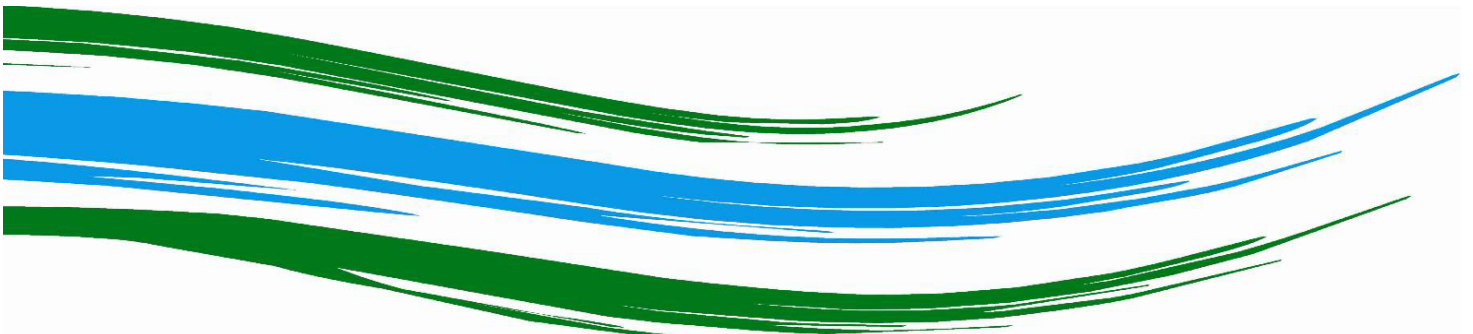




Camden Council

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

The Mayor advised Council that Councillor Campbell had been delayed in the city and would be in attendance later in the Council Meeting.

THE MOTION ON BEING PUT WAS **CARRIED**.
ORD27/11

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

There were no declarations to be noted.

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

ORD28/11

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

Ron Bishop addressed the Council in relation to the Mayoral Minute - Sponsorship - Macarthur Lions ANZAC Run.

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

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

ORD29/11

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 8 February 2011.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 8 February 2011, copies of which have been circulated, be confirmed and adopted.

RESOLUTION

Moved Councillor Dewbery, Seconded Councillor Symkowiak that the Minutes of the Ordinary Council Meeting held 8 February 2011, copies of which have been circulated, be confirmed and adopted.

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

ORD30/11

MAYORAL MINUTE

ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE - SPONSORSHIP - MACARTHUR LIONS ANZAC RUN 2011
FROM: Mayor
FILE NO:

In 2008, Camden Council, in conjunction with Macarthur Lions Club and Camden RSL Sub-branch, organised the inaugural Fun Run which was held at the Bicentennial Equestrian Park (BEP) on 4 May 2008. In 2009 and 2010, Council again worked with both Macarthur Lions and the RSL to hold the event.

Between 350 and 450 entrants have participated in the Fun Run each year, raising funds for Lifeline Macarthur and for local projects sponsored by the RSL. The event is designed to link in with community runs organised by many RSL Clubs in conjunction with ANZAC Day commemorations. Beneficiaries of this year's event will again be Lifeline Macarthur and Camden RSL projects.

Council has promoted the run as a community event, involving the community through participation in the run itself and in the event organisation. While Council has been a major contributor to the event's organisation and administration, the level of involvement has gradually reduced and Macarthur Lions and the RSL have increased their involvement.

Following the successful event in 2010, Macarthur Lions expressed a desire to further increase its involvement and has taken the lead in most areas of the organising and administration of the event for 2011.

Macarthur Lions has approached a number of organisations, including Council, seeking sponsorship and support for the 2011 run. This sponsorship is sought to meet the costs of the event and its promotion, including the equipment and facilities required to hold the event.

Previous sponsors have included the YMCA promoting Mount Annan Leisure Centre, NSW Sydney South West Area Health Service, Camden Advertiser, Marsdens Solicitors, Brooks, Narellan Physiotherapy, Lifeline Macarthur, local developers and others.

Previously, Camden Council's support has been in promotion, administration and through venue preparation. This 'in-kind' support has been invaluable in gaining sponsorships, promotion, record keeping, financing and facilitation of planning activities.

Macarthur Lions, request is to replace the 'in-kind' input previously provided by Council, but now requiring more direct support and funding.

On offer are a variety of sponsorship packages, ranging up to “Gold” sponsorship for \$2,500. It is considered that a “gold” sponsorship would provide an appropriate level of support. This amount compares favourably with the value of ‘in kind’ contributions in previous years.

In addition, Council has been asked whether it can provide security oversight for the event infrastructure on the evening preceding the event.

Council does not have a specific sponsorship budget. Therefore it is proposed that sponsorship be provided from Councillor Ward Funds, which currently has a balance of \$28,353 and the additional security patrols can be funded from the existing building services budget.

It is considered that this sponsorship again provides an opportunity for Council to promote its support for community involvement in significant events, while promoting an event which contributes to community well-being for both residents and visitors.

RECOMMENDED

That Council:

- i. provide “gold” level sponsorship of \$2,500 to the Macarthur Lions’ ANZAC Run 2011 from Councillor Ward Funds;**
- ii. extend security patrols to cover the event infrastructure on the night prior to the event; and**
- iii. promote the event on Council’s website and other publications and communications.**

ATTACHMENTS

RESOLUTION

Moved Councillor Patterson that Council:

- i. provide “gold” level sponsorship of \$2,500 to the Macarthur Lions’ ANZAC Run 2011 from Councillor Ward Funds;**
- ii. extend security patrols to cover the event infrastructure on the night prior to the event; and**
- iii. promote the event on Council’s website and other publications and communications.**

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

ORD31/11

MAYORAL MINUTE

ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE - INAUGURAL 24 HOUR MS MEGASWIM
FROM: Mayor
FILE NO:

The Inaugural MS Megaswim is a fund raiser to support the Go for Gold program which provides scholarships to people living with multiple sclerosis to aspire and achieve a life long dream.

The MS Megaswim was held last weekend in hot weather and with large crowds in attendance. Held at the newly completed Camden Municipal Pool the event started at Noon on Saturday 19 February and went all night through to Noon Sunday 20 February.

There were 152 participants registered, as well as all of their families watching and enjoying the fun activities such as a jumping castle, BBQ, cake stall and live music provided by local school group "The Sum of Us".

Twelve teams averaged 90kms each, with the winning team the MacArthur Triathlon team, and closely followed by Mt Annan swim team and Lizi Mag (students from both Elizabeth MacArthur and Magdalene High schools).

The Flipping Freaks team were all gymnasts, under 15 yrs of age, and they showed determination to get through with very little sleep. The YMCA and Sarah's Super Swimmers battled it out for the top 5 spot. Councillors Debby Dewberry, Deputy Mayor Cr Lara Symkowiak and I participated in Sarah's Super Swimmers team.

The organizers have expressed their thanks to Camden Council and the YMCA for allowing the facility and staff to be used for the event and all of the community support. Council donated \$250 to each of the two youngest sides participating and so far \$37,000 has been raised for people suffering from Multiple Sclerosis.

All feedback has been very positive with families enjoying the relaxed atmosphere, and the opportunity for juniors up to seniors all being able to contribute on the weekend.

RECOMMENDED

That the information be noted.

RESOLUTION

Moved Councillor Patterson that the information be noted.

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

ORD32/11

ORDINARY COUNCIL

ORD01

NEW COMMERCIAL BUILDING WITH SIGNAGE, CONSTRUCTION OF CAR PARKING INCLUDING BASEMENT PARKING, DEMOLITION OF EXISTING BUILDINGS AND TREE REMOVAL, 32-36 (LOTS 18-20 IN DP 30539) SOMERSET AVENUE, NARELLAN

FROM:	Director Development and Health
FILE NO:	Binder: Development Applications 2010
DA NO:	1251/2010
OWNER:	Dibblar Pty Ltd
APPLICANT:	Dibblar Pty Ltd
ZONING:	B2 Local Centre and R3 Medium Density Residential
APPLICABLE PLANNING INSTRUMENT:	Camden LEP 2010

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a Development Application (DA) for a new commercial building with signage, construction of car parking including basement parking, demolition of existing buildings and tree removal at 32-36 (Lots 18-20 DP 30539) Somerset Avenue, Narellan . The application is referred to Council in accordance with its delegations, as two (2) submissions were received objecting to the proposal. These objections were unable to be resolved by way of development consent conditions. The proposed development also seeks a variation from height limits in the Camden LEP 2010.

SUMMARY OF RECOMMENDATION

It is recommended that DA 1251/2010 be approved, subject to draft conditions of development consent provided at the end of this report.

BACKGROUND

The reserve (Lot 18 DP 30539) on the corner of Somerset Avenue and Elyard Street, Narellan, as well as the adjoining residential property (Lot 19 DP 30539) were rezoned Business 3(a) under the now repealed Camden LEP 136. This rezoning reflected intended land uses shown in the Narellan Master Plan, which was adopted by Council in 2004, and was done so mainly on the basis of its strategic location within the Narellan Town Centre.

Council sought tenders for the sale of the reserve in 2010. As part of this tender process, plans were presented to Council, however the scope of the tender did not include approval of these plans which were to be subject to a separate DA. The

successful tenderer is the applicant of this proposal, and who has also purchased the two adjoining properties, Nos 34 and 36 (Lots 19 and 20 DP 30539) Somerset Avenue. The successful tenderer for the sale has indicated to Council officers, their ability to develop the site in a timely fashion.

THE SITE

The sites are located at the corner of Somerset Avenue and Elyard Street, on the edge of the Narellan CBD. The corner lot (Lot 18) was a small public reserve that was sold by Council after being superseded by the much larger and more developed Narellan Urban Forest 300m further along Elyard Street. The two adjoining lots (Lots 19 and 20) are currently residential properties with dwellings and associated structures. The total area of the site is 1,951m², with a total frontage of 45.72m on Somerset Avenue and 42.67m on Elyard Street. When viewed together, the sites (the site) falls about 3m from the north-eastern corner on Somerset Avenue to the south-western corner of the site on Elyard Street. These lots will be consolidated to one site.

The site is surrounded by existing residential properties to the north and west and commercial uses to the east and to the south. The adjoining property to the south had a mixed use three-storey development that was approved as a Deferred Commencement by resolution of Council on 27 November 2006. This consent has since lapsed.

A locality plan is provided at the end of this report.

THE PROPOSAL

The proposal is for the construction of a three-storey commercial building incorporating 32 tenancies, ground level and basement car parking. Vehicular access is proposed from Somerset Avenue, with access to the basement via the ground level car park. The proposed development is comprised of:

- **Basement:** Parking for 58 vehicles, lift access, fire pump room and On-Site-Detention (OSD) tank;
- **Ground floor:** Total leasable area of 699m², split up into 10 tenancies, associated amenities, and parking for 20 vehicles;
- **First floor:** Total leasable area of 858m², split up into 11 tenancies, with amenities and 2 meeting rooms; and
- **Second floor:** Total leasable area of 858m², split up into 11 tenancies, with amenities and 2 meeting rooms.

All uses of the building will be subject to future DAs, which is normal practice for this type of development, which could lend itself to a range of tenancies.

The height of the building varies as a result of a 2.3m cross fall in the land from the eastern boundary of Somerset Avenue to the southern boundary of Elyard Street. The building ranges in height between 9.4m and 12.4m. **Plans of the proposal are provided at the end of this report.**

NOTIFICATION

The application was advertised between 18 November and 2 December 2010. Two submissions were received objecting to the proposal. **Copies of the submissions are provided with the Business Paper supporting documents.**

PLANNING CONTROLS

- Camden LEP 2010
- Infrastructure SEPP 2007
- Camden DCP 2006

ASSESSMENT

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

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

Camden LEP 2010

Zoning

Lots 18 and 19 are zoned B2 Local Centre, while Lot 20 is zoned R3 Medium Density Residential. Lots 18 and 19 contain the majority of the building footprint. Lot 20 contains primarily the ground level car park, and also a small section of the eastern elevation of the building.

The proposed building has no specific definition under the LEP, however the purpose of the building is to contain business premises and commercial premises, both of which are permissible in the B2 Local Centre zone. The objectives of the zone include:

- providing a range of retail, business, entertainment and community uses that serve the needs of the people who live in, work in and visit the local area;
- encourage employment opportunities; and
- provide an active frontage to the street.

The surface level car park and a partial encroachment of the eastern side of the building are located on Lot 20, in which business premises, commercial premises and car parks are prohibited for the R3 Medium Density Residential zone. However Clause 5.3 of the Camden LEP 2010 makes reference to development near zone boundaries, which "provide(s) flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone" on the provision that it does not exceed a distance of more than 50m from that zone boundary.

The car park and partial encroachment of the building are considered to be consistent with the intent of this Clause as the development is compatible with the adjoining B2 Local Centre zone and its objectives. This includes complementary land uses (i.e on-site car parking and garbage room) that do not detract from the viability of retail,

business, entertainment and community uses.

Height

The LEP identifies different height controls for all three lots. Lot 18 has a height control of 12.5m subject to Clause 4.3 B of the LEP (Height of buildings exhibiting design excellence at certain sites at Narellan and Spring Farm). Lot 19 has a height control of 9.5m. Lot 20 has a height control of 9.5m for the majority of the site and permits 12.5m at the rear of the property.

With the cross fall on the site, the height of the building ranges between 9.4m on the north-eastern corner of the building on Somerset Avenue and 12.4m on the south-western corner of the building on Elyard Street. However architectural treatments and the air conditioning tower result in a height up to 13.4m.

Clause 4.3 B of the LEP permits buildings on selected sites in Narellan to be up to 12.5m, with a Floor Space Ratio that does not exceed 1.5:1. The height on Lot 18 complies with the 12.5m height control.

Council's Urban Designer has reviewed the proposal and is satisfied that the building achieves a high standard of architectural design, improving the quality and amenity of the public domain, and does not detrimentally impact on view corridors. The floor space ratio complies with the 1.5:1 control.

A variation to the height control has been requested in that the building is higher than the 9.5m and 12.5m height control of Lots 19/20 and Lot 18, respectively.

The applicant has addressed this variation in their Statement of Environmental Effects, and is summarised below:

- Lot 18 is considered to be a major development site as per the Narellan Town Centre Master Plan and the now repealed Camden LEP 136 for Narellan;
- The development does not unreasonably impact on the visual plane along Elyard Street and Somerset Avenue, nor distant views;
- The adjoining site on Elyard Street permits a maximum building height of 15.5m in Camden LEP 2010;
- In the context of this development and significance of the site, consideration should look beyond numerical compliance. Emphasis is needed on broader structural and urban design frameworks;
- The development promotes the orderly and economic use of land;
- It will not unreasonably impact on privacy, overshadowing or visual intrusion on adjoining developments; and
- The overall Floor Space Ratio across all three blocks is compliant at 1.22:1.

Comment

Clause 4.6 of the Camden LEP allows for exceptions to development standards. It "provide(s) an appropriate degree of flexibility in applying certain development standards to particular development", and "achieve(s) better outcomes for and from development by allowing flexibility in particular circumstances."

The site has 3 different height controls applying to the development. The proposal is considered to exhibit design excellence and provides a positive urban design outcome. Given the desired future character for Elyard Street, with a height of four stories permissible for the adjoining property as reflected by a maximum height of 15.5m, this proposed development is considered to be orderly development.

It has been demonstrated that it will not create any overshadowing. The area is undergoing change and the bulk and scale of this building will fit in with the desired future character.

Furthermore, Clause 6.3 of Camden LEP 2010 provides “flexibility in building height limits where architectural roof features result in minor encroachments”, on the provision that any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature. In the context of this proposed development, it is considered this has been demonstrated.

Consequently, it is considered the proposed variation to the development standards are able to be supported by Council.

Infrastructure SEPP 2007

As per Clause 45, Integral Energy was notified of this development as the development is within 5m of an exposed overhead power line. Integral Energy advised that the development will require the installation of a padmount substation to secure the supply of electricity to the proposed development.

(a) (ii) any draft environmental planning instrument

There are no other draft environmental planning policies that apply to this proposal.

(a) (iii) any development control plan

Camden DCP 2006 – Part D, Chapter 1: Car parking

The total leasable area across the three floors is 2,415m². The car parking rate for commercial/office premises is one space per 35m² plus one space per 500m² for courier/service vehicles. Based on this, a total of 74 spaces are required, 78 are proposed.

Assessment carried out by Council’s engineers has shown the need for the two southernmost parking spaces to be deleted in order to allow for vehicles to turn around and exit in a forward direction. There is also the need to delete one space adjacent to the top of the ramp and one at the bottom of the ramp to ensure compliance with swept paths in accordance with AS2890.1 – Off Street Parking.

This has been proposed to be conditioned with amendments to be shown on the plans prior to the issue of a Construction Certificate. As a result a reduction of up to four (4) spaces will occur, leaving 74 car parking spaces in place. Hence the required number will be achieved.

Camden DCP 2006 – Part D , Chapter 2: Cut and Fill , Landforming Operations and Erosion and Sediment Control

The only relevant section of this chapter is erosion and sediment control, which would be appropriately placed as a condition on any consent that is issued.

Camden DCP 2006 – Part D, Chapter 3: Energy Conservation

An Energy Efficiency report as per Section J of the Building Code of Australia (BCA) has been lodged, however it has been determined by Council's Building Surveyor that this is not required at the DA stage, and instead would be conditioned as a requirement for the Construction Certificate.

Camden DCP 2006 – Part D, Chapter 4: Outdoor advertising

The building proposes three flush wall type signs identifying the name of the building, to be known as 'The Exchange'. The signage is consistent with the Business and Commercial Areas controls as it does not exceed 20% of the visible wall area. Further, it does not exceed more than 2 per elevation visible from a public place.

A signage package for the overall development will be subject to a separate DA, and would be placed as a condition on any consent that is issued.

Camden DCP 2006 – Part G, Chapter 22: Narellan

In relation to the design principles, the proposal has a positive frontage to both streets; the corner is emphasised by way of a distinctive use of glazing as an architectural treatment; has articulated walls to provide visual interest; has a traditional roof form; and provides a varied palette of colours, materials and finishes.

A salinity investigation report would be placed as a condition on any consent that is issued. Given the current uses of the site, being residential dwellings and a public reserve, it was determined that a contamination study was not required.

The application was referred to the NSW Police for comment. A Crime Prevention Through Environmental Design (CPTED) assessment was undertaken, and it was identified as a moderate crime risk.

In order to achieve the key strategies of surveillance, territorial reinforcement, access control and space/activity management, suggestions were made which would be placed as conditions on any consent that is issued. These include the installation of surveillance equipment (such as CCTV) in the basement car park and main entrances. The basement car park should be locked after hours, the basement ramp should be corrugated to eliminate skateboard riders, light colours should be used in the basement car parking and landscaping should be regularly maintained to decrease opportunities for entrapment.

The car parking proposed has exclusive access off Somerset Avenue with no vehicular access provided off Elyard Street. Opportunities for basement car parking have been optimised.

Upgrading of required infrastructure to accommodate the increased electricity demand has been proposed, with the provision of a new substation. As per the requirements for all new developments, it would be conditioned that power and telecommunications facilities are underground. Stormwater management would be achieved by requiring compliance with Council's Engineering Design Standards.

An acoustic report was lodged with Council to assess the noise impacts of the mechanical plant, air conditioning and the car park on neighbouring residential properties. The recommendations were for the construction of a 2.1m high wall along the boundary of the neighbouring residential property (1.8m of solid construction with the remainder being of a clear material), lining and ducting of car park exhaust fan and selection of air conditioning plant to meet noise criteria. These recommendations are supported by Council's Environment and Health officer and will be placed as conditions on any consent that is issued. The fencing is considered an acceptable planning outcome as it maintains the standard 1.8m height for fencing, plus the additional 0.3m protection being made of toughened glass for the neighbouring property without any other negative impacts on the amenity, such as overshadowing. The proposed condition includes a requirement that should the toughened glass be scratched or broken, it is to be replaced within one (1) month of being damaged.

The proposed development is located within the South Campbelltown Mine Subsidence district. Concurrence has been received from the Mine Subsidence Board. The development also attracts Section 94 developer contributions relating to trunk drainage and water quality, as well as community and recreation facilities and administration.

(a) (iv) any planning agreements

There are no planning agreements that apply to this proposal.

(b) the likely impacts of the development

Built impacts

The built impacts have been previously discussed in this report in relation to overshadowing, privacy and the presentation of the bulk and scale of the building.

Traffic

The traffic impacts have been assessed by Council with the following comments provided.

The estimated traffic generation as stated by the applicant of 62 vehicles in and out in the AM peak and 120 vehicles in and out in the PM peak is considered to be conservative. Officers have assessed that there is sufficient capacity in the local road network to address the increased traffic flows.

It is noted that there will be increased pedestrian movements between this commercial development and the other side of Elyard Street, however the volume will be low and it does not warrant the provision of specific crossing facilities. In terms of loading and unloading of goods, the five (5) spaces allocated to these vehicles in the DCP is considered satisfactory. In addition, infrequent loading and unloading could also occur

without the need for signage on Elyard Street and Somerset Avenue.

Waste disposal

All the bins will be located in a dedicated area adjacent to the ground level car park. The applicant has stated that all bins will be lined against the Somerset Avenue frontage on collection day, which is considered a satisfactory outcome by Council's officers.

Noise

This aspect has been discussed earlier in this report.

Social impacts

The anticipated impacts of some operational aspects of the proposed development on the current amenity of the neighbourhood in relation to noise and vehicular movements are considered acceptable for this location. It should also be noted the nature of the amenity of the existing neighbourhood will potentially continue to evolve with new developments; permissible within the current zonings being considered in the future.

Economic impacts

Given Narellan's increasing role as a major centre in the region and the increased demand for commercial and retail floor space, this commercial development is expected to contribute to meeting this demand, as well as increase employment opportunities for Narellan.

(c) the suitability of the site for the development

The site is capable of accommodating the proposal without any major adverse impacts upon the amenity of the immediate neighbourhood. The rezoning process has previously determined whether commercial development is suitable for the land to which this proposal applies. The site is fully serviced, provides for effective traffic and parking management, and can be developed as proposed without unacceptable impacts on the community.

(d) any submissions made

A total of two submissions were received, each objecting to the proposal. The issues raised in the submissions are addressed below:

- 1. All vehicular access will be off Somerset Avenue, and there should also be vehicular access off Elyard Street.*

Officer comment:

Council's intention is to make Elyard Street a main street in Narellan, and therefore the minimisation of driveway crossings will allow for a more active street frontage. All vehicular movement from the one entry/exit point is not considered to cause any conflict with existing traffic movement or negatively impact on the functioning of the development.

2. *There will be increased impacts on the Elyard Street and Somerset Avenue intersection.*

Officer comment:

This aspect has been considered. The level of increase in traffic will not be of such a level that negative impacts on the existing intersection. As a result, no further upgrades are considered necessary at this time.

3. *There will be impacts on the amenity of residential properties on Somerset Avenue with headlight glare.*

Officer comment:

There are no design features that can be implemented to prevent headlight glare, however this is only likely to occur in the months of the year in which the days are shorter and it becomes dark within the regular business hours. After 6pm this regularity of headlight glare will be minimal, and therefore is not expected to significantly impact on residents in adjacent dwellings when occupying the front rooms.

4. *Location of entry / exit point of the car park will conflict with vehicles backing out of driveways of residential properties.*

Officer comment:

This potential conflict will only occur with one property (31 Somerset Avenue) and there is a slight offset between that crossing and the crossing for the proposed commercial development. Additionally, the driveway is considered to be in an appropriate location in the context of the development, and the level of traffic generation to and from the development is considered to be a level so as to not create any major conflicts for vehicles exiting No. 31 Somerset Avenue. As vehicles leaving the site will do so in a forward motion, this potential conflict is minimised.

5. *The surface level car park will result in increased levels of noise for neighbouring residential properties.*

Officer comment:

An acoustic report has been assessed by Council which included any car park impact. It was determined noise impacts will be minimal and not unacceptable.

6. *The basement car park is like a dungeon, and there are concerns that emergency vehicles such as tow trucks will not be able to access it.*

Officer comment:

The engineering standards for access to the basement do not incorporate larger vehicles such as emergency vehicles. Access arrangements for emergency vehicles such as ambulances and fire trucks can be done via the street. Roadside assistance vans can assist with any broken down vehicles in the basement.

7. *Loss of property values.*

Officer comment:

Whilst this concern is understood, the impact on property values is not a planning consideration when assessing the merits of a development proposal under Section 79 C of the Environmental planning and Assessment Act, 1979.

(e) the public interest

It is considered in that the public interest will be served positively by the proposed commercial development, as discussed in this report. It will allow for the orderly development of the site in a way that is consistent with the zoning of the land and the objectives of that zone.

The proposed development will provide an opportunity for commercial tenancies, which will provide employment opportunities, an increased range of services for the local community and will serve to activate part of the Elyard Street frontage.

CONCLUSION

Council has received an application for the construction of a new commercial building with signage, construction of car parking including basement parking, demolition of existing buildings and tree removal at Nos 32-36 (Lots 18-20 in DP 30539) Somerset Avenue, Narellan.

This application has been referred to Council because of submissions received, as well as a variation to the development standards in Camden LEP 2010 relating to the height. This variation has been considered by officers and is considered to be acceptable.

Two submission objecting to the development have been received. These objections have been considered within the report. While the development proposal, as well as proposed conditions of development consent, will serve to address some of these concerns, not all are able to be addressed as part of the proposed development approval.

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

- Proposed commercial development, Job No. 1695-09, Colours Schedule, Sheet No. A1;

- Proposed commercial development, Job No. 1695-09, Basement and Ground Floor Plans, Sheet No. A01, Issue A, dated 1/9/10;
- Proposed commercial development, Job No. 1695-09, 1st and 2nd Floor Plans, Sheet No. A02, Issue A, dated 1/9/10;
- Proposed commercial development, Job No. 1695-09, Elevations, Sheet No. A04, Issue A, dated 1/9/10;
- Proposed commercial development, Job No. 1695-09, Stormwater Drainage Concept Plan (Ground Floor), Sheet No. D01, Issue B, dated 1/9/10;
- Proposed commercial development, Job No. 1695-09, Stormwater Drainage Concept Plan (Basement Floor), Sheet No. D02, Issue B, dated 1/9/10;
- Proposed commercial development, Job No. 1695-09, Sediment Control Plan, Sheet No. D03, Issue A, dated 1/9/10
- Commercial Development, Project No. 86-10, Landscape Plan, Sheet 1 of 1, dated 22/9/10.

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

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

- (2) **Individual Tenancies** - Approval is given for the construction of shops and offices. The use and occupation of all individual tenancies are subject to a separate Development Application being lodged with the Consent Authority.
- (3) **Safer By Design (CPTED) Requirements** - Prior to the issue of the Construction Certificate, all recommendations contained in the Safer By Design Report must be addressed and be reflected in all relevant plans submitted with the Construction Certificate Application.

The Development must be designed in accordance with the NSW Police Service, Camden Local Area Command and Safer By Design Crime Risk Evaluation Report applying to this Development, dated 15 December 2010

- (4) **Landscaping Maintenance and Establishment Period** - All landscaping works, associated with this Consent, are to be maintained and successfully established for a period of 12 months. The Maintenance and Establishment Period is to commence from the date of initial completion of the approved landscaping works i.e. the Date of Practical Completion (DPC).

The DPC is that date when the Applicant and the Principal Certifying Authority (PCA) agree that the landscaping works have been satisfactorily completed as per the approved Landscaping Plans applying to this Consent and the Construction Certificate (CC). The agreed DPC date will trigger the commencement of the landscaping maintenance and establishment period.

It is the Applicant's responsibility to arrange a site inspection, upon initial completion of the landscaping works, to determine and agree upon, an appropriate DPC.

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

Any landscaping works that require repair or replacement are to be successfully repaired or replaced prior to the completion of the maintenance and establishment period.

- (5) **Building Code Of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (6) **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.

- (7) **Demolition (Tree Preservation)** - Existing trees, both on the site and adjoining footpath reserve, must be protected with fencing to prevent damage during demolition, and retained in accordance with Council's Tree Preservation Order.
- (8) **Acoustic Boundary Wall Height and Location** – A 2.1m high solid acoustic wall is to be constructed above the ground floor car park pavement along the entire southern boundary of the property. The wall may be constructed of masonry, colourbond or lapped and capped timber. The acoustic wall may have a height of 1.8m constructed of solid material and have a further 0.3m of toughened glass added to give a total height of 2.1m. If the toughened glass is used and subsequently scratched or broken, it is to be replaced within one (1) month of being damaged.
- (9) **Lighting** - All external adjoining public roads and internal basement of parking areas shall be provided in accordance with the Australian Standard 1158.
- (9) **Footpath Construction** - A full width footpath on Somerset Avenue and Elyard Street shall be provided in accordance with the "Narellan Public Domain Palette-Main Street" and Development Control Plan for Narellan. The grade to the footpath shall be 4% from the back of the layback and internal access path shall be adjusted appropriately so that the footpath is uniform and liner. Any damaged and unsafe kerb and gutter shall be replaced.

(11) The splay corner (5.5m x 5.7m) of Somerset Avenue and Elyard Street shall be dedicated to Council in order to contain the existing stormwater line excluding the proposed discharged pits from the OSD facility, for access and maintenance.

(12) Appropriate provisions shall be made in the proposed awning to facilitate the

installation of the street lighting in Somerset Avenue and Elyard Street.

- (13) **Car Parking** – All parking spaces, including those in the basement, are to be made available to all visitors, and not be closed off during business hours. Considerations will be made to the allocation of parking spaces in the basement for long term staff only parking when greater certainty is known to the tenancy mixture of this development. This will be subject to a separate development application with the Consent Authority (i.e. Camden Council), and accompanied by a parking study prepared by an appropriately qualified professional.
- (14) **Comprehensive Sign Package (Multi-Tenant Development)** – A separate development application shall be lodged with the Consent Authority (i.e. Camden Council) for a comprehensive advertising scheme for all units of the development. These signs shall be of uniform size, colour and designed in accordance with the architectural style of the development and the provisions of DCP 96 “Outdoor Advertising Code”.
- (15) **Services** - All services within the subdivision shall be underground.
- (16) **Tree Removal** – This consent only permits tree removal from Lots 18, 19 and 20. Tree removal from any adjoining lots, as shown on the Landscaping Plan, is to be subject to a separate application with Council.
- (17) On-site and on-street lighting will be required to satisfy the requirements of the relevant Australian Standards.
- (18) Surveillance equipment, including CCTV is to be installed in the basement car park and main entrances, and is to be positioned at a height to obtain face recognition of any offenders detected.
- (19) The access ramp to the basement is to have corrugations to eliminate skateboard riders.
- (20) The colour scheme in the basement car parking is to be of light colours.

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 Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (2) **Amendments to Approved Plans** – The amendments indicated and described below must be incorporated into the overall development, and must be reflected in any plans prepared for the purposes of obtaining a Construction Certificate:

- The last two spaces at the end of the ground floor aisle should be deleted and marked as 'no parking' in order to provide a turning head for drivers to turn around.
 - The access ramp is to be designed in order to comply with vehicular swept paths at each end in compliance with AS2890.1. This may result in the deletion of one parking space at each end of the ramp.
 - A second disabled parking space is to be provided in the basement, adjacent to the lift.
- (2) Pursuant to **Contributions Plan No 3** amended in February 1998, a contribution must be paid to Council of \$10,419 per hectare, total \$2,042, 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 Construction 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.

- (3) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$9.07 per square metre, total \$21,905, 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 at the discretion of Camden Council. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such an agreement is to be undertaken, it must be signed **prior to the release of a Construction Certificate**.

- (3) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$4,168 per hectare, total \$817, 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**.

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

Camden Council therefore requires:

- A salinity investigation and reporting be undertaken; **OR**
- Compliance with the 'minimum requirements' specified in this condition.

Salinity Investigation Report

Prior to the issue of a Construction Certificate , a Salinity Investigation Report shall be prepared for the development in accordance with the requirements of “*Site Investigation for Urban Salinity (Local Government Salinity Initiative)*” prepared by the *Department of Land and Water Conservation (2002)*.

The recommendations from this report shall be followed and incorporated into the design and construction of the development and are to be approved by the certifying authority.

Minimum Salinity Requirements for Camden LGA

Where a Salinity Investigation Report is not undertaken, the following construction inclusions shall be incorporated as a minimum in the building design to reduce/prevent any detrimental affect to the building from accumulative salt deposits:

- a) Concrete Strength: The minimum concrete strength to bored piers, piles , and strip footings shall be 40MPa and concrete floor slabs in contact with the ground shall be a minimum of 32MPa.
- b) Damp-Proofing Membrane: Concrete floor slabs in contact with the ground shall be provided with a damp-proofing membrane that is a 0.2mm thickness polyethylene film and of “high impact resistance” (as determined in accordance with AS2870).

The above minimum requirements shall be incorporated in the structural design and construction of the development and are to be approved by the certifying authority with the Construction Certificate application.

Consideration in the design and construction of the development should also be made to the following matters (where relevant):

- the provision of drainage to the building perimeter (including subsoil drainage), to prevent water ponding or soil water logging in the building vicinity;
 - external finished ground levels, including pavements, should not be higher than the base of the first course of brickwork, or the brickwork and mortar below a damp proof course (DPC) should be exposure rated;
 - DPC material must be carried through to the face of any applied finishes;
 - retaining walls should be built of salinity resistant materials;
 - porous pavement products such as cement and clay pavers may show permanent efflorescence and salt corrosion. The use of these products should be confirmed with the manufacturer as being suitable for use in a saline environment, prior to installation.
- (5) **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.**

Please note that:

- 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.

(6) **Environmental Site 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 of 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 involves access to a 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) **Performance Bond - Prior to the issue of the Construction Certificate** a performance bond of \$20,000 must be lodged with Camden Council. Should any of Council's property sustain damage or the development place the environment or public at risk, Council will perform any works necessary on behalf of the applicant to rectify these works. This bond will be refunded once all works have been completed to the satisfaction of Council. The applicant must be responsible for any damage caused to existing public utilities, footpaths or public roads during construction works.

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

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

(8) **Design Standards** – Engineering design drawings are to be prepared strictly in accordance with Camden's Development Control Plan 2006 and Engineering Specifications.

- (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) **Public Risk Insurance Policy** - **Prior to the issue of the Construction Certificate**, the owner or contractor is to take out a 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 issuer 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.

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.

- (12) **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.
- (13) **Soil Erosion And Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with the Consent Authority's (i.e. Camden Council) "Soil Erosion and Sediment Control Policy".

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

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

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

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

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

Such pre-treatment devices shall control the discharge of hydrocarbon and heavy metals to Council's stormwater system and also it shall be kept in good order with regular removal of pollutants and maintenance.

(15) Total management of the water from the site shall be based on the Water Sensitive Urban Design principles.

(16) A drainage easement with appropriate width shall be provided in the adjoining property in Elyard Street for all overland flow path generated from the proposed drainage facilities in the subject development. A Deed of Agreement providing the consent from the adjoining property owner for the creation of the drainage easement shall be submitted to the Consent Authority **prior to the release of the Construction Certificate**. The registration of the easement shall be completed **prior to the issue of the Occupation Certificate**.

(17)**Parking Spaces** - A minimum of 74 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 (i.e. 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**. It shall be designed in accordance with the requirements of Australian Standard AS 2890.1 (User Class 2). All disabled parking shall be designed and constructed to comply with AS 2980.6.

(18)**Geotechnical Report** - A Geotechnical Report indicating the assessment of the stability of the adjoining building and public infrastructure as a result of the proposed excavation of the basement shall be provided to the Consent Authority. The method of shoring, ground anchoring and any staging of extraction and access to the basement for carting of material shall be provided with appropriate Traffic Control Plans to the Consent Authority.

(19)**Plan of Traffic Devices** - A comprehensive plan of directional signs, parking signs, line marking etc. **shall be provided with the Construction Certificate for approval.** A provision shall also be made for access of delivery vehicles.

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

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

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

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

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

(i) view the state of repair of the basin;

(ii) to execute any work required to remedy a breach of the terms of this covenant if the proprietor has not within fourteen (14) days of the date of receipt by the proprietor of written notice from the Council, requiring remedy of a breach of the terms of this covenant, taken steps to remedy the breach and without prejudice to the Council's other remedies the Council may recover as a liquidated debt the cost of such remedial work from the proprietor forthwith upon demand.

(b) Restriction as to user indicating that the on-site detention basin must not be altered, or removed in part, or structures erected thereon without the prior consent of Council.

(21)**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. Plans and proposals must be approved by Council **prior to the Construction Certificate being issued.**

The Traffic Management Plan must address the construction process, staging and construction access for the development for all stages of the development, the storage of materials, location of site offices, turning area for the delivery vehicles, parking for construction staff and any casting and erection of building components. Appropriate Traffic Control Plans shall be submitted for all stages of constructions.

The Traffic Control Plan shall be prepared and implemented for the access of the construction traffic to facilitate the safe and unobstructed vehicular and pedestrian traffic in Somerset Avenue and Elyard Street.

The Management Plan should clearly outline the haulage routes for the carting of excavated material from the proposed basement, and details of the approved disposal site within the Camden Council's area of outside location.

Prior to commencement of any work on public roads, appropriate traffic control measures must be installed to ensure the safety and unobstructed flow of vehicular and pedestrian traffic are maintained in accordance with the Traffic Control Plan prepared by a RTA Accredited Certifier.

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

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

- (23)**Discharge of Stormwater/Seepage** - The sediment control measures shall be provided to control any stormwater/and or seepage collected in the basement during construction. No pumping of water to Council's drainage system shall be done unless it is already checked for its physical and chemical suitability.

- (24)**Prior to the issue of a Construction Certificate**, a written clearance is to be obtained from Integral Energy in relation to the padmounted substation.

- (25)**Energy Efficiency - Prior to issue of the Construction Certificate**, an Energy Efficiency Report shall be submitted to and approved by Camden Council. The report shall analyse all relevant matters affecting the energy efficiency of the proposed building/structure to ensure that the energy targets in *Camden Development Control Plan 2006 (DCP 2006)* are achieved.

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) **Sydney Water Approval – Prior to works commencing**, the approved development plans must also be approved by Sydney Water.
- (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 (1) 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) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

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

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

An Infringement Notice issued under the *Environmental Planning and Assessment Act, 1979*, which imposes a monetary penalty of \$600, may be initiated by the Principal Certifying Authority (PCA) and issued by Camden Council where the implementation or maintenance of measures is considered to be inadequate. In the event that a risk of environmental pollution occurs, an Infringement Notice issued under the *Protection of the Environment Operations Act 1997*, which imposes a monetary penalty of \$750 for an individual or \$1,500 for a corporation, may be issued by Camden Council.

- (6) **Information Required by Council Prior to Demolition** - The demolisher shall

lodge with Council at least 48 hours prior to the commencement of work:

- (i) written notice indicating the date when demolition of the building is to commence;
 - (ii) details of name, licence, address and business hours contact number;
 - (iii) a copy of the demolisher's current public liability/risk insurance policy indicating cover of at least \$20,000,000.
- (7) **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.
- (8) **Site Security for Demolition Works** - The site shall be secured prior to the commencement of demolition and to the satisfaction of the Council or the Accredited Certifier and in accordance with Clause 78H of the Environment Planning and Assessment (Amendment) Regulation 1998.
- (9) **Notice to Adjoining Owners of Demolition** - The following matters must be satisfied prior to and during demolition:
- (a) the applicant shall give written notice to adjoining land owners and residents seven (7) days prior to the commencement of demolition, advising of commencement date;
 - (b) safe access to and from adjoining buildings shall be maintained at all times;
 - (c) no demolition activity shall cause damage to or adversely affect the structural integrity of any adjoining building;
 - (d) consideration shall be given to the need for shoring and underpinning, and to changes in soil conditions as a result of the demolition, and appropriate measures implemented;
 - (e) the effects of vibration and concussion on adjoining buildings and their occupants must be minimised;
 - (f) where the surface of an adjoining building is exposed by demolition, the need for weatherproofing the exposed surface shall be investigated and temporary or permanent protection provided as appropriate;
 - (g) the demolition of below ground walls which support the adjoining ground shall not be undertaken until it is established that demolition will not cause the collapse of the adjoining ground, or effective lateral support is provided to prevent collapse.
- (10) **Demolition Sign to Restrict Entry** - A sign shall be erected on the site stating that unauthorised entry is not permitted.

- (11)**Demolition Sign Name of Builder** - A sign shall be displayed on the site indicating the name of the builder or another person responsible for the site and a telephone number of which the builder or other person can be contacted outside normal working hours or when the site is unattended.
- (12)**Demolition (Footpath and Roadway Protection)** - All footpath reserves must be protected by the provision of suitable hoarding or fencing along the street alignment.
- (13)**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.
- (14)**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. Council's standard details as per SD 31 shall be used for construction.
- (15)The following works must be constructed **prior to the issue of the Occupation Certificate**, and under the *Roads Act 1993* must be approved by Camden Council:

- all services within 1.0m of the crossing and all affected services to the proposed work shall be adjusted in consultation with the appropriate Service Authority. A minimum splay of 1.0m shall be provided on either side of the proposed driveways at the gutter.

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)**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

4.0 - During Construction

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

- (1) **Street Trees, Their Protective Guards and the Road Verge Areas** - Any street trees, tree guards, protective bollards or any area of the nature strip/road verge which are disturbed, relocated, removed, or damaged during the development, construction, maintenance and establishment periods, must be successfully

repaired, relocated or replaced.

Any repairs, relocations or replacements needed to the tree/s, lawn areas, bollards, tree guards, nature strip/road verge areas are to be completed with the same type, species and maturity, and the works carried out successfully prior to the completion of the maintenance and establishment period.

- (2) **Survey Report (Peg Out)** - The building must be set out by a registered Land Surveyor. A Survey Report detailing the siting of the building in relation to the allotment boundaries shall be submitted to the Principal Certifying Authority (PCA) prior to the placement of any concrete.
- (3) **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.
- (4) **Roofwater Destination** - The roof of the subject building(s) shall be provided with guttering and downpipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to:
 - (a) the drainage easement located on the allotment;
 - (b) the existing stormwater drainage system;
 - (c) the street gutter;
 - (d) such other method(s) as approved by Council.
- (5) **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.
- (6) **Support for Neighbouring Buildings** - If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - must preserve and protect the building from damage, and
 - if necessary, must underpin and support the building in an approved manner, and
 - must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the

allotment of land being excavated or on the adjoining allotment of land. In this condition, 'allotment of land' includes a public road and any other public place.

(7) **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.

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

(9) **Vehicles Leaving the Site** - The demolisher shall:

- (i) cause motor lorries leaving the site with demolition material and the like to have their loads covered;
- (ii) ensure the wheels of vehicles leaving the site do not track soil and other waste material onto the public roads adjoining the site.

(10) **Removal of Hazardous and /or Intractable Wastes** - Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant Statutory Authorities, and receipts submitted to Council for verification of appropriate disposal.

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

(12) **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.

(13) **Clear Footpath** - The footpath and roadway must be kept clear at all times and must not be obstructed by any demolition material or vehicle.

(14) **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*.

(15) **Unexpected Findings Contingency** – Upon the identification of suspected

contamination or hazardous materials at any stage of the development process, all development 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.

(16)**Location of Stockpiles** - Stockpiles of excavated 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 shall be suitably covered to prevent dust from being a nuisance.

(17)**Storage and Water Quality Controls** – Prior to the establishment of stockpile and compound sites, temporary stormwater and water quality control devices and sediment controls must be implemented.

(18)**General Requirement** - All activities associated with the development must be carried out within the unit, and must be carried out in an environmentally satisfactory manner as defined under section 95 of the *Protection of the Environment Operation Act 1997*.

(19)**Demolition 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).

(20)**Fill Material – Prior to the importation and/or placement of any fill material on the subject site** a Validation Report and Sampling Location Plan for such material must be submitted to the Principal Certifying Authority for approval and concurrence.

The Validation Report and Sampling Location Plan must be prepared:

- (i) by a practicing Engineer with National Professional Engineering Registration and with a Specific Area of Practice in Subdivisional Geotechnics, and

(ii) in accordance with:

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

(iii) and confirm that the fill material:

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

The sampling for salinity of fill volumes less than 6000m³ must provide for three (3) sampling locations; fill volumes exceeding 6000m³, require one sampling location for each additional 2000m³. A minimum of one (1) sample from each sampling location must be provided for assessment.

The 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.

(iv) Validation of the existing fill shall also be carried out prior to import of any material.

(21) Removal Of Waste Materials - Where there is a need to remove any identified waste 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.

(22) Destination of Waste Material – Demolition materials must be disposed of to an

approved land-fill site, and where appropriate, to an approved recycling outlet.

(23)**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.

(24)**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 Saturday.
- 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.

(25)**Compaction** - Any filling up to 1.0m on the site must be compacted to 95% standard compaction and be tested in accordance with Camden Council's Engineering Construction Specification and AS 1289 by a NATA registered laboratory.

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) **Survey Report (Completion)** - A Survey Report prepared by a registered Land Surveyor shall be provided upon completion of the building. The Survey Report shall be submitted to the Principal Certifying Authority (PCA) upon completion of the building and prior to the issue of an Occupation Certificate.

(2) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

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

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

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

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

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

- (a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades, and
 - (b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.
- (4) **Selection of Mechanical Plant** - The selection of external mechanical plant (roof top plant) should be undertaken in consultation with a qualified acoustic consultant to ensure compliance with the "Project Specific Noise Criteria" listed in "Section 5.6" in the *"Environmental Noise Impact: Proposed Commercial Development at 32-36 Somerset Avenue Narellan NSW, Prepared by Day Design Pty Ltd, Report No 4542, Dated 11/01/11."*
- (5) **Selection of Car Park Exhaust Fan Treatment** - The selection of noise control treatment for the "car park exhaust fan" should be undertaken in consultation with a qualified acoustic consultant to ensure compliance with the "Project Specific Noise Criteria" listed in "Section 5.6" in the *"Environmental Noise Impact: Proposed Commercial Development at 32-36 Somerset Avenue Narellan NSW, Prepared by Day Design Pty Ltd, Report No 4542, Dated 11/01/11."*
- (6) **Prior to Commencement of Operation - Acoustic Attenuation Report Compliance** – A report from a qualified Acoustic Engineer that contains a certifying statement confirming that the provisions and noise criteria for the consent conditions have been implemented and are compliant, must be submitted to the Principal Certifying Authority. The acoustic compliance assessment (that leads to the issue of the certifying statement) must be undertaken prior to the issue of an Occupation Certificate. The acoustic compliance assessment report must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

The acoustic consultant must conduct sufficient inspections to verify that all

construction and operational aspects that includes noise from mechanical plant and exhaust fans and any attenuation and vehicle traffic noise, all occurring within the site, has complied with the "Project Specific Noise Criteria" listed in "Section 5.6" in the *"Environmental Noise Impact: Proposed Commercial Development at 32-36 Somerset Avenue Narellan NSW, Prepared by Day Design Pty Ltd, Report No 4542, Dated 11/01/11."*

Should the acoustic consultant confirm that:

- (a) any specific construction or operational aspect does not comply with the project specific noise criteria; or
- (b) that any proposed constructed noise attenuation component/measures do not achieve the criteria set by the approved report;

the acoustic consultant must advise the applicant and the Principal Certifying Authority of such non-compliance. The applicant must arrange for the submission of an application pursuant to s.96 of the *Environmental Planning and Assessment Act 1979* for the modification of the issued development consent to the Consent Authority, Camden Council, for determination.

- (7) **Lot Consolidation** – Lots 18, 19 and 20 in DP 30539 are to be consolidated into one (1) allotment. A copy of the registered plan of consolidation from the Land Property Management Authority is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.
- (8) **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.
- (9) **Centre Management Plan** – A management plan of operation is to be lodged with Council, including but not limited to:
 - operations of the development, including car parking and the types of activities; and
 - safety and security measures, including lighting, landscaping, graffiti action plan, and installation of an intruder alarm.

6.0 - Operational Conditions

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

- (1) **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 shall not service the premises due to the limited manoeuvring capabilities of the site.
- (2) **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* .
- (3) **No Additional Signs** - The approval of this sign application does not suggest that additional signs may be erected without the prior written approval of the Camden Council.
- (4) **Maintenance** - The subject sign(s) must be maintained in good order at all times. The approved design, colour scheme and wording of the sign(s) must not be altered without the prior written approval of the Consent Authority (i.e. Camden Council).
- (5) **General Requirements** – The storage of goods and materials must be confined within the building. At no time must goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve.
- (6) **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.
- (7) **Plant Noise and Operational Restriction** - The level of total continuous noise emanating from the operation of all the plant or processes in all buildings (LAeq) (measured for at least 15 minutes) that includes vehicle noise from the use of the carpark must not exceed the 46 dBA (daytime) and 44 dBA (evening) when measured at any point on any residential boundary.
- (8) **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.
- (9) The landscaping close to the building is to be regularly maintained to ensure branches cannot act as a natural ladder to gain access to higher parts of the building.
- (10) The basement car parking is to be locked outside the hours of operation.
- (11) The electrical room and pump room within the basement car park should be locked at all times, utilising authorised locks.

END OF CONDITIONS

RECOMMENDED

That Council approve Development Application 1251/2010 for a new commercial building with signage, construction of car parking including basement parking,

demolition of existing buildings and tree removal at Nos 32-36 (Lots 18-20 in DP 30539) Somerset Avenue, Narellan, subject to the draft conditions of development consent shown above.

ATTACHMENTS

1. Location plan
2. Proposed plans
3. Submissions (sup doc)



Plans DA1251-2010 32-36 Somerset Ave.PDF Location Plan - 32-36 Somerset Av Narellan.pdf



Submissions DA1251.2010.pdf

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Dewbery that Council approve Development Application 1251/2010 for a new commercial building with signage, construction of car parking including basement parking, demolition of existing buildings and tree removal at Nos 32-36 (Lots 18-20 in DP 30539) Somerset Avenue, Narellan, subject to the draft conditions of development consent shown above.

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

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

No Councillor voted against the Motion).

ORD33/11

ORDINARY COUNCIL

ORD02

SECTION 96 MODIFICATION TO APPROVED INDUSTRIAL/COMMERCIAL SUBDIVISION AT NOS 630 (LOT 90, DP 1137298) AND 630A (LOT 1184, DP 1153632) CAMDEN VALLEY WAY, GREGORY HILLS

FROM:	Director Development and Health
FILE NO:	Binder: Development Applications 2009
DA NO:	985(5)/2009
OWNER:	Dart West E P Pty Ltd and Marist Brothers
APPLICANT:	Dart West Developments Pty Ltd
ZONING:	B5 Business Development, IN1 General Industrial and R1 General Residential
APPLICABLE PLANNING INSTRUMENT:	State Environmental Planning Policy (Sydney Region Growth Centres) 2006

PURPOSE OF REPORT

The purpose of this report is to seek a determination from Council of a Section 96 Modification application to a previously approved industrial/commercial subdivision at Nos 630 (Lot 90, DP 1137298) and 630 A (Lot 1184, DP 1153632) Camden Valley Way, Gregory Hills.

The application is for:

- an additional subdivision stage by splitting stage 1 of the subdivision into stages 1A and 1B; and
- making minor adjustments to the approved lot layout by increasing proposed Lot 102 from 5,000m² to 6,000m² (cons equently reducing proposed Lot 101 from 12,329m² to 11,329m²) and a minor boundary adjustment to proposed Lot 204.

The application is referred to Council in accordance with its delegations as Council previously approved the original development application.

SUMMARY OF RECOMMENDATION

It is recommended that Council approve the Section 96 Modification application subject to the draft development consent conditions provided at the end of this report.

BACKGROUND

The South West Growth Centre was initially announced in 2005 and the Turner Road precinct was rezoned for development on 21 December 2007. The Part B DCP for the

Turner Road Precinct employment area allowing development to be approved on the subject sites was adopted on 26 August 2009. These sites are located in the Turner Road precinct of the South West Growth Centre.

It is envisaged that once further developed the Turner Road precinct will be characterised by high quality urban design, interconnected neighbourhoods and local employment opportunities.

Key components of the development within the Turner Road Precinct will include significant creek rehabilitation (including South Creek), the construction of an extension to Gregory Hills Road from Camden Valley Way to Campbelltown and the provision of a large business development/industrial area fronting Camden Valley Way.

Since late 2007 Council has received and approved, under delegated authority, numerous development applications for the subdivision of this precinct's residential lands to the north and east of these sites. To date this has included the creation of 610 residential lots, exhibition villages, roads, drainage, landscaping and open space, all of which are currently under construction.

Council approved Development Application 985/2009 for an industrial/commercial subdivision and associated works on these sites at the ordinary meeting of 9 March 2010. That application was referred to Council as there were non-compliances with the applicable Turner Road Development Control Plan (DCP), as well as unresolved matters raised in submissions received from the public.

Council subsequently approved a Section 96 Modification application (985(2)/2009) to this development which approved an amended road and lot layout, amended bulk earthworks and construction of retaining walls at the ordinary meeting of 14 September 2010.

Council received a third Section 96 Modification application (985(3)/2009) on 19 October 2010. This application seeks a reduction in the Section 94 Contributions payable for this development and is currently being assessed by Council staff.

Under delegation, the Mayor of Camden approved a fourth Section 96 Modification application (985(4)/2009) on 20 January 2011. This modification approved the reuse of residual soil from an excavated area of environmental concern on the site.

The subject modification application was received 14 January 2011. This application was not publicly exhibited as it is not required by Camden Development Control Plan 2006. The applications has been assessed and is now able to be referred to Council for determination, subject to the draft modified development consent conditions provided at the end of this report.

THE SITE

The sites are known as Nos 630 (Lot 90, DP 1137298) and 630A (Lot 1184, DP 1153632) Camden Valley Way, Gregory Hills. The sites have areas of approximately 45.3ha and 20.9ha respectively. The sites are located in the Turner Road precinct of the South West Growth Centre and form a significant part of the precinct's employment area.

The sites are largely vacant and are characterised by gently undulating terrain, scattered trees and a farm dam. Much of the land has undergone bulk earthworks following the approval of the original industrial/commercial subdivision application.

Camden Valley Way bounds the sites to the north-west. Further vacant land zoned for employment and residential development bounds the sites to the north and south-east respectively. The south-west of the sites is bound by several smaller land holdings that front Turner Road and also form part of the Turner Road Growth Centre precinct.

The subject Development Application relates to a substantial part of the Turner Road employment land. It is envisaged that the employment area will contain a wide range of employment generating businesses including 40,000m² of bulky goods floor space with service and business developments adjacent to Camden Valley Way and Gregory Hills Road. A significant part of the employment area is also zoned for industrial and storage development.

The surrounding area contains the Smeaton Grange industrial estate to the south-west with the Currans Hill residential suburb to the south-east. To the east and north-east lies the Sydney Catchment Authority upper canal, with the Gledswood, former El Caballo Blanco and Lakeside properties further to the north-east.

On the opposite side of Camden Valley Way to the north-west and west is the Oran Park Precinct of the South West Growth Centre, as well as the Harrington Grove release area. **A site location map is provided at the end of this report.**

THE PROPOSAL

A Section 96 Modification application to Development Consent 985/2009 is sought to:

- add an additional subdivision stage by splitting stage 1 of the subdivision into stages 1A and 1B; and
- make minor adjustments to the approved lot layout by increasing proposed Lot 102 from 5,000m² to 6,000m² (consequently reducing proposed Lot 101 from 12,329m² to 11,329m²) and a minor boundary adjustment to proposed Lot 204.

A copy of the amended plans is provided at the end of the report.

NOTIFICATION

Public notification was not carried out for this modification application as it is not required by Camden Development Control Plan 2006. No public submissions have been received.

PLANNING CONTROLS

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

- Turner Road Development Control Plan 2007

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:

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

There are no environmental planning instruments that are applicable to the proposed modification.

(1)(a)(ii) The provisions of any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority

There are no draft environmental planning instruments that are applicable to this site or proposed modification.

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

The following parts of the Turner Road Development Control Plan (DCP) are relevant to the proposed modifications:

Part B3: Turner Road Employment Area

3.2 - Subdivision

The modified subdivision will still fully comply with the DCP requirements in terms of minimum lot sizes and orientation. The lot adjustments are very minor in nature and the additional subdivision stage will allow some of the lots to be made available for development earlier. This will help provide earlier employment opportunities in this area.

It is considered the modified subdivision will still achieve the relevant DCP objectives and will provide a high quality, employment generating development.

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

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

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

The Regulations do not specify any matters that are relevant to this site or proposed modification.

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

The proposed modification will not result in any additional impacts than those previously assessed during the assessment of the original industrial/commercial

subdivision application.

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

These sites are considered to be suitable for the modified development. The modified subdivision is virtually identical to the previously approved subdivision and will still achieve the objectives of the relevant SEPP and DCP for this area. There are no site specific conditions that render these sites unsuitable for this modified development.

(1)(d) Any submissions

Public notification was not carried out for this modification application as this is not required by Camden Development Control Plan 2006.

(1)(e) The public interest

The modified development is still considered to be within the public interest. It will help further the planned and orderly development of the Turner Road precinct and has been appropriately designed to respect and fit in with this site and the surrounding area.

The zoning of the land supports the modified subdivision and the future industrial/business developments envisaged for the proposed lots. The provision of these lots will help prepare the area for significant employment generating activities.

CONCLUSION

Council has received a Section 96 Modification application for an industrial/commercial subdivision on this site. The applications have been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

It is considered that the modified development is substantially the same as the originally approved development, that it will not result in any additional impacts upon the surrounding environment or properties, and that it will help to further the planned and orderly development of this land for employment generating purposes.

Consequently, the development is able to be recommended to Council for approval.

DRAFT MODIFIED CONSENT CONDITIONS

For completeness, the existing development consent conditions are repeated here with the modified conditions shown in italics.

1.0 - General Requirements

- (1) **Landscaping Maintenance & Establishment Period** - All landscaping works associated with this Consent are to be maintained for a period of 24 months from the Date of Practical Completion of the landscaping works. The Applicant has the responsibility for the maintenance of the landscaping works.

The Applicant and Consent Authority (i.e. Camden Council) are to agree on the

Date of Practical Completion of the landscaping works, prior to the commencement of the 24 month maintenance period.

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 Construction Certificate approved detailed 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.

- (2) **Residual Soil from Area of Environmental Concern 18** – All residual soil that is to be used on site as fill shall meet the contamination criteria (HIL's) for that proposed use.
- (3) **Noxious Weeds** - As per the requirements of the Noxious Weeds Act 1993, the applicant must fully and continuously suppress and destroy, by appropriate means, the following noxious weeds found to be present on the property.
 - African Boxthorn (*Lycium ferocissimum*)
 - African Olive (*Olea europaea* subsp *cuspidate*)
 - Fire Weed (*Senecio astertaceae*)

The applicant must also ensure that **prior to release of the Construction Certificate** that an audit of the number and area of all noxious weeds found to be on the site be carried out and an eradication plan of all noxious weeds on the property at 25%pa over a four year period be submitted to Council.

The applicant must also ensure 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.

The applicant must ensure 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.

- (4) **Stormwater Quality/Quantity** - All water quality and quantity facilities are to be designed, constructed and operated in accordance with the Turner Road Development Control Plan 2007 and Camden Council's Engineering Specifications.
- (5) **Approved Plans** – *The development must be carried out generally in accordance with the following approved plans or other documentation:*

Subdivision/Staging/Road Layout Plans

- *Plan of proposed subdivision (stage one A) dwg. no. 58913 STAGE 1A rev. B dated 12 January 2011 by Lean Lackenby & Hayward.*
- *Plan of proposed subdivision (stage one B) dwg. no. 58913 STAGE B rev. B dated 12 January 2011 by Lean Lackenby & Hayward.*
- *Plan of proposed subdivision (stage two) dwg. no. 58913 SUB STAGE 2 rev. A dated 12 January 2011 by Lean Lackenby & Hayward.*
- *Plan of proposed subdivision (stage three) dwg. no. 58913 STAGE 3 rev. A dated 17 December 2010 by Lean Lackenby & Hayward.*
- *Plan of proposed subdivision (stage four) dwg. no. 58913 STAGE 4 dated 10 December 2010 by Lean Lackenby & Hayward.*
- *Plan of proposed subdivision (stage five) dwg. no. 58913 STAGE 5 rev. B dated 12 January 2011 by Lean Lackenby & Hayward.*
- *Plan of proposed subdivision (stage six) dwg. no. 58913 STAGE 6 rev. A dated 17 December 2010 by Lean Lackenby & Hayward.*
- *Cross Section Locality Plan – Central Hills Business Park by Development Planning Strategies.**
- *Road Cross Sections – Central Hills Business Park by Development Planning Strategies.**

** The lot layouts, road layouts and road cross sections shown on these approved plans are superseded by the modified development approved by Section 96 Modification 985(2)/2009 and associated plans. These plans apply to the approved development for the purposes of showing street, tree, footpath, shared path (and the like) locations and widths within the proposed road reserve.*

Landscape Plans

- *Landscape plan dwg. no. L005-L014 (inclusive) issue C dated 24 June 2010 by habitation.*

Civil Engineering Plans

- *Civil engineering plan dwg. no. 294092-96-00 to 05 (inclusive) rev. A by Cardno.*
- *Civil engineering plan dwg. no. 294092-96-10 to 13 (inclusive) rev. A by Cardno.*
- *Civil engineering plan dwg. no. 294092-96-20 rev. A by Cardno.*
- *Civil engineering plan dwg. no. 294092-96-30 to 38 (inclusive) rev. A by Cardno.*
- *Civil engineering plan dwg. no. 294092-96-40 to 44 (inclusive) rev. A by Cardno.*
- *Civil engineering plan dwg. no. 294092-96-50 rev. A by Cardno.*
- *Civil engineering plan dwg. no. 294092-96-60 to 64 (inclusive) rev. A by Cardno.*
- *Civil engineering plan dwg. no. 294092-96-70 to 78 (inclusive) rev. A by Cardno.*

Reports

- *Central Hills Business Park Statement of Environmental Effects dated September 2009 by Development Planning Strategies.*
- *Central Hills Business Park Statement of Environmental Effects for Section 96 Modification dated June 2010 by Dart West Developments Pty. Ltd.*
- *Central Hills Business Park Water Sensitive Urban Design Strategy job no. YN293092-09-0468 dated June 2010 by Cardno.*
- *Central Hills Business Park Traffic Impact Assessment dated November 2009 by Cardno.*
- *Phase 2 Environmental Site Assessment project no. 40741.11 dated June 2009 by Douglas Partners.*
- *Salinity Management Plan project no. 40741.14 revision 2 dated January 2010 by Douglas Partners.*

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 requires the written prior approval of Camden Council.

(This condition was modified by Council at the ordinary Council meeting of 22 February 2011).

- (6) **Subdivision Road Access** - Notwithstanding the approved subdivision staging plans by Lean Lackenby & Hayward, the following works must be constructed and dedicated at the following development levels:

- (a) A restricted left in/left out only access at the intersection from/to the future Gregory Hills Road from/to proposed road 1901 must be provided once 40% of development on the approved lots has been issued an Occupation Certificate, or this intersection operates at Level of Service D, whichever occurs first.

Additionally, the three way signalised access from/to Camden Valley Way must be provided. The approved road linkages through the subdivision must be provided for all developed lots to access the three way signalised access from/to Camden Valley Way.

- (7) **Median Strips** – The approved median strip along the centre of approved road 1501 must be completely unbroken with no gaps/turning bays.
- (8) **Entry Sign** - This Development Consent only approves one (1) drystone wall entry sign to be located on the corner of proposed road 1501 and the future Gregory Hills Road wholly within proposed lot 503.

The approved dimensions for this sign are 4.8m long, 2m high at the higher end and 1m high at the lower end.

This sign must be permanently maintained in a clean, tidy and complete condition at all times by the lot owner. In the event of graffiti being applied to this sign, the graffiti must be removed within 48 hours of occurring.

No illumination of this sign by any means is permitted.

- (9) **Location of Public Utility Services** - All proposed/existing Public Utility Authority plant/infrastructure shall be located within the footway/s of all proposed roads in accordance with the provisions of the current Streets Opening Conference.

Notwithstanding, electrical pad-mounted substations and sewer access chambers/mains, **MUST NOT** be located within any proposed/existing section of public road, **EXCEPT** where such subsurface plant/infrastructure is required to traverse the proposed/existing 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/Roads Authority **prior to the commencement of any associated work.**

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/Public Road Activity consent.

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

- (10) **Design and Construction Standards** - Engineering design drawings are to be prepared strictly in accordance with the Turner Road Development Control Plan and Camden Council's Engineering Specifications and are required to be in .dwg or equivalent electronic format, as well as hard copy.

- (11) **Water and Utilities** - Water, electricity and gas utilities are to comply with Section 4.1.3 of 'Planning for Bush Fire Protection 2006.'

- (12) **Roads and Traffic Authority (RTA)** – The requirements of the Roads and Traffic Authority are as follows:

1. The proposed intersections on Camden Valley Way shall be designed in accordance with the RTA's Road Design Guide, the RTA's Traffic Signal Design Manual and other Australian Codes of Practice and endorsed by a suitably qualified chartered Engineer (ie. who is registered with the institute of Engineers, Australia).

The certified copies of Traffic Signal Design and Civil Design Plans shall be submitted to the RTA for consideration and approval **prior to the issue of a Construction Certificate and commencement of any road works.**

The RTA fees for administration, plan checking, signal works inspection and project management shall be paid by the developer prior to the commencement of works. A ten (10) year operation charge (payable to the RTA) will apply to

any new signalised intersection, and will be payable by the developer.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned traffic signal and civil works. The WAD will need to be executed prior to the RTA's assessment of the detailed Traffic Signal Design plans. **A Construction Certificate shall not be issued until such time as the WAD is executed.**

The three intersections on Camden Valley Way shall be fully constructed and operational **prior to the issue of any Subdivision Certificate.**

2. The developer shall be responsible for all public utility adjustment/relocation works necessitated by the above work and as required by the various public utility authorities and/or their agents.
3. Land shall be dedicated by the developer to provide the intersections and a minimum 3.5m footway width on Camden Valley Way along the site frontage.
4. If any excavation works are to occur adjacent to Camden Valley Way, the RTA requires the submission of Civil Design plans which provide details on the level of excavation and a geotechnical report to the RTA for approval prior to the commencement of excavation on the site.
5. A separate RTA letter dated 9 March 2010 was sent to Council with regard to the approval of traffic signals on Gregory Hills Road which includes the intersection of Gregory Hills Road/proposed road 1501/proposed road 1601.

All requirements detailed in the 9 March 2010 letter remain applicable to the proposed traffic signals at the intersection of Gregory Hills Road/proposed road 1501/proposed road 1601.

6. The proposed traffic signals at the intersection of Gregory Hills Road/proposed road 1501/proposed road 1601 shall be operational **prior to the issue of any Subdivision Certificate.**
7. All works (including signposting) associated with the proposed development are to be at no cost to the RTA or Council.

(13)**Roundabout** - The proposed roundabout at the intersection of proposed roads 1902, 1903 and 1904 is only approved as a three leg roundabout. The proposed fourth leg extending into proposed lot 204 is not approved and must be subject to a further development application to Council.

(14)**Retaining Wall Finish** - The retaining walls approved by Section 96 Modification 985(2)/2009 must have a paint finish to match the colour of the approved side retaining walls between residential lot boundaries as approved by Development Consent 1193/2007. This applies to the side of the retaining walls facing the Turner Road properties to the south east, Camden Valley Way to the north west and the future open space corridor to the south-east.

2.0 - Construction Certificate Requirements

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

- (1) **Detailed Landscaping Plans - Prior to the issue of a Construction Certificate** (CC), detailed Landscaping Plans, prepared by a qualified Landscape Architect or qualified Landscape Designer, must be submitted with the CC application.

The detailed Landscaping Plans must include (but not be limited to):

- (a) Clearly show the deletion from the Concept Landscaping Plan of the proposed street tree planting of *Casuarina cunninghamia* and replacing that variety with *Pyrus calleryana* 'Chanticleer' and/or *Pyrus calleryana* 'Glens Form' and/or *Pyrus calleryana* 'Capital'.
- (b) All street trees must have well constructed and appropriate tree guard protection. As a minimum standard requirement, each street tree must have at least four (4) bollards affording appropriate protection. The bollards are to be centrally located between the path and kerb and installed 1m from the tree stem. The bollards are to be sourced in 1.8m lengths which will allow for 1.2m above ground exposure and 0.6m buried support. The timber bollards are to be 150mm x 150mm, pointed and double routed. The bollards are to be at a durability minimum of H4 CCA treated.
- (c) All landscape elements such as seating, entry statements, entry signage, bubblers, signage, shade structures, paths, cycle ways, dog and litter bins and furniture elements.
- (d) A detailed Planting Schedule, which includes species listed by botanical and common names, quantities, planting sizes and the estimated size of the plant at maturity. The detailed planting schedule should clearly indicate that all street trees are not to be planted closer than 1m to the roadside kerb.
- (e) The Planting Schedule must clearly indicate that all street trees are to be sourced in 75lt to 100lt container size.
- (f) Street trees must have root guard protection installed fronting the kerbside of any road and any footpath/ shareway side. The detailed Landscaping Plans for CC issue must provide complete details regarding type, installation, specifications and required maintenance of the proposed root guard protection installation.
- (g) The following proposed street tree selections nominated in the DA lodged Concept Landscape Plans are not to be used as street trees: *Corymbia maculata*, *Brachychiton acerifolius*, *Casuarina* species, or any type of *Eucalyptus* species. The detailed Landscaping Plans for CC issue must show appropriate street tree selections and those selections must be agreed upon by the Consent Authority (i.e. Camden Council) prior to installation in Council Nature Strip or Road Verge areas.
- (h) The road median strips and splitter islands are not to be planted out or have

soft landscaping installed as nominated in the DA lodged Concept Landscape Plans. The detailed Landscaping Plans for CC issue must show appropriate hard surface material to be used in the road median strips and splitter islands.

- (i) Council nature strip and road verge areas are not to have garden beds or any type of gardens installed as nominated in the DA lodged Concept Landscape Plans. The detailed Landscaping Plans for CC issue must clearly show that garden areas or garden beds are not to be installed in Council nature strip or road verge areas.
 - (j) Council Nature Strip and Road Verge areas are not to have any type of permanent landscaping features or fixtures, feature walls or entry signage installed as shown in the DA lodged Concept Landscape Plans. The detailed Landscaping Plans for CC issue must clearly show that no permanent features, feature walls or entry signage are to be installed in Council nature strip and road verge areas.
 - (k) All exposed Nature Strip and Road Verge areas are to be turfed. The detailed Landscaping Plans for CC issue must clearly show the lawn type, installation details and proposed 24-month maintenance regime for all turfing installed in Council Nature Strip and Road Verge areas.
 - (l) Signage banners are not to be installed in road median strips or splitter islands as shown on the DA lodged Landscape Concept Plans. The detailed Landscaping Plans for CC issue must clearly show that signage banners are not proposed for any road median strips or splitter islands.
- (2) **Site Validation Report** - A validation report incorporating a notice of completion must be submitted to the Consent Authority in accordance with the requirements of clause 7.2.4 (a) - (d) and clause 9.1.1 of Council's Contaminated Sites adopted policy and clause 17 & 18 of SEPP 55 for the completed remediation works. The notice/s or report/s must confirm that all decontamination and remediation works have been carried out in accordance with the Remediation Plan and must be submitted to the Consent Authority within 30 days following the completion of the works.
- (3) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with Turner Road Development Control Plan (except as modified by this development consent) and Camden Council's Engineering Specifications and are to be submitted for approval to a Certifying Authority **prior to a 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.

- (4) **Environmental Site 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 of material, location of site office, 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.
- (5) **Dilapidation Survey** - A photographic dilapidation survey of existing public roads, kerbs, footpaths, drainage structures and any other existing public infrastructure within the immediate area of the development site must be submitted to Council **prior to the issue of a Construction Certificate.**

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

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

Note:

- 1 In accordance with Council's current Fees and Charges an administration fee for processing of bonds in the form of cash or bank guarantees is applicable.
2. It should be noted that Council will not refund/release the performance bond unless a suitable replacement bond is submitted.

- (7) **Roadway Widths** - The widths for the proposed road works must be in accordance with the approved plan "Road Cross Sections – Central Hills Business Park" by Development Planning Strategies.

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

- (8) **Temporary Turning Head** - A temporary sealed turning head must be provided at the end of all staged road construction in accordance with the current edition of Austroads Design Vehicles and Turning Path Templates, and specifically the B-Double design vehicle. The pavement must be constructed to the ultimate road levels and pavement depth. Any additional land required for such works must be provided for the ultimate road alignment by way of a right of way to be extinguished upon extension of the road.
- (9) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS1742.3 1985 and to the requirements and approval of Council (and the RTA). Plans and proposals must be approved by Camden Council and the RTA **prior to a Construction Certificate being issued**.
- (10) **Public Risk Insurance Policy - Prior to the issue of the Construction Certificate**, the owner or contractor is to take out a 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 new Certificate of Currency from the insurer provided.

Failure to keep the works insured shall be reason for Council to make the works safe and all costs associated with making the works safe shall be a cost to the owner of the land.

- (11) **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.

Should there be changes to the RTA's drainage system, then detailed design plans and hydraulic calculations of the stormwater drainage system are to be submitted to the RTA for approval **prior to the issue of a Construction Certificate** and the commencement of any works.

Details must be forwarded to:

The Sydney Asset Management
Roads and Traffic Authority
PO Box 973
Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regard to the civil works requirements

please contact the RTA's Project Engineer, External Works ph: 9949 2114 or fax: 8849 2766.

- (12)**Overland Flow Path** - A depression must be formed over the full width and length of the drainage easement to provide a stormwater escape route. The escape route must be designed to have a capacity to carry the difference between a 1:100 year flow and the flow in the pipe. A Restriction As To User must be created on the title of lots containing the overland flow path prohibiting the alteration of the surface levels within the drainage easement and limiting permissible fencing across the easement to an open form fence to allow overland flow to be contained within the easement.
- (13)**Destination** - Pit lintels must be labelled with permanent stencilled signs to identify the watercourse into which the pit drains.
- (14)**Easement Creation** - Where the disposal of drainage involves the provision of drains across lands owned by others, drainage easements must be provided. The width of such drainage easements must be in accordance with Camden Council's Development Control Plan 2006 and Engineering Specifications, and associated Guidelines. Documentary evidence of creation of the easement/s must be submitted to Council (for information purposes) **prior to the issue of a Construction Certificate**. The easement must be obtained over downstream properties and such easement must be registered with the Land and Property Information **prior to the release of the Subdivision Certificate**.
- (15)**Inter-Allotment Drainage** – Inter-allotment drainage lines must be designed and constructed to service all lots that do not grade naturally to the road drainage system in the road fronting the property. A drainage connection and junction pit must also be provided to all lots within the proposed subdivision. Where necessary at any time up to the release of the approved plan of subdivision, Council may require additional drainage works, not necessarily shown in the approved drawings, to be constructed to protect the lots being created or land downstream from flooding as a result of overland flow.

Inter-allotment drains must be installed after Sydney Water sewerage lines have been installed where sewer is proposed adjacent to inter-allotment drains.

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

On completion of the on-site detention system, Works -as-Executed plans in hard copy and in .dwg (or equivalent format) are to be prepared by a registered Surveyor or the Design Engineer and submitted to the Principal Certifying Authority. If Camden Council is not the Principal Certifying Authority, a copy is to be submitted to the Council **prior to the issue of any Subdivision Certificate**. The plans are to

be certified by the Designer and are to clearly make reference to:

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

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

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

(i) view the state of repair of the basin;

(ii) to execute any work required to remedy a breach of the terms of this covenant if the proprietor has not within fourteen (14) days of the date of receipt by the proprietor of written notice from the Council, requiring remedy of a breach of the terms of this covenant, taken steps to remedy the breach and, without prejudice to the Council's other remedies, the Council may recover, as a liquidated debt, the cost of such remedial work from the proprietor forthwith upon demand.

(b) Restriction as to user indicating that the on-site detention basin must not be altered, or removed in part, or structures erected thereon without the prior consent of Council.

(17) 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.

(18)**Desilting Dams or Creeks** - A Geotechnical Report must be submitted detailing works required to de-silt any existing dams or creek beds in conjunction with the engineering drawings **prior to a Construction Certificate being issued.** Such report must be prepared by a suitably qualified and experienced Geotechnical Engineer.

(19)**Transport** - All haulage routes for trucks transporting soil, materials, equipment or machinery to and from the site must be selected to provide the shortest travel distance (or most appropriate) from the site to a public road. All work shall ensure that:

- All soil, materials, equipment or machinery are delivered to, or removed from, the site shall be transported within the hours of operation specified in the development consent. All loads entering or leaving the site are securely covered.
- All vehicles exiting the site are securely covered.
- All vehicles exiting the site do so in a forward direction.
- All vehicles exiting the site shall not track soil, mud or sediment onto the road.

A construction site access and haulage plan is to be included with the engineering plans and must be approved by the Roads Authority **prior to the issue of a Construction Certificate.**

(20)**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.

(21)**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.

(22)**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 and provide access for maintenance.

(23)**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:**

a) For sediment control, generally, Managing Urban Stormwater – Soils and Construction, Volume 1, 4th Edition, March 2004 as produced by Landcom,

b) Camden Council's Current Engineering Design Specification,

and must not concentrate final discharge flows from the facility.

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

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

Suitable vehicular access of at least 3.5m width is to be provided to the western side of the two basin facilities.

(24)**Design of the Permanent Water Quality Facility** - The design of the water quality facility must be prepared in accordance with the requirements of the Turner Road Development Control Plan.

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.

(25)**Site Regrading** – All site regraded areas must be shown on the Engineering Plans and ensure that:

- The minimum grade of any finished surface within proposed lots is 1%.
- All batters must have a maximum slope of 1(V):4(H).
- Cut and fill batters adjoining the southern boundary of the site must merge with the existing natural surface one (1) metre within the development site.

(26)**Road Grading** - All roads shall be designed to achieve a minimum longitudinal grade of 1% and an absolute minimum longitudinal grade of 0.7% for kerb returns.

(27)**Horizontal Curves** – The size of all horizontal curves is to be determined by the turning path requirements of the B-Double design vehicle in accordance with the

current edition of Austroads - Design Vehicles and Turning Path Templates.

(28)**Design Vehicle Turning Paths** – All turning and manoeuvring facilities, including intersections, roundabouts, etc. shall be designed in accordance with the current edition of Austroads Design Vehicles and Turning Path Templates, and generally the B-Double design vehicle. All design vehicle swept paths must be a minimum 600mm clear of any kerb face or splitter island and a minimum 300mm clear of painted linemarking.

Plans showing the design vehicle swept paths must be submitted with any application for a **Construction Certificate**.

(29)**Maintenance Access** – All turning and manoeuvring facilities, associated with maintenance/access requirements shall be designed in accordance with the current edition of Austroads Design Vehicles and Turning Path Templates, and specifically the Single Unit Truck/Bus design vehicle.

(30)**Gross Pollutant Traps** – A gross pollutant trap, of a type acceptable to Council, must be installed in accordance with the approved Water Sensitive Urban Design Strategy upstream of any pipe outlet to a water quality pond or sediment basin prior to the issue of any Subdivision Certificate. Designs and specifications for such shall be submitted with any application for a Construction Certificate.

(31)**Roundabout Design** – A roundabout shall be designed and constructed in accordance with the Austroads Guide to Road Design, Part 4B: Roundabouts and the current edition of Austroads Design Vehicles and Turning Path Templates, at the following locations:

- At the intersection of Road No. 1902 and Road No. 1501 with a circulating carriageway to accommodate the Austroads B-double design vehicle with no encroachment onto the centre island.
- At the intersection of Road No. 1901 and Road No. 1501 with a circulating carriageway accommodating the Austroads Single Unit Truck/Bus, with no encroachment onto the centre island. Provision must also be made for turning movements associated with the B-Double design vehicle.

(32)**Salinity Management Plan** – All development approved by this Development Consent shall be designed and constructed in accordance with the Salinity Management Plan prepared by Douglas Partners project 40741 .14 Revision 2 dated January 2010.

(33)**Investigations for Stormwater Basins** – Further investigations in the areas of the proposed excavation of the Bio-retention and Detention basins shall be carried out to ascertain the depth in ground water. The results shall be provided to Camden Council and appropriate amendments made to the Salinity Management Plan **prior to the issue of a Construction Certificate**.

(34)**Retaining Walls** - All retaining walls must be designed and certified by a suitably qualified Structural Engineer. Retaining walls shall incorporate all necessary easements for support and maintenance or be designed to transfer any loads so

that no adjoining easement, public road/reserve or property is burdened or restricted by the presence of the retaining wall.

Adequate provisions must also be made for surface and subsurface drainage. Any water collected shall be diverted to, and connected to, a stormwater disposal system within the site.

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) **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.
- (2) **Single Access Point** - A single access point must be provided to the site prior to commencing construction work.
- (3) **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:

- i) method of desilting.
- ii) method of removal of sediment and gross pollutants.
- iii) method of removal of noxious weeds.

Water quality sampling should be undertaken for all relevant water quality parameters contained within the Turner Road Development Control 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 four (4) samples must be taken (within a 12 month period) when water is available, with a minimum of two (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.

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

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

must be lodged with Camden Council.

The bond:

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

(5) 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 Turner Road Development Control Plan and must provide detailed information regarding the following:

- a. vegetation management.
- b. removal of noxious weeds.
- c. replacement of filter medium.
- d. water quality.

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

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

Methodology for attainment of the required water quality discharge parameters.

Discussion of sampling results. A comparison of results with respect to the level of compliance with water quality targets/criteria will be required and include recommendations for corrective action where non-compliance is determined.

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

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

- (6) **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.

- (7) **Section 88B Instrument for Water Quality** - The developer must prepare a Section 88B Instrument, for approval by the Principal Certifying Authority, which incorporates the following easements, restrictions to user and public positive covenants:

(a) Public positive covenant, over the proposed lot/s containing the:

- i) modified “construction” on-site detention/sediment control basin and water quality facility, and/or
- ii) permanent water quality facility,

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

- (8) **Modification of the “Construction” On-site Detention/ Sediment Control Basin** – After three (3) months of the registration of the Subdivision Certificate/Plan of Subdivision by the Department of Lands – Land and Property Information, the

“construction” on-site detention/sediment control basin must be modified to include a water quality component.

The water quality component must have the following:

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

(9) 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.

(10)Traffic Committee Approval – Designs for linemarking, regulatory signage and traffic management associated with all proposed public roads within this subdivision MUST be submitted to, and approved by the Roads Authority and Camden Council, **prior to any road and drainage works commencing**. If any changes to the proposed designs are required an amended Construction Certificate may be required.

(11)Pollution Warning Sign – A sign must be erected at all entrances to the subdivision site prior to work commencing and maintained until the subdivision has reached 80% occupancy. The sign must be constructed of durable materials and be a minimum of 1200mm x 900mm. The wording of the sign must be as follows:-

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

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

The location and details of the signage shall be shown on the Soil and Water Management Plan prior to the release of the construction certificate.

(12)Signs to be Erected on Subdivision Sites – Pursuant to c.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:

- (i) the name, address and telephone number of the Certifying Authority,
- (ii) full details of the Construction Certificate,
- (iii) full details of Development Consent 985/2009,
- (iv) the name of the 'principal contractor' or other appropriate contact for any building work, and a telephone number on which that person may be contacted outside working hours, and,
- (v) unauthorised entry to the work site is prohibited.

The sign must be: -

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

Note:

- 1 The 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.

(13) Notice of Commencement of Work – Notice in the manner required by s.81A of the *Environmental Planning and Assessment Act, 1979* and c.103 of the *Environmental Planning and Assessment Regulation 2000* must be lodged with the consent Authority, Camden Council, a minimum of two (2) days prior to the commencement of any

- (i) issued Construction Certificate,
- (ii) the appointed Principal Certifying Authority (PCA), and
- (iii) if applicable, the appointed 'principal contractor' for any building works.

(14) Hoarding and Ancillary Requirements - The site entrance must be enclosed with a suitable temporary hoarding or security fence of a type approved by the Principal Certifying Authority. An application must be lodged with and approved by Council prior to the erection of any hoarding or fence within public land.

Note:

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

Authority.

- 2 Public thoroughfares must not be obstructed in any manner whatsoever during the works.

4.0 - During Construction

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

- (1) The validation of the fill material must be done prior to use of any fill material and a validation report must be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
- (2) **Nature Strip/Road Verge, Street Trees and Street Tree Protective Guards** - Any nature strip/road verge area, street tree, lawn area, tree guards, protective bollards if applicable which are disturbed, removed or damaged during the development and maintenance works, shall be repaired and the tree, lawn area, bollards, tree guards, nature strip/road verge area repaired or replaced with the same type, species and maturity.
- (3) **Salinity Management Plan** – All development approved by this Development Consent shall be designed and constructed in accordance with the Salinity Management plan prepared by Douglas Partners project 40741 .14 Revision 2 dated January 2010.
- (4) **Asbestos Removal** – The removal of asbestos shall be carried out in accordance with the Asbestos Code of Practice for the Safe Removal of Asbestos (National Occupational Health and Safety Commission, 2005).
- (5) **Asbestos Waste** – All asbestos waste must be lawfully transported to a waste facility that is classified for the disposal of asbestos and a copy of the tipping receipts submitted to Council at the completion of remediation works and prior to the issue of the Construction Certificate.
- (6) **Surface Rubbish** – The surface rubbish (i.e. building rubbish) that was encountered on the site shall be appropriately disposed of to a DECCW approved landfill.
- (7) **Potential for Contamination** – Should any further suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material etc) be encountered during any stage of earthworks/site preparation/construction, then such works must cease immediately until a qualified environmental consultant has been contacted and conducted a thorough assessment. In the event that contamination has been identified as a result of this assessment and remediation is required, site works must cease in the vicinity of the contamination and the Consent Authority must be notified immediately.

Where remediation work is required the applicant will be required to comply fully with Council's Policy – Management of Contaminated Lands with regard to obtaining consent for the remediation works.

- (8) **Excavated Material** - All excavated material from AEC 18 shall be mechanically screened to remove any rubble, building materials, metals, bricks, concrete and timber to ensure that the residual soil that is going to be used as fill is free of contaminants. The screened 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.

- (9) **Protection of the Environment Operations Act 1997** – All 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.

- (10) **Sediment and Erosion Control Measures** - Sediment and erosion control measures are to be installed prior to any soil remediation or excavation activity and maintained for the full period of works.

- (11) **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.

- (12) **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).

- (13) **Compaction** - Any filling up to 1.0m on the site must be compacted to 95% standard compaction and be tested in accordance with Camden Council's Engineering Construction Specification and AS 1289 by a NATA registered laboratory.

- (14) **Survey Marks** - Permanent survey coordination marks must be placed within the subdivision in accordance with the Surveyors Act and Regulations.

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

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

(16)**Compaction (Roads)** - All filling on roadways must be compacted at 100% standard compaction and tested in accordance with Camden Council's Engineering Construction Specifications and associated guidelines and AS1289 by a NATA registered laboratory.

(17)**Site Management (No Nuisance Creation)** - The developer must carry out work at all times in a manner which will not cause a nuisance by the generation of unreasonable noise, dust or other activity, to owners and occupiers of adjacent properties.

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

The validation report and sampling location plan must be prepared:

- i) by a practising engineer with National Professional Engineering Registration and with a Specific Area of Practice in Subdivisional Geotechnics, and
- ii) in accordance with:
 - a) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
 - b) The Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".
- iii) and confirm that the fill material:

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

The sampling for salinity of fill volumes less than 6000m³ must provide for three (3) sampling locations; fill volumes exceeding 6000m³, require one sampling location for each additional 2000m³. A minimum of one (1) sample from each sampling location must be provided for assessment.

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

Classification of Fill Material	No. of Samples per Volume or part thereof	Volume of fill (m ³)
Virgin excavated Natural material	1 (see note)	1000

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

(19)**Delivery Register** - In order to comply with the above, the applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Camden Council officers on request and be submitted to the Council at the completion of the development.

(20)**Compaction (Allotments)** - Those proposed allotments which are subject to filling must be compacted to 95% standard compaction. The applicant's Geotechnical Engineer must supervise the placing of fill material and certify that the work has been carried out to Level 1 responsibility in accordance with Appendix B of AS 3798-1990.

(21)**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.

(22)**Unexpected Finds (Relics)** - Should any relics be discovered during any stage of the approved works, all works must cease immediately and the Heritage Branch of the Department of Planning must be contacted regarding the finds.

(23)**Construction Standards** - All civil engineering work associated with the development must be carried out strictly in accordance with Camden Council's Engineering Specifications.

5.0 - Subdivision Certificate

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

- (1) **Clearance Certificate** – A clearance certificate issued by an Occupational Hygienist shall be submitted to the Consent Authority at the completion of works validating that all asbestos has been removed from the site.
- (2) **Maintenance Bond** - A maintenance bond in the form of an unconditional bank guarantee or cash bond, being 10% of the value of civil works, must be lodged with Council **prior to the release of any Subdivision Certificate**. This bond is to cover the maintenance of civil works constructed during subdivision works and any damage to existing roads, drainage lines, public reserves or other Council property or works required as a result of work not in accordance with Council's standards, and/or development consent conditions.

The maintenance bond shall be for twelve (12) months or such longer period as determined by Council's Engineer, and shall commence on the date of release of the Linen Plan in the case of subdivision works or the date of the issue of the Compliance Certificate in the case of development works.

Note:

- 1 In accordance with Council's current Fees and Charges an administration fee for processing of bonds in the form of cash or bank guarantees is applicable.
 - 2 It should be noted that Council will not refund/release the maintenance bond unless a suitable replacement bond is submitted.
- (3) **Road Surfacing Bond - Prior to the issue of any Subdivision Certificate** the applicant is to lodge a monetary bond with the Consent Authority (i.e. Camden Council) for the placement of the final layer of asphaltic concrete wearing course for any proposed public road within this subdivision.

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

The bond period is to commence on the date of issue of a Subdivision Certificate and the work is required to be completed within five (5) years or upon at least 80% of the subdivision occupancy, whichever comes first.

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

Note:

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

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

(4) **Value of Works - Prior to issue of any Subdivision Certificate** the applicant must submit an itemised value and data related to all works for the inclusion in Council's Asset Management System. The applicant can obtain a valuation sheet from Council upon request.

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

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

1 Lot numbers:

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

2. Street names:

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

(6) **Footpath Construction Bond** - A footpath construction bond in the form of an unconditional bank guarantee or cash bond, being 200% of the cost of the works, must be lodged with Council **prior to the issue of any Subdivision Certificate**.

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

Note:

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

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

(7) **Surveyor's Report - Prior to the issue of any Subdivision Certificate** a certificate from a registered Surveyor must be submitted to the Certifying Authority certifying that all drainage lines have been laid within their proposed easements. Certification is also to be provided stating that no services or accessways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.

(8) **Street Lighting** - Street lighting must be provided within the subdivision in

accordance with the relevant Australian standards, Integral Energy approval and the satisfaction of Council. All physical works must be complete **prior to the issue of any Subdivision Certificate**.

- (9) **Services** - All services (water, sewer, electricity, telephone and gas) (including the provision of service conduits and stub mains) are to be installed within the proposed public roads before final inspection of the engineering works.

Prior to the issue of any Subdivision Certificate the following service authority clearances must be obtained and submitted to the Principal Certifying Authority:

1. A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.

2. A letter from Integral Energy stating that all its requirements and any conditions of this consent have been satisfied.
3. A letter 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.

If the applicant proposes to provide services within public reserves or laneways, written permission must be received by Camden Council **prior to commencing construction**.

- (10) **Show Easements on the Plan of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.
- (11) **Show Restrictions on the Plan of Subdivision** - The developer must acknowledge all existing restrictions on the use of the land on the final plan of subdivision.
- (12) **Plot Watercourses** - The developer must chart the natural watercourse on the subdivision.
- (13) **Plot Piped Watercourse** - The developer must chart the piped natural watercourse on the plan of subdivision.
- (14) **Section 88b Instrument** - *The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user:*

- (a) *Easement for services.*
- (b) *Easement to drain water.*
- (c) *Drainage easement over overland flow paths.*
- (d) *Easement for on-site detention.*
- (e) *Easement for water quality.*
- (f) *Easement for support.*
- (g) *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.*
- (h) *Restriction as to user over any lots adjacent to a public reserve stipulating dividing fence type.*
- (i) *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.*
- (j) *Restriction as to user on all lots requiring that all buildings, landscaping and associated works must be constructed in accordance with the Salinity Management Plan project no. 40741.14 revision 2 dated January 2010 by Douglas Partners.*
- (k) *Restriction as to user on lot 1184, DP 1153632 specifying that lots 101-105 (inclusive) and lots 111-114 (inclusive) may access the 2.5m wide area at the rear of those lots for the purposes of building/landscape maintenance.*
- (l) *Restriction as to user on lots 101-105 (inclusive) and lots 111-114 (inclusive) specifying that the rear façades of future buildings on these lots must be permanently maintained. Maintenance access may be gained through the 2.5m wide area at the rear of these lots however each maintenance access event must first be approved by Camden Council before occurring.*

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.

(This condition was modified by Council at the ordinary Council meeting of 22 February 2011).

(15) Access Denial for Specific Lots – The Principal Certifying Authority shall confirm the “access denied” location of any 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.

(16) Construction of Permanent Water Quality Facilities – A permanent water quality

facility must be constructed:

- (a) in accordance with the approved plans.
- (b) to the requirements of Camden Council.
- (c) when Occupation Certificates for buildings 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.

- (17)**Works as Executed Plan - Prior to the issue of any Subdivision Certificate**, a works-as-executed drawing signed by a registered Surveyor and provided in both hard copy and .dwg or equivalent format must be submitted to the Principal Certifying Authority showing that the stormwater drainage and finished ground levels have been constructed as approved.

The 1:100 year (1% AEP) and Probable Maximum Flood lines must be marked on this plan.

- (18)**Special Infrastructure Contribution** - The applicant must obtain a Certificate from the NSW Department of Planning stating that the Special Infrastructure Contribution determined in accordance with Section 94EE of the *Environmental Planning and Assessment Act 1979*, and the Growth Centres Special Infrastructure Practice Note for this proposal has been paid. This Certificate must be presented to the Principle Certifying Authority (PCA) **prior to the issue of any Subdivision Certificate**.

Information on the Special Infrastructure Contribution can be found at the Department of Planning's website www.gcc.nsw.gov.au. To obtain an estimate of the Special Infrastructure Contribution that may be payable for the application please e-mail infrastructurecontribution@gcc.nsw.gov.au.

- (19)**Public Road Access** – No Subdivision Certificate for any of the approved subdivision stages will be issued until such time as the subject lots are connected to an existing public road reserve.

- (20)**Section 94 Contributions – Prior to the issue of any Subdivision Certificate** for subdivision Stage 1A or 1B of the approved development and pursuant to **Oran Park and Turner Road Precincts Section 94 Contributions Plan** adopted in February 2008, contributions shown in the following table (showing the infrastructure type and respective amount) must be paid to Council.

Infrastructure Type	Monetary Amount (a)	Land Area (m ²) (b)	Additional Land Area (sqm) (c)
Open space and recreation - land	\$0		
Open space and recreation – works	\$0		
Open space and recreation – project management	\$0		

Open Space and recreation – sub total	\$0		
Community facilities – land	\$0		
Community facilities – works	\$0		
Community facilities – project management	\$0		
Community facilities – sub total	\$0		
Transport management – land	\$0		
Transport management – works	\$126,423.58		
Transport management – project management	\$2,883.82		
Transport management – sub total	\$129,307.40		
Water cycle management – land	\$0		
Water cycle management – works	\$0		
Water cycle management – project management	\$0		
Water cycle management – sub total	\$0		
Total	\$129,307.40		

(a) **Monetary Amount.** The monetary contribution specified in the Monetary Amount column of the above table must be paid to Council prior to the issue of a Subdivision Certificate. The monetary contributions must be indexed by the methods set out in clause 2.14 of the Contributions Plan at the date of payment.

At the sole discretion of Council the monetary contributions may be offset by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such agreement is to be undertaken, it must be signed prior to the release of a Subdivision Certificate.

(b) **Land Area.** The amount of land specified in the Land Area column of the above table must be dedicated to Council free of cost.

(c) **Additional Land Area.** The Indicative Layout Plan in the Oran Park Development Control Plan and the Oran Park and Turner Roads Precincts Section 94 Contributions Plan requires additional land for a public purpose associated with this development area. The amount of land specified in the Additional Land Area column of the above table must be dedicated to Council, with compensation to be agreed in writing between Council and the developer, such as through a Works-In-Kind Agreement.

Note: Any other land proposed by the applicant to be dedicated to Council that is not land required to be dedicated to Council by the condition of consent relating to development contributions (i.e. not land identified in the above table), must be dedicated to Council free of cost.

(21) **Section 94 Contributions – Prior to the issue of any Subdivision Certificate** for subdivision Stage 2 of the approved development and pursuant to **Oran Park and Turner Road Precincts Section 94 Contributions Plan** adopted in February 2008, contributions shown in the following table (showing the infrastructure type and respective amount) must be paid to Council.

Infrastructure Type	Monetary Amount (a)	Land Area	Additional Land Area
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		(m ²) (b)	(sqm) (c)
Open space and recreation - land	\$0		
Open space and recreation – works	\$0		
Open space and recreation – project management	\$0		
Open Space and recreation – sub total	\$0		
Community facilities – land	\$0		
Community facilities – works	\$0		
Community facilities – project management	\$0		
Community facilities – sub total	\$0		
Transport management – land	\$0		
Transport management – works	\$84,788.06		
Transport management – project management	\$1934.08		
Transport management – sub total	\$86,722.14		
Water cycle management – land	\$0		
Water cycle management – works	\$0		
Water cycle management – project management	\$0		
Water cycle management – sub total	\$0		
Total	\$86,722.04		

(a) Monetary Amount. The monetary contribution specified in the Monetary Amount column of the above table must be paid to Council prior to the issue of a Subdivision Certificate. The monetary contributions must be indexed by the methods set out in clause 2.14 of the Contributions Plan at the date of payment.

At the sole discretion of Council the monetary contributions may be offset by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such agreement is to be undertaken, it must be signed prior to the release of a Subdivision Certificate.

(b) Land Area. The amount of land specified in the Land Area column of the above table must be dedicated to Council free of cost.

(c) Additional Land Area. The Indicative Layout Plan in the Oran Park Development Control Plan and the Oran Park and Turner Roads Precincts Section 94 Contributions Plan requires additional land for a public purpose associated with this development area. The amount of land specified in the Additional Land Area column of the above table must be dedicated to Council, with compensation to be agreed in writing between Council and the developer, such as through a Works-In-Kind Agreement.

Note: Any other land proposed by the applicant to be dedicated to Council that is not land required to be dedicated to Council by the condition of consent relating to development contributions (i.e. not land identified in the above table), must be dedicated to Council free of cost.

(22)Section 94 Contributions – Prior to the issue of any Subdivision Certificate for subdivision Stage 3 of the approved development and pursuant to **Oran Park and**

Turner Road Precincts Section 94 Contributions Plan adopted in February 2008, contributions shown in the following table (showing the infrastructure type and respective amount) must be paid to Council.

Infrastructure Type	Monetary Amount (a)	Land Area (m ²) (b)	Additional Land Area (sqm) ©
Open space and recreation – land	\$0		
Open space and recreation – works	\$0		
Open space and recreation – project management	\$0		
Open Space and recreation – sub total	\$0		
Community facilities – land	\$0		
Community facilities – works	\$0		
Community facilities – project management	\$0		
Community facilities – sub total	\$0		
Transport management – land	\$0		
Transport management – works	\$33,173.30		
Transport management – project management	\$756.71		
Transport management – sub total	\$33,930.01		
Water cycle management – land	\$0		
Water cycle management – works	\$0		
Water cycle management – project management	\$0		
Water cycle management – sub total	\$0		
Total	\$33,930.01		

(a) Monetary Amount. The monetary contribution specified in the Monetary Amount column of the above table must be paid to Council prior to the issue of a Subdivision Certificate. The monetary contributions must be indexed by the methods set out in clause 2.14 of the Contributions Plan at the date of payment.

At the sole discretion of Council the monetary contributions may be offset by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such agreement is to be undertaken, it must be signed prior to the release of a Subdivision Certificate.

(b) Land Area. The amount of land specified in the Land Area column of the above table must be dedicated to Council free of cost.

(c) Additional Land Area. The Indicative Layout Plan in the Oran Park Development Control Plan and the Oran Park and Turner Roads Precincts Section 94 Contributions Plan requires additional land for a public purpose associated with this development area. The amount of land specified in the Additional Land Area column of the above table must be dedicated to Council, with compensation to be agreed in writing between Council and the developer, such as through a Works-In-Kind Agreement.

Note: Any other land proposed by the applicant to be dedicated to Council that is not land required to be dedicated to Council by the condition of consent

relating to development contributions (i.e. Not land identified in the above table), must be dedicated to Council free of cost.

(23)**Section 94 Contributions – Prior to the issue of any Subdivision Certificate** for subdivision Stage 4 of the approved development and pursuant to **Oran Park and Turner Road Precincts Section 94 Contributions Plan** adopted in February 2008, contributions shown in the following table (showing the infrastructure type and respective amount) must be paid to Council.

Infrastructure Type	Monetary Amount (a)	Land Area (m²) (b)	Additional Land Area (sqm) (c)
Open space and recreation - land	\$0		
Open space and recreation – works	\$0		
Open space and recreation – project management	\$0		
Open Space and recreation – sub total	\$0		
Community facilities – land	\$0		
Community facilities – works	\$0		
Community facilities – project management	\$0		
Community facilities – sub total	\$0		
Transport management – land	\$0		
Transport management – works	\$57,291.79		
Transport management – project management	\$1,306.87		
Transport and management works – sub total	\$58,598.66		
Water cycle management – land	\$0		
Water cycle management – works	\$0		
Water cycle management – project management	\$0		
Water cycle management – sub total	\$0		
Total	\$58,598.66		

(a) Monetary Amount. The monetary contribution specified in the Monetary Amount column of the above table must be paid to Council prior to the issue of a Subdivision Certificate. The monetary contributions must be indexed by the methods set out in clause 2.14 of the Contributions Plan at the date of payment.

At the sole discretion of Council the monetary contributions may be offset by works-in-kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such agreement is to be undertaken, it must be signed prior to the release of a Subdivision Certificate.

(b) Land Area. The amount of land specified in the Land Area column of the above table must be dedicated to Council free of cost.

(c) Additional Land Area. The Indicative Layout Plan in the Oran Park Development Control Plan and the Oran Park and Turner Roads Precincts Section 94 Contributions Plan requires additional land for a public purpose associated with this development area. The amount of land specified in the

Additional Land Area column of the above table must be dedicated to Council, with compensation to be agreed in writing between Council and the developer, such as through a Works-In-Kind Agreement.

Note: Any other land proposed by the applicant to be dedicated to Council that is not land required to be dedicated to Council by the condition of consent relating to development contributions (i.e. Not land identified in the above table), must be dedicated to Council free of cost.

(24)**Section 94 Contributions – Prior to the issue of any Subdivision Certificate** for subdivision Stage 5 of the approved development and pursuant to **Oran Park and Turner Road Precincts Section 94 Contributions Plan** adopted in February 2008, contributions shown in the following table (showing the infrastructure type and respective amount) must be paid to Council.

Infrastructure Type	Monetary Amount (a)	Land Area (m²) (b)	Additional Land Area (sqm) ©
Open space and recreation – land	\$0		
Open space and recreation – works	\$0		
Open space and recreation – project management	\$0		
Open Space and recreation – sub total	\$0		
Community facilities – land	\$0		
Community facilities – works	\$0		
Community facilities – project management	\$0		
Community facilities – sub total	\$0		
Transport management – land	\$0		
Transport management – works	\$95,241.39		
Transport management – project management	\$2,172.53		
Transport management – sub total	\$97,413.91		
Water cycle management – land	\$0		
Water cycle management – works	\$0		
Water cycle management – project management	\$0		
Water cycle management – sub total	\$0		
Total	\$97,413.92		

(a) Monetary Amount. The monetary contribution specified in the Monetary Amount column of the above table must be paid to Council prior to the issue of a Subdivision Certificate. The monetary contributions must be indexed by the methods set out in clause 2.14 of the Contributions Plan at the date of payment.

At the sole discretion of Council the monetary contributions may be offset by works-in-kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such agreement is to be undertaken, it must be signed prior to the release of a Subdivision Certificate.

(b) Land Area. The amount of land specified in the Land Area column of the above table must be dedicated to Council free of cost.

(c) Additional Land Area. The Indicative Layout Plan in the Oran Park Development Control Plan and the Oran Park and Turner Roads Precincts Section 94 Contributions Plan requires additional land for a public purpose associated with this development area. The amount of land specified in the Additional Land Area column of the above table must be dedicated to Council, with compensation to be agreed in writing between Council and the developer, such as through a Works-In-Kind Agreement.

Note: Any other land proposed by the applicant to be dedicated to Council that is not land required to be dedicated to Council by the condition of consent relating to development contributions (i.e. Not land identified in the above table), must be dedicated to Council free of cost.

(25)Section 94 Contributions – Prior to the issue of any Subdivision Certificate for subdivision Stage 6 of the approved development and pursuant to **Oran Park and Turner Road Precincts Section 94 Contributions Plan** adopted in February 2008, contributions shown in the following table (showing the infrastructure type and respective amount) must be paid to Council.

Infrastructure Type	Monetary Amount (a)	Land Area (m²) (b)	Additional Land Area (sqm) (c)
Open space and recreation - land	\$0		
Open space and recreation – works	\$0		
Open space and recreation – project management	\$0		
Open Space and recreation – sub total	\$0		
Community facilities – land	\$0		
Community facilities – works	\$0		
Community facilities – project management	\$0		
Community facilities – sub total	\$0		
Transport management – land	\$0		
Transport management – works	\$139,970.23		
Transport management – project management	\$3,192.83		
Transport management – sub total	\$143,163.06		
Water cycle management – land	\$0		
Water cycle management – works	\$0		
Water cycle management – project management	\$0		
Water cycle management – sub total	\$0		
Total	\$143,163.06		

(a) Monetary Amount. The monetary contribution specified in the Monetary Amount column of the above table must be paid to Council prior to the issue of a Subdivision Certificate. The monetary contributions must be indexed by the methods set out in clause 2.14 of the Contributions Plan at the date of payment.

At the sole discretion of Council the monetary contributions may be offset by works in kind. Such works cannot commence until an agreement is made with

Council pursuant to the Contributions Plan. If such agreement is to be undertaken, it must be signed prior to the release of a Subdivision Certificate.

(b) **Land Area.** The amount of land specified in the Land Area column of the above table must be dedicated to Council free of cost.

(c) **Additional Land Area.** The Indicative Layout Plan in the Oran Park Development Control Plan and the Oran Park and Turner Roads Precincts Section 94 Contributions Plan requires additional land for a public purpose associated with this development area. The amount of land specified in the Additional Land Area column of the above table must be dedicated to Council, with compensation to be agreed in writing between Council and the developer, such as through a Works-In-Kind Agreement.

Note: Any other land proposed by the applicant to be dedicated to Council that is not land required to be dedicated to Council by the condition of consent relating to development contributions (i.e. not land identified in the above table), must be dedicated to Council free of cost.

(26) Easement for proposed lots 113 and 116 - Prior to the issue of a Subdivision Certificate for Subdivision Stage 1A, a right of carriageway easement must be created over the entire road reserve of proposed road 1501 across proposed lots 115 and 116, in order to connect proposed lots 116 and 113 to a public road.

(This condition was added by Council at the ordinary Council meeting of 22 February 2011).

RECOMMENDED

That Council approve Section 96 Modification 985(5)/2009 for a modified industrial/commercial subdivision at Nos 630 (Lot 90, DP 1137298) and 630A (Lot 1184, DP 1153632) Camden Valley Way , Gregory Hills subject to the draft development consent conditions shown above.

ATTACHMENTS

1. Location plan
2. Proposed plans



Amended subdivision plans DA985(5)2009.pdf Location plan 630-630A Camden Valley Way.pdf

RESOLUTION

Moved Councillor Anderson, Seconded Councillor Cagney that Council approve Section 96 Modification 985(5)/2009 for a modified industrial/commercial subdivision at Nos 630 (Lot 90, DP 1137298) and 630 A (Lot 1184, DP 1153632) Camden Valley Way, Gregory Hills subject to the draft development consent conditions shown above.

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

(Councillors Anderson, Cagney, Cottrell, Dewbery, Funnell, Patterson, Symkowiak and Warren voted in favour of the Motion.
No Councillor voted against the Motion).

ORD34/11

ORDINARY COUNCIL

ORD03

SUBJECT: PROPOSED ROAD NAMING - (MATER DEI) COBBITTY
FROM: Director Development and Health
FILE NO: Binder: Landuse & Planning/GLIS/Land Information/Naming of Roads

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement of a proposed list of street names to be assigned to new roads within the Sisters of Good Samaritan (Mater Dei), Cobbitty release area and to resolve to continue with the new road naming process required by the Geographical Names Board (GNB).

BACKGROUND

Mater Dei is an organisation that was established by the Sisters of the Good Samaritan. The Sisters of Good Samaritan have served the poor, the marginalised and the disadvantaged on the Mater Dei site since 1910.

The Mater Dei release area is located on the corner of Cobbitty Road and Macquarie Grove Road, Cobbitty. **A location plan is provided at the end of the report.**

The developer acting on behalf of the Sisters of Good Samaritan, Mbark Development, has put forward a list of names to be considered for approval. The list of names are of people who worked at Wivenhoe in the 1800s.

Wivenhoe is a listed Heritage Item in Camden Local Environmental Plan (LEP) 2010 and is part of the Mater Dei site. Wivenhoe was built for Charles Cowper in 1837 who lived there for approximately 30 years. During his residence he served as Premier of NSW. The Sisters of Good Samaritans bought Wivenhoe in 1910 and converted it into an orphanage for disadvantaged children, providing a healthy environment for orphans who lived in the inner city areas of Sydney. A Cowper Drive exists in the Camden LGA already.

The new roads are part of a proposed subdivision within Precinct B in Mater Dei. DA 192/2008 was approved on 24 July 2009 for a 210 lot subdivision which is being marketed as "Kirkham Rise".

The proposed names have been reviewed by Council officers in accordance with the guidelines as set by the Geographical Names Board (GNB). The list has also been referred to the GNB who have raised no objection to the list of names.

MAIN REPORT

The GNB has advised Council that the following process is required to be followed by

the relevant roads authority in respect of having new road names approved. In this instance, Council is the roads authority:

1. The developer of the land provides to Council, a list of proposed road names.
2. These are checked by Council staff in accordance with the guidelines published by the GNB.
3. The names that meet the guidelines are referred to the GNB for comment.
4. A report is sent to Council by Council officers seeking endorsement of the list of names that are able to be approved by the GNB.
5. The endorsed list is published in a proposal notice in a local newspaper, ensuring that the notice states that written submissions on the name/s may be made to Council.
6. Council concurrently serves notice of its proposal on Australia Post, the Registrar General, Surveyor General and, in the case of a classified road, on the RTA if it is not the authority involved.
7. All submissions are compiled and the list of road names is reviewed by officers.
8. The results of the notification period are reported back to Council with any recommendation for approval.
9. The approved names are published in the NSW Government Gazette and in local newspapers.
10. Council informs Australia Post, the Registrar General, Surveyor General and the RTA, giving sufficient particulars to enable the road to be identified.

Steps 1 to 3 of this process have been undertaken and this report has now been prepared in accordance with Step 4.

The proposed list of new road names to be used in the Mater Dei release area for which endorsement is sought is as follows:

Polding	Founder of the Good Samaritan Sisters (With Gibbons)
Eliza	Christian name of Charles Cowper's wife
Lee	(James) Lee was a labourer at Wivenhoe in 1828
Mckellar	Name of person who worked at Wivenhoe in the 1800's.
Morley	Name of person who worked at Wivenhoe in the 1800's.
Ritchie	Good Samaritan who worked at Mater Dei for many years
Sutherland	Name of person who worked at Wivenhoe in the 1800's.
Sutton	Name of person who worked at Wivenhoe in the 1800's.
Doherty	A Farm Manager that worked at Wivenhoe
McLaughlin	Responsible for the purchase of Mater Dei (Wivenhoe Land)

If Council endorses the above list of proposed new road names, the list will be published in a local newspaper and written submissions to Council will be invited for a period of 30 days.

The outcome of the notification period will then be reported to Council, with recommendations and seeking further direction.

CONCLUSION

A request has been received by Council from the developer working on behalf of the Sister of Good Samaritan, to adopt a list of names to be used for new roads in the Mater Dei, Cobbitty release area.

If the list is endorsed, a 30 day submission period will be commenced and a further report provided to Council with the results of the exhibition.

The proposed list of road names has been considered by Council officers and the GNB, and is now able to be recommended to Council for endorsement and resolution to proceed with the required road name approval process detailed in this report.

RECOMMENDED

That Council:

- i. endorse the proposed list of new road names within this report, for use in the Mater Dei, Cobbitty release area;**
- ii. resolve to proceed with the new road naming process detailed in this report; and**
- iii. be provided with a further report detailing the results of the 30 day public exhibition period.**

ATTACHMENTS

1. Location plan



Locality plan Mater Dei 229 Macquarie Grove Rd.pdf

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Symkowiak that Council:

- i. endorse the proposed list of new road names within this report, for use in the Mater Dei, Cobbitty release area;
- ii. resolve to proceed with the new road naming process detailed in this report; and
- iii. be provided with a further report detailing the results of the 30 day public exhibition period.

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

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

No Councillor voted against the Motion).

ORD35/11

ORDINARY COUNCIL

ORD04

SUBJECT: CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT
FROM: Director Governance
FILE NO:

PURPOSE OF REPORT

To advise Council of the progress of the Australian Local Government Association's campaign for a referendum on the constitutional recognition of Local Government and to obtain a Council resolution in support.

BACKGROUND

Following the 2010 Federal Election, Prime Minister Gillard committed to holding a dual referendum on the constitutional recognition of Local Government and the recognition of Indigenous Australians. A referendum will most likely be held in conjunction with the 2013 Federal Election.

The Australian Local Government Association (ALGA) has written seeking Council's support to the ALGA's continuing campaign for recognition of Local Government in the Australian Constitution and to call on all political parties to support a referendum.

MAIN REPORT

The ALGA has devoted considerable resources over the past three years to developing the case for constitutional reform and the need for reform. That need was highlighted in stark terms in 2009 by the decision of the High Court in *Pape v Federal Commissioner of Taxation*. In that case the High Court set out the limitations of the Australian Government's powers and, in doing so, clearly indicated that the Australian Government does not have the power to fund Local Government directly.

The ALGA contends it is in the best interests of local communities that Federal Governments have the capacity to fund Councils directly to achieve national objectives. The preference is for a pragmatic and simple change to the Constitution (most likely Section 96), which would allow direct funding to continue. The form of financial recognition of Local Government proposed by the ALGA, which will not impact on the relationship between Councils and State Governments, has been endorsed by the NSW Local Government Association and all other State and Territory Associations. The ALGA has not ruled out the recognition of Local Government in a Preamble to the Constitution, if one is proposed, but such limited recognition alone would not meet Local Government's requirements and address the uncertainty highlighted by the *Pape* case.

The ALGA believes it is now important that this position be endorsed by all Councils to

demonstrate to Federal and State Governments, Oppositions and political parties that the position has widespread support with Local Government.

CONCLUSION

As part of Local Government's campaign, it is important to ensure that national political leaders are left in no doubt about Local Governments' commitment to constitutional recognition. The ALGA will also circulate a Constitutional Declaration for Councils for endorsement and signature by all Councils following the 2011 National General Assembly of Local Government in June 2011.

In order to support the ALGA request it is recommended that Council write to the Prime Minister, Leader of the Opposition and local Federal Members to advise of Council's support to the constitutional referendum seeking recognition of Local Government.

RECOMMENDED

That Camden Council:

- i. declares its support for the recognition of Local Government in the Australian Constitution, in order that future Federal Governments have the power to fund Local Government directly;**
- ii. support the inclusion of Local Government in any Preamble to the Constitution, if one is proposed; and**
- iii. call on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.**

RESOLUTION

Moved Councillor Symkowiak, Seconded Councillor Anderson that Camden Council:

- i. declares its support for the recognition of Local Government in the Australian Constitution, in order that future Federal Governments have the power to fund Local Government directly;
- ii. support the inclusion of Local Government in any Preamble to the Constitution, if one is proposed; and
- iii. call on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.

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

ORD36/11

ORDINARY COUNCIL

ORD05

SUBJECT: METROPOLITAN GREENSPACE PROGRAM 2010 - ACCEPTANCE OF GRANT FUNDING
FROM: Director Works and Services
FILE NO:

PURPOSE

To advise Council of two successful grant applications submitted to the NSW Department of Planning (DoP) under the Metropolitan Greenspace Program 2010 and seek approval to accept the grants and commit matching funding.

BACKGROUND

Council made two submissions for grant funding to the Metropolitan Greenspace Program in April 2010. The objectives of the Metropolitan Greenspace Program include enhancing regionally significant open space by providing links between bushland, parks, centres and waterways and enabling more effective public use of regionally significant open space. Support for projects that demonstrate a commitment to the design and future management of open space including improved outcomes for health, sustainability, climate change and community was also a priority.

The DoP has now provided approval details of the funding allocations, including those to Camden Council. The grants are approved on a dollar for dollar basis. The DoP has requested that agreements accepting the funding should be signed and returned by 28 February 2011.

MAIN REPORT

The Metropolitan Greenspace Program is open to Councils in the Sydney Metropolitan area to fund capital projects for regional trails or regional parks. Two grant applications were made by Council to the Metropolitan Greenspace Program for the 2010 funding round.

1. Nepean River Trail: Link to Camden

This project aims to enhance facilities, access, and the environment along the existing shared path from River Road, Elderslie to Argyle Street, Camden. This is to help manage more intensive use from the expanding residential precincts in Elderslie and Spring Farm and from across the wider region. The project includes the following elements:

- Fencing Leash Free Area (River Road Reserve).
- Seating Area and signage (River Road Reserve).

- Gravel Footpath (Kings Bush).
- Widen concrete shared path (Camden Valley Way).
- Sandstone steps (Chellaston Reserve to/from the river).
- Tree planting/weed removal (River Road Reserve/Rotary Cowpasture Reserve).
- Aboriginal/Cultural Heritage assessment and planning.

Council requested \$94,000 (exclusive of GST) grant funding and received this in full. The project must be developed and completed within 24 months of the date of the signed agreement with the DoP. Subject to confirmation of future Council budgets, it is envisaged that the grant is matched by the following Council funding, which reflects current budget allocations:

- \$20,000 from the National Tree Day budget over the 2011/12 and 2012/13 financial years,
- \$16,000 from the Noxious Weed Removal budget over the 2010/11 and 2011/12 financial years,
- \$28,000 from the Off Leash Areas budget in the 2011/12 financial year,
- \$30,000 from the Capital Works Reserve budget in the 2011/12 financial year.

2. Mount Annan Botanic Garden Recreational Path

In the planning for developments in the Mount Annan and Spring Farm areas, the desire for a regional trail linking Camden and Campbelltown was identified and has been included in Council's Recreational Trail Network Strategy. Ultimately, this would provide a link from Camden along the Nepean River, through Mount Annan Botanic Garden (now known as Australian Botanic Garden, Mount Annan) and the University of Western Sydney (UWS) to Macarthur Square and Campbelltown.

Landcom and Mount Annan Botanic Garden presented the concept of this trail to Councillors at a briefing in early 2010. The grant application relates to an initial section of proposed trail, which has been identified within Australian Botanic Garden, Mount Annan. A funding submission was made to the Metropolitan Greenspace Program by Camden Council with the support of Campbelltown City Council for \$500,000. Landcom has made a commitment to match funding for the design and development of the regional trail.

However the DoP has approved a grant of only \$50,000 (exclusive of GST).

The DoP has responded to the submission as follows:

"In relation to the Mount Annan Botanic Garden Recreational Path, the seed funding is provided to enable further detailed planning and DA submission and to resolve land ownership. In the assessment the Panel considered that the project represented an important trail link that would enhance access to regional trails and recreational opportunities. However there was a concern that the proposed trail was not solely located upon Council owned land. The Council is encouraged to resubmit this project for MGP funding with the more detailed application responses and design in the future".

The seed funding being provided by the DoP will be used to develop the concept and design of this section of the trail, working closely with Australian Botanic Garden,

Mount Annan, Landcom and Campbelltown City Council. One of the key objectives for this stage of the overall project will be to secure the required access for the trail through lands not owned by Council, including access through Australian Botanic Garden, Mount Annan and UWS within the Campbelltown LGA.

The DoP has approved funding of \$50,000 (exclusive of GSTS) which must be utilised within 24 months of the date of the signed agreement. It is proposed that this is match funded with \$50,000 of works-in-kind from Landcom.

CONCLUSION

The DoP has approved two grants to Council through the Metropolitan Greenspace Program. The first grant for \$94,000 (exclusive of GST), the “Nepean River Trail: Link to Camden”, is to enhance facilities, access, and the environment along the existing shared path between River Road, Elderslie and Argyle Street. This project is entirely within Council’s control and would need to be match funded from several Council budgets. It is recommended that Council accepts this grant.

The second grant called “Mount Annan Botanic Garden Recreational Path” is to commence more detailed design of a new recreational path within Mount Annan Botanic Garden and to resolve any access issues relating to the path being on land not owned by Council. It is recommended that Council also accept this grant and works with Landcom, Campbelltown City Council and Mount Annan Botanic Garden to develop this project further.

RECOMMENDED

That Council:

- i. accepts the grant of \$94,000 (exclusive of GST) from the Metropolitan Greenspace Program for the Nepean River Trail: Link to Camden project;**
- ii. approves the allocation of \$20,000 from the National Tree Day budget, \$16,000 from the Noxious Weeds budget, \$28,000 from the Off Leash Areas budget and \$30,000 from the Capital Works Reserve budget, for the Nepean River Trail: Link to Camden project;**
- iii. accepts the grant of \$50,000 (exclusive of GST) from the Metropolitan Greenspace Program for the Mount Annan Botanic Garden Recreational Path project, subject to written confirmation from Landcom to provide \$50,000 (exclusive of GST) match funding for works-in-kind within 24 months of the signed agreement with the Department of Planning; and**
- iv. authorises the execution of documentation, including affixing of Council seal if required, necessary to secure these grants.**

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Symkowiak that Council:

- i. accepts the grant of \$94,000 (exclusive of GST) from the Metropolitan Greenspace Program for the Nepean River Trail: Link to Camden project;
- ii. approves the allocation of \$20,000 from the National Tree Day budget, \$16,000 from the Noxious Weeds budget, \$28,000 from the Off Leash Areas budget and \$30,000 from the Capital Works Reserve budget, for the Nepean River Trail: Link to Camden project;
- iii. accepts the grant of \$50,000 (exclusive of GST) from the Metropolitan Greenspace Program for the Mount Annan Botanic Garden Recreational Path project, subject to written confirmation from Landcom to provide \$50,000 (exclusive of GST) match funding for works-in-kind within 24 months of the signed agreement with the Department of Planning; and
- iv. authorises the execution of documentation, including affixing of Council seal if required, necessary to secure these grants.

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

ORD37/11

ORDINARY COUNCIL

ORD06

SUBJECT: ACCEPTANCE OF GRANT - BICENTENNIAL EQUESTRIAN
PARK COMMUNITY MANAGEMENT COMMITTEE
FROM: Director Works and Services
FILE NO:

PURPOSE OF REPORT

This report seeks Council's acceptance of a grant offered to the Bicentennial Equestrian Park (BEP) Community Management Committee.

BACKGROUND

The BEP Committee is a committee of Council under Section 355 of the Local Government Act. Council has delegated "care and control" of the BEP to the voluntary management committee. The committee acts within a legal framework, as a part of Council. As a legal entity, funding, budgets and major purchases require approval from Council.

MAIN REPORT

The BEP Committee developed and was successful in its application to the NSW Government's 2010 Community Building Partnership program for the purchase of a tractor to be used for maintenance and development work at the BEP. An amount of \$21,591 (exclusive of GST) has been made available for the project, which will be matched from BEP budgets.

The BEP Committee's valuable work in developing and maintaining the BEP will be assisted with the purchase of a tractor. Appropriate arrangements will be established to formalise the maintenance and operation under the BEP committee's charter.

CONCLUSION

The BEP Committee has successfully applied for funding to purchase a tractor. Council needs to formally resolve to accept the grant and to adjust the 2010/11 budget to reflect this funding.

RECOMMENDED

That Council:

- i. accept the grant of \$21,591 (exclusive of GST) for the acquisition of a maintenance and development tractor for the Bicentennial Equestrian Park and adjusts the budget to reflect this funding;
and**
- ii. authorise the execution of any funding documents including affixing the Seal**

of Council if required.

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Symkowiak that Council:

- i. accept the grant of \$21,591 (exclusive of GST) for the acquisition of a maintenance and development tractor for the Bicentennial Equestrian Park and adjusts the budget to reflect this funding; and
- ii. authorise the execution of any funding documents including affixing the Seal of Council if required.

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

ORD38/11

ORDINARY COUNCIL

ORD07

SUBJECT: DECEMBER REVIEW OF THE 2010/11 BUDGET
FROM: Director Governance
FILE NO:

PURPOSE OF REPORT

This report presents the December Quarterly Budget Review for the 2010/11 financial year in accordance with Part 9, Division 3, Clause 203 of the Local Government (General) Regulation 2005.

Its purpose is to inform Council of the necessary changes to the 2010/11 Budget since the adoption of the September Review of the 2010/11 Budget, and to consider other changes put forward for determination.

SUMMARY OF BUDGET REVIEW

In adopting the September Review of the 2010/11 Budget, Council authorised a projected budget surplus of \$51,780.

Budget adjustments identified at the December Review represent an increase in the projected budget surplus of \$906,378. This results in a total projected budget surplus of \$958,158.

This projected surplus is in addition to Council's minimum working funds level of \$1,000,000.

The improvement in the projected budget position is primarily a result of a continuation of the higher than expected level of development activity which has led to a significant increase in development fee income, an increase in interest on investments as a result of better market conditions and an improving economy, and a decrease in Council's workers compensation premium.

Allocation of the budget surplus

With the introduction of Integrated Planning and Reporting in 2011/12, it is recommended that \$900,000 of the December Review projected surplus be transferred to Council's working funds reserve. As part of the 2011/12 budget process officers are currently aligning the community's priorities (Community Strategic Plan) with available funding. The \$900,000 would form part of the available funds to support Council's four year Delivery Program which Council is to consider as part of the 2011/12 budget process. The allocation will allow Council to deliver additional works and services to the community over the next four years. Extensive community consultation was undertaken before Council adopted its Community Strategic Plan.

If Council transfers \$900,000 to the working funds reserve the uncommitted balance of the surplus available for consideration at future quarterly reviews is \$58,158.

MAIN REPORT- DECEMBER REVIEW OF THE 2010/11 BUDGET

Further information and explanation of the increase in the projected budget surplus for 2010/11 is detailed below:

NOTE 1 – PROPOSED VARIATIONS TO BUDGET

Variations between the adoption of the September Review for 2010/11 and the December Review for 2010/11 led to a projected budget increase \$946,378. A list of these variations (greater than \$10,000) is provided in the following table and brief explanations below.

DECEMBER REVIEW OF THE 2010/11 BUDGET PROPOSED VARIATIONS TO BUDGET	Budget Impact Increase / (Decrease)
INCOME ADJUSTMENTS	
Note: Increase in income is an increase in working funds	
Shortfall in income is a decrease in working funds	
1. Development Fees & Charges Income Increase	\$550,000
2. General Fund Interest on Investments Increase	\$157,000
Variations under \$10,000 - Various Increases	\$26,749
Sub Total - Income Adjustments	\$733,749
EXPENDITURE ADJUSTMENTS	
Note: Increase in expenditure is a decrease in working funds	
Savings in expenditure is an increase in working funds	
3. Workers Compensation Premium Savings	\$220,845
4. Fleet Management Vehicle Expenses Savings	\$145,000
5. Street Lighting Charges Increase	(\$68,544)
6. Corporate Salaries Savings	\$61,446
7. Council Properties (Small Sites) - Electricity Costs Increase	(\$55,070)
8. Emergency Management Levy - Annual Contribution Increase	(\$42,299)
9. Council Properties - Water Costs Increase	(\$19,360)
10. Corporate Superannuation Expense Savings	\$10,635
Variations under \$10,000 - Various Increases	(\$40,024)
Sub Total - Expenditure Adjustments	\$212,629
TOTAL - PROPOSED VARIATIONS TO BUDGET	\$946,378

1. Development Fees & Charges Income - Increase in Income of \$550,000

Development income continues to exceed budget expectations. Council has again

received a number of Development Applications of high value this quarter which reflects the high development activity in the release areas of Spring Farm, Elderslie, Oran Park and Turner Road. Individual dwelling application numbers remain above expectations due to the First Home Owners Grant scheme and the greater availability and hence affordability of ready-to-build residential lots in Camden. The level of income received from development activity is primarily dependent on the receipt of applications from developers, and as such is somewhat difficult to project given the unprecedented growth Council is experiencing.

2. General Fund Interest on Investments - Increase in Income of \$157,000

The first half performance of Council's investment portfolio is above budget expectations. The 2010/11 budget projected an average weighted return of 5.75%. Council has been able to achieve more competitive rates with an actual average weighted return of 5.80%. Investment returns for the remainder of 2010/11 have been revised to 6.00% for the third quarter and 6.20% for the fourth quarter, which is a result of the improved economic outlook and projected increases in the official cash rate by the Reserve Bank.

3. Workers Compensation Premium - Decrease in Expense of \$220,845

A review of Council's Workers Compensation Premium has identified a significant saving when compared to original budget projections. Council's premium is based on a number of external and Council specific performance factors. The reduction is primarily a result of improving claims experience both in the industry and at Camden Council.

4. Fleet Management Vehicle Expense - Decrease in Expense of \$145,000

A reduction in corporate vehicle expenses has been achieved predominantly through staff vacancies and the recognition of reduced running costs as a result of the continuing conversion of the fleet to four cylinder vehicles as well as alternate fuel vehicles. Four cylinder vehicles now represent 72% of Council's total corporate fleet, which is a significant improvement when compared against the original budget.

5. Street Lighting Charges - Increase in Expense of \$68,544

Street lighting charges have increased due to continued network expansion above original budget projections. This has led to additional projected expenditure for street lighting maintenance, and an increase in the consumption of electricity required for an expanding service base. This increase is not a result of price increases. Council recently entered into a fixed price agreement for the supply of street lighting electricity for a period of 30 months.

6. Corporate Salaries - Decrease in Expense of \$61,446

Council's original salary budget projected an industry award increase of 3.00%. The Local Government Award was announced in October 2010, and delivered an increase in the award rate of pay of 2.60%. This has resulted in savings to the budget.

7. Council Properties (Small Sites) Electricity Costs - Increase in Expense of \$55,070

Current electricity estimates for small site buildings and reserves are insufficient. The projected cost of electricity for 2010/11 has increased by 15% when compared to actual expenditure for the 2009/10 financial year and is primarily a result of continued price increases and increases in consumption. This increase does not include major sites where Council recently entered into a fixed price agreement for the supply of electricity for a period of 30 months.

8. Emergency Management Levy Annual Statutory Contribution - Increase in Expense of \$42,299

Council has received a revised assessment notice from Emergency Management NSW for the annual contribution to the NSW Fire Brigade, Rural Fire Service and State Emergency Service. Council was originally advised (in error) that the increase would be \$13,000. The revised contribution has led to an increase in Council's annual contribution of 14.20%.

9. Council Properties Water Costs - Increase in Expense of \$19,360

Current water estimates for Council's buildings and reserves are insufficient. The projected cost of water consumption and charges has increased primarily as a result of continued price increases and an increase in consumption across Council's facilities.

10. Corporate Superannuation - Decrease in Expense of \$10,635

The decrease in superannuation expenses relates primarily to the retirement or resignation of employees in the Defined Benefits Scheme. Savings have also been achieved in the Accumulation Scheme from a number of vacancies in Council's staff structure.

NOTE 2 – COUNCIL AUTHORISED VARIATIONS

Council has authorised five (5) budget variations since the adoption of the September Review of the 2010/11 Budget.

COUNCIL AUTHORISED VARIATIONS	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	Budget Impact Increase / (Decrease)
Town Farm Community Garden Grant	\$90,777	\$90,777	\$0
Council Minute ORD 224/10 - 12/10/2010			
Re-Homing Strategies for Impounded Animals	\$30,000	\$0	(\$30,000)
Council Minute ORD 10/11 - 25/01/2011			
Queensland Flood Appeal Donation	\$10,000	\$0	(\$10,000)
Council Minute ORD 05/11 - 25/01/2011			
Festival Australia Grant Chinese Lion Dancing Project	\$7,900	\$7,900	\$0
Council Minute ORD 267/10 - 23/10/2010			
Positive Ageing Grant Caravan Park Community Garden	\$5,000	\$5,000	\$0
Council Minute ORD 266/10 - 23/10/2010			
TOTAL COUNCIL AUTHORISED VARIATIONS	\$143,677	\$103,677	(\$40,000)

NOTE 3 – CONTRA ADJUSTMENTS

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

During the period 1 October 2010 to the 31 December 2010, a number of contra adjustments have taken place amounting to a total of \$3,004,244 (an increase in both income and expenditure). For a detailed list of these adjustments, **please refer to the supporting documents in the business paper.**

NOTE 4 – EXPENDITURE REVOTES

To assist Council in framing a realistic and accurate 2011/12 Budget, Managers and Directors were encouraged to identify any programmed works/projects that will not commence or be completed by 30 June 2011.

There were six (6) revotes submitted by Managers and Directors at the December Review which are tabled below:

PROPOSED EXPENDITURE REVOTES	Total Revote	General Fund	Other Funds
Transport Systems - Springs Road Realignment (Section 94 Developer Contributions)	\$2,700,000	\$0	\$2,700,000
Lodges Road & Hilder Street Reconstruction (Dept of Planning Loan Reserve)	\$2,678,000	\$0	\$2,678,000
Parks & Reserves - Leash Free Area (Section 94 Developer Contributions)	\$150,000	\$0	\$150,000
Mount Annan Leisure Centre Stage 2 Design (Section 94 Developer Contributions)	\$140,000	\$0	\$140,000
Narellan Family & Childrens Centre Design (Section 94 Developer Contributions)	\$85,900	\$0	\$85,900
Childrens Services - Transition to School Program (Grant Reserve)	\$7,358	\$0	\$7,358
TOTAL EXPENDITURE REVOTES	\$5,761,258	\$0	\$5,761,258

The total revotes identified since the adoption of the 2010/11 budget is \$5,761,258. For a detailed explanation of the revotes identified at the December Quarterly Review, **please refer to the supporting documents in the business paper.**

NOTE 5 – 2010/11 BUDGET DISCRETIONARY LIST

In adopting the 2010/11 Management Plan and Budget, Council endorsed the Budget Discretionary List. The Discretionary List identifies works or services that Council is unable to fund or commence at this point in time. Items are added or deleted from the list via Council reports or by Council officers as a result of Councillor or community feedback.

There was one (1) adjustment to the Discretionary List during the period 1 October 2010 to 31 December 2010.

Delete

- Tree Replacement in Hickson Circuit, Harrington Park

This work is estimated to cost \$16,250 and has been funded as a result of re-prioritising programmed works in the Tree Maintenance Program Budget.

A copy of the current Discretionary List has been included as an attachment to this report.

NOTE 6 – COUNCILLOR CONSOLIDATED WARD FUNDS

To further assist Councillors in understanding the total available funds for consideration at each budget review, the following table is provided. This table is to inform Councillors of the current balance of Consolidated Ward Funds, and where funds have been spent in this financial year.

It should be noted that the balance of Consolidated Ward Funds is over and above the projected working funds surplus of \$958,158 as advised in this report.

CONSOLIDATED WARD FUNDS		
Total Funds Available 2010/11		\$30,000
Projects Funded in 2010/11		
Camden Churches Board of Christian Education	\$600	
Council Minute ORD 214/10 - 28/09/2010		
St John's Anglican Church Community Carols	\$200	
Council Minute ORD 255/10 - 23/11/2010		
Total Projects Funded 2010/11		\$800
Balance of Councillor Ward Funds Available 31 December 2010		\$29,200

At the Council meeting of 25 January 2011, Council made a donation from Ward Funds of \$846.45 to the Camden Cricket Club to assist with the cost of DA fees.

SUMMARY OF DECEMBER REVIEW ADJUSTMENTS

The following table is a summary of budget adjustments up to 31 December 2010.

SUMMARY OF BUDGET ADJUSTMENTS	Expenditure	Income	Budget Impact
	Increase / (Decrease)	Increase / (Decrease)	Increase / (Decrease)
2009/10 Carried Forward Working Funds Balance			\$1,000,000
2010/11 Adopted Budget Position			\$0
LESS: Minimum Desired Level of Working Funds			(\$1,000,000)
Total Available Working Funds 01/07/2010			\$0
2010/11 September Review Adjustments	\$12,573,206	\$12,624,986	\$51,780
Total Available Working Funds as at 30/09/2010			\$51,780
2010/11 December Review Adjustments			
NOTE 1: Proposed Variations	(\$212,629)	\$733,749	\$946,378
NOTE 2: Authorised Variations	\$143,677	\$103,677	(\$40,000)
NOTE 3: Contra Adjustments	\$3,004,244	\$3,004,244	\$0
NOTE 4: Revotes (Budget Carry-Overs)	(\$5,761,258)	(\$5,761,258)	\$0
Total December Review Adjustments	(\$2,825,966)	(\$1,919,588)	\$906,378
TOTAL AVAILABLE WORKING FUNDS			\$958,158

CAPITAL WORKS RESERVE

The uncommitted balance of the Capital Works Reserve is \$965,400. The balance does not include the sale of the Narellan car park or the pocket park in Somerset Avenue, Narellan.

CONCLUSION

In December 2010 Council adopted its Community Strategic Plan. The plan identified our community's priorities both now and into the future. As part of the introduction of Integrated Planning and Reporting, extensive financial modelling is being undertaken to align the community's priorities to the funding available over the next 10 years. The transfer of \$900,000 to Council's working funds reserve will assist Council in funding additional works and services identified in Council's Delivery Program. The Delivery Program is to be considered by Council as part of the 2011/12 budget process.

Council's financial position continues to improve as a result of an improving economy and growth. Council still has a significant asset renewal backlog and compared to similar sized Councils a lower than average workforce per head of population. Both asset management and workforce planning are being considered as part of the Integrated Planning and Reporting process, as both factors will impact on current service levels if not addressed in the immediate future.

RECOMMENDED

That:

- i. Council approve the necessary budget adjustments as identified in the categories of 'Proposed Variations', 'Contra Variations' and 'Expenditure Revotes' of this report.
- ii. Council approve the transfer of \$900,000 to the Working Funds Reserve.
- iii. Council approve the balance of the projected budget surplus of \$58,158 remain uncommitted for consideration at future quarterly budget reviews.

ATTACHMENTS



Dec 2010 Budget Result Appendix.pdf



Current Discretionary List.pdf

RESOLUTION

Moved Councillor Symkowiak, Seconded Councillor Anderson that:

- i. Council approve the necessary budget adjustments as identified in the categories of 'Proposed Variations', 'Contra Variations' and 'Expenditure Revotes' of this report.
- ii. Council approve the transfer of \$900,000 to the Working Funds Reserve.
- iii. Council approve the balance of the projected budget surplus of \$58,158 remain uncommitted for consideration at future quarterly budget reviews.

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

ORD39/11

ORDINARY COUNCIL

ORD08

SUBJECT: MANAGEMENT PLAN - DECEMBER 2010
FROM: Director Governance
FILE NO: Management Plan

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

The December 2010 review has been completed and is **provided in the Business Paper Supporting Documents**. The attachment highlights the progress of Council's adopted strategies and provides comments on each of the items.

RECOMMENDED

That the December 2010 Management Plan review be noted.

ATTACHMENTS



Management Plan Dec 2010.xls

RESOLUTION

Moved Councillor Symkowiak, Seconded Councillor Funnell that the December 2010 Management Plan review be noted.

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

ORD40/11

ACTIONS

[Link to CRMS document](#)

CRMS: 13395482 23/02/2011, 01:35:36 PM

ORDINARY COUNCIL

ORD09

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

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 31 January 2011 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 5.99% p.a. for the month of January 2011.

The Principal Accounting Officer is the Manager Corporate Services.

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 1993, Regulations, and Council's Investment Policy.**
- ii. the list of investments for January 2011 be noted.**
- iii. the weighted average interest rate return of 5.99% p.a. for the month of December 2010 be noted.**

ATTACHMENTS



January Investment Report.pdf Investment Report January 2011.xls

RESOLUTION

Moved Councillor Anderson, Seconded Councillor Warren 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 1993, Regulations, and Council's Investment Policy.**

- ii. the list of investments for January 2011 be noted.
- iii. the weighted average interest rate return of 5.99% p.a. for the month of December 2010 be noted.

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

THE MEETING CLOSED AT 6.36PM.

ORD41/11

**THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 22
FEBRUARY 2011 WERE ADOPTED AT AN ORDINARY COUNCIL MEETING
HELD 8 MARCH 2011. MIN. NO. ORD 45/11**

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

CHAIRPERSON