may be required. Compliance with the above ventilation requirement is to be demonstrated for each dwelling application on the affected lots.

The instrument must also indicate that Camden Council is the only authority permitted to modify, vary or extinguish such easements and restrictions as to user.

(24) General Terms of Approval from Rural Fire Service

- (a) Water, electricity and gas are to comply with Section 4.1.3(1) of Planning for Bush Fire Protection 2006.
- (b) Public Road Access shall comply with section 4.1.3(1) of Planning for Bush Fire Protection 2006.

END OF CONDITIONS

RECOMMENDED

That Council:

- i. approve Development Application No 917/2009 for the purpose of a staged subdivision of land to create 97 residential lots and 2 residue lots. Works to also include demolition of various structures, including Carinya cottage, removal of various trees, remediation of land, bulk earth works, roads, associated infrastructure, landscaping works and access pathway at 3A (Lot 92 DP 1051164) Stewart Street, Harrington Park;
- ii. endorse the Residential 1 and Residential 2 land classifications with a view to include the subdivision plan within the precinct plan of Camden Development Control Plan 2006 and to incorporate this plan into the draft amendments being made to Camden Development Control Plan 2006 in association with a review necessitated through the making of Camden Local Environmental Plan 2010 and subsequently within the first review of the Camden Local Environmental Plan; and
- iii. endorse the Building Design Guidelines for specific allotments within the proposed subdivision with a view to incorporating the relevant aims and objectives within the draft amendments being made to Camden Development Control Plan 2006 for the purpose of protecting the visual impact of Narellan Struggletown Conservation Area.

ATTACHMENTS

1. Location plan
2. Proposed plans
3. Submissions (sup doc)



Location plan 3A Stewart St Harrington Park.pdf DA 917-2009_Development Plans.pdf Submissions DA917-2009.pdf

RESOLUTION

MOTION

Moved Councillor Funnell, Seconded Councillor Symkowiak that Council:

- i. approve Development Application No 917/2009 for the purpose of a staged subdivision of land to create 97 residential lots and 2 residue lots. Works to also include demolition of various structures, including Carinya cottage, removal of various trees, remediation of land, bulk earth works, roads, associated infrastructure, landscaping works and access pathway at 3A (Lot 92 DP 1051164) Stewart Street, Harrington Park;
- ii. endorse the Residential 1 and Residential 2 land classifications with a view to include the subdivision plan within the precinct plan of Camden Development Control Plan 2006 and to incorporate this plan into the draft amendments being made to Camden Development Control Plan 2006 in association with a review necessitated through the making of Camden Local Environmental Plan 2010 and subsequently within the first review of the Camden Local Environmental Plan; and
- iii. endorse the Building Design Guidelines for specific allotments within the proposed

subdivision with a view to incorporating the relevant aims and objectives within the draft amendments being made to Camden Development Control Plan 2006 for the purpose of protecting the visual impact of Narellan Struggletown Conservation Area.

- iv. write to the Local MP, Mr Geoff Corrigan, requesting he contact Sydney Water requesting the allocation of sewerage to Sharman Place and Stewart Street, Harrington Park

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

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

Councillors Anderson, Campbell, Cagney and Cottrell voted against the Motion).

ORD50/10

ORDINARY COUNCIL

ORD04

SUBJECT: ACCREDITATION OF COUNCIL OFFICERS
FROM: Director Development and Health
FILE NO: Binder: Development & Building Controls/Development Procedures

PURPOSE OF REPORT

The purpose of this report is to seek a resolution from Council to endorse and publicly exhibit an additional fee in the proposed Camden Council Fees and Charges for 2010/2011. The fee is required as a result of the commencement of changes to the Building Professionals Broad Accreditation of Council Employees Scheme (the Scheme) on 1 March, 2010. In addition, it recommends that Council pay the annual fee for each officer currently set at \$250 and payable on renewal of accreditation.

BACKGROUND

At the meeting of 9 February, 2010 a report was provided to Council recommending a submission be made to the Building Professionals Board (the Board), commenting on the proposed changes to the Scheme during the available exhibition period.

Council resolved to make a submission to the Board raising a number of issues of concern that it felt was needed to be taken into account. Unfortunately Council's submission was not instrumental in any changes or modifications being made. The exhibited material included a proposal mandating the accreditation of both building and engineering professionals.

On 5 March, 2010 Council was advised by the Building Professionals Board that the amendments, which vary significantly from the details which were the subject of the exhibition, had come into effect on 1 March, 2010. Further, from 1 September, 2010 all building certification work done by councils in NSW must be undertaken by accredited certifiers and that Council may use their own accredited staff or engage accredited certifiers from the private sector. At this stage the changes only relate to building work and not engineering work. **A copy of the advice is provided with the Business Paper Supporting Documents.**

As reported to Council on 9 February, 2010 Camden and other councils are yet to have staff accredited as this has never before been a requirement. Council is in the process of attempting to develop evidence and support as many applications as possible in an attempt to have a sufficient number of each category of accreditation for existing staff by 1 September 2010.

To provide certainty to the community that Council will be able to continue to provide a building certification service beyond 1 September, 2010, the use of building certifiers from the private sector needs to be contemplated and the costs to Council of providing

that service needs to be able to be legitimately passed on to the customer requiring that certification service.

MAIN REPORT

Fees and Charges

Council is not considered to be in a position to refuse any applications for building certification that are submitted to it. In fact Council must, under the current legislation, assume the role of Principal Certifier in certain circumstances.

In circumstances where an application includes a building of a type that Council is yet to have an existing staff member accredited to assess, it would need to engage a private certifier. It is imperative that Council can pass on all of the costs of this appointment to the customer requiring the certification service and this needs to include an administration cost.

It would be appropriate to recoup these costs through the mechanism of an introduced fee into the adopted 2010/2011 adopted Fees and Charges. The structure of that fee would be made up of the contractor's charge, which will vary, plus an additional fee of \$100 to defray Council's administrative costs including GST. This fee would be separate to the fees and charges for certification undertaken by Council staff which have been incorporated into the draft Management Plan already adopted by Council.

The \$100 fee would cover the costs of:

- Briefing and engagement of consultant. A minimum of three quotes are required to be obtained where the costs of the engagement exceed \$1,000.
- Project management of the consultant and the building assessment.
- Liaison with applicant and other stakeholders.
- Production of relevant certificate (such as Construction, Compliance or Occupation Certificates).
- GST.

It is recognised that an approach of recovery of all costs, plus an administration charge, will be a disincentive to customers seeking certification services from obtaining such services from Council, where Council outsources the building assessment/inspection regime. Unfortunately, taking an alternate approach will result in an unsustainable cost to Council. These fees would be the fee Council charges for the particular Construction Certificate.

If Council were to resolve to endorse such a fee, it would need to be publicly exhibited for 28 days. At the end of the public exhibition of this additional fee, a further report would be provided to Council detailing the results of the exhibition and making a recommendation regarding the addition of the fee to the 2010/2011 Fees and Charges.

The proposed fee has been considered by Council officers with regard to the implications for Council's budget and operating costs and is now able to be recommended to Council for public exhibition.

Accreditation Fee

Schedule 2 of the Building Professionals Regulation 2007 sets the fee for an application for a certificate of individual accreditation as a council accredited certifier, or the annual renewal of accreditation if made before 1 March, 2013 at \$250. No application fee will be payable in relation to an application for the initial accreditation of staff, however renewals will attract the fee. It is considered that the fee is an unnecessary impost on Council staff that currently provide this service to Council's customers and that it is appropriate that Council bear the costs. The fee is set at \$250 until 2013 and it is not known what increase is likely after that date.

Ultimately all costs will be passed onto the applicants and therefore the State Government needs to be mindful that any increase will affect housing affordability and impact on development costs. For this reason the fee should be kept low or in fact abolished as there is no work required other than administrative work which is likely to be automated by the Building Professionals Board. The Board is funded through a levy imposed on Development Applications and therefore the fees charged should be minimised to reduce the costs to the industry.

Currently Camden Council employs nine building professionals, so the annual costs of renewal would be \$2,250. This would not apply until the 2011/12 budget. Should Council agree to pay the costs, allowance will be incorporated in that budget year and the fees and charges relating to Building Work will be increased to recoup the costs. The increase will also need to reflect the mandatory training that must be undertaken annually by staff to maintain their accreditation.

CONCLUSION

As a result of the introduction of the Building Professionals Amendment (Accreditation of Council Employees) Regulation, 2009 and the charges to the Building Professionals Broad Accreditation of Council Employees Scheme, Council needs to include an appropriate fee in its Fees and Charges to offset any costs incurred from time to time in employing Private Certifiers to issue Certificates relating to building work, and to carry out critical stage inspections where Council does not have suitably qualified staff available to meet the need.

A fee, comprising of the total invoice amount from the private certifier including GST, plus \$100, has been proposed. It is considered appropriate to now publicly exhibit the proposed fee for 28 days after which a further report will be provided to Council seeking direction regarding the adoption of the new fee into the 2010/2011 Fees and Charges.

Accreditation of Council staff is now mandatory and due to the legislated responsibilities of councils to provide a certification service, the costs of that accreditation should be borne by the Council and recouped, along with the professional development training costs, through the fees charged for certificates.

RECOMMENDED

That:

- i. A fee under the heading of Construction Certificate (Private Assessors**

engaged by Council) be included in the 2010/2011 Fees and Charges document comprising:

- Contractor's fee (Construction Certificate plus inspections)
- plus \$100.00 including GST (Council administration fee), and

be publicly exhibited for a period of 28 days.

- ii. A further report be provided to Council after that time, seeking a direction in regard to the adoption of the fee into the 2010/2011 Fees and Charges.
- iv. Council pay the annual accreditation fees for all building professionals and incorporate allowance into the 2011/12 budget accordingly with the fees for certification work increased to recoup that cost.
- v. Council write to the Building Professionals Board and the Minister for Planning requesting the renewal fee be maintained at a low level or abolished totally due to the negative effect on housing affordability and the development industry and the fact that the operations of the Board are currently subsidised through the levy imposed on Development Applications.

ATTACHMENTS

1. Letter from Building Professionals Board (sup doc)



Letter from BPB re Scheme.pdf

RESOLUTION

Moved Councillor Warren, Seconded Councillor Funnell that:

- i. A fee under the heading of Construction Certificate (Private Assessors engaged by Council) be included in the 2010/2011 Fees and Charges document comprising:
 - Contractor's fee (Construction Certificate plus inspections)
 - plus \$100.00 including GST (Council administration fee), and be publicly exhibited for a period of 28 days.
- ii. A further report be provided to Council after that time, seeking a direction in regard to the adoption of the fee into the 2010/2011 Fees and Charges.
- iv. Council pay the annual accreditation fees for all building professionals and incorporate allowance into the 2011/12 budget accordingly with the fees for certification work increased to recoup that cost.
- v. Council write to the Building Professionals Board and the Minister for Planning requesting the renewal fee be maintained at a low level or abolished totally due to the negative effect on housing affordability and the development industry and the fact that the operations of the Board are currently subsidised through the levy imposed on Development Applications.

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

ORD51/10

ORDINARY COUNCIL

ORD05

SUBJECT: ADOPTION OF THE 2010/11 MANAGEMENT PLAN & BUDGET
FROM: Director Governance
FILE NO:

PURPOSE OF REPORT

The purpose of this report is to adopt the 2010/11 Management Plan which incorporates the 2010/11 Budget, Fees and Charges and proposed Community Infrastructure Renewal Program. The issues to be addressed are:

- Inform Council of the proposed changes to the 2010/11 Management Plan, Budget, and Fees and Charges since the 2010/11 Draft Management Plan was placed on public exhibition,
- Advise Council of the submissions received from the public regarding the 2010/11 Management Plan, Budget, Fees and Charges, and Proposed Community Infrastructure Renewal Program,
- Adopt a 2.60% rate increase under Section 506 of the Local Government Act in accordance with the Minister's allowable limit which was announced 16 February 2010,
- Request approval to lodge an application to the Minister for Local Government for an additional 4.50% rate increase to fund the proposed Community Infrastructure Renewal Program under Section 508(2) (Category 2) of the Local Government Act.

As required under the Local Government Act, Council is required to resolve the following:

1. Adoption of the Management Plan, Budget and Fees and Charges,
2. Making of the rates and annual charges for 2010/11 (including the Community Infrastructure Renewal Program),
3. Authorisation of expenditure and voting of money for 2010/11.

BACKGROUND

The Draft 2010/11 Management Plan (incorporating the Draft Budget, Fees & Charges, and Community Infrastructure Renewal Program) was considered at the Council meeting on 16 February 2010.

At this meeting, Council resolved the following:

- i. adopt the 2010/11 Draft Budget and Management Plan for the purpose of placing

the necessary information on exhibition for public comment,

- ii. approve the public exhibition of the Community Infrastructure Renewal Program, which proposes Council make application to the Minister for Local Government for a 4.50% rate increase under Sec 508(2) (Category 2) of the Local Government Act,
- iii. approve the transfer of \$744,300 from the Working Funds Reserve to fund the 2010/11 budget,
- iv. endorse the continuation of the Stormwater Management Levy as outlined in the report and program of works in the 2010/11 Draft Management Plan,
- v. note the following exhibition period and locations:

The exhibition period commences Wednesday 17 February 2010 and is open for a period of 4 weeks, closing Tuesday 16 March 2010. Exhibition Locations:

Camden and Narellan Office – Customer Service Counter,
Camden and Narellan Library,
Cobbitty, Harrington Park, Catherine Field, Rossmore and Leppington Shops.

The Draft Management Plan and Budget will also be electronically available on Council's website.

- vi. as part of the community consultation program, a newsletter be sent to all households through a letter box drop, advising them of the proposed rate increase to implement the Community Infrastructure Renewal Program. The estimated cost of \$3,000 is to be funded from the 2009/10 Budget surplus.

SUMMARY OF COUNCIL'S FINANCIAL POSITION

Council was presented with the Draft 2010/11 Budget on 16 February 2010 after a detailed review of all expenditure and income items. An improved economic outlook led to an increase in a number of income targets such as interest on investments and development income. This has allowed Council to partially re-instate some of the budget reductions which were made as part of addressing the 2009/10 budget deficit.

Despite these improvements in the economic outlook, Council's budget remains under pressure from factors such as rapid urban development, the continuing increase in statutory payments from other levels of government (cost-shifting) and a shortfall of funds in a number of cash reserves such as the Plant Replacement Reserve.

It is important to note that the 2010/11 budget provided little discretionary funds to allocate towards funding requests on Council's Discretionary List. As previously mentioned, the majority of discretionary funds available to Council through the review of the 2010/11 budget were utilised to re-instate budget cuts made in 2009/10, and to fund budget requests of a legal or statutory nature.

The 2010/11 Budget Position

The Draft 2010/11 Budget was presented to Council as a balanced budget. As a result of the Minister for Local Government announcing that the allowable limit for rate increases for the 2010/11 financial year would be set at 2.60%, Council's budget position has been revised to a deficit position of \$106,600. The Draft 2010/11 Budget projected an increase in the Minister's allowable limit of 3.00%.

This report will recommend that Council utilise the 2009/10 projected working funds surplus to fund the 2010/11 budget deficit. The projected working funds surplus for the 2009/10 financial year reported at the December Quarterly Review was \$110,185. If Council approves this transfer, the projected working funds surplus for 2009/10 will be reduced to \$3,585.

Loan Debt Servicing

The 2010/11 budget includes the continuation of Council's recurrent loan borrowings program of \$1.6 million. These funds will be used to assist Council in addressing the renewal of essential community infrastructure throughout the LGA. As outlined in the Community Infrastructure Renewal Program proposal, this amount is insufficient to address the works required to bring community infrastructure back to a satisfactory condition. Council's current debt service ratio is less than 7% of operating income, which is within the industry benchmark of 10%.

Capital Works Reserve

The current uncommitted balance of the Capital Works Reserve remains at \$884,900 (excluding the sale of the Narellan carpark). The 2010/11 budget does not include any transfers from this reserve. Although these funds are available to Council to fund one-off projects, it would be prudent to leave these funds in reserve for emergency works and/or the matching of capital grant funding.

Reserve Shortfall

As part of the December Quarterly Review of the 2009/10 Budget, Council allocated \$500,000 to the Employee Leave Entitlements Reserve to address a shortfall of funds in this reserve. This reserve is now considered to have sufficient funds to ensure Council meets industry benchmarks for the cash provision requirements to pay employee leave entitlements.

Council still has a shortfall in funds in regards to its ten-year plant replacement program. This shortfall has been calculated at approximately \$1.7 million. Whilst the long term financial plan includes a provision to fund this shortfall over the next ten years, this severely affects Council's immediate plant replacement requirements. This has resulted in a number of items having to be deferred to future years when the cash is available to replace items.

2010/11 MANAGEMENT PLAN & BUDGET

Public Consultation - Draft Management Plan and Budget

Section 406 of the Local Government Act, 1993 requires Council to each year adopt a Management Plan for the following year after a Draft Management Plan has been

prepared and exhibited in accordance with Part 2 of Chapter 13 of the Act.

As indicated, Council endorsed the 2010/11 Draft Management Plan and Budget at the Council meeting 16 February 2010. It was placed on exhibition on Wednesday 17 February 2010 for a period of 28 days.

At the close of business 16 March 2010, Council had received no submissions regarding the 2010/11 Draft Management Plan and Budget. Submissions received for the proposed Community Infrastructure Renewal Program are discussed later in this report.

Changes to the 2010/11 Operating Budget

Since the adoption of the Draft 2010/11 Budget a number of changes have been required and have resulted in a revised budget deficit position of \$106,600. As mentioned earlier in this report, this report will propose that this deficit be funded from the 2009/10 projected working funds surplus.

Council's total expenditure budget for 2010/11 is \$86,414,600. Of this \$51,095,000 relates to operational expenditure as indicated below:

Revised 2010/11 Budget		
Income (Includes non-cash Capital Income)		\$86,308,000
Expenditure Budget		
Operating Expenditure (Excluding Waste)	\$51,095,000	
Capital Expenditure (Excluding Waste)	\$29,034,300	
Waste Services Expenditure	\$6,285,300	\$86,414,600
2010/11 Projected Budget Position (Deficit)		(\$106,600)

The table below is a reconciliation of the revised budget deficit:

2010/11 Operating Budget Reconciliation	Budget Result Increase / (Decrease)
Proposed Budget Position (Draft Budget)	\$0
1. Rate Income Reduction - 2.60% Minister's Allowable Limit	(\$106,600)
2. Depreciation Expense Increase	(\$392,700)
3. Non Cash Income - Depreciation Expense Funding	\$392,700
2010/11 Revised Draft Budget Position (Deficit)	(\$106,600)

These adjustments are explained below:

1. Rate Income Reduction - Budget Result Decrease of \$106,600

The Minister for Local Government announced on the 16 February that the allowable limit for rate increases for the 2010/11 rating year was to be set at 2.60%. Council's original budget projections included an estimated increase in the Minister's allowable limit of 3.00%.

2. Depreciation Adjustment (points 2 and 3) - zero impact on budget

As at 30 June 2010 all Councils are required to revalue (depreciated replacement cost) its roads, bridges, drainage and footpaths. It is anticipated that this process will increase the value of assets held by Council and therefore the depreciation expense as at 30 June 2011. This budget adjustment is simply a non-cash accounting book entry and has no impact on Council's cash budget. Like Camden, the majority of Councils in NSW cannot afford to cash fund depreciation. This is in part why Local Government in NSW today has an infrastructure renewal backlog of over \$6 billion. It is estimated that without action this figure will increase to \$12 billion over the next 15 years.

Changes to the 2010/11 Capital Budget

Since the adoption of the Draft 2010/11 Budget a number of variations have been required to the Capital Budget. The table below is a reconciliation of these adjustments:

2010/11 Capital Budget Reconciliation	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	Budget Result Increase / (Decrease)
Plant Replacement - Plant Purchases Adjustments	(\$557,500)	\$0	\$0
Plant Replacement - Plant Sale Income Adjustments	\$0	(\$235,900)	
Transfer from Plant Replacement Reserve	\$0	(\$321,600)	
Springs Rd Realignment	\$150,000	\$0	\$0
Transfer from S94 Reserve - Developer Contributions	\$0	\$150,000	
2010/11 Total Capital Budget Adjustments	(\$407,500)	(\$407,500)	\$0

Whilst these items have no impact on the 2010/11 Budget Result, explanation of these adjustments are provided below:

1. Public Works Plant Replacement Program

As mentioned previously, Council has a shortfall in the current Plant Replacement Reserve of \$1.7 million. As a result of this shortfall, the 2010/11 plant replacement program has been reduced as insufficient cash is available in the reserve to fund all new purchases. These items have been deferred to the 2011/12 plant replacement program. Council officers will continue to closely monitor the operating cost and performance of its plant.

2. Springs Road Realignment

The Draft 2010/11 Budget includes an estimate for the realignment of Springs Road and associated works of \$4.3 million. An adjustment is required to the budget to reflect the current engineering estimates for the completion of these works. The project is funded from Section 94 Developer Contributions and does not affect Council's budget position for 2010/11.

Lodges Road & Hilder Street Reconstruction

Council recently entered into a funding agreement with the Department of Planning for an \$11.8 million interest free loan to undertake major roadworks on Lodges Road and Hilder Street in the Elderslie release area. Due to the timing of signing this agreement, the budget adjustments required for this loan do not appear in the 2010/11 Budget. The budget adjustments relate to two financial years and therefore will be brought to account as part of the 2009/10 March Quarterly Review.

Council's Long Term Financial Plan has been updated for the purpose of the rate variation application to the Minister for Local Government.

Changes to the Draft Schedule of Fees and Charges

The Draft 2010/11 Fees and Charges have been prepared on the basis of a 5.00% increase over the prior year unless specific statutory or other reasons warrant a

different percentage increase. There is one change required to the Fees & Charges Schedule as a result of a statutory change.

1. Environmental Enforcement - Prevention Notices

Prevention notices are an administration fee which can be issued in accordance with the Protection of the Environment Act (1997). A prevention notice is issued where Council has investigated an issue and determined non-compliance with the Act. The purpose of this fee is to assist in recouping the administrative costs Council incurs in preparing and issuing a clean-up notice. The fee increase is determined by the State Government.

The current fee for prevention notices has been increased from \$320.00 (GST Exempt) to \$433.00 (GST Exempt).

Changes to the 2010/11 Discretionary List

The Discretionary List identifies works or services unable to be funded by the 2010/11 Budget. There have been no amendments to the Discretionary List since the adoption of the 2010/11 Draft Management Plan and Budget for public exhibition. The total amount of unfunded works or services on Council's Discretionary List totals \$132 million.

PROPOSED COMMUNITY INFRASTRUCTURE RENEWAL PROGRAM

Introduction

Council recently undertook an extensive survey of residents as part of its Community Strategic Plan (Camden 2040), where residents identified the condition of community infrastructure as its number one concern in relation to Council services.

Council at its meeting 16 February 2010, approved the public exhibition of the Community Infrastructure Renewal Program, which proposes that Council make application to the Minister for Local Government for a 4.50% rate increase under Section 508(2) (Category 2) of the Local Government Act.

This program seeks to address the significant shortfall in funds for asset renewal, where asset modelling has identified an additional \$24.5 million will be required over the next twenty years to assist in bringing essential community infrastructure back to a satisfactory condition.

Council has until the 26 March 2010 to lodge its application to the Minister for Local Government. A copy of this application will be made available to residents through Council's website, www.camden.nsw.gov.au

Provided below is a summary of the communication strategies Council used to inform residents of this proposal, and the feedback received during the public exhibition period.

Public Consultation - Communication & Feedback Mechanisms

Council publicly exhibited its Draft 2010/11 Management Plan and Budget from Wednesday 17 February to Tuesday 16 March 2010.

Council's Draft Management Plan contained a section proposing the introduction of a Community Infrastructure Renewal Program, which would involve a rate increase of 4.50% (forever) if approved by the Minister for Local Government.

Council aimed to ensure that residents were effectively informed of the proposal and given maximum opportunity to provide feedback.

The following strategies were used to inform residents of this proposal.

1. Media Advertising

Council placed paid advertisements in the three local papers servicing the Camden Local Government Area – The Advertiser, The Chronicle and The District Reporter (servicing our rural areas). These advertisements ran for 3 weeks commencing Monday 22 February 2010.

The advertisements stated Council's proposal to increase rates and the key reasons for this. It also gave information about how residents could provide feedback on the proposal, and advertised the times and locations of the Open House sessions.

2. Media Briefing

Local media representatives (newspapers and radio) were invited to attend a media briefing by the Mayor and General Manager held on Friday 12 February 2010.

Articles have appeared in each of the three local papers since the Draft Management Plan commenced exhibition. There have also been on-line pieces on the websites of The Advertiser, The Chronicle, and C91.3.

3. Resident Newsletter

This newsletter provided a brief summary of the reasons for the proposal, how the funds would be spent, the impact on rates for the average ratepayer, the times and locations of the Open House sessions, and the mechanisms for providing feedback.

As part of Council's proposal to seek a rate increase for the 2009/10 financial year, a newsletter was mailed out to all rate payers. Council received some criticism for this approach and the cost involved. However, Council remained committed to informing the community widely, and this was the most cost-effective method that could be found.

In response to concerns regarding cost, this year Council chose to use a 'letterbox drop' distribution approach on this occasion, which was one-quarter of the cost of the distribution method used last year.

4. Council's Website

In addition to the Draft Management Plan and associated documentation, Council established a section on its website related to the Community Infrastructure Renewal

Program proposal. This section contained the following information:

- The full Community Infrastructure Renewal Program proposal as contained in the Draft Management Plan, including the General Manager and Mayor's message,
- Frequently Asked Questions,
- A link to the Council report with the resolution to publicly exhibit the Draft Management Plan containing the Community Infrastructure Renewal Program proposal,
- A link to the full Draft Management Plan,
- The Camden 2040 community consultation report, from which the community's desire to see infrastructure improved was identified,
- Details of the times and locations of the Open House sessions,
- Details of how residents could provide feedback, including an email link.

5. Open House Sessions

A key component of the community engagement process for the Community Infrastructure Renewal Program was to host Open House sessions, which would enable residents to access more information about the proposal, ask questions of staff, and provide feedback.

Three Open House sessions were held, one in each ward. These sessions provided visual displays of the proposal, including how infrastructure renewal was identified as a priority, examples of the condition of some items of community infrastructure in the area, and where the funds will be spent in terms of infrastructure types and wards. Residents were also able to have their individual rates calculated to understand the specific impact to them from the proposal.

Despite the comprehensive advertising process for the Open House sessions, attendance was low, with 1 attending at Narellan, 2 at Camden (plus one media representative) and 3 at Catherine Field. However, those residents that did attend indicated that the Open House was a helpful process for informing their thinking on the issue.

Whilst it was anticipated that there would be a greater attendance, given the nature of the issue, the Open House approach is still considered to be an appropriate and low cost means of communicating and consulting with residents.

Public Submissions - Community Infrastructure Renewal Program

In total, Council received 13 submissions relating to the proposal to increase rates to fund the Community Infrastructure Renewal Program.

Residents were able to provide submissions in the following ways:

- | | |
|--|---|
| • Written submissions | 0 |
| • Email submissions | 8 |
| • Feedback forms – front counters | 2 |
| • Feedback forms – Open House sessions | 3 |

The submissions indicated the following support/opposition to the proposal:

Support - 6
Oppose - 6
Neutral - 1

It should be noted that the number of submissions made by rate payers represents 0.06% of the total rate base of the Camden Local Government Area. This is significantly lower than the number of written submissions received for the proposed rate increase last year (384) and the 2008 Islamic school development application (almost 4000). It could be concluded that the lack of submissions may indicate that the majority of rate payers do not oppose the proposed rate increase.

The reasons for support of the proposal related to a desire to see Camden's infrastructure maintained at its current level. One submission stated "we live in one of the best postcodes in the country... We enjoy wonderful parklands, resources and a number of no-cost community events. And if, in return for this, we have to give up a cappuccino a month to fund it from now on, then what a bargain".

The main concerns raised through the submissions in relation to this proposal, and a response, are as follows:

"Council should live within its means"

Council has operated a very tight budget for some years, to the point where a number of services were reduced during the 2009/10 financial year. The improved economic outlook has meant that some of these service reductions can now be returned. However, Council has no capacity to fund the necessary infrastructure renewal work that is proposed in this program without severely compromising other services.

Council should introduce a one-off levy that is in place for one year only

This proposal aims to address a significant current and projected funding shortfall for the renewal of community infrastructure, which if not addressed now would total in excess of \$24 million in 20 years time. A 4.50% increase in rates for one year would only provide funding for \$1.2 million worth of work, which is about 5.00% of what is needed. Thus, only implementing the program for one year would be essentially useless in terms of addressing the funding shortfall and in responding to the community's concerns in relation to this issue.

Concern that the funds will not be used for the purposes stated

Council's proposal clearly identified that the funding raised through the Community Infrastructure Renewal Program will be used for a specific program of works that has been publicly exhibited. The proposal further states that the community will have an opportunity to comment on the program annually through the public exhibition of the Draft Management Plan and Budget. Further, the proposal stated that Council will report annually through its Annual Report how the funds were spent during each financial year.

A summary of the submissions received is attached to this report and copies of

the submissions are available in supporting documents.

Minister's determination of Community Infrastructure Renewal Program Proposal

As part of the adoption of the 2010/11 Management Plan and Budget, Council must adopt the base charge and ad-valorem (rate in the dollar) for rates to be levied in 2010/11. The Minister will consider Council's application for a rate increase after the adoption of this Management Plan and Budget. This report has been prepared on the basis of a 7.10% rate increase (2.60% Minister's allowable limit and 4.50% to fund the Community Infrastructure Renewal Program), which is in line with Council's resolution on 16 February 2010. If the Minister's determination is different to this amount, a new resolution of Council will be required for the correct base charge and ad-valorem to be adopted.

RATES & CHARGES FOR 2010/11 AND AUTHORISATION OF EXPENDITURE

Rates and charges must be made by resolution of Council.

In moving the adoption of the appropriate resolution, it is necessary to note that under the Local Government Act, 1993:

- All Councils are required to levy a separate Domestic Waste Management Charge. This charge must reflect the reasonable cost of providing the service as general rate revenue cannot be used to finance domestic waste management services;
- Revenue derived from domestic waste management services must be accounted for as a distinct activity from any trade waste or other waste service activity;
- Ratepayers who become eligible for pensioner concessions during the course of the year will become entitled to claim a proportionate rebate of their rates;
- Pension ratepayers who sell their land or lose eligibility for this concession will lose entitlement to a proportion of any previously granted rebate;
- Quarterly rate billing of each instalment must be given unless a ratepayer has, of course, paid their rates in full;
- Interest charges on overdue rates will only be applied to an overdue instalment;
- Interest charges on overdue instalments will be calculated on a daily basis;
- Rate instalments become payable on prescribed dates;
- Ratepayers who fail, for any reason, to pay an instalment on time will not be required to pay the balance of annual rates assessed immediately and will not be prevented from paying by quarterly instalments; and
- The rate of interest on overdue rates and charges is fixed by the Minister for Local Government pursuant to Section 566 of the Local Government Act, 1993. At the time of preparing this report, the Minister was still to announce the rate for

the 2010/11 financial year. Council will be informed of this amount once announced by the Minister for Local Government.

In relation to the authorisation of expenditure, Regulation 211 of the Local Government (General) Regulation, 2005 to the Local Government Act 1993 provides:

- A Council, or a person purporting to act on behalf of a Council, must not incur a liability for the expenditure of money unless the Council at the annual meeting held in accordance with subclause (2) or at a later ordinary meeting:
 - a) has approved the expenditure; and
 - b) has voted the money necessary to meet the expenditure.
- A Council must each year hold a meeting for the purpose of approving expenditure and voting money.

2010/11 RATING POLICY

Rating Income

Council has agreed to maintain its current rating structure and as such:

- 1 Council has the following categories/sub-categories for rateable land in the Camden Local Government Area:
 - Residential
 - Business
 - Farmland Intensive
 - Farmland Ordinary
- 2 up to 50% of total rates will be raised by a base amount on all rateable assessments and such charge be the same for each category/sub-category.
- 3 that the ad-valorem rate for each category/sub-category be based on the following percentages:

Residential	1.0	
Business	2.7	(ie 2.7 times the residential ad-valorem rate)
Farmland Intensive	0.9	(ie 0.90 times the residential ad-valorem rate)
Farmland Ordinary	0.5	(ie half the residential ad-valorem rate)
- 4 based on the rating scenarios currently being considered by Council, the ad-valorem rates and base charges would be charged as follows:

7.10% Rate Increase		
Rate Category	Base Charge	Ad-Valorem Rate
Residential	\$585.00	0.214922
Business	\$585.00	0.580289
Farmland (Intensive)	\$585.00	0.193430
Farmland (Ordinary)	\$585.00	0.107461

Waste Management Service Charges

The proposed 2010/11 Domestic Waste Service charges range from a base amount of \$93.60 for vacant properties to \$437.80 for 240 litre bins, reflecting an increase of 4.00% on 2009/10 charges. The most used service, the 120 litre urban service will only increase by \$9.90 per annum. The increase is a result of an increase in operational costs incurred by the waste management service due to inflation and operational conditions such as fuel costs and waste disposal fees.

The complete list of bins available can be found in Council's Fees and Charges and will be recommended for adoption as the 2010/11 annual charges.

Stormwater Management Levy

In 2007/08 Council endorsed the introduction of a Stormwater Management Levy.

Council has taken the approach that this levy should be used to promote water harvesting by Council, and improve the quality of water flowing into our streams and rivers.

It is proposed that there be no change to the Levy for the 2010/11 Program Budget.

1. Annual Charge for stormwater management services

The levy is to be charged as follows:

- a) for land categorised as residential - \$20
- b) for residential Strata lots - \$10 (50% of the adopted charge as applied to residential properties).
- c) for land categorised as business - \$20 per 700 square metres or part thereof (the business levy is capped at \$1,000).

- d) for business strata complexes - \$20 per 700 square metres or part thereof. The cost is then divided on a pro-rata basis between the lots (the business strata levy is capped at \$1,000 for each individual parcel).

2. Exemptions from the Levy

The following exemptions apply to the Stormwater Management Levy

- Land exempt from rating under the Local Government Act 1993.
- Vacant Land (as defined under the Local Government (General) Amendment (Stormwater) Regulation 2006)
- Land owned by the Dept of Housing
- Some land managed under the Aboriginal Housing Act
- Pensioners (see below)

Ratepayers who currently receive a pension rebate will be exempt from this levy providing they qualify for the pension rebate at 1 July of any given rating year.

3. Stormwater Management Levy Program of Works

The Stormwater Management Levy will generate approximately \$340,600. Council will need to adopt the program of works as part of this report. Further details of the works to be funded from the levy can be found under the Revenue Policy Section of Part C - 2010/11 Draft Management Plan.

CONCLUSION

This report recommends application to the Minister for Local Government for a 4.50% rate increase over and above the Minister's allowable limit of 2.60% for 2010/11.

It is only after a detailed review of expenditure patterns, service levels and a comprehensive analysis of Council's long term financial plan (including income projections as a result of growth) this recommendation is being made. Council is taking responsible action now to ensure the quality of infrastructure in the Camden LGA remains at a standard to be enjoyed by all residents. If Council does not act now the cost to bring infrastructure assets to an acceptable level increases, resulting in a higher rate increase being required in the future.

It should be noted that Council still has some serious operational budget issues to be addressed in the future. If the Minister for Local Government approves the Community Infrastructure Renewal Program this will not resolve the operational budget shortfalls that Camden Council is experiencing now and into the future. The operational budget will be addressed in consultation with the community as part of the Integrated Planning and Reporting reforms currently being implemented by all Councils.

RECOMMENDED

That Council:

- i. **adopt the 2010/11 Management Plan and Program Budget and changes as outlined in this report and as set out below:**

- Expenditure totalling \$86,414,600 as summarised in the 2010/11 Management Plan and Program Budget and that the funds to cover such expenditure be voted,
 - Approve the transfer of \$106,600 from the 2009/10 budget surplus to fund the 2010/11 budget deficit,
 - The 2010/11 Discretionary List of unfunded Works and Services,
 - The 2010/11 Fees and Charges and the amended Fees and Charges for the issuing of prevention notices,
 - The continuation of the Stormwater Management Levy as outlined in this report and program of works in the 2010/11 Management Plan,
- ii. adopt a 2.60% rate increase under Section 506 of the Local Government Act, in accordance with the Minister's Allowable Limit which was announced on the 16 February 2010.
- iii. approve the application to the Minister for Local Government for a 4.50% rate increase to fund a Community Infrastructure Renewal Program under Section 508(2) (Category 2) of the Local Government Act
- iv. adopt the transfer of \$744,300 from the Working Funds Reserve to fund the 2010/11 budget.
- v. in accordance with Section 537(b) of the Local Government Act, 1993, note the percentage of base amount to total yield for the 2010/11 financial year for each class of rate is:

Residential	49.43%
Business	11.79%
Farmland Intensive	23.28%
Farmland Ordinary	21.73%

- vi. adopt the following ad valorem rates to be levied on the land value of all rateable assessments for 2010/11 financial year:

Residential	0.214922
Business	0.580289
Farmland Intensive	0.193430
Farmland Ordinary	0.107461

- vii. adopt a base amount of \$585.00 to be levied for each rateable assessment for the 2010/11 financial year.

ATTACHMENTS



Community Infrastructure Renewal Program Submissions.doc



Community Infrastructure Renewal Program Detailed Submissions.pdf

RESOLUTION

Moved Councillor Anderson, Seconded Councillor Campbell that Council:

- i. adopt the 2010/11 Management Plan and Program Budget and changes as outlined in this report and as set out below:
 - Expenditure totalling \$86,414,600 as summarised in the 2010/11 Management Plan and Program Budget and that the funds to cover such expenditure be voted,
 - Approve the transfer of \$106,600 from the 2009/10 budget surplus to fund the 2010/11 budget deficit,
 - The 2010/11 Discretionary List of unfunded Works and Services,
 - The 2010/11 Fees and Charges and the amended Fees and Charges for the issuing of prevention notices,
 - The continuation of the Stormwater Management Levy as outlined in this report and program of works in the 2010/11 Management Plan,
- ii. adopt a 2.60% rate increase under Section 506 of the Local Government Act, in accordance with the Minister's Allowable Limit which was announced on the 16 February 2010.
- iii. approve the application to the Minister for Local Government for a 4.50% rate increase to fund a Community Infrastructure Renewal Program under Section 508(2) (Category 2) of the Local Government Act
- iv. adopt the transfer of \$744,300 from the Working Funds Reserve to fund the 2010/11 budget.
- v. in accordance with Section 537(b) of the Local Government Act, 1993, note the percentage of base amount to total yield for the 2010/11 financial year for each class of rate is:

Residential	49.43%
Business	11.79%
Farmland Intensive	23.28%
Farmland Ordinary	21.73%

- vi. adopt the following ad valorem rates to be levied on the land value of all rateable

assessments for 2010/11 financial year:

Residential	0.214922
Business	0.580289
Farmland Intensive	0.193430
Farmland Ordinary	0.107461

vii. adopt a base amount of \$585.00 to be levied for each rateable assessment for the 2010/11 financial year.

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

ORD52/10

ORDINARY COUNCIL

ORD06

SUBJECT: LIGHT UP CAMDEN
FROM: Director Governance
FILE NO: Light Up Camden

PURPOSE OF REPORT

The purpose of this report is to consider a request for additional funding towards the 2010 Light Up Camden Celebrations.

BACKGROUND

Each year, Argyle Street plays host to "Light Up Camden", an annual event celebrating the start of the Christmas season by turning on the main street Christmas tree lights. Organised by Camden Chamber of Commerce, Council has annually donated \$5,500 (inc GST) towards these celebrations from the Public Relations Budget. Last year Council also donated \$3,000 of Ward Funding to the celebrations following a request from the Camden Chamber of Commerce.

MAIN REPORT

This year Council is again donating \$5,500 from the Public Relations Budget. However, due to the continued need of extra security and increased road closure expenditure, the \$5,500 will again not be sufficient to meet rising costs. Ms Kerry Shephard, Chair of Light Up Festival 2010, sent a letter to Council on 18 January 2010 (**please refer to Business Paper Supporting Documents**) requesting an additional donation to cover expenses. These added expenses are essential requirements for the safety of the community, and unfortunately there is no further opportunity within Council's budget to support the extra costs.

Given the event costs quoted in the correspondence, Ms Shephard was contacted to clarify if the Light Up Festival 2010 Committee were seeking the same level of additional assistance. Ms Shephard indicated that, to date, very limited sponsorship had been pledged and as such the Committee is dependent on a similar level of donation from Council.

It should also be noted that through Council's Community Small Grants Programme Youth Solutions organisation has requested a donation of \$5,000 to be used to organise activities suitable for young people on the night of the Light Up Festival. Youth Solutions will be working in partnership with the police and the Camden Chamber of Commerce on this project. Whilst Council is yet to formally consider this request, it is understood that a future report to Council will recommend part funding of the project.

In considering the request from the Camden Chamber of Commerce, it is worth noting

there is \$27,500 available for use from Consolidated Ward Funds in the current 2009/10 Budget.

CONCLUSION

Light Up Camden Festivities require additional funding to cover increased essential costs. It should be noted that no money has been allocated in the budget for this additional cost. Councillors may wish to utilise monies from their Consolidated Ward Funds, of which \$27,500 is available.

RECOMMENDED

A matter for Council.

ATTACHMENTS

Letter requesting funds for Light Up Festival 2010 from Committee Chair, Ms Kerry Shephard.



Light Up Festival 2010 Ctte.pdf

RESOLUTION

MOTION

Moved Councillor Warren, Seconded Councillor Funnell that Council allocate \$3000 from Ward Funds, as requested by the Camden Chamber of Commerce, to celebrate 'Light Up Camden Festival 2010'.

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

ORD53/10

ORDINARY COUNCIL

ORD07

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

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 28 February 2010 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 5.30% p.a. for the month of February 2010.

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 February 2010 be noted.**
- iii. the weighted average interest rate return of 5.30% p.a. for the month of February 2010 be noted.**

ATTACHMENTS



Investment Report February 2010.xls

RESOLUTION

Moved Councillor Warren, Seconded Councillor Anderson 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 February 2010 be noted.
- iii. the weighted average interest rate return of 5.30% p.a. for the month of February 2010 be noted.

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

ORD54/10

ORDINARY COUNCIL

ORD08

SUBJECT: COMMUNITY FACILITIES LICENCE RENEWALS
FROM: Director Works and Services
FILE NO: Council Properties/Leases/Council Property Leasing/Office Space

PURPOSE OF REPORT

To seek Council's approval to renew licence agreements with six community organisations for use of Council's office facilities within Harrington Park Community Centre, Currans Hill Community Centre, Narellan Community Hall, Mount Annan Cottage and Narellan Library for a twelve-month period.

BACKGROUND

Council provides office space to not-for-profit community groups at prices below market rates in recognition of the valuable contribution that they make to the local community. The 2009/2010 Fees and Charges are applicable to the current licence agreements and are subject to change each Fees and Charges review.

MAIN REPORT

The following groups have requested renewal of licence agreements;

Families in Partnership - a not-for-profit community organisation that works with families which have a member with a disability. The existing 12 month licence agreement for an office in Harrington Park Community Centre expired on 12 March 2010. The organisation has requested a renewal of this agreement for a further 12 months. Families in Partnership currently pays \$67 per week as outlined in Council's adopted 2009/10 fees and charges schedule.

Macarthur District Temporary Family Care - a not-for-profit community organisation that provides services to families with children with a disability and families in crisis. The existing 12 month licence agreement for an office in Harrington Park Community Centre expired on 12 March 2010. The organisation also has an office at Narellan Library with the licence agreement expiring on 1 March 2010. The organisation has requested a renewal of both agreements for a further 12 months. Macarthur District Temporary Family Care currently pays \$67 per week for an office in Harrington Park Community Centre and \$175 per week for the use of an office at Narellan Library as outlined in Council's adopted 2009/10 fees and charges schedule.

Community Links Wollondilly - a not-for-profit community organisation that assists families with a range of social issues across the Camden LGA and adjoining areas. The existing 12 month licence agreement for an office in Currans Hill Community Centre expired on 12 March 2010. The organisation has requested a renewal of this

agreement for a further 12 months. Community Links Wollondilly currently pays \$67 per week as outlined in Council's adopted 2009/10 fees and charges schedule.

Camden Community Connections - a not-for-profit community organisation providing a Toy Library Service in the small meeting room at Narellan Community Centre. The existing 12 month licence agreement for the use of the small meeting room at Narellan Community Centre expired on 12 March 2010. The organisation has requested an extension of this agreement while it considers the future scope and method of operation of the Toy Library and while it still provides "bulk loans" . The group also has use of an office in the Narellan Library Building and the licence agreement expired on 1 March 2010. The organisation has requested a renewal of both agreements for a further 12 months. Camden Community Connections currently pays \$86 per week for use of the small meeting room at Narellan Community Centre and \$175 per week for the use of an office at Narellan Library as outlined in Council's adopted 2009/10 fees and charges schedule.

Sylvandale Foundation - a not-for-profit community organisation that assists families with a range of disabilities. The existing 12 month licence agreement for an office in Narellan Community Centre expired on 1 March 2010. The organisation has requested a renewal of this agreement for a further 12 months. Sylvandale currently pays \$67 per week for the use of an office at Narellan Community Centre as outlined in Council's adopted 2009/10 fees and charges schedule.

Sector Connect - a not-for-profit community organisation that works with all community services in the Macarthur area. Its existing 12 month licence agreement for the use of an office at Mount Annan Community Cottage expired on 1 March 2010. The organisation has requested a renewal of the agreement for a further 12 months. Sector Connect currently pays \$245 per week as outlined in Council's adopted 2009/10 fees and charges schedule.

CONCLUSION

All groups provide valuable contributions to the local community. The local community will benefit with these organisations being accommodated and operating within local community facilities.

RECOMMENDED

That Council renew the licence agreement based on the prevailing fees and charges for:

- i. Families in Partnership for an office in Harrington Park Community Centre for 12 months, taking the licence to March 2011;**
- ii. Macarthur District Temporary Family Care for an office in Harrington Park Community Centre for 12 months and for the use of an office at Narellan Library for 12 months, taking the licences to March 2011;**
- iii. Community Links Wollondilly for an office in Currans Hill Community Centre for 12 months, taking the licence to March 2011;**
- iv. Sylvandale Foundation for an office in Narellan Community Centre for 12 months, taking the licence to March 2011;**
- v. Camden Community Connections for use of the small meeting room at Narellan Community Centre for 12 months and for an office at Narellan**

- Library for 12 months, taking the licences to March 2011; and**
vi. Sector Connect for an office at Mount Annan Community Cottage for 12 months, taking the licence to March 2011.

RESOLUTION

Moved Councillor Warren, Seconded Councillor Campbell that Council renew the licence agreement based on the prevailing fees and charges for:

- i. Families in Partnership for an office in Harrington Park Community Centre for 12 months, taking the licence to March 2011;
- ii. Macarthur District Temporary Family Care for an office in Harrington Park Community Centre for 12 months and for the use of an office at Narellan Library for 12 months, taking the licences to March 2011;
- iii. Community Links Wollondilly for an office in Currans Hill Community Centre for 12 months, taking the licence to March 2011;
- iv. Sylvandale Foundation for an office in Narellan Community Centre for 12 months, taking the licence to March 2011;
- v. Camden Community Connections for use of the small meeting room at Narellan Community Centre for 12 months and for an office at Narellan Library for 12 months, taking the licences to March 2011; and
- vi. Sector Connect for an office at Mount Annan Community Cottage for 12 months, taking the licence to March 2011.

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

ORD55/10

**THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 23 MARCH
2010 WERE ADOPTED AT AN ORDINARY COUNCIL MEETING HELD 13 APRIL
2010. MIN. NO. ORD 59/10**

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

CHAIRPERSON