

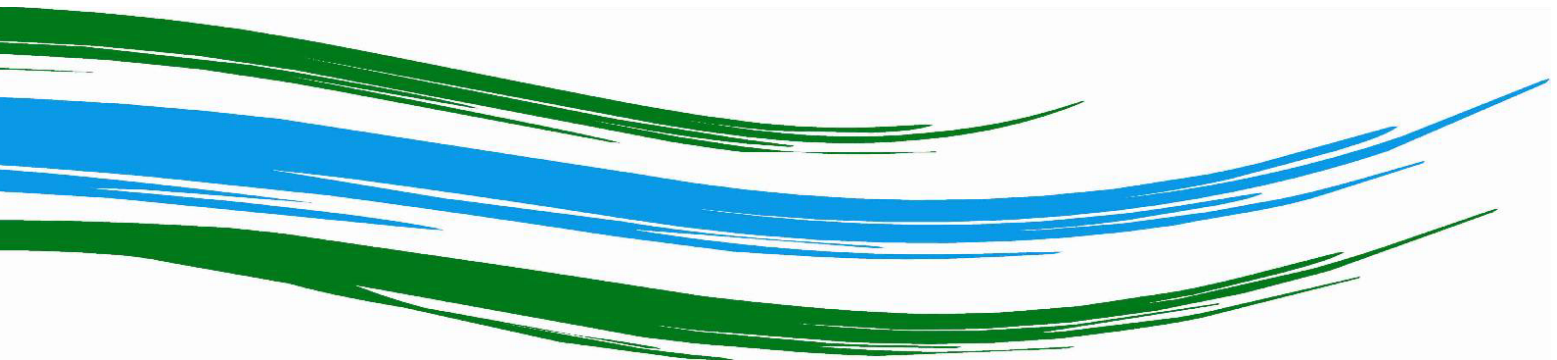


Camden Council

Business Paper

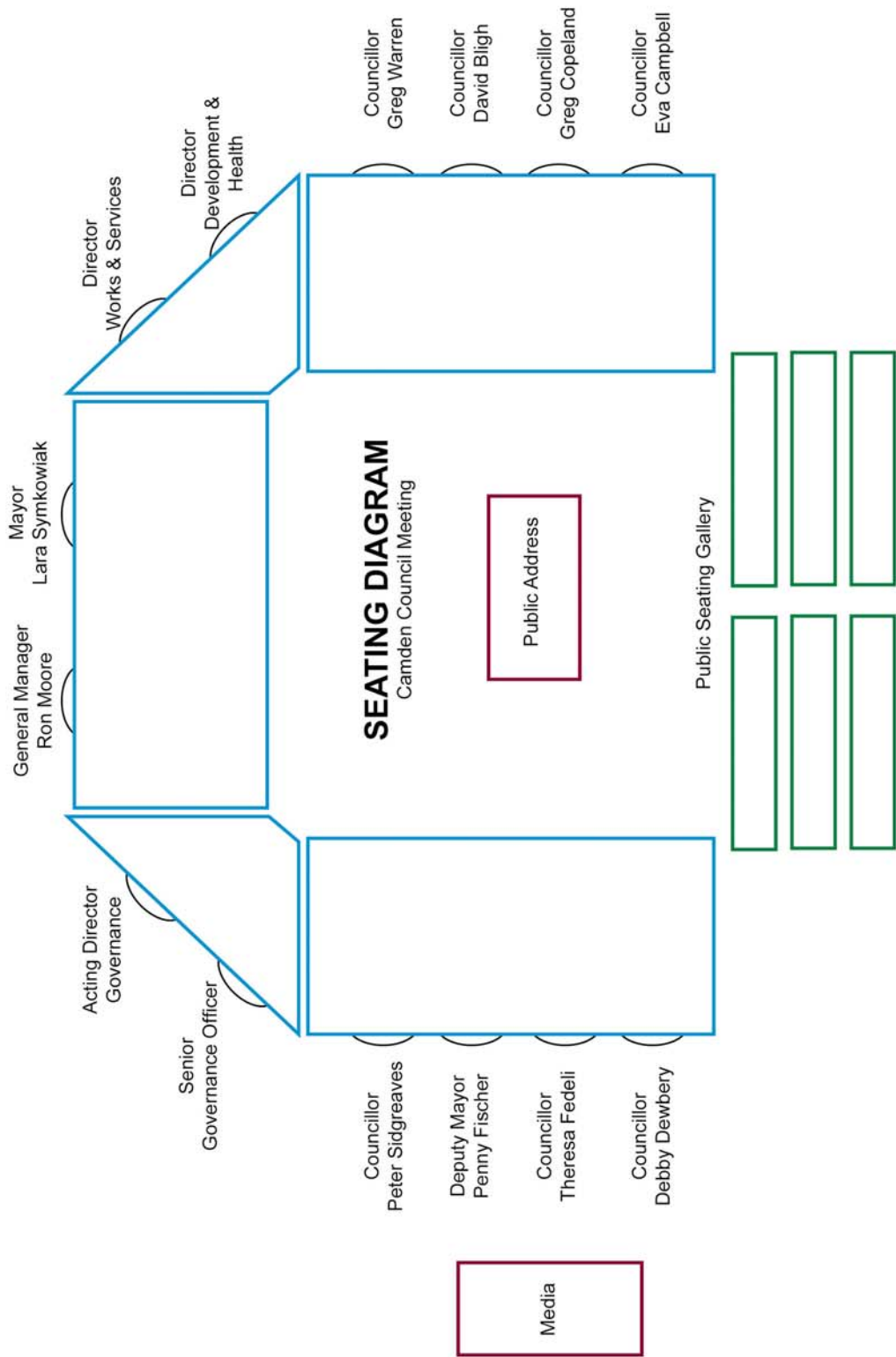
Ordinary Council Meeting
11 March 2014

Camden Civic Centre
Oxley Street
Camden



COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BCA	Building Code of Australia
CLEP	Camden Local Environmental Plan
CP	Contributions Plan
DA	Development Application
DECCW	Department of Environment, Climate Change & Water
DCP	Development Control Plan
DDCP	Draft Development Control Plan
DPI	Department of Planning & Infrastructure
DLG	Division of Local Government, Department of Premier & Cabinet
DWE	Department of Water and Energy
DoH	Department of Housing
DoT	NSW Department of Transport
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning & Assessment Act
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FPL	Flood Planning Level
GCC	Growth Centres Commission
LAP	Local Approvals Policy
LEP	Local Environmental Plan
LGA	Local Government Area
MACROC	Macarthur Regional Organisation of Councils
OSD	Onsite Detention
REP	Regional Environmental Plan
PoM	Plan of Management
RL	Reduced Levels
RMS	Roads & Maritime Services (incorporating previous Roads & Traffic Authority)
SECTION 149 CERTIFICATE	Certificate as to zoning and planning restrictions on properties
SECTION 603 CERTIFICATE	Certificate as to Rates and Charges outstanding on a property
SECTION 73 CERTIFICATE	Certificate from Sydney Water regarding Subdivision
SEPP	State Environmental Planning Policy
SRA	State Rail Authority
SREP	Sydney Regional Environmental Plan
STP	Sewerage Treatment Plant
VMP	Vegetation Management Plan
WSROC	Western Sydney Regional Organisation of Councils



*Please do not talk during Council Meeting proceedings.
Recording of the Council Meeting is not permitted by members of the public at any time.*

ORDINARY COUNCIL

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ORDINARY COUNCIL

SUBJECT: PRAYER

PRAYER

Almighty God, bless all who are engaged in the work of Local Government. Make us of one heart and mind, in thy service, and in the true welfare of the people we serve: We ask this through Christ our Lord.

Amen

Almighty God, give thy blessing to all our undertakings. Enlighten us to know what is right, and help us to do what is good: We ask this through Christ our Lord.

Amen

Almighty God, we pause to seek your help. Guide and direct our thinking. May your will be done in us, and through us, in the Local Government area we seek to serve: We ask this through Christ our Lord.

Amen

AFFIRMATION

We affirm our hope and dedication to the good Government of Camden and the well being of all Camden's residents, no matter their race, gender or creed.

We affirm our hope for the sound decision making by Council which can improve the quality of life in Camden.

Either – "So help me God" or "I so affirm" (at the option of councillors)

We pledge ourselves, as elected members of Camden Council, to work for the provision of the best possible services and facilities for the enjoyment and welfare of the people of Camden.

Either – "So help me God" or "I so affirm" (at the option of councillors)

ORDINARY COUNCIL

SUBJECT: ACKNOWLEDGMENT OF COUNTRY

I would like to acknowledge the traditional custodians of this land on which we meet and pay our respect to elders both past and present.

ORDINARY COUNCIL

SUBJECT: RECORDING OF COUNCIL MEETINGS

In accordance with Camden Council's Code of Meeting Practice and as permitted under the Local Government Act this meeting is being audio recorded by Council staff for minute taking purposes.

ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.

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.

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 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.

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.

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 25 February 2014.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 25 February 2014, copies of which have been circulated, be confirmed and adopted.

ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE

Consideration of Mayoral Minute (if any).

ORDINARY COUNCIL

ORD01

SUBJECT: SECTION 96 MODIFICATION - EXPANDED FREE-RANGE POULTRY FARM AREAS, ADDITIONAL FENCING AND LANDSCAPING AT 239 CAWDOR ROAD, CAWDOR

FROM: Director, Development & Health

TRIM #: 14/22244

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a Section 96 modification application to modify a previously approved development application (DA) for a free-range poultry farm at 239 Cawdor Road, Cawdor.

Council considered a report at the Council meeting of 10 September 2013, subject to staff consulting with the applicant and the neighbour regarding the landscaping. **A copy of the proposed plans provided as part of that report is shown as Attachment 2, and a copy of the submission provided as part of that report is shown in the Business Paper Supporting Documents.**

The application is referred to Council for determination because staff have been unable to negotiate an outcome to the landscaping that both the applicant and neighbour are agreeable to.

SUMMARY OF RECOMMENDATION

That Council determine Section 96(2) Modification Application 293(2)/2009 for expanded free-range poultry areas, additional fencing and landscaping pursuant to Section 96 of the *Environmental Planning and Assessment Act 1979* subject to the modified conditions contained in this report.

BACKGROUND

A poultry farm has been in existence and operating on this site for several decades.

On 29 May 2009 DA 293/2009 for a change from a caged chicken poultry farm to a free-range poultry farm and retention of a fenced outdoor area for chicken poultry was approved by Council staff under delegated authority.

On 4 April 2013 the subject modification application was lodged with Council. The modification application proposes the expansion of the area of the site used for free-range poultry farming, the provision of additional fencing and a landscaped area adjacent to an existing dwelling at 1 Burragorang Road, Cawdor along the site's northern boundary.

Following public exhibition and assessment the modification application was reported to Council for determination at the Council meeting of 10 September 2013 due to there being unresolved issues received in three submissions from the public. At this meeting Council resolved to:

“approve Section 96(2) Modification Application 293(2)/2009 for the modification of a previously approved free-range poultry farm at 239 Cawdor Road, Cawdor subject to the modified conditions listed above and changes set out below:

- (i) a condition of four quarterly inspections be made to confirm there is adherence to the conditions for one year; and*
- (ii) staff consult with the applicant and the neighbour to consult and negotiate the landscaping and the General Manager be given delegation to approve the DA.”*

A copy of the Council report and Council’s resolution from the above meeting is provided as Attachment 1 to this report.

In accordance with point (ii) of the above resolution, Council staff have attempted to negotiate the landscaping with the applicant and the neighbour. This has involved face to face meetings and written correspondence to and from both parties. These negotiations have been unsuccessful.

MAIN REPORT

Following the Council meeting of 10 September 2013, Council staff met with the applicant to discuss the landscaping. Following this, the applicant lodged a modified landscaping plan with Council on 28 October 2013. **A copy of the applicant’s modified landscaping plan is provided as Attachment 3 to this report.**

Council staff subsequently forwarded the modified landscaping plan to the neighbour on 29 October 2013 seeking their feedback and acceptance. Council staff wrote to, spoke and met with the neighbour several times during November and December 2013 and January 2014.

On 5 February 2014, the neighbour confirmed that they do not accept the modified landscaping plan proposed by the applicant. The neighbour desires further modifications to be made to the proposed landscaping which the applicant does not agree to.

A description of the landscaping that is (a) proposed by the applicant, (b) desired by the neighbour and (c) recommended by Council staff is provided below:

(a) Landscaping proposed by the applicant

A 10m wide landscaped area containing 2 rows of trees (Indian Hawthorn and Red Robin) adjacent to the neighbouring dwelling. The landscaping will be hedge like, evergreen and grow to between 2.5-3.5m high.

(b) Landscaping desired by the neighbour

The neighbour supports the proposed landscaping species, however desires to see a reduction in the landscaping proposed.

The neighbour still desires a 10m wide buffer area adjacent to their dwelling, however only wants one 5m wide row of trees to be provided within it. The neighbour proposes that this 5m wide landscaping be set back against the internal fence inside the poultry farm site with the remaining 5m wide area adjacent to their dwelling being retained as a grass lawn.

The neighbour desires the above modifications due to concerns with the landscaping being proposed hard against their property boundary. Their concerns relate to the potential for the landscaping to exacerbate grass fires on their property and potential damp/mould impacts.

It is noted that parts of the neighbour's dwelling have a setback of approximately 2m from the boundary with the poultry farm site.

(c) Landscaping recommended by Council staff

At the Council meeting of 10 September 2013, Council staff recommended that a 10m wide landscaped area be provided adjacent to the neighbour's dwelling at 1 Burragorang Road, Cawdor. This 10m wide area was to be fully landscaped and maintained by the applicant.

The purpose of this landscaping was to ensure that the neighbour was afforded reasonable protection against dust and soil erosion impacts from the adjacent poultry farm. The 10m width was based on advice from the Department of Primary Industries who advised that a 10m wide landscaped setback to the neighbouring dwelling was reasonable.

The landscaping proposed by the applicant is considered to be appropriate in that it will provide an effective landscape buffer to protect the neighbour from dust and soil erosion impacts.

As the landscaping will abut the neighbour's south eastern property boundary, it is not considered that it will significantly impact the sunlight it receives or result in significant damp or mould impacts to their dwelling.

The 10m wide landscaping as proposed by the applicant is considered to be acceptable to ensure that the neighbour's dwelling is adequately protected from dust and soil erosion impacts. This is also consistent with the recommendation from Council staff at the Ordinary Council meeting of 10 September 2013.

Consequently it is recommended that Council support the modified landscaping proposed by the applicant.

The recommended conditions below now also require modified landscaping treatment around the perimeter of the existing caged area at the rear of the site's existing poultry sheds. In conjunction with the 10m wide landscaped area proposed by the applicant adjacent to the neighbour's property, this modified landscaping is considered to be appropriate.

The recommended conditions below also incorporate point (i) of Council's resolution at the Ordinary Council meeting of 10 September 2013 which required four quarterly inspections to be carried out by Council staff for 1 year to ensure that the landscaping has been established and maintained.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

In accordance with Council's resolution at the Council meeting of 10 September 2013,

Council staff have attempted to negotiate the landscaping for this site with the applicant and the neighbour. To date, Council staff have been unable to satisfy Council's resolution as the negotiations have been unsuccessful.

Council staff have considered the landscaping proposals of both the applicant and the neighbour and recommend that Council endorse the applicant's proposed landscaping as it is generally consistent with the recommendations in the previous Council report.

CONDITIONS

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:

- Approved drawing no. DA-01 date stamped 29 May 2009.
- Planning report prepared by Pascoe Planning Solutions dated 30 March 2013.
- Landscape concept plan LC01 issue B dated 17 October 2013 and landscaping specifications.
- Landscape buffer area planting plan DA-02 date stamped approved 11 March 2014.
- Farm management plan by Pascoe Planning Solutions dated 27 July 2013.

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

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

(This condition was modified by Section 96 Modification 293(2)/2009 on 11 March 2014).

(2) **Fencing** – All electrified fencing must be in accordance with AS/NZS 3014:2003: Electrical Installations – electrical fences, at all times. Signage must be provided at regular intervals long the length of the fencing that clearly indicates that the fencing is electrified.

The steel fence posts adjacent to the residential dwelling to the north shall be shortened to align with the top of the electrified wires.

(This condition was modified by Section 96 Modification 293(2)/2009 on 11 March 2014).

(3) **Landscaped Area Around the Existing Caged Area** – A landscaped buffer area must be provided around the existing caged area at the rear of the site's poultry sheds. This buffer area must be 2m wide and for every 5m in length consist of the following landscaping:

Melaleuca bracteata (height 3-4m, width 1.5m, 1 per 10m², stock size <5lts)

Westringia fruticosa (height 2m, width 1.5m, 1 per 10m², stock size <5lbs)

Leptospermum leuhmanii (height 3-4m, width 1.5m, 1 per 10m², stock size <5lbs)

Melaleuca incana (height 3m, width 1.5m, 1 per 10m², stock size <5lbs)

Callitris rhomboidea (height 4-5m, width 2.5m, 1 per 10m², stock size <5lbs)

Lomandra longifolia (height 1m, width 0.5m, 9 per 10m², stock size <5lbs)

The landscaping must be planted in accordance with the attached landscape buffer area planting plan DA-02 and comply with the following requirements:

- sub soil preparation – 450mm deep pipelines at 1 metre apart;
- top soil preparation – cultivate to depth of 200mm; and
- mulch layer to be applied evenly at thickness of 75mm.

(This condition was added by Section 96 Modification 293(2)/2009 on 11 March 2014).

- (4) **Landscaping Maintenance** – All landscaping approved and required by Section 96(2) Modification 293(2)/2009 must be permanently maintained in a complete and healthy condition.

(This condition was added by Section 96 Modification 293(2)/2009 on 11 March 2014).

- (5) **Inspections** – In the first 12 months following the installation of the landscaping required by Section 96(2) Modification 293(2)/2009, the applicant must arrange with Council for four quarterly inspections of the landscaping to be undertaken.

(This condition was added by Section 96 Modification 293(2)/2009 on 11 March 2014).

2.0 - Operational Conditions

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

- (1) **Environmentally Sensitive Manner** – The operation of the proposed chicken farm is to be conducted in an environmentally satisfactory manner as defined under Section 95 of the *Protection of the Environment Operations Act 1997*.
- (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) **POEO Act 1997** – The use of the premises must at all times be conducted without a nuisance and in particular so not as to give rise to emissions of air impurities in contravention of the *Protection of the Environment Operation Act 1997*.

-
- (4) **Water Pollution** – The operation of the chicken poultry farm must not cause or permit the pollution of waters as described under the *Protection of the Environment Operations Act 1997*.
 - (5) **Vegetative Cover** – A vegetative ground cover shall be maintained downslope of the chicken sheds.
 - (6) **Drinkers** – Regular inspections shall be carried out of drinkers to ensure that there are no leaks that will result in the dampening of manure.
 - (7) **Manure Stockpiling** – There is to be no external stockpiling of manure on the premises.
 - (8) **Dead Birds** – There shall be no stockpiling of dead birds. The dead birds are to be placed immediately in plastic bags and then into the freezer as detailed on the Environmental Management Plan.
 - (9) **Operations** – The approved development must be operated in accordance with the statement from the applicant (Mr J Tabone) and the Farm Management Plan (as amended July 2013) prepared for this poultry farm, both of which were submitted in support of the proposed development.

(This condition was modified by Section 96 Modification 293(2)/2009 on 11 March 2014).
 - (10) **Rotation Strategy** – A rotation strategy shall be employed and the yard adjacent to the neighbouring dwelling (to the north) shall be used less frequently than other yards.

(This condition was added by Section 96 Modification 293(2)/2009 on 11 March 2014).
 - (11) **Chickens in Yard Adjacent to 1 Burragorang Road** – Chickens are not to be placed in the yard adjacent to the neighbouring dwelling (to the north) when it is dusty.

(This condition was added by Section 96 Modification 293(2)/2009 on 11 March 2014).
 - (12) **Yard Adjacent to 1 Burragorang Road** – The yard adjacent to the neighbouring dwelling (to the north) shall be irrigated during the spell period to promote rapid grass growth.

(This condition was added by Section 96 Modification 293(2)/2009 on 11 March 2014).
 - (13) **Yard Maintenance** – The yard adjacent to the neighbouring dwelling (to the north) shall be regularly maintained by slashing/mowing to remove long grass so as to promote vigorous grass growth and matting.

(This condition was added by Section 96 Modification 293(2)/2009 on 11 March 2014).
 - (14) **Keeping of Dogs** – During evening hours, the dogs must not be kept in the yard adjacent to the residential dwelling (to the north).

(This condition was added by Section 96 Modification 293(2)/2009 on 11 March 2014).

- (15) **Grass Species** – Different grass species that have all year round growing capacity must be cultivated and include legumes (clovers or Lucerne) that grow in the colder months. Advice from an agronomist must be sought regarding this.

(This condition was added by Section 96 Modification 293(2)/2009 on 11 March 2014).

RECOMMENDED

That Council approve Section 96(2) Modification Application 293(2)/2009 for the modification of a previously approved free-range poultry farm at 239 Cawdor Road, Cawdor subject to the modified conditions listed above.

ATTACHMENTS

1. Council Report 10/09/2013
2. Proposed Plans
3. Modified Landscaping Plan
4. Submission - *Supporting Document*



ORDINARY COUNCIL

ORD02

ORD02

SUBJECT: SALE OF SEAFOOD FROM A VAN AT 279 CAMDEN VALLEY WAY,
NARELLAN
FROM: Director, Development & Health
TRIM #: 14/1673

APPLICATION NO: 881/2013
PROPOSAL: Sale of seafood from a van
PROPERTY ADDRESS: 279 Camden Valley Way, Narellan
PROPERTY DESCRIPTION: Lot A, DP 393370
ZONING: B5 Business Development
OWNER: Jimmie Pty Ltd and Batasty Pty Ltd
APPLICANT: Abode Drafting Services Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the sale of seafood from a van at 279 Camden Valley Way, Narellan.

The DA is referred to Council for determination as there remain unresolved issues received in one submission from the public.

SUMMARY OF RECOMMENDATION

That Council determine DA 881/2013 for the sale of seafood from a van pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the sale of seafood from a van at 279 Camden Valley Way, Narellan.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. One submission was received (objecting to the proposed development). **A copy of the submission is provided with the Business Paper Supporting Documents.**

The issues raised in the submission relate to car parking, the siting of the van, pedestrian safety, that the business operator is not local and will not incur the fixed costs of a normal business, that the van will not contribute to local employment, economic impacts upon established seafood businesses and that the economic activity and multiplier benefits will not be retained within the region.

Council staff have undertaken car parking surveys of the site on 5 separate days (including two Thursdays). These surveys showed that at worst the car park had at least 64 car parking spaces available with 78 spaces being available after 4pm on a Thursday. Based on these observations, it is considered that the site can adequately accommodate the car parking demands of the seafood van and that no off-site car parking of patrons will be necessary.

The van is proposed to be located within the site's landscaped area adjacent to Grahams Hill Road. It is recommended that the van instead be parked further back within the site to ensure customers enter and park within the hotel site rather than on Grahams Hill Road or Camden Valley Way adjacent to the nearby busy signalised intersection. This will ensure both traffic and customer safety and also reduce the visual impacts of the van. This modification has been discussed with and agreed to by the applicant.

The intersection of Camden Valley Way, Grahams Hill Road and Richardson Road is signalised with pedestrian crossings at each road. Therefore pedestrians are able to safely cross the roads at these locations if they are walking to/from the site.

The origin of business operators, their costs in operating the business, competition between business, the retention of economic benefits in the region and whether or not the business will employ local staff are not matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*.

The seafood van will only operate on Thursdays, Good Friday and Christmas Eve each year. It is not considered that the operation of the seafood van will significantly impact other established seafood businesses.

The applicant proposes a variation to Section B5.1 of Camden Development Control Plan in relation to the provision of off-street car parking spaces. The seafood van, considering the aforementioned recommendation that it parked further back within the site, will require the use of 3 of the hotel's car parking spaces. All of the existing car parking spaces on the site are required for the hotel.

Council staff have assessed this DCP variation and recommend that it be supported. As aforementioned, Council staff have undertaken car parking surveys of the site and identified that ample car parking spaces are available for its use on the days/times at which the van will operate.

It is however recommended that the seafood van only be approved for a 12 month trial period. This will allow Council to gauge any impacts the van will have whilst in operation.

Based on the assessment, it is recommended that the DA be approved subject to the conditions contained in this report.

AERIAL PHOTO



THE SITE

The site is commonly known as 279 Camden Valley Way, Narellan and is legally described as lot A, DP 393370.

The site is located on the north western corner of the Camden Valley Way, Grahams Hill Road and Richardson Road signalised intersection. The site has frontages of 97.54m to Camden Valley Way, 82.56m to Grahams Hill Road and an overall area of 8,729.8m².

The site currently accommodates the Narellan Hotel. The Hotel is part single, part two storey building which contains a public bar and seating, outdoor terrace, a liquor shop and an associated car park. The entire site is listed as a local heritage item in Camden Local Environmental Plan 2010.

The surrounding area is characterised by a range of uses including light industries, depots, commercial developments, a school and police station with low density residential development located to the south and west.

The Narellan Industrial area lies to the north whilst to the east along Camden Valley Way is the Narellan Town Centre. To the south are the Narellan and Narellan Vale residential suburbs whilst to the west is "The Links" developer estate.

HISTORY

There is no relevant development history for this site.

THE PROPOSAL

DA 881/2013 seeks approval for the sale of seafood from a van.

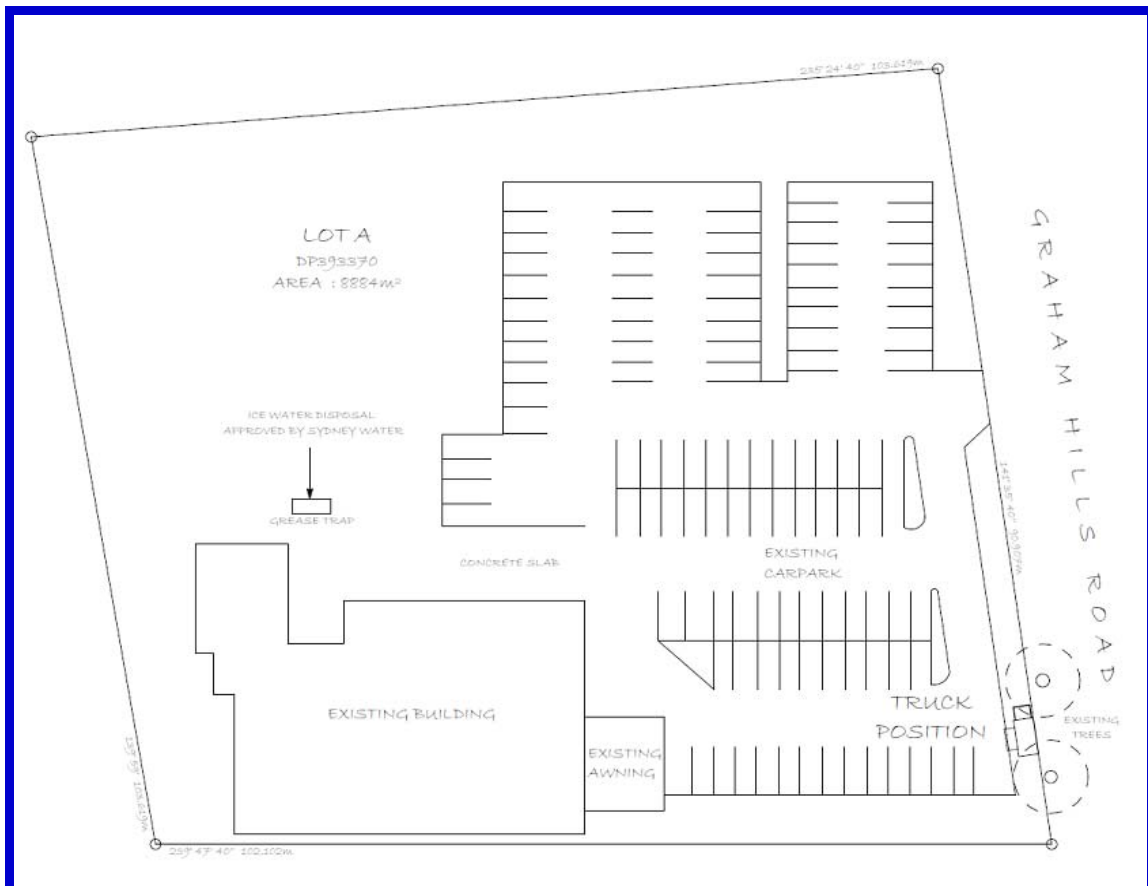
Specifically the proposed development involves:

- the sale of seafood from a van located within the car park of the Narellan Hotel;
- operating hours of Thursdays 9am-5pm and Christmas Eve and Good Friday 7am-4pm;
- deliveries within the operating hours will be required on days where a high volume of orders are placed and where the van cannot store the additional stock; and
- the employment of 2 staff.

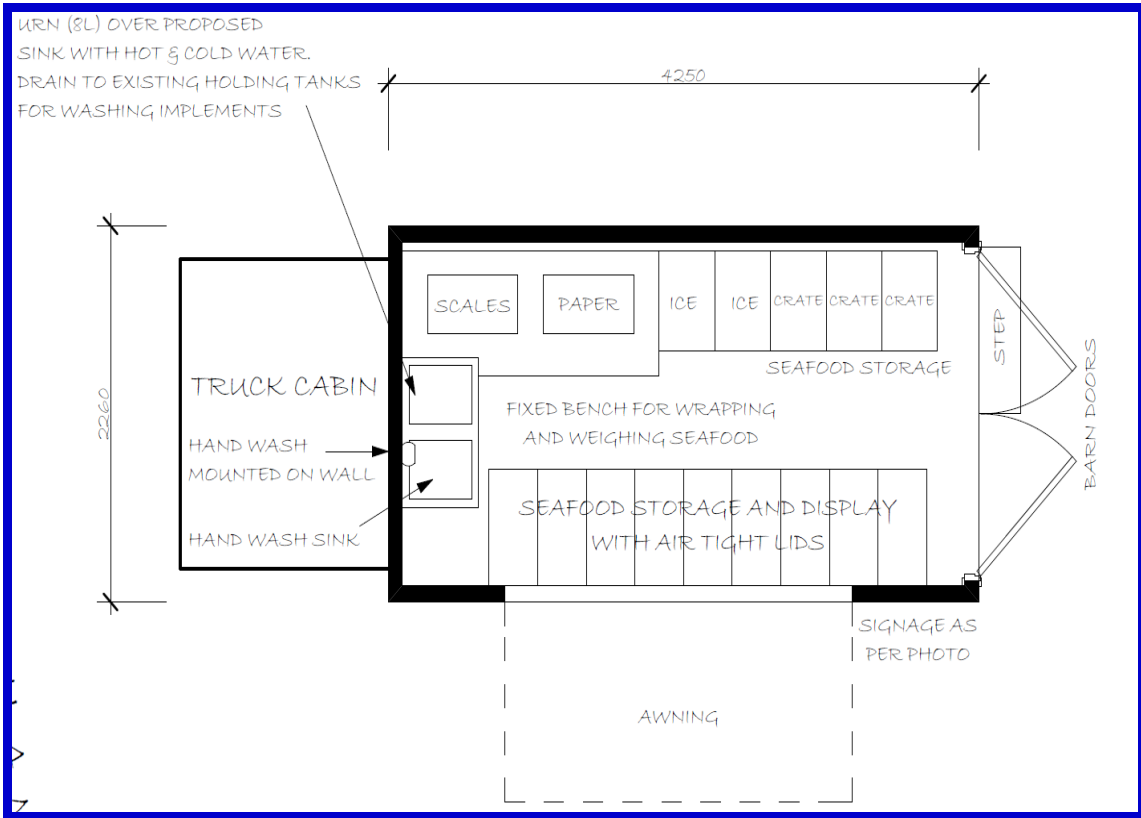
No preparation of seafood will occur within the van. In addition, no signage is proposed as part of the DA.

A copy of the proposed plans is provided as Attachment 1 to this report.

PROPOSED SITE PLAN

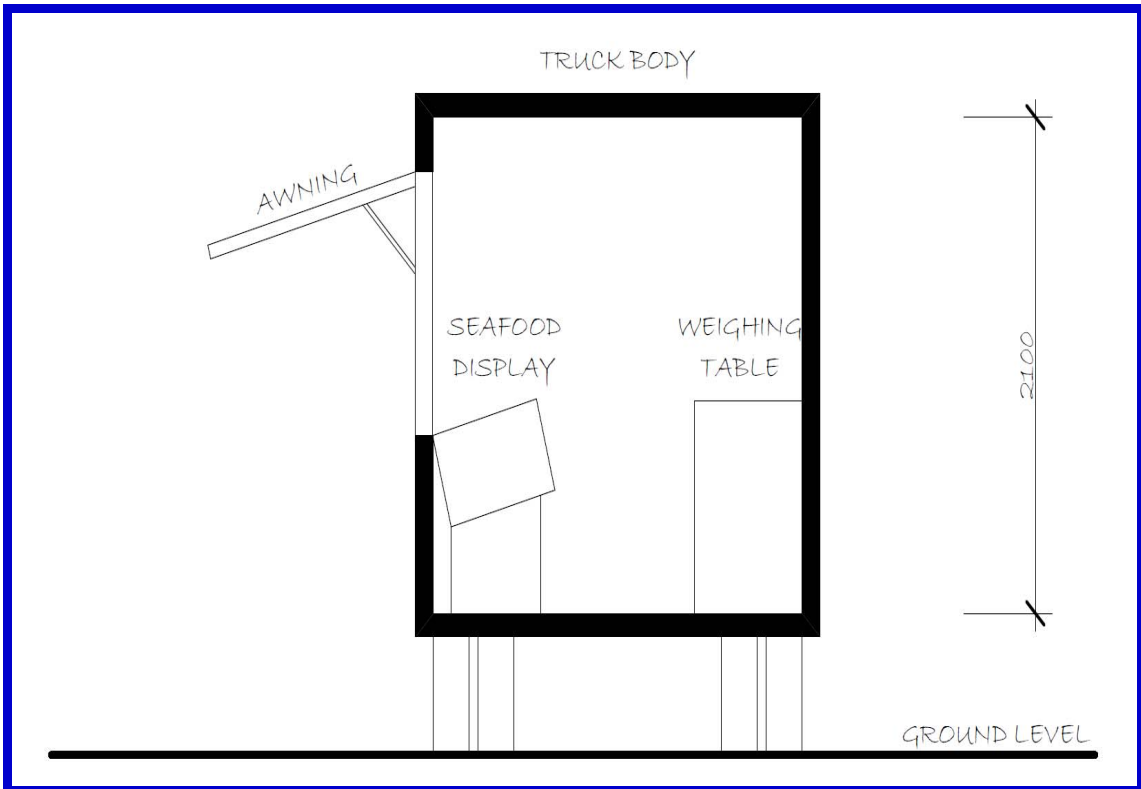


PROPOSED VAN PLAN



ORD02

PROPOSED VAN SECTION



ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Camden Local Environmental Plan 2010

An assessment of the proposed development against these Environmental Planning Instruments is detailed below.

Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SEPP)

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. An existing grease trap on the site will be used to control water pollution.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned B5 Business Development under the provisions of the LEP. The proposed development is defined as a "shop" by the LEP which is a prohibited land use in this zone.

However Clause 2.8 of the LEP allows for temporary land uses to be carried out on land where they would ordinarily be prohibited if they are carried out for no more than 52 days in any period of 12 months. As the seafood van proposes to operate for 54 days a year it is a recommended condition that the van only operate for a maximum of 52 days to comply with this LEP clause.

Subject to the above, the proposed development is permissible as a temporary land use on the site.

Objectives

The objectives of the B5 Business Development are as follows:

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.

Officer comment:

The proposed development is a small scale commercial land use that will not significantly detract from the viability of centres in the surrounding and wider area.

- To encourage development that supports or complements the primary office and retail functions of the local centre zone.

Officer comment:

The proposed development will complement the office and retail functions of surrounding centres by providing a retail service.

- To enable other land uses that are complementary to and do not detract from the viability of retail, business and warehouse uses within the zone.

Officer comment:

The proposed development is a small scale commercial land use that will not detract from the viability of retail, business or warehouse uses within the zone.

Relevant Clauses

The DA was assessed against the following relevant clauses of the LEP.

Clause	Requirement	Provided	Compliance
2.8 Temporary Use of Land	Temporary land uses are permitted where they operate for no more than 52 in any 12 months period	As the seafood van proposes to operate for 54 days a year it is a recommended condition that the van only operate for a maximum of 52 days to comply with this clause. This condition has been discussed with and agreed to by the applicant	Yes
	Consent authority to be satisfied that the temporary use will not prejudice future development on the site, adversely impact adjoining land, any attributes or features of this land and that the land will be restored to its former condition	The proposed development will not prejudice future development on the site, adversely affect adjoining land or any attributes or features of this land. There are no physical alterations to the conditions of the site It is however recommended that the seafood van only be approved for a 12 month trial period using this clause. The proposed development is a form of "shop" and shops are a prohibited land use in the B5 Business Development zone. Whilst it is not anticipated that the development will not have any significant impacts, it is considered prudent to trial the operation of the van is this location in order to gauge this further	Yes

Clause	Requirement	Provided	Compliance
5.10 Heritage Conservation	The consent authority must consider the effect of the proposed development on the heritage significance of items	The site is listed as a local heritage item (Item No. I129) under the LEP. It is not considered that the operation of the seafood van will negatively impact upon the heritage significance of the Narellan Hotel as it is a mobile van which is proposed to be located temporarily on the site (Thursdays, Good Friday and Christmas Eve) and within the car park. This DA does not propose any physical works to the site	Yes

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instrument applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Camden Development Control Plan 2011 (DCP)

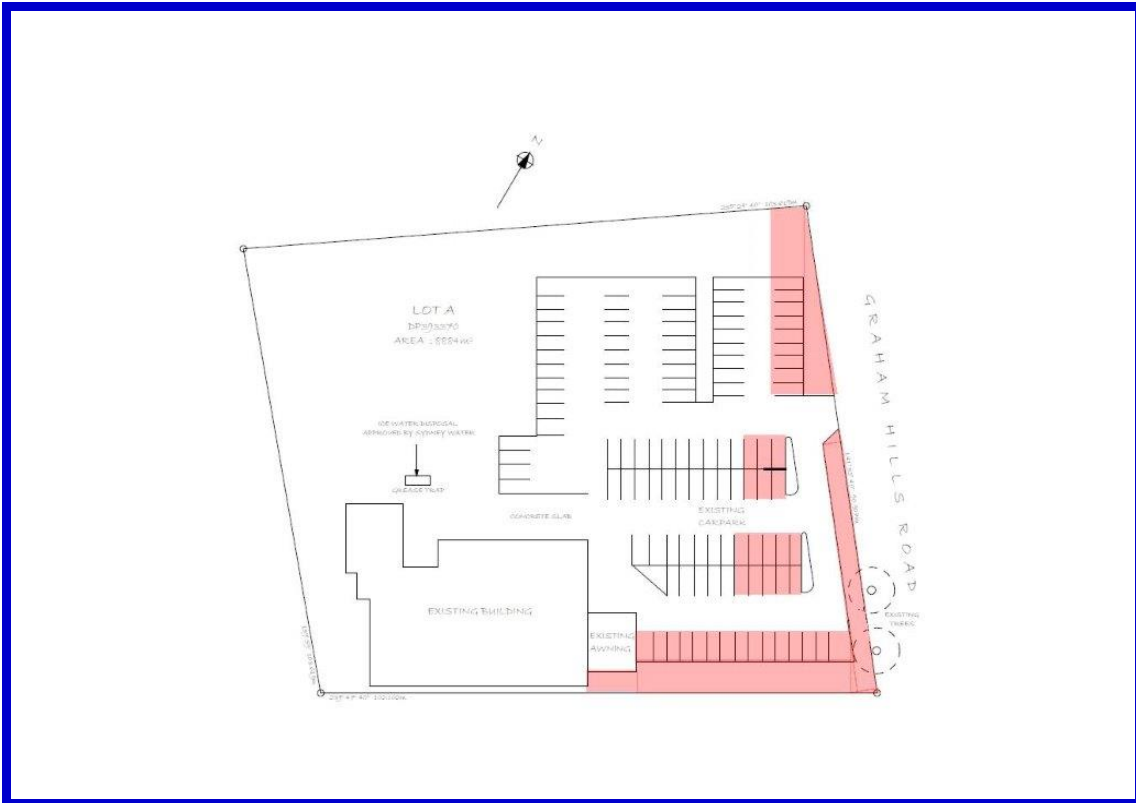
The following is an assessment of the proposed development's compliance with the controls in the DCP.

Control	Requirement	Provided	Compliance
B1.9 Waste Minimisation and Management	A waste management plan (WMP) must be submitted with the application	A suitable WMP has been submitted with the DA The operation of the van will not generally generate much waste, however where it does suitable waste services are available on the site in the form of commercial waste bins The water generated from the van by melting ice will be discharged into an existing sewer pit on the site in accordance with a Sydney Water Trade Waste Permit	Yes
B3.1.1 General Heritage Provisions	New development must be designed to reflect the general form, bulk, scale, height,	The development does not propose any new permanent development or alterations to the site. The proposal involves the temporary parking of a van within the Narellan Hotel car park. It is not considered that the van will	Yes

Control	Requirement	Provided	Compliance
	architectural elements of the heritage item	adversely impact the heritage significance of the site	
B5.1 Off-Street Car Parking Rates and Requirements	1 space per 30m ² gross floor area (GFA). The GFA of the van is 9.6m ² ; therefore 0.32 (1) car parking spaces is required	<p>The site contains 109 car spaces for the use of patrons and staff of the Narellan Hotel. All of the existing car parking spaces on the site are required for the hotel.</p> <p>The van has been proposed to be located within the site's landscaped area adjacent to Grahams Hill Road. It is however recommended that the van be parked back within the site to ensure customers enter and park within the hotel site rather than on Grahams Hill Road or Camden Valley Way adjacent to the nearby busy signalised intersection. This will ensure both traffic and customer safety. This modification has been discussed with and agreed to by the applicant. A modified site plan prepared by Council staff showing the areas where the van cannot be parked is provided below this table.</p> <p>Subject to the above, the van will utilise 3 car parking spaces within the site (1 for the van to park in, 1 for customers to wait whilst being served and 1 to cater for customer car parking requirements in accordance with the DCP).</p> <p>The peak patronage of the hotel has been identified by the hotel management as occurring after 4pm on Thursdays. The public holiday of Good Friday, and Christmas Eve, are advised to be two of the lowest patronage days of the year for the hotel.</p> <p>Council staff have undertaken car parking surveys of the site on 5 separate days (including two Thursdays). These surveys showed that at worst the car park had 64 car parking spaces available with 78 spaces being</p>	No, however the variation is supported

Control	Requirement	Provided	Compliance
		available after 4pm on a Thursday. Based on these observations, it is considered that the site can adequately accommodate the car parking demands of the seafood van	
D3.6.2.1 Narellan Town Centre – Structure Plan Layout	Development should be generally in accordance with the Narellan Town Centre Structure Plan	The proposed development is generally consistent with the structure plan	Yes

Modified Site Plan Prepared by Council Staff



The areas of the site marked in red on the above plan are areas where the seafood van will be prohibited from parking and operating.

(a)(iii) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No relevant agreement exists or has been proposed as part of this DA.

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained in this report.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

(d) Any submissions made in accordance with this Act or the Regulations

The DA was publicly exhibited for a period of 14 days in accordance with the DCP. The exhibition period was from 21 October to 4 November 2013. One submission was received (objecting to the proposed development).

The following discussion addresses the issues and concerns raised in the submission.

1. The development must provide parking independent of the hotel. When functions at the hotel are held, parking overload and conflict will occur resulting in unauthorised car parking on Richardson and Grahams Hill Roads.

Officer comment:

Council staff have undertaken car parking surveys of the site on 5 separate days (including two Thursdays). These surveys showed that at worst the car park had 64 car parking spaces available with 78 spaces being available after 4pm on a Thursday.

Based on these observations, it is considered that the site can adequately accommodate the car parking demands of the seafood van and that no off-site car parking of patrons is likely.

In addition, the applicant has advised that the generally functions held on Thursdays, Good Friday and Christmas Eve are generally held after 5pm.

2. The siting of the van will contribute to a plethora of visual pollution along Camden Valley Way and the gateway to Narellan Town Centre. The van will also be distracting to vehicles travelling along Camden Valley Way and will potentially result in rapid right turns being made in Grahams Hills Road and stopping along Camden Valley Way

Officer comment:

The van itself is white in colour and contains the business name, phone number, product details and logo of the business on the sides.

The van has been proposed to be located within the site's landscaped area adjacent to Grahams Hill Road. It is however recommended that the van be parked further back within the site to ensure customers enter and park within the hotel site rather than on Grahams Hill Road or Camden Valley Way adjacent to the nearby busy signalised intersection. This will ensure both traffic and customer safety and also reduce the visual impacts of the van.

3. The site is unsuitable as it jeopardises the safety of pedestrians who may attempt to cross Camden Valley Way or wander into traffic lanes and the path of on-coming vehicles.

Officer comment:

The modified location of the mobile van as recommended in this report will be set back within the hotel's car park and in a location which is still easily accessible to its customers.

The intersection of Camden Valley Way, Grahams Hill Road and Richardson Road is signalised with pedestrian crossings at each road. Therefore pedestrians are able to safely cross the roads at these locations if they are walking to the site.

4. The operator is not a locally established business, they are based in Wollongong.

Officer comment:

The origin of business operators is not a matter for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*.

5. The business does not have the cost burden of fixed costs that an established business incurs.

Officer comment:

This is not a matter for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*.

6. The development will not contribute to local employment.

Officer comment:

This is not a matter for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*.

7. The operator will take sales away from locally established seafood businesses.

Officer comment:

Competition between businesses is not a matter for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*.

The seafood van will operate on Thursdays, Good Friday and Christmas Eve with a maximum of 52 days a year. The economic competition created by the seafood vendor with local businesses will only occur on 14.2% of days within a year. Therefore it is considered that the operation of the seafood vendor will not significantly impact other established seafood businesses.

8. The economic activity and multiplier benefits will not be retained within the region.

Officer comment:

This is not a matter for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*.

(e) The public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, Environmental Planning Instruments, Development Control Plans and policies. Based on the above assessment, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

The DA was not required to be referred to any external agency for comment.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 881/2013 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Requirements

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

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan / Development No.	Description	Prepared by	Dated
-	Statement of Environmental Effects	Abode Drafting	27 September 2013
-	Modified site plan showing areas where the truck cannot be parked marked in red	Camden Council	-
7003 Sheet 01 Issue A	Truck Floor Plan and Cross Section	Abode Drafting	30 September 2013
Prop. No.: 4387190 Permit No.: 6368	Permit to Discharge Trade Wastewater	Sydney Water	18 June 2012

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

- (2) **Food Codes and Regulations Compliance** - The construction and fit-out of the premises or any part thereof, to be used for the manufacture, preparation or storage of food for sale, must comply with Camden Council's Food Premises Code, the *Food Act 2003* and the *Food Regulations 2010* (incorporating the Food Standards Code).
- (3) **Signage** – This development consent does not approve the erection of advertising or business identification signage for the mobile van. No signs including A-frames, digital variable message boards, posters, banners and the like are to be displayed on the subject site or in a public place.
- (4) **Insurance Renewal** – The development must not operate unless it has valid public liability insurance and Certificate of Currency. A copy of the Certificate of Currency and any other insurance documentation must be submitted to the Consent Authority (i.e. Camden Council) prior to operation and upon renewal.
- (5) **Storage Cupboards** - Adequate provision must be made for the storage of cleaning chemicals and staff personal belongings.
- (6) **Light Fittings** - Light fittings must be recessed into the ceiling or flush mounted and edges sealed. They must be enclosed in unbreakable diffusers.
- (7) **Service Pipes** - All service pipes and electrical conduits must be concealed within the floor, plinths, walls or ceilings.

OR

All service pipes and electrical conduits which are not capable of being concealed within walls must be mounted on brackets so as to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe and adjacent horizontal surface.

- (8) **Method of Construction for Food Related Areas** – The fit out of the van must achieve the following requirements:
 - (a) be constructed to minimise contamination of food;
 - (b) flooring must be non-slip, impervious and able to be easily cleaned into a waste water sump;
 - (c) intersections of the floor with walls must be coved so that the van can be easily cleaned; and
 - (d) all surfaces are to be constructed of a material which is smooth, impervious and easily cleaned.
- (9) **Trial Period** – Approval for the operation of the seafood van on this site is only given for a 12 months from the date of this development consent. At the expiry of this period a further DA must be lodged with and approved by Council for the continued operation of the seafood van on this site.

2.0 - Prior To Operation

- (1) **Registration & Notification** - Proprietor/s of a business are required to register the business with Camden Council and complete a Food Business Notification Form.
- (2) **Thermometers** - Any appliance used for the storage of hot and cold food must be provided with a probe thermometer accurate to +/-1°C to measure the core temperature of food.

(It is recommended that sterile alcoholic wipes be used to sterilise the probe thermometer between use).

- (3) **Potable Water** – The seafood van must have an adequate supply of potable water for hand washing and utensil clean up.

3.0 - Operational Conditions

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

Thursdays:	9.00am to 5.00pm
Good Friday and Christmas Eve:	7.00am to 4.00pm
All Other Days:	Closed

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

The seafood van is only approved to operate for a maximum of 52 days in any 12 month period.

- (2) **Number of Staff** - The maximum number of staff permitted in the van must not exceed 2 persons at any one time.
- (3) **Amenity** - The business must be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations and residential or business premises.
- (4) **Parking of Van** – The van must not be parked in the areas marked in red on the modified site plan. The van must only be parked in a car parking space within the site's car park but outside of the areas marked in red.
- (5) **Waste Water** – All waste water is to be disposed of on-site into the sewer gully in accordance with Sydney Water trade waste agreement. No wastewater is to be directed or disposed of in a waterway.
- (6) **Waste Management** – All waste generated from the use of the site is to be removed from the site to an approved facility, for appropriate waste disposal, at the conclusion of each day's operations. The cost of disposal is to be worn by the operator and under no circumstances is garbage to be disposed of into public waste bins.
- (7) **Storage** – The storage of goods and materials must be confined within the van. At no time must goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve.

- (8) **Cleanliness** – The vehicle must at all times be maintained in a satisfactory standard of cleanliness and repair. The vehicle and equipment must be thoroughly cleaned at the conclusion of each day's operations.
- (9) **Protection of Food** – The van must operate as per the following:
- (a) All food stored in the van must be in sealed food grade containers and must be stored at least 150mm off the floor of the van;
 - (b) A physical barrier must be provided between displayed food and the public. The preferred means of achieving this includes:
 - (i) Clear plastic/sneeze barriers, or
 - (ii) Sandwich display type counters;
 - (c) Potentially hazardous foods (seafood) must be kept, until sold, at temperatures below 5°C.
- (10) **Washing Facilities** – The following facilities must be available at all times during operation:
- (a) A separate hand basin must be provided for washing hands within the fish van. The basin must be:
 - (i) accessible at all times;
 - (ii) provided with water at least 40°C from a mixed hot and cold water supply;
 - (iii) kept in a clean and sanitary condition and in good repair at all times;
 - (iv) not used for any other purpose other than the washing of hands;
 - (b) Disposable paper towels and liquid soap must be provided adjacent to the hand wash facility;
 - (c) A separate cleaning sink provided with hot and cold running water is to be provided for washing of utensils.
- (11) **Clothing** - Persons engaging in any food handling operations must be appropriately attired in clothing and footwear that is clean and relevant to their task.
- (12) **Noise** – The use of the premises must not give rise to offensive noise as defined under the *Protection of the Environment Operations Act 1997*.
- (13) **Offensive Odours** – The use of the premises must not give rise to offensive odours.

RECOMMENDED

That Council approve DA 881/2013 for the sale of seafood from a van at 279 Camden Valley Way, Narellan subject to the conditions listed above.

ATTACHMENTS

1. Proposed Plans
2. Submission - *Supporting Document*
3. Public Notification and Submissions Map - *Supporting Document*

ORD02



ORD03

ORDINARY COUNCIL

ORD03

SUBJECT: CONSTRUCTION OF A SINGLE STOREY RURAL WORKER'S DWELLING AT 174 COBBITTY ROAD, COBBITTY

FROM: Director, Development & Health

TRIM #: 14/20931

APPLICATION NO: 713/2013
PROPOSAL: Construction of a Single Storey Rural Worker's Dwelling
PROPERTY ADDRESS: 174 Cobbitty Road, Cobbitty
PROPERTY DESCRIPTION: Lot 22 DP843947
ZONING: RU1 Primary Production
OWNER: W Xia, X Y Cai, W Xia and Y Xian
APPLICANT: Eagle Homes

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a single storey rural worker's dwelling at 174 Cobbitty Road, Cobbitty.

The DA is referred to Council for determination as there remain unresolved issues raised in a submission from the public.

SUMMARY OF RECOMMENDATION

That Council determine DA 713/2013 for the construction of a single storey rural worker's dwelling pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the construction of a single storey rural worker's dwelling at 174 Cobbitty Road, Cobbitty.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. One submission was received objecting to the proposed development. **A copy of the submission is provided with the Business Paper Supporting Documents.**

The issues raised in the submission relate to loss of views, impact on property values and the potential use from the development.

The proposed development is a permissible land use under the Camden LEP. The subject site is a 7.786 hectare battle-axe lot that is used for the production of vegetable crops. A letter of support that the subject property has sufficient agricultural production to warrant a rural worker's dwelling has been provided by the Department of Primary Industries.

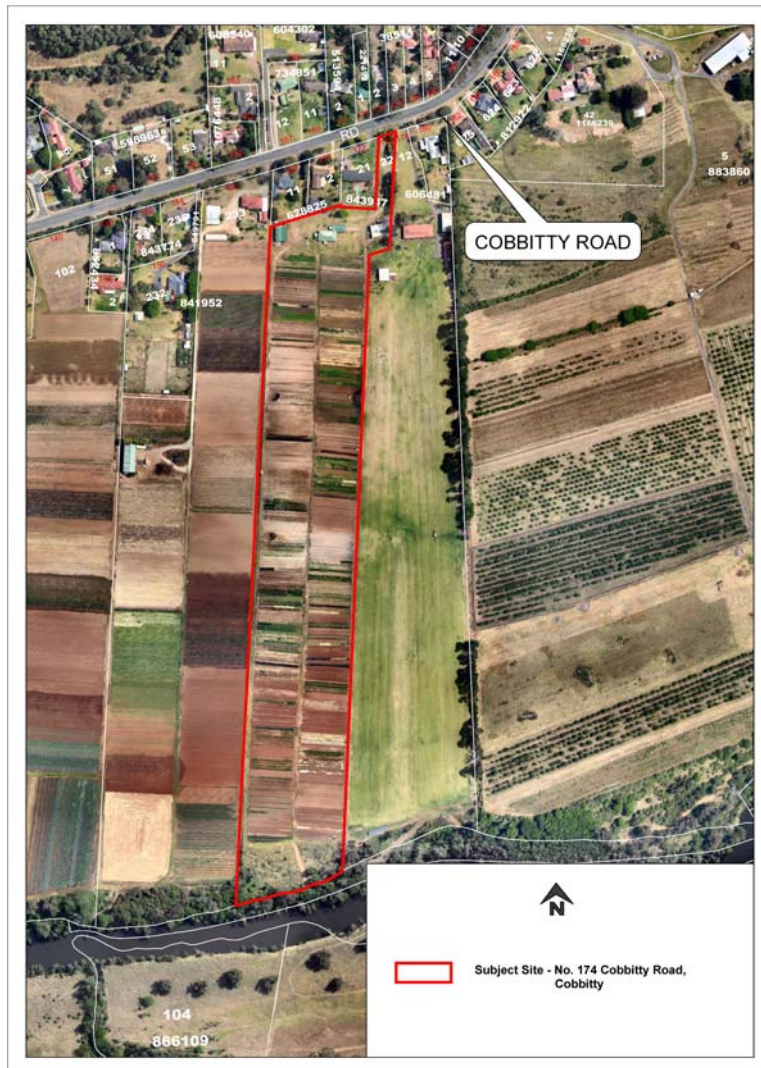
The location of the proposal ensures that the natural resource base of the property is maintained. Setbacks of the proposed development exceed the minimum setback requirements of the DCP. The proposal has been appropriately designed through the use of small roof forms, wall articulation and single storey development form, so as to not have significant impacts upon the visual amenity and character of the site and area.

It is not considered that there will be significant additional noise impacts generated from the development. Standard conditions that will control construction noise and work hours are recommended to protect the amenity of nearby residents during the construction of the proposed development.

The proposed development **fully complies** with all applicable planning controls.

Based on the assessment, it is recommended that the DA be approved subject to the conditions contained in this report.

AERIAL PHOTO



THE SITE

The site is known as 174 Cobbitty Road, Cobbitty and is legally described as Lot 22 DP843947.

The site has an irregular configuration with an access handle to Cobbitty Road of approximately 16.8m wide, the width of the majority of the property being approximately 104m, an approximate length of 790m and a land area of 7.786 hectares. The rear of the property bounds the Nepean River.

The site currently accommodates an existing single storey residential dwelling which is setback approximately 17m from the property boundary adjoining 170 Cobbitty Road.

The surrounding properties are characterised by a mixture of allotment sizes of RU1 Rural Primary Production and R5 Large Lot Residential zoned properties. These properties contain single storey residential dwellings, rural production activities, and associated driveways, landscaping and fencing.

HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
7 August 1996	Single storey brick veneer dwelling approved by BA 659/1996.
20 June 2001	Carport approved by DA 931/2001.
27 March 2006	New Shed/Outbuilding approved by DA 96/2006.

THE PROPOSAL

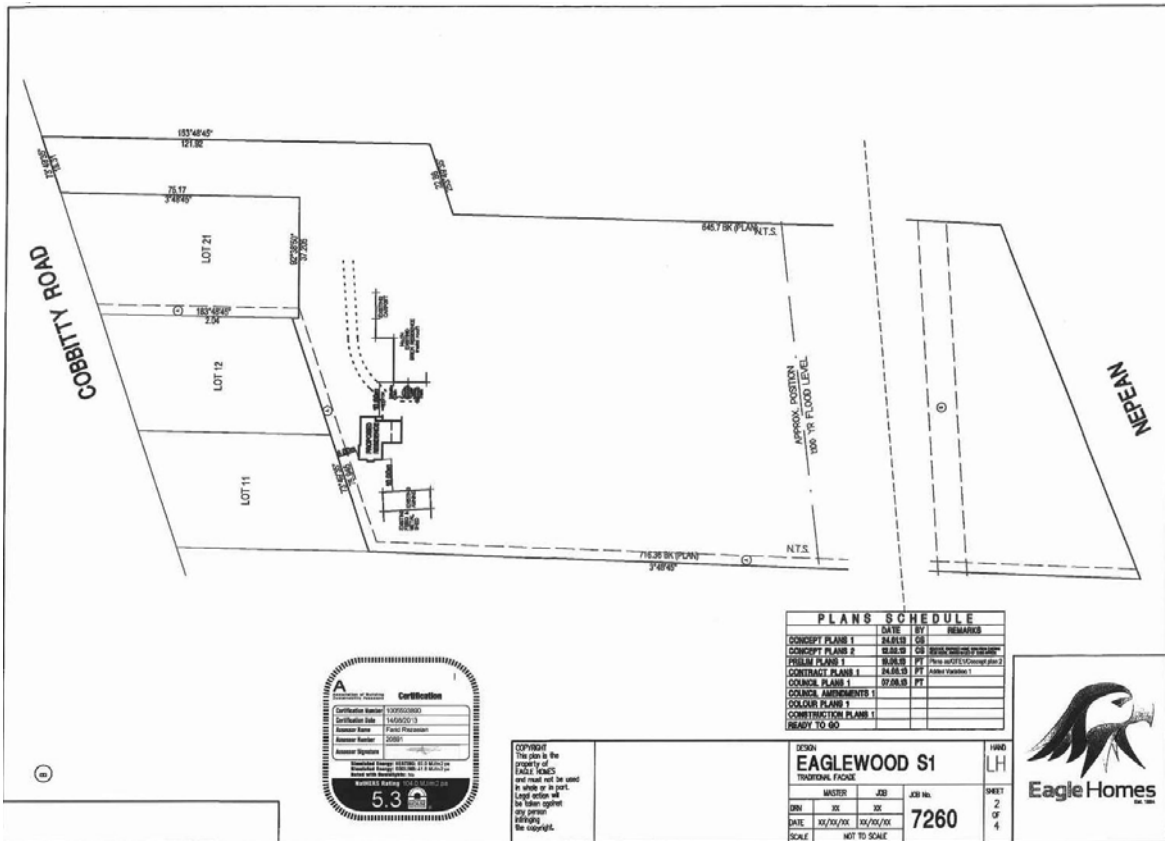
DA 713/2013 seeks approval for the construction of a single storey rural worker's dwelling. Specifically the development involves:

- Construction of a single storey principal four bedroom dwelling and single garage consisting of brick veneer construction, having a face brick finish and tiled roof. The proposed development has an overall floor area of 132.71m², with the dwelling having a floor area of 108.14m², single garage having an area of 21.90m² and a porch area of 2.67m².

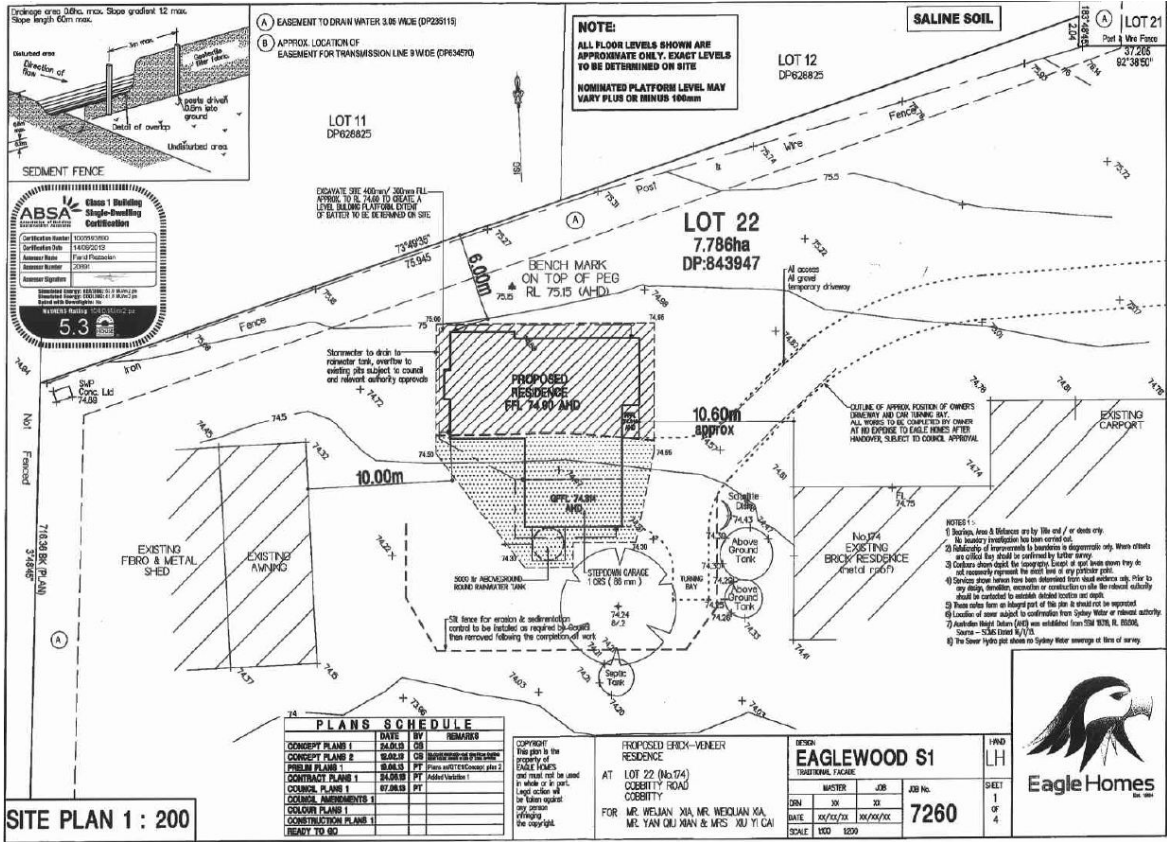
The value of the proposed development works is \$153,478.00

A copy of the proposed plans is provided as an attachment to this report.

PROPOSED OVERALL SITE PLAN



PROPOSED SITE PLAN



PROPOSED ELEVATIONS

URDU3

FRONT ELEVATION

REAR ELEVATION

PROVIDE 'N' SLAB

PLANS SCHEDULE			
CONCEPT PLANS 1	DATE	BY	REMARKS
CONCEPT PLANS 2	14/05/2013	CB	REVISIONS/REVISED
FINAL PLANS 1	14/05/13	PT	Final set of (revised plan 2)
CONTRACT PLANS 1	14/05/13	PT	Initial revision 1
COUNCIL PLANS 1	07/06/13	PT	
COUNCIL AMENDMENTS 1			
COLOR PLANS 1			
CONSTRUCTION PLANS 1			
READY TO GO			

ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Camden Local Environmental Plan 2010

An assessment of the proposed development against these Environmental Planning Instruments is detailed below.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP)

The SEPP aims to encourage sustainable residential development and requires DAs for such development to be accompanied by a list of BASIX commitments outlining the manner in which the development will be carried out.

The proposal has been designed to achieve the minimum targets for water and energy efficiency. A proposed condition of consent will require that the required measures as specified in the BASIX Certificate will be installed during construction.

State Environmental Planning Policy No 20 - Hawkesbury-Nepean River (SEPP)

The proposed development is consistent with the aims of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Appropriate erosion and sediment control measures have been proposed and a condition is recommended to provide these measures prior to construction works commencing.

An application to install/construct/alter an on-site sewage management system has been submitted and it is a recommended condition that all requirements of this approval be satisfied during construction.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned RU1 Primary Production under the provisions of the LEP. The proposed development is defined as a “rural worker’s dwelling” by the LEP which is a permissible land use in this zone.

Zone Objectives

The objectives of the RU1 Primary Production are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

Officer comment:

The development supports the maintenance and enhancement of the natural resource base, being prime agricultural land. The location of the proposal ensures that the natural resource base of the property is maintained.

- To encourage diversity in primary industry enterprises and systems appropriate for the area.

Officer comment:

The site is currently used for production of various vegetable crops. The Department of Primary Industries have provided written support that the property is of sufficient scale and has sufficient agricultural production to warrant a rural worker’s dwelling.

- To minimise the fragmentation and alienation of resource lands.

Officer comment:

No subdivision is proposed and therefore no resource lands will be fragmented or alienated as a result of the proposed development.

- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Officer comment:

The proposal of a rural worker’s dwelling as a place of residence for workers of the farm does not conflict with the adjoining R5 Large Lot Residential as the proposal is sympathetic to the objective of an R5 zone “to provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality”.

- To permit non-agricultural uses which support the primary production purposes of the zone.

Officer comment:

The proposed development is for a non-agricultural use that will directly support the primary production currently occurring on the site. The proposed development is considered to be consistent with this objective.

- To maintain the rural landscape character of the land.

Officer comment:

The clustering of rural buildings towards the existing settlement and maintaining the remainder of the property for agriculture, is consistent with the landscaped character of the area.

Relevant Clauses

The DA was assessed against the following relevant clauses of the LEP:

Comment:

Clause	Requirement	Provided	Compliance
4.2A	Erection of dwelling houses on land in certain rural and environmental zones	<p>Clause 4.2A controls rural land which requires an allotment to comply with one of the following in order to enable a dwelling to be erected (benefit from a dwelling entitlement):</p> <p>Clause 4.2A(3)(a) requires a minimum lot size of 40ha, with the proposed development having a site area of approximately 7.786 hectares. <i>or</i></p>	Yes

Clause	Requirement	Provided	Compliance
		Clause 4.2(3)(b) permits a dwelling to be erected where a lot was created before 3 September 2010. The subject lot was created on 25 th July 1994 (registration of deposited plan DP 843947), therefore the land has a dwelling entitlement.	Yes
4.3 Height of Buildings	Maximum 9.5m building height	The proposed principal dwelling has a maximum ridge height of 4.14 metres.	Yes
5.9 Preservation of Trees or Vegetation	To preserve the amenity of the area, including biodiversity values, though the preservation of trees or other vegetation.	The proposal does not require the removal of any trees.	Yes
6.2 Public Utility Infrastructure	Appropriate public utility infrastructure to service the development	The site is serviced by appropriate public utility infrastructure and a condition is recommended to ensure all conditions of the sewage management approval are adhered to.	Yes
7.1 Flood Planning	To minimise the flood risk to life and property associated with the use of land.	The development is not affected by flooding as it is above the probable maximum flood level.	Yes

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instrument applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposal's compliance with the controls in the DCP.

Clause	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	An Erosion and Sediment Control Plan is required	An Erosion and Sediment Control Plan has been provided and is considered to be satisfactory.	Yes
B1.2 Earthworks	Max cut/fill 1m	The proposed cut/fill is a maximum of 400mm	Yes
B1.3 Salinity Management	Salinity resistant building construction	It is a recommended condition that the development be constructed to be salinity resistant.	Yes
B1.9.4 Waste Management Plan	A Waste management Plan is required	A waste management plan has been provided and is considered to be satisfactory.	Yes
B1.10 Bush Fire Risk Management	Prevent loss of, and damage to life, property and the environment	<p>The site is identified as bushfire prone land however an assessment of the site shows that the fire source is over 250m away. The site has been assessed as BAL-Low with no specific construction measures needed in accordance with Planning for Bushfire Protection 2006.</p> <p>It is recommended that conditions are inserted for compliance with BAL-Low and addendum: appendix 3 of Planning for Bushfire Protection 2006.</p>	Yes
D1.1 Rural Dwellings and Outbuildings	Minimum front setback 20m	The proposal has a setback to Cobbitty Road of approximately 62 metres.	Yes
D1.1 Rural Dwellings and Outbuildings	Minimum side and rear setbacks of 5m	<p>The proposal has a setback to the shared boundary with 166 Cobbitty Road of 6m, approximately 27m to the shared boundary with 160 Cobbitty Road and approximately 83 m to the shared boundary with 178 Cobbitty Road.</p> <p>The rear setback to the boundary adjacent the Nepean River is</p>	Yes

Clause	Requirement	Provided	Compliance
		approximately 690m.	
D1.1 Rural Dwellings and Outbuildings	Location to minimise the removal of existing vegetation	No removal of trees is required by the location of the proposal.	Yes
D1.1 Rural Dwellings and Outbuildings	Building should be visually unobtrusive in the overall landscaping	The proposal is a single storey dwelling with a building footprint of 132m ² . The proposal is separated from the existing single storey dwelling on the property by approximately 10.6m. The bulk and scale of the proposal is not visually obtrusive for a property of 7.786 hectares.	Yes
D1.1 Rural Dwellings and Outbuildings	Building should complement the characteristics of the landform. Cut and fill shall be kept minimal.	The proposed dwelling will have slab on ground construction with a floor level that is in character with the landform and surrounding properties. A balance of cut and fill up to 400mm is proposed to achieve the required building platform.	Yes
D1.1 Rural Dwellings and Outbuildings	Roofline of the buildings should reflect the land profile within the vicinity of the development.	The proposed roofline is a contemporary design that is consistent with the neighbouring dwellings.	Yes
D1.1 Rural Dwellings and Outbuildings	The colours of the roof and wall shall be low reflective neutral/earth tones	Colours have been supplied with the application and are low reflective neutral/earth tones.	Yes
D1.1 Rural Dwellings and Outbuildings	Complimentary landscaping to be provided	The existing vegetation will remain and a suitable driveway and turning bay for entry and exit of vehicles to the garage will be provided.	Yes
D1.1 Rural Dwellings and Outbuildings	Effluent and household wastewater to be disposed of in accordance with Council's Sewage Management	The existing dwelling is serviced by an approved wastewater disposal system. An application to install/construct/alter an on-site sewage management system has been submitted	Yes

Clause	Requirement	Provided	Compliance
	Strategy	and it is a recommended condition that all requirements of this approval be satisfied during construction.	
D1.1 Rural Dwellings and Outbuildings	Access driveways of trafficable width for passing vehicles, manoeuvring and turning space.	The property is serviced by an existing trafficable driveway suitable for the existing and proposed dwellings. An additional internal driveway is proposed with a turning bay to service the single garage of the proposal.	Yes

(a)(iii) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No relevant agreement exists or has been proposed as part of this application.

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained in this report.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

(d) Any submissions made in accordance with this Act or the Regulations

The DA was publicly exhibited for a period of 14 days in accordance with the DCP. The exhibition period was from 4 September to 18 September 2013. One submission (with 2 signatories) was received objecting to the proposed development.

A public exhibition and submissions map is provided with the Business Paper supporting documents.

The following discussion addresses the issues and concerns contained within the submission.

1. Loss of rural views

Officer comment:

The proposal is small in scale as it is a single storey dwelling with a building footprint of 132.71m² and a roof ridge height of 4.14m above the ground. The proposal is setback an additional metre to the shared boundary with the objector than is required by the DCP. The bulk and scale of the proposal does not result in unacceptable loss of views.

The view from the objector's property to the rear is currently obscured by two large trees. These trees will help screen the proposed development from view from the objector's property.

2. Use of the rural worker's dwelling as a dormitory

Officer comment:

The potential use of a rural worker's dwelling for short term accommodation for workers is consistent with the definition of a rural worker's dwelling in the LEP. A rural worker's dwelling is defined as "a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on long-term or short-term basis, for the purpose of agriculture or a rural industry on that lot" emphasis added.

3. Loss of property value

Officer comment:

The claim that property values will be lowered is unsubstantiated.

(e) The public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, *Environmental Planning Instruments*, *Development Control Plans* and policies. Based on the above assessment, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

No external referrals were required for the proposed development.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA/2013/713 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Requirements

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

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan No.	Description	Prepared by	Dated
7260 Pages 1-4 of 4	Architectural Plans	Eagle Homes	07/08/13
498650S	BASIX Certificate	TUTIS Consulting	14/08/13

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

- (2) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (3) **Subdivision** – This consent does not give approval for any subdivision of the allotment.
- (4) **Bushfire Protection** – These conditions have been imposed to ensure that the development is sufficiently protected from the risk of Bushfire in accordance with ‘Planning for Bushfire Protection, 2006’ as published by the NSW Rural Fire Service and Planning NSW and shall be complied with prior to the issue of an Occupation Certificate.

In this regard the development shall demonstrate compliance with the following:

- (a) New construction shall comply with Australian Standard AS3959-2009 ‘Construction of buildings in bush fire prone areas’ BAL-LOW.
- (b) Fuel management in the APZ is to include no part of a tree within 2m of the roofline. Some shrubs and trees are allowed in the APZ but should be selected based on species to avoid excessive fuel loads and be preferably endemic and fire retardant. Total available ground fuels should be less than 4 t/ha and any structures storing combustible materials such as firewood must be sealed to prevent entry of burning debris.
- (c) The rainwater tank is to be fitted with a 65mm Storz outlet.
- (d) Electricity should be underground wherever practicable. Where overhead electrical transmission lines are installed no part of a tree should be closer to a powerline than the distance specified in “Vegetation Safety Clearances” issued by Ausgrid (NS179, December 2010).
- (e) Any gas services are to be installed and maintained in accordance with AS/NZS 1596:2008.

2.0 - Construction Certificate Requirements

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

- (1) **Salinity** - Council's Salinity Management Policy is to be implemented in this development. Details of compliance shall be forwarded to the certifying authority for approval with the Construction Certificate application.
- (2) **Sewer** - In accordance with Section 68 Local Government Act, all sullage and effluent generated by the use of the development must be connected to an On Site Sewage Management System approved by Camden Council. A certificate issued by the consent authority (Camden Council) certifying "Approval to install a sewage management system" must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
- (3) **Roof-Water Overflow Disposal Design** – Prior to the issue of any construction certificate the submission of drainage details for the proposed overflow line from the stormwater tank shall be provided and approved by the Principal Certifying Authority. Where subsurface rubble pits are proposed they shall be sited parallel with the ground contours and located a minimum 3 metres from any building or property boundary and 6 metres from any onsite effluent disposal area.
- (4) **Electrical Services** - Prior to the issue of a Construction Certificate, written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development, or that arrangements have been entered into for the provision of services to the development.

In the event that a padmounted substation is necessary to service the development, Camden Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued, as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.
- (5) **Soil Classification** - The soil classification for the proposed development is unknown. The applicant shall provide details of the determined or approved site classification of the proposed allotments shall be submitted to the Principal Certifying Authority for approval with the Construction Certificate application for the proposed buildings.
- (6) **Geotechnical Classification** - The piers/slab/footings shall be designed and certified by a practising structural engineer and shall take into consideration the geotechnical classification applicable to the site.
- (7) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$2,200.00 per additional lot or dwelling, total \$2,200.00, for **Open Space, Recreation & Community Land**.

The contribution must be indexed by the methods set out in Paragraph 2.15.2 of the plan and paid Prior to the issue of a Construction or Certificate.

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

- (8) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$5,908.00 per additional lot or dwelling, total \$5,908.00, for **Recreation & Community Facilities, Volunteer Emergency Services Facilities and Plan Preparation & Administration Services.**

The contribution must be indexed by the methods set out in Paragraph 2.15.1 of the plan and paid Prior to the issue of a Construction Certificate.

3.0 - Prior To Works Commencing

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

- (1) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (2) **Erection of Signs** – Shall be undertaken in accordance with Clause 98A of the *Environmental Planning and Assessment Regulation 2000*.
- (3) **Toilet Facilities** - Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one toilet for every 20 persons employed at the site. Each toilet must:
- (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - (c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (4) **Notice of Commencement of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and clauses 103 and 104 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 or subdivision works.
- (5) **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.
- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site. Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

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

Provide a stabilised entry/exit point. The access should be a minimum of 2.5m wide and extend from the kerb to the building line. The access should consist of aggregate at 30-40mm in size.

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

4.0 - During Construction

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

- (1) **Fill Quality** – Any fill material brought in for the construction of the development must only contain uncontaminated soil, clay, shale or rock. No effluent, garbage or trade waste, including building or demolition waste, must be included in the fill. The extent and depth of filling must only occur in accordance with the approved plans and any other conditions of the Development Consent. Evidence of the certification of the fill as uncontaminated shall be provided to the Principal Certifying Authority.
- (2) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works must be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (3) **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.
- (4) **Building Platform** - This approval restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2m from the external walls of the building. Where the external walls are within 2m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level must be used.
- (5) **Retaining Walls** - If the soil conditions require it:
 - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
 - (b) retaining walls must be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property.

The following restrictions apply to any retaining wall erected within the allotment boundaries:

- (a) where the height of an approved retaining wall exceeds 600mm above or below natural ground level, structural engineering details must be provided to the Principal Certifying Authority, prior to any works commencing on the site. Manufacturers' installation details may satisfy this requirement for treated timber products and some dry stacked masonry products;

Note: Where Councils is nominated as the Principal Certifying Authority, construction of the retaining wall must be inspected at critical stages as nominated in the Mandatory Inspection Notice. Prior to issue of an Occupation Certificate, certification will also be required attesting that the wall has been built in accordance with the relevant standard.

- (b) adequate provisions must be made for surface and subsurface drainage of retaining walls and all water collected must be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - (c) retaining walls shall not be erected within drainage easements;
 - (d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited by the easement or entitled to release or vary the restrictions applying to the easement (electrical easement and the like), or if the erection of the retaining wall makes the purpose of the easement inconvenient or redundant (such as easements for support and maintenance).
- (6) **Hours of Work** – The hours for all construction and demolition work are restricted to between:
- (a) 7.00am and 6.00pm, Monday to Friday (inclusive);
 - (b) 7.00am to 4.00pm on Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8.00am to 4.00pm;
 - (c) work on Sunday and Public Holidays is prohibited.
- (7) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
- (a) the delivery of material shall only be carried out between the hours of 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 4.00pm on Saturdays;
 - (b) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site;
 - (c) 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;

- (d) 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;
- (e) a waste control container shall be located on the development site.
- (8) **Footpath Levels** - The ground levels of the footpath area within the road reserve (between the boundary of the subject site to the kerb and gutter) must not be altered (by cut or fill) as a consequence of building design and/or construction.
- (9) **Surface Drainage** – To prevent surface water from entering the building:
- (a) the floor level for slab on ground construction shall be a minimum of 150mm above finished ground level for habitable rooms;
- (b) seepage and surface water shall be collected and diverted clear of the building by a sub-surface/surface drainage system;
- (c) the control of surface water drainage shall in all respects comply with the *Building Code of Australia (Class 1 and Class 10 Buildings)*;
- (d) where a rainwater tank is required on the site, all surface water drainage lines shall be connected to the outlet overflow drainage line from the rainwater tank.
- (10) **Shoring and Adequacy of Adjoining Property** - Shall be in accordance with Clause 98E of the *Environmental Planning and Assessment Regulation 2000*.
- (11) **Protection of Public Places** – If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) building involves the enclosure of a public place,
- a hoarding or fence must be erected between the work site and the public place.
- If necessary, an awning is to be erected, sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
- (12) **Drainage Easements** - No changes to site levels, or any form of construction shall occur within any drainage easements that may be located on the allotment.
- (14) **Roofwater to Water Tank** - 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 the water tank with the overflow line on the property connected to an approved disposal method as required by condition 2(3) of this consent.

All roofwater must be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The Principal Certifying Authority (PCA) must not permit construction works beyond the frame inspection stage until this work has been carried out.

- (15) **BASIX Certificate** – Under clause 97A of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

In this condition:

- (a) relevant BASIX Certificate means:
- (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and
- (b) BASIX Certificate has the meaning given to that term in the *Environmental Planning & Assessment Regulation 2000*.
- (16) **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.
- (17) **Sewage Management System Approval** - All conditions of the sewage management system approval issued by Camden Council relating to the development shall be complied with.

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) **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.

(2) **Component Certificates** - Where Camden Council is appointed as the Principal Certifying Authority (PCA) for the development, the following component certificates, as relevant to the development, shall be provided prior to the issued of a Final Occupation Certificate:

- (a) Insulation installation certificates.
- (b) Termite management system installation certificates.
- (c) Smoke alarm installation certificate from installing licensed electrician.
- (d) Survey certificate(s), prepared by a registered land surveyor, certifying that the building has been correctly and wholly located upon the subject allotment.
- (e) Certification attesting that retaining walls have been constructed in accordance with Engineer's details or manufacturer's specifications as applicable.
- (f) All certificates or information relating to BASIX compliance for the development.
- (g) An 'Approval to Operate a Sewage Management System' issued by Camden Council (for areas that are not serviced by a Sydney Water sewer) in respect to both the septic system for the principal dwelling and secondary dwelling.
- (h) A certificate certifying that the wet areas have been waterproofed in accordance with the requirements of the *Building Code of Australia*.
- (i) All certificates relating to salinity, as required by conditions of the development consent.
- (j) Any other certificates relating to the development (for example, engineering certification for foundations, piers, reinforcing steel or hydraulic certification for all stormwater drainage works).

Where the appointed PCA is not Camden Council, the matters listed in this condition should be regarded as advisory only.

Note: The above certification does not override any requirements of the *Environmental Planning and Assessment Act, 1979* with respect to any required critical stage inspections.

(3) **Services** - Prior to the issue of any occupation certificate the following service authority certificates/documents must be obtained and submitted to the Principal Certifying Authority.

- (a) Sydney Water Clearance – A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water.
- (b) a Notification of Arrangements from Endeavour Energy.
- (c) Written advice from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been

made for the provision of underground telephone plant within the subdivision/development.

- (4) **Footpath Crossing Construction** – Prior to use or occupation of the development, a footpath crossing must be constructed in accordance with the Development Consent, approved plans and Camden Council's issued footpath crossing information.

6.0 - Operational Conditions

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

- (1) **Rural Worker's Dwelling Use** – This approval is for a rural worker's dwelling in accordance with the Camden Local Environmental Plan 2010. The dwelling must at all times be used in accordance with the definition of a rural worker's dwelling namely "a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land".

RECOMMENDED

That Council approve DA 713/2013 for the construction of a single storey rural worker's dwelling at 174 Cobbitty Road, Cobbitty, subject to the conditions listed above.

ATTACHMENTS

1. Proposed plans
2. Submission - *Supporting Document*
3. Public exhibition and submissions map - *Supporting Document*
4. Floor Plan - *Supporting Document*

ORDINARY COUNCIL

ORD04

SUBJECT: DISPLAY OF SIGNAGE FOR THE ORAN PARK TOWN CENTRE AT ORAN PARK DRIVE, ORAN PARK

FROM: Director, Development & Health

TRIM #: 14/21698

APPLICATION NO: 1130/2013
PROPOSAL: Display of signage for the Oran Park Town Centre
PROPERTY ADDRESS: G Oran Park Drive, Oran Park
PROPERTY DESCRIPTION: Lot 9012, DP 1175454
ZONING: B2 Local Centre
OWNER: Leppington Pastoral Co. Pty. Ltd.
APPLICANT: Greenfields Development Company No 2 Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the display of signage for the Oran Park Town Centre at G Oran Park Drive, Oran Park.

The DA is referred to Council for determination as there are proposed variations to Camden Development Control Plan 2011 (DCP).

SUMMARY OF RECOMMENDATION

That Council determine DA1130/2013 for the display of signage for the Oran Park Town Centre pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the display of signage for the Oran Park Town Centre at G Oran Park Drive, Oran Park. Stage 1 of the town centre was approved by the Sydney West Joint Regional Planning Panel on 29 May 2012.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The applicant proposes 3 variations to the DCP in relation to the number of signs proposed per building elevation, the number and height of the proposed free-standing signs and the number of signs proposed for tenancies not visible from a public place.

The DCP limits signage to 2 signs per elevation and only permits 1 free-standing sign with a maximum height of 6m. The applicant proposes to display 10 wall signs and 8 free-standing signs.

Also, the DCP permits tenancies that are not visible from a public place to have 1 sign. The applicant proposes to display 2 Woolworths wall signs.

The stage 1 Oran Park Town Centre building is a large retail development with long elevations on all sides. The proposed signage is not considered excessive given the size of the building and the site. It is also noted that several of the proposed signs will provide directional information for car parking areas and loading docks which is essential for a development of this size.

It is recommended that three of the free-standing signs be reduced in height to a maximum of 6m to ensure that they maintain a more appropriate scale in relation to their parent building and to reduce their visual dominance in the surrounding streetscape.

Based on the assessment, it is recommended that the DA be approved subject to the conditions contained in this report.

AERIAL PHOTO



THE SITE

The site is commonly known as G Oran Park Drive, Oran Park and is legally described as Lot 9012, DP 1175454.

The site has a frontage of 260m to Peter Brock Drive, a depth of 266m and an overall area of 6.61ha. Stage 1 of the Oran Park Town Centre (comprising a supermarket, shops and offices) is currently under construction on the site.

Immediately abutting the site to the west is the Oran Park sales and information centre on the corner of Oran Park and Peter Brock Drives. To the north and east is vacant land that will undergo future development as part of the Oran Park precinct. To the

south and east are recently completed residential subdivisions and dwellings, a retirement village, child care centre and two primary schools.

The Harrington Grove release area and the Growth Centre's Catherine Fields (Part Precinct) are located to the south and east respectively. To the north lies the future Marylands precinct whilst to the west lies the village of Cobbitty.

HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
29 May 2012	Approval of DA265/2012 for the construction of Stage 1 of the Oran Park Town Centre
20 March 2013	Approval of Section 96 Modification 265(2)/2012 for modifications to Stage 1 of the Oran Park Town Centre

THE PROPOSAL

DA1130/013 seeks approval for the display of signage for the Oran Park Town Centre.

Specifically, the proposed development involves:

- display of 10 wall signs identifying the centre and future tenants. These signs will range in size up to a maximum area of approximately 29.3m²;
- display of 5 free-standing signs identifying the centre's car parking and loading dock areas. These signs will range in height from approximately 2.5m to approximately 8m; and
- display of 3 free-standing signs identifying the centre, it's future tenants and car parking areas. These signs will range in height from approximately 6.5m to approximately 13m.

All of the above signs will be internally illuminated.

Some of the above signs will identify Woolworths and BWS as tenants of the centre. Council officers are currently assessing a separate DA for the fitout of the Woolworths supermarket and BWS.

The proposed plans show a number of environmental graphics however the applicant has confirmed that they are no longer seeking approval for them.

All of the proposed signs that are proposed by this DA are highlighted in yellow on the proposed plans below.

The value of the works is \$320,000.

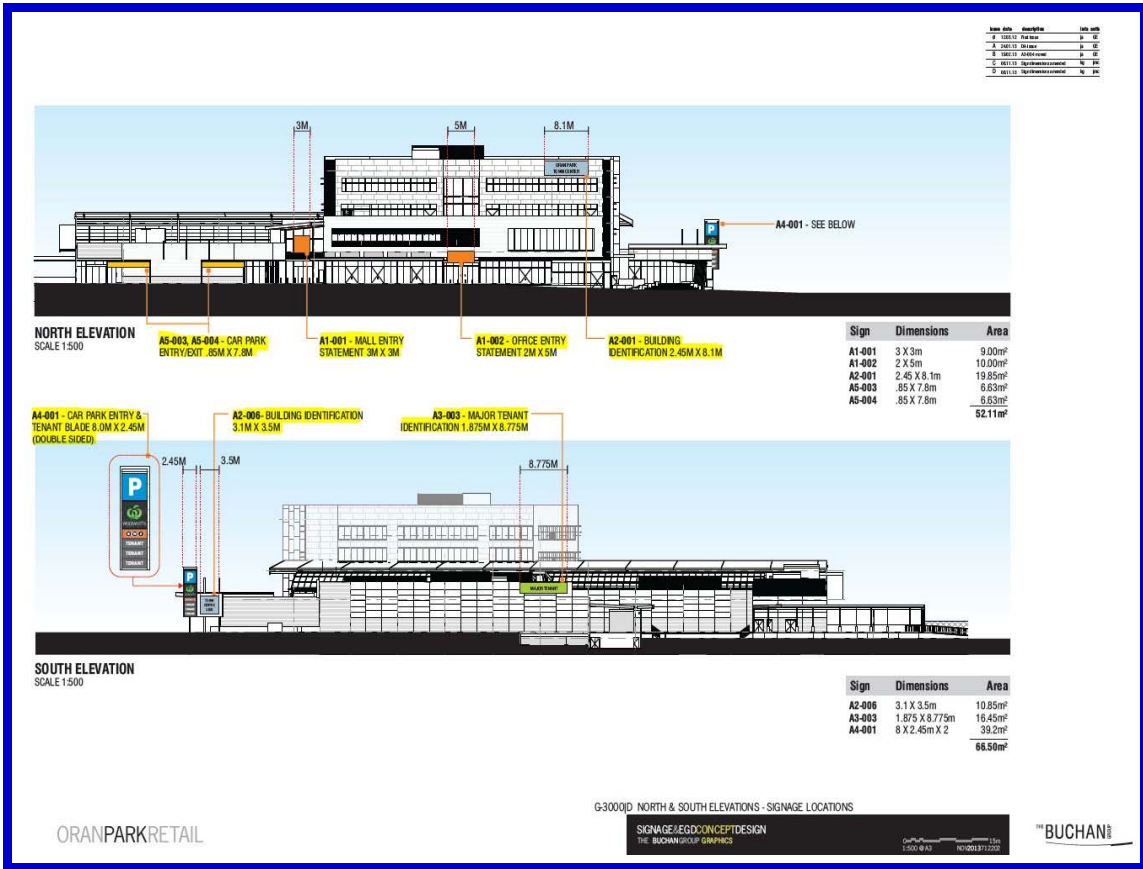
A copy of a proposed site plan and elevations is provided as attachment 1 to this report. The remaining proposed plans are provided with the Business Paper Supporting Documents.

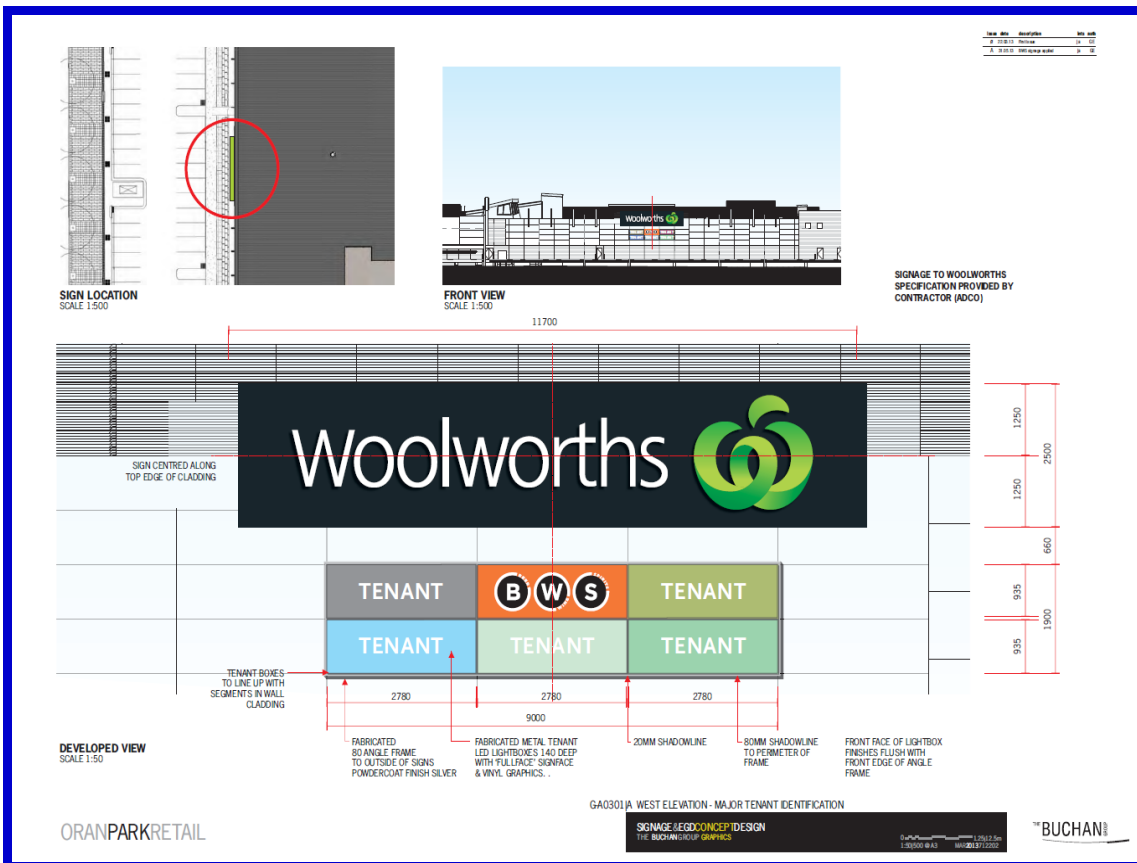
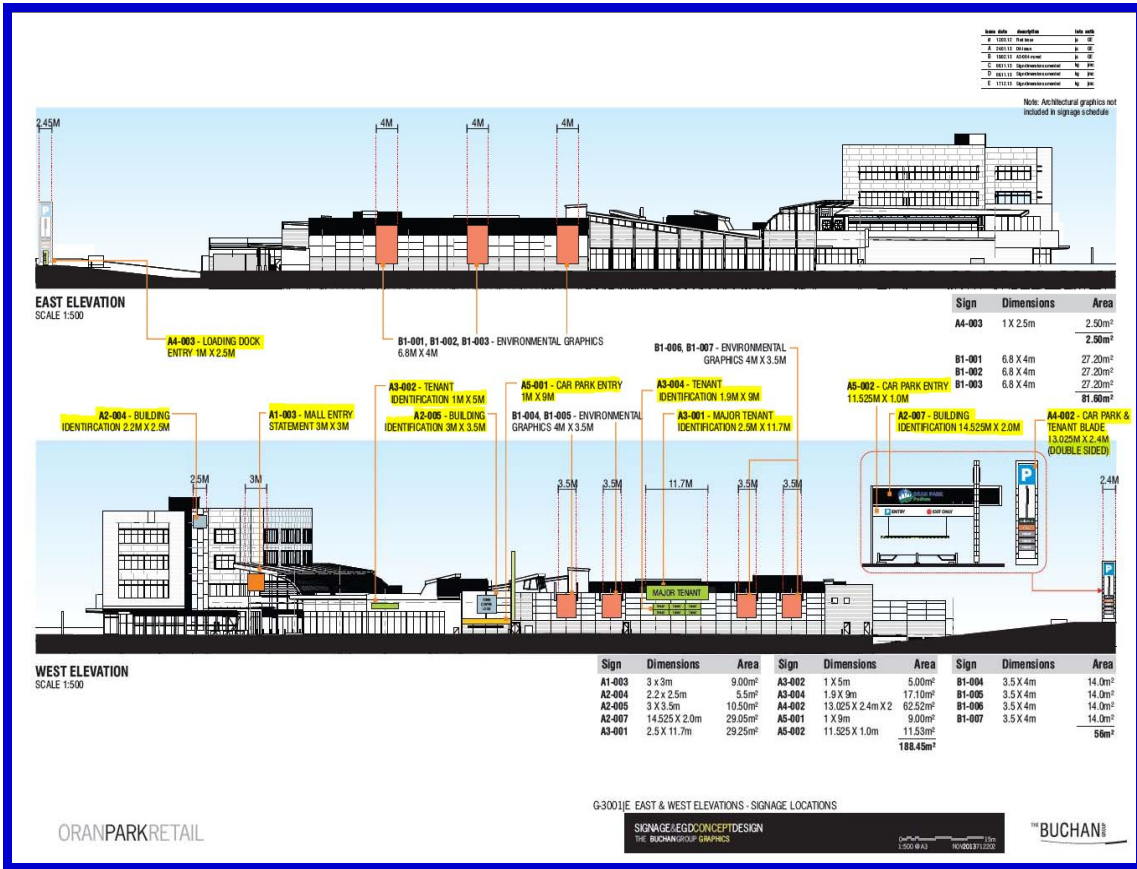
SITE PLAN SHOWING PROPOSED SIGNAGE LOCATIONS

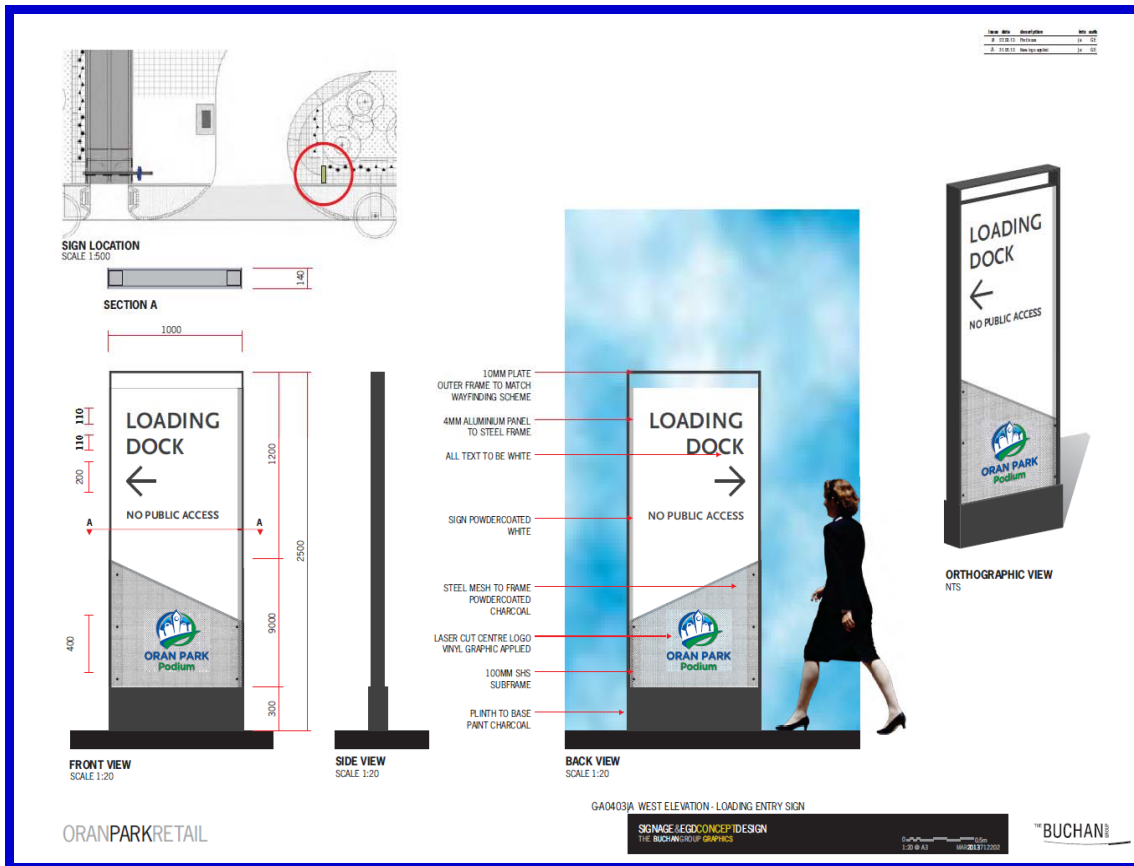
ORD04



ELEVATIONS SHOWING PROPOSED SIGNAGE LOCATIONS







ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- State Environmental Planning Policy No 64 – Advertising and Signage
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River

An assessment of the proposed development under the Environmental Planning Instruments is detailed below.

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

Permissibility

The site is zoned B2 Local Centre under the provisions of the SEPP. The proposed development is defined as “building identification signs” and “business identification signs” by the SEPP which are permitted with consent in this zone.

Objectives

The objectives of the B2 Local Centre are as follows:

- To provide a range of retail, business, entertainment and community uses which serve the needs of people who live in, work in and visit the local area.

Officer comment:

The proposed signage will promote the services, facilities and retail opportunities available at Oran Park Town Centre which will help support a range of retail and business uses for existing and future residents of the area.

- To encourage employment opportunities in accessible locations.

Officer comment:

The proposed signage will help support the commercial viability of the businesses that will operate from the site in the future and is therefore consistent with this objective.

- To maximise public transport patronage and encourage walking and cycling.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for the display of signage.

- To ensure that residential development does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for the display of signage.

- To ensure that residential development does not preclude the provision of active uses at street level.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for the display of signage.

- To provide for land uses of a higher order and density within the Local Centre Zone than are permitted within the Neighbourhood Centre Zone or the Mixed Use Zone.

Officer comment:

The proposed signage will help support the commercial viability of the future businesses that will operate from the site, thereby facilitating higher order and density commercial land uses.

- To provide for residential development that contributes to the vitality of the local centre.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for the display of signage.

State Environmental Planning Policy No 64 – Advertising and Signage (SEPP)

The proposed development includes a range of wall and free-standing building and business identification signage.

Pursuant to Clause 4(1) of the SEPP, the proposed signs are considered to be “building identification signs” and “business identification signs” as opposed to “advertisements” in that they simply identify the building businesses but do not include the general advertising of products, goods or services.

Overall it is considered that the proposed signs are consistent with the aims, objectives and Schedule 1 assessment criteria of the SEPP.

Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SEPP)

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. A condition is recommended to ensure that appropriate soil and sediment erosion controls are in place during the construction of the proposed signs.

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instrument applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposed development’s compliance with the controls in the DCP. Discussion of any variations of the controls is provided after the compliance table.

Control	Requirement	Provided	Compliance
B4.1 General Controls for signs	Signs to not detract from amenity / character	The proposed signs will not detract from the amenity/character of the area	Yes
	Signs must be in	The proposed signs are	

Control	Requirement	Provided	Compliance
	scale with development	generally in scale with Oran Park Town Centre building. However it is a recommended condition that 3 of the proposed free-standing signs (A2-006 at 6.5m, A4-001 at 11m high and A4-002 at 13m high) are reduced in height to 6m. This is consistent with Council's DCP control on the height of free-standing signs and will ensure that the signage is more in keeping with its parent building	Yes
	Signs must be located wholly within the site's property boundaries	The proposed signs will be located wholly within the property boundaries	Yes
B4.4 Commercial and Mixed Use Zones	The total combined area of signage shall not exceed 20% of visible wall area	The proposed signage will not exceed 20% of the visible wall area on any elevation	Yes
	The number of signs shall not exceed 2 per elevation visible from a public place	The number of signs proposed exceeds 2 per elevation. The north elevation proposes 3 signs, the south elevation 1 and the west elevation 6	No – DCP variation 1
	Signs must be located wholly within the site's property boundaries	All proposed signs will be located within the property boundaries	Yes
	Signage illumination must comply with AS 1158 and AS 4282	It is a recommended condition that all signage illumination comply with AS 1158 and AS 4282	Yes
	Window signage must not exceed 20% of the visible wall area	No window signage will exceed 20% of the visible wall area	Yes
	A maximum of one pole or pylon sign per street frontage not exceeding 6m	There are a total of 8 free-standing signs proposed for the site. 4 of these signs exceed 6m in height	No – DCP variation 2

Control	Requirement	Provided	Compliance
	For multiple unit developments, each tenancy not visible from a public place is only permitted to have 1 sign	Two of the proposed signs will advertise Woolworths and therefore not comply with this control	No – DCP variation 3
	All signage in multiple unit developments must be of a complementary size, shape and style	All of the proposed signage is considered to be complementary to each other in terms of their size, shape and style	Yes

DCP Variation 1 – Maximum of 2 Signs Per Elevation

DCP Control

The DCP limits the maximum number of signs per elevation to 2.

Excluding the proposed free-standing signs which have been assessed under a separate DCP control, the proposed development does not comply with the above control.

The north elevation proposes 3 signs, the south elevation 1 and the west elevation 6.

Variation Request

The applicant has requested that Council support a variation to this DCP control on the basis that:

- the proposed number, size and locations of the signage is in keeping with the bulk, scale and function of the building in the town centre;
- the JRPP has indicatively approved variations to the same Camden DCP control when determining the DA for the town centre building;
- the DCP control is more relevant to single tenancy buildings, rather than a retail box development with multiple tenancies. Reference is made to the Mount Annan, Narellan and Harrington Park retail centres in the LGA; and
- generally 2 signs per elevation are required to delineate legible and safe access to car parking areas on the northern, western and southern elevations. Additional signage is necessary to promote the site as a destination within the town centre and individual tenancies leasing the building.

Council Staff Assessment

Council staff have reviewed this variation request and recommend that it be supported for the following reasons:

- the Stage 1 Oran Park Town Centre building being constructed on the site is a large retail development with long elevations on all sides. In this context the proposed number of signs per elevation is not considered excessive or visually dominant, as the building will remain the dominant feature of the site rather than the signs; and
- it is acknowledged that the applicable DCP controls have generally been prepared for smaller commercial developments and that larger developments will sometimes require more signage in order to operate effectively.

It is noted that when Stage 1 of the town centre was approved by the Sydney West Joint Regional Planning Panel on 29 May 2012, indicative signage plans were also provided. The signage shown on those plans was generally consistent with the signage shown on the proposed plans for this DA. However the signage shown on those indicative signage plans was not approved by the JRPP and was to be the subject of a separate DA.

Consequently it is recommended that Council support this variation to the DCP.

DCP Variation 2 – Number and Height of Free-Standing Signs

DCP Control

The DCP limits the maximum number of free-standing signs to 1 with a maximum height of 6m.

The proposed development will include 8 free-standing signs ranging in height from approximately 2.5m to 13m.

Variation Request

The applicant has requested that Council support a variation to this DCP control on the basis that:

- The JRPP has indicatively approved variations to the same Camden DCP control when determining the DA for the town centre building.

Council Staff Assessment

Council staff have reviewed this variation request and recommend that it be supported for the following reasons:

- it is noted that 4 of the proposed 8 free-standing signs are designed to provide directional information to car parking and loading dock areas of the building. This is essential information for a development of this size and having strategically placed free-standing signs that convey this information is necessary to ensure that it operates effectively; and
- the remaining free-standing signs will display information identifying the centre, its future tenants and car parking areas. The number and scale of these signs in relation to the size of the building is generally considered to be appropriate, particularly given the size of the site and its multiple frontages, and generally not visually dominant or prominent.

It is however recommended that 3 of the proposed free-standing signs (A2-006 at 6.5m, A4-001 at 11m high and A4-002 at 13m high) are reduced in height to 6m. This will ensure that the signs maintain a more appropriate scale in relation to their parent building and ensure that they are not unnecessarily visually dominant in the surrounding streetscape.

The above will result in 1 of the proposed free-standing signs (A5-002 and A2-007) being 8m high. This sign is not a traditional free-standing sign. The sign will serve as a car park and building entry identifier as opposed to a commercial business sign. The height of this sign structure is also required to provide sufficient vehicle height clearances. It is recommended that Council approve this sign at the proposed 8m height for the aforementioned reasons.

DCP Variation 3 – Number of Signs for Tenancies Not Visible From a Public Place

DCP Control

The DCP limits the maximum number of signs for tenancies that are not visible from a public place to 1.

Excluding the proposed free-standing signs which have been assessed under a separate DCP control, the proposed signage will include 2 tenancy signs for Woolworths.

Variation Request

The applicant has not identified this as a variation to the DCP.

Council Staff Assessment

Notwithstanding the above, Council staff have reviewed this variation request and recommend that it be supported for the following reasons:

- As aforementioned, the Stage 1 Oran Park Town Centre building being constructed on the site is a large retail development with long elevations on all sides. In this context the proposed number of signs is not considered to be excessive or visually dominant, as the building will remain the dominant feature of the site rather than the signs.

Consequently it is recommended that Council support this proposed variation to the DCP.

A table describing all of the proposed signs shown on the proposed plans, their heights (where relevant) and whether or not they are recommended for approval is provided below.

Sign No.	Sign Type	Proposed Free-Standing Height	Recommended Approved Height	Recommended for Approval?
A1-001	Centre identification wall sign	N/A	N/A	Yes
A1-002	Office entry tenant sign	N/A	N/A	Yes

A1-003	Tenant identification wall sign	N/A	N/A	Yes
A2-001	Centre identification wall sign	N/A	N/A	Yes
A2-004	Centre identification wall sign	N/A	N/A	Yes
A2-005	Centre identification wall sign	N/A	N/A	Yes
A2-006	Centre identification free-standing sign	6.5m	6m	Yes, with a reduced height
A2-007 and A5-002	Car park entry/exit free-standing sign and centre identification	8m	8m	Yes
A3-001	Tenant identification wall sign	N/A	N/A	Yes
A3-002	Tenant identification wall sign	N/A	N/A	Yes
A3-003	Tenant identification wall sign	N/A	N/A	Yes
A3-004	Tenant identification wall sign	N/A	N/A	Yes
A4-001	Tenant and car parking free-standing sign	11m	6m	Yes, with a reduced height
A4-002	Tenant and car parking free-standing sign	13m	6m	Yes, with a reduced height
A4-003	Loading dock free-standing sign	2.5m	2.5m	Yes
A5-001	Car park entry/exit free-standing sign	2.5m	2.5m	Yes
A5-003	Car park entry/exit free-standing sign	3.75m	3.75m	Yes
A5-004	Car park entry/exit free-standing sign	3.75m	3.75m	Yes
B1-001	Environmental	N/A	N/A	No – not

	graphic			proposed by this DA
B1-002	Environmental graphic	N/A	N/A	No – not proposed by this DA
B1-003	Environmental graphic	N/A	N/A	No – not proposed by this DA
B1-004	Environmental graphic	N/A	N/A	No – not proposed by this DA
B1-005	Environmental graphic	N/A	N/A	No – not proposed by this DA
B1-006	Environmental graphic	N/A	N/A	No – not proposed by this DA
B1-007	Environmental graphic	N/A	N/A	No – not proposed by this DA

(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

A Voluntary Planning Agreement (VPA) for the land was made on 22 September 2011 between Camden Council, Greenfields Development Company Pty Ltd, Greenfields Development Company No 2 Pty Ltd, Leppington Pastoral Pty Ltd and Landcom. The proposed development is not inconsistent with the VPA.

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained in this report.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

(d) Any submissions made in accordance with this Act or the Regulations

The DA was not publicly exhibited as public exhibition is not required by Camden Development Control Plan 2011. No submissions were received.

(e) The public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, *Environmental Planning Instruments*, *Development Control Plans* and policies. Based on the above assessment, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

The DA was not required to be referred to any external agency for comment.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA1130/2013 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Requirements

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

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan / Development No.	Description	Prepared by	Dated
G-0001A	Site Analysis	The Buchan Group	24 January 2013
G-1000F	Signage Master Plan	The Buchan Group	17 December 2013
G-3000D	North and South Elevations Signage Locations	The Buchan Group	6 November 2013
G-3001E	East and West Elevations Signage Locations	The Buchan Group	17 December 2013
G-A0101D	North Elevation Entry 1	The Buchan Group	17 December 2013
G-A0103C	West Elevation Entry 3	The Buchan Group	7 December 2013
G-A0201A	North Elevation Building Identification	The Buchan Group	31 May 2013
G-A0203A	West Elevation Building Identification	The Buchan Group	13 May 2013
G-A0204B	West Car Park Entry 3D view	The Buchan Group	25 October 2013
G-A0205A	West Elevation	The Buchan Group	30 May 2013

	Building Identification	Group	
G-A0206B	South Elevation Building Identification	The Buchan Group	11 November 2013
G-A0301A	West Elevation Major Tenant Identification	The Buchan Group	31 May 2013
G-A0303B	South Elevation Tenant Identification	The Buchan Group	11 November 2013
G-A0401B	South Elevation Car Park and Tenant Blade	The Buchan Group	18 July 2013
G-A0402D	South Elevation Car Park and Tenant Pylon	The Buchan Group	17 December 2013
G-A0403A	West Elevation Loading Entry Sign	The Buchan Group	31 May 2013
G-A0501A	West Elevation Car Park Entry	The Buchan Group	30 September 2013
G-A0503A	North Elevation Car Park Entry/Exit	The Buchan Group	31 May 2013

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

- (2) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (3) **Signage Illumination** - The illumination of the proposed signage must comply with AS 4282 - Control of Obtrusive Effects of Outdoor Lighting and AS 1158 – Lighting for Roads and Public Spaces.
- (4) **Light Spillage/Glare** – The approved signs must be installed, operated and maintained so as to minimise light spillage and glare upon surrounding properties and passing pedestrians/motorists on any roads.
- (5) **Modified Free-Standing Signage Height** – Free-standing signs A2-006, A4-001 and A4-002 must all be reduced in height to a maximum of 6m.
- (6) **Environmental Graphics Not Approved** – This development consent does not approve any of the environmental graphics shown on the approved plans.
- (7) **Tenancy Signage** – This development consent approves the tenancy signs to display business identification signs of only tenants that are lawfully occupying the town centre building.
- (8) **Woolworths and BWS Signage** – None of the approved Woolworths and BWS signage may be displayed until a Woolworths supermarket and BWS are DA approved and become operational on the site.
- (9) **Sign A2-007** – The part of sign A2-007 that protrudes east beyond the alignment of sign A4-002 is not approved. Sign A2-007 must be modified to remove this protruding part.
- (10) **Oran Park Voluntary Planning Agreement (VPA)** – The development shall be undertaken in accordance with the terms and conditions of the Voluntary Planning Agreement (VPA) made between Camden Council, Greenfields

Development Company Pty Ltd, Greenfields Development Company No. 2 Pty Ltd, Leppington Pastoral Pty Ltd and Landcom, pursuant to Section 93F of the *Environmental Planning and Assessment Act 1979*, dated 22 September 2011.

2.0 - Prior To Works Commencing

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

- (1) **Erection of Signs** – Shall be undertaken in accordance with Clause 98A of the Environmental Planning and Assessment Regulation 2000.
- (2) **Notice of Commencement of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and Clauses 103 and 104 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 or subdivision works.
- (3) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (4) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

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

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

Provide a stabilised entry/exit point. The access should be a minimum of 2.5m wide and extend from the kerb to the building line. The access should consist of aggregate at 30-40mm in size.

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

3.0 - During Construction

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

- (1) **Hours of Work** – The hours for all construction and demolition work are restricted to between:
 - (a) 7.00am and 6.00pm, Monday to Friday (inclusive);
 - (b) 7.00am to 4.00pm on Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8.00am to 4.00pm;
 - (c) work on Sunday and Public Holidays is prohibited.

- (2) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
 - (a) the delivery of material shall only be carried out between the hours of 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 4.00pm on Saturdays;
 - (b) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site;
 - (c) 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;
 - (d) 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;
 - (e) a waste control container shall be located on the development site.

- (3) **Protection of Public Places** – If the work involved in the erection or demolition of a building:
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) building involves the enclosure of a public place,a hoarding or fence must be erected between the work site and the public place.

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

- (4) **Construction Noise Levels** – Noise levels emitted during construction works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual.

This manual recommends:

Construction period of 4 weeks and under:

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

Construction period greater than 4 weeks:

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

4.0 - Prior To Issue Of Occupation Certificate

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

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

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

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

5.0 - Operational Conditions

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

- (1) **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 Council.
- (2) **Maintenance** - The approved signs must be maintained in good order at all times. The approved design, colour scheme and wording of the signs must not be altered without the prior written approval of Council.
- (3) **No Signs on Public Land** - Sandwich boards including 'A' frame advertising panels and any other sign must not be placed on a public footpath or road reserve.

RECOMMENDED

That Council approve DA1130/2013 for the display of signage for the Oran Park Town Centre at G Oran Park Drive, Oran Park subject to the conditions listed above.

ATTACHMENTS

1. Site Plan and Elevations
2. Proposed Plans - *Supporting Document*

ORDINARY COUNCIL

ORD05

ORD05

SUBJECT: SUBDIVISION TO CREATE 82 RESIDENTIAL LOTS, 1 FUTURE PUBLIC RESERVE LOT, 1 RESIDUE LOT AND ASSOCIATED SITE WORKS AT A THE HERMITAGE WAY, 29 TARRAWARRA AVENUE, 46 LILLYDALE AVENUE AND 810C CAMDEN VALLEY WAY, GLEDSDOOD HILLS

FROM: Director, Development & Health

TRIM #: 14/22549

APPLICATION NO: 1065/2013

PROPOSAL: Subdivision to create 82 residential lots, 1 future public reserve lot, 1 residue lot and associated site works

PROPERTY ADDRESS: A The Hermitage Way, 29 Tarrawarra Avenue, 46 Lillydale Avenue & 810C Camden Valley Way, Gledswood Hills

PROPERTY DESCRIPTION: Lot 4117, DP 1173178, Lot 2076, DP 1161618 & Lot 5, DP 1175488

ZONING: R1 General Residential

OWNER: SH Camden Valley Pty Limited

APPLICANT: SH Camden Valley Pty Limited c/o SJB Planning

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a subdivision to create 82 residential lots, 1 future public reserve lot, 1 residue lot and associated site works at A The Hermitage Way, 29 Tarrawarra Avenue, 46 Lillydale Avenue and 810C Camden Valley Way, Gledswood Hills.

The DA is referred to Council for determination as there remain unresolved issues received in one submission from the public, and there are proposed variations to the Turner Road Development Control Plan 2007 (Turner Road DCP).

SUMMARY OF RECOMMENDATION

That Council determine DA1065/2013 for a subdivision to create 82 residential lots, 1 future public reserve lot, 1 residue lot and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for a subdivision to create 82 residential lots, 1 future public reserve lot, 1 residue lot and associated site works at A The Hermitage Way, 29 Tarrawarra Avenue, 46 Lillydale Avenue and 810C Camden Valley Way, Gledswood Hills.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. One submission was received (objecting to the proposed development). **A copy of the submission is provided with the Business Paper Supporting Documents.**

The issues raised in the submission relate to the inability of the subject DA to take into account the development requirements of lands to the east; that the proposed development should incorporate a connection road through to the adjoining lands to the east; that the proposed development results in the adjoining lands to the east being cut off from access and services; that the proposed development is contrary to the *Environmental Planning and Assessment Act 1979* in that it prevents the planned and orderly progression of development; and that the DA proposes roads that end abruptly which will have adverse impacts for waste collection and manoeuvrability.

It is noted that a future road connection from the Turner Road precinct is to be provided across the Sydney Catchment Authority (SCA) Upper Canal to properties to the east. This road connection is not part of this DA and will be subject to a separate DA in the future. The proposed development will not adversely impact the properties to the east.

Subject to a DA being lodged for development on the adjacent lands to the east, the owners of that land have the ability to develop independently without the road connection. Their lands have been master planned for urban development as part of the El Caballo Blanco and Gledswood release area. Access to services can also be provided within the lands to the east and it is not considered that the proposed development is sterilising the ability of those lands to develop.

The DA does not propose to develop the land upon which this road is identified at this time and the applicant has advised that a future DA will be lodged to construct this section of road and allow for the road connection point to the lands to the east. This DA is anticipated to be lodged within the next 12 months. The provision of this road is not necessary to facilitate the proposed development and there will be no adverse traffic impacts as a result of its exclusion at this time.

The rationale for not including the road connection to the east at this time is based on infrastructure requirements. The proposed development is located within the South Creek hydrological catchment, whereas the land on which the road connection is required is located within the Riley's Creek hydrological catchment. This land for the road connection has been excluded from this DA as it would involve significant infrastructure provision including the provision of on-site stormwater detention and associated infrastructure which is not required at this stage of the overall "The Hermitage" development.

The DA proposes temporary turning heads at the end of the proposed local roads until such time as these roads are fully constructed. This is a common occurrence throughout release area subdivisions and they will fully comply with Council's Engineering Specifications.

The applicant proposes 3 variations to the Turner Road DCP relating to variations to the adopted street pattern, provision of low density housing within an identified medium density area and provision of matching lot frontages in one location. Council staff have assessed these DCP variations and recommend that they be supported.

The DCP requires development to be undertaken generally in accordance with the ILP. The ILP shows an east/west street pattern layout whereas the applicant is proposing a

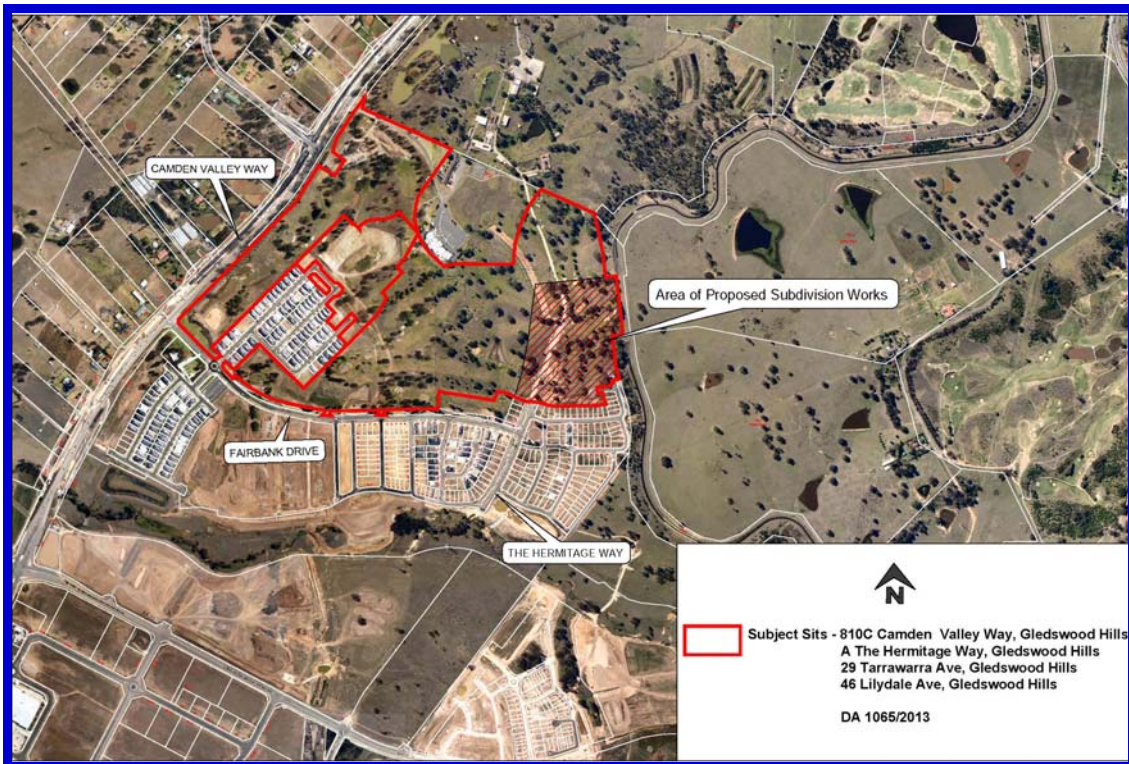
north/south street pattern. The north/south street pattern minimises access points onto the North Spine Road (The Hermitage Way) and will still provide good legibility and connectivity within the subdivision.

The low density housing in place of the required medium density housing is also supported. The sub-precinct dwelling targets outlined in Section 2.3 of the Turner Road DCP are capable of being met despite the provision of low density housing along this part of The Hermitage Way.

Despite 4 lots in a row having the same frontage width, the overall subdivision proposes lots that will vary in size from 375m² to 619m² and overall a diverse range of lot frontages are proposed which will contribute to a mix of street frontages and a varied streetscape.

Based on the assessment, it is recommended that the DA be approved subject to the conditions contained in this report.

AERIAL PHOTO



THE SITE

The site is commonly known as A The Hermitage Way, 29 Tarrawarra Avenue, 46 Lillydale Avenue & 810C Camden Valley Way, Gledswood Hills and is legally described as lot 4117, DP 1173178, lot 2076, DP 1161618 and lot 5, DP 1175488.

The site comprises 3 large residue lots that are located with the developer's "The Hermitage" development estate. Lot 4117 has an area of approximately 34.2ha, lot 2076 has an area of approximately 6.1ha and lot 5 an area of approximately 13.9ha. The exact location of the proposed subdivision construction (on lot 4117) is identified by the hatched area on the above aerial photo.

Present on the site are existing golf holes, greens and scattered vegetation. The site slopes downwards towards South Creek and is located adjacent to the SCA Upper Canal to the east. Parts of the site are mapped as bush fire prone land. The entire site is located within the Turner Road Precinct of the South West Growth Centre.

The surrounding area comprises Gregory Hills Drive and the developing Central Hills Business Park to the south. To the north and east is the Gledswood/El Caballo Blanco site whilst to the west is Camden Valley Way, the Catherine Fields (part) and Oran Park precincts of the South West Growth Centre.

HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
6 June 2012	Creation of lot 4117 approved by DA222/2012
28 January 2014	Remediation of this site approved by DA854/2013

THE PROPOSAL

DA1065/2013 seeks approval for a subdivision to create 82 residential lots, 1 future public reserve lot, 1 residue lot and associated site works.

Specifically the proposed development involves:

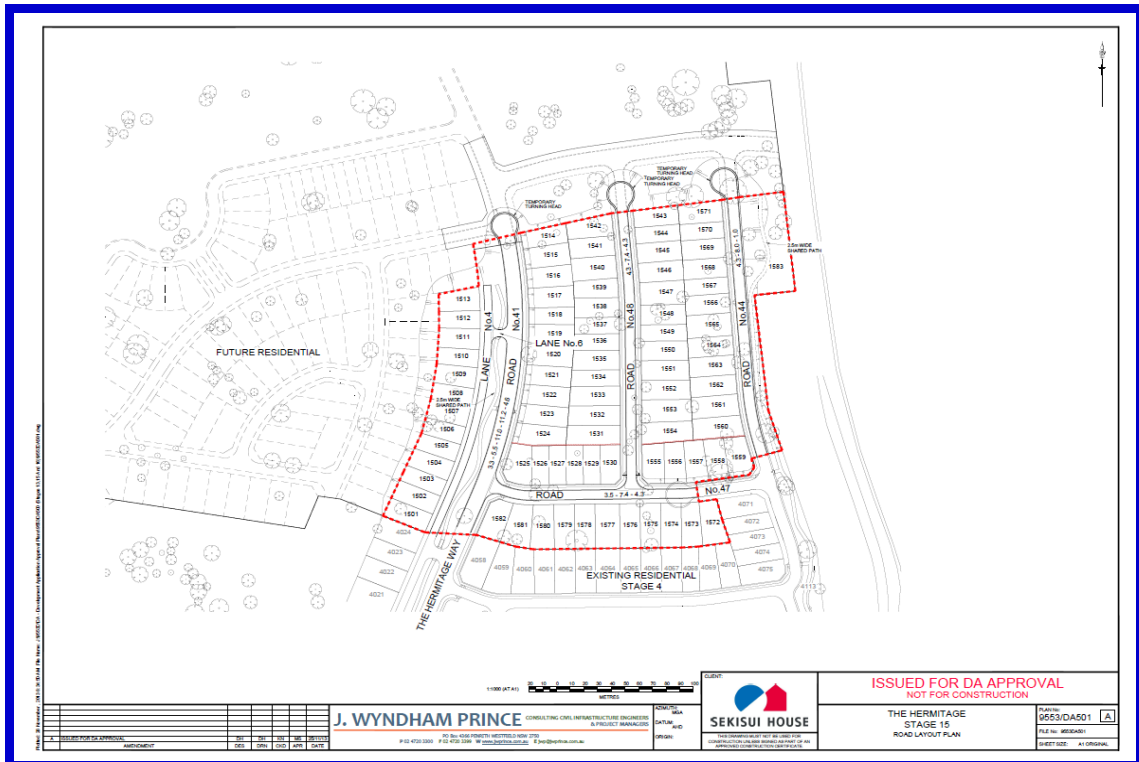
- subdivision to create 82 residential lots ranging in size from 375m² to 619m²;
- creation of 1 future public reserve lot (proposed lot 1583) located to the east of the site. This lot will be subject to a separate DA for embellishment works;
- creation of 1 residue lot that will contain remaining land from lot 4117 following the subdivision;
- construction of 230m of the North Spine Road (The Hermitage Way) and other local roads;
- removal of existing trees and vegetation within the site;
- stockpiling of excess fill on lot 2076, DP 1161618 and lot 5, DP 1175488; and
- construction of drainage, landscaping and associated site works.

The value of works is \$2,943,369.

A copy of the proposed subdivision plan and proposed road layout plan are provided as Attachments 1 and 2 to this report.

PROPOSED SUBDIVISION PLAN

ORD05



ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) *The Provisions of any Environmental Planning Instrument*

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- State Environmental Planning Policy No 55 – Remediation of Land
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River

An assessment of the proposed development under the Environmental Planning Instruments is detailed below.

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

Permissibility

The site is zoned R1 General Residential under the provisions of the SEPP. The proposed development is defined as “earthworks” and “roads” which are permitted with consent in this zone. The subdivision of land is also permitted with consent in this zone.

Objectives

The objectives of the R1 General Residential zone are as follows:

- To provide for the housing needs of the community.

Officer comment:

The DA proposes a subdivision to create 82 residential lots which will provide for the future housing needs of the community.

- To provide for a variety of housing types and densities.

Officer comment:

As aforementioned, the DA proposes a mix of residential lots ranging in size from 375m² to 619m². This will allow for a diverse range of housing types and densities to be provided within the site.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Officer comment:

The DA proposes a future public reserve lot which will help provide for the future recreation needs of residents.

- To support the well being of the community, including educational, recreational, community, religious and other activities and, where appropriate, neighbourhood shops if there will be no adverse effect on the amenity of proposed or existing nearby residential development.

Officer comment:

The DA proposes a future public reserve lot which will help provide for the future recreation needs of residents.

- To allow for small scale kiosks, function centres, restaurants and markets that support the primary function and use of recreation areas, public open space and recreation facilities located within residential areas.

Officer comment:

This objective is not relevant to the proposed development in that the DA proposes a subdivision of residential land.

- To allow for small scale intensity tourist and visitor accommodation that does not interfere with residential amenity.

Officer comment:

This objective is not relevant to the proposed development in that the DA proposes a subdivision of residential land.

- To provide for a variety of recreational uses within open space areas.

Officer comment:

The DA proposes a future public reserve lot which will provide for a variety of recreational uses within an open space area. This embellishment of this future public reserve lot will be subject to a separate DA.

Relevant Clauses

The DA was assessed against the following relevant clauses of the SEPP. Discussion of any variations of the controls is provided after the compliance table.

Clause	Requirement	Provided	Compliance
4.1 Minimum Lot Size	Minimum lot size of 125m ²	The DA proposes a range of lot sizes from 375m ² to 619m ²	Yes
4.1C Residential Density – Turner Road Precinct	Deliver 4,020 new dwellings in the Turner Road Precinct	The DA proposes the provision of 82 residential lots which will contribute to the overall residential density target of 4,020 dwellings	Yes
5.9 Preservation of Trees or Vegetation	Removal of trees and vegetation requires consent	The DA proposes the removal of some existing moderately significant vegetation on the site's eastern boundary. Where possible the DA proposes to retain these trees, specifically within the future public reserve lot, however the existing trees and vegetation	Yes

Clause	Requirement	Provided	Compliance
		within the residential subdivision area will be removed as part of this development. The removal of these trees and vegetation is deemed acceptable in order to facilitate the residential development master planned for the area. It is noted that street planting is proposed and will provide some offset for the tree loss. The entire site has previously been granted biodiversity certification by the State Government which means that trees can be removed in order to facilitate urban development	
5.10 Heritage Conservation	Conserve the environmental heritage of the Turner Road Precinct	The site of proposed works is adjacent to the SCA Upper Canal which is a State heritage item. No works are proposed within the Upper Canal and following consultation, the SCA have raised no issues with the proposed development subject to a number of requirements being met. These requirements relate to the provision of fencing and erosion and sediment control measures. It is a recommended condition that all of the requirements of the SCA are complied with	Yes
6.1 Public Utility Infrastructure	Consent not to be granted for development unless adequate public utility infrastructure arrangements have been made	The site is capable of being serviced by appropriate public utility infrastructure including sewer and water, and the provision of appropriate utility infrastructure is a recommended condition	Yes

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

The SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent. The applicant has provided a copy of the remediation action plan (RAP) which was approved by Council at the Council meeting of 28 January 2014 under DA854/2013. This RAP approves the remediation of all remaining contamination within the site.

Council staff are therefore satisfied that the site can be made suitable for its intended residential use. A condition is recommended which requires a copy of the Site Audit Statement for that remediation approved by DA854/2013 to be submitted to Council. This audit statement will confirm that all of the remediation works have been completed. Subject to this occurring, the requirements of the SEPP will be met.

Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SEPP)

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Appropriate erosion and sediment control measures have been proposed and this will ensure the requirements of the SEPP are fully met.

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instrument applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Turner Road Development Control Plan 2007 (Turner Road DCP)

The following is an assessment of the proposed development’s compliance with the controls in the Turner Road DCP. Discussion of any variations of the controls is provided after the compliance table.

Control	Requirement	Provided	Compliance
Part A 2.1 Indicative Layout Plan	Development to be consistent with the Precinct’s Indicative Layout Plan (ILP) depicted in Figure 2. A copy of the ILP is provided as attachment 4 to this report.	The site is largely located within a “low density residential” area of the ILP and low density development is proposed in this location. However part of the site (on the western side of the northern Spine Road) is located within a “medium density area” and only low density development is proposed in this location The DA also proposes a north/south street pattern whereas the ILP identifies an east/west street pattern	No – DCP Variation 1 No – DCP variation 2
Part A 2.3	Subdivision to	The site is largely located	Yes

Control	Requirement	Provided	Compliance
Residential Density Targets	demonstrate that the dwelling targets in the sub-precincts shown in Figure 3 will be achieved	<p>within sub-precinct Q and partially located in sub-precinct R</p> <p>Sub-precinct Q requires the provision of 83 dwellings. This DA proposes 69 lots within sub-precinct Q. 3 lots have previously been approved in sub-precinct Q by other DAs and this, combined with future subdivisions subject to separate DAs, will ensure that the target of 83 dwellings can generally be met</p> <p>Sub-precinct R requires the provision of 117 dwellings. This requirement has been met through the approval of previous DAs</p>	
Part A 3.1 Street Network and Design	Streets to be designed in accordance with DCP's cross sections	The proposed roads comply with the required cross sections for local roads, including local roads which are adjacent to riparian corridors which permit a verge reduced to 1m wide	Yes
	All roads are to comply with Council's Engineering Specifications	It is a recommended condition that the proposed development complies with Council's Engineering Specifications	Yes
	Street tree planting is required on all streets	Appropriate street planting has been proposed	Yes
	The minimum kerb radii for intersections of local roads shall be 7.5m	It is a recommended condition that all local road kerb radii at intersections comply with this requirement	Yes
Part A 3.2 Pedestrian and Cycle Network	Pedestrian and cycleway routes are to be provided in accordance with Figure 14 and relevant road cross	The DCP requires footpaths to be provided on at least 1 side of each local street (with a width of 1.2m). Footpath widths of 1.5m are proposed, however the	Yes

Control	Requirement	Provided	Compliance
	sections	<p>verges have also been widened so these paths will have no adverse impact on the required street tree planting, and are consistent with the footpaths provided elsewhere in Gledswood Hills to date</p> <p>The DCP requires a 2.5m shared path and a 1.2m footpath along a collector road. The DA proposes a shared path of 2.5m and a footpath of 1.5m along The Hermitage Way collector road</p> <p>The future public reserve lot (proposed lot 1583) also requires the provision of a cycleway within its open space areas, however this will be subject to assessment under a separate DA for embellishment works</p>	
Part A, 3.3 Public Transport Network	Bus routes are to be provided generally in accordance with Figure 15	The proposed North Spine Road (The Hermitage Way) can readily accommodate bus routes in accordance with Figure 15	Yes
	A minimum travel-way width of 3.5m is to be provided along all bus routes	The proposed cross section for North Spine Road (The Hermitage Way) which is an identified bus route provides a minimum lane width of 5.6m to accommodate the bus route	Yes
	Bus stops are to be provided on-street and not within indented bays	No indented bus bays are proposed as part of this DA. The location of bus stops will be determined by Council's local traffic committee at a later date and these will be provided on-street	Yes
Part A, 4.1 Public Parks and Landscape Strategy	Public parks are to be provided generally in accordance with	The DA proposes a future public reserve lot which is in accordance with the location identified in Figure	Yes

Control	Requirement	Provided	Compliance
	<p>Figure 16</p> <p>Public parks are to have a minimum area of 2,000m²</p>	<p>16. As aforementioned the embellishment of this reserve will be the subject of a future DA</p> <p>The future public reserve lot has an area of 3,489m²</p>	<p>Yes</p>
Part A 6.2 Flooding and Watercycle Management	Residential lots to be above the 1 in 100 year flood line plus a 500mm freeboard	All proposed residential lots are above the 1 in 100 year flood line and will comply with the freeboard requirement	Yes
	Management of minor flows using piped systems for the 20% AEP and 10% AEP must be in accordance with Camden Council's Engineering Design Specification	The management of all stormwater flows, including minor flows, fully comply with Camden Council's Engineering Design Specification	Yes
	Management of major flows using dedicated overland flow paths such as open space areas, roads and riparian corridors for all flows in excess of the pipe drainage capacity and above the 20% AEP must be in accordance with Camden Council's Engineering Design Specification	The management of major flows fully comply with Camden Council's Engineering Design Specification	Yes
	Where practical, development shall attenuate up to the 50% AEP peak flow for discharges into local tributaries, particularly Category 1 and 2 creeks	The proposed stormwater strategies will ensure that up to the 50% AEP is attenuated	Yes
	The developed 1% AEP peak flow is to be reduced to pre-development flows	As noted, the stormwater strategies proposed will ensure that post	Yes

Control	Requirement	Provided	Compliance
	<p>through the incorporation of stormwater detention and management devices</p> <p>All development is to incorporate water sensitive urban design (WSUD) and a WSUD strategy must be submitted as part of any subdivision DA</p> <p>The WSUD strategy must demonstrate compliance with Table 10 Environmental Stormwater Objectives</p>	<p>development flows match pre development flows</p> <p>The proposed development incorporates WSUD principles including an existing water quality basin and soil erosion and sediment control measures</p> <p>The WSUD strategy complies with the requirements of Table 10</p>	<p>Yes</p> <p>Yes</p>
Part A 6.3 Salinity and Soil Management	<p>Every subdivision DA for land identified in Figure 18 must be accompanied by a salinity report</p> <p>Groundwater recharge is to be minimised by directing runoff from paved areas into stormwater drains</p> <p>All development must incorporate soil conservation measures to minimise soil erosion and siltation during construction and following completion of the development</p>	<p>The applicant has submitted a salinity report and management plan for the proposed development. This has been assessed by Council staff, is deemed to be acceptable and compliance with this report/plan is a recommended condition</p> <p>Groundwater recharge will be minimised by ensuring that runoff is captured and disposed of through kerb and gutter and discharged into Council's drainage system</p> <p>The proposed development incorporates sufficient soil erosion and sediment control measures in accordance with Council's Engineering Specification. These measures include a surface inlet sediment trap, sediment fencing and filter rolls. These measures cover both during</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	<p>All sediment and erosion controls are to be installed prior to the commencement of works and maintained throughout the course of construction</p>	<p>construction and following completion of the works</p> <p>It is a recommended condition that all sediment and erosion controls are installed prior to works commencing</p>	<p>Yes</p>
<p>Part A, 6.5 Land Adjacent to the Sydney Water Canal</p>	<p>A continuous landscape buffer must be provided along the western extent of the Canal damage to the canal must be minimised</p>	<p>The DA proposes a future public reserve lot along the western extent of the SCA Upper Canal. This will be subject to a future embellishment DA which will provide for a continuous landscape buffer between the subject site and the Upper Canal. In addition, the SCA have raised no issues with the proposal subject to a number of requirements being met. These requirements relate to the provision of fencing and erosion and sediment control measures. It is a recommended condition that all of the requirements of the SCA are complied with</p>	<p>Yes</p>
<p>Part A 6.6 Bushfire Hazard Management</p>	<p>Asset Protection Zones (APZs) to be provided in accordance with Figure 21</p>	<p>The applicant has submitted a bushfire assessment report which confirms that the development can provide compliant APZs that are required along the site's eastern boundary. The NSW Rural Fire Service have also reviewed the proposal and provided a bush fire safety authority subject to compliance with conditions regarding APZs, water and utilities, access and landscaping. Any future DAs for dwellings on the proposed lots will be required to comply with</p>	<p>Yes</p>

Control	Requirement	Provided	Compliance
		"Planning for Bushfire Protection 2006"	
Part A, 6.7 Tree Retention and Biodiversity	Vegetation of significance identified in Figure 22 is to be retained where possible	The DA proposes the removal of some existing moderately significant vegetation on the site's eastern boundary. Where possible, the DA proposes to retain these trees, specifically within the future public reserve lot, however the existing trees and vegetation within the residential subdivision area will be removed as part of this development. The removal of these trees and vegetation is deemed acceptable in order to facilitate the residential development master planned for the area. It is noted that street planting is proposed and will provide some offset for the tree loss. The entire site has previously been granted biodiversity certification by the State Government which means that trees can be removed in order to facilitate urban development	Yes
	A tree survey plan is to be submitted with each subdivision DA and must identify the type, location and condition of all existing trees and justification for their removal	A tree management plan has been provided with the DA and adequate details and justification for proposed tree removal has been submitted. The removal of the existing trees and vegetation is deemed acceptable for the reasons outlined above	Yes
	Native vegetation must be provided where possible	Native plant species are proposed and include Angophora costata (smooth barked-apple), Eucalyptus tereticornis (forest red gum) and Waterhousia floribunda (weeping Lillypilly)	Yes
		It is a recommended	Yes

Control	Requirement	Provided	Compliance
	All subdivision design and bulk earthworks is to consider the need to minimise weed dispersion and eradication	condition that any weed infestation that may occur on site is appropriately managed	
Part A, 6.8 Contamination Management	DAs for development with AECs are to be accompanied by Phase 2 contamination report and Remediation Action Plan (RAP) if necessary	As stated previously in this report, the site is currently undergoing remediation works approved by DA 854/2013. The previously submitted contamination assessments and RAP have been assessed by Council staff and compliance with these documents will ensure the site is made suitable for residential development from a contamination perspective. A condition is recommended which requires a copy of the Site Audit Statement for the remediation works to be submitted to Council prior to the issue of a Subdivision Certificate	Yes
Part A, 6.10 Acoustics	Compliance with Council's Environmental Noise Policy	The applicant has submitted an acoustic report which demonstrates that all of the proposed lots will meet the internal and external amenity criteria contained within Council's policy (subject to a range of acoustic attenuation measures including a 1.8m acoustic fence and alternate ventilation to facades and/or bedroom and sleeping areas). Compliance with the acoustic report is a recommended 88B Instrument condition	Yes
Part A, 7.1 Neighbourhood and Subdivision Design	Residential neighbourhoods are to be focused on elements of the public domain such as a school, park, retail or community	The proposed subdivision is located adjacent to a future public reserve and approximately 250m from the future entertainment precinct to the north west. Both the future park and	Yes

Control	Requirement	Provided	Compliance
	<p>facility within walking distance</p> <p>Subdivision layout is to create a legible and permeable street hierarchy and maximise pedestrian connectivity</p> <p>Street blocks generally to be a maximum of 250m long and 70m wide</p> <p>The preferred lot orientation is either on a north-south or east-west orientation</p> <p>For lots 12.5m wide and above, no more than 3 lots in a row should have the same frontage and the minimum change in lot width shall be 2m</p> <p>Minimum lot size for detached dwellings is 250m² with a depth of 20m</p>	<p>entertainment precinct are within walking distance</p> <p>The proposed layout established a legible and permeable street network through the provision of 3 local streets and part construction of the North Spine Road (The Hermitage Way) which is a collector road. Pedestrian connectivity is achieved through the provision of footpaths and street blocks ranging between 185-209m long x 60m wide</p> <p>Each of the proposed blocks has a maximum length of 209m and all blocks are less than 70m wide</p> <p>The DA proposes a north/south lot orientation</p> <p>The DA proposes 3 lots with a frontage of 12.5m (lots 1526-1528 along proposed Fenwick Street) and does not provide a change of 2m in the adjacent lot to the east</p> <p>The smallest residential lot proposed is 375m². All lots have depths of 30m or more therefore all lot sizes will be suitable for detached housing</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No – DCP variation 3</p> <p>Yes</p>
Part A, 7.5 Corner Lots	Minimum splays for corner lots are to comply with Figure 29 (which requires a minimum of 3m)	The proposed splays for corner lots are consistent with the requirements of Figure 29	Yes
Part A, 8.3 Stormwater and Construction	All development must be carried out in accordance with an approved soil	The applicant has submitted details in relation to soil and water management which have been reviewed by	Yes

Control	Requirement	Provided	Compliance
management	and water management plan	Council staff and are considered to be acceptable	
Part A, 8.4 Waste Management	A waste management plan (WMP) is required to be submitted Subdivisions to be designed to ensure garbage collection is not required to be undertaken from 4 lane sub-arterial roads	A WMP has been submitted which adequately details the management of waste during the development's construction phase No lots are accessed or oriented to any 4 lane sub arterial roads. Council staff have also reviewed the proposed subdivision layout and consider it sufficient for waste collection	Yes Yes
Part A, 8.5 Site Facilities and Servicing	All domestic services (including electrical) are required to be underground	It is a recommended condition that all required services will be provided underground within the proposed road infrastructure	Yes
Part A, 8.7 Safety and Surveillance	Pedestrian and communal areas are to have sufficient lighting, be designed to minimise opportunities for concealment and to incorporate principles of Crime Prevention Through Environmental Design	The proposed footpaths adjoining all residential and the future public reserve lot will be adequately lit by street lighting. All lots will be oriented to the street to encourage passive surveillance opportunities. The safety of the public reserve lot will be considered in more detail when the future DA for its embellishment is submitted and assessed	Yes

DCP Variation 1 – Provision of Medium Density Housing

DCP Control

The DCP requires development to be undertaken generally in accordance with the Indicative Layout Plan (ILP). The ILP shows an area of medium density housing along the western side of The Hermitage Way. The applicant is instead proposing low density housing along this section of The Hermitage Way.

Variation Request

The applicant has requested that Council support a variation to this DCP control on the basis that:

- (a) the provision of medium density housing is anticipated to be provided along the future open space corridor through the centre of the site in order to provide a greater level of amenity for residents consistent with the DCP; and

- (b) despite the provision of low density housing in lieu of medium density housing, the minimum residential density targets can still be met.

Council staff have reviewed this variation and recommend that it be supported for the following reason:

- the sub-precinct dwelling targets outlined in Section 2.3 of the Turner Road DCP are capable of being met despite the provision of low density housing along this part of The Hermitage Way.

Consequently, it is recommended that Council support this proposed variation to the DCP.

DCP Variation 2 – Street Pattern

DCP Control

The DCP requires development to be undertaken generally in accordance with the ILP. The ILP shows an east/west street pattern layout whereas the applicant is proposing a north/south street pattern.

Variation Request

The applicant has requested that Council support a variation to this DCP control on the basis that:

- (a) the topography of the site is considerably steep and a north/south block pattern enables a better transition across the site and reduces the necessity for retaining walls.

Council staff have reviewed this variation and recommend that it be supported for the following reasons:

- the north/south street pattern minimises access points onto the North Spine Road (The Hermitage Way) and will still provide good legibility and connectivity within the subdivision; and
- the north/south street pattern will still achieve good solar access for future dwellings on the lots.

Consequently, it is recommended that Council support this proposed variation to the DCP.

DCP Variation 3 – Provision of a Mix of Lot Frontages

The DCP requires a mix of lot frontages to be provided and no more than 3 lots in a row should have the same frontage. The minimum change in lot width must be 2m. The DA proposes 3 lots with a frontage of 12.5m (lots 1526-1528 along proposed Fenwick Street) and does not provide a change of 2m in the adjacent lot to the east.

Variation Request

The applicant has requested that Council support a variation to this DCP control on the basis that:

- (a) a diverse range of lot frontages are proposed (ranging from 12.5m to 17m) which will result in a varied streetscape.

Council staff have reviewed this variation and recommend that it be supported for the following reasons:

- the proposed lots vary in size from 375m² to 619m² and a diverse range of lot frontages are proposed which will contribute to a mix of street frontages to provide for an articulated and varied streetscape; and
- all other dwelling design controls contained in the DCP are still capable of being met.

Consequently, it is recommended that Council support this proposed variation to the DCP.

A DCP variation concept plan is provided as Attachment 3 to this report.

Camden Development Control Plan 2011 (Camden DCP)

The following is an assessment of the proposed development's compliance with the controls in the Camden DCP.

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion, sediment and dust control measures to be provided	Appropriate erosion, sediment and dust control measures have been proposed	Yes
B1.2 Earthworks	Subdivisions to respond to site's natural topography and minimise cut and fill	The proposed cut and fill to establish the final levels for the proposed residential lots is deemed to be acceptable. The depth of cut and fill proposed will not significantly alter the existing topography of the site and is necessary to establish a level building platform for future dwellings	Yes
	Clean fill material should be used	It is a recommended condition that clean fill material is used	Yes
	DAs involving earthworks to include supporting information which addresses fill, stormwater	Appropriate cut and fill details, soil and water management and landscaping plans have been provided for the	Yes

Control	Requirement	Provided	Compliance
	management and site re-vegetation	proposal and are deemed to meet the requirements of this control	

(a)(iii) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

On 14 February 2014 a Voluntary Planning Agreement (VPA) was made between Camden Council and SH Camden Valley Pty Limited.

The site is partially located within Stages B & D of the VPA. Two items are identified within the site and include a public open space along the eastern boundary of the site and the cycleway within this open space.

The DA proposes the creation of a future public reserve lot as part of this DA. The embellishment and provision of the required cycleway within the public reserve will be occur as part of a separate DA. This is acceptable as the VPA does not require the provision of these items at this time and the proposed development will not preclude the provision of these items in the future.

A standard condition is also recommended which requires full compliance with the VPA.

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained in this report.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

Drainage Impacts

A stormwater plan has been provided in support of the DA and provides details on the construction and installation of site subsurface drainage including laying of pipes and installation of drainage pits.

Water collected via the subsurface drainage network will be directed into an existing stormwater detention basin approved as part of a separate DA. This detention basin has been designed to ensure peak flows are not increased from the catchment and will therefore ensure that no adverse stormwater effects will occur on adjacent properties as a result of the proposed development.

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

(d) Any submissions made in accordance with this Act or the Regulations

The DA was publicly exhibited for a period of 14 days in accordance with the DCP. The exhibition period was from 4 to 18 December 2013. **A Public Exhibition and Submissions Map is provided with the Business Paper Supporting Documents.** One submission was received (objecting to the proposed development).

The following discussion addresses the issues and concerns raised in the submission.

1. The proposed development does not take into account the requirements of the adjacent lands to the east from a development perspective.

Officer comment:

It is noted that a future road connection from the Turner Road precinct is to be provided across the SCA Upper Canal to properties to the east. This road connection is not part of this DA and will be subject to a separate DA in the future.

The proposed development will not adversely impact the properties to the east. These properties currently have access from Raby Road and will continue to do so. These properties have been master planned for urban development as part of the El Caballo Blanco and Gledswood release area.

Subject to a DA being lodged for development on the adjacent lands to the east, the owners of that land have the ability to develop independently without the road connection. Access to services can also be provided within the lands to the east and it is not considered that the proposed development is sterilising the ability of those lands to develop.

2. The proposed development causes the adjacent lands to the east to be cut off from access and services.

Officer comment:

As aforementioned, access to services can also be provided within the lands to the east and it is not considered that the proposed development will sterilise the ability of those lands to develop independently.

3. The proposed development should incorporate the land and proposed road identified to the north of the subject site.

Officer comment:

As aforementioned, it is acknowledged that a road connection from the site to the adjacent lands is identified within the Turner Road DCP's ILP. The subject DA does not propose to develop the land upon which this road is identified at this time and the applicant has advised that a future DA will be lodged to construct this section of road and allow for the road connection point to the lands to the east. This DA is anticipated to be lodged within the next 12 months. The provision of this road is not necessary to facilitate the proposed development and there will be no adverse traffic impacts as a result of its exclusion at this time.

4. The proposed subdivision is contrary to the Environmental Planning and Assessment Act 1979 in that it does not allow for the planned and orderly progression of development and creates a “grudge strip.”

Officer comment:

It is considered that the subject DA is consistent with the requirements of the *Environmental Planning and Assessment Act 1979* in that it allows for the planned and orderly development of the subject site and does not impede adjacent lands to develop should they wish to do so in the future.

The rationale for not including the road connection to the east at this time is based on infrastructure requirements. The proposed development is located within the South Creek hydrological catchment whereas the land on which the road connection is required is located within the Riley’s Creek hydrological catchment.

This land for the road connection has been excluded from this DA as it would involve significant infrastructure provision including the provision of on-site stormwater detention and associated infrastructure which is not required at this stage of the overall “The Hermitage” development.

5. The DA proposes roads that abruptly end and this will be problematic in terms of waste collection and manoeuvring within the subdivision.

Officer comment:

The DA proposes temporary turning heads at the end of the proposed local roads until such time as these roads are fully constructed. This is a common occurrence throughout release area subdivisions. The temporary turning heads fully comply with the requirements of Council’s Engineering Specifications and will provide for safe and efficient traffic movement and waste collection.

(e) The public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, Environmental Planning Instruments, Development Control Plans and policies. Based on the above assessment, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

NSW Rural Fire Service (RFS)

The DA was referred to the RFS for assessment as this development proposes the subdivision of residentially zoned bush fire prone land and therefore requires a bush fire safety authority pursuant to Section 100B of the *Rural Fires Act 1997*. The proposed development is therefore classed as Integrated Development pursuant to Section 91 of the *Environmental Planning and Assessments Act 1979*. The RFS have issued a bush fire safety authority for the proposed development with conditions relating to the provision of APZs, water and utilities, access and landscaping. It is a recommended condition that all of the RFS’s conditions be complied with.

Sydney Catchment Authority (SCA)

The DA was referred to the SCA for comment due to the proximity of the proposed development to the Upper Canal. The SCA have provided comment and requested that a number of requirements be imposed. These requirements include the provision of fencing and erosion and sediment control measures. It is a recommended condition that the SCA requirements are full complied with.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA1065/2013 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Requirements

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan / Development No.	Description	Prepared by	Dated
7005/297E	Plan of Subdivision	YSCO Geomatics	5 November 2013
9553/DA501 Revision A	Road Layout Plan	J. Wyndham Prince	25 November 2013
9553/DA502 Revision A	Cut/Fill Plan	J. Wyndham Prince	
9553/DA503 Revision A	Drainage Layout Plan	J. Wyndham Prince	25 November 2013
9553/DA504 Revision A	Road Typical Cross Sections	J. Wyndham Prince	25 November 2013
9553/DA505 Revision A	Road Longitudinal Sections	J. Wyndham Prince	25 November 2013
9553/DA506 Revision A	Road Longitudinal Sections	J. Wyndham Prince	25 November 2013
9553/DA507 Revision A	Road Longitudinal Sections	J. Wyndham Prince	25 November 2013
9553/DA508 Revision A	Soil & Water Management Plan	J. Wyndham Prince	25 November 2013

9553/DA509 Revision A	Tree Management Plan	J. Wyndham Prince	25 November 2013
9553 DA Application 15 281113	Stormwater Management Strategy	J. Wyndham Prince	28 November 2013
209021 Stage 15 LD DA 01 Revision 01	General Arrangement Plan	Tract	26 November 2013
209021 Stage 15 LD DA 01 Revision 02	Landscape Details	Tract	-
34295.28	Salinity Investigation & Management Plan	Douglas Partners	November 2013
13SUTBUS-0035	Bushfire Protection Assessment	Eco Logical Australia Pty Ltd	26 November 2013
213 141	Acoustic Report	PKA Acoustic Consulting	November 2013

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

- (2) **Landscaping Maintenance and Establishment Period** - Commencing from the Date of Practical Completion (DPC), the Applicant will have the establishment and maintenance responsibility for all hard and soft landscaping elements associated with this Consent.

The 12 month maintenance and establishment period includes the Applicant's responsibility for the establishment, care and repair of all landscaping elements including all street tree installations.

The Date of Practical Completion (DPC) is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting, turf installation, street tree installation and mulching.

It is the Applicant's responsibility to arrange a site inspection with the Principal Certifying Authority (PCA), upon initial completion of the landscaping works, to determine and agree upon an appropriate DPC.

At the completion of the 12 month landscaping maintenance and establishment period, all landscaping elements (including any nature strip and road verge areas, street trees, street tree protective guards and bollards) must be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth

- (3) **Services** -

- (a) All services within the subdivision shall be underground.
- (b) All service connections to existing works in Council's Road Reserve requires a Public Road Activity approval from Council. Connections to existing works within Public Reserve or Drainage Reserve will require owner's permission (i.e. Camden Council).

- (5) **Design and Construction Standards-** All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with Camden Council's current Engineering Specifications.
- (6) **Bush Fire Safety Authority** – The development must be carried out in accordance with the conditions listed in the bush fire safety authority letter issued by the NSW Rural Fire Service dated 2 January 2014.
- (7) **Sydney Catchment Authority** – The development must be carried out in accordance with the requirements listed in the letter issued by the Sydney Catchment Authority dated 18 December 2013.
- (8) **General Requirement** - All activities associated with the development must be carried out within the boundaries of the site, and must be carried out in an environmentally satisfactory manner as defined under Section 95 of the *Protection of the Environment Operations Act 1997*.
- (9) **Public Open Space Works** – This development consent does not approve the construction of any public open space facilities within the future public open space lot. Embellishment of this public open space area must be subject to a separate DA.
- (10) **Weed Management** - The applicant must fully and continuously suppress and destroy, by appropriate means, any other noxious or environmentally invasive weed infestations that occur during or after subdivision and prior to sale of new lots. New infestations must be reported to Council.

As per the requirements of the *Noxious Weeds Act 1993*, the applicant must also 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.

- (11) **Works/Regulatory Signposting** – All works/regulatory signposting associated with the proposed development will be at no cost to Council.
- (12) **Turning Facilities** – All turning and manoeuvring facilities, including turning heads, cul-de-sac, etc. shall be designed in accordance with the current edition of AS 2890.2 and in accordance with Camden Council's current Engineering Specifications.
- (13) **Location of Proposed Substations** – The proposed substations must be located in accordance with the Plan of Subdivision prepared by YSCO Geomatics dated 5 November 2013. The proposed substation locations must be sufficiently landscaped so as not to cause any adverse visual impacts. Details of proposed planting must be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.
- (14) **Waste Disposal Areas for Residential Allotments** - A waste bin collection point must be provided for each residential allotment and must be in accordance with the following requirements:
 - (a) each residential allotment must be provided with a level area adjacent to the kerb suitable for the placement of bins for collection. This area must be on ground level; running parallel to the rear of the kerb and measured 3

metres long by 900mm wide; and allow 3.9 metres clear vertical space to allow for the truck-lifting arm;

- (b) the collection vehicle must be able to approach parallel to the collection area either directly next to or within a car width of the kerb. The designated area must also be clear from the positioning of tree plantings (or tree canopies), street lighting or other fixtures.

If this area cannot be provided in front of the lot to which the service is allocated, a more appropriate location shall be provided in front of another lot following consultation with Council. The nominated area shall not be located more than 50 metres from the lot and must be agreed to by Council.

2.0 - Construction Certificate Requirements

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

- (1) **Retaining Walls** – All proposed retaining walls must be:
 - (a) located within land adjoining the proposed public road except for those associated with the construction of the road drainage culverts, and
 - (b) designed and constructed to ensure that the integrity of the wall is continually maintained with respect to any potential excavation by public utility service authorities, or the like.

The location of any retaining wall must be approved by the Principal Certifying Authority prior to the commencement of any associated construction activity.

- (2) **Civil Engineering Plans** - Indicating drainage, roads, access ways, earthworks, pavement design, details of line marking and traffic management details must be prepared strictly in accordance with the relevant Development Control Plan and Engineering Specifications and are to be submitted for approval to the Principal Certifying Authority prior to the Engineering Construction Certificate being Issued.
 - (a) Under the *Roads Act 1993*, only the Council can issue a Construction Certificate for works within an existing road reserve.
 - (b) Under section 109E of the *Environmental Planning and Assessment Act 1979*, Council must be nominated as the Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works.
- (3) **Provision of Kerb Outlets** – Where proposed lots grade to an existing/proposed public road, kerb outlets shall be provided in the kerb and gutter adjacent to those lots. Such kerb outlets shall be:
 - (a) located within two (2) metres downstream of the prolongation of the lot corner with the lowest reduced level and to the requirements of the Principal Certifying Authority;
 - (b) constructed in accordance with Camden Council's current Engineering Specification/s; and

- (c) indicated in any design plan submitted to the Certifying Authority for the purposes of obtaining a Construction Certificate.
- (4) **Performance Bond** - Prior to the issue of the Construction Certificate, a performance bond of 10% of the value of works shall 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.
- (5) **Pavement Design** - A pavement design prepared by a suitably qualified geotechnical engineer for all proposed roads and access ways based upon Councils Pavement Design Specification must be submitted to the principle Certifying Authority prior to road works proceeding past subgrade level.
- (6) **Geotechnical Report** - The developer must engage an approved geotechnical consultant to prepare a report to be submitted to the Certifying Authority for approval prior to a Construction Certificate being issued. The report must cover, but not be limited to:
- (a) extent and stability of proposed embankments (particularly those acting as retarding basins);
 - (b) recommended geotechnical testing requirements;
 - (c) required level of geotechnical supervision for each part of the works as defined under AS 3798 - Guidelines on Earthworks for Commercial and Residential Developments;
 - (d) compaction specification for all fill within private subdivisions;
 - (e) the level of risk to existing adjacent dwellings as a result of a construction contractor using vibratory rollers anywhere within the site the subject of these works. In the event that vibratory rollers could affect adjacent dwellings, high risk areas must be identified on a plan and the engineering plans must be amended to indicate that no vibratory roller,5 must be used within that zone;
 - (f) the impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation;
 - (g) the preferred treatment of any unstable areas within privately owned allotments;
 - (h) requirement for sub-surface drainage lines;
 - (i) overall suitability of the engineering plans for the proposed development.
- (7) **Traffic Management Plan** – A construction traffic management plan is required in accordance with Camden Council's current Engineering Design Specifications.
- (8) **Roads Act 1993 Consent** - Prior to the issue of a Construction Certificate, consent pursuant to s.138 of the *Roads Act 1993* must be obtained from the Roads Authority for the design and construction of all the proposed work in, on or over the road reserves adjacent to the subject site.

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

- (a) the construction of kerb and gutter, road shoulder and drainage
- (b) footway formation
- (c) public utility service adjustment or installation
- (d) an Environmental Site Management Plan.

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

- (a) persons who are suitably accredited by a scheme approved by the NSW Department of Planning or where no scheme exists,
- (b) persons who are suitably qualified, are specialists and in that regard, currently practising in that specialist area, or
- (c) in the case of a Public Utility Authority, an appropriately delegated officer of that Authority or accredited person by that Authority,

and prepared in accordance with Camden Council's current Engineering Design Specifications.

- (9) **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.
- (10) **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.
- (11) **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,
 - (c) 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.

- (12) **Design of the Permanent Water Quality Facility** - The design of the water quality facility must be prepared in accordance with the requirements of Council's Engineering Specifications.

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.

- (13) **Soil Erosion and Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with Camden Council's current Engineering Design Specifications.
- (14) **Bush Fire Safety** - Prior to the Issue of a Construction Certificate, the applicant must provide to the Certifying Authority, written confirmation that the development proposal is compliant with all requirements of the Rural Fire Service.

This written confirmation may be by way of either:

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

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

- (a) All access roads have sufficient carriageway width.
 - (b) Verge widths are sufficient.
 - (c) Longitudinal grades are not too great.
 - (d) Horizontal geometry provides for appropriate access.
 - (e) Turning/manoeuvring is achievable.
 - (f) Kerb types are appropriate.
 - (g) On street parking (kerbside and indented) is not expected to be problematic for fire fighting vehicles to gain access.
 - (h) On street parking restrictions/signage is not expected to be problematic for fire fighting vehicles to gain access.
 - (i) Access requirements with regards to perimeter roads has been achieved.
 - (j) The required Asset Protection Zones have been achieved.
 - (k) All requirements of the Rural Fire Service's General Terms of Approval for Development Consent No. 1065/2013 have been met.
- (15) **Pollution Warning Sign** – A sign must be erected at all entrances to the subdivision site prior to work commencing and maintained until the subdivision has reached 80% occupancy. The sign must be constructed of durable materials and be a minimum of 1200 x 900mm. The wording of the sign must be as follows:-

“WARNING UP TO \$1,500 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (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.

3.0 - Prior To Works Commencing

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

- (1) **Notice of Commencement of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and Clauses 103 and 104 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 or subdivision works.
- (2) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (3) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point
- (4) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

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

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

Provide a stabilised entry/exit point. The access should be a minimum of 2.5m wide and extend from the kerb to the building line. The access should consist of aggregate at 30-40mm in size.

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

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

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

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

- (6) **Erection of Signs** – Erection of signs must be undertaken in accordance with Clause 98A of the Environmental Planning and Assessment Regulation 2000.

4.0 - During Construction

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

- (1) **Compaction (Allotments)** - Those proposed allotments which are subject to filling must be compacted in accordance with Camden Council’s current Engineering Construction Specifications. 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.
- (2) **Vehicles Leaving the Site** - The contractor/construction supervisor must ensure that:-
- (a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - (b) the wheels of vehicles leaving the site:
 - (i) do not track soil and other waste material onto any public road adjoining the site.
 - (ii) fully traverse the Stabilised Access Point (SAP).
- (3) **Subdivision, Building and Demolition Work Hours** - All such work must be restricted to the following hours:
- a) between 7am and 6pm Mondays to Fridays (inclusive);
 - b) between 8am to 5pm Saturdays.

Work is prohibited on Sundays and Public Holidays.

- (4) **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, access ways, 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 2011 and Engineering Specifications, must be submitted to Council prior to the issue of the Subdivision/Occupation Certificate.

- (5) **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.
- (6) **Salinity Management** - All earthworks, infrastructure and landscaping on the site shall be carried out in accordance with the Report on Salinity Investigation and Management Plan Stage 15 The Hermitage prepared by Douglas Partners Project 34295.28 Dated November 2013.
- (7) **Unexpected Findings Contingency** – Upon the identification of contamination or hazardous materials at any stage of construction processes all construction works in the vicinity of the findings shall cease and the affected area must be made secure from access by personnel. A qualified environmental consultant must assess the extent of the contamination / hazard in accordance with the NSW DEC Guidelines. The assessment results together with a suitable management plan must be provided to the Consent Authority (Camden Council) for written approval prior to the removal or treatment of such findings contamination / hazardous materials. Compliance with Council's Management of Contaminated Lands Policy will be required if remediation is required.
- (8) **Fill Material** - Importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

- (a) be prepared by a person with experience in the geotechnical aspects of earthworks, and

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

For Virgin Excavated Natural Material (VENM):

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

Sampling of VENM for salinity of fill volumes:

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

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

Sampling of VENM for Contamination and Salinity should be undertaken in accordance with the following table:

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
Virgin Excavated Natural Material	1 (see Note 1)	1000 or part thereof

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.

- (9) **Offensive Noise, Dust, Odour and Vibration** - Bulk earthworks work shall not give rise to offensive noise, dust, odour and vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.

- (10) **Construction Noise Levels** - Noise levels emitted during remediation/ bulk earth works must 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).

- (11) **Soil and Water Management** – All construction and earthworks works shall be conducted in accordance with a soil and water management plan. A copy of the plan shall be kept on-site and made available to Council officers on request. All erosion and sediment measures must be maintained in a functional condition throughout the remediation works. Erosion and sediment controls shall be implemented in accordance with the Blue Book – Managing Urban Stormwater Soils and Construction Manual, 4th edition.

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) **Street Trees, their Tree Root Barrier Guards, Protective Guards and Bollards** - During any earthworks and development works relating to this Consent, the Applicant is advised:
- (a) that any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred;
 - (b) any repairs, relocations, reinstallations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing root guard barriers, are to be completed with the same type, species, plant maturity, materials and initial installation standards and the works and successful establishment of the trees carried out prior to the issue of the Subdivision Certificate.
- (2) **Provision of Locks to Access Gates and Removable Bollards** - Prior to the issue of the Subdivision Certificate, all gates and removable bollards that provide restricted access to Council reserves and other property shall be fitted with a padlock, which is required to be master keyed to Camden Council's requirements. The supply of the padlocks is at the applicants cost. Enquiries are to be directed to Council's Works and Services Division.
- (3) **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 the Subdivision Certificate. This bond is to cover the maintenance of civil works constructed during subdivision works and any damage to existing roads, drainage lines, public reserves or other Council property or works required as a result of work not in accordance with Council's standards, and/or development consent conditions.

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

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

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

- (4) **Bond for Final Layer of Asphaltic Concrete** - Prior to the issue of the Subdivision Certificate the applicant is to lodge a monetary bond with Camden Council for the placement of the final layer of asphaltic concrete wearing course on all proposed public roads within this subdivision.

The bond is to be in the form of cash or an unconditional bank guarantee in favour of Camden Council, and must be equivalent to 130% of the value of the works, including the cost of all reinstatement works, with the estimated cost of such work being determined by reference to Council's current Schedule of Fees and Charges.

The work is to be completed within 5 years from the registration of the Subdivision Certificate/Plan of Subdivision or when Occupation Certificates for dwellings associated with 80% of the lots created by a subdivision adjoining such road have been issued.

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

Note 1: An administration fee, in accordance with Council's current Schedule of Fees and Charges, is applicable for the processing of bonds.

Note 2: It should be noted that Council will not refund/release the bond until the work has been completed to the requirements of Camden Council.

- (5) **Value of Works** - Prior to release of the Subdivision Certificate, the applicant must submit itemised data and value of civil works for the inclusion in Council's Asset Management System. The applicant can obtain from Council upon request, a template and requirements for asset data collection.

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

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

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- (a) Lot numbers:
- (i) White number on **Blue** background located on the prolongation of both common boundaries of each lot.
- (b) House numbers:
- (i) **Blue** number on white background located adjacent the middle of the lot.
- (c) Street names:
- (i) White lettering on **Blue** background at kerb and gutter tangent points or at such locations as directed by the Principal Certifying Authority.
- (7) **Works as Executed Plan** - Prior to the issue of any Subdivision Certificate, a works-as-executed plan in both hard copy and electronic form (.dwg files or equivalent) in accordance with Camden Council's current Engineering Construction Specifications.
- (8) **Final Layer Asphaltic Concrete (Roads)** - The final asphaltic concrete wearing course layer must not be placed on the carriageway of any road until:
- (a) a Subdivision Certificate has been issued by the Principal Certifying Authority, Camden Council,
 - (b) the Subdivision Certificate/Plan of Subdivision has been registered with the Department of Lands - Land and Property Information,
 - (c) the terms of any bond for such work have been confirmed to be satisfied by the Roads and Maritime Services and Camden Council, and
 - (d) a Public Road Activity (Road works) application has been submitted to and approved by the Roads and Maritime Services and Camden Council.
- (9) **Incomplete Works** - Prior to the issue of the Subdivision Certificate the applicant is to lodge a bond with Camden Council for the construction of incomplete works, including concrete footpath and/or pedestrian/cycle shared way, in accordance with Camden Council's current Engineering Construction Specifications.
- (10) **Stormwater Destination** – Prior to the issue of the Subdivision Certificate, pit lintels must be labelled with permanent stencilled signs in accordance with Camden Council's current Engineering Design Specifications.
- (11) **Surveyor's Report** - Prior to the issue of the 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 access ways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.
- (12) **Soil Classification** - A geotechnical report must be submitted detailing the classification of soil type generally found within the subdivision. A general classification for each lot within the subdivision must be provided and such

classifications must be made by a Geotechnical Engineer in accordance with the provisions of SAA AS 2870 "Residential Slabs and Footings". The classification reports must be submitted to Council prior to release of the Subdivision Certificate.

- (13) **Street Lighting** - Street lighting must be provided within the subdivision in accordance with the relevant Australian standards, Endeavour Energy approval and the satisfaction of the Principal Certifying Authority. All such work must be complete and operative prior to the issue of the Subdivision Certificate.
- (14) **Services** - Prior to the issue of any Subdivision Certificate the following service authority certificates/documents must be obtained and submitted to the Principal Certifying Authority for inclusion in any Subdivision Certificate application:
- (a) A certificate pursuant to s.73 of the *Sydney Water Act 1994* stating that both water and sewerage facilities are available to each allotment. Application for such a certificate must be made through an authorised Water Servicing Co-ordinator.
 - (b) A Notification of Arrangements from Endeavour Energy.
 - (c) Written advice from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the subdivision/development.
- (15) **Subdivision Certificate Release** - The issue of a Subdivision Certificate is not to occur until all conditions of this consent have been satisfactorily addressed and all engineering works are complete unless otherwise approved in writing by the Principal Certifying Authority.
- (17) **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) Restriction as to user over any filled lots which stipulate that footings must be designed by a suitably qualified civil and/or structural engineer.
 - (g) Restriction as to user which stipulates that footings must be designed by a suitably qualified civil and/or structural engineer.
 - (h) Restriction as to user noting that for lots 1501 - 1525 inclusive and lot 1581 and 1582, all facades identified in Section 6 of the Acoustic Report The Hermitage - Stage 15 Gledswood Hills project 213 141 dated

November 2013 prepared by PKA Acoustic Consulting may require windows to be closed (but not necessarily sealed) to meet internal noise criteria. As a result, the provision of alternative ventilation (possibly mechanical provided there is a fresh air intake) that meets the requirements of the Building Code of Australia (BCA) will need to be provided to habitable rooms on these facades to ensure fresh airflow inside the dwellings when windows are closed. Consultation with a mechanical engineer to ensure that BCA and AS1668 are achieved may be required. Compliance with the above ventilation requirement is to be demonstrated for each dwelling application on the affected lots.

- (i) Restriction as to user for lots 1525 and 1582 specifying that a 1.8m high fence constructed of colour bond or double lapped and capped timber (ensuring minimum 30mm continuous thickness and no gaps between palings) must be constructed around the rear yards of each lot, as indicated in Section 6 of the Acoustic Report 'The Hermitage' - Stage 15 Gledswood Hills, Project No. 213 141, dated November 2013 prepared by PKA Acoustic Consulting.
- (19) **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 \$<<amount>>, 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.
- (21) **Section 88B Instrument** - The developer must prepare a Section 88B Instrument, for approval by the Principal Certifying Authority, which incorporates the following easements, restrictions to user and public positive covenants:

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

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

- (22) **Compliance Certificate** - A Compliance Certificate from a suitably qualified and experienced Geotechnical Engineer must be submitted verifying that the works detailed in the geotechnical report have been undertaken under the Engineer’s supervision and to the Engineer’s satisfaction, and that the assumptions relating to site conditions made in preparation of the report were validated during construction. This certificate must accompany the “Works as Executed” drawings.
- (23) **Fill Plan** - A fill plan shall be submitted to the Principle Certifying Authority (PCA) prior to the issue of any Subdivision certificate. The plan must:
- show lot boundaries
 - show road/drainage/public reserves
 - show street names
 - show final fill contours and boundaries, and
 - show depth in filling in maximum 0.5m Increments.

The fill plan shall be submitted electronically in Portable Document Format (.PDF) at 150dpi with a maximum individual file size not exceeding 2 megabytes and submitted both on compact disk (CD) and A3 paper plan.

- (24) **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 a subdivision certificate.

The footpath construction will generally be delayed for a period of twelve (12) months or until majority (approximately 80%) of development has been erected within the development/subdivision. This bond can be released once a satisfactory inspection has been undertaken by council.

- (25) **Site Validation Report** - A validation report incorporating a certificate of completion must be submitted to Council in accordance with the requirements of clause 7.2.4 (a) - (d) and clause 9.1.1 of Council’s Management of Contaminated Lands Policy and clause 17 & 18 of SEPP 55. The certificate/report confirming that all decontamination and remediation works as approved under DA854/2013 have been carried out in accordance with the remediation plan must be submitted to the Principal Certifying Authority within 30 days following completion of the works and prior to the issue of a subdivision certificate for this DA.

- (26) **Site Audit Statement** – At the conclusion of all remediation works, as approved under Development Consent DA854/2013, the applicant must have remediation work and validation documentation reviewed by an independent NSW EPA Accredited Site Auditor under the *Contaminated Land Management Act 1997*.

The auditor must undertake a full site audit of the works and documentation and provide a Site Audit Statement (SAS) that clearly identifies if the land is suitable for the intended use. The SAS must be submitted to the Consent Authority (Camden Council) within 30 days following the completion of the remediation works and prior to the issue of a Subdivision Certificate for this DA.

Note: Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council these should be discussed before the Site Audit Statement is issued.

(27) **Update of Bush Fire Prone Land Maps** - Prior to the issue of the Subdivision Certificate a revised draft Bush Fire Prone Land Map must be produced showing all Asset Protection Zones and Bush Fire Prone Land within the subdivision and must include the following:

(a) Statement that clarifies and certifies that the changes to the Maps are in accordance with the *Planning for Bush Fire Protection Guidelines* and *Guideline for Bush Fire Prone Land Mapping NSW Rural Fire Service*. See http://www.rfs.nsw.gov.au/dsp_content.cfm?CAT_ID=900. Such Statement must be undertaken by a suitably qualified and experienced consultant who has:

- (i) experience in identifying bushfire prone land within NSW,
- (ii) experience in assessing potential bushfire impact, and developing and submitting bushfire risk assessments and deemed to satisfy designs and plans for development in bushfire prone areas,
- (iii) a detailed knowledge of, and experience with the bushfire planning, design and construction guidelines requirements for NSW (such as Planning for Bushfire Protection and Australian Standards) for subdivisions, new buildings, modifications to existing buildings,
- (iv) a detailed knowledge of, and experience with, the bushfire provisions and hierarchy within the *Building Code of Australia*,
- (v) a detailed understanding of, and experience with, the bushfire provisions within, and the operation of the NSW and Local Government planning systems,
- (vi) a thorough understanding of the Macarthur District Bush Fire Risk Management Plan, Macarthur District Bush Fire Operations Plan,
- (vii) public liability / professional indemnity insurance, each to a minimum of \$20 Million

Note: The above criteria has been adopted from the Certification Guides for Bushfire Planning and Design BPAD (A & D)- Certified Practitioners (as per the FPA (Fire Protection Australia) Certified Practitioner and Business Programme)(see [website http://www.fpaa.com.au/certification/index.php?certification=bpad](http://www.fpaa.com.au/certification/index.php?certification=bpad))

(b) Maps to be provided must include the final layout of the subdivision and as a separate layer in .dxf or .dwg format.

(28) **Special Infrastructure Contribution** – Prior to the issue of any Subdivision Certificate, the applicant must submit to the consent authority written evidence from the Department of Planning and Infrastructure that a special infrastructure

contribution has been made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

Information on the Special Infrastructure Contribution can be found on the Department of Planning and Infrastructure's website:

www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/language/en-US/Default.aspx

- (29) **Voluntary Planning Agreement (VPA)** – The development must be undertaken in accordance with the terms and conditions of the Voluntary Planning Agreement (VPA) made between Camden Council and SH Camden Valley Pty Limited, pursuant to Section 93F of the Environmental Planning and Assessment Act 1979, dated 14 February 2014.

In accordance with the VPA the following payments must be made:

- i. \$707.00 per additional hectare, total \$2,931.00 for **Administration**;
- ii. \$14,083.12 per additional hectare, total \$ 58,390.00 for **South Creek Security**; and
- iii. \$42,041.77 per hectare, total \$ 174,310.00 for **Satoyama Open Space Security**.

RECOMMENDED

That Council approve DA1065/2013 for a subdivision to create 82 residential lots, 1 future public reserve lot, 1 residue lot and associated site works at A The Hermitage Way, 29 Tarrawarra Avenue, 46 Lillydale Avenue and 810C Camden Valley Way, Gledswood Hills subject to the conditions listed above.

ATTACHMENTS

1. Proposed Plan
2. Proposed Road Layout Plan
3. DCP Variation Concept Plan
4. Turner Road ILP
5. Submission - *Supporting Document*
6. Public Exhibition and Submissions Map - *Supporting Document*

ORDINARY COUNCIL

ORD06

ORD06

SUBJECT: ASBESTOS POLICY
FROM: Director, Development & Health
TRIM #: 14/13888

PURPOSE OF REPORT

The purpose of this report is to inform Council of the results of the public exhibition of the draft Asbestos Policy and to recommend that Council adopt the draft Asbestos Policy and continue to provide information to educate the community on asbestos.

BACKGROUND

On 10 December 2013, Council considered a report on a draft Asbestos Policy and resolved to place the draft Policy on public exhibition and to consider a further report at the conclusion of the exhibition period.

The draft Policy is modelled on the pro-forma policy developed by Local Government NSW (LGNSW) on behalf of the Heads of Asbestos Coordination Authorities Working Group.

The draft Policy does not deviate from the model policy however additional local information and detail was added. **A copy of the draft Policy is provided as an attachment to this report.**

MAIN REPORT

In accordance with Council's resolution, the draft Asbestos Policy was advertised in local newspapers and on Council's website from 25 December 2013 to 4 February 2014. No submissions were received.

The Policy contains comprehensive information on asbestos and will benefit people who are seeking to be better informed in terms of the regulatory framework as well as the areas where they are likely to encounter asbestos. In particular, Appendix A provides general information and guidance to the community on asbestos, including where it is likely to be found and the health hazards associated with asbestos.

If adopted, the Policy will be placed on Council's website and will provide information and guidance to the community.

Where to from here?

From here, Council officers will implement the Asbestos Policy including the preparation of an Asbestos Management Plan for use by all sections of Council. This document will inform staff of the correct procedures when dealing with asbestos and will form an integral part of Council's risk management policies.

In addition, approximately 70 Council staff recently attended asbestos related training to raise awareness within the organisation. Additional staff training will be undertaken in the future by Council's Work Health and Safety and Learning and Development Officers.

Additional information

Exposure to asbestos is a serious health hazard and Council will continue to educate the community and regulate noncompliance with the relevant legislation.

To provide additional targeted information to householders, it is also intended that Council provide a link on its website to a document prepared by the Australian Health Protection Principal Committee titled "Asbestos A guide for householders and the general public".

This guide has been specifically developed to assist householders reduce the risks associated with exposure to asbestos fibres, particularly during home renovations. **A copy of the guide is provided in the Business Paper Supporting Documents.**

For Council's information, it is noted that in some Australian States such as the ACT, a property vendor is required to provide an asbestos report as an annexure to the standard contract of sale (including residential land). This approach informs prospective purchasers of asbestos within a property.

In 2010 the NSW government conducted a "Review of Vendor Disclosure for Residential Property Sales in NSW". The goal of the review was to investigate whether the vendor disclosure regime in NSW should be expanded.

In relation to asbestos reports, the review states that:

"There has been concern expressed about the possibility that a building may contain asbestos and a suggestion had been made that some form of asbestos report should be made a prescribed document. It was also considered that the presence or absence of asbestos was more of a building issue than a conveyancing issue that was more properly dealt with at the time a building was being renovated or demolished, not when a property was being sold. Consequently, no recommendations will be made for such a report to be made a prescribed document."

FINANCIAL IMPLICATIONS

There are no direct financial implications for Council other than Council's ongoing obligations to comply with the relevant legislation.

CONCLUSION

Whilst there were no submissions received as a result of the exhibition of the draft Policy, it is expected that the Policy will be favourably received by the community. It is recommended that Council adopt the draft Policy. From here, the Policy will be implemented and Council will continue to provide information to the community regarding the risks associated with asbestos and enforce the relevant legislation.

RECOMMENDED

That Council:

- i. adopt the draft Asbestos Policy; and**
- ii. provide a link on its website to relevant information, including "Asbestos – A**

guide for householders and the general public”.

ATTACHMENTS

1. Draft policy
2. Asbestos Guidelines - *Supporting Document*

ORD06

ORDINARY COUNCIL

ORD07

**SUBJECT: ACQUISITION OF HARRINGTON PARK SITE - LOT 46 DP 1115480
FAIRWATER DRIVE.**

FROM: Acting Director Governance

TRIM #: 14/27563

PURPOSE OF REPORT

This report seeks Council approval to acquire a parcel of land (5924 sqm) at Harrington Park (Lot 46 DP 1115480) from Dandaloo Pty Ltd.

MAIN REPORT

Correspondence was received from Harrington Estates, the developer acting on behalf of Dandaloo Pty Ltd, seeking to dedicate a parcel of land adjacent to Harrington Park Lake, Lot 46 DP 1115480 Fairwater Drive, Harrington Park. **A copy of the correspondence is provided with the Business Paper Supporting Documents.**

The land is zoned as residential and has an additional permitted use as a restaurant/café. Harrington Estates have advised that due to the construction of the Harrington Grove Country Club, they no longer intend to use this site as a restaurant and as such wish to dedicate the land to Council. Harrington Estates stated that *"it is our view that the land best serves the residents of Harrington Park if the current use as a car park is maintained. We therefore propose to dedicate the land to Council as operational land"*.

The subject land, consisting of a constructed driveway, carpark and vacant land is surrounded by Council owned land and given its location Council has been maintaining the site for several years. The site is used by pedestrians as well as providing overflow parking for sports ground users.

Council officers considered the request and determined that there was no formal or legal requirement for this land to be dedicated to Council. As such, advice was sought from Shaw Reynolds Lawyers in respect to the following:

- does consideration of \$1.00 present any issues for Council;
- if Council accepts the land, does this set a precedent; and
- are there probity issues associated with the transfer.

A copy of the letter of advice is attached in **Supporting Documents** and summarised as follows:

- the consideration of \$1.00 is not an issue as Council is exempt from paying stamp duty;
- there is sufficient reason to justify Council acquiring the land in this instance that would differentiate it from other cases which may set a precedent;
- there are no probity issues, provided the process is kept transparent and the reasons for the decision are duly recorded.

It should be noted that had this land been dedicated to Council through the original plan of subdivision, it would have been transferred at no cost to Council. The \$1.00 consideration being offered is to satisfy the need for consideration as part of a legally binding transfer of sale.

Council's Assets Branch has inspected the subject land and advised that there are no significant works required to the car park or surrounding area, prior to the transfer of the land to Council.

All land that comes into Council ownership must be classified as operational land or community land in accordance with the Act. All car parks within the local government area are currently classified as operational land, so therefore it would be appropriate to classify this land as operational land. This will also accord with the majority of the surrounding Council owned land.

Section 34 of the Act requires public notice be given of a proposed resolution to classify public land. In order to formalise the proposed classification as operational land, public notice will be given allowing for submissions to be made. At the conclusion of the public notice period, the outcome will be reported back to Council seeking final approval of the classification.

FINANCIAL IMPLICATIONS

Council has already been maintaining this land as it forms part of the natural boundary adjoining Council land. There is no additional cost to Council other than the \$1.00 consideration as part of the transfer of sale.

CONCLUSION

Council officers have reviewed the offer to transfer Lot 46 DP 1115480 Fairwater Drive, Harrington Park from Dandaloo Pty Ltd and are satisfied that it would be appropriate for Council to take ownership of this land.

RECOMMENDED

That Council:

- i. acquire Lot 46 DP 1115480 Fairwater Drive, Harrington Park for consideration of \$1.00 for the reasons set out in the report;**
- ii. that Council authorise the execution of the Transfer and all necessary documents for the acquisition of Lot 46 DP 1115480 to be completed under Council's Power of Attorney, granted on 27 August 2013, Minute Number ORD215/13;**
- iii. notify Dandaloo Pty Ltd that the transfer of land has been accepted by Council; and**
- iv. place the proposed "operational" classification of the land on public exhibition, with a further report to Council upon completion of the exhibition period.**

ATTACHMENTS

ORD07

1. Location Plan
2. Letter from Harrington Estates - *Supporting Document*
3. Legal Advice - *Supporting Document*

ORDINARY COUNCIL

ORD08

ORD08

SUBJECT: PLAN OF MANAGEMENT AND LICENCE TO THE SYDNEY ANGLICAN SCHOOLS CORPORATION - LOT 17 DP 1153031 CENTRAL AVENUE, ORAN PARK

FROM: Acting Director Governance

TRIM #: 14/27752

PURPOSE OF REPORT

This report seeks Council approval to adopt the Plan of Management for Lot 17 DP 1153031 Central Avenue, Oran Park and enter into a 20 year licence agreement with the Anglican Schools Corporation for use of the sports field and change rooms in the amenities building.

MAIN REPORT

This land has been unofficially known and referred to as Wayne Gardner Reserve. Greenfields Development Corporation (the developer) has requested that Council apply to the Geographical Names Board (GNB) to officially name the Reserve. This advice has not yet been received. At this point in time the reserve remains unnamed.

Plan of Management

As part of the strategic planning for the Reserve, Landcom (now known as UrbanGrowth NSW) and the developer commissioned consultants to develop an appropriate Plan of Management in consultation with relevant Council staff and the Sydney Anglican Schools Corporation.

Council at its meeting on 13 December 2011 resolved the following:

"That Council:

- i. classify Wayne Gardner reserve, once acquired by Council, as community land;*
- ii adopt the Draft Plan of Management Wayne Gardner Reserve, in principle, with the hours of use by the school to be defined from 7.00 am to 5.00 pm on school days, during school term, and place the document on public exhibition in accordance with the Local Government Act 1993; and*
- iii a further report be presented to Council on the outcome of the public exhibition and submissions."*

A copy of the report submitted to Council on 13 December 2011 is provided as Attachment 1 to this report.

The draft Plan of Management was placed on public exhibition with an advertisement placed in the local media on 18 January 2012, 8 February 2012 and 22 February 2012. The public notice called for submissions to be made from 18 January 2012 until 2 March 2012. No objections were received during the submission period.

As Council was not the owner of the land, the draft Plan of Management could not be formally adopted until such time as the land was handed over to Council. The land transferred to Council in January 2014 and was officially handed over to Council on 24 February 2014. Accordingly, the Plan of Management can now be formally adopted.

Licence agreement

When the Oran Park Precinct was being planned, Council was under increasing pressure from the State Government to reduce contribution rates. To respond to these pressures, consideration was given to the co-use of recreation facilities by schools and the general public. The developer considered an arrangement which would benefit the school and make available the facility for wider community use. Such a proposal means that the sports field and change rooms in the amenities building will be available for exclusive use by the school during school days and open to the public outside the defined hours. The other areas of the reserve will remain available to the public at all times.

In order to formalise this arrangement, Council at its meeting on 13 December 2011 resolved the following:

“That Council:

- i. Council give approval in principle to the proposal to lease the sports field and change rooms in the amenities building to the Anglican Schools Corporation for a period of 20 years subject to the draft terms of the lease;*
- ii. the proposed lease be subject of public exhibition with notice inviting submissions, being advertised in the local press and the proposal be displayed at Council’s offices and libraries at both Camden and Narellan, in conjunction with the draft Plan of Management for Wayne Gardner Reserve; and*
- iii. a further report be presented to Council on the outcome of the public exhibition.”*

A copy of the report submitted to Council on 13 December 2011 is provided as Attachment 2 to this report.

The proposed 20 year lease was advertised in conjunction with the draft Plan of Management and no submissions were received objecting to the proposal.

It has been agreed by both Council and the school that the agreement will be in form of a licence agreement and not a lease agreement. It was deemed that a licence is a more appropriate agreement due to the fact that the occupation is non-exclusive and only part of the registered lot is subject to the agreement.

The licence will be for a nominal \$1.00 per annum fee and the site specific terms and condition of the licence, in addition to the standard clauses are outlined as follows:

1. **Purpose of licence** – the purpose of the licence is to formalise a co-use agreement relating to the use, maintenance and responsibilities for costs associated with defined facilities within the Reserve.
2. **Term of licence** – 20 years.
3. **Permitted use** – Exclusive use of the defined facilities for the following activities: sports carnivals, sporting fixtures, sports training, PDHPE lessons and other learning activities.
4. **Exclusive Hours of use** – 7am to 5pm on school days, during school term only. Any requirements for use beyond these defined hours will be subject to Council sports field booking process and applicable fees and charges.

5. **Council will erect signs at key entrance points to the reserve notifying the public** of the co-use arrangement with the school and the periods of exclusive use.
6. **Area of reserve subject of proposed licence** – The portion of the reserve which includes the sporting field and immediate surrounds (as outlined red) and toilet and change rooms of the amenities building (amenities).



7. **Cleaning of facilities used** – the school will be responsible for the cleaning of amenities and sports field after school use to ensure usability by public beyond licence timeframes. Council will be responsible for cleaning of facilities following public use in accordance with adopted standards for similar facilities.
8. **Operational costs (outgoings)** – The school will share in the maintenance, waste removal, water and sports field renovation costs on a 50% basis.

The school will provide their own consumables such as toilet paper.

The school and Council may consider cost sharing the cost of contracted cleaning based upon the proportion of use.

Council will meet with the school twice per year to review maintenance regimes, practices, programmes and costs. An annual review of the co-use agreement including cost sharing arrangements is also to be undertaken.

9. **Sports field maintenance** – Council will maintain the Reserve including mowing, maintenance of irrigation systems and regular cleaning of facilities related to non school use periods in accordance with adopted Council standards. Where additional frequency of service is required by the school, the school will be required to pay costs of requested services.
10. The school will have the responsibility to manage use of the sports field and amenities during their exclusive period, however any subletting of the facilities for commercial purposes during periods of exclusive use will require Council consent.

11. The school will be required to provide access to the exclusive use area and time period to Council staff and or nominated contractors who may need to access the facilities for maintenance or improvement works. Council will endeavour to undertake maintenance works within the nominated exclusive use areas between the hours of 7.00 am and 9.00 am where feasible, however, Council reserves the right to exclude areas for maintenance if and when necessary.
12. **Annual renovations** – Council generally conducts renovations of its sporting ovals on an annual basis. During these times access to portions of the sports field may be limited.
13. **Damage to the reserve and amenities if the damage is** caused by the school use, it shall be repaired at the school's cost by Council. If the damage to the facility is caused by the public use, it will be repaired by and at Council's expense. The Council will endeavour to carry out repairs to all damaged facilities as quickly as possible.
14. **Wear and tear** – reasonable wear and tear will be managed through the maintenance program and generally annual renovation works. Cost to be shared between Council and the school.
15. Camden Council has the right to close the sports field and amenities building for any valid reason whether it be due to wet weather, repairs, weed spraying, painting etc. During periods when the sports field and facilities are closed, the affected areas will be closed to all park users, including the school.
16. **Ground and facility upgrades or improvements** – any proposed new facilities or upgrades required by the school must be approved by Council, and available to the public in non-exclusive periods.
17. **Termination of Licence** – Maintaining positive relationships and good will is important to the success of this scheme. Although an undesirable outcome, if the agreement were to fail, ownership of the reserve will remain with Council. Either party has the right to terminate the agreement or additionally Council has the right to terminate the licence for a breach of the terms and conditions of the licence.
18. **Insurance** – both Council and the school are required to keep and maintain public liability insurance associated with the use of the reserve satisfactory to Council and noting Council as an interested party. Council will also cover the building and infrastructure insurance costs.

Schools are generally exempt from paying hiring fees for sports fields and Council usually maintains them. Whilst the licence fee under this licence will be a nominal \$1.00 per annum, the school will have the benefit of exclusive use of the sports field, so therefore will be paying 50% maintenance and other costs, as outlined in point 8.

FINANCIAL IMPLICATIONS

With regard to the Plan of Management, there will be no financial implications.

With regard to the licence agreement, as outlined above, Council will be responsible for the maintenance costs, wear and tear, waste removal, water and sports field renovation costs on a 50% basis with the school. Council will also be responsible for the cleaning and consumable costs during the non-exclusive periods.

CONCLUSION

The draft Plan of Management was prepared by consultants in consultation with relevant Council staff and the Sydney Anglican Schools Corporation, which included the proposed occupation of the sports field and amenities by the school during school hours and school terms.

The co-use arrangement maximises the use of the sports field as the field will be available to other users outside of school hours, rather than enclosed within a secure school property.

Both the draft Plan of Management and 20 year licence were advertised in accordance with the *Local Government Act 1993* and no objections were received to either proposal.

RECOMMENDED

That Council:

- i. adopt the Plan of Management for Lot 17 DP 1153031 Central Avenue, Oran Park; and**
- ii. enter into a 20 year licence with Anglican Schools Corporation for the occupation of part Lot 17 DP 1153031 Central Avenue, Oran Park subject to the terms and conditions outlined in the report.**

ATTACHMENTS

1. Report to Council 13 December 2011 - ORD03 - Draft Plan of Management - Wayne Gardner Reserve, Oran Park
2. Report to Council 13 December 2011 - ORD04 - Proposed lease of sporting facility - Wayne Gardner Reserve, Oran Park
3. Draft Plan of Management

ORDINARY COUNCIL

ORD09

SUBJECT: ROSEVALE RESERVE LANDSCAPE MASTERPLAN
FROM: Director Works & Services
TRIM #: 14/2889

PURPOSE OF REPORT

To seek Council endorsement of the Landscape Masterplan for the future development of Rosevale Reserve, to include an area for the development of a Scout hall as part of relocation of the Narellan Scouts from the existing site in Queen St, Narellan.

BACKGROUND

In 2013 at the Ordinary meeting of 9 July, Council considered a report on the Landscape Masterplan for a section of the site that was subject to vandalism. It was resolved that Council:

- i. adopt in principle the Landscape Masterplan for Rosevale Reserve to guide the future development and upgrade;*
- ii. advise the adjoining residents of the proposed Landscape Masterplan;*
- iii. undertake an investigation into potential users for the site;*
- iv. allocate funds of \$11,000 from the insurance claim settlement, towards the development of Stage 1 improvements for the establishment of the dog off leash facility;*
- v. allocate the balance of funding for Stage 1 works through a revote of unallocated funds from the Parks 12/13 budget, for the amount of \$23,350; and*
- vi. carry out discussions with Roads and Maritime Services regarding the prevention of pedestrians crossing the Camden Bypass at this location.*

MAIN REPORT

Consideration was given to the appropriate use of the site to establish an ongoing, complementary use, given the location and history of Rosevale Reserve. The poor visibility from adjoining residential roads was a significant factor in determining the type of use that would be compatible.

Initial discussions were held with the Narellan Scout Group, who are currently located on Council land on the corner of Queen and Elyard St's, Narellan. The Narellan Scouts have been seeking an alternate site for a number of years, given the limitations of their existing location. The costs of relocating will be the responsibility of the Scout Association. The adoption of the Masterplan will allow for this move and the scouts to develop detailed plans, obtaining relevant building approval and secure appropriate funds. The current lease with the Scouts on the Narellan site expires in 2015. The Narellan Scouts have indicated that they would be interested in relocation to this site subject to relevant Council approvals.

Some initial site plans have been developed to determine if the site could adequately accommodate the Scout building and related parking without dominating the park. This plan with a footprint of the scout building, access and car parking, together with the adopted landscape design, was sent to the residents of the adjoining streets in November 2013 seeking comments on the proposed Masterplan for the park. (**Attachment 1** to this report).

There were 3 responses received which are included in the **Supporting Documents**. All 3 responses were supportive of the Masterplan and also provided additional suggestions which included:

- limiting access to the reserve from the pathway off Clinton Drive, to pedestrians only, by retaining the barriers and giving consideration to providing lighting;
- outdoor gym should consider the type of equipment that is in a park in Braidwood, NSW;
- the fenced dog park should include dog waste receptacles and signage to educate dog owners to clean up after their own dogs; and
- provide some pedestrian access to the park from the north east corner of the park.

These suggestions will be considered in future planning.

It is proposed that the site Masterplan which includes the Scout facility and parking be adopted, and residents be advised of Council resolution.

FINANCIAL IMPLICATIONS

There are no direct financial implications in adopting this report.

CONCLUSION

The Rosevale Reserve Landscape Masterplan can be adopted to include a site for a Scout hall and parking, with the Scouts being advised that they will need to submit relevant development approvals. Council can liaise with the Narellan Scouts on the relocation time frame from the Narellan site. This will provide future direction and enable the Scouts to develop plans and identify funding possibilities.

RECOMMENDED

That Council:

- approve the use of Rosevale Reserve for a Scout building as part of site Landscape Masterplan;**
- the Narellan Scout Group be advised of the Council resolution;**
- discussions be held with the Scouts on a timeframe for relocation from the Narellan site; and**

iv. the adjoining residents of Rosevale Reserve be advised of the adopted site Masterplan.

ATTACHMENTS

1. Rosevale Reserve - Masterplan
2. Rosevale Reserve - Advice to Residents
3. Submissions - Rosevale Reserve - *Supporting Document*

ORDINARY COUNCIL

ORD10

ORD10

SUBJECT: POLICE CITIZENS YOUTH CLUB SITE
FROM: Director Works & Services
TRIM #: 13/11851

PURPOSE OF REPORT

This report seeks Council approval for an alternate site for the planned PCYC due to a range of unforeseen issues with the site selected in March 2012 at Gregory Hills not becoming available before 2017.

BACKGROUND

In 2007 Council resolved to quarantine part of Hilder Reserve (southern end) as the site for a PCYC, if and when funding became available. At this time no residences adjoined the reserve at the southern end. The need for a PCYC was first identified in the Youth Strategic Plan 2005.

In 2011 Council resolved to submit an Expression of Interest to NSW Government funding pool for 10 new PCYCs. Hilder Reserve was the site named in the EOI.

During 2011 and 2012 residents living in Lowe Cres and Kanagra Cres contacted Councillors and held street meetings objecting to the Hilder Reserve site being used for a PCYC. Staff were asked to identify alternate sites.

In March 2012, Council confirmed a site in Gregory Hills as an alternate site after consideration of a number of other locations within the LGA. At the time, no constraints were identified with the Gregory Hills site and PCYC NSW was advised that Camden was one of the sites that would receive an allocation of funds.

In November 2012, Council resolved to enter into a standard, (non binding), MOU with PCYC NSW at Gregory Hills. The MOU indicates Council's intention for PCYC to construct the facility. A copy of the Participation Agreement, which now formalises the intentions set out in the MOU is attached as a **Supporting Document**.

This matter was discussed at a workshop on 25 February 2014.

MAIN REPORT

In March 2013, a local PCYC committee was formed and met with Dart West, (the developer of Gregory Hills), to ascertain information relating to Lot Number and information required to move to the Participation Agreement and also with Council staff prior to the preparation of a DA. At the pre DA meeting a number of other obstacles were identified including access and provision of public utility.

In June 2013, Dart West advised the local committee that Stage 15a, (which allows access to the site of the proposed facility) would be developed in late 2014 with land registration early 2015, subject to construction schedule and planning approvals. Dart West confirmed in writing to the local committee in July 2013 that Stage 15B would not be developed until late 2016 or early 2017. Dart West also advised that "a

number of other factors make it difficult to develop this land in the short term”. Chris Gardner CEO of PCYC NSW advised the local committee in June that PCYC will receive the \$2million state government funds in July 2014, and that the project would have to have substantial commencement within 12-18months of receiving those funds, (i.e. December 2015) but ideally be completed.

It appears that it is not possible to deliver the PCYC project at Gregory Hills within the original timeframe and the State Government \$2million contribution would be at risk. Council staff have undertaken another review of other available sites to identify another site that is spade ready, to attempt to meet the 2014/15 construction date.

Staff have again looked at available sites considering seven (7) options, including the northern end of Hilder Reserve, the original site but the opposite end of the reserve, further away from existing residences and three options at Kirkham Oval. The criteria used for assessment were that the site:

- must be able to be leased to PCYC within 12 months,
- construction must be able to commence within 12 months,
- adequate size to accommodate building and parking,
- must not be adjacent to existing dwellings,
- must be accessible.

The site recommended as most suitable is at Kirkham Oval. The site is community land and adjacent to a range of community sporting facilities which will enhance operations of the PCYC. The site is elevated to minimise flood impact and may complement activities of the leagues club. The club has a licence agreement with Council, the current licence has expired and the club are operating on a monthly arrangement. A new lease will be negotiated with the club upon a decision of this proposal as their site area may need to be amended. There are future extensions of site which include additional sporting fields. There are no houses facing directly onto the site of the proposed building. The site is zoned RE1 Public Recreation pursuant to the LEP permissible and a community facility is permissible. There are no minimum lot size or height of building controls applicable to this site so building would be merit assessed.

The exact location of the PCYC building within the site is to be confirmed, and will take into account the likely impact on existing uses and adjoining residential property.



Participation Agreement: The Participation Agreement sets out the rights and obligations of PCYC and Council for the Development, the entering into a lease, the ongoing operation of the facility and other related matters. It includes how the building will be built, how, when and under what conditions payments will be made and the conditions required in a lease that comes into effect the day the building is completed. Staff are investigating the most appropriate delivery method for the construction of the building.

Lease: As the proposed site is located on community land the intention to enter into a lease or licence must be advertised. PCYC have requested a 25 year lease, however, due to the necessity of compliance with the *Local Government Act 1993*, a 21 year agreement is the longest that can be offered without the additional step of seeking Ministerial approval. It is proposed that Council officers will obtain prior approval from Council's Solicitor before executing the Participation Agreement. Furthermore, provided that Council's Solicitor is satisfied with the Participation Agreement, a report will be brought back to Council following the advertisement of the lease proposal.

FINANCIAL IMPLICATIONS

As the timeframe required by the PCYC cannot be met at the Gregory Hills site, the funding of \$2 million would be reallocated to another LGA should Council not identify another site before the end of March.

Council's contribution of \$2 million is currently available within the Camden Contributions Plan.

CONCLUSION

The current site selected by Council cannot meet the timeframe necessary to ensure fulfilment of the funding requirements. An alternate site is recommended, as is the request for the Participation Agreement between Council and PCYC to be executed, subject to the satisfaction of Council's Solicitor.

Whilst we acknowledge the offer and assistance by Dart West to this project, it is not possible to proceed at the Gregory Hills site.

RECOMMENDED

That Council:

- i. confirm the Kirkham Oval site as the new preferred site for the construction of a PCYC facility;**
- ii. execute the Participation Agreement, subject to the agreement being to the satisfaction of Council's Solicitor;**
- iii. authorise the Director of Works and Services to determine the most appropriate delivery method for the PCYC building;**
- iv. advise Dart West of the reasons for Council's decision, and thank them for their offer;**
- v. advise Police Citizens Youth Clubs NSW Ltd of Council's decision; and**

vi. authorise the signing of the approved Participation Agreement under Council's Power of Attorney, granted on 27 August, 2013, Minute Number ORD215/13, or by affixing the Common Seal of Council, subject to the satisfaction of Council's Solicitor.

ATTACHMENTS

1. PCYC Participation Agreement - *Supporting Document*

ORDINARY COUNCIL

ORD11

ORD11

SUBJECT: PEDESTRIAN ACCESS AND MOBILITY PLAN - REQUEST TO EXHIBIT

FROM: Director Works & Services

TRIM #: 14/15105

PURPOSE OF REPORT

To endorse the public exhibition of the Draft Camden Local Government Area Pedestrian Access and Mobility Plan 2014 (PAMP) (as provided in **Attachment 1**).

BACKGROUND

The adopted Camden Local Government Area Pedestrian Access and Mobility Plan (2003) has been reviewed to reassess the previously identified pedestrian networks and prioritised engineering actions against current pedestrian activity and development.

Further to this, a revised Draft Camden LGA Pedestrian Access and Mobility Plan (2014) has been prepared. The next stage in the process to finalise the document, is to seek community feedback and input by placing the document on public exhibition.

The PAMP is a prerequisite for Council to apply to the Roads and Maritime Services (RMS) for funding assistance towards the construction of pedestrian facilities under the Local Government Pedestrian Facilities program. As such, the PAMP has been prepared to a standard RMS template applied across New South Wales.

MAIN REPORT

The Camden Pedestrian Access and Mobility Plan (PAMP):

- facilitates improvements in the level of pedestrian access and priority;
- identifies enhanced pedestrian crossing opportunities;
- identifies and seeks to resolve pedestrian crash clusters;
- facilitates improvements in the level of personal mobility and safety for younger and older pedestrian and those with disabilities;
- provides links with existing and proposed bus services;
- completes missing links in the pedestrian network; and
- promotes environmental sustainability and health and wellbeing of Camden LGA residents and visitors, through the promotion of walking.

The Camden PAMP (2014) has been prepared with a focus on infrastructure enhancement in established suburbs. The adopted Camden Town Centre Strategy (2008) identifies new and upgraded footpaths and pedestrian facilities within the Camden CBD which will be incorporated into the PAMP as the Strategy develops. The PAMP also identifies future walking and cycling networks identified in development control plans for new precincts.

The PAMP has sought to prioritise pedestrian access based on current and future demand and connectivity, recognising resource constraints. Access to public transport, education facilities and neighbourhood centres is given highest priority. The

prioritisation focuses less on inter-urban pedestrian networks, recognising that provision is being made for pedestrians along arterial road upgrades in the LGA, such as Camden Valley Way. The recreational trail network has been previously assessed through a separate process.

The PAMP is an important document for securing funding to carry out the construction of facilities identified. This includes development contribution plans, RMS programs and other State and Federal Government grants. Council may also be able to condition footpaths and pedestrian facilities to be constructed with new developments.

Under the Memorandum of Understanding June 2009 between Councils and the RMS (formerly Roads and Traffic Authority), the Local Government Pedestrian Facilities program is used to 50/50 fund facilities to improve pedestrian safety, mobility and access. A prerequisite for works under this program is the development of a council specific PAMP with future works schedule, prepared in line with RMS guidelines.

It is proposed to place the PAMP on public exhibition for a period of 4 weeks. The Draft PAMP will be displayed at the following locations:

- Camden Office Customer Service Centre - 37 John Street, Camden;
- Narellan Office Customer Service Centre - 19 Queen Street, Narellan;
- Camden Library - 40 John Street, Camden;
- Narellan Library - Cnr Queen and Elyard Street, Narellan; and
- Camden Council Website - www.camden.nsw.gov.au

An advertisement will also be placed in the local newspaper advising residents of the locations where the PAMP will be available for viewing. Written submissions will be accepted until the end of the public exhibition period.

The document will also be distributed to other key stakeholders such as the RMS, NSW Police, public transport authorities including bus operators, adjoining Councils, Community groups and Committees within the Camden Local Government area.

The public exhibition of the Draft PAMP 2014 will allow the local community including individuals and groups to suggest alterations to the proposed PAMP network, identify additional locations for the consideration of footpaths and pedestrian facilities and raise any other issues related to pedestrian safety and amenity.

Further investigation will be undertaken for the provision of footpaths and pedestrian facilities that are raised during the public exhibition. If considered feasible they will be included in the final PAMP.

FINANCIAL IMPLICATIONS

There is no financial implication for placing the PAMP on public exhibition.

CONCLUSION

In order to follow the process of the preparation of a Pedestrian Access and Mobility Plan and ensure that community input is received, Council is required to exhibit the Draft Pedestrian Access and Mobility Plan 2014 which is a review of the existing Camden Local Government Area PAMP 2003. It is proposed that Council exhibit the document for a period of 4 weeks to gain community input into the planning process.

RECOMMENDED

That Council endorse the public exhibition of the Draft Camden Pedestrian and Mobility Access Plan (2014), for a period of four weeks.

ORD11

ATTACHMENTS

1. Camden Local Government Area - Draft Pedestrian Access and Mobility Plan 2014 - *Supporting Document*

ORDINARY COUNCIL

ORD12

SUBJECT: TENDER T011/2014 - DESIGN SERVICES FOR COUNCIL'S NEW ADMINISTRATION CENTRE AT ORAN PARK

FROM: Director Works & Services

TRIM #: 14/28341

PURPOSE OF REPORT

To provide details of the tenders received for contract T011/2014, being the provision of design services for Council's new central administration centre at Oran Park, and to recommend that Council accept the tender submitted by Group GSA.

BACKGROUND

In order to engage a design team for Council's new administration centre at Oran Park, and ensure high-quality submissions were received, a two-stage process was undertaken to select the design team for this project.

The first stage was to issue an open Expression of Interest with no restrictions as to those organisations that may respond. The second stage was to issue a Tender with selected firms only invited to Tender.

The invitation to submit an Expression of Interest was advertised on 3 December 2013 via the Camden Advertiser, Sydney Morning Herald and the NSW e-tendering website. The closing date for submissions was 23 December 2013.

38 firms provided submissions and respondents were assessed in line with the Evaluation Plan. Seven firms were recommended as selected tenderers and approved by the Executive Leadership Group on 14 January 2014.

MAIN REPORT

Invitation to submit Tender Submissions

A request for Tenders were issued to the selected companies on 21 January 2014 and closed on 13 February 2014.

Tenders were received from companies listed below in alphabetical order:

- Architectus Sydney
- Building Studio Operations
- BVN Architecture
- Daryl Jackson Robin Dyke
- GroupGSA
- Peddle Thorp & Walker
- Tanner Kibble Denton Architects

Tender Evaluation

The intention of the tender process is to recommend a consultant with proven capacity and experience in similar scale projects as well as providing good value and quality services to Council.

Risk, confidentiality and probity during the evaluation process were managed as follows:

- Tenders were issued via eTendering restricted to the pre-qualified firms only on Thursday 23 January 2014;
- Submissions closed electronically via the eTendering website at 12.00pm, Thursday 13 February 2014;
- Contact with the respondents during the evaluation period was documented and confirmed in writing;
- Submissions were opened and recorded by Council's Governance staff;
- The Evaluation Plan was reviewed and approved prior to close of the submissions;
- Submissions were kept confidential by the Evaluation Committee members and the submissions were stored securely at all times; and
- Respondent's intellectual property and other confidential information was not disclosed to other respondents.

A tender evaluation panel was established and the submissions were assessed on price and non-price factors as agreed by the evaluation panel. Price was given weighting of 55 % and non-price factors a weighting of 45 %.

Non Price Factors considered for this project include:

- Understanding of the project and proposed methodology;
- Previous experience;
- Proposed team, capacity, and quality of submission;
- Reference checks with previous clients; and
- Face to face interview style meetings

The tender evaluation was carried out in two stages. The first stage was a desktop assessment of all tenders which considered price and non-price factors. The second stage of the evaluation included an interview style face to face meeting with the most competitive and suitable design consultants.

A summary of the submissions is provided in the **Supporting Documents** as this information is Commercial in Confidence.

Group GSA provided the most competitive tender in terms of cost and meeting all requirements of Council's tender documentation.

Relevant Legislation

The tender has been conducted in accordance with the Local Government Act 1993, the Local Government Regulations (2005) and Council's Purchasing and Procurement Policy.

Critical Dates / Time Frames

Group GSA are aware of Council's programme for the works. If they are successful, they will be engaged to commence immediately.

FINANCIAL IMPLICATIONS

Council has sufficient funds currently allocated to this project to proceed with the proposed contract.

CONCLUSION

Group GSA has provided a conforming tender. The tender assessment concludes that the offer by Group GSA represents best value to Council and the company has a proven track record of performance on projects of a similar nature.

RECOMMENDED

That Council:

- i. accept the tender provided by Group GSA for the lump sum of \$1,298,500 (GST exclusive); and**
- ii. authorise the relevant documentation to be completed under Council's Power of Attorney, granted on 27 August 2013, Minute Number ORD215/13.**

ATTACHMENTS

1. Recommendation for Consultant Design Services - Oran Park New Administration Centre - *Supporting Document*

ORDINARY COUNCIL

ORD13

ORD13

SUBJECT: DESIGN BRIEF FOR COUNCIL'S NEW ADMINISTRATION CENTRE AT ORAN PARK

FROM: Director Works & Services

TRIM #: 14/28438

PURPOSE OF REPORT

To provide details of the design brief for Council's new Administration Centre at Oran Park, and to recommend that Council accept the design brief as the guiding document for Council's aspirations and strategic functional requirements in the design phase of the project.

BACKGROUND

A review of the future office accommodation needs of Council commenced in 2008. A preliminary analysis identified the need to accommodate Council's administration functions in one premises, and predicted that Council's office based accommodation needs would grow from approximately 3,000 square metres to 8,400 square metres of floor space over the next 30 years.

This increase in the amount of future office space is required to accommodate the projected increase in staff required to service the needs of the Camden Local Government Area (LGA) as a result of the State Government's plans to concentrate a large proportion of development in the South West Sydney region. The Camden LGA population is forecast to increase from 60,000 to in excess of 250,000 over the next 30 years.

At the meeting of Councillors on 27 November 2012, Council:

- a. accepted and endorsed the legal document for the delivery by the owners/developers of Oran Park of the preferred site for the new central administration building for execution by the Mayor and General Manager;
- b. approved the:
 - i. commencement of design procurement via an EOI to enable suitably qualified companies to be selected to tender for the design;
 - ii. engagement an experienced Senior Architect to provide specialist advice on an 'as and when required' basis through the design procurement phase (including in relation to the design brief and concept design);
 - iii. appointment of a suitably qualified and experienced Project Manager to oversee the delivery of the project; and
 - iv. incorporation of an appropriate costing and financing plan into the 10 year Long Term Financial Plan

- c. authorised the Mayor and General Manager to sign, under seal, any documents relating to this matter.

On 22 October 2013 Council resolved to:

- a. Accept and endorse the Civic Precinct Masterplan including the change in shape of the site for the new central administration building together with the relocation of the Leisure Centre to a site adjacent to the new central administration building and Library and two (2) indoor courts from the youth facility to the Leisure Centre;
- b. Undertake the necessary amendments required to the relevant Part B DCP and the SEPP required to give effect to the Civic Precinct Masterplan;
- c. Acknowledge that further work will be undertaken in relation to the potential for integration of the Library and new central administration building and the car parking requirements for the Civic Precinct site; and
- d. Authorise the relevant documentation to be completed under Council's Power of Attorney, granted on 27 August 2013, Minute Number ORD 215/13.

On 10 December 2013 Council resolved to:

- a. increase the size of Stage 1 of the administration centre from 5086m² to approximately 6500m²;
- b. increase the number of carparking spaces in Stage 1 of the administration centre from 150 to 250 spaces;
- c. proceed with the masterplan option for the civic precinct site which shows the Library/Community Resource Centre and the administration centre as stand-alone buildings in Stage 1; and
- d. bring forward funding of \$6.7M, which would have previously been required in Stage 2, to fund the increased scope of Stage 1 for the administration centre project budget, as part of the 2014/15 budget review process.

In order to understand Council's aspirations and requirements for the new administration centre at Oran Park, Council engaged Brewster Hjorth Architects, to develop aspirational and functional design briefs to inform the future design team of Council's requirements and expectations for the future administration centre.

MAIN REPORT

The administration centre will be constructed in two stages - Councillor and Staff Consultation

A key element of the process to determine Council's aspirations and functional requirements was broad consultation with Councillors and staff at all levels.

The following staff consultations have been undertaken to develop the design brief:

- Surveys
- Team Leader and Management workshops

- Consultative Committee
- Workshops with Council's IT section
- All staff presentations
- Initial design steering group workshops

The following Councillor consultations have been undertaken to develop the design brief:

- Surveys
- Councillor workshop on 15 October 2013 – Aspirations
- Councillor workshop on 26 November 2013 – Carparking and Size of the Building
- Councillor workshop on 04 March 2014 – Final review of draft brief.

Design Brief Documents

The design brief is made up of two parts, the first being the aspirational brief which details Council's broader goals and objectives for the new administration building, and the second being the strategic functional brief which details how the goals and objectives will be achieved as well as greater detail of the strategic requirements of the building.

The strategic functional brief considers workplace objectives and strategies, technology requirements, design principles, sustainability objectives, performance requirements for building services, area requirements and relationships between areas within the future building.

The design brief is not intended to be a solution, but rather a guiding document for the future design team to ensure that Council's aspirations and functional requirements are achieved.

The aspirational and functional design briefs are provided as **attachments** to this report.

Critical Dates / Time Frames

The design brief will be issued to the successful design consultant team immediately upon their engagement. The appointment of the design consultant is recommended in ORD15 of this meeting agenda. This will enable the design team to commence work immediately on reviewing the site plan and prepare concepts for consideration by Council.

The target date for completion of the design phase is by February 2015.

FINANCIAL IMPLICATIONS

The design brief has been developed to align with the budget allocated to the design and construction of the new administration centre.

A tender for an independent Quantity Surveyor to provide cost management services is currently being undertaken. A detailed cost planning process will be followed during the design to ensure the project is delivered within the budget allocated for this project.

RECOMMENDED

That Council approve the attached design brief for the new administration centre at Oran Park, as the guiding document for Council's aspirations and strategic functional requirements in the design phase of the project.

ATTACHMENTS

1. Oran Park Administration Centre - Aspirational Design Brief
2. Oran Park Administration Centre - Strategic Functional Design Brief



ORDINARY COUNCIL

ORD14

ORD14

SUBJECT: CLOSURE OF THE MEETING TO THE PUBLIC
FROM: Acting Director Governance
TRIM #: 14/28470

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act and should be dealt with in a part of the meeting closed to the media and public.

- Delegation of Authority for Camden Pool Dispute Mediation

Council may, by resolution, allow members of the public to make representations as to whether the meeting should be closed before any part of the meeting is closed to the public. A representation by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded. That period would be limited to four minutes, in line with Council's Public Address Policy.

The meeting will only be closed during discussion of the matters directly the subject of the report and no other matters will be discussed in the closed section of the meeting.

Members of the public will be readmitted to the meeting immediately after the closed section is completed and if the Council passes a resolution during that part of the meeting that is closed to the public, the Chairperson will make the resolution public as soon as practicable after that closed part of the meeting has ended.

RECOMMENDED

That:

- i. the meeting be now closed to the media and public to discuss a report concerning commercial information of a confidential nature dealing with Delegation of Authority for Camden Pool Dispute Mediation, in accordance with the provisions of Section 10A(2)(g) of the Local Government Act, 1993; and**
- ii. any objections or submissions as to the closure of the meeting be now heard and be limited to a period of four minutes.**